INTERNAL ARBITRATION PROCESS

In the matter of an application concerning Councillor Tom Humphries of the Stonnington City Council

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

Applicants:	Cr Steve Stefanopoulos, Cr Jami Klisaris, Cr Samantha Choudhury and Cr Melina Sehr
Applicants' Representative:	Cr Jami Klisaris
Respondent:	Cr Tom Humphries
Date of hearing:	16 June 2026
Hearing location:	Malvern Town Hall
Arbiter:	Diana Price
Date of decision:	12 September 2026

FINDINGS & DETERMINATIONS

By way of findings and sanctions, the Arbiter orders as follows. The Respondent:

1. Engaged in misconduct;
2. Is suspended from office for four (4) weeks commencing the day after the meeting of Council at which this decision is tabled;
3. Must make a verbal apology to the Council at the first meeting of Council following the end of the period of suspension; and
4. Is ineligible to hold the office of Mayor or Deputy Mayor for a period for six (6) months.

STATEMENT OF REASONS FOR DECISION

PART 1 – INTRODUCTORY MATTERS

1. On 9 December 2025, a Special Council meeting took place at the City of Stonnington (the **Council**). All councillors unanimously resolved to approve the installation of a menorah on the Stonnington City Centre balcony for the duration of Hanukkah in 2025. All councillors further voted to approve the proposed Hanukkah Carnival, incorporating a ceremonial candle lighting, to be held on 16 December 2025 at Malvern Gardens.

2. A motion to install a menorah was first placed on the Council meeting agenda for discussion on 1 December 2025. The motion was 'deferred' (a word which means postponed) to the Special Council meeting on 9 December 2025. In days following the 1 and 9 December 2025 Council meetings, Councillors, council staff and members of the community worked together ensure the menorah was successfully displayed in Stonnington for Hannukah.

3. This arbitration is not about the installation of a menorah in Stonnington. It is about the conduct of Cr Tom Humphries during the Council meeting on 1 December 2025, and in the time prior to that meeting. The question is whether his conduct breached the standards of conduct contained in the Model Councillor Code of Conduct (the **Code**).

The Application & Hearing

4. By application dated 25 February 2026, four councillors applied for an internal arbitration process to make a finding of misconduct against Cr Humphries pursuant to s 143 of the *Local Government Act 2020* (the **Act**).

5. An arbitration hearing occurred on 16 June 2026. At that hearing, the Applicants relied upon:

    a. The application and accompanying annexures;
    b. A document providing further particulars of the alleged breaches of the Code;
    c. Statements from Mayor Melinda Sehr and Crs Jami Klisaris, Samantha Choudhury and Steven Stefanopoulos;
    d. A letter of support from a community member; and
    e. A letter of support from members of the Jewish Advocates for Understanding Antisemitism.

6. Cr Humphries relied on documents, including:

    a. Statements of Cr Humphries and Rabbi Reuven Cooper;
    b. A document titled 'Defence of Cr Tom Humphries';

c. The notice of motion;
d. Emails lodging and circulating the notice of motion;
e. City of Stonnington Governance Rules;
f. A menorah proposal prepared by Chabad Malvern;
g. IHRA working definition of antisemitism and Jerusalem Declaration;
h. Model Antisemitism Strategy for Local Councils;
i. Email dated 12 September 2025 containing research from council officer; and
j. Messages from constituents.

7. Cr Humphries requested that Cr Sehr be available for examination. Cr Sehr attended the hearing and answered the question posed by Cr Humphries, as well as questions from Cr Klisaris and the Arbiter. Otherwise no witnesses were called.

8. All parties engaged meaningfully in the hearing and made helpful oral submissions. I have considered all arguments made by the parties, even those not referred to within this decision.

PART 2 – LEGISLATIVE FRAMEWORK

9. Section 139 provides that Councillors must observe the prescribed Code. The Code is prescribed in Sch 1 to the *Local Government (Governance and Integrity) Regulations 2020*. The Code contains five standards. The purpose of the Code to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

10. The internal arbitration process applies to any alleged breach of the Code. The rules governing internal arbitration are found within Division 5 of Part 6 of the Act, which relates to council integrity.

