

Councillor and CEO Attendance at Events Policy

CEO



25 January 2023

This policy was adopted by Council to set governing principles in place that align with the Strategic Community Plan 2040: Focus Area Performance: Outcome PF.1: Responsible planning and ownership of outcomes.

Objectives

The provision of tickets for Councillors and the CEO to attend events is dealt with in a transparent manner, that mitigates any actual or perceived conflicts of interest, and actively considers the purpose of and benefits to the community from Councillors and the CEO attending events.

Application

This policy applies to Councillors and the Chief Executive Officer (CEO) of the Shire of Augusta Margaret River.

Definitions

A **'gift'** is defined under section 5.57 *Local Government Act (1995)* (LGA) as a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel. A door prize or raffle prize received by chance is not considered a gift.

A **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.

Shire sponsored major event is an event that has received Major Events Grant Funding in accordance with the Shire's Community, Economic, Environmental and Events Funding Policy.

Policy

This Policy addresses the attendance by Councillors and the CEO at events, including concerts, functions, conferences, cultural, sporting or community events, whether the tickets are free of charge, discounted, part of a funding agreement, or paid for by the Shire.

The community expects high standards of ethical behaviour and integrity in decision-making by Councillors and the CEO. Attendance at events by Councillors and the CEO can benefit the

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community and Shire, however the gifting of tickets can influence (or be perceived to influence) decision-making and create a conflict of interest between the donor and recipient.

Acceptance of a gifted ticket in accordance with this policy excludes a Councillor or the CEO from the requirement to disclose an interest if the gifted ticket is above \$300 and the donor has a matter before Council under section 5.62(1A) LGA. Any gift received that is less than \$300 does not require conflict of interest disclosure (r. 20A LG (*Administration*) *Regulations 1996*).

1. Provision of tickets to events

- 1.1. A ticket to an event must be provided to the CEO or Councillor in their capacity as the CEO or Councillor.
- 1.2. Any ticket provided to the CEO or Councillor to attend an event in their personal capacity is not captured by this Policy.
- 1.3. To assist in determining if the ticket is received in the capacity as the CEO or Councillor, the following question can be asked:
 - Would the ticket to the event have been given to me if I was not the CEO or a Councillor? If the answer is no, then the ticket was received in your capacity as the CEO or a Councillor.

2. Attendance at pre-approved events

- 2.1 Council approves attendance by the CEO and Councillors at the following events (pre-approved events):
 - a) Shire organised events.
 - b) Events that are a free event to members of the public.
 - c) Shire sponsored major events. *
 - d) Events where the CEO or Councillor is a representative on an external committee or organisation and the CEO or Councillor is in attendance for the purposes of fulfilling their role on the external committee or organisation.
 - e) Where the ticket to an event is from a specified entity under r 20B LG (*Admin*) *Regulations 1996*, which includes:
 - o Western Australian Local Government Association (WALGA);
 - o Australian Local Government Association (ALGA);
 - o Local Government Professional Australia WA (LG Pro);
 - o Department of a Public Service;
 - o Commonwealth, State or Territory government department;
 - o local government or regional local government.

* Only includes attendance at the launch/opening event, or where there is no launch/opening event, an alternative scheduled event in the program.

- 2.1.1 Tickets offered to attend Shire sponsored major events will be allocated on a priority basis to the Shire President and CEO. If the Shire President cannot attend, then the Deputy President may attend in his or her place. If further tickets are available, they will then be allocated to Councillors, via method of drawing names out of a hat.

- 2.2 Council approves attendance by the Shire President and the CEO at the following events (pre-approved events):
- a) events held by local community or sporting groups
 - b) events held by not for profit organisations
 - c) events run by schools and universities within the Shire
 - d) local community cultural events / festivals / art exhibitions
 - e) events held by industry associations relevant to the local area
 - f) Shire funded events (excluding Shire sponsored major events)
 - g) Events organised by the embassy or consulate of another nation

If the Shire President cannot attend, then the Deputy President may attend, or any Councillor delegated by the Shire President to attend in his or her place.

