

1.38 ATTENDANCE AT EVENTS (COUNCILLORS AND CEO)

OBJECTIVE

1. To provide a framework for the acceptance by Councillors and the CEO of invitations to various events, and to clarify who will pay for tickets or the equivalent value of the invitation.
2. To enable Councillors and the CEO to attend events as a representative of the Shire of Gingin without restricting their ability to participate in Council meetings (for Councillors), or to provide advice to Council or prepare reports for Council's consideration (for the CEO).

EXPLANATORY NOTES

Sections 5.87A and 5.87B of the *Local Government Act 1995* prescribe that Councillors and the CEO must disclose any gift with a value of more than \$300 which is received in the person's capacity as either a council member or CEO. As a result of such a disclosure, the gift giver becomes a *closely associated person* and the council member or the CEO is required to disclose an interest (either financial, indirect financial or proximity, as appropriate) in instances where:

1. A matter involving the closely associated person comes before Council; and
2. It is reasonable to expect that the matter will, if dealt with by the Council in a particular way, result in a financial gain, loss, benefit or detriment to either the closely associated person or the council member or CEO.

In such instances, Councillors may not participate in any part of the meeting dealing with the matter unless approval is granted by Council or the Minister in accordance with the provisions of the Act. The CEO may not provide advice to Council or prepare reports for Council on the matter, either directly or indirectly.

Section 5.62(1B) of the Act specifies that a gift is excluded from the conflict of interest provisions of the Act if:

1. It is a ticket to, or otherwise relates to the relevant person's attendance at, an event that is defined in s.5.90A; and
2. The local government approves, in accordance with a policy formed under s.5.90A, attendance by the council member or CEO at the event.

Section 5.90A of the *Local Government Act 1995* (the Act) therefore requires that a local Government prepare and adopt an Attendance at Events policy in order to ensure that the Council actively considers the purpose of, and benefits to, the community from attendance at events by Councillors and the CEO.

POLICY

1. Provision of Tickets to Events

- a. All invitations or offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the Shire of Gingin.

- b. Any invitation or offer of tickets not addressed to the Shire of Gingin is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- c. A list of events for which attendance is pre-approved by the Shire of Gingin is provided in cl.2.

2. Pre-Approved Events

The Shire of Gingin has approved attendance by Councillors and the CEO at the following events:

- a. Advocacy lobbying or Ministerial briefings;
- b. Awards functions specifically related to local government;
- c. Shire-hosted ceremonies and functions;
- d. Shire-run tournaments or events;
- f. Community cultural events/festivals/art exhibitions;
- g. Events hosted by clubs or not for profit organisations within the Shire to which the Councillor or CEO is officially invited;
- h. Events run by educational establishments within the Shire;
- i. Free Shire events;
- j. Industry and economic briefings specifically related to the function of government;
- k. Meetings of community clubs or organisations (in accordance with Policy 1.14 Attendance at Community/Progress Association Meetings);
- l. Meetings or conferences of major professional bodies associated with government at a local, state or federal level;
- m. Opening or launch of an event within the Shire; and
- n. Events where the attendance of the Shire President or the CEO has been formally requested.

3. Approval for Attendance at Other Events

- a. Approval by decision of Council

The following matters will be taken into consideration in making a decision on attendance at an event that is not captured under cl.4 of this Policy:

- i. who is providing the invitation or ticket to the event;
- ii. the location of the event in relation to the Shire of Gingin (within the district or out of the district);
- iii. the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- iv. whether the event is sponsored by the Shire of Gingin;
- v. the benefit of local government representation at the event;
- vi. the number of invitations/tickets received; and
- vii. the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

- b. Approval by the Shire President or Deputy Shire President
 - i. The Shire President is authorised by Council to approve event attendances by Councillors and the CEO not referenced in cl.2, provided that the matters identified by cl.3a are taken into consideration and:
 - the donor is not currently seeking a determination from the Shire of Gingin;
 - attendance at the event will not necessitate interstate or international travel;
 - there are sufficient budgeted funds available; and
 - with respect to attendance by Councillors, there are no more than three Councillors already attending the event;
 - ii. The Deputy Shire President is authorised by Council to approve event attendances by the Shire President not referenced in cl.2, subject to the criteria listed in cl.3bi.

4. Payments in Respect of Attendance

- a. In instances where attendance at an event is approved in accordance with this Policy, the Shire of Gingin may pay for, or contribute to, the cost of attendance by the Shire's representative and reasonable expenses such as travel and accommodation associated with that attendance.
- b. Where partners of an authorised Shire of Gingin representative attend an event, the Shire will not be responsible for any costs associated with that attendance. In instances where, for the purposes of expediency (such as when making travel arrangements), the Shire incurs a cost relating to the partner of a representative, then the representative will be required to reimburse the Shire in full for such costs.

5. Excluded Events

The following events are not addressed by this Policy, and attendance as a Shire representative will not be approved:

- a. Political party events and fundraisers;
- b. Social events; and
- c. Entertainment events with no link to the Shire of Gingin.

In the event that invitations or tickets are accepted to events of this nature, then the gift disclosure and conflict of interest disclosure requirements of the Act will apply.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Local Government Act 1995</i> s.5.90A Policy for attendance at events
Industry Compliance	Department of Local Government, Sport & Cultural Industries Guideline – Attendance at Events Policy
Organisational Compliance	Council Policy 1.14 – Attendance at Community/Progress Association Meetings Council Policy 1.29 – Councillors' Entitlements

POLICY ADMINISTRATION

Review Cycle	2 years	Next Review	2022
Department	Office of the CEO		

Version	Decision Reference	Synopsis
1.	16/06/2020	Policy adopted