

Behavioural Standards Panel



Final Report

Council Member	Cr Henry Davis
Council	Corporation of the City of Adelaide
Referral by	Lord Mayor Dr Jane Lomax-Smith AM
Panel Reference	25BSP-0005
Date Received	25 June 2025
Issues	Alleged serious misbehaviour by a member of a council

22 July 2026

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This statement serves to clarify the status of the inquiry relating to allegations of serious misbehaviour committed by Mr Henry Davis while holding office as a member of the Corporation of the City of Adelaide.

The inquiry was completed and the final findings and orders issued to Mr Davis on 10 July 2026. Mr Davis subsequently resigned from office on 17 July 2026.

This report is published in accordance with section 262X of the *Local Government Act 1999*.

Final Report

1. This Final Report has been prepared on an inquiry undertaken by the Behavioural Standards Panel (the Panel) following a referral made by the Lord Mayor, Dr Jane Lomax-Smith AM, as the principal member of the Corporation of the City of Adelaide (the Council). The complaint alleged that Councillor Henry Davis (Cr Davis) had committed serious misbehaviour as defined by section 262E of the *Local Government Act 1999* (the Act).
2. Cr Davis was elected to the Council at the 2022 Council elections and was previously a Councillor at the City of Burnside from 2014 to 2022.
3. This report follows the Provisional Report and the Amended Provisional Report that were provided to Cr Davis and the Lord Mayor, with the opportunity for them to provide submissions, in February 2026 and May 2026 respectively.
4. The Panel determined to release an Amended Provisional Report following the receipt of submissions from Cr Davis in which he claimed he had not received some of the Panel's correspondence relating to the inquiry, this is discussed below.
5. Following consideration of submissions received in response to the Amended Provisional Report the Panel determined to release the Final Report.

Legislative Framework

6. Section 3 of the *Local Government Act 1999* (the Act) sets out the objects of the Act, which, amongst other things, include to—
 - provide a legislative framework for an effective, efficient, and accountable system of local government in South Australia;

- ensure the accountability of councils to the community; and
 - define the powers of local government and the roles of council members and officials.
7. Chapter 5 Part 4 Divisions 2 and 3 of the Act deal with member behaviour and health and safety duties, and sets out specified standards, duties and responsibilities of council members that members are required to comply with.
 8. Section 262Q of the Act provides that a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be referred to the Panel by a resolution of the council; the principal member of the council; at least 3 members of the council; or a responsible person in accordance with section 75G(5) of the Act.
 9. Relevantly to this inquiry, section 262E of the Act provides that **serious misbehaviour** means a failure by a member of a council to comply with section 75G of the Act.
 10. Section 75G(1) of the Act states that a council member must—
 - (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and
 - (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.
 11. The health and safety duties of council members under section 75G of the Act is in addition to and does not limit the operation of the *Work Health and Safety Act 2012* (WHS Act): section 75G(6) of the Act.
 12. Under section 75G(7) of the Act, **health** has the same meaning as in the WHS Act.
 13. Section 4(1) of the WHS Act defines “health” as—

health means physical and psychological health.
 14. Under section 262T(1) of the Act, the Panel may inquire into a complaint referred to the Panel in such a manner as the Panel considers appropriate.
 15. Section 262U of the Act sets out the Panel’s powers in connection with an inquiry.

16. Section 262U(4) of the Act also provides that, in exercising or performing a power or function in relation to inquiring into a complaint, the Panel—
- (a) must proceed with as little formality and technicality and with as much expedition as the requirements of the Act or any other Act and a proper consideration of the matter permit; and
 - (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate.
17. The inquiry must be conducted in accordance with the principles of procedural fairness: section 262T(2) of the Act.

The Complaint

18. On 25 June 2025, the Lord Mayor referred a complaint to the Panel in accordance with section 262Q of the Act that alleged serious misbehaviour by Cr Davis for failing to comply with section 75G(1)(a) of the Act (the Complaint). The Complaint alleged—
- 1. That on 25 March 2025 Cr Davis had engaged in behaviour towards Councillors Carmel Noon, David Elliott and Keiran Snape (the Councillors¹) at the Treasury 1860 restaurant, Adelaide (The Treasury), in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act. The behaviour included taking video footage and photographs of the Councillors without their permission, making commentary about the Councillors, and continuing to do so despite being asked to stop.
 - 2. That on 25 March 2025 Cr Davis behaved in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act when he uploaded an image of the Councillors to his Instagram account accompanied by the caption *“rather than turn up to work, Cr Snape is drinking next door with Cr Noon and the Deputy Lord Mayor of Adelaide”*.
 - 3. That on 9 April 2025 Cr Davis engaged in further behaviour towards the Councillors in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act by emailing the Councillors and copying in the

¹ For simplicity, the report refers to Cr Noon, Cr Snape and former Cr Elliott collectively as “the Councillors”. It is noted that, the positions of Cr Noon and Cr Elliot became vacant in April 2025 when the 2022 election results for the Central Ward were voided by the Court of Disputed Returns. Cr Noon was re-elected in the supplementary election in August 2025, but Cr Elliott was not re-elected. At the time of the alleged behaviour by Cr Davis, however, Cr Noon and Cr Elliott, as well as Cr Snape, were at all material times Council members.

elected member body questioning the Councillors' motivations and behaviour.

19. Based on the information provided to the Panel, it is understood that prior to Cr Davis' alleged behaviour, the Councillors and Cr Davis had attended an ordinary meeting of the Council that commenced at 7.00 pm.
20. Following the ordinary meeting, Cr Davis and two other councillors, had called for a special Council meeting to be held at 8.00 pm, as provided for by section 82(1)(b) of the Act to consider motions related to matters then before the Court of Disputed Returns in relation to the Central Ward election held in November 2022.
21. The Council minutes show the special meeting was subsequently adjourned due to the number of apologies received.
22. The Complaint includes information that Crs Noon and Elliott had declared material conflicts of interests² as Central Ward councillors who would be affected by the Court's decisions, and Cr Snape had indicated that he would be an apology.
23. Following the ordinary Council meeting, Crs Noon and Elliott were dining at The Treasury near to the Council Chambers and were later joined by Cr Snape. It was at this location, and after this meeting, that the alleged behaviour took place.

Inquiry

24. In undertaking the inquiry, the Panel took all steps to provide procedural fairness to all parties. The Panel—
 - Designated the Complaint 25BSP-0005.
 - Assessed the Complaint.
 - Determined to deal with the Complaint
 - Considered the Complaint in the context of the Act, the Panel's practice directions, and guidance papers.
 - Sought clarification from the Lord Mayor regarding the Complaint.
 - Assessed further information provided by the Council, as sought by the Panel.

