

Responsible Officer	Chief Executive Officer
Voting Requirements	Absolute Majority
Initial Council adoption	17 June 2021
Amendments	
Last Council adoption	17 June 2021
Review due	2023

## PURPOSE/OBJECTIVE

This Policy is to ensure the TPRC considers the purpose of Elected Members, CEO and Employees attending events, and to promote transparency and accountability in attendance at events by Elected Members, CEO and Employees.

To establish guidelines, in accordance with the requirements of section 5.90A of the *Local Government Act 1995* (Act), for the appropriate disclosure and management of acceptance of invitations to events or functions where Elected Members, CEO and Employees represent the TPRC.

## SCOPE

The Policy applies to all Elected Members, CEO and Employees of the TPRC where tickets or invitations to events or functions are offered to them in their official capacity or role at the TPRC.

## POLICY STATEMENT

### Attendance at approved events

The acceptance and subsequent use of a ticket by an Elected Member, CEO or Employee for an event within the Perth metropolitan area is deemed an approved event under the following circumstances:

Where the Elected Member, CEO or Employee is attending an event in an official capacity, such as:

- Presenting awards or prizes to others on behalf of the TPRC, participating as a member of a discussion/judging panel or presenting at the event as part of the event program;
- Events sponsored by the TPRC;
- Attending an exhibition or display where the TPRC's programs or services are being showcased at the event.

Where the event/function is hosted by:

- Western Australian Local Government Association (WALGA);
- Australian Local Government Association Limited (ALGA);
- Local Government Professionals Australia WA;
- A Department of the Public Service;
- State, Territory or Federal Government agencies;
- A local government or regional local government; or

Attendance at Approved Events does not trigger a conflict of interest if a matter comes before the TPRC for consideration.

## Attendance at other events

The acceptance and subsequent use of a ticket by an Elected Member, CEO or Employee, for an event that is not an approved event, must be approved by;

- Events for the Chair will be approved by the Chief Executive Officer;
- Events for Councillors and the CEO will be approved by the Chair; and
- Events for other Employees will be approved by the Chief Executive Officer.

For considerations for approval for the attendance at a non-approved event, the Chair or Chief Executive Officer is to consider:

- a) who is providing the ticket to the event (the organiser of the event, or a third party);
- b) the location of the event;
- c) the role of the Elected Member, CEO or Employee when attending the event (i.e. presenter, participant or observer);
- d) the Elected Member's, CEO's or Employee's justification of the benefit to the TPRC through the attendance at the event;
- e) how many people should be authorised to attend the event; and
- f) any costs associated in attending the event.

## Costs for tickets

Where there is a ticket cost for the Elected Member to attend an approved event or other event, the cost of the attendance is to be paid out of the Elected Member's related allowance.

Any ticket costs for an Employee, will be paid for by the TPRC, or the cost reimbursed to the Employee.

Cost of tickets covered by the TPRC for an Elected Member's, CEO's or Employee's spouse will be at the discretion of the CEO.

## Travel and accommodation costs

The TPRC may pay or reimburse reasonable travel and accommodation costs for an Elected Member, CEO or Employee to attend an event.

Any travel costs paid by TPRC whereby an Elected Member, CEO or Employee uses their own vehicle on official business is to be calculated at the same rate contained in section 30.6 of the *Local Government Officers' (Western Australia) Interim Award 2011*.

Documentary evidence is required for all expenses or costs claimed by an Elected Member, CEO or Employee. Original Tax invoices and receipts are required for audit purposes and to enable GST to be claimed.

## Gift Disclosure

An invitation or ticket to an event or function provided directly to an individual (which means personally to an Elected Member, CEO or Employee) is to be treated as a gift (gift as defined in section 5.57 of the Act).

Elected Members, the CEO and Employees' must declare Gift/s received in relation to their official role at the TPRC, when a Gift is valued \$300 or more (either one gift or cumulative over 12 months from the same donor). The recipient must disclose the Gift (and any other associated hospitality)

within 10 days to the TPRC. A penalty of up to \$10,000 or imprisonment for 2 years can be inflicted for non-disclosure under s 5.87A and 5.87B of *The Local Government Act 1995*.

## Declaration of Interest

If an Elected Member, CEO or Employee is offered a ticket, and the ticket falls under the definition of a gift, (or a series of gifts in a 12-month period) valued at \$300 or above and the donor has a matter before Council, the Elected Member, CEO and/or Employee must disclose an interest and remove themselves from the meeting (unless approval is granted by the Council or the Minister, depending on the value of the gift). The donor becomes a closely associated person in accordance with s 5.62.

A Gift is excluded from the Conflict of Interest provisions when the Gift:

- Relates to attendance at a Pre-Approved Event in this Policy; or
- Is from the specified entities prescribed in section 20B of the *Local Government (Administration) Regulations 1996*.

*Note: Attendance at events hosted by the pre-approved events as listed in this Policy, still have to be disclosed and entered on the gifts register if received in the capacity of a Council Member or Employee.*

## Exemptions:

The requirements of this Policy do not apply to any training or conference event attended by an Elected Member, or any training or conference event for the professional development of the CEO or Employees that are paid for by the TPRC.

The requirements of this Policy do not apply where an Elected Member, CEO or Employee is the TPRC's representative on a board or external organisation where the Elected Member, CEO or Employee is required to attend an event for the purposes of fulfilling their role on the board or external organisation.

## Reporting

Elected Members, the CEO and Employees must:

- Disclose of their attendance at an Event under this Policy; and
- Submit any invitation and records relevant to their attendance for recording in the TPRC's corporate record keeping management system.

Where attendance at an event was approved from "other events", the register must include the date of approval, who approved the attendance and the reasons for the decision.

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## DEFINITIONS

**Chief Executive Officer** means the Chief Executive Officer of Tamala Park Regional Council.

**Employee** means staff members of Tamala Park Regional Council.

**Event** has the meaning given to it under s 5.90A (1) of the *Local Government Act 1995*.



**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.

**Gift** has the meaning given to it under s 5.57 of the *Local Government Act 1995*.

**gift** means:

- (a) 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; or
- (b) a travel contribution.
  - **travel** includes accommodation incidental to a journey;
  - **travel contribution** means a financial or other contribution made by one person to travel undertaken by another person.

**Ticket** includes an admission ticket to an event, or an invitation to attend an event, or a complimentary registration to an event, that is offered by a third party.

**TPRC** means the Tamala Park Regional Council.

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## LEGISLATION / LOCAL LAW REQUIREMENTS

*Local Government Act 1995 s 5.62(1B), s 5.90A*

*Local Government (Administration) Regulations 1996 r 20A and 20B*

Tamala Park Regional Council Gifts, Benefits and Hospitality Policy