

# Dispute Resolution Procedures

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1. Purpose	1
2. Scope	1
3. Principles	1
4. Procedure	2
5. External complaints	4
6. Confidentiality	4
7. Who else can help?	4
8. More information	4
9. Review details	5
Appendix	6

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## 1. Purpose

The purpose of these Dispute Resolution Procedures is to ensure that any grievance, complaint or conflict involving stakeholders of the Small Farms Network Capital Region Incorporated (**SFNCR**) is resolved fairly, efficiently and effectively.

## 2. Scope

This procedure applies to all SFNCR stakeholders, including committee members, employees and volunteers (referred to in this policy as '**team members**'), paid and unpaid guest presenters and other contractors, SFNCR members, event participants and other members of the public encountered in the course of the SFNCR activities.

It applies to the following types of disputes:

- *Internal disputes* – any disputes between a SFNCR member and another member (in their capacity as a member), disputes between SFNCR member(s) and SFNCR or disputes within the SFNCR Committee
- *Grievances* – any issue formally raised by an individual team member about another team member or a work-related problem
- *Complaints* – any expression of dissatisfaction made to or about SFNCR, its services, its team members or the handling of an issue where a response or resolution is explicitly or implicitly expected or legally required
- *Member disciplinary action* – any complaint made to the Committee that a SFNCR member has refused or neglected to comply with a provision of the SFNCR Constitution or has wilfully acted in a manner prejudicial to the interests of the organisation.
- *Other matters* – any other concerns, grievances or complaints as the SFNCR Committee considers appropriate.

## 3. Principles

These dispute resolution procedures are designed to uphold the following key principles:

a) *Confidentiality* – Where possible, only people directly involved in the matter or in its attempted resolution will have access to information. There are circumstances where information may not be able to be kept confidential, such as if physical threats are involved or the law otherwise requires it.

b) *Impartiality* – All sides will have a chance to tell their story. No assumptions will be made and no action taken until all relevant information is collected and considered.

c) *No repercussions* – No action will be taken against anyone for making or helping someone to make a genuine grievance. SFNCR will take all reasonable steps to ensure that anyone involved in making a complaint or in attempting to resolve it is not victimised.

d) *Promptness* – All complaints will be dealt with as quickly as possible and resolved within two working days wherever possible. More complex investigations will take longer, but ideally no longer than four (4) weeks.

## 4. Procedure

Stakeholders may notify disputes to one of SFNCR's complaints officer.

The complaints officers are SFNCR committee members who volunteered for the job. They are trained to help anyone who has, or thinks they may have, a grievance or complaint.

When responding to disputes, SFNCR and the complaints officer will act in accordance with these procedures, as well as any relevant legislation and/or regulations. SFNCR may seek legal or other advice where necessary.

**NOTE:** For internal disputes involving members and member disciplinary action, the procedures in the SFNCR Constitution apply – refer to the Appendix for an extract of the relevant rules.

The five key stages in the dispute resolution procedure are:



### 4.1 Receive

Unless the dispute has been resolved at the outset, the complaint officer will record the matter and its supporting information. The record of the dispute will document:

- Contact information of the person making the complaint and the date received
- Issues raised by the person making the complaint and the outcome/s they want
- Any other relevant information, such as witnesses or evidence
- Any additional support the person making the complaint requires.

### 4.2 Acknowledge

SFNCR will acknowledge receipt of the complaint promptly, and preferably within 5 working days. The acknowledgement will explain how the rest of the dispute resolution procedure works and, where appropriate, refer the person making the complaint to people who can provide support.

Consideration will be given to the most appropriate form for communicating with the person making the complaint (e.g. letter or email).

### 4.3 Take action

After acknowledging receipt of the complaint, the complaints officer will undertake an initial assessment to confirm whether the issue/s raised in the dispute is/ are within SFNCR's control, the outcome/s sought by the person making the complaint and how the dispute will be managed.

When assessing the dispute, complaints officer will consider:

- How serious, complicated or urgent the dispute is
- The parties involved (e.g. SFNCR members, employees or members of the public) which may influence how the dispute legally must be managed
- Whether the matter raises concerns about people's health and safety
- How the person making the complaint is being affected
- The risks if resolution of the dispute is delayed, and
- Whether a resolution requires the involvement of other organisations.

After assessing the dispute, the complaints officer will consider how to manage it. They may:

- Give the person making the complaint information or an explanation to answer the complaint
- Gather further information about the issue, person or area that the dispute is about including:
  - putting the information to the person/s complained about to get their side of the story
  - if necessary, speaking confidentially to witnesses and reviewing any relevant evidence
- Appoint an impartial internal or external investigator to formally investigate the claims made
- Where appropriate, inform the SFNCR Committee of the complaint and its management
- In the case of an internal dispute with members, mediate the dispute under the guidance of the Committee or by a third party as agreed by the members in the dispute
- In the case of potential member disciplinary action, give notice of the complaint to the member concerned and give that member at least 14 days to make submissions to the Committee in relation to the complaint.

