

Behavioural Standards Panel



Final Report

Council Member	Cr Jane Davey
Council	City of Burnside
Referral by	Mayor Anne Monceaux and the City of Burnside
Panel Reference	25BSP-0006
Date Received	23 July 2025
Issues	Alleged misbehaviour, repeated misbehaviour and serious misbehaviour by a member of a council

22 July 2026

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Final Report

1. This report has been prepared on an inquiry undertaken by the Behavioural Standards Panel (the Panel) following a combined referral made by the Mayor, Anne Monceaux, as the principal member of the City of Burnside and the City of Burnside (the Council). The complaint alleged that Councillor Jane Davey (Cr Davey) had committed misbehaviour, repeated misbehaviour and serious misbehaviour as defined by section 262E of the *Local Government Act 1999* (the Act).
2. Cr Davey currently represents the Kensington Park Ward and has served as councillor continuously since being elected at the 2010 Council elections. Cr Davey had previously served as Councillor of the City of Burnside from 2003 to 2006.

Legislative Framework

3. Section 3 of the Act sets out of the objectives of the Act, which, amongst other things, include to—
 1. Provide a legislative framework for an effective, efficient, and accountable system of local government in South Australia.
 2. Ensure the accountability of councils to the community; and
 3. Define the powers of local government and the roles of councils members and officials.
4. Chapter 5 Part 4 Divisions 2 and 3 of the Act deal with member behaviour and health and safety duties, and sets out the specified standards, duties and responsibilities of council members that members are required to comply with.
5. 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.
6. Relevantly to this inquiry, section 262E of the Act provides that misbehaviour means—
 - (a.) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or
 - (b.) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or

- (c.) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.
7. Also, relevant to this inquiry, section 262E provides that—
1. repeated misbehaviour means—A second or subsequent failure by a member of a council to comply with Chapter 5, Part 4, Division 2 of the Act¹.
 2. serious misbehaviour means a failure by a member of a council to comply with section 75G of the Act.
8. Section 75G(1) of the Act provides 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.
9. Section 75G of the Act is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*: section 75G(6) of the Act.
10. Under section 75G(7) of the Act, **health** has the same meaning as in the *Work Health and Safety Act 2012*.
11. Section 4(1) of the *Work Health and Safety Act 2012* defines “health” as—
- health** means physical and psychological health.
12. 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.
13. 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

¹ Chapter 5 Part 4 Division 2 of the Act covers the behavioural standards for council members established by the Minister under s 75E of the Act and any behavioural support policies adopted by a council under s 75F of the Act.

- (b) is not bound by rules of evidence but may inform itself of any matter in any manner that the Panel considers appropriate.
14. The inquiry must be conducted in accordance with the principles of procedural fairness: section 262T(2) of the Act.

The Complaints

15. On 23 July 2025, Panel received a complaint in accordance with section 262Q of the Act that alleged misbehaviour, repeated misbehaviour and serious misbehaviour by Cr Davey.
16. In order to review the allegations contained in the complaint, the Panel categorised the allegations into Complaint 1, 2 and 3.
17. Complaint 1 was referred to the Panel by Mayor Anne Monceaux as the principal member of the Council in accordance with section 262Q(b) of the Act.
18. Complaints 2 and 3 were referred to the Panel by a resolution of the Council [C062025/13969] at its meeting on 17 June 2025, in accordance with sections 262Q(a) of the Act.
19. Please note that full particulars of each complaint where required are provided in 'Allegations'

Complaint 1 — Misbehaviour

20. It is alleged that—

At its meeting held on 17 June 2025, the Council received and considered an investigation report relating to Cr Davey's breaches of the *Behavioural Standards for Council Members* (BCM-2024-006). It is alleged that Cr Davey has not complied with requirements resolved by the Council at this meeting, as at its subsequent meeting held on 15 July 2025, Cr Davey failed to provide the apology for the complaint matter, as resolved by Council.

Complaint 2 — Repeated Misbehaviour

21. It is alleged that Cr Davey failed to comply with Chapter 5 Part 4 Division 2 of the Act on more than one occasion—

Complaint 2 — Allegation 1 — First alleged failure

22. At the Council meeting on 11 April 2023, the Council resolved [C110423/13408] to note the findings that Cr Davey had breached multiple clauses of the *Code of Conduct for Council Members* (the Code of Conduct) (in force at the time of the alleged breaches), following an investigation titled CoC22/02 relating to Cr Davey's behaviour during the scrutiny and count of votes for the Council election at the 2022 periodic elections, and that specified actions be taken by Cr Davey.

Complaint 2 — Allegation 2 — Second failure

23. At the Council meeting on 28 January 2025, the Council resolved [C12025/13878] to note the findings that Cr Davey breached multiple clauses of the *Behavioural Standards for Council Members* (the Behavioural Standards) following an investigation titled BMC-2024-001 relating to Cr Davey's behaviour towards Cr Henschke on numerous occasions, and that specified actions be taken by Cr Davey.

Complaint 2 — Allegation 3 — Third failure

24. At the Council meeting on 17 June 2025, the Council resolved [C62025/13969] to note the findings that Cr Davey breached multiple clauses of the Behavioural Standards following an investigation titled BMC-2024-006 relating to Cr Davey's comments in *The Advertiser* in November 2024, and that specified actions be taken by Cr Davey.

Complaint 3 — Serious Misbehaviour

25. It is alleged that Cr Davey committed serious misbehaviour on more than one occasion.

Complaint 3 — Allegation 1

26. That Cr Davey engaged in verbal and nonverbal communications directed at or in relation to Cr Henschke, in particular, at the Council Information Session held on 2 April 2024, the Council Information Session held on 21 May 2024, and at the ordinary Council meeting on 18 June 2024, in a manner that failed to comply with her obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Complaint 3 — Allegation 2

27. That on 17 September 2024, at an ordinary meeting of the Council that was public and being livestreamed, Cr Davey made a personal explanation to the Council in relation to reasonable directions that had been issued to her by Mayor Anne Monceaux under section 75G of the Act (on 16 September 2024). Cr Davey's personal explanation included details of the directions and commentary about Councillor Lillian Henschke. Cr Davey had also emailed and distributed hard copies of the directions and her submission to Mayor Monceaux to all the members of the Council. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Complaint 3 — Allegation 3

28. That on or around 1 and 2 November 2024 Cr Davey contributed to an article that was published in *The Advertiser* that detailed the contents of the reasonable directions that had been issued to Cr Davey by Mayor Monceaux under section 75G of the Act (on 16 September 2024) and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Complaint 3 — Allegation 4

29. That on or around 20 February 2025, Cr Davey contributed to an article that was published in *InDaily* which contained details of Cr Davey's personal statement that Cr Davey sought to present to the meeting of the Council on 17 September 2024 about the reasonable directions issued to her by Mayor Monceaux under section 75G of the Act and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Inquiry

30. In undertaking the inquiry, the Panel took all steps to provide procedural fairness to all parties. The Panel—
- Designated the Complaint 25BSP-0006.