² Chapter 5 Part 4 Division 1 Subdivision 4 of the Act establishes a framework for the identification and management of conflicts of interest.

- Advised the Councillors of the inquiry.
 - Provided a letter to Cr Davis that detailed the three allegations (refer list of correspondence below).
 - Provided Cr Davis with the opportunity to view documents provided with the Complaint and to respond to the allegations through written submissions.
 - Noted that Cr Davis did not seek to view the documents and did not respond to the letter of allegations (during the initial period provided).
 - Met to discuss findings relating to the Complaint.
 - Prepared a report of provisional findings and orders, which was provided to both Cr Davis and the Lord Mayor.
 - Provided Cr Davis and the Lord Mayor with the opportunity to respond to the report of provisional findings and orders.
 - Took into consideration submissions from both Cr Davis and the Lord Mayor.
 - Determined to re-send Cr Davis the letter of notification and letter of allegations.
 - Provided Cr Davis with a further opportunity to view the documents related to the inquiry. The agreed session was held on 6 March 2026.
 - Provided Cr Davis with two extensions for a total of 14 additional days to provide submissions relating to both the letter of allegations and the provisional report.
 - Sought further information from the Lord Mayor regarding emails.
 - Received submissions and considered submissions from Cr Davis and the Lord Mayor.
 - Prepared an amended provisional report which was provided to both Cr Davis and the Lord Mayor.
 - Provided Cr Davis and the Lord Mayor the opportunity to respond to the amended provisional report.
25. The letter of referral to the Panel by the Lord Mayor did not include Cr Snape as a person who was subject to Cr Davis' alleged serious misbehaviour. However, from the information provided in the complaint referral, and in accordance with

the Panel's powers and functions under the Act (particularly sections 262T(1) and 262U(4)(b) of the Act), the Panel determined to include Cr Snape as a member of council who was subject to Cr Davis' alleged serious misbehaviour, and whose health and safety he allegedly ought to have reasonably known could be adversely affected by his acts, as particularised in the letter of allegations.

Standard of Proof

26. The standard of proof applied by the Panel in this inquiry is on the balance of probabilities.

27. The Panel's *Practice Direction 5: Action and Report on Inquiry 5* states—

The Panel will make a determination on whether the council member's behaviour falls within the definitions of *misbehaviour*, *repeated misbehaviour* or *serious misbehaviour* (under section 262E of the Act). This determination will be based on the Panel's evaluation that it is more likely that the alleged misbehaviour³ occurred than that it did not occur, and on the facts, information and evidence available to the Panel.

Correspondence relating to the inquiry

28. A timeline of correspondence related to this inquiry is included below. All correspondence to the Lord Mayor and Cr Davis was initially sent via email to their Council email addresses.

29. Following a lack of engagement from Cr Davis, all correspondence to Cr Davis from 25 February 2026, including the provisional report, was carbon copied to Cr Davis' private email address.

Complaint received by the Panel	25 June 2025	
To Lord Mayor	28 July 2025	Clarification of referral
To Lord Mayor	6 August 2025	Clarification of referral
From Lord Mayor	6 August 2025	Response to Panel's request for clarification

³ The term 'misbehaviour' (without bold or italics) in the practice direction refers to any one or more of the three types of misbehaviour defined in s 262E of the Act – misbehaviour, repeated misbehaviour and serious misbehaviour.

To Lord Mayor	6 August 2025	Determination to deal with referral
To Cr Davis	6 August 2025	Advising Cr Davis of the referral and determination to deal with referral.
To Council Contact	22 September 2025	Inquiry details request
To affected parties	25 September 2025	Advising of referral and determination to deal with referral.
To Cr Davis	1 October 2025	Letter of Allegations
To Lord Mayor	1 October 2025	Letter of Allegations
To Lord Mayor	25 February 2026	Provisional Report
To Cr Davis	25 February 2026	Provisional Report
From Cr Davis	25 February 2026	Request for related documents
From Lord Mayor	26 February 2026	Submission
From Cr Davis	4 March 2026	Request for update on request
To Cr Davis	4 March 2026	Informing Cr Davis that the Panel considered his request and reissued the letter of notification and letter of allegations. Advised period for submissions had been extended by 7 days (to 20 March 2026) and provided invitation to inspect documents relating to the Complaint.
From Cr Davis	4 March 2026	Cr Davis advised he would like to inspect documents.
To Cr Davis	4 March 2026	Appointment details for inspection of documents on

		6 March 2026 including protocol for inspection.
From Cr Davis	4 March 2026	Clarification about release of documents.
From Cr Davis	5 March 2026	Confirmation of inspection appointment and further request for release of documents.
To Cr Davis	5 March 2026	Confirmation of appointment time.
To Cr Davis	5 March 2026	Confirmation that taking notes of the documents is permitted as per protocol.
From Cr Davis	5 March 2026	Clarification about form of notes permitted.
From Cr Davis	5 March 2026	Question about support persons and confidentiality.
To Cr Davis	5 March 2026	Information about support persons and panel processes.
From Cr Davis	6 March 2026	Re inspection of documents.
To Lord Mayor	6 March 2026	Request under S262U(1)(d) re emails.
From City of Adelaide	12 March 2026	Response to request re emails.
From Cr Davis	16 March 2026	Status of request for documents
To Cr Davis	16 March 2026	Request is under consideration.
To Cr Davis	18 March 2026	Provision of a further seven-day extension for submissions (to 27 March 2026).
From Cr Davis	27 March 2026	Two submissions

To Cr Davis	27 March 2026	Confirmation of receipt of submissions
To Cr Davis	12 May 2026	Amended Provisional Report. Submissions due 20 May 2026.
To Lord Mayor	12 May 2026	Amended Provisional Report. Submissions due 20 May 2026
From Cr Davis	13 May 2026	Request for 14 day extension
To Cr Davis	13 May 2026	Decline request for extension
From Rebecca Hayes, City of Adelaide (for Lord Mayor)	18 May 2026	Submission received
From Nick Linke, Dentons (for Cr Davis)	20 May 2026	Submission received
From Nick Linke, Dentons (for Cr Davis)	20 May 2026	Query

Notes on inquiry correspondence

30. On 6 August 2025, the Panel advised Cr Davis that he was subject to a complaint that had been received by the Panel and that it had determined to deal with the complaint in accordance with Chapter 13 Part A1 Division 2 of the Act.
31. During late July to early August the Panel corresponded with the Lord Mayor to clarify matters concerning the referral.
32. On 1 October 2025, the Panel sent a letter of allegations to Cr Davis to his Council email address. This letter detailed the three allegations that were the subject of the Panel's inquiry and provided Cr Davis with a four-week period (to 29 October 2025) to make submissions on the allegations. The Panel also provided Cr Davis with an opportunity to view the documents relating to the Complaint during this period. This letter was also provided to the Lord Mayor for her information.
33. In this correspondence, the Panel advised Cr Davis that it would consider any written submissions provided by close of business 29 October 2025 as part of

its inquiry into the complaint and that should Cr Davis choose not to make a submission, the Panel would conduct the inquiry into the Complaint based on the information and advice available to the Panel.

