

## Attendance at Events (Elected Members and CEO)

### Policy Objective

Representing the Shire of Broome (the Shire) at certain events is an important function for Elected Members and the CEO. This policy provides transparency about the attendance at such events, and where certain criteria are met, enables Elected Members and the CEO to represent the Shire without restricting their ability to participate in Council Meetings.

Section 5.90A of the *Local Government Act 1995* (Act) provides that a local government must prepare and adopt an Attendance at Events policy for Elected Members and the Chief Executive Officer (CEO).

### Policy Scope

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

### Explanatory Notes

#### Gifts Overview

In accordance with the Act, Elected Members (section 5.87A) and CEOs (section 5.87B) are required to disclose gifts that are received in their capacity as an Elected 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.

All such gifts must be disclosed within ten days of receipt: the CEO makes the disclosure to the Shire President; Elected Members make the disclosure to the CEO. The CEO must update the gifts register within 10 days and an up-to-date version of the register is required to be published on the Shire's website.

As a result of such a disclosure, the gift giver becomes a *closely associated person* and the Elected Member (section 5.65), or the CEO (section 5.71A) is required to disclose an interest (either financial or indirect financial) in instances where:

- a matter involving the closely associated person comes before Council; and
- it is reasonable to expect that the matter will, if dealt with by the Council in a particular way, result in a financial gain, loss, benefit or detriment to either the closely associated person, the Elected Member or the CEO.

In such instances, Elected Members may not participate in any part of the meeting dealing with the matter unless approval is granted by Council (section 5.68(1)(a) \$300 - <\$1,000) or the Minister (section 5.69 >\$1,000).

## Gifts Excluded From the Interest Provisions

Section 5.62 (1B) of the Act specifies that a gift is **excluded** from the conflict of interest provisions of the Act if:

- the gift is a ticket to, or otherwise relates to the Elected Member or CEO's attendance at, an event as defined in section 5.90A(1); and
- the Council approves, in accordance with a policy formed under section 5.90A, attendance by the Elected Member or CEO at the event.

Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council.

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.

Where the value of the ticket exceeds \$300, receipt of the gift will still be required to be registered on the gift register.

## Policy Statement

Section 5.90A of the *Local Government Act 1995* defines an event as a:

- Concert;
- Conference;
- Function;
- Sporting Event;
- Occasions prescribed by the *Local Government (Administration) Regulations 1996*.

## Invitations

- a) All invitations or offers of tickets for an Elected Member or CEO to attend an event must be in writing, addressed to the CEO, Shire of Broome and sent by mail to PO Box 44, Broome WA 6725 or by e-mail to [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)
- b) Any invitation or offer of tickets that is not addressed to the CEO, Shire of Broome is not captured by this policy and must be disclosed in accordance with the gift and interest provisions.

## Pre-Approved Events

The Council approves attendance at the following events by Elected Members and the CEO, including one approved accompanying guest each, provided the value of the tickets does not exceed the \$300 threshold individually or cumulatively over 12 months as per sections 5.87A and 5.87B.

Tickets provided to Elected members and the CEO to attend events as part of the Shire sponsored Shinju Matsuri Festival traditionally exceed the \$300 threshold due to the large number of events held over the 2-week festival and the high ticket value of some events. To ensure appropriate representation of Council the maximum cumulative value of Shinju Matsuri Festival tickets over a 12-month period is \$1,200.

Shinju Matsuri Festival tickets with an annual cumulative value exceeding \$1,200 require express approval as per the process outlined below.

Shinju Matsuri Festival tickets with a value greater than \$300 individually or cumulatively must be recorded in the gift register.

All other tickets with a value greater than \$300 individually or cumulatively requires express approval as per the process outlined below and must be recorded in the gift register.

- Meetings of clubs or organisations within the Shire of Broome;
- Any free event held in the Shire of Broome;
- Australian or West Australian Local Government events;
- Events hosted by Clubs or Not for Profit Organisations within the Shire of Broome to which the Shire President, Elected Member or CEO have been officially invited including but not limited to;
  - Broome Sporting Association – Sports Star of the Year Awards
- Shire hosted ceremonies and functions;
- Shire run tournaments or events;
- Shire sponsored functions or events including but not limited to -
  - Cable Beach Polo
  - Saltwater Country Rhythm and Ride;
- Community cultural events or festivals within the Shire;
- Events run by a State or Federal Government agency;
- Events run by schools, universities or educational institutions;
- Events hosted by major professional bodies associated with local government including but not limited to –
  - Western Australian Local Government Association (WALGA);
  - Local Government Professionals WA;
  - Regional Capitals Alliance; and
  - Western Australian Regional Capitals Alliance
- Opening or launch of an event or facility within the Shire of Broome;
- Events where the Shire President, Elected Member or CEO representation has been officially invited.

