

Fact Sheet

Dispute Resolution

Use of the dispute resolution process should only occur where an agreement cannot be reached despite the best endeavours of the Parties to negotiate and agree a resolution to an issue at the local level. The dispute resolution process will not be used for the resolution of ongoing issues or performance related issues.

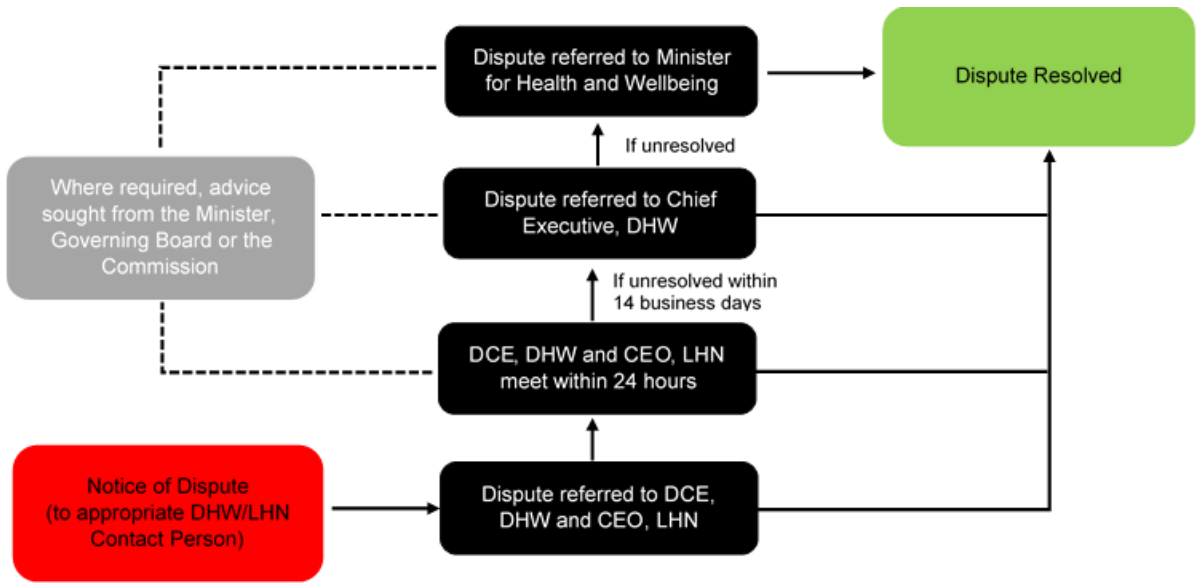
Resolution of disputes will be through a tiered resolution process, commencing at the local level and escalating to the Chief Executive and if required, through to the Minister for Health and Wellbeing.

- 1) A dispute is initiated when either Party provides the other with a written Notice of Dispute. The Notice of Dispute must be conveyed through to the appropriate Department for Health and Wellbeing (DHW)/Local Health Network (LHN) contact person, dependent upon the origin of the Notice and contain the following:
 - a) A summary of the matter in dispute.
 - b) An explanation of how the Party giving the Notice of Dispute believes the dispute should be resolved and reasons to support that belief.
 - c) Any information or documents to support the Notice of Dispute.
 - d) A definition and explanation of any financial or service delivery impact of the dispute.
- 2) The dispute must be immediately referred to the DHW Deputy Chief Executive, and the LHN Chief Executive Officer who must meet within 24 hours and make their best endeavours to resolve the dispute.
- 3) If the dispute is not resolved within 14 business days, it must be immediately referred to the Chief Executive who will make a determination in order to resolve the dispute.
- 4) The Chief Executive will refer issues to and seek the advice of the Minister for Health and Wellbeing as required.
- 5) Resolution of a dispute at any level is final. The Parties must agree that each dispute and any exchange of information or documents in connection with the dispute is confidential and must not be disclosed to any third party without the prior written consent of the other Party, other than if required by law and only to the extent required by law.

Notwithstanding the existence of one or more disputes, the LHN must continue to perform and comply with the Agreement to the best of their abilities, given the circumstances.



Figure 1: Dispute Resolution Process



For more information

Commissioning and Performance

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