

<b>POL</b>	<b>GIFT DECLARATIONS</b>	<b>SC56</b>
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<b>POLICY CODE:</b>	SC56
<b>DIRECTORATE:</b>	Governance & Community Services
<b>BUSINESS UNIT:</b>	Executive Support Services
<b>SERVICE UNIT:</b>	Governance
<b>RESPONSIBLE OFFICER:</b>	Governance & Risk Management Co-ordinator
<b>FILE NO.:</b>	182/001
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<b>DELEGATED AUTHORITY REF.:</b>	N/A
<b>VERSION NO.</b>	2

<b>Dates of Amendments / Reviews:</b>	
DAPPS Meeting:	2 June 2015 24 August 2017
OCM:	

## **BACKGROUND:**

Officials (elected and employees) who represent the City of Cockburn are, on occasions, extended a benefit in the form of a gift from a third party. Dependent on the type and value of any gift, it is likely that a formal record of the gift/s will be required on at least some occasions. The gift provisions which are applicable to Council officials vary greatly and could be confusing because of the differing requirements associated with each declaration process.

## **PURPOSE:**

This Policy seeks to clarify the statutory requirements of accepting and declaring gifts offered to an official of the City of Cockburn within the context of their role and function as a representative of the City.

## **POLICY:**

- (1) All elected members and designated employees (those who are required to exercise delegated authority of Council under the *Local Government Act 1995*) of the City of Cockburn shall ensure that any gifts and contributions to travel received by them are recorded in accordance with the relevant provisions of Section 5.82, and 5.83 of the Local Government Act 1995. This requires relevant persons to declare any gift and contributions to travel with a value of \$200 or more (cumulative) per year from any person, multiple gifts or contributions from the same donor, family members exempted.
- (2) All candidates for the election of Mayor or Councillor of the City of Cockburn shall ensure that any gifts (excluding volunteer labour and those from family

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members (as defined)) received by them related to their election campaign to the value of \$200 or more (cumulative) per campaign are recorded, if necessary, in accordance with the relevant provisions of Part 5A of the Local Government (Elections) Regulations 1997.

- (3) All elected members and employees of the City of Cockburn shall ensure that any gifts received by them with a value between \$50 and \$300 from a person or persons who is either:

- undertaking (or may soon be undertaking) an activity which requires the approval of the City of Cockburn, or
- has a commercial arrangement with the City of Cockburn

are recorded in accordance with the relevant provisions of Regulation 12 of the Local Government (Rules of Conduct) Regulations 2007, in the case of elected members and Regulation 34B of the Local Government (Administration) Amendment Regulations 2007, in the case of employees.

- (4) For the purposes of recording gifts applicable to the provisions outlined in clause 3, ATTAIN Integrity Management System should be used to complete and submit to the Chief Executive Officer (CEO) within ten (10) days of the receipt of the gift.

- (5) To ensure compliance with the provisions of clauses 3. & 4., any enquiry for the purposes of clarifying the requirements of the person to be able to accept and / or correctly record the details of the gift are to be initially referred to the Governance department for advice.

- (6) Officials of the City of Cockburn who are offered a “prohibited” gift (i.e. valued at \$300 or more) must **NOT** under any circumstances accept the gift. All occasions where a City of Cockburn official is made aware of the offer of a “prohibited” gift **MUST** be reported to the Administration for prior advice.

- (7) Registers relevant to the gifts and travel contributions declared by City of Cockburn officials pursuant to this Policy shall be kept and updated as in accordance with section 5.89A which requires the CEO to keep a register of gifts and contributions to travel and make the register available for public inspection and to publish it on the City’s official website.

- (8) Declarable gifts include hospitality to events, dinners and functions which would, if attended in a personal capacity, incur a cost equal to the value of the entry fee or food/drinks consumed at the event by the person and accompanying guest/s.

- (9) Western Australian Local Government Association (WALGA), the Local Government Managers Australia WA (LGMA) – now Local Government Professionals Australia WA – and the Australian Local Government Association (ALGA) are exempt from the disclosure requirements outlined in clause 3. This exemption however does not apply to the need to declare these

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gifts under section 5.82 of the *Local Government Act 1995*, as outlined in clause 1.

- (10) The value of a declarable gift is to be estimated to reflect the typical retail cost of a comparable article if it was to be personally purchased. Where such cost cannot be reasonably applied, (e.g. framed/signed sporting attire) the gift should not be accepted, unless advice from the City's Administration indicates that is fair to do so.
- (11) Gifts presented as good will "souvenirs", whether intended as a personal gift or as a gift to the City of Cockburn, are not required to be declared in accordance with this Policy.
- (12) This Policy does not apply on occasions where a person attends a formal meeting as a representative of the City of Cockburn and food and / or other refreshments are provided by the hosting organisation (e.g. another local government) on those occasions.