

COUNCIL POLICY EXE/CP-5 ATTENDANCE AT EVENTS AND FUNCTIONS



STRATEGIC OUTCOME SUPPORTED: 11 - Strong, visionary leadership

1. OBJECTIVE

- 1.1. Pursuant to section 5.90A (2) of the *Local Government Act 1995*, 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 Shire of Donnybrook Balingup.

2. SCOPE

- 2.1. The purpose of the mandatory council policy is to provide transparency about the attendance at events of elected members, the CEO and employees.
- 2.2. 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.

3. DEFINITIONS

- 3.1. **CEO** means Chief Executive Officer, Shire of Donnybrook Balingup
- 3.2. **Event** in accordance with section 5.90A of the Act: event includes, but not limited to the following.
 - a. a concert.
 - b. a conference.
 - c. a function.
 - d. a sporting event; and
 - e. an event described in this policy.
- 3.3. **Gift** means a conferral of a financial benefit (including a disposition of property) made by 1 person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral: or a travel contribution.

4. POLICY STATEMENT

Provision of tickets to event

- 4.1. All invitations or offers of tickets for an elected member or CEO to attend an event should be in writing and addressed to the CEO, Shire President or Councillor/s.

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- 4.2. All invitations or offers of tickets for an employee to attend an event should be in writing and addressed to the employee in their capacity as a Shire of Donnybrook Balingup employee.
- 4.3. Any invitation or offer of tickets not addressed as stated above is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

Approval of attendance

- 4.4. In making a decision on attendance at an event, the council will consider:
 - a. who is providing the invitation or ticket to the event?
 - b. the location of the event in relation to the Shire of Donnybrook Balingup (within the district or out of the district).
 - c. the role of the elected member or CEO when attending the event (participant, observer, presenter) and the value of their contribution.
 - d. whether the event is sponsored by the Shire of Donnybrook Balingup.
 - e. the benefit of the Shire of Donnybrook Balingup representation at the event.
 - f. the number of invitations / tickets received; and
 - g. 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.
- 4.5. 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*, must be disclosed in writing to the CEO within 10 days of receipt of the contribution.
- 4.6. Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of gift.
- 4.7. Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Payments in respect of attendance

- 4.8. Where an invitation or ticket to an event is provided free of charge, the Shire of Donnybrook Balingup may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.
- 4.9. For any events where a member of the public is required to pay, unless previously approved and listed below, the council will determine whether it is in the best interests of the Shire of Donnybrook Balingup for an elected member or the CEO or another employee to attend on behalf of the council.

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- 4.10. If the council determines that an elected member or CEO should attend a paid event, the Shire of Donnybrook Balingup will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 4.11. If the CEO determines that an employee should attend a paid event, the Shire of Donnybrook Balingup will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 4.12. Where partners of an authorised Shire of Donnybrook Balingup representative attend an event, any tickets for that person, if paid for by the Shire of Donnybrook Balingup, must be reimbursed by the representative unless expressly authorised by the council.

Perceived or actual conflict

- 4.13. Event attendance may create a perceived or actual conflict, which may preclude elected members participating or employees providing advice at a future meeting.
- 4.14. 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 elected member to participate on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.
- 4.15. If the amount gift is above \$1,000 the council or CEO must apply to the Minister for permission to allow the member or employee to participate.

Authorised Events in advance

- 4.16. The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:
 - a. WALGA (but not LGIS).
 - b. local Government Professionals Australia (WA).
 - c. Australian Local Government Association.
 - d. a department of the public service.
 - e. a government department of another State, a Territory or the Commonwealth; and
 - f. a local government or regional local government.
- 4.17. The gift is still required to be recorded on the "gift register".

5. DELEGATION AND AUTHORISATION

- 5.1. The CEO is authorised to approve any attendance to events that comply with this policy and criteria set out below:
 - a. the location of the event is within Western Australia.

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- b. 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 are in accordance with annual budget allocations; and
- c. an expression of interest was sent out to the appropriate people to gauge interest in attending.

5.2. The CEO is authorised to approve reimbursement or contribution of appropriate expenses for attendance, such as travel and accommodation in accordance with annual budget allocations.

6. LEGISLATION

- 6.1. *Local Government Act 1995*
- 6.2. *Local Government (Rules of Conduct) Regulations 2007.*
- 6.3. *Local Government Regulations Amendment (Gifts) Regulations 2019*
- 6.4. Department Circular No 11-2019 – New Gifts Framework

7. POLICY VERSION

Related Policies:	Nil				
Related Procedure:	Nil				
Responsible Department:	Executive				
Reviewer:	Corporate Planning and Governance Officer				
Review Frequency:	Annual	Next Due:	2022	Version Date:	24/11/2021
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