



# COUNCIL

## Minutes

for the meeting on

Tuesday, 27 January 2026

in the Council Chamber, Adelaide Town Hall

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Our Adelaide.  
**Bold.**  
**Aspirational.**  
**Innovative.**

Present – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith (Presiding)

Deputy Lord Mayor, Councillor Noon

Councillors Abrahamzadeh, Cabada, Couros, Davis, Freeman, Giles, Maher, Martin, Dr Siebentritt and Snape

## **1 Acknowledgement of Country**

At the opening of the Council meeting, the Lord Mayor stated:

‘Council acknowledges that we are meeting on traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

## **2 Acknowledgement of Colonel William Light**

The Lord Mayor stated:

‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’

## **3 Prayer**

The Lord Mayor stated:

‘We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.’

## **4 Pledge**

The Lord Mayor stated:

‘May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.’

## **5 Memorial Silence**

The Lord Mayor asked all present stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

## **6 Apologies and Leave of Absence**

Nil

Councillors Martin and Giles entered the Colonel Light Room at 6.59 pm

## **7 Confirmation of Minutes - 9/12/2025 & 19/1/2026**

Moved by Deputy Lord Mayor, Councillor Noon,  
Seconded by Councillor Maher -

That the Minutes of the meeting of the Council held on 9 December 2025, and the Minutes of the Special meeting held on 19 January 2026, be taken as read and be confirmed as an

accurate record of proceedings.

Carried

**8 Declaration of Conflict of Interest**

Councillor Couros declared a general conflict of interest in Item 14.2 [Councillor Cabada – MoN – Removal of outdoor dining fees to support business, activation and city vibrancy] pursuant to Section 74 of the *Local Government Act 1999* (SA) as her family business operates restaurants in the City of Adelaide, but that she would remain in the room, participate in the discussion and vote on the matter.

Councillor Davis declared a material conflict of interest in Item 20.1 [Council Member Complaint] pursuant to Section 75 of the *Local Government Act 1999* (SA) as he received money in relation to defamation proceedings with two Councillors and the report concerns him, and that he would vacate his Chair and leave the room during consideration of the item.

**9 Deputations**

Nil

**10 Petitions**

Nil

**11 Reports for Council (Chief Executive Officer's Reports)**

**11.1 2025/26 Q3 Quarterly Forward Procurement Report**

Moved by Councillor Siebentritt,  
Seconded by Deputy Lord Mayor, Councillor Noon -

THAT COUNCIL

1. Notes the procurements set out in Attachment A to Item 11.1 on the Agenda for the meeting of Council held on 27 January 2026, which will be released to the market during Quarter 3 of the 2025/26 financial year.

Discussion ensued

The motion was then put and carried

**11.2 2026 National General Assembly of Local Government**

Moved by Councillor Giles,  
Seconded by Councillor Snape -

THAT COUNCIL

1. Notes that input from Council Members has been sought in developing proposed motions for the 2026 National General Assembly of Local Government, with a report to come back to Council at its 24 February 2026 meeting outlining proposed motions for consideration.
2. Approves the appointment of a Council Member to represent Council as a voting delegate at the 2026 National General Assembly of Local Government to be held in Canberra from 23 – 25 June 2026.
3. Notes the method of appointing a Council Member and proxy to attend the 2026 National General Assembly of Local Government in accordance with the Code of Practice for Council Meeting Procedures as follows:
  - 3.1 The Presiding Member of the Meeting will call for nominations, which must be accepted or declined by the Council Member who is subject of the nomination.
  - 3.2 The Chief Executive Officer as Returning Officer is authorised to declare the successful candidate appointed as Council's representative as a voting delegate at

the 2026 National General Assembly of Local Government.

- 3.3 In the event of only one nomination to be Council's representative, the candidate is appointed Council's representative as a voting delegate at the 2026 National General Assembly of Local Government, announced by the Returning Officer.
- 3.4 In the event of there being more nominations than required, an election by voting ballot of Council Members present will be undertaken.
- 3.5 If the votes for more candidates for the relevant position are equal, a revote by ballot between tied candidates will be undertaken.
- 3.6 If the votes for two or more candidates for the position remain equal, lots must be drawn to determine which candidate or candidates will be excluded.
- 3.7 The Chief Executive Officer as Returning Officer is authorised to declare the successful candidate appointed as Council's representative as a voting delegate to attend the 2026 National General Assembly of Local Government

4. Approves the appointed delegate to travel and attend the 2026 National General Assembly of Local Government in person.

Carried

The Lord Mayor called for nominations for appointment of a Council Member to represent Council as a voting delegate at the 2026 National General Assembly of Local Government to be held in Canberra from 23 – 25 June 2026

Councillor Giles nominated Deputy Lord Mayor, Councillor Noon, who accepted the nomination.

Councillor Cabada nominated Councillor Freeman, who declined the nomination.

Councillor Davis nominated Councillor Cabada and Councillor Maher, who both declined the nomination.

Councillor Cabada nominated Councillor Siebentritt, who declined the nomination.

There being no further nominations, Mr Michael Sedgman, Returning Officer advised the meeting that Deputy Lord Mayor, Councillor Noon was appointed to represent Council as a voting delegate at the 2026 National General Assembly of Local Government to be held in Canberra from 23 – 25 June 2026.

## 12 Lord Mayor's Reports

The Lord Mayor addressed the meeting on the following:

- Honourable Nick Bolkus' funeral
- Service of prayers in commemoration of the National Day of Mourning at St Peters College
- Mourning in the Morning, Elder Park
- Santos Tour Down Under
- International Holocaust Memorial Day

It was then –

Moved by Deputy Lord Mayor, Councillor Noon,  
Seconded by Councillor Maher -

That the report be received and noted.

Carried

## 13 Councillors' Reports

### 13.1 Reports from Council Members

Deputy Lord Mayor, Councillor Noon addressed the meeting on the Australia Day Awards and cancellation of events, as Council's representative on the Australia Day Council and the National Day of Mourning service at St Peters College.

Councillor Snape addressed the meeting on his attendance at the New Years Eve event in Elder Park, Mourning in the Morning and to wish the new Deputy Lord Mayor, Councillor Noon success in her term as Deputy Lord Mayor.

It was then –

Moved by Councillor Siebentritt,  
Seconded by Councillor Cabada -

**THAT COUNCIL**

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 13.1 on the Agenda for the meeting of the Council held on 27 January 2026).
2. Notes the summary of meeting attendance by Council Members (Attachment B to Item 13.1 on the Agenda for the meeting of the Council held on 27 January 2026).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 27 January 2026 will be included in the Minutes of the meeting.

Carried

**14 Motions on Notice**

**14.1 Councillor Snape - MoN - Unveiling of Golf Course Plans**

Moved by Councillor Snape,  
Seconded by Councillor Martin -

That Council;

Noting that on December 18th, 2025 the Premier held a press conference outside Adelaide Oval where he “unveiled plans” for the new North Adelaide Golf Course, disclosing the exact number of trees to be felled and releasing a “fly through” video showing representations and orientations of the new fairways and greens to be installed, Asks the Lord Mayor to write to the Premier to ask him to share with Council, before the pre-election caretaker period, the information not disclosed at the unveiling of the plans, including but not limited to;

1. The sites, storeys and footprints of all planned and any future buildings and associated car parks
2. The location and length and height of any golf course permanent fencing for public safety or other purposes and the location and length of any anticipated “event”, temporary fencing
3. Access points for the ancillary facilities such as mini golf course, the par 3 course and the driving range and details of any associated permanent fencing and
4. The details of the Support Zones during construction and events as described at Part 3, para 14 and para 21 of the North Adelaide Golf Course Bill 2025.

Discussion ensued, during which with the consent of the mover, seconder and the meeting, part 1 of the motion was varied to include the words ‘and any other events contemplated for the golf course.’

Amendment –

Moved by Councillor Giles,  
Seconded by Councillor Freeman –

That the motion be amended by the inclusion of two additional parts to read as follows:

5. Identification of the 585 trees planned to be removed and their status.
6. The process that will be put in place to ensure protection of aboriginal heritage during the development.’

Discussion ensued

The amendment was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the amendment.

Division

For (7):

Deputy Lord Mayor, Councillor Noon and Councillors Cabada, Freeman, Giles, Maher, Martin, and Snape

Against (4):

Councillors Abrahamzadeh, Couros, Davis and Siebentritt

The division was declared in favour of the amendment

Discussion continued

The motion, as amended, was then put and carried

Councillor Abrahamzadeh requested that a division be taken on the motion.

Division

For (7):

Deputy Lord Mayor, Councillor Noon and Councillors Cabada, Freeman, Giles, Maher, Martin, and Snape

Against (4):

Councillors Abrahamzadeh, Couros, Davis and Siebentritt

The division was declared in favour of the motion, as amended

#### **14.2 Councillor Cabada - MoN - Removal of outdoor dining fees to support business, activation and city vibrancy**

Moved by Councillor Cabada,  
Seconded by Councillor Couros -

That Council:

1. Notes that outdoor dining plays a critical role in activating streets, increasing passive surveillance, supporting local hospitality businesses, and enhancing the liveability and vibrancy of the Adelaide CBD.
2. Notes that hospitality businesses continue to face sustained cost pressures, including rent, wages, utilities, insurance, and compliance costs, and that outdoor dining permit fees represent an ongoing financial burden on compliant operators.
3. Notes that previous Councils have waived or reduced outdoor dining fees during periods of economic pressure in order to support business viability and stimulate economic activity within the city.
4. Notes that removing unnecessary barriers and costs to business is consistent with Council's strategic objectives relating to economic development, city activation, and a thriving CBD.
5. Requests that the CEO prepare a report to Council on potential barriers that may discourage or limit outdoor dining potential, as well as options to remove these barriers such as the permanent removal of outdoor dining permit fees for compliant hospitality businesses within the City of Adelaide.
6. Requests that the report include:
  - a) The current revenue generated from outdoor dining permit fees
  - b) The financial impact of permanently removing those fees.
  - c) Options for implementation, including timing and any transitional arrangements.
  - d) Any implications for public safety, accessibility, pedestrian movement, and amenity.
  - e) Examples of comparable approaches adopted by other councils, including Australian capital city councils.

- f) An assessment of other barriers, including application complexity and timeframes, space and operational constraints, compliance and insurance requirements, disruption from works or events, weather impacts and environmental factors, low street foot traffic, and a lack of awareness of permit opportunities.
- g) Identification of areas within the City of Adelaide where outdoor dining potential has been consistently unrealised, including contributing factors.

7. Notes that any removal of fees would apply only to businesses that:

- a) Comply with Council's outdoor dining guidelines and permit conditions.
- b) Maintain safe and equitable pedestrian access, including disability access.

8. Requests a workshop be presented at the City and Finance Committee on 17 March 2026, with the outcomes of the report to be subsequently considered through the appropriate Committee and budget process, with a view to implementation as soon as practicable if supported by Council.

Discussion ensued, during which:

- Councillor Giles left the Council Chamber at 7.47 pm.
- With the consent of the meeting, the Lord Mayor adjourned the meeting for a period of 5 minutes at 7.47 pm.
- The meeting resumed at 7.53 pm, with all members present.
- With the consent of the meeting, the Lord Mayor adjourned the meeting for a further period of 5 minutes at 7.57 pm.
- The meeting resumed at 8.04 pm, with all members present.
- With the consent of the mover, seconder and the meeting, parts 6 (a) & (c) of the motion were varied to read as follows:
  - a) The current revenue generated from outdoor dining permit fees including parklets.
  - c) Criteria introduced if the fees were permanently waived or incentivised i.e. removable furniture, standard furniture/infrastructure/plant boxes, building lines.

Undertakings - Councillor Cabada - MoN - Removal of outdoor dining fees to support business, activation and city vibrancy

In response to queries from Council Members, undertakings were given to provide Council Members with information on the following:

- Possibility of decreasing the cost of outdoor dining during the winter months
- Regulatory Permit process
- Removable furniture policy
- Average size

The motion, as varied, was then put and carried unanimously

**14.3 Councillor Freeman - MoN - East-West Bikeway**

Moved by Councillor Freeman,  
Seconded by Councillor Couros -

THAT COUNCIL:

1. Notes the City of Adelaide's ten-year strategic commitment to delivering an East-West Bikeway through the city, as documented in successive Council strategies, including the Strategic Plans 2016-2020 and 2020-2024, the Integrated Transport Strategy, and City Plan 2031.
2. Notes that planning for an East-West Bikeway ceased almost five years ago in March 2021 when Council resolved not to proceed with the proposed Concept Design or investigate alternative routes, despite majority community support.
3. Requests the Administration to recommence planning for an East-West Bikeway for

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consideration in the 2026-27 Business Plan and Budget process, including:

- a. Route options and updated concept design(s) within the broader network
- b. Cost estimates and an economic assessment, including cost-benefit analysis
- c. Community and stakeholder engagement strategy, informed by the 2021 consultation
- d. Key technical investigations and governance to guide route selection and design feasibility
- e. Delivery options including opportunities for trials or temporary works, funding pathways and a proposed timeframe back to Council

4. Requests the Administration to convene a workshop at the Infrastructure and Public Works Committee prior to resolution of the 2026–27 Business Plan and Budget to discuss the above matters.

Discussion ensued

Undertaking – Councillor Freeman - MoN - East-West Bikeway

In response to a query from Deputy Lord Mayor, Councillor Noon an undertaking was given to provide Council members with the East-West Bikeway consultation from 2021.

The motion was then put and carried unanimously

**15 Motions without Notice**

**15.1 Councillor Davis - MwN - Rymill Lake**

Moved by Councillor Davis,  
Seconded by Councillor Snape -

That Council requests the Administration to:

1. Investigate difficulties experienced by animals at Rymill Lake in safely exiting the lake due to the lack of suitable purchase on the lake edges;
2. Engage and work with Bat Rescue SA to assess the issue and develop a practical and humane solution to assist bats in exiting the water safely;
3. Consider and investigate measures to improve water quality at Rymill Lake, including actions to reduce instances of E. coli contamination;
4. Review current maintenance practices relating to the cleaning and removal of duck faeces, and consider whether increased frequency or alternative methods are required to support improved water quality; and
5. Provide a report back to Council outlining investigations undertaken, any actions implemented or proposed, and associated timeframes.

Discussion ensued, during which:

- Councillor Abrahimzadeh left the meeting at 8.37 pm.
- With the consent of the mover, seconder and the meeting, part 2 of the motion was varied to include the words 'and Green Adelaide' after the words 'Bat Rescue SA'.

The motion, as varied, was then put and carried unanimously

**16 Questions on Notice**

**16.1 Councillor Martin - QoN - Aquatic Centre Traffic and Parking**

**16.2 Councillor Siebentritt - QoN - Graffiti in the City**

**16.3 Councillor Martin - QoN - North Adelaide Golf Course**

The Questions and Replies having been distributed and published prior to the meeting were taken as read.

The replies for Item 16.1 – 16.3, are attached for reference at the end of the Minutes of the

meeting.

**17 Questions without Notice**

Nil

**18 Exclusion of the Public**

Moved by Deputy Lord Mayor, Councillor Noon,  
Seconded by Councillor Siebentritt –

ORDER TO EXCLUDE FOR ITEM 19

THAT COUNCIL:

- Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the Local Government Act 1999 (SA), this meeting of the Council dated 27 January 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 19 [Confidential Recommendation of the Special Finance and Governance Committee – 27 January 2026] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains matters that must be considered in confidence because of potential changes of staff placement recommended in the Precinct Review not yet discussed with the individuals involved.

The disclosure of information in this report would unfairly affect employees who have not been consulted with, as the current proposed model has not been finalised and the proposed impacts may or may not actually materialise.

- Pursuant to section 90(2) of the Local Government Act 1999 (SA) (the Act), this meeting of the Council dated 27 January 2026 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 19 [Confidential Recommendation of the Special Finance and Governance Committee – 27 January 2026] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (a) of the Act.

Carried

Moved by Deputy Lord Mayor, Councillor Noon,  
Seconded by Councillor Maher –

ORDER TO EXCLUDE FOR ITEM 20.1

THAT COUNCIL:

- Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the Local Government Act 1999 (SA), this meeting of the Council dated 27 January 2026 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 20.1 [Council Member Complaint] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item contains confidential information that must be considered in confidence in order to protect the personal affairs of the nominee. Public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the nominee's reputation in the community.

- Pursuant to section 90(2) of the Local Government Act 1999 (SA) (the Act), this meeting of the Council dated 27 January 2026 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 20.1 [Council Member Complaint] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (a) of the

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Act.

Carried

Councillor Daivs, having declared a material conflict of interest in Item 20.1 – Council Member Complaint, members of the public and corporation staff not involved with Items 19 and 20.1 left the Council Chamber at 8.44 pm.

- 19     **Recommendation of the Special City Finance and Governance Committee - 27 January 2026 [s 90(3) [(a)]**
- 20     **Confidential Reports for Council (Chief Executive Officer's Reports)**
- 20.1    **Council Member Complaint [S90(3) (a)]**

The meeting reopened to the public at 9.16 pm.

**Item 19 – Recommendation of the Special City Finance and Governance Committee - 27 January 2026 [s 90(3) [(a)]**

Confidentiality Order

Authorises that, in accordance with Section 91(7) and (9) of the *Local Government Act 1999* (SA) and because Item 19 [Confidential Recommendation of the Special City Finance and Governance Committee – 27 January 2026] listed on the Agenda for the meeting of the Council held on 27 January 2026 was received, discussed and considered in confidence pursuant to Section 90(3) (a) of the *Local Government Act 1999* (SA), this meeting of the Council do order that:

1. The resolution and report, excluding Link 1 and Attachments A, B & C, be released from confidence following the Council decision and subsequent consultation of teams and staff as required.
2. Link 1, Attachments A, B & C, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until otherwise determined by Council or 31 December 2026.
3. The confidentiality of the matter be reviewed 31 December 2026.
4. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

**Item 20.1 – Council Member Complaint [s 90(3) [(a)]**

Confidentiality Order

In accordance with Section 91 (7) & (9) of the Local Government Act 1999 (SA) and on the grounds that Item 20.1 [Confidential Council Member Complaint] listed on the Agenda for the meeting of the Council held on 27 January 2026 was received, discussed and considered in confidence pursuant to section 90 (3) (a) of the Local Government Act 1999 (SA) on the basis it considered confidential complaints concerning persons, this meeting of the Council, does order that:

1. The discussion, and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until a further order, noting that this order does not operate to prevent the authorised personal, the power to discharge all functions and responsibilities for managing the complaints.
2. The confidentiality of the matter be reviewed by December 2026.
3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

It was then –

Moved by Deputy Lord Mayor, Councillor Noon,  
Seconded by Councillor Maher –

THAT COUNCIL:

1. Notes the report presented to Council and tabled at this meeting of 27 January 2026, including the findings and recommendations made by Mr Paul d'Assumpcao (in relation to a complaint received on 30 December 2024 in respect of an Instagram video posted by Councillor Henry Davis on 2 July 2024) that Councillor Henry Davis has, on the balance of probabilities:

Breached:

- 1.1 Behavioural Standards 1.1, 1.2, 1.4, 1.5, 2.1, 2.2, 2.5, and 2.7; and
- 1.2 Behavioural Support Policy provisions: Statement (1 (value and respect), 3 (integrity) and 4 (connected)); Council Member Commitments (1 and 4) and Other matters relating to the behaviour of Council Members – Media (1 and 2).

Not breached:

- 1.3 Behavioural Standards 1.3, 2.3, 2.4 and 3.1; and
- 1.4 Behavioural Support Policy provisions: Statement (2 (Optimism) and 6 (Accountability)); Council

Member Commitments (2 and 3) and Communication and Engagement (1).

2. Notes that the Council has:

- 2.1 Censured Cr Davis for his failure to comply with the provisions of the Behavioural Standards and Behavioural Support Policy which he has found to have breached, as set out above; and
- 2.2. Required Cr Davis to issue a public apology at an ordinary meeting of Council held before 26 February 2026,

expressed in terms that include:

Full acceptance that provisions of the Behavioural Standards and Behavioural Support Policy were breached.

Acknowledgement of the inappropriate use of Council resources to make and promote the video;

An undertaking to use best endeavours not to engage in similar conduct again;

An undertaking to remove the video from his social media and make a public retraction of the video online with a link to an apology for public viewing;

and Reaffirmation of his commitment to the Behavioural Standards and Behavioural Support Policy.

Carried

Councillor Snape requested that a division be taken on the motion.

Division

For (5):

Deputy Lord Mayor, Councillor Noon and Councillors Freeman, Maher, Siebentritt and Snape

Against (2):

Councillors Cabada and Couros

The division was declared in favour of the motion

## Closure

The meeting closed at 9.17 pm

Dr Jane Lomax-Smith

Lord Mayor

Date of confirmation:

Documents Attached:

Item 16.1 – 16.3 – Question on Notice Replies– Distributed Separately

Item 20.1 – Council Member Complaint - Published in Confidence and Released to the public

## Councillor Martin - QoN - Aquatic Centre Traffic and Parking

Tuesday, 27 January 2026  
Council

**Council Member**  
Councillor Phillip Martin

Public

**Contact Officer:**  
Ilia Houridis, Director City Shaping

## QUESTION ON NOTICE

**Councillor Phillip Martin will ask the following Question on Notice:**

'Noting estimates of patronage of over a million visitors a year, could the Administration advise;

1. What measures have been adopted or are planned to manage expected increases in local traffic and demand for nearby on street parking demand
2. Whether any special consideration will be given to visitors of local residents whose visitors will need to compete with Aquatic Centre visitors for on street parking
3. If any changes will be made to routes of either Adelaide Metro Bus Services or the City Connector to accommodate visitation by public transport, and
4. What access or onsite facilities will be provided to accommodate cyclists and micro transport users?'

## REPLY

1. The Traffic, Parking and Access Report, lodged by the Department for Infrastructure and Transport (DIT) as part of its Adelaide Aquatic Centre development application to the State Commission Assessment Panel (SCAP), details the project's local traffic management planning.
  - 1.1. Regarding traffic volumes, the report acknowledges that the new Adelaide Aquatic Centre is expected to generate a marginal increase in traffic volumes. However, because the busiest activity periods for the centre will not likely coincide with peak traffic flows on the adjacent Jeffcott Road – which occur during the morning and evening weekday peak commuter periods – the report assessed that the increased traffic generated can be managed using the existing road network and signalised intersections.
  - 1.2. Regarding car park provision, the report highlights that the existing car park is designed to be upgraded and increase from 266 spaces to 384, a 31 per cent increase. A drop-off zone is designed to be located at the southern end of the car park, and 10 disabled car parks were designed to be located in the southeastern corner of the car park with convenient access to the public entrance of the Aquatic Centre. This increase in car park provision deals with the anticipated extra patronage predicted and, as such, will relieve potential demand pressure on existing on street parking spaces in the vicinity.
2. In response to question 2, the following advice is provided:
  - 2.1. Currently, part time and full time on street parking restrictions to support residential parking in the vicinity of the new Adelaide Aquatic Centre are as follows:
    - 2.1.1. Two spaces are restricted on a full time basis for residential parking on Jeffcott Street (between Barton Terrace West and Childers Street)

- 2.1.2. Four spaces are restricted on a part time basis on Hack Street.
- 2.1.3. Three spaces are restricted on a full time basis and two spaces are restricted on a part time basis on Travers Place.
- 2.1.4. Six spaces are restricted on a part time basis on Childers Street (between Jeffcott Street and O'Connell Street).
- 2.2. Elsewhere – in the area bordered by Fitzroy Terrace, Jeffcott Street, Childers Street, and O'Connell Street/Prospect Road – all other on street car parks are either restricted by time limits (mostly 2-4 hours in duration - with some areas excepting residential permit holders) or allow unrestricted parking.
- 2.3. Administration will continue to engage with DIT after the scheduled opening of the new Adelaide Aquatic Centre (on 26 January 2026) to monitor patronage numbers, car parking demand and develop options for changes to on street parking restrictions, where appropriate.
- 3. Administration has not been informed of any changes to either the Adelaide Metro Bus Services or the City Connector in the vicinity of the Adelaide Aquatic Centre.
  - 3.1. Administration will continue to engage with DIT after the scheduled opening of the new Adelaide Aquatic Centre (on 26 January 2026) to monitor patronage numbers, car parking demand and inform options for changed public transport routes and/or services, where appropriate.
- 4. The Traffic, Parking and Access Report prepared for DIT detailed that the project would include three sets of bicycle racks close to the entrance of the new Aquatic Centre, with space to accommodate up to 56 bicycles for public use.

|  |  |
|--|--|
| Staff time in receiving and preparing this reply | To prepare this reply in response to the question on notice took approximately 10 hours. |
|--|--|

- END OF REPORT -

## Councillor Siebentritt - QoN - Graffiti in the City

Tuesday, 27 January 2026  
**Council**

**Council Member**  
Councillor Dr Mark Siebentritt

Public

**Contact Officer:**  
Ilia Houridis, Director City Shaping

## QUESTION ON NOTICE

**Councillor Dr Mark Siebentritt will ask the following Question on Notice:**

1. What data does Council collect on graffiti in the City?
2. What incidents of graffiti were reported to Council for the years 2023-2025 inclusive and by what means?
3. What is the average response time for clean up?
4. What has the annual cost of graffiti removal been for the period 2023-2025?

