

INTERNAL ARBITRATION PROCESS - MERRI-BEK CITY COUNCIL

In the matter of an Application by Cr Oscar Yildiz concerning  
Cr Adam Pulford

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

Application Number:	IAP 2025-13
Applicant:	Councillor Oscar Yildiz
Respondent:	Councillor Adam Pulford
Hearing Date:	8 October 2025
Before:	Arbiter Matt Evans

**DETERMINATION**

Pursuant to section 147(1) of the *Local Government Act 2020* (the Act), the Arbiter makes a finding of misconduct against Cr Adam Pulford, on the basis that he has breached Standards of Conduct 1, 2 and 4 of the Model Councillor Code of Conduct as set out in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020.

**SANCTION**

Pursuant to section 147(2)(b) of the Act, Cr Pulford is suspended from the office of Councillor for a period of 14 days commencing the day after this decision is tabled at the next Council meeting in accordance with section 147(4)(b) of the Act.

## STATEMENT OF REASONS FOR DECISION

### The Application

1. On 7 July 2025, Cr Yildiz applied under section 143 of the *Local Government Act 2020* (the Act) for an Arbiter to make a finding of misconduct against Cr Pulford.
2. Cr Yildiz alleged that Cr Pulford had breached Standard of Conduct 1 (Performing the Role of a Councillor), Standard of Conduct 2 (Behaviours) and Standard of Conduct 4 (Integrity) of the Model Councillor Code of Conduct (hereafter referred to as the 'MCCC') during the Merri-bek City Council Meeting on Wednesday 9 April 2025.
3. In summary, the alleged breaches relate to the conduct of Cr Pulford during debate on agenda item 7.2 'Rainbow Crossing Sites for Consultation'. This item contained a recommendation seeking council endorsement of eight identified locations for community engagement to help select two sites (one north and one south of Bell St) and designs for the installation of pride flags (rainbow crossings) on Council roads or footpaths. It also sought to refer the installation of the two rainbow crossings - at a cost of \$45,000 - to the 2025/2026 Council budget process for consideration. The Officer report outlines the policy context, potential sites, material selection, community consultation process, financial and resource implications, implementation and other matters.
4. Cr Yildiz voted against the motion for item 7.2. During debate on the item, it is clear from the recording of the council meeting that Cr Yildiz focussed on the cost of the installation of the two rainbow crossings as his primary reason not to support the motion that was finally passed by council.
5. In his application Cr Yildiz noted that he *'had presented a legitimate and respectful position regarding the allocation of public funds, raising concerns about whether the proposed expenditure represented the best use of ratepayers' money.'* He observes in the application that *'At no point did I attack any individual, nor did I oppose the principles of inclusion or equality. My remarks were focused entirely on policy, fiscal responsibility and the prioritisation of direct support for the LGBTIQA+ community.'*
6. Cr Yildiz alleges that during the debate on item 7.2 Cr Pulford made several statements that breached the Standards of Conduct in the MCCC. He further alleges that Cr Pulford's conduct during the debate *'reflected a deliberate choice to personalise the issue rather than engage respectfully about the report at hand.'*
7. During the debate on this item, Cr Yildiz called a *'Point of Order'*<sup>1</sup> on two occasions during Cr Pulford's address as a speaker in favour of the motion, and it is alleged that *'Cr Pulford continued speaking without pausing for the chair to make a ruling on the point of order'*. In doing so, Cr Yildiz alleges that Cr Pulford *'continued speaking over my objection, ignoring the proper process and preventing the Chair ... from addressing my concern regarding his personal and inappropriate remarks.'*

---

<sup>1</sup> 'Point of Order' is defined as *'a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting'* (section 2.4 Merri-bek Governance Rules, April 2024)

8. According to Cr Yildiz, *'Cr Pulford's behaviour showed disregard for Council meeting protocols and the Chair's role, which undermines the proper conduct expected in Council debates'*.

