LOCAL DECISION MAKING

Dispute Resolution and Loss of Faith Policy
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DISCLAIMER

This policy document has been produced by Aboriginal Affairs, in consultation with the NSW Coalition of Aboriginal Regional Alliances (NCARA) and the Department of Premier and Cabinet (DPC). Its purpose is to guide the resolution of disagreements, conflicts, disputes and/or a Loss of Faith which may arise between the NSW Government and Aboriginal regional alliances throughout the Local Decision Making process. This document should not replace government or regional alliances’ own policies for managing internal conflicts or disputes.
BACKGROUND

1 Local Decision Making

Local Decision Making is an initiative under OCHRE: the NSW Government’s community focused plan for Aboriginal affairs. OCHRE was informed by extensive community consultations undertaken by the Ministerial Taskforce and commits the NSW Government to a different way of working with Aboriginal communities. It focuses on building strong working partnerships that have at their heart respect for local Aboriginal culture, leadership and decision making.

Local Decision Making enables the staged devolution of decision-making and accountability to the regional level and seeks to place Aboriginal people at the centre of government service design, planning and delivery. The ultimate aim of Local Decision Making is to ensure Aboriginal communities have a genuine voice in determining what and how services are delivered to their communities. Through Local Decision Making, the NSW Government and regional Aboriginal governance bodies (Aboriginal regional alliances) enter into agreements (Accords) committing parties to jointly address agreed priorities, including timeframes, responsibilities and measures of success.

The Local Decision Making model was designed knowing that a ‘one size fits all’ approach does not align with success in Aboriginal communities and in recognition that every regional alliance will be different. Each regional alliance will progress through the Local Decision Making pathway at their own pace.
1.1 Collaborating and Maintaining the Partnership

To ensure Local Decision Making achieves its objectives, strong partnerships and effective collaboration between government and regional alliances is crucial. Before entering a dispute resolution or loss of faith process, parties are encouraged to first engage with one another to collectively work through any issues that arise.

The Cross Cultural Partnership and Collaboration Framework, developed by Cox Inall Ridgeway, can be used to regularly check in on the health of partnerships and ensure issues are identified and managed before escalating to conflicts or disputes.

In consultation with the NSW Coalition of Aboriginal Regional Alliances (NCARA) and the NSW Department of Premier and Cabinet, Aboriginal Affairs NSW engaged Cox Inall Ridgeway, an Indigenous consulting firm, to identify principles for effective cross-cultural partnership and collaboration, and to develop a framework to underpin the Local Decision Making process.

Representatives from regional alliances and the NSW Government were consulted on the elements of successful cross-cultural partnership and collaboration, and seven principles were identified by stakeholders, including: purpose, commitment, connection, empowerment, governance, maintenance and environment. These are represented in the diagram below:

The presence of enablers, the removal of barriers, environmental conditions and the capabilities of partners are paramount to the maintenance of effective partnerships.
Power is one of the primary barriers to successful relationships and the impact of any perceived or real power differentials should be carefully monitored and addressed. Partners need to be aware of their power, or perceived power, and the implications of its use. Any perceived or real power differentials in the relationship between government and regional alliances should be openly discussed to ensure all parties understand the possible consequences and impact it may have on the relationship, and how these impacts may be managed or mitigated.

1.2 Accord Process

Accords are the mechanism for re-defining the relationship between the NSW Government and Aboriginal regional alliances. The integrity and quality of the Accord making process directly impacts the integrity and quality of Accords. It also has a direct impact on the ongoing relationships between government agencies and regional alliances.

The development of the Accord is a negotiated decision making process. Neither government agencies nor the regional alliances are able to dictate or veto outcomes. Reaching a negotiated agreement through an Accord relies heavily on problem-solving, questioning, communication and compromise.

To successfully develop an Accord, regional alliances and government agencies must be willing to negotiate, which will involve a willingness to consider new ideas and solutions, and to accept compromises and solutions which may not be the original goal of either party or be less than what either party hoped to achieve.

1.3 Negotiation Principles

To progress effectively, Accord negotiations need to be consistent with the principles of Local Decision Making. The Accord Negotiation Principles include:

- all engagement and negotiations are conducted respectfully, openly, honestly and in good faith;
- Aboriginal cultural protocols are recognised and respected in the negotiation process;
- the parties recognise and respect the role of the Independent Facilitator;
- parties commit to make decisions by negotiation and agreement and to work co-operatively and collaboratively;
- parties commit to taking a proactive and innovative approach to finding creative outcomes and solutions;
- parties agree to actively participate in the process and that the goal is to reach substantial decisions by negotiation;
- parties agree to allow for and commit sufficient time to the negotiations; and
- parties commit to setting and maintaining the ground rules for the negotiations.
1.3.1 Negotiation Protocols

In addition to the Negotiation Principles, which apply to all negotiations, Lead Negotiators for the NSW Government and the Aboriginal regional alliance may also identify some key protocols to guide the negotiation process. These protocols may differ across sites but will generally cover the following areas:

- Roles and responsibilities
- Scheduling (Dates and timeframes)
- Minutes
- Facilitation
- Agendas
- Confidentiality
- Attendees
- Preparedness
- Meeting and communication protocols
- Decision making processes, including break outs and issues on notice
- Absenteeism
- Dispute Resolution, including nomination of Dispute Resolution Officer/Panel
- Loss of Faith
- Behavioural expectations
1.4 Roles and Responsibilities

1.4.1 NSW Government

Aboriginal Affairs is the lead agency for Local Decision Making and is responsible for co-ordinating the Accord negotiations, providing assistance or advice to regional alliances, documenting negotiation outcomes and decisions, and contracting the Independent Facilitator.

The NSW Department of Premier and Cabinet (DPC) is responsible for managing the participation of agencies in Local Decision Making and coordinating service re-design where appropriate.

During the Accord process, the NSW Government will:

- Determine what aspects of service delivery are open to Accord negotiations
- Establish a clear operational and accountability framework within government
- Nominate a Lead Negotiator
- Nominate Lead Agency Negotiators to represent the identified priority areas
- Identify what NSW government agencies should be part of the negotiations
- Ensure NSW Government representatives have the appropriate seniority, authority and delegation

The roles and responsibilities of NSW Government agencies in supporting Local Decision Making are further outlined in the 2015 Premier’s Memorandum on Local Decision Making.

Agency staff involved in Accord negotiations must have sufficient delegation and decision-making power so they have the authority to respond flexibly and innovatively to the needs and aspirations of the regional alliances. The delegation of Lead Government Negotiators must be Executive Director grade or above.

Role of the Lead Negotiator NSW Government

The Lead Negotiator for the NSW Government is nominated by the relevant Regional Leadership Executive to represent the NSW Government in the Accord process and to bring representatives together to broker collaborative responses to priority issues.

