

6 May 2019

At 2.00 pm



Corporate, Finance, Properties and Tenders Committee

Sydney 2030 / Green Global Connected

Agenda

1. **Disclosures of Interest**
2. **2018/19 Quarter 3 Review – Delivery Program 2017–2021**
3. **Public Exhibition - Integrated Planning and Reporting Program and Budget 2019/20**
4. **Investments Held as at 31 March 2019**
5. **Policy - Adoption - Code of Conduct**
6. **Post Exhibition - Code of Meeting Practice**
7. **Policy - Adoption - Corporate Sponsorship Policy**
8. **Contract Variation - Child Care Management Agreement - Children's Services
Community Management**
9. **Cancellation of Tender - Street Furniture, Out-of-Home Media and Wi-Fi Services**
10. **Exemption from Tender - Joynton Avenue and Zetland Avenue East Roadworks**
11. **Tender - Asset Compliance Services**
12. **Lease Approval - Levels 8, 9 and 10 - 343 George Street, Sydney**
13. **Lease Approval - Part Ground Floor, Levels 1 and 2, 101 William Street, Darlinghurst**
14. **Lease Approval - Level 9, 540 George Street, Sydney**

Economic Development and Business Sub-Committee

15. **Knowledge Exchange Sponsorship - Textbook Ventures**

Guidelines for Speakers at Council Committees



As part of our democratic process, the City invites members of the community to speak directly to Councillors during Committee meetings about items on the agenda.

To enable the Committee to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at Committee to:

1. Register to speak by calling Council's Secretariat on 9265 9310 before 12.00 noon on the day of the meeting.
2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from Councillors, after all speakers on an item have made their presentations.

Committee meetings can continue until very late, particularly when there is a long agenda and a large number of speakers. This impacts on speakers who have to wait until very late, as well as Council staff and Councillors who are required to remain focused and alert until very late. At the start of each Committee meeting, the Committee Chair may reorder agenda items so that those items with speakers can be dealt with first.

Committee reports are on line at www.cityofsydney.nsw.gov.au, with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

Item 1.

Disclosures of Interest

Pursuant to the provisions of section 451 of the Local Government Act 1993, Councillors are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee.

Councillors are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Corporate, Finance, Properties and Tenders Committee in accordance with the relevant clauses of the Code of Conduct – February 2016.

In both cases, the nature of the interest must be disclosed.

Written disclosures of interest received by the Chief Executive Officer in relation to items for consideration at this meeting will be laid on the table.

Item 2.

2018/19 Quarter 3 Review – Delivery Program 2017–2021

File No: S096187

Summary

This report reviews the operating and capital results against the budget for the 2018/19 financial year and progress against the performance measures identified within the Operational Plan 2018/19, being the second year of the Delivery Program 2017-2021.

Council's financial performance at Quarter 3 2018/19 reflected an Operating Result of \$123.0M, against a YTD budget of \$97.9M. After allowing for interest income, capital grants and contributions, depreciation, capital project related costs, light rail contribution to NSW Government, gain on revaluation of book value investment funds and gain on sale of assets, the Council has achieved a YTD Net Surplus of \$27.4M against a deficit budget of \$26.0M. The favourable full year variance of \$53.3M predominately reflects the deferred payment of \$38.6M for the contribution to the light rail to NSW Government and favourable variances in operating expenditure. The major variances are discussed within the body of this report, and full details are provided at Attachment A.

The Capital Works program expenditure of \$138.4M compares to a YTD budget of \$256.0M, again reflecting the deferred light rail payment. If the light rail payment was excluded the variance would be \$79.0M. The annual forecast for the program has been revised to \$235.6M against a full year budget of \$363.3M. A summary of the 2018/19 capital project expenditure and forecast is outlined within the body of this report, and detailed at Attachment B.

The Information Services capital expenditure, for projects developed internally, was \$5.7M which is \$4.5M favourable when compared to a YTD budget \$10.2M, and a full year forecast of \$9.7M.

The Plant and Equipment expenditure at Quarter 3, net of disposals, was \$7.7M against a YTD budget of \$14.3M, with a full year forecast of \$16.1M.

Property Acquisition and Divestment net expenditure at Q3 of \$21.6M includes the planned property divestments partially offset by the acquisition of Redfern Post Office and Customs House.

This quarterly report focuses on the Council's financial performance and updates progress against the capital works program. The detailed review of operational performance against the City's integrated plans are provided bi-annually after the December (Q2) and June (Q4) financial quarters, in line with the integrated planning regulatory requirements.

The additional supplementary reports, which include details of contracts over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs, are provided in Attachment C for information.

Recommendation

It is resolved that Council:

- (A) note the financial performance of Council for the third quarter of the 2019 financial year, ending 31 March 2019, including the Quarter 3 Net Surplus of \$27.4M and the full year Net Surplus forecast of \$12.0M, as outlined in the subject report and summarised in Attachment A to the subject report;
- (B) note the Quarter 3 Capital Works expenditure of \$138.4M and a revised full year forecast of \$235.6M, and approve the proposed adjustments to the adopted budget, including the bringing forward of \$2.5M in funds into the 2018/19 capital budget, as detailed in Attachment B to the subject report;
- (C) note the Information Services capital expenditure of \$5.7M, and a full year forecast of \$9.7M, and approve the proposed adjustments to the adopted budget by bringing forward \$0.3M in funds into the 2018/19 capital budget;
- (D) note the Quarter 3 Plant and Assets expenditure of \$7.7M, net of disposals, and the full year forecast of \$16.1M;
- (E) note the Quarter 3 Property Acquisition/Divestment net expenditure of \$21.6M, and the full year forecast net proceeds of \$37.6M; and
- (F) note the supplementary reports, including contracts issued over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs in Quarter 3, as detailed in Attachment C to the subject report.

Attachments

- Attachment A.** Financial Results Summary
- Attachment B.** Capital Expenditure Financial Results
- Attachment C.** Third Quarter Supplementary Report 2018/19

Background

1. The City's 2017-2021 Delivery Program and 2018/19 Operational Plan, including the 2018/19 budgets, were adopted by Council on 25 June 2018.
2. The Local Government Act 1993 requires quarterly progress reports against the financial objectives and six monthly reports against the Operational Plan.
3. This report provides the third quarter (Q3) and full year forecast financial results for the 2018/19 financial year.
4. A Q3 Financial Results Summary, together with a detailed breakdown of income and expenditure items, and a separate report showing operating results by the principal activities identified within the Operational Plan, are provided at Attachment A.
5. The Capital Expenditure results to Q3, together with a summary of project expenditure, and proposed budget adjustments for 2018/19 and future years, are outlined within the body of this report and detailed at Attachment B.
6. Additional reports, including expenditure against contingency funds, contracts over \$50,000, major legal issues and the Quick Response, Banner Pole and Reduced Rate Grant Programs, are also provided at Attachment C for information.

2018/19 Operating Budget

7. The adopted 2018/19 budget projected operating income of \$595.9M and operating expenditure of \$470.2M, for an Operating Surplus of \$125.6M. After allowing for interest income of \$14.0M, capital grants and contributions of \$82.8M, depreciation expenses of \$109.4M, capital project related costs of \$11.3M and the outgoing contribution for light rail of \$102.2M, Council budgeted for a Net Deficit of \$0.6M.

Third Quarter Operating Results

8. The Q3 Operating Surplus was \$123.0M against a budget of \$97.9M, a favourable variance of \$25.1M. After allowing for interest income, capital grants and contributions, depreciation, capital project related costs, light rail contribution to NSW Government, gain on revaluation of book value investment funds and gain on sale of assets, the Net Surplus was \$27.4M against a budgeted deficit of \$26.0M, a favourable variance of \$53.3M.
9. The Q3 result includes an operating income result which is favourable to budget by \$3.2M, a favourable variance to budget of \$21.9M for operating expenditure, a favourable variance of \$2.5M for interest income, a \$22.1M unfavourable variance for capital grants and contributions, a favourable variance of \$5.3M for depreciation, a favourable variance for capital project related costs \$1.0M, the deferred \$38.6M contribution to light rail, gain on revaluation of book value investment funds \$0.1M and gain on sale of assets \$2.9M.

10. The full forecast year Operating Surplus is \$148.6M against a budget of \$125.6M, a favourable variance of \$22.9M. The Net Surplus is forecast to be \$12.0M against a budget deficit of \$0.6M, a favourable variance of \$12.6M.
11. The forecast results include a favourable variance to budget of \$2.6M for operating income, with favourable variances to budget of \$20.3M for operating expenditure, a favourable variance of \$3.2M for interest income, a \$22.8M unfavourable variance for capital grants and contributions, \$5.4M favourable variance for depreciation, a favourable variance for capital project related costs \$0.9M, gain on revaluation of book value investment funds \$0.1M and gain on sale of assets \$2.9M.
12. The primary operating income variations to the budget are detailed in the table below:

| Income Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|---------------------------------|--|--|--|
| Building and Development Income | (\$1.4M) | (\$1.7M) | Over the last 12 months there has been a decline in the number and value of applications, reflecting less large scale developments. |
| Enforcement Income | (\$0.5M) | (\$0.8M) | Unfavourable results reflect adverse weather conditions, the impact of Place Management NSW taking over responsibility for parking on their roads from January 2019, and staff training needs. |
| Other Fees | \$1.0M | \$1.0M | Primarily reflects charges to Transport for NSW for street cleaning along the light rail corridor, noting that the invoices remain unpaid to date. |
| Rates and Annual Charges | \$2.6M | \$2.0M | Increase in residential strata subdivisions and domestic waste charges. |
| Work Zone | \$1.8M | \$2.2M | The favourable variance reflects the amount of construction in the City, higher than budgeted for this year. |

13. The primary operating expenditure variances to the budget are detailed in the table below:

| Expenditure Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|-----------------------------------|--|--|---|
| Employee Related | \$6.2M | \$5.9M | The variance predominately relates to permanent vacancies, partially offset by an increase in agency used to backfill. |
| Event Related Expenditure | \$2.0M | \$1.8M | There were savings on some new contracts and projects for Major Events and Festivals, and timing of some projects taking place later than anticipated in the budget. |
| Expenditure Recovered | \$1.1M | (\$0.2M) | Recovery of an insurance claim for road repairs in Green Square. The recovery of monorail demolition works now expected to take place in 2019/20. |
| Grants, Sponsorship and Donations | \$3.4M | \$0.2M | YTD variance reflects the St George affordable housing grant which is forecast to occur by June 2019. |
| Infrastructure Maintenance | \$3.6M | \$6.3M | The contingency provided in infrastructure maintenance, pending finalisation of some major service contracts, including waste disposal charges and IT costs, which has been expensed in the relevant category. Monorail expenditure is in this category and will take place in 2019/20. |
| IT Related | (\$1.1M) | (\$1.7M) | Accelerated integration of the new properties management software. |

| Expenditure Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|------------------------------|---|---|---|
| Other Operating Expenditure | \$0.2M | (\$1.5M) | The forecast relates to Council resolution requesting Ausgrid to accelerate their LED street light upgrade program. |
| Property Related Expenditure | \$2.9M | \$6.8M | <p>The budget provided funds for additional works arising from an audit of the City's property asset register, as part of the transition to a new service provider. Finalisation of this audit, and implementation of the new maintenance regime, has been progressively brought on during the year.</p> <p>A number of projects planned for this year, including the demolition of the stone yard depot will take place later than anticipated in the budget, while plans for some other minor works are not required.</p> <p>A budget for due diligence expenditure, for planned property acquisitions and divestments, has been partially accounted for within other expenditure categories.</p> |
| Service Contracts | \$1.0M | \$1.2M | Reduction in number of properties serviced for domestic waste and savings across a range of other business activities. |
| Waste Disposal Charges | (\$0.5M) | (\$2.1M) | Increased costs of processing recycling material due to the introduction of the China National Sword policy. |

| Income Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|--------------------|---|---|--|
| Interest Revenue | \$2.5M | \$3.2M | Higher than anticipated opening cash balances, along with Council's investments which earned additional interest above budget and lower capital and operating expenditure. |

| Income Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|----------------------------------|---|---|---|
| Capital Grants and Contributions | (\$22.1M) | (\$22.8M) | Anticipated development is proceeding for a number of the major sites budgeted, however under the Green Square developer rights scheme, contributions are not required until later in the development cycle (i.e. first construction certificate for habitable space) |

| Income Type | 2018/19 YTD Budget Variance Favourable / (Unfavourable) | 2018/19 Full Year Budget Variance Favourable / (Unfavourable) | Comment |
|-------------------------------|---|---|---|
| Capital Project related costs | \$1.0M | \$0.9M | The variance reflects the slower than anticipated timing of expenditure on works that cannot be capitalised (e.g. demolition, traffic lights, etc.) |

| Income Type | 2018/19 YTD Budget Variance | 2018/19 Full Year Budget Variance | Comment |
|--------------------|------------------------------------|--|---|
| | Favourable / (Unfavourable) | Favourable / (Unfavourable) | |
| Depreciation | \$5.3M | \$5.4M | Timing of capital projects being completed to date. |

| Income Type | 2018/19 YTD Budget Variance | 2018/19 Full Year Budget Variance | Comment |
|---|------------------------------------|--|--|
| | Favourable / (Unfavourable) | Favourable / (Unfavourable) | |
| Light Rail Contribution to NSW Government | \$38.6M | \$0.0M | At this stage, the forecast reflects the expectation that the City will pay this contribution by year end. |

| Income Type | 2018/19 YTD Budget Variance | 2018/19 Full Year Budget Variance | Comment |
|------------------------|------------------------------------|--|---|
| | Favourable / (Unfavourable) | Favourable / (Unfavourable) | |
| Gain on Sale of Assets | \$2.9M | \$2.9M | Represents gain on disposal of vehicles, parking meters and other property. |

14. The City's finance performance has generally been strong across Council.

Capital Expenditure

15. The Capital Works program achieved expenditure of \$138.4M against the YTD budget of \$256.0M.
16. The full year forecast of the capital works program has been reduced from \$363.3M to \$235.6M following the latest review, which has assessed the expected delivery of the projects and revised cost estimates for each individual project.
17. Capital Works projects that are finalised with savings may be utilised to offset the additional expenditure in programs requiring additional funds for project completion.

18. Progress on a number of projects has also advanced beyond that included within the program budget projections for 2018/19. Approval is therefore sought to bring forward funds of \$2.5M from future years' capital works forward estimates, and to reallocate funds from within relevant programs, to continue these projects.
19. There are also a number of changes proposed within the future years' forwards estimates. Full details are provided in Attachment B.
20. There are a number of projects which are forecasting to exceed their current approved total budget. Approval for additional funds have been sought in the draft 2019/20 budget and forward estimates, which is a subject of report in this Council cycle. (See Integrated Planning and Reporting Program and Budget 2019/20 – Public Exhibition)
21. A number of projects are currently forecasting variances within the major capital works projects for the 2018/19 financial year:
 - (a) Green Infrastructure:
 - (i) Town Hall Trigenation - Final payments have been rescheduled to 2019/20. Installation of replacement base-load electric chiller now expected in 2019/20 with the rectification & recommissioning of generation units due to finalise in Q2 2019/20.
 - (i) Water Masterplan LGA - A review of other water management capital works opportunities are being undertaken and will likely commence delivery in next financial year.
 - (b) Green Square Streets and Drainage:
 - (i) Gadigal Avenue North - Savings are being transferred to Lachlan Precinct Public Domain Integration Works.
22. Significant variances are also forecast for a number of the 2018/19 program budgets and future years' forward estimates, including:
 - (a) Public Domain - Renewal:
 - (i) City Centre Transformation - Associated works - Project implementation program for light rail associated projects are ahead of schedule.
 - (ii) City Centre Pedestrian Improvements - Works at Loftus Gresham and Bent Street Sydney have been deferred. Sydney Buses have asked for work to be deferred until after light rail project is complete.
 - (b) Infrastructure – Roads, Bridges and Footways:
 - (i) Bridges Major Works Program - Inner West council has deferred the construction works on Booth Street Bridge, project is currently in design phase. Construction has been scheduled for 2019/20.
 - (c) Public Domain – Enhancement:

City South Urban Renewal Public Domain integration works - Project scoping has been reduced due to uncertainty surrounding redevelopment of the adjacent site.

- (d) Open Space and Parks – Enhancement:
 - (i) Perry Park – Stage 2 Basketball Court - Cash flow being aligned with the program.
 - (ii) Sydney Park Cares Precinct - Tender related. A mitigation strategy is in place to minimise budget impact and project delays.
 - (e) Bicycle Related Works – Enhancement:
 - (i) Green Square to Randwick Cycleway - Saving due to construction tenders being below pre-tender estimate.
23. A financial summary of the Capital Works program, the proposed budget adjustments, and a status report on all active capital projects exceeding \$5.0M in value is provided at Attachment B.
24. The Plant and Equipment expenditure incurred during the year to date, net of disposals, was \$7.7M against a budget of \$14.3M with a forecast reduction of \$5.6M, reflecting some acquisitions deferred to next financial year.
25. Information Services capital expenditure, for internally developed projects, is \$5.7M against a budget of \$10.2M with a forecast of \$9.7M. There is a request for additional funds of \$0.3M to be brought forward from future years provision in Attachment B.
26. The Property Acquisition and Divestments forecast result reflects the acquisition of Redfern Post Office and Customs House and planned divestments.

Operational Highlights

27. There were a number of operational highlights, including:
- (a) Over 1.21 million people attended Sydney Lunar Festival 2019 (SLF19) which was held from 1-10 February 2019 and celebrated the Year of the Pig. This was the 23rd year that the City has produced the Sydney Lunar Festival (formerly known as the Sydney Chinese New Year Festival). A total of 536 artists were contracted including lantern artists, community dancers and lion dancers. Twenty-eight per cent of groups in the Community Performance Program were first-time participants in the Festival, a positive reflection of the Festival's evolution, including first-time representation from Taiwanese and Vietnamese communities.
 - (b) The development of our Sustainable Sydney 2050 plan continues. Activities are focussed on building the evidence base for the strategy through research and analysis of data and an extensive community engagement program. The research program explores familiar issues with a view to the 2050 timeframe, including environment, transport, using technology to manage the city, as well as exploring and measuring issues of concern such as inequality and community wellbeing. All studies are underway and will be completed mid-2019.

- (c) The community engagement program is now gathering information using a range of engagement approaches. Activities include community sessions (including multi-lingual sessions), pop-up consultations, workshops and briefings with local business organisations and residents groups, sector or age-specific consultation including the MCA Youth Ambassadors. Workshops have been held with the City's advisory panels and with businesses at the Sydney Startup Hub. An extensive online survey is also underway. The findings of this phase of research and engagement will be consolidated and considered in a workshop with stakeholders in June before we move into the next stage of strategy development.
- (d) On 19 February 2019, the 22nd bi-annual Homelessness Street Count took place. The count was conducted between 1am and 3am and involved the participation of approximately 20 City of Sydney employees, 180 volunteers and 30 advisors. Three hundred and seventy-three people were counted sleeping rough across the Local Government Area, with 522 crisis and temporary accommodation beds occupied. The last summer count (February 2018) found 329 people were sleeping rough in Sydney.
- (e) The option to receive Online Rate Notices was introduced in February 2019, allowing ratepayers to set their delivery preference to receive their Rate Notices by email. The first emailed notices are scheduled for July 2019. With over 100,000 rating assessments, this service is in response to requests from ratepayers for this service and has the potential to substantially reduce the cost of printing and posting, while also reducing the environmental impact. There are currently 11,300 ratepayers registered for online services, however, the City is aiming to grow this significantly. Within the Sydney metropolitan area, the take-up rate for electronic rate notice delivery is between 10-15 per cent, however customer feedback indicates many of our ratepayers will utilise this service. We are therefore aiming for a target of electronic rate notice deliveries in the order of 20-30 per cent.
- (f) On 16 March 2019, the Frances Newton Reserve in Darlinghurst was officially opened. The City worked with the community to design this new park with entry steps from Palmer Street. Children will enjoy an imaginative play space including stepping stones, speaking tubes, distorting mirrors, a rain wheel and timber animals. The City is also working with locals to build a new community garden.
- (g) The Alternative Housing Ideas Challenge opened on Tuesday 26 March 2019. The Ideas Challenge is open to anyone with new ideas to boost the diversity of housing across the city and wider community, with a focus on identifying and developing new models to increase affordable alternative housing supply. The Ideas Challenge will reframe the future of housing supply in Sydney to be more diverse, exploring creative tenancy arrangements, new funding and delivery models. The Ideas Challenge closes at 5pm on Wednesday 8 May 2019 and up to six participants will receive \$20,000 each to further develop their concepts following consideration by an independent jury.
- (h) In March 2019, the City of Sydney acquired the Customs House building from the Commonwealth Department of Finance. The purchase means the building will remain in public hands. The City has leased and managed the building since 1994. Customs House is one of Sydney's most important buildings, welcoming a million visitors through its doors each year. It's a cultural centre, public library, exhibition space and provides commercial offices, cafes and space for events and the ever-evolving scale model of our city centre.

- (i) On 30 March 2019, the City officially opened the new Perry Park Recreation Centre. This \$12 million multipurpose sports centre features two indoor and two outdoor courts. It caters for netball, basketball, volleyball, badminton and futsal. It also has a kiosk, reception area, a staff office and change rooms.

On the same day, the City officially launched Dyurayla Square in Green Square. This 2,000 square metre community meeting place will be used for small events, markets and performances. The square is linked by shared pathways and cycleways for safe and easy access to nearby shops on Archibald Avenue and open space in Wulaba Park.

Financial Implications

28. At Quarter 3, the Operating Result was \$123.0M and a Net Surplus of \$27.4M, representing a favourable variance of \$53.3M against YTD budget. The variance predominantly relates to the deferred payment of the light rail contribution to the State (\$38.6M) pending successful delivery of the project outcomes required under the Deed.
29. Financial performance in all principle activities, as defined within the Delivery Program 2017-2021, continues to be satisfactory against budget.
30. The full year forecast reflects a Net Surplus of \$12.0M, which is favourable to budget by \$12.6M, as detailed above. Note: the forecast anticipates payment of the second contribution for the light rail to the State before year end.
31. The 2018/19 year end cash position is forecast to be \$573.7M, which is favourable to the budget of \$481.4M by \$92.3M.
32. The City remains in a strong financial position, in line with the financial targets published in its long-term financial plan, underlining its capacity to deliver its operational and capital expenditure improvement commitments. Surplus funds not yet required for projects are generally being directed towards specific cash reserves (restrictions), in accordance with Council's resolution and the City's long term financial plan, while the majority of the unrestricted cash is required to fund those capital programs without a specific reserve.

Relevant Legislation

33. The Local Government Act 1993 and Local Government (General) Regulation 2005 require quarterly progress reports against the financial objectives and regular reports (at least six monthly) against the Operational Plan.
34. Section 406 of the Act requires councils to comply with the Integrated Planning and Reporting Guidelines, issued by the Chief Executive of the Office of Local Government.

Critical Dates / Time Frames

35. The quarterly report is due to be submitted to Council within two months of the end of the respective quarter.

Public Consultation

36. The information contained within this report reflects Council's financial performance in the 2018/19 financial year.

BILL CARTER

Chief Financial Officer

Attachment A

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|---|
| <h2>Financial Results Summary</h2> |
|---|

Council

| \$'000 | YTD | | | Full Year | | | | |
|---|-----------------|----------------|-------------------------|-----------------|---------------|----------------|--------------------|----------------|
| | Current Budget | Actual | Variance Fav/(Unfav) | Original Budget | Adjustment | Current Budget | Annual Forecast | Var |
| Operating Income | 444,942 | 448,181 | 3,239 | 595,864 | 0 | 595,864 | 598,448 | 2,585 |
| Salary Expense | 179,678 | 173,491 | 6,187 | 238,577 | 180 | 238,757 | 232,851 | 5,906 |
| Expenditure | 167,339 | 151,647 | 15,692 | 231,657 | (180) | 231,477 | 217,037 | 14,439 |
| Operating Expenditure | 347,017 | 325,138 | 21,879 | 470,233 | 0 | 470,233 | 449,888 | 20,345 |
| Operating Result (Before Depreciation, Interest, Capital-Related Costs and Capital Income) | 97,924 | 123,043 | 25,119 | 125,630 | (0) | 125,630 | 148,560 | 22,930 |
| Add Additional Income: | | | | | | | | |
| Interest Income | 10,509 | 13,004 | 2,495 | 14,012 | 0 | 14,012 | 17,211 | 3,199 |
| Capital Grants and Contribution | 52,846 | 30,727 | (22,118) | 82,762 | 0 | 82,762 | 59,957 | (22,805) |
| Less Additional Expenses: | | | | | | | | |
| Depreciation | 82,075 | 76,767 | 5,308 | 109,433 | (0) | 109,433 | 104,000 | 5,433 |
| Capital Project Related Costs | 2,992 | 2,004 | 988 | 11,349 | (0) | 11,349 | 10,478 | 871 |
| Light Rail Contribution to NSW Government | 102,200 | 63,600 | 38,600 | 102,200 | 0 | 102,200 | 102,200 | 0 |
| Gain (Loss) on Investment Funds | 0 | 76 | 76 | 0 | 0 | 0 | 76 | 76 |
| Gain (Loss) on Sale of Assets | 0 | 2,873 | 2,873 | 0 | 0 | 0 | 2,873 | 2,873 |
| Net Operating Result | (25,988) | 27,351 | 53,339 | (577) | (0) | (577) | 11,999 | 12,576 |
| Capital Works | 256,042 | 138,395 | 117,648 | 342,779 | 20,546 | 363,324 | 235,585 | 127,740 |
| Capital Works TDS | 10,173 | 5,695 | 4,479 | 12,602 | 449 | 13,052 | 9,740 | 3,311 |
| Plant and Equipment | 14,256 | 7,666 | 6,590 | 15,713 | 5,939 | 21,652 | 16,054 | 5,598 |
| Property Acquisition / (Divestment) | 0 | 21,573 | (21,573) | (69,942) | 0 | (69,942) | (37,621) | (32,321) |
| Capital Expenditure Total | 280,471 | 173,328 | 107,144 | 301,152 | 26,934 | 328,086 | 223,758 | 104,328 |
| Available Funds | | | | | | | | |
| Opening Balance | 603,224 | 603,224 | 0 | 544,172 | 59,052 | 603,224 | 603,224 | 0 |
| Cash Surplus/(Deficit) | (122,692) | 14,500 | 137,192 | (92,116) | (29,702) | (121,818) | (29,508) | 92,310 |
| Closing Balance | 480,532 | 617,724 | 137,192 | 452,056 | 29,350 | 481,406 | 573,716 | 92,310 |

City of Sydney | Quarterly Income Statement | Quarter 3 - 2018/19

Council

\$'000

| | Mar YTD | | | | Full Year | | | | |
|--|----------------|----------------|-------------------------|------------|-----------------|------------|----------------|----------------|-------------------------|
| | Budget | Actual | Variance Fav/(Unfav) | Variance % | Original Budget | Adjustment | Current Budget | Forecast | Variance Fav/(Unfav) |
| OPERATING INCOME | | | | | | | | | |
| Advertising Income | 7,627 | 8,225 | 598 | 8% | 10,494 | 0 | 10,494 | 10,953 | 459 |
| Aquatic Facilities Income | 875 | 779 | (96) | (11%) | 1,167 | 0 | 1,167 | 1,116 | (51) |
| Building & Development Application Incom | 5,321 | 3,938 | (1,383) | (26%) | 7,095 | 0 | 7,095 | 5,373 | (1,721) |
| Building Certificate | 915 | 817 | (98) | (11%) | 1,220 | 0 | 1,220 | 1,112 | (107) |
| Child Care Fees | 1,440 | 1,210 | (231) | (16%) | 1,986 | 0 | 1,986 | 1,625 | (361) |
| Commercial Properties | 55,897 | 55,460 | (436) | (1%) | 74,930 | 0 | 74,930 | 75,495 | 565 |
| Enforcement Income | 28,918 | 28,457 | (461) | (2%) | 39,133 | (0) | 39,133 | 38,380 | (753) |
| Grants and Contributions | 8,774 | 8,453 | (322) | (4%) | 12,839 | 0 | 12,839 | 13,273 | 434 |
| Health Related Income | 1,293 | 1,087 | (206) | (16%) | 1,724 | 0 | 1,724 | 1,496 | (229) |
| Library Income | 120 | 124 | 4 | 3% | 160 | 0 | 160 | 164 | 4 |
| Other Building Fees | 6,251 | 6,937 | 686 | 11% | 9,066 | 0 | 9,066 | 9,010 | (56) |
| Other Fees | 3,300 | 4,296 | 996 | 30% | 4,544 | 0 | 4,544 | 5,572 | 1,028 |
| Other Income | 474 | 655 | 181 | 38% | 615 | 0 | 615 | 1,014 | 399 |
| Other Revenue | 0 | (0) | (0) | 0% | 0 | 0 | 0 | 0 | 0 |
| Parking Meter Income | 28,497 | 28,792 | 295 | 1% | 37,703 | 0 | 37,703 | 37,700 | (3) |
| Parking Station Income | 7,769 | 7,484 | (284) | (4%) | 10,336 | (0) | 10,336 | 9,900 | (436) |
| Private Work Income | 4,525 | 4,409 | (115) | -3% | 6,322 | 0 | 6,322 | 6,158 | (163) |
| Rates & Annual Charges | 263,899 | 266,484 | 2,585 | 1% | 351,865 | 0 | 351,865 | 353,865 | 2,000 |
| Sponsorship Income | 555 | 331 | (224) | (40%) | 715 | 0 | 715 | 348 | (367) |
| Venue/Facility Income | 7,566 | 7,241 | (326) | (4%) | 9,965 | 0 | 9,965 | 9,427 | (538) |
| Work Zone | 9,075 | 10,864 | 1,789 | 20% | 12,100 | 0 | 12,100 | 14,330 | 2,230 |
| Income (Excluding Internals) | 443,092 | 446,044 | 2,952 | 1% | 593,978 | 0 | 593,978 | 596,311 | 2,333 |
| VIK Income | 1,850 | 2,137 | 287 | 16% | 1,886 | 0 | 1,886 | 2,137 | 251 |
| Operating Income | 444,942 | 448,181 | 3,239 | 1% | 595,864 | 0 | 595,864 | 598,448 | 2,585 |
| OPERATING EXPENDITURE | | | | | | | | | |
| Salaries and Wages | 145,739 | 138,404 | 7,335 | 5% | 193,452 | (98) | 193,354 | 184,686 | 8,668 |
| Agency Contract Staff | 5,980 | 10,150 | (4,170) | (70%) | 7,911 | 180 | 8,091 | 14,244 | (6,153) |
| Travelling | 252 | 170 | 82 | 33% | 358 | 0 | 358 | 348 | 10 |
| Employee Oncosts | 5,191 | 3,342 | 1,848 | 36% | 6,895 | 12 | 6,907 | 5,296 | 1,611 |
| Superannuation | 16,123 | 15,039 | 1,084 | 7% | 21,399 | 85 | 21,484 | 19,520 | 1,964 |
| Workers Compensation Insurance | 3,119 | 3,119 | 0 | 0% | 4,159 | (0) | 4,159 | 4,159 | (0) |

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| | Mar YTD | | | | Full Year | | | | |
|--|----------------|----------------|-------------------------|------------|-----------------|------------|----------------|----------------|-------------------------|
| | Budget | Actual | Variance Fav/(Unfav) | Variance % | Original Budget | Adjustment | Current Budget | Forecast | Variance Fav/(Unfav) |
| Fringe Benefit Tax | 488 | 537 | (50) | (10%) | 650 | 0 | 650 | 790 | (140) |
| Training Costs (excluding salaries) | 1,434 | 1,319 | 115 | 8% | 1,913 | 0 | 1,913 | 1,778 | 135 |
| Other Employee Related Costs | 1,352 | 1,410 | (58) | (4%) | 1,841 | 0 | 1,841 | 2,029 | (189) |
| Salary Expense | 179,678 | 173,491 | 6,187 | 3% | 238,577 | 180 | 238,757 | 232,851 | 5,906 |
| Bad & Doubtful Debts | 161 | 176 | (14) | (9%) | 215 | 0 | 215 | 314 | (99) |
| Consultancies | 3,932 | 3,202 | 730 | 19% | 5,797 | (0) | 5,797 | 6,474 | (677) |
| Enforcement & Infringement Costs | 7,112 | 7,172 | (60) | (1%) | 9,497 | (0) | 9,497 | 9,582 | (85) |
| Event Related Expenditure | 12,214 | 10,201 | 2,013 | 16% | 14,831 | 138 | 14,969 | 13,197 | 1,772 |
| Expenditure Recovered | (3,732) | (4,878) | 1,146 | (31%) | (6,886) | (0) | (6,886) | (6,693) | (193) |
| Facility Management | 3,765 | 3,756 | 8 | 0% | 5,018 | (0) | 5,018 | 5,555 | (537) |
| General Advertising | 1,664 | 1,269 | 395 | 24% | 2,133 | 10 | 2,143 | 1,872 | 272 |
| Governance | 1,710 | 1,329 | 381 | 22% | 2,283 | 10 | 2,293 | 1,982 | 311 |
| Government Authority Charges | 5,153 | 4,924 | 230 | 4% | 6,944 | (0) | 6,944 | 6,619 | 325 |
| Grants, Sponsorships and Donations | 16,864 | 13,504 | 3,359 | 20% | 19,883 | 200 | 20,083 | 19,864 | 218 |
| Infrastructure Maintenance | 25,744 | 22,123 | 3,621 | 14% | 39,368 | 5 | 39,373 | 33,123 | 6,250 |
| Insurance | 2,574 | 2,162 | 412 | 16% | 3,432 | (0) | 3,432 | 3,122 | 310 |
| IT Related Expenditure | 7,479 | 8,540 | (1,061) | (14%) | 10,559 | 0 | 10,559 | 12,290 | (1,731) |
| Legal Fees | 2,773 | 2,982 | (209) | (8%) | 3,697 | 5 | 3,702 | 4,349 | (647) |
| Minor Plant Purchase | 0 | 0 | 0 | 0% | 0 | 0 | 0 | 0 | 0 |
| Operational Contingencies | 0 | 0 | 0 | 0% | 4,500 | (550) | 3,950 | 0 | 3,950 |
| Other Asset Maintenance | 1,862 | 1,595 | 268 | 14% | 2,278 | 0 | 2,278 | 2,218 | 60 |
| Other Operating Expenditure | 7,096 | 6,909 | 187 | 3% | 9,018 | (0) | 9,018 | 10,543 | (1,525) |
| Postage & Couriers | 1,162 | 1,073 | 89 | 8% | 1,537 | 0 | 1,537 | 1,467 | 70 |
| Printing & Stationery | 1,724 | 1,472 | 251 | 15% | 2,339 | 2 | 2,341 | 1,986 | 355 |
| Project Management & Other Project Costs | 1,002 | 1,104 | (102) | (10%) | 1,085 | 0 | 1,085 | 1,202 | (117) |
| Property Related Expenditure | 18,967 | 16,059 | 2,908 | 15% | 29,141 | 0 | 29,141 | 22,359 | 6,782 |
| Service Contracts | 12,424 | 11,381 | 1,043 | 8% | 17,178 | 0 | 17,178 | 15,953 | 1,225 |
| Stores & Materials | 4,212 | 3,420 | 792 | 19% | 5,569 | 0 | 5,569 | 5,528 | 41 |
| Surveys & Studies | 1,664 | 1,685 | (21) | (1%) | 2,407 | (0) | 2,407 | 2,575 | (169) |
| Telephone Charges | 2,100 | 2,038 | 62 | 3% | 2,852 | 0 | 2,852 | 2,753 | 99 |
| Utilities | 9,224 | 9,074 | 150 | 2% | 12,909 | (0) | 12,909 | 12,251 | 658 |
| Vehicle Maintenance | 2,011 | 2,084 | (73) | (4%) | 2,681 | (0) | 2,680 | 2,854 | (173) |
| Waste Disposal Charges | 14,631 | 15,156 | (525) | (4%) | 19,507 | 0 | 19,507 | 21,560 | (2,053) |

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| | Mar YTD | | | | Full Year | | | | |
|---|-----------------|----------------|-------------------------|------------|-----------------|---------------|----------------|----------------|-------------------------|
| | Budget | Actual | Variance Fav/(Unfav) | Variance % | Original Budget | Adjustment | Current Budget | Forecast | Variance Fav/(Unfav) |
| Expenditure | 165,489 | 149,510 | 15,979 | 10% | 229,771 | (180) | 229,591 | 214,900 | 14,691 |
| VIK Expenditure | 1,850 | 2,137 | (287) | (16%) | 1,886 | 0 | 1,886 | 2,137 | (251) |
| Expenditure Including VIK | 167,339 | 151,647 | 15,692 | 9% | 231,657 | (180) | 231,477 | 217,037 | 14,439 |
| Total Operating Expenditure (Excl Depreciation) | 347,017 | 325,138 | 21,879 | 6% | 470,233 | 0 | 470,233 | 449,888 | 20,345 |
| Operating Result (Before Depreciation, Interest, Capital-Related Costs and Capital Income) | 97,924 | 123,043 | 25,119 | 26% | 125,630 | (0) | 125,630 | 148,560 | 22,930 |
| Add Additional Income: | | | | | | | | | |
| Interest Revenue | 10,509 | 13,004 | 2,495 | 24% | 14,012 | 0 | 14,012 | 17,211 | 3,199 |
| Capital Grants | 49,346 | 27,876 | (21,470) | (44%) | 72,262 | 0 | 72,262 | 38,957 | (33,305) |
| Capital Grants - Works In Kind | 3,500 | 2,851 | (649) | (19%) | 10,500 | 0 | 10,500 | 21,000 | 10,500 |
| Less Additional Expenses: | | | | | | | | | |
| Capital Project Related Costs | 2,992 | 2,004 | 988 | 33% | 11,349 | (0) | 11,349 | 10,478 | 871 |
| Depreciation | 82,075 | 76,767 | 5,308 | 6% | 109,433 | (0) | 109,433 | 104,000 | 5,433 |
| Light Rail Contribution to NSW Government | 102,200 | 63,600 | 38,600 | 38% | 102,200 | 0 | 102,200 | 102,200 | (0) |
| Gain Loss on Investment Funds | 0 | 76 | 76 | 0% | 0 | 0 | 0 | 76 | 76 |
| Gain Loss on Sale of Assets | 0 | 2,873 | 2,873 | 0% | 0 | 0 | 0 | 2,873 | 2,873 |
| Net Operating Surplus/(Deficit) | (25,988) | 27,351 | 53,339 | | (577) | (0) | (577) | 11,999 | 12,576 |
| Capital Expenditure | | | | | | | | | |
| Capital Works | 256,042 | 138,395 | 117,648 | 46% | 342,779 | 20,546 | 363,324 | 235,585 | 127,740 |
| Capital Works ISU | 10,173 | 5,695 | 4,479 | 44% | 12,602 | 449 | 13,052 | 9,740 | 3,311 |
| Plant and Assets | 14,256 | 7,666 | 6,590 | 46% | 15,713 | 5,939 | 21,652 | 16,054 | 5,598 |
| Property Acquisition / Divestment | 0 | 21,573 | (21,573) | 0% | (69,942) | 0 | (69,942) | (37,621) | (32,321) |
| Total Capital Expenditure | 280,471 | 173,328 | 107,144 | | 301,152 | 26,934 | 328,086 | 223,758 | 104,328 |

City of Sydney | Actual v Budget Operating Result by Division & Unit | Q3 2018/19

| Does not include internals Division/Unit \$'000 | Income | | | | Expenditure | | | | Operating Result | | | |
|---|---------------|---------------|----------------------|-------------|---------------|---------------|----------------------|------------|------------------|-----------------|----------------------|------------|
| | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance |
| | | | | | | | | | | | | |
| Chief Executive Office | 90 | 132 | 42 | 46% | 14,508 | 13,115 | 1,393 | 10% | (14,418) | (12,984) | 1,434 | 10% |
| Chief Executive Office | | | - | | 1,203 | 1,054 | 148 | 12% | (1,203) | (1,054) | 148 | 12% |
| Councillor Support | | | - | | 1,581 | 1,285 | 296 | 19% | (1,581) | (1,285) | 296 | 19% |
| Engagement | | | - | | 4,135 | 3,980 | 155 | 4% | (4,135) | (3,980) | 155 | 4% |
| Marketing | 90 | 132 | 42 | 46% | 4,084 | 3,440 | 644 | 16% | (3,994) | (3,308) | 685 | 17% |
| Office of the Lord Mayor | | | - | | 2,704 | 2,710 | (6) | 0% | (2,704) | (2,710) | (6) | 0% |
| Secretariat | | | - | | 801 | 646 | 156 | 19% | (801) | (646) | 156 | 19% |
| Chief Financial Office | 327 | 309 | (18) | -6% | 6,362 | 6,025 | 337 | 5% | (6,035) | (5,716) | 319 | 5% |
| Business Planning and Performance | | | - | | 879 | 741 | 138 | 16% | (879) | (741) | 138 | 16% |
| CFO Administration | | 9 | 9 | - | 864 | 944 | (81) | -9% | (864) | (935) | (72) | -8% |
| Financial Planning and Reporting | | | - | | 1,596 | 1,417 | 179 | 11% | (1,596) | (1,417) | 179 | 11% |
| Procurement | | 3 | 3 | - | 1,525 | 1,481 | 44 | 3% | (1,525) | (1,477) | 47 | 3% |
| Rates | 327 | 297 | (30) | -9% | 1,498 | 1,442 | 56 | 4% | (1,171) | (1,146) | 26 | 2% |
| Chief Operations Office | 275 | 70 | (205) | -75% | 13,737 | 11,365 | 2,372 | 17% | (13,462) | (11,295) | 2,167 | 16% |
| Chief Operations Office | 250 | 55 | (195) | -78% | 1,414 | 1,090 | 323 | 23% | (1,164) | (1,035) | 128 | 11% |
| City Conversations | | | - | | 1,087 | 870 | 217 | 20% | (1,087) | (870) | 217 | 20% |
| City Design | | | - | | 2,620 | 2,111 | 510 | 19% | (2,620) | (2,111) | 510 | 19% |
| City Transformation | | | - | | 814 | 671 | 143 | 18% | (814) | (671) | 143 | 18% |
| Green Infrastructure | | | - | | 745 | 593 | 152 | 20% | (745) | (593) | 152 | 20% |
| Green Square | | | - | | 672 | 477 | 195 | 29% | (672) | (477) | 195 | 29% |
| Project Management Office | | | - | | 253 | 231 | 22 | 9% | (253) | (231) | 22 | 9% |
| Strategic Community Engagement | | 15 | 15 | - | 1,481 | 1,351 | 129 | 9% | (1,481) | (1,336) | 144 | 10% |
| Strategy and Urban Analytics | | | - | | 3,312 | 2,736 | 575 | 17% | (3,312) | (2,736) | 575 | 17% |
| Sustainability | 25 | | (25) | -100% | 1,340 | 1,234 | 105 | 8% | (1,315) | (1,234) | 80 | 6% |
| City Life | 10,227 | 10,216 | (11) | 0% | 64,002 | 57,602 | 6,400 | 10% | (53,775) | (47,386) | 6,389 | 12% |
| City Business & Safety | | 105 | 105 | - | 2,729 | 2,347 | 382 | 14% | (2,729) | (2,242) | 487 | 18% |
| City Life Management | | | - | | 1,470 | 1,472 | (2) | 0% | (1,470) | (1,472) | (2) | 0% |
| Creative City | 4,044 | 4,015 | (29) | -1% | 26,171 | 24,904 | 1,267 | 5% | (22,128) | (20,889) | 1,238 | 6% |
| Grants and Sponsorship | 56 | 56 | (0) | 0% | 16,056 | 12,779 | 3,277 | 20% | (16,000) | (12,722) | 3,277 | 20% |
| Social Programs and Services | 5,828 | 5,737 | (92) | -2% | 15,100 | 13,926 | 1,173 | 8% | (9,272) | (8,190) | 1,082 | 12% |
| Sustainability Programs | 299 | 303 | 4 | 1% | 2,476 | 2,174 | 302 | 12% | (2,177) | (1,871) | 306 | 14% |
| City Planning Development and Transport | 14,163 | 12,690 | (1,473) | -10% | 32,212 | 29,243 | 2,970 | 9% | (18,049) | (16,553) | 1,497 | 8% |
| City Access | 499 | 123 | (376) | -75% | 3,724 | 3,226 | 499 | 13% | (3,225) | (3,103) | 122 | 4% |
| Construction & Building Certification Services | 6,364 | 6,645 | 280 | 4% | 1,974 | 1,926 | 48 | 2% | 4,390 | 4,718 | 328 | 7% |
| Health & Building | 2,132 | 1,665 | (467) | -22% | 10,451 | 9,471 | 980 | 9% | (8,319) | (7,806) | 513 | 6% |
| Planning Assessments | 5,167 | 3,946 | (1,222) | -24% | 10,553 | 9,773 | 780 | 7% | (5,385) | (5,827) | (442) | -8% |
| Strategic Planning and Urban Design | | 311 | 311 | - | 5,510 | 4,846 | 664 | 12% | (5,510) | (4,535) | 975 | 18% |
| City Projects and Property | 56,023 | 55,633 | (390) | -1% | 35,687 | 34,475 | 1,212 | 3% | 20,336 | 21,158 | 821 | 4% |

City of Sydney | Actual v Budget Operating Result by Division & Unit | Q3 2018/19

| Does not include internals | Income | | | | Expenditure | | | | Operating Result | | | |
|---|----------------|----------------|----------------------|------------|----------------|----------------|----------------------|-------------|------------------|-----------------|----------------------|------------|
| Division/Unit | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance |
| \$'000 | | | | | | | | | | | | |
| City Property | 56,023 | 55,591 | (432) | -1% | 28,858 | 28,204 | 654 | 2% | 27,165 | 27,387 | 222 | 1% |
| CPP - Development and Strategy | | 30 | 30 | - | 2,255 | 2,590 | (336) | -15% | (2,255) | (2,560) | (306) | -14% |
| CPP - Infrastructure Delivery | | 12 | 12 | - | 573 | 546 | 27 | 5% | (573) | (534) | 38 | 7% |
| CPP - Professional Services | | | - | | 4,002 | 3,135 | 866 | 22% | (4,002) | (3,135) | 866 | 22% |
| City Services | 96,027 | 98,200 | 2,174 | 2% | 137,472 | 131,789 | 5,683 | 4% | (41,445) | (33,589) | 7,857 | 19% |
| City Greening and Leisure | 1,461 | 933 | (528) | -36% | 23,597 | 21,109 | 2,488 | 11% | (22,135) | (20,176) | 1,960 | 9% |
| City Infrastructure and Traffic Operations (CITO) | 23,443 | 25,426 | 1,983 | 8% | 24,359 | 23,100 | 1,260 | 5% | (916) | 2,326 | 3,243 | 354% |
| City Rangers | 28,401 | 28,146 | (255) | -1% | 19,372 | 19,346 | 26 | 0% | 9,029 | 8,800 | (229) | -3% |
| City Services Management | | | - | | 613 | 709 | (95) | -16% | (613) | (709) | (95) | -16% |
| Cleansing & Waste | 760 | 1,551 | 791 | 104% | 48,213 | 47,266 | 946 | 2% | (47,452) | (45,715) | 1,737 | 4% |
| Parking and Fleet Services | 36,265 | 36,276 | 11 | 0% | 12,622 | 12,092 | 529 | 4% | 23,644 | 24,184 | 540 | 2% |
| Security & Emergency Management | | | - | | 4,566 | 4,172 | 394 | 9% | (4,566) | (4,172) | 394 | 9% |
| Venue Management | 5,696 | 5,868 | 172 | 3% | 4,131 | 3,995 | 136 | 3% | 1,565 | 1,873 | 308 | 20% |
| Corporate Costs | 266,127 | 268,817 | 2,690 | 1% | 4,260 | 5,853 | (1,594) | -37% | 261,868 | 262,964 | 1,096 | 0% |
| Legal and Governance | | 380 | 380 | - | 10,053 | 8,738 | 1,315 | 13% | (10,053) | (8,358) | 1,695 | 17% |
| Council Elections | | | - | | 835 | 640 | 195 | 23% | (835) | (640) | 195 | 23% |
| Governance | | | - | | 411 | 318 | 93 | 23% | (411) | (318) | 93 | 23% |
| Internal Audit | | | - | | 546 | 582 | (36) | -7% | (546) | (582) | (36) | -7% |
| Legal Services | | 5 | 5 | - | 5,045 | 4,546 | 500 | 10% | (5,045) | (4,541) | 505 | 10% |
| Risk Management and Governance | | 375 | 375 | - | 3,215 | 2,652 | 563 | 18% | (3,215) | (2,277) | 938 | 29% |
| People Performance and Technology | 1,682 | 1,734 | 52 | 3% | 28,725 | 26,933 | 1,791 | 6% | (27,043) | (25,199) | 1,843 | 7% |
| Business and Service Improvement | | | - | | 727 | 409 | 318 | 44% | (727) | (409) | 318 | 44% |
| Customer Service | 1,667 | 1,718 | 51 | 3% | 5,060 | 4,799 | 261 | 5% | (3,393) | (3,081) | 312 | 9% |
| Data and Information Management Services | 15 | 13 | (2) | -13% | 4,785 | 4,266 | 518 | 11% | (4,770) | (4,253) | 516 | 11% |
| Internal Office Services | | | - | | 806 | 689 | 116 | 14% | (806) | (689) | 116 | 14% |
| Technology and Digital Services | | | - | | 9,883 | 9,366 | 517 | 5% | (9,883) | (9,366) | 517 | 5% |
| Workforce Services | | 3 | 3 | - | 7,464 | 7,403 | 60 | 1% | (7,464) | (7,400) | 63 | 1% |
| Total Operating Result | 444,942 | 448,181 | 3,239 | 1% | 347,017 | 325,138 | 21,879 | 6% | 97,924 | 123,043 | 25,119 | 26% |

City of Sydney | Actual v Budget Operating Result by Division & Unit | Q3 2018/19

| Does not include internals Division/Unit \$'000 | Income | | | | Expenditure | | | | Operating Result | | | |
|---|----------------|----------------|----------------------|------------|----------------|----------------|----------------------|-------------|------------------|-----------------|----------------------|------------|
| | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance | Budget | Actual | Variance Fav/(Unfav) | % Variance |
| | | | | | | | | | | | | |
| City Projects and Property | 56,023 | 55,633 | (390) | -1% | 35,687 | 34,475 | 1,212 | 3% | 20,336 | 21,158 | 821 | 4% |
| City Property | 56,023 | 55,591 | (432) | -1% | 28,858 | 28,204 | 654 | 2% | 27,165 | 27,387 | 222 | 1% |
| CPP - Development and Strategy | | 30 | 30 - | | 2,255 | 2,590 | (336) | -15% | (2,255) | (2,560) | (306) | -14% |
| CPP - Infrastructure Delivery | | 12 | 12 - | | 573 | 546 | 27 | 5% | (573) | (534) | 38 | 7% |
| CPP - Professional Services | | | - | | 4,002 | 3,135 | 866 | 22% | (4,002) | (3,135) | 866 | 22% |
| City Services | 96,027 | 98,200 | 2,174 | 2% | 137,472 | 131,789 | 5,683 | 4% | (41,445) | (33,589) | 7,857 | 19% |
| City Greening and Leisure | 1,461 | 933 | (528) | -36% | 23,597 | 21,109 | 2,488 | 11% | (22,135) | (20,176) | 1,960 | 9% |
| City Infrastructure and Traffic Operations (CITO) | 23,443 | 25,426 | 1,983 | 8% | 24,359 | 23,100 | 1,260 | 5% | (916) | 2,326 | 3,243 | 354% |
| City Rangers | 28,401 | 28,146 | (255) | -1% | 19,372 | 19,346 | 26 | 0% | 9,029 | 8,800 | (229) | -3% |
| City Services Management | | | - | | 613 | 709 | (95) | -16% | (613) | (709) | (95) | -16% |
| Cleansing & Waste | 760 | 1,551 | 791 | 104% | 48,213 | 47,266 | 946 | 2% | (47,452) | (45,715) | 1,737 | 4% |
| Parking and Fleet Services | 36,265 | 36,276 | 11 | 0% | 12,622 | 12,092 | 529 | 4% | 23,644 | 24,184 | 540 | 2% |
| Security & Emergency Management | | | - | | 4,566 | 4,172 | 394 | 9% | (4,566) | (4,172) | 394 | 9% |
| Venue Management | 5,696 | 5,868 | 172 | 3% | 4,131 | 3,995 | 136 | 3% | 1,565 | 1,873 | 308 | 20% |
| Corporate Costs | 266,127 | 268,817 | 2,690 | 1% | 4,260 | 5,853 | (1,594) | -37% | 261,868 | 262,964 | 1,096 | 0% |
| Legal and Governance | | 380 | 380 - | | 10,053 | 8,738 | 1,315 | 13% | (10,053) | (8,358) | 1,695 | 17% |
| Council Elections | | | - | | 835 | 640 | 195 | 23% | (835) | (640) | 195 | 23% |
| Governance | | | - | | 411 | 318 | 93 | 23% | (411) | (318) | 93 | 23% |
| Internal Audit | | | - | | 546 | 582 | (36) | -7% | (546) | (582) | (36) | -7% |
| Legal Services | | 5 | 5 - | | 5,045 | 4,546 | 500 | 10% | (5,045) | (4,541) | 505 | 10% |
| Risk Management and Governance | | 375 | 375 - | | 3,215 | 2,652 | 563 | 18% | (3,215) | (2,277) | 938 | 29% |
| People Performance and Technology | 1,682 | 1,734 | 52 | 3% | 28,725 | 26,933 | 1,791 | 6% | (27,043) | (25,199) | 1,843 | 7% |
| Business and Service Improvement | | | - | | 727 | 409 | 318 | 44% | (727) | (409) | 318 | 44% |
| Customer Service | 1,667 | 1,718 | 51 | 3% | 5,060 | 4,799 | 261 | 5% | (3,393) | (3,081) | 312 | 9% |
| Data and Information Management Services | 15 | 13 | (2) | -13% | 4,785 | 4,266 | 518 | 11% | (4,770) | (4,253) | 516 | 11% |
| Internal Office Services | | | - | | 806 | 689 | 116 | 14% | (806) | (689) | 116 | 14% |
| Technology and Digital Services | | | - | | 9,883 | 9,366 | 517 | 5% | (9,883) | (9,366) | 517 | 5% |
| Workforce Services | | 3 | 3 - | | 7,464 | 7,403 | 60 | 1% | (7,464) | (7,400) | 63 | 1% |
| Total Operating Result | 90 | 132 | 42 | 46% | 4,084 | 3,440 | 644 | 16% | (3,994) | (3,308) | 685 | 17% |

City of Sydney | Full Year Budget v Full Year Forecast Operating Result by Division & Unit | Q3 2018/19

| Division/Unit | Income | | | | Expenditure | | | | Operating Result | | | |
|---|----------------|----------------|----------------------|--------------|----------------|----------------|----------------------|------------|------------------|-----------------|----------------------|------------|
| | Budget | Forecast | Variance Fav/(Unfav) | % Variance | Budget | Forecast | Variance Fav/(Unfav) | % Variance | Budget | Forecast | Variance Fav/(Unfav) | % Variance |
| \$'000 | | | | | | | | | | | | |
| City Projects and Property | 75,098 | 75,815 | 717 | 1% | 51,989 | 47,950 | 4,039 | 8% | 23,109 | 27,865 | 4,756 | 21% |
| City Property | 75,098 | 75,773 | 675 | 1% | 42,418 | 39,141 | 3,276 | 8% | 32,681 | 36,632 | 3,951 | 12% |
| CPP - Development and Strategy | | 30 | 30 - | | 3,460 | 3,580 | (121) | -3% | (3,460) | (3,550) | (91) | -3% |
| CPP - Infrastructure Delivery | | 12 | 12 - | | 765 | 722 | 44 | 6% | (765) | (710) | 55 | 7% |
| CPP - Professional Services | | | - | | 5,347 | 4,507 | 840 | 16% | (5,347) | (4,507) | 840 | 16% |
| City Services | 129,121 | 131,006 | 1,885 | 1% | 184,573 | 181,956 | 2,617 | 1% | (55,452) | (50,950) | 4,502 | 8% |
| City Greening and Leisure | 1,986 | 1,356 | (630) | -32% | 31,860 | 29,855 | 2,005 | 6% | (29,874) | (28,499) | 1,375 | 5% |
| City Infrastructure and Traffic Operations (CITO) | 32,061 | 34,453 | 2,392 | 7% | 33,184 | 33,565 | (381) | -1% | (1,123) | 888 | 2,011 | 179% |
| City Rangers | 38,442 | 37,889 | (553) | -1% | 25,842 | 25,421 | 421 | 2% | 12,600 | 12,468 | (132) | -1% |
| City Services Management | | | - | | 818 | 879 | (61) | -8% | (818) | (879) | (61) | -8% |
| Cleansing & Waste | 1,094 | 2,054 | 960 | 88% | 64,334 | 64,917 | (583) | -1% | (63,240) | (62,864) | 377 | 1% |
| Parking and Fleet Services | 48,039 | 47,600 | (439) | -1% | 16,835 | 16,294 | 541 | 3% | 31,204 | 31,306 | 101 | 0% |
| Security & Emergency Management | | | - | | 6,190 | 5,588 | 602 | 10% | (6,190) | (5,588) | 602 | 10% |
| Venue Management | 7,500 | 7,655 | 155 | 2% | 5,510 | 5,436 | 74 | 1% | 1,990 | 2,219 | 229 | 12% |
| Corporate Costs | 356,402 | 358,407 | 2,005 | 1% | 10,963 | 8,973 | 1,990 | 18% | 345,439 | 349,434 | 3,995 | 1% |
| Legal and Governance | 25 | 375 | 350 | 1400% | 13,432 | 12,410 | 1,021 | 8% | (13,407) | (12,035) | 1,371 | 10% |
| Council Elections | | | - | | 1,115 | 851 | 264 | 24% | (1,115) | (851) | 264 | 24% |
| Governance | | | - | | 548 | 537 | 12 | 2% | (548) | (537) | 12 | 2% |
| Internal Audit | | | - | | 728 | 763 | (35) | -5% | (728) | (763) | (35) | -5% |
| Legal Services | | | - | | 6,704 | 6,474 | 230 | 3% | (6,704) | (6,474) | 230 | 3% |
| Risk Management and Governance | 25 | 375 | 350 | 1400% | 4,337 | 3,786 | 551 | 13% | (4,312) | (3,411) | 901 | 21% |
| People Performance and Technology | 2,221 | 2,335 | 114 | 5% | 38,866 | 37,085 | 1,781 | 5% | (36,645) | (34,750) | 1,895 | 5% |
| Business and Service Improvement | | | - | | 1,089 | 696 | 393 | 36% | (1,089) | (696) | 393 | 36% |
| Customer Service | 2,201 | 2,312 | 110 | 5% | 6,800 | 6,568 | 231 | 3% | (4,599) | (4,257) | 342 | 7% |
| Data and Information Management Services | 20 | 20 | | 0% | 6,383 | 6,190 | 193 | 3% | (6,363) | (6,170) | 193 | 3% |
| Internal Office Services | | | - | | 998 | 769 | 229 | 23% | (998) | (769) | 229 | 23% |
| Technology and Digital Services | | | - | | 13,640 | 12,963 | 677 | 5% | (13,640) | (12,963) | 677 | 5% |
| Workforce Services | | 4 | 4 - | | 9,956 | 9,899 | 57 | 1% | (9,956) | (9,895) | 61 | 1% |
| Total Operating Result | 595,864 | 598,448 | 2,585 | 0% | 470,233 | 449,888 | 20,345 | 4% | 125,630 | 148,560 | 22,930 | 18% |

City of Sydney | Summary of Income and Expenditure by Principal Activity - Quarter 3 2018/19

| \$'M | TOTAL OPERATING INCOME | | | TOTAL OPERATING EXPENDITURE | | | OPERATING RESULT | | |
|---|------------------------|--------------|----------------------|-----------------------------|--------------|----------------------|------------------|--------------|----------------------|
| | Budget | Actual | Variance Fav/(Unfav) | Budget | Actual | Variance Fav/(Unfav) | Budget | Actual | Variance Fav/(Unfav) |
| A globally competitive and innovative city | 28.8 | 29.0 | 0.2 | 41.9 | 41.2 | 0.7 | (13.1) | (12.2) | 0.9 |
| A leading environmental performer | 1.1 | 1.9 | 0.8 | 57.6 | 56.6 | 1.1 | (56.6) | (54.7) | 1.8 |
| Integrated transport for a connected city | 61.1 | 62.9 | 1.8 | 35.6 | 33.6 | 2.0 | 25.6 | 29.4 | 3.8 |
| A city for walking and cycling | 0.0 | 0.0 | 0.0 | 1.0 | 1.1 | (0.0) | (1.0) | (1.1) | (0.0) |
| A lively and engaging city centre | 0.0 | 0.0 | 0.0 | 0.5 | 0.4 | 0.1 | (0.5) | (0.4) | 0.1 |
| Resilient and inclusive local communities | 11.1 | 11.2 | 0.1 | 69.3 | 64.2 | 5.1 | (58.2) | (53.0) | 5.2 |
|  Cultural and creative city | 2.4 | 2.3 | (0.1) | 5.7 | 5.3 | 0.4 | (3.3) | (3.0) | 0.3 |
| Housing for a diverse community | 0.0 | 0.0 | 0.0 | 3.2 | 0.1 | 3.1 | (3.2) | (0.1) | 3.1 |
| Sustainable development, renewal and design | 13.7 | 12.6 | (1.1) | 30.6 | 28.1 | 2.5 | (16.9) | (15.6) | 1.4 |
| Implementation through effective governance and partnerships | 326.8 | 328.3 | 1.5 | 101.7 | 94.6 | 7.1 | 225.1 | 233.7 | 8.6 |
| Total Council | 444.9 | 448.2 | 3.2 | 347.0 | 325.1 | 21.9 | 97.9 | 123.0 | 25.1 |

City of Sydney | Capital Budget Review Statement - Quarter 3 2018/19

| | Mar YTD | Mar YTD | Mar YTD | Full Year | | Full Year | | Full Year |
|--|----------------|----------------|-----------------|-----------------|---------------|-----------------|----------------------|-----------------|
| \$'000 | Current Budget | Actual | Variance | Original Budget | Adjustments | Current Budget | Proposed Adjustments | Proposed Budget |
| Capital Expenditure | | | | | | | | |
| Barangaroo Integration and Harbour Village North | 450 | 237 | 214 | 611 | (42) | 570 | | 570 |
| Childcare Centres | 1,047 | 275 | 772 | 662 | 780 | 1,442 | | 1,442 |
| Chinatown Public Domain | 615 | 143 | 472 | 500 | 690 | 1,190 | | 1,190 |
| Erskineville Trunk Drainage | 401 | 89 | 313 | 750 | (230) | 520 | | 520 |
| Green Infrastructure | 9,025 | 1,623 | 7,402 | 5,557 | 8,200 | 13,756 | | 13,756 |
| Green Square Aquatic Centre and Gunyama Park | 33,270 | 20,979 | 12,291 | 68,921 | (15,475) | 53,446 | | 53,446 |
| Green Square Community Facilities and Open Space | 3,861 | 3,103 | 758 | 12,407 | (6,187) | 6,221 | | 6,221 |
| Green Square Library and Plaza | 1,771 | 822 | 950 | 2,111 | (340) | 1,771 | | 1,771 |
| Green Square Streets and Drainage | 20,600 | 6,901 | 13,699 | 26,651 | 18,947 | 45,598 | | 45,598 |
| Johnstons Canal Master Plan & Harold Park Works | 780 | 841 | (61) | 2,431 | (784) | 1,647 | 687 | 2,334 |
| Light Rail – CBD to South East | 102,200 | 63,600 | 38,600 | 102,200 | | 102,200 | | 102,200 |
| Major Depots | 1,503 | 954 | 550 | | 1,711 | 1,711 | | 1,711 |
| Significant Projects | 175,525 | 99,566 | 75,959 | 222,801 | 7,269 | 230,071 | 687 | 230,758 |
| | | | | | | | | |
| \$'000 | Current Budget | Actual | Variance | Original Budget | Adjustment | | Proposed Adjustments | Proposed Budget |
| Bicycle Related Works | 5,120 | 1,858 | 3,263 | 7,552 | 936 | 8,488 | 90 | 8,578 |
| Community, Cultural and Recreation Property Related Projects | 10,074 | 6,863 | 3,211 | 10,520 | (11) | 10,509 | | 10,509 |
| Corporate and Investment Property Related Projects | 560 | 148 | 412 | 867 | 327 | 1,194 | | 1,194 |
| Open Space & Parks | 7,593 | 3,221 | 4,371 | 13,296 | (1,408) | 11,888 | 175 | 12,062 |
| Public Art LGA | 8,463 | 747 | 7,716 | 11,887 | 3,877 | 15,763 | | 15,763 |
| Public Domain | 856 | 71 | 786 | 5,806 | (1,039) | 4,766 | | 4,766 |
| Stormwater Drainage | 1,837 | 226 | 1,611 | 9,000 | 966 | 9,966 | | 9,966 |
| Capital Programs Asset Enhancement | 34,503 | 13,134 | 21,369 | 58,926 | 3,647 | 62,574 | 265 | 62,838 |
| Community, Cultural and Recreation Property Related Projects | 7,325 | 4,103 | 3,222 | 9,816 | 2,523 | 12,339 | | 12,339 |
| Corporate and Investment Property Related Projects | 5,470 | 2,287 | 3,183 | 7,283 | 3,555 | 10,838 | | 10,838 |
| Infrastructure - Roads Bridges Footways | 9,819 | 7,009 | 2,810 | 13,502 | 332 | 13,835 | | 13,835 |
| Open Space & Parks | 7,190 | 4,129 | 3,060 | 11,297 | 1,451 | 12,748 | 39 | 12,788 |
| Public Art LGA | 307 | 305 | 2 | 604 | (158) | 446 | 126 | 572 |
| Public Domain | 12,008 | 6,949 | 5,059 | 11,814 | 3,194 | 15,008 | 1,385 | 16,393 |
| Stormwater Drainage | 1,414 | 913 | 501 | 1,734 | (0) | 1,734 | | 1,734 |
| Capital Programs Asset Renewal | 43,532 | 25,695 | 17,838 | 56,051 | 10,898 | 66,949 | 1,550 | 68,499 |
| Contingency - Active | 2,481 | | 2,481 | 5,000 | (1,269) | 3,731 | | 3,731 |
| Project expenditure not creating asset value | (2,453) | (899) | (1,553) | (5,712) | | (5,712) | | (5,712) |
| Net Capital Expenditure | 253,589 | 137,495 | 116,094 | 337,067 | 20,546 | 357,613 | 2,501 | 360,114 |
| Plant and Assets | 14,256 | 7,666 | 6,590 | 15,713 | 5,939 | 21,652 | | 21,652 |
| TDS Capital Works Projects | 10,173 | 5,695 | 4,479 | 12,602 | 449 | 13,052 | 315 | 13,367 |
| Property Acquisition / Divestment | | 21,573 | (21,573) | (69,942) | | (69,942) | | (69,942) |