34. The Panel did not receive submissions from Cr Davis.
35. The Panel prepared the Provisional Report on the inquiry based on the information they had received up to that point.
36. On 25 February 2026 the Provisional Report was sent to the Lord Mayor and Cr Davis. Both parties were provided with an opportunity to provide written submissions by 13 March 2026.
37. As the Panel had not heard from Cr Davis during the inquiry process the Panel sought information about alternate means of contact for Cr Davis from the Council. On 25 February 2026, the Panel provided Cr Davis with the Provisional Report and opportunity to provide written submissions to his private email account.
38. Cr Davis engaged with the Panel on numerous occasions following the receipt of the Provisional Report and made multiple requests for:
 - a. *The original referral/complaint and any annexures;*
 - b. *All witness statements, correspondence and supporting documents provided by any party;*
 - c. *Any material provided by the Council or other persons at the request of the Panel;*
 - d. *Any prior correspondence or material relied upon as relevant background or aggravating factors.*
39. Cr Davis requested an extension of time to provide submissions to the Panel and stated that he was unaware of the correspondence sent from the Panel to his Council email address on 6 August 2025 and 1 October 2025.
40. The Panel considered Cr Davis' requests and determined to provide Cr Davis with both of the letters sent by the Panel in 2025 and provided him with an additional seven days (to 20 March 2026) to respond to both the letter of allegations and the provisional report.
41. The Panel also offered Cr Davis the opportunity to view the documents relating to the Complaint, during this period, as per the Panel's letter of 1 October 2025.

42. Cr Davis viewed the documents on Friday 6 March 2026 where, he took verbatim voice notes of all documents that he stated he was not in possession of, noting that the pack of documents includes documents that Cr Davis had authored.
43. The Panel also extended Cr Davis' period for providing submissions by a further seven days (a now cumulative extension of two weeks) with the final due date for submissions being 27 March 2026.

Further information sought from the City of Adelaide

44. Section 262U of the Act provides the Panel powers relating to inquiries.
45. Utilising its powers under section 262U(1) of the Act, the Panel sought information from the City of Adelaide in connection with the inquiry.
46. On 6 March 2026, the Panel required the Council under section 262U(1)(d) to provide any documents or records that evidenced that the Panel's emails of 6 August 2025 and 1 October 2025 had been received in Cr Davis' City of Adelaide email account.
47. Advice from the City of Adelaide indicated that the emails had been received by Cr Davis' City of Adelaide email account at the time and date that the emails had been originally sent by the Panel.
48. Advice from the City of Adelaide also indicated that on 25 February 2026 Cr Davis had forwarded the Panel's emails of 6 August 2025 and 1 October 2025 from his City of Adelaide email account to his private email account.
49. Following receipt of the information from the City of Adelaide, the Panel was satisfied on the balance of probabilities that the emails sent to Cr Davis' Council email account on 6 August 2025 and 1 October 2025 were available to Cr Davis.
50. Having regard to the information provided by the Council in response to the Panel's requirement under section 262U(1)(d) of the Act, the Panel considered it more likely than not that Cr Davis had access to the Panel's emails at the relevant times. In those circumstances, the Panel found that Cr Davis' subsequent claims, made after 25 February 2026, regarding a lack of access to information about the inquiry were misleading.

Procedural Fairness

51. Section 262T of the Act provides that the Panel may inquire into a complaint in such manner as it considers appropriate, but expressly requires, under section 262T(2), that an inquiry be conducted in accordance with the principles

of procedural fairness. The Panel notes that in Cr Davis' response to the allegations and Provisional Report, dated 27 March 2026, Cr Davis has made extensive submissions alleging denial of procedural fairness, including in relation to notice of the allegations, access to material, and the opportunity to respond.

52. In exercising its powers and functions under this Subdivision, the Panel is also required by section 262U(4) of the Act to proceed with as little formality and technicality, and with as much expedition, as the requirements of the Act and a proper consideration of the matter permit, and is not bound by the rules of evidence but may inform itself of any matter in any manner it considers appropriate. The Panel has approached the inquiry on the basis that this statutory flexibility does not displace, but must be exercised consistently with, the obligation to afford procedural fairness, having regard to the nature of the allegations and the potential consequences for Cr Davis.
53. Having regard to the inquiry process as a whole and the above facts (see notes on correspondence) the Panel is satisfied that Cr Davis has been afforded procedural fairness. The Panel provided Cr Davis with:
 - a detailed Letter of Allegations on 1 October 2025 setting out the nature of the alleged behaviour and the substance of the material relied upon in support of those allegations;
 - a Provisional Report on 25 February 2026 that set out the nature of the alleged behaviour and the substance of the material relied upon in support of the allegations;
 - a further copy of the letter of allegations on 4 March 2026;
 - access to inspect all relevant documents relating to the Complaint, which Cr Davis exercised that opportunity (including by dictating and recording the material inspected); and
 - extensions of time following inspection, and was afforded a reasonable opportunity to make written submissions addressing both the allegations and the evidence relied upon.
54. The Panel further notes that Cr Davis' submissions engage with the substance of the allegations and the material inspected and reflect an understanding of the allegations and evidence relied upon, including material of which Cr Davis was already aware or in possession of.

55. In these circumstances and taking into account the statutory framework governing the Panel's inquiry powers, the Panel considers that the processes adopted disclosed the nature and substance of the adverse material and provided Cr Davis with a real and meaningful opportunity to know and respond to the allegations. The Panel therefore considers that the requirements of procedural fairness under section 262T(2) of the Act have been met.

Complaint Referral

56. As noted above, the Panel received the referral from the Lord Mayor on 25 June 2025 and following consideration, determined to conduct an inquiry into the Complaint.
57. Following further examination of the Complaint, the Panel determined to inquire into three allegations that are detailed further below.