### **Process and Hearings**

9. Pursuant to sections 144 and 149 of the Act, the Registrar appointed the Arbiter on 2 September 2025.
10. After reviewing the application material, the Arbiter wrote to the Council's Councillor Conduct Officer and the parties on 12 September 2025 advising that a 'Directions Hearing' would be held via Council's online meeting platform on 25 September 2025. The 'Directions Hearing' primarily addressed procedural arrangements for the forthcoming in-person Hearing.
11. Following the Directions Hearing, directions were made by the Arbiter for the filing and serving of written submissions and documents on which the parties intended to rely at the Hearing, and a Hearing date was set for 8 October 2025.
12. On Wednesday 8 October 2025, the Hearing was held at Brunswick Town Hall and was attended by Cr Yildiz, Cr Pulford, Council's Councillor Conduct Officer, a representative of council's recording service, and the Arbiter.
13. After hearing submissions from the parties at the Hearing, reviewing video footage of the Council Meeting of 9 April 2025, and considering the documents filed by them, the Arbiter reserved his decision. The transcription of the 8 October 2025 hearing was provided to the Arbiter on 30 October 2025.

### **Alleged Breach of Standard of Conduct 1 - Submissions and Evidence of Cr Yildiz**

14. At the hearing, Cr Yildiz primarily relied on his Application material and provided a link to the publicly available recording of the Council Meeting of 9 April 2025. The recording of the debate on item 7.2 was viewed during the hearing.
15. Cr Yildiz alleged that Cr Pulford had breached Standard 1 ('Performing the Role of a Councillor') which requires that *'A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly'*. Specifically, Cr Yildiz referred to alleged breaches of Standards 1(a), (b), (c) and (e) (See Attachment 1 - Model Councillor Code of Conduct).
16. In summary, Cr Yildiz alleges that Cr Pulford's conduct during the debate was a breach of Standard of Conduct 1 because he (Cr Yildiz) raised two points of order in direct response to comments made by Cr Pulford, which he believed amounted to a personal attack and constituted a breach of the Merri-bek Council's Governance Rules (adopted April 2024), that were applicable at the time.

17. In the first instance, the application alleges that Cr Yildiz calls a 'Point of Order'. The Mayor refers to Cr Yildiz to presumably explain his Point of Order, and almost immediately Cr Pulford turns his attention to Cr Yildiz and asks what is akin to a rhetorical question '*What's the point of order, can you name it? I am debating the item*', and Cr Pulford then continues to address the meeting.
18. Cr Yildiz submits that Cr Pulford ignored the process outlined in Council's Governance Rules especially relating to Points of Order. He did not pause to allow the Chairperson (the Mayor) to consider the Point of Order, and he continued to speak, and it is alleged that this thereby undermined the Mayor's authority and the rights of Councillors to participate in an orderly debate.

#### Alleged Breach of Standard of Conduct 1- Submissions and Evidence of Cr Pulford

19. In response to the allegation of a breach of Standard 1 of the MCCC, Cr Pulford rejected the allegation that he failed to respect the authority of the Mayor as Chairperson. He noted that in relation to points of order, Merri-bek's Governance Rules state:

#### ***"3.10 Points of Order***

##### ***3.10.1 Raising a Point of Order***

- (1) A Councillor raising a Point of Order must state:***
  - (a) the Point of Order; and***
  - (b) any chapter, Rule, paragraph or provision relevant to the Point of Order***
- (2) The Chairperson must decide all points of order by stating the provision, Rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment."***

20. In summary, Cr Pulford argued that Cr Yildiz never specified which point of order he believed he had broken during the debate. Cr Pulford claims he briefly stopped his speech to ask which point of order Cr Yildiz believed he had broken. Cr Pulford claims that Cr Yildiz did not name the point of order, the Mayor did not rule on any point of order and did not direct Cr Pulford to take any action.