- Assessed the Complaint.
- Determined to deal with the Complaints. In accordance with section 262R(1) of the Act, the Panel's presiding member determined that the Panel would deal with the Complaints as one complaint of misbehaviour, one complaint of repeated misbehaviour comprising three allegations and one complaint serious misbehaviour comprising four allegations.
- Considered the Complaints in the context of the Act, the Panel's practice directions, and guidance papers.
- Advised Cr Davey and Mayor Monceaux that the Panel would deal with the complaint and commenced the inquiry.
- Provided a letter to Cr Davey that detailed the three complaints and sub allegations (refer list of correspondence below).
- Provided Cr Davey with the opportunity to view documents provided with the Complaint and to respond to the allegations through written submissions.
- Provided Cr Davey with an additional seven days to provide submissions in response to the letter of allegations.
- Held a document inspection session for Cr Davey, as requested, on Friday 16 January 2026.
- Considered Cr Davey's submissions to the letter of allegations
- Met to discuss findings relating to the Complaints and
- Prepared a report of provisional findings and orders, which was provided to both Cr Davey and the Council.
- Provided Cr Davey and the Council with the opportunity to respond to the provisional findings and orders.

Standard of Proof

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

32. The Panel's *Practice Direction 5: Action and Report on Inquiry* 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 misbehaviour² occurred than that it did not occur, and on the facts, information and evidence available to the Panel.

Procedural Fairness

33. A timeline of correspondence related to this inquiry is included below. All correspondence to the Mayor and Cr Davey was sent via email to their Council email addresses —

Complaints received by the Panel	23 July 2025	Note due to the size of the referral documents 5 emails were received on 23/07/25, these emails comprise the Complaints
To Cr Davey	13 August 2025	Advising of the referral and determination to deal with referral.
To Mayor Monceaux	13 August 2025	Determination to deal with referral
To Cr Davey	24 December 2025	Letter of Allegations – submissions due COB 23 January 2026
To Mayor Monceaux	24 December 2025	Letter of Allegations
From Cr Davey	5 January 2026	Request for extension of period to receive submissions
To Cr Davey	14 January 2026	Request granted to 30 January 2026
From Cr Davey	14 January 2026	Request to inspect documents
To Cr Davey from Panel	15 January 2026	Inspection of document appointment confirmation including protocols.
From Cr Davey	30 January 2026	Submission regarding the letter of allegations

² 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/From City of Burnside contact officer	7-8 April 2026	Query relating to costs of investigations
To Cr Davey	17 April 2026	Release of provisional report (submissions requested 8 May 2026)
To Mayor Monceaux and Ms Julia Grant	17 April 2026	Release of provisional report (submissions requested by 8 May 2026)
From Mayor Monceaux	20 April 2026	Typographical error identified
To Cr Davey	20 April 2026	Corrected Provisional Report reissued
To Mayor Monceaux and Ms Julia Grant	20 April 2026	Corrected Provisional Report reissued
From Wendy Matthews for Mayor Monceaux	29 April 2026	Submission
From Cr Davey	8 May 2026	Submission part 1
From Cr Davey	8 May 2026	Submission part 2
From Cr Davey	10 May 2026	Submission part 3

34. On 13 August 2025, the Panel advised Cr Davey that she was subject to a complaint that had been received by the Panel and that it had determined to inquire into it in accordance with Chapter 13 Part A1 Division 2 of the Act.
35. On 24 December 2025, the Panel sent a letter of allegations to Cr Davey. This letter detailed the three complaints and sub allegations that were the subject of the Panel's inquiry and provided Cr Davey with a four-week period (to 23 January 2026) to make submissions on the allegations. The Panel also provided Cr Davey with an opportunity to view the documents relating to the inquiry during this period. This letter was also provided to the Mayor for her information.
36. In this correspondence, the Panel advised Cr Davey that it would consider any written submissions provided by close of business 23 January 2026 as part of its inquiry into the complaints, and that should Cr Davey 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.

37. On 5 January 2026, Cr Davey wrote to the Panel to request a two-week extension to provide submissions (to 6 February 2026).
38. At its meeting of 13 January 2026 the Panel considered Cr Davey's request and agreed to grant an extension to 30 January 2026.
39. On 14 January 2026, Cr Davey was informed of the extension.
40. On 14 January 2026, Cr Davey wrote to the Panel acknowledging the extension and requested an appointment to view the documents associated with the Complaints.
41. On 15 January 2026, the Panel granted Cr Davey's request to view the documents and conditions of the inspection were provided.
42. Cr Davey viewed hard copies of the documents relating to the complaints on 16 January 2026 from approximately 11:40 am to approximately 4:40 pm.
43. In accordance with the inspection conditions, Cr Davey was accompanied by members of the Panel's secretariat.
44. The Panel received a submission from Cr Davey on 30 January 2026 at 6:35pm, with submissions having been requested by 5:00pm on that day.
45. At its meeting on 3 February 2026, the Panel determined to accept Cr Davey's submission for consideration.
46. The Panel sought information from the Ombudsman following a statement made by Cr Davey.
47. The Panel considered the matter and made findings at its meeting of 26 February 2026.
48. Cr Davey, Mayor Monceaux and Council Chief Executive Officer Ms Julia Grant were provided with a copy of the Provisional Report and provided with an opportunity to provide written submissions.
49. The submissions received were considered at Panel meetings held on 5 May 2026 and 26 May 2026.

Complaint Referral

50. As noted above, the Panel received the referral from the Mayor on 23 July 2025 and following consideration, determined to conduct an inquiry into the Complaint.

51. Following further examination of the Complaint, the Panel determined to inquire into three complaints with sub allegations that are detailed further below.