Allegations

Allegation 1 — serious misbehaviour 75G(1)(a)

58. That on 25 March 2025, at approximately between 8:00 to 9:00pm, Cr Davis engaged in behaviour at The Treasury towards the Councillors in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

59. At all material times Cr Davis was a member of the Council.
60. At all material times the Councillors were members of the Council.
61. At all material times Cr Davis was required to comply with his statutory obligation under section 75G(1)(a) of the Act which provides that a member of a council must *"take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council"*.
62. On 25 March 2025, at approximately between 8:00 to 9:00pm, at The Treasury Cr Davis—
- i. took video footage and/or photographs of the Councillors without their permission;
 - ii. made commentary about their presence at that location;

- iii. continued this behaviour despite requests that he stop; and
 - iv. was subsequently requested to leave the premises by staff of The Treasury.
63. Cr Davis ought reasonably to have known that his acts as particularised above could adversely affect the health and safety of members and/or employees of the Council.
64. In the letter of allegations, the Panel noted that Cr Davis' behaviour had been reported as causing significant stress and contributing to a negative workplace/council culture. He was advised that this information was included with the allegations solely to demonstrate the potential impact of the alleged behaviour, not as facts that the Panel must determine.

Allegation 2 — serious misbehaviour 75G(1)(a)

65. That on 25 March 2025, at approximately between 8:00 to 9:00pm, Cr Davis uploaded material to social media in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

66. Particulars contained in paragraphs 58, 59 and 60 are repeated.
67. On the evening of 25 March 2025, at approximately between 8:00 to 9:00pm, Cr Davis uploaded to his Instagram account an image of the Councillors at The Treasury.
68. The uploaded image was accompanied by the caption: "*Rather than turn up to work, Cr Snape is drinking next door with Cr Noon and the Deputy Lord Mayor of Adelaide.*"
69. Cr Davis had previously been asked not to take video footage of the Councillors but nonetheless uploaded the image and commentary without their permission or knowledge.
70. The image and commentary were accusatory in nature and publicly questioned the integrity of the Councillors.
71. Cr Davis ought reasonably to have known that his acts as particularised above *could* adversely affect the health and safety of members and/or employees of the Council.

72. The Panel advised Cr Davis that it had been reported that the social media post was experienced by the Councillors as humiliating, misrepresenting and damaging to their reputations, and the post could be seen by other members of the Council, contributing to a toxic and unsafe working/council environment. He was advised that this information is included with the allegations solely to demonstrate the potential impact of the alleged behaviour, not as facts that the Panel must determine.

Allegation 3 — serious misbehaviour 75G(1)(a)

73. That on 9 April 2025, at 10:16 am, Cr Davis sent an email to the Councillors, and copied in all other members of the Council and the Chief Executive Officer, in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

74. Particulars contained in paragraphs 58, 59 and 60 are repeated.
75. On 9 April 2025, at 10:16 am, Cr Davis emailed (see below) the Councillors with 11 questions relating to their presence at The Treasury on 25 March 2025, and copied this email to all other members of the Council and the Chief Executive Officer—

Dear Councillors Noon, Elliott, and Snape

I am writing to seek clarification regarding matters surrounding the recent special meeting of council, which I called to consider several motions. These included:

- Entering caretaker mode;*
- Rescinding Cr Jing Li's appointments to the Botanic Gardens and Australia Day Council; and*
- Requesting a report into approximately \$100,000 in legal fees incurred by the City of Adelaide.*

I am aware that Cr Snape did not attend this meeting and was observed in the company of Cr Noon and Cr Elliott around the time it was scheduled. In the interests of transparency and public accountability, I kindly ask each of you to respond to the following questions:

General Matters

1. Did any of you discuss the motions scheduled for consideration at the special meeting prior to, or during, the time it was set to occur?
2. If so, what was the nature of those discussions and where did they take place?

Attendance at the Meeting

3. Cr Snape: Could you please clarify the nature of the "other appointment" referred to in your apology for non-attendance at the special meeting? Were any discussions held between any of you regarding Cr Snape's potential attendance or non-attendance at the meeting?
4. Did any of you have concerns about quorum being met for the meeting? Did you collectively plan to collapse the quorum?

Social Gathering

6. At what time did each of you meet at the venue where you were seen socialising on the day of the meeting?
7. Was this gathering planned in advance or arranged spontaneously?
8. Did the gathering involve any discussion of council matters or motions listed for the meeting?

Hospitality and Expenditure

9. Were any items such as food, drinks, or other expenses provided or paid for by one councillor for another at this gathering?
10. Was there any discussion or agreement—explicit or implied—that related to attendance at the special meeting in connection with any such hospitality?

Communications

11. Were there any communications (calls, texts, emails, or messages) between any of you on the day of the special meeting in relation to the meeting or the motions listed?
12. Would you be willing to provide communication records or summaries that clarify the nature and timing of any such interactions?

This request is made in good faith and in the interests of transparency, to ensure confidence in council proceedings and the conduct of elected members. I would appreciate a written response from each of you at your earliest convenience.

*Kind Regards
Cr Henry Davis*

76. The tone and content of the email was accusatory, inflammatory, and/or antagonistic, and could reasonably be considered to impugn the integrity of the councillors.
77. Cr Davis ought reasonably to have known that his acts as particularised above could adversely affect the health and safety of members and/or employees of the Council.
78. The Panel advised Cr Davis that it had been reported that the Councillors found the email to be distressing and undermining of collegial working relationships, and that it was viewed as escalating an unsafe and antagonistic workplace environment/Council culture. He was advised that this information was included with the allegations solely to demonstrate the potential impact of the alleged behaviour, not as facts that the Panel must determine.

Cr Davis' response to the allegations

79. Cr Davis was afforded the opportunity to review the information submitted with the Complaint and to provide a submission on the allegations by close of business 29 October 2025. No submission was received by the Panel, at that time.
80. Following release of the Provisional Report on 25 February 2026, Cr Davis was provided with a further opportunity to address the allegations made against him.
81. Cr Davis made two "preliminary submissions" on 27 March 2026.
82. The Panel considered Cr Davis' responses at its meetings held on 31 March 2026 and 14 April 2026.
83. It was noted that Cr Davis' submissions contained a large number of claims relating to a lack of procedural fairness rather than the allegations put by the Panel. This was addressed in the above section "Procedural Fairness".
84. Cr Davis' submissions to the Panel repeatedly claim that he has not been provided with material relied upon by the Panel. This claim is rejected by the Panel and was addressed in the above section "Procedural Fairness".
85. Cr Davis' submission included the following statement –

"Without conceding the adequacy of the process to date, I deny that my conduct constitutes a breach of section 75G of the Local Government Act 1999.

The conduct in question occurred in a public setting, involved lawful activity, and was directed to matters of public accountability concerning the conduct of elected members. There is no evidence of any impact on physical or psychological health sufficient to engage the statutory test under section 75G”.

86. The above statement was considered in the context of the three allegations put to Cr Davis.
87. Where appropriate, Cr Davis’ responses will be incorporated below each allegation.

