

Purpose

To ensure that clear guidance is provided to Councillors and employees in relation to gifts in accordance with statutory requirements.

Policy Measures**Tangible Gifts, Accommodation and Travel**

- 1) This part of the policy does not apply to employees with the exception of the Chief Executive Officer (CEO). Requirements relating to gifts, accommodation and travel for all employees is provided in the Code of Conduct for Employees and Contractors;
- 2) Councillors and the CEO are not to accept a gift in this part, other than a gift of or below \$300 from a person who is undertaking, or is likely to undertake, business-
 - that requires the person to obtain any authorisation from the Shire of Northampton;
 - by way of contract between the person and the Shire of Northampton; or
 - by way of providing any service to the Shire of Northampton.
- 3) Councillors or the CEO who accepts a gift of or below \$300 from a person referred to in 2) are to record in a register held by the Chief Executive Officer of token gifts-
 - a description of the gift;
 - the name and address of the person who made the gift;
 - the date on which the gift was received;
 - the estimated value of the gift at the time it was made; and
 - the nature of the relationship between the relevant person and the person who made the gift.
- 4) Clauses (2) and (3) do not apply to gifts received from a relative (as defined in section 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).

- 5) Any gift not defined in this part that is accepted by Councillors or the CEO above \$300 must comply with requirements, and be declared in the appropriate form in accordance with the provisions, of the *Local Government Act 1995*.

Attendance at Events and Functions

- 6) This part of the policy applies to Councillors, CEO and employees. When employees are considering this policy they must read it in conjunction with the Code of Conduct for Employees and Contractors which will take precedence where any inconsistency arises.
- 7) The following situations are specifically excluded where the event or function ticket (gift) is received from one of the following organisations:
- WALGA (but not LGIS);
 - Local Government Professionals Australia (WA);
 - Australian Local Government Association;
 - A department of the WA public service;
 - A government department of another State, a Territory or the Commonwealth; or
 - A local government or regional local government.
- 8) In considering whether a benefit such as an invitation to an event or hospitality given to a Councillor, CEO or an employee is a gift for the purposes of the Act and Regulations, the key issues include:
- Who is a donor, the person who is offering or giving the benefit?
 - What is the value of the benefit?
 - Does the Councillor, CEO 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?
 - If so, does the value of that contribution outweigh the value of the benefit?
- 9) Event attendance may create a perceived or actual conflict of interest, which may preclude Councillors participating, or the CEO and employees providing advice at a future Council meeting.

If the amount of an event or function ticket (gift) is less than \$1,000, and relates to a matter before Council, under section 5.68 of the Act, Council may allow the disclosing Councillor to participate on the condition that the interest, the Council's decision and the reasons for that decision are recorded in the minutes of the Council meeting.

If the amount of the gift is above \$1,000 the Councillor or Chief Executive Officer must apply to the Minister for Local Government for permission to allow the Councillor, CEO or employee to participate in a future meeting.

10) **Community / Local Business Events**

Acceptance of reasonable and modest hospitality by a Councillor, CEO 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 Councillor, CEO or employee to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Councillor, CEO or employee attends the event in his or her capacity - preferably where the attendance has been specifically authorised by the Shire, but otherwise where the person is performing their duties or functions.

11) **Commercial Entertainment Events**

Any tickets accepted by a Councillor, 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 Shire of Northampton or not, will generally be classified as a gift for the purposes of the *Local Government Act 1995*.

An exception to this is where the Shire President or their representative attends the event in an official capacity to perform a civic or presidential function.

Where there is a commercial entertainment event that, in the opinion of the CEO, it is in the interests of the Shire of Northampton for one or more Councillors, CEO 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 will be purchased for the relevant Councillor, CEO or employee by the Shire of Northampton at full cost.

12) **Non-Entertainment Commercial 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 CEO is of the opinion that it is in the interests of the Shire of Northampton for one or more Councillor, CEO or employees to attend (such as for their professional development or to undertake a function as a Councillor, CEO or employee), then one or more registrations or other benefits for that event will be purchased by the Shire of Northampton at full cost to enable attendance.

If the Shire of Northampton does not pay for the event, free registration or any other benefit (such as hospitality) given to a Councillor, CEO or employee would be classified as a 'gift' unless the contribution of the participant at the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Councillor, CEO or employee.

- 13) **Gifts Received Through Event Sponsorship**
Any tickets received through the Shire of Northampton's sponsorship of an event by Councillors, CEO or employees are to be considered by Council as to how and who they are to be disbursed to prior to the event.

Administration

This policy will be administered by the Office of the CEO.

Adoption and Date Due for Revision

ADOPTED 20 JUNE 2024
REVIEWED N/A

NEXT DUE FOR REVIEW 20 JUNE 2026

The Administration of this Policy is by Office of the CEO.
