

**ARBITRATION PURSUANT TO DIVISION 5 OF PART 6 OF
THE
LOCAL GOVERNMENT ACT 2020**

**Internal Arbitration Process – Kingston City Council
(IAP 2026-9)**

Applicant: Councillor Hadi Saab

Respondent: Councillor Jane Agirtan

Date of Hearing: 6 July 2026

Arbiter: Louise Hill

DECISION AND STATEMENT OF REASONS

Application

1. Cr Hadi Saab made an application for an internal arbitration process to make a finding of misconduct against Cr Jane Agirtan on 19 March 2026 in relation to social media story on her Facebook and Instagram and on a South East Community Forum (Facebook) posted by Cr Agirtan on 10 January 2026. The stories were entitled *Let's talk about men who creep* which Cr Saab claims referred to him and members of his family as stalkers, creeps or lurkers and used such terms such as 'habibtis'. The application states that Cr Agirtan then made follow up comments on others' comments implying that Cr Saab was following her, calling him a 'little worm' and a 'chamber lurker', and that her comments encouraged others to make further comments and that she suggested starting a trend of 'post your creeps'.
2. As part of Kingston City Council's internal process, mediation was arranged in February 2026 between Cr Saab and Cr Agirtan without a mutually agreed outcome being achieved.
3. Cr Saab alleges that Cr Agirtan's actions have breached four clauses of Model Councillor Code of Conduct set out in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020: clause 2(1)(a), clause 2(1)(b), clause 4(1)(a) and clause 4(1)(b) and that these breaches constitute misconduct under the *Local Government Act 2020*:

Directions Hearing

4. A Directions Hearing was held on 24 May 2026 via Microsoft Teams. In attendance were Cr Saab, Cr Agirtan and the Council's Acting Councillor Conduct Officer, Freya Carlson.

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5. At the Directions Hearing, Cr Agirtan stated that she had made the posts as claimed in the application but that some of the allegations made in the application were inaccurate, requiring the matter to be heard. I outlined the process for arbitration to both parties and set the timelines for Cr Saab to provide any further evidence regarding his application and for Cr Agirtan to provide a response. A list of witnesses was also requested for each of the parties, together with a short summary of what evidence the witnesses would provide.

Materials for Cr Saab

6. Cr Saab sent additional material to the Acting Councillor Conduct Officer (CCO) on Sunday 5 July 2026, which was less than 24 hours before the scheduled hearing on 6 July 2026. I instructed the Acting CCO to advise Cr Saab that we would discuss this at the start of the hearing as the deadline for his materials of 8 June 2026 was long past. The materials were not provided to the respondent, nor were they reviewed by me.

Response to the Application from Cr Agirtan

7. Cr Agirtan provided a response to the application, witness statements from three Councillors and additional materials of social media screenshots, definitions of terms and copies of emails sent by the respondent:
 - 13 September 2025 to the CEO Kingston City Council about safety
 - 15 February 2026 response to the CCO email of 12 February 2026 about conciliation process with Cr Saab
 - 18 March 2026 thread to the mediator regarding mediation with Cr Saab
 - 8 April 2026 to PCCR claiming 'vexatious' arbitration application by Cr Saab
8. Cr Agirtan responded that she has been subjected to prolonged harassment stalking and threats, resides at a suppressed residential address and has had several Personal Safety Intervention Orders, all of which have resulted in a heightened sensitivity to unwanted contact. She claims to have a neurodivergent style and uses humour, satire and blunt language. She has blocked Cr Saab and his family from her social media accounts and claims she has been subjected to monitoring of her social media activity.
9. Cr Agirtan accepts that she made social posts and comments on 10 January 2026. She states that while she was able to retract her post from her own Facebook and Instagram accounts she cannot retract the comments on the South East Community Forum page, as she is not the owner of this forum. She agrees that she posted the names of the Saab family who were observing her post and comments.
10. Cr Agirtan participated in mediation and while she issued a retraction, she did not apologise or acknowledge harm. Her response claims that Cr Saab has failed to produce evidence of harm, humiliation, distress or reputational damage. She asserts that as she removed the post, voluntarily issued a public clarification and retraction, there should be no finding of misconduct.

Witness Statements from Cr O'Donnell, Cr Oxley and Cr White

11. Witness statements were included in Cr Agirtan's response to the application. These statements outline the relationship and interactions between Cr Saab and female councillors including Cr Agirtan. They do not refer to the social media posts of Cr Agirtan or provide evidence directly relevant to the application.