Allegations

Complaint 1 — Misbehaviour

52. It is alleged that—
53. At its meeting held on 17 June 2025, the Council received and considered an investigation report relating to Cr Davey’s breaches of the Behavioural Standards for Council Members (BCM-2024-006). It is alleged that Cr Davey has not complied with requirements resolved by the Council at this meeting, as at its subsequent meeting held on 15 July 2025, Cr Davey failed to provide the apology for the complaint matter, as resolved by Council, being—

That Council...

5. *Requires that Councillor Davey:*

makes a public apology at the 15 July 2025 Ordinary Council Meeting and specifically reference and acknowledge that her behaviour in making comments to The Advertiser in November 2024:

constituted a breach of the Standards;

were disparaging, and did not generate community trust and confidence in the Council

inappropriately referenced Ombudsman complaints/reports;

provided inaccurate information about the existence of directions and complaints (with Councillor Davey failing to correct the public record); and

included disrespectful and bullying comments about Councillor Henschke.

- a. *prior to the public apology at the 15 July 2025 Ordinary Council Meeting, provide a copy of the apology in writing to the Mayor for pre-approval. [C62025/13969]*

Complaint 2 – Repeated Misbehaviour

54. It is alleged that Cr Davey failed to comply with Chapter 5 Part 4 Division 2 of the Act on more than one occasion—

Allegation 1 – First alleged failure

55. At the Council meeting on 11 April 2023, the Council resolved [C110423/13408] to note the findings that Cr Davey had breached multiple clauses of the *Code of Conduct for Council Members* (the Code of Conduct) (in force at the time of the alleged breaches), following an investigation titled CoC22/02 relating to Cr Davey's behaviour during the scrutiny and count of votes for the Council election at the 2022 periodic elections, and that specified actions be taken by Cr Davey.

Note: in accordance with Regulation 17 of the *Local Government (Transitional Provisions) Regulations 2021*, in determining whether a failure by a member of a council to comply with Chapter 5 Part 4 Division 2 of the Act is a second or subsequent such failure for the purposes of the definition of **repeated misbehaviour** in section 262E of the Act, a previous failure by the member to comply with Part 2 of former Code of Conduct³ may be taken into account by the Panel and may be treated as if it were a 'first failure' to comply with Chapter 5 Part 4 Division 2.

Allegation 2 – Second failure

56. At the Council meeting on 28 January 2025, the Council resolved [C12025/13878] to note the findings that Cr Davey breached multiple clauses of the *Behavioural Standards for Council Members* (the Behavioural Standards) following an investigation titled BMC-2024-001 relating to Cr Davey's behaviour towards Cr Henschke on numerous occasions, and that specified actions be taken by Cr Davey.

Allegation 3 – Third failure

57. At the Council meeting on 17 June 2025, the Council resolved [C62025/13969] to note the findings that Cr Davey breached multiple clauses of the Behavioural Standards following an investigation titled BMC-2024-006 relating to Cr Davey's comments in *The Advertiser* in November 2024, and that specified actions be taken by Cr Davey.
58. The Panel noted that the Council's complaint referral included information regarding other complaints of alleged breaches of the Behavioural Standards by

³ The *Code of Conduct for Council Members*, published in the *Government Gazette* on 29 August 2013, was the "code of conduct to be observed by members of councils under section 63 of the Act (as in force immediately before its repeal by section 27 of the *Statutes Amendment (Local Government Review) Act 2021*).

Cr Davey, which were attempted to be dealt with through informal processes and/or actions by the Council.

59. While these complaints and informal processes/actions were not themselves the subject of factual findings, this information (along with other information obtained in the inquiry) may be considered by the Panel when considering relevant factors in determining any appropriate action to take in the circumstances, in accordance with the *Panel's Practice Direction 5 – Action and Report on Inquiry*.

Complaint 3 – Serious Misbehaviour

60. It is alleged that Cr Davey committed serious misbehaviour on more than one occasion.

Allegation 1

61. That Cr Davey engaged in verbal and nonverbal communications directed at or in relation to Cr Henschke, in particular, at the Council Information Session held on 2 April 2024, the Council Information Session held on 21 May 2024, and at the ordinary Council meeting on 18 June 2024, in a manner that failed to comply with her obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

- a) At all material times Cr Davey was a member of the Council.
- b) At all material times Councillor Lillian Henschke was a member of the Council.
- c) At all material times Cr Davey was required to comply with her 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*”.
- d) At the Council Information Session held on 2 April 2024 Cr Davey, in the presence of all other attendees, interrupted Cr Henschke while she was speaking and criticised her when she stated she could not attend all Council meetings and information or briefing sessions. Cr Davey stated words to the effect that “we all have commitments” which by Cr Davey's words and the manner of her expression constituted a

negative reflection on Cr Henschke's commitment to her role and duties as a member of the Council.

- e) At the Council Information Session held on 21 May 2024 Cr Davey, in the presence of all other attendees, interrupted Cr Henschke while she was speaking and stated words to the effect that she did not wish to be lectured by Cr Henschke.
- f) At the ordinary Council meeting on 18 June 2024 Cr Davey, in the presence of all other attendees laughed at Cr Henschke in what is described as a mocking laugh, as Cr Henschke was speaking to a motion.
- g) Cr Davey's acts as particularised in paragraphs d, e and f above were subject to a Council resolution [C12025/13878] to note the findings that Cr Davey breached multiple clauses of the Behavioural Standards following an investigation titled BMC2024-001 relating to Cr Davey's behaviour towards Cr Henschke, which combined, amounted to a breach of section 3.2 of the Behavioural Standards – "*Council members must not bully other Council members*".
- h) Cr Davey ought reasonably to have known that her acts as particularised above could adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- i) Cr Davey breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the act particularised above Cr Davey failed to take reasonable care that her acts did not adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- j) By failing to comply with section 75G(1)(a) Cr Davey committed serious misbehaviour as defined in section 262E of the Act.

Allegation 2

- 62. That on 17 September 2024, at an ordinary meeting of the Council that was public and being livestreamed, Cr Davey made a personal explanation to the Council in relation to reasonable directions that had been issued to her by Mayor Anne Monceaux under section 75G of the Act (on 16 September 2024). Cr Davey's personal explanation included details of the directions and commentary about Councillor Lillian Henschke. Cr Davey had also emailed and distributed

hard copies of the directions and her submission to Mayor Monceaux to all the members of the Council. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

- a) Paragraphs a, b and c of Allegation 1 of Complaint 3 are repeated.
- b) On 16 September 2024, Mayor Anne Monceaux, as a responsible person under section 75G of the Act, issued reasonable directions to Cr Davey, for the purposes of ensuring that Cr Davey's acts or omissions did not adversely affect Councillor Henschke's health and safety (the Directions Version 1). The Directions Version 1 included—

1.2 *You must not verbally:*

1.2.1 make or direct any comment, query or request to Councillor Henschke; or

1.2.2 make any comment or allegation about Councillor Henschke, Cr Henschke's conduct or the manner in which Cr Henschke has or will perform her role, function or position as a member of the Council to any other Councillor or Council employee in circumstances where such comments or allegations could be overheard by Councillor Henschke.

