

Review of the Behavioural Management Policy

Strategic Alignment - Our Corporation

Public

Tuesday, 18 November 2025
City Finance and Governance Committee

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Approving Officer:
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EXECUTIVE SUMMARY

The purpose of the report is for Council to endorse the revised Council Member Behavioural Management Policy (the Policy).

Council adopted the current Policy at its meeting on 12 December 2023. Since then, it has undergone a comprehensive review to ensure the framework is user-friendly, streamlined, and timely, while continuing to reflect best practice.

The City Finance and Governance Committee considered the revised Policy at its meeting held on 21 October 2025 and provided a recommendation to Council. At its meeting held on 28 October 2025, Council deferred the consideration of the revised Policy and referred the matter back to the City Finance and Governance Committee.

The Policy reflects, identified improvements incorporated into the revised version, providing greater clarity on processes for those involved in behavioural matters and reinforcing a respectful and productive council environment, that is considered best practice approach. This periodic review also supports strong governance and continuous improvement.

Notably, the Policy proposes an approach whereby neither the Lord Mayor, nor the Deputy Lord Mayor will be responsible for the initial assessment of complaints, rather, the matter will be referred to a suitably qualified external assessor and then (if necessary) to a suitably qualified external investigator. This approach aims to resolve matters early, short of a full investigation.

Consistent with Part A1 of Chapter 13 of the *Local Government Act 1999* (SA), the external assessor has a range of options available to them to resolve the complaint including:

- Dismissal;
- Referral to another agency or body;
- Mediation, conciliation, arbitration or other dispute or conflict resolution; and
- Training, instruction, counselling, mentoring or coaching.

Only if a complaint is not suitable for resolution at the assessment stage, will it proceed to an investigation. If the investigator determines a breach has occurred, the matter will then be referred to the Council for consideration and action.

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RECOMMENDATION

The following recommendation will be presented to Council on 25 November 2025 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Council Member Behavioural Management Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 18 November 2025.

2. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Council Member Behavioural Management Policy as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the City Finance and Governance Committee held on 18 November 2025.

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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	This Policy is part of the behavioural management framework set out in the <i>Local Government Act 1999</i> . This Policy should be read in conjunction with the Council Member Behavioural Support Policy and the Council Member Staff Interaction Policy.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	It is mandatory for all councils to prepare and adopt a Behavioural Management Policy in accordance with section 262B of the <i>Local Government Act 1999</i> .
Opportunities	The revised Policy incorporates identified improvements, providing greater clarity on processes for those involved in behavioural matters and reinforcing a respectful and productive council environment. Furthermore, as new council members have commenced with Council following the Central Ward Supplementary Election, this is a good time for those new members to familiarise themselves with Behavioural expectations as they await their mandatory training obligations.
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

Background

1. The Behavioural Management Framework (the Framework) is a key part of the 2022 reforms to the *Local Government Act 1999* (the Act).
2. The Framework includes:
 - 2.1. The prescribed Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia (section 75E of the Act).
 - 2.2. The mandatory Behavioural Management Policy relating to the management of the behaviour of Council Members and adopted pursuant to section 262B of the Act.
3. In addition, the Behavioural Standards Panel has been formed as an independent statutory authority which has power to impose sanctions on council members who breach the legislative and policy requirements of the Framework.

Behavioural Standards for Council Members

4. The Behavioural Standards for Council Members (Behavioural Standards) are standards published by the Minister, which all members are required to observe.
5. 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.
6. The Behavioural Standards include:

General Behaviour

- 6.1. Show commitment and discharge duties conscientiously.
- 6.2. Act in a way that generates community trust and confidence in the Council.
- 6.3. 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.
- 6.4. Act in a reasonable, just, respectful and non-discriminatory way.
- 6.5. 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

- 6.6. Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 6.7. Take all reasonable steps to provide accurate information to the community and the Council.
- 6.8. Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 6.9. 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.
- 6.10. Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 6.11. 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.
- 6.12. Use the processes and resources of Council appropriately and in the public interest.

Relationships with fellow Council Members

- 6.13. Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council Members.
- 6.14. Not bully other Council Members.
- 6.15. Not sexually harass other Council Members.