#### Findings of the Arbiter on Alleged Breach of Standard of Conduct 1

21. The Arbiter considered submissions and evidence from the parties in relation to the allegation of a breach of Standard 1 of the MCCC.
22. Rule 3.2.4 (5) of Council's Governance Rules states that the Chairperson '*must decide on all points of order in accordance with Rule 3.10*'. There is no discretion for the Chairperson when following that process once a point of order is called. However, for the Chairperson to follow this process, this requires the cooperation of Councillors in the 'thick of' debate.
23. To recap, Rule 3.10 Points of Order is as follows:

##### ***3.10.1 Raising a Point of Order***

- (1) A Councillor raising a Point of Order must state:***

- (a) *the Point of Order; and*
  - (b) *any chapter, Rule, paragraph or provision relevant to the Point of Order*
- (2) *The Chairperson must decide all points of order by stating the provision, Rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment."*
  - (3) *The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.*
  - (4) *All other matters before Council are suspended until the Point of Order is decided.*

24. Whilst it was not raised by either of the parties, the Arbiter notes rule 3.8.1 of the Governance Rules requires the following:

*3.8.1 Councillor allowed to speak uninterrupted*

*A Councillor who has the floor must not be interrupted unless called to order, or given notice by the Chairperson his speaking time has elapsed or is about to elapse, when he or she must sit down and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with [emphasis added].*

25. The Arbiter is not persuaded by Cr Pulford's explanation that 'Cr Yildiz did not name the Point of Order, the Mayor did not rule on any Points of Order and did not direct me to take any action'.
26. The Chairperson, the Mayor should have insisted that Cr Pulford pause, as soon as Cr Yildiz called a 'Point of Order'. Instead, Cr Pulford addressed Cr Yildiz directly and assertively to determine the nature of the point of order rather than directing his comments through the Chair.
27. Cr Pulford submitted at the hearing that Cr Yildiz's point of order wasn't valid because he didn't immediately refer to the chapter, rule, paragraph or provision relevant to the point of order. The Arbiter observes that Cr Yildiz was deferring to the Chair and had no opportunity to elaborate before Cr Pulford continued speaking. Cr Pulford submitted that if the point of order had been valid, the Chairperson would have stopped the meeting and ruled. The Arbiter does not accept this explanation and is concerned that Cr Pulford's conduct effectively sidelined Cr Yildiz's point of order and did not support the Chair in performing that role as required in the Governance Rules.
28. This breach reinforces the need for cooperation by Councillors and respect for the role of the Chair - in this case the Mayor. As soon as a 'point of order' is called, the Councillor who is speaking should not need to wait for a direction from the Chairperson to pause. The Chairperson's role should then be guided by fairness, impartiality, and efficiency. Conventions include immediate recognition, which in this case occurred (as the Mayor recognised that Cr Yildiz had called his first point of order). The Chair would then usually ask the Councillor to state the grounds for the point of order clearly and concisely, but by then Cr Pulford has already continued to speak. Consequently, there was no ruling on the point of order.

29. As a Councillor with recent experience as Mayor of Merri-bek for the 2023-24 term, these procedures should be well known to Cr Pulford. Cr Pulford did offer an explanation as to why Cr Yildiz's 'Point of Order' was effectively set aside, when he observed at the hearing that *'the practice at council has been sometimes that it's been informal in that the Mayor doesn't get involved'*. The Arbiter has viewed footage of 'points of order' from other Merri-bek meetings including when Cr Pulford was the Chairperson, which confirmed Cr Pulford's observation. This is both concerning in the context of this application but also for the integrity of the Governance Rules.
30. For the reasons outlined above, the Arbiter finds that Cr Pulford's conduct during the debate on item 7.2 was in breach of Standard 1 requiring that 'A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor.