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## REPLY

1. All incidents of graffiti reported to the City of Adelaide are captured in Administration's Asset Management systems (Assetic/Aten). The data captured includes:
  - 1.1. work order date (date when staff enter reports in Aten, usually the same day graffiti reports are received)
  - 1.2. location
  - 1.3. date of completed graffiti removal work order
  - 1.4. before and after pictures
  - 1.5. response time based on priority
  - 1.6. personnel attending to the work order
  - 1.7. time taken to complete the work.
2. In response to question 2, the following advice is provided:
  - 2.1. Between 1 January 2023 and 31 December 2025, 5,071 graffiti removal jobs were completed.
  - 2.2. Incidents of graffiti occurred in a variety of locations and forms including the following:
    - 2.2.1. offensive graffiti
    - 2.2.2. graffiti on council property
    - 2.2.3. graffiti in Park Lands
    - 2.2.4. graffiti on public conveniences
    - 2.2.5. graffiti on private properties

2.2.6. graffiti on pathways and roads

2.2.7. stickers.

2.3. Incidents of graffiti are reported to Administration through the following avenues:

2.3.1. City of Adelaide website

2.3.2. Customer Service Centre

2.3.3. Snap Send Solve app.

2.4. Graffiti is also identified by Administration when audits and inspections are completed.

2.5. The following tables provide a breakdown of the sources of graffiti reporting and the type of graffiti reported for the calendar years 2023-2025 inclusive.

| 1 January 2023 to 31 December 2025 | GRA01 General graffiti removal private property | GRA02 Offensive graffiti removal private property | GRA03 General graffiti removal public property | GRA04 Offensive graffiti removal public property | GRA05 Graffiti removal on Community Sporting Bldg |
|------------------------------------|---|---|--|--|---|
| SSS app                            | 164   | 6   | 619  | 58   | 1   |
| Phone                              | 312   | 43  | 558  | 61   | 5   |
| Email                              | 85  | 5   | 123  | 7  | 0   |
| Online form                        | 539   | 35  | 241  | 76   | 1   |
| Counter                            | 15  | 3   | 7  | 1  | 0   |
| <b>TOTALS - 2965</b>               | <b>1115</b>                                     | <b>92</b>   | <b>1548</b>                                    | <b>203</b>                                       | <b>7</b>  |

| 1 January 2023 to 31 December 2023 | GRA01 General graffiti removal private property | GRA02 Offensive graffiti removal private property | GRA03 General graffiti removal public property | GRA04 Offensive graffiti removal public property | GRA05 Graffiti removal on Community Sporting Bldg |
|------------------------------------|---|---|--|--|---|
| SSS app                            | 12  | 1   | 86   | 7  | 0   |
| Phone                              | 78  | 12  | 260  | 16   | 2   |
| Email                              | 29  | 2   | 61   | 1  | 0   |
| Online form                        | 143   | 7   | 59   | 30   | 0   |
| Counter                            | 8   | 0   | 3  | 0  | 0   |
| <b>TOTALS - 817</b>                | <b>270</b>                                      | <b>22</b>   | <b>469</b>                                     | <b>54</b>  | <b>2</b>  |

| 1 January 2024 to 31 December 2024 | GRA01 General graffiti removal private property | GRA02 Offensive graffiti removal private property | GRA03 General graffiti removal public property | GRA04 Offensive graffiti removal public property | GRA05 Graffiti removal on Community Sporting Bldg |
|------------------------------------|---|---|--|--|---|
| SSS app                            | 94  | 4   | 346  | 42   | 1   |
| Phone                              | 158   | 20  | 211  | 26   | 1   |
| Email                              | 32  | 3   | 34   | 5  | 0   |
| Online form                        | 210   | 15  | 84   | 26   | 1   |
| Counter                            | 7   | 0   | 3  | 1  | 0   |
| <b>TOTALS - 1324</b>               | <b>501</b>                                      | <b>42</b>   | <b>678</b>                                     | <b>100</b>                                       | <b>3</b>  |

| <i>1 January 2025 to<br/>31 December<br/>2025</i> | <i>GRA01<br/>General<br/>graffiti<br/>removal<br/>private<br/>property</i> | <i>GRA02<br/>Offensive<br/>graffiti<br/>removal<br/>private<br/>property</i> | <i>GRA03<br/>General<br/>graffiti<br/>removal<br/>public<br/>property</i> | <i>GRA04<br/>Offensive<br/>graffiti<br/>removal<br/>public<br/>property</i> | <i>GRA05<br/>Graffiti<br/>removal on<br/>Community<br/>Sporting Bldg</i> |
|---|--|--|---|---|--|
| SSS   | 58   | 1  | 187   | 9   | 0  |
| Phone   | 76   | 11   | 87  | 19  | 2  |
| Email   | 24   | 0  | 28  | 1   | 0  |
| Online form                                       | 186  | 13   | 98  | 20  | 0  |
| Counter   | 0  | 3  | 1   | 0   | 0  |
| <b>TOTALS - 824</b>                               | <b>344</b>   | <b>28</b>  | <b>401</b>  | <b>49</b>   | <b>2</b>   |

3. Response times and prioritisation of graffiti removal are based on an Administration assessment of factors such as location, offensiveness and visual impact.
  - 3.1. Graffiti assessed as offensive is removed or covered within 24 hours and as indicated by the figures provided, represents just over 10% of all graffiti removed annually.
  - 3.2. All other graffiti reported is removed, on average, within 14 days.
4. The total cost of graffiti removal during the period 2023-2025 is detailed in the following table.

| <b>FY2023-2024</b> | <b>FY2024-2025</b> | <b>1 July 2025 to<br/>31 December 2025</b> |
|--------------------|--------------------|--|
| \$655,000          | \$566,000          | \$281,000                                  |

|   |  |
|---|--|
| Staff time in receiving<br>and preparing this reply | To prepare this reply in response to the question on notice took approximately 10 hours. |
|---|--|

- END OF REPORT -

## Councillor Martin - QoN - North Adelaide Golf Course

Tuesday, 27 January 2026  
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, in accordance with the North Adelaide Golf Course Act 2025;

1. Has a Minister has been appointed, triggering the process for the State Government's takeover of the course?
2. If a Minister has been appointed, have negotiations begun for a date on which the course and all Council assets will come under the control of the Minister?'

## REPLY

1. On 18 December 2025 advice was published in the South Australian Government Gazette that administration of the Act is committed to the Premier and that under the Act, the Minister for Recreation, Sport and Racing had been appointed as the Designated Minister in whom the project site will vest.
2. Council at its meeting on 22 July 2025 considered a statement outlining the matters relating to the project that the Council would like to be consulted on in response to Section 9 of the North Adelaide Public Golf Course Act 2025 (the Act), for submission to the Minister.
3. Council at that meeting in consideration of the matter, determined that its resolution be made public. The minutes of the meeting of Council can be found [here](#).
4. Following receipt of correspondence from the Premier on 20 January 2026 inviting Council to provide a statement outlining the matters relating to the project that Council would like to be consulted on pursuant to Section 9 of the Act, the Lord Mayor and Chief Executive Officer finalised the statement in accordance with Council's resolution of 22 July 2025. Council's response was forwarded to the Premier on 22 January 2026.

|  |  |
|--|--|
| Staff time in receiving and preparing this reply | To prepare this reply in response to the question on notice took approximately 4.5 hours |
|--|--|

- END OF REPORT -

## Confidential Council Member Complaint

Strategic Alignment - Our Corporation

Tuesday, 27 January 2026  
Council

Confidential - s 90(3) (a) unreasonable disclosure of personal affairs

**Program Contact:**  
Rebecca Hayes, Associate  
Director Governance & Strategy**Approving Officer:**  
Anthony Spartalis, Chief  
Operating Officer

## EXECUTIVE SUMMARY

The purpose of this report is to present to Council, a confidential complaint received on 30 December 2024 together with the final report from the investigator.

At the time of presenting the report, the investigator is at a juncture in that a breach has been found but actions following the breach cannot be agreed.

In these circumstances the Council Member Complaints Policy states:

*Where the finding is that a breach of the Behavioural Requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report will be presented to Council for determination.*

Consideration in confidence is sought because this report contains information that would amount to an unreasonable disclosure of personal affairs under section 90(3)(a) of the *Local Government Act 1999* (SA).

## RECOMMENDATION

THAT COUNCIL

1. Notes the Complaint received on 30 December 2024 as contained in Attachment A to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.
2. Notes the final report prepared by Mr Paul d'Assumpcao, dated 6 October 2025 as contained in Attachment B to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.
3. Notes the email from Mr Paul d'Assumpcao, dated 1 December 2025 to the Lord Mayor as contained in Attachment C to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.
4. Determines, in accordance with Section 262C of the *Local Government Act 1999* and Council's Behavioural Management Policy to:
  - 4.1. Take the following action :
    - 4.1.1. Censure Cr Davis; and
    - 4.1.2. Require Cr Davis to issue a public apology at an ordinary meeting of Council held before 26 February 2026
  - 4.2. for breaching the following provisions:
 

Behavioural Standards: 1.1, 1.2, 1.4, 1.5, 2.1, 2.2, 2.5, and 2.7; and

Behavioural Support Policy: Statement (1 (value and respect), 3 (integrity) and 4 (connected)); Council Member Commitments (1 and 4) and Other matters relating to the behaviour of Council Members – Media (1 and 2); and

expressed in terms that include:

Full acceptance that provisions of the Behavioural Standards and Behavioural Support Policy were breached.

Acknowledgement of the inappropriate use of Council resources to make and promote the video;

An undertaking to use best endeavours not to engage in similar conduct again;

An undertaking to remove the video from his social media and make a public retraction of the video online with a link to an apology for public viewing; and

Reaffirmation of his commitment to the Behavioural Standards and Behavioural Support Policy.

- 4.2. Request that the Chief Executive Officer table the final report and email from Mr Paul d'Assumpcao, at this meeting, in public, following the conclusion of Council's confidential consideration of this matter.
5. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999* (SA) and on the grounds that Item 20.1 [Confidential Council Member Complaint] listed on the Agenda for the meeting of the Council held on 27 January 2026 was received, discussed and considered in confidence pursuant to section 90 (3) (a) of the *Local Government Act 1999* (SA) on the basis it considered confidential complaints concerning persons, this meeting of the Council, does order that:
  - 5.1. The discussion, and the minutes of this meeting in relation to the matter remain confidential and not available for public inspection until a further order, noting that this order does not operate to prevent the authorised personal, the power to discharge all functions and responsibilities for managing the complaints.
  - 5.2. The confidentiality of the matter be reviewed by December 2026.
  - 5.3. The Chief Executive Officer be delegated the authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

## IMPLICATIONS AND FINANCIALS

|  |  |
|--|--|
| City of Adelaide<br>2024-2028<br>Strategic Plan                        | Strategic Alignment – Our Corporation  |
| Policy   | Council Member Complaints Policy and Council Member Behavioural Support Policy.  |
| Consultation   | Not as a result of this report   |
| Resource   | Not as a result of this report   |
| Risk / Legal /<br>Legislative  | <i>Local Government Act 1999 (SA)</i> and the Behavioural Standards for Council Members.   |
| Opportunities  | Not as a result of this report   |
| 25/26 Budget<br>Allocation   | The engagement of Mr Paul d'Assumpcao totalled the sum of \$9487. Costs associated with the management of this complaint have been managed through the 2025/26 legal operating expense budget. |
| Proposed 26/27<br>Budget Allocation                                    | Not as a result of this report   |
| Life of Project,<br>Service, Initiative<br>or (Expectancy of)<br>Asset | Not as a result of this report   |
| 25/26 Budget<br>Reconsideration<br>(if applicable)                     | Not as a result of this report   |
| Ongoing Costs<br>(e.g. maintenance<br>cost)                            | Not as a result of this report   |
| Other Funding<br>Sources   | Not as a result of this report   |

# GROUNDS AND BASIS FOR CONSIDERATION IN CONFIDENCE

## Grounds

Section 90 (3) (a) of the *Local Government Act 1999* (SA)

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

## Basis

Consideration in confidence is sought because this report contains information that would amount to an unreasonable disclosure of personal affairs concerning confidential complaints under section 90(3)(a) of the *Local Government Act 1999* (SA).

## DISCUSSION

### Background

1. On 30 December 2024, the acting Chief Executive Officer (CEO) received a confidential complaint (**Attachment A**). The Complaint was made against Councillor Davis.
2. Under the Council's *Behavioural Management Policy*, which it has adopted under section 262B of the *Local Government Act 1999* (the Act) as the Council Member Complaint Policy (the Policy) (**Attachment D**), the Complaint must be allocated to the appropriate 'person responsible for managing the complaint' (**Person Responsible**).
3. Under the Policy, and as this Complaint does not involve the Lord Mayor. The Lord Mayor is the Person Responsible for Managing the Complaint.
4. An assessment of the Complaint was undertaken to determine what action will be taken. Under the Policy the Person Responsible for Managing the Complaint has the following options:
  - 4.1. refuse to deal with a complaint;
  - 4.2. determine to take no action on a complaint;
  - 4.3. refer the matter to an alternative dispute resolution mechanism, including mediation, conciliation, arbitration, facilitated discussion or other dispute or conflict resolution;
  - 4.4. require the person complained about to undertake training, instruction, counselling, mentoring or coaching;
  - 4.5. refer the matter to another body or agency;
  - 4.6. inquire into a complaint in a manner in accordance with the Council Member Complaint Guidelines; or
  - 4.7. conduct an investigation themselves or delegate the conduct of an inquiry to any person or body considered appropriate in the circumstances.
5. The Lord Mayor in her capacity as the Person Responsible delegated the investigation of the Complaint to Mr d'Assumpcao.
6. **Attachment B** contains a copy of the Final Report from Mr d'Assumpcao and **Attachment C** contains an email to the Lord Mayor with his recommendations regarding the next steps in this matter.

### Mr d'Assumpcao Findings outlined in Final Report

7. Following a thorough investigation of the complaint, Mr d'Assumpcao finds that Councillor Davis has breached the following Behavioural Standards for Council Members gazetted by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act):

#### General Behaviour

- 7.1. **1.1** – show commitment and discharge duties conscientiously.

- 7.2. **1.2** – Act in a way that generates community trust and confidence in the Council.
- 7.3. **1.4** – Act in a reasonable, just, respectful and non-discriminatory way.
- 7.4. **1.5** – When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

Responsibilities as a member of Council

- 7.5. **2.1** – Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 7.6. **2.2** – Take all reasonable steps to provide accurate information to the community and the Council.
- 7.7. **2.5** – Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 7.8. **2.7** – Use the processes and resources of Council appropriately and in the public interest.

8. In addition, Mr d'Assumpcao also finds that Councillor Davis has breached the Council Member Behavioural Support Policy (**Attachment E**) which was adopted by Council on 24 October 2023, in particular:

- 8.1. **Statement 1 - Value & Respect** – we engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s;
- 8.2. **Statement 3 - Integrity** - we are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others;
- 8.3. **Statement 4 – Connected** - we ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent;
- 8.4. **Council Member Commitments 1** - that as the currently elected custodians, entrusted to oversee the affairs of the City of Adelaide we have a duty to put the interests of the community before our own interests;
- 8.5. **Council Member Commitments 4** - as a democratic tier of the government in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We:
  - a) Recognise that it is appropriate and important for a range of views to be expressed at Council meetings.
  - b) accept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences.
  - c) undertake, when we disagree, that we will do this respectfully. In particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other Council Members or council employees.
- 8.6. **Other matter relating to Council Members Media 1** – Council Members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council; and
- 8.7. **Other matter relating to Council Members Media 2** – If Council Members choose to express dissent in the media, they should address the policy issues and refrain from making personal criticism of other Council Members or Council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.

**Mr d'Assumpcao Recommendation**

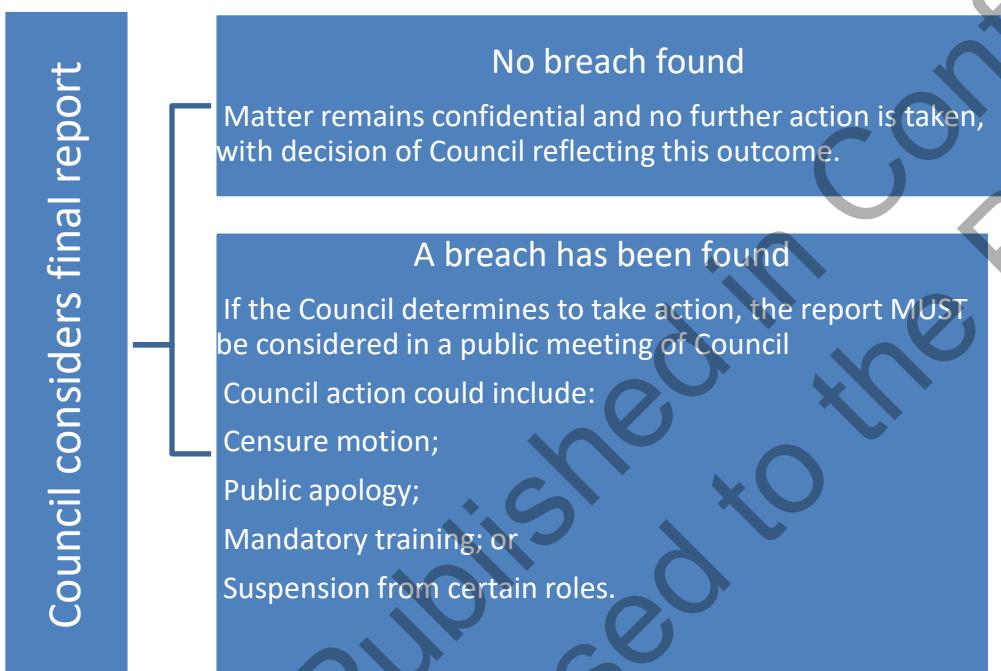
9. Mr d'Assumpcao has advised the Lord Mayor that the Complaint process is now at a juncture where a breach has been found and the actions following that breach cannot be agreed between the parties involved.
10. In the Policy it states: *Where the finding is that a breach of the Behavioural Requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report will be presented to Council for determination. The Person Responsible for Managing the Complaint must request the Chief Executive Officer to include, as far as is reasonably practicable, the final report in the Council Agenda at the next ordinary meeting following the issuing of the final report.*
11. Council is now asked to consider Attachment A, B and C to determine what actions (if any), Council may resolve to be taken.
12. Under the Act, the Council can determine one or more of the following:

- 12.1. pass a censure motion in respect of Councillor Davis;
- 12.2. require Councillor Davis to issue a public apology (in a manner determined by the Council);
- 12.3. require Councillor Davis to undertake a specified course of training or instructions; and/or
- 12.4. remove or suspend Councillor Davis from one or more offices held in the member's capacity as a Member of the Council or by virtue of being a Member of the Council (other than the office of Member of the Council).

13. Mr d'Assumpcao has proposed to Cr Davis that the Council impose a censure and require Cr Davis to issue a public apology in the manner determined by Council.

#### **Possible recommendations for Council consideration**

14. To assist Council members with understanding the options available to them in relation to this matter the following chart has been created:



15. If Council determines that action should be taken, Council is required to consider what breaches have been found and/or not found and determine what action Councillor Davis is required to take.
16. For procedural fairness and natural justice purposes, if the Council proposes to take action **other than** censuring Cr Davis and/or requiring him to issue a public apology (the proposals consulted on by Mr d'Assumpcao), then the Council will be required to seek Cr Davis' views on these alternative actions before passing a resolution to take that action.

#### **Action to be taken (two steps)**

17. Should Council determine that action be taken in the manner recommended by Mr d'Assumpcao, it is suggested the censure (if any) take place by resolution and the apology (if any) be given at a public meeting of Council before the end of February 2026. The recommendation from this confidential report will be firstly:

THAT COUNCIL

1. Notes the Complaint received on 30 December 2024 as contained in Attachment A to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.
2. Notes the final report prepared by Mr Paul d'Assumpcao, dated 6 October 2025 as contained in Attachment B to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.
3. Notes the email from Mr Paul d'Assumpcao, dated 1 December 2025 to the Lord Mayor as contained in Attachment C to Item 20.1 on the Agenda for the meeting of the Council held on 27 January 2026.

4. Determines, in accordance with Section 262C of the *Local Government Act 1999* and Council's Behavioural Management Policy to:
  - 4.1. Take the following action:
    - 4.1.1 Censure Cr Davis; and
    - 4.1.2. Require Cr Davis to issue a public apology at an ordinary meeting of Council held before 26 February 2026,  
for breaching the following provisions:  
Behavioural Standards: 1.1, 1.2, 1.4, 1.5, 2.1, 2.2, 2.5, and 2.7; and  
Behavioural Support Policy: Statement (1 (value and respect), 3 (integrity) and 4 (connected)); Council Member Commitments (1 and 4) and Other matters relating to the behaviour of Council Members – Media (1 and 2); and  
expressed in terms that include:  
Full acceptance that provisions of the Behavioural Standards and Behavioural Support Policy were breached.  
Acknowledgement of the inappropriate use of Council resources to make and promote the video;  
An undertaking to use best endeavours not to engage in similar conduct again;  
An undertaking to remove the video from his social media and make a public retraction of the video online with a link to an apology for public viewing; and  
Reaffirmation of his commitment to the Behavioural Standards and Behavioural Support Policy.  
and
  - 4.2. Request that the Chief Executive Officer table the final report and email from Mr Paul d'Assumpcao, at this meeting, in public, following the conclusion of Council's confidential consideration of this matter.
18. Once this resolution has been carried, in accordance with section 262C of the Act, Council will then secondly move into a "public" meeting and the decision before Council will be the following recommendation:  
THAT COUNCIL:
  1. Notes the report presented to Council and tabled at this meeting of 27 January 2026, including the findings and recommendations made by Mr Paul d'Assumpcao (in relation to a complaint received on 30 December 2024 in respect of an Instagram video posted by Councillor Henry Davis on 2 July 2024) that Councillor Henry Davis has, on the balance of probabilities:  
Breached:
    - 1.1 Behavioural Standards 1.1, 1.2, 1.4, 1.5, 2.1, 2.2, 2.5, and 2.7; and
    - 1.2 Behavioural Support Policy provisions: Statement (1 (value and respect), 3 (integrity) and 4 (connected)); Council Member Commitments (1 and 4) and Other matters relating to the behaviour of Council Members – Media (1 and 2).  
Not breached:
    - 1.3 Behavioural Standards 1.3, 2.3, 2.4 and 3.1; and
    - 1.4 Behavioural Support Policy provisions: Statement (2 (Optimism) and 6 (Accountability)); Council Member Commitments (2 and 3) and Communication and Engagement (1).
  2. Notes that the Council has: {insert action determined by Council}:
    - 2.1 Censured Cr Davis for his failure to comply with the provisions of the Behavioural Standards and Behavioural Support Policy which he has found to have breached, as set out above; and
    - 2.2. Required Cr Davis to issue a public apology at an ordinary meeting of Council held before 26 February 2026,

expressed in terms that include:

- Full acceptance that provisions of the Behavioural Standards and Behavioural Support Policy were breached.
- Acknowledgement of the inappropriate use of Council resources to make and promote the video;
- An undertaking to use best endeavours not to engage in similar conduct again;
- An undertaking to remove the video from his social media and make a public retraction of the video online with a link to an apology for public viewing; and
- Reaffirmation of his commitment to the Behavioural Standards and Behavioural Support Policy.

19. Council is asked to consider this report and Attachments A, B, C D and E to determine what actions (if any), Council may resolve to be taken.