City of Sydney | Capital Budget Review Statement - Quarter 3 2018/19

| \$'000 | Mar YTD | Mar YTD | Mar YTD | Full Year | | Full Year | | Full Year |
|------------------------------------|----------------|----------------|----------------|-----------------|---------------|----------------|----------------------|-----------------|
| | Current Budget | Actual | Variance | Original Budget | Adjustments | Current Budget | Proposed Adjustments | Proposed Budget |
| Capital Funding | | | | | | | | |
| Domestic Waste Reserve | 2,664 | 2,000 | 664 | 3,200 | 264 | 3,464 | | 3,464 |
| Stormwater Management Reserve | 1,414 | 913 | 501 | 1,701 | 32 | 1,734 | | 1,734 |
| Developer Contributions (General) | 55,919 | 34,971 | 20,948 | 103,718 | (8,656) | 95,061 | | 95,061 |
| Infrastructure Contingency Reserve | 287 | 124 | 163 | 544 | (239) | 305 | | 305 |
| Community Facilities Reserve | 15,456 | 15,456 | | | 15,456 | 15,456 | | 15,456 |
| Green Infrastructure Reserve | 4,971 | 297 | 4,674 | 2,927 | 4,186 | 7,112 | | 7,112 |
| Renewable Energy | 1,775 | 750 | 1,026 | 1,000 | 1,404 | 2,404 | | 2,404 |
| City Centre Transformation Reserve | 102,200 | 63,600 | 38,600 | 104,916 | | 104,916 | | 104,916 |
| Specific Reserve Funding | 184,687 | 118,110 | 66,577 | 218,005 | 12,446 | 230,452 | | 230,452 |
| General Funding | 93,332 | 54,318 | 39,014 | 77,435 | 14,488 | 91,922 | 2,817 | 94,739 |
| Total Funding | 278,019 | 172,428 | 105,590 | 295,440 | 26,934 | 322,374 | 2,817 | 325,190 |

City of Sydney | Cash and Investments Budget Review Statement - Quarter 3 2018/19

| | <i>Opening Balance</i> | <i>Mar YTD</i> | <i>Mar YTD</i> | <i>Mar YTD</i> | <i>Forecast</i> | <i>Forecast</i> | <i>Projected</i> |
|---|------------------------|----------------|------------------|----------------|-----------------|------------------|------------------|
| \$'000 | Actual | Trf To | Trf From | Actual | Trf To | Trf From | Forecast |
| Externally Restricted | | | | | | | |
| Developer Contributions (General) | 99,667 | 29,255 | (34,971) | 93,950 | 38,033 | (52,436) | 85,264 |
| Specific Purpose Unexpended Grants | 1,028 | - | - | 1,028 | 0 | (1,028) | - |
| Domestic Waste Reserve | 25,574 | 36,161 | (35,882) | 25,853 | 47,921 | (48,327) | 25,167 |
| Stormwater Management Reserve | 431 | 1,539 | (913) | 1,057 | 1,992 | (1,701) | 721 |
| Total Externally Restricted Cash and Investments | 126,699 | 66,955 | (71,766) | 121,888 | 87,946 | (103,492) | 111,152 |
| Internally Restricted | | | | | | | |
| Affordable and Diverse Housing Fund | 8,858 | - | (7) | 8,851 | - | (3,086) | 5,772 |
| City Centre Transformation Reserve | 104,700 | - | (63,600) | 41,100 | - | (102,200) | 2,500 |
| Commercial Property | 9,213 | 6,850 | - | 16,063 | 71,870 | - | 81,082 |
| Community Facilities Reserve | 15,456 | - | (15,456) | - | - | (15,456) | - |
| Employee Leave Entitlement Reserve | 6,595 | 1,745 | (1,774) | 6,566 | 2,317 | (1,785) | 7,127 |
| Green Infrastructure Reserve | 23,133 | - | (297) | 22,835 | - | (2,213) | 20,919 |
| Green Square Reserve | 86,325 | - | - | 86,325 | - | - | 86,325 |
| Infrastructure Contingency Reserve | 2,540 | - | (124) | 2,416 | - | (169) | 2,371 |
| Operational Facilities | - | - | - | - | - | - | - |
| Public Liability Insurance Reserve | 658 | - | - | 658 | - | - | 658 |
| Renewable Energy | 9,404 | - | (750) | 8,654 | - | (2,005) | 7,399 |
| Public Road Reserve | - | - | - | - | - | - | - |
| Performance Cash Bonds | 25,695 | 8,532 | (7,380) | 26,847 | 18,890 | (16,767) | 27,818 |
| Workers Compensation Reserve | 17,050 | - | (392) | 16,658 | - | (449) | 16,601 |
| Total Internally Restricted Cash and Investments | 309,626 | 17,126 | (89,779) | 236,974 | 93,076 | (144,130) | 258,573 |
| Total Restricted Cash and Investments | 436,326 | 84,082 | (161,546) | 358,862 | 181,021 | (247,622) | 369,725 |
| Unrestricted Cash and Investments | 166,898 | | | 258,862 | | | 203,991 |
| Cash and Cash Equivalents | 20,650 | | | (3,021) | | | 0 |
| Investments | 582,574 | | | 620,745 | | | 0 |
| Total - Cash and Investments | 603,224 | | | 617,724 | | | 573,716 |

| Approval Date | | Sydney 2030 | CEO | General | Capital Works | Total |
|------------------------|---|-------------|------------------|------------------|------------------|------------------|
| | Adopted budget | | 3,000,000 | 1,500,000 | 5,000,000 | 9,500,000 |
| | <u>Less Approved Contingency Allocations</u> | | | | | |
| 13/08/2018 | NSW Drought Aid | | | 200,000 | | 200,000 |
| 30/09/2018 | As Per Q1 Budget Adjustment schedule - Attachment B | | | | 148,000 | 148,000 |
| Oct 2018 - Dec 2018 | Approved Capital Works budget adjustments | | | | 159,262 | 159,262 |
| 11/02/2019 | As Per Q2 Budget Adjustment schedule - Attachment B | | | | 335,830 | 335,830 |
| Jan 2019 - Mar 2019 | Approved Capital Works budget adjustments | | | | 625,659 | 625,659 |
| 11/02/2019 | Alternative Housing Ideas Challenge | | | 350,000 | | 350,000 |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | | | | | | - |
| | Total allocated | - | - | 550,000 | 1,268,751 | 1,818,751 |
| Funds Available | | | | | | - |
| | Operational | - | 3,000,000 | 950,000 | | 3,950,000 |
| | Capital | | | | 3,731,249 | 3,731,249 |
| | Total | | | | | 7,681,249 |

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City of Sydney

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for City of Sydney for the quarter ended 31 March 2019 indicates that Council's financial position is satisfactory.

The City's restricted funds have been invested in accordance with Council's investment policies and reconciled to the monthly investment report, together with the funds invested and cash at bank.

The date of the last bank reconciliation for the quarter ending 31 March 2019 was 1 April 2019.

Signed: 

Bill Carter, Chief Financial Officer
Responsible Accounting Officer

Date: 17/4/2019.

Attachment B

| |
|--|
| Capital Expenditure Financial Results |
|--|

Capital Works Expenditure Summary
City of Sydney | Q3 2018/19

Only active projects with Total Budgets >\$5M are shown. The expenditure for smaller projects is also included in bolded sub-totals

| | Prior Year Expenditure | Mar YTD Budget | Mar YTD Actual | YTD Variance Fav/(Unfav) | Prior Years + YTD | Full Year 2018/19 Current Budget | Full Year 2018/19 Current Forecast | Full Year Budget vs Full Year Forecast | 4 Years Budget Total | 2023/24 - 202/29 Budget Years Total | Total Project Budget | Total Project Forecast | Variance |
|---|------------------------|----------------|----------------|--------------------------|-------------------|----------------------------------|------------------------------------|--|----------------------|-------------------------------------|----------------------|------------------------|--------------|
| Major Depots | 33,852 | 1,503 | 954 | 550 | 34,806 | 1,711 | 1,107 | 604 | 1,711 | 0 | 35,563 | 34,959 | 604 |
| Alexandra Canal Depot | 30,825 | 486 | 192 | 294 | 31,016 | 505 | 265 | 240 | 505 | 0 | 31,329 | 31,089 | 240 |
| Green Square Aquatic Centre and Gunyama Park | 14,088 | 33,270 | 20,979 | 12,291 | 35,067 | 53,446 | 34,837 | 18,608 | 82,266 | 4,438 | 100,791 | 100,791 | 0 |
| Gunyama Park Aquatic and Recreation Centre | 14,088 | 33,270 | 20,979 | 12,291 | 35,067 | 53,446 | 34,837 | 18,608 | 82,266 | 4,438 | 100,791 | 100,791 | 0 |
| Green Infrastructure | 26,574 | 9,025 | 1,623 | 7,402 | 28,196 | 13,756 | 5,945 | 7,811 | 29,239 | 20,550 | 76,363 | 75,439 | 924 |
| Parks Water Reuse Projects | 2,274 | 0 | 2 | (2) | 2,276 | 1,000 | 1,002 | (2) | 1,985 | 2,200 | 6,459 | 6,360 | 98 |
| Renewable Energy Fund Projects - Solar Panel | 3,964 | 1,775 | 750 | 1,026 | 4,713 | 2,404 | 2,005 | 399 | 5,181 | 0 | 9,145 | 8,746 | 399 |
| Green Square Water Reuse - Non Potable | 8,441 | 684 | 129 | 555 | 8,570 | 684 | 693 | (9) | 1,426 | 0 | 9,867 | 9,866 | 1 |
| Renewable Energy Programs Other (LGA) | 132 | 0 | 0 | 0 | 132 | 0 | 0 | 0 | 0 | 10,600 | 10,732 | 10,732 | 0 |
| Water Master Plan LGA | 538 | 1,922 | 0 | 1,922 | 538 | 1,922 | 0 | 1,922 | 7,373 | 7,750 | 15,661 | 15,193 | 469 |
| Town Hall Trigeneration Precinct | 9,809 | 1,535 | 48 | 1,486 | 9,857 | 1,578 | 197 | 1,381 | 1,578 | 0 | 11,387 | 11,387 | 0 |
| Major Properties Efficiency Improvements | 536 | 461 | 120 | 341 | 656 | 1,462 | 259 | 1,204 | 4,804 | 0 | 5,340 | 5,544 | (204) |
| Green Square Library and Plaza | 56,384 | 1,771 | 822 | 950 | 57,205 | 1,771 | 1,018 | 753 | 1,771 | 0 | 58,155 | 57,402 | 753 |
| Green Square Community Library and Plaza | 56,384 | 1,771 | 822 | 950 | 57,205 | 1,771 | 1,018 | 753 | 1,771 | 0 | 58,155 | 57,402 | 753 |
| Green Square Community Facilities and Open Space | 37,148 | 3,861 | 3,103 | 758 | 40,252 | 6,221 | 4,814 | 1,407 | 59,495 | 5,000 | 101,643 | 102,215 | (571) |
| GS Creative Ctre, Community Shed and Matron Ruby Grant Park | 30,691 | 11 | 11 | (0) | 30,702 | 11 | 11 | (0) | 11 | 0 | 30,702 | 30,702 | (0) |
| Drying Green Park | 1,554 | 299 | 226 | 73 | 1,780 | 1,722 | 476 | 1,246 | 17,577 | 0 | 19,130 | 19,738 | (608) |

Capital Works Expenditure Summary
City of Sydney | Q3 2018/19

Only active projects with Total Budgets >\$5M are shown. The expenditure for smaller projects is also included in bolded sub-totals

| | Prior Year Expenditure | Mar YTD Budget | Mar YTD Actual | YTD Variance Fav/(Unfav) | Prior Years + YTD | Full Year 2018/19 Current Budget | Full Year 2018/19 Current Forecast | Full Year Budget vs Full Year Forecast | 4 Years Budget Total | 2023/24 - 202/29 Budget Years Total | Total Project Budget | Total Project Forecast | Variance |
|--|------------------------|----------------|----------------|--------------------------|-------------------|----------------------------------|------------------------------------|--|----------------------|-------------------------------------|----------------------|------------------------|----------------|
| SSHS - Stage 2 (Cultural/Community/Health Facilities) | 9 | 158 | 10 | 148 | 20 | 190 | 52 | 138 | 24,710 | 0 | 24,719 | 24,722 | (2) |
| North Rosebery Park (Meriton To Elect In July) | 0 | 0 | 5 | (5) | 5 | 0 | 16 | (16) | 5,100 | 0 | 5,100 | 5,100 | (0) |
| Johnstons Canal Master Plan & Harold Park Works | 16,378 | 780 | 841 | (61) | 17,219 | 1,647 | 1,980 | (333) | 10,130 | 0 | 26,507 | 26,472 | 36 |
| Harold Park - New Park Construction | 13,470 | 574 | 668 | (94) | 14,138 | 774 | 774 | 1 | 774 | 0 | 14,244 | 14,244 | 1 |
| The crescent lands at Johnstons creek | 1,563 | 206 | 174 | 33 | 1,737 | 839 | 1,206 | (367) | 9,322 | 0 | 10,885 | 10,884 | 2 |
| Chinatown Public Domain | 7,631 | 615 | 143 | 472 | 7,774 | 1,190 | 241 | 949 | 8,190 | 5,657 | 21,477 | 28,586 | (7,108) |
| Chinatown Public Domain Improvement - Thomas & Hay Streets | 7,530 | 197 | 30 | 167 | 7,560 | 547 | 60 | 487 | 547 | 0 | 8,077 | 7,591 | 487 |
| Chinatown Public Domain Improvement - Future Works | 3 | 300 | 0 | 300 | 3 | 500 | 50 | 450 | 7,500 | 5,657 | 13,160 | 13,160 | 0 |
| Childcare Centres | 17,589 | 1,047 | 275 | 772 | 17,864 | 1,442 | 1,126 | 316 | 9,442 | 12,831 | 39,862 | 39,546 | 316 |
| Child Care - Hospital site Green Square | 8,420 | 516 | 181 | 334 | 8,602 | 516 | 200 | 316 | 516 | 0 | 8,936 | 8,620 | 316 |
| Child Care - Fast Track Development of New Childcare | 87 | 0 | 0 | 0 | 87 | 0 | 0 | 0 | 0 | 12,831 | 12,918 | 12,918 | 0 |
| Barangaroo Integration and Harbour Village North | 5,085 | 450 | 237 | 214 | 5,322 | 570 | 279 | 291 | 10,795 | 4,257 | 20,138 | 20,062 | 76 |
| Harbour Village North and City North Public Domain | 560 | 146 | 0 | 146 | 560 | 265 | 43 | 222 | 9,765 | 3,257 | 13,582 | 13,575 | 7 |
| Green Square Streets and Drainage | 115,584 | 20,600 | 6,901 | 13,699 | 122,485 | 45,598 | 10,719 | 34,880 | 144,894 | 6,600 | 267,078 | 259,990 | 7,088 |
| Ebsworth St, Tweed Pl, Fellmonger Pl, Barker St (North) | 13,649 | 936 | 13 | 923 | 13,662 | 1,096 | 19 | 1,077 | 3,051 | 0 | 16,700 | 16,694 | 6 |
| Zetland Avenue - Mid (Joynton Ave to Portman St) | 663 | 1,732 | 90 | 1,643 | 752 | 3,671 | 120 | 3,552 | 4,918 | 0 | 5,581 | 5,362 | 219 |
| Existing Streets (Portman St) Upgrade | 482 | 134 | 59 | 75 | 541 | 184 | 91 | 93 | 11,518 | 0 | 12,000 | 11,997 | 3 |

Capital Works Expenditure Summary City of Sydney | Q3 2018/19

Only active projects with Total Budgets >\$5M are shown. The expenditure for smaller projects is also included in bolded sub-totals

| | Prior Year Expenditure | Mar YTD Budget | Mar YTD Actual | YTD Variance Fav/(Unfav) | Prior Years + YTD | Full Year 2018/19 Current Budget | Full Year 2018/19 Current Forecast | Full Year Budget vs Full Year Forecast | 4 Years Budget Total | 2023/24 - 202/29 Budget Years Total | Total Project Budget | Total Project Forecast | Variance |
|---|------------------------|----------------|----------------|--------------------------|-------------------|----------------------------------|------------------------------------|--|----------------------|-------------------------------------|----------------------|------------------------|--------------|
| Green Square Trunk Drain-Link Road to Alexandra Canal | 74,791 | 2,210 | 960 | 1,250 | 75,751 | 4,319 | 290 | 4,029 | 13,119 | 0 | 87,910 | 82,910 | 5,000 |
| Geddes Avenue & Paul Street (North) | 14,439 | 2,010 | 1,502 | 508 | 15,941 | 2,038 | 1,769 | 268 | 4,058 | 0 | 18,497 | 18,490 | 7 |
| Hinchcliffe St (North), Woolpack St & Barker St (South) | 253 | 95 | 4 | 91 | 257 | 136 | 26 | 110 | 6,547 | 0 | 6,800 | 6,774 | 26 |
| Zetland Ave (West) - Paul St to Portman St | 592 | 112 | 48 | 64 | 640 | 175 | 79 | 96 | 11,078 | 0 | 11,670 | 11,667 | 2 |
| Joynton Av upgrade (Hansard St to Elizabeth St) | 2,850 | 6,663 | 1,893 | 4,770 | 4,743 | 12,277 | 3,393 | 8,884 | 15,684 | 0 | 18,534 | 18,534 | (0) |
| Zetland Avenue – East (Joynton Av to Victoria Park Pde) | 849 | 3,123 | 248 | 2,875 | 1,097 | 7,900 | 1,448 | 6,451 | 17,399 | 0 | 18,248 | 18,248 | 0 |
| Green Square to Ashmore Connection | 709 | 904 | 316 | 588 | 1,025 | 7,556 | 933 | 6,623 | 26,291 | 0 | 27,000 | 27,010 | (10) |
| Town Centre Interface Works | 5,642 | 1,423 | 1,015 | 408 | 6,656 | 1,424 | 1,509 | (85) | 1,854 | 0 | 7,496 | 7,754 | (258) |
| McDonald Street Widening Works | 167 | 395 | 330 | 65 | 497 | 555 | 468 | 87 | 13,109 | 0 | 13,277 | 13,277 | (0) |
| Light Rail – CBD to South East | 115,300 | 102,200 | 63,600 | 38,600 | 178,900 | 102,200 | 102,200 | 0 | 104,700 | 0 | 220,000 | 220,000 | 0 |
| Light Rail – CBD to South East | 115,300 | 102,200 | 63,600 | 38,600 | 178,900 | 102,200 | 102,200 | 0 | 104,700 | 0 | 220,000 | 220,000 | 0 |
| Erskineville Trunk Drainage | 296 | 401 | 89 | 313 | 384 | 520 | 362 | 158 | 19,704 | 0 | 20,000 | 19,999 | 0 |
| Erskineville Trunk Drainage | 296 | 401 | 89 | 313 | 384 | 520 | 362 | 158 | 19,704 | 0 | 20,000 | 19,999 | 0 |
| Significant Projects - Active | 445,908 | 175,525 | 99,566 | 75,959 | 545,474 | 230,071 | 164,627 | 65,444 | 482,336 | 59,333 | 987,577 | 985,460 | 2,117 |

Capital Works Expenditure Summary
City of Sydney | Q3 2018/19

Only active projects with Total Budgets >\$5M are shown. The expenditure for smaller projects is also included in bolded sub-totals

| | Prior Year Expenditure | Mar YTD Budget | Mar YTD Actual | YTD Variance Fav/(Unfav) | Prior Years + YTD | Full Year 2018/19 Current Budget | Full Year 2018/19 Current Forecast | Full Year Budget vs Full Year Forecast | 4 Years Budget Total | 2023/24 - 202/29 Budget Years Total | Total Project Budget | Total Project Forecast | Variance |
|--|------------------------|----------------|----------------|--------------------------|-------------------|----------------------------------|------------------------------------|--|----------------------|-------------------------------------|----------------------|------------------------|----------------|
| Bicycle Related Works | | 5,120 | 1,858 | 3,263 | 1,858 | 8,488 | 5,075 | 3,413 | 41,866 | 23,653 | 65,518 | 73,503 | (7,985) |
| Community, Cultural and Recreation Property Related Projects | | 10,074 | 6,863 | 3,211 | 6,863 | 10,509 | 9,279 | 1,230 | 34,563 | 66,704 | 101,267 | 105,018 | (3,750) |
| Corporate and Investment Property Related Projects | | 560 | 148 | 412 | 148 | 1,194 | 663 | 531 | 2,944 | 0 | 2,944 | 2,873 | 70 |
| Open Space & Parks | | 7,593 | 3,221 | 4,371 | 3,221 | 11,888 | 5,283 | 6,605 | 62,640 | 59,761 | 122,401 | 122,661 | (260) |
| Public Art LGA | | 8,463 | 747 | 7,716 | 747 | 15,763 | 2,980 | 12,783 | 20,883 | 310 | 21,193 | 12,073 | 9,120 |
| Public Domain | | 856 | 71 | 786 | 71 | 4,766 | 1,274 | 3,492 | 28,546 | 34,227 | 62,773 | 61,762 | 1,011 |
| Stormwater Drainage | | 1,837 | 226 | 1,611 | 226 | 9,966 | 318 | 9,648 | 17,386 | 20,951 | 38,336 | 38,268 | 68 |
| Capital Programs Asset Enhancement - Active | | 34,503 | 13,134 | 21,369 | 13,134 | 62,574 | 24,871 | 37,703 | 208,827 | 205,605 | 414,432 | 416,159 | (1,726) |
| CS | | | | | | | | | | | | | |
| Community, Cultural and Recreation Property Related Projects | | 7,325 | 4,103 | 3,222 | 4,103 | 12,339 | 8,073 | 4,266 | 44,257 | 76,071 | 120,328 | 120,787 | (459) |
| Corporate and Investment Property Related Projects | | 5,470 | 2,287 | 3,183 | 2,287 | 10,838 | 5,298 | 5,541 | 60,652 | 77,191 | 137,843 | 133,526 | 4,318 |
| Infrastructure - Roads Bridges Footways | | 9,819 | 7,009 | 2,810 | 7,009 | 13,835 | 9,538 | 4,297 | 42,943 | 102,850 | 145,793 | 144,391 | 1,401 |
| Open Space & Parks | | 7,190 | 4,129 | 3,060 | 4,129 | 12,748 | 9,585 | 3,163 | 64,702 | 126,820 | 191,521 | 197,133 | (5,612) |
| Public Art LGA | | 307 | 305 | 2 | 305 | 446 | 525 | (78) | 2,200 | 3,150 | 5,350 | 5,429 | (78) |
| Public Domain | | 12,008 | 6,949 | 5,059 | 6,949 | 15,008 | 11,367 | 3,642 | 58,223 | 72,083 | 130,306 | 126,861 | 3,444 |
| Stormwater Drainage | | 1,414 | 913 | 501 | 913 | 1,734 | 1,701 | 32 | 7,734 | 26,000 | 33,734 | 33,701 | 32 |
| Capital Programs Asset Renewal - Active | | 43,532 | 25,695 | 17,838 | 25,695 | 66,949 | 46,087 | 20,862 | 280,711 | 484,164 | 764,875 | 761,829 | 3,046 |
| Contingency - Active | | 2,481 | 0 | 2,481 | 0 | 3,731 | 0 | 3,731 | 3,731 | 0 | 3,731 | 0 | 3,731 |
| Grand Total | 445,908 | 256,042 | 138,395 | 117,648 | 584,302 | 363,324 | 235,585 | 127,740 | 975,605 | 749,103 | 2,170,616 | 2,163,448 | 7,168 |

City of Sydney | Q3 2018/19 Capital Works Commenced projects - Individual Projects > \$5M

| Project Name | Project to date Cost \$M | Total Project Budget \$M | Q3 March 2019 Status Comments |
|--|--------------------------|--------------------------|--|
| Victoria Park Upgrade | 5.6 | 6.0 | Project in completion and savings are identified. |
| Customs House – Façade Upgrade stage 2 | 0.4 | 6.9 | Finalising tender documentation. |
| Sydney Town Hall External Works Stage 3 | 0.1 | 16.5 | Finalising tender documentation. |
| Darling Exchange Library - Fit-Out Works | 8.2 | 10.0 | Building construction complete. Internal fit out construction under way. |
| Hyde Park Tree Replacement & Other Works | 16.8 | 21.3 | Works on the café are in construction and procurement phase for the operator |
| Perry Park- Recreational Facilities | 12.2 | 12.3 | Project complete and the facility is now open |
| Belmore Park | 0.4 | 6.4 | Strategic masterplan for Belmore Park is currently being prepared as part of City South Public Domain Plan project |
| Wimbo Park Surry Hills | 0.5 | 5.2 | Development Application has been lodged. |
| City Centre Playground Works | 0.3 | 5.3 | Scoping documentation being prepared. |
| Urban Skate Park - Sydney Park | 0.8 | 8.3 | Proceeding with contractor engagement. Construction to start June 2019. |
| George Street Spine - Cloud Arch | 2.2 | 11.3 | Cloud Arch deferred as per December 2018 Council Resolution. |
| Bondi Junction to City Cycleway | 1.0 | 15.3 | Awaiting funding confirmation from RMS. |
| Wilson and Burren St cycleway | 1.3 | 9.9 | Construction commencing on site in May 2019. |
| Green Square to Randwick Cycleway | 1.1 | 7.1 | Construction commenced in December 2018. |
| Joynton Avenue Stormwater Drainage Upgrade | 2.3 | 13.9 | Further investigation work is being scoped. |

City of Sydney | Q3 2018/19 Capital Works Commenced projects - Individual Projects > \$5M

| Project Name | Project to date Cost \$M | Total Project Budget \$M | Q3 March 2019 Status Comments |
|---|--------------------------|--------------------------|---|
| Gunyama Park Aquatic and Recreation Centre | 35.1 | 100.8 | Project in construction stage. Pool shells constructed |
| Drying Green Park | 1.8 | 19.1 | Bulk earthworks tender reported to Council in April. Tender for civil construction to be advertised and EOI in progress for landscape earthworks. |
| Harold Park - New Park Construction | 14.1 | 14.2 | Project complete and the park is now open |
| The crescent lands at Johnstons creek | 1.7 | 10.9 | Project in Tender stage. Proceeding with contractor engagement. Construction to start April 2019. |
| Ebsworth St, Tweed Pl, Fellmonger Pl, Barker St (North) | 13.7 | 16.7 | Remaining works will be delivered to the developers. |
| Zetland Avenue - Mid (Joynton Ave to Portman St) | 0.8 | 5.6 | Project on hold. Land acquisition timing has not been finalised. |
| Existing Streets (Portman St) Upgrade | 0.5 | 12.0 | Community consultation process on design is now finalised. |
| Green Square Trunk Drain-Link Road to Alexandra Canal | 75.8 | 87.9 | Project in construction with potential saving identified. |
| Castles Avenue & Paul Street (North) | 15.9 | 18.5 | Minor rectification works are being carried out. |
| Hinchcliffe St (North), Woolpack St & Barker St (South) | 0.3 | 6.8 | Remaining works will be delivered by developers. |
| Zetland Ave (West) - Paul St to Portman St | 0.6 | 11.7 | Community consultation process on design is now finalised. |
| Joynton Av upgrade (Hansard St to Elizabeth St) | 4.7 | 18.5 | Re-negotiation of works is being finalised. (Subject to a separate report this Council round) |
| Zetland Avenue – East (Joynton Av to Victoria Park Pde) | 1.1 | 18.2 | Re-negotiation of works is being finalised. (Subject to a separate report this Council round) |
| Green Square to Ashmore Connection | 1.0 | 27.0 | Early works packages are being procured. |
| Town Centre Interface Works | 6.7 | 7.5 | Library frontage to Botany Rd to be complete by June 19. |
| McDonald Street Widening Works | 0.5 | 13.3 | 50% concept design stakeholder review commenced in April 2019 |
| Light Rail – CBD to South East | 178.9 | 220.0 | Works are progressing by ALTRAC with a revised opening date of March 2020 announced by TfNSW. |
| Erskineville Trunk Drainage | 0.4 | 20.0 | Project in design stage and collaborating with Sydney Water. |

City of Sydney | Q3 2018/19 Capital Works Budget Adjustments

\$M

| Project Name | Funds to bring Forward | | | | | Proposed Budget Adjustment | | | | | Total Project Budget | Total Project Budget Proposed | Q3 March 2019 Status Comments |
|--|--------------------------|-------------------------------|-------------------------|----------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|--|-------|----------------------|-------------------------------|--|
| | Full Year Budget 2018/19 | Intra Year Budget Adjustments | Future Yrs into 2018/19 | Proposed Adjusted Budget 2018/19 | Proposed Budget Adjustment 2019/20 | Proposed Budget Adjustment 2020/21 | Proposed Budget Adjustment 2021/22 | Proposed Budget Adjustment 2022/23 | Proposed Budget Adjustment 2023/24 - 2025/28 | | | | |
| George Street - Lend Lease Circular Quay VPA | 0.3 | | 0.0 | 0.3 | | | | | | | 0.3 | 0.3 | Additional budget is required to engage the consultants |
| Future Community & Recreational Facilities | 0.0 | | (0.0) | 0.0 | | | | | | (0.0) | 51.2 | 51.2 | As per above |
| Redfern Occasional Care Centre - Upgrade Kitchen & Bathrooms | 0.1 | | 0.0 | 0.1 | 0.1 | | | | | | 0.3 | 0.4 | Merge two project budgets under one project |
| Redfern Occ Care - Sink, Washer, Hot/Cold Water, Shade | 0.0 | | (0.0) | 0.0 | (0.1) | | | | | | 0.1 | 0.0 | As per above |
| Alexandria Child Care Centre - Upgrade Kitchen Playroom Kit | 0.0 | | 0.1 | 0.1 | | | | | | | 0.1 | 0.2 | Merge two project budgets under one project |
| Alexandria Child Care - Staff Kitchen Upgrade | 0.1 | | (0.1) | 0.0 | | | | | | | 0.1 | 0.0 | As per above |
| Redfern Community Centre, Second Entry Door | 0.1 | | | 0.1 | 0.0 | 0.2 | | | | | 0.2 | 0.4 | Additional budget required based on QS estimate. |
| Future Year Community Properties Renewal | 0.0 | | | 0.0 | (0.0) | (0.2) | | | | | 87.3 | 87.1 | As per above |
| Open Space Renewal - Lawrence Hargraves Reserve | 0.2 | | | 0.2 | | 0.3 | | | | | 1.1 | 1.4 | Additional budget required to address financial shortfall. |
| Parks General Capital Works | 0.3 | | | 0.3 | | (0.3) | | | | | 39.2 | 38.9 | As per above |
| Wimbo Park Surry Hills | 0.2 | | | 0.1 | 0.2 | (0.1) | | | | | 5.2 | 5.2 | Budget required to be brought forward to be able to progress with a LEP amendment. |
| 343 George St - Facade Remediation & Facade Lighting | 0.3 | | | 0.3 | | | 2.8 | | | | 4.8 | 7.6 | Additional budget required to fund the full scope of works. |
| Property Related Projects- Future Years | 0.0 | | | 0.0 | | | (2.7) | | | | 87.5 | 84.8 | As per above |
| Creative Lighting Masterplan Implementation | 0.2 | | | 0.2 | | | (0.1) | | | | 0.6 | 0.5 | As per above |
| City Centre Playground Works | 0.2 | | | 0.1 | 0.3 | (0.1) | | | | | 5.3 | 5.3 | Budget required to be brought forward to accommodate early stage works. |
| Parks Signage Program | 0.9 | | | 0.0 | 0.9 | (0.0) | | | | | 5.9 | 5.9 | Budget required to be brought forward to enable contractor payment. |
| The crescent lands at Johnstons creek | 0.8 | | | 0.7 | 1.5 | (0.7) | | | | | 10.9 | 10.9 | Budget required to be brought forward to reflect confirmed construction commencement of early 2019. |
| City Centre Transformation – Associated | 0.6 | | | 1.4 | 2.0 | (1.4) | | | | | 2.9 | 2.9 | Budget required to be brought forward to enable the installation of decorative lighting ahead of schedule. |
| Pitt Street Cycleway | 0.0 | | | 0.0 | 0.0 | | | | | (0.0) | 0.3 | 0.3 | Budget required to be brought forward to accelerate the works. |
| Saunders and Miller Street | 0.0 | | | 0.0 | 0.0 | (0.0) | | | | | 0.4 | 0.4 | Budget required to be brought forward to accelerate the works. |
| Cycleway - Sydney Park Rd (King St Gateway) | 0.0 | | | 0.0 | 0.0 | | (0.0) | | | | 5.3 | 5.3 | Budget required to be brought forward to accelerate the works. |

City of Sydney | Q3 2018/19 Capital Works Budget Adjustments

\$M

| Project Name | Funds to bring Forward | | | | | Proposed Budget Adjustment | | | | | Total Project Budget | Total Project Budget Proposed | Q3 March 2019 Status Comments | |
|--|--------------------------|------------------------------------|-------------|------------------------------|----------------------------------|----------------------------|--------------|------------|------------|-------------------|----------------------|-------------------------------|-------------------------------|---|
| | Full Year Budget 2018/19 | Intra Year Budget Contingency Fund | Adjustments | from Future Yrs into 2018/19 | Proposed Adjusted Budget 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 - 2025/28 | | | | |
| Public Art Restoration | 0.4 | | | 0.1 | 0.6 | (0.1) | | | | | | 10.7 | 10.7 | Budget required to be brought forward to complete works planned for 2018/19. |
| Digital Services Program - Unified Customer View | 0.1 | | | 0.2 | 0.3 | | | | | | | 0.1 | 0.3 | Budget required to be brought forward to accelerate the works. Split out from future year provision |
| Digital Services Program - Digital Forms | 0.0 | | | 0.1 | 0.2 | | | | | | | 0.0 | 0.2 | Budget required to be brought forward to accelerate the works. Split out from future year provision |
| Crowded Place Protection George Street and Alfred Street | 0.2 | | | | 0.2 | 0.3 | | | | | | 0.2 | 0.5 | Project separated from program funds |
| Crowded Place Protection | 0.8 | | | | 0.8 | (0.3) | | | | | | 2.8 | 2.6 | As per above |
| Total | 5.9 | 0.0 | 0.0 | 2.8 | 8.7 | (2.4) | (0.0) | 0.0 | 0.0 | (0.0) | | 322.9 | 323.2 | |

Attachment C

**Third Quarter Supplementary Report
2018/19**

ATTACHMENT C

THIRD QUARTER

SUPPLEMENTARY REPORT 2018/19

- Major Legal Issues
- Grants and Sponsorship
- International Travel
- Contract Order Details

3rd Quarter Report – major legal issues for 2018/19

Karimbla Properties (various companies) v Council of the City of Sydney, Bayside Council and North Sydney Council – Rates categorisation appeals - Meriton filed appeals in relation to the appropriate categorisation for rates purposes for a total of 7 sites within the City's LGA. Similar appeals were also filed against Bayside Council and North Sydney Council. On 26 June 2017 Justice Sheahan delivered preliminary judgment in favour of Meriton. There was a further hearing on the issue of costs and any payment of interest and a further judgment was given on 29 January 2018. Justice Sheahan held that no interest was payable to Meriton but that the respondent councils did have to pay Meriton's costs in the proceedings up to 26 June 2017.