#### Alleged breach of Standard of Conduct 2 - Submissions and Evidence of Cr Yildiz

31. Cr Yildiz alleged that Cr Pulford had also breached Standards 2(1)(a) and (b), and 2(3) ('Behaviours') and claimed that Cr Pulford's comments and tone during debate on item 7.2 were demeaning and abusive. He claims they are inconsistent with Standard 2(1) that requires that 'A Councillor must treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect'.
32. This allegation primarily relates to Cr Pulford's comments in the debate that *'We're a proudly diverse community here in Merri-bek and this motion should be celebrating that. I'm proud to support this motion tonight and I'm proud to know that pretty much every Councillor in this room will back this motion. I'm sorry to all community members that we have this duplicitousness in one of our Councillors, but I hope that we celebrate this motion being passed this evening.'*
33. This was referring to Cr Yildiz's failure to support the motion for Item 7.2 associated with consultation on 'Rainbow Crossings', when he had also signed a 'Rainbow Pledge' that included support for the Crossings in the lead up to the 2024 council elections. Cr Yildiz alleges that this remark, together with other comments made during Cr Pulford's address appeared to question his character and integrity, rather than engaging with the substance of the motion under discussion.
34. In a written direction issued on 25 September 2025, the Arbiter requested Cr Yildiz to provide a copy of the 'Rainbow Pledge' that he signed in the lead up to the 2024 council election. Cr Yildiz provided a copy of a document that contained a pledge in 5 parts, none of which referenced support for 'Rainbow Crossings'. The document included a 'source' at the end which linked through to the 'Rainbow Local Government (Victorian Pride Lobby), Local Council Candidate Pledge'.

When following this link, it takes the viewer to a pledge that was specifically for candidates for the 2024 election and did contain a pledge to support 'Rainbow Crossings'.<sup>2</sup> The Arbiter notes several additional online references relating to the candidate pledge in the lead up to the 2020 election that do not contain the 'Rainbow Crossing' section to the pledge. It appears that Cr Yildiz provided a copy of the contents of the 2020 pledge in response to the Arbiter's direction seeking a copy of the 2024 pledge.

35. The Arbiter took submissions from the parties on this matter. At the hearing, Cr Yildiz initially sought to cast doubt on whether he had signed the pledge that contained the specific section on the 'Rainbow Crossings'. When it was pointed out that the link he provided takes the viewer through to the 2024 version that does contain reference to 'Rainbow Crossings', Cr Yildiz acknowledged at the hearing *'The link is there, and let's say I did sign the Rainbow Pledge, saying that I'm happy to spend the money on rainbow crossings, there was no figure'*.
36. It was unnecessary and unhelpful for Cr Yildiz to equivocate on the version and substance of the pledge he endorsed. Whilst pledges are not binding, a candidate should at least be clear on what they have signed. This observation is made solely in relation to Cr Yildiz's contribution to these proceedings, and it has not influenced the Arbiter's findings on the substantive issues in this case.
37. In relation to the substance of the allegation, and in addition to the use of the term 'duplicitousness', Cr Yildiz alleges that Cr Pulford made multiple statements during the debate that were offensive, malicious and factually incorrect, and therefore did not treat him with dignity, fairness, objectivity, courtesy and respect'. These included:

*'I'm really disappointed that I enter another Council meeting with a positive item for the LGBTQIA+ community on the agenda with a sour taste in my mouth and a feeling that I should have to look over my shoulder or look behind me as I walked into the chamber and walked out of the chamber.*

...

*But here tonight we have a Councillor stirring up division and anger over queer issues once again.*

...

*The Councillor says it's not because it's about LGBTQIA+ issues, it's about costs. But if you look at the pattern of behaviour this Councillor has recently gone to the media to stir up community dissent over queer issues, including opposing the colourful and joyful drag story time events last year.*

...

*It's the same Councillor who went on radio in the last term of Council to accuse me of having a conflict of interest on a rainbow flag motion because I'm gay. This pattern of behaviour indicates it's not about cost; It's about something else.*

...

