

Dispute Resolution (model) policy

(insert name of VOLUNTARY COMMITTEE OF MANAGEMENT OF CROWN LAND RESERVE INCORPORATED)

Purpose and scope

This policy summarises our committee's approach to "ensure that adequate procedures are in place for resolving any disputes that arise between committee members" (a requirement of our committee as a public entity under the *Public Administration Act 2004*).

The policy is consistent with our committee's commitment to the Code of Conduct for Directors of Victorian Public Entities, including the following "Fairness and Impartiality" requirements:

- Committee members act fairly and impartially. When participating in committee deliberations and decisions or when resolving disputes between committee members, they behave in a manner that is free of favouritism and self-interest.
- Committee members consider all relevant facts objectively when implementing policy and programs to ensure equitable outcomes. They act in accordance with equal opportunity legislation which protects people from discrimination.
- Committee members are courteous to others. They respect human rights and foster a culture that is free of intimidation and bullying.

This policy is consistent with our committee's policies regarding (1) Conflict of interest (2) Gifts, benefits and hospitality and (3) Meetings and decisions. This includes the following "Due consideration" aspects of our meetings and decisions policy:

- Each member balances respect for the expertise of others with their own duty to speak up, ask questions, and ensure that the correct decision is made.
- Prior to a decision being made, there will be an appropriate opportunity for each member present to ask questions, express ideas, and offer opinions.
- Members are required to treat one another with courtesy and respect during this process (and at all other times in their role as a committee member).

Key definitions

Dispute: A dispute exists if:

- Two or more committee members have difficulty working together (for example, due to a conflict of personalities); and
- The situation is unduly affecting the ability of some or all of the committee to perform their duties in an effective and efficient manner.

Note: Normal differences of opinion that may occur in the context of all members taking a considered, courteous and constructive approach to decision-making is not a dispute.

Good faith is a sincere intention to be fair, open, and honest.

Informal resolution

Through normal meeting processes, our committee will seek to prevent disputes from occurring. We will work together to resolve disputes on an informal basis wherever possible.

Good faith and best interests of the committee

As outlined in the Code of Conduct for Directors of Victorian Public Entities, committee members will:

- Act in good faith in the best interests of the public entity/committee of management” and;
- Make a reasonable, thorough and conscientious effort to resolve disputes.

Role of the Chair

In circumstances where the Chairperson is not one of the parties directly involved in the dispute, the Chairperson will normally take a leadership role in seeking to initiate and manage processes to resolve the dispute.

In circumstances where the Chairperson is directly involved in the dispute, the committee will seek to gain agreement from the parties to the dispute for another committee member to take the leadership role in seeking to initiate and manage processes to resolve the dispute. For the purpose of the relevant discussions, including notation in minutes of meetings, the person appointed to this role will be referred to as “Acting Chairperson.”

Notice of an unresolved dispute

If a dispute cannot be resolved on an informal basis, the Chairperson (or Acting Chairperson) will place the matter on the agenda of the next committee meeting. Depending on circumstances, an urgent committee meeting may be called to address the issue.

At the meeting, the committee will invoke the formal mediation process if it is satisfied that:

- A dispute exists which cannot be resolved on an informal basis; and
- It is in the public interest to resolve the dispute through a formal mediation process.

Formal mediation process

If our committee invokes a formal mediation process, this will involve:

- The appointment of an independent, suitably qualified mediator who is acceptable to all parties to the dispute.
- Note: If the parties cannot agree on a mediator, the dispute will be referred to the Dispute Settlement Centre of Victoria for potential use of one of their mediators. If the Dispute Settlement Centre advises that the matter is not suitable for its free service, the local regional office of the Department of Environment, Land, Water and Planning (DELWP) will be contacted for advice.

All parties to the dispute are expected to actively work in good faith with the appointed mediator to resolve the dispute.

It is expected that the mediation will include agreements regarding confidentiality and the process for storing and distribution of information about the resolution or otherwise of the dispute.

If the dispute is not resolved and is continuing to unduly affect the operation of the committee, the local regional office of DELWP will be contacted for advice.

Notifying DELWP of the dispute

Our committee's has responsibilities under the *Public Administration Act 2004* to inform the responsible Minister/Department (DELWP) of "known major risks" to the effective operation of the committee. If a dispute is considered a "major risk," DELWP will be notified.

Notification to DELWP may occur at any time during or after the disputes process. Timing will depend on the nature of the dispute and its potential "risk" impact on committee and reserve operations.

It is expected that our committee will always notify DELWP at the point that it is decided that a dispute requires a formal mediation process. It is also likely that our committee would seek DELWP's assistance earlier in the dispute process, for example, where it may be considered that DELWP could be of assistance during the attempt to resolve the dispute informally.

Policy agreement date

This policy was agreed to by the committee of management on / /