Role of the Lead Agency Negotiators

Agency Negotiators are nominated on behalf of their Department to work openly, constructively and collaboratively with regional alliances to negotiate Accords. Agency Negotiators will have sufficient delegation and decision-making power to have the authority to respond flexibly and innovatively to the needs and aspirations of the regional alliances.

Role of Regional Leadership Executives

Regional Leadership Executives (RLEs) are existing regionally based cross-government co-ordination groups, made up of senior agency staff. RLEs will be directly responsible for the
regional delivery of Accord commitments and expected to work with the Lead Negotiator for the NSW Government.

1.4.2 Aboriginal regional alliances

In 2013, an open Expression of Interest process was run to select Local Decision Making sites. Currently, the NSW Government is working with seven regional alliances:

- **Far West** - Murdi Paaki Regional Assembly (MPRA)
- **Illawarra Wingecarribee** - Illawarra-Wingecarribee Alliance Aboriginal Corporation (IWAAC)
- **North Coast** - Regional Aboriginal Development Alliance (RADA)
- **Central West** - Three Rivers Regional Assembly (TRRA)
- **Central Coast** - Barang Regional Alliance (Barang)
- **New England/North West** - Northern Region Aboriginal Alliance (NRAA)
- **Mid North Coast** - Tribal Wave Regional Assembly (TWRA)

During the Accord process, Aboriginal regional alliances will:

- Determine issues and topics that are “in scope” or “out of scope”
- Specify the geographic scale at which issues will be discussed
- Nominate a Lead Negotiator
- Nominate a negotiation panel
- Establish accountability processes and structures for reporting back to constituents
- Identify key priorities and issues to include in the Accord

Aboriginal regional alliances are progressively delegated greater powers and budgetary control once capacity is demonstrated. There are three stages of delegation; advisory, planning and implementation, and with each stage comes a greater level of decision-making.

**Role of the Lead Negotiator regional alliance**

The Lead Negotiator for the regional alliance is nominated by their regional alliance to represent them in the Accord process and to bring representatives together to broker collaborative responses to priority issues.

**Role of the regional alliance negotiation panel**

The regional alliance negotiation panel will be nominated by their regional alliance to represent them in the Accord process and will have the delegation to negotiate Accord commitments on behalf of their Board.
1.4.3 Independent Facilitator

The research and literature strongly supports the use of experienced independent facilitators in any negotiated decision-making process. The facilitator role is important as it helps create a more level playing field in the negotiations, it provides opportunities for detailed discussions about the issues and proposed responses, and it helps set the scene and establish the “rules of engagement”.

The Independent Facilitator will facilitate the successful negotiation of an Accord between the NSW Government and a regional alliance while ensuring that the Accord process is fair, equitable and timely. He or she will also assure that negotiation protocols and principles are understood by the parties and are adhered to during the negotiation process.

The appointment of an Independent Facilitator must be approved by the Lead Negotiators for the NSW Government and Regional Alliance, and Aboriginal Affairs as the overall coordinator for Local Decision Making.

1.4.4 Negotiating Parties

Copies of the position descriptions for the Lead Negotiator NSW Government, Lead Agency Negotiators and the Independent Facilitator, can be found in the Accord Process Document on the Aboriginal Affairs website.
2 Dispute, Conflict and Loss of Faith

Dispute
- Short-term disagreements that are relatively easy to resolve

Conflict
- Long-term, deep-rooted problems that involve seemingly non-negotiable issues and are resistant to resolution

Loss of Faith
- Develops slowly over time and may occur as a result of frequent dispute or prolonged, unresolved conflict

2.1 Dispute and Conflict

Disputes and conflict are an unavoidable part of negotiation and agreement making. Priorities and actions identified by regional alliances and the NSW Government may not always align, and decision making processes within government differ greatly to those in Aboriginal communities.

Currently regional alliances and government are working well together to implement Local Decision Making and relationships have improved between both parties. However, sometimes things may not go smoothly and the relationship between an alliance and government may become strained.

Local Decision Making and the negotiation of Accords relies heavily on problem-solving, questioning, communication and compromise by both parties, and from time to time this may result in a dispute. Disputes and conflict could occur between members of the regional alliances, government representatives, or other parties such as Commonwealth or local government, NGOs as well as members of the local community. Sometimes the dispute or conflict may involve a combination of people from some or all of these groups.

Dispute and conflict is not inherently bad. It can be the agent of constructive change. Through disputes, problems are exposed and misunderstandings are brought into the open. The resolution of a dispute brings with it the potential for greater understanding and growth for all participants in the dispute. The key to realising this potential lies in how we deal with dispute, in both the process we use for resolving the dispute and the way in which we work through the process. Having a clear process for dealing with dispute is very helpful but unfortunately no process can guarantee that people will work in good faith to resolve a dispute.

If handled well, the negative impacts of disputes can be minimised, and at times positive outcomes may result from well-handled dispute resolution. If poorly handled, disputes can be very destructive not only of interpersonal relations, but also to the Accord and Local Decision Making initiative. Sometimes disputes can result in grievances and conflicts where real or imagined wrongs lead to a complaint.
Steps to manage informal and formal disputes and conflicts are outlined in Procedures chapter of this policy.

2.2 Loss of Faith

Loss of Faith can be described as the process by which one party loses confidence in the other party. This may occur when either party consistently fails to meet their commitments or address identified issues, or disengages from the process.

Unlike disputes, a Loss of Faith usually develops slowly over time and may occur as a result of prolonged, unresolved or frequent conflict. Loss of Faith will almost always require formal written action to be resolved. Loss of Faith should only be declared as a ‘last resort’ where alternative dispute and conflict resolution mechanisms have failed.

Loss of Faith may occur for a number of reasons, the main, as stated above, being when a party loses confidence in the ability of the other party to effectively participate in the Local Decision Making process.

This may be a result of a number of factors, including when either party consistently fails to:

- **display commitment or engagement**: show up to negotiations, workshops and or briefings, are difficult or reach and exhibit poor communication
- **show preparedness**: come prepared with the information and personnel they need to negotiate and make decisions
- **negotiate in good faith**: show commitment to work flexibly and think ‘outside of the box’ to negotiate and achieve outcomes
- **demonstrate progress**: show what work has been undertaken or achieved by sharing information and reports
- **uphold or meet the Good Governance Principles**: meet on a regular basis or do not have the legitimacy or authority needed to make decisions
- **follow negotiation principles**: act respectfully in accordance with agreed negotiation principles and protocols
- **respect cultural protocols**: act in accordance with the cultural protocols of communities

In some rare circumstances, a ‘critical incident’ may be identified at the inception of the Local Decision Making process which may require immediate Loss of Faith action. This may be necessary if either party shows instant disengagement from the process or displays acute governance issues such as internal disputes or abrupt changes in leadership roles.

