



GREATER SHEPPARTON CITY COUNCIL
**COUNCILLOR INTERNAL
RESOLUTION PROCEDURE**

Effective: **Day Month Year**



Councillor Internal Resolution Procedure

Version:	2
Business Unit:	Corporate Governance
Responsible Officer:	Manager – Corporate Governance
Adopted By:	Council on XX Month 2026
Next Review:	Month 2030

1. PURPOSE

This Councillor Internal Resolution Procedure (**Procedure**) is adopted under and in accordance with section 140 of the *Local Government Act 2020 (Act)* and regulation 12A of the *Local Government (Governance and Integrity) Regulations 2020*.

This Procedure will be observed when dealing with alleged breaches of the Model Councillor Code of Conduct. It provides both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships.

2. OBJECTIVE

This Procedure is designed to minimise cost and disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of an internal arbitration.

3. SCOPE

Disputes between Councillors may arise in a variety of circumstances. This Procedure is to apply to those disputes in which one Councillor (**the Complainant**) alleges that another Councillor (**the Respondent**) has breached the Model Councillor Code of Conduct.

It is acknowledged that this Procedure will not be suitable for resolution of all disputes between Councillors.

Throughout this Procedure, various functions are conferred on the Mayor. When reference is made to the Mayor it includes:

- (a) the Deputy Mayor, when the Mayor is a party to the dispute or unavailable to perform the function; and
- (b) a Councillor jointly chosen for the purpose by the parties, if both the Mayor and Deputy Mayor are parties to the dispute or both are unavailable to perform the function.

An overview of the Procedure is annexed, in the form of a flowchart.

4. DEFINITIONS

Reference term	Definition
Complainant	The Councillor/s who has reported an allegation of a breach of the Model Councillor Code of Conduct.
Respondent	The Councillor who is the subject of the allegation.

5. PROCEDURE

5.1 First Stage of Internal Resolution Procedure - Discussion

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:

- a. Certain behaviors and communications may be perceived by other to be causing issues or offence that may not have been intended;
- b. it can provide useful insight to reflect on their own behaviour or motivation and possible contribution to the dispute, whether intended or not; and
- c. 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 (e.g. "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.

5.2 Second Stage of Internal Resolution Procedure - 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, the second stage of this Procedure is conciliation.

5.2.1 Initiating conciliation

A Complainant initiating conciliation must notify the Mayor and the Respondent of the dispute by completing a Conciliation Application Form. That form (see Attachment 1 to this Procedure) must:

- a. specify the names of the Complainant and Respondent;
- b. specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- c. detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- d. attach any supporting information to provide examples of the behaviour complained of (eg. screenshots or emails); and
- e. be dated and signed by the Complainant.

5.2.2 Participating in conciliation

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

A Respondent declining to participate in the 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 Conciliation Application Form.

5.2.3 Conduct of conciliation

Conciliation is to be conducted by the Mayor.

5.2.4 Roles and responsibilities

The role of the Mayor is to 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.

The role of the 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.

All Councillors are responsible for conducting themselves in a courteous and respectful manner at all times during the conciliation.

The role of the Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct the conciliation.

5.2.5 Support from Council

Council, through the Councillor Conduct Officer, will provide administrative assistance to the Mayor when arranging a time and place for conciliation, including any technical assistance that may be required. Council will make a venue available to the Councillors within Council's offices that is private and suited to the conciliation 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.

5.2.6 End or termination of conciliation

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

- a. the parties cannot jointly choose a Councillor to conduct the conciliation within one week of being asked to do so;
- b. the Respondent notifies the Mayor that they do not wish to participate in conciliation, and the reasons for it, within one week of receiving the Conciliation Application Form;

- c. the Respondent does not respond to the Conciliation Application Form at all within two weeks of receiving it;
- d. conciliation has not occurred within four weeks of the Complainant submitting the Conciliation Application Form;
- e. conciliation has occurred and the parties have been unable to resolve the dispute; or
- f. the dispute has been resolved.

The time for conciliation 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.

5.2.7 Confidentiality

Parties and other participants are expected to maintain confidentiality concerning the dispute and the operation of this Procedure.

5.2.8 Record of outcome

The Mayor must document any agreement that is reached between the Complainant and Respondent. The agreement must be signed by the Complainant, Respondent and Mayor. Copies must be provided to the Complainant and Respondent, and the original must be retained by the Mayor. Again, parties and the Mayor are expected to maintain the confidentiality of the agreement reached.

5.3 Third stage of Internal Resolution Procedure – External Mediation

Where a conciliation process has been undertaken but not been successful in resolving the dispute, or the parties in dispute and the Mayor agree in writing that the conciliation process should be bypassed, the next stage of this Procedure involves engaging an external mediator.

