



Report

Full investigation - *Ombudsman Act 1972*

Council member	Cr Mary Couros
Council	City of Adelaide
Ombudsman reference	2024/03365
Date report received	7 June 2024
Issues	<ol style="list-style-type: none">1. Whether Cr Couros had a material conflict of interest and managed it appropriately in relation to agenda item 17.1 during the council meeting on 28 May 20242. Whether Cr Couros breached the general integrity provisions in the <i>Local Government Act 1999</i>3. Whether Cr Couros' conduct amounts to misconduct in public administration

Jurisdiction

On 7 June 2024, a report was made to my office about Cr Mary Couros of the City of Adelaide.

The report alleges that Cr Couros failed to appropriately manage a conflict of interest in accordance with section 75C of the *Local Government Act 1999*. Section 75C falls under the broader integrity provisions in Chapter 5 of the *Local Government Act*.

All acts of an elected member that may involve a failure to comply with an integrity provision are taken to be administrative acts for the purposes of the *Ombudsman Act*.¹ I also consider that the integrity provisions constitute a relevant code of conduct for the purposes of the definition of misconduct in section 4(1) of the *Ombudsman Act*.

I consider that the original report attracted the protections of the *Public Interest Disclosure Act 2018*.

¹ *Local Government Act 1999* s 263A(4); *Ombudsman Act 1972* s 3.

Investigation

My investigation has involved:

- assessing the information provided by the reporter
- seeking a response from Cr Couros
- considering the *Local Government Act 1999* and the *Ombudsman Act 1972*
- providing Cr Couros, the council and the reporter with my provisional report for comment, and considering their responses
- preparing this report.

Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.² It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...³

Procedural fairness

I provided a copy of my provisional report to Cr Couros, the Chief Executive Officer of the council, Lord Mayor Jane Lomax-Smith as the principal officer of the council, and the reporter, inviting submissions in relation to my provisional views.

The Lord Mayor provided a response, accepting my provisional findings. Cr Couros and the reporter both provided submissions in relation to my report.

I have addressed those responses as I consider necessary in the body of this report.

Background

1. The report to my office relates to the way Cr Couros managed a conflict of interest in relation to agenda item 17.1 at the council meeting of 28 May 2024 (**the council meeting**).

2. The motion for discussion at item 17.1 was as follows [my emphasis added]:

That Council;

Requests the Administration prepare a report on the possible inclusion of the Lombard Street, North Adelaide council owned land within the O'Connell Street (Mainstreet Project).

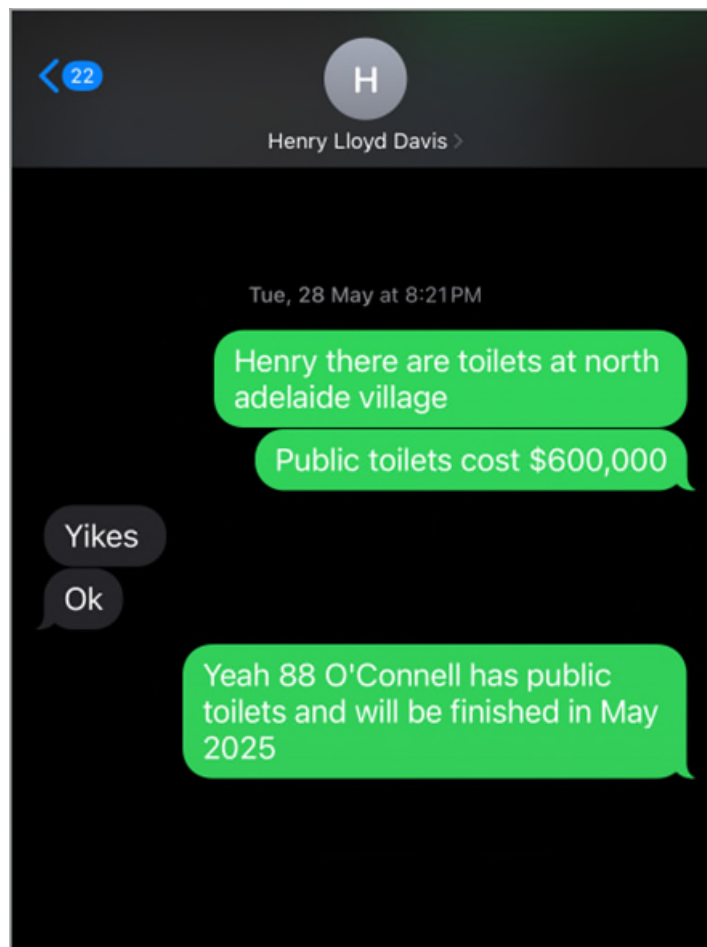
Asks that the report considers opportunities to add further greening, additional street furniture and / or other features, **including appropriate public toilet facilities** and present the findings and costs associated with the proposal to a future Infrastructure and Public Works Committee.⁴

² This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

³ *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

⁴ City of Adelaide, Council Meeting Minutes (Item 17.1, 28 May 2024) 12.

3. Cr Couros' partner is a shareholder in a hospitality business which is situated adjacent to Lombard Street in North Adelaide.⁵
4. Prior to the commencement of the elected members' consideration of item 17.1, Cr Couros declared a material conflict of interest, stating that any upgrades to Lombard Street could increase the value of the business. Cr Couros stated that she would leave the council meeting and not vote.
5. The reporter has alleged that, after leaving the council chamber, Cr Couros positioned herself close to the chamber door where discussion remained audible and was observed to be sending text messages. Cr Henry Davis, who remained in the chamber, was observed to have been sending text messages on his mobile telephone at the same time.
6. It has been alleged that, despite removing herself from the discussion on item 17.1, Cr Couros was texting Cr Davis information relating to the discussion on that item and, by doing so, Cr Couros failed to appropriately manage her declared conflict of interest under section 75C of the Local Government Act.
7. My office made preliminary enquiries with Cr Couros on 9 September 2024, requesting that she provide evidence of any text messages that she may have sent to Cr Davis during the council's consideration of agenda item 17.1.
8. Cr Couros provided the below screenshot, evidencing that a text message conversation in fact occurred between Cr Couros and Cr Davis:



⁵ City of Adelaide, Elected Members' Register of Interests (28 January 2025) 14.

9. These text messages are time stamped as sent at 8:21pm on 28 May 2024. The publicly available video recording of the council meeting records that the council's discussion of agenda item 17.1 took place between approximately 8:21pm and 8:32pm.⁶ Therefore, it is evident that Cr Couros sent her text messages shortly after the commencement of the council's discussion of item 17.1.
10. Furthermore, it can be seen that the subject matter of the messages concerns public toilets. This is of relevance, given that item 17.1 required the elected members to consider requesting a report from the council administration that would examine the potential for the inclusion of public toilets as part of the upgrades to the Lombard Street area.
11. My investigation has considered whether, by texting Cr Davis in relation to agenda item 17.1, Cr Couros failed to appropriately manage a declared material conflict of interest.

Response from Cr Couros

12. On 16 December 2024, I requested a response from Cr Couros to the allegations that she had breached the Local Government Act by texting Cr Davis in relation to the council's discussion of agenda item 17.1.
13. Cr Couros made submissions in response on 5 February 2025. Cr Couros explained that she declared a material conflict of interest in relation to agenda item 17.1 as she had thought that 'a fair-minded person would think that [she has] something to gain with those improvements with the restaurant next door.'⁷
14. I note that while Cr Couros declared a material conflict of interest, this submission references the 'fair-minded person' objective test that applies to general conflicts of interest under section 74 of the Local Government Act.
15. In contrast, Cr Couros then went on to state that she declared a **material conflict** of interest in relation to the item as her partner, who has shares in the restaurant Tony Tomatoes, has requested that the council improve Lombard Street.
16. Cr Couros has submitted that she exercised caution and declared her interest, and then left the chamber in accordance with the requirements for managing a material conflict of interest as set out in section 75C of the Local Government Act. Cr Couros has confirmed that she remained outside of the room throughout the entirety of the council's discussion about the item and sat far away so as to not hear any of the discussion.
17. In relation to the nature of the text messages Cr Couros sent to Cr Davis, Cr Couros has submitted:

Since the South Ward councillor has no knowledge of North Adelaide I thought I should send him some information if he hadn't already asked administration of where some public toilets are located on the street and how much they cost as it would be prudent for an informed decision.⁸

⁶ City of Adelaide, '28 May 2024 - Council Meeting' (YouTube, 28 May 2024, 2:21:21) <<https://www.youtube.com/watch?v=SC01XJOGULw>>.