- c) At all material times, Cr Davey was required to comply with the Directions Version 1.
- d) At all material times Cr Davey was required to comply with her statutory obligation under section 75(1)(b) of the Act which provides that a member of a council must *"comply, so far as 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"*.
- e) On 17 September 2024, at an ordinary meeting of the Council that was public and being livestreamed, Cr Davey made a personal explanation to the Council in relation to the Directions Version 1 and made commentary about Councillor Henschke, stating: *"I, I do not know what*

is wrong with Cr Henschke, but, um this has been issued, um, and I thought you should be aware of it".

- f) In addition to Cr Davey's personal statement in the Council chamber, on 17 September 2024, Cr Davey emailed a copy of the Directions Version 1 and a submission to Mayor Monceaux on the proposed directions to all elected members at 6:51pm. Cr Davey also distributed hardcopies of the Directions Version 1 and her submission to Mayor Monceaux to all members of the Council prior to or at this meeting.
- g) Cr Davey ought reasonably to have known that her acts as particularised above could adversely affect the health and safety of member and/or employees of the Council, specifically Councillor Henschke.
- h) Cr Davey breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the act particularised above Cr Davey failed to take reasonable care that her acts did not adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- i) Cr Davey also breached her statutory obligations under section 75G(1)(b) of the Act in that by engaging in the act particularised above, Cr Davey failed to comply, so far as she was reasonably able, with the Directions Version 1.
- j) By failing to comply with section 75G(1)(a) and section 75G(1)(b) Cr Davey committed serious misbehaviour as defined in section 262E of the Act.

Allegation 3

- 63. That on or around 1 and 2 November 2024 Cr Davey contributed to an article that was published in *The Advertiser* that detailed the contents of the reasonable directions that had been issued to Cr Davey by Mayor Monceaux under section 75G of the Act (on 16 September 2024) and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

- a) Paragraphs a, b and c of Allegation 1 of Complaint 3 are repeated.
- b) Paragraphs b, c and d of Allegation 2 of Complaint 3 are repeated.
- c) On or around 1 and 2 November 2024 articles were published in *The Advertiser* newspaper (online and in print) that detailed the contents of the reasonable directions that had been issued to Cr Davey by Mayor Monceaux on 16 September 2024. The article contained quotes directly attributed to Cr Davey including “*I certainly don’t believe I’ve bullied Cr Henschke*”, “*I don’t know what problem she’s got*” and that Cr Davey believed she was being made “*a scapegoat for something*”.
- d) Cr Davey ought reasonably to have known that her acts as particularised above could adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- e) Cr Davey breached her statutory obligation under section 75G(1)(a) of the Act in that by engaging in the particulars set out above she failed to take reasonable care that her acts did not adversely affect the health and/or safety of members or employees of the Council, specifically Councillor Henschke.
- f) Cr Davey also breached her statutory obligation under section 75G(1)(b) of the Act in that by engaging in the particulars set out above, Cr Davey failed to comply, so far as she was reasonably able, with the Directions Version 1 that were given by Mayor Monceaux.
- g) By failing to comply with section 75G(1)(a) and section 75G(1)(b) Cr Davey committed serious misbehaviour as defined in section 262E of the Act.

Allegation 4

- 64. That on or around 20 February 2025, Cr Davey contributed to an article that was published in *InDaily* which contained details of Cr Davey’s personal statement that Cr Davey sought to present to the meeting of the Council on 17 September 2024 about the reasonable directions issued to her by Mayor Monceaux under section 75G of the Act and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and

thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Particulars

- a) Paragraphs a, b and c of Allegation 1 of Complaint 3 are repeated.
- b) On 16 December 2024, Mayor Monceaux issued a new version of the reasonable directions (the Directions Version 2) that included the additional following direction:
 - 3. These directions are confidential and will remain so unless both parties agree in writing with the Responsible Person to their disclosure.
- c) The Directions Version 2 also still included the following direction:
 - 1.2 *You must not verbally:*
 - 1.2.1 *make or direct any comment, query or request to Councillor Henschke; or*
 - 1.2.2 *make any comment or allegation about Councillor Henschke, Cr Henschke's conduct or the manner in which Cr Henschke has or will perform her role, function or position as a member of the Council to any other Councillor or Council employee in circumstances where such comments or allegations could be overheard by Councillor Henschke.*
- d) At all material times, Cr Davey was required to comply with the Directions Version 2.
- e) At all material times Cr Davey was required to comply with her statutory obligation under section 75(1)(b) of the Act which provides that a member of a council must "*comply, so far as 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*".
- f) On or around 20 February 2025, Cr Davey contributed to an article that was published in *InDaily* which contained details of Cr Davey's personal statement that Cr Davey sought to present to the meeting of the Council on 17 September 2024 about the reasonable directions

issued to Cr Davey by Mayor Monceaux under section 75G of the Act (on 16 September 2024) and included commentary directly attributed to Cr Davey about Councillor Henschke.

- g) Cr Davey ought to have known that the directions were confidential and Cr Davey did not have agreement by both parties in writing with the Responsible Person to their disclosure.
- h) Cr Davey ought reasonably to have known that her acts as particularised above could adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- i) Cr Davey breached her statutory obligation under section 75G(1)(a) of the Act in that by sending the email particularised above Cr Davey failed to take reasonable care that her acts did not adversely affect the health and safety of members and/or employees of the Council, specifically Councillor Henschke.
- j) Cr Davey also breached her statutory obligation under section 75G(1)(b) of the Act in that by engaging in the particulars set out above, Cr Davey failed to comply, so far as she was reasonably able, with the Directions that were given by Monceaux.
- k) By failing to comply with section 75G(1)(a) and section 75G(1)(b) Cr Davey committed serious misbehaviour as defined in section 262E of the Act.

