



Council Policy

Elected Member and Chief
Executive Officer
Attendance at Events



Elected Member and Chief Executive Officer Attendance at Events

Policy scope

To establish the requirements around the attendance at events where tickets are offered to elected members or the Chief Executive Officer.

The purpose of this policy is to enable Elected Members and the Chief Executive Officer to attend Events as representatives of the City of Fremantle without restricting their participation in the Council decision making process.

Section 5.90A of the *Local Government Act 1995* (the Act) 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.

Policy statement

This policy applies to Elected Members and the Chief Executive Officer 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 Fremantle.

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.

Elected Members and the Chief Executive Officer 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, Elected Members and the Chief Executive Officer are statutorily obligated to disclose the receipt and acceptance of the gift or Event invitation in accordance with Section 5.87A and 5.87B of the Act, and the City's Gift Register will be updated accordingly.



1. Pre-Approved Events

- 1.1 Acceptance and subsequent use of a ticket by an Elected Member or Chief Executive Officer for an Event is deemed a Pre-Approved Event (will not create an interest to disclose) under the following circumstances:
- a. Where the Elected Member or Chief Executive Officer is attending an event in an official capacity, such as:
 - i. performing a speaking role or some other welcoming role
 - ii. participating as a member of a discussion panel or judging panel
 - iii. presenting at the event as part of the event program
 - iv. representing the City of Fremantle at a sponsorship acknowledgement event or award ceremony to enable the City to fulfil its role, and exercise its rights and benefits, as a sponsor
 - v. representing the City of Fremantle at an event;
 - where it is considered helpful to enable assessment of any potential impact on the surrounding or greater community; or
 - where it is considered desirable to build and/or maintain social networks with business and or community representatives or groups.
 - vi. presenting awards or prizes to others on behalf of the City
 - vii. attending an exhibition or display.
 - b. Where the Ticket is offered by:
 - i. the Western Australian Local Government Association (WALGA)
 - ii. the Local Government Professionals Australia WA (LG Pro)
 - iii. the Australian Local Government Association (ALGA)
 - iv. a department of the public service
 - v. a government department of another State, a Territory or the Commonwealth
 - vi. a State or Federal Member of Parliament, other than for party political events or fundraisers
 - vii. a local government or regional local government
 - viii. major professional or industry association(s) relevant to local government activities
 - ix. a stakeholder partner of the City
 - x. a civic/ arts / cultural / business or community organisation within the City of Fremantle.
 - xi. educational institutions
 - xii. a not-for-profit organisation.

2. Approval Process

- 2.1 All invitations to Events for an Elected Member or Chief Executive Officer must be in writing and addressed to the City.



- 2.2 Invitations incurring a cost to the City will be subject to budgetary considerations.
- 2.3 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:
 - a. for Elected Member acceptance and attendance, approval by the Chief Executive Officer; and
 - b. for Chief Executive Officer acceptance and attendance, approval by the Mayor.
- 2.4 Requests for approval are to be forwarded to the Manager Governance for processing.
- 2.5 Where an Elected Member or the Chief Executive Officer request has been approved and there is a fee associated with attending the Event, then the cost, including the attendance of the Elected Members accompanying person where requested, will be paid for by the City subject to budget.

3 Distribution of Event Tickets

- 3.1 Where tickets are given to the City as opposed to an Elected Member or the Chief Executive Officer directly, the Chief Executive Officer may allocate the tickets as they see fit if attendance is deemed to satisfy the approval criteria detailed within this policy.
- 3.2 Where the provision of complimentary tickets or a benefit exists under a current sponsorship agreement or arrangement between the City and a third party, the management and allocation of tickets or benefits (unless expressly stated) shall be determined by the Chief Executive Officer and disclosed in accordance with this policy.
- 3.3 The Chief Executive Officer may allocate a ticket to an Elected Member where the purpose of attendance is to enable the Elected Member to perform their role as a community representative and to network and liaise with community individuals / groups within the district.

