

Strategic Alignment - Enabling Priorities

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EXECUTIVE SUMMARY

On 13 October 2021 the Chief Executive Officer (CEO) of the City of Adelaide (the Council) received an allegation that Cr Mary Couros had breached the Code of Conduct for Council Members (the Code).

Cr Phillip Martin (the Complainant) alleged that Cr Couros breached the Code by way of publishing a Facebook post, which referred to a Council Code of Conduct Investigation Report, as well as an organisation dedicated to preventing disrespect and violence towards women. Cr Martin alleged that the Facebook post clearly identified him as being the target of the post and inappropriately conflated his conduct with the aims of the organisation.

The CEO was required to undertake a Preliminary Enquiry into the Complaint to determine whether it warranted further action in accordance with clause 32 of the Standing Orders.

A Preliminary Enquiry found that there was prima facie evidence to suggest that there had been a breach of the Code. In accordance with Council's Standing Orders the matter proceeded to full investigation.

The report informs Council about the findings of the investigation.

RECOMMENDATION

THAT COUNCIL

1. Notes the report.
2. Notes that, following an investigation (Attachment A to Item 10.14 on the Agenda for the meeting of the Council held on 10 May 2022) into alleged breaches of the Code of Conduct for Council Members, it has been found the actions of Cr Couros have resulted in a breach of the following clauses of the Code:
 - 2.2 *Act in a way that generates community trust and confidence in the Council.*
 - 2.3 *Act in a reasonable, just, respectful, and non-discriminatory way when dealing with people.*
 - 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*
 - 2.8 *Endeavour to provide accurate information to the Council and to the public at all times.*
 - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
3. Notes that, considering the remedial action undertaken by Cr Couros, no further action be taken.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Standing Orders and Code of Conduct for Council Members
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	The Code requires that a breach of the Behavioural Code must be the subject of a report to a public meeting of the Council. In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. Following the Preliminary Enquiry process it was determined that, having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
2. In accordance with subclause 33.4 the Complainant and Cr Couros were advised that the matter was to be referred for further investigation.
3. The Complaint was referred to independent legal counsel for it to be investigated on an objective basis and in accordance with the Standing Orders and the principles of procedural fairness.
4. In accordance with clause 45 of the Standing Orders, all determined and substantiated breaches of the Code will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of breach and the name of the Council Member found in breach.
5. The investigation into the Complaint determined that Cr Couros' actions which were the subject of the Complaint breached the following clauses of the Code:
 - 2.2 *Act in a way that generates community trust and confidence in the Council.*
 - 2.3 *Act in a reasonable, just, respectful, and non-discriminatory way when dealing with people.*
 - 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*
 - 2.8 *Endeavour to provide accurate information to the Council and to the public at all times.*
 - 2.9 *Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.*
6. The findings and recommendation made for the Council's consideration are set out in the enclosed Final Investigation Report.
7. Where an investigation has determined that a breach of Part 2 of the Code has occurred, clause 2.24 of the Code provides that the breach must be the subject of a report to a public meeting of the Council.
8. It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders as follows:

43. Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction:

 - 43.1 take no action*
 - 43.2 pass a censure motion in respect of the Council Member*
 - 43.3 request a public apology, whether written or verbal*
 - 43.4 request the Council Member to attend training on the specific topic found to have been breached*
 - 43.5 resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected position on Council)*
 - 43.6 request the Council Member repay monies to the Council.*
9. The independent investigators recommended in their report that Cr Couros should take remedial action (voluntarily and genuinely) to delete the Facebook Post and remove the Public Comment and accept and acknowledge that the Facebook Post was not appropriate.
10. The recommended actions have been actioned by Cr Couros.

ATTACHMENTS

Attachment A – Final Investigation Report