

Objective

The purpose of this policy is to establish the requirements around the attendance at events where tickets are offered to Elected Members or the Chief Executive Officer to enable Elected Members and the Chief Executive Officer to attend Events as representatives of the City of Armadale without restricting their participation in the Council decision making process.

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.

Scope

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

Definitions

Act means *Local Government Act 1995*.

Chief Executive Officer means the Chief Executive Officer of the City.

City means the City of Armadale.

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.

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

Ticket includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

Policy

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 Armadale.

The acceptance of this benefit (if not paid for by the City of Armadale) 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 *Local Government Act 1995*.

Attendance at Events

- Any Event invitation accepted by an Elected Member or the Chief Executive Officer 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.

- 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), the City may pay for the cost of the Event. The declaration of interest provisions would not apply.
- 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.
- Acceptance of reasonable and modest hospitality by an Elected Member or Chief Executive Officer at an unpaid 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.
- 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.
- If the Event is a free Event to the public, then no action is required.
- 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.
- 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.

Events that are approved for attendance without creating an interest ('Pre-Approved Event')

The acceptance and subsequent use of a ticket by an Elected Member or the Chief Executive Officer for an event within the Perth metropolitan area is deemed a pre-approved event under the following circumstances:

- (a) Where the Elected Member or Chief Executive Officer is attending an event in an official capacity, such as:
 - Any occasion that can be used as advocacy to gain advantage to the City including, but not limited to:

- Breakfast/lunch/dinner with Members of Parliament (State or Federal) or candidate that the City of Armadale has an interest in networking with to achieve a priority advocacy action.
- Any event where a key stakeholder will be present that the City of Armadale can network with.
- Attendance at an event or function where Council can show their support to stakeholders that are aligned to Council's position on issues.
- performing a speaking role or some other welcoming role
- participating as a member of a discussion panel or judging panel
- presenting at the event as part of the event program
- representing the City of Armadale 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
- representing the City of Armadale 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.
- presenting awards or prizes to others on behalf of the City
- attending an exhibition or display.

(b) Where the Ticket is offered by:

- the Western Australian Local Government Association
- the Local Government Professionals Australia WA
- the Australian Local Government Association
- a department of the public service
- a government department of another State, a Territory or the Commonwealth
- a State or Federal Member of Parliament, other than for party political events or fundraisers
- a local government or regional local government
- major professional or industry association(s) relevant to local government activities
- a stakeholder partner of the City
- a civic/ arts / cultural / business or community organisation within the City of Armadale.
- educational institutions

- a not for profit organisation.

Free tickets to the City for events

- 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.
- The Chief Executive Officer may allocate a ticket to an Elected Member under this section 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.

Complimentary tickets and benefits under sponsorship agreements

- 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.
- An Elected Member may be allocated a ticket or benefit by the Chief Executive Officer under the above dot point on the basis that attendance would enable the Elected Member to perform their role as a community representative and to network and liaise with community individuals / groups within the City's district.

Exemptions

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.

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.

Approval process

- All invitations to Events for an Elected Member or Chief Executive Officer must be in writing and addressed to the City.
- Invitations incurring a cost to the City will be subject to budgetary considerations.
- 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.
- Invitation to Events that are not addressed to the City and are not listed as a Pre-approval to attend and accept, may be requested as follows:

- for Elected Member acceptance and attendance, approval by the Chief Executive Officer; and
- for Chief Executive Officer acceptance and attendance, approval by the Mayor.
- Requests for approval are to be forwarded to the Governance Department for processing.
- 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, will be paid for by the City subject to budget.

Approval process considerations

The following factors will be considered in determining attendance approval at a non- Pre-Approved Event.

- 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).
- The location of the Event in relation to the City and any additional travel costs.
- 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.
- Whether the Event is sponsored by the City.
- The benefit to the City of an Elected Member or the Chief Executive Officer attending.
- Available funds in the budget.
- The number of City representatives already approved to attend.
- Fair distribution of attendance opportunities for all Elected Members and the Chief Executive Officer.

Administration

(a) Time Limit on Claims and Approval Process

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.

Requests for reimbursement must be received within three (3) calendar months after the month in which the expenses were incurred.

(b) 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.

Applicable legislation

Act	<i>Local Government Act 1995</i> sections 5.57, 5.87A, 5.87B and 5.90A
Regulation	<i>Local Government (Administration) Regulations 1996</i> r.20A
Local law	
Related Policy	Elected Member Professional Development

Delegation of Power

Nil

Link to influencing strategies or plans

Corporate Business Plan

This policy is related to the Corporate Business Plan:

Strategy 4.1.2 – Make decisions that are sound, transparent and strategic

Link to procedure

Nil

Other implications

Financial/Budget Implications

Consideration is to be made for an allocation in the annual budget for attendance at events.

Asset Management Implications

Nil

Environmental Implications

Nil

Occupational Safety and Health Implications

Nil

Administrative information

Adopted on	23 May 2022 (CS22/5/22)
Reviewed or amended	

Responsible department	Governance
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