11. Section 147 provides that if after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the Code, the arbiter may make a finding of misconduct against the Councillor.

PART 3 – THE APPLICATION

Allegation One

12. Allegation One relates to Cr Humphries conduct during the Council meeting on 1 December 2025. His notice of motion to instal a menorah was on the agenda for discussion. The Applicants allege that during debate on a procedural motion to defer the notice of motion to a subsequent meeting, Cr Humphries:

a. characterised the procedural deferral motion as “anti-Semitic”;

b. stated or implied that Councillors supporting the deferral were engaging in anti-Semitism;
c. described the deferral as unlawful and an affront to the Jewish community;
d. continued publicly to characterise the matter in those terms after the meeting;
e. failed to retract those statements despite repeated requests; and
f. engaged in conduct which foreseeably inflamed community hostility toward fellow Councillors and contributed to a hostile and unsafe environment.

13. The Applicants submitted that the conduct breached clauses 2(1) and 4 of the Code.

The evidence

14. The parties invited me to view the video recording of the Council meeting on 1 December 2025.

15. Cr Humphries' motion for approval for the installation of a menorah was on the agenda. Cr Stefanopoulos moved for that motion to be deferred (postponed) for a cycle. Shortly afterwards, Cr Humphries made a point of order, stating that "deferring without general substantive reason would be unlawful and we cannot accept unlawful motions". He later repeated "you cannot accept unlawful actions". When asked by the mayor why it was an unlawful action, Cr Humphries said, "if we defer for no actual reason then that will be unlawful". Cr Stefanopoulos then explained that a postponement was sought so that all the facts and options could be identified and discussed. He said that Council, as a group, had not had the opportunity to discuss the matter.

16. Cr Humphries spoke in opposition to the motion to defer. He said the reasons provided for the deferral motion were "nonsensical, they're an absolute affront to the Jewish community".

17. Following a point of order made by Cr Stefanopoulos that he was not aware of any advice given by Council officers about the feasibility of the proposed installation, Cr Humphries stated, "I think it's grotesque to assume Councillors aren't to seek advice to particular matters". The mayor Cr Sehr then cautioned Cr Humphries not to use words like grotesque when debating a procedural motion. She said, "just be conscious of your language please". Cr Humphries then repeated his view that Councillors should seek the advice of Council officers prior to a meeting and stated, "it is nothing short of anti-Semitic to defer".

18. There was a momentary hush across the Council Chambers. Cr Stefanopoulos, visibly upset by Cr Humphries' comment, rose to his feet and asked Cr Humphries to withdraw his comment and apologise. He said that the comment was defamatory. The mayor also said Cr Humphries' comments were defamatory and inappropriate. Cr Humphries

said, “if you’re calling it defamatory I will withdraw the statement in regards to Cr Stefanopoulos”.

19. A short time later Cr Hely asked about the feasibility of installation and asked if there were any logistical barriers that Council officers foresee. The acting chief executive officer said that they had installed similar structures before but would need advice about footings and installation. She said she did know the costs of the project, but that Council staff were prepared to work to have a menorah installed prior to Hannukah.

20. Later in the meeting Cr Sehr suggested that a special Council meeting could occur before the next scheduled regular meeting. Cr Stefanopoulos then said that the motion should be deferred to that special meeting. This allowed Council officers to formulate a detailed proposal and discuss that proposal with Councillors at a briefing session before a vote took place. That unanimous vote occurred on 9 December 2025 which ensured the menorah was installed prior to Hannukah.

The Applicants’ submissions

21. The Applicants submitted that the conduct breached clause 2(1) of the Code, which requires councillors to treat others, including other Councillors, members of Council staff and members of the public, with dignity, fairness, objectivity, courtesy and respect. They further submitted that the conduct breached sub-paragraphs (a) – (c), but at the hearing indicated their primary reliance was upon clause 2(1) itself.

22. The Applicants submitted that Cr Humphries’ statements at the Council meeting were baseless accusations. They characterised his statements as demeaning and obscene and examples of vilification. They submitted that Cr Humphries intended to create a hostile environment, to embarrass his colleagues and to force them into doing what he wanted.