Aboriginal Affairs staff, particularly regional staff who work directly with the alliances and government representatives involved in Local Decision Making, have an important role to play in identifying, reporting and escalating issues that they see to be contributing to a possible ‘Loss of Faith’. The earlier issues are raised, the sooner resolutions can be pursued prior to issues escalating into long-term disputes or a party withdrawing from the process.

Similarly, when the issues or concerns involve regional alliances, Aboriginal Affairs staff particularly Regional Managers, have a responsibility or duty of care to directly
communicate these concerns to the alliances in order to support and work towards resolving them.
When the issues or concerns involve government representatives, Aboriginal Affairs staff from the Community Partnerships Directorate will, in the first instance, assume responsibility for this communication. As per their role outlined in the Premier’s Memorandum, relevant representatives from the Department of Premier and Cabinet should be consulted and assume responsibility should the matter need to be escalated.

As outlined in the Dispute Resolution Agreement, should either party feel submitting a formal Loss of Faith declaration is necessary, this action should only be taken once all other avenues have been exhausted and when there is a high risk a party may withdraw from the Local Decision Making process.

Loss of Faith declarations will need to be lodged in the form of written correspondence addressed to the Head of Aboriginal Affairs and include documented examples of why this action has been deemed necessary. The Dispute Resolution Flowchart and Loss of Faith Procedure outline what steps should be taken prior to lodging a formal Loss of Faith declaration.

### 2.1.1. Cooling off Period

Either party may opt to enter a ‘cooling off’ period from the Local Decision Making process prior to submitting a formal Loss of Faith declaration. During this time, an Action Plan outlining the steps to be taken to ensure reengagement in the process should be established and endorsed by the affected party or parties.

The length of time allocated to the ‘cooling off’ period will be negotiated by the affected parties and Aboriginal Affairs and will be dependent on what action is required to work towards reengagement. It is recommended that unnecessarily lengthy periods be avoided to prevent disengagement and delaying the LDM process any more than is required.

Providing a reengagement Action Plan is enacted and when appropriate, Aboriginal Affairs may enter a ‘transition agreement’ with the affected regional alliance which will see Aboriginal Affairs continue to resource the alliance and provide support to ensure reengagement in Local Decision Making.
Dispute Resolution Flowchart

- Depending on circumstances, formal Loss of Faith declaration lodged.
- Either party may opt to enter a 'cooling off' period to establish an Action Plan. Length of period to be negotiated between parties.
- Complaint or Conflict referred to an Independent Mediator.
- Dispute Resolution Contact Officer meets with parties to mediate a resolution.
- Independent Mediator meets with parties to mediate a resolution.
- Referral to Dispute Resolution Contact Officer for an informal resolution.
- Informal resolution amongst parties involved aided by the Independent Facilitator.
- Depending on circumstances, formal Loss of Faith declaration lodged.
- Either party may opt to enter a 'cooling off' period to establish an Action Plan. Length of period to be negotiated between parties.
- Dispute Resolution Contact Officer meets with parties to discuss options, including engagement of either an Independent Mediator or Independent Arbitrator.
- Depending on circumstances, formal Loss of Faith declaration lodged.
- Either party may opt to enter a 'cooling off' period to establish an Action Plan. Length of period to be negotiated between parties.
- Dispute Resolution Contact Officer meets with parties to discuss options, including engagement of either an Independent Mediator or Independent Arbitrator.

Lead negotiators for the regional alliance and government and the Head of Aboriginal Affairs to be regularly briefed / updated on process with option of escalating to Secretaries where required i.e. where Independent Arbitrator to be engaged or loss of faith/referral to ADO likely to occur.
4 Preventing Dispute and Conflict

4.1 Recognising Potential Causes

Even with the best intentions, disputes and conflict may arise through differences of opinion, communication style or ways of doing business. However there are some particular circumstances which may cause dispute or conflict throughout the Local Decision Making process, including:

Absent or Unclear Direction Setting

- No agreed goals or unclear/conflicting goals
- Unclear or conflicting priorities
- Lack of planning, policies and procedures to guide action
- Unclear or undocumented policies and procedures
- Lack of clarity about what is meant to be happening and who is responsible

Poor Governance or Management Practices

- Unclear, inconsistent governance and management practices
- Poor definition of roles and responsibilities
- Lack of respect for the negotiation principles or protocols
- Ineffective communication; leaving people in the dark
- Multiple lines of communication causing mixed messages
- Power imbalances and misuse of power
- Discrimination or bias in the behaviour or treatment involved parties
- Bullying or lateral violence
- Lack of cultural competency

Unsatisfactory Negotiation Conditions

- People who are not skilled or experienced enough to do what is expected of them
- People who do not have the correct delegation or authority to make decisions or agree to commitments.
- Excessive workloads from too many things on the go and unrealistic demands on people’s time
- Stretched resources, putting people under pressure and making them feel under-valued
- Lack of resourcing, support or training
- Unsuitable negotiation environments (e.g. unclean or noisy environments)

Personal Interests and Conflicts

- Clashes of personality
- Baggage from the past or from outside the negotiation process
- People pushing personal agendas
- Conflict of interest
- Factionalism
All these factors, sometimes in combination, can lead to frustration, stress and burnout. People stop listening and can lose trust and respect for each other. In these circumstances, disputes and conflict can easily arise. When people are in dispute, they disagree, quarrel or clash about ideas or how to do things. When things get heated and unproductive, people can become set in their antagonism towards each other and conflict may need to be resolved.

While a dispute or conflict may seem on the surface to be about core issues such as what happened or what needs to be done, it almost certainly will also involve personal feelings and people’s sense of identity in the process.

4.2 Limiting the Causes

Dispute and conflict can be prevented or limited by addressing the issues discussed above and implementing the below recommendations:

1. Set Goals and Strategic Direction
   - Jointly agree on the priorities for negotiation
   - Jointly negotiate and set a timeline for the negotiation and implementation of Accords, including realistic dates and milestones
   - Acknowledge the demands that parties may face outside of the Local Decision Making process and avoid pushing unrealistic deadlines

2. Establish Negotiation Principles, Protocols and Procedures
   - Jointly develop and adhere to clear negotiation principles and protocols to govern the operation of the negotiation process
   - Jointly develop and adhere to clear, even-handed dispute resolution and loss of faith procedures
   - Deal with disputes or conflict early – pretending it isn’t there won’t make it go away

3. Define Roles and Responsibilities
   - Ensure representatives are briefed on the different roles and responsibilities of parties
   - Jointly develop and document clear position descriptions for parties involved in the negotiation process
   - Clearly allocate and communicate the roles and responsibilities of all parties, including whether they are a negotiator, adviser and observer throughout the negotiation process

4. Create a High Functioning Environment
   - Nominate the right people for job:
     - ensure the lead government negotiators have the sufficient delegation and authority to make decisions, including negotiation skills and cultural competency
engage an experienced Independent Facilitator with experience working in a cross cultural context and who is able to remain impartial