Mediation

12. Conciliation process was commenced in February 2026, as per the Council's Internal Resolution Procedure. An external mediator Mr Tony Raunic, Hunt and Hunt Lawyers was appointed. Mr Raunic conducted the mediation process and sought to achieve resolution with a retraction of the post. He provided suggested wording for an explanation of the retraction, an apology and an acknowledgement of the hurt.
13. Cr Agirtan states that as part of mediation, she removed the 10 January posts on 17 March which she states eliminated any possibility of misunderstanding. The retraction stated:

"I acknowledge that a social media story published on my Facebook and Instagram accounts on 10 January 2026 contained inaccuracies. I unreservedly retract that post. I also acknowledge that a related post in a local community Facebook group published on the same date has been removed. Subsequent third-party commentary generated concern amongst some community members. This was unintended and the post has been deleted to prevent further comment or misunderstanding."
14. This retraction does not include the suggested wording of the mediator which included an apology and did not acknowledge any hurt or harm.

Arbitration Hearing

15. The arbitration hearing was held 6 July 2026, in the Councillor Room of the Kingston City Council and attended by Cr Saab (applicant) and Cr Agirtan (respondent) and Ms Freya Carlson Acting CCO. The arbitration hearing was recorded online.
16. Cr Saab requested that a fellow Kingston City councillor attend the hearing as his support person. I declined this request as the councillor would have knowledge of the interactions between the applicant and respondent and would then be party to confidential content arising in the hearing.
17. I also advised Cr Saab that he could table any of the materials he sought to supply on 5 July, as long as they were relevant and provided evidence to his application.
18. Cr Agirtan agreed that she had made social media stories and comments and had stopped short of issuing an apology for the inaccuracies or harm the matters created for Cr Saab and his family. Cr Saab said he had not directed family members to search Cr Agirtan's social media. He stated that his mother and father saw one story each and his brother had seen two, based on Cr Agirtan's screenshots of their views. He said that his family was unaware of Cr Agirtan's criticism of their viewing of her posts
19. In these posts, Cr Agirtan has made comments about a 'chamber lurker' and someone following her in a car. She confirmed in the hearing that these comments were not about Cr Saab, even though he thought she was labelling him. He also perceived that a critical 'scorecard' she made on social media which contained a long list of derogatory comments and included labelling as the 'Deranged and Obsessed Department' did not refer to Cr Saab either.

Did Cr Agirtan contravene the Model Councillor Code of Conduct?

20. The applicant, Cr Saab, has requested a finding of misconduct for breaches of the following clauses of the Model Councillor Code of Conduct.

2(1) A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect, including by

- (a) not engaging in demeaning abusive, obscene or threatening behaviour, including where the behaviour is of a sexual nature
- (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping prejudice or aggression against a person or class of persons

4(1) A Councillor must act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including by

- (a) ensuring that their behaviour does not bring discredit upon the Council.
- (b).not deliberately misleading the Council or the public about any matter related to the performance of their public duties.

21. The application alleges that Cr Agirtan posted social media stories and comments on her own Facebook and Instagram accounts and a South East Community Forum on Facebook on 10 January 2026 which identified her as Independent for Chicquita Ward, City of Kingston. The posts carried the title *"Let's talk about men who creep"* and included screenshots of Saab family members. *"Your entire bloodline camped out in my digital business – daily. Is it obsession? Addiction?" ... "I mean, I'm flattered, but why be so sneaky-creepy?" But don't worry, habibtis, comrades! I'm screen recording, I'm time-stamping. I'm filing every receipt."*
22. The post then received a several comments:
- one which labelled the Saab family as *"fixated and obsessed"*,
 - another which stated *"This behaviour against this woman Councillor is called STALKING"* and
 - another *"....this little worm"...*
23. Cr Agirtan made follow up comments, referring to *"....the beat-up P-plated shitbox that was following me home has stopped. Amazing what a few photos of the driver, the plates and a request for the CEO to pull the CCTV does for curing creepy behaviour. And then there's the chamber lurker – the one who sits there staring and licking his lips like a dehydrated lizard."* Finally commenting *"we should start a trend of "post your creeps" in the interests of full transparency."*
24. Cr Agirtan has accepted that she made the social media stories and comments. She has issued retractions and accepts that they were inaccurate and that concerns were created by third party commentary. She stated in the hearing that she was not referring to Cr Saab or his family as stalking her in a car or being the 'chamber lurker'.
25. The Model Councillor Code of Conduct establishes a minimum standard for how councillors behave towards people. The purpose or intention of Clause 2(1) is to require councillors to act with dignity, fairness, objectivity, courtesy and respect, avoiding humiliating, belittling behaviour or using their public position to shame others.