Relationships with council employees

- 6.16. Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 6.17. Not bully council employees

6.18. Not sexually harass council employees.

Behavioural Management Policy

7. The Council Member Complaints (the Policy) has undertaken a review. A copy of the current Policy can be found at [Link 1](#).
8. The proposed Policy can be found in **Attachment A**. The new draft Policy will ensure that everyone involved in a complaint matter is treated fairly, equitably, and transparently and receives support where applicable, while affording natural justice to all parties involved.
9. Due to the number of changes a comparison table is provided below to assist Council Members understanding what changes have occurred.

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
<i>Purpose and Introductory Matters</i>	"Purpose" section is at the start of the Policy.	Heading called "Purpose and Introductory Matters" is section 2.	Slight structural change. "Purpose" is at the start in the current policy, whereas the draft separates it under a dedicated section.
Definitions	These are at the end of the Policy in the Glossary.	<p>These are at the start of the Policy.</p> <p>Adds definitions for "Behavioural Complaint", "Behavioural Support Policy", "Complainant", "Complaint Assessment", "Contact Officer", "Council Member", "Dispute Resolution."</p> <p>Does not contain definitions for "Behavioural Management Framework", "Behavioural Requirements", "Behavioural Standards Panel", "Behavioural Standards Panel Contact Officer", "Misbehaviour", "Person Responsible for Managing the Complaint", "Repeated Misbehaviour", "Responsible Person" and "Serious Misbehaviour."</p>	<p>Definitions are at the end of the Policy in Glossary in the current Policy. They are at the start of the Policy in the draft Policy.</p> <p>The draft Policy adds specific definitions related to behavioural standards and policies.</p> <p>Definitions can be found in the <i>Local Government Act 1999</i> section 262E defines:</p> <p>Misbehaviour</p> <ul style="list-style-type: none"> • Presiding Member • Repeated misbehaviour and • Serious misbehaviour <p>Definitions for certain terms are added, including:</p> <ul style="list-style-type: none"> • Behavioural Complaint, • Behavioural Support Policy, • Complainant • Complaint Assessment, • Contact Officer • Council Member, • Dispute Resolution

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
Who can make a behavioural complaint?	It does not specifically state that any person can make a complaint against a Council Member.	States any person may make a complaint against a Council Member.	Draft Policy specifically states that any person can make a complaint against a Council Member. There is a whole section (section 3) called “who can make a behavioural complaint?”
Process and requirements for behavioural complaint	<p>This is detailed under its own heading “Formal Action – Receipt.”</p> <p>Complaints must be in writing, specify details, and be within 6 months of occurrence of the behaviour.</p>	<p>This is detailed in section 4 of the draft Policy titled “Requirements for making behavioural complaint.”</p> <p>Detailed requirements for making a complaint, including evidence, personal effect by the Complainant, and the outcome sought.</p> <p>It also requires the complainant to explain whether any attempt to reach an informal resolution has been made and if no attempt has been made, an explanation as to why.</p>	<p>These sections are located in different spots of the Policies. In the current Policy, the receipt of a complaint has its own heading “Formal Action – Receipt.”</p> <p>The process is more detailed in the draft Policy and easier to follow. Focus is placed on the Complainant providing evidence and personal impact on the Complainant. The draft Policy also requires the complainant to explain whether any attempt to reach an informal resolution has been made and if no attempt has been made, an explanation as to why.</p>
Time limits for complaints	Complaints must be made within 6 months of the event.	Complaints must be made within 6 months of the event.	No change.
<i>Receipt of complaint</i>	<p>This is detailed under the heading “Formal Action – Receipt.”</p> <p>States that the complainant will receive written acknowledgment of the complaint and a copy of the policy within 2 business days of the complaint being received or as soon as reasonably practicable.</p> <p>The Lord Mayor or Deputy Lord Mayor initially assesses complaints. Issues are handled internally.</p>	<p>Heading called "Receipt of Complaint" is section 5.</p> <p>Does not state that the complainant will receive written acknowledgement of the complaint.</p> <p>The Lord Mayor (or Deputy Lord Mayor) will no longer be responsible for the initial assessment. Complaints are referred to an External Complaints Assessor for a Complaint Assessment.</p>	<p>The draft Policy does not contain a requirement for the complainant to receive written acknowledgment of the complaint and a copy of the policy.</p> <p>Major procedural change in the draft Policy with a change from internal to external assessment and investigation.</p>

