

## **Political attacks continue on De Luca**

From the outset, I wish to apologise and place on record how sorry I am with the amount of trauma this matter has caused my family and constituents. The money wasted on pursuing me in this matter has not been in the public interest. I thank the people of Warringah for re-electing me and with an increased majority despite the ongoing politically motivated attacks on me. I also thank my family and friends for their steadfast support throughout this saga.

I decided not to appeal this matter to the Appeal Bench of the Supreme Court as it would be financially costly for me and the ratepayers of Warringah. I hope Councillors tonight will vote that this matter not be pursued and the Code of Conduct Reviewer's Report be noted. If this matter does proceed, it will cost ratepayers and me significant funds.

The simple fact is I did not declare a conflict of interest in the matter of questions asked in the NSW Parliament about possible misconduct at Warringah Council as I sincerely believed I did not have any conflict of interest. I also felt that it was in the public interest not to harass anyone who raised concerns as to misconduct and I have always respected the rights of any Member of Parliament, be they Liberal, Labor, Green or Independent to do so. That is their role and what they are elected to do, as are we, to ensure transparency, fairness and accountability.

It has always been my understanding that for a reasonable person to have a perception of a conflict of interest there must be evidence of a reasonable likelihood of a benefit or loss. In my case, by voting on the matter before Council all those months ago, there was no prospect of me receiving a benefit or loss. During the Code of Conduct Reviewer's investigation the Clerk of the NSW Parliament twice wrote confirming this that I am employed by the Legislature of NSW and importantly that my employment could not be terminated due to how I vote at Warringah Council. Despite this correspondence the Code of Conduct Reviewer appointed by Mr Hart it was never properly taken into account.

Warringah Council's Lawyers argued that I could lose my job in the NSW Parliament for how I voted at Warringah Council. It is sad that the correspondence from the Clerk of the NSW Parliament was ignored and indeed no consideration to Industrial Law given in that there is no way a person can be terminated from their job, let alone a public official for their political views or how they vote in a democratic society.

There was no evidence of a benefit or loss on my part and thus, I believed and indeed still do believe I did not have a conflict of interest. The approach that there must be evidence of a benefit or loss and the likelihood of same before one can be found to have a conflict of interest has been taken by Code of Conduct reviewers in previous matters before this Council, Mr Hallstead found that former councillor Julie Sutton did not have a conflict of interest in voting on matters to do with her former running mate, David Stephens or on matters to do with Manly Warringah Sea Eagles who endorsed her candidacy because there was no evidence of how she or those the subject of the vote benefitted or lost by voting.

Similarly, Code of Conduct Reviewer, Annette Simpson, who handled my matter, found that Councillor Bob Giltinan did not have a conflict of interest in voting on whether to close the Tennis Centre at Dee Why, while he was the operator of the North Manly Tennis Centre as there was no evidence how he would benefit or lose from the decision. Sadly in my matter, nowhere in the report did Ms Simpson analyse the actual likelihood of benefit or loss on my part. She also refused to respond to numerous communications by myself and my Lawyers during her investigation asking her to state how I benefitted or lost by my voting.

In the recent matter of Ms Alison Cripps investigation into the General Manager, Mr Rik Hart, she found there was no conflict of interest as there was only a perception of a conflict of interest but not evidence to support an actual conflict of interest on how he would benefit or lose from making a decision. She also went further to say he was performing his public duties in making the respective decision as I felt I was also performing my public duties.

Also, Mayor Michael Regan has voted on no less than 30 occasions for matters to do with his employer, Manly Council and yet at no time has the General Manager or Internal Ombudsman reported this non-disclosure at meetings of his employment.

Councillors, despite me having no previous Code of Conduct matters at the time, Ms Simpson recommended that I be given the maximum penalty of Censure. This was disproportionate to the matter. She could have recommended training and a number of other resolutions, however, did not so.

Due to the issues raised tonight, I ask you to vote against the recommendation of Censure and move that the report be noted and not further pursued. This is in the interests of the community as they are sick and tired of the misuse of the Code of Conduct at Warringah Council as are people across NSW which occasioned the new Government to throw out the Code of Conduct because of it being politically misused by political competitors or those with improper motives.

Vincent De Luca