



Report

Full investigation - *Ombudsman Act 1972*

Council member	Cr Henry Davis
Council	City of Adelaide
Ombudsman references	2025/07137; 2025/07253
Date reports received	26 November 2025; 2 December 2025
Issues	<ol style="list-style-type: none">1. Whether Cr Davis failed to act with reasonable care and diligence in the performance of official functions and duties2. Whether Cr Davis' actions amount to misconduct in public administration

Jurisdiction

On 26 November and 2 December 2025, I received reports about Cr Henry Davis of the City of Adelaide.

The reports allege a breach of the integrity provisions in Chapter 5 of the *Local Government Act 1999*. An act of a council member that may constitute grounds for complaint under the *Local Government Act* is taken to be an 'administrative act' for the purposes of the *Ombudsman Act 1972*.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*.

Investigation

My investigation has involved:

- assessing the information provided by the reporters
- obtaining a response from Cr Davis
- considering the *Local Government Act* and the *Ombudsman Act*
- providing Cr Davis, the Lord Mayor and the reporters with my provisional report for comment, and considering their responses
- preparing this report.

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

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 Davis, the reporters, the Chief Executive Officer (CEO) of the council, and Lord Mayor Dr Jane Lomax-Smith as the principal officer of the council, inviting submissions in relation to my provisional views.

The Lord Mayor and Cr Davis provided submissions to my provisional report. I have carefully considered those responses and addressed them as I consider necessary below and in the body of this report.

Cr Davis submitted that my provisional views and recommendations must be set aside and my investigation commenced afresh, by virtue of him not having been afforded proper procedural fairness. This submission was raised in the context of my provisional report having been sent to the reporters, the Lord Mayor and the CEO at the same time as it was sent to him for comment. I note that Cr Davis provided a written response to my notice of investigation, which I considered in preparing my provisional views. I do not consider that providing other parties with my provisional report amounts to a failure to provide Cr Davis with procedural fairness. I have provided all parties with the opportunity to respond to my provisional views and I have now considered those views, including those of Cr Davis, in coming to my final view. In this manner, I am satisfied I have provided Cr Davis with procedural fairness.

Cr Davis has also requested that I provide him with a second provisional report before finalising my views on the matter. I note that Cr Davis provided extensive submissions in response to my provisional report. However, having given careful consideration to those submissions, I have not altered my views or reasoning for those views from those set out in my provisional report. I therefore do not consider it necessary to provide a second provisional report before finalising my views.

However, I did provide parties a further opportunity to respond to my proposed recommendations by setting out my reasons for making them in letters to the parties. Cr Davis responded to that correspondence and I address those submissions in the recommendations section of this report.

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.

Background

1. My Office received reports about Cr Davis of the City of Adelaide (**the council**), alleging that Cr Davis had, at both the 14 October and 25 November 2025 ordinary council meetings, refused to vote on an item before the council.
2. Item 12.1 at the 14 October 2025 council meeting was in relation to the council's Draft Long Term Financial Plan (**Draft Plan**), and asked for the council to, among other things, approve the Draft Plan for public consultation.⁴
3. During the debate on this item, it was argued by Cr Davis that the motion was *ultra vires*, that is, beyond the power of the council.⁵ Cr Davis claimed that this was the case due to the following requirement in section 122(1b) of the Local Government Act:

(1b) The financial projections in a long-term financial plan adopted by a council must be consistent with those in the infrastructure and asset management plan adopted by the council.
4. Cr Davis argued that the Draft Plan was inconsistent with the council's asset management plans, and so the council could not approve the Draft Plan, or it would be in breach of section 122(1b).
5. For the purposes of this investigation, I do not need to determine whether the motion in question was in fact *ultra vires*, however I note that the council had received legal advice on the matter, and the motion was accepted by the Lord Mayor as the presiding member.⁶
6. I consider that the Local Government legislative scheme indicates that it is not for each individual elected member to determine for themselves whether a motion put before the council is *ultra vires*, as this responsibility is placed with the presiding member under the *Local Government (Procedures at Meetings) Regulations 2013* and there is no alternative provision for elected members to make such a decision and refrain from voting. I consider that, where an elected member has concerns about whether a motion is within the power of the council, it is within their ability to ask questions or seek advice on the matter, and if they disagree that the motion should be carried, vote against it.
7. After the debate on the item had concluded, the Lord Mayor called for the members to vote. Cr Davis then refused to vote on the motion. The publicly available video recording of the meeting shows the following exchange:⁷

Lord Mayor: All those in favour. All those against. Against, please Cr Davis. Are you going to vote against? You have to put your hand up, it's in the Local Government Act.

Cr Davis: I refuse to vote based on the motion is *ultra vires*.

Lord Mayor: Can I just have a personal explanation as to why you are refusing to vote?

⁴ City of Adelaide, Minutes of Council Meeting (14 October 2025) 3-4.

⁵ City of Adelaide, 'Council Meeting - 14 October 2025' (YouTube, 14 October 2025) <https://www.youtube.com/watch?v=Etr_oSDrvFs>.

⁶ *Local Government (Procedures at Meetings) Regulations 2013* r 12(7): The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

⁷ City of Adelaide, 'Council Meeting - 14 October 2025' (YouTube, 14 October 2025, 53:35) <https://www.youtube.com/watch?v=Etr_oSDrvFs>.

Cr Davis: Yes. So, I made it very clear that there is an \$83 million difference in this Long-Term Financial Plan. We have received legal advice regarding the operation of section 122(1b). That advice says that it must be consistent, largely -

Lord Mayor: I think that this is not a personal explanation -

Cr Davis: You're asking me for a personal explanation, why I am not voting. And so, I believe that this motion is a breach of that section.

Lord Mayor: Could you sit down please?

Cr Davis: You are asking me for a personal explanation.

Lord Mayor: But you've not given me a personal explanation. It's a breach of the Local Government Act if you do not vote

Cr Davis: Send me- send me to the Ombudsman, but this is *ultra vires*.

8. Item 12.5 at the 25 November 2025 meeting concerned consultation with Precinct Groups about the council's Precinct Review Model.⁸ In relation to this item, there was some debate and discussion about the confidentiality of the matter. During the debate Cr Davis expressed his desire to lift confidentiality on the matter entirely, and was advised that this would require a motion on notice, as this would be a rescission of a previously made confidentiality order.⁹ Cr Davis then spoke to the motion and stated that the matter should have never been put in confidence.
9. For the purposes of this investigation, it is not necessary for me to determine whether the matter had been properly placed in confidence on previous occasions, and indeed I note that confidentiality was not a matter for discussion in relation to this particular motion. It was open for Cr Davis to bring a motion on notice to lift confidentiality, as he was advised in the meeting. He did not do so. Improperly placing a matter in confidence may amount to an error by the council but it does not invalidate the council's consideration of the matter itself and does not excuse a council member from otherwise complying with their obligations under the Local Government Act.
10. After the debate on the item had concluded, the Lord Mayor called for the members to vote. Cr Davis then again refused to vote on the motion. The Lord Mayor called for the vote to be taken a second time, and Cr Davis then refused to vote a second time. The video recording demonstrates the following exchange:

Lord Mayor: All those in favour. All those against. Thank you, members. That's carried. Did Cr Davis vote for that, or against it? Can I take the mo - the voting again? All those in favour. All those against. You are required to vote, Cr Davis. It's a breach of the Local Government Act if you do not vote.

Cr Davis: I think that the motion is *ultra vires* in that we can't keep this confidential and never should be. So, how do I deal -

Lord Mayor: But, there's nothing about confidentiality in this - in this vote -

Cr Davis: Can I seek advice from the governance, where I think the motion is illegal -

Lord Mayor: I will - this is not a matter of discussion, I am reminding you of your obligations under the Local Government Act. I will do that. If you refuse to vote, then that's your decision, but I have told you of your obligations.

