

INTERNAL ARBITRATION PROCESS – Merri-bek City Council (IAP 2025-3)

Applicant: Councillor Jay Iwasaki

Respondent: Councillor Oscar Yildiz

Arbiter: Noel Harvey OAM

DETERMINATION

Pursuant to s147(1) of the *Local Government Act 2020* (the Act) the Arbiter makes a finding of misconduct against Cr Oscar Yildiz on the basis that he has breached clause 2 and clause 4 of the Model Councillor Code of Conduct set out in Schedule 1 of the Local Government (Governance and Integrity) Regulations 2020.

SANCTIONS

Pursuant to s147(2)(b) of the Act, Cr Yildiz is suspended for a period of one calendar month commencing the day after this decision is tabled at the next meeting of Council in accordance with s147(4)(b) of the Act.

Pursuant to s147(2)(e) of the Act, the Arbiter directs Cr Yildiz to undertake updated social media training or coaching in the appropriate use of social media and that he must not make any posting on social media in relation to Council matters until that training is completed. The training should be conducted by a Council approved trainer.

STATEMENT OF REASONS.

The Application

- 1 The Application dated 7th February 2025 made by the Cr Iwasaki, sought a finding of misconduct against Cr Yildiz relating to a social media post made by the Cr Yildiz on 11th December 2024, and a number of subsequent comments and responses Cr Yildiz made to various posts from members of the public.
- 2 The Local Government (Governance and Integrity) Regulations 2020 provide the standards of conduct to be observed by Councillors. These standards are contained in the Model Councillor Code of Conduct (the Model Code), which was signed by all Merri-bek City Council Councillors on 20th Nov 2024.

Background

- 3 Unhappy with the outcome of a debate and subsequent decision in a Council meeting on 11th December 2024, Cr Yildiz left the meeting early and shortly afterwards published a post on Facebook regarding the meeting.
- 4 There followed a long series of posts from members of the public, many of which were answered by Cr Yildiz, or responded to by him with “likes”.
- 5 Cr Iwasaki alleged that Cr Yildiz (by his social media post, and subsequent comments and “likes”) had breached both Clause 2 and Clause 4 of the standards of conduct in the Model Code relating to Behaviours and Integrity respectively.
- 6 A Directions Hearing was conducted on Friday 14th March 2025.
- 7 A full hearing of the matter was held on Friday 9th May 2025.
- 8 This Statement of Reasons provides a summary of the information submitted to the hearing and refers to the information/documents I relied on to make my decision.

Hearing held on Friday 9th May 2025

- 9 Both parties spent significant time during the 4-hour hearing providing background and context to what occurred at the Council meeting held on 11th November 2024. I afforded some latitude to both parties however much of the information they provided had only limited relevance to allegations contained in the Application.

10 The comments outlined in the dot points below are the specific statements forming the basis of the complaint. These remarks, made publicly, include generalised criticisms of political integrity, targeted accusations against individual Councillors, and broader claims about dishonesty and untrustworthiness. Taken collectively, they are central to the Application and were assessed on their content and context, irrespective of the broader narrative provided by either party.

- *"One thing I've learned ... the word integrity and honesty seem to have different connotations to Politicians"*
- *"The Greens and those who quietly back them cannot be trusted, they are not about the community"*
- *"No need to reason with them because they're not reasonable and that's fact"*
- *"What's really disturbing, disappointing, and disgusting is Nat Abboud's dishonesty"*
- *"How do I trust such individuals going forward, please tell me"*
- *"Mate I can't believe the lack of integrity, honesty and respect..." "Nothing's changed on this council... you watch there's more to come"*
- *"...you are right, the nastiness and evilness of some was so evident last night"*

Misconduct alleged

- 11 Cr Iwasaki contended that Cr Yildiz committed multiple breaches of the Model Code, primarily related to a Facebook post and associated online activity. He claimed the post and subsequent "likes" explicitly targeted both himself and Cr Nat Abboud, undermining their integrity, fostering community division, and inciting hostility.
- 12 Cr Yildiz allegedly admitted to being "out of line" during a conversation with the Mayor, Cr Helen Davidson on 9th January 2025 and reiterated this in a 24th January email. Although initially agreeing to issue a public apology, Cr Yildiz reportedly revised the terms, prompting Cr Iwasaki to seek a more specific acknowledgement of the harm caused to his reputation.
- 13 The initial post appeared less than an hour after Cr Yildiz left a Council meeting in an agitated state, suggesting a deliberate response.
- 14 Cr Iwasaki further argued that Cr Yildiz's behaviour showed signs of a broader pattern of bullying and political targeting and strongly denied he (Cr Iwasaki) was acting out of political motivation, citing his non-partisan background.
- 15 Cr Iwasaki provided screenshots of various posts and interactions as evidence of deliberate misconduct. These included abusive comments, endorsement of harmful remarks through "likes," and content that incited public hostility.

- 16 Cr Iwasaki claimed that his professional reputation as a researcher and science communicator was seriously damaged by Cr Yildiz's remarks, which were shared with over 5,000 social media followers.

Cr Yildiz's response

- 17 Cr Yildiz acknowledged making an original Facebook post and engaging in related activity including comments and "likes," admitting he did not review all interactions on his platform.
- 18 He stated that he attempted to resolve the matter by offering to delete the post and related comments, submitting an apology, and proposing mediation through the Mayor's office.
- 19 He denied that his conduct was intended to threaten, vilify, or show disrespect, and emphasised that the language used in the complaint did not reflect his character as evidenced by submitted character references and his professional background in bullying prevention, social media education, and community service.
- 20 Cr Yildiz denied any intent to incite abuse or hostility, stating that his "likes" were meant to acknowledge community engagement rather than endorse content. He claimed his exclusion from certain Council roles reflected a shift toward politically motivated decisions and suggested the complaint was part of a broader campaign against him.
- 21 He expressed frustration that his efforts at resolution were not accepted and reiterated during the hearing his apology for his actions.

Findings of the Arbiter

- 22 Pursuant to s147(1) of the Act I make a finding of misconduct against Cr Oscar Yildiz.

Reasons for the Arbiter's Decision

- 23 I consider the conduct and events of the Council meeting has no direct relevance in this matter.
- 24 I accept the submission of Cr Iwasaki that Cr Yildiz's post and subsequent responses fell below the standard of conduct expected of a Councillor.
- 25 Cr Yildiz contributed and liked multiple negative and hostile comments on his councillor Facebook page, including the following:
- *"One thing I've learned ... the word integrity and honesty seem to have different connotations to Politicians"*
 - *"The Greens and those who quietly back them cannot be trusted, they are not about the community"*

- *"No need to reason with them because they're not reasonable and that's fact"*
- *"What's really disturbing, disappointing, and disgusting is Nat Abboud's dishonesty"*
- *"How do I trust such individuals going forward, please tell me"*
- *"Mate I can't believe the lack of integrity, honesty and respect..." "Nothings changed on this council... you watch there's more to come"*
- *"...you are right, the nastiness and evilness of some was so evident last night"*

- 26 I am satisfied these comments and "likes" demonstrate a failure by Cr Yildiz to treat Councillors with dignity, fairness, objectivity and respect. I am satisfied that the posts can only be interpreted as showing disrespect toward both individual Councillors and the Council generally.
- 27 It is generally accepted that when a user "likes" a post on Facebook, it serves as an expression of acknowledgment and agreement with the content of that post. A "like" is a simple yet effective way to communicate endorsement without needing to write a comment or share a further post. In the context of social media, a "like" indicates that the user has read, understood, and supports the message conveyed by the post.
- 28 It is my view that a "like" is more than a casual click of acknowledgement as claimed by Cr Yildiz, but an endorsement that expresses support of the content.
- 29 By clicking the "like" button, Cr Yildiz aligned himself with the ideas, opinions, or sentiments expressed. It is widely accepted that a "like" conveys approval and acceptance of the post's content, in effect signalling agreement to other users.
- 30 This understanding is important when interpreting the meaning of social media interactions and recognising the responsibility that comes with Councillors publicly responding to content.
- 31 Robust political debate does not give free rein for Councillors to ignore the rules they have committed to uphold.
- 32 I acknowledge that genuine attempts were made to resolve this matter prior to lodging of the complaint, and I commend those efforts.
- 33 I also commend the Cr Yildiz for voluntarily offering to remove the offending posts. I understand the posts were removed in the days following the conclusion of the hearing.

Sanctions

- 34 Pursuant to s147(2)(b) of the Act, Cr Yildiz is suspended for a period of one calendar month commencing the day after this decision is tabled at the next meeting of Council in accordance with s147(4)(b) of the Act.
- 35 Pursuant to s147(2)(e) of the Act, I direct Cr Yildiz to undertake updated social media training or coaching in the appropriate use of social media and that he must not make any posting on social media in relation to Council matters until training is completed. The training must be conducted by a Council approved trainer.

Noel Harvey OAM

Arbiter

Date: 27 June 2025