5.3.1 Initiating an external mediation

A request for external mediation may be made by the Complainant, whether following completion of the conciliation process or upon the parties in dispute and the Mayor reaching written agreement that the conciliation process be bypassed. This can be done by completing a Mediation Application Form. The form must:

- a. specify the names of the Complainant and Respondent, being the parties to the dispute;
- b. specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached;
- c. detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct;
- d. detail dispute resolution processes attempted and the reasons why an external mediator is requested;

- e. attach any supporting information to provide examples of the behaviour complained of (e.g. screenshots or emails); and
- f. be dated and signed by the Complainant, and by the Mayor (where the Mayor's agreement is required).

Forms will be received by the Councillor Conduct Officer who will, in confidence, confirm receipt of the request to the parties to the dispute, copying in the Mayor. The Councillor Conduct Officer will advise the Chief Executive Officer of the application.

5.3.2 Participating in an external mediation

The Councillor Conduct Officer must seek confirmation in writing that the parties to the dispute are willing to attend an external mediation.

If the Respondent declines to participate, they must give written reasons for doing so to the Councillor Conduct Officer who will, in turn, provide a copy of the reasons to the Complainant and the Mayor (see further Section 0 of this Procedure). Once received, the Councillor Conduct Officer is not required to take any further action.

5.3.3 Engaging an external mediator

If the parties confirm their willingness to participate in an external mediation, the Councillor Conduct Officer will recommend an external mediator to the parties, and advise the Mayor of their recommendation. The parties and/or Mayor may also suggest a suitable mediator for consideration.

Engagement of an external mediator must comply with Council's Procurement Policy.

Council will cover the cost of the external mediator.

5.3.4 Roles and responsibilities

The role of the external mediator is to actively explore whether the dispute can be resolved by agreement between the parties and to keep the Mayor informed of the progress of the external mediation.

The role of the 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. Councillors are responsible for always conducting themselves in a courteous and respectful manner during the mediation.

The role of the Councillor Conduct Officer is to provide the external mediator with the administrative support necessary to arrange and conduct the external mediation.

5.3.5 Terms of engagement

Throughout the external mediation process, the parties and the Mayor are required to maintain confidentiality, act with goodwill and integrity and uphold the standards outlined in the Model Councillor Code of Conduct.

5.3.6 Support from Council

Council, through the Councillor Conduct Officer, will provide administrative support to the external mediator when arranging a time and place for mediation, including any technical assistance that may be required. Council will make a venue available to the Councillors (whether within Council's offices or elsewhere) that is private and suited to the mediation 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 the mediation. The parties to a dispute may seek their own legal or other advice at their own cost if they choose to do so.

5.3.7 End or termination of mediation

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

- a. the parties cannot jointly agree on an external mediator to conduct the mediation process within one week of being asked by the Councillor Conduct Officer to do so;
- b. either party notifies the Councillor Conduct Officer that they do not wish to participate in external mediation and the reasons for it (which reasons must be based on adverse health or wellbeing or safety concerns) within one week of receiving the Mediation Application Form;
- c. one party does not confirm their willingness to participate in an external mediation within two weeks of receiving the Mediation Application Form;
- d. mediation has not occurred within four weeks of the Mediation Application Form having been sent to the parties to the dispute;
- e. mediation has occurred and the parties have been unable to resolve their dispute; or
- f. the dispute has been resolved.

The time for 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.

5.3.8 Record of outcome

The external mediator must document any agreement that is reached between the Complainant and Respondent as a result of the mediation process. The agreement must be signed by the Complainant, Respondent and external mediator. Copies must be provided to the Complainant and Respondent, the Mayor, the Councillor Conduct Officer and Chief Executive Officer, and the original must be retained by the external mediator.

All such persons must maintain the confidentiality of the documented agreement and not disclose its existence or contents to any person whose position or role is not referred to in this paragraph.

6. Councillor Internal Resolution Procedure does not apply in these circumstances

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.

7. Formal Dispute Resolution Procedure

This Procedure operates alongside, and does not replace, the formal dispute resolution procedures outlined in the Act.

The formal dispute resolution procedure applies to misconduct, serious misconduct and gross misconduct.

Section 141 of the Act provides for an internal arbitration process concerning a breach of the Standards of Conduct set out in the Model Councillor Code of Conduct.

8. RELATED POLICIES

- Model Councillor Code of Conduct

9. RELATED LEGISLATION

- *The Local Government Act 2020*
- *The Local Government (Governance and Integrity) Regulations 2020*

10. REVIEW

This policy is to be reviewed by the Manager Corporate Governance every four years, or earlier as required.