The City, together with Bayside and North Sydney Councils, filed an appeal to the NSW Court of Appeal in relation to the initial decision of Justice Sheahan. The matter was heard by the Court of Appeal on 17 and 18 July 2018. Judgment was received from the Court of Appeal on 14 November 2018 with the Councils being successful. The Court of Appeal held that during the period of construction until the issue of an occupation certificate the land should be categorised as business rather than residential. Meriton has now filed an application to the High Court for leave to appeal against the decision of the High Court.

Following the end of Q3, on 17 April 2019, the High Court advised that Meriton's application for Special Leave had been dismissed with costs. This means that the decision of the Court of Appeal will stand and the City will continue to rate in accordance with that decision. The City will also now proceed to recover its costs of all proceedings in the Land and Environment Court, the Court of Appeal and the High Court.

Meriton has also filed new appeals in relation to 3 further properties. Those matters have now been listed for hearing in June 2019.

Karimbla Construction Services (NSW) Pty Ltd v Council of the City of Sydney, contributions appeals - Meriton has made a total of 5 modification applications to the City seeking a reduction in development contributions payable in relation to developments in Rosebery and elsewhere in the vicinity of Green Square. The total refunds sought in the applications is in the vicinity of \$6 million. One matter was resolved in Q2 by a conciliation agreement and agreement to repay by the City. In most of the other matters the City will be relying on the *Recovery of Imposts Act 1963* which protects against a need to repay tax and imposts once 12 months have passed from the time of payments. One matter has been expedited for hearing in May 2019 (as the funds will remain recoverable until June 2019) and the remaining four matters will be heard in July 2019.

Corporate Sponsorship Policy

The Policy states:

The total value of sponsorships for each event will be reported within the Quarterly Financial reports to Council. Individual sponsorship amounts will not be reported for commercial-in-confidence reasons unless the sponsors agree.

Grants and Sponsorships Policy

In a report adopted by Council on 15 September 2014, it was stated the following programs would be reported to Council as part of the quarterly financial reports:

- Quick Response Grants Program
- Street Banner Sponsorship
- Venue Hire Support Grants and Sponsorship

The remaining Grants and Sponsorships Programs require Council approval in advance.

This Report

The summary figures for **outgoing grants and sponsorships** programs in the 3rd quarter of the 2018/19 financial year are:

| Grants | Approved |
|---------------------------|-----------|
| Quick Response Grants | 7 |
| Year to Date Total | 22 |

The approved total is the amount of cash approved (not paid) in Q3 and the year to date totals which includes grants approved in previous quarter/s.

| Revenue Foregone | Approved Q3 | Year to Date |
|---|------------------|------------------|
| Street Banner Sponsorship | \$34,638 | \$88,968 |
| Venue Hire Support (Landmark & Community venues) | \$164,254 | \$376,033 |
| Totals | \$198,892 | \$465,001 |

The attached report outlines:

- the grants and sponsorships approved by the City in Q3 of financial year 2018/19 for the Quick Response Grants Program, Street Banner Sponsorship and Venue Hire Support Grants and Sponsorship.

3rd Quarter Report – Grants and Sponsorship for 2018/19

1. Grants Information

Table 1.1 – Q3 Quick Response Grants Summary

| Quarter | <u>Approved</u> | |
|---------------------------|------------------|-----------------|
| | No of Applicants | Value Approved |
| Q3 | 7 | \$4,750 |
| Total year to date | 22 | \$25,688 |

The following grants have been approved in the quarter, but not necessarily paid.

Table 1.1.1 – Q3 Quick Response Grants in detail

| Applicant | Project | Value |
|----------------------------|--|----------------|
| Cain McEnergy | NSW Ireland Rugby League Association Incorporated - 2019 New Zealand Tour | \$500 |
| Gordon Rugby Football Club | UTS Gordon Rugby Football Club Social Inclusion Development 7's | \$2,000 |
| Jayze Tuigamala | NSW Ireland Rugby League Association Incorporated - 2019 New Zealand Tour | \$500 |
| Kelly Roper | Support for representative basketball competition for Toby Roper (Sydney Comets) | \$500 |
| Mariessa Lai | International Youth Leadership Conference | \$500 |
| Valerie O'Sullivan | NSW Ireland Rugby League Association Incorporated - 2019 New Zealand Tour | \$500 |
| Vlada Vasiliev | ISU Oceania International Novice Figure Skating Competition 2019 | \$250 |
| | Total | \$4,750 |

Table 1.2 – Q3 Street Banner Sponsorship Summary

| Quarter | <u>Approved</u> | |
|---------------------------|------------------|------------------|
| | No of Applicants | Revenue Foregone |
| Q3 | 9 | \$34,638 |
| Total year to date | 16 | \$88,968 |

Table 1.2.1 – Q3 Street Banner Sponsorship in detail

| Organisation | Project | Revenue Foregone |
|---------------------------------------|--|------------------|
| Art Gallery of NSW | Japan Supernatural | \$6,900 |
| Art Gallery of NSW | The Archibald Prize | \$6,900 |
| Breast Cancer Foundation | Women in Super Mother's Day Classic | \$1,978 |
| Brain Foundation | International Brain Awareness Week | \$1,288 |
| Children's Medical Research Institute | Jeans for Genes Day | \$2,760 |
| Kaldor Public Art Projects | Half a Century in the Public Eye: Celebrating 50 Years of Kaldor Public Art Projects | \$2,300 |
| Refugee Council of Australia | Refugee Week 2019 | \$4,600 |
| St Vincent de Paul Society NSW | Vinnies CEO Sleepout 2019 | \$1,012 |
| Sydney Theatre Company | Cat on a Hot Tin Roof | \$6,900 |
| | Total | \$34,638 |

Table 1.3 – Q3 Venue Support Grants and Sponsorship Summary – Landmark Venues

| Quarter | Approved | |
|---------------------------|------------------|------------------|
| | No of Applicants | Revenue Foregone |
| Q3 | 3 | \$49,035 |
| Total year to date | 18 | \$158,084 |

Table 1.3.1 – Q3 Landmark Venue Program in detail

| Organisation | Event | Venue | Revenue Foregone |
|--------------------------------|----------------------------------|------------------|------------------|
| Consulate-General of Indonesia | Indonesian General Election 2019 | Sydney Town Hall | \$15,668 |

3rd Quarter Report – Grants and Sponsorship for 2018/19

| Organisation | Event | Venue | Revenue Foregone |
|--|---------------------------------|------------------|------------------|
| Public Education Foundation Ltd | Public Education Foundation Ltd | Sydney Town Hall | \$11,705 |
| Sydney Festival Limited (for Belvoir St Theatre) | Counting and Cracking | Sydney Town Hall | \$21,662 |
| Total | | | \$49,035 |

Table 1.4 – Q3 Venue Support Grants and Sponsorship Summary – Community Venues

| Quarter | No of Organisations | Revenue Foregone |
|---------------------------|---------------------|------------------|
| Q3 | 13 | \$115,219 |
| Total year to date | 42 | \$217,949 |

Table 1.4.1 – Q3 Community Venue Program in detail

| Organisation | Event | Venue | Revenue Foregone |
|--|--|------------------------------|------------------|
| Augustine Fellowship | Weekly support group meetings | Brown Street Community Hall | \$650 |
| Choir Rocks | Choir Rocks rehearsal session (weekly) | Abraham Mott Community Space | \$6,851 |
| Counterpoint Community Services Inc | Weekly groups (Mondays, Tuesdays and Thursdays) including Cantonese Opera, Mandarin Social, Indonesian | Alexandria Town Hall | \$76,111 |
| Counterpoint Community Services Inc | Weekly North East Dancing group rehearsals | Redfern Town Hall | \$7,510 |
| Creativity Australia Ltd | With one voice choir weekly rehearsal & supper session | Redfern Town Hall | \$2,070 |
| Glebe Public School parents & citizens association | Glebe Book fair (20 year anniversary) | Benledi House | \$1,400 |

3rd Quarter Report – Grants and Sponsorship for 2018/19

| Organisation | Event | Venue | Revenue Foregone |
|--------------------------------------|--|---|------------------|
| Millers Point Resident action group | Monthly RAG meetings plus 10 additional hours support | Harry Jensen Centre and Abraham Mott Hall | \$2,016 |
| Mission Australia | Weekly free food service to residents in the Camperdown area | Booler Community Centre | \$4,890 |
| Maithreacha Irish | Fortnightly playgroup | Alexandria Town Hall | \$1,680 |
| Narcotics Anonymous | Weekly NA meetings | Erskineville Town Hall | \$2,005 |
| Sydney University of the 3rd Age Inc | Drawing, Japanese, Ukelele and Philosophy classes | Benledi, Glebe Town Hall, St Helen's Community Centre | \$6,238 |
| Sydney University Symphony orchestra | SUSO and PO rehearsal (one off rehearsal event) | Glebe Town Hall | \$223 |
| Wrap with Love Inc | Knitwits weekly knitting and sewing group | Rex Centre | \$3,575 |
| Total | | | \$115,219 |

International Travel Expenditure 1 January 2019 to 31 March 2019.

| Unit | Period | Council Officer | Destination | Purpose | Description | Amount |
|--------------------|--------|------------------------------------|------------------------------|--|---|--------------|
| City Design | Feb-19 | Lord Mayor, CEO and Chief of Staff | Paris, France and London, UK | Attended C40 Women4Climate conference and visited the Lord Mayor of London. A full report was presented to Council on 11/3/2019 | | |
| | Nov-18 | Bridget Smythe | San Francisco, USA | World Cities Culture Forum (WCCF) Leadership Exchange Programme Sydney - Toronto two way exchange * Airfares reported in Quarter 2. | Airfares* Accommodation Incidentals | 1,485 679 |
| GRAND TOTAL | | | | | | 2,164 |

Quarterly Contract Order Details - Quarter 3 - January to March 2019

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|--|------------------|--------------|--------------------|
| Supplier: ABUD | | | |
| PU233373 | 19 March 2019 | \$55,440.00 | \$55,440.00 |
| Supply of Standard Tree Guards and Grates | | | |
| Supplier: AECOM AUSTRALIA PTY LTD | | | |
| PU233657 | 27 March 2019 | \$307,538.00 | \$307,538.00 |
| Design consultancy contract for site investigation and early works engineering design for Drying Green Park, Green Square Town Centre. | | | |
| Supplier: AFL SPORTSREADY LTD | | | |
| PU233225 | 13 March 2019 | \$52,561.60 | \$52,561.60 |
| ArtsReady Trainee-Youth and Community Services Worker | | | |
| Supplier: ALEXANDER JAMES CONSULTING PTY LTD | | | |
| PU232760 | 26 February 2019 | \$150,000.00 | \$140,760.00 |
| 00001 George St, Martin Place, Town Hall Crowded Places Protection Project - Security Consulting Services | | | |
| Supplier: ALFORDS POINT DRAIN INSPECTIONS PTY LTD | | | |
| PU233015 | 5 March 2019 | \$140,000.00 | \$140,000.00 |
| 00002 Adhoc CCTV, cleaning, pothole, service locations | | | |
| Supplier: ALLSTAFF AUSTRALIA | | | |
| PU232135 | 5 February 2019 | \$91,814.00 | \$74,919.95 |
| 00001 Hire agency staff -Graduate engineer | | | |
| Supplier: ALPHABETA ADVISORS PTY LIMITED | | | |
| PU231592 | 16 January 2019 | \$149,600.00 | \$149,600.00 |
| 00001 Green Economy Study - 2019 | | | |
| Supplier: ALPINE NURSERIES PTY LTD | | | |
| PU233346 | 18 March 2019 | \$55,999.46 | \$55,999.46 |
| 00001 Supply of Landscape Plants For the 2019 Winter Display for transition period between 2 contracts. | | | |
| Supplier: ALTUS GROUP COST MANAGEMENT PTY LTD | | | |
| PU233519 | 22 March 2019 | \$51,150.01 | \$51,150.01 |
| Provide cost plans for park upgrades for Hollis Park, Newtown, Strickland Park, Chippendale, South Sydney Rotary Park | | | |
| Supplier: ARUP PTY LTD | | | |
| PU231440 | 8 January 2019 | \$248,369.00 | \$82,176.60 |
| 00001 City Transport Futures- Phase A. Consultancy- Sustainable Sydney 2050 project | | | |
| PU232222 | 7 February 2019 | \$120,914.75 | \$47,788.40 |
| 00001 Economic Future Study-Consultancy services as a part of Sustainable Sydney 2050 project | | | |
| PU232305 | 12 February 2019 | \$80,000.00 | \$50,417.70 |
| 00002 Sustainable Sydney 2050 Multi Stakeholder Summit 2019 Completion Date: July 10 2019 | | | |
| PU232901 | 1 March 2019 | \$70,950.00 | \$70,950.00 |
| 00001 Provide Specialist Acoustic Advice relating to the Entertainment Sound Management Reforms. | | | |
| Supplier: ASPECT STUDIOS PTY LTD | | | |
| PU232801 | 27 February 2019 | \$615,363.10 | \$613,911.10 |
| Design services for Hollis Park, Strickland Park and South Sydney Rotary Park | | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|---|------------------|--------------|--------------------|
| Supplier: AUSTRALIAN DESIGN CENTRE | | | |
| PU232791 00001 | 27 February 2019 | \$82,500.00 | \$41,250.00 |
| Art & About project 2018/19 Gadigal Mural | | | |
| Supplier: AVLINK PTY LTD | | | |
| PU233565 00001 | 26 March 2019 | \$121,077.26 | \$121,077.26 |
| Council Chambers Audio Visual Upgrade | | | |
| Supplier: BOKOR PTY LTD | | | |
| PU232386 | 14 February 2019 | \$80,916.00 | \$80,916.00 |
| Design Consultancy for the Upgrade of Community Facilities at 3 sites. Glebe Library and NSC. PACT Theatre. Ultimo Community Centre | | | |
| Supplier: BOTANY ACCESS | | | |
| PU231872 00001 00002 00003 | 25 January 2019 | \$71,654.00 | \$62,650.49 |
| Hire of equipment for Sydney Lunar Festival Lanterns | | | |
| Hire of equipment for Green Square Plaza bump-in | | | |
| Hirw of equipment for Green Square bump-out | | | |
| Supplier: BUCHER MUNICIPAL PTY LTD | | | |
| PU233585 00002 | 26 March 2019 | \$856,170.98 | \$856,170.98 |
| Supply of two Garbage Compactors 16m2 Rear Loaders | | | |
| Supplier: BYRNE CIVIL ENGINEERING CONSTRUCTIONS PT | | | |
| PU231664 00002 | 18 January 2019 | \$77,000.00 | \$77,000.00 |
| Relocation of stormwater drainage pipe. 147 Devonshire Street | | | |
| PU232687 00001 | 25 February 2019 | \$261,632.34 | \$261,632.34 |
| Drainage Renewal-Pleasant Ave , Erskineville. | | | |
| PU232688 00001 | 25 February 2019 | \$78,556.42 | \$78,556.42 |
| Drainage Renewal-Premier Lane, Darlinghurst. | | | |
| Supplier: CARDNO (NSW/ACT) PTY LTD | | | |
| PU232460 | 18 February 2019 | \$89,771.00 | \$89,771.00 |
| Design of Stormwater Upgrades in Macquarie St, Sydney and Tweedmouth Ave, Rosebery | | | |
| Supplier: CCG ARCHITECTS PTY LTD | | | |
| PU232237 00001 | 8 February 2019 | \$163,603.00 | \$142,098.00 |
| Head Design Consultant - Bulk Store Structural Rectifications | | | |
| Supplier: CHILDCARE AT WORK AUSTRALIA PTY LIMITED | | | |
| PU233105 00001 | 8 March 2019 | \$88,000.00 | \$61,600.00 |
| Child Care Needs Assessment 2019 | | | |
| Supplier: CLEANAWAY PTY LTD | | | |
| PU233247 00001 | 14 March 2019 | \$513,100.50 | \$513,100.50 |
| To provide the contracted "transition in" services prior to the Domestic Waste Collection contract commencement on 1 July 2019 | | | |
| Supplier: COMPUTER SYSTEMS (AUSTRALIA) PTY LTD | | | |
| PU233665 00002 | 28 March 2019 | \$88,121.00 | \$88,121.00 |
| Switch & Cabling equipment for the Upgrade of the City's WAN project | | | |
| Supplier: COOPER COMMERCIAL CONSTRUCTIONS PTY LTD | | | |
| PU232867 00001 | 1 March 2019 | \$448,804.40 | \$448,804.40 |
| Preliminaries & establishment of Wireless Access Network for Town Hall House, 307 Pitt Street and Council depots | | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|---|---|----------------|--------------------|
| Supplier: DELL AUSTRALIA PTY LTD | | | |
| PU233710 00002 | 29 March 2019 Vmware Enterprise Licencing Agreement- Annual Maintenance 31/3/201-30/3/2020 | \$78,606.56 | \$78,606.56 |
| Supplier: DILIGENT BOARD SERVICES AUSTRALIA PTY LT | | | |
| PU232637 00002 | 21 February 2019 Renewal of software agreement and services provided by Diligent. | \$60,000.00 | \$60,000.00 |
| Supplier: DOWNER EDI WORKS | | | |
| PU232401 00001 | 14 February 2019 Road Renewal Joynton Ave Zetland Intersection of Epsom Road | \$224,743.89 | \$11,813.03 |
| PU232675 00001 | 25 February 2019 Road Renewal Elizabeth St Waterloo Wellington Street (including intersection) to Raglan Street | \$170,813.70 | \$170,813.70 |
| PU233528 00001 | 25 March 2019 Permanent mark service lid adjustments | \$95,000.00 | \$95,000.00 |
| Supplier: DRAGON BOATS NSW INC | | | |
| PU232511 00002 | 19 February 2019 Management of Dragon Boat Races | \$54,800.00 | \$2,000.00 |
| Supplier: E C S SERVICES PTY LTD | | | |
| PU233456 00001 | 21 March 2019 Upgrade CCTV storage devices Upgrade of Existing Pelco Network Storage Managers to VX Pro Storage Devices for Street Safety Camera Program, Town Hall House and Sydney Town Hall as per quotation. | \$87,956.00 | \$87,956.00 |
| Supplier: E GROUP SECURITY | | | |
| PU231871 00001 | 25 January 2019 Security Guards for Sydney Lunar Festival Lanterns 2019 | \$131,807.72 | \$11,571.78 |
| Supplier: FRANK DIGITAL PTY LTD | | | |
| PU232330 | 12 February 2019 What's On Redevelopment (2018/19) – design, implementation, deployment and ongoing support, development and maintenance. | \$324,500.00 | \$313,500.00 |
| Supplier: GROUP GSA PTY LTD | | | |
| PU232034 | 1 February 2019 Provide Design Services through to Construction Documentation for the upgrade of three parks and playgrounds. Cardigan Street Park, Glebe. Palmerston Avenue Steps, Glebe. Clyne Reserve, Millers Point. | \$404,250.00 | \$366,630.00 |
| Supplier: HASLIN CONSTRUCTIONS PTY LTD | | | |
| PU233656 | 27 March 2019 Works- Cutler Footway and Burton Street Viaduct Restoration Project | \$4,067,104.80 | \$4,067,104.80 |
| Supplier: HAYS PERSONNEL SERVICES (AUST) PTY LTD | | | |
| PU231377 00001 | 3 January 2019 Temp Human Resources Officer-Recruitment | \$50,000.00 | \$28,289.35 |
| PU231478 00001 | 10 January 2019 Agency Engagement -Assistant Project Officer - City Projects and Properties | \$57,752.64 | \$39,102.71 |
| PU231622 00001 | 17 January 2019 Agency Engagement - Commercial Property Manager | \$186,655.04 | \$160,272.08 |
| PU231639 00002 | 17 January 2019 Continue employment of Project Development Engineer Green Square. 1 December 2018 to 30 June 2019 | \$90,000.00 | \$53,846.60 |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | | Order Date | Order Amount | Outstanding Amount |
|--|--|------------------|--------------|--------------------|
| PU231781 00001 | Casual replacement. Parks Section Sth Div | 23 January 2019 | \$50,000.00 | \$40,571.62 |
| PU232080 00001 | Engagement of casual labour Parks Section | 4 February 2019 | \$50,000.00 | \$37,821.47 |
| PU232343 00001 | Agency Staff -Employee Relations/Industrial Relations Business Partner | 13 February 2019 | \$83,287.60 | \$68,832.68 |
| PU232345 00001 | Agency Staff - Contract Analyst | 13 February 2019 | \$104,973.00 | \$79,604.50 |
| PU232417 00001 | Agency Staff - IT Project Mnager 18/2/2019-14/2/2020 | 15 February 2019 | \$286,938.30 | \$268,798.86 |
| PU232645 00002 | Agency Staff - Program Manager contract period 21/2/2019-21/2/2020 | 22 February 2019 | \$328,900.00 | \$300,910.50 |
| PU232869 00001 | Agency Staff - IT Project Manager period 4/3/2019-28/2/2020 | 1 March 2019 | \$269,280.00 | \$257,934.37 |
| PU232993 00001 | Agency Staff - Contract Transition Coordinator - Cleasning and Waste contract | 5 March 2019 | \$72,791.33 | \$62,432.40 |
| PU233046 00002 | Agency Staff - Digital Technical Lead. period 11/3/2019-20/12/2010 | 6 March 2019 | \$236,500.00 | \$223,947.02 |
| PU233575 00001 | Agency Staff - City Projects -Project Manager | 26 March 2019 | \$176,157.70 | \$176,157.70 |
| PU233723 00001 | Agency Staff - Engineeering Traffic Officer raffic Operation. | 29 March 2019 | \$55,000.00 | \$55,000.00 |
| Supplier: HILLPDA PTY LTD | | | | |
| PU231663 00001 | Camperdown – Ultimo Collaboration Precinct Innovation Cluster Study - 2019 | 18 January 2019 | \$137,500.00 | \$89,375.00 |
| Supplier: HUB AUSTRALASIA PTY LTD | | | | |
| PU232722 00002 | Design, supply, installation and maintenance of beacon, star and central management system for Smartpoles - CBD and Soth East Light Rail project | 26 February 2019 | \$504,625.00 | \$376,589.65 |
| Supplier: INSURANCE AUSTRALIA LTD | | | | |
| PU232920 00001 | Fleet Insurance Motor Vehicle under - excess claims | 4 March 2019 | \$100,000.00 | \$4,514.59 |
| Supplier: ITECH CORPORATION PTY LTD | | | | |
| PU232768 | Centralised system to control the City's watering and lighting infrastructure in Parks.Various sites. | 26 February 2019 | \$99,792.00 | \$67,452.00 |
| Supplier: JACKSON TEECE CHESTERMAN WILLIS PTY LTD | | | | |
| PU232449 | Design Consultancy - Sydney Town Hall Facades Stage 3. | 15 February 2019 | \$387,544.30 | \$355,622.30 |
| Supplier: JANDS PTY LTD | | | | |
| PU231544 00001 | Sydney Town Hall LED Moving Head Wash | 14 January 2019 | \$98,439.00 | \$98,439.00 |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|--|------------------|--------------|--------------------|
| Supplier: JC DECAUX AUST PTY LTD | | | |
| PU231470 00001 | 9 January 2019 | \$600,000.00 | \$358,390.55 |
| Annual maintenance cost of JC Decaux street furniture without advertsing panels for the period of July 2018 to June 2019 | | | |
| Supplier: KELLY SERVICES AUSTRALIA PTY LTD | | | |
| PU232517 00001 | 19 February 2019 | \$216,673.60 | \$209,746.29 |
| Agency Staff - City Projects, Project Manager | | | |
| Supplier: KICO PLAYGROUND INSPECTION SERVICES | | | |
| PU232701 | 25 February 2019 | \$62,205.00 | \$62,205.00 |
| Playground Inspections, reporting and repairs contract. Year 1 2019 | | | |
| Supplier: KINESIS PTY LTD | | | |
| PU233605 00001 | 26 March 2019 | \$99,660.00 | \$99,660.00 |
| Update Environmental Sustainability Platform Part 3 development and Part 2 2017 FES | | | |
| Supplier: KPMG AUSTRALIA | | | |
| PU231827 00001 | 24 January 2019 | \$274,327.90 | \$274,327.90 |
| Smart City Strategic Project - 2019 | | | |
| Supplier: LEND LEASE BUILDING PTY LTD | | | |
| PU232203 | 7 February 2019 | \$64,001.30 | \$64,001.30 |
| Workplace Strategy for the City of Sydney Business Innovation Space – Circular Quay Tower | | | |
| Supplier: LEONARDS ADVERTISING | | | |
| PU232236 00001 | 8 February 2019 | \$120,000.00 | \$120,000.00 |
| Advertising in SMH/Local paper Feb/March | | | |
| PU232525 | 19 February 2019 | \$95,370.00 | \$95,370.00 |
| Radio partnerships with FBi, 2SER, Eastside and Koori Radio Stations | | | |
| Supplier: LUHRMANN ENVIRONMENT MGT PTY LTD | | | |
| PU232021 | 1 February 2019 | \$241,415.36 | \$211,238.44 |
| Weed Eradication Services Contract | | | |
| Supplier: LYNDAL PLANT URBAN FORESTER PTY LTD | | | |
| PU231671 00001 | 18 January 2019 | \$50,000.00 | \$50,000.00 |
| Panel- Arboriculture and Urban Forestry advice | | | |
| Supplier: MASSONS COMMERCIAL PROPERTY LAW PTY LTD | | | |
| PU231723 00001 00002 00003 | 21 January 2019 | \$50,930.00 | \$45,962.88 |
| Legal advice - Sale of Stockton House - 73-75 William Street, Darlinghurst - professional fees for period from 22/1 to 26/2/19 | | | |
| Disbursements - | | | |
| Disbursements - GST exempt - | | | |
| Supplier: MATRIX TRAFFIC AND TRANSPORT DATA PTY LT | | | |
| PU232542 00001 | 20 February 2019 | \$179,185.20 | \$179,185.20 |
| Provision of Cycling count services. | | | |
| Supplier: MBMPL PTY LTD | | | |
| PU233520 | 22 March 2019 | \$90,529.99 | \$90,529.99 |
| Quantity surveying services for upgrade works for Daniel Dawson Reserve, Alexandria, James Hilder Reserve Playground, Beaconsfield Park Playground, Lawrence Harraves Reserve, Cardigan Street Reserve, Glebe, Palmerston Avenue Steps and Sarah Pennington Playground, Clyne Reserve, Millers Point | | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|---|--|--------------|--------------------|
| Supplier: MECONE PTY LTD | | | |
| PU232745 00001 | 26 February 2019 Infrastructure Baseline Assessment- Local Strategic Planning Statement project. | \$110,737.00 | \$66,442.20 |
| Supplier: MELOCCO PTY LTD | | | |
| PU231687 00001 | 21 January 2019 Bluestone kerb supply Replacement bluestone kerb for Geddes East remediation works | \$109,218.30 | \$109,218.30 |
| PU233028 00001 | 6 March 2019 Delivery of Austral black granite pavers | \$66,718.08 | \$33,359.04 |
| Supplier: MELD STUDIOS PTY LTD | | | |
| PU233380 00002 | 19 March 2019 Review of City Engagement: Marketing & Creative Services, Communications and Media | \$134,750.00 | \$134,750.00 |
| Supplier: MICROMEX SYSTEMS PTY LTD | | | |
| PU232562 00001 | 20 February 2019 Survey & Research Management Services: To Support the Development of a New Community Strategic Plan - 2019 | \$211,310.00 | \$103,510.00 |
| Supplier: MODUPLAY GROUP PTY LTD | | | |
| PU232733 00001 | 26 February 2019 Supply play equipment for Crete Reserve | \$60,247.00 | \$60,247.00 |
| Supplier: MUSECAPE PTY LTD | | | |
| PU232418 00001 00003 | 15 February 2019 Provide curatorial services from 2/4/2019 to 1/4/2020. Three days per week. CPI 2.1% from 2017-18 Sydney figure | \$96,790.31 | \$96,790.31 |
| Supplier: NATIONAL AUDIO SYSTEMS | | | |
| PU231739 00001 | 22 January 2019 d&b audio system replacement and upgrade. Sydney Town Hall | \$114,325.31 | \$114,325.31 |
| Supplier: NATIONAL TRUST OF AUSTRALIA (NSW) | | | |
| PU231830 00001 | 24 January 2019 Bush regeneration services | \$100,000.00 | \$100,000.00 |
| PU233354 | 19 March 2019 Bush restoration services-day rates | \$74,475.72 | \$74,475.72 |
| Supplier: NORTON ROSE FULBRIGHT AUSTRALIA | | | |
| PU232629 00001 | 21 February 2019 Legal Advice - Gunyama Aquatic Centre - Dispute - Legal fees estimate . | \$75,449.00 | \$75,449.00 |
| Supplier: NTT DATA FIGTREE SYSTEMS PTY LTD | | | |
| PU232531 | 19 February 2019 Software services Workers Compensation and Incident management- Licence and annual support/maintenance | \$139,564.40 | \$139,564.40 |
| Supplier: OFFICE OF ENVIRONMENT & HERITAGE | | | |
| PU233494 00001 | 22 March 2019 Life Cycle Cost Benefit Analysis of Hotels. Contract awarded to WSP Australia Pty Ltd. | \$97,724.00 | \$97,724.00 |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|---|--|---------------------|---------------------|
| Supplier: OLYMPIA GROUP (NSW) PTY LTD | | | |
| PU233702 | 29 March 2019 | \$799,758.30 | \$799,758.30 |
| 00001 | Construction Services for the upgrade of the Joseph Sargeant Community Centre. This includes internal refurbishment, joinery, bathroom upgrades and painting. External works consist of fencing, garden beds, seating, shade sail and resurfacing of the basketball court and play areas. Facade to be painted also. | | |
| Supplier: OPTIMAL STORMWATER PTY LTD | | | |
| PU232064 | 4 February 2019 | \$84,000.00 | \$65,216.50 |
| 00001 | Water Recycling Infrastructure Maintenance Contract. Schedule of Rates | | |
| PU232804 | 27 February 2019 | \$121,429.00 | \$121,429.00 |
| | Water Recycling Infrastructure Maintenance Contract. Schedule of Rates- Future years | | |
| Supplier: ORC INTERNATIONAL PTY LTD | | | |
| PU233287 | 15 March 2019 | \$246,400.00 | \$246,400.00 |
| 00001 | Customer Digital Experience and Design Research. | | |
| Supplier: OUTCOMEX PTY LTD | | | |
| PU231974 | 30 January 2019 | \$100,179.37 | \$100,179.37 |
| | Meraki Cloud Managed Network equipment | | |
| Supplier: PRECISION SOURCING AUSTRALIA | | | |
| PU232415 | 15 February 2019 | \$277,200.00 | \$254,100.00 |
| 00001 | IT Senior Business Analyst contract extended for 12 months from 22/2/2019 | | |
| Supplier: PTW ARCHITECTS | | | |
| PU231763 | 23 January 2019 | \$55,082.50 | \$55,082.50 |
| 00001 | Heritage assessment of the Darlinghurst Road Precinct. Fee Proposal dated 12 December 2018 refers. | | |
| Supplier: QUALITY MANAGEMENT & CONSTRUCTIONS PTY L | | | |
| PU232268 | 11 February 2019 | \$120,693.17 | \$120,693.17 |
| 00001 | Darlinghurst Plaques - Full Repair Works | | |
| PU233108 | 8 March 2019 | \$130,468.74 | \$130,468.74 |
| | Resurfacing of Nurses Quarters Carpark Glebe. | | |
| Supplier: RANDSTAD PTY LTD | | | |
| PU231879 | 29 January 2019 | \$297,000.00 | \$269,754.19 |
| 00001 | Agency Staff - Project Manager 21/2/2019-21/2/2020 | | |
| PU232416 | 15 February 2019 | \$184,800.00 | \$169,400.00 |
| 00001 | Agency Staff -Business Change and Communications Analyst starting 25/2/2019-21/2/2020 | | |
| PU233047 | 6 March 2019 | \$275,517.00 | \$275,517.00 |
| 00001 | Agency Staff - IT Project Manager, period 25/3/2019-20/3/2020 | | |
| PU233523 | 25 March 2019 | \$247,525.30 | \$247,525.30 |
| 00001 | Agency Staff - IT Business Analyst, from 15/4/2019 till 10/4/2020 | | |
| Supplier: RISKEEXEC PTY LTD | | | |
| PU232295 | 12 February 2019 | \$162,800.00 | \$159,830.00 |
| | Delivery of various work health and safety training programs | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | Order Date | Order Amount | Outstanding Amount |
|--|---|--------------|--------------------|
| Supplier: ROBERT WALTERS PTY LTD | | | |
| PU231861 | 25 January 2019 | \$253,000.00 | \$210,100.00 |
| 00001 | Agency Staff -Business Analyst period 29/1/2019-23/1/2020 | | |
| PU233110 | 8 March 2019 | \$130,000.00 | \$123,125.00 |
| 00001 | Agency Staff - Project Manager-Managed Service Provider- agency hire project | | |
| Supplier: RUTLEDGE ENGINEERING (AUST) PTY LTD | | | |
| PU232866 | 1 March 2019 | \$557,565.36 | \$557,565.36 |
| 00001 | Digital Modernisation of Conference Rooms project- AV Equipment. | | |
| 00002 | Fusion Licensing | | |
| 00003 | Wireless Chargers x 100 | | |
| Supplier: SAFE WORK LABORATORIES PTY LTD | | | |
| PU232176 | 6 February 2019 | \$75,000.00 | \$74,372.31 |
| 00001 | Onsite Random Drug & Alcohol Testing Random Testing incl. Collector Onsite Labour & Travel charges, Drug & Alcohol Kits and Relevant reports. | | |
| 00002 | 24/7 Call-Out Testing Post-Incident & Reasonable Concern Testing incl. Call-Out Fee, Collector Onsite Labour & Travel charges (>3rs initial service), Drug & Alcohol Kits and Relevant reports. | | |
| 00003 | Laboratory Confirmation Testing LCMS Testing of Non-negative Drugs Samples plus Reports | | |
| 00004 | MRO Consultation & Additional Reporting | | |
| Supplier: SGS ECONOMICS AND PLANNING PTY LTD | | | |
| PU231416 | 7 January 2019 | \$85,532.00 | \$21,382.60 |
| 00001 | Productivity Profile and Directions Study. Fee Proposal dated November 2018 refers. | | |
| Supplier: SOLGEN ENERGY PTY LTD | | | |
| PU232195 | 7 February 2019 | \$62,696.70 | \$62,696.70 |
| 00001 | Real-time meter and telecommunications for energy use for various sites. | | |
| Supplier: STREAM PTY LTD | | | |
| PU232855 | 1 March 2019 | \$61,600.00 | \$52,360.00 |
| 00002 | Provide Media Monitoring Service for 2018/2019 | | |
| 00003 | Provide Media Distribution Service for 2018/2019 | | |
| Supplier: SUTTONS MOTORS ARNCLIFFE PTY LTD | | | |
| PU232975 | 5 March 2019 | \$57,285.90 | \$57,285.90 |
| 00002 | Iload Van with Refrigeration Unit | | |
| 00003 | Registration Cost for Iload Van | | |
| PU232976 | 5 March 2019 | \$57,285.90 | \$57,285.90 |
| 00002 | MOW Van Refrigeration | | |
| 00003 | Registration cost for Iload Van | | |
| Supplier: SX TECHNOLOGIES PTY LTD | | | |
| PU232073 | 4 February 2019 | \$127,490.00 | \$127,490.00 |
| | Security scanning and mail equipment | | |
| Supplier: SYDNEY CIVIL PTY LTD | | | |
| PU231648 | 18 January 2019 | \$130,015.00 | \$130,015.00 |
| 00001 | Reinstate CWO 36887 as per quote. This includes 4 CWOs - 36887, 37855, 36196, 36917 including capital works under C24065 - \$74,746.84. | | |
| PU231668 | 18 January 2019 | \$217,083.10 | \$217,083.10 |
| 00002 | Teggs Lane Chippendale Shared Zone Civil, Asphalt Scope and Associated Works | | |
| PU231799 | 24 January 2019 | \$52,520.60 | \$52,520.60 |
| 00001 | Footway renewal program. 74 Mitchell Road Alexandria. Description of works: rectifying defect work - footpath reconstruction. | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | | Order Date | Order Amount | Outstanding Amount |
|-----------------|--|-------------------------|---------------------|---------------------------|
| PU232075 | | 4 February 2019 | \$99,407.31 | \$65,469.10 |
| 00001 | Reinstate CWO 40631 + 10 as per quote | | | |
| 00002 | Betterment | | | |
| PU232076 | | 4 February 2019 | \$94,701.34 | \$94,701.34 |
| 00001 | Reinstate CWO 36169 + 1 as per quote | | | |
| 00002 | Betterment | | | |
| PU232077 | | 4 February 2019 | \$87,833.20 | \$87,833.20 |
| 00001 | Reinstate CWO 40668 + 5 as per quote | | | |
| 00002 | Betterment | | | |
| PU232184 | | 6 February 2019 | \$993,206.01 | \$993,206.01 |
| 00002 | Civil works - Geddes Street and Paul Street project- subsidence remediation works | | | |
| PU232207 | | 7 February 2019 | \$426,398.72 | \$46,410.32 |
| 00001 | Reinstate CWO 41048 as per quote | | | |
| 00002 | Betterment | | | |
| PU232244 | | 8 February 2019 | \$193,197.52 | \$66,776.60 |
| 00001 | Footpath works. George Street Waterloo (Raglan Street to Wellington Street) Liveable Green Network program | | | |
| PU232271 | | 11 February 2019 | \$282,392.88 | \$282,392.88 |
| 00001 | Marriot Street Surry Hills Kerb Extensions and Associated Works | | | |
| PU232272 | | 11 February 2019 | \$169,765.15 | \$169,765.15 |
| 00001 | Liverpool and Oxford Street Sydney (Civ) Raised Pedestrian Crossing and Associated Works | | | |
| 00002 | Liverpool and Oxford Street Sydney (Ele) Raised Pedestrian Crossing and Associated Works | | | |
| PU232277 | | 11 February 2019 | \$291,114.01 | \$291,114.01 |
| 00001 | Reinstate CWO 38896 + 1 as per quote | | | |
| 00002 | Betterment | | | |
| PU232282 | | 11 February 2019 | \$231,058.65 | \$115,592.17 |
| 00001 | Footpath works – Quarry Street Program Name: Liveable Green Network | | | |
| PU232385 | | 14 February 2019 | \$133,645.07 | \$133,645.07 |
| 00001 | Eastern Suburbs Connection William/ Palmer Intersection Civil Works | | | |
| 00002 | William/ Palmer Street Signals installations. William/ Palmer Street | | | |
| PU232607 | | 21 February 2019 | \$104,934.10 | \$104,934.10 |
| 00002 | Bulwara Road Kerb Extensions, drainage, Cycle Path and Associated Works | | | |
| PU232609 | | 21 February 2019 | \$253,809.23 | \$253,809.23 |
| 00001 | Kelly, Wattle, Mary Anne Street – Ultimo Civil Works | | | |
| 00002 | Kelly, Wattle, Mary Anne Street – Ultimo Kelly, Wattle, Mary Anne Street – Ultimo | | | |
| PU232714 | | 26 February 2019 | \$202,511.98 | \$202,511.98 |
| 00001 | Bridge Road – Glebe Shared Path Cycle Way | | | |
| 00002 | Bridge Road – Glebe Shared Path Cycle Way – Civil, Electrical and TCS Works | | | |
| PU232856 | | 1 March 2019 | \$169,812.23 | \$169,812.23 |
| 00001 | Civil works at Morehead Street, Waterloo | | | |
| PU232970 | | 5 March 2019 | \$83,600.00 | \$83,600.00 |
| 00001 | Reinstate CWO 38556 + 5 as per quote | | | |
| 00002 | Betterment | | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | | Order Date | Order Amount | Outstanding Amount |
|---|---|-------------------------|-----------------------|-----------------------|
| PU233031 | | 6 March 2019 | \$76,809.92 | \$76,809.92 |
| 00001 | Pot holing services. Mcdonald St Erskineville | | | |
| PU233196 | | 12 March 2019 | \$74,549.47 | \$74,549.47 |
| 00001 | Reinstate CWO 39235 + 3 as per quote | | | |
| 00002 | Betterment | | | |
| PU233400 | | 20 March 2019 | \$93,918.17 | \$93,918.17 |
| 00001 | Relocate hydrant booster on Joynton Ave and Zetland Ave Mid | | | |
| PU233417 | | 20 March 2019 | \$262,396.46 | \$262,396.46 |
| 00001 | Drainage Renewal-Crown St , Surry Hills Drainage Renewal | | | |
| PU233516 | | 22 March 2019 | \$81,683.11 | \$81,683.11 |
| 00001 | Installation of Lights at Kelly Street Pedestrian Lighting Improvement program. Installation of new lights along a short section of Kelly Street. | | | |
| PU233524 | | 25 March 2019 | \$468,451.09 | \$468,451.09 |
| 00001 | Installation of Pedestrian Lights in Zamia Street under Pedestrian Lighting Improvement program. | | | |
| PU233567 | | 26 March 2019 | \$919,458.50 | \$919,458.50 |
| 00001 | Botany Road - civil works | | | |
| PU233627 | | 27 March 2019 | \$334,134.92 | \$334,134.92 |
| 00001 | Civil Works 40km Local Traffic Area Implementation Works. Defries Avenue at Hutchinson Walk, Zetland. Road Narrowing Raised Pedestrian Crossing | | | |
| 00002 | Electrical Works 40km Local Traffic Area Implementation Work. Defries Avenue at Hutchinson Walk, Zetland. Flood Lighting for New Pedestrian Crossing. | | | |
| PU233628 | | 27 March 2019 | \$292,235.83 | \$292,235.83 |
| 00001 | Civil Works 40km Local Traffic Area Implementation Work. Phillip Street, Waterloo. Road Narrowing Raised Pedestrian Crossing | | | |
| Supplier: TALENT INTERNATIONAL (NSW) PTY LTD | | | | |
| PU232403 | | 14 February 2019 | \$110,000.00 | \$85,342.12 |
| 00001 | Agency Staff - Senior Network Systems Engineer from 18/2/2019-4/7/2019 | | | |
| Supplier: TECHNOLOGY ONE | | | | |
| PU233715 | | 29 March 2019 | \$243,816.31 | \$243,816.31 |
| 00001 | Annual support maintenance fee eriod 31/1/2019 - 30/01/2020 for Technology One Publisher, Breakout Packs, Financial, Performance Planning and Supply chain Management | | | |
| Supplier: TELECHNICS PTY LTD | | | | |
| PU233355 | | 19 March 2019 | \$165,595.32 | \$165,595.32 |
| 00001 | NX-3300 Kenwood portable radio | | | |
| 00002 | KWD-3501TRK Kenwood Digital Trunking | | | |
| 00003 | KNB-57L Kenwood 200mAH battery | | | |
| 00004 | KMC-42WD Kenwood IP67 Speaker Microphone | | | |
| 00005 | CRS-HDSWLC-6 Heavy duty leather case | | | |
| Supplier: TELSTRA CORPORATION LIMITED | | | | |
| PU232719 | | 26 February 2019 | \$63,114.07 | \$63,114.07 |
| 00001 | 57 to 73 Missenden Road Camperdown – Telstra Works | | | |
| Supplier: THE SOS PRINT & MEDIA GROUP | | | | |
| PU232689 | | 25 February 2019 | \$106,111.39 | \$106,111.39 |
| 00001 | Printing of permanent polymeric self-adhesive vinyl stickers to be used for the replacement of education signage for all households in the LGA – specifically for all residential bins. | | | |
| Supplier: TRINITY QUALITY INTERIORS PTY LTD | | | | |
| PU231451 | | 8 January 2019 | \$1,734,235.80 | \$1,589,042.67 |
| 00002 | Temp Access Ramp for Lift | | | |
| 00001 | Refurbishment works Cook and Phillip Stage 1 works. | | | |

