



## **POLICY NO. 1/2000**

### **Dispute Avoidance – Dispute Resolution**

#### **Rationale**

This policy has been developed to aid members of Bush Fire Coordinating Committee, its associated Standing Committees and Bush Fire Management Committees, in the discharge of the functions and duties placed on them by the *Rural Fires Act 1997*.

Bush fire management, planning and coordination draws together people from diverse backgrounds and interests who may work together on committees, working parties or be involved in direct negotiation.

The nature of the work of these committees is such that decisions and recommendations should be achieved through consensus and co-operative means. Given the diverse representation on these committees, consensus may not always be easily achieved. In some instances, failure to achieve consensus may result in disputes arising between members of committees, working groups and other decision making forums.

Disputes may arise from simple issues such as strongly held personal beliefs or from more complex issues such as conflict in policy. Left unresolved, disputes have the potential to adversely affect the functioning of Bush Fire Management Committees, Standing Committees, Working Parties and the relationships between agencies and groups.

Persons attempting to resolve disputes may require support. Support may come from the Committee itself, through the resources of its constituent agencies or groups, or from external resources.

#### **Policy**

**It is the policy of the Bush Fire Coordinating Committee that decisions taken by representatives of the various bodies represented on committees; working parties, etc. are reached through *consensus*.**

**While every effort should be made to avoid disputes occurring it is recognised that occasions will arise where disagreements between individuals or groups may result in a dispute.**

The Coordinating Committee's approach to the resolution of a dispute is to achieve a speedy and satisfactory result by interactive communication between the parties involved in the dispute, by promoting an atmosphere conducive to the negotiation of a successful outcome. The positive atmosphere for discussions is often facilitated through the use of a mediator acceptable to the parties.

The Coordinating Committee is committed to provide whatever support is necessary to assist in the resolution of any dispute.

A handwritten signature in black ink, appearing to read 'P. Koperberg', with a long horizontal line extending from the end of the signature.

**Phil Koperberg, AO, AFSM, BEM**  
Chairman  
20 April 2000

# GUIDELINES FOR DISPUTE AVOIDANCE AND DISPUTE RESOLUTION

## **Dispute Avoidance**

The following guidelines are issued to assist committee members in reaching decisions by achieving consensus.

The resolution of disputes should occur whenever possible at the location of the original impasse. Reference of disputed matters to the Bush Fire Coordinating Committee for decision should be avoided and the Bush Fire Coordinating Committee will sponsor a mediation process to resolve the matter as a last resort.

### **1. What is Consensus?**

**Consensus is a decision that is consented to by all group members. "Consent" does not imply that everyone must be completely satisfied with the outcome. It does mean that the decision is acceptable enough that all members will support the group in choosing it**

### **2. How is Consensus achieved?**

***Listen carefully.** Ask for reasons and seek out the assumptions behind statements. Be open to others reactions to your ideas and consider them carefully.*

***Encourage full participation.** Don't assume silence means assent. Periodically circle the group and have each member express his or her view.*

***Seek out differences.** Disagreements are natural and generally helpful, as they increase the range of information and opinions that the group can use in its decision process.*

***Search for alternatives.** Don't assume that someone must win and someone must lose. Where there is a stalemate look for the most acceptable alternative for all members.*

### **3. Presenting an issue**

Basic ideas are shared. Any concerns are expressed. Information that led to the issue being raised is shared. Any relevant information that will help people to understand the issue is to be made available. Possible courses of action may be proposed.

### **4. Clarification of issues**

All members of committees are free to seek clarification and ask questions. It is important at this stage that all relevant information is available to the committee.

## **5. Open discussion**

Discussion on issue at hand is encouraged. Various views on the matter should be put with members indicating their agreement or otherwise to the views of the speaker.

## **6. Developing proposals**

As open discussion proceeds, several proposals may be presented, or general agreement with a proposal may be expressed. It is in this stage of process that any useful ideas for resolving the issue should be presented.

