

26th November 2002

To the Mayor of the City of Monash
Councillor Jeff Lake
Napier Ward
Civic Centre
Post Office Box 1
GLEN WAVERLEY 3150



CITY OF MONASH

COPY

Dear Mr. Mayor,

Re: Breach of Councillors Code of Conduct at Canberra 27th November 2002

I refer to the above matter and request your immediate response and action.

As you are well aware, while I was attending the Australian Local Government Association Conference at Canberra, last year, together with you, and Councillors Klisaris, Smith and Vlahos, I was made aware that certain expenses were charged to my account (with the Crown Plaza Hotel) without my knowledge or consent.

When, I queried the amounts with the management of the Crown Plaza Hotel, I was informed that 'drinks' were charged to 'my name' and that they had in their possession two signed invoices.

I disputed this, and requested with the Hotel's management and requested restitution from you, which I received, but I did not receive the full amount back; I only received restitution for half the amount of the expenses charged to my name. I also sought an explanation as to who wilfully signed 'my signature' on those two invoices (herein attached).

No such explanation has been received.

I therefore referred the matter to the Australian Federal Police, and although, the Federal Police advised that there was "a financial advantage received by deception" the amount involved, did not warrant the resources of the Federal Police or the Canberra Police to pursue the matter. That being so, the Australian Federal Police did not dismiss the matter as 'trivial.' They just did not have the resources to allocate to the pursuing of this matter to trial and conviction.

Therefore, regardless of the Police's conclusions, I still believe that this matter breaches the present Councillors Code of Conduct.

Indeed, the Councillors Code of Conduct states:

"Councillors of the City of Monash need to maintain the positive standing of the Council through the way they perform their duty as a Councillor. This standing will be maintained through the continuing commitment of Councillors to achieve and maintain the highest levels of personal and professional behaviour."

Clearly, on this occasion, the Councillor or Councillors involved in this wilful deception, refused by their actions "to achieve or maintain the highest levels of personal and professional behaviour."

Furthermore, by this wilful deception, the Councillor or Councillors involved have failed "to act and to be seen to act properly, and in accordance with the requirements of the law and the terms of this Code." [See City of Monash, Councillors Code of Conduct, (June 2000) at p.2]

Finally, the Councillor or Councillors, have by this wilful deception not "refrained from any form of conduct in the performance of official duties which may cause any reasonable person offence or embarrassment." [See City of Monash, Councillors Code of Conduct (June 2000) at p, 2]

On the facts stated herein, our Councillors Code of Conduct has been ignored and wilfully breached.

I therefore request of you, in your capacity as the Mayor to conduct an immediate investigation of this matter and I seek the following results:

1. That all money still outstanding to be paid to me in full and without further delay.
2. That the Councillor or Councillors involved provide me with a written apology for their actions, and
3. That the Councillor or Councillors responsible for these actions apologise on the public record (at a forthcoming Ordinary Meeting of Council) stating in their apology "*that they wilfully and knowingly breached the Councillors Code of Conduct and as a result of their actions embarrassed and placed in jeopardy the reputation of a Councillor for the City of Monash and the good name and reputation of the City of Monash.*"

I would be pleased if this matter is dealt with within (7) seven days of the date herein. If no action is taken after that date, I will take the appropriate and necessary actions to uphold the effect and relevance of our Council's Code of Conduct and to resolve this issue for myself that has caused me great personal regret and distress.

Yours Faithfully,

Kathy Magee

Councillor for Wellington Ward

Cc. To Councillors Klisaris, Smith, Morrissey, Evans, Holdsworth and Vlahos

Table No.: 5



1 Bx 2
Crown
South/Coke
(340)

Guest Name: K R Nagle
Room No.: 510
Signature: Kathy Abape

Table No.: 6



3 Latte
Mango Day

Guest Name: Magee
Room No.: 510
Signature: [Signature]

* TAX INVOICE *
Crown Plaza Canberra
ABN 65 050 110 748
Atrium Lounge

201 AL Allida

Chk 2072	28Nov'01 01:02	Get 0
2 Std Victoria Bitter		11.00
1 Crown Lager		6.00
1 Std Southern Comfort		6.50
340/MAGEE		
Room Charge		23.50
Beverage		23.50
GST in Ttl		2.14
Payment		23.50

* TAX INVOICE *
Crown Plaza Canberra
ABN 65 050 110 748
Atrium Lounge

201 AL Allida

Chk 2904	27Nov'01 00:23	Get 0
3 Cafe Latte		12.00
1 Std Fruit Detour		10.50
340/MAGEE		
Room Charge		22.50
Food		12.00
Beverage		10.50
GST in Ttl		7.03
Payment		22.50