New contracts approved within the Quarter over \$50,000 and yet to be fully performed.

| | | Order Date | Order Amount | Outstanding Amount |
|---|--|-------------------------|-----------------------|---------------------|
| Supplier: TYRRELLSTUDIO PTY LTD | | | | |
| PU231987 | | 31 January 2019 | \$543,015.00 | \$543,015.00 |
| 00002 | Design - Daniel Dawson Reserve | | | |
| 00003 | Design - James Hilder Reserve | | | |
| 00004 | Design - Beaconsfield Park | | | |
| 00005 | Design - Lawrence Hargraves Reserve | | | |
| 00011 | Provisional sum for lighting design | | | |
| Supplier: URBIS PTY LTD | | | | |
| PU231848 | | 25 January 2019 | \$74,392.15 | \$74,392.15 |
| | Cconduct research on mobile voluntary services across the City of Sydney's local area | | | |
| Supplier: VOCUS PTY LTD | | | | |
| PU233255 | | 14 March 2019 | \$150,000.00 | \$150,000.00 |
| 00001 | Data and Internet Services fees | | | |
| PU233442 | | 21 March 2019 | \$994,953.09 | \$994,953.09 |
| 00001 | Data and Internet Services fees | | | |
| 00002 | Costs arising from changes MACDs (Moves, Add, Changes, Deletes) period ending-30/6/2020 | | | |
| 00003 | First provision for Voluntary Agreement (est start yr 3) | | | |
| 00004 | Second provision for Voluntary Agreement (est start yr 5) | | | |
| Supplier: WATER FEATURES AUSTRALIA PTY LTD | | | | |
| PU231487 | | 10 January 2019 | \$1,073,556.00 | \$905,564.00 |
| 00001 | Water Features Maintenance Services. Year 1 Maintenance | | | |
| PU231546 | | 14 January 2019 | \$158,400.00 | \$134,940.61 |
| 00001 | Contract 1855 - Schedule of Rates Works | | | |
| PU232614 | | 21 February 2019 | \$214,871.72 | \$214,871.72 |
| 00001 | 1855 Dosing upgrade - Storm Waters | | | |
| 00002 | 1855 Dosing upgrade - Anzac Memorial | | | |
| 00003 | 1855 Dosing upgrade-Yurong Water Garden | | | |
| 00004 | 1855 Dosing upgrade - Passage | | | |
| 00005 | 1855 Dosing upgrade - Archibald | | | |
| 00006 | 1855 10% Contingency | | | |
| Supplier: WILDE & WOOLLARD PACIFIC | | | | |
| PU232916 | | 1 March 2019 | \$65,864.70 | \$58,054.70 |
| 00001 | Sydney Town Hall Facades Conservation Stage 3 project - quantity surveying | | | |
| 00002 | QS Construction Phase Services | | | |
| Supplier: YUNTING SHEN | | | | |
| PU231892 | | 29 January 2019 | \$114,840.00 | \$106,755.00 |
| 00001 | Part-time Chinese translation and publicity services (3 days per week) Commence - 14 November 2018 to 13 November 2020 | | | |

Item 3.

**Public Exhibition - Integrated Planning and Reporting Program and Budget
2019/20**

Document to Follow

Item 4.

Investments Held as at 31 March 2019

File No: X020701

Summary

This report provides details of Council's investment portfolio and performance to 31 March 2019.

Council's total Investment and Cash position was \$615.6M at the end of March, with investments earning interest of \$1.5M for the month.

The majority of the City's cash and investments portfolio is held as internally restricted (\$309.6M) or externally restricted (\$126.7M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Sustainable Sydney 2030 Community Strategic Plan.

Key commitments within the City's Long Term Financial Plan include public domain works in the CBD to support the implementation of the CBD and South East light rail project and stormwater, town centre infrastructure and community facilities in the Green Square urban renewal area. The balance of investment funds represent working capital and funding required for the City's operating and capital expenditure commitments.

Council achieved an annualised monthly return of 2.82 per cent for March, significantly above the 30 Day Bank Bill Rate (BBR) of 1.83 per cent, the AusBond Bank Bill Index (published by Bloomberg) of 2.06 per cent and the enhanced benchmark of 2.28 per cent (BBR + 0.45 per cent) as endorsed in October 2018 as part of the Investment Strategy.

Council's annual rolling return of 2.82 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 1.90 per cent, AusBond Bank Bill Index of 2.02 per cent and the enhanced benchmark of 2.35 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2018.

In accordance with Council's Investment Policy ('the Policy'), the quarterly investment reports advise the latest indicative market valuations of all direct securities (being Floating Rate Notes). The book value of the current portfolio increased by \$0.7M during the March quarter, which represented 0.34 per cent of the total value of the relevant securities.

The report includes graphs which demonstrate that Council's liquidity profile continues to satisfy the requirements of the Policy, and charts that identify the distribution of Council's portfolio across credit ratings, investment product types and financial institutions. Separate charts depicting the City's cumulative portfolio returns over and above both the 90 day Bloomberg AusBond and 30 day Bank Bill Rate benchmarks for the past eight years have also been included to provide further insight into the City's total investment portfolio performance.

The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions. The policy and strategy also maintain the City's commitment to sustainable investments where returns and risks are equivalent, under the environmentally and socially responsible investment criteria.

Recommendation

It is resolved that the Investment Report as at 31 March 2019 be received and noted.

Attachments

Attachment A. Register of Investments and Cash as at 31 March 2019

Attachment B. Investment Performance as at 31 March 2019

Background

1. In accordance with the principles of financial management, cash that is surplus to the City's immediate requirements is invested within acceptable risk parameters to optimise interest income while ensuring the security of these funds.
2. Surplus cash is only invested in authorised investments that comply with governing legislation and the City's Investment Policy and Strategy.
3. The benchmark performance goal of the City's Investment Policy and Strategy is to surpass the 30 Day Bank Bill Rate (BBR) by 45 basis points while performance also continues to be measured against the Bloomberg AusBond Bank Bill Index.
4. The City's total Investment and Cash position as at 31 March 2019 was \$615.2M, a decrease of \$36.7M from the \$651.9M reported at 28 February 2019, reflecting operating income offset by capital works expenditure, a significant property acquisition (Customs House) and other operational payments. A schedule detailing all of the City's investments as at the end of February is provided at Attachment A.
5. The majority of the City's cash and investments portfolio is held as internally restricted (\$309.6M) or externally restricted (\$126.7M) cash reserves, to satisfy the City's legislative responsibilities and to set aside specific funds for Council's funding commitments to the major initiatives within the Sustainable Sydney 2030 Community Strategic Plan.
6. Key commitments within the City's Long Term Financial Plan include public domain works in the CBD to support the implementation of the CBD and South East light rail project and stormwater, town centre infrastructure and community facilities in the Green Square urban renewal area. The balance of investment funds represents working capital and funding required for the City's operating and other capital expenditure commitments.
7. The City achieved an annualised monthly return of 2.82 per cent for March, significantly above the 30 Day Bank Bill Rate of 1.83 per cent, the AusBond Bank Bill Index (published by Bloomberg) of 2.06 per cent and the enhanced benchmark of 2.28 per cent (BBR + 0.45 per cent) as endorsed in October 2018 as part of the Investment Strategy.
8. The City's annual rolling return of 2.82 per cent also continues to exceed the 12 month average 30 Day Bank Bill Rate of 1.90 per cent, AusBond Bank Bill Index of 2.02 per cent and the enhanced benchmark of 2.35 per cent (BBR + 0.45 per cent) as endorsed in the Investment Strategy in October 2018.
9. The RBA last adjusted the official cash rate in August 2016, when it was reduced to 1.50 per cent. The market subsequently responded accordingly, and lower yields on investments have had a sustained adverse impact on the City's portfolio return. This trend is anticipated to continue, though in recent periods some improvement in longer term interest rates has been noted.
10. In accordance with the City's Investment Policy ('the Policy'), the quarterly investment reports advise the latest indicative market valuations of all direct securities (being Floating Rate Notes). The book value of the current portfolio increased by \$0.7M during the March quarter, which represents 0.34 per cent of the total value of the relevant securities.

11. In total, the current portfolio includes a total unrealised gain of \$1.3M which has arisen because of the significant number of investments held by the City that have locked in higher yields, significantly exceeding the earning rates currently offered in the market. The City will only sell and realise this gain in cases where the proceeds from subsequent reinvestment are expected to significantly exceed the future interest earnings that will be generated by holding the current investments to maturity.
12. The report includes graphs demonstrating that the City's liquidity profile continues to satisfy the requirements of the Policy, and charts that identify the distribution of the City's portfolio across credit ratings, investment product types and investment institutions. Separate charts depicting the City's portfolio returns over and above both the 90 day Bloomberg AusBond and 30 day Bank Bill Rate benchmarks for the past ten years have also been included to provide further insight into the City's total investment portfolio performance.
13. The structure of the City's investment portfolio continues to reflect the conservative approach outlined in the Investment Policy and Strategy, which remains appropriate for the current global and domestic economic conditions.
14. As noted in previous investment reports, the downgrade of 23 financial institutions' global ratings by Standard and Poors in May 2017 incorporated a downgrade of both Bank of Queensland and Bendigo & Adelaide Bank long-term rating from an A- to a BBB+. As the City's Investment Policy limits the maximum amount that may be invested with sub 'A' rated institutions to \$10M each, the policy's "grandfathering" provisions have been applied to allow the existing investments to be maintained or divested in accordance with all regular investment considerations.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

15. The City's investments accord with all legislative and policy requirements, as detailed below, and continue to achieve returns above minimum benchmark rates.

Financial Implications

16. Council's investments earned interest of \$1.4M for the month of March 2019, against budgeted earnings of \$1.1M. Investment earnings for the full year are forecast to be on budget of \$16.7M.

Relevant Legislation

17. Council is authorised to invest its surplus cash under Section 625 of the Local Government Act 1993.
18. The Local Government (General) Regulation 2005 (Clause 212) requires Council to provide a written monthly report of all monies invested, under Section 625 of the Act.
19. The Investment Policy and Strategy was revised in October 2018, maintaining Council's commitment to give preference to sustainable investments where returns and risks are equivalent to other investments. The revision also maintained the broadening of the definition of environmentally harmful activities to include specific reference to coal, gas and oil.

20. The City's investments accord with the Minister's Investment Order, the Office of Local Government's Investment Policy Guidelines, and the City's own Investment Policy and Strategy as adopted by Council on 29 October 2018.

Critical Dates / Time Frames

21. A monthly investment report must be submitted for Council's information and review within the following month.

Public Consultation

22. Consultation is regularly undertaken with a number of financial institutions and investment advisers to consider options and ensure the City continues to maximise its investment return within appropriate risk parameters.
23. City staff meet regularly with representatives of each of the 'Big 4' banks and NSW TCorp. At these meetings City staff actively advocate for Socially Responsible Investment (SRI) opportunities.
24. To date, feedback from these meetings has been that there is a well-known appetite in the market for these products and they are investigating the development of suitable products, however it has been challenging to match the level of funds to available Socially Responsible Investment opportunities that meet both the credit risk and maturity profile requirements of Council.
25. In a recent positive development, Westpac has been able to bring a Green Tailored Deposit product to market. Between November 2018 and March 2019, the City invested \$40 million in six tranches, for five years in this instrument. The City had funds available to invest and the product offered a rate of return commensurate with other investment offerings in the market.

BILL CARTER

Chief Financial Officer

James Legarse, Financial Accountant

Attachment A

**Register of Investments and Cash
as at 31 March 2019**

Register of Investments and Cash as at 31 March 2019

| Institution | Rating | Amount \$ | Monthly Net Returns | Monthly Net Return Annualised | Net Returns Rolling 12 Months | Maturity Date | Net Provision Indicative Market Prices (if immediate sales are required) Original Value - Indicative Current Value = Provision | | | | | Investment Date | Term (months) |
|----------------------------|--------|-------------------|---------------------|-------------------------------|-------------------------------|---------------|--|-------------------------|-------------------------|--|--|-----------------|---------------|
| | | | | | | | Original Cost | Indicative Value Dec 18 | Indicative Value Mar 19 | Provision required Dec 18 (Surp/(Def)) | Provision required Mar 19 (Surp/(Def)) | | |
| Call Account | | | | | | | | | | | | | |
| Westpac Bank | AA | 32,347,060 | 0.15% | 1.75% | 1.75% | 1-Apr-19 | | | | | | 22-May-12 | 0 |
| Total | | 32,347,060 | 0.15% | 1.75% | 1.75% | | | | | | | | |
| Term Deposits (TD) | | | | | | | | | | | | | |
| Bankwest | AA | 5,000,000 | 0.21% | 2.50% | 2.50% | 3-May-19 | | | | | | 1-Mar-19 | 2 |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.70% | 2.70% | 6-Mar-20 | | | | | | 8-Mar-19 | 12 |
| ME Bank | A | 5,000,000 | 0.22% | 2.65% | 2.65% | 16-Mar-20 | | | | | | 18-Mar-19 | 12 |
| ME Bank | A | 5,000,000 | 0.21% | 2.55% | 2.55% | 10-Dec-19 | | | | | | 29-Mar-19 | 8 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.21% | 2.55% | 2.55% | 20-Dec-19 | | | | | | 25-Mar-19 | 9 |
| Bankwest | AA | 5,000,000 | 0.21% | 2.55% | 2.55% | 2-Apr-19 | | | | | | 1-Feb-19 | 2 |
| Commonwealth Bank | AA | 5,000,000 | 0.22% | 2.62% | 2.62% | 4-Apr-19 | | | | | | 21-Jan-19 | 2 |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 5-Apr-19 | | | | | | 9-Aug-18 | 8 |
| Commonwealth Bank | AA | 10,000,000 | 0.22% | 2.63% | 2.63% | 5-Apr-19 | | | | | | 18-Jan-19 | 3 |
| Commonwealth Bank | AA | 5,000,000 | 0.21% | 2.52% | 2.52% | 8-Apr-19 | | | | | | 8-Feb-19 | 2 |
| Bankwest | AA | 5,000,000 | 0.21% | 2.50% | 2.50% | 12-Apr-19 | | | | | | 11-Feb-19 | 2 |
| IMB | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 12-Apr-19 | | | | | | 16-Aug-18 | 8 |
| Suncorp Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 19-Apr-19 | | | | | | 3-Sep-18 | 7 |
| ME Bank | A | 5,000,000 | 0.23% | 2.72% | 2.72% | 25-Apr-19 | | | | | | 25-Jan-19 | 3 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 26-Apr-19 | | | | | | 10-Aug-18 | 8 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 3-May-19 | | | | | | 14-Aug-18 | 9 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.23% | 2.80% | 2.80% | 6-May-19 | | | | | | 10-Jul-18 | 10 |
| ME Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 16-May-19 | | | | | | 15-Feb-19 | 3 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 17-May-19 | | | | | | 22-Aug-18 | 9 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 28-May-19 | | | | | | 31-Aug-18 | 9 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 31-May-19 | | | | | | 31-Aug-18 | 9 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.23% | 2.80% | 2.80% | 4-Jun-19 | | | | | | 5-Jul-18 | 11 |
| Credit Union Australia | A | 5,000,000 | 0.24% | 2.90% | 2.90% | 6-Jun-19 | | | | | | 6-Jul-18 | 11 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 7-Jun-19 | | | | | | 3-Sep-18 | 9 |
| Bank of Queensland | A | 5,000,000 | 0.24% | 2.85% | 2.85% | 11-Jun-19 | | | | | | 11-Dec-18 | 6 |
| Suncorp Bank | A | 5,000,000 | 0.23% | 2.81% | 2.81% | 14-Jun-19 | | | | | | 7-Dec-18 | 6 |
| ME Bank | A | 5,000,000 | 0.23% | 2.80% | 2.80% | 21-Jun-19 | | | | | | 09-Jul-18 | 11 |
| Bankwest | AA | 5,000,000 | 0.23% | 2.70% | 2.70% | 28-Jun-19 | | | | | | 31-Oct-18 | 8 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.24% | 2.83% | 2.83% | 3-Jul-19 | | | | | | 4-Jul-18 | 12 |
| Credit Union Australia | A | 5,000,000 | 0.24% | 2.90% | 2.90% | 5-Jul-19 | | | | | | 6-Jul-18 | 12 |
| Suncorp Bank | A | 4,000,000 | 0.23% | 2.75% | 2.75% | 12-Jul-19 | | | | | | 14-Nov-18 | 8 |
| ME Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 26-Jul-19 | | | | | | 18-Feb-19 | 5 |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 5-Aug-19 | | | | | | 5-Feb-19 | 6 |
| AMP Bank | A | 5,000,000 | 0.24% | 2.85% | 2.85% | 20-Aug-19 | | | | | | 20-Aug-18 | 12 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 30-Aug-19 | | | | | | 3-Dec-18 | 9 |
| Bendigo & Adelaide Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 6-Sep-19 | | | | | | 4-Dec-18 | 9 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 10-Sep-19 | | | | | | 10-Sep-18 | 12 |
| ME Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 17-Sep-19 | | | | | | 19-Feb-19 | 7 |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 27-Sep-19 | | | | | | 28-Nov-18 | 10 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.74% | 2.74% | 9-Oct-19 | | | | | | 9-Oct-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 14-Oct-19 | | | | | | 12-Oct-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 18-Oct-19 | | | | | | 15-Oct-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 25-Oct-19 | | | | | | 17-Oct-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.72% | 2.72% | 31-Oct-19 | | | | | | 31-Oct-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.73% | 2.73% | 5-Nov-19 | | | | | | 5-Nov-18 | 12 |
| National Aust Bank | AA | 5,000,000 | 0.23% | 2.73% | 2.73% | 6-Nov-19 | | | | | | 6-Nov-18 | 12 |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 12-Nov-19 | | | | | | 15-Feb-19 | 9 |
| Credit Union Australia Ltd | A | 5,000,000 | 0.23% | 2.77% | 2.77% | 28-Nov-19 | | | | | | 29-Nov-18 | 12 |
| Credit Union Australia Ltd | A | 5,000,000 | 0.24% | 2.85% | 2.85% | 6-Dec-19 | | | | | | 7-Dec-18 | 12 |

