

Council Policy

Councillor, Chief Executive Officer and Employee Attendance at Events



POLICY OBJECTIVES

The purpose of this policy is to establish guidelines to manage matters relating to the attendance of Councillors, the CEO, and employees at events.

POLICY SCOPE

This policy applies to Councillors, CEO and other employees invited to attend events on behalf of the Shire of Narembreen.

This policy does not deal with attendance at events where full payment is required or no invitation is received. These events are to be managed by an alternate policy, decision of Council relating to Councillors or the CEO relating to employees.

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.

POLICY DETAIL

The Shire of Narembreen, pursuant to section 5.90A of the Local Government Act 1995, is mandated to adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.

This policy is required to help manage the disclosure of interests relating to gifts in matters affecting local government decisions – specifically this policy will aim to establish a means by which the Shire can determine when a gift related to attendance at an event is an excluded gift and does not require disclosure. Any invitations that are not approved for exclusion under this policy must follow the normal gift declaration and disclosure practices associated with the Local Government Act.

In order for a ticket to or attendance at an event to be considered for exclusion under this policy it must be addressed to the Shire office via mail or email and be addressed to an individual or group (i.e. Council) as part of their role with the Shire. Any tickets or invitations extended directly to an individual by means of personal communication must always be managed in line with existing gift provisions and disclosure of interest provisions.

Any payment offered to a Councillor or employee for attendance at an event must be disclosed to the CEO. In general payments for attendance should not be accepted or should be paid to the Shire of Narembreen if a function is being performed as part of the event for which payment would normally be expected.

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If an invitation to attend an event is received and attendance is expected to incur costs to the Shire of Narembreen then regardless of whether the event type is pre-approved the invitation must go through an approval process to ensure the expenditure is appropriately budgeted for.

If there are more Councillors than tickets/invitations provided, the Shire President shall allocate the tickets appropriately.

Employees, other than the CEO, are not entitled to accept any gifts greater than \$300 and all discounted or gifted tickets to employees valued at \$50 - \$300 must be declared as gifts unless the employee is requested to attend the event as part of their employment and to the benefit of the Shire of Narembreen by the CEO or their appropriate manager. The CEO is to set appropriate policies and procedures to manage this process.

Pre-Approved Events

In line with the objectives of this policy, the below events have been pre-approved and attendance at these events will not need to be disclosed if invitations are received. Nothing in this section mandates attendance at any of these events or raises an expectation of free or discounted tickets to these events.

- a) Any public event which is free
- b) Invitations to attend events being hosted by other Local Governments, State Government or Federal Government/Ministerial agencies.
- c) Meetings of clubs or organisations within the Shire of Narembreen;
- d) Australian or West Australian Local Government Association events;
- e) Events hosted by sporting clubs, schools or not for profit organisations within the Shire of Narembreen or the District
- f) All Shire hosted, run or sponsored events
- g) Events run by professional associations of which employees are members or to which membership is encourage by the CEO for the benefit of the Shire.
- h) Opening or launch of an event or facility within the Shire of Narembreen or District.
- i) Recognition of Service events within the Shire of Narembreen or District.

Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event as follows:

- Events for the Shire President may be approved by the Deputy Shire President.
- Events for Councillors may be approved by the Shire President.
- Events for the Chief Executive Officer may be approved by the Shire President.
- Events for employees may be approved by the Chief Executive Officer.

Considerations for approval of the invitation to the event as being excluded include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of Narembreen of the person attending.
- Alignment to the Shire of Narembreen Strategic Objectives.

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- The number of Shire representatives already approved to attend.
- The overall cost in attending the event, inclusive of travel or accommodation
- availability of representatives
- The expected role of the relevant Councillor or employee or potential perceived conflicts of interest
- The type of organisation extending the invitation and the purpose of the event – in general invitations from commercial providers will require disclosure

Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event and is not excluded from gift and disclosure provisions.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays the full ticketed price and does not seek reimbursement, then no action is required.

If the event is ticketed and the Councillor, Chief Executive Officer or employee pays a discounted rate, or is provided with a free ticket(s), with a discount value, then the recipient must disclose receipt of the tickets (and any other associated hospitality) within 10 days to the Chief Executive Officer (or President if the CEO) if the discount or free value is greater than \$50 for employees, other than the Chief Executive Officer, and greater than \$300 for Councillors and the CEO

Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President and the CEO in relation to Councillors and the CEO in relation to other employees.

Other

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, Councillors, Chief Executive Officer or particular officer of the Shire, should clearly indicate that on the offer, together what is expected of that individual, should they be available, and whether the invite / offer or ticket is transferable to another Shire of Narembreen representative.

Free or discounted invitations / offers or tickets that are provided to the Shire of Narembreen without denotation as to who they are for, are be provided to the Chief Executive Officer and attendance will be determined based on the approval process associated with this Policy and in liaison with the Shire President.

DEFINITIONS

CEO – the Shire of Narembreen’s Chief Executive Officer or an officer subsequently delegated to manage this function by the Chief Executive Officer.

Council – the Shire of Narembreen Council

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Councillor – a person duly elected to the office of Councillor on a Council by way of a free election

District: is defined as the Wheatbelt Region of Western Australia.

In accordance with the Local Government Act 1995 s 5.90A, an event is defined as a:

- Concert
- Conference
- Function
- Sporting event
- Occasions prescribed by the Local Government (Administration) Regulations 1996.

RELATED LEGISLATION

Local Government Act 1995

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 council 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*

Subdivision 1 – Disclosure of financial interest in matters affecting local government decisions - Section 5.59 – 5.73

Specifically, section 5.62 part (1B)

A gift is an excluded gift — (a) if — (i) the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and (ii) the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event; or (b) if the gift is in a class of gifts prescribed for the purposes of this subsection.

- s 5.87A and 5.87B 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.

Local Government (Administration) Regulations 1996 –

- r.34B – required code of conduct contents about gifts to employees

Local Government (Rules of Conduct) Regulations 2007.

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OTHER RELATED POLICIES/KEY DOCUMENTS

Department Circular No 11-2019 – New Gifts Framework
Department of Local Government, Sport and Cultural Industries - Gifts and Conflicts of Interests - Frequently Asked Questions

Council Policy – Continuing Professional Development of Council Members

DELEGATED AUTHORITY

NA

REVIEW DATE

July 2022

HISTORY

Adopted:	19 August 2020	MIN: 7088/20
Reviewed:		MIN:
Reviewed:		MIN: