

ABC quick guide to dispute resolution

Disputes are normal. However, there are ways to reduce the risks of disputes impacting the wellbeing of an organisation and its people. This is particularly important for First Nations organisations.

This quick guide has been developed by dispute resolution experts to help organisations navigate disputes and get back on track.

A

ANTICIPATION:

Some disputes are unexpected. Still, preparing can reduce the frequency and impact of disputes.

B

BEHAVIOUR:

You can't control the behaviour of others, but your behaviour will directly impact dispute resolution.

C

COURSE OF ACTION:

Clear courses of action can help to resolve disputes efficiently.

ANTICIPATION TIPS:

- Identify your values and check your actions are aligned.
- Set and communicate clear expectations within your organisation, especially for leaders and managers.
- Proactively manage performance through robust processes.
- Make sure agreements are in writing and properly drafted.
- Look out for warning signs, like consistent absences and gossip.
- Offer ongoing communication and leadership training.
- Plan and manage important changes.
- Have a code of conduct and dispute resolution policies in place.

BEHAVIOUR TIPS:

- Pause and reflect before reacting to stay calm.
- Communication is key, so listen effectively and observe, checking you understand what's being said.
- Promote dialogue and be willing to share your views.
- Prioritise what's important; not all battles need to be fought at the same time.
- Respect cultural sensitivities, especially for First Nations organisations.
- Ensure your behaviour models good governance.
- Manage information flows with appropriate transparency.
- Keep an open mind.
- Be willing to seek and consider external advice when necessary.

COURSE OF ACTION TIPS:

- Understand your rights and responsibilities.
- Follow applicable policies.
- Take the time to identify common ground and refine issues in dispute.
- Ensure cultural safety and procedural fairness in all processes.
- Plan and set out realistic timeframes for dispute resolution, communicating with all parties.
- Be willing to make and consider offers to resolve disputes; making the first offer is helpful and not a weakness. Avoid a 'take it or leave it' approach.
- Consider independent help for facilitation, mediation or arbitration.
- Record agreed outcomes.
- Review and update policies.

There are many specialised courses of action to resolve disputes. This can include facilitation, mediation and arbitration, or a combination. The best process to follow will depend on the dispute, and the circumstances of the individuals involved.

WHAT IS FACILITATION?

Facilitation is where a person assists parties during discussions or meetings, to help conversations stay on track. Facilitation is informal and is led by the parties.

WHAT IS MEDIATION?

Mediation is a structured process where an independent person helps and manages parties to identify issues and develop options. This is more formal than facilitation.

WHAT IS ARBITRATION?

Arbitration is when a third party makes a binding decision or determination, after parties present information.

WHERE CAN WE GET MORE INFORMATION?

There are lots of ways to get more information, but you will need to check it applies to the circumstances. For example, make sure templates properly suit your needs.

Some helpful starting points for Aboriginal and Torres Strait Islander organisations may include the [Australian Securities and Investments Commission](#), the [Office of the Registrar of Indigenous Corporations](#), The [National Native Title Tribunal](#), Native Title Representative Bodies and Service Providers, the [Australian Indigenous Governance Institute](#), the [Australian Institute of Company Directors](#) and the [Australian Charities and Not-for-profit Commission](#). The [Federal Court of Australia](#) also has resources relevant to alternative dispute resolution in the Federal Court.

Want further help?

Stay in control of outcomes, even when disputes arise. Avoid the time, cost and stress of court proceedings by seeking independent help when you need it.

We have nationally recognised dispute resolution experts, providing facilitation and mediation assistance around the country to corporations, communities, health organisations and individuals.

Let's talk about your needs.



Phone
(08) 7221 1690



Email
info@mpslaw.com.au



Address
100 Carrington Street
Adelaide, SA