23. They further allege that the conduct breached clause 4 of the Code, in that it brought discredit upon the Council.

Cr Humphries’ submissions

24. Cr Humphries submitted that his actions did not breach clause 2(1) of the Code. He agrees his language was forceful but maintained that his comments were part of robust debate in a democracy.

25. Cr Humphries submitted that during the Council meeting he intended to convey that the proposed deferral was unlawful because Cr Stefanopoulos had breached the Code by not making enquiries with council officers prior to the meeting. He said his references to unlawfulness had nothing to do with anti-Semitism.

26. As to his comment that the grounds provided for the deferral motion were "nonsensical, they're an absolute affront to the Jewish community", in his written submissions Cr Humphries stated that the motion to defer was an act of discrimination. At the hearing he moderated that position, stating that it would be perceived as discrimination.

27. He further submitted that he did not bring discredit upon the Council in breach of clause 4(1)(a) of the Code. He referred to media attention following the Council meeting, including his own interview by the Australian Jewish News in which he was quoted as saying "the ugly side of government was shown" but that "the right result was ultimately delivered". He otherwise submitted that he was not responsible for comments yelled from the gallery and the physical intimidation of Councillors in the meeting, nor were subsequent social media commentary, emails to Councillors, complaints to external bodies, parliamentary references, media articles and Islamophobic comments directed at a particular Councillor attributable to his conduct.

28. Cr Humphries also made detailed submissions about the distinction, in his mind, between the 'original' motion to deter for one cycle, being the next ordinary Council meeting, and the revised or 'amended' motion to defer to an earlier special Council meeting. In my view this distinction, if there is one, is not determinative of this application.

Analysis

29. I have considered Cr Humphries' words individually and taken together.

30. I do not accept Cr Humphries' submission that his use of the term unlawful was in reference to his claim that Cr Stefanopoulos had breached the Code. The words used by Cr Humphries in the meeting are clear enough and he does not mention the Code.

31. Cr Humphries submitted that his goal was to 'persuade' Councillors not to defer his motion and to instead vote in support of it. This was not an act of simple persuasion. Cr Humphries' escalating use of words and phrases such as "unlawful", "grotesque", "an affront to the Jewish community" and "anti- Semitic" were designed to bully, intimidate or harangue his colleagues to vote his way. He knew the public gallery was full, and that observes had spilled into an overflow area.

32. I further find that his comments were directed at those Councillors who moved, seconded or who were considering voting in favour of deferral. Cr Humphries claimed that deferral of the motion would be "nothing short of anti-Semitic". The comment was not directed at a routine procedural motion under the Governance Rules, but at people.

33. Immediately after Cr Humphries' comments Cr Sehr and Cr Stefanopoulos both complained that his statements were defamatory. In retracting his comments, Cr Humphries said, "if you're calling it defamatory I will withdraw the statement in

regards to Cr Stefanopoulos". Cr Humphries did not withdraw his statement about a motion to defer. He withdrew his statement about the person he feared he had just defamed.

34. I therefore find that Cr Humphries' conduct in the meeting on 1 December 2025 contravened clause 2(1) of the Code. He failed to treat others, including Councillors, with dignity, fairness, objectivity, courtesy and respect. It is unnecessary to consider whether his conduct falls within the included prohibited conduct described in paragraphs (a) – (c), as the conduct comfortably fits within the general terms of clause 2(1).

35. I also find that his conduct breached clause 4 of the Code in that he did not take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government, including bringing discredit upon the Council. I make that finding based on Cr Humphries' conduct within the meeting itself, worsened when he later told a news outlet "the ugly side of government was shown" at the meeting.

36. I accept the submission made by the Applicants that Cr Humphries is not directly responsible for the conduct of others, such as racial slurs, physical intimidation or inaccurate media reporting which occurred in the wake of the meeting. I make no finding that he intended these consequences to follow. However, it was foreseeable that his incendiary statements would have significant consequences. Using the language of the Code, he did not take reasonable steps to avoid any action which may diminish the public's trust and confidence in the Council.