Provisional Findings

88. At its meetings of 18 November 2025, 31 March 2026 and 14 April 2026, the Panel considered all the information obtained during the inquiry into Cr Davis’ alleged serious misbehaviour and resolved to determine provisional findings about the Complaint.
89. The findings are as follows—

Allegation 1

90. That on 25 March 2025, at approximately between 8:00 to 9:00pm, Cr Davis engaged in behaviour at The Treasury, towards the Councillors in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Cr Davis’ response to Allegation 1

91. Cr Davis offered no evidence or reasons that explain or defend his actions in relation to Allegation 1 however as noted above he has stated “*I deny that my conduct constitutes a breach of section 75G of the Local Government Act 1999.*”

Panel Findings

92. The duties under section 75G of the Act apply specifically to council members and supplements the broader work, health, and safety duties applicable under the WHS Act.
93. Under section 75G(7) of the Act, health has the same meaning as in the WHS Act, which is defined as “**health** means physical and psychological health”.

94. The Panel considers that “reasonable care” under section 75G is assessed against an objective standard, having regard to the context and the responsibilities of council members under the Act.
95. The term “adversely affect” in section 75G(1)(a) is not defined in the Act and should be interpreted in light of the context and purpose of the statutory text. The Panel has adopted the ordinary meaning of “adverse”, which commonly includes being antagonistic in purpose or effect, opposing one’s interests or desire, or unfavourable or harmful.
96. In the context of section 75G(1)(a) of the Act, the Panel considers that “adversely affect” means to cause a negative impact on the physical or psychological health and safety of other members of council or employees of the council. This includes conduct that undermines or obstructs another person, is antagonistic in purpose or effect, opposes a person’s interests or wellbeing, or any other conduct which is otherwise harmful or detrimental. The phrase also captures conduct that creates risk or distress to a person if the effect is indirect or unintended.
97. This interpretation is supported by the Act’s object to promote a safe and respectful environment within local government through placing a duty on all council members to take reasonable care that their acts or omissions do not adversely affect the health and safety of other members or employees, and a duty to comply with any reasonable directions given to them to address behaviour that does not meet this obligation.
98. In considering whether Cr Davis had failed to comply with section 75G(1)(a) of the Act, the Panel considered whether Cr Davis took “reasonable care” to ensure that his actions did not adversely affect the health and safety of the Councillors and whether he should have reasonably foreseen that his conduct would have such an effect.
99. The Panel is satisfied that Cr Davis was asked by the Councillors to stop filming and photographing them whilst making commentary at The Treasury and due to his behaviour he was subsequently asked to leave the venue by The Treasury’s staff.
100. The supporting material accompanying the Complaint included correspondence from the Councillors outlining the adverse impacts they experienced as a result of Cr Davis’ behaviour, summarised as follows:
- **Actions at The Treasury:** The Councillors reported that Cr Davis took video footage and/or photographs of them without their consent and continued despite being asked to stop. Their statements described the

conduct as “shock[ing]”, “violat[ing]”, “intrusive”, “harassing”, “aggressive” and “intimidating”.

101. The Panel noted that Cr Davis’ explanation centres on contesting the definitions of the Act and the powers of the Panel and does not satisfactorily address the behaviour that was particularised in Allegation 1.
102. The Panel also noted that Cr Davis’ behaviour was considered to be inappropriate for a patron of the establishment by members of the Treasury staff. The Panel considers this to be indicative that the behaviour Cr Davis engaged in was judged to be inappropriate for any member of the community.
103. The Panel finds that Cr Davis failed to take reasonable care that his acts did not adversely affect the health and safety of other members of the Council and thereby contravened section 75G(1)(a) of the Act and thereby committed serious misbehaviour.

Allegation 2

104. That on 25 March 2025, at approximately between 8:00 to 9:00pm, Cr Davis uploaded material to social media in a manner that failed to comply with his obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Cr Davis’ response to Allegation 2

105. Cr Davis offered the following reasons to explain the behaviour he engaged in relating to Allegation 2.
106. Cr Davis stated: *“The actions in question were directed to raising and documenting concerns regarding the conduct of councillors in the exercise of their public functions”*.
107. And that it was a *“broader attempt to ensure transparency and accountability in public administration”*.
108. Cr Davis related his behaviour to *“the statutory role of a councillor”* further stating *“As an elected member, I am required to engage in scrutiny of council processes and the conduct of other members. That function necessarily involves raising concerns, asking questions, and, where appropriate, bringing matters to public attention”*.

109. Cr Davis stated that he considers *“The taking of photographs in a public place and the publication of commentary concerning the conduct of public officials are lawful activities.”*

Panel Finding

110. Paragraphs 92 to 98 above are repeated.
111. Despite requests to stop filming and taking photographs whilst at The Treasury, Cr Davis proceeded to publish a social media post with the photographs/video of the relevant Councillors at The Treasury, identifying the Councillors by name and image, accompanied by negative commentary questioning their integrity.
112. The supporting material accompanying the Complaint included correspondence from the Councillors outlining the adverse impacts they experienced as a result of Cr Davis’ behaviour, summarised as follows:
- **Social Media post:** The Councillors characterised the post as “humiliating”, “belittling”, “misrepresenting”, an “unjustified public attack” and “damaging to [their] reputations”, further stating that it created an “unsafe and hostile work environment”.
113. The Panel considered Cr Davis submissions and in particular noted Cr Davis referring to the *“statutory role of a councillor”* and Cr Davis assertion that *“As an elected member, I am required to engage in scrutiny of council processes and the conduct of other members”*
114. The Panel considered Cr Davis’ submissions in the context of the Act, in particular Chapter 5, Part 3 – Role of Members, section 59 – Roles of members of councils.
115. The Panel could identify no such requirement for Cr Davis to scrutinise the conduct of other members, rather, the Panel noted section 59(1)(a)(i) and (ii) states the requirement for council members to act with integrity; and to ensure positive and constructive working relationships within the council.
116. By pursuing this issue publicly and in such a manner, Cr Davis exacerbated the impact of his behaviour on the Councillors and exposed the Council to reputational harm.
117. The Panel finds that Cr Davis failed to take reasonable care that his acts did not adversely affect the health and safety of other members of the Council and thereby contravened section 75G(1)(a) of the Act and thereby committed serious misbehaviour.

Allegation 3

118. That on 9 April 2025, at 10:16am, Cr Davis emailed the identified Councillors with 11 questions relating to their presence at The Treasury on 25 March 2025, and copied this email to all other members of the Council and the Chief Executive Officer.