## Approval of Attendance

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval no later than five business days prior to the event for approval as follows:

- Events for the Shire President will be approved by the Deputy Shire President;
- Events for Elected Members will be approved by the Shire President; and
- Events for the CEO will be approved by the Shire President.

Considerations for approval of the event attendance are to include:

- a) Who is providing the invitation or ticket to the event;
- b) The location of the event in relation to the Shire;

- c) The role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
- d) Whether the event is sponsored by the Shire;
- e) The benefit of Shire 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.

## **Approval of Accompanying Guest**

Where attendance at an event is approved in accordance with this Policy, Elected Members and the CEO may invite one accompanying guest each to the event. The accompanying guest must be approved no later than five business days prior to the event as follows:

- The Shire President's accompanying guest will be approved by the Deputy Shire President;
- An Elected Members accompanying guest will be approved by the Shire President; and
- The CEO's accompanying guest will be approved by the Shire President.

Tickets for accompanying guests must be included in the consideration of the total cumulative value of tickets, and if tickets have a value greater than \$300 individually or cumulatively, they must be recorded in the gift register.

## **Payments in Respect of Attendance**

Where attendance at an event is approved in accordance with this Policy, the Shire of Broome may pay for, or contribute to, the cost of attendance by the Shire's representative and approved accompanying guest including any reasonable expenses such as travel, and accommodation associated with attendance.

Where partners of an authorised Shire of Broome representative attend an event, any tickets or expenses for that person, if paid for by the Shire, must be reimbursed by the representative unless expressly authorised by the Council.

## **Distribution of Tickets**

Where an invitation to attend a pre-approved ticketed event is extended to the Shire of Broome and addressed to the Shire President, the Shire President has the right to accept, decline or with the consent of the event organiser, distribute the invitation or ticket to the Deputy President in the first instance, or another Elected Member.

Where an invitation to attend a pre-approved ticketed event is extended to a specific Elected Member, the Elected Member has the right to accept, decline or with the consent of the event organiser, distribute the invitation or ticket to another Elected Member.

Where an invitation to attend a pre-approved ticketed event is extended to the CEO, the CEO has the right to accept, decline or with the consent of the event organiser, distribute the ticket to another nominated Shire of Broome officer.

## Non-Approved Events

Any event attendance that is not pre-approved, is not submitted through the approval process, or is received personally is considered a non-approved event.

If the event is a free event to the public, no action is required.

If the event is ticketed and the Elected Member or CEO 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 CEO pays a discounted rate or is provided with a free ticket in their capacity as an Elected Member or CEO, then the recipient must disclose in accordance with the gift provisions within 10 days if the gift declaration threshold of \$300 is exceeded.

## Events Not Covered by this Policy

The following events are specifically excluded from this policy as they are not considered Council business. Any Elected Member or CEO attending such events are attending in their personal capacity:

- a) Party political events and fundraisers;
- b) Social events;
- c) Entertainment events with no link to the Shire;
- d) Events that primarily benefit Elected Members or CEO in a personal capacity or in a role other than their role at the Shire.

Conferences, seminars and training are specifically excluded from this policy as attendance is considered part of Elected Members and CEO's professional development.

## Roles and Responsibilities

The Manager Governance, Strategy and Risk is responsible for implementing and maintaining this policy.

Document Control Box							
Document Responsibilities:							
Owner:	Director Corporate Services			Owner Business Unit:	Governance		
Reviewer:	Manager Governance, Strategy & Risk			Decision Maker:	Council		
Compliance Requirements:							
Legislation:	<a href="#"><u>Local Government Act 1995 Section 5.90A - Policy for attendance at events</u></a> <a href="#"><u>Local Government Act 1995 Section 5.87A - Council members to disclose gifts</u></a> <a href="#"><u>Local Government Act 1995 Section 5.87B - CEOs to disclose gifts</u></a> <a href="#"><u>Local Government Act 1995 Section 5.89A - Register of gifts</u></a> <a href="#"><u>Local Government Act 1995 Section 5.62(1B) - Closely associated persons - Excluded gifts</u></a> <a href="#"><u>Local Government (Admin) Regulations 1996 Reg20A - Amounts related to gifts prescribed</u></a>						
Industry:	<a href="#"><u>DLGSC Operational Guideline Dec 2019 - Attendance at events policy</u></a> <a href="#"><u>DLGSC Operational Guideline Dec 2019 - Disclosure of gifts and interests relating to gifts</u></a>						
Organisational:							
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1.	23 September 2020		OMC Original Adoption				
2.	18 November 2021		Updated logo and desk top review.				

3.	31 August 2023	Council Review – Min C/0823/028
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