



## **Special Council Meeting**

**Notice** is given that a Special Meeting of the Kingston City Council will be held at 6.45pm at 1230 Nepean Highway, Cheltenham, on Wednesday 22 August 2012.

- 1 Apologies**
- 2 Disclosure by Councillors, Officers or Contractors of any Conflict of Interest**
- 3 Items of Business**

**City of Kingston  
Special Meeting of Council**

**Agenda**

**22 August 2012**

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***Business will be as follows:***

- 1. Apologies**
- 2. Disclosure by Councillors, Officers or Contractors of any Conflict of Interest**
- 3. Items of Business**

O135 Motion to Consider Notice of Motion

O136 Notice of Motion – No 23/2012 – Cr Peulich – Request for Legal Advice

## Special Council Meeting

22 August 2012

Agenda Item No: O 135

### **NOTICE OF MOTION NO. 23/2012 – CR PEULICH REQUEST FOR LEGAL ADVICE**

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I move,

That Kingston Council seeks an investigation and legal advice to mitigate against any financial and governance risk posed by conflicts of interest as raised by the letter from Ross Millard of the Local Government Investigations and Compliance Inspectorate.

Given that all facts pertinent to the investigation are not available to the council as per the attached letter dated 31/7/2012, and may be directly relevant to future decisions of council, the CEO promptly secure this advice to alleviate any doubts raised by the investigate.

Cr Paul Peulich  
21 August 2012



[REDACTED]

A person in public office has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest can exist even if no improper actions result from it.

Perceived conflicts of interest erode community confidence in local government to the same degree as actual conflicts of interest in accordance with the Act. If Council are in any doubt in regard to conflict of interest, independent legal advice should be sought.

On 11 May 2012, the Inspectorate provided recommendations to council following a compliance audit it conducted at council this year. One of those recommendations was implementing a gift policy and register for councillors. It may be prudent for council to adopt this recommendation in the short term, to ensure that councillors are aware of their obligations, in light of this complaint. Such a policy could include ensuring that councillors be mindful of the following considerations prior to receiving a gift of any sort, whilst in office:

- (a) Whether the gift giver will or may benefit from a decision the recipient may make;
- (b) Does the timing of the gift coincide with a decision that the recipient is about to make?
- (c) Whether acceptance of the gift would create an obligation to return a favour?
- (d) Whether the acceptance of the gift diminishes public trust and the anticipated opinion from constituents, colleagues and associates if the gift became public knowledge.

The Inspectorate has now finalised its involvement with this matter. If you have any query in relation to this matter, please do not hesitate to contact [REDACTED] of this office on [REDACTED]

Yours sincerely

  
ROSS MILLARD  
Investigations Manager

311 7/2012