8.2 ADVERTISING OF AMENDED POLICY - ATTENDANCE AT EVENTS POLICY

Attachments: **1. Attendance at Events Policy - marked up**

RECOMMENDATION

That Council APPROVES the proposed amendments to the Attendance at Events Policy, at Attachment 1, for the purpose of community consultation.

PURPOSE OF REPORT:

For Council to approve, for the purpose of community consultation, the amended Attendance at Events Policy as detailed at **Attachment 1**.

DELEGATION:

Section 2.7 of the *Local Government Act 1995* sets out the Role of Council as being to 'determine the local government's policies'. There is no delegation to Administration to make, review or repeal policies.

BACKGROUND:

In accordance with the *Local Government Act 1995* (Act) Councillors (section 5.87A) and Chief Executive Officers (CEOs) (section 5.87B) are required to disclose gifts that are received in their capacity as a Councillor 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.

Since 2015, Council has adopted a position of disclosing gifts greater than $50 in value and including these disclosures in the City's publicly available Register of Gifts. The position goes beyond the legislative requirement, which requires disclosure of gifts above $300 only and was formally adopted through the Governance Framework in August 2020.

In late 2019 the Act was amended to include a requirement for local governments to adopt an 'attendance at events' policy (section 5.90A). The purpose of the policy is to enable Councillors to attend events as a representative of Council without restricting their ability to participate in Council Meetings should the donor have a matter that comes before the Council.

The Department of Local Government, Sport and Cultural Industries (DLGSC) developed operational guidelines, which include an attendance at events template policy (template), to assist local governments in the development of an Attendance at Events Policy.

At its 23 March 2021 meeting Council adopted its Attendance at Events Policy (Policy).

The Policy was developed, with consideration of the DLGSC template, and updated to reflect the City's adopted position in relation to disclosing all gifts greater than $50 in value and publishing these disclosures in the City's Register of Gifts.

The Policy is due for its periodic review in 2025.

The review is required to provide clarity and ensure the Policy accurately reflects gift register provisions.

DETAILS:

Attending events is an important aspect of Councillor and employee roles in representing the City, demonstrating support for the community and engaging with stakeholders and partners in delivering a strong program of events and festivals through-out the year.

For Councillors and the CEO, where the value of an event attended exceeds $300, and the donor has a matter before Council, the attendee must disclose an interest relating to the event attendance as a 'closely

associated person'. Such disclosure prevents a Councillor from participating in debate or voting on that matter, or in the case of the CEO, providing advice on the matter, unless approved by Council in accordance with the Act.

In accordance with the Act, Council may resolve to pre-approve attendance to a specific event. In this circumstance, the attendee would not need to disclose an interest relating to that event attended as a 'closely associated person'. Attending an approved event means that a Councillor can participate in debate and vote on the matter, or in the case of the CEO, can provide advice.

Where the value of the Approved Event attended exceeds $300, or the invitations received from a donor has exceeded $300 over a twelve-month period, the Councillor or CEO must declare the event as a gift in accordance with sections 5.87A and 5.87B of the Act.

Requirement for a documented City position (including community need or legislative requirement):

Section 5.90A(2) of the *Local Government Act 1995* requires local governments to adopt a policy in respect to event attendance by Councillors and the CEO.

How the objectives align with the SCP:

The policy objectives, as set out above align with the City's Strategic Community Plan 2022-2032 as follows:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

Examples of current / best practice:

Department of Local Government, Sport and Cultural Industries (DLGSC) operational guidelines and template.

An evaluation of the effectiveness of the existing policy:

Administration has identified the following amendments that are required for the purpose of clarification and to ensure the Policy accurately reflects gift register provisions.

A track changed Policy, at **Attachment 1**, proposes the following:

Definitions

Definitions have been included to provide clearer guidance on legislative requirements, ensuring consistency in the interpretation and application of the policy.

Additional Pre-Approved Events

The list of pre-approved events has been expanded to ensure that Councillors and the CEO can attend key events that acknowledge and celebrate community achievements, contribute and support economic development and strengthen relationships with local businesses.

Gifts excluded from the interest provisions

Clause 4 of the policy states:

Attendance at Approved Events is not treated as gifts and do not need to be included on the City's public Register of Gifts, as they are "excluded gifts" in accordance with section 5.62(1B) of the Act.