Allegation Two

37. Allegation Two relates to Cr Humphries conduct occurring from May 2025 onwards, when he agreed to progress a community request for the installation of a menorah for Hannukah. The Applicants submit that Cr Humphries failed to perform the role of Councillor effectively and responsibly, as he did not sufficiently advance that request prior to the Council meeting on 1 December 2025. They further submit that his delay in progressing the matter brought the Council into disrepute.

38. Cr Humphries denies breaching the Code and maintains that he took active steps to advance the community request.

The evidence

39. On 20 May 2025, Cr Humphries and Cr Stefanopoulos attended Chabad Malvern. The Rabbis suggested that a menorah be installed in a public place for Hannukah. On 5 June 2025, Rabbi Cooper emailed Cr Humphries and Cr Stefanopoulos a two-page

document titled ‘menorah Proposal for Malvern City Square’. The details of the proposal were listed as follow:

- menorah Structure: A visually appealing, durable metal menorah with solar- or battery-powered bulbs.
- Ceremonial Lighting: One evening during the festival, a public lighting ceremony will be co-hosted by the City of Stonnington and Chabad Malvern, featuring:
    - Lighting of an actual flame
    - Remarks by civic leaders, such as the Mayor and Councillors
    - Community attendance, with inclusive messaging for people of all backgrounds
- Ownership & Logistics: Chabad Malvern will fully fund and donate the menorah to the City for annual use. The City will be responsible for installing and storing the structure each year.
- Cultural Value: The installation will serve as a public celebration of diversity, giving residents confidence that they are free to express and celebrate their beliefs, whatever their background or faith.

40. Cr Humphries recalls in his statement that he and Cr Stefanopoulos discussed the matter, and it was agreed that Cr Humphries would progress the proposal within Council.

41. Cr Stefanopoulos provided a statement as part of the arbitration. He likewise recalls attending the meeting at Chabad Malvern. After the meeting he told Cr Humphries that he had his firm support to install a menorah in Stonnington and agreed that Cr Humphries would progress that proposal.

42. Cr Humphries says in his statement that he then discussed the proposal with some Councillors outside of formal meetings. He says that in July 2025 he spoke with Cr Sehr, who suggested he request Council officers prepare a research piece on all major cultural and religious holidays celebrated by Stonnington residents. Cr Humphries wrote to a Council officer on 21 July 2025 requesting that advice, which he received on 12 September 2025.

43. In early September 2025 Cr Humphries attended the Australian Mayors’ Summit Against Antisemitism in the Gold Coast (the **Summit**). He presented literature received by him at that Summit to a Council Meeting on 8 September 2025. That literature included a recommendation that Australian councils install and light a menorah each Hannukah. However, no motion was made at that Council meeting for a menorah to be installed in Stonnington.

44. In his statement Cr Humphries claims that Cr Stefanopoulos withdrew his support for the proposal to install a menorah due to a disagreement between them on an unrelated

Council matter. Cr Stefanopoulos denied withdrawing his support. In his statement, Cr Stefanopoulos said that he had no conversations with Cr Humphries about the proposal following their initial discussions soon after attending Chabad Malvern together.

45. Cr Humphries also says in his statement that he spoke with Cr Sehr who said that Council did not participate in religious events. Cr Sehr gave evidence in the hearing that she did recall a conversation in which she said to him that Council does not usually place religious icons on Council properties, such as a nativity scene, but does display celebratory decorations such as around Christmas and Chinese New Year.

46. Cr Humphries said in his statement that he spoke with Cr Sehr again on 26 September 2025, and she told him she was not supportive of the installation of a menorah. Cr Sehr gave evidence that this was incorrect, and she had instead encouraged Cr Humphries to consider actions to recognise all cultures and nationalities within municipality.

47. Cr Humphries says that he intermittently spoke with Rabbi Cooper to update him on the proposal. In his statement, Rabbi Cooper recalls receiving a couple of telephone calls from Cr Humphries in the months following May 2025.

48. Cr Humphries says in his statement that after failing to secure the private support of Cr Stefanopoulos and Cr Sehr he decided to advance the issue at a Council meeting. However, he did not do so immediately as he was a candidate in the mayoral election. He said he did not want to intertwine the two issues. The mayoral election occurred on 19 November 2025. Cr Humphries withdrew his nomination sometime prior as he did not have sufficient numbers to secure election.

