

## Policy Type

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Council

## Policy Purpose

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The aim of this policy is to:

1. Ensure Council actively consider the purpose of and benefits to the community from Elected Members and the CEO attending events.
2. Provide a framework for the acceptance and sharing of tickets or invitations to events, and clarify who pays for tickets or the equivalent value of an invitation.
3. Meet the requirements of section 5.90A of the Local Government Act 1995 (The Act) for the City to have a policy about attendance by Elected Members and the CEO at events.

## Policy Statement

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### 1. Introduction

- 1.1. The Act recognises that a relationship is formed between a gift donor and recipient, which could be perceived to affect the decisions made by the recipient.
- 1.2. The Act requires that Elected Members must disclose an interest and not participate in any discussion or decision-making about a matter involving the donor of a Gift (or Gifts) valued at over \$300, unless the Gift is an Excluded Gift.
- 1.3. The Act requires that the CEO must disclose an interest and not provide advice or a report (directly or indirectly) about a matter involving the donor of a Gift (or Gifts) valued at over \$300 unless the Gift is an Excluded Gift.
- 1.4. In accordance with section 5.62(1)(b) of the Act, gifted tickets or invitations are an Excluded Gift if they relate to an event that is:
  - 1.4.1. a Pre-Approved Event in accordance with clause 2 of this policy; or
  - 1.4.2. approved in accordance with clause 3 this policy.

### 2. Pre-Approved Events

- 2.1. Events that meet any of the following criteria are Pre-Approved Events under this Policy:
  - 2.1.1. Where the Elected Member or the CEO is attending in an official capacity, such as:
    - 2.1.1.1. performing a speaking role or some other welcoming role
    - 2.1.1.2. participating as a member of a discussion panel or judging panel
    - 2.1.1.3. presenting at the event as part of the official event program
    - 2.1.1.4. presenting awards or prizes to others on behalf of the City
    - 2.1.1.5. attending an exhibition or display where the City, its programs or services are being showcased at the event; or

2.1.1.6. representing the City pursuant to a sponsorship agreement, but only where the primary purpose of attendance is not for the entertainment of the Elected Member or CEO, but enable the City to fulfil its role as a sponsor.

2.1.2. Where the gifted ticket or invitation is offered by or is:

2.1.2.1. the Western Australian Local Government Association

2.1.2.2. the Australian Local Government Association

2.1.2.3. Local Government Professionals WA

2.1.2.4. South West Metropolitan Alliance

2.1.2.5. a department of the Public Service

2.1.2.6. a government department of another State, a Territory or Commonwealth

2.1.2.7. a State or Federal Member of Parliament, other than party political events or fundraisers

2.1.2.8. a local government, regional local government, or alliance of local governments

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

2.1.2.10. a stakeholder partner of the City

2.1.2.11. a civic/cultural/sporting or community organisation within the City

2.1.2.12. a civic/cultural/sporting or community event occurring within the City

2.1.2.13. a residents association representing residents of the City;

2.1.2.14. educational institutions; or

2.1.2.15. a not-for profit organisation.

### 3. Approval for Events to Become an Excluded Gift

3.1. Attendance at events not listed in clause 2 of this Policy will require approval under this clause in order for a gifted ticket or invitation to an event to become an Excluded Gift.

3.2. Approval may be granted by:

3.2.1. the CEO for Mayor and Councillor attendance at events;

3.2.2. the Mayor for CEO attendance at events; or

3.2.3. simple majority resolution of Council, if considered appropriate by the Mayor or CEO.

3.3. An application for approval must address the following, for the decision-maker to consider:

3.3.1. the donor;

3.3.2. the location of the event;

3.3.3. the role of the Elected Member or CEO when attending the event (participant, observer, presenter) and the value of their contribution;

3.3.4. the benefit to the City by the applicant attending the event; and

3.3.5. the number of tickets/invitations offered.