⁷ Email from Mary Couros to Ombudsman SA, 5 February 2025.

⁸ Ibid.

18. Cr Couros has expressed the view that, as she was not in the chamber for the discussions and she did not participate in the deliberation of the item, her actions did not amount to a contravention of section 75C of the Local Government Act.

Relevant law/policies

19. Section 75(1) of the Local Government Act defines the circumstances in which an elected member has a material conflict of interest in a matter as follows:

75 - Material conflicts of interest

- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:

...

20. Section 75C of the Local Government Act sets out what an elected member is required to do if they have a material conflict of interest:

75C - Dealing with material conflicts of interest

- (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
- (a) inform the meeting of the member's material conflict of interest in the matter; and
 - (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting and stay out of the meeting room while the matter is being discussed and voted on.
- (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting if the member—
- (a) has been granted an approval under subsection (3); and
 - (b) complies with the conditions of the approval.

...

21. Section 74(1) of the Local Government Act defines the circumstances in which an elected member has a general conflict of interest in a matter as follows:

74 - General conflicts of interest

- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a general conflict of interest in a matter to be discussed at a meeting of the council if an impartial, fair-minded person might consider that the member's private interests might result in the member acting in a manner that is contrary to their public duty.

22. Section 75B of the Local Government Act sets out what an elected member is required to do if they have a general conflict of interest:

75B - Dealing with general conflicts of interest

- (1) If a member of a council has a general conflict of interest in relation to a matter to be discussed at a meeting of the council, the member must deal with the interest in a transparent and accountable way and, in particular, must inform the meeting of —
- (a) the member's interest in the matter; and

- (b) whether or not the member proposes to participate in the meeting in relation to the matter; and
- (c) if the member proposes to participate in the meeting in relation to the matter
 - (i) how the member intends to deal with the general conflict of interest, including whether the member intends to vote on the matter; and
 - (ii) the member's reasons for participating (and, if relevant, voting) in relation to the matter.
- (2) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude themselves from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- (3) If a member of a council discloses a general conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
 - (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) the manner in which the member dealt with the general conflict of interest;
 - (d) if the member voted on the matter, the manner in which the member voted;
 - (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- (4) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with a general conflict of interest of the member in a matter to be discussed at the meeting.

23. Section 62 of the Local Government Act provides the general duties that apply to elected members:

62 - General duties

- (1) A member of a council must at all times act honestly in the performance and discharge of official functions and duties.
- (2) A member of a council must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.
- (3) ...

24. Section 4(1) of the Ombudsman Act provides me with jurisdiction in relation to misconduct in public administration, which is defined as:

4 - Misconduct and maladministration

- (1) ***Misconduct in public administration*** means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.

Whether Cr Couros had a material conflict of interest and managed it appropriately in relation to agenda item 17.1 during the council meeting on 28 May 2024

25. As a starting point, I have considered whether Cr Couros had a material conflict of interest in relation to the matter that was to be discussed by the council at item 17.1.

26. In doing so, I must turn my mind to whether Cr Couros **would** have gained a benefit, or suffered a loss, depending on the outcome of the council's consideration of the matter. As outlined in section 75 of the Local Government Act, the benefit or loss can be direct or indirect, personal or pecuniary.
27. Forming a view on this point requires consideration of the nature of the agenda item discussed, and the decision that needed to be made by the council.
28. Agenda item 17.1 asked the council to consider whether to request the preparation of a report by the council administration, for the purposes of considering potential improvements that could be made to the Lombard Street area. An administration report would then presumably come before the council at a later date for a decision on matters arising from the report.
29. The consequence of the council's decision in relation to Agenda Item 17.1 was that a report either would or would not be prepared. Therefore, I consider that the agenda item in question is a preliminary decision that would not result in a benefit or loss to Cr Couros. The link between the commissioning of the report and any potential upgrades being made to Lombard Street that might impact Tony Tomatoes is, in my view, too remote.
30. With this in mind, I do not consider that Cr Couros had a material conflict of interest in relation to item 17.1. In response to my provisional report, the reporter disagreed with my view that Cr Couros' conflict of interest in the matter was not of a material nature, noting that I had failed to contemplate that Cr Couros could have gained a benefit through the defeat or amendment of the motion initiating a report. As I have mentioned above, I consider that the council's decision on the specific motion in question would not in itself result in any benefit or loss to Cr Couros or to Tony Tomatoes, and so the reporter's submissions have not changed my view that Cr Couros did not have a material conflict of interest in the matter.
31. However, I am of the view that Cr Couros' interest in agenda item 17.1 is more accurately characterised as giving rise to a general conflict of interest. The motion required the elected members to consider whether a report would be prepared on improvements to Lombard Street, and what options would be considered by that report. In my view (and as acknowledged by Cr Couros in her submissions to me), an impartial, fair-minded person might consider that Cr Couros' interest in Tony Tomatoes might result in her acting in a manner that is contrary to her public duty to represent the interests of her constituents.
32. Given I have formed the view that Cr Couros likely had a general conflict of interest rather than a material one, I have turned my mind to whether Cr Couros could nonetheless be in breach of section 75C by failing to manage a material conflict of interest that she herself declared.
33. In my view, she could not. I consider that the obligation in section 75C to manage a conflict of interest is conditional upon the existence of a material conflict and that the existence of a material conflict of interest is to be determined objectively. The language of both sections 75 and 75C is as follows [my emphasis added]:

75 - Material conflicts of interest

- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council **has** a material conflict of interest in a matter to be discussed at a meeting of the council if ...

75C - Dealing with material conflicts of interest

- (1) If a member of a council **has** a material conflict of interest in a matter to be discussed at a meeting of the council, the member must— ...

34. The obligations in section 75C to declare a conflict and to remove oneself from discussions arise when an elected member **has** a material conflict of interest. In my view, this denotes an objective state of fact. Section 75C is not worded in such a way that it is to be enlivened by a council member's subjective belief that they have a material conflict of interest in a matter. Similarly, a council member's subjective belief that they do not have a conflict of interest would not preclude a finding that they breached section 75C by failing to declare and manage a conflict, if, as a matter of fact, such a conflict existed.
35. In light of this, and given my view that Cr Couros did not have a material conflict of interest, I consider that I am unable to conclude that Cr Couros breached section 75C of the Local Government Act.
36. For the sake of completeness, I have considered whether Cr Couros complied with section 75B of the Local Government Act.
37. Section 75B requires that, if a member has a general conflict of interest in a matter, they disclose the nature of their interest to the council, and advise how they intend to manage the conflict, including whether they intend to participate in the meeting for the discussions and whether they will vote on the matter.
38. Notwithstanding that she characterised her conflict as a material one, I am satisfied that Cr Couros disclosed to the meeting the nature of her interest in the matter. The way in which Cr Couros proposed to deal with her conflict in relation to item 17.1 was to leave the chamber and abstain from voting.
39. I note that section 75B of the Local Government Act specifies that non-participation in the meeting is not the only way that a councillor may appropriately manage a general conflict of interest in an open and accountable manner.
40. While it is arguable that by texting Cr Davis about subject matter relating to the item may not have amounted to removing herself from the discussion, I am conscious that section 75B is worded in such a way that Cr Couros was simply required to state her intention for dealing with the conflict. I consider Cr Couros' subsequent failure to comply with her declared intention for managing the conflict later in this report.
41. Given the requirements of section 75B, and in light of Cr Couros declaring her conflict of interest and stating her intended approach for managing her conflict, I am not satisfied that Cr Couros contravened section 75B of the Local Government Act.
42. Consequently, it is my view that I am unable to conclude that Cr Couros breached sections 75B and 75C of the Local Government Act in relation to item 17.1.

Opinion

In light of the above, I consider that Cr Couros did not breach sections 75B or 75C of the Local Government Act.

Whether Cr Couros breached the general integrity provisions in the Local Government Act

43. I have had regard to whether Cr Couros breached the elected member general duties under section 62 of the Local Government Act, in particular the duty to act honestly set

out in section 62(1).