65. It has been reported that Cr Davey's behaviour, as particularised in the above allegations to Complaint 3, was experienced by Cr Henschke as distressing, humiliating, damaging to her reputation, and that it was viewed as escalating an unsafe and antagonistic workplace environment/council culture. This information is included solely to demonstrate the potential impact of the alleged behaviour, not as facts that the Panel must determine.

Cr Davey's response to the allegations

66. Cr Davey was afforded the opportunity to review the information submitted with the referral and to provide a submission on the allegations by close of business, 30 January 2026.
67. Cr Davey provided a submission on 30 January 2026 to the Panel that was initially considered at its meeting on 3 February 2026 and further considered at its meeting of 24 February 2026.

68. Cr Davey's response to the Panel consisted of an email with three attachments.
69. Attachment one was a copy of Cr Davey's Statement to the Council which Cr Davey stated was required by investigation BMC-2024-006.
70. The Panel noted that this statement was a copy of the "Personal Explanation" that Cr Davey presented to the Council on 17 June 2025 prior to the resolutions made in association with BMC-2024-006
71. It was also noted that this statement had been previously received by the Panel as part of the original complaint documentation and offered no new information.
72. Attachment two was Cr Davey's response to Mayor Monceaux made on 1 August 2024 in relation to a complaint that became BMC-2024-001, investigated by Sparke Helmore Lawyers.
73. The Panel noted that Cr Davey's response was extensively referenced in the Sparke Helmore investigation BMC-2024-001. This investigation report had been included in the material referred to the Panel to support the Complaint.
74. Attachment three was a letter to the Panel in which Cr Davey described her reaction to the allegations, her history and time as a councillor and further background.

Complaint to the Ombudsman

75. Cr Davey stated that she had made a complaint to the Ombudsman in relation to CoC22/02 and had not had a chance to seek authorisation to disclose outcomes to the Panel.
76. Therefore, the Panel sought advice from the Ombudsman in relation to Cr Davey's statement about making a complaint to the Ombudsman. The Ombudsman could not identify a complaint from Cr Davey specifically relating to CoC22/02. (The Ombudsman has provided authorisation to the Panel to include this information in this report.)

Provisional Findings

77. At its meeting of 24 February 2026, the Panel considered all the information obtained during the inquiry into Cr Davey's alleged misbehaviour, repeated misbehaviour and serious misbehaviour and resolved to determine provisional findings about the Complaint.

78. The findings are as follows (note for full particulars of each complaint/allegation please refer to section 'Allegations'—

Complaint 1

79. It is alleged that—

That at its meeting held on 17 June 2025, the Council received and considered an investigation report relating to Cr Davey's breaches of the Behavioural Standards for Council Members (BCM-2024-006). It is alleged that Cr Davey has not complied with requirements resolved by the Council at this meeting, as at its subsequent meeting held on 15 July 2025, Cr Davey failed to provide the apology for the complaint matter, as resolved by Council.

Panel Finding 1

80. Cr Davey submitted "I made a public apology to the Council meeting on 15 July 2025 as required by Council on 17 June 2025 in relation to the comments I made to the Advertiser in November 2024 when contacted by their journalist."
81. The minutes of the Council's 15 July 2025 meeting contained no record of an apology made by Cr Davey.
82. The supporting material included with the Complaint included statements from Cr Davey to the Council's Chief Executive Officer that she would not be making any further apology.
83. The Council resolution also included specific tasks related to the apology that were also not undertaken by Cr Davey,
84. The Panel found that Cr Davey failed to comply with the requirements specified by the Council and had therefore committed misbehaviour as defined under section 262E of the Act.

Complaint two

85. It is alleged that Cr Davey failed to comply with Chapter 5 Part 4 Division 2 of the Act on more than one occasion –

Complaint 2 - Allegation 1 – First alleged failure

86. At the Council meeting on 11 April 2023, the Council resolved [C110423/13408] to note the findings that Cr Davey had breached multiple clauses of the Code of

Conduct for Council Members (the Code of Conduct) (in force at the time of the alleged breaches), following an investigation titled CoC22/02 relating to Cr Davey's behaviour during the scrutiny and count of votes for the Council election at the 2022 periodic elections, and that specified actions be taken by Cr Davey.

Complaint 2 - Allegation 2 – Second failure

87. At the Council meeting on 28 January 2025, the Council resolved [C12025/13878] to note the findings that Cr Davey breached multiple clauses of the Behavioural Standards for Council Members (the Behavioural Standards) following an investigation titled BMC-2024-001 relating to Cr Davey's behaviour towards Cr Henschke on numerous occasions, and that specified actions be taken by Cr Davey.

Complaint 2 - Allegation 3 – Third failure

88. At the Council meeting on 17 June 2025, the Council resolved [C62025/13969] to note the findings that Cr Davey breached multiple clauses of the Behavioural Standards following an investigation titled BMC-2024-006 relating to Cr Davey's comments in The Advertiser in November 2024, and that specified actions be taken by Cr Davey.

Panel Finding 2

89. Cr Davey submitted that she had made a complaint to the Ombudsman about Council investigation CoC22/02 and had not had a chance to seek authorisation to disclose the outcomes to the Panel (see above).
90. Cr Davey submitted her belief that the findings in relation to BMC-2024-001 are "not legitimate and sustainable"
91. Cr Davey made comments about the apparent behaviour of other members of the Councils and offered no other submission in relation to her repeated behaviour, Cr Davey's submission sought to deflect from the seriousness of multiple investigations into her behaviour.
92. The Panel noted that all three independent investigations have been undertaken and finalised in accordance with Council's policies. The resultant investigation reports have been received and noted by the Council and the Council resolved that specified actions be taken by Cr Davey.

93. The Panel determined to accept that CoC22/02 was the initial failure to comply with Chapter 5 Part 4 Division 2 of the Act and that investigations BMC-2024-001 and BMC-2024-006 were accepted as the second and third failures.
94. Accordingly, the Panel found that Cr Davey had a second or subsequent failure to comply with Chapter 5 Part 4 Division 2 of the Act and therefore committed repeated misbehaviour as defined under section 262E of the Act.

Complaint 3 – Serious Misbehaviour

Complaint 3 - Allegation 1

95. That Cr Davey engaged in verbal and nonverbal communications directed at or in relation to Cr Henschke, in particular, at the Council Information Session held on 2 April 2024, the Council Information Session held on 21 May 2024, and at the ordinary Council meeting on 18 June 2024, in a manner that failed to comply with her obligations under section 75G(1)(a) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Panel Finding 3

96. 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.
97. 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”.
98. 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.
99. 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.
100. 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 persons’ 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.