Register of Investments and Cash as at 31 March 2019

| Institution | Rating | Amount \$ | Monthly Net Returns | Monthly Net Return Annualised | Net Returns Rolling 12 Months | Maturity Date | Net Provision Indicative Market Prices (if immediate sales are required) Original Value - Indicative Current Value = Provision | | | | | Investment Date | Term (months) | |
|---|--------|--------------------|---------------------|-------------------------------|-------------------------------|---------------|--|-------------------------|-------------------------|--|--|-----------------|---------------|--|
| | | | | | | | Original Cost | Indicative Value Dec 18 | Indicative Value Mar 19 | Provision required Dec 18 (Surp/(Def)) | Provision required Mar 19 (Surp/(Def)) | | | Change in Value Dec 18 to Mar 19 Incr/(Decr) |
| Bank of Queensland | A | 5,000,000 | 0.23% | 2.70% | 2.70% | 13-Dec-19 | | | | | | 25-Feb-19 | 10 | |
| ME Bank | A | 5,000,000 | 0.23% | 2.75% | 2.75% | 20-Jan-20 | | | | | | 21-Feb-19 | 11 | |
| Credit Union Australia | A | 5,000,000 | 0.23% | 2.78% | 2.78% | 10-Feb-20 | | | | | | 11-Feb-19 | 12 | |
| Westpac Banking Corporation (3 months BBSW + 80 points) | AA | 5,000,000 | 0.22% | 2.67% | 2.73% | 13-Feb-20 | | | | | | 12-Feb-19 | 12 | |
| ANZ Bank (90 days BBSW + 98 points) quarterly reset and payment of coupon | AA | 10,000,000 | 0.24% | 2.85% | 2.91% | 28-Aug-20 | | | | | | 28-Aug-15 | 60 | |
| ANZ Bank (90 days BBSW + 95 points) quarterly reset and payment of coupon | AA | 10,000,000 | 0.23% | 2.82% | 2.89% | 31-Aug-20 | | | | | | 1-Sep-15 | 60 | |
| Westpac Banking Corporation(2.80% fixed 1 year & 90 days BBSW +82 points) | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 20-Sep-21 | | | | | | 21-Sep-18 | 36 | |
| Westpac Banking Corporation (2.90% Fixed 2 years & 90 days BBSW + 90 points) | AA | 5,000,000 | 0.24% | 2.90% | 2.90% | 11-Oct-21 | | | | | | 12-Oct-17 | 48 | |
| Westpac Banking Corporation (2.94% Fixed 2 years & 3 months BBSW + 82 points 3years) | AA | 5,000,000 | 0.23% | 2.94% | 2.94% | 8-Nov-21 | | | | | | 7-Nov-18 | 36 | |
| Westpac Banking Corporation (3% Fixed 2 years & 90 months BBSW + 133 points 3 years) | AA | 5,000,000 | 0.28% | 3.35% | 3.12% | 15-Dec-21 | | | | | | 15-Dec-16 | 60 | |
| Westpac Banking Corporation (3% Fixed 2 years & RBA cash rate + 126 points 3years) | AA | 5,000,000 | 0.25% | 3.00% | 3.00% | 31-Aug-22 | | | | | | 31-Aug-17 | 60 | |
| Westpac Banking Corporation(2.80% fixed 1 year & 90 days BBSW +85 points) | AA | 5,000,000 | 0.23% | 2.80% | 2.80% | 27-Sep-22 | | | | | | 28-Sep-18 | 48 | |
| Westpac Banking Corporation (2.98% Fixed 2 years & 3 months BBSW + 82 points 2 years) | AA | 5,000,000 | 0.23% | 2.98% | 2.98% | 21-Nov-22 | | | | | | 21-Nov-18 | 48 | |
| Term Deposits (TD) 'Green Tailored Deposits' | | | | | | | | | | | | | | |
| Westpac Banking Corporation - Green Tailored Deposit (3 Months BBSW+ 93 bps) | AA | 10,000,000 | 0.23% | 2.81% | 2.85% | 27-Nov-23 | | | | | | 26-Nov-18 | 60 | |
| Westpac Banking Corporation - Green Tailored Deposit (2.97% Fixed 2 years & 3 months BBSW + 93 points 3 years) | AA | 5,000,000 | 0.23% | 2.97% | 2.97% | 29-Nov-23 | | | | | | 30-Nov-18 | 60 | |
| Westpac Banking Corporation - Green Tailored Deposit (3% Fixed 1 years & 3 months BBSW + 105 AA points 4 years) | AA | 10,000,000 | 0.23% | 3.00% | 3.00% | 24-Jan-24 | | | | | | 25-Jan-19 | 60 | |
| Westpac Banking Corporation - Green Tailored Deposit (2.85% Fixed 1 years & 3 months BBSW + 100 points 4 years) | AA | 5,000,000 | 0.23% | 2.85% | 2.85% | 28-Feb-24 | | | | | | 1-Mar-19 | 60 | |
| Westpac Banking Corporation - Green Tailored Deposit (2.75% Fixed 1 year & 3 months BBSW + 100 points 4 years) | AA | 5,000,000 | 0.23% | 2.75% | 2.75% | 11-Mar-24 | | | | | | 13-Mar-19 | 60 | |
| Westpac Banking Corporation - Green Tailored Deposit (2.65% Fixed 1 year & 3 months BBSW + 100 points 4 years) | AA | 5,000,000 | 0.23% | 2.65% | 2.65% | 22-Mar-24 | | | | | | 25-Mar-19 | 60 | |
| Total | | 364,000,000 | 0.23% | 2.77% | 2.78% | | | | | | | | | |
| Floating Rate Notes (FRN) | | | | | | | | | | | | | | |
| Credit Union Australia (90 days BBSW + 160 points) | BBB | 5,000,000 | 0.31% | 3.67% | 3.64% | 1-Apr-19 | 100.00 | 100.20 | 100.00 | 10,000 | 200 | (9,800) | 1-Apr-16 | 36 |
| Westpac Bank (90 days BBSW + 100 points) | AA | 5,000,000 | 0.25% | 3.00% | 2.94% | 10-May-19 | 100.00 | 100.20 | 100.10 | 10,150 | 4,750 | (5,400) | 11-Mar-16 | 38 |
| Commonwealth Bank (90 days BBSW + 98 points) | AA | 5,000,000 | 0.25% | 3.04% | 3.00% | 18-Jul-19 | 100.00 | 100.31 | 100.22 | 15,650 | 10,850 | (4,800) | 18-Apr-16 | 39 |
| ME Bank (90 days BBSW + 145 points) | BBB | 5,000,000 | 0.29% | 3.51% | 3.47% | 18-Jul-19 | 100.00 | 100.33 | 100.23 | 16,450 | 11,550 | (4,900) | 18-Jul-16 | 36 |
| Westpac Banking Corporation (90 days BBSW + 90 points) | AA | 10,000,000 | 0.25% | 2.98% | 2.92% | 22-Jan-20 | 100.00 | 100.38 | 100.46 | 38,200 | 46,100 | 7,900 | 22-Jan-15 | 60 |
| Royal Bank of Canada (90 days BBSW + 95 points) | AA | 5,000,000 | 0.25% | 2.95% | 2.90% | 10-Feb-20 | 100.00 | 100.38 | 100.44 | 19,000 | 21,850 | 2,850 | 10-Feb-15 | 60 |
| Bank of Queensland (90 days BBSW + 105 points) | A | 5,000,000 | 0.25% | 3.05% | 2.99% | 12-Feb-20 | 100.00 | 100.24 | 100.37 | 11,850 | 18,250 | 6,400 | 12-Feb-15 | 60 |
| Greater Bank (90 days BBSW + 145 points) | BBB | 5,000,000 | 0.28% | 3.34% | 3.37% | 24-Feb-20 | 100.00 | 100.18 | 100.34 | 9,100 | 17,050 | 7,950 | 24-Feb-17 | 36 |
| Newcastle Permanent Building Society (90 days BBSW + 135 points) | BBB | 5,000,000 | 0.28% | 3.41% | 3.38% | 7-Apr-20 | 100.00 | 100.37 | 100.50 | 18,650 | 25,050 | 6,400 | 7-Apr-15 | 60 |
| Newcastle Permanent Building Society (90 days BBSW + 135 points) | BBB | 7,500,000 | 0.28% | 3.41% | 3.38% | 7-Apr-20 | 100.00 | 100.37 | 100.50 | 27,975 | 37,575 | 9,600 | 18-Jul-16 | 45 |
| National Australia Bank (90 days BBSW + 80 points) | AA | 5,000,000 | 0.22% | 2.68% | 2.74% | 3-Jun-20 | 100.00 | 100.26 | 100.50 | 12,850 | 25,150 | 12,300 | 3-Jun-15 | 60 |
| Commonwealth Bank (90 days BBSW + 90 points) | AA | 10,000,000 | 0.25% | 2.97% | 2.93% | 17-Jul-20 | 100.00 | 100.38 | 100.67 | 37,600 | 66,600 | 29,000 | 17-Jul-15 | 60 |
| Westpac Banking Corporation (90 days BBSW + 90 points) | AA | 5,000,000 | 0.25% | 2.97% | 2.89% | 28-Jul-20 | 100.00 | 100.39 | 100.69 | 19,500 | 34,450 | 14,950 | 28-Jul-15 | 60 |
| Bendigo & Adelaide Bank (90 days BBSW + 110 points) | A | 5,000,000 | 0.25% | 3.05% | 3.03% | 18-Aug-20 | 100.00 | 100.35 | 100.61 | 17,400 | 30,300 | 12,900 | 18-Aug-15 | 60 |
| AMP Bank (90 days BBSW + 75 points) | A | 5,000,000 | 0.23% | 2.81% | 2.78% | 6-Oct-20 | 100.00 | 99.54 | 99.65 | (23,150) | (17,500) | 5,650 | 6-Oct-17 | 36 |
| Suncorp Bank (90 days BBSW + 125 points) | A | 5,000,000 | 0.28% | 3.33% | 3.27% | 20-Oct-20 | 100.00 | 100.93 | 101.00 | 46,450 | 50,000 | 3,550 | 20-Oct-15 | 60 |
| Westpac Banking Corporation (90 days BBSW + 108 points) | AA | 15,000,000 | 0.26% | 3.15% | 3.07% | 28-Oct-20 | 100.00 | 100.72 | 101.06 | 107,850 | 159,150 | 51,300 | 28-Oct-15 | 60 |
| National Australia Bank (90 days BBSW + 123 points) | AA | 10,000,000 | 0.26% | 3.11% | 3.04% | 5-Nov-20 | 100.00 | 100.67 | 101.06 | 67,000 | 105,800 | 38,800 | 5-Nov-15 | 60 |
| ME Bank (90 days BBSW + 125 points) | BBB | 2,250,000 | 0.27% | 3.25% | 3.19% | 9-Nov-20 | 100.00 | 100.09 | 100.40 | 2,093 | 8,910 | 6,817 | 9-Nov-17 | 36 |
| Commonwealth Bank (90 days BBSW + 115 points) | AA | 5,000,000 | 0.27% | 3.21% | 3.17% | 18-Jan-21 | 100.00 | 100.85 | 101.21 | 42,700 | 60,650 | 17,950 | 20-Jan-16 | 60 |
| Heritage Bank (90 days BBSW + 123 points) | BBB | 3,500,000 | 0.25% | 3.01% | 3.26% | 29-Mar-21 | 100.00 | 100.04 | 100.27 | 1,505 | 9,485 | 7,980 | 29-Mar-18 | 36 |
| ANZ Bank (90 days BBSW + 118 points) | AA | 5,000,000 | 0.27% | 3.24% | 3.21% | 7-Apr-21 | 100.00 | 100.88 | 101.33 | 43,900 | 66,550 | 22,650 | 7-Apr-16 | 60 |
| Suncorp Bank (90 days BBSW + 138 points) | A | 5,000,000 | 0.29% | 3.44% | 3.40% | 12-Apr-21 | 100.00 | 101.28 | 101.40 | 64,150 | 69,950 | 5,800 | 12-Apr-16 | 60 |
| ME Bank (90 days BBSW + 127 points) | BBB | 2,500,000 | 0.28% | 3.33% | 3.30% | 16-Apr-21 | 100.00 | 99.93 | 100.27 | (1,675) | 6,775 | 8,450 | 17-Apr-18 | 36 |

Summary of Net Investment Movements - March 2019

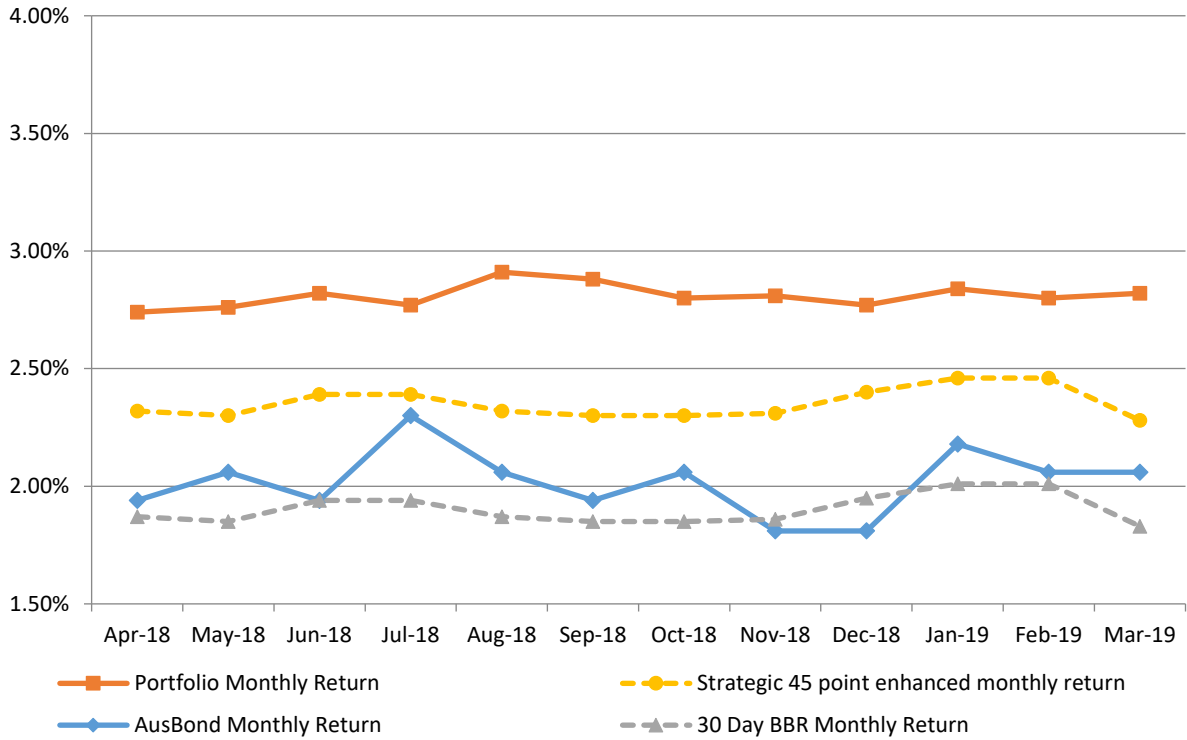
| Financial Institution | Fund Rating | Net Invest/(Recall) Amount \$ | Commentary |
|--|-------------|-------------------------------|--|
| <u>Call Account</u> | | | |
| Westpac Banking Corporation | AA | (28,000,000) | Utilised funds from Call Account for a property settlement in March 2019. |
| <u>Term Deposits (TDs)</u> | | | |
| Westpac Banking Corporation - Green Tailored Depos | AA | 15,000,000 | Utilised matured investments and third instalments of rates income to place in high yielding Green Tailored Deposit. |
| Bankwest | AA | 5,000,000 | Utilised matured investments and third instalments of rates income to place in higher yielding term deposit. |
| Bendigo and Adelaide Bank | A/BBB | 5,000,000 | |
| ME Bank | A/BBB | 5,000,000 | |
| Westpac Banking Corporation | | (5,000,000) | Redeemed matured Term Deposit to fund for the Council's operational functions. |
| Commonwealth Bank of Australia | AA | (5,000,000) | Redeemed matured Term Deposits to place in higher yielding investments. |
| Suncorp Bank | A | (10,000,000) | |
| <u>Floating Rate Notes (FRNs)</u> | | | |
| Credit Union Australia | A/BBB | 1,500,000 | Utilised third instalments of rates income for the settlement of FRN. |
| Newcastle Permanent Building Society | A/BBB | (4,500,000) | Redeemed matured FRN to fund for the Council's operational functions. |

Attachment B

**Investment Performance
as at 31 March 2019**

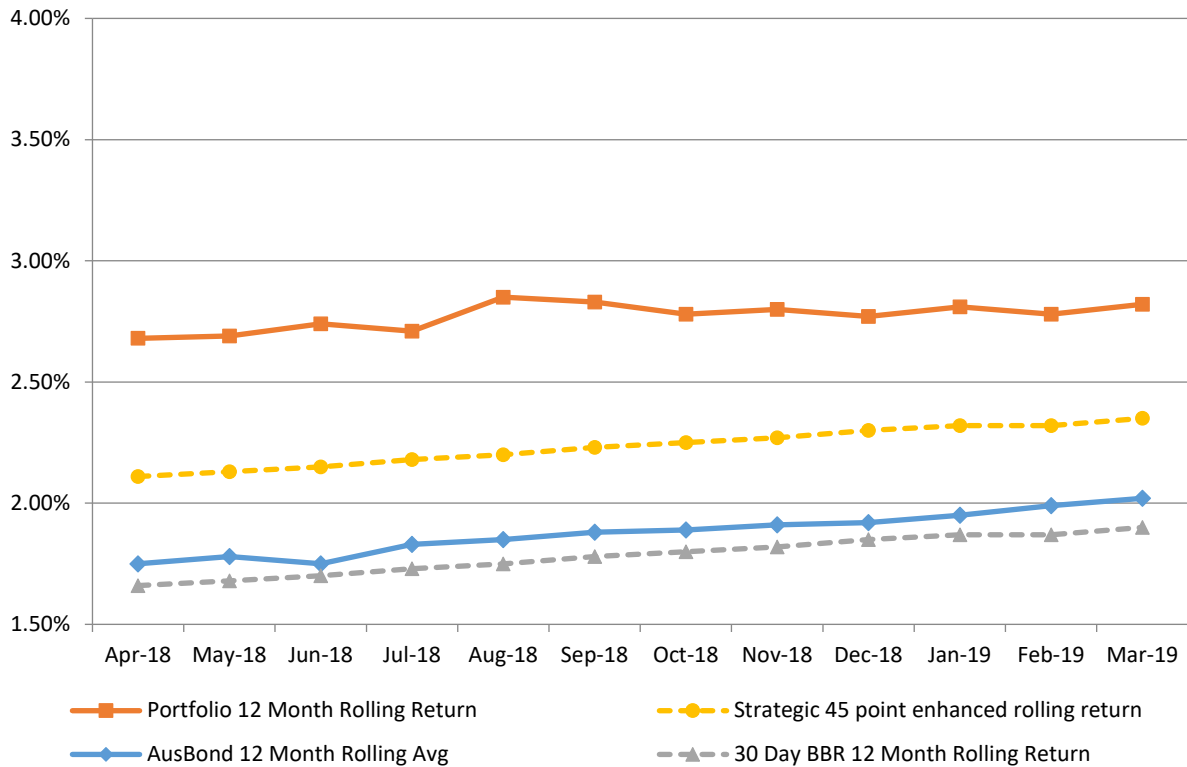
Monthly Results

**Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
March 2019**

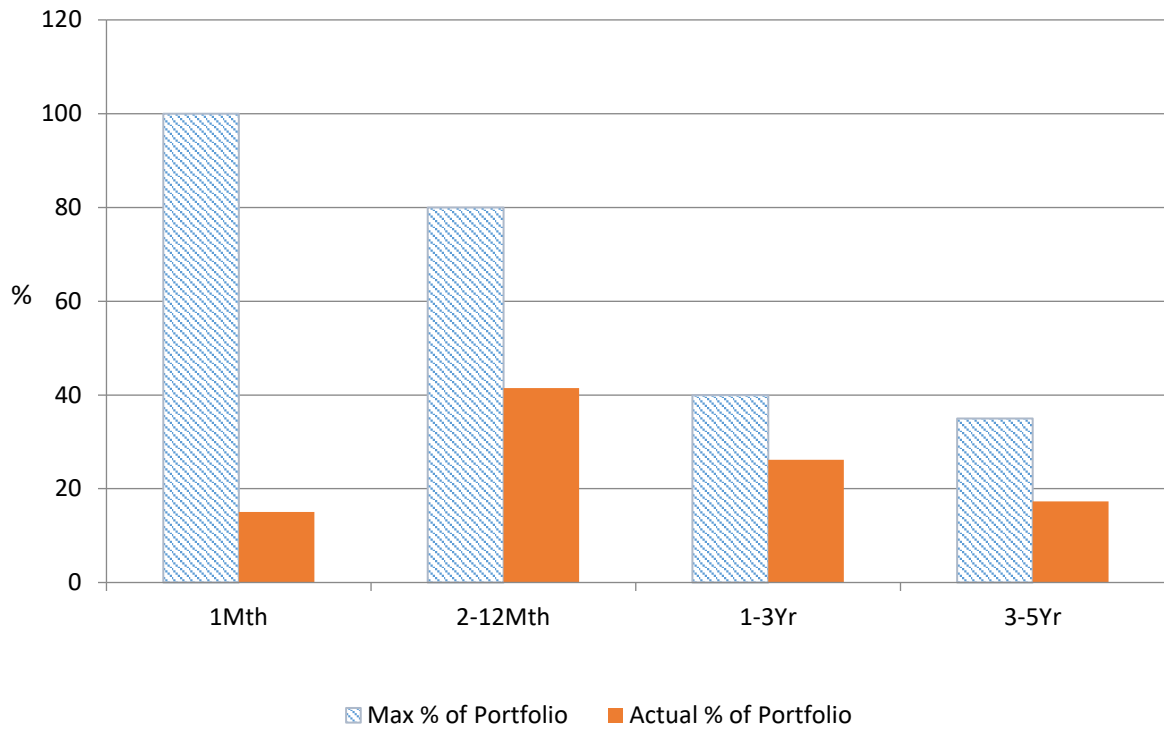


12 Month Rolling Averages

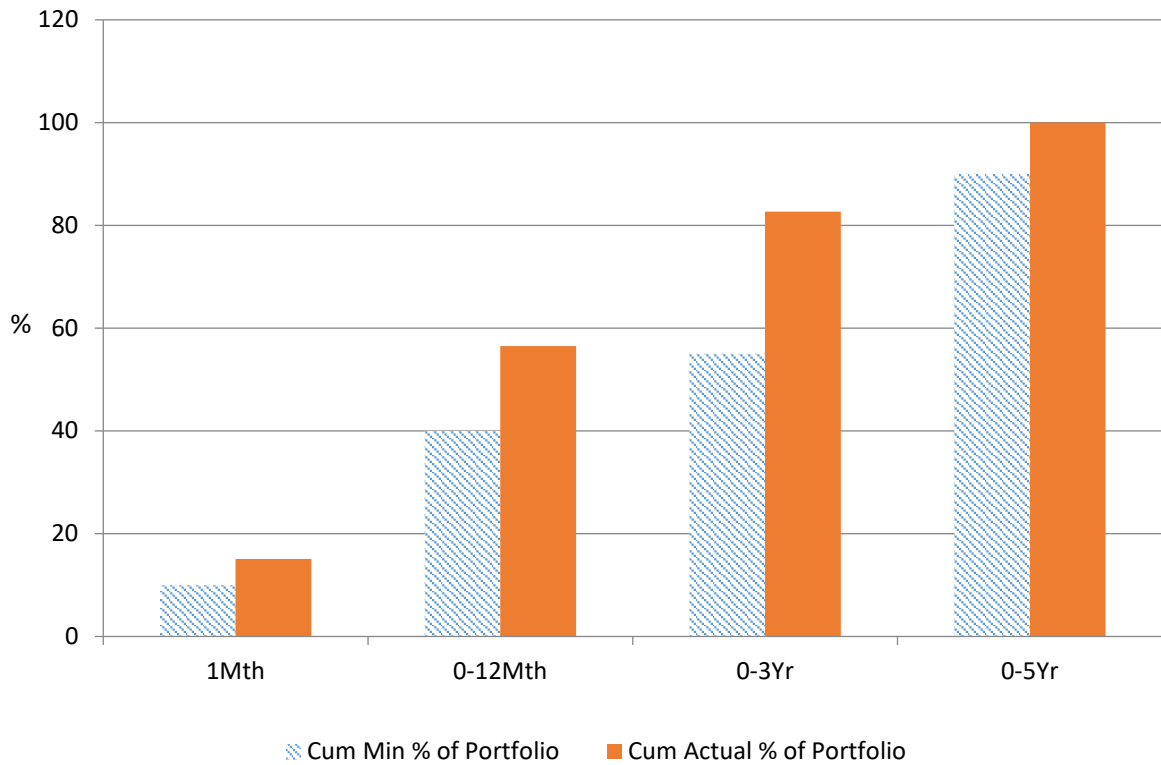
**Actual Portfolio vs Strategic Enhanced Benchmark vs AusBond Benchmark vs 30 Day BBR Benchmark
March 2019**



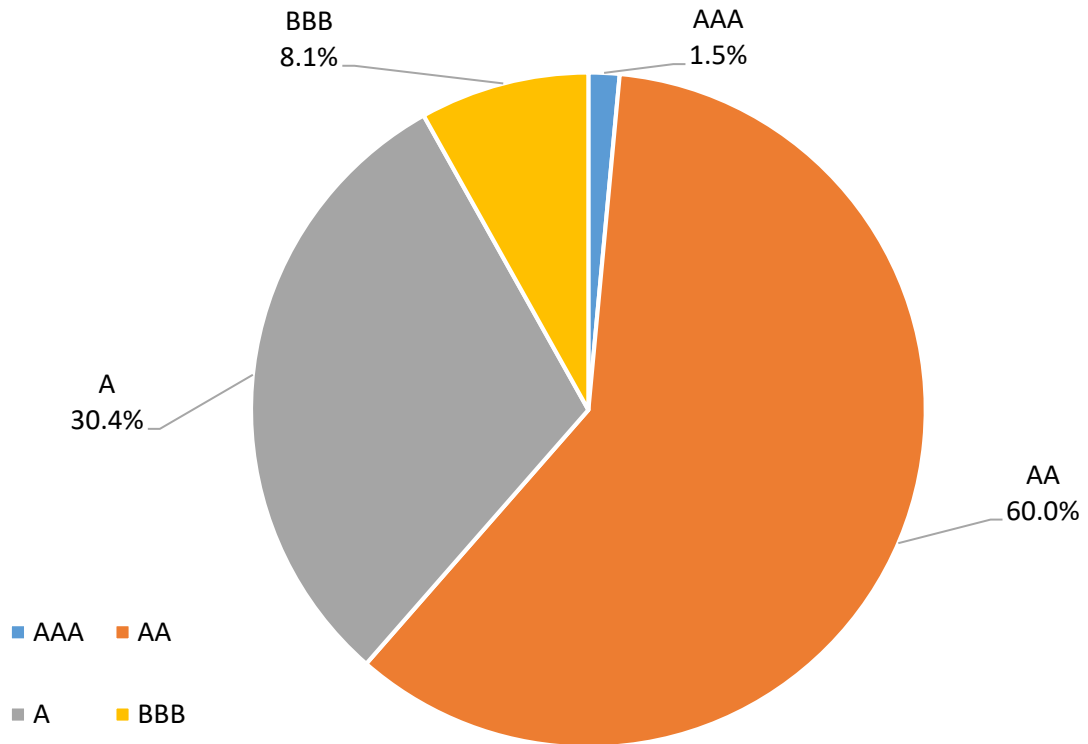
% Liquidity - Maximum Allowances as at 31 March 2019



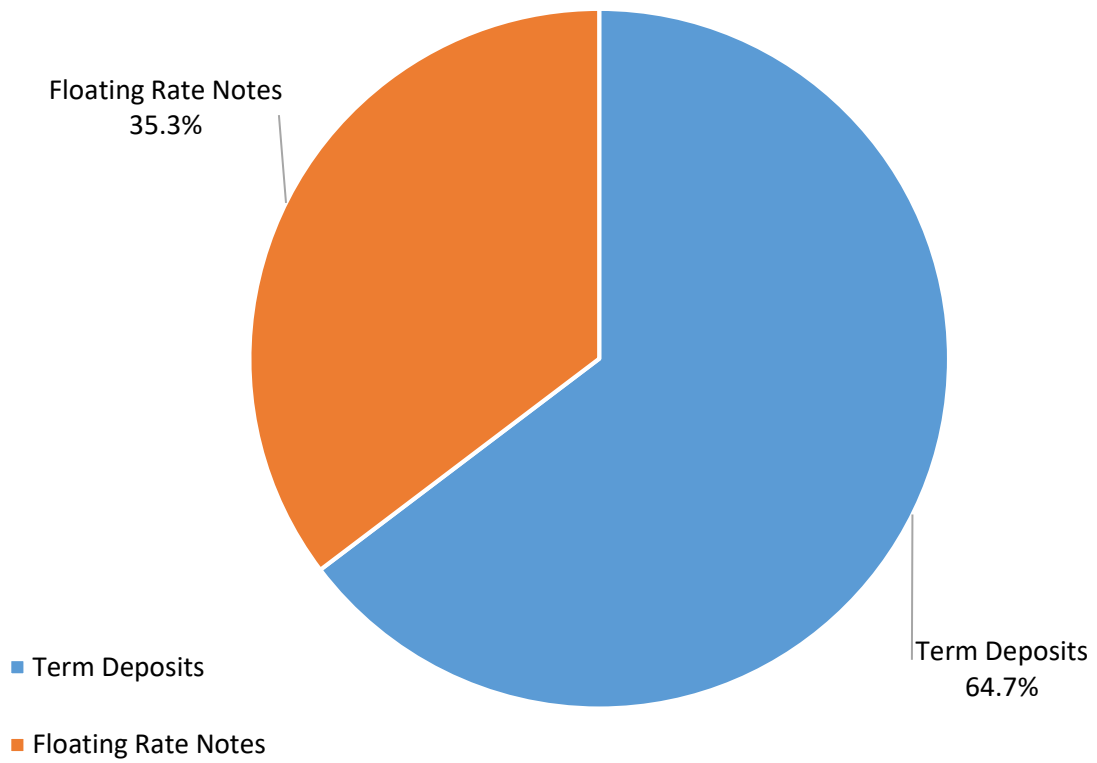
% Liquidity - Minimum Allocations as at 31 March 2019



Risk Profile as at 31 March 2019



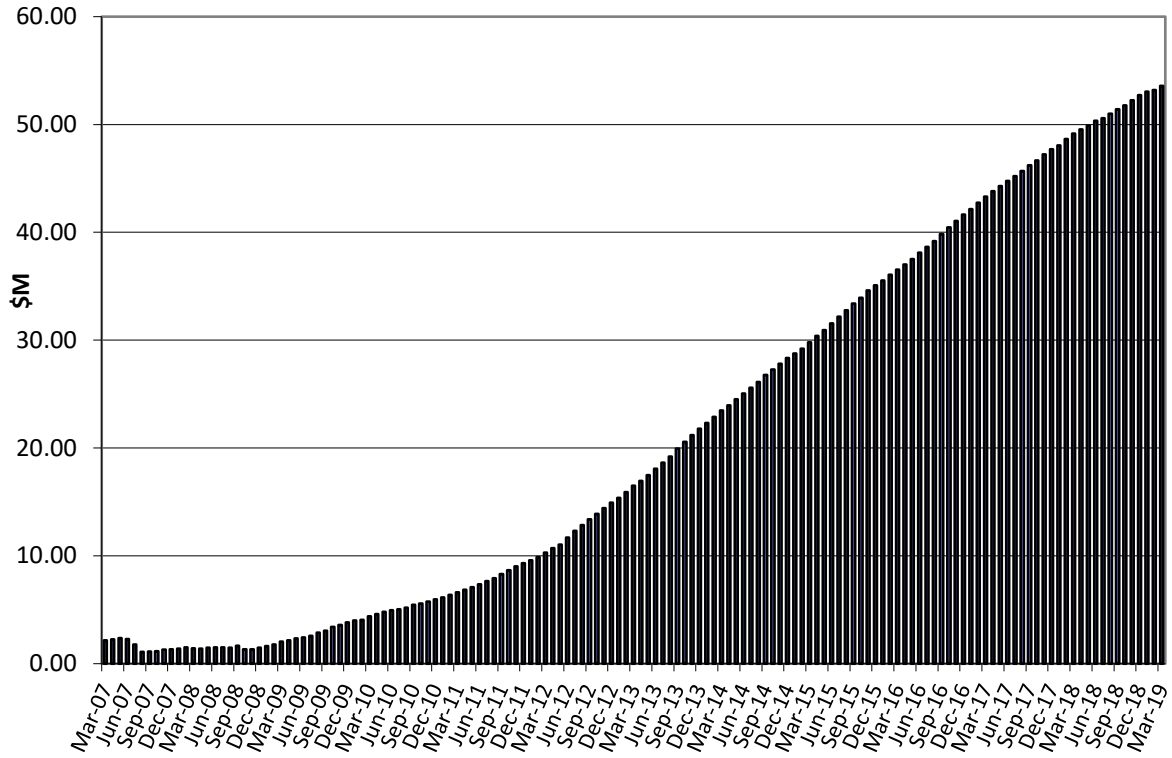
Investment Product Profile as at 31 March 2019



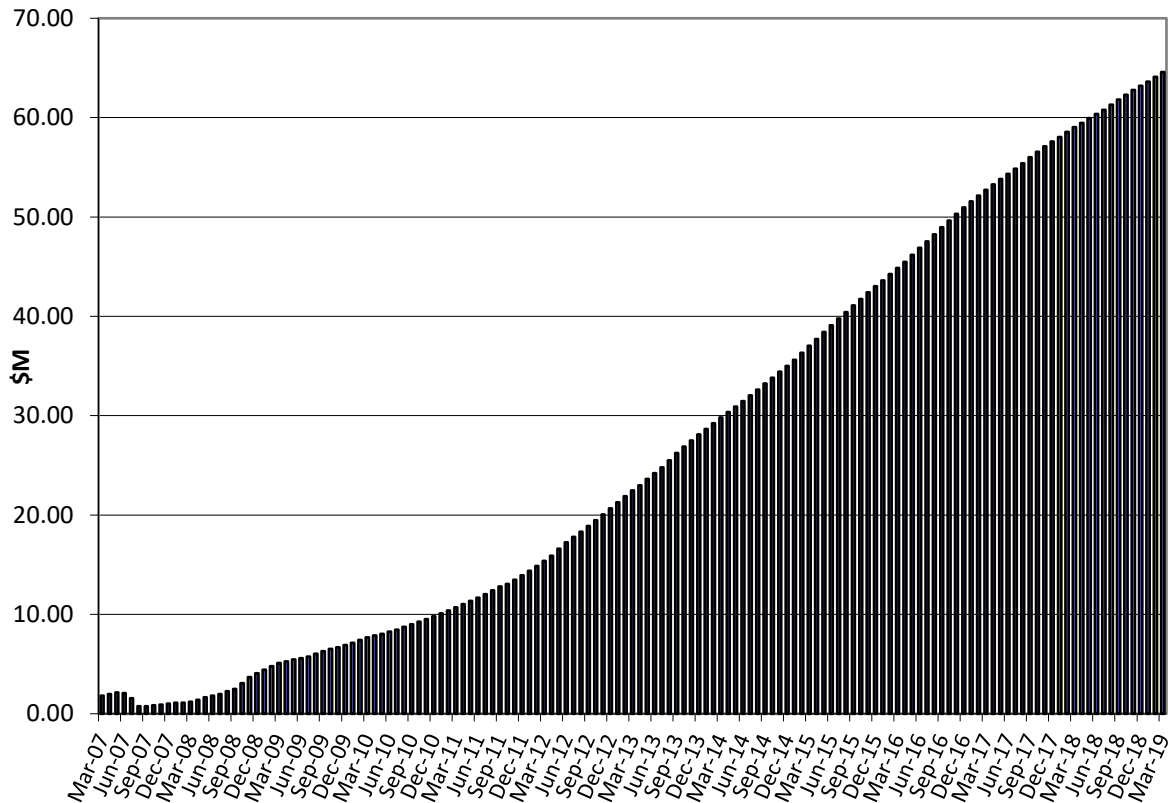
**Investment and cash distribution by financial institution as at
31 March 2019**

| Institution Category | Financial Institution | Amount \$M | Financial Inst. % | Institution Cat. % |
|---|---|---------------|-------------------------|--------------------------|
| Australian Big 4 Bank (and related institutions) | ANZ Bank | 44.0 | 7.2 | |
| | Commonwealth Bank-related: | 103.1 | 16.8 | |
| | <i>Bankwest</i> | <i>50.0</i> | <i>8.1</i> | |
| | <i>Commonwealth Bank</i> | <i>53.1</i> | <i>8.6</i> | |
| | National Australia Bank | 67.5 | 11.0 | |
| | Westpac Banking Corporation | 154.8 | 25.2 | |
| Big 4 Total | | 369.4 | | 60.0 |
| Other Australian ADIs and Australian subsidiaries of foreign institutions | AMP Bank Ltd | 10.0 | 1.6 | |
| | Bank of China – Sydney | 4.5 | 0.7 | |
| | Bank Of Queensland | 44.0 | 7.2 | |
| | Bendigo and Adelaide Bank | 40.0 | 6.5 | |
| | CUA Limited | 31.5 | 5.1 | |
| | Greater Bank | 5.0 | 0.8 | |
| | Heritage Bank | 3.5 | 0.6 | |
| | IMB | 5.0 | 0.8 | |
| | Members Equity Bank | 49.8 | 8.1 | |
| | Newcastle Permanent Building Society | 12.5 | 2.0 | |
| | Royal Bank of Canada - Sydney | 5.0 | 0.8 | |
| | Suncorp Bank | 35.0 | 5.7 | |
| Other ADI Total | | 248.8 | | 40.0 |
| Grand Total | | 615.2 | 100.0 | 100.0 |

Cumulative Outperformance over AusBond Benchmark - 2007-2019



Cumulative Outperformance over 30 Day BBR Benchmark - 2007-2019



Item 5.

