

Council Policy - Elected Member Dispute Resolution

Responsible Directorate	Executive Services
Responsible Business Unit/s	Governance
Responsible Officer	Chief Executive Officer
Affected Business Units	Governance Executive Services

Objective

The objective of this Policy is to:

- promote respectful, functional and professional working relationships between Elected Members;
- provide clear actions for dispute resolution between Elected Members through early intervention and dispute resolution strategies;
- encourage timely engagement before disputes escalate into formal complaints;
- support Elected Members in fulfilling statutory obligations under the *Local Government Act 1995*.

Scope

This Policy applies to disputes, grievances or interpersonal conflict between two or more Elected Members outside an alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates.

This Policy does not apply where legislative reporting obligations are triggered or criminal or corrupt conduct is alleged.

Policy

Introduction

Council has a role under the *Local Government Act 1995* to govern the local government's affairs and be responsible for the performance of the local government's functions (section 2.7(1)). Individual elected members also have a role to facilitate and maintain good working relationships with other Elected Members, the President and the Chief Executive Officer (section 2.10(1)(d)).

Council acknowledges that disagreement is a normal part of democratic governance. However, unresolved conflict between Elected Members can undermine effective decision-making, organisational leadership and public trust.

This Policy establishes a governance-based, transparent and staged approach to resolving disputes between Elected Members through informal resolution, facilitation and mediation, aligned with contemporary dispute resolution principles. Any associated costs under this Policy will be borne by the Shire.

Guiding Principles

Early and informal resolution

Disputes are addressed as early as possible, using the least formal mechanism appropriate, irrespective of the origin of the issue.

Professional Conduct

Elected Members act respectfully, focus on issues rather than individuals, and behave consistently with the Code of Conduct for Council Members, Committee Members and Candidates.

Diverse Perspectives

Elected Members actively listen to differing opinions and acknowledge diverse views can enhance decision-making and lead to better outcomes for the Shire.

Confidentiality

All parties' respect confidentiality throughout the resolution process.

Impartiality and Fairness

Any facilitation or mediation is neutral and independent.

Good Faith Participation

Participants engage honestly, constructively and with a genuine commitment to resolution.

Dispute Resolution Framework

The following steps are encouraged and supported under this Policy (refer to Appendix 1 for a flowchart); however, Elected Members can choose to proceed in any order.

Step 1: Define the Issue

The Elected Member experiencing the dispute should, where possible:

- clearly identify and define the issue or behaviour causing concern;
- focus on factual events (what, when, where) rather than assumptions or intent;
- acknowledge their own contribution to the situation;
- reflect on what outcome would best support the Shire (Elected Members, Employees and the Community).

Step 2: Direct Discussion (Self-Resolution)

Where safe and appropriate, Elected Members are encouraged to:

- arrange a discussion in a neutral and private setting with the affected parties;
- allow each party to explain their perspective without interruption;
- use respectful, professional language and "I" statements;
- seek clarity and understanding rather than assigning blame.

Consider whether a support person is required to attend the meeting.

If resolved, no further action is required.

Step 3: Informal Facilitated Discussion

If direct discussion is not appropriate or is unsuccessful, it may proceed to a facilitated discussion with a neutral facilitator. Facilitation is an informal process which aims to clarify issues, reset expectations and identify practical steps forward.

Where both parties agree to proceed with a facilitated discussion, the Elected Members shall submit a written request to the Chief Executive Officer, who will coordinate a facilitator.

A facilitator must be neutral and may be recommended by either party or the Chief Executive Officer. Both parties must agree to the appointment and to participate, in good faith, in any arranged meetings.

A facilitator will be engaged in accordance with Council Policy - Procurement of Goods or Services up to \$250,000. The appointment of a facilitator may be treated as an exempt purchase under the Shire's Council Policy - Procurement of Goods or Services up to \$250,000, provided the facilitator is selected from the WALGA Panel of Preferred Suppliers or the Common Use Arrangement HRS2021 - Human Resource and Investigation Services (Category 1). If no suitable supplier can be found, the Procurement Policy and applicable thresholds must be followed.

If more than three informal sessions are required to resolve the matter, the dispute resolution must proceed to Step 4.

Step 4: Mediation

Where a dispute remains unresolved, formal mediation may be requested. Both parties must, in writing to the Chief Executive Officer, agree to participate in mediation.

Mediation will be coordinated by the Chief Executive Officer.