101. 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.
102. In considering whether Cr Davey had failed to comply with section 75G(1)(a) of the Act, the Panel considered whether Cr Davey took "reasonable care" to ensure that her actions did not adversely affect the health and safety of other councillors and whether she should have reasonably foreseen that her conduct would have such an effect.
103. Cr Davey offered no submission that directly related to her behaviour as particularised in this allegation.
104. Cr Davey stated "I believe that I have been held to a different standard of behaviour at Council and associated meetings to that expected of any other council member, including the Mayor as robust debate is part of Council meetings where there are opposing views and community pressures..."
105. The Panel took into account the statements included in the complaint and supplementary information contained in investigation BMC-2024-001 which was undertaken as a result of Cr Davey's behaviour towards Cr Henschke.
106. All council members are required to comply with the Behavioural standards for Council members and health and safety duties under section 75G of the Act.
107. The Panel finds that Cr Davey failed to take reasonable care that her 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.

Complaint 3 - Allegation 2

108. That on 17 September 2024, at an ordinary meeting of the Council that was public and being livestreamed, Cr Davey made a personal explanation to the Council in relation to reasonable directions that had been issued to her by Mayor Anne Monceaux under section 75G of the Act (on 16 September 2024). Cr Davey's personal explanation included details of the directions and commentary

about Councillor Lillian Henschke. Cr Davey had also emailed and distributed hard copies of the directions and her submission to Mayor Monceaux to all the members of the Council. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Panel Finding 4 and 5

109. Paragraphs 95-101 above are repeated.
110. Cr Davey offered no submission that directly relates to her behaviour as particularised in this allegation.
111. On 17 September 2025, after being made aware that her behaviour was impacting Cr Henschke, Cr Davey chose to make the fact that she had been issued reasonable directions public by emailing the directions to all of the Council's elected members and placing printed copies of them at each member's place in the chamber prior to the Council meeting of that night.
112. Cr Davey wrote a statement in response to the directions and also distributed this to her fellow members.
113. Cr Davey addressed the Council and included the statement: "I, I do not know what is wrong with Cr Henschke, but, um this has been issued, um, and I thought you should be aware of it".
114. Rather than reflecting on the matter or attempting to de-escalate the issue Cr Davey immediately sought to publicise the matter improperly.
115. The manner in which Cr Davey publicly exposed this matter, exacerbated the impact of her behaviour on Cr Henschke and was contrary to the directions that had been issued to her.
116. The Panel is concerned that Cr Davey's actions in providing copies of the directions to her fellow elected members, along with her personal statement may have been intended to impact other members of the council and undermine the Mayor's handling of the matter.
117. Cr Davey ought to have known that by publicly exposing the content of the directions and adding negative commentary about Cr Henschke, she was not taking reasonable care that her acts did not adversely affect the health and safety of Cr Henschke, nor was she complying with directions previously issued to her.

118. The Panel finds that Cr Davey failed to take reasonable care that her 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.
119. The Panel finds that Cr Davey failed to comply with reasonable directions issued to her and thereby contravened section 75G(1)(b) of the Act and thereby committed serious misbehaviour.

Complaint 3 - Allegation 3

120. That on or around 1 and 2 November 2024 Cr Davey contributed to an article that was published in The Advertiser that detailed the contents of the reasonable directions that had been issued to Cr Davey by Mayor Monceaux under section 75G of the Act (on 16 September 2024) and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Panel Finding 6 and 7

121. Paragraphs 95-101 above are repeated.
122. Cr Davey submits that “I made my comments as personal views in my capacity as a Councillor and have been misquoted. I was caught at a busy time and don’t believe that I actually named the Councillor mentioned by the journalist and I cannot see how this constitutes bullying of the Councillor”.
123. *The Advertiser* article included quotes attributed to Cr Davey that made direct comments about Cr Henschke including: “*I certainly don’t believe I’ve bullied Cr Henschke. I don’t know what problem she’s got.*”
124. The Behavioural Standards for Councillors include: When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.
125. However, the Panel found that the reasonable directions the directions issued were narrow and while the intention may have been to prevent this behaviour, the directions were not explicit enough in detail and contained no direction regarding contact with the media and therefore Cr Davey did not fail to comply with the reasonable directions issued under section 75G(1)(b) of the Act.

126. Regardless, at the time of the media article, Cr Davey was aware of the reasonable directions and ought reasonably to have known that such statements and airing her grievances in a statewide newspaper could adversely affect the health and safety of Cr Henschke.
127. The Panel finds that Cr Davey has committed serious misbehaviour as defined under section 262E of the Act by failing to comply with section 75G(1)(a) of the Act.
128. In making these findings, the Panel found that Cr Davey's behaviour, in providing comments to a journalist appear to have been designed to circumvent the reasonable directions.

Complaint 3 - Allegation 4

129. That on or around 20 February 2025, Cr Davey contributed to an article that was published in InDaily which contained details of Cr Davey's personal statement that Cr Davey sought to present to the meeting of the Council on 17 September 2024 about the reasonable directions issued to her by Mayor Monceaux under section 75G of the Act and included commentary directly attributed to Cr Davey about Councillor Henschke. In doing so, Cr Davey failed to comply with her obligations respectively under section 75G(1)(a) and 75G(1)(b) of the Act and thereby constituted serious misbehaviour within the meaning of section 262E of the Act.

Panel Finding 8 and 9

130. Paragraphs 95-101 above are repeated.
131. Cr Davey submitted that "I have had no contact with any media other than the occasion addressed at length in BMC-2024-001 (the previous allegation).
132. The Panel considered the amount of media coverage already in existence, accessibility of meeting footage and that Cr Davey had issued her 'personal statement' both electronically and in paper form prior to the article's publication and found that on the balance of probabilities, Cr Davey may have had no contact with the media in relation to this allegation.
133. Given the above, the Panel was unable to determine whether a failure of compliance with section 75G(1)(a) or 75G(1)(b) of the Act had occurred in this instance.