- Create a safe and respectful negotiation environment free from judgement and distractions
- Make sure all parties feel comfortable contributing and participating
- Adhere to cultural protocols and ensure the space is culturally safe for Aboriginal community members
- Ensure the group is aware of disrespectful behaviour e.g. phone use or eye rolling
- Recognise peoples contributions
- Celebrate achievements and successes

5. Maintain Good Communication

- Give everyone an opportunity to be heard at meetings
- Ensure the agenda is followed and non-relevant topics are noted, but parked for future discussion
- Ensure all meetings and actions are documented and minutes are widely available
- Allow sufficient time for people to comment on minutes, taking into consideration everyone’s busy schedules that fall outside of the Accord process
- If you promise to follow up on something or call someone back, stick to the promise!
- Make correspondence available for everyone to read and provide feedback on

5 If Dispute or Conflict Arises

Delay in dealing with potential disputes or conflicts almost always results in the dispute or conflict worsening. People tend to avoid dispute or conflict, moving around it or trying to smooth it over, in the hope that it will go away. If dispute or conflict does not dissipate on its own accord, and often it doesn’t, by the time it is dealt with, people end up feeling angry or are ready to start blaming the other party for everything.

Dispute resolution is the process of clarifying what needs to be resolved or changed, and determining how people can work together to achieve that.

In the first instance, encourage the people in or close to the dispute to try to sort it out by themselves. It is the role of the Independent Facilitator to initially try to alleviate any disputes that may occur between parties during the negotiation process, or Aboriginal Affairs once Accord implementation commences.

The Independent Facilitator should be able to resolve minor disputes by ensuring that the negotiation principles and protocols are all being properly followed and applied. In many cases, these will provide the basis for resolution of the conflict. Similarly, Aboriginal Affairs may be able to assist with resolving disputes during initial start-up (prior to negotiations) and during implementation (post negotiations).

If the Independent Facilitator cannot broker a resolution, the dispute will need to be escalated. There are a number of pathways which can be followed. Which pathway is chosen will depend on the nature of the dispute or conflict. The procedures set out in this policy provide a step by step guide to help do this.
6 Principles for Dispute Resolution

The procedures suitable for resolving a particular dispute or conflict will depend on the nature or context of the dispute or conflict. The policy is flexible in this regard.

However, similar to the Negotiation Principles which are used to guide parties through the Accord negotiation process, these are some fundamental principles that apply to guide all dispute and conflict resolution under this policy. These are:

- **Act Holistically**: Place emphasis on responding to all the needs of each of the parties in the conflict
- **Be Inclusive**: Ensure the interests of the parties affected by the conflict are reflected in the resolution
- **Be Fair**: Ensure the empowerment, dignity, respect and care of all parties in the dispute, avoiding possible “winners and losers”
- **Ensure Cultural Safety**: Ensure resolution processes are culturally safe for all parties and recognise and respect Aboriginal cultural protocols
- **Aim for Problem-solving**: Focus on resolution, not blaming and scapegoating of participants
- **Ensure Accountability**: Make sure there is accountability for any harm that has been done
- **Seek a Just Resolution**: Address the needs of all those affected by the conflict
7 Methods of Dispute Resolution

Under this policy, there are a number of methods of dispute resolution listed that are available to the parties involved in Local Decision Making. If these are unsuccessful or unsuitable, parties to a dispute can pursue avenues outside that are not covered by this policy. Professional and independent support or mediation may be required. Usually the earlier you bring in this support, the better.

Refer to Appendix 2 for contact information for independent consultants, mediators and organisations.

7.1 Identify Dispute Resolution Contact Officer

As a critical first step to putting in place any methods of dispute resolution in Local Decision Making, a Dispute Resolution Contact Officer should be identified. This Contact Officer will serve as an important first point of contact for people who believe they have an issue in the Local Decision Making process, including conflict, disputes or loss of faith. Both parties (the regional alliance and NSW Government) will also need to nominate representatives to work directly with the Dispute Resolution Contact Officer to form a Dispute Resolution Contact Panel for that region. One member of the Dispute Resolution Contact Panel must be Aboriginal. The Contact Officer and nominated representatives should be agreed to by both parties at the inception of the process and documented in the Accord Negotiation Protocols for that Local Decision Making region.

The Contact Officer should not assume the role of facilitator or mediator. The main responsibility of the Contact Officer is to provide operational support to the parties raising concerns or who are involved in a conflict or dispute. This support may include being a point of contact, arranging meetings, advising people about the dispute resolution policy and procedures and providing support to people in how best to deal with their concerns. During the initial start-up phase of Local Decision Making (prior to negotiations) and during the implementation phase (post negotiations), the Dispute Resolution Contact Officer will most likely be an Aboriginal Affairs staff member from the Community Partnerships Directorate.

During the Accord negotiation process, the Independent Facilitator, in the first instance, should be identified as the point of contact for dispute resolution. It is the role of the Independent Facilitator to initially try to alleviate any disputes that may occur between parties. If this method cannot reach a resolution, the dispute will need to be escalated; initially to the Dispute Resolution Contact Officer and if the dispute requires further action, to an independent third party.

The Dispute Resolution Contact Officer must operate neutrally and impartially when dealing with a dispute or conflict. If there is any doubt about this, or if any party to the dispute expresses such a concern, the role should be assumed by an independent third party acceptable to all parties. Everyone involved must be able to have confidence that the Dispute Resolution Contact Officer will operate with neutrality and impartiality. The Dispute Resolution Contact Officer can call upon the nominated representatives of the panel at any time to provide assistance or advice.
7.2 Role of the Dispute Resolution Contact Officer

The role of the Dispute Resolution Contact Officer is to:
- Act as a ‘first point of contact’ for people with enquiries related to a conflict, dispute or Loss of Faith, including discrimination, harassment and bullying.
- Provide information about dispute resolution procedures, and how to access support or advice, both internal and external to the Local Decision Making process.
- Assist parties involved in a dispute to work towards a solution.
- Where possible and as appropriate, encourage parties to utilise the informal processes available to them, including arranging a meeting between Aboriginal Affairs and concerned parties.
- Provide operational support i.e. arrange meetings, assist with paper work, record keeping.
- Work with the nominated representatives of the Dispute Resolution Contact Panel as required.
- Seek advice from senior management as required.
- Where disputes or conflicts cannot be resolved informally, assist with engaging an external independent mediator or arbitrator.

The Dispute Resolution Officer should have a good knowledge of:
- Local Decision Making, including the Dispute Resolution and Loss of Faith policies and procedures.
- The Accord Negotiation Principles and Protocols.
- Strategies for dealing with and assisting in the resolution of conflicts, disputes and Loss of Faith and should:
  - Have a commitment to and understanding of social justice and equal opportunity.
  - Provide accurate information and appropriately refer matters as required.
  - Be proactive in promoting a discrimination, harassment and bullying free environment.
  - Be discreet and maintain confidentiality of the issues raised by persons seeking advice.
  - Keep up to date with any changes in policies and procedures.