---

<sup>2</sup> The 2024 pledge included: 'Install a rainbow crossing (or maintain existing one) This vibrant symbol of Pride is more than just a crossing—it's a visible commitment to diversity, acceptance, and equality for all. Rainbow crossings help create a space where everyone feels seen and valued and make local communities a place where love and inclusion are always in the spotlight. We ask that candidates actively campaign for, and support, installing a rainbow crossing in the community (or maintain one if already installed!).

*This Councillor is happy to sign the rainbow pledge and say he will support LGBTQIA+ people when he wants our votes. But when he's in a position, when he's in a position to honour this pledge, he breaks it and goes on radio to spread division'.*

38. At the hearing, Cr Yildiz observed *'The term 'duplicitous' suggests deceitfulness and this is a very serious and unsubstantiated personal allegation against me. His remarks with his comments appear to be targeted at questioning my character and my integrity rather than engaging with the substance of the motion that was being discussed. He caused stigma towards me, there was a fair bit of aggression, anger towards me, it was a personal attack, it wasn't about a legitimate debate ...'*
39. In his submissions and at the hearing, Cr Yildiz described the impact that the comments during the debate of the 9 April 2025 Council meeting have had on his health and safety. He recounted these very serious threats and reflected that Standard 2(2) of the Code states that 'A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons'.

#### Alleged Breach of Standard of Conduct 2 - Submissions and Evidence of Cr Pulford

40. In response to the allegation of a breach of Standard 2 of the MCCC, Cr Pulford claims he did not fail to treat Cr Yildiz with dignity, fairness, objectivity, courtesy and respect, in that his contributions were factually accurate and were part of 'robust debate', as allowed under the MCCC.
41. In his submission, Cr Pulford advised that 'prior to the 2024 Council Elections, Cr Yildiz had signed the 2024 Rainbow Pledge, which included 5 action items. One of these pledge actions was 'install a rainbow crossing'. Cr Pulford explained that Cr Yildiz was debating against supporting Item 7.2 Rainbow Crossings - Sites for Consultation and had spoken to various media outlets ahead of the Council Meeting to express his opposition to the item ... just 6 months after the Council Election at which he had signed the pledge.
42. In his defence of using the term 'duplicitousness' to describe Cr Yildiz, Cr Pulford noted the definition of 'duplicitousness' via Oxford Languages is 'the quality of being duplicitous; deceitfulness', and he went on to explain that whilst *'the pledge is of course non-binding, it is duplicitous, or deceitful, to sign a pledge making a commitment to the community before an election and then opposing that same item once elected'*. Cr Pulford believed it was part of robust debate to make sure the community is informed when a Councillor is acting inconsistently with their previous public commitments.
43. In response to Cr Yildiz's allegation that Cr Pulford's comment *'I should not have to look over my shoulder ... as I walk into and out of the chamber'* breaches the MCCC, Cr Pulford noted that during a conciliation meeting held on 19 May 2025, he explained to Cr Yildiz that this comment was not referring to him, but rather about how the threat to Council he had received ahead of the meeting meant he was again going to enter his workplace feeling concerned for his safety and well-being.
44. Cr Pulford submitted that since being elected to Council in 2020, this was the third time that Cr Yildiz has spoken to the media against LGBTQIA+ issues, the previous two times involved social media posts in relation to 'Drag story time' and a radio interview in 2020 in relation to flying the



rainbow flag, and that this accounted for Cr Pulford's comment in the Council meeting that '*We have a Councillor stirring up division and anger over queer issues once again*', and '*This Councillor is happy to sign the rainbow pledge ... then goes on radio to spread division.*'

