



# Shire of Derby / West Kimberley

## **C1 - ELECTED MEMBER AND CHIEF EXECUTIVE OFFICER ATTENDANCE AT EVENTS AND FUNCTIONS**

### **OBJECTIVE**

The purpose of this Policy is to meet the requirements of Section 5.90A of the Local Government Act, by establishing guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members and the Chief Executive Officer (CEO) are invited free of charge, whether as part of their official duties as Shire representatives or not.

### **POLICY**

This Policy provides direction to Elected Members and the CEO only 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 any other tangible gift or travel contribution.

Any other tangible gift/contribution to travel is required to be disclosed in accordance with current Local Government Act requirements.

Attendance at Events and Functions (tickets and hospitality) from the following entities are specifically excluded from the application of this Policy:

- WALGA (but not LGIS);
- Local Government Industry or affiliated organisations such as Kimberley Zone of WALGA, or Local Government Professionals Australia;
- Australian Local Government Association;
- A department of the public service;
- A government department of another State, a Territory or the Commonwealth; and,
- A local government or regional local government.

Should the attendance at Events and Functions (tickets and hospitality) from any of the above entities fall within the confines of Sections 5.87A and 5.87B (Gifts) of the Local Government Act 1995, they are still treated as a "Gift" and required to be recorded in the "Gift Register".

Attendance at an event in accordance with this policy relieves the gift holder from the requirements to disclose an interest if the donor has a matter before Council. Receipt of the gift is still however, required under the Gift Register provisions.

Attendance by Elected Members, CEO and other staff members at events includes the following:

- a concert;
- a conference;
- a function;
- a sporting event;
- agricultural shows;
- school award nights;
- cultural events; and,



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- an occasion of a kind prescribed for the purposes of this definition.

The policy also sets out the guidelines relating to the provision of the following:

- the provision of tickets to an event;
- payment in respect of attendance;
- approval of attendance by the Shire and criteria approval; and
- any prescribed matter.

**Provision of Tickets to Events** - All invitations or offers of tickets for an Elected Member or CEO to attend an event should be in writing addressed to the CEO, and must be approved by Council pursuant to this Policy before being used.

The tickets should be provided to the Shire of Derby/West Kimberley, not individual Elected Members or the CEO.

A ticket or invitation provided by a donor to an individual in their capacity as an Elected Member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the Shire to be considered in accordance with this Policy.

Any invitation or offer of tickets not addressed to the CEO is not captured by this Policy and is required to be disclosed in accordance with the gift and interest provisions in the Act.

**Approval of Attendance** - In making a decision on attendance at an event, Council should consider:

1. who is providing the invitation or ticket to the event;
2. the location of the event in relation to the Shire of Derby/West Kimberley;
3. the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;
4. whether the event is sponsored by the local government;
5. the benefit of Shire of Derby/West Kimberley's representation at the event;
6. the number of invitations/tickets received;
7. the cost to attend the event, including the cost of the ticket/s (or estimated value of the event per invitation) and any other expenses such as travel and accommodation; and
8. that it is not to restrict the ability to participate in Council meetings or to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

Decisions to attend events in accordance with this Policy may be made by simple majority or by the CEO in accordance with any authorisation provided in this Policy.

**Pre-Approved Events** - In order to meet the requirements of this policy, tickets and invitations to events must be received by the CEO.

The Shire approves the attendance at the following events by Elected Members and the CEO:

1. Events where President or CEO representation has been formally requested;
2. Events that are Council approved events in accordance with agreed sponsorship pertaining to their application (e.g. Kimberley Art Event);
3. Meetings with the Shire of Derby/West Kimberley's clubs or organisations;



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4. Ceremonies and functions hosted by the Shire of Derby/West Kimberley;
5. Sporting tournaments or events run by the Shire of Derby/West Kimberley;
6. Cultural Events and Festivals hosted by the Shire of Derby/West Kimberley;
7. Events run by schools within the Shire of Derby/West Kimberley;
8. The opening or launch of an event or facility within the Shire of Derby/West Kimberley;
9. Events with employees;
10. Events run by a Local, State or Federal Government; and
11. Not for Profit Association events.

**Payments in Respect of Attendance** - Where an invitation or ticket to an event is provided free of charge, the Shire of Derby/West Kimberley may contribute to appropriate expenses for attendances, such as travel and accommodation for events outside of the Shire if Council determines attendance to be of public value.

For any events where a member of the public is required to pay, Council should determine whether it is in the best interests of the Shire for an Elected Member or the CEO or another officer to attend on behalf of Council.

If Council determines that an Elected Member or the CEO should attend a paid event, the Shire is required to pay the cost of attendance and reasonable expenses, such as travel and accommodation.

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

## ADOPTION OF THIS POLICY

<b>Relevant Legislation</b>	Section 5.90A of the Local Government Act requires a local government to prepare and adopt an Attendance at Events Policy.  Sections 5.87A and 5.87B of the Local Government Act requires Elected Members and Employees to disclose gifts that are received in their capacity as an Elected Member (or Employee).  Local Government (Rules of Conduct) Regulations 2007.
<b>Related Local Law</b>	Nil Applicable
<b>Related Policies</b>	AF24 – Attendance at Conferences, Seminars and Training
<b>Last Reviewed</b>	Originating Policy - 29 October 2020
<b>Next Review Date</b>	2022
<b>Adopted</b>	29 October 2020