

Committees of management

Dispute resolution – model policy

Template (4) for small voluntary committees of management

This model policy is suitable for small voluntary (category 3) committees of management of crown land reserves. It is available from the Committees of Management support module on DELWP's governance website, On Board (www.delwp.vic.gov.au/committees)

Major agencies in the Department of Environment, Land, Water and Planning (DELWP) portfolio, including category 1 and 2 committees, have additional obligations and should use the standard model policy in the Dispute Resolution support model on DELWP's governance website, On Board (www.delwp.vic.gov.au/onboard).

Your committee should use the standard model policy instead of this one if it manages annual revenue of more than \$250,000 *or* has a cash balance of more than \$250,000 current for three consecutive years *or* manages crown land of regional or state-wide significance *or* manages coastal land *or* has otherwise been advised by DELWP that it is a category 1 or 2 committee (e.g. because it is managing a large development).

.....

[insert name of committee]

Dispute resolution – committee policy

1. Scope

This policy sets out the committee's procedures for resolving disputes between committee members.

2. Definition of a dispute

A difference of opinion between members in relation to a proposed decision by the committee (e.g. whether to build a new shelter shed or repair the old one) is *not* a 'dispute'. It is the normal difference of views which the committee talks through together in a considered, courteous, and constructive manner before voting to make their decision, in accordance with the committee's policy on *Meetings and Decisions*.

For the purposes of this policy, a 'dispute' exists if:

- two or more committee members have difficulty working together (e.g. due to a conflict of personalities or ideological differences); 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.

3. Duty to act in good faith

Disputes are avoided where possible. If a dispute arises:

- the members in dispute (the parties) have a duty to act in **good faith** to resolve the dispute as soon as possible in the **public interest** (the best interests of the management of the reserve);
- the chair actively guides the parties towards resolution of the dispute;¹ and
- the other committee members support this process.

4. Informal resolution

All parties to a dispute are required to make a **reasonable, thorough, and conscientious** effort to resolve the dispute on an informal basis, under the guidance of the chair.

If at any time during the informal resolution process the chair is of the view that the committee should be formally notified of the existence of the dispute (e.g. because it may pose a major risk to the effective management of the reserve), the matter is placed on the agenda of the next committee meeting for noting and/or monitoring.

5. Notice of an unresolved dispute

If a dispute cannot be resolved on an informal basis, the chair places the matter on the agenda of the next committee meeting. At the meeting, the committee invokes 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 do so.

6. Formal mediation process

If the committee invokes the formal mediation process:

- An independent, suitably qualified mediator is appointed who is acceptable to all the parties.
- If the parties cannot agree on a mediator, the dispute is referred to the [Dispute Settlement Centre of Victoria](#) (Department of Justice and Regulation), which organises a mediation using its mediators, in consultation with the parties and the chair. If the 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) is contacted for advice.
- The parties co-operate with the mediator and provide all reasonable assistance. Under the guidance of the chair, they actively work in good faith to resolve the dispute.
- If the dispute is resolved, unless good reason exists otherwise, the outcome is recorded in writing by the mediator and signed by the parties, who each receive a copy and consent to the chair receiving one.
- If the dispute is not resolved and is continuing to unduly affect the operation of the committee, the local regional office of DELWP is contacted for advice.

¹ If the chair is a party to the dispute, this role is undertaken by a member nominated by the board.

7. Major risk

If at any time the dispute poses a major risk to the effective management of the reserve, the local regional office of DELWP is notified.

8. Review of this policy

The committee ensures that this policy is up to date with current laws, government policy, etc. The last review was completed on *[insert]*.

9. Further information

The Committees of Management support module (www.delwp.vic.gov.au/committees) on DELWP's governance website, On Board (www.delwp.vic.gov.au/onboard) or the department's local regional office.

This document is available from the internet at www.delwp.vic.gov.au/onboard

For more information contact the DELWP Customer Service Centre 136 186

15 September 2015 (version 1.00) – 48.00

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ISBN 978-1-74287-744-0 (online - set)

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