



Australian Writers' Guild Authorship Collecting Society
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AWGACS COMPLAINTS HANDLING PROCEDURE & DISPUTE RESOLUTION PROCEDURE

BACKGROUND

The Australian Writers' Guild Authorship Collecting Society (AWGACS) has developed a Complaints Handling Procedure and a Dispute Resolution Procedure.

The establishment of an appropriate complaint and dispute resolution procedure is a requirement under paragraph 3(c)(viii) of the Code of Conduct for Copyright Collecting Societies and complies with the requirements of Australian Standard 4269-1995 Complaints Handling (the Standard).

AWGACS will provide all possible assistance to any member wishing to lodge a complaint.

1. COMPLAINTS HANDLING PROCEDURE

WHY DOES AWGACS HAVE A COMPLAINTS HANDLING PROCEDURE?

AWGACS has developed a Complaints Handling Procedure to ensure that complaints are handled promptly and effectively. This procedure represents AWGACS' commitment to fair and transparent dealings with our members.

WHAT IS THE AWGACS DISPUTE RESOLUTION PROCEDURE?

Complaints that cannot be resolved through AWGACS Complaint Handling Procedure may be resolved through AWGACS Dispute Resolution Procedure. This procedure is open to all AWGACS members. Those AWGACS members who are also AWG members also have access to the AWG Disputes Policy.

WHO CAN MAKE A COMPLAINT?

You are eligible to lodge a complaint if you are a member of AWGACS.

WHAT CAN BE COMPLAINED ABOUT?

Complaints may be made about any aspect of AWGACS operations.

WHAT IS THE PROCEDURE FOR MAKING A COMPLAINT?

All complaints and disputes must be made in writing and provide the name and address of the person/s making the complaint.

The complaint must include the following information:-

1. What is perceived as the problem? This could include:
 - payment of royalties
 - multiple claims to a single royalty
 - registrations of titles with international collecting societies
 - AWGACS standard of service
 - financial reporting and operations
 - collecting society expenses and other amounts allowed by AWGACS constitution
 - AWGACS representation of its members
2. The nature of the practice being complained about; and
3. A simple explanation of the reason(s) for the objection.

WHAT HAPPENS ONCE A COMPLAINT HAS BEEN LODGED?

The Manager will acknowledge receipt of the complaint within seven working days and inform the Executive Director. AWGACS has 14 working days to respond in writing to the complainant.

If the complainant is unhappy with the response, he/she has 14 days to respond to AWGACS. The Manager will inform the National Executive Committee which will then make a determination of the complaint and communicate the decision to the parties involved.

WHAT OCCURS IF A MEMBER IS STILL UNSATISFIED AT THE END OF THIS PROCESS?

If the member is still unhappy with the AWGACS response, he/she has 10 days in which to inform AWGACS of his/her intention to avail themselves of the AWGACS Dispute Resolution procedure.

2. AWGACS DISPUTE RESOLUTION PROCEDURE

WHAT IS THE AWGACS DISPUTE RESOLUTION PROCEDURE?

Complaints that cannot be resolved through AWGACS Complaints Handling Procedure may be resolved through AWGACS Dispute Resolution Procedure. This procedure is open to all AWGACS members.

This procedure is entirely voluntary and will occur only when both AWGACS and the member agree to resolve the dispute through this procedure.

AWGACS advises members in dispute with other members to resolve the claim themselves and advise AWGACS of the outcome.

WHO CONDUCTS THE PROCEDURE?

The procedure established by AWGACS is for dispute resolution via a decision from an independent expert.

Choosing the expert is a collaborative effort by both parties.

WHAT DISPUTES CAN BE RESOLVED USING THE PROCEDURE?

The AWGACS Complaints Handling Procedure aims to resolve issues promptly.

Only the disputes that have first been through AWGACS Complaints Handling Procedure may be referred to Dispute Resolution Procedure.

HOW DO I APPLY TO UNDERTAKE THE AWGACS DISPUTE RESOLUTION PROCEDURE?

You must notify AWGACS in writing that you wish to use the Dispute Resolution Procedure. The lodgement of the dispute must be made within 10 working days of AWGACS final response under the Complaints Handling Procedure.

WHAT STEPS DOES THE DISPUTE RESOLUTION PROCEDURE FOLLOW?

1. Any dispute received by AWGACS administrator will be acknowledged within 14 working days. The acknowledgment letter will indicate whether AWGACS agrees that the dispute should be resolved in accordance with AWGACS Dispute Resolution Procedure.
2. If a decision is made not to enter into dispute resolution, AWGACS must give reasons for this decision in the acknowledgment letter.
3. If AWGACS decides to pursue the dispute resolution, AWGACS will write to the member within 14 working days requesting that all written submissions and evidence be provided to AWGACS within 28 working days. AWGACS will provide a copy of its own written submissions and evidence to the member within 28 working days.
4. During this 28-day period, AWGACS will liaise with the member and the independent expert regarding convenient dates for a hearing. AWGACS will then notify all parties in writing of the arrangements for the hearing.
5. Both AWGACS and the member will have a further 14 working days to provide any further written submissions or evidence in reply. AWGACS will then send a copy of all submissions and evidence to the independent expert.
6. At the expert determination, both parties will be given an opportunity to present their case.

WHAT IF I DON'T AGREE WITH THE EXPERT DETERMINATION?

If you don't agree with the expert determination, you have 28 working days to file fresh proceedings in an appropriate Court or Tribunal. If you don't file new proceedings, the determination of the expert is binding on the parties.

SCHEDULE 5

ARE THERE COSTS INVOLVED WITH THE DISPUTE RESOLUTION PROCEDURE?

Both parties will share the costs of the expert determination, including professional fees, travel expenses, and venue hire. Each party must also pay their own costs associated with the determination.

Complaints and Disputes should be addressed to:

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