It is never appropriate for the identified Dispute Resolution Contact Officer to ignore a complaint or grievance. All matters, when possible, should be dealt with immediately or referred to an appropriate authority.

7.3 Informal Resolution

Ideally, resolving disputes or conflicts should happen early, when the parties are able to mutually work through the issues between themselves, and before the situation becomes inflamed. Some steps to support informal dispute resolution are set out in the procedures in this Policy.

7.3.1 Internal Resolution with Aboriginal Affairs

This process relies on a meeting between Aboriginal Affairs and concerned parties, to resolve the issue by mutual agreement of the parties involved. For guidance, parties should refer to the Dispute Resolution Contact Officer Checklist.
7.4 **Formal Resolution**

Where an informal approach does not work, or does not cover the situation, the dispute or conflict must be addressed by a formal model of resolution covered by the procedures in this Policy.

7.4.1 **Mediated Resolution offered by Aboriginal Affairs**

In some cases, and with the agreement of the parties, the Aboriginal Affairs may recommend that an external independent, trained mediator assist the parties to reach a mutually agreed resolution.

7.4.2. **Arbitrated Resolution from an Independent Party**

Where the circumstances warrant, and the parties are unable or unwilling to resolve the issue, the Dispute Resolution Contact Officer may suggest that the conflict or dispute be referred to an Independent Arbitrator. In other words, an independent person or body will assess the situation and based on the evidence presented, will make a recommendation for resolution. Parties will be strongly advised to comply with this recommendation to prevent further impediments to the Local Decision Making process or consequences.

The independent person or body who takes on this role as arbitrator will need to be negotiated between the involved parties. Arbitrated resolutions, and the circumstances leading up to them, should always be fully documented in writing. The Dispute Resolution Contact Officer will take responsibility for this.

An arbitrated resolution may be necessary when there is cause for disciplinary action for breaches of the Local Decision Making process, funding agreements or employment codes or when a party either indicates or formally communicates Loss of Faith.
7.5 Referral to the Deputy Ombudsman (Aboriginal Programs) (option for regional alliances only)

Where the conflict or dispute cannot be resolved by the methods offered in this Policy, or they do not cover the situation that has arisen, the situation will need to be referred to outside models of resolution.

If the complaint is related to a particular government agency, it is suggested that notifier/s make a complaint directly to the agency, giving them a chance to address concerns. Government agencies should have a process in place to manage complaints.

Advice can also be sought from the Deputy Ombudsman (Aboriginal Programs) who is equipped to deal with complaints from parties who feel they have been treated unfairly or unreasonably by state government agencies. The Deputy Ombudsmen has the authority to amend strategies and timeframes following consultation with relevant staff.

Contact details for relevant external models of resolution have been included in Appendix 2.
PROCEDURES

- Identifying a Dispute Resolution Contact Officer
- Informal Conflict and Dispute Resolution
- Formal Conflict and Dispute Resolution
- Identifying Loss of Faith
- Managing Loss of Faith
Identifying a Dispute Resolution Contact Officer

Before any dispute or conflict arises a Dispute Resolution Contact Officer must be identified. Parties will also need to nominate representatives to work directly with the Dispute Resolution Contact Officer. The Contact Officer and nominated representatives should be agreed to by both parties at the inception of the process and documented in the Accord Negotiation Protocols for that Local Decision Making region.

Informal Conflict and Dispute Resolution

Step 1. Open and honest communication is essential for resolution of conflicts and disputes within Local Decision Making. The person/s with a concern is encouraged to raise concerns with those involved at the first sign of an issue developing. In other words, sit down and talk about the issue sooner rather than later.

Step 2. At this meeting, aim to:

- Be accepting that the other party’s view of the situation may be different. At this stage, simply seek agreement that there is a problem and what the nature of the problem is, not agreement with the other party’s view.
- Listen actively to each other’s point of view, allowing time for each person to have their say. It is very important to stay calm during this process and concentrate on issues.
- Make a commitment to working it out. Agree on a timeframe and a course of action.

Step 3. Working with good will and intentions:

- Decide your agreed actions, including who will be involved and in what way, the timeframe, how you will know that the matter is settled, and any other things that the parties agree are necessary. There may be a benefit in putting all this in writing and signing off on it.
- Organise to meet again informally at some point to check with each other that things are now resolved.

Step 4. If the people who are in conflict feel unable to deal with the issues by themselves, but want to pursue an informal process, an independent person that they both trust can be invited to sit in on the discussion to help them deal with the issues. This independent person could be an Aboriginal Affairs or Department of Premier and Cabinet staff member or the Independent Facilitator.

In summary, the informal conflict and dispute resolution process is as follows:

✓ Initiate a discussion
✓ Identify the “real” conflict
✓ Listen to all points of view
✓ Recognise and respect feelings
✓ Explore ways to resolve the conflict
✓ Mutually agree on what is to be done
✓ Check that everyone is satisfied with the resolution
Formal Conflict and Dispute Resolution

All people involved in this formal process will retain the right to contact an external agency for advice, support or assistance at any stage of the process, including any dissatisfaction with resolution of the complaint.

**Step 1.** If informal resolution procedures do not reach an outcome to the satisfaction of all parties involved, the person with concerns (the notifier) should be directed to first discuss the situation with the Dispute Resolution Contact Officer appropriate for the particular circumstances. The notifier will also be given a copy of the Dispute Resolution and Loss of Faith Policy.

**Step 2.** If the person with concerns wishes to proceed, the Dispute Resolution Contact Officer will request they complete, sign and date the Dispute Notification Form, with supporting documentation if appropriate, detailing their view of the situation, and submit it to the Dispute Resolution Contact Officer. A person must be given independent support to put things in writing if they require it.

**Step 3.** The Dispute Resolution Contact Officer will offer assistance to the person with concerns, talk about the problem or dispute and how they would like to see the complaint resolved, and explain the formal conflict and dispute resolution procedures that are available. In consultation with the notifier, the Notification Form may be amended if the notifier requires and/or agrees to the revision, for example to make sure the issues are clear or that language is appropriate.

**Step 4.** People will reasonably expect to know if their behaviour or their decision is a problem for another person or group. Therefore, once finalised and signed, a copy of the Notification Form will be provided to the other parties identified as being involved in the conflict or dispute. All parties must be provided with a copy of the Local Decision Making Dispute Resolution and Loss of Faith Policy at the same time as they are provided with the Notification Form.

**Step 5.** The Dispute Resolution Contact Officer will refer to relevant documentation including the Local Decision Making Policy and Operational Framework, Accord Process, Negotiation Protocols, Good Governance Guidelines and/or the Accord document to ensure they are being properly followed and applied. In some cases, these will provide the basis for resolution of the conflict. During this time, the Dispute Resolution Contact Officer may seek the advice of representatives nominated by the regional alliance and Government, as well as the Head of Aboriginal Affairs.