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
Informal action	<p>This is detailed under the heading "Informal Action."</p> <p>This allows for informal action to 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.</p>	The draft Policy does not have an informal action step.	The draft Policy does not have an informal action step.
Complaint assessment	<p>This is detailed under the heading "Assessment."</p> <p>The Person Responsible for Managing the Complaint has several options including refusing to deal with the complaint, determine to take no further action, refer to an alternative dispute resolution mechanism, refer to another body or agency, make inquiries or investigate.</p> <p>The Person Responsible for Managing the Complaint may engage a third party to assist with the assessment.</p>	<p>Heading called "Complaint Assessment" is section 5.</p> <p>Complaint assessment is conducted by an External Complaints Assessor. The External Complaints Assessor with decisions to dismiss, refer to another body or agency refer to dispute conflict resolution, require the Council Member(s) the subject of the complaint to undertake training, instruction, counselling, mentoring or coaching, or investigate.</p>	<p>In the draft Policy, there is a change to external assessment.</p> <p>The draft Policy also provides the External Complaints Assessor the option to require the Council Member(s) the subject of the complaint to undertake training, instruction, counselling, mentoring or coaching.</p>
Determination of complaint assessment	<p>Whilst the Policy lists the several options that the Person Responsible for Managing the Complaint has under the heading "Assessment" there is not a lot of detail under each section.</p> <p>For example, the referral of a matter to an alternative dispute resolution process is not explicitly detailed.</p>	<p>Heading called "Determination of Complaint Assessment" is section 7.</p> <p>The draft Policy provides a lot of details surrounding the different options that the External Complaints Assessor has when assessing a complaint and each option has a whole dedicated section.</p> <p>For example, the draft Policy contains a whole section devoted to dispute resolution. It contains lot of detail regarding alternative dispute resolution and the process regarding who is required to attend and participate.</p>	The draft Policy contains a lot more details regarding the different options when assessing a complaint.

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
Investigation	<p>This has its own heading called Investigation.</p> <p>A third party is engaged to conduct the investigation.</p> <p>There is no requirement for the third party to not be a Council Member or employee of Council.</p>	<p>Heading called "Investigation" is section 7.</p> <p>External Complaints Assessor liaises with the Contact Officer to engage a suitable External Investigator. There are specific requirements within clause 7.12 in relation to the External Investigator including that he/she must not be a Council Member or employee of Council and who has appropriate qualifications, knowledge, experience or expertise conduct assessments.</p>	<p>There is a clear shift towards external parties undertaking the investigation.</p>
<i>Report</i>	<p>The steps in relation to the report are in the heading of "Report."</p> <p>Person conducting the investigation must within 5 business days prepare a draft report. The parties to the complaint will have 5 business days to make submissions. The final report is issued within 5 business days of receipt of submissions.</p>	<p>The steps in relation to the report are outlined under the heading "Investigation."</p> <p>External Investigator prepares a draft report and provides the Complainant and the Council Members the subject of the complaint an opportunity to make submissions. The final report is provided after considering any submissions.</p> <p>External Investigator must provide final report to the Contact Officer who will communicate it to the Complainant and the Council Member(s).</p> <p>The requirements in relation to the final report are very detailed (clause 8.6).</p>	<p>In the current Policy, the Report has its own heading.</p> <p>The current Policy stipulates timeframes for the preparation of the report, the making of submissions and then the submission of the final report. The draft Policy does not stipulate any time frames. It uses vaguer language for example "reasonable time."</p> <p>The requirements in relation to the final report are more onerous in the draft Policy.</p> <p>The inclusion of prescriptive timeframes can create obstacles in complaint management, potentially causing staff to focus more on meeting deadlines rather than addressing the substantive issues. Of relevance, the <i>Legislation Interpretation Act 2021</i> provides that, in the absence of specific dates, matters are to be dealt with as soon as reasonably practicable. Since the policy is considered a statutory instrument, this default will apply notwithstanding the approach outlined in the policy.</p>