An external mediator with appropriate qualifications will be engaged in accordance with Council Policy - Procurement of Goods or Services up to \$250,000. Both parties must agree to the appointment of the particular mediator and to participate, in good faith, in any arranged sessions.

The appointment of a mediator will be treated as an exempt purchase under the Shire's Council Policy - Procurement of Goods or Services up to \$250,000, provided the mediator is selected from the WALGA Panel of Preferred Suppliers or the Common Use Arrangement HRS2021 - Human Resource and Investigation Services (Category 1). If no suitable supplier can be found, the Procurement Policy and applicable thresholds must be followed.

Mediation will follow recognised dispute resolution principles, including:

- defining the problem;
- identifying common goals;
- exploring mutually acceptable solutions;
- agreeing on actions and commitments;
- recording outcomes (where appropriate).

Mediation outcomes may include apologies, behavioural commitments, communication protocols, or agreed follow-up actions.

The Mediator is to prepare a Confidential report for the Chief Executive Officer on any agreed actions and outcomes.

Step 5: Escalation

If mediation is declined by one or more parties, fails to achieve resolution, or the matter escalates into an alleged breach of the Code of Conduct, the Elected Member may utilise another formal process such as the Code of Conduct or other relevant legislation.

Roles and Responsibilities

Elected Members

- Act professionally and respectfully.
- Engage in dispute resolution in good faith.
- Maintain confidentiality.

President (if not a participant)

- Encourage early resolution.
- Facilitate discussions where appropriate.
- Maintain neutrality.

Chief Executive Officer

- Provide procedural guidance and governance oversight.
- Provide advice on appropriate resolution pathways.
- Approve and coordinate mediation arrangements.
- Ensure appropriate records are maintained.

Definitions

Code of Conduct Complaint means a complaint made under the *Local Government (Model Code of Conduct) Regulations 2021*.

Dispute means a disagreement or conflict between Elected Members related to behaviour, communication or working relationships.

Facilitated discussion means an informal, structured conversation assisted by a neutral facilitator.

Mediation means a voluntary, confidential process involving an independent third party to assist in resolving a dispute.

Support person means a person who provides emotional support during meetings. They are not advocates or representatives and do not speak on behalf of the Elected Member. They may take notes, request breaks and provide reassurance. A support person cannot be a Shire of Serpentine Jarrahdale Elected Member, Committee Member or employee.

Related Documents

- Code of Conduct for Council Members, Committee Members and Candidates
- Council Policy – Behavioural Complaints Procedure Policy
- Business Operating Procedure – Grievance Management
- Council Policy – Procurement of Goods or Services up to \$250,000