4 Disclosure Requirements

- 4.1 Elected Members and the Chief Executive Officer are statutorily obligated to disclose the receipt and acceptance of an Event invitation (as a gift), in accordance with Section 5.87A and 5.87B, and the City's Gift Register will be updated accordingly. A Pre-Approved Event does not void this obligation.
- 4.2 Invitation to Events that are not a Pre-Approved Event as listed in this policy, must be disclosed at a meeting of Council, in accordance with the declaration of interest provisions of the *Local Government Act 1995*.
- 4.3 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 (at a meeting of Council) are not required if the Event is listed in this policy as a Pre-Approved Event.

- 4.4 Where attendance by an Elected Member or the Chief Executive Officer 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 Elected Member or CEO), the City may pay for the cost of the Event. The declaration of interest (at a meeting of Council) or Gift disclosure provisions do not apply.
- 4.5 If the City does not pay for the Elected Member or Chief Executive Officer's attendance at an Event, it would be classified as a 'gift' unless the contribution by the Elected Member or Chief Executive Officer 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 Elected Member or Chief Executive Officer.
- 4.6 Acceptance of reasonable and modest hospitality by an Elected Member or Chief Executive Officer at an unpaid or free Event run by a local community group where the Elected Member or Chief Executive Officer attends the Event in his or her capacity as an Elected Member or Chief Executive Officer would not generally be classified as a 'gift' where the contribution by the Council Member or Chief Executive Officer to the Event is reasonably considered to outweigh the value of the hospitality.
- 4.7 If the Event is a free Event to the public, then no action is required.
- 4.8 If the Event is ticketed and the Elected Member or Chief Executive Officer pays the full ticketed price and does not seek reimbursement, then no action is required.
- 4.9 If the Event is ticketed and the Elected Member or Chief Executive Officer pays a discounted rate or is provided with a free ticket, then the recipient must adhere to the gift and declaration of interest provisions.

5 Exemptions

- 5.1 The requirements of this policy do not apply to any training or conference event attended by an Elected Member in accordance with the City's Elected Members' Professional Development Policy, or any training or conference event for the professional development of the Chief Executive Officer that are paid for by the City.
- 5.2 The requirements of this policy do not apply where an Elected Member or the Chief Executive Officer is the City's representative on a board or external organisation where the Elected Member or the Chief Executive Officer is required to attend an event for the purposes of fulfilling their role on the board or external organisation.



6 Non-Approved Events

- 6.1 The following factors will be considered in determining attendance approval at a non-Pre-Approved Event.
- a. The donor providing the invitation or ticket to the Event (for example, is the donor 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 and any additional travel costs.
 - c. The role that the Elected Member or Chief Executive Officer 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 an Elected Member or the Chief Executive Officer attending.
 - f. Available allocated funds.
 - g. The number of City representatives already approved to attend.
 - h. Fair distribution of attendance opportunities for all Elected Members and the Chief Executive Officer.

7 Reimbursements

- 7.1 An Elected Member who chooses to receive reimbursement of expenses in accordance with this policy must submit the request to the Chief Executive Officer together with supporting documentation.
- 7.2 Requests for reimbursement must be received within three (3) calendar months after the month in which the expenses were incurred.

8 Dispute Resolution

- 8.1 Any disputes in regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that the Elected Member and the Chief Executive Officer cannot reach an agreement, the matter will be reported to Council for consideration.



Definitions and abbreviations

Act – *Local Government Act 1995*

Donor means giver of a gift

Event has the meaning given to it under the *Local Government Act 1995*.

Note: Section 5.90A (1) of the Act states the following:

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

Gift has the meaning given to it under the *Local Government Act 1995*.

Note: Section 5.57 of the Act states the following:

gift means:

- (a) 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
- (b) a travel contribution.

For the purposes of the above definition:

- travel includes accommodation incidental to a journey;
- travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.

Gifts Framework means the provisions of the *Local Government Act 1995* being sections 5.87A and 5.87B that set out the legislative framework.



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