



# Hunt & Hunt

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7 December 2005

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2062

**BY FACSIMILE: (02) 6243 1211**


## RCSA Application for Minor Variation

We refer to our facsimile dated 2 December 2005.

Our client has made three changes to the numbering in clause 4.1(g). We enclose for your information a copy of clause 4.1 with the revised numbering.

Should you have any further questions, please do not hesitate to contact us.

Yours faithfully  
**HUNT & HUNT**

  
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Partner  
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## 1. Disciplinary & Dispute Resolution Procedures

### 4.1 *Intervention Process- amendment recommended by the ACCC - 26<sup>th</sup> November 2005*

(a) *When a concern is raised at a Region level or through the Head Office of the RCSA, it is referred to the Ethics Registrar. The Ethics Registrar requests a brief email outlining the concerns raised and the parties involved.*

(c) *The Ethics Registrar checks that the party against whom the concern is raised is a Member of the RCSA.*

(d) *The Ethics Registrar prepares a sequence of events/summary in relation to the concern and confirms with the complainant that these are correct and can be forwarded to the Member against whom the complaint has been raised.*

(e) *The Ethics Registrar notifies the Member by email, letter and fax that a concern has been raised, and provides the Member with the sequence of events/summary.*

(f) *The Member is given a time frame in which to respond, usually seven business days, and the complainant is notified that this has occurred.*

(g) *When the Ethics Registrar receives the response, the following may occur:*

(i) *as a result of the intervention the parties may have resolved the dispute with no further action required;*

4.1.g.i.1 *if this occurs both parties are required to advise the RCSA Ethics Registrar of the outcome.*

4.1.g.i.2 *the RCSA will contact both parties, in writing, to confirm agreement.*

(ii) *there is a clear need for the Ethics Registrar to seek information from other parties before all the information is available - permission may be sought to do this.*

(iii) *It is here that the parties will agree via the Ethics Registrar, or between themselves, the timeline for resolving the dispute - depending on the matter and whether it can be resolved at this point.*

(iv) *there is still a dispute regarding the facts and the party who raised the concern wants to proceed to a formal complaint;*

4.1.g.iv.1 *the RCSA Ethics Registrar will ascertain whether the complainant wants to lodge a complaint or dispute notification in accordance with the RCSA Disciplinary & Dispute Resolution Procedure.*

(v) *RCSA Ethics Registrar notifies the complainant as to their opportunity to proceed to a formal complaint and provides the necessary paperwork.*

(h) *If the matter proceeds to a formal complaint, the timelines are established as part of the complaints procedure.*

(l) *The complainant will initially set the timeline for when it wants the dispute resolved, however this will require negotiations by the Registrar as the complainant's expectations can often be unrealistic.*

(j) *If both parties are Members of the RCSA, the complainant Member will initially set the timeline.*

(k) *If the complainant wishes to advance the matter to a formal complaint, the intervention process is terminated and a complaint form is issued. All material gathered as part of the Intervention is provided to the Region Council to assist in determining whether the matter should be addressed by the Region Ethics Committee.*