**Step 6.** If Step 5 does not lead to a resolution or requires further action, the Dispute Resolution Contact Officer will assess the circumstances and details of the notification and consult with all relevant parties. Meetings held to investigate or resolve a complaint will only be open to the parties and the Dispute Resolution Contact Officer, though the parties may have an advocate or supporter present. Meetings may be with the parties individually, together or both. To encourage openness, minutes or written records of what
is said during meetings will not be taken, but agreed outcomes of the meetings or any resulting agreement will be documented and signed and dated by all the parties.

**Step 7.** If a clear resolution, agreed to by all parties, does not arise in Step 6, the Dispute Resolution Contact Officer will prepare a written brief for the Head of Aboriginal Affairs on the progress of the dispute process.

**Step 8.** The Dispute Resolution Contact Officer will meet with all the parties together to discuss and finalise a resolution to the conflict or dispute. In some circumstances, this may be the final step and the end of the matter. If so, the Dispute Resolution Officer will implement Step 11 of these Procedures.

**Step 9.** If deemed necessary by the Dispute Resolution Contact Officer, or if requested by any party to the conflict or dispute, an independent mediator may be appointed to assist in resolution of the matter and help the parties restore a positive working relationship in the future. The mediator should be trained or otherwise have the necessary skills to support the parties reach a mutually agreed resolution.

**Step 10.** If a mediated approach fails to resolve the matter, an arbitrated approach can be undertaken. Upon advice from the Dispute Resolution Contact Officer and/or mediator, the independent arbitrator will assess the matter and make a recommendation.

**Step 11.** Once the parties have agreed to recommendations, the details of the resolution should be fully documented in writing and signed and dated by all parties. The complete file, including the Dispute Notification Form and any supporting documentation, should be shared with the affected parties and stored internally and confidentially by Aboriginal Affairs.

**Step 12.** When a conflict or dispute cannot be resolved by this policy and its procedures, parties may seek to enter a ‘cooling off’ period from Local Decision Making, submit a Loss of Faith notification, seek resolution through the Deputy Ombudsman (Aboriginal Programs) (regional alliances only) or other relevant external or legal processes available.
ADOPTION AND REVISION HISTORY

Include policy versions, approvals, review dates etc. here.

This policy was adopted by representatives of [Name of Alliance/Government agency] on

___________________________________________

Date

__________________________  __________________________
Signature  Signature

__________________________  __________________________
Print name  Print name

__________________________  __________________________
Position  Position
Identifying Loss of Faith

As outlined in Chapter 2, Loss of Faith is a fundamental threat to the success of Local Decision Making that can occur when a party loses confidence in the ability of the other party to fulfil their commitments and when a party consistently fails to show improvement in or engagement with the process.

A number of steps should be taken prior to lodging a formal Loss of Faith notification and a party should be able to provide examples of why Loss of Faith notification has been deemed necessary.

Dispute / disagreement occurs / concerns are raised

Informal dispute resolution

No resolution

Responsible party given the chance to respond and make improvements

Temporary resolution (occurs again)

Formal dispute resolution i.e. mediation or arbitration

Request for formal resolution submitted to Dispute Resolution Contact Officer

No progress

Parties may opt to enter a ‘cooling off’ period to establish an action plan

Party shows signs of withdrawing from Local Decision Making

No resolution

Loss of Faith Notification lodged
Managing Loss of Faith

1. Loss of Faith lodged with/or identified by Aboriginal Affairs

2. Aboriginal Affairs meets with party who has lost faith to understand concerns and issues

3. Aboriginal Affairs meets with other party to discuss concerns and issues

4. Head of Aboriginal Affairs determines whether Loss of Faith is substantiated

5. Briefing and information submitted to Head of Aboriginal Affairs

6. Loss of Faith Strategy implemented to address issues/concerns of both parties

7. After agreed period (i.e. 6-12 months) parties come back together to determine whether strategy has resolved issues or not

8. Resolved - Parties re-engage with LDM

9. Not Resolved - Parties withdraw from LDM
FORMS

- Dispute Resolution Agreement
- Dispute Notification Form
- Dispute Resolution Contact Officer Checklist
DISPUTE RESOLUTION AGREEMENT

PURPOSE

The [Name of alliance] and the NSW Government are committed to creating and maintaining constructive, productive and supportive working relationships with all who are involved in the [Name of region] Local Decision Making process.

We want everyone to communicate openly and respectfully with one another, recognising different points of view and dealing with them constructively. The Negotiation Principles and Protocols should be agreed by all parties and used to guide the Local Decision Making process. The presence of conflict, if dealt with effectively, offers an opportunity for individual and organisational learning including the identification of policies and practices that need to be improved. If left unresolved, conflict and disputes can lead to a stressful, and in the worst cases, a toxic environment.

The purpose of this policy is to guide alliance members and government representatives in resolving conflict and dispute issues if and when they arise.

POLICY

The [Name of alliance] and the NSW Government will provide and maintain a positive environment in which all are able to work and interact constructively together.

The [Name of alliance] and the NSW Government will establish procedures to support timely, fair and effective conflict and dispute resolution.

In the first instance, the [Name of alliance] and the NSW Government will encourage alliance members and government representatives to resolve issues directly with each other at the earliest opportunity, and to their mutual satisfaction.

If informal conflict and dispute resolution between the parties is not acceptable to a person involved, not possible for other reasons, or cannot be resolved to the satisfaction of all parties, a formal conflict and dispute resolution procedure will be implemented.

A person requesting formal conflict and dispute resolution must do so in writing in the manner designated in this policy. A person must be offered independent support to put things in writing if they require it.

All formal conflict and dispute resolution requests will be assessed fully and promptly, and all parties will be kept informed of progress.

The formal conflict and dispute resolution procedures available will be fully documented and provided to those involved at the outset of the process. Then, the wishes and concerns of all parties will be taken into account in determining the procedures appropriate to the circumstances.
The [Name of alliance] and the NSW Government will maintain confidentiality as far as is possible. Only the relevant parties will be involved in investigation and resolution procedures.

Parties to the conflict and dispute resolution will be encouraged to observe confidentiality. A person raising a conflict or dispute issue may, at any time, withdraw in writing from pursuing the matter. No person will be intimidated or unfairly treated in any respect if they use this Policy to resolve an issue.

A clear and accurate written record will be kept of the details of any formal conflict and dispute resolution requests and the procedures, actions and outcomes of the resolution process, including dates and signatures of those involved.

Members of the alliance and government representatives are obliged to take immediate action in addressing a conflict or dispute if the physical or mental health and safety of any of the parties is perceived to be at risk.

If threats to persons are made, or members of the alliance or government perceives a possible danger to a party or to other employees, including the possibility of one party being a danger to themselves, external professional assistance must be sought immediately. If criminal activity is involved, the police must be informed and the matter dealt with in accordance with the law.

