



# **APPENDICES**

## **Ordinary Council Meeting**

**Monday, 16 December 2019**



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SY187-12/19 New Policy - Attendance at Events for Elected Members & CEO's

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## xxxx ATTENDANCE AT EVENTS POLICY: ELECTED MEMBERS & CEO'S

### Policy Objective

The purpose of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and CEO's are invited free of charge, whether as part of their official duties as council or Shire representatives or not.

### Policy Scope

The policy provides guidance to elected members and CEO's when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. It does not provide guidance on the acceptance of a tangible gift or travel contribution.

Travel and accommodation excluded: This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995* (the Act), must be disclosed in writing to the CEO within 10 days of receipt of the contribution.

Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of a gift.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS)
- Local Government Professionals Australia (WA)
- Australian Local Government Association
- A department of the public service
- A government department of another State, a Territory or the Commonwealth
- A local government or regional local government

The gift is still required to be recorded on the "gift register".

### Policy Statement

#### A. Key issues to consider

In considering whether a benefit such as an invitation to an event or hospitality given to an elected member or a CEO is a gift for the purposes of the Act and Regulations, the key issues include:

- Who is a donor, the person who is offering or giving the benefit?
- What is the value of the benefit?

- Does the elected member or CEO of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

## **B. Commercial entertainment events**

Any tickets accepted by an elected member or CEO without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or presidential function.

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire for one or more elected members or CEOs to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or CEO by the Shire at full cost.

## **C. Other commercial (non-entertainment) events**

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire for one or more Elected Members or CEOs to attend (such as for their professional development or to undertake a function as an Elected Member or CEO), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or CEO by the Shire at full cost to enable attendance.

If the Shire does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or CEO would be classified as a 'gift' unless the contribution of the Elected Member or CEO to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or CEO.

## **D. Community/local business events**

Acceptance of reasonable and modest hospitality by an Elected Member or CEO at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Elected Member or CEO to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or CEO attends the event in his or her capacity as an Elected Member or CEO - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing his or her functions as an Elected Member or CEO.

## E. Perceived or actual conflict

Event attendance may create a perceived or actual conflict, which may preclude council members participating or CEOs providing advice at a future meeting.

If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing council member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.

If the amount gift is above \$1,000 the council or CEO must apply to the Minister for permission to allow the member or CEO to participate.

### Principles

Legislative and Strategic Context

Legislation, directives, guidelines, Acts or Regulations that provide the broad framework within which the policy operates and/or with which it needs to comply follow:

- Local Government Act 1995

### Receipt of Gifts

In accordance with sections 5.87A and 5.87B of the Act, council members and CEOs are required to disclose gifts that are received in their capacity as a council member (or CEO) and –

- are valued over \$300; or
- are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12-month period.

## Policy Administration

Responsible Directorate/Division: Corporate and Community Services

Author/Contact Officer Position: Executive Manager Corporate and Community Services

Relevant Delegation:

Relevant Legislation: Local Government Act 1995 – Section 5.87A and 5.87B  
Local Government (Rules of Conduct) Regulations 2007

Relevant Documents: G1.1 Code of Conduct: Councillors, Committee Members and CEOs  
Department Circular No 11-2019 – New Gifts Framework

Date Adopted: December 2019

Reviews/Amendments