

## Advice Note

Responsible Officer: Chief Executive Officer  
Date of Meeting: 21 July 2020  
Meeting of the: Ordinary Meeting of Council  
Item: M20/5751 New Council Policy – CP 113 Attendance at Events

### DETAIL

This Advice Note has been prepared in response to the procedural motion to defer the consideration of the Item M20/ 5751 New Council Policy – CP-113 Attendance at Events

**That Item M20/5751 New Council Policy – CP-113 Attendance at Events Policy be deferred to the 18 August 2020 Ordinary Meeting of Council to allow for discussion at an Elected Member Information Session prior to that meeting.**

The Draft City of Melville Attendance at Events Policy is based on the Department of Local Government Template Policy and when adopted by Council will enable Elected Members to attend specified events without seeking approval from the Council prior to attendance. The provision of free tickets to an event is considered a gift as it has a monetary value and regardless of the Events Policy needs to be disclosed as such if valued over \$300 or, if a series of them are received from the same entity in a 12 month period that together are valued over \$300 need to be declared for the purposes of the Gifts Register we are required to keep and publish on-line.

It is important that the Attendance Events Policy is adopted ASAP as the Council is required by legislation to have one now and it will provide the ability for elected members to attend certain events without the need to seek further approval from the Council or me as CEO as they are pre-approved in the proposed Policy.

Following are the responses provided to queries raised in relation to this policy:

Query – The second paragraph of this Policy appears to be a little confusing and lacking in explanation. The paragraph begins and ends “Attendance at an event . . . City’s Gift Register.”

CEO Response – This wording is largely drawn directly from the Department of Local Government, Sport and Cultural Industries Policy Template contained in their Local Government Operational Guidelines – Attendance at events policy.

Should an elected member receive an invitation to an event free of charge, or at a value less than ordinarily paid by other attendees, then this is considered a gift – the value of which needs to be determined by the Elected Member. If it over the value of \$300 it must be disclosed to the CEO (for the purposes of entering it into the Gifts Register ) and as a financial interest if a matter comes before Council relating to the person or entity that provided the Gift,

for consideration. The Local Government Operational Guideline relating to the “Disclosure of gifts and disclosure of interests relating to gifts” covers how this is done and the flow chart at page nine of that Guideline shows how gifts received in accordance with the “Attendance at Events” policy are handled.

Query - Elected Members are not allowed to accept a gift of more than \$300 but paragraph two of the Policy Statement states that it “excludes the gift holder from the requirement to disclose an interest if the ticket is above \$300. . .”

CEO Response - Employee’s, not Elected Members, are Prohibited from accepting a gift of more than \$300. If a gift (or a series of gifts are made from the same source over a 12 month period) to an Elected Member totals over \$300 then it must be disclosed to the CEO in writing, who must ensure that the Gift is entered into the Gift Register within 10 days and that the Gift Register is published on the City’s web-site.

- Where the value of the Gift exceeds \$1,000 the member who received the Gift is not to preside or participate in a meeting dealing with a matter relating to the donor of the Gift unless the Minister has previously authorised their participation.
- Between \$300 and \$1,000 the Member needs to disclose the financial interest and seek approval of the voting members present, or the Minister, to participate.
- Below \$300 (one or more gifts in a 12 month period) they need not declare an interest.

Query - Paragraph two talks about disclosure of interests but does not clarify whether Elected Members need to declare a financial or a code of conduct interest.

CEO Response – The paragraph states that if an event is attended, which authorised by the Attendance at Events Policy, then the Elected Member does not need to declare an interest for the purposes of participating in a meeting but they still need to be disclosed for the purposes of entering it into the Gifts Register as discussed at 2 above. Whether or not an Elected Member wishes to disclose the attendance at an event under the Code of Conduct would then be in accordance with the Code.

Query - This Policy goes beyond the legislative requirement to declare an interest if a gift is \$50 and over. It requires Elected Members to declare an interest and/or put a gift of \$1 upwards on the gift register and/or declare an interest in any matter that comes before Council in respect to an event attended.

CEO Response – The Attendance at Events Policy does not refer to \$50 or require an Elected Member to disclose a Gift of \$1 or upwards. The Code of Conduct does however refer to gifts worth between \$50 and \$300. The Code of Conduct Elected Members will be updated, however we are awaiting the Model Code of Conduct which will be mandatory to be Gazetted by the Department of Local Government.

Query - This Policy talks about ticketed events but does not address hospitality. An event may be free but an Elected Member may receive refreshments such as a coffee and a sandwich potentially costing \$15, does the Elected Member need to declare this?

CEO Response – The Attendance at Events Policy applies to all events whether ticketed or not. Additionally the Policy only requires disclosure of events (or a series of events provided

by the same entity) which exceed the value of \$300 to be disclosed so, no an Elected Member does not need to declare a \$15 sandwich.

Query - The declarations demanded by this policy could be onerous on Elected Members carrying out their legislative duties to assist their communities and should be brought back to reasonable standards set by the State Government Legislation.

CEO Response – The proposed Policy actually provides opportunities for Elected Members to attend the events covered by the Policy which are less, not more, onerous than the State Government Legislation. In all circumstances Elected Members need to understand the significant obligations imposed by legislation to declare interests and gifts which were tightened following the circumstances which took place at the City of Perth. As stated earlier the requirements with respect to Gifts as shown in the Code of Conduct will be reviewed following the gazettal by the State Government of the Elected Members Code of Conduct they are proposing.

As well as being a legal requirement of the City to have this Policy it is also in the best interests of Elected Members for the proposed Attendance at Events Policy to be adopted in that it provides an ability for Elected Members to attend the events designated in the Policy without requiring the prior approval of the Council.

It is unlikely that this matter will be scheduled to be dealt with at an Elected Member Information Session prior to the 18 August 2020 Ordinary Meeting of Council as there is already a full schedule during this time.