Any gift received over $300 is specifically excluded from the conflict of interest provisions but **not** the gift register provisions.

Excluded gifts are still a gift that must be disclosed and published on the gifts register if over the value of $300 in accordance with the Act and if over the value of $50 in accordance with the City's Governance Framework.

This clause has been marked for removal from the policy and new clause 6 is proposed to reiterate that receipt of the gift will still be required to be declared under the gift register provisions.

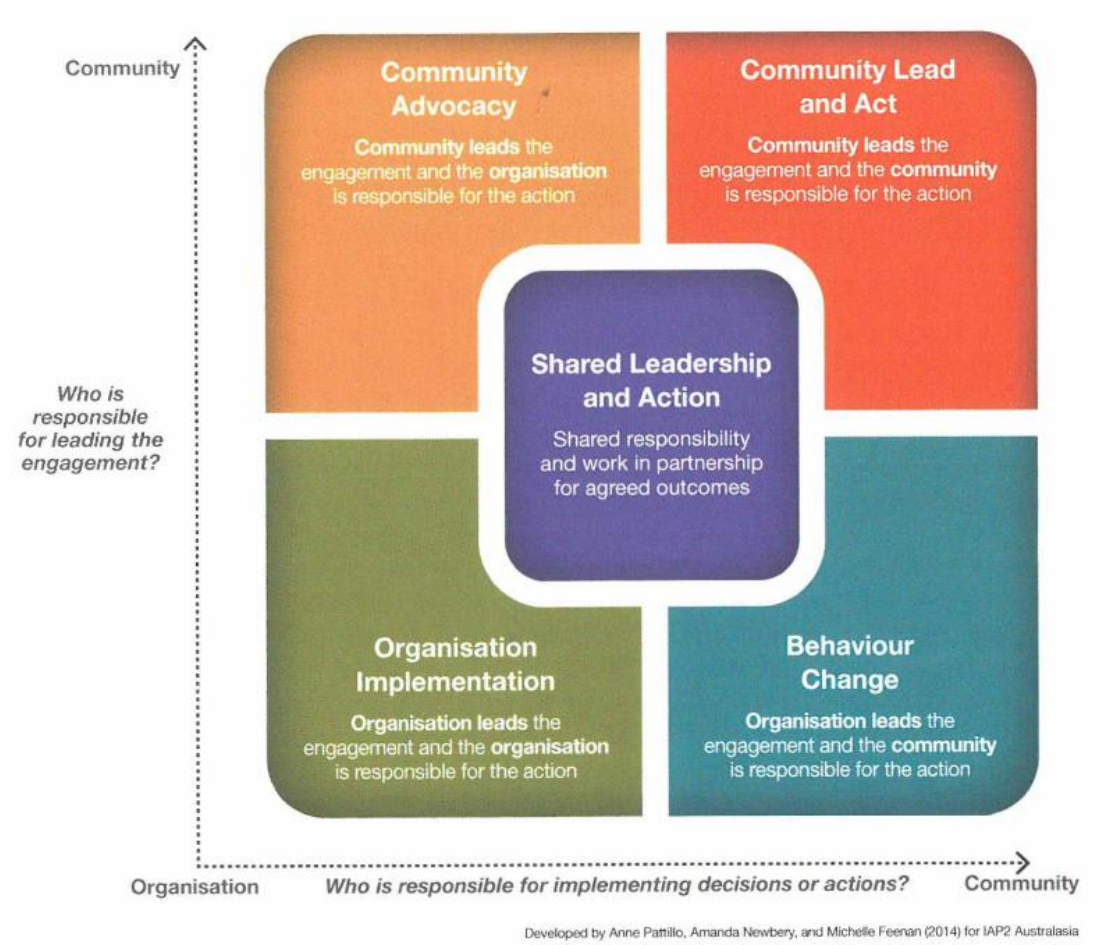
Seeking approval for events

The policy currently identifies pre-approved events however does not provide guidance for seeking approval to attend an event that is not pre-approved. Administration is proposing to include guidance and criteria for approving events outside of those listed as 'Pre-Approved' These have been added as clause 5 and 6.

Cost for tickets and accompanying persons

New clause 5 is proposed to provide guidance in relation to the payment of fees.