Should either party wish to submit a formal Loss of Faith statement, it is agreed that this action will only be taken once all other avenues have been exhausted and when there is a high risk of a party withdrawing from the Local Decision Making process.

_________________________  ____________________________
Lead Negotiator Regional Alliance  Lead Negotiator NSW Government

_________________________
Signature

_________________________
Print name

_________________________
Date

_________________________
Signature

_________________________
Print name

_________________________
Date

Local Decision Making Dispute Resolution and Loss of Faith Policy
# Dispute Notification Form

[Name of Region]

## REQUIREMENTS

You must complete a copy of this Notification Form and provide it to the Dispute Resolution Contact Officer if you are seeking a formal procedure for resolution of a conflict or dispute. If you require advice or help to complete the Form or putting your concerns in writing is available, please discuss this with the Dispute Resolution Officer.

The Dispute Resolution Contact Officer will review the Form and clarify any details with you, including revising the Form if you require and/or agree to the revision. Once finalised and signed, a copy of the Notification Form will be provided to the other parties identified below as being involved in the conflict or dispute. All parties must be provided with a copy of the Local Decision Making Dispute Resolution and Loss of Faith Policy at the same time as they are provided with the Notification Form.

Other than the parties involved and the Dispute Resolution Contact Officer, the Notification Form must be kept in confidence.

## DETAILS

<table>
<thead>
<tr>
<th>Notifier’s Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Alliance or Government Agency:</td>
</tr>
<tr>
<td>Position:</td>
</tr>
<tr>
<td>Phone Number:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
</tbody>
</table>

Please provide a very brief description of the conflict or dispute, including dates where these apply. This information will be used to help identify the appropriate procedures for dealing with the complaint.

-----------------------------------------------------------------------------------------------------------------------------
-----------------------------------------------------------------------------------------------------------------------------
-----------------------------------------------------------------------------------------------------------------------------

## Dispute Notification Form

**[Name of Region]**

---

---

### Name of other person(s) or group involved in the conflict or dispute (the respondent):

---

### Contact details of the respondent(s) [if known]

---

### What steps have you already taken to try to resolve this conflict or dispute with the other person(s)?

---

---

---

---
## Dispute Notification Form

**[Name of Region]**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is your complaint, or any matter related to your complaint, already being dealt with or has it been dealt with elsewhere? If so, please describe briefly.</td>
<td></td>
</tr>
<tr>
<td>Do you have any special needs that require consideration? For example, wheel chair access, interpreter, child care (indicate times), visual/hearing disability, help to put things in writing etc.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signed:</th>
<th>Dated:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Received by:</th>
</tr>
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<tbody>
<tr>
<td>Signed:</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
## Dispute Resolution Officer Contact Checklist

### [Name of Region]

#### REQUIREMENTS

You must ensure that all the matters listed here have been dealt with when you are a member of the Dispute Resolution Contact Officer dealing with a request for formal procedure for resolution of a conflict or dispute.

As the Dispute Resolution Contact Officer, you must treat all Dispute Notifications seriously at the outset and not dismiss or trivialise the concerns of the notifier.

The Dispute Resolution Contact Officer must operate as neutral and impartial when dealing with a Dispute Notification. If you have any doubt that you cannot do this, or if any party to the dispute expresses such a concern, you must hand the role onto an alternative officer acceptable to all parties. Everyone involved must be able to have confidence that the Contact Officer will operate with neutrality and impartiality.

If you are a member of the nominated Dispute Resolution Contact Panel, but are a party to the conflict or dispute, as indicated by the notifier on the Dispute Notification Form, you must immediately make this known and redirect the notifier to an alternative officer to deal with the matter. You must also do this if there is any other conflict of interest in you undertaking the role of a Dispute Resolution Contact Panel member. If neither the designated members of the Dispute Resolution Contact Panel nor the designated alternative officer(s) can meet these requirements, another competent independent person, not party to the matter, must be brought in to act in the role of Dispute Resolution Contact Officer.

The Dispute Resolution Contact Officer must act promptly within the time frames set out in the Conflict and Dispute Resolution Procedures. If you are unable to do so, you must obtain the agreement of all parties to any delay, or otherwise hand the role onto an alternative dispute resolution officer able to respond within the time frames required.

The Dispute Resolution Contact Officer’s role is to discuss options for resolution of the conflict or dispute with the people involved and assist with the resolution process (e.g. organise meetings, timetables etc., offer access to counselling or support services, attend meetings guide the process and support parties, take minutes or notes, ensure fairness, set ground rules and provide safeguards about behaviour).

Except for the Dispute Resolution Contact Officer and the parties involved, information dealt with during the resolution process must be kept in confidence.
### Dispute Resolution Officer Contact Checklist

[Name of Region]

<table>
<thead>
<tr>
<th>CHECKLIST</th>
<th>Action</th>
<th>Comments/Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Action</strong></td>
<td>Confirm you are the appropriate person to act as Dispute Resolution Contact Officer and explain your role in the process. If necessary, refer the notifier to an alternative Dispute Resolution Contact Officer(s)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Talk with the person notifying a conflict or dispute (the notifier) to determine the appropriate way to proceed. Provide them with a copy of the Local Decision Making Dispute Resolution and Loss of Faith Policy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Check if there are any safety, distress or urgency issues which require immediate action</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Check if the matter concerns a form of discrimination, harassment or bullying. If so, refer the notifier immediately to the Anti-Discrimination Board of NSW. See Appendix 2 for contact information.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Check if the notifier has attempted or is willing to try an informal resolution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If the notifier wishes to proceed with a formal process, ask them to complete the Dispute Notification Form (if they have not already done so)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Explain that anyone listed on the Notification Form as a party to the conflict or dispute will be provided with a copy of the form and a copy of the Local Decision Making Dispute Resolution and Loss of Faith Policy.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Review the Notification Form with the notifier. Make any revisions, deletions or additions that the notifier requests or agrees to.</td>
<td></td>
</tr>
<tr>
<td>Explain the resolution procedure and options available to the notifier</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promptly provide all parties with a copy of the Notification Form and the Local Decision Making Dispute Resolution and Loss of Faith Policy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meet with all parties individually, or together or both of these, as frequently as necessary to canvas all the issues and concerns</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Find out as much as possible about the situation or incident, including the behaviour involved, timelines, witnesses etc. and spend time reviewing all the information.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Within 10 working days of receiving the finalised Notification Form, prepare a draft brief setting out the incidents, issues, concerns and explanations, including dates where relevant. Include any appropriate comments or recommendations.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Circulate the draft brief to the parties involved and request written responses on matters of fact, omissions, and recommendations be provided within 10 working days.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Check and confirm any changes to the draft brief and meet with the parties together to discuss a resolution to the conflict or dispute. In some circumstances, this may be the final step and the end of the matter. If so, implement Step 12 of the formal conflict and grievance resolution procedures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If necessary, and with the agreement of the parties involved, engage an independent mediator to work with them to arrive at an agreed resolution.</td>
<td></td>
<td></td>
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<tr>
<td>If your own or mediator support is unsuccessful or unsuitable, and the particular circumstances of the</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|**Dispute Resolution Officer Contact Checklist**  
*[Name of Region]*|
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>conflict or dispute warrant, refer to issue to an Independent arbitrator.</td>
</tr>
<tr>
<td>If the resolution directed by the Independent arbitrator necessitates it, arrange or apply whatever sanctions are required under the Terms of Reference, Charter of Governance, Local Decision Making Policy, Funding Agreement, Premier’s Memorandum, or the Accord. Describe clearly the expectations about future behaviour and outline the consequences of unwanted or unacceptable behaviour.</td>
</tr>
<tr>
<td>At any stage during the process, and once a resolution is agreed, clearly record in writing the details as agreed and have all parties sign and date the agreement.</td>
</tr>
<tr>
<td>Remind all parties to abide by the resolution as agreed.</td>
</tr>
<tr>
<td>Place the complete file including the Dispute Notification Form with any supporting documentation, documentation of relevant factual information, analysis of the information, the conclusion, and the signed and dated resolution in confidential storage.</td>
</tr>
<tr>
<td>If no resolution under the Local Decision Making Dispute Resolution and Loss of Faith Policy is achievable, advise the parties to seek advice using external resolution models available.</td>
</tr>
<tr>
<td>List here any other actions you have taken (or not taken) and explain the details and reasons?</td>
</tr>
</tbody>
</table>
## Dispute Resolution Officer Contact Checklist

