



Internal Resolution Procedure

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1. Purpose

The purpose of the Internal Resolution Procedure (Procedure) is to provide a structured approach for handling alleged breaches of the Model Councillor Code of Conduct, encouraging respectful and constructive resolution of disputes to maintain effective working relationships and minimise disruption to Council operations.

This Procedure aims to:

- **Promote Good Governance:** Support the principles of good governance within Council, ensuring transparency, accountability, and integrity in all dealings.
- **Maintain Standards of Conduct:** Uphold high standards of conduct among Councillors by providing clear guidelines and processes for addressing alleged breaches of the Model Councillor Code of Conduct.
- **Ensure Fairness and Consistency:** Implement a consistent and fair approach to managing and resolving allegations of misconduct, ensuring that all parties are treated equitably and with respect.
- **Enhance Public Confidence:** Foster public trust and confidence in the Council's commitment to ethical behaviour and responsible governance by demonstrating a proactive approach to managing conduct issues.
- **Support Councillor Development:** Provide Councillors with the necessary support and resources to understand and comply with the Model Councillor Code of Conduct, promoting ongoing professional development and ethical decision-making.

2. Scope

This Procedure may be observed when dealing with alleged breaches of the Model Councillor Code of Conduct. Whilst Councillors are encouraged to resolve disputes informally through the internal resolution processes outlined in this Procedure, there is no obligation to do so, and they may choose to apply for a formal dispute resolution process under the Act if they prefer.

The following disputes are not covered by this Procedure:

- a) differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings;
- b) complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other external person;
- c) allegations of sexual harassment;
- d) disclosures made about a Councillor under the *Public Interest Disclosures Act 2012*, which can only be made to the Independent Broad-based Anti-corruption Commission; and
- e) allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant integrity authority.

3. Context

Section 140 of the *Local Government Act 2020* requires Councils to implement and adopt the procedures prescribed by Regulation 12A of the *Local Government (Governance and Integrity Regulations) 2020*, in relation to dealing with alleged breaches of the Model Councillor Code of Conduct.

The regulations for the Internal Resolution Procedure encompass several key points to ensure effective dispute resolution.

1. The procedure must include a conciliation process conducted by the Mayor. In cases where the Mayor is a party to the matter or is unable to perform the role, the Deputy Mayor or another designated person will conduct the conciliation.
2. Council has the discretion to incorporate any other processes it deems appropriate for resolving disputes. This flexibility allows the Council to tailor the resolution procedure to the specific needs of each situation.
3. The Procedure must provide detailed requirements on how alleged breaches of the Model Councillor Code of Conduct are to be dealt with, including the circumstances in which the available processes may be used. It must also explain how a Councillor can access an Internal Resolution process and initiate a request to have a matter dealt with through the available processes.
4. For the conciliation process or any other process, the Procedure must detail:
 - a) The roles and responsibilities of the parties involved.
 - b) The role, functions, and duties of the person conducting the process.
 - c) Any support the Council will provide to the parties or the person conducting the process.
 - d) The form and availability of a record of any agreement, resolution, or outcome reached through the process.

These structured guidelines ensure that the Internal Resolution processes are clear, accessible, and effective in addressing disputes within the Council.

4. Internal Resolution Processes

Disputes between Councillors may arise in a variety of circumstances. Internal Resolution processes can be applied to those disputes in which a Councillor (the Complainant) alleges that another Councillor (the Respondent) has breached the Model Councillor Code of Conduct.

It is acknowledged that these Internal Resolution processes may not be suitable for resolution of all disputes between Councillors. An overview in the form of flowcharts are provided at Appendix 1.

Council, through the Councillor Conduct Officer, will provide administrative assistance to the person conducting the relevant process when arranging a time and place for Conciliation or Mediation, including any technical assistance that may be required. Council will make a venue available to the Councillors that is private and suited to the relevant process.

Council will not provide any substantive guidance or advice about the subject matter of the dispute, or pay the costs of legal advice or representation for any Councillor in connection with this Procedure. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

All Councillors are responsible for conducting themselves in a courteous and respectful manner at all times during an Internal Resolution process.

4.1 Direct Negotiation

A Complainant is encouraged to raise their issue directly with the Respondent in a respectful and courteous manner, either in person or in writing, where they feel comfortable to do so.