⁸ City of Adelaide, Minutes of Council Meeting (25 November 2025) 7.

⁹ City of Adelaide, 'Council Meeting - 25 November 2025' (YouTube, 25 November 2025, 1:13:15) <<https://www.youtube.com/watch?v=0qLD3SCYJLI>>.

Response from Cr Davis

11. On 5 December 2025, Cr Davis provided a response to my notice of investigation by way of email. I note that this response only addressed Cr Davis' failure to vote at the 25 November 2025 meeting.
12. Cr Davis submitted that, as demonstrated in the recording of the 25 November council meeting, he questioned the legality of the motion at item 12.5, as the motion was 'intending to suppress information under section 90(3) of the Act'.¹⁰ Cr Davis considered that the motion had no basis, however if the information was to be kept confidential, the materials should not have been given to members of the public, which he says caused him confusion.
13. Cr Davis recounts that he asked the administration for advice on the question of whether he had to vote or not, as he did not consider the motion to be within the power of the council. Cr Davis argues that the Lord Mayor did not allow him to ask for that advice, and the vote was conducted. He noted the following:¹¹

In the confusion I didn't vote for or against the motion given I was being bullied by the Lord Mayor at the time, I was still waiting on advice from the Administration that never came and I was contemplating raising a point of order to object to the Lord Mayor not allowing the administration to answer my question regarding whether I should vote or not. The Lord Mayor then pushed a vote quickly with no real opportunity to have my question without notice answered by the Governance officer.

...

Had I received advice then I would have voted against the motion and we could have moved forward. However given the Lord Mayor's intimidation, refusal to allow me to seek advice and the nature in which it occurred [sic] I did not have an opportunity to consider my obligations before the vote was past.

14. Cr Davis made submissions in response to my provisional report on 16 January 2026. I note that these submissions were also focused primarily on the 25 November 2025 meeting, and the issue of confidentiality. Cr Davis argues that the qualifying phrase in section 86(5), being 'subject to a provision of this Act to the contrary', results in the obligation on elected members to vote being displaced where the elected member believes that the motion is unlawful.
15. Cr Davis also reiterates the point made in his previous submissions, that he had attempted to seek advice on his obligations where he believed the motion before the council was *ultra vires*. Cr Davis states that his desire to seek legal advice at the time in fact demonstrates an exercise of reasonable care and diligence.
16. Further, Cr Davis submits that his comment 'send me to the Ombudsman' was made in the context of believing that the council had improperly applied section 90(3)(a) of the Local Government Act, and that the Ombudsman was the appropriate independent authority to consider this matter. I query this submission, noting that the comment in question was made at the 14 October 2025 meeting, in relation to discussions about the council's Draft Plan.
17. Cr Davis argues that I am unable to finalise my investigation of his conduct, without first determining whether the Precinct Review had been properly put into confidence under section 90(3)(a) of the Local Government Act. As I have previously noted, I do not

¹⁰ Email from Cr Davis to the Ombudsman, 5 December 2025.

¹¹ Ibid.

consider that it is necessary for me to determine this question as part of this investigation. Nevertheless, I have considered Cr Davis' submission and have formed the view that the council's decision to place the matter in confidence pursuant to section 90(3)(a) was reasonable in any event. This is because there is information in the report that concerns possible alternate staffing arrangements and placements within the council, that have not yet been discussed with those affected, and so it appears reasonably open for the council to determine the information should be considered in confidence.

Relevant law/policies

18. Section 86(5) of the Local Government Act provides the following:

(5) Each member present at a meeting of a council must, subject to a provision of this Act to the contrary, vote on a question arising for decision at that meeting.

