

Council Policy

Elected Member and Chief Executive Officer Attendance at Events



Legislation/local law requirements	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
Relevant Delegation	N/A
Related policy procedures and documents	Code of Conduct for Elected Members, Committee Members and Candidates Code of Conduct – Behaviour Complaints Management Policy – Elected Members, Committee Members and Candidates City of Kwinana Council Members, Committee Members and Chief Executive Officer Communication Agreement Elected Members Allowances, Expenses and Gifts Policy Elected Members Training and Development Policy Elected Members Leave of Absence Form 4 Gift Declaration (Attain)

Introduction

Section 5.90A of the *Local Government Act 1995* (Act) requires local governments to prepare and adopt a policy that addresses attendance at events. This policy is adopted in accordance with those provisions and sets out requirements for attendance at event by the Elected Members and Chief Executive Officer ('CEO') of the City of Kwinana ('City'). Events include concerts, conferences, functions, or sporting events, whether attending free of charge, as part of a sponsorship agreement or attendance is paid for by the City.

Purpose

The purpose of this Policy is to promote transparency by establishing guidelines for the disclosure and management of event attendance by Elected Members and the CEO. Attendance at an event in accordance with this Policy will:

- Exclude the gift recipient from the requirement to disclose an interest under the Act where the ticket is above \$300 and the donor has a matter before Council (provided it is a pre-approved event); and
- Ensure all gifts are declared in the Gift Register in accordance with statutory obligations.

Objective

The objective of this Policy is to ensure that attendance at events by Elected Members and the CEO is undertaken in a transparent, accountable, and consistent manner.

Scope

This Policy applies to the City's Elected Members and CEO when attending an event in their official capacity.

This Policy does not apply to City-run events involving refreshments or entertainment where there is an expectation that Elected Members (and their spouse/partner) will be invited to attend.

Policy Provisions

Definitions

Act means the *Local Government Act 1995*.

CEO means the Chief Executive Officer of the City appointed under section 5.36 of the Act.

City means the City of Kwinana.

Council means the Council of the City, consisting of the Mayor and Elected Members.

Elected Member means an individual elected under the Act to serve on the Council of the City, who are responsible for representing the community, making decisions on behalf of the City and providing strategic leadership and governance.

event means a gathering, function or occasion relevant to the role of an Elected Member or the CEO, including but not limited to conferences, seminars, forums, ceremonies, civic functions, cultural festivals, sporting events, community celebrations, or professional development sessions, where attendance is in an official capacity or as a representative of the City.

gift has the meaning given in section 5.57 of the Act and includes a conferral of a financial benefit (including a ticket or hospitality) without adequate consideration. For the purposes of this Policy, "Gift" includes a contribution, discount, hospitality, accommodation, travel, or other benefit, and is subject to the disclosure provisions in sections 5.87A–5.87C of the Act.

Gift Register means the City's register of gifts disclosed in accordance with sections 5.87A–5.87C of the Act and regulation 30 of the *Local Government (Administration) Regulations 1996* (Form 4).

conflict of interest means a financial, proximity, or impartiality interest as defined in the Act or the *Local Government (Model Code of Conduct) Regulations 2021*, which must be disclosed and managed in accordance with statutory requirements.

pre-approved event means an event defined within this Policy as pre-approved under section 5.90A of the Act, such that attendance will not constitute a disclosable financial interest.

spouse/partner for the purposes of this Policy, includes a person who is a spouse, de facto partner or significant other of an Elected Member or the CEO.

Policy

1. Approval Process

Where an invitation is received to an event that is not pre-approved, an Elected Member or CEO may submit a request for approval no later than three business days prior to the event as follows:

- a) Events for the Mayor will be approved by the CEO; and
- b) Events for Elected Members or the CEO will be approved by the Mayor.

In the case of late invitations (e.g., Ministerial or government functions), the Mayor or CEO may exercise discretion. Where time constraints prevent prior written approval, verbal approval may be provided, followed by written confirmation.

Consideration for the approval of the event must include:

- a) any justification provided by the applicant;
- b) details of the event's benefit to the City;
- c) the provider of the invitation or ticket to the event;
- d) how the event related to the attendee's role;
- e) alignment to the City's Strategic Community Plan;
- f) the number of City representatives already approved to attend; and
- g) the location and any costs associated with attending, including ticket price (or estimated value per invitation) and other expenses such as travel or accommodation.

2. Recording attendance at events

It is important to note that this Policy does not exempt Elected Members or the CEO from the responsibility of reporting their attendance at events. Regardless of the approval process or the nature of the event, all relevant reporting and disclosure requirements remain in place to ensure transparency and compliance with statutory obligations.

2.1. Gift Disclosures

Elected Members and the CEO must declare any gift valued at \$300 or more (either one gift or cumulative gifts received within 12 months from the same donor) within 10 days, as required by sections 5.87A–5.87C of the Act. This includes tickets, hospitality, or other event related benefits.

Disclosures must be submitted via the City's compliance software. All entries will be published on the City's Form 4 Gift Register.

Failure to disclose within the statutory timeframe may result in penalties under the Act.

2.2. Conflict of interest

Where an Elected Member or the CEO has received a gift valued at \$300 or more and the donor has a matter before Council, the recipient must declare a financial interest and remove themselves from decision-making, unless otherwise permitted under the Act or this Policy.

