

Attendance at Events Policy (Council Members and CEO)

Policy Owner: Council
Contact Person: Executive Manager Governance and Legal
Date of Approval: 10 February 2020 (CE01-02/20)

POLICY STATEMENT

The purpose of this policy is to provide a framework to enable Council Members and the CEO to attend Events as representatives of Council without restricting their participation in the Council decision making process.

POLICY OBJECTIVE

Section 5.90A of the Local Government Act 1995 requires that local governments must adopt an "Attendance at Events" policy as part of the Local Government's Gifts Framework to ensure transparency and accountability in decision-making. Decision-making could be influenced, or perceived to be influenced in a number of ways, including through financial and personal relationships and the receipt of gifts.

SCOPE

This policy applies to Council Members and the CEO in respect of their acceptance of invitations to Events where it is offered at a discounted rate or free of charge, as part of a sponsorship agreement or paid for by the City of Wanneroo (the **City**). The acceptance of this benefit (if not paid for by the local government) is considered a gift and is subject to the disclosure of interest provisions unless the Event is detailed or is expressly approved under this policy.

Council Members and the CEO are not required to disclose interests in relation to gifts or Event invitations from the following entities:

- Western Australian Local Government Association (**WALGA**);
- Local Government Professionals Australia WA (**LG Pro**);
- Australian Local Government Association (**ALGA**);
- A department of the public service;
- A government department of another State, a Territory or the Commonwealth;
- A local government or regional local government,

however Council Members and the CEO are statutorily obligated to disclose the receipt and acceptance of the gift or Event invitation in accordance with Section 5.87A and 5.87B.

DEFINITIONS

Act	means the Local Government Act 1995
Donor	means the giver of a gift
Event(s)	means concerts, conferences, functions, sporting events and other hospitality occasions.
Gifts Framework	means the provisions of the Local Government Act 1995 being sections 5.87A and 5.87B that set out the legislative framework.

IMPLICATIONS

The City's Strategic Community Plan requires that the City operate in a way which is transparent, open, honest and accountable. This policy demonstrates Council's commitment to good governance and leadership through identifying those Events Council Members and the CEO may attend in their official capacity without restricting their participation in the Council decision process.

The interest relating to gift provisions recognise that a relationship is created between the donor and a recipient of a gift which could be perceived to affect, influence and possibly prejudice the decisions made by the gift receiver. This applies to any gift received, not just a gift that must to be disclosed in accordance with sections 5.87A and 5.87B of the Act.

Notwithstanding this, there are certain Events whereby attendance by Council Members and/or the CEO provides a clear benefit to the City, the community and/or the professional development of the respective Council Member or the CEO, and due to this benefit the respective Council Member and/or the CEO are encouraged to attend.

LEGISLATION

5.90A. Policy for attendance at events.

- (1) *In this section event includes the following —*
 - (a) *a concert;*
 - (b) *a conference;*
 - (c) *a function;*
 - (d) *a sporting event;*
 - (e) *an occasion of a kind prescribed for the purposes of this definition.*
- (2) *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of Elected Members and the CEO at events, including —*
 - (a) *the provision of tickets to events; and*
 - (b) *payments in respect of attendance; and*
 - (c) *approval of attendance by the local government and criteria for approval; and*
 - (d) *any prescribed matter.*

** Absolute majority required.*
- (3) *A local government may amend* the policy.*

** Absolute majority required.*
- (4) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

IMPLEMENTATION

Attendance at Events by Council Members and CEO will be administered in accordance with the following guidelines and procedures.

1. Key Considerations

Whether a benefit such as an invitation to an event or hospitality given to an Council Member or the CEO is a gift for the purposes of the Act and Regulations, the key considerations are:

- a) who is providing the invitation to the Event (the donor);
- b) the cost to attend the Event, (or estimated value of the Event per invitation) and any other expenses such as travel and accommodation;
- c) the location of the Event in relation to the local government (within the district or out of the district);
- d) the role of the Council Member or CEO when attending the Event (participant, observer, presenter) and the value of their contribution. If the value of the contribution outweighs the value of the benefit it will not be a gift for the purposes of the Act and Regulations;
- e) the benefit of Council Member or CEO representation at the Event;
- f) the number of invitations / tickets received;
- g) whether the Event is sponsored by the City; and
- h) whether the Event is paid for by the City.

2. Attendance at Events

- a) Any Event invitation accepted by an Council Member or CEO without payment, where a member of the public is required to pay, unless noted in this policy, will generally be classified as a gift to which the declaration of interest provisions apply.
- b) Where attendance by an Council Member or the CEO at an Event where a member of the public is required to pay is in the interests of the City (such as for their professional development or to undertake a function as an Council Member), the City may pay for the cost of the Event. The declaration of interest provisions would not apply.
- c) If the City does not pay for the Council Member or CEO's attendance at an Event, it would be classified as a 'gift' unless the contribution by the Council Member or CEO to the Event (such as by way of presenting a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Council Member or CEO.
- d) Acceptance of reasonable and modest hospitality by an Council Member or CEO at an unpaid Event run by a local community group where the Council Member or CEO attends the Event in his or her capacity as an Council Member or CEO would not generally be classified as a 'gift' where the contribution by the Council Member or CEO to the Event is reasonably considered to outweigh the value of the hospitality.