19. Section 62(2) of the Local Government Act provides the duty for elected members to act with reasonable care and diligence, which is an integrity provision for the purposes of my jurisdiction:

(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.

20. Section 4(1) of the Ombudsman Act defines misconduct in public administration as follows:

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

21. Firstly, I am not persuaded by Cr Davis' argument that he failed to participate in the vote at the 25 November 2025 meeting due to his confusion, and the Lord Mayor not allowing him to seek advice. As is evident from the recording of the meeting, Cr Davis failed to participate in the vote twice before then requesting advice from governance, after his failure to vote was pointed out by the Lord Mayor, and she had allowed him a second opportunity to participate. I am of the view that Cr Davis had ample opportunity to request advice from the council administration during the elected members' debate on the item, however he did not elect to do so. Cr Davis' submissions to my provisional report have not changed my view on this point.

22. As noted above at paragraph 18 it is a requirement of the Local Government Act that all elected members present at a meeting of the council vote on a question arising for a decision, subject to a provision of the Act that provides otherwise, such as the material conflict of interest provisions.¹² In my view there is no provision of the Local Government Act that provides, expressly or impliedly, that an elected member can abstain from voting where they believe a motion is unlawful. Individual councillors are not arbiters of legality and cannot excuse non-compliance with their obligations by reference to their personal opinion as to the lawfulness of the motion. The appropriate recourse is to vote against the motion. As such, I am not persuaded by Cr Davis' argument that his obligation to vote was negated in these circumstances.

¹² Local Government Act 1999 s 75C.

23. It is therefore clear to me that, by refusing to vote on an item for decision at both the October and November 2025 council meetings, Cr Davis contravened section 86(5) of the Local Government Act on two occasions.
24. I have had regard to whether Cr Davis' contravention of the Local Government Act by refusing to vote would amount to a failure to act with reasonable care and diligence in the performance of official functions and duties. I note that this is an objective standard that requires consideration of what a reasonable person would do in the circumstances.¹³
25. I am satisfied that Cr Davis' attendance at the council meetings in question, and actions in relation to the motions for discussion, constitute performance of 'official functions and duties' as an elected member. I have then turned to the question of whether he acted with reasonable care and diligence in the performance of those duties.
26. In my view, engaging in conduct that causes a breach of the law, or is inherently likely to cause a breach of the law, whether or not a breach actually occurred, will amount to a contravention of that duty.¹⁴
27. Further, given that failing to vote on a motion constitutes a breach of the Local Government Act, I am satisfied that a reasonable person in Cr Davis' position would participate in the vote so as to not act in contravention of their obligations. I note that participation in the vote does not require that the elected member vote in favour of the motion, as it is each member's prerogative to vote against motions that they do not agree with.
28. Accordingly, I am of the view that, by failing to vote on motions before the council, Cr Davis has failed to act with due care and diligence in the performance of official functions and duties.

Opinion

In light of the above, I consider that by failing to vote on motions before the council, Cr Davis failed to act with due care and diligence in the performance of official functions and duties, thereby breaching section 62(2) of the Local Government Act.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act and section 263B(1) of the Local Government Act that:

- Cr Davis issue a public apology for failing to act with reasonable care and diligence in the performance of official functions and duties at the 14 October and 25 November 2025 council meetings, and that this and the terms of the apology be recorded in the Minutes
- Cr Davis attend training relevant to the elected member integrity provisions and elected member obligations in council meetings under the Local Government Act.

¹³ Note that the public sector duty to act with reasonable care and diligence is modelled off the duty imposed on directors and other officers of companies in legislation pertaining to corporations: Benjamin B Saunders, 'The Public Sector Duty of Care and Diligence' (2019) 42(2) *UNSW Law Journal* 652; *Corporations Act 2001* s 180(1).

¹⁴ Benjamin B Saunders, 'The Public Sector Duty of Care and Diligence' (2019) 42(2) *UNSW Law Journal* 652; Ian M Ramsay and Benjamin B Saunders, 'An Analysis of the Enforcement of the Statutory Duty of Care by ASIC' (2019) 36 *Company and Securities Law Journal* 497.

