

Strategic Alignment - Our Corporation

Program Contact:
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Public

Approving Officer:
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EXECUTIVE SUMMARY

The purpose of this report is to present to Council, the Full Investigation Report (FIR), dated 25 March 2026 from the Ombudsman SA (Ombudsman) that was received by the principal officer of the council in relation to Councillor Henry Davis (Cr Davis).

The Ombudsman received two separate reports about Cr Davis on 26 November 2025 and 2 December 2025. The Ombudsman investigated two separate issues:

Whether Cr Davis failed to act with reasonable care and diligence in the performance of official functions and duties: and

Whether Cr Davis's actions amount to misconduct in public administration.

The Ombudsman has requested that the FIR be tabled at a public meeting of Council.

RECOMMENDATION

THAT COUNCIL

1. Notes the Full Investigation Report, dated 25 March 2026 and Corrigendum dated 20 April 2026 from Ombudsman SA as contained in Attachment A to Item 14.1 on the Agenda for the meeting of the Council held on 12 May 2026.
2. Notes that the Ombudsman is of the opinion that by failing to vote on motions before the Council at its meetings of 14 October 2025 (Item 12.1) and 25 November 2025 (Item 12.5):
 - 2.1. Cr Davis has failed to act with reasonable care and diligence in the performance of official functions and duties, and thereby breached an integrity provision, being section 62(2) of the *Local Government Act 1999* (SA); and
 - 2.2. the breaches were both intentional and serious, so as to amount to misconduct in public administration.
3. Notes that the Ombudsman has, in accordance with section 263B of the *Local Government Act 1999* (SA), required Cr Davis, by 27 May 2026, to:
 - 3.1. issue a public apology at a public meeting of Council for failing to act with reasonable care and diligence in the performance of official functions and duties, and committing misconduct under the *Ombudsman Act 1972* (and that the terms of the apology will be recorded in the Minutes); and
 - 3.2. attend training relevant to the elected member integrity provisions and elected member obligations in council meetings under the *Local Government Act 1999* (SA).
4. Determines, in accordance with section 263B of the *Local Government Act 1999* (SA), that Cr Davis be reprimanded for failing to act with reasonable care and diligence in the performance of official functions and duties by failing to vote on motions before the Council at its meetings of 14 October 2025 (Item 12.1) and 25 November 2025 (Item 12.5), and thereby breaching an integrity provision, namely section 62(2) of

the *Local Government Act 1999* (SA), which was found by the Ombudsman to amount to misconduct in public administration.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
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 the Ombudsman Act 1972 (SA).</i>
Opportunities	An opportunity exists to remind elected members of their responsibilities under the <i>Local Government Act 1999 (SA)</i> and the <i>Ombudsman Act 1972 (SA)</i> . These Acts outline the key functions, duties, and standards of conduct expected of members when performing their roles.
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. A Full Investigation Report (FIR) dated 25 March 2026 and Corrigendum dated 20 April 2026 has been received from the Ombudsman SA (Ombudsman) (**Attachment A**).
2. On 26 November 2025 and 2 December 2025, the Ombudsman received reports about Councillor Henry Davis (Cr Davis).
3. The reports allege a breach of the integrity provisions in Chapter 5 of the *Local Government Act 1999* (SA) (LGA).
4. The Ombudsman has determined that an act of a council member that may constitute grounds for complaint under the LGA is taken to be an 'administrative act' for the purposes of the *Ombudsman Act 1972* (Ombudsman Act). Furthermore, the Ombudsman considers 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.

Summary and recommendations

5. The final view of the Ombudsman is that:
 - 5.1. By failing to vote on motions before the council (Item 12.1 at the council's meeting of 14 October 2025 and Item 12.5 at council's meeting of 25 November 2025), Cr Davis failed to act with due (reasonable) care and diligence in the performance of official functions and duties, thereby breaching section 62(2) of the LGA.
 - 5.2. Cr Davis's breach of the integrity provisions was both intentional and serious so as to amount to misconduct in public administration.
6. To remedy these errors the Ombudsman has recommended under section 263B of the LGA and section 25(2) of the Ombudsman Act requiring that, by 27 May 2026:
 - 6.1. Cr Davis issue a public apology at a public meeting of Council for failing to act with reasonable care and diligence in the performance of official functions and duties, and committing misconduct under the Ombudsman Act, and that this and the terms of the apology be recorded in the Minutes;
 - 6.2. Cr Davis attends training relevant to the election member integrity provisions and elected member obligations in council meetings under the LGA; and
 - 6.3. The council reprimand Cr Davis.
7. The Ombudsman also made the recommendation that the final report in this matter be tabled at a public meeting of the council within two (2) ordinary meetings following receipt of authorisation from the Ombudsman's office to do so.
8. Authorisation to table this report was provided to Council on 8 May 2026.

Action to be taken

9. Administration will liaise with Cr Davis regarding attending relevant training regarding elected member integrity provisions and obligations.
10. As per the requirements of the FIR, the Ombudsman has requested that a report be provided to the Ombudsman's office by 27 May 2026 on what steps have been taken to give effect to the recommendations, including:
 - 10.1. Details of the actions that have been commenced or completed; and
 - 10.2. Relevant dates of the action taken to implement the recommendation.
11. Pursuant to section 263B(2) of the LGA, if a council member fails to comply with an Ombudsman recommendation such as is outlined in the FIR, the council is to ensure that a complaint is lodged against the member with the South Australian Civil and Administrative Tribunal.

DATA AND SUPPORTING INFORMATION

Nil

ATTACHMENTS

Attachment A – Full Investigation Report from the Ombudsman SA, dated 25 March 2026 and Corrigendum dated 20 April 2026.

- END OF REPORT -