Councillors are encouraged to recognise that:

- certain behaviours and communications may be perceived by others to be causing issues or offence that may not have been intended;
- it can provide useful insight to reflect on their own behaviour or motivation and possible contribution to the dispute, whether intended or not; and
- dealing with the dispute early is more likely to avoid the issue escalating and resolve it before it threatens the effective operation of Council.

It is useful to frame any issue from the Councillor's perspective (eg "I felt disrespected when you said / did ..."), rather than accusing another person of holding a particular position or taking a negative action deliberately. A Councillor should let the other Councillor know how they feel and ask for an explanation, rather than making accusations or assumptions.

4.2 Conciliation

Where a direct conversation between Councillors has not been successful in resolving the dispute, or a Councillor does not feel comfortable communicating directly with another Councillor, an application for Conciliation can be made.

The Conciliation process is to be conducted by the Mayor except when the Mayor is a party to the dispute or otherwise unavailable. In that case the Deputy Mayor will assume the role of the Mayor. If both the Mayor and the Deputy Mayor are parties to the dispute or otherwise unavailable, the role of the Mayor must be performed by a Councillor jointly chosen for the purpose by the parties.

A Councillor initiating the Conciliation process must notify the Mayor and the Respondent of the dispute in writing. An application must:

- a) specify that Conciliation of a dispute is being initiated;
- b) specify the names of the Complainant and Respondent;
- c) name the Councillor appointed to be the applicants' representative (where the request is made by a group of Councillors);
- d) specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- e) detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- f) attach any supporting information to provide examples of the behaviour complained of (eg screenshots or emails); and
- g) be dated and signed by the Complainant.

The Councillor making the application is to notify all parties related to the dispute and provide a copy of the application at the same time that it is submitted to the Mayor.

Councillors are not obliged to participate in the Conciliation process but should only decline if they honestly and reasonably believe that their participation would adversely affect their health or wellbeing or would otherwise be unsafe¹.

¹ Refer to Section 8 of this Procedure for additional support services available to Councillors.

A Respondent declining to participate in Conciliation must advise the Complainant and the Mayor of their unwillingness to participate, and the reasons for it. That advice must be provided no more than one week after receiving the application.

During Conciliation, the role of the:

- Mayor is to convene and attend up to two meetings (as considered necessary) between the parties, which are to be held within three weeks of the date the application for conciliation is made. The Mayor will facilitate proceedings at each meeting and provide guidance to the parties on the Standards of Conduct outlined in the Model Councillor Code of Conduct, and actively explore whether the dispute can be resolved by mutual agreement between the parties.
- Complainant and Respondent are to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.
- Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct the conciliation.

The Mayor will document any agreement reached during Conciliation. Copies of the agreement will be provided to both parties and the Chief Executive Officer. Where one party does not adhere to the agreement, the other party can request Mediation.

If resolution of the dispute is not obtained during Conciliation, an application for Mediation may be made by either of the parties to the dispute.

4.3 Mediation

Mediation is a method of resolving disputes between two or more parties with the help of a neutral third party, known as a Mediator. The role of the Mediator is to ensure impartiality and to help the parties reach a mutually acceptable agreement.

Any Councillor seeking Mediation of a dispute must have initially attempted Conciliation. By requiring an initial attempt at Conciliation before involving an external facilitator for Mediation, the Council aims to provide a structured and unbiased approach to resolving disputes.

The Mediation process will be conducted by an external facilitator. This means that an independent third party, who is not affiliated with the Council, will oversee the Mediation.

A Councillor initiating the Mediation may submit a written application to the Chief Executive Officer and must:

- a) specify that Mediation of a dispute is being initiated
- b) include relevant details of previous Conciliation attempts;
- c) specify the names of the Complainant and Respondent;
- d) name the Councillor appointed to be the applicants' representative (where the request is made by a group of Councillors);
- e) specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- f) detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- g) attach any supporting information to provide examples of the behaviour complained of (eg screenshots or emails); and
- h) be dated and signed by the Complainant.

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The Councillor making the application is to notify all parties related to the dispute and provide a copy of the application at the same time that it is submitted to the Chief Executive Officer.

The Chief Executive Officer will ascertain (in writing) whether or not the party/parties who received the application are prepared to participate in Mediation. If the party/parties decline to participate, they are to provide their reasons for doing so in writing to the Chief Executive Officer, who will advise the Mayor. That advice must be provided no more than one week after receiving the application.