49. The next Council meeting after the mayoral election was on 1 December 2025. In the week beforehand there was a Council briefing session on 24 November 2025. Cr Humphries did not raise the proposal to instal a menorah for Hannukah at that meeting. On the same day Cr Humphries said he spoke with the Council chief executive officer (**CEO**). He explained to him that he sought to install a menorah at Malvern Town Hall, which he described to the CEO as a man-sized piece of steel. Cr Humphries asked whether this was feasible, and the CEO said yes. Cr Humphries did not give the CEO the written document prepared by Chabad Malvern. I note that I have not received a statement from the CEO as part of this arbitration.

50. On 25 November 2025, Cr Humphries prepared a notice of motion and obtained signatures from Cr Davis, Cr Bell and Cr Hely. On 26 November 2025 that notice of motion was lodged and circulated to all councillors via email. In the cover email Cr Humphries stated, in part, the 'matter has been discussed with staff and is feasible, as well as the Chabad kindly supplying the menorah for the celebration to minimize cost - should it be adopted by council'. He did not attach the written document prepared by Chabad Malvern. He says that he did not receive any queries from other Councillors following distribution of the notice of motion.

51. The motion itself sought that Council:

> APPROVES the installation of a menorah at Malvern Town Hall for the duration of Hanukkah in 2025; and
>
> DIRECTS the Chief Executive Officer to ensure that the 2026–2029 Festive Summer Program includes provision for a menorah at Malvern Town Hall and considers supporting any other significant cultural celebrations.

52. Otherwise, no further information was available to Councillors about the proposal prior to the meeting.

The Applicants' submissions

53. The Applicants submit that the conduct breached clause 1(a) of the Code, which requires councillors to represent the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community. They argue that Cr Humphries failed to do so responsibly and responsively because he delayed progressing the matter for six months, failed to engage Council processes in a timely manner, deprived the Council of adequate time for proper governance considerations, failed to seek Council officer advice regarding logistics, risks, location and costings which created an avoidable urgency. The Applicants contend that this conduct was inconsistent with the obligation to perform the role of councillor effectively and responsibly under clause 1.

54. The Applicants further submit that the conduct brought discredit upon the Council in breach of clause 4(1)(a) of the Code. It is said that Cr Humphries' delay in progressing the proposal caused community conflict, reputational damage to Council, a perception of poor governance, public hostility, media controversy and division. The Applicants contend that a timely and properly managed process could reasonably have avoided or mitigated those consequences.

Cr Humphries' submissions

55. Cr Humphries submitted that he did not neglect the menorah proposal, did not fail to respond to the Jewish community, did not deliberately ambush Council and did not act in bad faith. He says he progressed the matter through consultation, officer inquiry, political engagement, formal notice and public debate.

56. He says that following the meeting at Chabad Malvern in May 2025, he took further steps such as engaging in ongoing communications with Rabbi Cooper, speaking privately with some councillors, receiving and considering Council officer advice,

attending the Summit, consulting with the CEO on 24 November 2025 and preparing and lodging the notice of motion.

57. Cr Humphries submitted that Applicants were unaware of most of these actions because they occurred in their absence. He says further that once the notice of motion was placed on the agenda three business days prior to the Council meeting on 1 December 2025, the Applicants had sufficient time to speak to him or Council officers about the proposal but did not do so.

58. Cr Humphries submitted he did not breach clause 1(a) of the Code as he effectively and responsibly performed the role of Councillor and considered and responded to the needs of the community. He also submitted he did not beach clause 4 of the Code.

Section 143 of the Act

59. Section 143(3) of the Act provides that an application for an internal arbitration process must be made within three months of the alleged misconduct occurring.

60. The application in this matter was signed on 25 February 2026, received by the principal conduct registrar the following day. This means that I may only consider alleged misconduct occurring in the three months beforehand, being from late November 2025 in the period leading up to the Council meeting on 1 December 2025 and thereafter.

61. In deciding whether Allegation Two is made out, I have had regard to conduct occurring throughout 2025 as context only and focused my consideration to the period immediately prior to and on 1 December 2025.

