

Wingecarribee Shire Council

Councillor Information Session Code

Adopted by Council 13 May 2020
(MN128/20)



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1 OBJECTIVE

The objectives of this Code are to:

- 1.1 provide guidance as to how information sessions are to be conducted, including the role and powers of the Chair;
- 1.2 provide guidance regarding Council's expectations for conduct at information sessions; and
- 1.3 provide guidance as to expectations and obligations relating to confidentiality.

2 CHAIR

- 2.1 The General Manager is to preside as Chair at information sessions.
- 2.2 The General Manager may nominate a member of Council staff to preside as Chair at an information session in place of the General Manager.
- 2.3 The Chair is responsible for the good governance and order of information sessions.
- 2.4 At the commencement of an information session, the Chair shall state the following:
 - (a) That Councillors will not debate or otherwise formally consider any matter that is the subject of a presentation at an information session; and
 - (b) If confidential information arises during the course of an information session, that the attendees of the information session are not to disclose such information to any other person or body except as otherwise permitted by this Code, Council's Code of Conduct and Code of Meeting Practice, or any other relevant document or legislation.

3 ATTENDANCE

- 3.1 Information sessions are to be attended by:
 - (a) the General Manager, or member of Council staff nominated to preside as Chair at an information session in place of the General Manager; and
 - (b) the relevant Deputy General Manager; and
 - (c) any other member of Council staff who is required to attend because of their position or involvement in a matter that will be discussed at the information session, including, but not limited to, the relevant Manager or Group Manager.
- 3.2 Any other person invited by the General Manager to attend an information session may attend an information session.
- 3.3 Councillor attendance at information sessions is not compulsory, but is encouraged.
- 3.4 Information sessions are to be closed to the public, however members of the public may be invited by the General Manager to present to Councillors in relation to certain matters.
- 3.5 Where a presentation is to be given at an information session by a member of Council staff who is less senior than a Manager or Group Manager (in accordance

with Council's Organisational Structure), that member of staff's relevant Manager or Group Manager is to be present at all times during the time at which the member of Council staff is giving a presentation, consistent with the Councillors' Access to Information and Interaction with Staff Policy.

3.6 The attendance of all persons present at an information session must be recorded.

4 CONFLICTS OF INTEREST

4.1 Conflicts of interest arising in relation to matters that are the subject of an information session must be declared and managed in accordance with Council's Code of Conduct.

4.2 Pecuniary Conflicts of Interest

(a) A Councillor or member of a committee of Council must, where the person is present at an information session at which a matter in which the person has a pecuniary interest is to be discussed, disclose the nature of that interest as soon as practicable.

(b) A Councillor or a member of a committee of Council must not, at any time during which a matter in which they have a pecuniary interest is being discussed at an information session, be present or in sight of the information session in the same way that is required at a meeting of Council or a committee of Council under clause 4.29(a) of the Code of Conduct, except as otherwise provided by Part 4 of the Code of Conduct.

4.3 Non-Pecuniary Conflicts of Interest

(a) A Councillor or a member of a committee of Council must manage significant non-pecuniary conflicts of interest arising in relation to an item of business to be discussed at an information session by managing the interest as if it were a pecuniary interest, in the same way that is required at a meeting of Council or a committee of Council under clause 5.10 of the Code of Conduct.

4.4 The following details concerning conflicts of interest must be recorded:

- (a) The name of the person declaring the interest;
- (b) The item to which the person's interest relates;
- (c) The nature of the interest (i.e. whether the interest is pecuniary or non-pecuniary);
- (d) A description of the interest; and
- (e) The way in which the interest was managed.

5 CONDUCT OF COUNCIL STAFF, COUNCILLORS AND OTHER ATTENDEES

5.1 The provisions of Council's Code of Conduct shall apply to information sessions as far as they are applicable.

5.2 Rulings of the Chair must be complied with.

5.3 Council staff, Councillors and other attendees at information sessions must not engage in bullying behaviour towards the Chair, other Council officials or any other person (including members of the public) present at an information session.

- 5.4 Council staff, Councillors and other attendees at information sessions must not engage in conduct that is disruptive to an information session, or that would otherwise be inconsistent with the orderly conduct of an information session.
- 5.5 Councillors may ask questions about matters which are the subject of a presentation at an information session.