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## DATA AND SUPPORTING INFORMATION

Nil

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## ATTACHMENTS

**Attachment A** – Redacted Copy of Complaint, dated 30 December 2024

**Attachment B** - Final report prepared by Mr Paul d'Assumpcao, dated 6 October 2025

**Attachment C** – Copy of email from Mr Paul d'Assumpcao, dated 1 December 2025 to the Lord Mayor

**Attachment D** – Council Member Complaint Policy

**Attachment E** – Council Member Behavioural Support Policy

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- END OF REPORT -

**Sent:** Monday, December 30, 2024 12:18:48 PM

**To:** Tom McCready <[T.McCready@cityofadelaide.com.au](mailto:T.McCready@cityofadelaide.com.au)>

**Cc:** Michael Sedgman <[M.Sedgman@cityofadelaide.com.au](mailto:M.Sedgman@cityofadelaide.com.au)>; Dr Jane Lomax-Smith <[J.Lomax-Smith@cityofadelaide.com.au](mailto:J.Lomax-Smith@cityofadelaide.com.au)>

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**Subject:** In Confidence

Dear Acting CEO

I wish to lodge a formal complaint in the context of the Council Member Behavioural Support Policy and the Local Government Act 1999 (as amended) Behavioural Standards for Council members.

On the July 2, 2024 on Council premises, understood to be the Council Chamber, around 1800 hrs during a break between two Council Committee meetings and immediately after a meeting of the Council's City Community Services and Culture Committee, Councillor Henry Davis recorded and published to the social media sites Instagram and Facebook the following video;

"How would you like to earn \$1500 an hour? Well that's just what one of councillors got paid to chair a 20 minute committee meeting. So, normally you get paid about \$750 to chair an hour and a half committee, but this one only lasted 20 minutes. But I can make that deal even better. She wasn't even here. Somebody else chaired the committee for her, and she got paid the big bickies to chair this committee when she wasn't even there. So if you would like to earn \$1500 an hour to chair a committee on the City of Adelaide council under an overly complex committee structure which basically sees 4 chairs appointed for no real apparent benefit, all you need to do is to get yourself appointed as a committee chair, make some friends, make sure you have the numbers, get yourself appointed as a committee chair and you too could be earning \$1500 an hour , which I am sure will help out in this cost of living crisis."

Councillor Davis made the statement when he knew or should have known it was dishonest and factually incorrect.

His statement was viewed by potentially thousands of Councillor Davis' Instagram and Facebook followers and subsequently widely distributed among staff of the City of Adelaide and elected members. The statement has not been corrected or changed on Instagram or Facebook and Councillor Davis has not made any formal apology to the Council, to the elected body nor to any of the individuals referenced.

The statement was in breach of the following paragraphs of the legislated Standards for Council Members.

In respect of the Local Government Act, the breaches are;  
General behaviour

1.1, 1.2, 1.3, 1.4 and 1.5

Responsibilities As A Member of Council

2.1, 2.2, 2.3, 2.4, 2.5 and 2.7

Relationship With fellow Council Members

3.1 and 3.2

In relation to the City of Adelaide Behavioural Support policy, the breaches are;

Statement

1, 2, 3, 4 and 6

Council Member Commitmennts

1, 2, 3 and 4

Other Matters Relating to Behaviour of Council Members

Media 1, 2 and 3

Communication and Engagement

1

Councillor Davis claims to be a critic of the committee system of the City of Adelaide which was adopted by a majority vote of Council in December 2022 for the term of the Council, subject to a review of its operation. Councillor Davis accepted the role of Deputy Chair of a Committee in early 2023 and has chaired various committee meetings in 2023 and 2024.

However, he has knowingly misrepresented the duties and the remuneration paid to Committee Chairs.

Details of the remuneration for Committee Chair positions, as set by the Remuneration Tribunal were contained in the papers for the Council Meeting of January 17, 2023. The papers also contained details of the duties of the Council members elected to positions of Chair and Deputy Char, including out of meeting liaison with Council staff to discuss and plan future agenda and all calls on their time. Councillor Davis did not attend the January 17 meeting but attended the Council meeting of January 31, 2023 at which he voted to accept the minutes of the meeting January 17, 2023, incorporating references to the detail above.

Councillor Davis also understood or should have understood the meeting schedule for Council Committees of at least one meeting per month for the months of February to December which was adopted by a majority vote of Council for the years 2023 and 2024 at the beginning of each year and entered into his electronic diary by the Council Administration.

Councillor Davis failed to acknowledge the majority decision of Council to adopt a Committee system (and the reasons including the enhancement of Council governance) while misrepresenting that payments are made to Committee Chairs under the terms of the Remuneration Tribunal determines for the entirety of the role which includes the duration of Committee meetings, out of meeting duties and all calls on their time. There was and has never been an hourly rate paid to Committee chairs at the City of Adelaide. Nevertheless, he demonstrated a clear understanding of the total remuneration in a post Councillor Davis made to his Instagram and Facebook accounts on January 31, 2023;

"Do you think it is fair that City of Adelaide Councillors get paid \$7173 to chair 15 hours of meetings? It would take an ordinary Australian 5.7 weeks to earn what an Adelaide City Councillor does in less than 2 days. This is in addition to an annual payment of \$28K to do the job. I'm not happy about it, and you shouldn't be either".

Further, in a motion to revoke the Committee structure he brought to Item 15.3 at the Council Meeting of February 13, 2023, Councillor Davis argued that the costs of fees of \$115, 000 (approximately \$28, 750 per annum or approximately \$7, 100 per Chair per annum) was unjustified.

Councillor Davis' claim on July 2nd, 2022 of payments of \$1500 an hour was demonstrably dishonest and inaccurate and even if there were an hourly rate, which there is not, it would be calculated at a mere fraction of the amount alleged by Councillor Davis,

Furthermore, he sought to diminish the reputation and standing of the Chair of the meeting, Councillor Giles, and public confidence in the Council by asserting in his July 2, 2024 video that the Chair was, unreasonably, paid by the Council but failed to attend;

"She wasn't even here. Somebody else chaired the committee for her, and she got paid the big bickies to chair this committee when she wasn't even there."

Councillor Davis knew or should have known as a result of Agenda Item 11.3, adopted by majority vote, at the meeting of council on January 30, 2024, Councillor Giles was nominated by the Council to represent the City of Adelaide between July 2 and 4 at the National General Assembly of Local Government conference in Canberra.

Though Councillor Davis did not name Councillor Giles, her identity was known to her elected member colleagues, to City of Adelaide Staff and to the broader community who follow Council and Committee agenda and view the Council, and Committee meetings on the City of Adelaide YouTube channel.

Finally, there is the statement of July 2, 2024 an inference by Councillor Davis which is damaging to the public confidence in the City of Adelaide in a statement capable of being interpreted as an absence of governance or lawful process associated with the adoption of the Council Committee structure;

"So if you would like to earn \$1500 an hour to chair a committee on the City of Adelaide council under an overly complex committee structure which basically sees 4 chairs appointed for no real apparent benefit, all you need to do is to get yourself appointed as a committee chair, make some friends, make sure you have the numbers, get yourself appointed as a committee chair and you too could be earning \$1500 an hour , which I am sure will help out in this cost of living crisis."

Compounding the negative impacts of this episode is the failure of Councillor Davis to formally acknowledge, retract or apologise for comments which were, no matter how false, simply personal views, thereby leaving open to those who watched his allegations the conclusion that the information presented was a statement of facts.

I request that this matter is investigated and, if the breaches alleged are substantiated, that Councillor Davis be required to make a formal and spoken retraction and apology to a Council meeting and to publish that retraction and apology on the media sites where the matter was originally and subsequently published.

I request also that this matter is considered and concluded in confidence. I am aware that the person who is the subject of the complaint is litigious and, frankly, I do not have the stamina to deal with yet another of his legal responses.

Your sincerely,

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Item 20.1 - Published in Confidence  
and Released to the Public

***IN THE MATTER OF ALLEGED BREACHES OF CODES OF CONDUCT BY  
CR HENRY LLOYD DAVIS (WITH CORRIGENDUM)***

**A. INTRODUCTION**

1. On 24 February 2025, I was delegated by the Lord Mayor, under the City of Adelaide “Council Member **Complaints Policy**”, to conduct an investigation into the question of whether a video recording made by Cr Henry Lloyd Davis on 2 July 2024, and posted to an Instagram account apparently held by Cr Davis, contravened various clauses within the:
  - 1.1 **Behavioural Standards** for Council Members; and
  - 1.2 **Council Member Behavioural Support Policy**.
2. The Behavioural Standards and the Behavioural Support Policy are important, if not central, elements of the framework within which I have conducted the investigation. It is through these mechanisms that the Minister, in the case of the former, and Councils, in the case of the latter, are able to implement codes of conduct within the system of responsible government.
3. I have proceeded on the basis that the Behavioural Standards, which were issued by the then Minister for Local Government, the Hon Geoff Brock MP, pursuant to s 75E of the *Local Government Act 1999* (SA) on 3 November 2022, and the Behavioural Member Policy, which appears to have been authorised by the Adelaide City Council on or about 24 October 2023 under s 75F(1) of the Act, apply to Cr Davis: see s 75E(3) and s 75F(4) of the Act. I also assume that both documents were lawfully made, and in particular that the Behavioural Support Policy is not inconsistent with the Behavioural Standards.
  - 3.1 The full text of the Behavioural Standards and the Behavioural Support Policy are set out in an Annexure to this report (Annexure A).
4. In consequence of instructions from the Lord Mayor, the scope of my investigation is confined (by way of a recommendation to the Lord Mayor) to the question of whether the video recorded and posted online by Cr Davis contravenes several clauses within

the Behavioural Standards and the Behaviour Support Policy, as those clauses have been marked out for my consideration by the Lord Mayor in my letter of instructions. (I interpolate here that the letter of instructions is confidential because it reveals the name of the complainant.) In other words, I have no authority to find that Cr Davis breached Behavioural Standards or the Behavioural Support Policy. The authority to decide those issues vests in the Lord Mayor and the Council. Where I have mentioned below that a clause has been “breached” (or a like expression), it is to be understood as a recommendation to the Lord Mayor only.

5. Stated in this way, the issues, upon which I am delegated to investigate Cr Davis’ conduct, and the recommendations that I make to the Lord Mayor, then devolve into the questions of whether the content, tone, and context of – what I will broadly describe as – the **video** were inconsistent with the standards and commitments binding Council Members in the system of local government and more specifically representative government. I address the relevance of this central concept, as it arises in Australia’s Constitutional system of responsible government, in more detail below.
6. And, although it is not apt to refer to an onus of proof in the investigation, it is convenient to apply a standard of proof in the nature of a balance of probabilities to the recommendations that I have made.

#### **B. PRELIMINARY MATTERS**

7. Five important preliminary matters should be mentioned at the outset.
8. *First*, if the Lord Mayor accepts my recommendations in this report, the next phase (should one arise) as to what action the Lord Mayor might instruct me to advise upon in respect of any breaches which have been found to be made out will be a matter for a further report and recommendation to the Lord Mayor.
9. *Secondly*, the Lord Mayor has expressly instructed that a draft copy of this report is not to be provided to her (or her office) until it is finalised. I have proceeded on that basis. To that end, there has been an adjustment to the procedure contemplated by the Complaints Policy which, in my view, appears to be flexible and capable of being

moulded to the circumstances of any given case in any event. That is what has happened here.

10. *Thirdly*, I note that the Lord Mayor initially instructed that, insofar as it was practical, the investigation was to be completed within 20 business days. As will become apparent from the background facts below, the matter took an unforeseen turn which delayed the investigation proper. To the extent that it was necessary, the Lord Mayor has nonetheless extended the timeframe within which I am to complete the investigation.
11. *Fourthly*, and relatedly, there was a period in which Cr Davis was invited to make a public apology in lieu of the investigation process. On 16 June 2025, Cr Davis indicated to me by email, with reasons, why he no longer wished to pursue that course. A copy of that email (which also includes, in the email chain, the proposed forms of the apology) is set out as an Annexure (Annexure B). I note that Cr Davis was entitled to engage, or not engage, with the proposed alternative resolution of the matter. His decision in that regard was entirely up to him, and it has had no bearing whatsoever on the recommendations I set out below.
12. *Lastly*, prior to preparing a draft report, I have met with Cr Davis on one occasion, and I have had several telephone calls and emails with him. I note that Cr Davis is a practising legal practitioner in South Australia. In the course of my investigation, I found that Cr Davis was nothing but professional, courteous and pleasant to deal with.

### C. MATERIAL CONSIDERED

13. My brief to advise the Lord Mayor included: a letter of instructions; the Complaints Policy; the Behavioural Standards; the Behavioural Support Policy; the complaint made by the complainant; the letter from the Acting **Chief Executive Officer** to Cr Davis in relation to the complaint; Cr Davis' response to a draft report; other correspondence with the complainant; a letter from the Lord Mayor to Cr Davis in relation to the assessment of the complaint; and the video.

13.1 As noted below, I met with Cr Davis in person on 6 August 2025, after I provided him with a draft report for his consideration. We agreed to meet to allow Cr Davis to address me on the adverse matters arising from the draft report by way of oral submissions. Before that, however:

(a) Cr Davis sent me an email on 25 July 2025 in response to the draft report which was in the following terms:

Dear Paul,

Thank you for your draft report. I write to express serious concerns about its findings and methodology. In my view, the report contains significant factual errors, omits key context, and applies the Behavioural Standards in a way that, if accepted, would have a chilling effect on the ability of elected members to hold one another accountable. Before I make a full submission, I ask that you reconsider the report in light of the preliminary points set out below. Should you maintain your position, I will prepare a formal rebuttal.

**Trivial in nature**

1. In particular, the report fails to assess whether the alleged conduct was trivial, vexatious or frivolous, as required under the Behavioural Standards and Behavioural Support Policy. This is a fundamental omission. Several of the findings relate to tone, brevity, or omission of detail—none of which, even if accepted, rise to a level of seriousness warranting sanction. The failure to address this threshold issue undermines the proportionality and credibility of the entire assessment.
2. Many of the alleged breaches are trivial in nature. The suggestion that I breached the Standards by not stating the video was my personal view is minor, especially when it was clearly not a formal Council communication and aligns with common practice among other members and in accordance with our training. The Lord Mayor frequently posts videos that do not contain this statement because it is not required. You would promote a flurry of claims against the Lord Mayor should you determine this matter in a manner contrary to the training we have received as councillors. The claim that I omitted context is also trivial—particularly given the video clearly explained that chairs are normally paid \$750 for a 90-minute meeting and this one lasted only 20 minutes. The assertion that my tone was disrespectful overlooks the reality that satire and pointed criticism are a normal part

of political discourse. None of these matters, taken individually or together, rise to the level of seriousness required to warrant a finding of breach.

3. You state that my reference to "friends" is not a trivial complaint, this has already been determined in another context where I accuse members of being in a faction. This is true. Get some friends is a reference to there being a dominant faction on council.

#### **Failure to make proper enquiries:**

The report proceeds without making any meaningful inquiry into the accuracy of my statements. The hourly rate I cited was not exaggerated — it was in fact conservative. The Councillor received \$750 for chairing a 20-minute meeting she did not attend, resulting in an effective hourly rate of \$2,273. She has since confirmed there was no preparation time. The terms of reference for committee chairs clearly state the payment is only for chairing the meeting; preparation or liaison time is not included. The report also fails to consider that reading agendas and papers is already compensated by the base councillor allowance. Without engaging with these core facts, any finding of breach lacks foundation and fails to meet the basic standard of procedural fairness.

#### **Free and Effective Political Communication**

As an elected representative, I have both the right and the obligation to speak publicly on matters of public interest. The ability to criticise inefficiency, question the use of ratepayer funds, and expose structural flaws is central to democratic accountability. The report fails to acknowledge that humour, satire, and emotional expression are legitimate and widely accepted forms of political communication in Australia. The suggestion that such commentary breaches the Standards imposes an unrealistic and inappropriate expectation of neutrality, and if applied broadly, would suppress dissent and silence scrutiny. That is not the purpose of the Behavioural Standards, nor is it consistent with the implied constitutional freedom of political communication.

#### **Commentary Was Not Personal or Derogatory**

At no point did I make personal or insulting remarks about any councillor. My comments were directed at the payment structure and process — not the individual. Referring to councillors as having "friends" is a political shorthand, no different in substance from the term "faction," which has previously been found not to breach the Standards. The tone was critical but within the bounds of legitimate political expression. To characterise the video as derogatory is a subjective interpretation not supported by the actual content.

#### **Inconsistent and Unfair Application of Standards**

The report applies a standard to me that is not applied consistently across Council. The Lord Mayor and others routinely post commentary online without disclaimers that the views expressed are personal. If it is now deemed a breach to omit such a disclaimer, then the same conclusion must apply to all councillors who do likewise. To single out my conduct, in circumstances where it was obvious I was expressing my own opinion, is both inconsistent and unfair. This interpretation also contradicts prior legal advice and elected member training, which made clear that councillors must not misrepresent their views as those of Council — a standard I have not breached.

#### **Not the Investigator's Role to Police Tone or Emotion**

It is not the role of the investigator to determine whether my comments could have been expressed with a different tone, greater detail, or more formality. The Code does not require emotionless or academic language, nor does it prohibit satire, brevity, or strong opinion. I am not a journalist or a barrister — I am a councillor engaging with the public through short-form media. Selective emphasis or omission of detail in that context is not a breach. The audience is capable of interpreting tone and relevance without intervention. My comments were not rude, insulting, or personal, and any emotional delivery reflects genuine frustration at what I saw as poor use of public funds — a concern I am entitled to express.

#### **Democratic Accountability at Risk**

If the findings in this report are accepted, they would severely limit the ability of councillors to scrutinise one another and communicate openly with the public. Robust commentary, satire, and criticism — even when uncomfortable — are essential to democratic accountability. Recasting such commentary as a breach, regardless of its truth or public interest value, would have a chilling effect on debate and shield councillors from legitimate scrutiny. This is not what the Behavioural Standards are intended to do. Holding others to account, especially where ratepayer funds are involved, strengthens public confidence in Council's transparency and integrity. Suppressing that scrutiny undermines it.

#### **Request for Extension**

Given the length and complexity of the draft report, and the seriousness of the findings, I request an extension of time to prepare a full and considered response. Two weeks is plainly insufficient to address a 30-page report that raises significant issues of fact, law, and principle. I ask that no final determination be made until a reasonable period has been provided for full submissions.

#### **Report will undermine public trust**

This report would not pass the pub test. If published in its current form, it would likely attract public ridicule and outcry at the absurdity of its conclusions. Most reasonable members of the public would view my comments as fair, proportionate, and grounded in a legitimate concern

about the use of ratepayer funds. They would be rightly horrified to learn that time and resources have been spent investigating something so trivial. The threshold for what constitutes a breach should be assessed through the lens of common sense and community standards — not overly technical reasoning removed from everyday expectations. Even if a technical breach were identified, the question of triviality still applies. A finding can be technically correct and yet still be so minor as to warrant no further action. That is the purpose of the triviality threshold — to prevent precisely this kind of overreach.

### **Conclusion**

For the reasons set out above, I respectfully submit that the draft findings are flawed in both substance and process. The report fails to consider triviality, omits core factual investigation, applies inconsistent standards, and misinterprets the role of political communication in public office. If these findings are adopted, they would set a dangerous precedent that suppresses dissent, shields questionable conduct from scrutiny, and weakens public trust. I ask that the draft be reconsidered in full. If it is not, I reserve my right to submit a detailed rebuttal, supported by evidence, precedent, and relevant legal opinion.

Henry Davis

[What followed was a screenshot of advice from Norman Waterhouse to the effect that referencing “factions” was a frivolous and vexatious complaint]

- 13.2 During our meeting on 6 August 2025, Cr Davis raised a number of points with me, but he acknowledged that he had not read all of my report. It became quickly apparent that the meeting would not be fruitful until Cr Davis had considered the whole of the draft report, and thus was in a position to address me on the matters that were adverse to his interests. It was agreed that Cr Davis would provide his response – in writing – to the draft report by Friday, 22 August 2025.
- 13.3 I sent an email to Cr Davis on 22 August 2025 as a reminder. Cr Davis replied the same day, in which he indicated that he would get back to me on the following Monday. He also said: “Despite the Lord Mayor's assertions, this matter is trivial, Frivolous and vexatious and any reasonable person would come to this conclusion”. So far as the implicit request for an extension of time was concerned, I took no issue with this, for I was mindful that Cr Davis has his own legal practice, and he may have been otherwise delayed for that

reason. Accordingly, I did not proceed to finalise my investigation at that time. I rather considered it appropriate to afford Cr Davis some more time, if he chose to respond in the coming days.

13.4 On Wednesday, 27 August 2025, Cr Davis sent a further update in which he said that he had been “really sick” and that he was “getting there”. Cr Davis did not indicate the nature of his sickness, but I have no reason to doubt that what he stated was true. I replied to that email to the effect that I was sorry to hear that he was unwell, and I asked for his best estimate on when he would provide a response. I did not receive a reply.

13.5 Not having received any further reply from Cr Davis, on Monday, 2 September 2025, I sent an email to Cr Davis in the following terms:

Good morning, Henry,

I need to progress this matter.

Can I please have your response by no later than COB on Thursday, 4 September 2025? I will be taking into account the matters you have raised with me to date, including verbally – the main points being that:

- the whole investigation is trivial/frivolous (and thus should not result in any findings of any breaches because the complaint does not pass through the first threshold);
- even if I am against you on that point, then contextually the video does not breach any of the relevant clauses since it amounts to permissible public debate;
- there is no harm in mentioning “make some friends” because it is akin to earlier advice received from Norman Waterhouse to the effect that speaking of a “faction” is trivial and/or frivolous and not worthy of an investigation; and
- you are effectively being targeted because you speak out on issues which are important to you and the constituents you represent.

If the above points accurately capture your concerns, please let me know.

And if it is more convenient for you to rely on the above points, instead of giving me a further written response, I am content to proceed on that basis, but

only if you are comfortable with that approach. Otherwise, I look forward to receiving your written submission by Thursday. Please note that if I have not received it by COB on Thursday, I may proceed to finalise my recommendations in a report to the Lord Mayor without further notice.

As always, please feel free to call me if needed.

Kind regards,

Paul

13.6 Of course, the above dot points sought to capture the gist of both Cr Davis' email of 25 July 2025 and the matters he emphasised during our meeting on 6 August 2025.

- (a) One issue of great importance which Cr Davis underscored during our meeting, and which travelled through all concerns (which he strongly urged me to accept), was that the entire investigation was trivial.
- (b) It is convenient to observe that I had a conversation with the Lord Mayor after Cr Davis sent his email on 25 July 2025. The Lord Mayor advised that she had already taken the view that the complaint was not trivial<sup>1</sup> or frivolous (or vexatious, which concepts are overlapping), which was why she engaged me to conduct the investigation.<sup>2</sup>
- (c) Cr Davis was informed of that development. He nevertheless urged me to separately consider whether the complaint was trivial or frivolous. I have done so when considering my recommendations, and specifically after reflecting on Cr Davis' concerns. Except where I have indicated otherwise, those elements of the complaint that I consider are substantiated should be read as though they are

<sup>1</sup> The notion of “trivial” unquestionably derives from the maxim: *de minimis non curat lex*, a rough translation of which is “the law does not concern itself with trifles”.

<sup>2</sup> The Lord Mayor is the “Person Responsible for Managing the Complaint” in accordance with the Complaints Policy, and that document, here, grants to the Lord Mayor (and not me) the authority to decide whether or not a complaint is trivial, frivolous or vexatious. As previously noted, I may make a recommendation that something is not worthy of further investigation, but I have no power to find that something is trivial, frivolous or vexatious.

not trivial, frivolous or vexatious. Nor have I taken the stance that any part of the complaint which is not trivial must thereby be breached: contrast *Bonnington Castings Ltd v Wardlaw* [1956] AC 613, 621 (Lord Reid).<sup>3</sup> In each instance of a recommendation for a breach or not, I have considered that it is a question of degree.

- 13.7 Cr Davis did not respond to my email of 2 September 2025. Nor did I receive any submission from Cr Davis by close of business on 4 September 2025, or at all.
- 13.8 In all the circumstances, I consider that Cr Davis has had a fair and reasonable opportunity to provide his comments on the draft report, and, in the absence of any indication from Cr Davis that he seeks a further extension of time (and the basis for any such request) that it is now appropriate to finalise the matter.
14. It goes without saying that I have taken into account the material mentioned in para [13] above, and all of the emails from Cr Davis, and in particular the matters summarised from our meeting on 6 August 2025 in the above quote, as at the date of this document.

#### **D. FACTUAL BACKGROUND**

15. Some brief matters of background should be noted.
16. Cr Davis was elected as part of the Statewide local government elections in South Australia in November 2022. He represents the South Ward for the City of Adelaide, and holds office for a period of four years.
17. On 2 July 2024, Cr Davis posted the video to, what I assume to be, his Instagram channel and/or account. The still images of the video are set out in an Annexure to this document (Annexure C).
18. The spoken words of Cr Davis on that occasion were as follows:

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<sup>3</sup> A case involving causation to the onset of pneumoconiosis from exposure to silica dust from poorly maintained equipment.