CONSULTATION/ADVERTISING:



Organisation Implementation

Organisations lead engagement and seek input, shape the policies, projects and services for which they are responsible. This is a familiar and traditional approach to policy development, project management and service delivery.

Tension: People feel forced leading to an unresponsive process.
Mitigation: Increasing the level of influence, and implementing a transparent, robust process.

Required under regulations/legislation
Communicate how community and stakeholder input has influenced the decision-making or implementation

In accordance with the Corporate Document Development Policy the proposed amendments have been classified as *Standard*.

These amendments involve modifications to specific provisions within a Corporate Document that do not fundamentally alter its objectives but may adjust its implementation. Consultation requirements are determined based on the potential impact of the changes and are undertaken in line with the Community and Stakeholder Engagement Policy.

It is proposed that community consultation be conducted for a minimum of 21 days via a notice published on the City's website.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Corporate Document Development Policy sets out the process for the development and review of the City's policy documents.

In accordance with section 2.3 of the Corporate Document Development Policy:

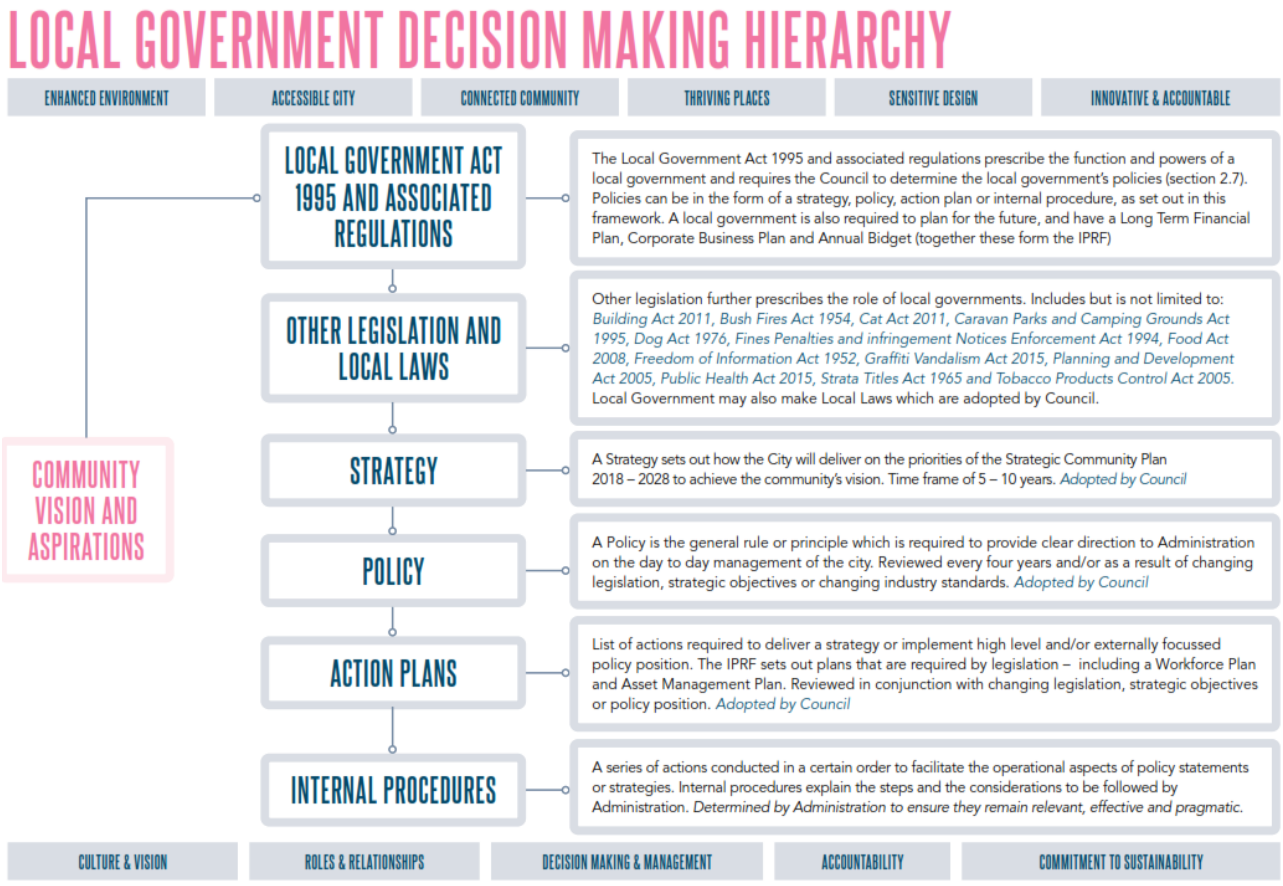
The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy.

