
Policy Owner: Governance and Compliance
Person Responsible: Chief Executive Officer
Date of Approval: 18 February 2020
Amended:

Objective: The purpose of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where elected members and employees are invited free of charge, whether as part of their official duties as council or Shire of Corrigin representatives or not.

Policy: This policy applies to Elected Members, the Chief Executive Officer and all employees of the Shire of Corrigin in their capacity as an Elected Member or employee of the Shire.

When considering whether an invitation to an event or hospitality given to an elected member or an employee is a gift for the purposes of the Act and Regulations, the key issues are:

- The business, community group or individual offering the gift, ticket or benefit.
- Value of the benefit.
- Expectation of anything of value in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards.
- Whether the value of that contribution outweighs the value of the benefit.

Definitions

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

Elected Members: includes the Shire President and all Councillors.

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*.

Entertainment Events

Any tickets accepted by an elected member, or employee, without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Shire of Corrigin or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the President or President's representative attends the event in an official capacity to perform a civic function. Where there is commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Shire of Corrigin for one or more elected members or employees to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or employee by the Shire of Corrigin at full cost.

Other Commercial (non-entertainment) Events

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Shire of Corrigin for one or more elected members or employees to attend (such as for their professional development or to undertake a function as an elected member or employee), then one or more registrations

or other benefits for that event will be purchased for the relevant elected member or employee by the Shire of Corrigin at full cost to enable attendance.

If the Shire of Corrigin does not pay for the event, free registration or any other benefit (such as hospitality) given to an elected member or employee would be classified as a 'gift' unless the contribution of the elected member or employee to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the elected member or employee.

Community/Local Business Events

Acceptance of reasonable and modest hospitality by an elected member or employee at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the elected member or employee to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the elected member or employee attends the event in his or her capacity as an elected member or employee - preferably where the attendance has been requested by the sporting club or community group, and is specifically authorised by the Shire of Corrigin, but otherwise where the person is performing his or her functions as an elected member or employee.

Conflicts of Interest

Attendance at events may lead to a perceived or actual conflict, which may prevent council members participating, or employees, providing advice at a future meeting. If the amount of an event ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing council member to participate in the discussion and vote on the condition that the interest, the council's decision and the reasons for that decision are recorded in the minutes.

If the amount gift is above \$1,000 the Council or CEO must apply to the Minister for permission to allow the member or employee to participate.

Scope

The policy provides guidance to elected members and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge. 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 gift.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS)
- Local Government Professionals Australia (WA)
- Australian Local Government Association
- A department of the public service
- A government department of another State, a Territory or the Commonwealth
- A local government or regional local government

The gift is still required to be recorded on the “gift register”.

Pre-Approved Events

In order to meet the policy requirements, tickets and invitations to events must be received by the Shire (as opposed to in the name of a specific person in their role with the Shire).

The Shire approves attendance at the following events by elected members, the Chief Executive Officer and employees of the Shire:

- (a) Advocacy, lobbying or Members of Parliament or Ministerial briefings (elected members, the Chief Executive Officer only);
- (b) Meetings of clubs or organisations within the Shire of Corrigin;
- (c) Any free event held within the Shire of Corrigin;
- (d) Australian or West Australian Local Government events;
- (e) Events hosted by sporting clubs or not for profit organisations within the Shire of Corrigin to which the Shire President, elected member, Chief Executive Officer or employee has been officially invited;
- (f) Shire hosted ceremonies and functions;
- (g) Shire hosted events with employees;
- (h) Shire run tournaments or events;
- (i) Shire sponsored functions or events;
- (j) Community art exhibitions within the Shire of Corrigin or District;
- (k) Cultural events/festivals within the Shire of Corrigin or District;
- (l) Events run by a Local, State or Federal Government;
- (m) Events run by schools and universities within the Shire of Corrigin;
- (n) Major professional bodies associated with local government at a local, state and federal level;
- (o) Opening or launch of an event or facility within the Shire of Corrigin or District;
- (p) Recognition of Service event's within the Shire of Corrigin or District;
- (s) Where Shire President, elected member or Chief Executive Officer representation has been formally requested.

All elected members, the Chief Executive Officer and employees with the approval of the CEO, are entitled to attend a pre-approved event.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire of Corrigin by way of reimbursement.

If there are more elected members than tickets provided then the Shire President shall allocate the tickets.

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 for approval 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; and
- Events for employees may be approved by the Chief Executive Officer.

Considerations for approval of the event include:

- Any justification provided by the applicant when the event is submitted for approval.
- The benefit to the Shire of Corrigin of the person attending.
- Alignment to the Shire of Corrigin Strategic Objectives.
- The number of Shire representatives already approved to attend.

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.

- If the event is a free event to the public then no action is required.
- If the event is ticketed and the Elected Member, 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 Elected Member, 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 Elected Members and the CEO.

Conference Registration, Bookings, Payment and Expenses

Shall be dealt with in avoidance with Council Policies:

- 8.9 Elected Members' Business, Conferences and Training Expenses
- 8.7 Training and Development – Elected Members

Dispute Resolution

All disputes regarding the approval of attendance at events are to be resolved by the Shire President in relation to elected members and the Chief Executive Officer and the CEO in relation to other employees.

Procedures

Organisations that desire attendance at an event by a particular person(s), such as the President, Deputy President, elected member, 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 Corrigin representative.

Free or discounted invitations / offers or tickets that are provided to the Shire of Corrigin without denotation as to who they are for, are be provided to the Chief Executive Officer and attendance determined by the Chief Executive Officer in liaison with the Shire President, based on:

- the relative benefit to the organisation in attending the event,
- the overall cost in attending the event, inclusive of travel or accommodation,
- availability of representatives, and
- the expected role of the relevant elected member or employee.

Legislation

Local Government Act 1995

- s 5.90A – *requirement to prepare and adopt a policy that deals with matters relating to the attendance of council members and the CEO at events.*

- 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.

Department Circular No 11-2019 – New Gifts Framework

Department of Local Government, Sport and Cultural Industries - Gifts and Conflicts of Interests - Frequently Asked Questions