How would you like to earn \$1500 an hour? Well that's just what one of Councillors got paid to chair a 20 minute committee meeting. So, normally you get paid about \$750 to chair an hour and a half committee, but this one only lasted 20 minutes. But I can make that deal even better. She wasn't even here. Somebody else chaired the Committee for her, and she got paid the big bickies to chair this committee when she wasn't even there. So if you would like to earn \$1500 an hour to chair a committee on the City of Adelaide council under an overly complex committee structure which basically sees 4 chairs appointed for no real apparent benefit, all you need to do is to get yourself appointed as a Committee chair, make some friends, make sure you have the numbers, get yourself appointed as a committee chair and you too could be earning \$1500 an hour, which I am sure will help out in this cost of living crisis

19. The still images from the video place it beyond doubt that it was recorded inside the Adelaide City Hall.
20. On 30 December 2024, the complainant (who is to remain anonymous) emailed the Acting CEO, Mr Tom McCready, of the Council and made the complaint against Cr Davis in relation to the video. The complainant identified a number of clauses within the Behavioural Standards and the Behavioural Support Policy which were said to have been breached.
21. On 7 January 2025, the then Acting Lord Mayor, Mr Kieran Snape, wrote to Cr Davis in relation to the complaint, seeking his input. Accompanying that correspondence was a redacted version of the complaint mentioned above. That letter, as it was sent to Cr Davis, comprises a further Annexure to this document (Annexure D).
22. On 28 January 2025, Cr Davis responded by email to the Acting Lord Mayor's letter to the effect that it was a trivial and vexatious complaint. He concluded by stating: "I trust this is the end of the matter".
23. As noted, I was then engaged by the Lord Mayor on 24 February 2025.
24. Next, I spoke with the complainant on or about 21 March 2025, and later met with that person to discuss the matter.
25. Thereafter, I contacted Cr Davis to arrange a time to meet with him to discuss the complaint. We met at my Chambers – Howard Zelling Chambers – on the afternoon of 4 April 2025.

25.1 The primary purpose of that meeting was to afford Cr Davis procedural fairness. I sought to hear from him about the video, and what he had to say about the relevant clauses in the Behavioural Standards and the Behavioural Support Policy that he was alleged to have breached.

25.2 During the course of that discussion, it became very apparent that Cr Davis would be more suitably in a position to respond if I were to first lay down how it was that he was alleged to have breached each particular clause. I considered that fairness dictated no other outcome, and the meeting was, in that respect, premature.

25.3 Notwithstanding the proposed shift in the approach, toward the end of our meeting, we discussed the possibility of an alternative pathway to resolve the matter – specifically through a public apology. That was my suggestion. I noted that I did not have instructions to formally put that to Cr Davis, but from my engagement with Cr Davis (which, as indicated above, was professional and courteous), it seemed like it was something worth pursuing.

25.4 The meeting ended with a broad structure of the proposed apology, and with two presumptions in mind: that I would raise the proposed apology with the Lord Mayor for her consideration; and if that did not go ahead, I would send Cr Davis a letter which would explain how the video was said to be connected with each clause in the Behavioural Standards and the Behavioural Support Policy.

26. In the intervening period, I received instructions from the Lord Mayor to inquire with the complainant whether the apology – in lieu of the investigation – was acceptable. There was some back and forth in that regard, and I ultimately received instructions from the Lord Mayor to put a form of words to Cr Davis for his consideration.

27. On 10 June 2025, I sent Cr Davis the proposed apologies (which included a couple of alternate versions for his attention) and on 16 June 2025, Cr Davis indicated that he was not prepared to pursue that line further.

28. Accordingly, I subsequently received instructions from the Lord Mayor to proceed to finalise the investigation. I informed Cr Davis of this fact by email on 16 July 2025.

By that correspondence, I also indicated that I would send him a draft report for procedural fairness purposes. It was by that means that I had intended to give Cr Davis the written document which was first raised during our meeting on 4 April 2025, but which was suspended in isolation while the alternative resolution process played out.

29. On 24 July 2025, I sent Cr Davis a draft copy of my report by email. I asked that he provided his response within 14 days. The circumstances following delivery of the draft report have been set out above.

29.1 On 5 September 2025, I sent my final report to the Lord Mayor.

29.2 On 19 September 2025, the Lord Mayor caused a letter to be sent to me by email that raised a couple of questions for my consideration. In short, they related to a matter at [51] below (in respect of cl 2.7), and to a slip in my summary at [61.2] where I had intended to mention “integrity” as part of the allegations that I considered were breached. (I had included “integrity” in the main part of my report, but accidentally omitted it from the summary.)

29.3 I treated the Lord Mayor’s letter to me as an implicit, if not express, authorisation to revisit my report, in the sense that my investigation was yet to be completed in light of her letter. In other words, my investigation was, by necessary implication, extended to consider the matters raised in her letter, and I have noted this at [51.2] below.

29.4 I reconsidered cl 2.7 in particular, and determined that, subject to anything Cr Davis might say in reply, it was breached. I also corrected the slip at [61.2], and made a consequential change to the summary to include a reference to 2.7 (see [61.1]).

29.5 On 26 September 2025, and having received instructions from the Lord Mayor to invite Cr Davis to respond to the revised report within seven days – but only in respect of those matters that I had revisited – I sent him a draft for his comment by email. A copy of my email, and Cr Davis’ reply (as an email chain), is contained at Annexure E.

29.6 Apart from the acknowledgment of my email on 26 September 2025, I did not receive a substantive reply. I gave Cr Davis the benefit of the extra days over the weekend, even though he had seven days to reply. As at the date of this document, I have not received a reply and consider that it is appropriate to finalise the report.

#### **E. CONSIDERATION**

30. For the reasons set out in the following sections, and having considered all relevant material, I incline to the view that some, but not all, clauses in the Behavioural Standards and the Behavioural Support Policy have been breached. Should the Lord Mayor subsequently instruct me that a decision has been made for a further report in relation to the consequences of the alleged breaches, I will address that in due course. For present purposes, I have approached this exercise in an evaluative fashion, but ultimately in a binary way on the outcome. That is, while weighing up the matters for and against a breach in each instance, in the end I came to the view that there was either a breach, or there was not. It is in that sense that I have referred to the “binary” outcome, which was preceded by an evaluative judgment according to all of the available material.

31. Within the text and context of the Behavioural Standards and the Behavioural Support Policy, I considered in particular:

- 31.1 the publication of the video itself;
- 31.2 the setting in which it took place;
- 31.3 the manner in which it was presented;
- 31.4 the imputations from the video for the person who was said to chair the meeting;
- 31.5 the broader implications for the Council itself;
- 31.6 the standard of accuracy, responsibility and integrity of a Councillor in making public statements; and

31.7 Cr Davis' email of 25 July 2025 and the similar matters raised orally on 6 August 2025.

#### **F. LEGISLATIVE FRAMEWORK**

32. As noted, ss 75E and 75F of the Act, respectively, supply the architecture for the making of the Behavioural Standards and the Behaviour Support Policy.

33. Section 75E of the Act relevantly provides:

- (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that -
  - (a) specify standards of behaviour to be observed by members of councils; and
  - (b) provide for any other matter relating to behaviour of members of councils.
- (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- (3) A member of a council must comply with the behavioural standards.

...

34. Section 75F of the Act provides, in part:

- (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may -
  - (a) specify directions relating to behaviour that must be observed by members of the council; and
  - (b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and
  - (c) include any other matter relating to behaviour of members considered appropriate by the council.

(3) A behavioural support policy -

- (a) must not be inconsistent with the behavioural standards; and
- (b) must comply with any requirement specified by the behavioural standards.

(4) A member of a council must comply with the council's behavioural support policies. [Bolding and italics in original]

...

35. Several points about these provisions can be made.

35.1 *First*, s 75E(1)(a) of the Act adopts the passive infinitive form of words: “to be observed”. Section 75F(2)(a) of the Act uses a stronger standard again by use of the modal and the passive infinitive (“behaviour that must be observed”). It is not necessary to descend into the discrimen of these provisions on this issue. At their core, both focus on behaviour, and where the relevant document has been promulgated, so far as behaviour is concerned, compliance by all Councillors is mandatory.

35.2 *Secondly*, the Behavioural Standards are, in my view, effectively benchmarks of conduct. They set the minimum standards of behavioural conduct. Insofar as the Behavioural Standards set the level, or expectation, they must be complied with. The use of the word “observed” is, in its ordinary and grammatical meaning, read in context, nothing more than “obeyed”.

- (a) Indeed, the Behavioural Standards provide that they “set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply”.
- (b) The instrument goes on to say:

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

...

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

35.3 *Thirdly*, each Council is free – so long as it is not inconsistent with the Behavioural Standards – to “prepare and adopt policies designed to support appropriate behaviour by members of the council” (my emphasis). The conception that they are “policies” that are “designed to support appropriate behaviour” underpins the importance of their place in the hierarchy of responsible government. To state the obvious, Local Government is accountable to the Minister; the Minister, in turn, to the Parliament, and, through the Parliament to the people. As to the importance of policy, I have had regard to the well-known remarks of Brennan J, in his capacity as the President of the then Administrative Appeals Tribunal, in *Re Drake and Minister for Immigration and Ethnic Affairs (No 2)* (1979) 2 ALD 634.

35.4 (See also Davies J in *Skoljarev v Australian Fisheries Management Authority* (1995) 133 ALR 690 where his Honour observed (at ALR 696) that “it should no longer be necessary for a decision-maker to indicate at any length the considerations which support the application of policy. Rules and standards are important, both as a means of giving effect to lawful policy which a government or an authority has determined and wishes to be implemented and as a means of ensuring that decisions, because they have been taken by reference to rules or settled standards, as fair, consistent and not arbitrary”.)

35.5 These “policies”, as they are, sit beneath the Behavioural Standards and must not be inconsistent with the Behavioural Standards: s 75F(3)(a) of the Act.

35.6 *Fourthly*, there are two distinct, but interrelated, ideas in s 75F(2) of the Act concerning “directions that must be observed” (in s 75F(2)(a)) on the one hand, and “guidelines relating to compliance by members with the behavioural standards and directions” on the other. On its most simplistic

interpretation, the provision is facilitative in nature. It empowers a Council to develop a behavioural support policy that: 1) gives directions as to behaviour that must be observed; and 2) comprises the guidelines for compliance with the Behavioural Standards (set by the Minister and applicable to all Councils) and any directions about behaviour that must be observed (that is, directions that a particular Council has determined that apply to its Councillors).

35.7 Further, it would appear that a “direction” is more concrete so far as its observance is concerned, whereas the function of a guideline is, as its very name suggests, to provide guidance without necessarily dictating the mandatory requirements in any given case: *Smoker v Pharmacy Restructuring Authority* (1994) 53 FCR 287, 289 (Wilcox J); 291-299 (Hill J). At all events, s 75F(2)(b) of the Act focuses on compliance with the behaviour expected of Councillors. And, understood in a larger context again, this is about accountability.

35.8 I now turn to briefly enlarge on that point against the tapestry of responsible government, meaning a “system by which the executive is responsible to the legislature and, through it, to the electorate”: *Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106, 184-185 (Dawson J); 135 (Mason CJ); *Comcare v Banerji* (2019) 267 CLR 373, [59] (Gageler J), [146], [148] (Gordon J).

35.9 This principle also finds direct expression in ss 3(3) and 6(a) of the Act, which reflect the constitutional requirement that the government (here local government) is to act in the public interest, and it is presupposed in the doctrine of ministerial responsibility (here a Councillor’s responsibility) and in the general accountability of the executive arm to Parliament. Indeed, the Statement of Intent to the Behavioural Standards provides:

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are

required to act with integrity, serve the overall public interest and provide community leadership and guidance.

35.10 This statement merely reflects an essential criterion of responsible government, namely the central notion of accountability. As Gaudron, Gummow and Hayne JJ explained in *Egan v Willis* (1998) 195 CLR 424 at [42]:

A system of responsible government traditionally has been considered to encompass ‘the means by which Parliament brings the Executive to account’ so that ‘the Executive’s primary responsibility in its prosecution of government is owed to Parliament’. … [T]he task of the legislature [is] ‘to watch and control the government: to throw the light of publicity on its acts .... ‘[T]o secure accountability of government activity is the very essence of responsible government’.

35.11 That passage was quoted with approval in *Re Patterson; Ex parte Taylor* (2001) 207 CLR 391, [217] (Gummow and Hayne JJ, Gleeson CJ and Kirby J relevantly agreeing).

35.12 Justice Mason (as his Honour then was), in *FAI Insurances Ltd v Winneke* (1982) 151 CLR 342, speaking of s 64 of the Constitution and the political accountability of Ministers, mentioned two elements of accountability at CLR 364. One element was the “collective responsibility” of Ministers; the other being the “individual responsibility of Ministers to Parliament for the administration of their departments”. For present purposes, this translates, within the four walls of the system of local government in South Australia to a Councillor’s individual responsibility to the Council proper for the Ward that they represent.

35.13 Remaining, for a moment longer, at the higher plane, as a matter of accountability, it is for “Parliament to determine the procedures by which those ... persons will answer for the conduct of such administration”: *Re Patterson* (2001) 207 CLR 391 at [17] (Gleeson CJ); see also at [206] (Gummow and Hayne JJ, Gleeson CJ and Kirby J relevantly agreeing).

35.14 At the local government-level, about which this investigation is concerned, there can be no doubt that the Act is founded on principles of responsible government, the legislative history of which was traced, specifically for the purposes of the City of Adelaide, in *Corporation of the City of Adelaide v Corneloup* (2011) 110 SASR 334 (overturned in *Attorney-General (SA) v Corporation of the City of Adelaide* (2013) 249 CLR 1 but not on this point). That responsibility inheres in the requirement for Councillors to be accountable – both collectively (as is expressed in s 3(e) of the Act) – and individually because of the duty of Councils to act in the public interest, with a corresponding power to investigate the behaviour of individual Councillors where it is said that behaviour is inconsistent with the duties of office under the Behavioural Standards and the Behavioural Support Policy.

35.15 It is against that background that I turn to consider the allegations of breaches of several clauses of the Behavioural Standards and the Behavioural Support Policy.

#### **F-1 THE ALLEGED BREACHES**

36. The complainant raised the following clauses in each of the Behavioural Standards and the Behavioural Support Policy that were alleged to have been breached:

36.1 Behavioural Standards: 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 2.7, 3.1 and 3.2.

36.2 Behavioural Support Policy:

(a) Under the heading “Statement”: 1, 2, 3, 4 and 6;

(b) Under the heading “Council Member Commitments”: 1, 2, 3 and 4;

(c) Under the heading “Communication and Engagement”: 1;

(d) Under the heading “Media”: 1, 2 and 3.

37. The Lord Mayor has instructed me that cl 3.2 of the Behavioural Standards, and cl 3 in respect of “Media” for the Behavioural Support Policy, are not to be investigated. I have therefore not turned my mind to those clauses.

37.1 I set out the relevant clauses in more detail when making my recommendation as to how the video fits within each one.

38. Before proceeding further, I would observe that the use of the Adelaide Town Hall to make the video raises a contextual issue, and one which elevates the statements which were made to one, not in a personal capacity as such, of where Cr Davis may be reasonably considered to have spoken in his capacity as a member of the Council critiquing the conduct of the chair of the committee, and others who were “friends” of that person.

39. True it is that the video had a tone of jocularity to it; however at its core, the allegation that a Council member was misusing (and, more boldly, abusing) Council resources to obtain a financial advantage is a serious one and, in my view, one that should not lightly be made. Also, the reference to “make some friends” imputes to the chair of the committee that there was partisanship within the Council, and that the chair garnered the support from others – not just professional colleagues, but friends – who were “in on it”, to use the vernacular.

40. Before moving forward, I have reconsidered the draft report in the light of the following topics raised by Cr Davis:

40.1 that the matter is trivial in nature (including proceeding to recommend a breach would produce a “flurry” of claims against the Lord Mayor, and the tone of the video was “satire” and, as discussed on 6 August 2025, Cr Davis’ particular “angle” or “pitch” to his constituents): unless otherwise stated, I do not agree that those aspects of the complaints that have been made out are trivial, frivolous or vexatious (or any combination of those);

40.2 that there was a failure to make proper inquiries: I have proceeded on the information available to me. If Cr Davis had requested that I have regard to specific information that was not the subject of my draft report, then I

consider that he had a reasonable opportunity to present me with that information;

- 40.3 that there should be free and effective political communication: I have had full regard to the principle of representative government, and the respectable limits the Behavioural Support Policy and the Member Support Policy place on such communication;
- 40.4 that he rejects the notion that the comments were not personal or derogatory: this is a matter about which reasonable minds might differ. I have taken into account that Cr Davis has subsequently stated that he did not intend the comments to be personal or derogatory. I accept that position. However, for the reasons mentioned below, the video itself must be assessed objectively and fairly (and should be understood as a whole), and it remains online to this day;
- 40.5 that I should not “police” tone or emotion: the remit of my appointment by the Lord Mayor is to investigate a complaint. In circumstances where the subject matter of the complaint is a video, I consider that it is appropriate to take into account the tone, and any inferences arising from such tone, in making my recommendations to the Lord Mayor;
- 40.6 that if breaches were found against Cr Davis, then it would limit other councillors from fairly criticising others: I do not accept this proposition. The Behavioural Standards and the Member Support Policy acknowledge the importance of critique; it is part of a healthy debate in our system of representative democracy. This much cannot be doubted. The question is always about the manner, circumstances and the context in which such critique occurs. Understood in that way, unless the complaint is trivial, frivolous or vexatious (in which case one does not proceed further), it will also be necessary to assess the levels of the complaint on its merits;
- 40.7 that, contextually, there was nothing wrong with the video: for the reasons outlined below, there are times when the complaint does not meet the relevant threshold, and, in other instances, I think it has been breached. As will

become clear, there is no singular answer to each clause that I have considered, and thus it is not appropriate to give an overall answer to all incidents of the complaint by reference to “context”;

40.8 that there is no harm in saying “make some friends”: I accept that this is akin to Cr Davis’ remark that mentioning a “faction” is frivolous or vexatious so far as complaints are concerned. Taken at that level of abstraction, I agree with Cr Davis’ remarks and I give it appropriate weight. But for the reasons mentioned below, the context was different here; and

40.9 that Cr Davis is being targeted by other members of the Council: apart from Cr Davis’ assertion in this regard, I have no information to sustain a finding of fact, on the balance of probabilities, that such as serious allegation is established. In the absence of some concrete ground for the belief that Cr Davis is being “targeted”, with the unspoken premise that the complaint is effectively an abuse of the complaints policy process, I cannot proceed further to act on this assertion. I therefore give it no weight.

i) THE BEHAVIOURAL STANDARDS: GENERAL BEHAVIOUR

41. Clause 1.1 provides that Councillors must “Show commitment and discharge duties conscientiously”. In my view, this standard is directed at actual commitment, as opposed to tacit commitment. Commitment is not an empty shell or a hollow gesture. The corresponding commitment to discharge duties conscientiously signifies a similar notion.

41.1 The video which was posted online (and apparently remains online as at the date of this document) falls foul of the second limb of this clause.

41.2 I do not think it can be doubted that Cr Davis is a committed Councillor.

41.3 But whether the video – done as it was in the Adelaide Town Hall – tended to trivialise, make a mockery of or otherwise call into question (in a serious way) the conduct of other Councillors is a different matter.

(a) To be clear, there is nothing wrong with critiquing a fellow Councillor. That is part of working as a collective group in the system of responsible government.

(b) The issue boils down to how it was done in this particular instance.

41.4 As I have said, I think that it is a serious allegation and one which needed to be grounded in fact.

41.5 Whether or not Cr Davis validly held his concerns is not to the point. The allegation against the chair was, in effect, that a chair was engaged in self-enriching for doing “nothing” with the support of “friends”. The statement lacked context. The situation may well have been different if he had presented more detail about the factual and structural realities of committee meetings, including preparation and out-of-meeting responsibilities and broader liaison work. But he did not do so in the video.

41.6 Further, the concerns raised by Cr Davis could have been dealt with, debated or otherwise ventilated by other means while achieving the same result of displaying his concern about the use of Council resources.

41.7 To that degree, the making of, and the posting of the video, lacked a thoughtful response to the concerns that he raised. In that limited sense, I incline to the view that that part of cl 1.1 has been breached because it lacked a conscientious discharge of his duties as a Councillor.

42. Clause 1.2 requires Councillors to “act in a way that generates community trust and confidence in the Council”.

42.1 The real issue here is that trust is, or is capable of being, eroded when representations made by elected officials mischaracterise institutional arrangements or imply bad faith without a proper foundation or, in like manner, suggest a deliberate misuse of Council resources.

42.2 There was an element of rhetorical framing of the video, including the phrase “get yourself appointed as a committee chair, make some friends, make sure you have the numbers”. Regrettably, I consider that this was designed to

portray a culture of self-dealing within the Council. There may be other ways of viewing it as well, but that this is one reasonable perception which is open to interpretation, and in my view it detracted from community trust and confidence in the Council.

42.3 Perhaps a more orthodox manner of debating the issue would have been to raise it in a Council meeting. All things otherwise being equal, a healthy debate in a public forum, with all of the rigours and attendant discipline associated with Council meetings could have allowed the public to hear both sides and see fair play in action. The video was necessarily one-sided and left no room for debate.

42.4 I consider that cl 1.2 has been breached.

43. Clause 1.3 requires Councillors to “Act in a manner that is consistent with the Council’s role as a representative, informed and responsible decision maker, in the interests of its community”.

43.1 Much of what I have already said above is covered in this clause as well. Yet, I do not doubt that Cr Davis harboured concerns about the manner in which the committee meeting took place. Once again, the problem is how he aired his concern.

43.2 It is consistent – one might say “wholly” consistent – with the duties of a Councillor to raise concerns if there is mismanagement of the Council’s funds or the governance structure. I take into account the fact that Cr Davis is a dedicated Councillor and that he genuinely believed that something had gone awry on this occasion. I also accept that Cr Davis considered that he was acting in the interests of the community. Subjectively, then, he held that opinion. Objectively, it may be more doubtful that the minimum standard was met.

43.3 Where things start to get unstuck can be located in the words: “informed and responsible decision maker”. Was the post “informed”? Was it “responsible” to do so in that way? On one view, perhaps not. The question might also be whether this part of the clause is directed to “decision making”. If that be the

correct interpretation, then Cr Davis did not make any decision for the Council; he communicated his views about what had happened only a few moments before.

- 43.4 On balance, I incline to the view that this clause is not applicable inasmuch as it required “informed and responsible decision-making”. Things could have been done better, but for the purposes of this clause it is not breached.
- 43.5 That said, it is also open to conclude that cl 1.3 is undermined when a Councillor does not present an accurate account of a member’s conduct, or mischaracterises the structure of the Council chairs. It is thus a question of whether the critique – which he is entitled to engage in – was “informed and responsible” in all the circumstances.
- 43.6 As I have said, my recommendation is that this clause is not breached, but reasonable minds might differ about that.

44. Clause 1.4 requires Councillors to “act in a reasonable, just, respectful and non-discriminatory way”. There is a considerable degree of overlap in the points I made in 1.1 and 1.2 above. I consider that they apply with equal force to the obligation arising under this clause.

- 44.1 The problem with the statements conveyed in the video was also that the unnamed councillor was: i.e. absent and opportunistic. The public were effectively invited to cast judgment on the workings of the Council at the expense of relevant facts.
- 44.2 It also cannot be ignored that there are imputations lost in a reading of the transcript of what the video said alone. When Cr Davis said: “she wasn’t even here”, in my view, there was a sarcastic theme, and it imputed to the chair that she was lazy and self-interested. Such comments would have been confronting, and they went to the heart of what a Councillor is elected to do: namely represent the interests of the community with integrity and a conscientious discharge of one’s public duties.

44.3 Regrettably, the video belittled both the chair and her “friends”. The remarks, in my view, breached not only the spirit of this standard, but the essence of it.

45. Clause 1.5 requires that “[p]ublic comments must show respect and clarify that views are personal.

45.1 Nothing in the video illustrated to me that Cr Davis qualified his remarks as personal opinion, nor did he provide any disclaimer that the views expressed were not reflective of the Council’s position. The setting (the Adelaide Town Hall), the mode of delivery (I would say it had an authoritative tone), and the framing (speaking directly to the public about how Council money is spent) combined to create the impression that he was speaking from a position of institutional knowledge.

45.2 I do not think that the remarks against the chair and her “friends” (which I take to be members of the Council) demonstrated respect in all the circumstances.

