

## DETERMINATION AGREEMENT

**Date:**

I **Graham Edwin Anderson** of Christchurch, have been asked to determine the dispute between

**Party:**

And **Party:**

in relation to:

[describe dispute]

I am asked as an expert to determine the matter.

I do not know of any circumstances that are likely to give rise to any reservations about my independence and/or impartiality in dealing with the matter.

I am willing to accept the appointment on terms that:

- a. I will be acting as an independent expert and not as an arbitrator (I include this as a term of appointment only so that there is no doubt as to what role I am to play in dealing with the issues);
- b. My hourly rate will be \$375 plus GST;
- c. I may require that funds be deposited into a stakeholder account, or otherwise secured in advance, in order to cover my anticipated costs in the matter;
- d. The parties will co-operate in good faith with me and with every other party to the dispute, and will comply with any directions I may make to attend conferences and/or provide documents or other evidentiary material;

- e. The parties will maintain the confidentiality of the process and shall not publish, disclose, or communicate any information relating to the matter or any determination made as a result of the process;
- f. My determination is to be given on the papers filed, and without any *viva voce* hearing of evidence;
- g. I will give reasons for my determination in a summary way only;
- h. The parties agree that the determination I am asked to make will be final and binding upon them in all respects, and there shall be no rights of appeal or review; and
- i. I will not be liable to any party for any act or omission taken or omitted by me in relation to the matters at issue and/or my conduct of the matter unless the act or omission is in bad faith.

Please confirm acceptance of these terms. Once my appointment is confirmed, I will convene a telephone conference as soon as possible, in order to discuss the process.

Signed by/ for

\_\_\_\_\_  
(Print name)

Signed by/ for

\_\_\_\_\_  
(Print name)

Signed by

The determiner

\_\_\_\_\_  
Graham Ewin Anderson

\_\_\_\_\_