ELECTED MEMBER AND EMPLOYEE ATTENDANCE AT EVENTS POLICY

Policy No: 1.1.15

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1. **OBJECTIVE:**

The Town of Cambridge is required under the *Local Government Act 1995* to approve and report on attendance at Events for Elected Members and the Chief Executive Officer.

The objective of this policy is to establish guidelines for appropriate disclosure and management of acceptance of invitations to events or functions, or other hospitality occasions, where Elected Members, the CEO and employees are invited free of charge, whether part of their official duties as Council or Town representatives or not.

2. **SCOPE:**

This policy applies to the Mayor and the Office of the Mayor, Elected Members, the Chief Executive Officer and all Town employees.

3. **POLICY STATEMENT:**

Section 5.90A of the *Local Government Act 1995* provides that a local government must prepare and adopt an Attendance at Events policy. This policy is made in accordance with those provisions.

Elected Members and the Chief Executive Officer are required to attend events to fulfil their leadership role in the community.

3.1 **Key issues to consider**

In considering whether a benefit such as an invitation to an event or hospitality given to an Elected Member, the CEO or an employee is a ‘gift’ for the purposes of the Act and Regulations, the key issues include:-

(a) Who is a donor, the person who is offering or giving the benefit?  
(b) What is the value of the benefit?  
(c) Does the elected member or employee of the benefit contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?  
(d) If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.  
(e) the location of the event in relation to the local government (within the district or out of the district).
(f) whether the event is sponsored by the local government.
(g) the benefit of local government representation at the event.
(h) the number of invitations / tickets received, and
(i) 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.

3.2 Commercial entertainment events

Any tickets accepted by an Elected Member, the CEO or employee without payment for any commercial entertainment event, for which a member of the public is required to pay whether sponsored by the Town or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Mayor or his / her representative attends the event in an official capacity to perform a civic or mayoral function.

Where there is a commercial entertainment event that, in the opinion of the Chief Executive Officer, it is in the interests of the Town for one or more Elected Members or employees to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event may be purchased for the relevant Elected Member or employee by the Town at full cost.

3.3 Other commercial (non-entertainment) events

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Chief Executive Officer is of the opinion that it is in the interests of the Town for one or more Elected Members or employees to attend (such as for their professional development or to undertake a function as an Elected Member or employee), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or employee by the Town at full cost to enable attendance.

If the Town does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or employee would be classified as a ‘gift’ unless the contribution of the Elected Member or employee to the event (such as by way of the presentation of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or employee.

3.4 Community/local business events

Acceptance of reasonable and modest hospitality by an Elected Member or employee at an unpaid event run by a local community group for local business would not generally be classified as a ‘gift’ where the contribution by the Elected Member or employee to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or employee attends the event in his or her capacity as an Elected Member or employee - preferably where the attendance has been specifically authorised by the Town, but otherwise where the person is performing his or her functions as an Elected Member or employee.
3.5 Perceived or actual conflict

Event attendance may create a perceived or actual conflict, which may preclude Elected Members participating or employees providing advice at a future meeting.

If the amount of an event ticket (gift) is less than $1,000, and relates to a matter before Council, under section 5.68 of the *Local Government Act 1995*, Council may allow the disclosing Elected Member to participate on the condition that the interest, the Council’s decision and the reasons for that decision are recorded in the minutes.

If the amount gift is above $1,000 the Council or CEO must apply to the Minister for permission to allow the member or employee to participate.

The policy provides guidance to elected members and employees 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 a tangible gift or travel contribution.

Travel and accommodation excluded: This policy does not apply to tangible gifts or money, travel or accommodation.

Any contribution to travel, subject to the exceptions in section 5.83 of the *Local Government Act 1995*, must be disclosed in writing to the CEO within 10 days of receipt of the contribution.

Contributions to travel costs, whether financial or otherwise are now incorporated within the definition of ‘gift’.