- e) Any Event that is not noted as a pre-approved Event or otherwise approved in accordance with this policy, or the Event invitation is received in a personal capacity would not be considered an approved Event.
- f) If the Event is a free Event to the public, then no action is required.
- g) If the Event is ticketed and the Council Member or CEO pays the full ticketed price and does not seek reimbursement, then no action is required.
- h) If the Event is ticketed and the Council Member or CEO pays a discounted rate or is provided with a free ticket, then the recipient must adhere to the gift and declaration of interest provisions.

3. Pre-Approved Events

The City approves attendance by Council Members and the CEO at the following Events (**Pre-Approved Events**):

- a) Advocacy lobbying or Ministerial briefings.
- b) Awards functions specifically related to local government.
- c) City hosted ceremonies and functions.
- d) City-run tournaments or Events.
- e) Community cultural Events/festivals/art exhibitions.
- f) Events hosted by Clubs or Not for Profit Organisations within the City to which the Council Member or CEO are officially invited.
- g) Events run by schools and universities within the City.
- h) Free City Events.
- i) Industry and Economic briefings, specifically related to the function of government.
- j) Meetings of clubs or organisations.
- k) Major professional bodies associated with government at a local, state and federal level.
- l) Opening or launch of an Event or facility within the City.
- m) Where Mayor or CEO representation has been formally requested.

4. Approval Process

- a) All invitations to Events for a Council Member or CEO must be in writing and addressed to the City.
- b) Invitations to Events valued at \$300 and over (or the cumulative value of \$300 and over within a 12 month period) are considered gifts for the purposes of the

Gift Framework and must be disclosed however declarations of interest are not required if the Event is listed in this policy as a pre-approved Event.

- c) Invitation to Events that are not addressed to the City and are not listed as a Pre-Approved Event must be disclosed in accordance with the gift and the declaration of interest provisions of the Local Government Act.
- d) Where an invitation or ticket to an Event is received that is not a Pre-Approved Event, approval to attend and accept may be requested as follows:
 - (i) for Council Member acceptance and attendance, approval by the CEO; and
 - (ii) for CEO acceptance and attendance, approval by the Mayor.
- e) Requests for approval are to be forwarded to the Manager, Council and Corporate Support for processing on the approved form available through Council and Corporate Support.
- f) Where an Council Member or the CEO request has been approved and there is a fee associated with attending the Event, then the cost, excluding the attendance of a partner, is to be paid for by the City subject to budget.

5. Approval Process Considerations

5.1 The following are the pertinent factors that must be considered in determining approving attendance at a non-Pre-Approved Event, subject to 5.2:

- a) The donor providing the invitation or ticket to the Event (for example, the donor is a person who is undertaking or seeking to undertake an activity involving a Council discretion);
- b) The location of the Event in relation to the City (whether within the district);
- c) The role that the Council Member or CEO will have when attending the Event (participant, observer, presenter) and the value of their contribution;
- d) Whether the Event is sponsored by the City;
- e) The benefit to the City of a Council Member or the CEO attending;
- f) Alignment to the City's Strategic Objectives;
- g) The number of City representatives already approved to attend; and
- h) Any justification provided by the applicant when the Event is submitted for approval.

5.2 Events that will not be considered for approval are:-

- a) Political party Events and fundraisers.
- b) City sponsored functions or Events.
- c) Social Events.
- d) Entertainment Events with no link to the City.

- e) Events that primarily benefit Council Members in a personal capacity or in a role other than their role at the City.

ROLES AND RESPONSIBILITIES

1. The CEO must report to Council annually of all decisions to approve or refuse Council Members and CEO attendance at Events that are not Pre-Approved Events in accordance with this policy.
2. The CEO is to cause an up to date version of this policy (as amended from time to time) to be published to the City’s website.
3. Council and Corporate support are to:-
 - a) include a provision in the City’s annual budget to address the costs associated with this policy; and
 - b) adopt procedures for the processing and approval of applications by Council Members and CEO to attend Events in accordance with this policy.

DISPUTE RESOLUTION

All disputes in regard to this policy will be referred to the Director Corporate Strategy and Performance in the first instance. In the event that the Council Member/CEO and the Director cannot reach an agreement, the matter will be submitted to Council for determination.

EVALUATION AND REVIEW PROVISIONS

The policy is to be reviewed every two years through consultation with Council Members to ensure that it meets its objective and provides clear accountability requirements unless legislative amendments require an immediate review.

RELEVANT POLICIES/MANAGEMENT PROCEDURES/DOCUMENTS OR DELEGATIONS

Request for approval to attend an Event - (20/1164)

RESPONSIBILITY FOR IMPLEMENTATION

Council and Corporate Support

Version	Next Review	Record No:
10 February 2020 CE01-02/20	February 2022	20/1170