

Councillor Martin - QoN - Davis Vs The Corporation of The City of Adelaide

Tuesday, 8 July 2025
Council

Council Member
Councillor Phillip Martin

Public

Contact Officer:
Michael Sedgman, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Phillip Martin will ask the following Question on Notice:

'Could the Administration advise;

1. On what basis Councillor Davis instituted legal action against the City, the CEO and the Lord Mayor?
2. Whether others were initially cited in the legal action?
3. What was judgement of the Supreme Court dated March 25, 2025?
4. The total legal and staff costs incurred by the City of Adelaide responding to Councillor Davis?
5. The estimated cost of Councillor Davis' legal actions to be met by the LGA Mutual Liability Scheme, and thus the ratepayers of South Australia?
6. Does the Administration have any information about whether the LGA Mutual Liability Scheme will be seeking to recover its costs from Councillor Davis?
7. What has been the cost to the City of Adelaide and its ratepayers of dealing with all other matters arising from litigation and/or complaints initiated by Councillor Davis?

REPLY

1. In response to question 1:
 - 1.1 Cr Davis commenced judicial review proceedings against five respondents alleging a decision to refer complaints made about Cr Davis to investigation was infected by error.
 - 1.2 Within his Originating Application for Review (the Application) Cr Davis relied on an asserted failure by the respondents to afford him procedural fairness, including on the basis the third respondent was in a position of conflict of interest, and that the decision to refer was unreasonable as the complaint was vexatious, frivolous and trivial.
2. In response to question 2:
 - 2.1 The Application listed the following five respondents:
 - 2.1.1 City of Adelaide Council
 - 2.1.2 Michael Sedgman
 - 2.1.3 Dr Jane Lomax-Smith

2.1.4 Felice D'Agostino

2.1.5 Person Unknown.

2.2 After commencing proceedings, Cr Davis discontinued his complaint against Ms D'Agostino of Norman Waterhouse. Ms D'Agostino had acted as the investigating officer on behalf of Council with respect to the initial complaint.

3. In response to question 3:

3.1 On 25 March 2025, the Court determined to summarily dismiss Cr Davis' application for judicial review.

3.2 The Court held that:

There is no reasonable basis for any grounds of review relied upon by the applicant.

4. In response to question 4:

4.1 Consequent on the referral of this action to the LGA Mutual Liability Scheme, Council's costs in this matter are limited to an excess of \$3,750.

4.2 The LGA Mutual Liability Scheme will invoice Council for the excess following resolution of the Order against Cr Davis.

5. In response to question 5:

5.1 An Order for Costs (the Order) was made by the Supreme Court on 7 May 2025.

5.2 The Order provided that:

The applicant is to pay the first to third respondents' costs on a standard costs basis, to be agreed or taxed.

6. In response to question 6:

6.1 The issue of costs is a matter between the LGA Mutual Liability Scheme's lawyers and Cr Davis.

7. In response to question 7:

7.1 As of 30 June 2025, the legal costs incurred by Council in relation to complaints initiated by Cr Davis total \$ 39,113 (excl GST).

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 15 hours.
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- END OF REPORT -

Councillor Snape - QoN - Park Lands

Tuesday, 8 July 2025
Council

Council Member
Councillor Keiran Snape

Public

Contact Officer:
Ilia Houridis, Director City Shaping

QUESTION ON NOTICE

Councillor Keiran Snape will ask the following Question on Notice:

1. What is the total hectares of Park Lands taken by the State Government in this current term of Office (including Park 1 and 27A)
2. Is the takeover of Possum Park and John E Brown Park the biggest park lands takeover by any State Government?

REPLY

Question 1 – What is the total hectares of park lands taken by the State government in this current term of Office (including Park 1 and 27A)

1. Advice is provided regarding changes to care, control and management of the Adelaide Park Lands during the current term of State Government.
2. The sitting State Government introduced the *North Adelaide Public Golf Course Bill 2025* (SA) (the Bill) into Parliament in June 2025, and the legislation passed both Houses with minor amendments and was gazetted on Thursday 3 July 2025.
 - 2.1. Under Section 16 of the Bill, provision for the vesting of the care and control of Adelaide Park Lands to the Minister for Planning (the Minister) in an estate in fee simple, includes:
 - 2.1.1. The North Adelaide Golf Course (known by Council as Possum Park / Pirltawardli (Park 1))
 - 2.1.2. The area known as John E Brown Park (Park 27A)
 - 2.1.3. Certain road reserve areas in the vicinity of the above areas (yet to be defined by the Minister)
 - 2.1.4. Ability for additional areas of land to be vested and determined by the Minister for Planning (yet to be determined by the Minister).
 - 2.2. The final area of land is yet to be determined by the Minister. The total area of Possum Park / Pirltawardli (Park 1) and John E Brown Park (Park 27A) equates to 93 hectares.
3. Similarly, the sitting State Government established the *New Women's and Children's Hospital 2022* (SA) to facilitate hospital development on an estimated 5.7 hectares of the Adelaide Park Lands (nWCH site).
 - 3.1. The State Government had care, control and management of approximately 2.85 hectares of the nWCH site and leased a further 2.85 hectares from the City of Adelaide.
 - 3.2. The State Government has promoted 3 hectares of land surrounding the nWCH site as being for publicly accessible Adelaide Park Lands under the care, control and management of the State Government at the conclusion of the build program of the nWCH, scheduled for 2030/31.

- 3.3. The net loss of Adelaide Park Lands under the care, control and management of the City of Adelaide associated with the nWCH is estimated at 2.85 hectares.
4. The Adelaide Aquatic Centre is being redeveloped by the State Government with support from the City of Adelaide through a 42-year lease agreement which was tabled in both Houses of Parliament, in accordance with the *Adelaide Park Lands Act 2005* (SA), on 6 March 2025 and is now in place.
5. The State Government expanded the Adelaide Botanic High School onto Frome Park / Nellie Raminyemmerin.
 - 5.1. The Adelaide Botanic High School resulted in 0.18 hectares of Adelaide Park Lands being vested to the care, control and management of the State Government.
 - 5.2. In return, the State Government vested 0.1891 hectares of Adelaide Park Lands at Helen Mayo Park to the care, control and management of the City of Adelaide.
 - 5.3. The net gain of Adelaide Park Lands under the care, control and management of the City of Adelaide associated with the Adelaide Botanic High School expansion is 91 square metres.
6. The total hectares of Adelaide Park Lands transferred to State Government care, control and management in their current term of Office is in the order of 96.04 hectares.
7. It should also be noted at the Council meeting on 13 August 2024, the CEO gave an Undertaking to:
 - 7.1. *Provide Council Members with information in relation to the reply to Item 18.1 – Councillor Martin – QoN – Loss or Gain of Park Lands, if between 2018-2022 the loss of park lands is 21,800 square metres and the return in only 2891 square metres?*
 - 7.2. There were no losses or gains in Adelaide Park Lands for the period between 2018 - 2022.

Question 2 – Is the takeover of Possum Park and John E Brown Park the biggest park lands takeover by any state government?

8. The *North Adelaide Public Golf Course Act 2025* (SA) is the largest transfer of care, control and management of the Adelaide Park Lands from the City of Adelaide to the State Government by recent State Governments.
9. The largest transfer of care, control and management of the Adelaide Park Lands occurred soon after their declaration in 1837, when 370 acres (150 ha) of Adelaide Park Lands were repurposed to Government Reserves.
 - 9.1. These reserves form the land held by the State Government along North Terrace and accommodate several public institutions such as the Art Gallery of South Australia and South Australian Museum.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 5.5 hours.
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