#### Findings of the Arbiter on Alleged Breach of Standard of Conduct 2

45. The Arbiter accepts Cr Pulford's explanation in relation to his comment '*I should not have to look over my shoulder ... as I walk into and out of the chamber*' - that this was not referring to Cr Yildiz. Rather this was about how threats had been received ahead of the meeting with the result that Cr Pulford was again going to enter his workplace feeling concerned for his safety and well-being.
46. The Arbiter acknowledges Cr Pulford's anxiety which he described in the hearing as '*entering my workplace, under threats, stressed, worried for my safety*', and that this may have contributed to the comments. Cr Pulford acknowledged that '*if I had my time again I would have maybe not used the word duplicitousness or maybe would have tried to calm myself a little bit more*'.
47. Cr Pulford contends that his comments were 'robust debate'. The MCCC does not limit robust public debate. Standard 5 states 'Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy'. The MCCC does not prevent Councillors from expressing their views forcefully on issues before the Council nor from providing a critique of the views of others. But this must be done in a respectful manner that is compatible with the standards of conduct. Cr Pulford used inflammatory language, neglected to allow others the opportunity to speak without interruption, and most importantly his criticism focused on Cr Yildiz rather than ideas or issues being discussed. In this case, 'robust public debate' is not a defence against breaches of this standard of conduct.
48. The Arbiter finds that Cr Pulford breached Standard 2 as he did not treat Cr Yildiz with dignity, fairness, objectivity, courtesy and respect. Collectively, his comments during the debate in item 7.2 of the Council Meeting were unfair and disregarded the fact that Cr Yildiz took great care to use respectful and carefully considered language when he spoke on the item. He focussed on the cost of the Rainbow Crossings and conveyed his position on the value of such an investment.

#### Alleged breach of Standard of Conduct 4 - Submissions and Evidence of Cr Yildiz

49. Cr Yildiz alleged that Cr Pulford had also breached Standard 4 ('Integrity'). Specifically, Cr Yildiz referred to alleged breaches of Standards 4(1) (a) and (b) of the MCCC.
50. With reference to the comments by Cr Pulford during the debate and outlined in the previous section relating to breaches of Standard of Conduct 2, Cr Yildiz also alleges that these comments constitute a breach of Standard 4(1) because the conduct was inappropriate, unprofessional and inconsistent with the expectations of a Councillor as set out in the MCCC.
51. Cr Yildiz noted at the hearing that Cr Pulford's comments 'did bring discredit upon the council because it misled the Council, it misled the public, that somehow my opposition to spending \$45,000 on two rainbow crossings somehow was duplicitous because I'd already signed to say I was going to support it, when it didn't even have a figure on it ...'.

#### Alleged Breach of Standard of Conduct 4 - Submissions and Evidence of Cr Pulford

52. In response to the allegation of a breach of Standard of Conduct 4 of the MCCC, Cr Pulford submitted that 'it was not misleading to say Cr Yildiz had gone against the rainbow pledge that he had taken prior to the 2024 Council Elections'.
53. As previously noted, Cr Pulford submitted that Cr Yildiz had excluded the key pledge commitment relevant to this item and debate when providing a copy of the pledge document requested by the Arbiter i.e. 'Install a rainbow crossing (or maintain existing one)'.
54. Cr Pulford argued that Cr Yildiz broke his 2024 Rainbow Pledge by opposing the rainbow crossings item during the April 2025 Council Meeting.
55. When acknowledging using the term 'duplicitousness' to describe the actions of Cr Yildiz, Cr Pulford noted at the hearing that *'I just talked about actions that Councillor Yildiz had taken, consequences of those actions, and yeah, I used the word duplicitousness, which I accept is emotional and could be inflaming.'*

