
Dear members

As resolved at the meeting today, I am forwarding the advice below which was provided to the Chair by the Committee Clerk, and endorsed by the Acting Clerk of the Parliament.

Potential conflicts of interest

- The standing orders do not require members to withdraw from an inquiry where there may be non-financial conflicts of interest.
- The members Code of Conduct requires members to disclose conflicts of interest and then to manage them appropriately. Managing a conflict of interest doesn't necessarily require a member to exclude themselves.
- It is open to individual committee members to disqualify themselves in any particular circumstances from participating in an inquiry if they feel they have a conflict.
- As elected representatives of the community members of the Legislative Council are called upon to express views and make decisions on many matters, and it would be too restrictive to expect them to disqualify themselves from any inquiry into matters on which they had expressed views or made decisions.
- The practice of the Legislative Council reflects that of the Australian Senate with respect to the question of whether or not members should serve on committees where it may appear that either they have prejudged matters under inquiry or cannot bring an unbiased mind to those matters. Advice from the Clerk of the Senate on this issue, as reported in *Odger's Australian Senate Practice*, 10th edition, states: *"that questions concerning the service of members on a committee where they may be regarded as not entirely impartial should be decided by the individual members concerned, and there is no general rule or convention which may be applied to all cases"*.
- It is ultimately a question for individual members to determine, and not a decision for the Chair to make.

Publication of a tabled document with an unknown source

- Unusual for this to occur but it has happened on the rare occasion. Up to the committee to weigh up a range of factors, which could include transparency and public interest, the credibility of the information, any sensitivity/confidentiality of the content and the reputation of the committee and Parliament in accepting/using unsourced evidence.