### 4. Non-Approved Events

4.1. Any event that is not a Pre-Approved Event under clause 2 or approved under clause 3 is considered to be a Non-Approved Event.

4.2. A gifted ticket or invitation to a Non-Approved Event is not an Excluded Gift and the

Act's disclosure of interest provisions apply.

## 5. Disclosure Requirements

### 5.1. Gift Disclosures

- 5.1.1. The Act's Gift disclosure obligations require Elected Members (s5.87A) and the CEO (s5.87B) to disclose Gifts over the specified value threshold regardless of a Gift being an Excluded Gift under s.5.62(1B).
- 5.1.2. The acceptance of a ticket or invitation to an event is considered a Gift and where required, is to be disclosed and added to the City's Gift Register published on the City's website.
- 5.1.3. Where the Gift is an Excluded Gift due to approval under this policy, the date and reasons for approval must also be recorded in the Gift Register.
- 5.1.4. Elected Members and the CEO may make discretionary disclosures of gifted tickets and invitations to events that do not meet the specified value threshold. These disclosures will be published in the City's Gift Register.

### 5.2. Interest Disclosures

- 5.2.1. Elected Members and the CEO are required to disclose an interest in a matter concerning a donor which is to be considered by Council, unless the gift is an Excluded Gift.
- 5.2.2. A Gift is an Excluded Gift if:
  - 5.2.2.1. the Gift relates to attendance at an event where attendance has been approved in accordance with this Policy (refer section 5.62(1B) of the Act), or
  - 5.2.2.2. the Gift is from specified entities detailed in regulation 20B of the Local Government (Administration) Regulations 1996.
- 5.2.3. However, to support transparency in decision making, Elected Members and the CEO are strongly encouraged to disclose an impartiality interest where a matter concerning the donor is to be considered by Council.

### 5.3. Gifts That Do Not Need To Be Disclosed

- 5.3.1. If the event is free to the public and no reimbursement is requested then no action is required. This ticket would not be considered a Gift.
- 5.3.2. If the event is a paid event and Elected Member or CEO pays the full ticketed price and does not seek reimbursement or expenses, then no action is required.

## 6. Payment of Travel Expenses

### 6.1. For Pre-Approved Events or events approved under clause 3:

- 6.1.1. which are being held within the district or Perth metropolitan area - the City will pay travel expenses for travel to and from the event (i.e., Mileage, cab, Uber, public transport etc.)
- 6.1.2. which are being held outside the Perth metropolitan area or interstate – the City will only fund travel expenses, accommodation and incidentals for events pre-approved under clause 2.1.1 only OR if the Elected Member or CEO has sought prior approval to attend the event and they can demonstrate their attendance is in the public/community interest.
- 6.1.3. which are being held overseas – the City will only fund travel expenses, accommodation and other incidentals where the CEO is satisfied that the

cost of the international travel is within budget and beneficial to the City when having regard to existing relationships with the destination of travel including:

- 6.1.3.1. volume of trade with the destination of travel;
  - 6.1.3.2. expatriate communities within the City of Cockburn;
  - 6.1.3.3. defence ties; or
  - 6.1.3.4. other significant ties to the Cockburn community.
- 6.1.4. Before making a decision under clause 6.1.3, the CEO must notify all Elected Members of the request.

