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**Special Committee's Chair's Memorandum – Sandra Goudie & Ian Munro**

**Conflict of Interest Challenges  
28 April 2014**

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1. I have been informed by Council staff that the matter of potential conflicts of interest has been raised. As chair I have provided the Chief Executive Officer with my thoughts on this matter in doing so I have noted:
  - 1.1 That challenges on “potential” or “perceived” conflict of interest are not unusual. From a chair’s perspective they are raising questions about Council’s Special Committee member appointment process. It is important that any direct challenges on conflicts of interest are resolved before the main hearing commences in the middle of July 2014.
  - 1.2 The Special Committee has a collective responsibility to make recommendations in an environment where natural justice principles apply. It is a role requires the Special Committee us to act in a ‘quasi-judicial’ manner, focusing its attention on the content of submissions without any favouritism to any party. It is therefore important that the perceptions of the participants to the PDP hearings, regarding potential or perceived conflicts of interest, are given early consideration. Hence the above imperative to deal with, and resolve, at the earliest possible stage, any procedural submissions on potential or perceived conflicts of interest.
  - 1.3 In the event that a conflict of interest is determined; the chair of the Special Committee does not have the right to remove a committee member from the Special Committee. While the committee chair can express a viewpoint, ultimately it is the absolute and sole right of the appointing authority (the Council) to appoint or remove panel members.
  - 1.4 The Committee chair can give guidance to a committee member on conflicts of interest but the onerous is on individual committee members to self identify potential or perceived conflicts of interest and take, the appropriate action.
  - 1.5 As an independent outsider it is very difficult (if not impossible) for me to make an informed assessment on the veracity of any submission made on this matter other than from a good practice viewpoint.
  - 1.6 It is important to note that this is a plan hearing not a consent hearing; it is therefore acceptable for a councillor commissioner to have had a policy perspective that they have articulated prior to notification *but* they have to be careful to bring to the hearing proper an open mind and give submitters a fair hearing. After notification the hearing panel (Special Committee) has a collective responsibility to ensure natural justice principles apply.
2. The Special Committee has already strongly indicated that there will be a strict adherence to the tenets of the ‘natural justice’ in order to ensure a fair process. Each of us is aware that ‘potential’ or ‘perceived’ conflicts of interest can/could undermine the integrity of the hearing process, and potentially open the decisions of the committee to a judicial review.
3. I have provided the Chief Executive Officer with procedural advice.

A handwritten signature in black ink, reading "Mark Farnsworth". The signature is written in a cursive style with a large, prominent initial "M".

**Special Purpose Committee: Independent Hearing Commissioner Mark Farnsworth  
(Chair)**