45.3 Further, the remarks placed the Council structure in a particular light: “overly complex” with “no real apparent benefit”. And it situated members as being rewarded for political alliances (“make some friends, make sure you have the numbers”).

45.4 Even if the public is presumed to understand that social media videos are informal, the staging in the Adelaide Town Hall necessarily implies that the information presented is authoritative, and that Cr Davis had insider knowledge that was otherwise foreclosed to the public eye. This is particularly evident given the references to internal matters such as meeting durations, chair appointments, and the remuneration system.

45.5 I take the view that the obligations arising under this clause have been breached.

46. Clauses 2.1 (Compliance with all applicable Council policies, codes, procedures, guidelines and resolutions) is picked up by the Behavioural Support Policies. Insofar

as I consider that aspects of the Behavioural Support Policy have been breached, then this clause has also been breached.

47. Clause 2.2 is concerned with providing “accurate information to the community and the Council”. I have dealt at some length with the tone and content of the information provided to the community. Cr Davis cannot be said to be providing information “to the Council” as such. The focus must be on the accuracy of information given to the community.

47.1 What, then, is meant by “accurate information”? I do not have material available to me about the remuneration available to Councillors to chair a meeting.

47.2 My concern with the statements made in the video hinge upon the impropriety levelled at the chair and other councillors allegedly complicit in what Cr Davis puts up as a ruse.

47.3 For the reasons mentioned above, the statements contained serious allegations and were devoid of important context. I take the view that, stated in this way, the information given to the public cannot be accurate without more. For that reason, I consider that the duty under this clause has been breached.

48. Clause 2.3 is of a similar order. The duty is to “[e]nsure the community and Council are not knowingly misled”. The reference to “knowingly” is important. It puts aside innocent misstatements. There is a heightened component in operation in this clause. I do not have any material to establish that Cr Davis “knowingly” misled the community. He made statements that some might regard as cavalier and even jocular on serious matters. Others were more serious again, which I have detailed. But I have no independent factual premise to suggest that he “knowingly” misled the community. Accordingly, I recommend a finding that this clause is not breached.

49. For essentially the same reasons as I have considered cl 2.3, I have viewed cl 2.4, which is concerned with correcting “the public record when aware of having unintentionally misled”, through a similar lens. Two things may be said: there needs to be some material to suggest that Cr Davis is “aware” when coupled with an

“unintentional” misleading statement which is on the “public record”. I have no information about Cr Davis’ state of mind. I have objective material about what was done by him, but that is a very different point to his awareness of the requisite issues. In the absence of such material, this clause is not breached.

50. Clause 2.5 states that a Councillor is to act “consistently with the role of a Member” and attention is then taken to s 59 of the Act which relevantly contains the obligation to: act with integrity (s 59(1)(a)(i)); to ensure positive and constructive working relationships within the council (s 59(1)(a)(ii)); to keep the council's objectives and policies under review to ensure that they are appropriate and effective (s 59(1)(a)(vi)); to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review (s 59(1)(a)(vii)); to ensure, as far as is practicable, that the principles set out in section 8 are observed (s 59(1)(a)(ix)) and to serve the overall public interest (s 59(1)(a)(x)).

50.1 There are so obviously matters pointing in both directions here.

50.2 The most glaring example in favour of Cr Davis’ approach is concerned with ensuring resource allocation is kept under review. The other bookend is to act with integrity. But what is meant by “integrity”? In *Wingate v The Solicitors Regulation Authority* [2018] EWCA Civ 366, Lord Justice Jackson (Lady Sharpe and Lord Singh separately agreeing), sitting as the presiding member of the United Kingdom Court of Appeal (Civil), said (at [94]-[101]) in relation to the integrity required of a solicitor:

94. Let me now turn to integrity. As a matter of common parlance and as a matter of law, integrity is a broader concept than honesty. In this regard, I agree with the observations of the Divisional Court in *Williams* and I disagree with the observations of Mostyn J in *Malins*.

95. Integrity is a more nebulous concept than honesty. Hence it is less easy to define, as a number of judges have noted.

96. In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members ... The underlying rationale is that the professions have a privileged and trusted

role in society. In return they are required to live up to their own professional standards.

97. I agree with Davis LJ in Chan that it is not possible to formulate an all-purpose, comprehensive definition of integrity. On the other hand, it is a counsel of despair to say: “Well you can always recognise it, but you can never describe it.”
98. The broad contours of what integrity means, at least in the context of professional conduct, are now becoming clearer. The observations of the Financial Services and Markets Tribunal in *Hoodless* have met with general approbation.
99. Integrity connotes adherence to the ethical standards of one’s own profession. That involves more than mere honesty. To take one example, a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the general public in daily discourse.

100. The duty to act with integrity applies not only to what professional persons say, but also to what they do. It is possible to give many illustrations of what constitutes acting without integrity. For example, in the case of solicitors:

- i) A sole practice giving the appearance of being a partnership and deliberately flouting the conduct rules (*Emeana*);
- ii) Recklessly, but not dishonestly, allowing a court to be misled (*Brett*);
- iii) Subordinating the interests of the clients to the solicitors’ own financial interests (*Chan*);
- iv) Making improper payments out of the client account (*Scott*);
- v) Allowing the firm to become involved in conveyancing transactions which bear the hallmarks of mortgage fraud (*Newell-Austin*);

vi) Making false representations on behalf of the client (*Williams*).

101. Obviously, neither courts nor professional tribunals must set unrealistically high standards, as was observed during argument. The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public. Having accepted that principle, it is not necessary for this court to reach a view on whether Howd was correctly decided.

50.3 The above quote, while long, captures the essence of integrity in a professional context. I see no reason not to apply a similar strand of reasoning here, and I respectfully adopt his Honour's comments insofar as they are translatable and transferrable to the duty of a Councillor as for the purposes of the Behavioural Standards.

50.4 I do not consider it appropriate to try to split off the different trajectories that the video engages with each of the duties. They are clearly not all one way. Cr Davis expressed zeal for a matter he considered worthy of drawing to the public's attention. A more conscientious approach was lacking, but at least part of his intention was well grounded. (I am not referring here to the serious allegations of misconduct on the part of the chair or her "friends".) He was concerned with misuse of resources.

50.5 Nor do I consider the clause requires some kind of checklist. It is an essentially human, but objective and reasoned approach to assessing compliance with, or not, the minimum standards of behaviour set by the Minister.

50.6 That said, I am concerned that the overall tone and context of the video lacked a thoughtful insight. In that regard, it is plainly possible for this clause to have been breached where conduct emphasises any one, or more, of the duties of a member in s 59 of the Act. In this case, I am concerned that the personal imputations against the chair was neither called for, nor given any meaningful context. The allegation was serious. The manner in which it was conveyed lacked integrity. For that reason, there was a breach in my view of Cr Davis' duties as a member. I wish to make it clear that I am not suggesting, in any way, that Cr Davis lacks integrity at any other level or in any other way. My focus is on this particular video – the decision to post it, effectively to the world (and not to have removed it), lacked the relevant integrity of a member of Council.

51. Clause 2.7 obliges a Councillor to use “Council resources appropriately and in the public interest”.

51.1 After I provided my report to the Lord Mayor on 5 September 2025, I received a letter from the Lord Mayor by email on 19 September 2025 which, relevantly, confirmed that Cr Davis made the video in an area of the Adelaide Town Hall which was only accessible to elected members. In other words, it was not accessible to any ordinary member of the public. In the earlier version of the report, as sent to the Lord Mayor (see the passage below with “strike-out” applied), I took the view that this clause was not engaged because the use of the forum did not fit within the meaning of “Council resources”.

51.2 In light of this further information, about which I was not previously aware, and coupled with the procedure of not having provided a draft report to the Lord Mayor before its completion, I have treated the Lord Mayor’s letter mentioned above as effectively granting permission to revise my report according to this new information if I considered it appropriate. In other words, I am not, for this purpose, *functus officio* (to the extent that that principle applies to my appointment to investigate the complaint).

51.3 If, as I assume it to be, the private area is part of the “Council resources” in the requisite sense, and in combination with the concerns that I have elsewhere expressed in relation to Cr Davis’ decision to make the video (including its tone and content), then there is a proper basis to now consider whether this clause: 1) is capable of being engaged; and 2) has been breached. To avoid doubt, I have considered whether this is a trivial and/or frivolous aspect of the complaint, and I do not regard it as such.

51.4 In the overall scheme of things, and conscious of the concerns about the propriety of making the video, in the manner in which Cr Davis did, I am inclined to think that cl 2.7 has been breached. It is not a question about whether an ordinary member of the public would *know* that Cr Davis used an area which was private to elected members, but rather the *fact of it having occurred in that space.*

51.5 I have formed the view that both elements are enlivened, and, in the circumstances, I recommend that the clause has been breached.

~~I struggle to see how this clause is engaged. If, as I understand it, the video was recorded in the open hall, where any member of the public can be, there was no “use” of Council resources. It would be different if Cr Davis was in an area where he only had access as a result of his position as a Councillor. But I rather understand that this was not the case. For that reason, I do not consider that this clause is breached.~~

52. The final clause – cl 3.1 – provides that a Councillor must: “Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members”. The common sense sitting behind this clause is that Council members must act professionally and treat each other with the basic values that foster positive relationships.

52.1 I do not have any material before me as to what Cr Davis’ relationship is with the chair of that committee, nor her “friends” as he has labelled them. In one sense, it is not necessary for me to have that. But in another sense, it is highly important. There is a continuity suggested in the nature of the relationships

(I deliberately use the plural because there will inevitably be more than one) called for in this clause.

52.2 Where conduct is demonstrative of contradicting the objectives in this clause – i.e. running counter to the nature of the relationships that are to be established and fostered – a breach could be made out on any given set of facts. Then again, the strength of any particular relationship might be such that public criticism of a Councillor will not dent the relationship in any meaningful way. The converse is also true. If a Councillor has not developed and fostered a relationship in the manner contemplated by this clause, any criticism of a fellow Councillor, no matter how small, could place the relationship in an unfriendly and discourteous framework.

52.3 The real difficulty in evaluating the strength of this allegation is that I have no objective knowledge of Cr Davis' relationship with the chair he referred to or the other Councillors he referred to. For instance, if it were known that Cr Davis got on very well with the chair, and the others he referred to, and they knew him for such “banter”, they might have been prepared to brush it off as a poetic stunt. I am not suggesting that that is the case, but rather postulating that I would require some objective information about the status of the relationship with the chair, and the other members he referred to, before embarking on an analysis of whether this specific conduct breached the clause.

52.4 I am inclined to think that the relationship with the chair and the others is not particularly good (or was not at the time he made the video), but that is speculation on my part, and it provides an unsafe basis to make a recommendation on the balance of probabilities. As such, I do not recommend that this clause is breached.

ii) THE BEHAVIOURAL SUPPORT POLICIES

53. The Behavioural Support Policy does not contain a sequential numbering system. It is necessary to refer to the relevant clauses for my consideration under the headings of: “Statement” (i.e. a commitment of supporting behaviours); “Council member

commitments” (agreement about how to implement shared values and behaviours); “Other matters relating to the behaviour of Council Members” (other expectations and obligations of members) with the sub-headings of “Media” and “Communication and Engagement”.

54. There is a considerable cross-over in many of these points.
55. I do not propose to repeat them all in detail. It will be sufficient to refer to what I have said above, unless I indicate otherwise.
56. As to the matters under the heading “Statement”, Cr Davis is alleged to have breached the obligation to: 1) value and respect (e.g. healthy and robust debate; engage the issue not the person); 2) optimism (positive, creative in problem solving etc); 3) integrity; 4) connected (a safe and supportive environment); and 6) accountability (accepting responsibility for one’s actions).
  - 56.1 Of these, in light of my analysis above, I incline to the view that only: 1 (value and respect), 3 (integrity) and 4 (connected) have been breached.
  - 56.2 With respect to “optimism”, that is very much a finely balanced issue. Doubtless, Cr Davis would say that his critique of the chair, in the way he did it, was thinking outside of the square. Views differ about that. At the other end of the spectrum, it could not be realistically asserted that the video was “open minded” or had the flavour of him “willing to learn”. These last two elements necessarily imply some form of two-way conversation or engagement. The video was a monologue; Cr Davis spoke to his camera only, and to the camera he spoke to the electorate (and beyond). But where, as here, its considerations appear on both ends of the scale, in this specific instance, I do not think “optimism” was breached.
  - 56.3 It is also not clear to me that accountability is properly enlivened. What, it might be asked, is Cr Davis to accept responsibility for? He has not been found – by the Council (for I have no authority to find that he has breached anything, but only to make a recommendation for the Lord Mayor’s, and the Council’s, consideration) to have breached the Behavioural Standards or the Behavioural Support Policy. Cr Davis is entitled to have this investigation

unfold and deny any wrongdoing. As such, I do not consider accountability to properly arise on the facts of this matter.

57. The “Council Member Commitments” section of the Behavioural Support Policy begins with the following sentence: “To support our shared values and behaviours, we, the Council Members of the City of Adelaide agree”, and, unlike the “Statement” area, each clause has a reasonably detailed explanation of what is agreed upon. To understand how the relevant facts fit within this part of the Behavioural Support Policy, it is necessary to set out the entire paragraph in each instance.

57.1 Cr Davis is alleged to have breached paragraphs 1 through to 4.

57.2 Paragraph 1 reads: “That as the currently elected custodians, entrusted to oversee the affairs of the City of Adelaide we have a duty to put the interests of the community before our own interests”. Insofar as Cr Davis sought to vocalise, and raise his concerns about what happened (as he presented his version of the facts in the video) to the public, it did not, in my view, conform to this expectation.

57.3 The community are entitled to hear from their Councillors – indeed, the electorate expects as much. There are a range of ways that debate – even “robust debate” (see “Value and Respect” above) can occur.

57.4 But what, it might be asked, was the video intended to communicate? I do not consider that it put the interests of the community first. Had that been done, Cr Davis could have agitated the issue at a Council meeting – the full set of facts from both sides could have been addressed (and allowing the chair of the committee to have been heard on the allegation). I do not consider that Cr Davis complied with this part of the Behavioural Support Policy.

57.5 Paragraph 2 provides: “As most Council Members will serve at least a four-year term on Council together, it is important to spend time focused on building and maintaining positive and constructive relationships and participate in workshops and undertake training.” For the reasons I mentioned above, at the very least, I would require information about the nature and extent of any relationship between Cr Davis and the chair (and

others mentioned). As noted, I do not have this information before me. To engage in speculation would not be an appropriate basis, let alone a rational one, to make a recommendation on this issue. I cannot therefore recommend that this clause is breached. Should the Lord Mayor have more information on this matter, a different conclusion may be open on the facts.

57.6 Paragraph 3 states: “To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration, cooperation and inclusivity with the Community, other Council Members and the employees of Council”. For the reasons I have already canvassed above, the premise of this clause is similar to that above (i.e. “establish and maintain relationships”). It would be inappropriate, in my view, to make a recommendation about whether this clause has been breached without further context of Cr Davis’ relationship with the relevant members of Council at the time the video was made and/or at the time of the complaint.

57.7 Paragraph 4 is in the following terms: “As a democratic tier of the government in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We: a) Recognise that it is appropriate and important for a range of views to be expressed at Council meetings. b) [A]ccept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences. c) [U]ndertake, when we disagree, that we will do this respectfully. In particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other Council Members or council employees”. For the reasons already mentioned, I do not consider that the video was respectful to the chair or the other (unnamed) “friends” of the chair. To that extent, I consider that this clause has been breached.

58. The title: “Other matters relating to the behaviour of Council Members” is to be understood in the light of the words: “We, the Council Members of the City of Adelaide consider it appropriate and agree that all Council Members will act in accordance with the following specific obligations …”, where the ellipsis is followed by the headings “Media” and “Communication and Engagement”.

58.1 So far as “Media” is concerned clauses 1 and 2 are alleged to have been breached. (There appears to be a formatting issue in this section. The numbers go from 1-2, then back to 1, and then to 3. I have treated the points for my consideration under the first two clauses.)

58.2 Clause 1 reads: “Council Members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council”. The question which arises is whether it was “clear” that the comments made in the video were Cr Davis’ personal views and not the views of the Council.

58.3 There was no express statement to this effect. That would have been desirable in all the circumstances.

58.4 Of course, there are many ways to make it clear that the views expressed are individually, and not collectively, held. It is not a universal formula. In one case, it may be express. In another, it may be “clear” by necessary implication.

58.5 In my view, the former is to be preferred, but the latter is possible and may require the drawing of inferences.

58.6 In this instance, there are too many issues raised by the various statements in the video to draw a fair conclusion that the views were, in fact, Cr Davis’ alone. The statements made in the video were capable of being construed as being that of more than one member (noting that the City of Adelaide is represented by 11 Councillors and the Lord Mayor). It would have been preferable for Cr Davis to have qualified his statements in the video as being those views he personally held. In this case, he did not. Nor, in my view, is it reasonably capable of being construed as his personal views.

58.7 Overall, I take the stance that this part of the Behavioural Support Policy was not adhered to.

58.8 Clause 2 requires that: “If Council Members choose to express dissent in the media, they should address the policy issues and refrain from making

personal criticism of other Council Members or Council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person”.

58.9 Regrettably, the video expressed dissent, in terms of the alleged conduct of the chair, in a way that did not conform to this obligation. A statement to the effect that a fellow Council member is effectively misusing Council resources for a financial gain, with the tacit or express support of colleagues, is serious. It should have been contextualised and grounded in fact. If it were that serious, it should have been raised in a more formal setting.

58.10 Lacking these essential ingredients or qualities, as it did, the video was capable of being received as derogatory or insulting. (I refrain from using the expression “defamatory” since that carries a particular legal meaning, and requires the identification of several elements.) In my view, the statements could “reasonably be construed” as derogatory or insulting, and, for that primary reason, the obligation under this clause has been breached. I recommend accordingly.

59. The final allegation is to be found within “Communication and Engagement”. There is only one paragraph, and it is in the following terms: “Council Members, as representatives of Council, will communicate and engage with the community on Council’s key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council” (my emphasis).

59.1 It is apparent to me that this clause is concerned with “key directions” – i.e. strategic directions.

59.2 Those directions are informed by “resolutions of the Council”.

59.3 The obligation of members, understood in this setting, is concerned with communicating with the community on such matters in a way that is: “factual”, respectful and in accordance with the resolutions (i.e. what the resolution provided – in other words a requirement to accurately communicate such matters).

59.4 The video posted by Cr Davis had nothing to say about “key directions”. He criticised (in my view unfairly without a factual basis) the chair and other unnamed members of the Council in his video post. Nothing was said about the nature of the committee, what its purpose was or how it was linked to any “key direction” of the Council.

59.5 As such, I do not consider that the facts available to me, according to the content of the video itself, contravened the terms, let alone, spirit, of this clause.

#### **G. FINDINGS AND RECOMMENDATIONS**

60. Having regard to the nature, content and circumstances of the video it is open to find multiple contraventions of both the Behavioural Standards and the Behaviour Support Policy. In a number of instances, I have not recommended a breach, for the reasons already given.

61. To recapitulate, I recommend to the Lord Mayor that the following breaches have occurred:

61.1 Behavioural Standards: 1.1, 1.2, 1.4, 1.5, 2.1, 2.2, 2.5, and 2.7.<sup>4</sup>

61.2 Behavioural Support Policies: Statement (1 (value and respect), 3 (integrity)<sup>5</sup> and 4 (connected)); Council Member Commitments (1, 4), Other matters relating to the behaviour of Council Members) – Media (1, 2).

62. I so advise.

6 October 2025

**P H d'Assumpcao  
Howard Zelling Chambers**

P: 08 8211 7677

<sup>4</sup> As to cl 2.7, see the revised version of [51] above, and the subparagraphs thereto.

<sup>5</sup> In the Lord Mayor's letter dated 18 September 2025 (and emailed on 19 September 2025), it was noted that I had included “Integrity” at [56.1], but not in the summary at [61.2]. That was an obvious slip on my part, and, to avoid doubt, I have corrected the summary at [61.2] here to ensure that it has been captured.

**ANNEXURE A**

Item 20.1 - Published in Confidence  
and Released to the Public

## LOCAL GOVERNMENT ACT 1999

## SECTION 75E OF THE LOCAL GOVERNMENT ACT 1999

*Behavioural Standards for Council Members*

The Behavioural Standards for Council Members (Behavioural Standards) are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

**Statement of Intent**

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

**Behavioural Standards**

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

**Council members must:****1. General behaviour**

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.

**2. Responsibilities as a member of Council**

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

**3. Relationship with fellow Council Members**

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

**4. Relationship with Council employees**

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.

**Definitions**

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) repeatedly behaves unreasonably towards another Council member, or employee; and
- b) the behaviour could reasonably be considered to be distressing, victimising, threatening or humiliating.

**Note -**

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

An elected member will be considered to **sexually harass** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

- a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another Council member, or employee (the person harassed); or
- b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

**Note -**

If this behaviour adversely affects the health and safety of another council member or council employee, it must be addressed under section 75G of the Act and may be referred to the Behavioural Standards Panel as 'serious misbehaviour' under sections 262E and 262Q of the Act.

**Conduct of a sexual nature** includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

**Council employees** include volunteers, persons gaining work experience and contractors.

The following behaviour **does not** constitute a breach of these Standards:

- robust debate carried out in a **respectful** manner between Council Members; or
- A reasonable direction given by the Presiding Member at a council meeting, council committee meeting or other council-related meeting (such as a working group or an information or briefing session); or
- A reasonable direction carried out by the Council CEO/responsible person pursuant to section 75G of the Act in relation to the behaviour of a Council Member that poses a risk to the health or safety of a council employee.

**Requirement applying to behavioural management policies of councils**

Behavioural management policies of councils must provide for a Behavioural Standards Panel contact officer. Councils must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

**Commencement**

The Behavioural Standards come into operation on the day on which it is published in the Gazette.

Dated: 3 November 2022

HON GEOFF BROCK MP  
Minister for Local Government

LOCAL GOVERNMENT ACT 1999

DETERMINATION UNDER SECTIONS 72A(2) AND 119A(2)

*Register of Gifts and Benefits*

For the purposes of sections 72A(2) and 119A(2) of the *Local Government Act 1999*, I, Geoffrey Graeme Brock, **Minister for Local Government** in the State of South Australia, hereby **DETERMINE** the amount of \$50.

This determination will come into operation on the day on which section 36 of the *Statutes Amendment (Local Government Review) Act 2021* comes into operation.

Dated: 3 November 2022

HON GEOFF BROCK MP  
Minister for Local Government

LOCAL GOVERNMENT ACT 1999

SCHEDULE 3 CLAUSE 2(A1) OF THE LOCAL GOVERNMENT ACT 1999

REGULATION 9 OF THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013

*Determination of Form of Returns—Register of Interests for Members and Officers of a Council*

I, Geoffrey Graeme Brock, **Minister for Local Government** in the State of South Australia, under Schedule 3 clause 2(a1) of the *Local Government Act 1999* (the Act) and Regulation 9 of the *Local Government (General) Regulations 2013* (the Regulations), hereby **DETERMINE**:

- the form of the return in Annexure 1 as the form for a primary return under section 65 of the Act;
- the form of the return in Annexure 2 as the form for an ordinary return under section 66 of the Act;
- the form of the return in Annexure 3 as the form for a primary return under regulation 9(5) of the Regulations;
- the form of the return in Annexure 4 as the form for an ordinary return under regulation 9(6) of the Regulations

Dated: 3 November 2022

HON GEOFF BROCK MP  
Minister for Local Government

# COUNCIL MEMBER BEHAVIOURAL SUPPORT POLICY

24 October 2023

Legislative

## PURPOSE

This policy has been prepared and adopted by City of Adelaide pursuant to section 75F of the *Local Government Act 1999* (SA) (the Local Government Act). This policy forms part of the Behavioural Management Framework for Council Members.

Section 75F(2) provides that a Behavioural Support Policy may:

- a. Specify directions relating to behaviour that must be observed by Members of the Council; and
- b. Set out guidelines relating to compliance by Members with the Behavioural Standards for Council Members and directions under clause a. above; and
- c. include any other matter relating to behaviour of Council Members considered appropriate by the Council.

Section 75F(3) provides that a Behavioural Support Policy:

- a. must not be inconsistent with the Behavioural Standards for Council Members; and
- b. must comply with any requirements specified by the Behavioural Standards.

Council Members in South Australia have an obligation to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

To serve the community well, Council Members must work together constructively as a Council. This, in turn will foster community confidence and trust in local government.

Council Members will make every endeavour to ensure that they have current knowledge of both statutory requirements and the required standards of practice relevant to their position.