[Name of Region]

<table>
<thead>
<tr>
<th>Name(s) and Position(s) of Dispute Resolution Contact Officer/Panel:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Position:</td>
</tr>
<tr>
<td>Signed: Dated:</td>
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<td>Name: Position:</td>
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<td>Name: Position:</td>
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APPENDICES

- Appendix 1: Ground rules for dispute resolution meetings
- Appendix 2: Useful contacts
Appendix 1

Ground rules for dispute resolution meetings

Ground rules for meetings dealing with conflict are important because they establish the purpose of the meeting and how it will be conducted. People involved in the meeting will know from the beginning who may participate and how decisions will be made and can be more confident that the process will run smoothly. Also, the ground rules provide safeguards about behaviour and discourage things getting out of hand. The ground rules for dispute resolution meetings will often be similar to the Negotiation Principles that parties agree on when confirming the Negotiation Protocol document for that region.

The people attending the meeting should be involved in identifying the ground rules so that they are more likely to commit to following the rules about how they will act. Establishing ground rules against personal attacks, for example, can help to keep uncertainty or hostility from becoming issues in themselves. Ground rules for attendance can likewise be important, as the meeting may be prevented from making decisions or miss critical information if someone is absent.

With the agreement of the people at the meeting, ground rules should also define the role of the person or people facilitating the meeting, such as the Dispute Resolution Officer, Independent Facilitator or an external mediator. For them, rules might include the idea that they will set an agenda for each day’s meetings and lead the discussion, giving each person an equal amount of time to talk and reminding people about behaviour. Such rules also need to make it clear how much authority they have in conducting the meeting.

There is another, perhaps unexpected benefit of agreeing on ground rules at the beginning. Doing this means that people have to reach agreements early in the discussions. Success in developing ground rules at the beginning shows sceptical parties that they might be able to reach agreement with one another on the issues at the heart of the conflict or dispute.

**EXAMPLE OF MEETING GROUND RULES**

- Parties agree to call each other by their first names
- One person speaks at a time – allow people to have their say and let them finish (this will help encourage them to listen to you when you are speaking)
- Show respect – avoid put-downs, even when feeling frustrated or hurt
- Behave decently – use appropriate, calm language and avoid shouting, threats or other belittling behaviour
- Be honest – focus on your real concerns and unmet needs
- Be objective – focus on facts not rumours or assumptions
- Listen to each other – show that you want to understand rather than just waiting for your turn to talk. Check to make sure you’ve understood what they are saying.
- Respect confidentiality – don’t involve others not directly involved
- Look for solutions – focus on what needs to change and how this could happen, rather than making accusations or demands.
Appendix 2

Useful contacts

Aboriginal Affairs

Central Office
Current: Level 3, 35 Bridge Street
SYDNEY NSW 2000
From June 2018: 201 Coward Street
MASCOT NSW 2020
Telephone: 1800 019 998
localdecisionmaking@aboriginalaffairs.nsw.gov.au

Greater Northern Office (Coffs Harbour)
17 Duke Street
COFFS HARBOUR NSW 2450
Telephone: (02) 5622 8827

Greater Western Office
Ground Floor, 65 Church Street
DUBBO NSW 4402
Telephone: (02) 6007 4402

Bourke Office
26 Mertin Street
BOURKE NSW 2480
Telephone: (02) 6007 4402

Broken Hill
32 Sulphide Street
BROKEN HILL NSW 2880
Telephone: (02) 6007 4402

Greater Northern Office (Tamworth)
Unit 2, 180 Peel Street
TAMWORTH NSW 2340
Telephone: (02) 5622 8827

Department of Premier and Cabinet

Head Office
52 Martin Place
SYDNEY NSW 2000
Telephone: (02) 9228 5555
Email: TBC
Website: http://www.dpc.nsw.gov.au/

Sydney (Parramatta)
Telephone: (02) 9685 2400

Hunter (Newcastle)
Telephone: (02) 4921 2600

New England/North West (Tamworth)
Telephone: (02) 6760 2670

Central Coast (Gosford)
Telephone: (02) 4337 2311

Illawarra (Wollongong)
Telephone: (02) 4253 6300

Riverina-Murray (Wagga Wagga)
Telephone: (02) 6926 8600
Mediation and Dispute Resolution Support

The Law Society of New South Wales
170 Phillip Street
SYDNEY NSW 2000
Telephone: (02) 9926 0333
Email: lawsociety@lawsociety.com.au
Office Hours: 9am to 5pm, Monday to Friday

Legal Aid NSW
Central Office
323 Castlereagh Street
HAYMARKET NSW 2000
Telephone: (02) 92195000
Website: http://www.legalaid.nsw.gov.au/

Discrimination, Harassment and Bullying

Anti-Discrimination Board of NSW
Telephone: (02) 9268 5544
Toll free: 1800 670 812 (for regional NSW only)
Email enquiries: adbcontact@justice.nsw.gov.au
Website: http://www.antidiscrimination.justice.nsw.gov.au/

NSW Ombudsman

Deputy Ombudsman (Aboriginal Programs)
Telephone: (02) 9286 0934
Website: www.ombo.nsw.gov.au