## **7. Consolidation of ideas**

If the issue is not complex and the ideas advanced for its resolution are few in number, the Chair of the committee or any other member may present a firm proposal for discussion. If the issue is complex and many ideas have been advanced in discussion, consideration should be given to referring the matter to a steering committee or working party to prepare a firm proposal for consideration by the committee. Alternatively, the matter may be referred back to the person or group who first presented the issue for development of a proposal.

## **8. Discussion of a specific proposal**

Speakers advance the merits of the proposal. Again members of the committee should indicate their agreement or disagreement to the proposal.

## **9. Checking for consensus**

When the Chair of the committee believes that a consensus (to support or not support) has been reached on an issue he should ask the committee to affirm whether a consensus has been reached.

In seeking to determine if a consensus has been reached the Chair may seek to identify the degree of consensus. Assessing the response to a carefully stated question may do this. The Chair, for example, may express a view on the position reached and ask committee members if they agree or disagree. Typical questions that may be asked are:

- Have we consensus to support the proposal?
- Have we consensus not to support the proposal?

If members of the committee indicate that consensus has been achieved (by voice or show of hands) the Chair should declare the proposal approved or disapproved.

If consensus has not been achieved, discussion may be allowed to continue for further sharing of views on the issue.

In the event that there is strong, but not unanimous support, for the proposal the Chair may put to the committee further questions to assess the level of support. Questions such as may be asked:

- Who supports the proposal?
- Who does not support the proposal but is prepared to accept it?
- Who is not prepared to accept the proposal?

Should there be no response to last question the Chair may ask the committee if they are prepared to declare the issue resolved by consensus. If the response is in the affirmative, the Chair should declare the proposal approved or disapproved.

If there is a response to the third question, the Chair should invite the person or persons to share their views with the committee and allow discussion to continue. If, after discussion, consensus is still unable to be achieved the Chair should clarify the points affecting the decision-making and consider options to take the process back several steps. Referral to a steering committee or working party may assist in overcoming major objections. Minor objections may be overcome by rewording of the proposal.

#### **10. No unanimity**

If, after all attempts to reach consensus, there is still a minority of committee members who are unable to support the consensus position the Chair may ask the following questions:

- Do those who are unable to support the proposal and are not prepared to accept it agree that your point of view has been listened to, even though you do not agree with the proposal, and are not prepared to accept it?
- Do those who support, or are prepared to accept the proposal agree that you have been listened to and have heard what others on the committee have been saying?

#### **11. Resolution**

Should the issue before the committee (for which consensus has not been reached), require resolution, the Chair should highlight and document the differences. The issues should be referred to the Bush Fire Coordinating Committee for advice and possible determination.

In the case that the differences may relate to policy issues of concerning particular Departments, it may be necessary to seek Ministerial direction and/or legal advice.

### **Dispute Resolution**

#### **12. Committees, Working Parties etc.**

It is important that persons with a grievance or dispute understand the process through which the dispute or grievance may be resolved. The following guidelines have been developed to assist members of committees, etc., to resolve a dispute or grievance.

It is expected that if committee members find themselves in dispute they should discuss the matter individually or jointly with the Chairperson of the committee.

The Chairperson should either personally or through another member of the committee, acceptable to those in dispute, implement the following dispute resolution mechanism:

- Investigate the problem
- Consult with those in dispute and those able to provide information that may assist
- Establish mechanisms to achieve a fair resolution
- Resolve the grievance or dispute
- Follow up if required

If the matter remains unresolved it should be referred to the Bush Fire Coordinating Committee who may elect to intervene directly or request member agencies to provide assistance from regional level to assist the in resolution of the grievance or dispute.

### **13. Direct Negotiation**

Where persons involved in direct discussions and/or negotiation are in dispute the matter should be referred to their immediate superiors, generally at district or regional level, who will jointly decide the most appropriate course of action to resolve and grievance or dispute. The principles outlined above should be employed in any resolution process.

For any dispute resolution process to be effective, is important that the person/s acting as the mediator or facilitator be:

- Uninvolved
- Acceptable to the parties
- Recognised by the Bush Fire Coordinating Committee

If the matter remains unresolved it should be referred to the Bush Fire Coordinating Committee who may elect to intervene directly or request member agencies to provide assistance from regional level to assist the in resolution of the grievance or dispute.