

REPORT OF THE CHIEF EXECUTIVE OFFICER

CITY OF JOONDALUP - REPORT FOR 11 JUNE 2002

QUESTIONS TO COUNCIL – CODE OF CONDUCT – [09358, 50521, 01122]

WARD - All

PURPOSE

The purpose of the report is to ascertain whether there has been contravention of the City's Code of Conduct in respect to Cr Allison Walker's use of her Council email address for private business purposes.

EXECUTIVE SUMMARY

As a result of questions received from Mrs B Bail of Heathridge, it has been necessary to investigate whether Cr Walker has contravened the City's Code of Conduct through the use of her Council email address on her husband's business cards.

Cr Walker has been provided with a copy of Mrs Bail's questions to which she provided detailed explanation of the inadvertent use of her Council email address on her husband's business cards.

It is recommended that Cr Walker be requested to provide a personal explanation of the circumstances and apologise to Council at the meeting, and that she also be reminded of her duties and responsibilities under the City's Code of Conduct.

BACKGROUND

The City received the following questions from Mrs b Bail of Heathridge, which were taken on notice at the Council meeting on 21 May 2002:

- 1. Can a Councillor's spouse use that Councillor's Council email address and Council issued laptop computer for business or private purposes?*
- 2. Will you investigate this matter and provide a written report to ratepayers?*
- 3. Has Councillor Walker breached Council policy or Council's Code of Conduct for Councillors by allowing her spouse to do this? and*
- 4. If so, what disciplinary measures will the Council apply to Councillor Walker?*

A copy of Mrs Bail's questions were furnished to Cr Walker for her response, which is detailed below:

"I am in partnership with my Husband Michael in Identibadge.

The Business commenced operations on May 23rd, after contracts were signed on Monday, May 13th.

I used my council e-mail address as a secondary contact in order to facilitate communication, and the printer inadvertently placed the wrong e-mail address on the proofs. The proper address should have been identibadge@iinet.net.au.

There were 5 copies of 12 proofs given out at the JBA function on Wednesday, May 15th, before the mistake was noticed later that day. As we have all their names and contact numbers, the 5 people who received the cards at that function will be contacted, and the erroneous cards will be retrieved, and replaced with the correct ones.

To my knowledge, Mrs Bail was not at that function and was certainly not amongst the 5 official recipients of one of those incorrectly printed cards, so I will be interested to know how one of these errant cards came to be in her possession.

The rest of the proofs have now been destroyed, the printer has been alerted to his error which has now been rectified, and the proper e-mail address will be on the new cards which are being printed and will be in distribution in the coming weeks.

We are also awaiting the launch of 2cities.com, the regional portal, which will be up and running within the next few weeks, and we will be registering our business on this portal - supporting the local business here.

It is also noted that there was also a spelling mistake on the e-mail address, so anyone trying to contact Identibadge on that e-mail would not have been able to get through.

I apologise for any inconvenience or embarrassment that may have been caused to Council."

DETAILS

Council's Code of Conduct does not override any legislation but merely provides a guide of the expected behaviour for elected members and employees. The current Code of Conduct does not contain any penalty provisions and any actions taken as a result of a breach of the Code will be made in accordance with the provisions of any applicable legislative requirements and the Council's responsibilities as an employer.

Policy 2.2.13 of the City details the type of equipment that is issued to elected members in order for them to perform their duties. One of these pieces of equipment is a laptop, along with dial up facilities including email and internet usage. This policy does not specify for what purposes such equipment is to be used for except it precludes for electoral purposes.

Part 2.4.1 of the Code states

Elected members, committee members and employees shall:

- (a) be scrupulously honest in the use of Council facilities, funds, employees, materials and equipment and shall not misuse them or permit their misuse, or the appearance of misuse by any other person or body;*
- (b) use Council resources entrusted to them effectively, economically and lawfully in the course of their duties, and not otherwise;*
- (c) not use Council resources (including the services of Council employees) for private purposes, (other than when supplied as part of the contract of employment) unless properly authorised to do so;*

COMMENT

The inclusion of her Council issued email address on her husband's business card would appear to contravene parts 2.4.1 (a), (b) and (c) of the Code as this would be a misuse of Council issued equipment. However, given Cr Walker's explanation it appears that it was an honest mistake and has since been rectified. It is recommended that Cr Walker be requested to provide a personal explanation of the circumstances and apologise to Council at the meeting, and that she also be reminded of her duties and responsibilities under the City's Code of Conduct.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

For consideration of the Council.