Cr Davis' response to allegation 3

119. Cr Davis offered no evidence or reasons that explain or defend his actions in relation to Allegation 3 however as noted above he has stated "*I deny that my conduct constitutes a breach of section 75G of the Local Government Act 1999.*"

Panel Finding

120. Paragraphs 92 to 98 above are repeated.
121. The Panel is concerned that Cr Davis copied in all other members of the Council into this email, which Cr Davis should have foreseen could have impacted their views of and undermined the Lord Mayor and other Councillors.
122. The supporting material accompanying the Complaint included correspondence from the Councillors outlining the adverse impacts they experienced as a result of Cr Davis' behaviour, summarised as follows:
- **Email:** The Councillors described Cr Davis' email as "deliberate and concerted behaviour" asserting that Cr Davis was "intending to intimidate the councillors publicly" and demonstrated a pattern of behaviour of directly misrepresenting members of the council.
123. Cr Davis' submissions indicate that he believes he has a duty to scrutinise, document and publicise the conduct of other councillors in the interests of accountability.
124. As noted above, the Panel is unable to find any reference to a duty or requirement that prescribes the actions Cr Davis undertook as particularised in allegation three.
125. The Panel finds that Cr Davis failed to take reasonable care that his acts did not adversely affect the health and safety of other members of the Council and thereby contravened section 75G(1)(a) of the Act and thereby committed serious misbehaviour.

Provisional orders

126. The Panel may, after inquiring into a complaint referred to it, make one or more orders as provided for by section 262W(1) of the Act.

127. At its meeting of 18 November 2025, the Panel resolved to determine the following provisional orders—

- That the Panel reprimand Cr Davis with a published statement about his behaviour (pursuant to section 262W(1)(a) of the Act).
- That Cr Davis be required to issue a public apology at an ordinary meeting of the Council, in the following manner as determined by the Panel (pursuant to section 262W(1)(c) of the Act)—
 - the apology must clearly acknowledge that it was wrong to—
 - video and/or photograph his fellow Council members without their permission, and to continue to do so despite being requested to stop;
 - upload this content onto social media; and
 - send an email, which copied in all the other Council members, questioning the Councillors' non-attendance at the special Council meeting and their integrity and commitment to their functions and duties; and
 - that by doing so, he had breached his health and safety duty under section 75G(1)(a) of the Act as a Council member and committed serious misbehaviour, on three occasions.
- That Cr Davis be suspended from the office of member of the Council for a period of three months without an allowance, pursuant to section 262W(1)(g) of the Act.

Cr Davis' response to the provisional report

128. Cr Davis provided submissions to the Panel on 27 March 2026 in response to the letter of allegations and the provisional report. The submissions are focussed on what Cr Davis sees are errors in the Panel's process, his interpretations of the Panel's powers and duties, and validity of their decisions.

129. Cr Davis' response included the following relevant points:

“The orders imposed are disproportionate to the conduct alleged. The requirement to issue a public apology in prescribed terms, together with a suspension without allowance, represents a significant sanction”.

“the order imposed represents the most severe sanction available to the Panel under section 262W, namely suspension from office for a period of up to three months, with or without allowance. The Panel has elected to impose that maximum form of penalty without providing any adequate reasoning as to why such an extreme measure is necessary in the circumstances”.

130. The Panel carefully considered Cr Davis’ submissions made in response to the provisional findings and orders contained in the provisional report and noted his objections.
131. The Panel rejects Cr Davis’ assertions relating to their processes, powers and duties as unfounded.
132. Ultimately, the Panel was not persuaded by Cr Davis’ arguments that the provisional orders were disproportionate to the behaviour engaged in by Cr Davis and his submissions were not sufficient to alter the Panel’s provisional findings which are further examined below.
133. As detailed in the *Panel’s Practice Direction 5: Action and Report on Inquiry*, the Panel may consider (but is not limited to) the following factors when determining appropriate action to take in the circumstances.

Nature and seriousness of the misbehaviour

134. Cr Davis was asked to stop the unwanted behaviour that he directed towards the Councillors at The Treasury but chose to continue filming or photographing the relevant Councillors, resulting in staff at the venue requesting him to leave. This conduct fell below the basic standards expected of members of the public, and significantly below the standards required of elected officials.
135. Cr Davis compounded this behaviour by uploading the filmed or photographed content to social media. The social media post clearly identified the Councillors through the inclusion of their names and images, accompanied by accusatory commentary questioning their integrity and compliance with obligations.
136. Publishing this content on social media after being asked to stop demonstrates a failure to take reasonable care to avoid adversely affecting the health and safety of the Councillors, and created reputational risk for the Council as a whole.

137. Cr Davis further escalated the situation by emailing the Councillors and copying in all other members of the Council after the event, amplifying the impact of his behaviour.
138. When a council member is asked to cease behaviour that is negatively affecting another member and chooses to continue that behaviour, it clearly demonstrates a failure to exercise reasonable care to prevent adverse effects on health and safety.
139. In the Panel's view, Cr Davis' decisions to persist and escalate his conduct following clear requests to desist significantly increases the seriousness of his behaviour.
140. The Panel also took into account the material provided with the Complaint which included information about two prior incidents in which Cr Davis was warned about similar behaviour creating health and safety risks for council members and council staff. In particular—
- a. Cr Davis had previously received correspondence from the Lord Mayor regarding concerns that had been raised about his behaviour associated with filming officers (employees) of the Council without their consent. This correspondence followed a work, health and safety complaint lodged with the Council's Chief Executive Officer in relation to actions that occurred at the Council's offices in October 2023.
 - b. In correspondence dated 10 December 2024 between the Lord Mayor and Cr Davis regarding the Lord Mayor's intention, as a responsible person, to issue him with reasonable directions in accordance with section 75G of the Act, noting that—
 - This related to separate complaints that had been received by the Lord Mayor about his alleged disruptive behaviours in meetings, and in internet and phone communications with and about members of the Council.
 - The Lord Mayor's letter raised concerns that Cr Davis' *"style of communication"* went *"beyond legitimate policy criticism"* and *"unnecessarily seeks to impugn the honesty or personal qualities or attributes of other councillors"*.
 - The Lord Mayor advised that she considered that circumstances existed where *"there is a heightened risk that further comments by you which impugn the honesty and personal qualities or attributes of other councillors, whether in the Council chamber, in another public forum (such as on the internet) or in direct communications*

with those councillors may lead to adverse effects to the health and safety of fellow councillors”.

141. The Panel considers that Cr Davis was clearly aware of the potential adverse effects of his prior similar behaviour. Despite this, he failed to take reasonable care to ensure that his actions did not adversely affect the health and safety of the Councillors when he engaged in unauthorised filming and commentary at The Treasury, including after being asked to stop. He also failed to take reasonable care when he subsequently uploaded the content onto his social media, which post identified the Councillors by name and included clear images of them.
142. This conduct was further compounded by his decision to send an email to those Councillors, copied to all Council members, the tone and content of which was accusatory, inflammatory, and/or antagonistic, and could reasonably be regarded as impugning the integrity of the identified Councillors.
143. Cr Davis was clearly on notice of the potential adverse effects of his conduct yet he repeatedly disregarded those warnings and the evident distress and discomfort of the Councillors involved.