## STATEMENT

We, the Council Members of the City of Adelaide commit to the following values and supporting behaviours:

1. **Value & Respect** – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
2. **Optimism** – We are positive, constructive and creative in our problem solving. We are open minded and are willing to learn from each other and from staff input.
3. **Integrity** – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.
4. **Connected** – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
5. **Excellence** – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.
6. **Accountability** - We value accepting responsibility for our actions

## Council Member commitments

To support our shared values and behaviours, we, the Council Members of the City of Adelaide agree:

1. That as the currently elected custodians, entrusted to oversee the affairs of the City of Adelaide we have a duty to put the interests of the community before our own interests.
2. As most Council Members will serve at least a four-year term on Council together, it is important to spend time focused on building and maintaining positive and constructive relationships and participate in workshops and undertake training.
3. To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration, cooperation and inclusivity with the Community, other Council Members and the employees of Council.
4. As a democratic tier of the government in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We:
  - a) Recognise that it is appropriate and important for a range of views to be expressed at Council meetings.
  - b) accept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences.
  - c) undertake, when we disagree, that we will do this respectfully. In

particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other Council Members or council employees.

5. At Council meetings we will engage with each other in a respectful and civilised manner, and we will be mindful in expressing views regarding the conduct of other Council Members and council employees.
6. The Presiding Member has the primary role in maintaining good order at Council meetings. However, all Members will responsibly lead in demonstrating and supporting constructive and positive behaviour in effective decision making at Council.
7. When engaging and communicating with Council Administration we will do so in accordance with the requirements of the Chief Executive Officer (CEO) and relevant legislation, recognising the separation of powers between Council Members and the CEO and the importance of working together constructively to achieve outcomes for the community.

To support the undertakings made above, the Council Members of the City of Adelaide additionally commit to participating in activities to monitor and review the shared values and behaviours throughout the term of Council.

#### **Other matters relating to the behaviour of Council Members**

We, the Council Members of the City of Adelaide consider it appropriate and agree that all Council Members will act in accordance with the following specific obligations:

##### **Media**

1. Council Members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council.
2. If Council Members choose to express dissent in the media, they should address the policy issues and refrain from making personal criticism of other Council Members or Council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.
1. Council Members may link and disseminate key information from official Council social media platforms in messaging to the community.

but should refrain from changing or interpreting the information.

3. For clarity, this policy does not attempt to prevent robust political debate in the media on political issues. This policy does set rules on how views should be expressed.

### Communication and engagement

1. Council Members, as representatives of Council, will communicate and engage with the community on Council's key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.

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#### OTHER USEFUL DOCUMENTS

[Council Member Behavioural Standards](#)

[Standing Orders Containing the Behavioural Management Policy](#)

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#### GLOSSARY

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#### ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed six months after each general election.

#### Review history:

| Trim Reference | Authorising Body | Date/Decision ID | Description of Edits     |
|----------------|------------------|------------------|--------------------------|
| ACC2023/154911 | Council          | 24/10/2023       | <i>Original document</i> |
|                |                  |                  |                          |

#### Contact:

For further information contact the Governance Program

City of Adelaide  
25 Pirie ST, Adelaide, SA  
GPO Box 2252 ADELAIDE SA 5001  
+61 8 8203 7203  
city@cityofadelaide.com.au

**ANNEXURE B**

Item 20.1 - Published in Confidence  
and Released to the Public

## Paul d'Assumpcao

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**From:** Paul d'Assumpcao <pdassumpcao@hzc.com.au>  
**Sent:** Monday, 16 June 2025 8:47 AM  
**To:** 'Henry Davis'  
**Subject:** RE: Investigation - Proposed wording for the apologies

Good morning, Henry,

Thank you for your detailed email and your note on our exchanges. I also thank you for your willingness to engage in a respectful and professional manner in this process.

I will need to take instructions from the Lord Mayor about the matters raised in your email. I will come back to you as soon as possible.

Kind regards,

Paul

Paul d'Assumpcao  
**Howard Zelling Chambers**  
Level 12, 211 Victoria Square  
ADELAIDE SA 5000  
Ph: (08) 8211 7677  
Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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**From:** Henry Davis <henry@hld-law.com>  
**Sent:** Monday, 16 June 2025 7:44 AM  
**To:** Paul d'Assumpcao <pdassumpcao@hzc.com.au>  
**Subject:** Re: Investigation - Proposed wording for the apologies

Dear Paul,

Thank you for your correspondence and for the professional manner in which you've approached this matter.

I have considered the proposed forms of apology and must respectfully decline to adopt them in the terms provided at this time.

**1. Substantive Clarification Already Provided:**

I have already addressed the concerns raised in a public statement to Council on 9 July 2024, during which I corrected any misunderstanding regarding the remuneration arrangements for committee chairs. That statement clarified that the \$1,500 figure cited in the original video did not reflect the per-meeting payment, provided additional context, and expressly acknowledged the structure and complexity of committee work. While not styled as an apology, it directly addressed the core issues raised and reflected both reflection and accountability. It would be improper and unnecessary to suggest that no acknowledgment or clarification has been made when, in substance, much of what is now sought has already been stated on the public record.

**2. Video Cannot Be Deleted – It Is Material Evidence:**

With defamation proceedings currently on foot, the original video is now evidence before the Court. As such, I am unable to delete or modify it without compromising the evidentiary record. This is not a matter of reluctance but of legal obligation. It would be wholly improper to interfere with material that forms part of litigation before the Court, and I must act consistently with those obligations. The fact that a request to destroy evidence has been made by Cr Giles and her associates namely the Lord Mayor is disappointing.

**3. Risk of Prejudicing Judicial Proceedings:**

The continuation of this behavioural standards investigation in parallel with the defamation proceedings creates a real risk of prejudicing those proceedings. A compelled or coordinated apology—particularly one that admits wrongdoing—may improperly influence the judicial process and undermine my right to a fair hearing. If the Council were to compel an apology under threat of sanction, it may well constitute a denial of procedural fairness and potentially amount to an abuse of process.

**4. Investigation Appears to Assist the Respondent in Ongoing Proceedings:**

It is increasingly apparent that this investigation is being used, either directly or indirectly, to assist Cr Giles in the ongoing litigation. This is deeply inappropriate. A Council standards process should not become a proxy vehicle to exert pressure in parallel court proceedings. The optics and consequences of doing so are damaging not only to my legal position but to the integrity of Council's governance framework.

For these reasons, I request that the current inquiry be stayed or discontinued until the resolution of the defamation claim. To do otherwise risks tainting both the Council process and the judicial one.

Kind regards,  
**Cr Henry Davis**

On 9<sup>th</sup> July 2024 I made the following statement:

*Applicant: Sorry, I had to go to the bathroom. I missed the first half of it, but I assume it was about me. Look, I totally would like to correct the record. No, you don't earn \$1,500. This is a personal explanation. You absolutely don't earn \$1,500 now. You earn \$750 per meeting. The last committee meeting went for 20 minutes. And that is in a very complex structure where we have four chairs to do multiple different works, which I say is overly complex and arduous.*

*Lord Mayor Interjecting: Councillor, I think it would be appropriate if you addressed your personal explanation, not re-litigated the argument.*

*Applicant: No, I'm just clarifying the position. So there was an Instagram post done by you, Lord Mayor, which snipped the first half of that. And if you read the rest, if you watch the actual rest of the video, it states quite clearly that we have about 10 committee meetings a year for each of the committees, and they each get paid as an additional payment about \$7,500. Now, I did ask questions to you, Lord Mayor, as well, about what kind of work a committee chair does outside of the meeting. Now, I also would like to note that it would actually be quite illegal for any chair to direct staff in any way. And we all have a responsibility to read our reports as we go into those meetings, as we do to come into this meeting as well. Members, I've said this to you previously, that if we have a 20-minute committee meeting, it takes a significant amount of time. And we literally have staff sitting outside, waiting for the next one to start. They're sitting around for about an hour or so, waiting for the next thing to move forward. My recommendation to you is to have one committee where we can deal with all the issues, chaired by the Deputy Lord Mayor.*

*Lord Mayor Interjecting: Councillor, this is not a personal explanation.*

*Applicant: This is a personal explanation. I was just attacked by a whole bunch of stuff, and if I can finish my three minutes, that would be great.*

*Lord Mayor Interjecting: It would be good if you stuck to the theme, which is the behaviour, not the theme of the committees.*

*Applicant: Yes, and the point I'm trying to make, which I think was glossed over and attacked me personally and my view on this issue, is we should have one committee chaired by our very capable Deputy Lord Mayor, who already gets paid 1.5 times loading, and that would cost ratepayers no additional funds. That's his job. It's just coordinating traffic lights.*

*There's no other work, and it would actually be quite illegal for you to go and direct staff or to do any other work or be involved in that work outside of this Council Chamber. So that is my major gripe, and that's what I would like to say.*

---

**From:** Paul d'Assumpcao <[pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)>  
**Sent:** Wednesday, June 11, 2025 11:01 AM  
**To:** Henry Davis <[henry@hld-law.com](mailto:henry@hld-law.com)>  
**Subject:** RE: Investigation - Proposed wording for the apologies

Good morning, Henry,

I tried reaching you by text yesterday.

Have you had an opportunity to consider the proposed wording below? I would like to report back to the Acting Lord Mayor (I understand that the Lord Mayor is currently on leave – or will be shortly).

Feel free to call my mobile (0400 709 647) when it is convenient.

P

Paul d'Assumpcao

**Howard Zelling Chambers**

Level 12, 211 Victoria Square

ADELAIDE SA 5000

Ph: (08) 8211 7677

Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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---

**From:** Paul d'Assumpcao <[pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)>  
**Sent:** Tuesday, 27 May 2025 7:42 PM  
**To:** 'Henry Davis' <[henry@hld-law.com](mailto:henry@hld-law.com)>  
**Subject:** Investigation - Proposed wording for the apologies

Good evening, Henry,

Thank you for your time yesterday, and your ongoing willingness to engage in open dialogue on this matter.

I had promised you a draft set of words for two – co-extensive – forms of an apology. I had hoped to get them to you yesterday evening, but time got away from me with a trial I had today.

The first apology has been approved by the Lord Mayor at a public Council meeting (which will be included in the draft minutes, which will note that you consent to):

Public apology for Council meeting – to be read as a Personal Explanation at the invitation of the Lord Mayor at the next ordinary meeting of the Council

Lord Mayor, fellow Councillors, and members of the public.

I published on my personal social media account/s on 2 July 2024 a video concerning Council remuneration in connection with the preparing, and chairing of, Committees by members of this Council.

I acknowledge that the content and tone of the video caused concern within this Council, and possibly elsewhere. With the benefit of hindsight, I recognise and acknowledge that the video was misleading in respect of a fellow Councillor's remuneration for preparing for, and hosting, Committee meetings and may have suggested impropriety where none existed.

I further acknowledge that the video had the potential to undermine public confidence in the integrity and proper functioning of the Council.

That video has now been deleted.

I take full and personal responsibility for the content of that post. I do not seek to deflect blame or excuse its impact. I acknowledge that my conduct did not meet the standards of respectful engagement and ethical communication expected of elected members.

In particular, I recognise my obligations under the Behavioural Standards for Council Members and the Council Member Code of Conduct, which require honesty, integrity, and respect in all dealings, including when speaking publicly about Council matters. I regret that my conduct fell short of those expectations.

I offer a sincere and unqualified apology to my fellow Councillors, to Council staff, and to the community. I trust that this apology will be accepted in the spirit in which it is given.

I reaffirm my commitment to upholding both the Behavioural Standards and the Code of Conduct and to ensuring that my future communications reflect the responsibilities of my public office.

The second apology has two forms – you are free to choose either; whatever you feel more comfortable with:

Version 1

[It is proposed that this version is to be published as a “piece to camera” on the social media accounts which carried the 2 July 2024 publication within 24 hours of the statement read to Council and with the publication continuing for no less than 7 days]

If you’re looking for the post I made on 2 July 2024 about the remuneration paid to the preparation of, and chairing, of a Committee meeting at the City of Adelaide on 2 July 2024, I’ve deleted it.

I deleted it because the content and tone caused concern (including within the Council), may have been inaccurate, misleading and undermined trust in the Council.

I take full responsibility for this, and now offer a sincere apology to my Council colleagues, staff, and to you.

A more detailed version of this apology, made at the Council meeting on ... [likely to be “June”] 2025, can be viewed at the City of Adelaide YouTube recording at ... minutes and ... seconds.

#### Version 2

[A written statement, as opposed to a verbal one, but it is open to you to publish a verbal apology if you wish]

I have deleted a video that I made on 2 July 2024 and posted to this platform about Council matters, and specifically involving remuneration attached to preparing for, and chairing, a Committee meeting. I acknowledge that the content and tone caused concern (including within the Council), may have conveyed an inaccurate impression, and may have undermined trust in Council. I take full responsibility and offer a sincere apology to my Council colleagues, staff, and the community. As an elected Councillor, I am committed to respectful, honest engagement and to upholding the Behavioural Standards and Code of Conduct expected of Councillors. A version of the full apology I have made at the Council meeting on ... [likely June] 2025 is available in the minutes of that meeting.

I gather from our helpful discussions that you would like to resolve this matter sooner rather than later. To that end, can I impose on you to let me know whether the public apology, and the online apology (either version) is acceptable to you. If so, upon actually providing the apologies, the investigation would be fully resolved without the need for further action on my part.

As always, please feel free to call me if it is more convenient (0400 709 647).

Kind regards,

Paul

Paul d'Assumpcao

**Howard Zelling Chambers**

Level 12, 211 Victoria Square

ADELAIDE SA 5000

Ph: (08) 8211 7677

Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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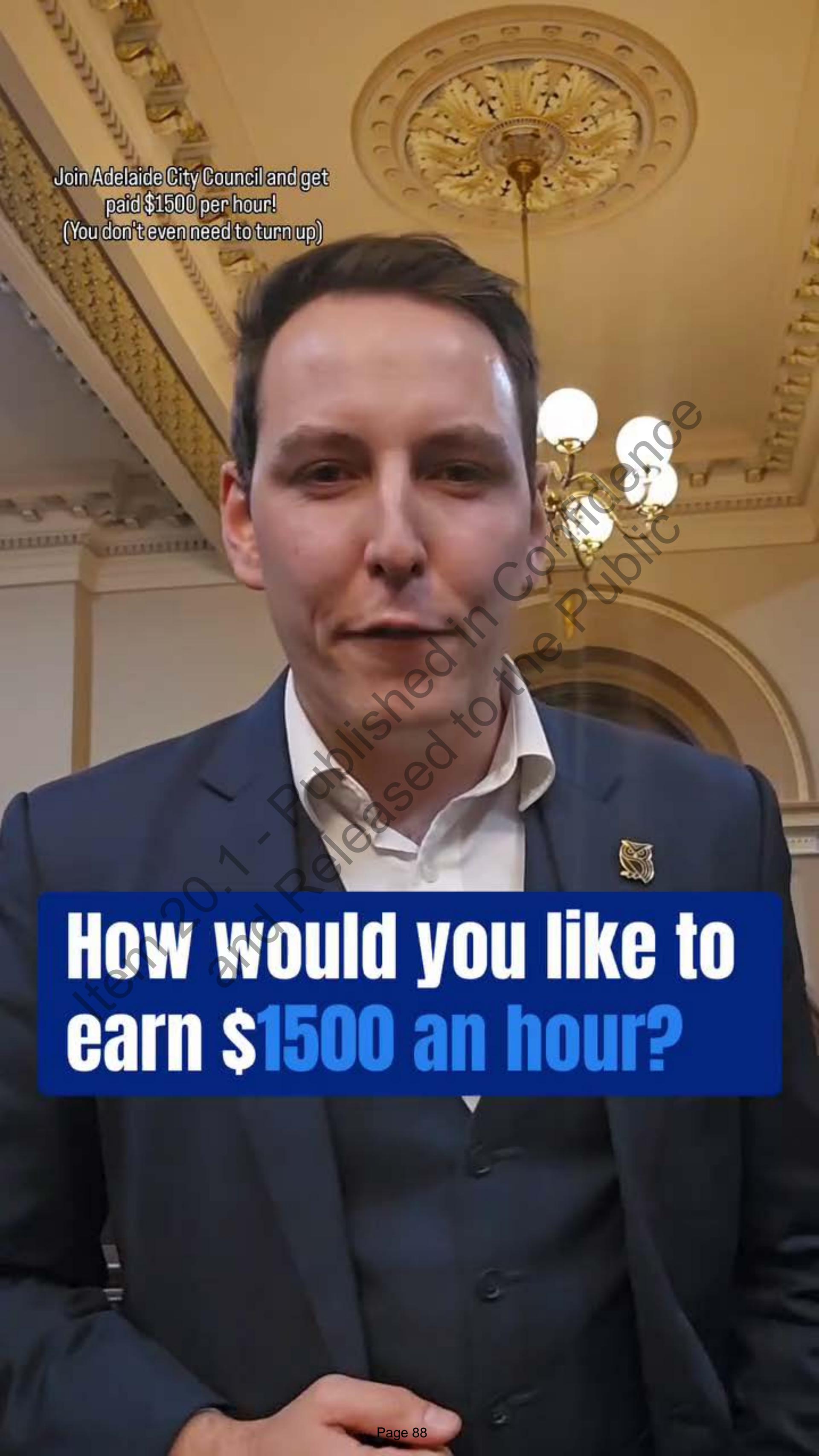
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**ANNEXURE C**

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Join Adelaide City Council and get  
paid \$1500 per hour!  
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Item 20.1 - Published in Confidence  
How would you like to  
earn \$1500 an hour?



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paid \$1500 per hour!  
(You don't even need to turn up)

Well, that's just what  
one of our councillors



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paid \$1500 per hour!  
(You don't even need to turn up)

got paid to chair a 20  
minute



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committee.

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Join Adelaide City Council and get  
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So you normally get  
paid about 750 bucks to



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paid \$1500 per hour!  
(You don't even need to turn up)

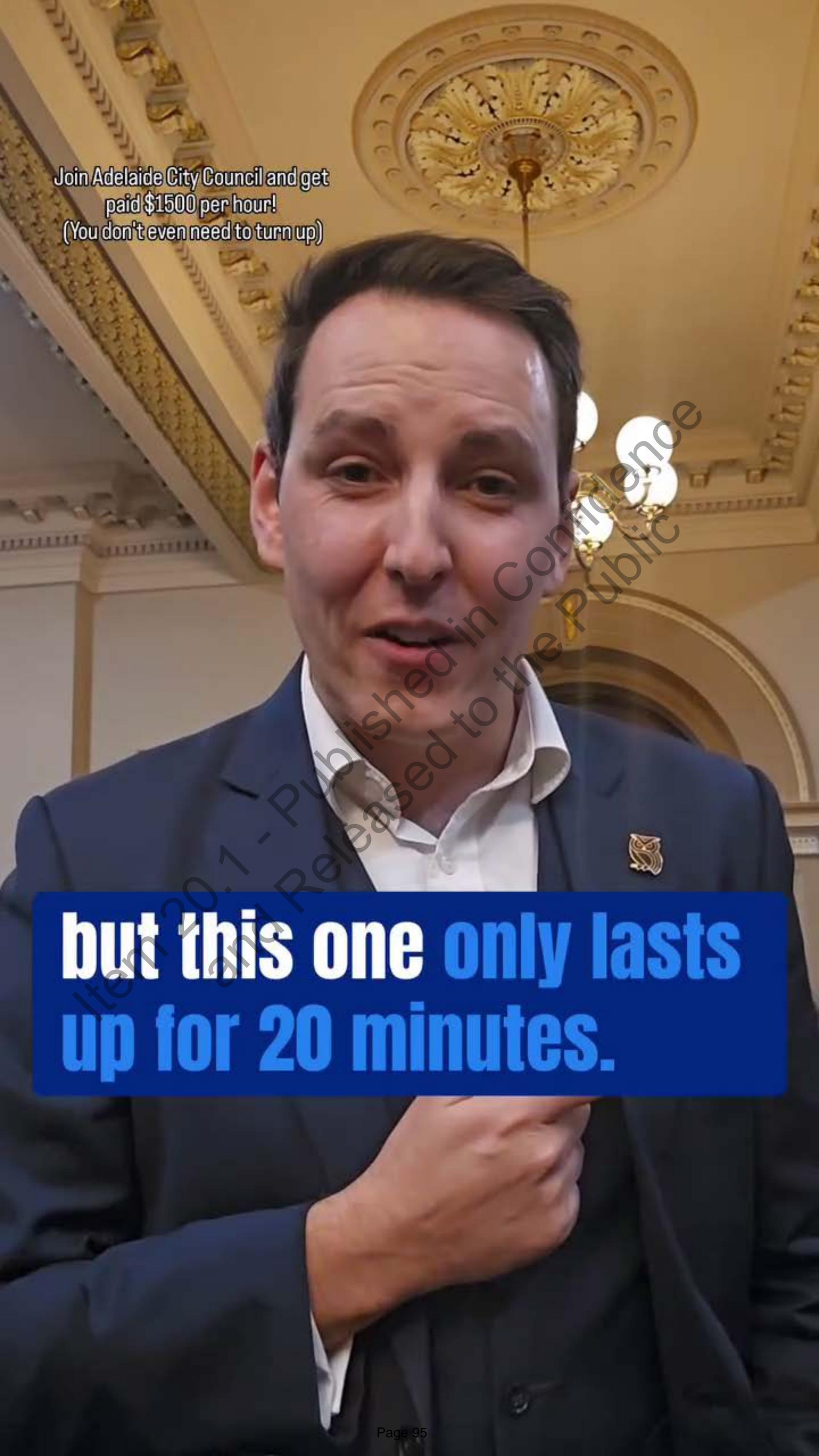
**chair an hour**

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Item 20.1 - Published in Confidence  
and a half committee,



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**but this one only lasts  
up for 20 minutes.**



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paid \$1500 per hour!  
(You don't even need to turn up)

But I can make that deal



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

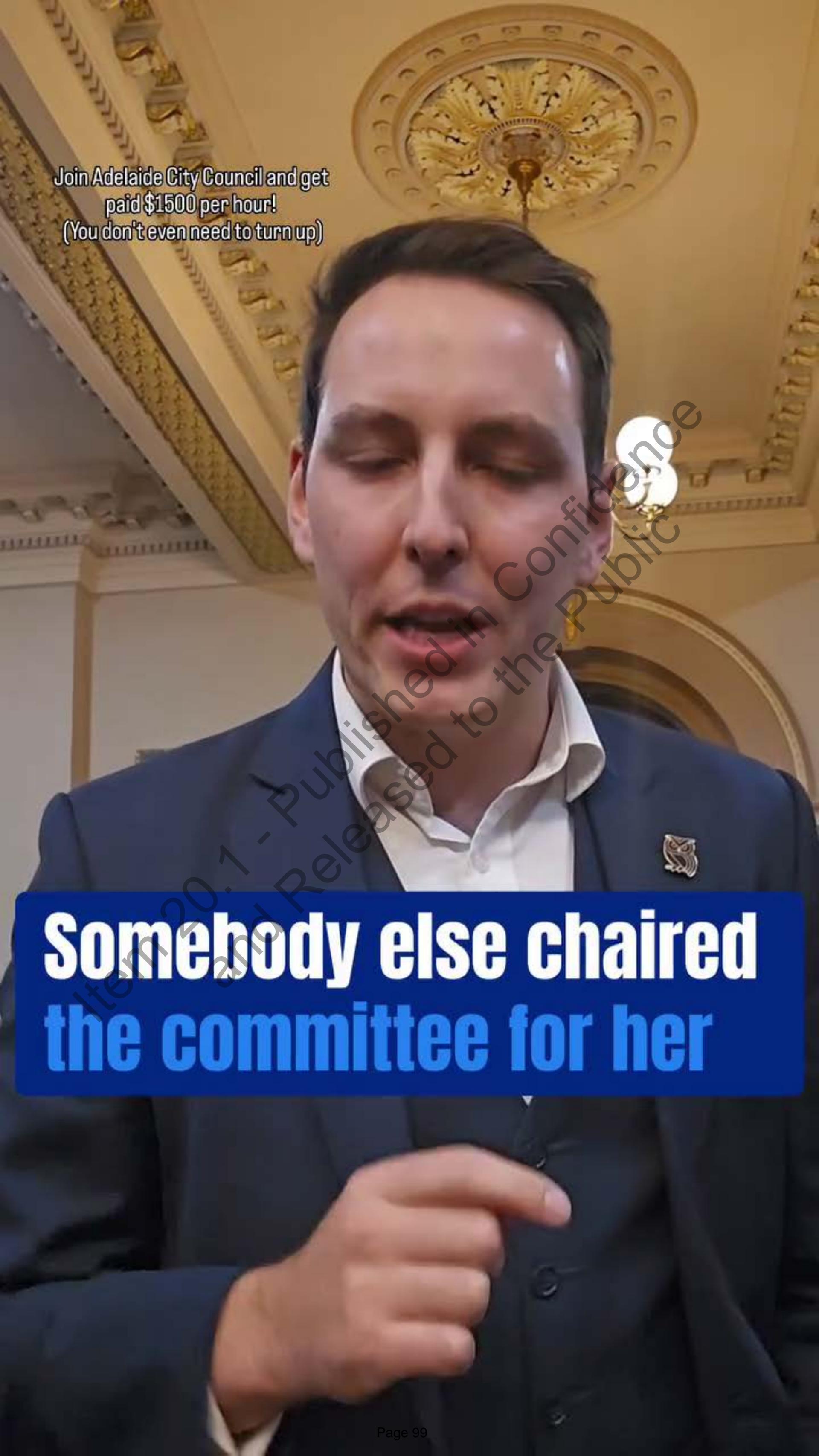
even better.