Analysis

62. Clause 1 of the Code provides that a Councillor must do everything reasonably necessary to ensure that they perform the role of Councillor effectively and responsibly. Without limiting that obligation, the duty includes representing the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community.

63. There were many missed opportunities for Cr Humphries to initiate productive conversations with his colleagues. He had no conversations at all with Crs Klisaris, Choudhury and Hopper. He must have conversed with Crs Davis, Cr Bell and Cr Hely to obtain their signatures for the motion. There is no evidence before me from Crs Davis, Cr Bell and Cr Hely as to when those discussion took place and what was discussed. I do not find that either Cr Sehr or Cr Stefanopoulos ever told Cr Humphries they would vote against installation of a menorah.

64. There was a briefing session on 24 November 2025, which was an ideal opportunity for Cr Humphries to raise the proposal. He did not do so.

65. Cr Humphries did not seek out or receive detailed advice from Council officers prior to the meeting. Cr Humphries says he consulted with the CEO on 24 November 2025. The evidence is that this was more in the nature of a passing conversation in which the CEO agreed that the installation of a man-sized metal menorah was feasible. No substantive details were discussed during that interaction.

66. Cr Humphries also states that he received Council officer advice by email in September 2025. The email received did not relate to the installation of a menorah. It instead provided demographic information about the City of Stonnington and various funding grants previously given to facilitate Diwali and Hannukah celebrations.

67. The only additional information provided by Council staff was given in the 1 December 2025 meeting itself, when the acting CEO said further advice was required regarding infrastructure and installation, but that staff would work to get a menorah installed if that was the decision of Council.

68. Cr Humphries maintained contact with Rabbi Cooper, but these conversations did not result in a detailed proposal being available for consideration by the whole of Council on 1 December 2025. Similarly, attendance at the Summit did not in and of itself meaningfully advance the proposal to instal a menorah in Stonnington.

69. The steps taken by Cr Humphries to advance the community request for the installation of a menorah were insufficient. The bare proposal placed before Council for consideration on 1 December 2025 lacked detail necessary for Councillors to make an informed decision. I note that during the Council meeting Cr Davis observed that the motion should have been brought at an earlier meeting and that it "should have been organised some time ago". I agree.

70. Following the deferral of the motion to 9 December 2025, much work was done by many to ensure a detailed proposal was developed. Councillors, Council officers and members of the community worked to determine the size, weight and materials of the menorah. Different installation locations were identified and compared. Consideration was given to logistics, such as transport, installation and power supply. This work was shared at a Council briefing session on 8 December 2025, which resulted in each Councillor being fully briefed on a thorough proposal. The motion then passed unanimously the following night. This work could have, and should have, been initiated by Cr Humphries before 1 December 2025.

71. I therefore find that Cr Humphries breached clause 1 of the Code. He did not perform his role effectively and responsibly. By presenting a last-minute notice of motion lacking necessary detail, Cr Humphries jeopardised the installation of a menorah for

Hannukah. He placed his fellow Councillors in an unenviable position, as they were called upon to consider an issue of significance with limited time and without adequate information. This finding is confined to presenting to Council on 1 December 2025 a proposal which was underdeveloped and made at short-notice, noting of course that Hannukah would soon commence. He did too little and too late to advance an issue of importance.

72. I do not separately find that Cr Humphries breached clause 4 of the Code in respect of his conduct prior to the Council meeting 1 December 2025. I have however made that finding in respect to Allegation One. In my view, it was his behaviour during the meeting, rather than beforehand, which brought the Council into disrepute.

PART 4 – ROBUST POLITICAL DEBATE

73. In making the above findings, I have had regard to the principle that nothing in the Code is intended to limit, restrict or detract from robust debate of issues in a democracy. However, I adopt the rationale of Arbiter Louse Martin in the matter of Crs Julie Shannon & Ors v Cr Ashleigh Vandenberg, IAP 2023-11 at paragraphs 98 - 100 and the cases cited therein. The right of a Councillor to engage in robust political debate should not be interpreted to deprive the other standards of the Code of utility.

74. Cr Humphries was entitled to robustly oppose the motion to defer the notice of motion. He was able to use language that was forceful. However, his statements went well beyond the concept of robust debate in a democracy.