6 CONFIDENTIALITY

- 6.1 Council staff and Councillors, in their capacities as Council officials, must:
- (a) only access Council information required for Council business, subject to clause 8.14 of Council's Code of Conduct;
 - (b) not use Council information for private purposes;
 - (c) not seek or obtain (in any manner whether directly or indirectly) any financial benefit or other improper benefit for themselves or any other person or body from any information accessible by virtue of the office or position held by the member of Council staff or Councillor;
 - (d) only release information in accordance with Council's approved policies and procedures, and in compliance with legislation (clause 8.9 Code of Conduct).
- 6.2 Council staff, Councillors or any other attendees must maintain the integrity and security of confidential information which comes into their possession in the course of an information session, or for which that person is otherwise responsible (clause 8.10 Code of Conduct).
- 6.3 Council staff, Councillors or any other attendees must:
- (a) only access confidential information to which the person is authorised to have access, and only access such information for the purposes of exercising official functions;
 - (b) protect confidential information;
 - (c) only release confidential information if the person is authorised to do so;
 - (d) only use confidential information for its intended purpose;
 - (e) not use confidential information obtained through an official position for the purpose of securing a private personal benefit or a private benefit for any other person;
 - (f) not use confidential information with the intention of causing harm or detriment to Council or any other person or body;
 - (g) not disclose confidential information discussed during any confidential forum, including an information session (clause 8.11 Code of Conduct).
- 6.4 Further to clause 6.3(b):
- (a) Members of Council staff who are to present on a confidential matter at an information session must take reasonable precautions to ensure that it is made clear that the information to be conveyed is confidential. This may include, but is not limited to, watermarking the word "Confidential" on any material or other document that will be presented or distributed at the information session (such as a PowerPoint presentation or other document that will be distributed to attendees).

(b) Attendees who make any notes about confidential information presented at an information session, whether in handwritten, digital, or any other form, must ensure the integrity and security of those notes by taking reasonable precautions to ensure that no other person or body has access to or otherwise becomes aware of the contents of the notes. Such notes (or the contents of such notes) shall not be shared with, distributed to, or otherwise communicated to any other person or body without the consent of the General Manager.

6.5 Further to clauses 6.3(c) and 6.3(g), prior to the presentation of confidential information at an information session, the Chair is to make a statement to the effect that:

- (a) the confidential information is not to be disclosed by any attendee without the prior consent of the General Manager; and
- (b) disclosure of the confidential information without such consent may result in action being taken in accordance with Council's Code of Conduct.

7 BREACH OF THIS CODE

7.1 Breaches of this Code shall be handled in accordance with Council's Code of Conduct and Procedures for the Administration of the Code of Conduct.

8 INTERPRETATIVE PROVISIONS

In this Code:

8.1 **Attendee** means any person who is present at any time during an information session.

8.2 **Bullying behaviour** means bullying behaviour within the meaning of Part 3 of Wingecarribee Shire Council's Code of Conduct.

8.3 **Chair** refers to the General Manager, or a member of Council staff nominated by the General Manager to preside at an information session in place of the General Manager, whichever is applicable, in their capacity as Chair of an information session.

8.4 **Council** means Wingecarribee Shire Council.

8.5 **Committee of Council** has the same meaning as provided by Part 23 of Wingecarribee Shire Council's Code of Meeting Practice, which states that:

committee of the council means a committee established by the council in accordance with clause 21.2 of [the Code of Meeting Practice] (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 13.1 [of the Code of Meeting Practice].

8.6 **Council official** has the same meaning as provided by Part 2 of Wingecarribee Shire Council's Code of Conduct, which states that:

council official includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16 [of the Code of Conduct], council advisers.

- 8.7 **Council staff** means the collective body of persons employed by Wingecarribee Shire Council, and includes the General Manager and Deputy General Managers, but does not include a Councillor.
- 8.8 **Councillor** has the same meaning as in the Dictionary to the *Local Government Act 1993*.
- 8.9 **Information session** means a meeting session held in which Councillors are provided with information by members of Council staff or other persons for the purpose of fully informing Councillors of significant or complex matters that are relevant to Wingecarribee Shire Council, but does not include a pre-meeting briefing session within the meaning of clause 3.32 of Wingecarribee Shire Council's Code of Meeting Practice.
- 8.10 **Non-pecuniary conflict of interest** means a conflict of interest in relation to a matter arising as a result of a non-pecuniary interest within the meaning of Part 5 of Wingecarribee Shire Council's Code of Conduct.
- 8.11 **Pecuniary interest** means a pecuniary interest within the meaning of Part 4 of Wingecarribee Shire Council's Code of Conduct.

DOCUMENT CONTROL

Version	Date	Notes
1.0 (this version)	13 May 2020	Initial adoption of document (MN128/20).

Related Documents and other Material

Code of Conduct

Code of Meeting Practice

Councillors' Access to Information and Interaction with Staff Policy

Local Government Act 1993

Procedures for the Administration of the Code of Conduct

Responsible Branch

Corporate and Community