

G 24 – Attendance at Events Policy

1 Objectives

- 1.1 To ensure compliance with Section 5.90A of the *Local Government Act 1995* which provides for a local government to prepare and adopt an Attendance at Events policy.
- 1.2 To address attendance at events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid for by the local government.
- 1.3 To provide transparency about the attendance at events of Councillors and the Chief Executive Officer (CEO).

2 Scope

This Policy applies to the CEO and Councillors.

3 Definitions

3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment. Also known as staff.

3.3 Event

In accordance with Section 5.90A of the *Local Government Act 1995*, means:

- 3.3.1 A concert;
- 3.3.2 A conference;
- 3.3.3 A function;
- 3.3.4 A sporting event;
- 3.3.5 An occasion of a kind prescribed for the purposes of this definition.

3.4 Gifts

In accordance with section 5.57 of the *Local Government Act 1995*, means 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 in whose favour the conferral is made to the person who makes the conferral. It includes any contributions to travel. For the purposes of both disclosure of receipt and disclosing an interest when a matter comes before Council, a gift is any gift valued at over \$300 or a cumulative value of \$300 where the gifts are received from the same donor in a 12-month period.

3.5 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, Councillor, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

4 Policy

Provision of Tickets to Events

4.1 Invitations

- 4.1.1 All invitations or offers of tickets for a Councillor or CEO to attend an event should be in writing and addressed to the President or CEO.
- 4.1.2 Any invitation or offer of tickets not addressed to the President or CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.
- 4.1.3 A list of events and attendees authorised by the local government in advance of the event is at Attachment A.

4.2 Approval of Attendance

- 4.2.1 Council authorises the CEO to decide on CEO attendance at an event.
- 4.2.2 In deciding on attendance at an event, Council and/or the CEO will consider:
 - (a) Who is providing the invitation or ticket to the event;
 - (b) The location of the event in relation to the local government (within the district or out of the district);
 - (c) The role of the Councillor or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
 - (d) Whether the event is sponsored by the local government;
 - (e) The benefit of local government representation at the event;
 - (f) The number of invitations/tickets received; and
 - (g) The cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.
- 4.2.3 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

4.3 Payments in Respect of Attendance

- 4.3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if Council determines attendance to be of public value.
- 4.3.2 For any event where a member of the public is required to pay, unless previously approved, Council will determine whether it is in the best interests of the local government for a Councillor or the CEO or another officer to attend on behalf of Council.

- 4.3.3 If Council determines that a Councillor or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.
- 4.3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by Council.

4.4 Interests in Matters before Council

- 4.4.1 The interest provisions are aimed at ensuring that decision-making is free from influence and so decisions can be made in the best interests of the community.
- 4.4.2 An interest created from receipt of a gift recognises that a relationship is formed between the donor and a recipient of a gift which could be perceived to affect decision-making. This applies to any gift received, not just a gift that must be disclosed under sections 5.87A and 5.87B.
- 4.4.3 The basic principle is that unless the gift is an excluded gift (section 5.62(1B) and Administration Regulation 20B), the Councillor who has received the gift is not to participate in any part of the meeting dealing with the matter. They must be absent from any deliberations (unless approval is granted by Council or the Minister).
- 4.4.4 If the Councillor has such an interest, they must disclose this interest before the meeting to the CEO or to the presiding member before the matter is discussed.
- 4.4.5 If it is the CEO who has the interest due to receipt of a gift, they are not to provide advice to Council or prepare reports for Council, either directly or indirectly. They must disclose their interest to the President.

4.5 Gifts Excluded from the Interest Provisions

- 4.5.1 Any gift received over \$300 is specifically excluded from the conflict of interest provisions if:
 - (a) The gift relates to attendance at an event where attendance has been approved by Council in accordance with the Council endorsed Attendance at Events policy, or
 - (b) The gift is from specified entities.
- 4.5.2 Regulation 20B of the *Local Government (Administration) Regulations 1996* prescribes the specified entities as WALGA (but not LGIS), ALGA, LG Professionals, a State public service department, a Commonwealth, State or Territory government department or another local government or regional local government.
- 4.5.3 Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of \$300 and received in the capacity of a Councillor or CEO.

5 Events Authorised in Advance

- 5.1 Councillors and the CEO are authorised to accept invitations, including tickets, from third parties to attend events where the ticket is offered by the following:
 - 5.1.1 The Western Australian Local Government Association (WALGA);
 - 5.1.2 The Australian Local Government Association (ALGA);

- 5.1.3 Local Government Professionals (WA);
- 5.1.4 A department of the WA public service;
- 5.1.5 Events conducted by a local government or regional local government, State or Federal Government department or agency;
- 5.1.6 A State or Federal Member of Parliament, other than for party political events or fundraisers;
- 5.1.7 Shire of Bridgetown-Greenbushes hosted events; and
- 5.1.8 A civic/cultural, community organisation within the Shire of Bridgetown-Greenbushes.

Attendance at pre-approved events covered by this policy is considered “excluded gifts” as defined in section 5.62(1B) of the *Local Government Act 1995*.

6 Other Events

An invitation to an event accepted by a Councillor or CEO without payment, where a member of the public is required to pay, unless noted as a pre-approved event in this policy, will generally be classified as a gift to which the declaration of interest provisions apply. Where an event is a free event to the public then no action is required by the recipient. If the event is ticketed and the Councillor or CEO pays the full ticketed price and does not seek or obtain reimbursement then no action is required by the recipient.

7 Risk Management

The risks of not having this Policy in place include:

- 7.1 Non-compliance with Section 5.90A of the *Local Government Act 1995* which provides for a local government to prepare and adopt an Attendance at Events policy.
- 7.2 Decisions regarding attendance at events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid for by the local government lack transparency, damage reputation and are not appropriate.

8 Accountabilities and Responsibilities

8.1 Council is accountable for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

8.2 The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

8.3 The Executive Management Team and Managers is responsible for:

- Ensuring that all employees under their direction comply with this policy document.

- Enacting process to redress non-compliance with this policy document.

8.4 All employees are individually responsible for complying with this policy document.

9 Applicable Legislation and Documents

Act	<p><i>Local Government Act 1995</i></p> <p>s.2.7(2)(b) – The council is to determine the local government’s policies</p> <p>5.90A. Policy for attendance at events</p> <p>(1) In this section —</p> <p>event includes the following —</p> <ul style="list-style-type: none"> (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. <p>(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —</p> <ul style="list-style-type: none"> (a) the provision of tickets to events; and (b) payments in respect of attendance; and (c) approval of attendance by the local government and criteria for approval; and (d) any prescribed matter. <p>* Absolute majority required.</p> <p>(3) A local government may amend* the policy.</p> <p>* Absolute majority required.</p> <p>(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.</p> <p>(5) The CEO must publish an up-to-date version of the policy on the local government’s official website.</p>
Regulation	N/A
Local Law	N/A
Shire Policies	N/A

Related Documents	N/A
Related Procedure	Delegated Authority 1.1.21 Power to Invest

10 Administration

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