PART 5 - SANCTIONS

75. Section 147 of the Act provides that if after completing the internal arbitration process the arbiter determines a Councillor has failed to comply with the Code, the arbiter may make a finding of misconduct.

76. As outlined above, I have found that Cr Humphries breached the Code. I therefore find that Cr Humphries engaged in misconduct. Having made that finding, s 147(2) provides that I may impose any one or more of a number of sanctions, which are:

    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 3 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); and/or

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.

The Applicants' submissions

77. The Applicants submitted that if I found that Cr Humphries breached the Code, he should be:

a. directed to make an apology, in writing and orally, at the Council meeting when the decision is published;
b. suspended for three months;
c. directed to undergo training, arranged by Council, that addresses how to engage respectfully with Councillors and what the concept of robust political debate entails; and
d. directed to be ineligible to hold the office of mayor or deputy mayor for a period of six months.

Cr Humphries' submissions

78. Cr Humphries did not seek to make submissions as to sanctions other than to state that he apologised at the end of the Council meeting on 1 December 2025.

Consideration

79. It is necessary for me to consider the objective gravity of the conduct. Cr Humphries' comments in the Council meeting on 1 December 2025 where entirely unacceptable and must be denounced. These comments were directed to his colleagues, with the intention of persuading or, more aptly, forcing them to vote as he wished. The comments had a deep and hurtful effect upon his colleagues. I regard this as a serious example of failing to treat others, including Councillors, with dignity, fairness, objectivity, courtesy and respect. It also diminished public confidence in the system of local government and brought discredit upon the Council.

80. Cr Humphries failed to do everything reasonably necessary to ensure that he performed the role of a Councillor effectively and responsibly. He did not place the menorah proposal on the Council's meeting agenda until the eleventh hour. It is equally significant that the motion Cr Humphries put before Council on 1 December 2025 contained scant detail. In the three business days between the tabling of the motion and the meeting itself, Cr Humphries can hardly expect that Councillors could make the sort of enquires he had six months to undertake.

81. The combined force of the timing of the notice of motion and the paucity of information Cr Humphries provided put his fellow Councillors in an invidious position. In seeking to represent the interests of the Jewish community in Stonnington, Cr Humphries ought to have made efforts to place before Council a much more advanced proposal.

82. To the extent that Cr Humphries gave a brief apology at the conclusion of the Council meeting on 1 December 2025, the Applicants regarded that apology as inadequate because it was avoidant and non-specific. They invited him to make a further apology. He declined to do so. During the hearing Cr Humphries did not accept responsibility for his conduct and showed limited insight. He said that he bore no responsibility for how others might react to his public statements. Specific deterrence is therefore a relevant consideration.

83. General deterrence is also as an important consideration. It is necessary to convey to all local Councillors that conduct of this type is not acceptable and, if engaged in, will result in similar sanction. In addition, regard must be made to maintaining public confidence in Councillors, the system of local government and the arbitration process. This public confidence is best achieved when Councillors who breach the standards reasonably expected of them are properly held to account.

84. Given these matters in my view a period of suspension is required. I determine that a period of suspension of four weeks is appropriate. This reflects the gravamen of the conduct, and the need for specific and general deterrence, and to promote public confidence in the system of local government. It also reflects that my finding in respect of Allegation Two is confided to a narrow window of time.

85. I have had regard has been had to the maximum possible period of suspension, being 3 months. Further, that pursuant to s 37 of the Act during such period of suspension Cr Humphries would cease to be a Councillor, not be entitled to receive allowances, and that if the suspension were greater than two months he would be required to return all council equipment and materials.

86. Cr Humphries' conduct showed an absence of collegiality and the qualities of leadership. I therefore further direct that Cr Humphries' is ineligible to hold the office of Mayor or Deputy Mayor for a period for 6 months.

87. I further direct Cr Humphries to provide an apology to the Council, and specifically Cr Sehr, Cr Stefanopoulos, Cr Klisaris and Cr Choudhury, in relation to the behaviour that breached the Code. This apology is to be given at the first meeting of Council following the end of the period of suspension.

Diana Price
Arbiter