If the receiving party/parties agree to participate in Mediation, the Chief Executive Officer will advise the applicant and the Mayor and engage the services of a Mediator to conduct the Mediation at the earliest practicable opportunity. Mediation should be held within three weeks of the date the application for mediation is made, subject to availability of the Mediator.

The parties may have a support person with them, however in the spirit of Mediation legal representation is not appropriate during this process.

During Mediation, the role of the:

- Mediator is to facilitate proceedings and provide guidance to the parties to the dispute about the Standards of Conduct in the Model Councillor Code of Conduct, and actively explore whether the dispute can be resolved by agreement between them.
- Complainant and Respondent is to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.
- Councillor Conduct Officer is to provide the Mediator with the administrative support necessary to arrange and conduct the Mediation.

If the parties cannot resolve the dispute at the initial Mediation meeting, a further meeting may be convened with the consent of both parties.

The Mediator will document any agreement reached through the mediation process. Copies of the agreement will be provided to all parties to the dispute, the Mayor and Chief Executive Officer.

5. Terminating a Conciliation or Mediation Process

A Conciliation or Mediation process will end or be terminated if any of the following occurs:

- a) the parties cannot jointly choose a Councillor to conduct the relevant process within one week of being asked to do so;
- b) the Respondent notifies the Mayor that they do not wish to participate in the relevant process, and the reasons for it, within one week of receiving the application;
- c) the Respondent does not respond to the application at all within two weeks of receiving it;
- d) Conciliation or Mediation has not occurred within four weeks of the Complainant submitting the application;
- e) Conciliation or Mediation has occurred and the parties have been unable to resolve the dispute; or
- f) the dispute has been resolved.

The time for Conciliation or Mediation may be extended by agreement between the parties to the dispute, whether or not the matter has been escalated to one of the formal dispute resolution procedures outlined in the Act.

6. Confidentiality

Parties and other participants are expected to maintain confidentiality concerning the dispute and the operation of any Internal Resolution process outlined in this Procedure.

7. Additional Support

Councillors have access to confidential, professional support through the Employee Assistance Program (EAP), provided by Converge International. This service offers expert advice and assistance on a wide range of mental health and wellbeing matters.

While Councillors are not employees of Council, they are still eligible to use this service. Additional information is available in the Councillor Portal under Key Documents > Employee Assistance Program.

8. Formal Dispute Resolution Procedures

The Internal Resolutions processes operate alongside, and do not replace, the formal dispute resolution procedures outlined in the Act. These include the Internal Arbitration process (section 141) for any breach of the Model Councillor Code of Conduct, and Councillor Conduct Panel hearings (section 154) for alleged serious misconduct.

9. Review and Revision History

Version Number	Date Approved	Approved By	Review Summary
1	10 June 2025	Council	Internal Resolutions Procedure developed in accordance with section 140 of the LGA 2020 and required to be adopted by 1 July 2025

9.1 Administrative Updates

Minor amendments to this document may be required from time to time. Where amendments do not materially alter the intent of a document, they will be made administratively and approved by the Document Owner.

9.2 Document Control Disclaimer

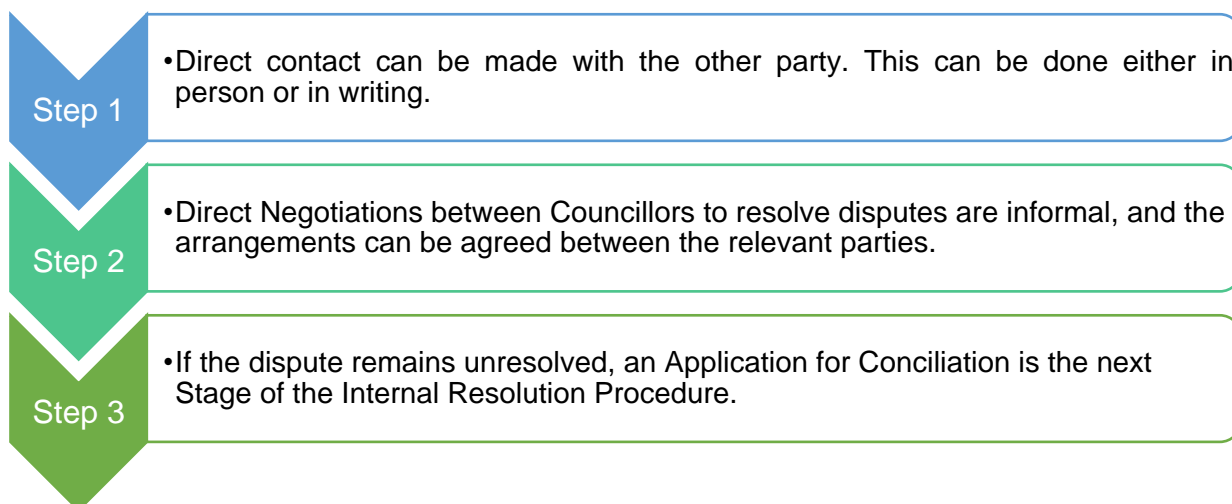
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Appendix 1 – Internal Resolution Process Flowcharts