Circumstances in which the misbehaviour occurred

144. Cr Davis chose to confront the Councillors in a public venue, and proceeded to film them despite their requests to stop. Cr Davis' behaviour escalated to the point where staff at The Treasury asked Cr Davis to leave, indicating that his behaviour was perceived as aggressive and threatening.
145. Filming individuals after they have expressly requested otherwise poses a clear risk to their health and safety. Doing so in a public setting, in a manner that was perceived as intimidating by the Councillors and others present, heightened that risk. This was further compounded by Cr Davis' subsequent decision to publish the material on social media, with further belittling commentary.
146. By pursuing this issue publicly and in such a manner, Cr Davis exacerbated the impact of his behaviour on the Councillors and exposed the Council to reputational harm.

Period over which the misbehaviour occurred

147. While Cr Davis' actions occurred over a short timeframe, each was a deliberate and conscious decision.

Evidence of any personal benefit from the misbehaviour

148. The Panel received no evidence indicating that Cr Davis derived any personal benefit from his conduct.

Impact of the council member's misbehaviour on any person(s) affected by the misbehaviour

149. The supporting material provided with the Complaint included correspondence from the Councillors outlining the adverse effects to them as a result of Cr Davis' behaviour, as summarised as follows—

- **Filming/photography at the Treasury:** The Councillors described feeling “shocked”, and “violated” and characterised the behaviour as “intrusive”, “harassing”, “aggressive”, “intimidating”.
- **Social Media Post:** Cr Davis' social media post was described by the Councillors as “humiliating”, “belittling”, “misrepresenting” and an “unjustified public attack” and “damaging to [their] reputations”, and “creating an unsafe and hostile work environment”.
- **Email to all Council members:** The email was described as “deliberate and concerted behaviour” intended to “intimidate the councillors publicly” and indicative of a pattern of behaviour aimed at misrepresenting fellow members of the council.

Actual and potential consequences of the council member's misbehaviour

150. Cr Davis' behaviour has had a significant impact on his relationships with the councillors affected.

151. Significant Council resources have been expended in managing and progressing the Complaint through the Panel process.

152. The public nature of the behaviour, in which Cr Davis sought to shame or ridicule the councillors was brought to the attention of the elected member body. This may have had the effect of warning other councillors that they could face similar treatment from Cr Davis in future and could lead to a loss of trust, lack of support and increased dysfunction in the elected member body.

153. By choosing to pursue his concerns in the manner described (rather than through appropriate complaint channels) Cr Davis not only failed to meet expected standards of behaviour but also exposed the Council to reputational risk.

Whether the misbehaviour was inadvertent or ill-informed or the result of naivety, carelessness or misunderstanding

154. While Cr Davis' initial filming and photography of the Councillors could arguably have been "ill-informed" or "careless", the following factors demonstrate a deliberate disregard for his obligations under the Act and the potential adverse impact on the Councillors —

- Cr Davis had previously been warned about the health and safety risks of filming Council employees without their consent, which led to formal concerns being raised with the Chief Executive Officer of the Council.
- The Councillors expressly asked Cr Davis to stop filming and/or photographing the Councillors and he should have recognised their distress which they described as "intrusive", "harassing" and making them "feel violated".
- Despite these previous warnings and requests to stop on the day, Cr Davis consciously chose to upload the unauthorised content to his public social media platform, with accusatory commentary and later sent an aggressive email to all Council members.
- Cr Davis is an experienced elected member, having served for several years at both the City of Adelaide and the City of Burnside. He should have been aware of the behaviour standards expected of elected officials and the formal obligations under the Act.

155. Cr Davis' experience as a Council member includes the mandatory training he has undertaken in the role over several years. Accordingly, Cr Davis should also have known that concerns about other members' conduct must be raised through the required processes, such as the Council's adopted policies or as specified by relevant public integrity bodies. Instead, he chose to address his concerns in the manner described in this report.

156. If Cr Davis believed his actions were justified to address perceived misconduct, he was mistaken. There are clear and established avenues and adopted

processes for raising such concerns. As an experienced Council member, Cr Davis knew or should have known this.

Whether the council member has acknowledged and committed not to repeat misbehaviour

157. Cr Davis has shown no acknowledgement of the risk of the impact of the alleged behaviours and no indication of contrition or commitment to avoid repeating such conduct.
158. Cr Davis is adamant that he has not breached his health and safety duties under the Act and has defended his actions by stating he was fulfilling his obligations as an elected member. The Panel is of the view that Cr Davis is mistaken.

Significance of the consequences of the misbehaviour (from a public and/or a council perspective)

159. Serious misbehaviour undermines the functioning of a council and risks harming affected members or employees and damaging working relationships more broadly. Behaviour that divides a council body, and that requires significant resources to address, is contrary to the public interest.
160. This is particularly evident here, where Cr Davis' actions (confronting the Councillors in a public venue, posting accusatory content on social media, and emailing all council members) risked creating a public perception of the Council as conflict-ridden and ineffective.
161. Cr Davis should have recognised that his actions could harm the Council and the public interest.
162. He also ought reasonably to have known that his actions could be detrimental to the reputation of the Council.

Extent to which the misbehaviour reflects Council culture or common practice which needs to be addressed

163. The Panel has received no evidence to suggest that Cr Davis' conduct reflects a broader culture or common practice within the Council.

Whether action would be in the public interest

164. The Panel considers that taking action and issuing the provisional orders is in the public interest to act as both a specific and general deterrent to prevent Cr Davis and others from behaving in a similar manner that jeopardises the welfare of Councillors and other employees.

Other relevant considerations (including any other aggravating or mitigating factors)

165. The Panel did not identify any mitigating factors or other relevant considerations.

Amended Provisional Report

166. At the Panel's meeting of 31 March 2026, the Panel considered all aspects of the inquiry and the submissions received and determined to prepare an Amended Provisional Report and provide further opportunities for Cr Davis and the Lord Mayor to respond.
167. The Panel provided Cr Davis and the Lord Mayor with copies of the Amended Provisional Report and invited submissions.

Lord Mayor's submission on the Amended Provisional Report

168. The Lord Mayor provided a submission to the Amended Provisional Report which was considered at the Panel's meeting on 26 May 2026.
169. The Lord Mayor provided a comment about a meeting date in the Amended Provisional report that was noted and corrected (paragraph 82).
170. The Lord Mayor was supportive of the Panel's comments and provisional findings.

Cr Davis Submission on the Amended Provisional Report

171. Cr Davis provided a submission to the Amended Provisional Report which was considered at the Panel's meeting on 26 May 2026.
172. Cr Davis' submission was lengthy and reiterated Cr Davis' previous views about procedural fairness, the Panel's jurisdiction, interpretation of legislation and offers Cr Davis' assumptions and opinions about how the Panel operates.
173. Cr Davis maintains that his behaviour was lawful and at all times he was behaving in a manner consistent with the expectations of an elected member.

