

A Four-Chart Guide

### Chart 1: Which rules apply to you? What is your current position? **CEO Council member** Other employee You are bound by the rules on You are bound by the rules on You are bound by your Local gifts in both the Act and your gifts in both the Act and your Government Employee Code local government's Code of local government's Code of of Conduct. Conduct. Conduct. See Gifts Disclosure: A **Guide for Local Government** CEOs.

**Note:** All references in this guide to 'the Act' refer to the *Local Government Act 1995* (WA) and all references to 'the Regulations' refer to the *Local Government (Administration) Regulations 1996* (WA).

**Note:** s 5.104(1) of the Act requires local governments to prepare or adopt a Code of Conduct.

**Note:** Failure to disclose a gift or interests relating to gifts are a serious local government offence carrying a penalty of \$10,000 or imprisonment for two years (s 5.87A(1)).

**Note:** These charts only apply to council members who have already been elected. For rules regarding disclosure during elections, see *Local Government (Elections) Regulations* 1997 (WA), reg 30B.

#### DISCLAIMER

This series of four charts is only a guide. Please refer to the relevant sections of the Act and Regulations and seek legal advice for your particular circumstances. © Civic Legal 2021. All rights reserved.





### Chart 2: Disclosing a gift for the gifts register

#### Is it a gift?

A gift is something one receives without a payment or something else of value in exchange.

A gift can include travel contributions.

For full definition, see s 5.57

Would the council member have received the gift even if they were not a council member?

s 5.87A(3)(b); s 5.87A(5)

Is the gift (or cumulative value of gifts from one person over a 12-month period)
over \$300?
s 5.87A(3)(a); reg 20A

No need to disclose.

**Disclose gift** in writing to the CEO within 10 days of receipt. s 5.87A(2); s 5.87C(2)

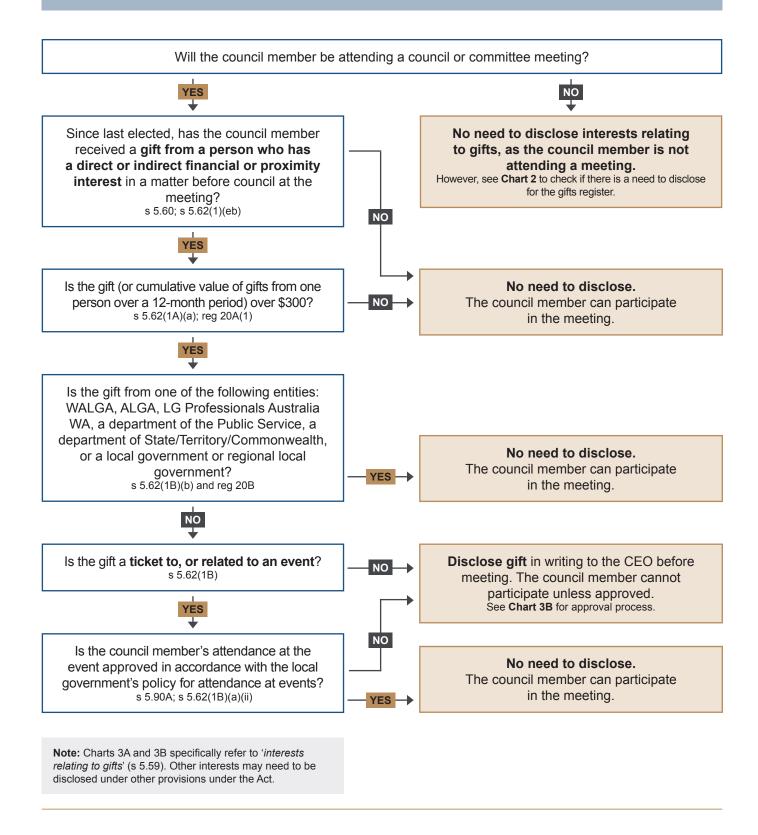
The CEO must record this on the gifts register within 10 days of disclosure.
s 5.89A(2A)







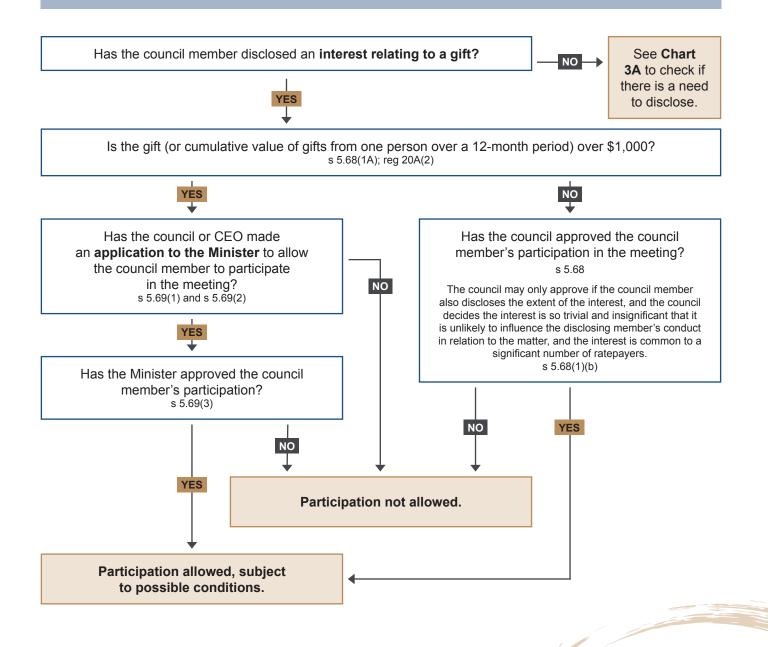
### **Chart 3A: Disclosing interests relating to gifts**



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### Chart 3B: Approval process for participation in meetings



**Note:** If participation is allowed by the council, the council's decision to approve participation must be recorded in meeting minutes (s 5.68(2)).

**Note:** If participation is allowed by the Minister, the Minister's decision to approve must be recorded in the meeting minutes (s 5.69(5)).

#### **CONTACT US**

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