- 2.3 Council approves attendance by the Shire President at events (pre-approved events) where the Shire President is performing any of the following functions:
- a) presenting at the event
 - b) participating as a member in a panel
 - c) opening or launching an event or facility
 - d) presenting or accepting awards or prizes to others on behalf of the Shire
 - e) or any other civic or ceremonial duty on behalf of the Shire

If the Shire President is unable to attend, then the Deputy President may attend, or any Councillor delegated by the Shire President to attend in his or her place.

- 2.4 Council approves attendance by the CEO at events (pre-approved events) where the CEO is performing any of the following functions:
- a) presenting at an event
 - b) participating as a member in a panel
 - c) accepting an award on behalf of the Shire

- 2.5 In relation to attendance at a pre-approved event in accordance with parts 2.1 – 2.4 above, the following applies in respect to payment of tickets:
- a) Where the ticket is offered free of charge, and tickets are also offered to members of the public free of charge, the ticket may be accepted, (ticket is not considered a gift).
 - b) Where the ticket is offered free of charge, but a member of the public is required to pay, the ticket is a gift. The ticket may be accepted (see part 5 in relation to any gift disclosures required).
 - c) Where the ticket is offered, and a benefit will be received, such as dinner and beverages, but there is no purchase price for the ticket. The ticket may be accepted (see part 5 in relation to any gift disclosures required).
 - d) Where the Shire President or the CEO performs a function at the event, providing adequate consideration, or partial consideration for the ticket, the ticket may be accepted, (see part 5 in relation to any gift disclosures required where there was partial consideration for the ticket).
 - e) Where the ticket is offered at a discounted rate, the ticket may be paid for by the Shire administration if adequate funding is available in the budget (see part 5 in relation to any gift disclosures required for the discount received).
 - f) Where the ticket requires payment: the ticket may be paid for by Shire administration ; or

- g) Councillor may pay for the ticket and request a reimbursement of the expense in accordance with the Councillor Entitlements Policy (prior CEO approval is required), if adequate funding is available in the budget.
- 2.6 In relation to attendance at pre-approved events in accordance with parts 2.1-2.4 above, the following applies in respect to payment of expenses associated with attendance:
- a) The Shire may pay reasonable expenses associated with attendance by the CEO or Councillor, such as travel and accommodation expenses, within the expenditure limitations prescribed in the current Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members under the *Salaries and Allowances Act 1975*: section 7B (*'Determination'*)), if adequate funds are available in the allocated budget. Accommodation expenses will only be paid for events outside of the Shire.
 - b) The Councillor may seek reimbursement of reasonable expenses associated with attendance, (such as travel and accommodation expenses), in accordance with the Councillor Entitlements Policy and *Determination*, if adequate funding is available in the budget. Accommodation expenses will only be reimbursed for events outside of the Shire.
- 2.7 If the CEO or Councillor is invited to attend an event that is not a pre-approved event under part 2.1-2.4 above, or are not authorised to attend the event under part 2.1-2.4 above, then:
- a) the CEO or Councillor can request approval to attend the event in accordance with part 3 below; or
 - b) pay for the ticket to attend the event at own expense.

3. Attendance at events requiring approval

3.1 Attendance by a Councillor or the CEO at an event which is not a pre-approved event under parts 2.1-2.4 above, must be determined by Council in the case of a Councillor's attendance, or the Shire President in the case of the CEO's attendance at the event.

3.2 Key factors for consideration include:

- a) Who is providing the ticket to the event.
- b) The location of the event in relation to the Shire.
- c) The role of the Councillor or CEO when attending the event (participant, observer, presenter) and the value of their contribution.
- d) The benefit to the community in the Councillor or CEO attending the event.
- e) The benefit to the organisation in the Councillor or CEO attending event.
- f) Alignment to the Shire's strategic objectives.
- g) Whether the event is funded by the Shire.
- h) The number of invitations / tickets received.
- i) The cost to attend the event (if any) and any other expenses such as travel and accommodation.
- j) Whether there is a personal benefit to the CEO or Councillor in attending the event, for example if food and alcohol included, or if the benefit is primarily for entertainment.
- k) The likely community perception of the CEO or Councillor attending the event.

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- l) Whether the ticket can be paid for to avoid the acceptance of a gift and risk of influenced (or perception of influenced) decision-making.

