CITY OF Fremantle

Council Policy

Elected Member and Chief Executive Officer Attendance at Events

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Policy scope

Section 5.90A of the Local Government Act 1995 provides that a local government must prepare and adopt an Attendance at Events policy. This policy requires adoption and amendment by absolute majority of Council in accordance with s.5.90A(2) of the Act.

In accordance with s.5.90A(5) of the Act, the CEO must ensure an up-to-date version of this policy is published on the City of Fremantle's official website.

Administrative updates to Appendix 1 may be made by the CEO in accordance with clause 1.2 of this policy.

This policy is made in accordance with the above provisions and applies to:

- all Elected Members of the City of Fremantle; and
- the Chief Executive Officer.

It applies only to events, as defined in section 5.90A of the *Local Government Act 1995*.

Policy statement

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 City of Fremantle. The purpose of this policy is to provide transparency about the attendance at events of Elected Members and the Chief Executive Officer (CEO).

Attendance at a pre-approved event removes the requirement to disclose an interest at a council meeting only. It does not remove obligations to disclose the gift under sections 5.87A and 5.87B of the Act.

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 and acceptance of the gift will still be required to be disclosed in accordance with the Act and recorded on the City's Gift Register.

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.

Gifts from the above entities are excluded from the interest disclosure provisions only. The obligation to disclose and record gifts valued at $300 or more (or cumulative value of $300 or more from the same donor within a 12-month period) on the City's Gift Register in accordance with sections 5.87A and 5.87B of the Act remains.

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 as required under section 5.62 of the Act) under the following circumstances:

a. Where the Elected Member or Chief Executive Officer is attending an event specified in **Appendix 1.**

b. Where the Elected Member or Chief Executive Officer is attending an event in an official capacity, such as:

i. performing a speaking 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

1.2 Administrative changes to Appendix 1 may be made by the Chief Executive Officer, or as approved by Council.

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, 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.

3.4 Any invitation or offer of tickets not addressed to the City is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

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 valued at $300 or more (or cumulative value of $300 or more from the same donor within a 12-month period) as a gift, in accordance with sections 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 or more (or the cumulative value of $300 or more within a 12 month period) are considered gifts for the purposes of the Gifts 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 Elected 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 is 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

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*

CEO – Chief Executive Officer

City – means the City of Fremantle

Donor means the giver of a gift

Elected Members for the purpose of this policy means the Mayor and Councillors

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 gift disclosure and registration provisions of the *Local Government Act 1995*, including sections 5.87A, 5.87B and 5.89A.

Appendix 1 pre-approved events

Donor	Event Name	Date Range	Support Status
Word Play Festival Inc	Totally Lit	Biennial	Sponsored Event
Tonelist	Audible Edge Festival	Annual	Sponsored Event
Fremantle Biennale Inc.	Fremantle Biennale	Biennial	Sponsored Event
BeerFest Australia	Beer Festival	Annual	Sponsored Event
F50 Australia Pty Ltd t/as SailGP Australia	Sail GP	Annual (2026-2028)	Sponsored Event
Fremantle Masters Swimming Club (Freo Fins)	Fremantle Ports Swimthru	Annual	Sponsored Event
Swimming WA	Open Water Swim	Annual	Sponsored Event
West Australian Marathon Club	Fremantle Running Festival	Annual	Sponsored Event
South Fremantle Football Club	WAFL/WAFLW: - Season Launch, VIP events and member/stakeholder functions - General Admission tickets for games	Various dates	Sponsorship agreement
Fremantle Football Club	AFLW: - Season Launch, VIP events and member/stakeholder functions - General Admission tickets for games	Various dates	Sponsorship agreement
Fremantle Football Club	Fremantle Dockers (AFL): - Season Launch, VIP events and member/stakeholder functions - General Admission tickets for games	Various dates	Sponsorship agreement

Donor	Event Name	Date Range	Support Status
Fremantle Chamber of Commerce	FCC Business Awards and Member events/functions	Annual	MOU - financial contribution
West Tech Fest	West Tech Fest and Freo Start Up Fest	Three - year	Sponsorship agreement

Responsibility and review information	
Responsible officer:	Manager Governance
Document adoption/approval details	Adoption date: 23 September 2020 Ordinary Meeting of Council - FPOL2009-8
Document amendment details	25 May 2022 - Ordinary Meeting of Council - FPOL2205-6 10 April 2024 – Ordinary Meeting of Council – C2404-6 22 July 2026 – Ordinary Meeting of Council – SGSC2607-7 12 November 2026 – CEO Approval – Doc ID 6410816
Next review date	10 April 2027 (to be reviewed following each ordinary election)