174. Cr Davis objected to the proportionality of the provisional orders made by the Panel and felt that the sanctions were excessive.
175. Cr Davis' submission contained a significant amount of information regarding matters that were irrelevant to the Panel's inquiry and provisional findings. In particular, the response referred to:
- a. Accusations and counter allegations relating to Cr Elliot that had no relevance to the allegations put to Cr Davis by the Panel.
 - b. An alleged pattern of bullying against Cr Davis throughout the current council term allegedly involving numerous elected members.

Panel consideration of Cr Davis' submission

176. The Panel noted Cr Davis' submission and considered the relevant matters raised.
177. The Panel has previously addressed Cr Davis' complaints about procedural fairness (see Procedural Fairness above) and the information Cr Davis was provided with by the Panel as part of the inquiry.
178. Cr Davis' disagreement with Panel procedures and processes are not supported or sufficient to suspend the inquiry or for the Panel to recuse itself as Cr Davis has requested.
179. The Panel examined Cr Davis' explanation as to why he had not engaged in the Panel's inquiry process until the final stages and concluded that no good reason had been provided.
180. The Panel also noted Cr Davis' conjecture that the timeframes provided for making submissions throughout the inquiry was too short, however balancing the obligation for the Panel's requirement to proceed as expeditiously as possible, the Panel is satisfied that it has conducted its inquiry in accordance with the principles of procedural fairness and has provided reasonable timeframes throughout the Panel's inquiry.
181. Ultimately, Cr Davis' submissions did not persuade the Panel to change its provisional findings and orders.

Final Findings and Orders of the Panel

182. At its meeting of 26 May 2026, the Panel considered all elements of the inquiry and determined to make its provisional findings and orders made on 18 November 2025 final without alteration. The final report was approved by the Panel on 7 July 2026.

183. The Panel's findings are therefore that Cr Davis committed serious misbehaviour on three occasions as detailed above (see Provisional Findings).

184. The Panel orders that:

- It reprimands Cr Davis with a published statement about his behaviour (pursuant to section 262W(1)(a) of the Act).
 - The Panel reprimand is available at bsp.sa.gov.au/publications.
- Cr Davis is required to issue, a public apology in a manner determined by the Panel, pursuant to section 262W(1)(c) of the Act. (see Attachment 1)
- That Cr Davis be suspended from the office of member of the Council for a period of three months without an allowance, pursuant to section 262W(1)(g) of the Act.

Timeframe for orders

185. Cr Davis and the Council are required to have completed the above orders within two ordinary meetings of the Council following the date of publication of this report.

186. That Cr Davis' suspension be served immediately following Cr Davis' apology to Council or no later than two ordinary council meetings following the publication of this report, whichever is sooner.

187. The Panel requires written confirmation from the Council that these orders have been completed.

188. Should Cr Davis not comply with the Panel's orders the Council is required to lodge this matter with the South Australian Civil and Administrative Tribunal.

Final Comments from the Panel

189. The public expects local government bodies to operate in a way that efficiently and effectively promotes the best interests of the community.

190. Elected members are expected to perform their duties and fulfil their roles as community leaders. Failure to engage with communication from a Statutory Authority could be seen as a failure to act with due care and diligence expected of the position.

191. Council members are expected to behave courteously towards each other and maintain professional and constructive working relationships that support thoughtful and effective decision-making on behalf of that council's community.
192. The Panel is concerned that Cr Davis sought to excuse the conduct he engaged in by claiming "*the statutory role a councillor*" required him to "*engage in scrutiny of council processes and the conduct of other members. That function necessarily involves raising concerns, asking questions, and, where appropriate, bringing matters to public attention*".
193. The Panel notes that the Act, together with the *Behavioural Standards for Council Members*, provide explicit details on the requirements and expectations of elected members. These documents set out clear expectations and Cr Davis, with years of experience, including all the mandatory training and workshops Cr Davis has undertaken or been involved in, at multiple councils, ought to be familiar with those requirements and expectations.
194. While Council members are entitled to raise concerns and/or lodge formal complaints about the conduct of fellow members, this must be done through the formal channels and in a way that accords with their obligations under the Act. However, they should do so utilising the formal channels and tools provided under this and other Acts. Members should not assume the role of "judge, jury and executioner" particularly through public forums such as social media.
195. The Panel emphasises that when a council member becomes aware that their behaviour poses a risk to the health and safety of other council members or employees, they must take immediate steps to change this behaviour.

Attachment 1 — Apology

Pursuant to section 262W(1)(c) of the *Local Government Act 1999*, the Panel requires that—

- Cr Davis reads aloud the apology in full with no additional commentary, personal statement or other amendment at a public meeting of The City of Adelaide within two ordinary meetings of the Council following publication of the Panel's Final Report.
- The apology be recorded in full in the public minutes of the relevant meeting of the Council.

Apology to be read aloud by Cr Davis

In 2025, the City of Adelaide received several complaints about my behaviour relating to an incident on 28 March 2025 at The Treasury involving Councillors Carmel Noon, Keiran Snape and former Councillor David Elliott.

Following an inquiry into those complaints, the Behavioural Standards Panel has found that I committed serious misbehaviour as defined by the *Local Government Act 1999* on three occasions.

The Behavioural Standards Panel has ordered that I make this apology for my serious misbehaviour and acknowledge that it was wrong to:

- video and/or photograph my fellow Council members without their permission, and to continue to do so despite being requested to stop;
- upload this content onto social media which included an image of the Councillors and commentary that was accusatory in nature and publicly questioned the integrity of the Councillors; and
- send an email, which copied in all the other Council members, questioning the Councillors' non-attendance at the special Council meeting and their integrity and commitment to their functions and duties; and
- that by doing so, I had breached my health and safety duty under section 75G(1)(a) of the Act as a Council member and committed serious misbehaviour, on three occasions.

My breaches included that I failed to act in a manner consistent with my role and the standards expected of me, as I failed to take reasonable care to ensure that my acts or omissions did not adversely affect the health and safety of other council members.

The Behavioural Standards Panel has also reprimanded me by means of a public statement, published on its website.

I understand my role as a council member is to represent my community and behave in a way that meets public expectations. I acknowledge that my behaviour did not meet these expectations and I apologise unreservedly.

Additionally, I acknowledge that my actions had a detrimental effect, particularly on the individuals that were subject to it, and exposed the Council to reputational risk.

I therefore apologise unreservedly for my behaviour towards Councillor Noon, Councillor Snape and former Councillor Elliott.