

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

Tuesday, 8 July 2025
Council

Council Member
Councillor Phillip Martin

Public

Contact Officer:
Michael Sedgman, Chief Executive
Officer

QUESTION ON NOTICE

Councillor Phillip Martin will ask the following Question on Notice:

'Could the Administration advise;

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

REPLY

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

2.1.4 Felice D'Agostino

2.1.5 Person Unknown.

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

3. In response to question 3:

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

3.2 The Court held that:

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

4. In response to question 4:

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

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

5. In response to question 5:

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

5.2 The Order provided that:

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

6. In response to question 6:

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

7. In response to question 7:

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

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