Whether Cr Davis' actions amount to misconduct in public administration

29. As outlined in paragraph 11 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.
30. 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 Davis knowingly acted in contravention of the integrity provisions, but that he intentionally engaged in the conduct which forms the subject of that contravention.
31. In my view, Cr Davis' conduct of failing to vote on items before the council on two occasions was intentional. This is supported by the fact that his failure to participate in the vote was clearly brought to his attention on both occasions by the Lord Mayor, and he was subsequently given the opportunity to cast a vote each time. Further, the Lord Mayor pointed out on both occasions that failing to vote would amount to a contravention of the Local Government Act, however Cr Davis continued in his refusal to participate. Therefore, I consider that his actions were intentional.
32. I have had regard to his submission that he did not vote due to the motion being *ultra vires*, however for the reasons set out earlier I do not consider that this is relevant to an elected member's obligation to vote on a matter before the council under section 56(5). It is the presiding member's responsibility to determine whether a motion for decision is within the power of the council, and in the context where the vote was put by the Lord Mayor, Cr Davis was obliged to participate. Advice had already been obtained on the motion and it was open to Cr Davis to vote against the motion if he wished to do so.
33. I must also consider whether Cr Davis' failure to vote on the motions in question is sufficiently serious to amount to misconduct under the Ombudsman Act. It is my view that this is a high threshold and that the seriousness of a breach is impacted by a range of matters, including the nature of the conduct, the nature of the obligation that has been contravened, the significance of the consequences or potential consequences, the impact on public administration and public confidence therein, and any mitigating circumstances.
34. I consider that any breach of the integrity provisions under the Local Government Act carries with it a degree of seriousness, given the potential impact on public confidence in the integrity of council decisions. However, I also recognise that the extent of the seriousness of a breach may be mitigated, or compounded, by the circumstances surrounding the breach.
35. I am very concerned about a range of factors in this matter, which I note as follows:
 - Cr Davis has failed to vote on two occasions, which may be indicative of a pattern of conduct
 - it is not a matter for Cr Davis to determine if a motion before the council is *ultra vires*, and he has a clear obligation under the Local Government Act to vote
 - it is extremely important for elected members to observe their obligations as public officers and engage in public administration with integrity
 - disagreement with a motion is not an excuse to ignore one's responsibilities as a council member
 - such conduct could result in the loss of public faith in the elected members and therefore council decisions

- it is very concerning that the fact Cr Davis' conduct was a breach of the Local Government Act was brought to his attention by the Lord Mayor on both occasions, but he chose to engage in the conduct anyway, and even invited a report to my Office
 - I am concerned at Cr Davis' seemingly flippant attitude towards the expenditure of public resources investigating this type of conduct.
36. Cr Davis made substantial submissions in response to my provisional report, arguing against my investigation making a finding of maladministration against him. I have made no finding, provisional or otherwise, of maladministration against Cr Davis in this matter, and so I do not consider those submissions to be relevant or persuasive.
37. Cr Davis goes on to argue that a finding of misconduct cannot be made in light of the following factors:
- the votes proceeded despite Cr Davis' failure to vote
 - the decision-making of the council was not impeded or invalidated
 - Cr Davis did not seek or obtain any personal benefit from the conduct
 - the conduct was transparent
 - there was no misappropriation of public resources or abuse of office, and the conduct did not cause loss to the council
 - the conduct was an isolated incident
 - if every elected member refrained from voting where they believed it would perpetuate illegality, and their concerns were open and on the record, this would reinforce integrity.
38. I respectfully disagree with Cr Davis' submissions that his conduct does not reach the requisite threshold of seriousness, and I am not persuaded by the factors listed above. Cr Davis has been elected by the community to fulfill his role as an elected member, which includes participating in the democracy of council and voting on motions put before it. The conduct of refusing to vote where he does not agree with a motion sets an irresponsible precedent. I also wish to note that Cr Davis did not provide any explanation as to why he was refraining from voting on either occasion, until he was prompted by the Lord Mayor to do so.
39. Cr Davis also goes on to claim that his actions were the result of an error of judgment, and the statutory scheme does not require the infallibility of elected members. I do not accept this. Cr Davis was warned on both occasions of his actions amounting to a breach of the Local Government Act, and was given a second opportunity to participate at both meetings. I consider his conduct to be wilful, and not merely an error of judgment.
40. In light of all of the above factors, I am satisfied that Cr Davis's failure to vote on the motions does meet the requisite threshold of seriousness to amount to misconduct in public administration.