The complaints officer will keep the person making the complaint up-to-date on progress, particularly if there are any delays.

### 4.4 Determine outcome and provide reasons for decision

Following consideration of the matter and any investigation into the issues raised or other action taken, SFNCR will contact the person making the complaint and advise them:

- The outcome of the dispute and any action taken
- The reasons for the decision
- The remedy or resolution/s proposed or put in place
- Any options for review that may be available to the complainant, such as internal review, external review or appeal.

Possible outcomes and actions include:

- an apology and commitment that the behaviour will not happen again
- access to counselling
- a first or final warning
- demotion

- termination of employment
- expulsion or suspension of a member from membership of SFNCR
- settlement by joint agreement between the people involved in the dispute
- referral to arbitration if an internal dispute is not resolved by mediation
- referral to police if a criminal offence has or may have been committed.

Where the complaint is not substantiated due to insufficient evidence, possible outcomes may include training on relevant policies, monitoring ongoing behaviours or mediation.

#### **4.5 Close the complaint**

SFNCR will keep confidential records of how it managed the dispute, the outcome of the dispute (including whether it was substantiated), recommendations made to address the problems identified and any decisions made on those recommendations, and any outstanding actions to be followed up.

The SFNCR Committee (or its delegate/s) will be responsible for ensuring that outcomes are properly implemented, monitored and reported back to the Committee.

### **5. External complaints**

If a complainant is unhappy with the outcome of their matter, they may get advice from any relevant external agency, such as NSW Fair Trading, the Anti-Discrimination Board of NSW, the Australian Human Rights Commission, SafeWork NSW or the Fair Work Commission. Contact information is at the end of this document.

### **6. Confidentiality**

These Dispute Resolution Procedures are designed to ensure that details of disputes remain strictly confidential to the individuals involved and those with a formal role in the dispute resolution process. This means that only those with a genuine role to play in helping to resolve a dispute are allowed to know its details or to discuss it.

The complaints officer may confidentially inform the SFNCR Committee about the dispute and its management and resolution where necessary or appropriate to ensure that Committee members are able to fulfil their legal duties, make operational decisions and govern the organisation.

Anyone in breach of this requirement is risking disciplinary action and legal action under the laws of defamation.

### **7. Who else can help?**

If you are the person making the complaint, or the person being complained about, you can get legal advice from your union representative or other legal representative. You may bring a union or legal representative to any dispute resolution meeting. You can also get confidential advice and support from any of the complaints officers at any time during the dispute.

In addition, at any time during the dispute you have the right to contact an external agency for advice or help. You can also do this if you are unhappy with the way the dispute has been resolved. Agencies that may be able to help you are:

### Anti-Discrimination Board of New South Wales

Level 7, 10 Valentine Avenue Parramatta NSW 2150

Telephone: (02) 9268 5555

Email: [adbcontact@justice.nsw.gov.au](mailto:adbcontact@justice.nsw.gov.au)

Website: [www.antidiscrimination.justice.nsw.gov.au/](http://www.antidiscrimination.justice.nsw.gov.au/)

### Australian Human Rights Commission

Level 3, 175 Pitt Street Sydney NSW 2000

Telephone: (02) 9284 9600

National Information Service: 1300 656 419

General enquiries and publications: 1300 369 711

Email: [communications@humanrights.gov.au](mailto:communications@humanrights.gov.au)

Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

### NSW Fair Trading

4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150

Telephone: 13 32 20

Website: <https://www.fairtrading.nsw.gov.au>

### SafeWork NSW

Local Service NSW Centre – see <https://www.service.nsw.gov.au/service-centre>

Telephone: 13 10 50

Website: <https://www.safework.nsw.gov.au/>

### Fair Work Commission

Level 10, Terrace Tower, 80 William Street, East Sydney, NSW, 2011

Telephone: 1300 799 675

Email: [enquiries@fwc.gov.au](mailto:enquiries@fwc.gov.au)

Website: [www.fwcd.gov.au](http://www.fwcd.gov.au)

## **8. More information**

If you have a query about this policy or need more information, please contact the SFNCR secretary by email [secretary@smallfarmscapital.org.au](mailto:secretary@smallfarmscapital.org.au)

## **9. Review details**

This procedure was adopted by the SFNCR Committee on 13/04/2022.

## Appendix – Extracts from SFNCR Constitution

### 10 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association or a dispute between a member or members and the association is to be, in the first instance, mediated under the guidance of the committee within the association or by a third party as agreed by the members in dispute.
- 2) If a dispute is not resolved within the association within 3 months, the issue is to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

### 11 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
  - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
  - (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
  - (a) must cause notice of the complaint to be served on the member concerned, and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.

## **12 Right of appeal of disciplined member**

- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee, which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3):
  - (a) no business other than the question of the appeal is to be transacted, and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

## **19 Removal of committee members**

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.