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
Confidentiality	<p>This is detailed under the heading "Confidentiality."</p> <p>Complaints are managed confidentially until they are required to be reported to Council in a public meeting.</p>	<p>Heading called "Confidentiality" is section 1</p> <p>Very similar. Complaints are managed confidentiality until considered by the Council in a public meeting or otherwise lawfully made public or disclosed.</p>	No change.
Repeated misbehaviour	<p>There is a section dedicated to repeated misbehaviour.</p> <p>Provides the Lord Mayor the opportunity to refer the Repeated Misbehaviour to the Behaviour Standards Panel.</p>	There is no repeated misbehaviour section in the draft Policy.	<p>There is no repeated misbehaviour section in the draft Policy. The draft Policy does not address this issue.</p> <p>It is unnecessary to include this reference in the policy since it is a legislative requirement. Including it may lead to inconsistencies if the legislation changes and the policy is not updated accordingly.</p>
Grievance regarding outcome of Formal Action	<p>The Policy has a section dedicated to grievance regarding outcome of Formal Action. It is titled "Grievance regarding outcome of Formal Action.</p> <p>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.</p>	There is no dedicated section in the draft Policy dedicated to this issue.	In the current Policy, this issue has its own heading. The draft Policy does not address this issue.
Other matters	<p>The complainant and the person complained about are entitled to have a support person present during any discussions relating to complaints.</p> <p>In circumstances where a breach of the Behavioural Requirements is found, the matter must be reported in the Council's Annual Report.</p>	None of these matters are addressed in the draft Policy.	<p>The draft Policy does not address the issue of the complainant being entitled to have a support person present or a matter being reported in the Council's Annual Report where a breach of the Behavioural Requirements is found.</p> <p>It is unnecessary to include this reference in the policy since it is a legislative requirement. Including it may lead to inconsistencies if the legislation changes and the policy is not updated accordingly.</p>

Issue	Current Council Member Complaints Policy	Draft Behavioural Management Policy	Differences
Behavioural Standards Panel	<p>This is detailed under the heading “Behavioural Standards Policy.”</p> <p>A complaint alleging Misbehaviour, Repeated Misbehaviour or Serious Misbehaviour may be made to the Behavioural Standards Panel.</p>	<p>There is no dedicated section in the draft Policy dedicated to this issue. However, it is detailed in clauses 2.8 and 2.9.</p>	<p>This information is located in different spots of the Policies.</p> <p>It is unnecessary to include this reference in the policy since it is a legislative requirement. Including it may lead to inconsistencies if the legislation changes and the policy is not updated accordingly.</p>
Responsibilities	<p>This is detailed under the heading “Responsibilities.”</p> <p>The Person Responsible for Managing the Complaint must carry out tasks related to handling complaints, facilitate access to resources for those affected, and work with the CEO and external resources to investigate and resolve issues.</p> <p>The Chief Executive Officer (CEO) manages the receipt, acknowledgment, record-keeping, and allocation of complaints, and facilitates access to external support.</p> <p>The Behavioural Standards Panel Contact Officer must respond to lawful requests and notices from the Panel, and if not the CEO, keep the CEO informed about the status of matters under review.</p>	<p>There is no dedicated “Responsibilities” section.</p> <p>The responsibilities of the Contact Officer are outlined in clause 7.6.</p> <p><i>The responsibilities of the Behavioural Standards Panel Contact officer are not outlined. Clause 2.9 simply lists the name of the Behavioural Standards Panel Contact officer.</i></p>	<p>The responsibilities of the Person Responsible for Managing the Complaint, CEO and Behavioural Standards Panel Contact Officer are clearly outlined under the heading “Responsibilities” in the current Policy.</p> <p>There is no dedicated “Responsibilities” section in the draft Policy. However, the responsibilities of the Contact Officer are outlined.</p>
Other useful documents	<p>The Policy contains a section of related documents and relevant legislation.</p>	<p>The draft Policy does not list any related documents and relevant legislation.</p>	<p>The draft Policy does not list any related documents and relevant legislation.</p>
Appendix 1	<p>The Policy contains a flow chart which simplifies the steps for informal and formal action.</p>	<p>The draft Policy contains a flow chart.</p>	<p>The draft Policy contains a flow chart.</p>

12. The Policy has been reviewed in accordance with the Framework for Council Members and sets out the approach to the management of complaints about the behaviour of Council Members.
 13. This Policy will apply to the Principal Member (Lord Mayor) and all Council Members. This Policy does not apply to complaints about council employees or the council as a whole.
 14. Complaints will be managed under the proposed Policy in a manner that will ensure procedural fairness and with much expedition as the requirements of the matter and the Act allow with proper consideration of the matter.
 15. The proposed Policy does not prevent Council Members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner.
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DATA AND SUPPORTING INFORMATION

Link 1 – Current Council Member Complaints Policy

ATTACHMENTS

Attachment A – Proposed Behavioural Management Policy

- END OF REPORT -