The following situations are specifically excluded where the event ticket (gift) is received from one of the following organisations:

1. Western Australian Local Government Association (WALGA) (but not Local Government Insurance Services);
2. Local Government Professionals Australia (WA);
3. Australian Local Government Association;
4. A department of the public service;
5. A government department of another State, a Territory or the Commonwealth; and
6. A local government or regional local government.

4. LEGISLATION:

5.90A. Policy for attendance at events

(1) In this section —

‘Event’ includes the following —

(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.
‘Function’ includes an official ceremony or a formal social event, such as a party or a special meal, at which a lot of people are usually present.

(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:-

(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.

* Absolute majority required.

(3) A local government may amend the policy *. (* Absolute majority required.)

(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.

(5) The CEO must publish an up-to-date version of the policy on the local government’s official website.

5. PROVISION OF TICKETS TO EVENTS:

1. Invitations
   1.1 All invitations or offers of tickets for a Council member or CEO to attend an event should be in writing and addressed to the Mayor, CEO or the Town (as appropriate).

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

   1.3 A list of Events authorised by the Council in advance of the event is shown at Attachment A.

2. Pre-Approved Events
   2.1 In order to meet the Policy requirements, tickets and invitations must be received by the Town.

   2.2 The Council approves attendance at the events by Elected Members, the CEO and Town employees, as shown in Attachment A.

3. Administration of this Policy
   3.1 If the event is not mentioned within the policy, the Town will have an approval process:-

      (a) Events for the Mayor will be approved by the Deputy Mayor;
      (b) Events for Councillors will be approved by the Mayor; and
      (c) Events for the Chief Executive Officer will be approved by the Mayor.

   3.2 If a cost is associated with the attendance of an event, the Town will cover the costs for the Elected Member or the Chief Executive Officer and a partner if the event is within the policy or approved by the abovementioned method.

   3.3 In the event the Elected Member or the Chief Executive Officer pays in full for attendance at an event with their own funds, and does not seek reimbursement, this policy will not apply.
3.4 Tickets to events provided directly to the Elected Members or the Chief Executive Officer must be recorded in a register on the Town’s website within 10 days and include the date, event and the number of tickets provided.

3.5 The CEO is authorised to administer this Policy.

4. **Payments in respect of attendance**

4.1 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 the Council determines attendance to be of public value.

4.2 For any events where a member of the public is required to pay, unless previously approved and listed in **Attachment A**, the Council (or CEO if delegated authority) will determine whether it is in the best interests of the local government for a Council Member or the CEO or another officer to attend on behalf of the Council.

4.3 If the Council determines that a Council Member or CEO should attend a paid event, the local government may pay the cost of attendance and reasonable expenses, such as travel. Accommodation costs will not be paid.

4.4 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 as soon as practicable after the Event, unless expressly authorised by the Council.

4.5 Unless there are extenuating circumstances, the Town will not normally pay or re-imburse for any travel or accommodation costs for a person attending an Event.

4.6 Any requests for payment or re-imbursement of travel or accommodation costs must be the subject of a report by the CEO and approved by the Council.
Attachment A

EVENTS AUTHORISED IN ADVANCE BY THE COUNCIL

The Council approves attendance at the following events by Elected Members, the CEO and Town employees:

(a) Advocacy lobbying or Ministerial briefings;
(b) Annual General Meetings of clubs or organisations within the Town of Cambridge;
(c) Any free event held in the Town of Cambridge;
(d) Australian or West Australian local Government events;
(e) Awards nights/dinners of clubs within the Town of Cambridge;
(f) Town hosted events, ceremonies and functions;
(g) Town hosted events with employees;
(h) Town run tournaments or events;
(i) Town sponsored functions or events;
(j) Community art exhibitions;
(k) Cultural events or festivals;
(l) Events run by a local, state or federal government;
(m) Events run by schools, universities or educational institutions;
(n) Major professional bodies associated with local government;
(o) Opening or launch of an event or facility within the Town of Cambridge;
(p) Recognition of service events;
(q) Service club events (eg Rotary, Lions, RSL etc)
(r) Events where the Mayor, Elected Member or CEO attendance has been formally requested.