Policy - Adoption - Code of Conduct

File No: S121910

Summary

The City of Sydney Council's Code of Conduct and Procedures for the Administration of the Code operate in accordance with the Local Government Act 1993 (the Act). All councils must adopt a code of conduct and procedures that, at a minimum, incorporate, and not be inconsistent with, the provisions of the Model Code of Conduct for Local Councils in New South Wales and Model Procedures issued by the Office of Local Government.

The Model Code outlines the minimum ethical and behavioural standards of conduct for council officials in carrying out their functions. The purpose of the Model Procedures is to support the enforcement of the standards set out in the Model Code.

On 14 December 2018, a new Model Code and Model Procedures for NSW Councils were prescribed further to a major review undertaken by the Office of Local Government. Please refer to the Office of Local Government's Circular at Attachment A to the subject report.

The new Model Code was developed to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed within the pecuniary interest provisions of the Act, the Local Government (General) Regulation 2005 (the Regulation), and the Model Code of Conduct.

The key changes to the new Model Code include: new standards relating to discrimination and harassment, bullying, and Work Health and Safety; new rules governing the acceptance of gifts, which includes a value of no more than \$50 for 'token' gifts; and the inclusion of pecuniary interest requirements from the Act.

The new Model Procedures have been amended to become more robust in supporting the enforcement of the ethical and behavioural standards defined in the Model Code.

Council's existing Code of Conduct and Procedures will remain in force until Council adopts a new code of conduct and procedures.

The City of Sydney Council's new Code of Conduct and new Procedures for the Administration of the Code are in the same form as the Model Code of Conduct for Local Councils in New South Wales and Model Code Procedures issued by the Office of Local Government.

The application of Council's new Code of Conduct and Procedures has been extended to include contractors, community members of wholly advisory committees and volunteers.

Recommendation

It is resolved that:

- (A) Council adopt the City of Sydney Code of Conduct, shown at Attachment B to the subject report;
- (B) Council adopt the City of Sydney Procedures for Administration of the Code of Conduct, shown at Attachment C to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Code of Conduct and the Procedures for the Administration of the Code of Conduct, as required from time to time, subject to all Councillors being informed of any such changes.

Attachments

Attachment A. Office of Local Government Circular 18 December 2018

Attachment B. City of Sydney Code of Conduct

Attachment C. City of Sydney Procedures for Administration of the Code of Conduct

Background

1. Section 440 of the Act requires councils to adopt a code of conduct that incorporates the provisions of the Model Code as issued by the Office of Local Government.
2. A Code of Conduct has been in place at Council since 2005, when the first Model Code came into effect. Council has reviewed and adopted subsequent Model Codes in 2005, 2009, 2013, 2016 and 2017.
3. Section 440AA of the Act requires NSW councils to adopt procedures for the administration of the code that incorporate the provisions of the Model Code Procedures.
4. Procedures for the Administration of the Code of Conduct have been in place at Council since 2013, when this requirement came into existence.
5. On 14 December 2018, a new Model Code and Model Procedures for NSW Councils were prescribed following a major review undertaken by the Office of Local Government.
6. Council must adopt a Code of Conduct and Procedures by 14 June 2019, based on the new Model Code and Procedures issued by the Office of Local Government.
7. Council's existing Code of Conduct and Procedures remain in force until 14 June 2019 unless Council adopts a new code of conduct and procedures earlier.
8. In accordance with the Administrative Arrangements (Administrative Changes – Public Service Agencies) Order 2019 made on 2 April 2019 and commencing on 1 July 2019, the Office of Local Government has been abolished and transferred to the Department of Planning and Industry.
9. Structural changes are taking place within the Office of Local Government and the Department of Planning and Industry, therefore, references in documents will be updated once these changes have been finalised. In the interim, in this report, the Model Code and the Procedures for the Administration of the Code of Conduct:
 - (a) a reference to the Office of Local Government is to be construed as a reference to the Department of Planning and Industry; and
 - (b) a reference to the Chief Executive of the Office of Local Government is to be construed as a reference to the Secretary of the Department of Planning and Industry.

Summary of Changes

10. The main changes to the Model Code and Model Procedures are outlined in the Circular from the Office of Local Government (Attachment A).
11. Key changes to the Model Code include:
 - (a) new standards relating to discrimination, harassment and bullying;
 - (b) the inclusion of new Work Health and Safety requirements in relation to the *Work Health and Safety Act 2011*;
 - (c) new requirements relating to behaviour at council and committee meetings;

- (d) a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them;
 - (e) two separate parts for pecuniary and non-pecuniary conflicts of interests, including more prescriptive information and rules regarding their definition, disclosure, and the management of them;
 - (f) the requirement for a councillor to make a special disclosure where a councillor has a pecuniary interest in a councillor's place of residence, or an interest in another person (including as spouse, partner, relative) in that person's principal place of residence;
 - (g) new rules governing the acceptance of gifts, including a \$50 limit in relation to one or more gifts offered over a 12-month period, noting that the aggregate benefit of one or more gifts from a person or organisation over a 12-month period cannot exceed a value of \$50;
 - (h) authority to consider refusing access to information requested by a councillor if the councillor has disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter, unless the information is otherwise publicly available; and
 - (i) new rules governing Council's record keeping to ensure that it is in line with the requirements of the *State Records Act 1998*.
12. Key changes to the Model Procedures have been made to:
- (a) give the Chief Executive Officer the flexibility to delegate their functions under the Procedure to another member of staff or a person external to Council;
 - (b) make it clear what are not code of conduct complaints; and
 - (c) provide recourse to persons who inappropriately disclose information about code of conduct complaints they have made.
13. Given the release of the new Model Code and new Model Procedures as a result of the revision by the Office of Local Government, it is proposed that Council adopts a new Code of Conduct and new Procedures to replace Council's existing Code of Conduct and Procedures.
14. The following minor amendments / additions have been made to the Model Code and Model Procedures issued by the Office of Local Government in preparation for Council to adopt the new Code of Conduct and new Procedures:
- (a) all references to the mayor have been replaced with the words 'Lord Mayor';
 - (b) all references to the general manager have been replaced with the words 'Chief Executive Officer';
 - (c) the application of Council's new Code of Conduct and Procedures has been extended to include contractors, community members of wholly advisory committees and volunteers;

- (d) clause 7.3 has been added to the proposed new Code of Conduct to ensure that both the Lord Mayor and Councillors are able to continue to direct their respective staff; and
- (e) in the interests of clarity and simplicity, the procedures for dealing with complaints have been summarised in a flowchart at the end of the Procedures for the Administration of the Code.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

15. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with Direction 10 - Implementation through Effective Governance and Partnerships in that:
 - (a) The City of Sydney's Code of Conduct is a foundation policy that sets out the minimum standards of conduct for Councillors, council staff, contractors, community members of wholly advisory committees and volunteers when carrying out their functions as council officials.
 - (b) Councils Procedures for the Administration of the Code of Conduct specify the process that must be followed for all alleged breaches of the Code of Conduct at Council.

Organisational Impact

16. The new Code of Conduct will be communicated to all council officials and training undertaken to ensure that it is understood.
17. The City of Sydney intends to communicate with all suppliers, grant recipients and stakeholders to remind them of the requirements of our Code of Conduct, and specifically not to send gifts.

Social / Cultural / Community

18. The Code of Conduct provides clear guidance to the local community on the minimum ethical and behavioural standards they can expect of City of Sydney council officials who serve them.
19. The Code of Conduct promotes transparency and accountability, promotes community confidence in the integrity of the decisions Council makes and the functions exercised on behalf of their community, and promotes community confidence in the institution of local government.

Relevant Legislation

20. Local Government Act 1993.
21. Local Government (General) Regulation 2005.
22. State Records Act 1998.
23. Work Health and Safety Act 2011.

Critical Dates / Time Frames

24. Council's existing Code of Conduct and Procedures will remain in force until 14 June 2019, or until Council adopts a new code of conduct and procedures, if earlier. If Council does not adopt the new Code of Conduct and Procedures by 14 June 2010, any provisions that are different from but not inconsistent with the mandatory provisions of the Model Code and Model Procedures, will automatically cease to have effect after that date.

ANTHONY LENEHAN

Director Legal and Governance

Daphne Brown, Coordinator Governance

Attachment A

**Office of Local Government
Circular 18 December 2018**

| | |
|-----------------------------|---|
| Circular Details | Circular No 18-44 / 18 December 2018 / A621282 |
| Previous Circular | <i>18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures</i> |
| Who should read this | Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers |
| Contact | Council Governance Team – (02) 4428 4100 / olg@olg.nsw.gov.au |
| Action required | Council to Implement |

Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) have now been prescribed under the *Local Government (General) Regulation 2005*. The new prescribed Model Code of Conduct and Procedures are available on OLG's website.
- Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code of Conduct issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so.

What this will mean for your council

- Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures. The transitional arrangements for the new Model Code of Conduct and Procedures are set out below.
- Councils' complaints coordinators should bring this circular and the attached FAQ to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.
- Councils should review their existing panels of conduct reviewers and determine to appoint a new panel using the expression of interest process prescribed under the Procedures if they have not done so in the past four years. Councils may appoint shared panels with other councils including through a joint organisation or another regional body associated with the councils.

Key points

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures

based on the Model Code of Conduct and Procedures prescribed under the Regulation.

- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the *Local Government Act 1993* (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct that applies to all council officials. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption, instead of a single code of conduct, should councils wish to do so.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that were in force at the time the complaint was made.

Where to go for further information

- Further information is provided in the FAQ attached to this circular.
- The new Model Code of Conduct and Procedures and other associated documents are available on OLG's website at www.olg.nsw.gov.au.
- OLG will be providing further guidance and assistance to councils to support implementation of the new Model Code of Conduct and Procedures during the six month transitional timeframe.
- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Chief Executive

FREQUENTLY ASKED QUESTIONS

What is the purpose of the Model Code of Conduct?

The *Model Code of Conduct for Local Councils in NSW* prescribes the minimum ethical and behavioural standards all council officials in NSW are required to comply with. In doing so it seeks to:

- prescribe uniform minimum ethical and behavioural standards for all councils in NSW
- provide clear guidance to council officials on the minimum ethical and behavioural standards expected of them as council officials
- provide clear guidance to local communities on the minimum ethical and behavioural standards they can expect of the council officials who serve them
- promote transparency and accountability
- promote community confidence in the integrity of the decisions councils make and the functions they exercise on behalf of their local communities, and
- promote community confidence in the institution of local government.

How is the Model Code of Conduct prescribed?

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation).

Under section 440 of the LGA, each council is required to adopt a code of conduct based on the Model Code of Conduct prescribed under the Regulation. Councils may enhance or strengthen the standards prescribed under the Model Code of Conduct in their adopted codes of conduct to make them more onerous. Councils may also supplement the provisions contained in the Model Code of Conduct with additional provisions in their adopted codes of conduct.

However, councils cannot dilute or weaken the standards prescribed in the Model Code of Conduct in their adopted codes of conduct. Provisions contained in a council's adopted code of conduct that are less onerous than those prescribed under the Model Code of Conduct will be invalid and the equivalent provisions of the Model Code of Conduct will override them through the operation of section 440 of the LGA.

How are the Procedures prescribed?

The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* are prescribed under section 440AA of the LGA and the Regulation. Under section 440AA, each council is required to adopt procedures for the administration of their adopted code of conduct based on the Model Procedures prescribed under the LGA and Regulation. Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

Are joint organisations and county councils required to adopt the Model Code of Conduct and Procedures?

Yes.

Who does the Model Code of Conduct apply to?

Section 440 of the LGA specifies the classes of council officials that a Model Code of Conduct prescribed under the Regulation may apply to. Under section 440, a Model Code of Conduct may be prescribed that applies to councillors, members of staff of councils and delegates of councils. For this reason, the Model Code of Conduct prescribed under the Regulation only applies to councillors, council staff and delegates of councils (including members of committees that are delegates of councils). These are all defined as “council officials” for the purposes of the Model Code of Conduct and the Procedures.

Section 440 also allows regulations to be made to apply the provisions of the Model Code of Conduct relating to the disclosure of pecuniary interests to members of a committee of a council (including the Audit, Risk and Improvement Committee) and advisers to councils. A regulation has been made to give effect to this and the new Model Code of Conduct contains provisions prescribing the obligations of committee members and advisers to councils in relation to the disclosure of pecuniary interests.

What is the regulatory scope of the Model Code of Conduct?

The Model Code of Conduct applies to any conduct by a “council official” that is connected with their role as a council official or the exercise of their functions as a council official.

It is the personal responsibility of all council officials to ensure that their conduct complies with the ethical and behavioural standards prescribed under the Model Code of Conduct. This applies to both the exercise by council officials of their functions as a council official and any conduct (including in a private capacity) that is connected with their role as a council official.

Can councils adopt separate codes of conduct for councillors, staff and delegates and committee members?

Yes. Some councils indicated in their feedback on the consultation draft of the Model Code of Conduct, a preference for adopting separate codes of conduct for councillors, staff and delegates and committee members instead of a single code of conduct applying to all council officials.

There is nothing to prevent councils from doing so, provided that the adopted codes of conduct, taken together as a package, reflect all the provisions contained in the prescribed Model Code of Conduct and are consistent with it. To assist councils to do this, OLG has prepared bespoke versions of the Model Code of Conduct for councillors, staff and delegates and committee members for adoption instead of a single code of conduct for councils wishing to do this.

Can a council extend the application of its adopted code of conduct to persons other than councillors, council staff and delegates of council?

Yes. There is nothing under the LGA to prevent a council, when adopting a code of conduct based on the Model Code of Conduct, to extend its application to persons other than councillors, council staff and delegates of council.

In adopting a code of conduct based on the Model Code of Conduct, councils may amend the provisions of the Model Code of Conduct and the associated Procedures to extend their application to contractors, community members of wholly advisory committees and/or volunteers. In doing so, to be effective, councils will also need to

make it a condition of a contractor's engagement or volunteer's or advisory committee member's appointment that they comply with the council's adopted code of conduct.

How many iterations of the Model Code of Conduct and Procedures have there been?

The Model Code of Conduct has been reviewed every four years to address new and emerging issues and to reflect shifting community standards and expectations. The 2018 version of the Model Code of Conduct is the fourth iteration. The first iteration of the Model Code of Conduct was prescribed in January 2005 in support of amendments to the LGA that required the adoption of a code of conduct based on a prescribed Model Code of Conduct. Before this, councils were free to adopt their own codes of conduct with the result that ethical standards varied from council to council.

The 2018 version of the Procedures is the second iteration. The first iteration of the Procedures was prescribed in March 2013 in support of amendments to the LGA that required the adoption of procedures for the administration of council's adopted codes of conduct based on a prescribed Model Procedure.

Why was the new Model Code of Conduct developed?

The new 2018 version of the Model Code of Conduct gives effect to a key reform made by amendments passed by the NSW Parliament to consolidate the prescription of all ethical standards for local government into a single statutory instrument. Previously, ethical standards were prescribed from three sources, the pecuniary interest provisions of the LGA and the Regulation and the Model Code of Conduct.

Consolidating all ethical standards into a single instrument will:

- result in a better understanding of, and compliance, with ethical standards - council officials will no longer need to be familiar with their obligations prescribed from three separate statutory sources, the LGA, the Regulation and the Model Code of Conduct
- allow pecuniary interest breaches by councillors to be treated as "misconduct", meaning that minor breaches can be dealt with by the Chief Executive of OLG as an alternative to referral to the NSW Civil and Administrative Tribunal (NCAT) and suspensions for pecuniary interest breaches will be counted towards disqualification for the purposes of the "three strikes" automatic disqualification
- allow greater flexibility and efficiency in updating the standards to address emerging issues – amendments will now be able to be made by way of a Regulation amendment.

How were the new Model Code of Conduct and Procedures developed?

Moving the pecuniary interest provisions to the Model Code of Conduct necessitated a rewrite of the Model Code of Conduct. As part of this process, it was decided to also undertake a comprehensive review of the existing provisions of the Model Code of Conduct (as part of the regular four-year review cycle) and the Procedures.

In undertaking the review, OLG consulted extensively with councils and other stakeholders. In developing the new Model Code of Conduct and Procedures, there have been two rounds of public consultation:

- in late 2016, submissions were invited suggesting changes and improvements to the existing Model Code of Conduct and Procedures

- based on the feedback received from the first round of consultation, consultation drafts of the proposed new Model Code of Conduct and Procedures were developed and issued for comment.

The final versions of the 2018 Model Code of Conduct and Procedures have been informed by the comment received in response to the consultation drafts.

What changes have been made in the 2018 version of the Model Code of Conduct?

The most obvious change is that the pecuniary interest provisions previously contained in the LGA and Regulation have now been included in the Model Code of Conduct.

One of the recurrent themes of the feedback received in the first round of consultation on the new Model Code of Conduct was that the “principles-based” approach to prescribing ethical and behavioural standards in the previous version of the Model Code of Conduct resulted in some of the prescribed standards being too vague, meaning that the ethical and behavioural standards expected of council officials were unclear and that almost anything could potentially constitute a breach of a council’s code of conduct. In response to this, the Model Code of Conduct has been substantially redrafted to be more prescriptive and to more clearly identify the behaviours that it seeks to deter.

Other key changes include:

- new standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records
- new rules governing the acceptance of gifts including mandatory reporting
- a new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them
- councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

What changes have been made to the previously approved version of the Model Code of Conduct posted on OLG’s website on 5 September 2018?

Provisions governing the use of social media (clause 8.21) in the previously released version of the Model Code issued on 5 September 2018 have been removed. However, it remains open to councils to adopt this provision as a supplementary provision of their code of conduct, should they choose to do so. Should councils require further assistance in relation to this, they may contact OLG’s Council Governance Team.

What changes have been made in the 2018 version of the Procedures?

In response to feedback, changes have been made to the Procedures to address the following issues:

- the role of the general manager in the receipt and initial management of code of conduct complaints about councillors
- the ability of complainants, who are unhappy with decisions of the council, to misuse councils’ codes of conduct by repackaging routine complaints as “code of conduct complaints”

- the lack of recourse against members of the public who inappropriately disclose information about complaints they have made under a council's code of conduct.

These changes are outlined below:

How can councils outsource and centralise the management of complaints about councillors through regional arrangements under the new Procedures?

The new Procedures have sought to address concerns about the role of the general manager in the receipt and initial management of code of conduct complaints about councillors by giving general managers (and mayors in the case of complaints about the general manager) the flexibility to delegate their functions under the Procedures to another member of staff or a person external to the council.

The new Procedures have also been designed to allow councils to centralise the management of code of conduct complaints through a joint organisation, a regional organisation of councils or another shared arrangement should they choose to do so. This could be done, for example, through the establishment of a broader internal ombudsman function in a joint organisation or regional organisation of councils or through another shared arrangement to service member councils.

In particular:

- councils are able to establish and maintain regional panels of conduct reviewers through a joint or regional organisation of councils or another shared arrangement
- a staff member of a joint or regional organisation of councils or another member council can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) be appointed by general managers of member councils as the complaints coordinator for all member councils
- general managers and mayors of member councils can (in consultation with and through the executive officer of the joint organisation or general manager of the employer council) delegate their complaints management functions under the Procedures to a joint organisation or regional organisation of councils or to a staff member of another member council
- councils' internal ombudsman may, with the approval of OLG, be appointed to a panel of conduct reviewers allowing them to exercise the functions of a conduct reviewer, subject to their being able to meet the qualification criteria for conduct reviewers and being able to demonstrate to OLG's satisfaction a requisite degree of independence from member councils.

This offers a number potential benefits:

- centralisation of these functions through a joint organisation, a regional organisation of councils or another shared arrangement has the potential to deliver efficiencies and economies of scale and allows the development of a body of expertise within the region in the management of code of conduct complaints
- it allows general managers and mayors to divest themselves of the sometimes onerous responsibilities associated with code of conduct complaints management, allowing them to focus on their core responsibilities
- it allows all code of conduct complaints about mayors, councillors and general managers to be managed independently of the councils they relate to.

How do the new Procedures address misuse of councils' codes of conduct?

The purpose of a council's code of conduct is to prescribe the ethical and behavioural standards council officials are expected to comply with. The purpose of the Procedures is to support the enforcement of those standards. Consistent with this, councils' codes of conduct should not be used to deal with routine complaints.

The definition of a "code of conduct complaint" under the new Procedures has been tightened up to address the potential for misuse of councils' codes of conduct to re-litigate council decisions a person may disagree with or to re-prosecute complaints that have previously been addressed under councils' routine complaints management processes.

To be a code of conduct complaint, a complaint must show or tend to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct. Complaints that do not meet this definition of a "code of conduct complaint" must not be dealt with under the Procedures and are to be dealt with under councils' routine complaints management processes.

The new Procedures make it clear that the following are not code of conduct complaints:

- complaints about the standard or level of service provided by a council or a council official
- complaints that relate solely to the merits of a decision made by a council or a council official or the exercise of a discretion by a council or a council official
- complaints about the policies or procedures of a council
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

What recourse do the new Procedures provide against persons who inappropriately disclose information about code of complaints they have made?

Allegations of breaches of a council's code of conduct must not be made publicly and information about code of conduct complaints and the consideration of code of conduct complaints is not to be publicly disclosed. This is to ensure the allegations are dealt with appropriately and fairly in accordance with the prescribed Procedures for the management of code of conduct complaints.

While council officials disclosing this information may face disciplinary action, under the previous Procedures there was no recourse against members of the public who did so. Under the new Procedures, where members of the public publicly disclose information about a code of conduct complaint they have made, general managers can determine, with OLG's consent, that the complainant is to receive no further information about their complaint and any future code of conduct complaints they make (subject to the requirements of the *Government Information (Public Access) Act 2009*).

When must councils adopt a new code of conduct and procedures based on the new prescribed Model Code of Conduct and Procedures?

Councils have six months from the date of prescription, (**14 December 2018 – 14 June 2019**) to adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures.

What are the transitional arrangements for the new Model Code of Conduct and Procedures?

The following transitional arrangements apply to the new Model Code of Conduct and Procedures:

- Councils' existing adopted codes of conduct and procedures will remain in force until such time as councils adopt a new code of conduct and procedures based on the Model Code of Conduct and Procedures prescribed under the Regulation.
- If a council fails to adopt a new code of conduct and procedures based on the new Model Code of Conduct and Procedures within six months of their prescription, the provisions of the new Model Code of Conduct and Procedures will automatically override any provisions of a council's adopted code of conduct and procedures that are inconsistent with those contained in the Model Code of Conduct and Procedures through the operation of sections 440(4) and 440AA(4) of the LGA (unless the inconsistent provisions of a council's adopted code of conduct are more onerous than those contained in the Model Code of Conduct).
- In adopting a new code of conduct and procedures, councils may include provisions that are supplementary to those contained in the Model Code of Conduct and Procedures. Councils may also impose more onerous requirements under their adopted codes of conduct than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed under the Model Code of Conduct in their adopted codes of conduct.
- Code of conduct complaints must be assessed against the standards prescribed under the version of the council's code of conduct that was in force at the time the conduct the subject of the complaint is alleged to have occurred.
- Code of conduct complaints must be dealt with in accordance with the version of the council's procedures that was in force at the time the complaint was made.

Where can I get Word© versions of the new Model Code of Conduct and Procedures?

If you require a Word© version of the new Model Code of Conduct or Procedures, please contact OLG's Council Governance Team.

Attachment B

**City of Sydney
Code of Conduct**

Code of Conduct

Resolution of Council: DD MM 2019

Responsibility:
Governance



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PART 1 INTRODUCTION

The *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”) is made under section 440 of the *Local Government Act 1993* (“LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

| | |
|-----------------------------------|--|
| LGA | the <i>Local Government Act 1993</i> |
| administrator | an administrator of a council appointed under the LGA other than an administrator appointed under section 66 |
| Chief Executive Officer | Chief Executive Officer of the Council of the City of Sydney |
| committee | see the definition of “council committee” |
| complaint | a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures. |
| council | includes county councils and joint organisations |
| council committee | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee |
| council official | includes councillors, members of staff of a council, administrators, council committee members, delegates of council, volunteers, contractors and members of wholly advisory committees and, for the purposes of clause 4.16, council advisers |
| councillor | any person elected or appointed to civic office, including the Lord Mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| conduct | includes acts and omissions |
| delegate of council | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated |
| designated person | a person referred to in clause 4.8 |
| election campaign | includes council, state and federal election campaigns |
| environmental planning instrument | has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> |
| joint organisation | a joint organisation established under section 400O of the LGA |
| local planning panel | a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i> |

| | |
|-------------------------------|---|
| Lord Mayor | Lord Mayor of the Council of the City of Sydney |
| members of staff of a council | includes members of staff of county councils and joint organisations |
| the Office | Office of Local Government |
| personal information | information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion |
| the Procedures | the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation |
| the Regulation | the Local Government (General) Regulation 2005 |
| voting representative | a voting representative of the board of a joint organisation |
| wholly advisory committee | a council committee that the council has not delegated any functions to |

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'

- e) exclusion from work-related events
- f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
- g) displaying offensive material
- h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the Chief Executive Officer or such other staff member nominated by the Chief Executive Officer, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective

of the personal views of individual members of the group on the merits of the matter before the council or committee.

- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the Lord Mayor or Deputy Lord Mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
 - a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your “relative” is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) “de facto partner” has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
- (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
- (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
- (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
- (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
- (j) an interest relating to the payment of fees to councillors (including the Lord Mayor and Deputy Lord Mayor)
- (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the Lord Mayor and Deputy Lord Mayor) in accordance with a policy under section 252 of the LGA,
- (l) an interest relating to an election to the office of Lord Mayor arising from the fact that a fee for the following 12 months has been determined for the office of Lord Mayor
- (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
- (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
- (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:

- (a) the Chief Executive Officer
- (b) other senior staff of the council for the purposes of section 332 of the LGA

- (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:

- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the Chief Executive Officer (or if the person is the Chief Executive Officer, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The Chief Executive Officer must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the Chief Executive Officer must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the Chief Executive Officer the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member's manager or the Chief Executive Officer must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

4.20 A councillor:

- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
- (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the Chief Executive Officer a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:

- (a) becoming a councillor or designated person, and
- (b) 30 June of each year, and
- (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

- (a) they made and lodged a return under that clause in the preceding 3 months, or
- (b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The Chief Executive Officer must keep a register of returns required to be made and lodged with the Chief Executive Officer.

4.25 Returns required to be lodged with the Chief Executive Officer under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the Chief Executive Officer under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the Chief Executive Officer in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal

applies to the whole or a significant portion of the council's area,
and

- (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
- (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
- (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the Lord Mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and

business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.

- c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
- d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
- e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
- f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
- b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the Lord Mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the Chief Executive Officer in writing of the employment, work or business and the Chief Executive Officer has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The Chief Executive Officer may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the Chief Executive Officer in writing.

The recipient, manager, or Chief Executive Officer must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:

- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
- b) gifts of alcohol that do not exceed a value of \$50
- c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
- d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the Chief Executive Officer by way of council or committee resolution, or by the Lord Mayor or administrator exercising their functions under section 226 of the LGA
 - b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the Chief Executive Officer
 - d) contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the Lord Mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 The obligation under clauses 7.2(a) and 7.2(b) is subject to the following exceptions:
- a) the Lord Mayor may direct or influence council staff that are employed by council to work in the Office of the Lord Mayor as specified in a relevant position description, and
 - b) a Councillor may direct or influence council staff that are employed by Council to work in the office of the councillor who is giving the direction or influence.
- 7.4 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.5 Under section 335 of the LGA, the role of the Chief Executive Officer includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the Lord Mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.6 Members of staff of council must:
- a) give their attention to the business of the council while on duty
 - b) ensure that their work is carried out ethically, efficiently, economically and effectively
 - c) carry out reasonable and lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

7.7 You must not engage in any of the following inappropriate interactions:

- a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
- c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
- d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
- e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's Chief Executive Officer or, in the case of the Lord Mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 8.1 The Chief Executive Officer is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The Chief Executive Officer and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The Chief Executive Officer must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the Chief Executive Officer or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The Chief Executive Officer or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
- a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council

- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:

- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

- 8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, Lord Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the Chief Executive Officer.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
 - b) to damage another council official's reputation
 - c) to obtain a political advantage
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under the Procedures
 - g) to take reprisal action against a person for making a complaint alleging a breach of this code
 - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
 - i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.
- 9.9 Where you are a councillor or the Chief Executive Officer, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the Chief Executive Officer or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the Chief Executive Officer in accordance with the Procedures.

