

Ombudsman SA - Determination

28 October 2025

Council

Strategic Alignment - Our Corporation

Public

Program Contact:

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Approving Officer:

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EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a copy of the South Australian Ombudsman's Full Investigation Report (the Report) into allegations made against Councillor (Cr) Couros alleging she failed to appropriately manage a conflict of interest in accordance with section 75C of the *Local Government Act 1999* (the Act).

The allegations were received by the Ombudsman on 7 June 2024. The Ombudsman subsequently completed a full investigation of the allegations with the final Report provided to the Lord Mayor on 17 September 2025.

The Report provides for several recommendations under section 263B(1) of the Act and section 25(2) of the *Ombudsman Act 1972*, specifically:

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

This report is submitted to Council in fulfillment of the requirements outlined in the Ombudsman's recommendation.

RECOMMENDATION

THAT COUNCIL

1. Receives the Full Investigation Report by the South Australian Ombudsman dated 2 September 2025 as contained in Attachment A to Item 16.2 listed on the Agenda for the meeting of Council held on 28 October 2025.
2. Notes that in accordance with the South Australian Ombudsman's recommendations:
 - 2.1. Cr Couros has issued a public apology, and the terms of that apology have been recorded in the minutes of the meeting; and
 - 2.2. Cr Couros will be attending training relevant to the integrity provisions.
3. Resolves that the requirements of the recommendations of the South Australian Ombudsman will, for the purposes of the Full Investigation Report, be taken to fulfil the reprimand required by the Council.

4. Notes a report will be provided to the South Australian Ombudsman by 15 December 2025 outlining what steps have been taken to give effect to recommendations in the Report.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation Demonstrate bold capital city leadership and robust governance with our community at the heart of our decisions Enable effective governance, risk management, accountability and transparency at all times in decision making
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<i>Local Government Act 1999 (SA) and Ombudsman Act 1972 (SA)</i>
Opportunities	This report provides an opportunity for councillors to reflect on their role and responsibilities when managing the integrity provisions under the Act.
25/26 Budget Allocation	Not as a result of this report
Proposed 26/27 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
25/26 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. On 7 June 2024 a report was made to the South Australian Ombudsman (the Ombudsman) about Councillor (Cr) Mary Couros.
2. The report alleged that Cr Couros had failed to manage a conflict of interest in accordance with section 75C of the *Local Government Act 1999* (the Act). Section 75C falls under the broader integrity provisions in Chapter 5 of the Act.
3. The Ombudsman has determined that the report attracts the protections of the *Public Interest Disclosure Act 2018*.
4. In particular, the report to the Ombudsman related to the way Cr Couros managed a conflict of interest in relation to agenda item 17.1 at the Council meeting held 28 May 2024.
5. Agenda item 17.1 requested Administration prepare a report on the possible inclusion of the Lombard Street, North Adelaide council owned land within the O'Connell Street project and requested Administration to look at a range of inclusions, including appropriate public toilet facilities as part of the requested report.
6. Cr Couros declared a material conflict of interest in agenda item 17.1 as her partner is a shareholder in a hospitality business which is situated adjacent to Lombard Street, North Adelaide.
7. It was alleged that Cr Couros, after leaving the meeting, positioned herself close to the council chamber door where she was able to hear discussion and was observed sending text messages. Relevantly, Cr Davis was seen receiving and sending text messages during this period.
8. It was subsequently found by the Ombudsman that Cr Couros and Cr Davis had participated in a text message conversation relating to the subject matter contained in agenda item 17.1 during Cr Couros' absence from the meeting because of her declared material conflict of interest.
9. The Ombudsman's investigation considered whether, by texting Cr Davis in relation to the agenda item 17.1, Cr Couros failed to appropriately manage her declared material conflict of interest.
10. The Ombudsman also considered whether Cr Couros had a material conflict of interest in the subject matter contained in agenda item 17.1.
11. The Ombudsman determined that Cr Couros most likely had a general conflict of interest rather than a material conflict. Consequently, the Ombudsman formed the view that she was unable to conclude that Cr Couros had breached sections 75B and 75C of the Act (see points 33 to 42 of the Full Investigation Report).
12. Notwithstanding, the Ombudsman found that Cr Couros had failed to act honestly in the performance and discharge of her official functions and duties on this occasion (see points 43 to 53 of the Full Investigation Report).
13. Furthermore, the Ombudsman formed the view that Cr Couros' behaviour was intentional and that Cr Couros had therefore breached section 62(1) of the Act (see points 54 to 59 of the Full Investigation Report).
14. The Ombudsman provided a copy of her provisional report to Cr Couros, the Lord Mayor as principal officer of the council, the Chief Executive Officer and the person who alleged the breach. Submissions received in response to the provisional report have been considered and addressed as necessary in the Full Investigation Report which is provided as **Attachment A**.
15. The Ombudsman has made the following recommendations under section 263B(1) of the Act and section 25(2) of the *Ombudsman Act 1972*:
 - 15.1. Cr Couros issue a public apology at a public meeting of council;
 - 15.2. The council reprimand Cr Couros; and
 - 15.3. Cr Couros attend training relevant to the integrity provisions with a particular focus on conflicts of interest.
16. The Ombudsman further recommended that the Full Investigation Report be provided to a public meeting of the council within three ordinary meetings of the council following receipt of her recommendations.
17. The council must now decide how Cr Couros will be formally reprimanded and adopt a resolution outlining the actions to be taken.
18. The Ombudsman has requested council provide a report to her by 15 December 2025 outlining what steps have been taken to give effect to her recommendations.

ATTACHMENTS

Attachment A – *South Australian Ombudsman Full Investigation Report dated 2 September 2025*

- END OF REPORT -