3.3 Approval is required in respect of:

- a) Attendance at the event by a Councillor or the CEO.
- b) Whether the ticket is accepted as a gift, or is paid for by the Shire.
- c) Whether the Shire pays or contributes to associated expenses such as travel or accommodation.

4. Partners

4.1 Where attendance to an event is approved under parts 2 or 3 of this Policy, the following applies in respect of tickets for partners to attend:

- a) The CEO or Councillor may accept a ticket for their partner to attend the event if the ticket is offered free of charge and tickets are also offered to members of the public free of charge, or if it is a Shire organised event (ticket is not considered a gift).
- b) The CEO or Councillor may accept a ticket for their partner to attend an event where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket, and the ticket for partner cannot be purchased by the CEO or Councillor (see part 5 in relation to gift disclosures required).
- c) The CEO or Councillor must not accept a gifted or discounted ticket for their partner to attend, where a member of the public is required to pay for a ticket.
- d) The CEO or Councillor can purchase a ticket for their partner to attend the event at own expense.

4.2 The Shire will not pay for, or reimburse the cost of tickets or associated expenses such as travel or accommodation for partners to attend events, however, the CEO or Councillor may purchase travel or accommodation for partner at their own expense.

5. Disclosure requirements relating to tickets accepted as gifts

5.1 Where, in accordance with part 2 and 3 of this Policy, the CEO or Councillor has accepted:

- a) a ticket free of charge where members of the public are required to pay;
- b) a ticket where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket;
- c) a ticket at a discounted rate; or
- d) a ticket where they have provided partial consideration in money's worth through the performance of a function at the event;

and the value of the benefit received is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), the CEO or Councillor is required to make a gift disclosure under the gift provisions s5.87A and 5.87B. The disclosure will be published on the gift register on the Shire's website (s5.89A LGA).

5.2 In accordance with part 4.1(b) above, where a Councillor or the CEO has accepted a ticket for their partner to attend an event where a benefit is received, such as dinner and beverages, but there is no purchase price for the ticket and the ticket for the partner cannot

be purchased by the CEO or Councillor, then if the total value of the benefit received by the CEO/Councillor and partner is over \$300 (or is one of a series of gifts received by the same donor in a 12 month period over the value of \$300), the CEO/Councillor is required to make a gift disclosure under the gift provisions s5.87A and 5.87B. The disclosure will be published on the gift register on the Shire's website (s5.89A LGA).

5.3 The gift disclosure by a Councillor must be made to the CEO (or Shire President in the case of the CEO disclosing the gift) within 10 days of the Councillor or CEO receiving the ticket, and is to include, under s5.87C LGA:

- a) a description of the gift;
- b) the name and address of the person who gave the gift;
- c) the date on which the gift was received;
- d) the estimated value of the gift at the time it was made; and
- e) the nature of the relationship between the person who made the gift and the person who received it.

5.4 A ticket is excluded from the conflict of interest provisions if attendance to the event has been approved in accordance with this Policy (s5.62(1B) LGA). The Councillor or CEO is not required to complete a disclosure of interest if the donor has a matter before Council.

Relevant legislation

Section 5.90A LGA: Policy for attendance at events

Related documents

Code of Conduct for Councillors, Committee Members and Candidates

Document and version control table			
Responsible Directorate	Office of the CEO		
Contact officer	Governance (Legal, Risk) Officer		
Adopted / approved by:	Council		
Date of adoption / approval:	25/1/2023	Decision Ref: OM2023/3	
Date of next review	2026		
Document No.	N253513	File No.	GOV/38
Version	Date	Decision Ref.	Brief description
1.0	24/3/21	OM2021/41	Initial Issue

2.0	22/05/22	OM2022/74	Full review
2.1	12/10/22	OM2022/16	Amendment to clause 2.2: 'events organised by the embassy or consulate of another nation'.
2.2	25/1/2023	OM2023/3	Addition of 'Shire sponsored major events' 2.1.(c) as a pre-approved event that all Councillors can attend, limited to attendance at the launch/opening event, or where there is no launch/opening event, an alternative scheduled event in the program. Addition of 2.1.1: method of allocation of tickets.