

LOCAL GOVERNMENT — CITY OF PERTH ACT 2016 — TRANSPARENCY MEASURES

5452. Mr D.A. Templeman to the Minister for Local Government:

I refer to the introduction of the transparency measures, enacted through the *City of Perth Act 2016*, and ask:

- (a) can the Minister confirm whether local government employees and elected officials have to report gifts from family and friends for birthdays and other special occasions, as the Department of Local Government and Communities Special Governance Bulletin, in March, addressing gift and travel disclosures has led them to believe;
- (b) if yes, why; and
- (c) if not, does the Minister have plans to consult with the sector to allay their concerns on the matter?

Mr A.J. Simpson replied:

(a)–(c) Section 5.74 of the *Local Government Act 1995* (the Act) requires the following ‘Relevant Persons’ to disclose gifts and contributions to travel:

- Mayors, Presidents and Council Members;
- Chief Executive Officer;
- employees with delegated powers and duties under Part 5 Division 4 of the Act;
- employees who are members of committees comprising elected members and employees; and
- other employees as nominated by the local government to be designated employees.

Section 5.74 also provides an exemption from the disclosure provisions if the gift or contribution to travel is from a relative. A relative is defined in this section as:

- a parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant of the relevant person or of the relevant person’s spouse or de facto partner; or
- the relevant person’s spouse or de facto partner or the spouse or de facto partner of any relative specified in the above paragraph,

(whether or not the relationship is traced through, or to, a person whose parents were not actually married to each other at the time of the person’s birth or subsequently, and whether the relationship is a natural relationship or a relationship established by a written law).

Gifts from all other persons are required to be disclosed where their value exceeds \$200.

Under section 5.82(4) of the Act, **gift** means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money’s worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

My Department of Local Government and Communities, through its Governance Roundtable (with membership from the Department, Western Australian Local Government Association and Local Government Managers Australia) is currently working to identify areas of improvement in the legislation and/or guidance on the reporting of gifts and travel contributions.