Opinion

In light of the above, I consider that Cr Davis' breach of the integrity provisions, which I consider to be a relevant code of conduct, was both intentional and serious so as to amount to misconduct in public administration.

To remedy this error, I recommend under section 25(2) of the Ombudsman Act and section 263B(1) of the Ombudsman Act that:

- Cr Davis issue a public apology 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 Davis.

Summary and Recommendations

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

- by failing to vote on motions before the council, Cr Davis failed to act with due care and diligence in the performance of official functions and duties, thereby breaching section 62(2) of the Local Government Act
- Cr Davis' breach of the integrity provisions was both intentional and serious so as to amount to misconduct in public administration.

To remedy these errors, I recommend under section 263B of the Local Government Act and section 25(2) of the Ombudsman Act that:

1. Cr Davis issue a public apology 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
2. Cr Davis attends training relevant to the elected member integrity provisions and elected member obligations in council meetings under the Local Government Act
3. the council reprimand Cr Davis.

I also make a recommendation that my final report in this matter be tabled at a public meeting of the council within two ordinary meetings following receipt of authorisation from my Office to do so.

I sought submissions from the parties specific to my recommendations in this matter, and I note that Cr Davis provided submissions to the effect that the recommended actions are disproportionate in the context of 'genuine and unresolved questions about compliance with the [Local Government] Act'¹⁵ by the council. For the reasons already outlined in this report, I do not consider it necessary for me to determine whether the council erred as part of this investigation, nor do I consider it appropriate that elected members assume the role of the presiding member in determining which motions should be accepted for consideration.

I have considered multiple factors in proposing the above recommendations, including that, on one hand, Cr Davis may have genuinely believed the motions in question were unlawful and therefore he could not vote, and the fact that he has not before been the subject of a finding by the Ombudsman. On the other hand, Cr Davis' conduct does not appear to be an isolated incident noting that it occurred on two separate occasions, he has been a longstanding elected member, and I have made a finding of misconduct under the Ombudsman Act. Cr Davis' submissions have not changed my view on the appropriateness of the recommendations.

Final comment

I now report Cr Davis' 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 **27 May 2026** on what steps have been taken to give effect to my recommendations above; including:

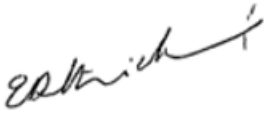
¹⁵ Email from Cr Davis to the Ombudsman, 11 March 2026.

- 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 that/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

25 March 2026



Corrigendum

Ombudsman's final report relating to an investigation into the conduct of Cr Henry Davis, City of Adelaide, dated 25 March 2026 (Ombudsman refs: 2025/07137; 2025/07253)

Delete the following text on page 11 of the Report:

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 that/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.

And replace with:

Pursuant to section 263B(2) of the Local Government Act, if a member of a council fails to comply with a recommendation of the Ombudsman requiring the member to take action under section 263B(1), the council is to ensure that a complaint is lodged against the member with SACAT.

A handwritten signature in black ink, appearing to read 'E Strickland', written in a cursive style.

Emily Strickland
SA OMBUDSMAN

17 April 2026