11. ATTACHMENTS

- Conciliation Application Form

12. ANNEXURE

- Councillor Internal Resolution Procedure Flowchart

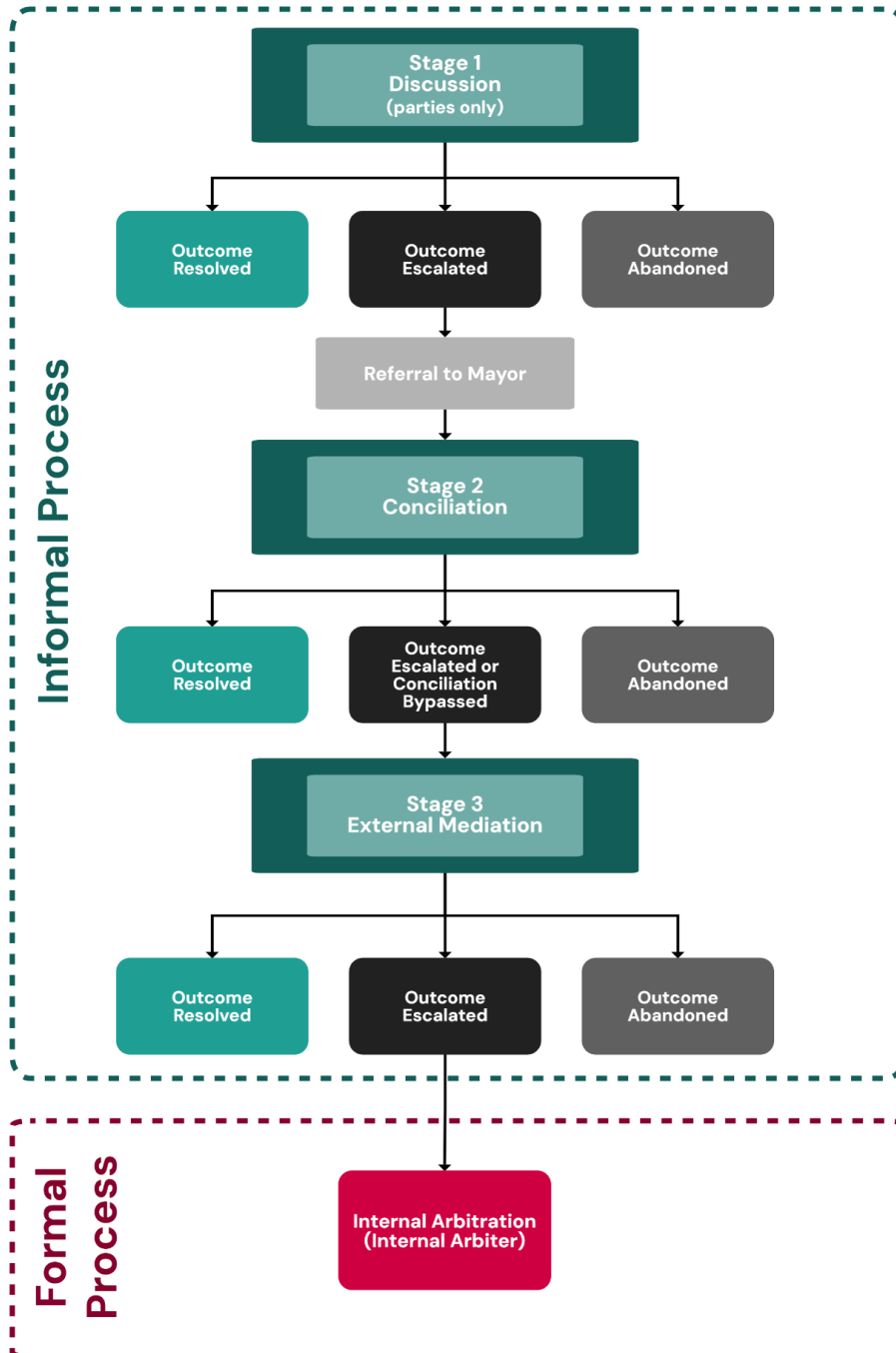
Attachment Conciliation Application Form

Complainant:	<div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div>
Respondent:	<div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div>
Provisions of Model Councillor Code of Conduct breached:	<div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div>
Action constituting breach: (Include dates, times and detailed descriptions of the action complained of. Attach further documents as necessary.)	<div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div>

Signed by _____)
 _____)
 _____)
 _____)
 on _____)
 _____)

Annexure

COUNCILLOR INTERNAL RESOLUTION PROCEDURE FLOWCHART



DOCUMENT REVISIONS

Version #	Date Adopted	Date Effective
1.	25 February 2025	25 February 2025
2.	XX Month 2026	XX Month 2026