## 7. Sharing of Invitations to Events

### 7.1. Application

- 7.1.1. The objective of this clause is to ensure fairness, equity and transparency in the allocation of tickets or invitations addressed to the Mayor or Council generally.
- 7.1.2. This clause applies to tickets or invitations addressed to the Mayor or Council generally.
- 7.1.3. This clause does not apply to:
  - 7.1.3.1. tickets or invitations addressed personally to Councillors, who may accept or decline invitations or tickets as they see fit; or
  - 7.1.3.2. tickets or invitations addressed to the Mayor which the event organiser has indicated are non-transferable
  - 7.1.3.3. tickets or invitations to events which are open to the public, unless the invitee is playing a formal role or part of the official event proceedings, or there are some other benefits offered to the invitee such as a VIP pass or parking etc.
  - 7.1.3.4. tickets or invitations addressed to the CEO
- 7.1.4. Notwithstanding clause 7.1.3.1 above, this policy does apply to tickets or invitations received and declined by a Councillor, which are transferable and the event organiser has indicated a desire for Councillor attendance.
- 7.1.5. Where ticket or invitation is ambiguous in respect of whether it is transferable or directed to an Elected Member personally or not, the CEO may make enquiries of the event organiser for the purposes of understanding if this clause applies.

### 7.2. Principles

- 7.2.1. Where tickets or invitations are addressed to the Mayor or Council generally, the Mayor will have the first right of acceptance.
- 7.2.2. If the Mayor is unavailable, unwilling, or unable to attend, the ticket or Invitation will be offered to the Deputy Mayor.
- 7.2.3. If the Deputy Mayor is unavailable, unwilling, or unable to attend, the ticket or invitation will be offered to Councillors on a rotational and equitable basis, except as provided in clause 7.2.4
- 7.2.4. For school graduation invitations, the Mayor and Deputy Mayor retain first right of acceptance. If both decline, the invitation will be offered to Councillors of the Ward in which the school is located, on a rotational and equitable basis.
- 7.2.5. The CEO will determine which Councillor is next in line to be offered a ticket or invitation under this clause, applying the principles of fairness and equity.

- 7.2.6. Councillors are expected to respond to tickets or invitations offered under this clause in a timely manner to allow re-offering if necessary. If a response is not received within 2 business days, the ticket or invitation may be re-offered to another Councillor.
- 7.2.7. Councillors who receive and decline tickets or invitations captured by clause 7.1.4 must, in a timely manner, forward the invitation to the CEO for allocation under this clause.
- 7.2.8. The CEO is to keep a register of tickets or invitations allocated under this clause, and upload it on the Elected Members Portal.
- 7.2.9. This clause does not oblige the CEO to advocate to any event organiser to make a ticket or invitation transferable, where the event organiser has indicated a ticket is non-transferable.
- 7.2.10. The CEO may allocate a ticket or invitation addressed to the CEO to an employee or Elected Member at the CEO's discretion.

### 7.3 Dispute Resolution

- 7.3.1 Any disputes regarding this clause will be referred to the CEO in the first Instance, or in the case of the CEO, the Mayor. If the Mayor or the CEO cannot achieve an agreement, the matter will be referred to Council for determination.

#### Related policies:

- Elected Member Entitlements Policy
- Elected Member Professional Development Policy

#### Definitions

**CEO** means the Chief Executive Officer of the City of Cockburn.

**Councillors** means Elected members of the City of Cockburn Council, excluding the Mayor.

**Deputy Mayor** means the elected Deputy Mayor of the City of Cockburn, who assumes the responsibilities of the Mayor when the Mayor is unwilling, unavailable or unable to act.

**Event** is defined under s5.90A(1) of the Act as including a:

- concert;
- conference;
- function;
- sporting event;
- prescribed occasion.

**Excluded Gift** is defined under s5.62(1B) of the Act as a ticket to an event where attendance at the event is approved in accordance with this Policy OR the gift is made by prescribed entities (refer Admin Regulation 20B).

**Gift** is defined under s5.57 of the Act as:

- the conferral of financial benefit from one person to another, unless adequate consideration in money or money's worth is provided to the donor in return; or



- a travel contribution (including accommodation incidental to a journey).

**Mayor** means the elected Mayor of the City of Cockburn, recognised as the spokesperson of the City of Cockburn under the Local Government Act 1995

**Rotational Basis** means a system of offering invitations or tickets to Councillors in turn, ensuring equal opportunity over time.

**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.

**Ward** means the electoral district within the City of Cockburn to which a Councillor is elected.

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