#### Findings of the Arbiter on Alleged Breach of Standard of Conduct 4

56. Standard 4 requires that '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.
57. Cr Pulford's demeanour and lack of restraint in his personal remarks about Cr Yildiz during the debate on item 7.2 did likely diminish the public's trust and confidence in the integrity of Merri-bek City Council, primarily due to the publicity surrounding Cr Pulford's unnecessary behaviour during the debate. In his submission at the Hearing, Cr Pulford conceded that his use of the word duplicitousness was emotional and could be inflaming.
58. It is difficult to characterise Cr Yildiz's speech on item 7.2 as 'stirring up division', which is how Cr Pulford described Cr Yildiz's approach to the debate on this item. Cr Yildiz, just like the Mayor and several other Councillors at the meeting, was scrutinising the budget of the 'Rainbow Crossing' project during debate on the item. This is both reasonable and expected.
59. It may be argued that Cr Yildiz has 'stirred up division' at other times - but his speech during item 7.2 at the Council Meeting on the 9 April 2025 was not one of those occasions. Cr Yildiz was restrained, and his focus was on his concerns regarding the cost of spending \$45,000 on rainbow crossings.
60. When even just one Councillor questions or dissents from the allocation of Council funding to a project, they should be treated with respect. To do otherwise diminishes the public's trust and confidence in Council and the integrity of local government.
61. After considering submissions from the parties and evidence, I am satisfied that Cr Pulford breached Standard 4 for the reasons outlined above.

### Conclusion

62. Pursuant to section 147(1) of the Act I make a finding of misconduct in respect of the breach of Standards 1, 2 and 4 of the MCCC for the reasons set out above.

### Sanction options

63. Pursuant to section 147(2) of the Act, after a finding of misconduct, the Arbiter may do any one or more of the following—

- (a) direct the Councillor to make an apology in a form or manner specified by the arbiter;
- (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding three months;
- (c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- (d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;
- (e) direct a Councillor to attend or undergo training or counselling specified by the arbiter;
- (f) direct that the Councillor is not to attend or participate in a council meeting specified by the arbiter that occurs after the meeting at which the decision and statement of reasons are tabled under subsection (4);
- (g) direct that the Councillor is ineligible to hold the office of Mayor or Deputy Mayor for a period specified by the arbiter not exceeding 12 months.

### Cr Yildiz's submission on sanction

64. At the Hearing, Cr Yildiz was invited to make a submission on appropriate sanctions if a finding of misconduct was made in relation to any of the allegations.

65. In response, Cr Yildiz requested that the arbiter consider imposing a requirement for a verbal 'public apology at a future council meeting that acknowledges his remarks were inappropriate and affirms the importance of respectful debate amongst councillors'. Cr Yildiz also requested the arbiter to 'consider whether the severity and public nature of his conduct warrants ... potential suspension'.

### Cr Pulford's submission on sanction

66. Cr Pulford was also invited to make a submission on appropriate sanctions if a finding of misconduct was made in relation to any of the allegations.

67. In response, Cr Pulford observed that 'I don't believe a finding on misconduct should be made, and therefore I don't believe I should have any sanctions. This is my fifth year of being a councillor and I haven't had complaints made against me before, and, I mean, and I don't believe that this complaint is substantial'.

### Conclusion on sanctions

68. In determining a sanction that is proportionate and consistent with natural justice, the Arbiter has considered several factors that mitigate the seriousness of Cr Pulford's conduct including:

- Cr Pulford partially apologised for hurt caused during the conciliation process between the parties on 19 May 2025,
- he fully cooperated with the Arbitration process,
- his length of tenure as a Councillor and former Mayor without complaints having been previously made, and an absence of prior findings of misconduct,
- the stressful context within which the conduct occurred.

69. Cr Pulford has been found to have breached Standards 1, 2 and 4. After considering the mitigating factors, the Arbiter finds that the appropriate sanction in this instance is for Cr Pulford to be suspended from the office of Councillor for a period of 14 days. The suspension is intended to reinforce standards of conduct, provide an opportunity for reflection, and act as a deterrent to ultimately maintain confidence in council governance and governance procedures during meetings.