The Internal Resolutions processes operate alongside, and do not replace, the formal dispute resolution procedures outlined in the Act. These include the Internal Arbitration process for any breach of the Model Councillor Code of Conduct, and Councillor Conduct Panel hearings for alleged serious misconduct.

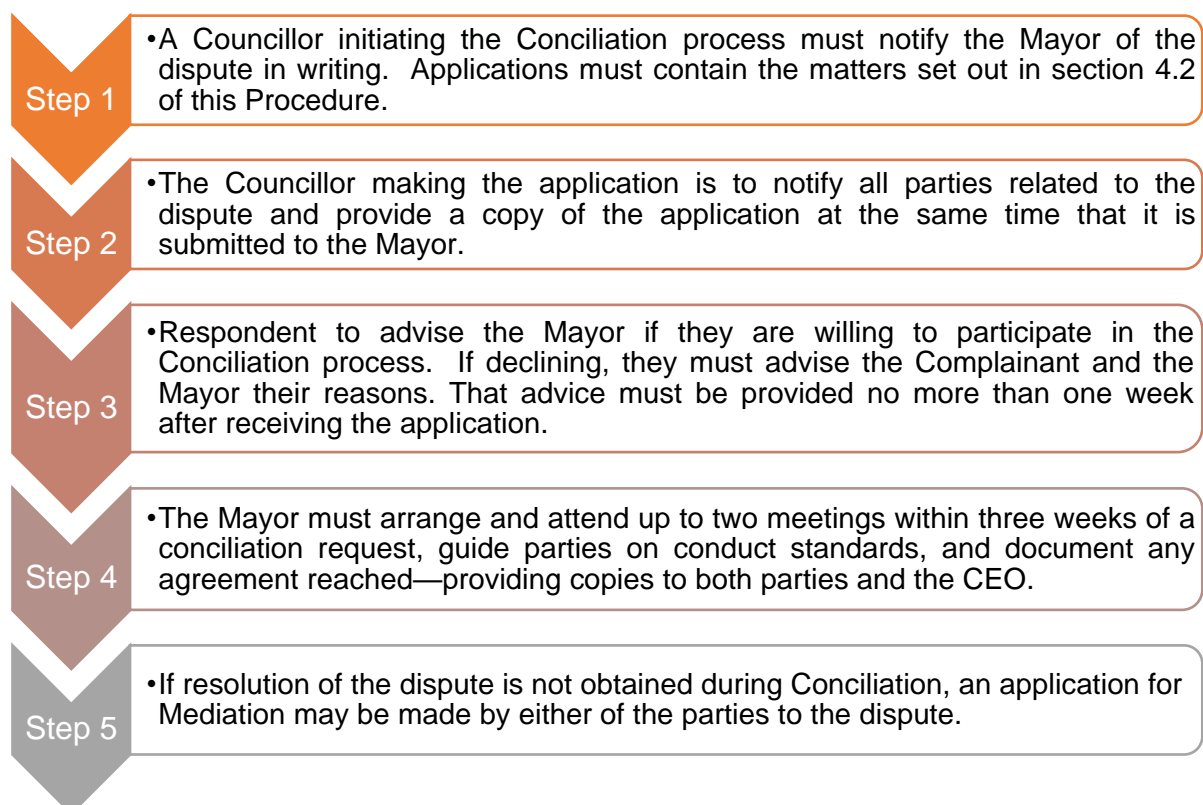
1. Direct Negotiation

Where they feel comfortable to do so, Councillors are encouraged to raise their issue directly with the other party or parties, in a respectful and courteous manner.



2. Conciliation

Where a direct conversation between Councillors has not been successful in resolving the dispute, or a Councillor does not feel comfortable communicating directly with another Councillor, an application for Conciliation can be made.



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Appendix 1 – Internal Resolution Process Flowcharts

3. Mediation

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