

Register of Gifts, Benefits, Hospitality and Travel Contributions

Dean Unsworth - Chief Executive Officer – Updated 1 May 2024

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1. Register

s.5.89A Local Government Act 1995 (LGA)
 r.28A Local Government (Administration) Regulations 1996
 Form 4



Register of Gifts, Benefits, Hospitality and Travel Contributions

Council Members (s.5.87A) and CEO (s.5.87B) & s.5.87C

| Date recorded | Name of person making disclosure | Description of gift | Name and address of person who made gift. <i>Address other than suburb or town) not required. Refer: 5.89A(5A) LGA</i> | Date gift was received | Estimated value of gift at time it was made | Nature of relationship between who made gift and person who received gift | For a gift that is a travel contribution — description and date of travel | For an excluded gift under s. 5.62(1B)(a) — the date of the approval referred to in s. 5.62(1B)(a)(ii) and the reasons for the approval |
|---------------|----------------------------------|--|--|------------------------|---|---|---|---|
| 2019 | Dean Unsworth | Tickets x 2 Peel CCI Small Business Awards | Peel CCI, Mandurah | 07/09/2019 | \$300.00 | Sponsor | | |
| 2019 | Dean Unsworth | 2 x Season Racing Membership | Pinjarra Race Club Inc., Pinjarra | 11/11/2019 | \$420.00 | Professional | | |
| 2019 | Cr. David Bolt | 2 x Season Racing Membership | Pinjarra Race Club Inc., Pinjarra | 11/11/2019 | \$420.00 | Professional | | |
| 2020 | Nil Reportable Gifts | | | | | | | |
| 2021 | Nil Reportable Gifts | | | | | | | |
| 2022 | Nil Reportable Gifts | | | | | | | |
| 2023 | Nil Reportable Gifts | | | | | | | |

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2. Legislative Requirements

Local Government Act 1995

s.5.96A. Information published on official website

- (1) The Chief Executive Officer (CEO) must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so —
 - (a) a map of the district showing the district boundaries and, if the district is divided into wards, the ward boundaries;
 - (b) an up-to-date consolidated version of any local law made by the local government in accordance with s.3.12 that is in force;
 - (c) the annual budget;
 - (d) an up-to-date list of fees and charges imposed under s.6.16;
 - (e) current plans for the future of the district made under s.5.56;
 - (f) confirmed minutes of council or committee meetings;
 - (g) minutes of electors' meetings;
 - (h) notice papers and agenda relating to council or committee meetings and reports and other documents that have been —
 - (i) tabled at a council or committee meeting; or
 - (ii) produced by the local government or a committee for presentation at a council or committee meeting and that have been presented at the meeting;
 - (iii) information of a kind prescribed for the purposes of this subsection or required by another provision of this Act to be published on the website.
- (2) The CEO must not publish information referred to in subsection (1)(f) or (h) if the meeting or that part of the meeting to which the information refers was closed to members of the public.
- (3) Subsection (2) does not apply to information —
 - (a) that is a record of decisions made at a council or committee meeting; or
 - (b) of a kind prescribed as being information that can be published despite subsection (2).
- (4) The CEO must ensure that the following information is not published on the local government's official website —
 - (a) rate records;
 - (b) the register of owners and occupiers under s.4.32(6) and electoral rolls;
 - (c) information of a kind prescribed for the purposes of this subsection.
- (5) Regulations may specify the period for which information referred to in subsection (1) must be kept on the local government's official website, and may specify different periods for different kinds of information.

[Section 5.96A inserted: No. 16 of 2019 s. 47.]

s.5.87A. Council members to disclose gifts

- (1) A council member must disclose, in accordance with subsection (2) and s.5.87C, a gift received by the council member.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2) The disclosure must be made in writing to the CEO.
- (3) A person does not commit an offence against subsection (1) if —
 - (a) the amount of the gift does not exceed the amount prescribed for the purposes of this paragraph; or
 - (b) the gift is not received by the person in their capacity as a council member.