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26. Clause 2(1)(a) prevents specific conduct which, amongst other things, insults, name calls, or threatens someone. Clause 2(1)(b) prohibits deliberate behaviour contributing broader social harm because the person belongs or is perceived to belong to a particular group. It prevents councillors from degrading stereotyping, encouraging hostility towards a group, or stigmatising a group as inferior, dangerous, unwelcome or dishonest.
27. I consider that the initial posts have breached clause 2(1) as calling people who view online social media content as 'creeps' is belittling and humiliating, failing to act with courtesy and respect. Posting screenshots of three members of the Saab family who visited the Facebook forum and Cr Agirtan's page were deliberate actions to identify them. Use of the term 'creeps' further breaches clause 2(1)(a) as name-calling. The term 'habibti' is an Arabic word used across Arabic speaking cultures between family and friends. Cr Agirtan claims she used it as a harmless term of endearment. Using 'habibtis' in the context of this post I find is deliberately derogatory, particularly used by a non-Arabic speaker. Furthermore Cr Agirtan's post and comments encouraged hostility from others which were also labelling and belittling. I consider the use of these terms to be breach of clause 2(1)(b).
28. Cr Agirtan states that she is neuro-divergent and does not communicate in a conventional neurotypical manner. Whilst I accept her self-assessment of her communication style, I do not consider that this excuses or exempts her from the behaviour standards for councillors established under the Model Councillor Code of Conduct. I also note that she has a personal history of unwanted harassment, threats and stalking which has heightened her vigilance. I do not accept that she has established grounds for claiming that Cr Saab or his family has been engaged in observing, following or stalking her by viewing her social media stories which in any way justifies her outburst on online.
29. Clause 4(1) of the Model Councillor Code of Conduct requires an overarching obligation to act with integrity, exercise reasonable care and avoid conduct which may diminish public trust and confidence in the integrity of local government. Clause 4(1)(a) prohibits conduct which brings discredit upon the Council. Clause 4(1)(b) prohibits conduct which deliberately misleads the Council or the public.
30. Whilst Cr Agirtan's social media story and comments attracted negative comments from others, this does not indicate lowering the confidence in the integrity of local government, discrediting or harming the institutional reputation of the Council nor does it constitute deliberately misleading the Council or the public. The matters were not concerned with Council business or operations, even though the social media content was authored by Cr Agirtan. I therefore consider that there has been no demonstrated breach of Clauses 4(1)(a) or 4(1)(b).
31. In the hearing, both Cr Agirtan and Cr Saab committed to developing a strong, constructive and respectful working relationship for the betterment of the Council and the community they serve. In doing so, they will seek to model positive and collaborative conduct for their fellow Councillors.
32. I accept that Cr Agirtan has retracted her posts following the mediation in March 2026. However, she refused to issue an explanation, acknowledgement or an apology. If she had done so at the time, this matter would not have proceeded to arbitration. It is strongly suggested that Cr Agirtan moderate her extreme and intemperate language on social media.

Arbitration Decision

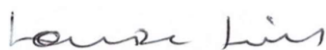
33. In relation to Cr Agirtan's obligations to comply with the standards of conduct under the Model Councillor Code of Conduct, I find that Cr Agirtan has engaged in misconduct by failing to comply with the standards of conduct specified in clauses 2(1)(a) 2(1)(b), based on the reasoning provided in paragraphs 27 and 28.
34. Based on the reasoning in paragraphs 29 and 30 above, I find that Cr Agirtan has not failed to comply with clauses 4(1)(a) and 4(1)(b) of the Model Councillor Code of Conduct.

Sanction

35. Submissions from Cr Saab and Cr Agirtan were received for consideration, in the event that a finding of misconduct was made. Both suggested that a penalty of directing Cr Agirtan to make a public apology in both the Council Chamber and on social media to be appropriate.
36. I direct that Cr Agirtan make verbal and written apologies to Cr Saab at the next Kingston City Council meeting at which this decision is tabled. The apology shall contain a clear acknowledgement of the conduct and its impact, acceptance of responsibility and a commitment to not repeat this inappropriate conduct either in person or online.
37. I further direct that Cr Agirtan make the following statements on her Facebook and Instagram accounts and on the South East Community Forum Facebook page.

I acknowledge that a social media story published on my Facebook and Instagram accounts on 10 January 2026 contained inaccuracies and I retracted and removed those posts. I apologise to the Saab family and I acknowledge that the posts and the third party comments have created concern and hurt for Cr Saab and his family. I commit to taking steps to ensure that future posts, my comments and third party comments that I endorse or permit to remain on social media accounts that I administer, do not humiliate or shame others or encourage hostility or adverse interactions towards them.

38. I direct that Cr Agirtan complete social media training within three months delivered by a suitably qualified provider and specifically relevant to the role and responsibilities of a councillor under the Model Councillor Code of Conduct. The training must address respectful online communication, the creation, commenting, liking and sharing of content; the moderation of third party comments on accounts administered by the Cr Agirtan, the distinction between personal and official social media use and the avoidance of conduct that humiliates shames, threatens, creates stigma or encourages hostility towards others.
39. Cr Agirtan must provide written evidence of completion to the Councillor Conduct Officer within seven days of completing the training.



Louise Hill
Arbiter
13 August 2026