

Policy Type

Council

Policy Purpose

Section 5.90A of the *Local Government Act 1995* (the Act) requires that local governments prepare and adopt (by absolute majority) an Attendance at Events policy. This policy is made in accordance with those provisions.

This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of Elected Members and the Chief Executive Officer (CEO).

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

Policy Statement

1. Objective

- 1.1. The purpose of the policy is for Council to actively consider the purpose of and benefits to the community from Elected Members and the CEO attending events.
- 1.2. Where Elected Member and CEO attendance delivers a benefit to the community, this policy provides a framework for:
 - 1.2.1. Elected Member and CEO acceptance of gifted tickets to events without affecting their capacity to participate in Council decision-making.

2. Scope

- 2.1. This policy applies to Elected Members and the CEO in attending an event in their official capacity.
- 2.2. This policy does not apply to Elected Member attendance at professional development approved in accordance with the City's Elected Member Professional Development Policy.

3. Gifts

- 3.1. Any event tickets accepted by an Elected Member or CEO without payment, where a member of the public is required to pay, will generally be classified as a Gift.
- 3.2. In accordance with Part 5, Division 6 of the Act, Elected Members and CEOs are required to disclose Gifts with a value over \$300. This includes where two or more gifts are received from the same donor within 12 months, and the total value exceeds \$300.

- 3.3. The Act recognises that a relationship is formed between a gift donor and recipient, which could be perceived to affect the decisions made by the recipient.
- 3.4. The Act requires that Council Members must disclose an interest and not participate in any discussion or decision-making about a matter involving the donor of a Gift (or Gifts) valued at over \$300, unless the Gift is an Excluded Gift.
- 3.5. The Act requires that the CEO must disclose an interest and not provide advice or a report (directly or indirectly) about a matter involving the donor of a Gift (or Gifts) valued at over \$300 unless the Gift is an Excluded Gift.
- 3.6. In accordance with section 5.62(1)(b) of the Act, Gift tickets are an Excluded Gift if they relate to an event that is:
 - 3.6.1. A Pre-Approved Event in accordance with Clause 2 of this policy; or
 - 3.6.2. Approved in accordance with Clause 3 this policy.

4. Pre-Approved Events

- 4.1. Events within the that meet any of the following criteria are Pre-Approved Events under this Policy:
 - 4.1.1. Where the Elected Member or the CEO is attending in an official capacity, such as:
 - 4.1.1.1. performing a speaking role or some other welcoming role
 - 4.1.1.2. participating as a member of a discussion panel or judging panel
 - 4.1.1.3. presenting at the event as part of the event program
 - 4.1.1.4. representing the City of at a sponsorship acknowledgement event or award ceremony, where the primary purpose of attendance is not for the entertainment of the individual Elected Member or employee, but enable the City to fulfil its role, and exercise its rights and benefits, as a sponsor
 - 4.1.1.5. presenting awards or prizes to others on behalf of the City
 - 4.1.1.6. attending an exhibition or display where the City, its programs or services are being showcased at the event.
 - 4.1.2. Where the ticket is offered by:
 - 4.1.2.1. the Western Australian Local Government Association
 - 4.1.2.2. the Australian Local Government Association
 - 4.1.2.3. Local Government Professionals WA
 - 4.1.2.4. a department of the Public Service
 - 4.1.2.5. a government department of another State, a Territory or Commonwealth
 - 4.1.2.6. a State or Federal Member of Parliament, other than for party political events or fundraisers
 - 4.1.2.7. a local government, regional local government, or alliance of local governments
 - 4.1.2.8. major professional or industry association(s) relevant to local government activities
 - 4.1.2.9. a stakeholder partner of the City
 - 4.1.2.10. a civic / cultural / sporting / community organisation within the City
 - 4.1.2.11. educational institutions or
 - 4.1.2.12. a not-for profit organisation.

5. Approval for Events

5.1. Attendance at events not listed in Clause 2 of this Policy will require approval under this clause in order for a Gift ticket to that event to become an Excluded Gift.

5.2. Approval may be granted by:

5.2.1. The CEO for Mayor and Elected Member attendance at events.

5.2.2. The Mayor for CEO attendance at events.

5.2.3. Simple majority resolution of Council, if considered appropriate by the Mayor or CEO.

5.3. The application for approval must address the following for the decision-maker to consider:

5.3.1. the donor (if a Gift ticket);

5.3.2. the location of the event in relation to the district of the City;

5.3.3. the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,

5.3.4. the City's position as a sponsor of the event (if applicable),

5.3.5. the benefit of City representation at the event; and

5.3.6. the number of invitations / tickets received or requested.

6. Non-Approved Events

6.1. Any event that is not a Pre-Approved Event as per Clause 2, or Approved under Clause 3 is considered a Non-Approved Event.

6.2. A Gift ticket to a Non-Approved Event is not an Excluded Gift and the Act's disclosure of interest provisions apply.

6.3. If the event is free to the public and no reimbursement is requested then no action is required. This ticket would not be considered a Gift.

6.4. If the event is a paid event and Elected Member or CEO pays the full ticketed price and does not seek reimbursement or expenses, then no action is required.

7. Disclosure Requirements

7.1. Gift Disclosures

7.1.1. The Act's Gift disclosure obligations require Elected Members (s5.87A) and the CEO (s5.87B) to disclose Gifts over the specified value threshold regardless of a Gift being an Excluded Gift under s.5.62(1B).

7.1.2. The acceptance of an invitation to an event, including tickets, is considered a Gift and where required is to be disclosed and added to the City's Gift Register published on the City's website.

7.1.3. Where the Gift is an Excluded Gift due to approval under this policy, the date and reasons for approval must also be recorded in the Gift Register.

7.1.4. Elected Members and the CEO may make discretionary disclosures of Gifts that do not meet the specified value threshold. These disclosures will be published in the City's Gift Register.

7.2. Interest Disclosures

7.2.1. Elected Members and the CEO are required to disclose an interest in a matter concerning a donor to be considered by Council unless the gift is an Excluded Gift.

7.2.2. A Gift is an Excluded Gift if:

7.2.2.1. the Gift relates to attendance at an event where attendance has been approved in accordance with this Policy (refer section 5.62(1B) of the Act), or

7.2.2.2. the Gift is from specified entities (detailed in Local Government (Administration) Regulations 1996 regulation 20B).

7.2.3. However, to support transparency in decision making, Elected Members and the CEO are strongly encouraged to disclose an impartiality interest detailing attendance at an event, if a relevant matter were to be considered by Council.

7.3. Voluntary Attendance Disclosures

7.3.1. Elected Members may choose to provide details of events attended in their capacity as a Council Member.

7.3.2. These details will be published on the Mayor and Councillors Calendar page of the City's website.

Definitions

Event is defined under s5.90A(1) of the Act as including a:

- concert;
- conference;
- function;
- sporting event;
- prescribed occasion.

Excluded Gift is defined under s5.62(1B) of the Act as a ticket to an event where attendance at the event is approved in accordance with this Policy OR the gift is made by prescribed entities (refer Admin Regulation 20B).

Gift is defined under s5.57 of the Act as:

- the conferral of financial benefit from one person to another, unless adequate consideration in money or money's worth is provided to the donor in return; or
- a travel contribution (including accommodation incidental to a journey).

Guest for the purpose of this policy does not include a Council Member or City of Cockburn employee.

Ticket includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

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