Proposed objective of the new policy:

The existing policy objective is:

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 Councillors and the CEO represent the City.

The are no changes proposed for the policy objective.



RISK MANAGEMENT IMPLICATIONS

Risk Category	Risk Appetite/Tolerance Statement	Descriptor/clarification
Less than better practice for Governance, Due diligence, Accountability and Sustainability	The City has a ***low risk tolerance*** for less that better practice decision making for governance, due diligence, accountability, and sustainability, as measured by accepted industry standards and practices.	The proposed amendments to the Attendance at Events Policy improve clarity regarding gift register obligations and event attendance approvals, ensuring consistency with the *Local Government Act 1995.* Advertising these changes for public consultation aligns with the City's governance principles of transparency and accountability, minimising the risk of administrative oversight or conflicts of interest in event attendance and gift disclosures.

Low: It is low risk for Council to undertake community consultation of the Attendance at Events Policy. The proposed changes are required to ensure the Policy accurately reflects gift register provisions.
This review aligns with Council's Adopted Appetite and Tolerance Statements above.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

ATTENDANCE AT EVENTS POLICY

CITY OF VINCENT

Legislation / local law requirements	Section 5.90A(2) of the *Local Government Act 1995* – requires local governments to adopt a policy in respect to event attendance by Council Members and the CEO. Section 5.62(1B) of the *Local Government Act 1995* – defines excluded gifts.
Relevant delegations	Nil.
Related policy procedures and supporting documentation	City's Register of Gifts (public) Disclosure of Interest Forms (for Council Member) Council Members Continuing Professional Development Policy Conflict of Interest Form (internal – for CEO)

PURPOSE

To ensure the City of Vincent (**City**) actively considers the purpose of and benefits to the community from Council Members and the Chief Executive Officer (**CEO**) attending events, and to promote transparency and accountability in attendance at events by Council Members and the CEO.

OBJECTIVE

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 Council Members and the CEO represent the City.

SCOPE

This policy applies to invitations or tickets to events that are provided to the City (for example to the City of Vincent Council /Councillor or City of Vincent CEO).

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

Council Members or the CEO may accept these invitations, subject to disclosing the acceptance of the invitation / ticket as a gift (if valued at over $50, in accordance with the City's Governance Framework). ~~if they have not provided appropriate consideration for the ticket/ invitation.~~ The gift will be disclosed on the City's public Register of Gifts.

A Council Member or the CEO may attend an event and not disclose it as a gift if they have purchased the ticket themselves.

DEFINITIONS:

CEO: Means the Chief Executive Officer of the City.

City: Means the City of Vincent.

ATTENDANCE AT EVENTS POLICY

CITY OF VINCENT

Event: has the meaning given to it under the *Local Government Act 1995.*

Note: Section 5.90A (1) of the Act states the following:

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 the *Local Government Act 1995.*

Note: Section 5.57 of the Act states the following:

gift means:

a) a conferral of a financial benefit (including a disposition of property) made by 1 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;
b) or a travel contribution.

For the purposes of the above definition:

- *travel includes accommodation incidental to a journey;*
- *travel contribution means a financial or other contribution made by 1 person to travel undertaken by another person.*

Sponsored by: Means financially or in-kind

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.