44. I consider that Cr Couros' failure to adequately separate herself from the meeting and the council's discussion of item 17.1 by texting Cr Davis goes directly against her declaration of a material conflict of interest and, most relevantly, her stated intention to not participate in the meeting.
 45. Cr Couros formed the view that she had a material conflict of interest and stated her intention to leave the meeting and not vote. Despite this, Cr Couros then went on to effectively insert herself into the meeting discussion by texting Cr Davis information that she apparently considered would be pertinent or useful to him in the discussion.
 46. I have noted that Cr Couros appears to have sent the text messages to Cr Davis in very close proximity to leaving the chamber at approximately 8:21pm. I am mindful that just moments earlier Cr Couros had made a statement to the council and to the public that she would remove herself from the discussions. Cr Couros noted in response to my provisional report that she could not recall the exact time frame, as she was replying to other messages that she could not respond to from within the chamber. I query this submission, noting that on this occasion Cr Couros instigated the text messages to Cr Davis just moments after leaving the chamber, which suggests that she had the intention of texting him during the council's debate on the item.
 47. In my view, Cr Couros' actions may be perceived as an attempt to influence discussions on item 17.1 by virtue of influencing Cr Davis with the information provided in the text messages. The fact that the text messages were sent privately and within minutes of publicly declaring her intention not to participate in the discussions, in my view, appears to suggest a covert attempt to influence the discussion.
 48. I consider the conduct to be at odds with the purpose of the conflict of interest provisions, being that council members must be transparent about their interests and manage any conflicts appropriately so that ratepayers have confidence that council decisions are being made to benefit the community and not to personally benefit elected members. While I have concluded that Cr Couros did not, in fact, have a material conflict of interest, she believed and had declared that she did and accordingly, the purpose and requirements of section 75C are relevant to determining whether her conduct was honest.
 49. Having formed the view that she had a material conflict, Cr Couros' conduct in sending text messages that directly undermine her public statement that she would not participate in the discussion appears to demonstrate a lack of transparency with regard to the other council members and the public.
 50. It was alleged that Cr Couros positioned herself outside the chamber so that the discussion on the item was audible to her. Doing so, after declaring that she would remove herself from the discussion, inherently raises questions of dishonest conduct. However, Cr Couros has informed my investigation that she was positioned far enough away so as not to hear the discussion. Cr Couros further submitted in response to my provisional report that she recalls the chamber door being closed, and she could not hear the debate. Without more conclusive evidence, I am hesitant to form a view either way on the matter.
 51. In any case, it is my view that the sending of the text messages by Cr Couros in and of itself amounted to a failure to act with the standard of integrity envisaged by section 62 of the Local Government Act. In response to my provisional report, Cr Couros submitted that it was not her intent was to act dishonestly, and she has always sought advice and declared her interests openly to ensure transparency.
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52. However, in the circumstances where Cr Couros had declared that, due to a personal interest, she would leave the chamber and not be involved in the discussions, this is what the elected members expected to occur, and indeed what the elected members and the public were entitled to trust had occurred. In my opinion, by sending text messages to involve herself in and seek to influence the discussion through Cr Davis, Cr Couros did not act with the degree of honesty required by section 62(1).
53. With this in mind, it is my view that, on the balance of probabilities, Cr Couros failed to act honestly in the performance and discharge of her official functions and duties on this occasion.

Opinion

In light of the above, I consider that, by sending text messages to Cr Davis during the council's discussion of item 17.1 at the 28 May 2024 meeting, Cr Couros failed to act honestly in the performance and discharge of her official functions and duties and therefore breached section 62(1) of the Local Government Act.

To remedy this error, I make a recommendation under section 25(2) of the Ombudsman Act and section 263B(1)(b)(i) that Cr Couros issue a public apology at a public meeting of the council, for failing to act honestly in the performance and discharge of her official functions and duties in relation to agenda item 17.1 at the meeting of 28 May 2024, and that this and the terms of the apology be recorded in the Minutes.

Whether Cr Couros' conduct amounts to misconduct in public administration

54. As outlined in paragraph 24 above, misconduct in public administration means an 'intentional and serious contravention of a code of conduct'. I consider that the integrity provisions of the Local Government Act constitute a code of conduct for the purposes of this definition.
55. I consider 'intentional' to mean a deliberate, rather than accidental, act or course of conduct that contravenes a code of conduct, in this case the integrity provisions of the Local Government Act. I therefore do not need to be satisfied that Cr Couros knowingly acted in contravention of the integrity provisions, but that she intentionally engaged in the conduct which forms the subject of that contravention.
56. In my view, the act of Cr Couros texting Cr Davis about the subject matter of agenda item 17.1 directly after declaring a conflict in relation to the item and removing herself from the chamber, was intentional. This is supported by her submission that she felt she needed to give Cr Davis further information for him to then make an informed decision on the matter. I am therefore satisfied that Cr Couros' conduct was intentional in this regard.
57. In determining whether Cr Couros' actions are serious, I have considered the broader impact of her conduct, as well as the importance of the elected member integrity provisions.
58. The conflict of interest and general integrity provisions serve to ensure that there is fair and impartial decision-making, and that council members are transparent with regard to their interests. This acts to support the integrity of decisions made by elected bodies on behalf of their constituents. By attempting, dishonestly, to insert herself in the discussions from which she declared she would remove herself, Cr Couros acted in stark contravention of these principles.