Table of Findings

Finding no.	Complaint	Alleged Breach	Finding of Breach
Misbehaviour			
1	Complaint 1	Misbehaviour, S262E	Yes
Repeated Misbehaviour			
2	Complaint 2	Repeated Misbehaviour, Chapter 5, Part 4, Div 2	Yes
Serious Misbehaviour			
3	Complaint 3, Allegation 1	Serious Misbehaviour S75G(1)(a)	Yes
4	Complaint 3, Allegation 2	Serious Misbehaviour S75G(1)(a)	Yes
5	Complaint 3, Allegation 2	Serious Misbehaviour S75G(1)(b)	Yes
6	Complaint 3, Allegation 3	Serious Misbehaviour S75G(1)(a)	Yes
7	Complaint 3, Allegation 3	Serious Misbehaviour S75G(1)(b)	No
8	Complaint 3, Allegation 4	Serious Misbehaviour S75G(1)(a)	No
9	Complaint 3, Allegation 4	Serious Misbehaviour S75G(1)(b)	No

Provisional orders

134. The Panel may, after inquiring into a complaint referred to it, make one or more orders in as provided for by section 262W(1) of the Act.
135. At its meeting of 24 February 2026, the Panel resolved to determine the following provisional orders—
1. Reprimand the member (including by means of a public statement);
 2. Direct the council to pass a censure motion in respect of the member;
 3. Require the member to issue a public apology (in a manner determined by the Panel);
 4. Require the member to reimburse the council the specified amount of \$1500 (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section);
 5. Suspend the member from the office of member of the council for a period of three months without allowance.
 6. Direct the council to lodge a complaint against the member with SACAT.
136. 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—
- the nature and seriousness of the misbehaviour;
 - the circumstances in which the misbehaviour occurred;
 - the period over which the misbehaviour occurred;
 - evidence of any personal benefit from the misbehaviour;
 - the impact of the council member's misbehaviour on any person(s) affected by the misbehaviour;
 - the actual and potential consequences of the council member's misbehaviour;
 - whether the misbehaviour appears to have been inadvertent, ill-informed or the result of naivety, carelessness or misunderstanding;

- whether the council member has acknowledged their misbehaviour and made a commitment not to repeat the misbehaviour;
- the significance of the consequences of the misbehaviour (from a public and/or a council perspective);
- the extent to which the misbehaviour may be representative of a culture or common practice within the council which needs to be addressed;
- whether action would be in the public interest;
- any other relevant considerations, including any other aggravating or mitigating factors.

137. In determining the Panel's provisional orders, the Panel considered each of these factors.

Nature and seriousness of the misbehaviour

138. The Panel is of the opinion that Cr Davey is an experienced councillor who has had the benefit of undertaking training about expectations of member behaviour on numerous occasions.

139. The nature of the referral shows Cr Davey has committed misbehaviour, repeated misbehaviour and serious misbehaviour as defined by the Act, the evidence considered by the Panel indicates this behaviour has occurred throughout the entire term and cannot be described as a one off or accident.

140. The Panel noted that throughout the course of the Council's investigations into a Cr Davey's behaviour (across multiple matters) Cr Davey has been required to make various undertakings that she has consistently chosen not to comply with. Cr Davey's behaviour indicates a wilful disregard for outcomes of council decisions.

Circumstances in which the misbehaviour occurred

141. The Panel noted that the complaint contained extensive incidences of poor behaviour that occurred in a wide range of circumstances.

142. Council investigations show that Cr Davey has exhibited poor behaviour towards other elected members, public officials, members of the public and council staff in a variety of settings and situations.

143. All instances of Cr Davey's behaviour have occurred while she has been performing her role as elected member.

Period over which the misbehaviour occurred

144. The incidences of misbehaviour that that Panel considered in its inquiry commenced on election day in November 2022 and have continued throughout the term.
145. The volume of material provided by the Council comprising the complaint shows an almost constant pattern of poor behaviour.
146. The Panel noted that Cr Davey's own statement indicates that she has had poor relationships with a number of her fellow elected members since 2018.

Evidence of any personal benefit from the misbehaviour

147. The Panel did not see any evidence of personal benefit from Cr Davey's behaviour.

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

148. The supporting material provided with the Complaint included correspondence from Cr Henschke that described the adverse effects to them as a result of Cr Davey's behaviour.
149. The Panel found that the information provided included evidence of harm to Cr Henschke directly attributed to Cr Davey's acts and omissions.

Actual and potential consequences of the council member's misbehaviour

150. Significant Council resources have been expended in managing and dealing with the complaints about Cr Davey's behaviour at a council level. This has included a number of independent investigations and associated activities such as extra training and mediation sessions for Cr Davey's benefit.
151. Significant Council resources have been utilised to progress the Complaint through the Panel's process.
152. The Council has had to undertake changes to its usual processes in order to mitigate the effects of Cr Davey's behaviour which have included changes to the

seating arrangements and cessation of some member activities such as provision of dinner that was previously associated with council meetings.

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

153. The Panel has formed a view that Cr Davey is aware of the impacts and outcomes of her poor behaviour and has chosen to behave in this manner.
154. Given the scope of the offending and continued poor behaviour that Cr Davey displayed after findings had been made, and directions had been issued, together with Cr Davey's length of term as an elected member, the Panel could not find that Cr Davey's behaviour was inadvertent, ill-informed or the result of naivety, carelessness or misunderstanding.
155. The Panel noted that through the various behavioural management processes undertaken by Council Cr Davey had multiple opportunities to reflect on her behaviour, seek clarification and take action to prevent recurrence. The evidence provided indicates that Cr Davey has not taken action.

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

156. To date, Cr Davey has shown no acknowledgment or contrition about the poor behaviour that she was found to have committed.
157. In response to the letter of allegations, Cr Davey was unable to provide any reason for or defence of the behaviour she was alleged to have committed.
158. The Panel noted that rather than respond to specific questions or matters put to her, Cr Davey has preferred to provide details of how others are at fault or have behaved instead of reflecting on her own actions.
159. Cr Davey made assertions that the Panel found to be lacking in veracity and continues to maintain innocence despite evidence to the contrary.

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

160. Misbehaviour, repeated misbehaviour and serious misbehaviour undermine the functioning of a council by 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.

161. Cr Davey should have recognised that her actions could harm the Council and the community.

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

162. The Panel is concerned that the impact of Cr Davey's offending has had on council culture.
163. However, it is noted that the Council have taken steps to proactively deal with the issues that have arisen in the elected member body over the current term.

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.
165. The behaviour of the elected member body at the council has been subject to media scrutiny and is on display to members of the public.
166. The community is entitled to gain a broader understanding of the impact of Cr Davey's considerable breaches of the Act and how it has impacted their council.