Gifts are excluded from conflict of interest requirements where:

- a) the gift relates to attendance at a pre-approved event in this Policy as detailed in section 4; or
- b) the gift is from the specified entities prescribed in section 20B of the *Local Government (Administration) Regulations 1996*,
 - West Australian Local Government Association (WALGA);
 - Australian Local Government Association;
 - Local Government Professionals Australia WA;
 - Local Government Professionals Australia;
 - a department of the public service;
 - a government department of another State, a Territory or the Commonwealth; or
 - a local government or regional local government.

3. Attendance and Invitations

Attendance at events will be authorised based on a prioritised order, subject to the number of available invitations or tickets. The order of priority is as follows:

1. The Mayor (or delegate, where applicable)
2. The Deputy Mayor
3. Council Members
4. CEO
5. Senior City officers, where attendance is relevant to their role or responsibilities

If invitations are limited, the CEO in consultation with the Mayor will determine attendance. Spouse/partner attendance may be approved where protocol requires their presence. Costs will only be met by the City where appropriate and not primarily for private benefit.

If an invitation is provided or addressed personally to an Elected Member or to the CEO, such as via a personal email account, this Policy does not apply. In these instances, the requirement to disclose a financial interest applies in accordance with the Act.

3.1. Elected Members

In accordance with this Policy, the Mayor and Council Members are authorised to accept invitations to events, including offers of tickets.

When an invitation or tickets are addressed to the Mayor, the Mayor may:

- a) accept the invitation; or
- b) initially offer the invitation to the Deputy Mayor.

If the Deputy Mayor declines, the invitation may subsequently be allocated to other Council Members through a ballot process.

If an invitation is received by the Mayor and is extended to multiple unspecified Council Members, the Mayor may allocate the invitation, including any tickets, among Council Members at their discretion.

Where an invitation is addressed to a specific Council Member, that individual may accept or decline at their discretion. Should the Council Member be unable or unwilling to attend, they must inform the event organiser, who may then choose to offer the invitation to another Council Member as they see fit.

Any Council Member accepting tickets to an event valued at more than \$300 is required to declare the gift and ensure it is registered in the City's Form 4 Gift Register, in compliance with section 5.87A of the Act and section 2.1 of this Policy.

All event notifications must be provided to the Council Governance and Administration Officer as well as the Executive Assistant to the CEO and Mayor.

3.2. CEO

In accordance with this Policy, the CEO may accept invitations (including offers of tickets) addressed to either the CEO or the City.

If the CEO is unable or otherwise does not wish to attend the event, the CEO must notify the event organiser. At the discretion of the event organiser, the CEO may allocate the invitation (including tickets) to a staff member of their choosing.

Where multiple invitations are received by the CEO for the same event, the CEO may distribute the invitation to staff members at their discretion.

Whether the CEO accepts the invitation personally or transfers it to a staff member, any event with a value of or exceeding \$300 must be declared and recorded in the City's Form 4 Gift Register, pursuant to section 5.87A of the Act and section 2.1 of this Policy.

Notification of all events is to be provided to the Executive Assistant to the CEO and Mayor.

3.3. Payment in respect of attendance at events

When an invitation or ticket to an event is provided at no cost, the City may pay reasonable associated expenses, such as travel and accommodation, for events held outside the district if the Mayor or CEO determines that attendance provides public value.

The contribution will adhere to the City's policies and procedures, including internal HR guidelines for employees and Council adopted policies. Formal application and approvals are required for contributions.

If an Elected Member or the CEO attends a pre-approved event (as outlined in section 4) that involves associated costs such as ticket fees, payment will be managed in accordance with the City's established policies and procedures. Attendance at such events requires a formal application and approval process. Additionally, the Mayor and/or CEO may authorise representation at an event when it is deemed in the best interest of the City, allowing an Elected Member, the CEO, or another officer to attend on behalf of Council.

If a spouse of an authorised City representative is approved to attend an event, the City may cover their participation costs or provide tickets or invitations if available. For events involving travel and accommodation, additional expenses are typically expected to be paid by the spouse.

4. Pre-approved events

The acceptance and subsequent use of a ticket by an Elected Member or CEO for an event is considered a pre-approved event and will not constitute a disclosable interest under the following circumstances:

- a) when an Elected Member or the CEO is present at an event in an official capacity, for example:
 - Speaking, presenting, or fulfilling designated roles (including welcoming);
 - Opening or launch of an event or Facility within the City;
 - Serving on discussion or judging panels;
 - Presenting awards or prizes on behalf of the City; or
 - Representing the City at sponsorship events or award ceremonies where attendance is primarily to fulfill official duties as a sponsor, not for the entertainment of the individual Elected Member or CEO.
- b) advocacy lobbying, Mayoral representation or Ministerial briefings;
- c) industry and economic briefings, specifically related to the operation of local government;
- d) community events within the City (examples: cultural, sporting, festivals, art exhibitions etc);
- e) professional development/conference, formal representation and networking in accordance with additional City policies and procedures.
- f) where Mayoral or CEO representation has been formally requested;
- g) educational institutions;

- h) a not-for-profit organisation;
- i) annual general meetings of clubs or organisations within the City;
- j) any free event held in the City;
- k) City hosted events, ceremonies and functions;
- l) City hosted event with employees; or
- m) recognition of service events.

OFFICER USE ONLY

Officers may amend this section without council approval

Responsible Team	Governance and Legal	
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