59. As such, I consider that the conduct that forms the subject of this investigation is serious. I remain mindful that if councillors are to engage in this type of behaviour it would not only compromise the integrity of individual council decisions but also faith in the local government sector more broadly.

Opinion

It is my view that Cr Couros' conduct amounts to an intentional and serious breach of the integrity provisions of the Local Government Act, which I take to be a code of conduct. Therefore, I consider that Cr Couros' conduct amounts to misconduct as it is defined by section 4(1) of the Ombudsman Act.

To remedy this error, I make recommendations under section 25(2) of the Ombudsman Act and section 263B of the Local Government Act, that:

- the council reprimand Cr Couros
- Cr Couros attends training relevant to the integrity provisions with a particular focus on conflicts of interest
- Cr Couros issue a public apology at a public meeting of the council for committing misconduct under the Ombudsman Act, and that this and the terms of the apology are recorded in the Minutes.

Summary and Recommendations

In light of the above, my final view is that:

1. by texting Cr Davis about the subject matter of item 17.1 during the council's consideration of the matter at the council meeting on 28 May 2024, Cr Couros failed to act honestly in the performance and discharge of her official functions and duties and therefore breached section 62(1) of the Local Government Act.
2. Cr Couros' conduct amounts to an intentional and serious breach of the integrity provisions of the Local Government Act, which I take to be a code of conduct. Therefore, I consider that Cr Couros' conduct amounts to misconduct as defined by section 4(1) of the Ombudsman Act.

In response to my provisional report, the reporter expressed disagreement with my proposed recommendations, specifically that Cr Couros issue a public apology for the errors as outlined above, suggesting that this is 'manifestly inadequate given the seriousness of the breach'.⁹ I note that I am able to make recommendations as I see fit under section 263B(1) of the Local Government Act, which includes that the elected member make a public apology. It is my view that this is an effective way of improving transparency and accountability in local government, and it is not my inclination to make recommendations that are purely punitive in nature. Therefore, the reporter's submissions have not altered my view on the recommendations I will make in this matter.

In light of the above, I make the following recommendations under section 263B(1) of the Local Government Act and section 25(2) of the Ombudsman Act:

- Cr Couros issue a public apology at a public meeting of the council, for:

⁹ Letter from the reporter to the Ombudsman, 5 August 2025, 1.

- texting Cr Davis about the subject matter of item 17.1 during the council's consideration of the matter at the council meeting on 28 May 2024, after she had declared a material conflict of interest and left the chamber
- thereby breaching section 62(1) of the Local Government Act, and for committing misconduct under the Ombudsman Act

and that this and the terms of the apology be recorded in the Minutes.

- the council reprimand Cr Couros
- Cr Couros attends training relevant to the integrity provisions with a particular focus on conflicts of interest.

I also recommend that my final report be provided to a public meeting of the council within three ordinary meetings of the council following receipt of my recommendations.

Final comment

I now report Cr Couros' misconduct to the principal officer of the council, as required by section 18(5) of the Ombudsman Act.

In accordance with section 25(4) of the Ombudsman Act, I request that the council report to me by **15 December 2025** on what steps have been taken to give effect to my recommendations above; including:

- details of the actions that have been commenced or completed
- relevant dates of the actions taken to implement the recommendation.

In the event that no action has been taken, reason(s) for the inaction should be provided to me.

Pursuant to section 263B(2) of the Local Government Act, if a council member fails to comply with a council requirement made as a result of an Ombudsman recommendation such as those above, the council member will be taken to have failed to comply with Chapter 5 Part 4 of the Local Government Act. In this event, the council is to ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal.

I have also sent a copy of my report to the Minister for Local Government as required by section 25(3) of the *Ombudsman Act 1972*.



Emily Strickland
SA OMBUDSMAN

2 September 2025