

ORDINARY MEETING 8 SEPTEMBER 2015	6.3
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NOTICE OF MOTION – CR MELCHERT

PROPOSED AMENDMENT TO CODE OF CONDUCT FOR COUNCILLORS
 GENERAL POLICY

NOTICE OF MOTION

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Tuesday 8th September 2015:-

“That Council delete the following provisions from the Code of Conduct for Councillors General Policy :-

7) use their allocated Council business email address to communicate or conduct any aspect of Council business electronically, unless exceptional circumstances require otherwise

8) not carbon copy or blind carbon copy email communications about any aspect of Council business to private email accounts associated with a Councillor.”

BACKGROUND

Part 7 appears to be contradictory as Councillors need to use their allocated email address to carry much of their Council work with their constituents and others.

The recently inserted provision 8 appears to be discriminatory and affects the rights and liberties of a category of person - Councillors. It is most unusual in that a Councillor can send a copy of an email to anyone in the world except themselves. This provision seems to seek to prevent Councillors from retaining a separate electronic copy of emails they despatch and receive.

OFFICER’S COMMENT:

The Code of Conduct for Councillors General Policy was re-adopted by Council at its Ordinary Meeting on 16 June 2015. The resolution from this meeting is as follows:

Moved Cr Carey

Seconded Cr Noli

“34. That Council re-adopts the Code of Conduct for Councillors General Policy;”

For:- Cr Leu, Cr Noli, Cr Carey

Against:- Cr Melchert, Cr Clarke

Carried

As per Council’s Corporate Plan 2014 – 2019, Theme 5 Governance in part states – “The new Douglas Shire provides an opportunity to build and deliver a solid platform for excellence and transparency in governance...”. This policy demonstrates to the

communities of Douglas the key ethical and behavioural obligations that Councillors have committed to and are to uphold in delivering sound governance.

This matter was decided through the democratic process less than three months ago in June 2015 and so it is unclear why Cr Melchert has again raised this issue.

Paragraph 7 – Code of Conduct for Councillors General Policy

The effect of paragraph 7 of the Code of Conduct for Councillors General Policy reads:

“Councillors must use their allocated Council business email address to communicate or conduct any aspect of Council business electronically, unless exceptional circumstances require otherwise”

It states further in the policy:

In relation to paragraph 7) above, exceptional circumstances do not include a technical failure preventing a Councillor from accessing their email account, unless the Chief Executive Officer certifies to the Mayor that such a technical failure has occurred.

There does not appear to be anything contradictory with this provision in the policy.

Paragraph 8 – Code of Conduct for Councillors General Policy

The effect of paragraph 8 of the Code of Conduct for Councillors General Policy reads:

“Councillors must not carbon copy or blind carbon copy email communications about any aspect of Council business to private email accounts associated with a Councillor”

As has been advised on previous occasions any and all documents created, received or issued by a Councillor, in undertaking their duties as an elected representative, constitute a public record and is a document of Council. This includes emails.

Accordingly the Chief Executive Officer, pursuant to the Public Records Act 2002, has a direct responsibility to ensure that Council manages and maintains its public records in accordance with the Act.

Paragraph 8 is directly linked to paragraph 7 to ensure not only statutory compliance in managing and maintaining public records but also the security of Council documents/records. Within its Information Technology environment, Council has control over the security and integrity of documents/records, however when these are held in other domains, from which further correspondence could be generated in the course of Council business, there are no security controls.

It is strongly recommended to Council to retain the Code of Conduct for Councillors General Policy in the form which was adopted on 16 June 2015.