- (4) For the purposes of subsection (3)(a), if the gift is 1 of 2 or more gifts made by 1 person to the council member at any time during a year, the amount of the gift is the sum of the amounts of those 2 or more gifts.
- (5) For the purposes of subsection (3)(b), the gift is not received by the person in their capacity as a council member if it is a gift that the person would have received even if the person were not a council member.
[Section 5.87A inserted: No. 16 of 2019 s. 38.]

s.5.87B. CEOs to disclose gifts

- (1) A CEO must disclose, in accordance with subsection (2) and s.5.87C, a gift received by the CEO.
Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.
- (2) The disclosure must be made in writing to the mayor or president.
- (3) A person does not commit an offence against subsection (1) if —
 - (a) the amount of the gift does not exceed the amount prescribed for the purposes of this paragraph;
or
 - (b) the gift is not received by the person in their capacity as the CEO.
- (4) For the purposes of subsection (3)(a), if the gift is 1 of 2 or more gifts made by 1 person to the CEO at any time during a year, the amount of the gift is the sum of the amounts of those 2 or more gifts.
- (5) For the purposes of subsection (3)(b), the gift is not received by the person in their capacity as the CEO if it is a gift that the person would have received even if the person were not the CEO.
[s.5.87B inserted: No. 16 of 2019 s. 38.]

s.5.87C. Provisions about disclosure

- (1) This section applies to a disclosure under s.5.87A or s.5.87B.
- (2) The disclosure must be made within 10 days after receipt of the gift.
- (3) The disclosure must include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the person who made the gift and the person who received the gift;
 - (f) in the case of a travel contribution —
 - (i) a description of the travel; and
 - (ii) the date of the travel.

[s.5.87C inserted: No. 16 of 2019 s. 38.]

s.5.89A. Register of gifts

- (1) A CEO is to keep a register of gifts.
- (2) The register is to contain a record of the disclosures made under s.5.87A and s.5.87B.
- (2A) The CEO must record a disclosure made under section 5.87A or 5.87B in the register within 10 days after the disclosure is made.
- (2B) If a gift disclosed under s.5.87A or s.5.87B is an excluded gift under s.5.62(1B)(a), the CEO must record in the register —

- (a) the date of the approval referred to in s.5.62(1B)(a)(ii); and
- (b) the reasons for that approval; and
- (c) any prescribed information.

(3) The register is to be in the form that is prescribed (if any).

[(4) deleted]

(5) The CEO is to publish an up-to-date version of the register on the local government's official website.

(5A) The version of the register published under subsection (5) must not, in the case of a disclosure about a gift made by an individual, include the address disclosed under s.5.87C(3)(b) and must instead include the town or suburb mentioned in the address.

(6) As soon as practicable after a person ceases to be a person who is required under s.5.87A or s.5.87B to make a disclosure, the CEO is to remove from the register all records relating to that person.

(7) If records relating to a person are removed from the register under subsection (6), a copy of the records is, for a period of at least 5 years after the person ceases to be a person required under s.5.87A or s.5.87B to make a disclosure —

- (a) to be kept by the CEO; and
- (b) to be made available for public inspection.

[s.5.89A inserted: No. 2 of 2016 s. 37; amended: No. 16 of 2019 s. 40.]

Local Government (Administration) Regulations 1996 - r.28A. Register of gifts (Act s. 5.89A(3))

The register of gifts is to be in the form of Form 4.

Note for this regulation:



In the version of the register of gifts published under s.5.89A(5) information about individuals' addresses must be modified as required by s.5.89A(5A).

[Regulation 28A inserted: Gazette 18 Oct 2019 p. 3681.]

This publication satisfies the statutory requirements of the Act to publish Gifts, Benefits, Hospitality and Travel Contributions by Council Members and the Chief Executive Officer.

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