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

167. The Panel found that Cr Davey's responses to the allegations put to her were concerning in that Cr Davey sought to deflect and blame others for the incidents of misbehaviour.
168. When faced with evidence that she had been found to have behaved in a manner that was contrary to the expectations of her community, Cr Davey offered that the incidents, behaviour and general dysfunction being experienced by the Council was due to the actions of others.
169. Cr Davey's submissions did not address all of the complaints, allegations or specific questions asked of her by the Panel and contained information that the Panel found no evidence to substantiate (note section above Complaint to the Ombudsman).

170. To the extent that Cr Davey addressed the complaints, allegations and questions put to her by the Panel she offered no acceptable defence of her behaviour or her decisions to ignore a resolution of the Council.

Provisional Report

Mayor Monceaux's submission on the Provisional Report

171. At its meeting of 05 May 2026, the Panel accepted and considered Mayor Monceaux's submissions made in response to the Provisional Report.
172. Mayor Monceaux raised a number of issues for the Panel's consideration including:
1. A request that the financial penalty to Cr Davey be increased due to the amount of resources used by Council to investigate and manage the councillor's behaviour.
 2. A request that the orders include removal of Cr Davey from the Council's CEO review committee.

Panel consideration of Mayor Monceaux's submission

173. The Panel gave due consideration to the points raised by Mayor Monceaux however it was ultimately determined that there were not sufficient grounds for altering the provisional findings and orders as per the Provisional Report.

Cr Davey's submission on the Provisional Report

174. At its meeting of 26 May 2026, the Panel accepted and considered Cr Davey's submissions made in response to the Provisional Report.
175. It was noted that Cr Davey made multiple submissions containing multiple documents however, only one piece of correspondence was addressed to the Panel relating directly to the Provisional Report. All other correspondence consisted of supporting documentation from previous council investigations and was not new information.
176. Cr Davey's response is primarily devoted to detailing what Cr Davey sees as multiple failures of the Council and the Mayor.
177. Cr Davey is of the belief that she has been bullied at Council and that the Council's investigations into her behaviour were poorly conducted.

178. Cr Davey stated that she believes that she does not deserve to be suspended nor should she be fined for council's 'expenditure these expensive and unnecessary investigations'.

Panel consideration of Cr Davey's submission

179. The Panel considered Cr Davey's submissions and noted the content.

180. To the extent that Cr Davey addressed the Panel's findings she provided no information to the Panel that persuaded it to change the provisional findings and orders.

Final Findings and orders

181. 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 24 February 2026 , final without alteration.

182. The Panel's findings are therefore that Cr Davey committed one count of misbehaviour, one count of repeated misbehaviour and 4 counts of serious misbehaviour as detailed above (see Provisional Findings)

183. The Panel orders that -

1. It reprimands Cr Davey (including by means of a public statement) in accordance with s 262W(1)(a) of the Act;
2. Direct the council to pass a censure motion in respect of Cr Davey, in accordance with s 262W(1)(b) of the Act;
3. Cr Davey is required to issue a public apology (in a manner determined by the Panel) in accordance with s 262W(1)(c) of the Act (as set out in Attachment 1);
4. Cr Davey is required to reimburse the Council the specified amount of \$1500 (which may include the reimbursement of the council's costs relating to investigation of the complaint and giving effect to an order under this section) in accordance with 262W(1)(e) of the Act;
5. Cr Davey is suspended from the office of member of the council for a period of three months without allowance.
6. The Panel directs the Council to lodge a complaint against the member with SACAT, on the grounds of alleged misbehaviour, repeated misbehaviour and serious misbehaviour by the member in accordance with section 264(a1)(b) of

the Act, noting that SACAT may by order or orders impose a fine, suspend, or disqualify a person from office in accordance with section 267 of the Act.

184. The Panel reprimand is available at bsp.sa.gov.au/publications.

Timeframe for orders

185. Cr Davey and the Council are required to have completed orders 2, 3, 4 and 5 within two ordinary meetings of the Council following the date of publication of this report.

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

187. Order 6 is to be completed by the Council as soon as is practicable.

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

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 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.

191. Cr Davey's continued poor behaviour has the potential to contribute to a complete breakdown of the council's democratic procedures and does not meet public expectations of how an elected member should behave.

192. Elected members are provided with training and undergo induction processes which outline expectations, roles and responsibilities following each election cycle. The Panel noted that Cr Davey has been elected on 5 occasions therefore subject to significant training on what is and is not acceptable behaviour for an elected member.

193. The Panel emphasises that when a council member becomes aware that their behaviour poses a risk to the health and safety other council members or employees, they must take immediate steps to change this behaviour.

Attachment 1 — Apology

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

- Cr Davey reads aloud the apology in full with no additional commentary, personal statement or other amendment at a public meeting of The City of Burnside within 2 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 Davey

Throughout the current council term, the City of Burnside received numerous complaints about my behaviour at various events and meetings that I attended in my role as an elected member of the Council.

My behaviour, as found by the Council's investigation reports amounted to breaches of the *Behavioural Standards for Council Members*, which included a lack of professionalism, that I failed to act in a manner consistent with my role, and that I failed to establish and maintain relationships of respect, trust, collaboration and cooperation with all Council members, contrary to the Behavioural Standards.

I failed to comply with the Council's resolution that I give a public apology, following the Council's investigation into my behaviour.

Significantly, I also engaged in behaviour that risked the health and safety of other members of the Council. Multiple complaints about my behaviour were referred to the Behavioural Standards Panel.

The Behavioural Standards Panel found that I had committed misbehaviour, repeated misbehaviour and serious misbehaviour as defined by the Local Government Act.

The Behavioural Standards Panel has ordered that I:

1. Make this public apology for my misbehaviour.
2. Reimburse the Council \$1500 as a portion of the Council's costs of dealing with this matter.

3. Be suspended from the office of member of Council for a period of three months without allowance.

The Panel has also ordered that:

1. The Council pass a censure motion in respect of my behaviour.
2. The Council must lodge a complaint against me with SACAT.

The Panel 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.

I also acknowledge that both dealing with the complaints made about my behaviour and the subsequent referral of complaints to the Behavioural Standards Panel due to my ongoing poor behaviour has come at significant cost to the Council and the community.

Additionally, I acknowledge that my continued poor behaviour throughout this council term and failure to apologise when required has had a significant impact, particularly on the individuals that were subject to it, and exposed the Council to reputational risk.

I therefore apologise unreservedly for my behaviour and the impact it has had on my fellow elected members and the community.