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and Released to the Public



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paid \$1500 per hour!  
(You don't even need to turn up)

She wasn't even here.



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paid \$1500 per hour!  
(You don't even need to turn up)

**Somebody else chaired  
the committee for her**



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paid \$1500 per hour!  
(You don't even need to turn up)

and she got paid big  
bickies to chair this



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

**committee**



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

**when she wasn't even  
there.**



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

**So if you would like to  
earn \$1500 an**



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paid \$1500 per hour!  
(You don't even need to turn up)

Item 20.1 - Published in Confidence  
**hour to chair a  
committee on the**



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paid \$1500 per hour!  
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Item 2011. Published in Confidence  
Released to the Public

# City of Adelaide Council under an overly



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(You don't even need to turn up)

17/07/2011 - Published in Confidence  
**complex committee  
structure which**



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paid \$1500 per hour!  
(You don't even need to turn up)

Entered 2021 - Published in Confidence  
basically sees 4 chairs  
appointed for



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paid \$1500 per hour!  
(You don't even need to turn up)

**of no real apparent  
benefit, all**



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paid \$1500 per hour!  
(You don't even need to turn up)

you need to do is get  
yourself elected



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paid \$1500 per hour!  
(You don't even need to turn up)

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to the City of **Adelaide**  
**Councillor**





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(You don't even need to turn up)

, make some friends,



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

make sure you have the  
numbers,



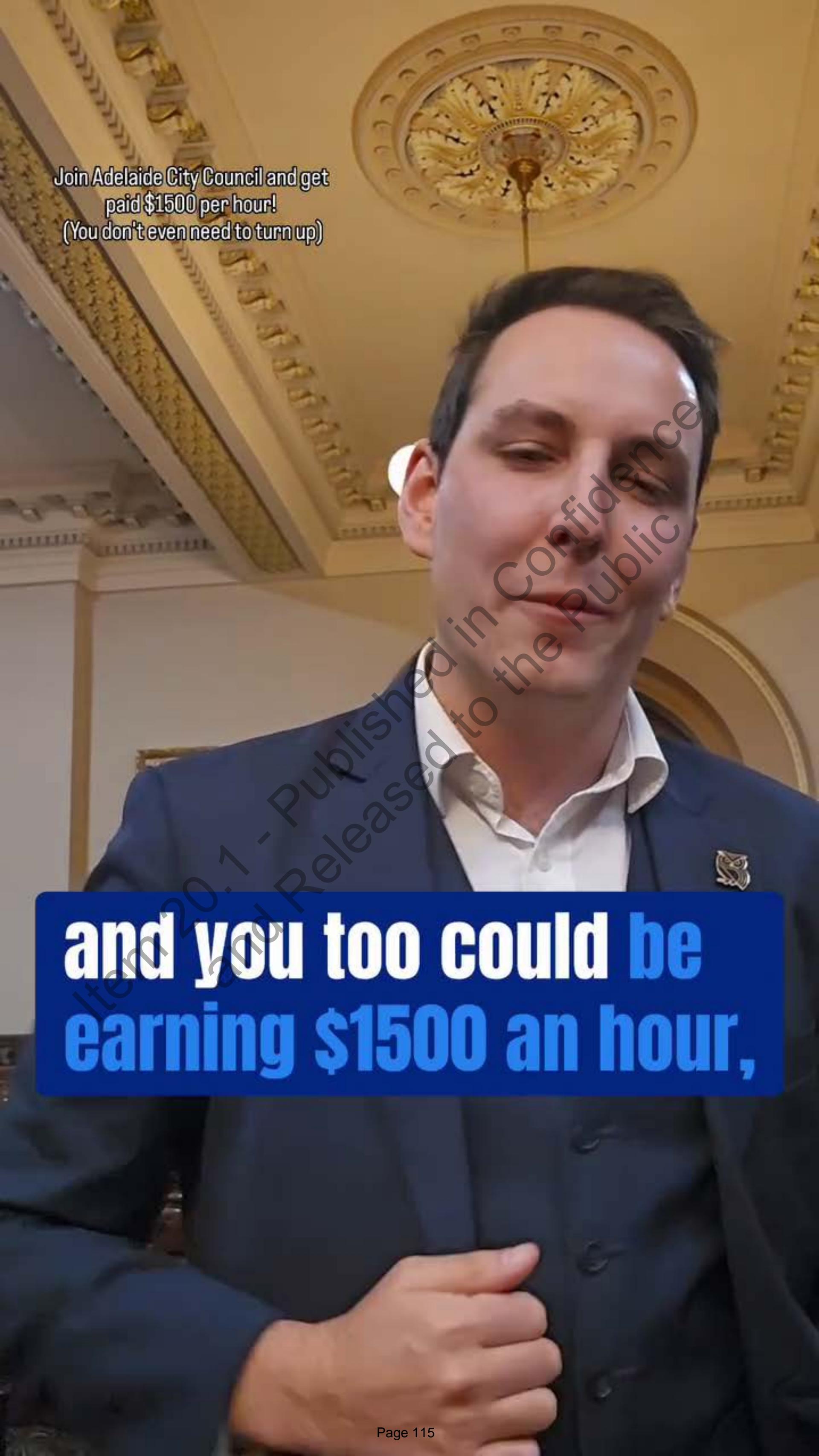
Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

get yourself appointed



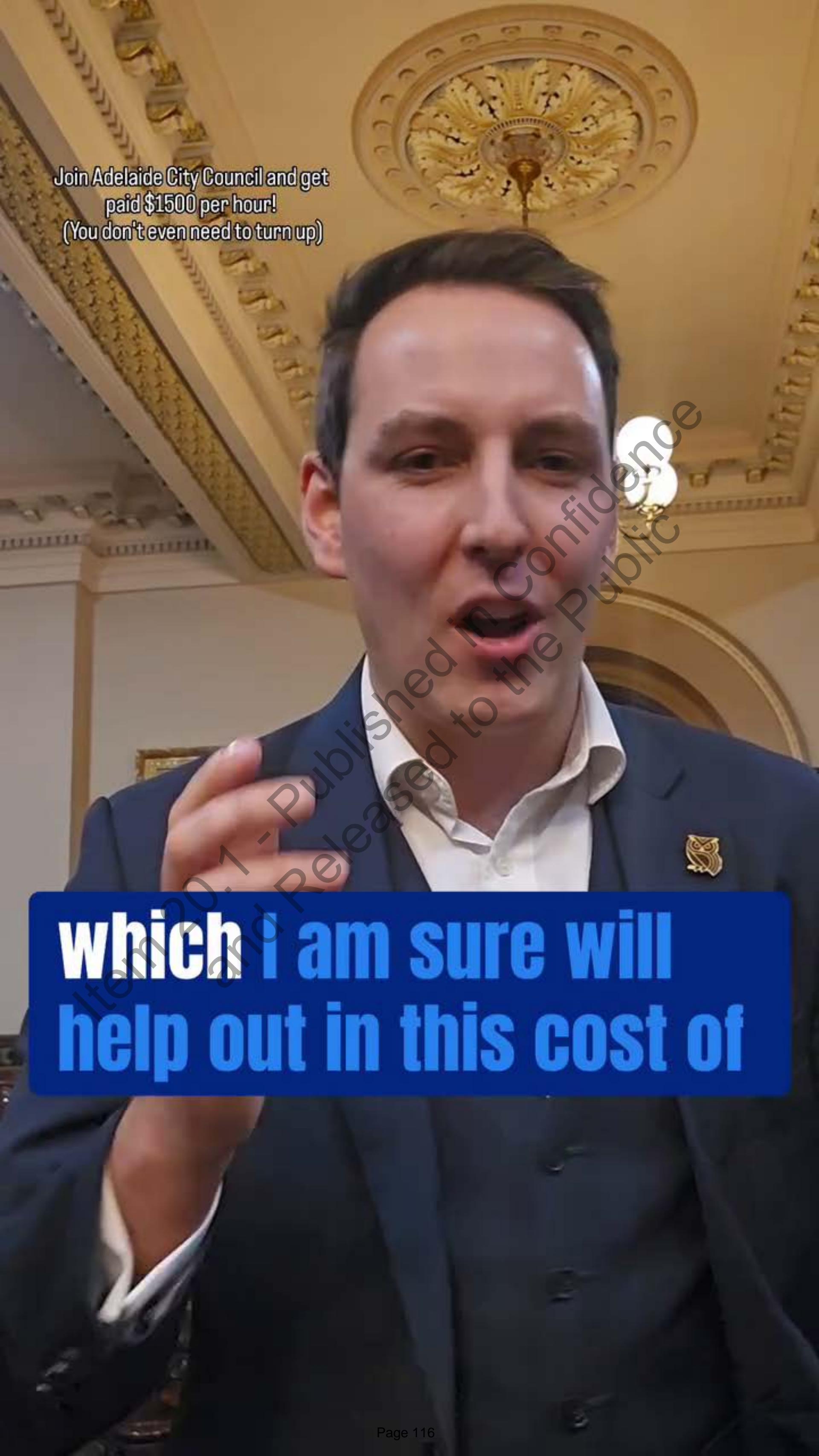
Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

as a committee chair



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

and you too could be  
earning \$1500 an hour,



Join Adelaide City Council and get  
paid \$1500 per hour!  
(You don't even need to turn up)

which I am sure will  
help out in this cost of





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paid \$1500 per hour!  
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**living crisis.**

**ANNEXURE D**

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7 January 2025

**CONFIDENTIAL**

Councillor Davis  
City of Adelaide  
5 Pirie Street  
ADELAIDE SA 5000

Via Email: [h.davis@cityofadelaide.com.au](mailto:h.davis@cityofadelaide.com.au)

Kaurna Country  
25 Pirie Street, Adelaide  
GPO Box 2252 Adelaide  
South Australia 5001  
**T** +61 (08) 8203 7203  
**F** +61 (08) 8203 7575  
**W** [cityofadelaide.com.au](http://cityofadelaide.com.au)  
**ABN** 20 903 762 572

Dear Councillor Davis,

**Complaint under the Council Members Complaints Policy**

Dear Cr Davis

I **enclose** a copy of a complaint (**Complaint**) alleging certain contraventions by you of the *Behavioural Standards for Council Members* and the Council's *Behavioural Support Policy* received by Council on 30 December 2024.

I also **enclose** a copy of the Council's *Council Member Complaints Policy* (**Policy**).

Note, some information has been redacted from the Complaint on the basis that the complainant has (in accordance with the Policy) requested that their identity be kept confidential.

Under the Policy, the Lord Mayor (including Acting Lord Mayor, which is presently me) is the person responsible for managing the Complaint in this case. An assessment of the Complaint is to be conducted in accordance with the Policy.

You are invited to provide a response to the Complaint. Any response you provide will inform the assessment which will be undertaken by the person responsible for managing the Complaint in accordance with the Policy. If you would like to provide a response, you must do so within 10 business days of receipt of this email, i.e. by **21 January 2025**.

Please note, you are not required to provide any response if you do not wish to do so. Please also note that the person responsible for managing the Complaint may discuss the Complaint with you in the course of formulating their assessment, whether or not you provide any response to the Complaint.

The result of the assessment will be communicated to you within 15 business days after the deadline for your response, which is set out above. Potential outcomes of that assessment are set out in the Policy.

The Complaint will be managed on a confidential basis in accordance with the Policy until such time as it may be required to be reported to the Council in a public meeting in accordance with the Policy. The Policy sets out the limited circumstances where you may disclose information about the Complaint to other persons.

Please do not hesitate to contact me if you have any queries regarding this correspondence.

Your sincerely

**Kieran Snape**

Acting Lord Mayor

Enc.

Complaint

Council Members Complaints Policy

**To:** Tom McCready <[T.McCready@cityofadelaide.com.au](mailto:T.McCready@cityofadelaide.com.au)>

Cc: Michael Sedgman <[M.Sedgman@cityofadelaide.com.au](mailto:M.Sedgman@cityofadelaide.com.au)>; Dr Jane Lomax-Smith <[J.Lomax-Smith@cityofadelaide.com.au](mailto:J.Lomax-Smith@cityofadelaide.com.au)>

**Subject:** In Confidence

Dear Acting CEO

I wish to lodge a formal complaint in the context of the Council Member Behavioural Support Policy and the Local Government Act 1999 (as amended) Behavioural Standards for Council members.

On the July 2, 2024 on Council premises, understood to be the Council Chamber, around 1800 hrs during a break between two Council Committee meetings and immediately after a meeting of the Council's City Community Services and Culture Committee, Councillor Henry Davis recorded and published to the social media sites Instagram and Facebook the following video;

"How would you like to earn \$1500 an hour? Well that's just what one of councillors got paid to chair a 20 minute committee meeting. So, normally you get paid about \$750 to chair an hour and a half committee, but this one only lasted 20 minutes. But I can make that deal even better. She wasn't even here. Somebody else chaired the committee for her, and she got paid the big bickies to chair this committee when she wasn't even there. So if you would like to earn \$1500 an hour to chair a committee on the City of Adelaide council under an overly complex committee structure which basically sees 4 chairs appointed for no real apparent benefit, all you need to do is to get yourself appointed as a committee chair, make some friends, make sure you have the numbers, get yourself appointed as a committee chair and you too could be earning \$1500 an hour , which I am sure will help out in this cost of living crisis."

Councillor Davis made the statement when he knew or should have known it was dishonest and factually incorrect.

His statement was viewed by potentially thousands of Councillor Davis' Instagram and Facebook followers and subsequently widely distributed among staff of the City of Adelaide and elected members. The statement has not been corrected or changed on Instagram or Facebook and Councillor Davis has not made any formal apology to the Council, to the elected body nor to any of the individuals referenced.

The statement was in breach of the following paragraphs of the legislated Standards for Council Members.

In respect of the Local Government Act, the breaches are;  
General behaviour

1.1, 1.2, 1.3, 1.4 and 1.5

Responsibilities As A Member of Council

2.1, 2.2, 2.3, 2.4, 2.5 and 2.7

Relationship With fellow Council Members

3.1 and 3.2

In relation to the City of Adelaide Behavioural Support policy, the breaches are;

Statement

1, 2, 3, 4 and 6

Council Member Commitmennts

1, 2, 3 and 4

Other Matters Relating to Behaviour of Council Members

Media 1, 2 and 3

Communication and Engagement

1

Councillor Davis claims to be a critic of the committee system of the City of Adelaide which was adopted by a majority vote of Council in December 2022 for the term of the Council, subject to a review of its operation. Councillor Davis accepted the role of Deputy Chair of a Committee in early 2023 and has chaired various committee meetings in 2023 and 2024.

However, he has knowingly misrepresented the duties and the remuneration paid to Committee Chairs.

Details of the remuneration for Committee Chair positions, as set by the Remuneration Tribunal were contained in the papers for the Council Meeting of January 17, 2023. The papers also contained details of the duties of the Council members elected to positions of Chair and Deputy Char, including out of meeting liaison with Council staff to discuss and plan future agenda and all calls on their time. Councillor Davis did not attend the January 17 meeting but attended the Council meeting of January 31, 2023 at which he voted to accept the minutes of the meeting January 17, 2023, incorporating references to the detail above.

Councillor Davis also understood or should have understood the meeting schedule for Council Committees of at least one meeting per month for the months of February to December which was adopted by a majority vote of Council for the years 2023 and 2024 at the beginning of each year and entered into his electronic diary by the Council Administration.

Councillor Davis failed to acknowledge the majority decision of Council to adopt a Committee system (and the reasons including the enhancement of Council governance) while misrepresenting that payments are made to Committee Chairs under the terms of the Remuneration Tribunal determines for the entirety of the role which includes the duration of Committee meetings, out of meeting duties and all calls on their time. There was and has never been an hourly rate paid to Committee chairs at the City of Adelaide. Nevertheless, he demonstrated a clear understanding of the total remuneration in a post Councillor Davis made to his Instagram and Facebook accounts on January 31, 2023;

"Do you think it is fair that City of Adelaide Councillors get paid \$7173 to chair 15 hours of meetings? It would take an ordinary Australian 5.7 weeks to earn what an Adelaide City Councillor does in less than 2 days. This is in addition to an annual payment of \$28K to do the job. I'm not happy about it, and you shouldn't be either".

Further, in a motion to revoke the Committee structure he brought to Item 15.3 at the Council Meeting of February 13, 2023, Councillor Davis argued that the costs of fees of \$115, 000 (approximately \$28, 750 per annum or approximately \$7, 100 per Chair per annum) was unjustified.

Councillor Davis' claim on July 2nd, 2022 of payments of \$1500 an hour was demonstrably dishonest and inaccurate and even if there were an hourly rate, which there is not, it would be calculated at a mere fraction of the amount alleged by Councillor Davis,

Furthermore, he sought to diminish the reputation and standing of the Chair of the meeting, Councillor Giles, and public confidence in the Council by asserting in his July 2, 2024 video that the Chair was, unreasonably, paid by the Council but failed to attend;

"She wasn't even here. Somebody else chaired the committee for her, and she got paid the big bickies to chair this committee when she wasn't even there."

Councillor Davis knew or should have known as a result of Agenda Item 11.3, adopted by majority vote, at the meeting of council on January 30, 2024, Councillor Giles was nominated by the Council to represent the City of Adelaide between July 2 and 4 at the National General Assembly of Local Government conference in Canberra.

Though Councillor Davis did not name Councillor Giles, her identity was known to her elected member colleagues, to City of Adelaide Staff and to the broader community who follow Council and Committee agenda and view the Council, and Committee meetings on the City of Adelaide YouTube channel.

Finally, there is the statement of July 2, 2024 an inference by Councillor Davis which is damaging to the public confidence in the City of Adelaide in a statement capable of being interpreted as an absence of governance or lawful process associated with the adoption of the Council Committee structure;

"So if you would like to earn \$1500 an hour to chair a committee on the City of Adelaide council under an overly complex committee structure which basically sees 4 chairs appointed for no real apparent benefit, all you need to do is to get yourself appointed as a committee chair, make some friends, make sure you have the numbers, get yourself appointed as a committee chair and you too could be earning \$1500 an hour , which I am sure will help out in this cost of living crisis."

Compounding the negative impacts of this episode is the failure of Councillor Davis to formally acknowledge, retract or apologise for comments which were, no matter how false, simply personal views, thereby leaving open to those who watched his allegations the conclusion that the information presented was a statement of facts.

I request that this matter is investigated and, if the breaches alleged are substantiated, that Councillor Davis be required to make a formal and spoken retraction and apology to a Council meeting and to publish that retraction and apology on the media sites where the matter was originally and subsequently published.

Your sincerely,

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and Released to the Public

**ANNEXURE E**

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## **Paul d'Assumpcao**

---

**From:** Henry Davis <henry@hld-law.com>  
**Sent:** Friday, 26 September 2025 4:29 PM  
**To:** Paul d'Assumpcao  
**Subject:** Re: 20250926 Report - Final (proofed) (Corrigendum) (proofed).pdf

Thanks I will respond.

Henry

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---

**From:** Paul d'Assumpcao <pdassumpcao@hzc.com.au>  
**Sent:** Friday, September 26, 2025 3:10:45 PM  
**To:** Henry Davis <henry@hld-law.com>  
**Subject:** 20250926 Report - Final (proofed) (Corrigendum) (proofed).pdf

Good afternoon, Henry,

I trust that you are well.

On 5 September 2025, I sent my report to the Lord Mayor.

On 19 September 2025, the Lord Mayor raised a couple of questions for my consideration.

As a result, I have revised my approach to cl 2.7 only, which is set out in the attached report at [51] (with underlining). The Lord Mayor has instructed me to provide you with a copy, with an invitation for you to comment on [51] within 7 days please.

I am also instructed by the Lord Mayor that if you do not provide a response within 7 days, I will send the report to the Lord Mayor in its current form (but, of course, including the date at the end, and with annexures).

Lastly, there was a slip in my summary at [61] which I have also corrected (with underlining).

As usual, please do not hesitate to call me if you have any queries in relation to the above.

Kind regards,

Paul

Paul d'Assumpcao  
**Howard Zelling Chambers**  
Level 12, 211 Victoria Square  
ADELAIDE SA 5000  
Ph: (08) 8211 7677  
Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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**From:** Paul d'Assumpcao <[pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)>  
**Sent:** Monday, December 1, 2025 11:09 AM  
**To:** Lord Mayor <[LordMayor@cityofadelade.com.au](mailto:LordMayor@cityofadelade.com.au)>  
**Subject:** FW: Proposed resolution for the next steps

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning, Lord Mayor,

Please see the email chain below.

My recommendation at this juncture is that the “Breach found and actions are not agreed” aspect of the Council Member Complaints Policy is now engaged.

It is open to you to move a motion at a Council meeting for determination on this issue.

More than one course of action is open, including:

- a motion for a censure only;
- a motion for an apology only (whether that apology be in a manner determined by the Council or in a form that Cr Davis wishes to provide – noting that the latter position was not your preference);
- a motion for a censure and an apology (again, the form of the apology could be determined by the Council or be “free range”); or
- a motion that no further action be taken.

In my view, it is very important that, if you decide to move a motion for the Council’s determination, that it is presented with a range of options (varying from no further steps to some action) in order that abundant fairness to Cr Davis be practically given and also to encourage a proper debate on the range of issues. These two points are of crucial importance because of the potential adverse consequences for Cr Davis. Appropriate debate and an evaluation by the Council to sift and weight its choices is also of great significance.

In that circumstance, if the Council were to elect to require an apology in a particular form, it may be premature to fully map it out at this stage. Rather, assuming the Council determines that an apology in a prescribe form be given, the broad framework for an apology could be included in the minutes so that the Council might understand what it is to entail, but the fine detail can be agreed shortly thereafter. The key considerations might include:

- a full acceptance for the recommendations of the breaches that you have accepted (as the person responsible for managing the complaint). It would not be necessary to identify each of the breaches, but only to address the thrust of those issues;
- acknowledging that Cr Davis inappropriately used Council resources to make and promote the video;

- an undertaking to use his best endeavours not to engage in conduct of a similar kind again, whether on Council premises or otherwise;
- an undertaking to remove the video from his social media, and, possibly, to make a public retraction of the video online with a link to this apology should any member of the public wish to view it; and
- a reaffirmation of his commitment to the Behavioural Standards and the Council Member Behavioural Support Policy.

Kind regards,

Paul

Paul d'Assumpcao  
**Howard Zelling Chambers**  
Level 12, 211 Victoria Square  
ADELAIDE SA 5000  
Ph: (08) 8211 7677  
Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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**From:** Paul d'Assumpcao [<mailto:pdassumpcao@hzc.com.au>]  
**Sent:** Monday, 1 December 2025 10:46 AM  
**To:** 'Henry Davis' <[henry@hld-law.com](mailto:henry@hld-law.com)>  
**Subject:** RE: Proposed resolution for the next steps

Good morning, Henry,

Thank you for your reply. I will treat that as a "no".

Kind regards,

Paul

Paul d'Assumpcao  
**Howard Zelling Chambers**  
Level 12, 211 Victoria Square  
ADELAIDE SA 5000  
Ph: (08) 8211 7677  
Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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**From:** Henry Davis [<mailto:henry@hld-law.com>]  
**Sent:** Monday, 1 December 2025 10:39 AM  
**To:** Paul d'Assumpcao <[pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)>  
**Subject:** Re: Proposed resolution for the next steps

You can't force me to say the words you want. I'll see you in the Supreme court if you try that on. This isn't Nazi Germany Paul.

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Item 20.1 - Published in Confidence  
and Released to the Public

**From:** Paul d'Assumpcao <[pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)>  
**Sent:** Friday, November 28, 2025 9:44:26 AM  
**To:** Henry Davis <[henry@hld-law.com](mailto:henry@hld-law.com)>  
**Subject:** Proposed resolution for the next steps

Good morning, Henry,

Further to our conversation last week, I confirm that I have been instructed by the Lord Mayor to proceed to the “Outcome” stage under the Council Member Complaints **Policy**. The Lord Mayor has accepted the recommendations set out in my final report.