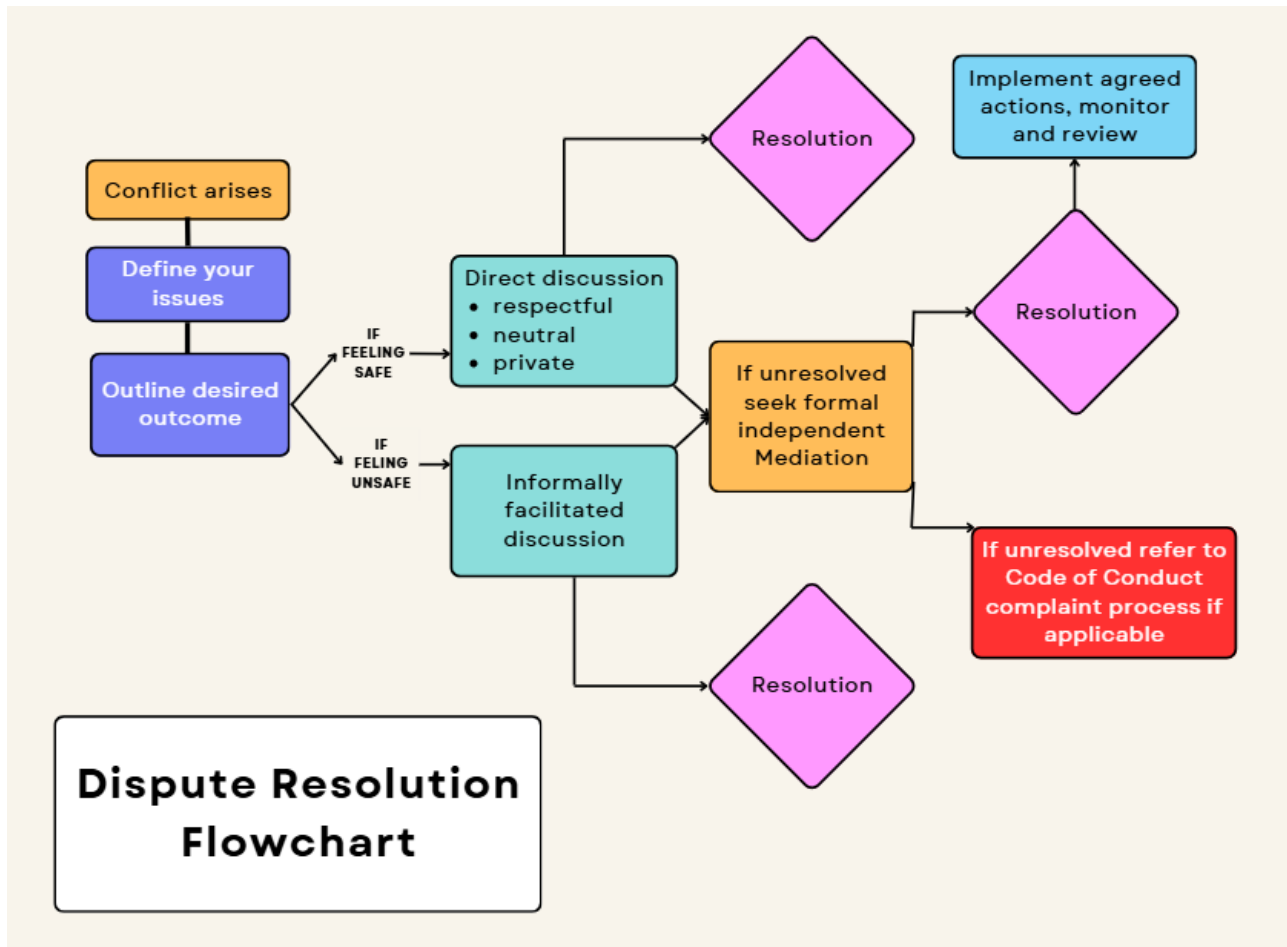
Legislation / Local Law Requirements

- *Local Government Act 1995*
- *Local Government (Model Code of Conduct) Regulations 2021*

Amendment Record

Relevant Delegations		Nil.	
		Date	Resolution Number
Council Adoption		20 July 2026	OCM-208-2026
Version	Date	Resolution Number	Amendment Details

Appendix 1



Key Conflict Resolution Steps:

1. **Define the problem or issue of disagreement:** Define the core issue that you have identified and create an outline that can be presented in a way that brings affected parties to the table to engage in open, respectful discussion. You may also wish to seek advice from the Chief Executive Officer.
2. **Set a time and place for discussion:** Meet in a neutral, private setting and allow each party to express their perspective without interruption. Consider whether a support person is required.
3. **Go beyond the conflict and identify other barriers:** How do you each contribute to the problem? Conflict is rarely a result of one person solely being at fault in a situation. Communicating to each other not only what the other person has done wrong but identifying your own contribution will open discussion. Consider emotions or occurrences that may have acted as a resolution barrier.
4. **Establish a common goal:** Now that you have insight into why the conflict occurred, adopt a solution oriented approach. How does each party think the problem should be resolved? What is their ideal outcome? If the issue is professional, what is in the best interest of the business? If the issue has also become personal, you may want to focus on trust building.
5. **Explore solutions together:** Brainstorm options, focusing on win-win outcomes. Evaluate these options based on fairness and mutual benefit.

6. **Agree on how each individual will work toward this solution:** Select the best solution and create a clear, actionable plan. Make a record of the agreement and check back later to ensure it is working, which reinforces accountability. Getting all parties to agree on the final solution may be challenging but highlight the benefits of the solution to the individuals and to the organisation.
7. **Set up another meeting.** Discuss progress or hurdles.

Key Strategies for Success:

- **Keep it professional:** Focus on the problem, not personalities. Avoid placing blame, use "I" statements to express your feelings instead of "you" statements that accuse.
- **Manage emotions:** Take a break if the conversation becomes too heated. Use techniques to manage stress in the moment. Consider having a support person in the room.
- **Consider mediation:** If a resolution cannot be reached, involving a neutral third party can help facilitate communication.