70. The option to direct that Cr Pulford make an apology was considered but not imposed. It is preferable for the outcome of this Arbitration to be corrective not performative. In other words, where misconduct is found, impose proportionate and reasoned sanctions. It is the Arbiter's view that imposing a public display of contrition via a forced apology may not be helpful.

#### Sanction

Pursuant to section 147(2)(b) of the *Local Government Act 2020*, I direct that Cr Adam Pulford of the Merri-bek City Council is suspended from the office of Councillor for a period of 14 days commencing the day after this decision is tabled at the next Council meeting in accordance with section 147(4)(b) of the Act.

**Matthew Evans**

Arbiter

Date: 21 November 2025

# Schedule 1—Model Councillor Code of Conduct

Regulation 12

## Definitions

In this Schedule—

***discrimination*** means unfair or unfavourable treatment of a person on the grounds of an attribute specified in section 6 of the **Equal Opportunity Act 2010**.

### 1. Performing the role of a Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by—

- (a) representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community; and
- (b) being fit to perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (c) diligently using Council processes to become informed about matters which are subject to Council decisions; and
- (d) not performing or purporting to perform any responsibilities or functions of the Chief Executive Officer; and
- (e) acknowledging and supporting the Mayor in the performance of the role of the Mayor, including by—
  - (i) respecting and complying with a ruling of the Mayor as the chair of Council meetings (unless dissenting from the ruling in accordance with the Council's Governance Rules); and
  - (ii) refraining from making public comment, including to the media, that could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised by the Mayor to make such a comment.

### 2. Behaviours

- (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; and
  - (b) not engaging in behaviour that intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons; and
  - (c) not engaging in discrimination or vilification; and

- (d) supporting the Council, when applying the Council's community engagement policy, to develop respectful relationships and partnerships with Traditional Owners, Aboriginal community controlled organisations and the Aboriginal community; and
  - (e) supporting the Council in fulfilling its obligation under the Act or any other Act (including the **Gender Equality Act 2020**) to achieve and promote gender equality; and
  - (f) ensuring their behaviours and interactions with children are in line with the Council's policies and procedures as a child safe organisation and obligations under the **Child Wellbeing and Safety Act 2005** to the extent that they apply to Councillors.
- (2) A Councillor, as an individual at the workplace, must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons by—
- (a) adhering to applicable systems and policies put in place by the Chief Executive Officer to manage risks to health and safety in the workplace; and
  - (b) complying, so far as the Councillor is reasonably able, with any reasonable instruction that is given by the Chief Executive Officer to manage risks to health and safety.
- (3) A Councillor must act in accordance with any policies, practices and protocols developed and implemented under section 46 of the Act that support arrangements for interactions between members of Council staff and Councillors.

### 3. Good governance

A Councillor must comply with the following Council policies and procedures required for delivering good governance for the benefit and wellbeing of the municipal community—

- (a) the Council's expenses policy adopted and maintained under section 41 of the Act;
- (b) the Council's Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act, including in relation to—
  - (i) conduct in Council meetings or meetings of delegated committees; and
  - (ii) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication; and
  - (iii) the Council's election period policy included in the Council's Governance Rules under section 69 of the Act, including in ensuring that Council resources are not used in a way that is intended to influence, or is likely to influence, voting at a general election or by-election;
- (c) the Council's Councillor gift policy adopted under section 138 of the Act;

- (d) any direction of the Minister given under section 175 of the Act.

#### **4. Integrity**

- (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;  
and
  - (b) not deliberately misleading the Council or the public about any matter related to the performance of their public duties; and
  - (c) not making Council information publicly available where public availability of the information would be contrary to the public interest.

**Note**

See the public transparency principles set out in section 58 of the Act.

- (2) A Councillor must not, in their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), expressly or impliedly request preferential treatment for themselves or a related person or entity.

#### **5. The Model Councillor Code of Conduct does not limit robust public debate**

Nothing in the Model Councillor Code of Conduct is intended to limit, restrict or detract from robust public debate of issues in a democracy.