Council Member: a person who is currently serving a term of office as an elected member of the Council in accordance with the *Local Government Act 1995.*

POLICY

~~Attendance at~~ Pre-Approved Events

1. The following events are considered **Pre-Approved Events** for the purpose of this policy.

   1.1 any event received through the City's Events Calendar;
   1.2 any event held at City facilities, venues, or properties;
   1.3 any training or conference event attended by a Council Member in accordance with the Council Members Continuing Professional Development Policy;
   1.4 events where the Council Member or CEO is attending in an official capacity, such as:
      a. presenting awards or prizes to others on behalf of the City,
      b. participating as a member of a discussion/judging panel; or
      c. presenting at the event as part of the event program;
      d. attending an exhibition or display where the City, its programs or services are being showcased at the event.
   ~~1.1 events sponsored by the City;~~
   ~~1.2 events hosted by the City;~~

ATTENDANCE AT EVENTS POLICY

CITY OF VINCENT

~~1.3 events hosted by any incorporated associations, clubs, community groups, or not-for-profit organisations; or~~

1.5 events hosted co-hosted, sponsored or supported by:

a. the City

b. by other local governments, regional local governments, ~~WALGA~~ or any State or Commonwealth Government department or agency.

c. Western Australian Local Government Association;

d. Australian Local Government Association;

e. Local Government Professionals;

f. major professional or industry association(s) relevant to local government activities;

g. educational institutions; and

h. incorporated associations, clubs, community groups, or not-for-profit organisations

2. Council Members or the CEO may at their discretion attend an Approved Events on behalf of the City, where the invitation or ticket is provided to the City and no fee is payable for attending.

~~3. If a fee is payable for attendance at an Approved Event, the Mayor and CEO will seek expressions of interest from Council Members or the CEO to attend the Approved Event, provided the cost of attendance is within the approved budget.~~

~~4. Attendance at Approved Events are not treated as gifts and do not need to be included on the City's public Register of Gifts, as they are "excluded gifts" in accordance with section 5.62(1B) of the Act.~~

~~5. Attendance at Approved Events does not trigger a conflict of interest if a matter comes before Council or the CEO for consideration.~~

~~**Attendance at Other Events**~~

Seeking Approval for Other Events

~~6. Events or functions that do not fall within the scope of Approved Events are considered gifts and must be disclosed as gifts. It is the City's position that attendance at any event that is not an Approved Event has a value over $50 and must be disclosed and included in the City's public Register of Gifts.~~

~~7. If the City receives an invitation or ticket to an event that is not an Approved Event all Elected~~Council Members and the CEO will be invited to attend and may accept at their discretion. If the invitation or ticket is accepted, the Elected~~Council Member or the CEO must complete a gift declaration form disclosing their attendance.~~

3. A Council Member or the CEO must obtain approval before accepting and using a ticket for an event that is not pre-approved under clause 1.
   - If the applicant is a Council Member, the CEO must approve it in consultation with the Mayor.
   - If the applicant is the CEO, the Mayor must approve it.

4. In making a decision on attendance at an event that is not an approved event in clause 1, the CEO or Mayor will consider:

   a) who is providing the invitation or ticket to the event;
   b) the potential for an actual; or perceived conflict of interest
   c) the location of the event in relation to the local government (within the district or out of the district);

ATTENDANCE AT EVENTS POLICY

CITY OF VINCENT

d) the role of the Council Member when attending the event (participant, observer, presenter) and the value of their contribution;
e) the benefit of local government 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.

Costs for tickets

5. Where a fee is payable for a Council Member or the CEO to attend an Approved Event or other Events, approval will be subject to approved budget allocation.

Requirement to declare an interest

6. In accordance with legislation, attendance at an Approved Event, will exclude a Council Member or the CEO from the requirement to disclose a conflict of interest if the ticket is above $300 and the donor has a matter before Council. Receipt of the gift will still be required to be declared under the gift register provisions.

~~8.~~7. If a matter comes before Council which triggers a conflict of interest due to a Council Member's attendance at an event (which is not an Approved Event and declarations of interest arise according to the prescribed gift threshold) the Council Member must disclose this interest to the CEO or Presiding Member prior to the matter being considered, and must be absent from, or seek Council approval for, participation in consideration of the item.

~~9.~~8. If a matter comes before the City which triggers a conflict of interest due to the CEO's attendance at an event (which is not an Approved Event and declarations of interest arise according to the prescribed gift threshold) the CEO must disclose this conflict of interest to the Mayor and remove ~~himself~~ themself from the decision-making process.

OFFICE USE ONLY	
Responsible Officer	Executive Manager, Corporate Strategy and Governance.
Initial Council adoption	DATE: 23/03/2021, REF# D21/49070
Reviewed / Amended	DATE: <APPROVAL DATE>, REF#: <TRIM REF>
Next Review Date	DATE: 23/03/2025,