Thank you for taking the time to discuss your position.

Having consulted in accordance with the Policy, I am inclined to recommend that the outcome be:

- that you are censured; and
- that you make an apology in terms which are satisfactory to the complainant and the Lord Mayor.

That said, I note your position that:

- because the report was finalised before your submissions were received (but after the deadline for receipt of any submissions had lapsed), you do not consider that it is appropriate to apologise (or be censured); and
- it is beyond power for the Council to require any particular form of an apology. However, you may be open to apologising on your terms.

I am instructed, as a result of my consultation, that a prescribed form of an apology is preferred. I have also reviewed the Policy – under the heading “Breach found and actions are not agreed”. One of the options available to the Council reads: “Council may do one or more of the following ... require the Member to issue a public apology (in a manner determined by the Council)”. It seems to me that if the Council can pursue that course, then it is also open for you to agree to that course rather than it going to Council for a resolution.

However, I gather that you maintain your view that no form of a prescribed apology would be agreed to. If I am right about this, can I trouble you to confirm by way of a reply email? The next step would be for it to go to a Council meeting for resolution.

Lastly, I stress that I am only involved in recommending a course of action to resolve the matter. My preference would be for it to be done by consent, but I fully understand your concerns.

Kind regards,

Paul

Paul d'Assumpcao  
**Howard Zelling Chambers**

Level 12, 211 Victoria Square  
ADELAIDE SA 5000  
Ph: (08) 8211 7677  
Email: [pdassumpcao@hzc.com.au](mailto:pdassumpcao@hzc.com.au)

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# COUNCIL MEMBER COMPLAINTS POLICY

27 February 2024

Legislative

## PURPOSE

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (SA) (the Local Government Act). This Council Member Complaints Policy constitutes Council's Behavioural Management Policy under Section 262B of the Local Government Act and forms part of the Behavioural Management Framework for Council Members. It sets out the approach to the management of complaints about the behaviour of Council Members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards, and/or any Behavioural Support Policy adopted by the Council (the Behavioural Requirements).

## STATEMENT

This Policy sets out the procedures for dealing with an allegation of a breach of the Behavioural Requirements.

Nothing in this Policy prevents Council Members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following will apply:

- where a Council Member considers there has been behaviour that is inconsistent with the Behavioural Requirements, a Council Member is encouraged to, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy.
- if a matter proceeds to a complaint, all Council Members will continue to comply with the procedures set out in this Policy and support the Person Responsible for Managing the Complaint.
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate consistent, timely and efficient resolution and minimisation of costs.
- where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints.
- ongoing training and relevant resources will be provided to all Council Members to ensure they have the skills and knowledge necessary to perform their role in accordance with the Behavioural Requirements and the Local Government Act.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the Behavioural Requirements.

This Policy does not apply to complaints about Council employees or the Council as a whole. Members of the public can lodge a complaint in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

The City of Adelaide acknowledges the Kaurna people as the Traditional Owners of the Country where the city of Adelaide is situated, and pays its respect to Elders past, present and emerging.

A complaint made in accordance with this Policy must be lodged within 6 months of the occurrence of the behaviour complained about unless the Person Responsible for Managing the Complaint is of the opinion that, in all the circumstances of the case, it is proper to entertain the complaint out of time.

### **Confidentiality**

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a Council Member) that information except:

- to deal with the complaint
- where required by law
- to obtain legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- where the disclosure is made to an external party investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

Subject to the operation of the *Public Interest Disclosure Act 2018*, a complainant may request their identity be kept confidential from the person complained about. The Person Responsible for Managing the Complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

### **Informal Action**

Informal action may be undertaken as a result of:

- a concern raised with the Lord Mayor on an informal basis (or the Deputy Lord Mayor if it concerns the Lord Mayor), or
- conduct observed by the Lord Mayor directly.

Where requested, the Chief Executive Officer will facilitate for the Lord Mayor, or Deputy Lord Mayor, access to resources required to support the parties to facilitate early resolution of the matter.

The Lord Mayor, or Deputy Lord Mayor, will write to the impacted parties to address the conduct and suggest options for resolution. Such correspondence may contain a warning that repeated instances of matters raised on an informal basis may form the basis for Formal Action.

### **Formal Action**

#### **Receipt**

A complaint made under this Policy must:

- be received in writing.
- be marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website;
- provide the name of the Council Member who has allegedly breached the Behavioural Requirements, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint;

- identify the Behavioural Requirements the complainant alleges have been breached and
- identify the outcome sought by the complainant.  
**(“Formal Complaint”)**

The complainant will receive written acknowledgement of the Formal Complaint and a copy of this Policy within two business days of the Formal Complaint being received, or as soon as reasonably practicable.

The Formal Complaint will be provided to the Person Responsible for Managing the Complaint within two business days of the Formal Complaint being received, or as soon as reasonably practicable.

The person complained about will be provided with a copy of the Formal Complaint and a copy of this Policy within five business days of receipt of the Formal Complaint, or as soon as reasonably practicable. The person complained about will be informed an assessment will be undertaken in accordance with this Policy and invited to provide a response.

A complainant may withdraw their Formal Complaint at any stage. If a complaint is withdrawn this may result in an investigation not being concluded or any findings being made.

The Person Responsible for Managing the Complaint will endeavour to have the Formal Complaint resolved within a month of the complaint being received, noting that complex complaints may require additional time.

### **Assessment**

Upon receipt of a Formal Complaint the Person Responsible for Managing the Complaint will perform an assessment and determine what action will be taken from the assessment. The Person Responsible for Managing the Complaint has the ability to:

- refuse to deal with a complaint;
- determine to take no further action on a complaint;
- refer the matter to an alternative dispute resolution mechanism , including mediation, conciliation, arbitration, facilitated discussion or other dispute or conflict resolution
- require the person complained about to undertake training, instruction, counselling, mentoring or coaching ;
- refer the matter to another body or agency;
- inquire into a complaint in a manner in accordance with the Council Member Complaint Guidelines; or
- conduct an investigation themselves or delegate the conduct of an inquiry to any person or body considered appropriate in the circumstances.

To assess the Formal Complaint, the Person Responsible for Managing the Complaint should discuss the complaint with the complainant, the person complained about, and witnesses to the behaviour the subject of the complaint.

The Person Responsible for Managing the Complaint may engage a third party to assist with the assessment.

Should the person complained about wish to provide a response to the Formal Complaint to assist the assessment, they must do so within ten business days of their

receipt of the complaint, or such longer period as the Person Responsible for Managing the Complaint may allow.

The Person Responsible for Managing the Complaint will take into consideration any response provided by the person complained about when determining what action will result from the assessment, including recognition by the person complained about of poor behaviour, and offers of an apology.

The result of the assessment will be communicated to the complainant and the person complained about, with reasons detailed in writing, within 15 business days of the due date of a response from the person complained about.

The Person Responsible for Managing the Complaint may make recommendations to the parties at the conclusion of the assessment.

### *Reasons*

If the Person Responsible for Managing the Complaint refuses to deal with a Formal Complaint or determines to take no further action in relation to a Formal Complaint, the complainant will be advised and provided with written reasons for the refusal or determination.

The grounds upon which the Person Responsible for Managing the Complaint may refuse to deal with a Formal Complaint or determine to take no further action in relation to a Formal Complaint include (but are not limited to):

- the subject matter of the complaint is trivial;
- the complaint is frivolous or vexatious or is not made in good faith;
- the complainant or the person on whose behalf the complaint was made does not have a sufficient personal interest in the matter raised in the complaint;
- having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body;
- the council has dealt with the complaint adequately.

### *Investigation*

Where the assessment results in a decision to conduct an investigation into the Formal Complaint, the Person Responsible for Managing the Complaint will engage a third party to conduct the investigation. The investigation will be referred to the third party within two business days of the conclusion of the assessment.

The complainant and the person complained about must cooperate with any process to consider the Formal Complaint and, if requested, participate in meetings in a timely manner. Failure by the person complained about to comply with this requirement may be considered when determining the actions to be taken and may constitute grounds for referral to the Behavioural Standards Panel for Misbehaviour.

The person conducting the investigation may:

- explore the complaint with the complainant and the person complained about.
- speak with witnesses and any other persons who have been nominated by the parties to have observed the behaviour complained about.

- request the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.
- perform any and all other functions necessary to properly investigate the Formal Complaint.

The investigation will, insofar as is reasonably practicable be concluded within 20 business days.

#### ***Report***

Following investigation of a Formal Complaint the person conducting the investigation must, insofar as is reasonably practicable, within five business days, prepare a draft report summarising the matter and setting out their findings, conclusions and recommended actions.

The parties to the complaint will be provided with the draft report and five business days (or such longer period as may be allowed) to make submissions in relation to the draft report. A copy of the draft report will also be provided to the Person Responsible for Managing the Complaint. The person conducting the investigation will have regard to any submissions made when preparing the final report. The final report should be issued within five business days of receipt of submissions.

#### ***Outcomes***

An investigation will result in one or more of the following outcomes:

- No breach found
- Breach found and actions agreed
- Breach found and actions not agreed

##### *No breach found*

Where the finding is that no breach of the Behavioural Requirements has occurred the final report prepared by the person conducting the investigation will be provided to the Person Responsible for Managing the Complaint, the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. The complainant's identity may need to be redacted. If no such request is received, no further action will be taken.

##### *Breach found and actions agreed*

Where the finding is that a breach of the Behavioural Requirements has occurred the Person Responsible for Managing the Complaint may seek that the complainant and the person complained about agree to a resolution. In such a case, that agreement will be documented in writing and will include a commitment by the parties to the complaint to abide by the agreement.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council Meeting. The complainant's identity may need to be redacted. If no such request is received, no further action will be taken.

### *Breach found and actions are not agreed*

Where the finding is that a breach of the Behavioural Requirements has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter, a final report will be presented to Council for determination. The Person Responsible for Managing the Complaint must request the Chief Executive Officer to include, as far as is reasonably practicable, the final report in the Council Agenda at the next ordinary meeting following the issuing of the final report.

### *Actions – for the purposes of a breach being found but actions not agreed*

If the parties cannot agree on an approach to resolve the matter, the matter will be provided to Council to determine the actions to be taken. Council may do one or more of the following:

- pass a censure motion in respect of the Member
- require the Member to issue a public apology (in a manner determined by the Council)
- require the Member to undertake a specified course of training or instruction
- remove or suspend the Member from one or more offices held in the member's capacity as a Member of the Council or by virtue of being a Member of the Council (other than the office of Member of the Council).

If Council determines to take action, a report on the matter must be considered at a meeting open to the public.

Timeframes will be applied in which the actions must be completed by the member. Failure to comply with an action determined by the Council will amount to Misbehaviour.

### ***Repeated Misbehaviour***

Where a member is found to have breached the Behavioural Requirements on more than one occasion during a term of Council, the Lord Mayor will consider whether to refer the Repeated Misbehaviour to the Behavioural Standards Panel.

### ***Grievance regarding outcome of Formal Action***

If the parties to a Formal Action are dissatisfied with the outcome of the Formal Action, either party may refer the matter to the OmbudsmanSA.

Parties are reminded of the confidentiality requirements associated with Council Member complaints.

### ***Other matters***

The complainant and the person complained about are entitled to have a support person present during any discussions relating to complaints.

The Chief Executive Officer will not refuse any reasonable request made by the Person Responsible for Managing the Complaint for resources made in accordance with this Policy.

In circumstances where a breach of the Behavioural Requirements is found, the matter must be reported in the Council's Annual Report.

### Behavioural Standards Panel

A complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour may be made to the Behavioural Standards Panel.

Complaints to the Behavioural Standards Panel can only be referred by:

- a resolution of Council
- the Lord Mayor
- at least three members of the Council
- a Responsible Person

Council must appoint a Behavioural Standards Panel Contact Officer.

### RESPONSIBILITIES

The Person Responsible for Managing the Complaint must:

- perform the tasks bestowed upon the Person Responsible for Managing a Complaint pursuant to this Policy.
- In consultation with the Chief Executive Officer, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner.
- In consultation with the Chief Executive Officer, engage external resources to assist with investigation and resolution of matters.

The Chief Executive Officer must:

- manage the administrative receipt, acknowledgement, record keeping and allocation of complaints lodged in accordance with this Policy.
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer must:

- comply with any lawful request of the Behavioural Standards Panel for information related to a matter under consideration.
- receive and respond to notices relating to matters under consideration by the Behavioural Standards Panel.
- If the Behavioural Standards Panel Contact Officer is not the Chief Executive Officer, keep the Chief Executive Officer informed of the status of matters under consideration by the Behavioural Standards Panel.

### OTHER USEFUL DOCUMENTS

#### Related documents

- Council Member Complaints Operating Guideline
- Behavioural Standards for Council Members published in the South Australian Government Gazette on 17 November 2022, No.79 p.6658-6659
- Public Interest Disclosure Policy

#### Relevant legislation

- *Independent Commission Against Corruption Act 2012*
- *Local Government Act 1999*
- *Ombudsman Act 1972*
- *Public Interest Disclosure Act 2018*

### GLOSSARY

Throughout this document, the below terms have been used and are defined as:

**Behavioural Management Framework** – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all Council Members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of Council Members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

**Behavioural Requirements:** refers collectively and individually to the Behavioural Standards for Council Members, and any Behavioural Support Policies adopted by the Council.

**Behavioural Standards:** The Behavioural Standards for Council Members established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by Members of Councils; and providing for any other matter relating to behaviour of Members of Councils.

**Behavioural Standards Panel:** an independent statutory authority with powers to impose sanctions on Council Members who breach the Behavioural Requirements.

**Behavioural Standards Panel Contact Officer:** person responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

**Misbehaviour** means: A Council Member fails to:

- take the action required by council under section 262C(1) of the Local Government Act;
- comply with a provision of, or a requirement under, this policy; or
- comply with an agreement reached pursuant to this policy.

**Person Responsible for Managing the Complaint:** means, subject to any resolution of the Council to the contrary

1. the Lord Mayor;
2. if the complaint relates to or involves the Lord Mayor, the Deputy Lord Mayor;
3. if the complaint relates to or involves the Lord Mayor and Deputy Lord Mayor, another council member appointed by Council.

**Repeated Misbehaviour** – means a second or subsequent breach of the Behavioural Requirements.

**Responsible Person** – means, for the purposes of s75G of the Local Government Act

- if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or
- if the person whose health and safety may be adversely affected is the Lord Mayor—the Deputy Lord Mayor or another member chosen by the council; or
- if the person whose health and safety may be adversely affected is another member or the Chief Executive Officer of the council –
  - unless subparagraph (ii) applies, the Lord Mayor of the Council; or
  - if the relevant acts or omissions are those of the Lord Mayor – the Deputy Lord Mayor or another member chosen by the Council.

**Serious Misbehaviour** – means a breach of the health and safety duties (including sexual harassment) as set out in section 75G of the Local Government Act.

**ADMINISTRATIVE**

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every four years, within 12 months after each periodic election unless legislative or operational change occurs beforehand. The next review is required in 2027.

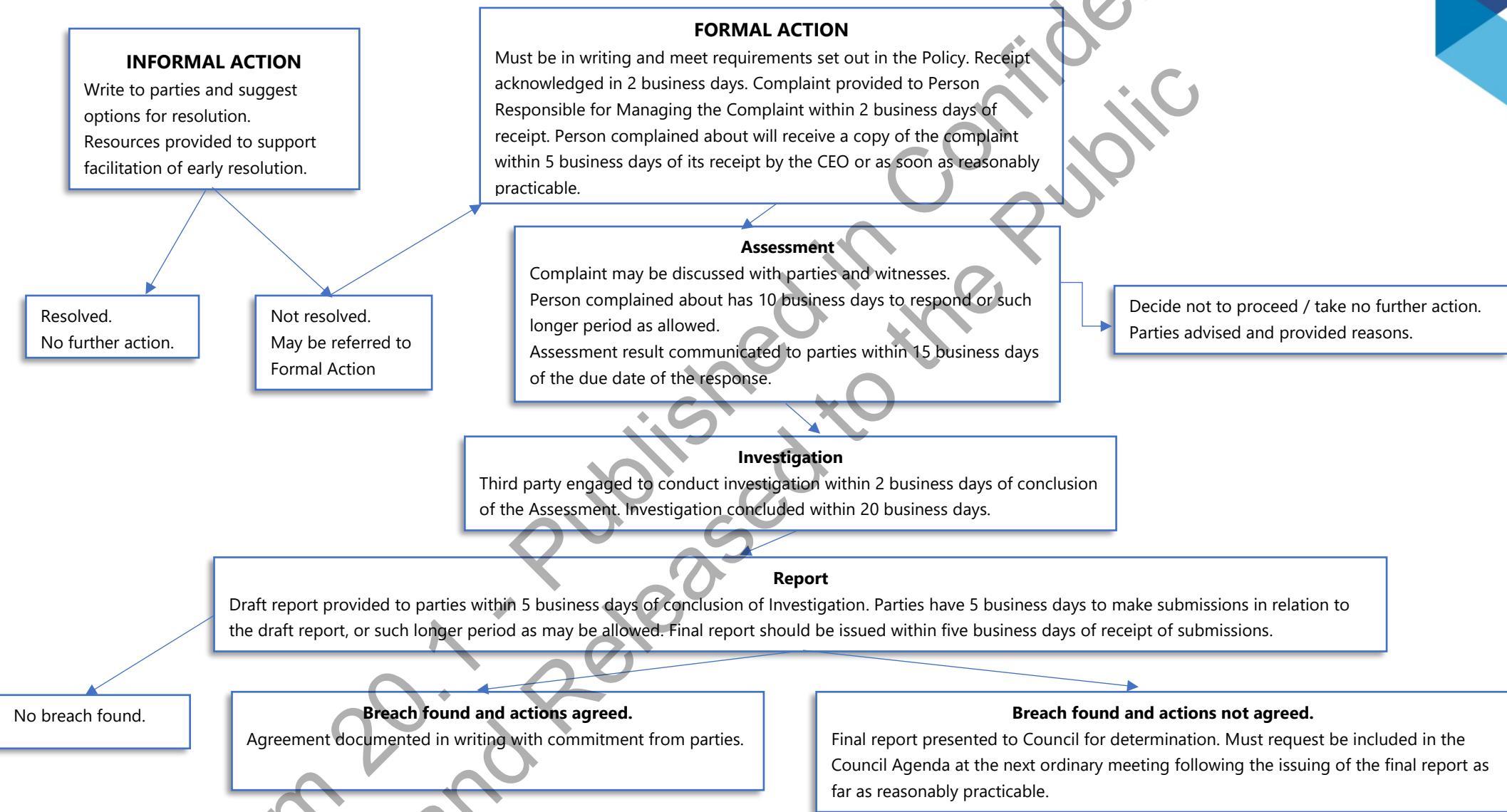
**Review history:**

| Trim Reference | Authorising Body | Date/<br>Decision ID | Description of Edits   |
|----------------|------------------|----------------------|--|
| ACC2023/177822 | Council          | 12/12/2023           | <i>Adoption of City of Adelaide Behavioural Management Policy in accordance with s262B of the Local Government Act 1999</i>  |
| ACC2024/27136  | Council          | 27/02/2024           | <i>Recession of the Behavioural Management Policy and adoption of the amended Council Member Complaints Policy in accordance with s262B of the Local Government Act 1999</i> |

**Contact:**

For further information contact the Governance Program  
City of Adelaide  
25 Pirie St, Adelaide, SA 5000  
GPO Box 2252 ADELAIDE SA 5001  
+61 8 8203 7203  
[city@cityofadelaide.com.au](mailto:city@cityofadelaide.com.au)

## Appendix 1



# COUNCIL MEMBER BEHAVIOURAL SUPPORT POLICY

24 October 2023

Legislative

## PURPOSE

This policy has been prepared and adopted by City of Adelaide pursuant to section 75F of the *Local Government Act 1999* (SA) (the Local Government Act). This policy forms part of the Behavioural Management Framework for Council Members.

Section 75F(2) provides that a Behavioural Support Policy may:

- a. Specify directions relating to behaviour that must be observed by Members of the Council; and
- b. Set out guidelines relating to compliance by Members with the Behavioural Standards for Council Members and directions under clause a. above; and
- c. include any other matter relating to behaviour of Council Members considered appropriate by the Council.

Section 75F(3) provides that a Behavioural Support Policy:

- a. must not be inconsistent with the Behavioural Standards for Council Members; and
- b. must comply with any requirements specified by the Behavioural Standards.

Council Members in South Australia have an obligation to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

To serve the community well, Council Members must work together constructively as a Council. This, in turn will foster community confidence and trust in local government.

Council Members will make every endeavour to ensure that they have current knowledge of both statutory requirements and the required standards of practice relevant to their position.

**STATEMENT**

We, the Council Members of the City of Adelaide commit to the following values and supporting behaviours:

1. **Value & Respect** – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
2. **Optimism** – We are positive, constructive and creative in our problem solving. We are open minded and are willing to learn from each other and from staff input.
3. **Integrity** – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.
4. **Connected** – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
5. **Excellence** – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.
6. **Accountability** – We value accepting responsibility for our actions

**Council Member commitments**

To support our shared values and behaviours, we, the Council Members of the City of Adelaide agree:

1. That as the currently elected custodians, entrusted to oversee the affairs of the City of Adelaide we have a duty to put the interests of the community before our own interests.
2. As most Council Members will serve at least a four-year term on Council together, it is important to spend time focused on building and maintaining positive and constructive relationships and participate in workshops and undertake training.
3. To fulfill our duties, we will establish and maintain relationships of respect, trust, confidentiality, collaboration, cooperation and inclusivity with the Community, other Council Members and the employees of Council.
4. As a democratic tier of the government in South Australia we acknowledge our role in representing a wide diversity of viewpoints within the community. We:
  - a) Recognise that it is appropriate and important for a range of views to be expressed at Council meetings.
  - b) accept we are likely to disagree at times as part of robust debate, but we will always show respect in our differences.
  - c) undertake, when we disagree, that we will do this respectfully. In

particular, we undertake, when disagreeing with others, that we will focus on the merits of the argument and not make personal or derogatory remarks about other Council Members or council employees.

5. At Council meetings we will engage with each other in a respectful and civilised manner, and we will be mindful in expressing views regarding the conduct of other Council Members and council employees.
6. The Presiding Member has the primary role in maintaining good order at Council meetings. However, all Members will responsibly lead in demonstrating and supporting constructive and positive behaviour in effective decision making at Council.
7. When engaging and communicating with Council Administration we will do so in accordance with the requirements of the Chief Executive Officer (CEO) and relevant legislation, recognising the separation of powers between Council Members and the CEO and the importance of working together constructively to achieve outcomes for the community.

To support the undertakings made above, the Council Members of the City of Adelaide additionally commit to participating in activities to monitor and review the shared values and behaviours throughout the term of Council.

#### **Other matters relating to the behaviour of Council Members**

We, the Council Members of the City of Adelaide consider it appropriate and agree that all Council Members will act in accordance with the following specific obligations:

##### **Media**

1. Council Members may express their individual personal views through the media. When this occurs, it needs to be clear that any such comment is a personal view and does not represent the position of Council.
2. If Council Members choose to express dissent in the media, they should address the policy issues and refrain from making personal criticism of other Council Members or Council staff. Any such commentary should not include any remarks that could reasonably be construed as being derogatory, defamatory or insulting to any person.
1. Council Members may link and disseminate key information from official Council social media platforms in messaging to the community.

but should refrain from changing or interpreting the information.

3. For clarity, this policy does not attempt to prevent robust political debate in the media on political issues. This policy does set rules on how views should be expressed.

### Communication and engagement

1. Council Members, as representatives of Council, will communicate and engage with the community on Council's key directions, providing factual information on the challenges and opportunities respectfully and in accordance with resolutions of Council.

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#### OTHER USEFUL DOCUMENTS

[Council Member Behavioural Standards](#)  
[Standing Orders Containing the Behavioural Management Policy](#)

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#### GLOSSARY

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#### ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed six months after each general election.

#### Review history:

| Trim Reference | Authorising Body | Date/Decision ID | Description of Edits     |
|----------------|------------------|------------------|--------------------------|
| ACC2023/154911 | Council          | 24/10/2023       | <i>Original document</i> |
|                |                  |                  |                          |

#### Contact:

For further information contact the Governance Program

City of Adelaide  
 25 Pirie ST, Adelaide, SA  
 GPO Box 2252 ADELAIDE SA 5001  
 +61 8 8203 7203  
 city@cityofadelaide.com.au