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or

- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - b) each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the Lord Mayor or Deputy Lord Mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
 - a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
 - a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the Chief Executive Officer after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the Chief Executive Officer and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the Chief Executive Officer, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the Chief Executive Officer and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the Chief Executive Officer in a register of returns. The Chief Executive Officer is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

A. Real Property

| Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June | Nature of interest |
|--|--------------------|
|--|--------------------|

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

| Description of occupation | Name and address of employer or description of office held (if applicable) | Name under which partnership conducted (if applicable) |
|---------------------------|--|--|
|---------------------------|--|--|

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

| Name and address of settlor | Name and address of trustee |
|-----------------------------|-----------------------------|
|-----------------------------|-----------------------------|

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

| Description of each gift I received at any time since 30 June | Name and address of donor |
|---|---------------------------|
|---|---------------------------|

D. Contributions to travel

| Name and address of each person who made any financial or other contribution to any | Dates on which travel was undertaken | Name of States, Territories of the Commonwealth and overseas |
|---|--------------------------------------|--|
|---|--------------------------------------|--|

travel undertaken by me at any time since 30 June

countries in which travel was undertaken

E. Interests and positions in corporations

| Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June | Nature of interest (if any) | Description of position (if any) | Description of principal objects (if any) of corporation (except in case of listed company) |
|---|-----------------------------|----------------------------------|---|
|---|-----------------------------|----------------------------------|---|

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

| Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June | Description of position |
|---|-------------------------|
|---|-------------------------|

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests by [*full name of councillor*]

in the matter of [*insert name of environmental planning instrument*]

which is to be considered at a meeting of the [*name of council or council committee (as the case requires)*]

to be held on the day of 20 .

| | |
|---|---|
| Pecuniary interest | |
| Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land) | |
| Relationship of identified land to the councillor [<i>Tick or cross one box.</i>] | <input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land. |
| Matter giving rise to pecuniary interest ¹ | |
| Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [<i>Tick or cross one box</i>] | <input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land. |
| Current zone/planning control [<i>Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land</i>] | |
| Proposed change of zone/planning control [<i>Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land</i>] | |
| Effect of proposed change of zone/planning control on councillor or associated person [<i>Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"</i>] | |

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting]

Attachment C

**City of Sydney Procedures for
Administration of the Code of Conduct**

Procedures for the Administration of the Code of Conduct

Resolution of Council: DD MM 2019

Responsibility: Governance



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PART 1 INTRODUCTION

These procedures (“the Model Code Procedures”) are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* (“the Model Code of Conduct”).

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* (“the LGA”) and the *Local Government (General) Regulation 2005* (“the Regulation”). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the Lord Mayor) or the Chief Executive Officer.

PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

| | |
|---------------------------|--|
| LGA | the <i>Local Government Act 1993</i> |
| administrator | an administrator of a council appointed under the LGA other than an administrator appointed under section 66 |
| Chief Executive Officer | Chief Executive Officer of the Council of the City of Sydney |
| code of conduct | a code of conduct adopted under section 440 of the LGA |
| code of conduct complaint | a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures |
| complainant | a person who makes a code of conduct complaint |
| complainant councillor | a councillor who makes a code of conduct complaint |

| | |
|-------------------------------|---|
| complaints coordinator | a person appointed by the Chief Executive Officer under these procedures as a complaints coordinator |
| conduct reviewer | a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the Chief Executive Officer |
| council | includes county councils and joint organisations |
| council committee | a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to |
| council committee member | a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee |
| councillor | any person elected or appointed to civic office, including the Lord Mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations |
| council official | any councillor, member of staff of council, administrator, council committee member, delegate of council, volunteer, contractor, member of wholly advisory committee and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser |
| delegate of council | a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated |
| external agency | a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police |
| ICAC | the Independent Commission Against Corruption |
| joint organisation | a joint organisation established under section 400O of the LGA |
| Lord Mayor | Lord Mayor of the Council of the City of Sydney |
| members of staff of a council | includes members of staff of county councils and joint organisations |
| the Office | the Office of Local Government |

| | |
|---------------------------|---|
| investigator | a conduct reviewer |
| the Regulation | the <i>Local Government (General) Regulation 2005</i> |
| respondent | a person whose conduct is the subject of investigation by a conduct reviewer under these procedures |
| wholly advisory committee | a council committee that the council has not delegated any functions to |

PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or

- g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.
- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The Chief Executive Officer must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with

the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

- 3.18 The Chief Executive Officer may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The Chief Executive Officer must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.
- 3.21 The role of the complaints coordinator is to:
 - a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
 - a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the Chief Executive Officer or their delegate, or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the Chief Executive Officer be made?

- 4.6 All code of conduct complaints other than those relating to the Chief Executive Officer are to be made to the Chief Executive Officer in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The Chief Executive Officer or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the Chief Executive Officer becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the Chief Executive Officer be made?

- 4.11 Code of conduct complaints about the Chief Executive Officer are to be made to the Lord Mayor in writing. This clause does not operate to prevent a person from making a complaint about the Chief Executive Officer to an external agency.
- 4.12 Where a code of conduct complaint about the Chief Executive Officer cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the Chief Executive Officer, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The Lord Mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.

- 4.15 Notwithstanding clauses 4.11 and 4.12, where the Lord Mayor becomes aware of a possible breach of the council's code of conduct by the Chief Executive Officer, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by Chief Executive Officers and Lord Mayors of their functions under this Part

- 5.1 A Chief Executive Officer or Lord Mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the Chief Executive Officer or Lord Mayor are also to be taken to be references to their delegates.

Consideration of complaints by Chief Executive Officers and Lord Mayors

- 5.2 In exercising their functions under this Part, Chief Executive Officers and Lord Mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the Chief Executive Officer) to be dealt with?

- 5.4 The Chief Executive Officer is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The Chief Executive Officer must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring

referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

- 5.7 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a member of staff of council, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.
- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The Chief Executive Officer is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The Chief Executive Officer must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the Chief Executive Officer must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.14 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the

complaint and this shall finalise the consideration of the matter under these procedures.

- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
- a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the Chief Executive Officer
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.
- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the Chief Executive Officer or any person making enquiries on behalf of the Chief Executive Officer must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the Chief Executive Officer must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The Chief Executive Officer must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The Chief Executive Officer must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The Chief Executive Officer must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the Chief Executive Officer refers a complaint to the Office under clause 5.20, the Chief Executive Officer must notify the complainant of the referral in writing.

- 5.22 The Chief Executive Officer may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the Chief Executive Officer decides to take no action in relation to a code of conduct complaint about a councillor, the Chief Executive Officer must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the Chief Executive Officer considers it to be practicable and appropriate to do so, the Chief Executive Officer may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.25 Where the Chief Executive Officer resolves a code of conduct complaint under clause 5.24 to the Chief Executive Officer's satisfaction, the Chief Executive Officer must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The Chief Executive Officer must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the Chief Executive Officer to be dealt with?

- 5.27 The Lord Mayor must refer the following code of conduct complaints about the Chief Executive Officer to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the Lord Mayor refers a complaint to the Office under clause 5.27, the Lord Mayor must notify the complainant of the referral in writing.
- 5.29 The Lord Mayor may decide to take no action in relation to a code of conduct complaint about the Chief Executive Officer, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the Lord Mayor decides to take no action in relation to a code of conduct complaint about the Chief Executive Officer, the Lord Mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the

complaint and this shall finalise the consideration of the matter under these procedures.

- 5.31 Where the Lord Mayor considers it to be practicable and appropriate to do so, the Lord Mayor may seek to resolve code of conduct complaints about the Chief Executive Officer, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the Lord Mayor resolves a code of conduct complaint under clause 5.31 to the Lord Mayor's satisfaction, the Lord Mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The Lord Mayor must refer all code of conduct complaints about the Chief Executive Officer, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.

How are complaints about both the Chief Executive Officer and the Lord Mayor to be dealt with?

- 5.34 Where the Chief Executive Officer or Lord Mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the Chief Executive Officer and the Lord Mayor, the Chief Executive Officer or Lord Mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the Chief Executive Officer where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The Chief Executive Officer, Lord Mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The Chief Executive Officer, Lord Mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the Chief Executive Officer, Lord Mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the Chief Executive Officer.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the Chief Executive Officer, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.
- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The Chief Executive Officer or Lord Mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the Chief Executive Officer or Lord Mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the Chief Executive Officer as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the Chief Executive Officer or the

Lord Mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The Chief Executive Officer may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.
- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the Chief Executive Officer, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXECUTIVE OFFICER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the Chief Executive Officer to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the Chief Executive Officer that have not been referred to an external agency or declined or resolved by the Chief Executive Officer, Lord Mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the Chief Executive Officer or the Lord Mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
 - a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
 - a) they have a conflict of interest in relation to the matter referred to them, or
 - b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the Chief Executive Officer by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.
- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- a) to take no action
 - b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - c) to refer the matter back to the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - d) to refer the matter to an external agency
 - e) to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
 - b) that the alleged conduct is sufficiently serious to warrant investigation, and
 - c) that the matter is one that could not or should not be resolved by alternative means.
- 6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
 - b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
 - c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
 - d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.
- 6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the Chief Executive Officer or Lord Mayor for resolution

- 6.26 Where the conduct reviewer determines to refer a matter back to the Chief Executive Officer or to the Lord Mayor to be resolved by alternative and appropriate means, they must write to the Chief Executive Officer or, in the case

of a complaint about the Chief Executive Officer, to the Lord Mayor, recommending the means by which the complaint may be resolved.

- 6.27 The conduct reviewer must consult with the Chief Executive Officer or Lord Mayor prior to referring a matter back to them under clause 6.13(c).
- 6.28 The Chief Executive Officer or Lord Mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.
- 6.29 Where the conduct reviewer refers a matter back to the Chief Executive Officer or Lord Mayor under clause 6.13(c), the Chief Executive Officer or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.
- 6.30 Where the conduct reviewer refers a matter back to the Chief Executive Officer or Lord Mayor under clause 6.13(c), the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, the Lord Mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council

- n) how much time has passed since the alleged conduct occurred
- o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE CHIEF EXECUTIVE OFFICER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an “investigator”) may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the Chief Executive Officer, or, in the case of alleged conduct on the part of the Chief Executive Officer, to the Lord Mayor.
- 7.3 The Chief Executive Officer or the Lord Mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
 - a) disclose the substance of the allegations against the respondent, and
 - b) advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - c) advise of the process to be followed in investigating the matter, and
 - d) advise the respondent of the requirement to maintain confidentiality, and
 - e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - f) provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.

- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the complainant, the complaints coordinator and the Lord Mayor. The notice must:
- a) advise them of the matter the investigator is investigating, and
 - b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.
- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:

- a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- b) refer the matter to the Chief Executive Officer, or, in the case of a complaint about the Chief Executive Officer, to the Lord Mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
- c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the Chief Executive Officer, or in the case of a complaint about the Chief Executive Officer, to the respondent, the complainant, the complaints coordinator and the Lord Mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.
- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct

- d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
- e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
- f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
- g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
- h) in the case of a breach by the Chief Executive Officer, that action be taken under the Chief Executive Officer's contract
- i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- j) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:

- a) that the council revise any of its policies, practices or procedures
- b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the respondent has remedied or rectified their conduct
- d) whether the respondent has expressed contrition
- e) whether there were any mitigating circumstances
- f) the age, physical or mental health or special infirmity of the respondent
- g) whether the breach is technical or trivial only
- h) any previous proven breaches
- i) whether the breach forms part of an ongoing pattern of behaviour
- j) the degree of reckless intention or negligence of the respondent
- k) the extent to which the breach has affected other parties or the council as a whole
- l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
- m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- n) whether an educative approach would be more appropriate than a punitive one
- o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
- p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and

must take any comments by the Office into consideration when finalising their report.

7.40 At a minimum, the investigator's final report must contain the following information:

- a) a description of the allegations against the respondent
- b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
- c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
- d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
- e) a description of any attempts made to resolve the matter by use of alternative means
- f) the steps taken to investigate the matter
- g) the facts of the matter
- h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- i) the investigator's determination and the reasons for that determination
- j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
- b) the investigator's determination and the reasons for that determination
- c) any recommendations, and
- d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Lord Mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive Officer. Where the Chief Executive Officer agrees with the recommendation/s, the Chief Executive Officer is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the Chief Executive Officer or, where the report relates to the Chief Executive Officer's conduct, to the Lord Mayor. The Chief Executive Officer is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The Lord

Mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the Chief Executive Officer's conduct.

- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.
- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - b) seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.

- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - b) that the respondent be counselled for their conduct
 - c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - g) in the case of a breach by the Chief Executive Officer, that action be taken under the Chief Executive Officer's contract for the breach
 - h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - i) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.
- 7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
- 7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The Chief Executive Officer or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The Chief Executive Officer must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The Chief Executive Officer must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.

- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.
- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the Chief Executive Officer or Lord Mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the Chief Executive Officer or the Lord Mayor, and
 - b) the Chief Executive Officer or Lord Mayor must review any action taken by them to implement the sanction, and
 - c) the Chief Executive Officer or Lord Mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
- a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary

- local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
- b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
- a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.
- 10.2 The Office will issue practice directions in writing, by circular to all councils.
- 10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE CHIEF EXECUTIVE OFFICER

- 11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:
- a) the total number of code of conduct complaints made about councillors and the Chief Executive Officer under the code of conduct in the year to September (the reporting period)
 - b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
 - c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
 - d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the Chief Executive Officer during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the Chief Executive Officer or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the Chief Executive Officer or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the Chief Executive Officer or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the Chief Executive Officer or their delegate.

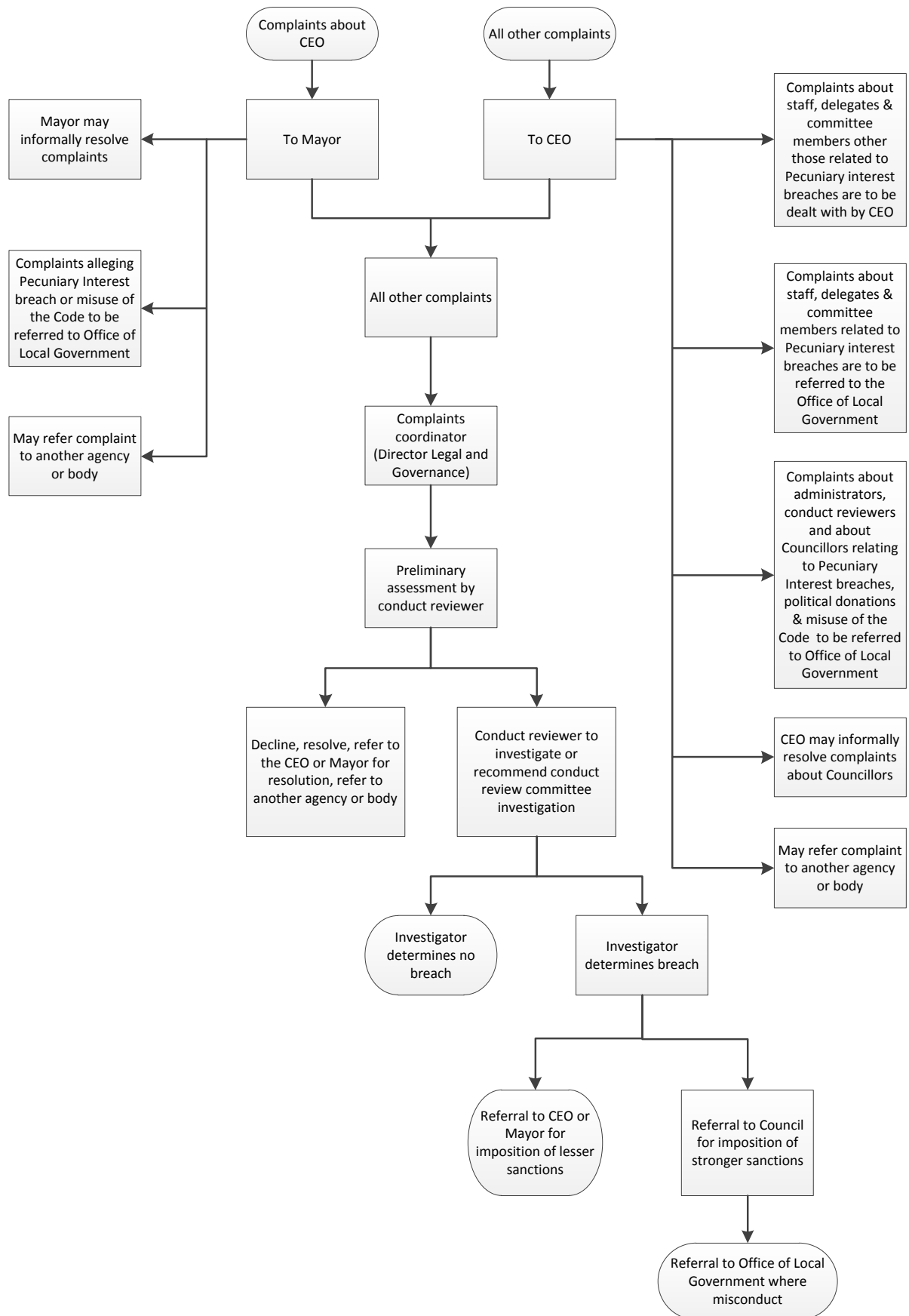
12.5 The Chief Executive Officer or their delegate must give written notice of a determination made under clause 12.2 to:

- a) the complainant
- b) the complaints coordinator
- c) the Office, and
- d) any other person the Chief Executive Officer or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the Chief Executive Officer or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

Model Code Procedure Flowchart



Item 6.

Post Exhibition - Code of Meeting Practice

File No: S051923

Summary

On 14 December 2018, a Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2005.

There are mandatory and non-mandatory provisions contained within the Model Code. Non-mandatory provisions may be varied dependent on local circumstances and according to a council's requirements.

The adopted meeting code may incorporate non-mandatory provisions and any other supplementary provisions adopted by Council. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.

The City of Sydney's existing Code of Meeting Practice will remain in force until Council adopts an updated Code of Meeting Practice.

Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 11 March 2019. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993.

To date, one submission has been received. Council will be notified of any further submissions received during the public submission period.

The proposed City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the model code, along with non-mandatory provisions of the Model Code and supplementary provisions relevant to the City of Sydney.

This report seeks Council approval of the City of Sydney Code of Meeting Practice and the fixing of the order of business of council by resolution.

Recommendation

It is resolved that:

- (A) Council adopt the City of Sydney Code of Meeting Practice as shown at Attachment A to the subject report;
- (B) Council fix the order of business of meetings of council as the following:
 - (i) opening of the meeting;
 - (ii) prayer and acknowledgement of country;
 - (iii) apologies and applications for a leave of absence by councillors;
 - (iv) confirmation of minutes;
 - (v) disclosures of interest;
 - (vi) minutes by the Lord Mayor;
 - (vii) memoranda by the Chief Executive Officer;
 - (viii) matters for tabling;
 - (ix) reports of committees;
 - (x) reports to council;
 - (xi) questions on notice;
 - (xii) supplementary answers to previous questions;
 - (xiii) notices of motion;
 - (xiv) confidential matters; and
 - (xv) conclusion of the meeting; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Code of Meeting Practice, as required from time to time, subject to all Councillors being informed of any such changes.

Attachments

Attachment A. City of Sydney Code of Meeting Practice

Background

1. On 14 December 2018, a Model Code of Meeting Practice was prescribed under the Local Government (General) Regulation 2005.
2. Councils are required to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Model Code prescribed by the Regulation. A council's adopted meeting code must not contain provisions that are inconsistent with the mandatory provisions.
3. A council's adopted meeting code may also incorporate the non-mandatory provisions of the Model Code and any other supplementary provisions adopted by the council.
4. Councils and committees of councils of which all the members are councillors must conduct their meetings in accordance with the Code of Meeting Practice adopted by the council.
5. Council endorsed the public exhibition of the City of Sydney's draft Code of Meeting Practice on 11 March 2019.
6. The draft Code of Meeting Practice was on public exhibition for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993. The Sydney Your Say page was visited 55 times and consultation documents were downloaded 21 times.
7. At the time of writing this report, one submission has been received. Council will be notified of any further submissions received during the public submission period.
8. In accordance with clause 6.1 of the Code, the general order of business is as fixed by a resolution of the council. Fixing the order of business by resolution of the council allows a future council to change the order of business by resolution of the council, without amending the Code.
9. In accordance with the Administrative Arrangements (Administrative Changes – Public Service Agencies) Order 2019 made on 2 April 2019 and commencing on 1 July 2019, the Office of Local Government has been abolished and transferred to the Department of Planning and Industry.
10. Structural changes are taking place within the Office of Local Government and the Department of Planning and Industry, therefore, references in documents will be updated once these changes have been finalised. In the interim, in this report and in the Model Code:
 - (a) a reference to the Office of Local Government is to be construed as a reference to the Department of Planning and Industry; and
 - (b) a reference to the Chief Executive of the Office of Local Government is to be construed as a reference to the Secretary of the Department of Planning and Industry.

Objectives

11. The Code of Meeting Practice has the following objectives, to ensure:
 - (a) all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
 - (b) all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
 - (c) all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
 - (d) all Councillors fully understand their rights and obligations as participants in meetings of Council; and
 - (e) proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

Meeting Principles

12. Council and committee meetings should be:
 - (a) transparent: decisions are made in a way that is open and accountable;
 - (b) informed: decisions are made based on relevant, quality information;
 - (c) inclusive: decisions respect the diverse needs and interests of the local community;
 - (d) principled: decisions are informed by the principles prescribed under Chapter 3 of the Local Government Act 1993;
 - (e) trusted: the community has confidence that Councillors and staff act ethically and make decisions in the interests of the whole community;
 - (f) respectful: Councillors, staff and meeting attendees treat each other with respect;
 - (g) effective: meetings are well organised, effectively run and skilfully chaired; and
 - (h) orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Key Implications

13. The proposed City of Sydney Code of Meeting Practice incorporates the mandatory provisions of the Model Code, along with non-mandatory provisions of the Model Code and supplementary provisions relevant to the City of Sydney.
14. Recommended non-mandatory provisions and supplementary provisions align with the City's current Code of Meeting Practice.

15. The Code (Attachment A) formalises and codifies many of the City's current practices and procedures.
16. The proposed mandatory changes are as follows:
 - (a) responses to questions on notice must now be from the Chief Executive Officer;
 - (b) webcasting is now required, therefore a number of supplementary provisions have been included to provide guidance around the webcasting of Council and committee meetings; and
 - (c) new guidance and provisions around mayoral minutes.
17. The proposed non-mandatory changes are as follows:
 - (a) a supplementary provision has now been included specifying that the reason for a request for an extraordinary meeting of Council must be provided in writing;
 - (b) the Lord Mayor, in consultation with the Chief Executive Officer, may cancel a meeting if a quorum may not be present due to safety or welfare concerns because of a natural disaster;
 - (c) the inclusion of provisions to deal with items by exception; and
 - (d) time limits on Council and committee meetings are now imposed, noting that the Council or committee can by resolution extend the time of the meeting.
18. Non-mandatory provisions suggested by the Office of Local Government in the Model Code not recommended for inclusion are:
 - (a) Pre-meeting briefing sessions: The Model Code allows for pre-meeting briefing sessions to be included. Council resolves to set a schedule of meetings annually, which includes pre-meeting briefing sessions. This current practice informs members of the public of Council briefing sessions and ensures that Councillors are briefed by staff and can seek clarification on matters pertaining to Council business.
 - (b) Public forums: The Model Code also allows for the inclusion of public forums prior to Council meetings for members of the public to address Council on items of business to be considered at the meeting. City of Sydney Committee meetings already provide the opportunity for members of the public to address Council on items of business to be considered at the meeting. In this format, members of the public and councillors are able to interact with and ask questions of staff, request additional information prior to formal determination of items at the council meeting the following week and to clarify recommendations where applicable.
19. The following minor amendments / additions have been made to the Model Code issued by the Office of Local Government:
 - (a) all references to the mayor have been replaced with the words 'Lord Mayor'; and
 - (b) all references to the general manager have been replaced with the words 'Chief Executive Officer'.

20. To date, one submission has been received. The submission is supportive of the Code and suggests a minor amendment. Council will be notified of any further submissions received during the public submission period. Staff will review and advise if any further changes to the Code are recommended following any submissions.
21. The following minor amendment has been made following the submission received. The words 'as amended' will be added to clause 8.21 to clarify that the original motion has been amended. Clause 8.21 will therefore read as follows:
 - 8.21 If the amendment is carried, it becomes the motion, **as amended** and is to be debated. If the amendment is lost, debate is to resume on the original motion.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

22. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships - The Code of Meeting Practice has been designed to promote, as the principle object of meetings, the making of decisions by Council that are in the best interests of the Council and the community as a whole and to ensure all Council meetings are:
 - (i) consistent, orderly and efficient;
 - (ii) fair and respectful for all Councillors and other meeting participants; and
 - (iii) conducted with transparency and clearly defined rights and obligations for Councillors.

Organisational Impact

23. The Code of Meeting Practice has been communicated to all Councillors and relevant City staff and training will be undertaken where required to ensure it is understood.

Budget Implications

24. Implementation of the webcasting requirement will require upgrades to technology (sound, audio visual recording equipment) in the Council Chamber. Management of the webcasting and recordings of Council and committee meetings will require appropriate software licences.
25. There are sufficient funds allocated for this project within the current year's operating budget and allowances will be made in future years' forward estimates.

Relevant Legislation

26. Local Government Act 1993.
27. Local Government (General) Regulation 2005.

Critical Dates / Time Frames

28. 14 December 2018 - Model Code of Meeting Practice prescribed under the Local Government (General) Regulation 2005.
29. April 2019 - infrastructure upgrade of the Council Chamber.
30. 25 March 2019 to 22 April 2019 - Draft Code of Meeting Practice on public exhibition.
31. 6 May 2019 - final day for members of the public to make submissions on the draft Code of Meeting Practice.
32. 13 May 2019 - Council adoption of the City of Sydney Code of Meeting Practice.
33. 14 June 2019 - Model Code of Meeting Practice, issued by the Office of Local Government becomes mandatory.
34. 14 December 2019 - webcasting of Council and committee meetings becomes mandatory.

Options

35. If Council fails to adopt a new Code of Meeting Practice by 14 June 2019, based on the Model Code of Meeting Practice issued by the Office of Local Government, any provisions of the City of Sydney Code of Meeting Practice that are inconsistent with the mandatory provisions of the Model Code of Meeting Practice as prescribed, will automatically cease to have effect.

Public Consultation

36. Following Council endorsement on 11 March 2019, the draft Code was exhibited for a period of 28 days, (25 March 2019 to 22 April 2019) with public submissions sought over a concurrent 42 days (25 March 2019 to 6 May 2019) as required under the Local Government Act 1993.
37. At the time of writing this report, one submission has been received. Council will be notified of any further submissions received during the public submission period.

MONICA BARONE

Chief Executive Officer

Erin Cashman, Acting Council Business Coordinator

Attachment A

**City of Sydney
Code of Meeting Practice**

Code of Meeting Practice

May 2019

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1. Introduction

This Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) is made under section 360 of the Local Government Act 1993 (the Act) and the Local Government (General) Regulation 2005 (the Regulation).

This code applies to all meetings of councils and committees of councils of which all the members are councillors (committees of council). Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Model Meeting Code.

A council's adopted code of meeting practice may also incorporate the non-mandatory provisions of the Model Meeting Code and other supplementary provisions. However, a code of meeting practice adopted by a council must not contain provisions that are inconsistent with the mandatory provisions of this Model Meeting Code.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by the council.

Objectives

This Code of Meeting Practice has the following objectives:

1. to ensure that all meetings of Council and its Committees are conducted in an orderly, consistent and efficient manner;
2. to ensure that all meetings of Council and its Committees are conducted according to the principles of procedural fairness and due process;
3. to ensure that all Councillors have an equal opportunity to participate in the meeting to the fullest extent possible, with respect being accorded to the expression of differing views;
4. to ensure that all Councillors fully understand their rights and obligations as participants in meetings of Council; and
5. to ensure that proceedings are transparent and understandable to all persons participating in and observing meetings of Council and its Committees.

Interpretation

This Code may be cited as the City of Sydney Code of Meeting Practice.

The Code shall be interpreted in a manner which is consistent with the *Local Government Act 1993*, the *Local Government General Regulation 2005* and the Objectives of this Code.

The Code includes relevant references to sections of the *Local Government Act 1993* and Regulations, as well as supplementary provisions adopted by Council.

Any references to the mayor in this Code should be interpreted to apply to the Lord Mayor of the City of Sydney.

Any references to the general manager should be interpreted to apply to the Chief Executive Officer of the City of Sydney.

Guide to references in this Code

The Code consolidates provisions in relevant Acts, Regulations and the City's Supplementary Provisions which are specific meeting provisions for the City of Sydney. References to relevant sections in the *Local Government Act 1993* and regulations are included in the Code.

The Act refers to the *Local Government Act 1993*

2. Meeting Principles

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Revision of the Code

2.2 The Council authorises the Chief Executive Officer to reissue the Code without public exhibition to incorporate any amendments to relevant Acts, Regulations or formal advice from the NSW Office of Local Government.

Note: Clause 2.2 is a Supplementary Provision

3. Before the Meeting

Timing of ordinary council meetings

- 3.1 The council shall, by resolution, set the frequency, time, date and place of its ordinary meetings.

Note: Under section 365 of the Act, councils are required to meet at least 10 times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

- 3.2 In addition to the meeting cycle adopted, Council may resolve to hold additional meetings as considered necessary.
- 3.3 Additional meetings of Council convened by resolution of Council are subject to the three days' notice rule and must also be advertised in accordance with clause 3.4 of this Code of Meeting Practice.
- 3.4 Generally, Council will recess during school holiday periods.
- 3.5 Council meetings will generally commence at 5.00pm, but this commencement time may vary for particular meetings if the Council so resolves or if the Lord Mayor so directs under delegated authority (Council Resolution 14 March 2005).
- 3.6 Council will determine the commencement times for meetings of Committees.
- 3.7 The Lord Mayor has delegated authority to call and schedule meetings of Council and Committees, briefings for Councillors and site inspections by Councillors (Resolution of Council 6 June 2006).

Note: Clauses 3.2 – 3.7 are Supplementary Provisions

Extraordinary meetings

- 3.8 If the Lord Mayor receives a request in writing, signed by at least two councillors, the Lord Mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than 14 days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.8 reflects section 366 of the Act.

- 3.9 Councillors requesting that the Lord Mayor call an extraordinary meeting of council in accordance with clause 3.8, must provide the reason for the request in writing.

Note: Clause 3.9 is a Supplementary Provision

Notice to the public of council meetings

3.10 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.10 reflects section 9(1) of the Act.

3.11 For the purposes of clause 3.10, notice of a meeting of the council and of a committee of council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

3.12 For the purposes of clause 3.10, notice of more than one meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

3.13 The Chief Executive Officer must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.13 reflects section 367(1) of the Act.

3.14 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.14 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

3.15 Notice of less than three days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.15 reflects section 367(2) of the Act.

Days of notice

3.16 The day of issue and the day of the meeting are not to be counted as days of notice (Sec 36 Interpretations Act 1987).

Note: Clause 3.16 is a Supplementary Provision

Giving notice of business to be considered at council meetings

- 3.17 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12noon, four business days before the meeting is to be held.
- 3.18 A councillor may, in writing to the Chief Executive Officer, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.

Questions with notice

- 3.19 A councillor may ask a question for response by the Chief Executive Officer about the performance or operations of the council.
- 3.20 A councillor is not permitted to ask a question with notice under clause 3.19 that comprises a complaint against the Chief Executive Officer or a member of staff of the council, or a question that implies wrongdoing by the Chief Executive Officer or a member of staff of the council.
- 3.21 The Chief Executive Officer or their nominee may respond to a question with notice submitted under clause 3.19 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.
- 3.22 Questions on Notice must be submitted in writing to the Chief Executive Officer or their specified delegate, no later than 12 noon, four business days before the meeting is to be held.
- 3.23 Questions on Notice must directly relate to the business of council and must be put directly, succinctly, respectfully and without argument.
- 3.24 Questions should not contain:
- (a) statements of facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated;
 - (b) argument;
 - (c) inference; or
 - (d) imputation.
- 3.25 Questions should not ask for legal opinion to be provided at the council meeting.

- 3.26 Questions should not refer to confidential matters that have been previously, or are yet to be, discussed by council in closed session, nor refer to confidential matters as listed in section 10A(2) of the Local Government Act 1993.
- 3.27 The Chief Executive Officer or specified delegate may exclude from the agenda any Question on Notice which may have the effect of exposing a councillor, the council, or a member of staff, to an action for defamation.
- 3.28 A councillor may appeal to the Lord Mayor against a decision of the Chief Executive Officer or specified delegate made under clause 3.27. The Lord Mayor will decide in those circumstances if the Question on Notice complies with the Code of Meeting Practice.
- 3.29 The Lord Mayor may rule that a Question on Notice does not comply with the Code of Meeting Practice, notwithstanding a decision made under clause 3.27 - and in such cases the Lord Mayor is to provide a written reason for such a decision.
- 3.30 The council business papers may include Supplementary Answers to Previous Questions, following Questions on Notice.
- 3.31 Should a Question on Notice have any resource implications, financial or otherwise, the Chief Executive Officer will advise council. This advice will be included in the business paper. (*Resolution of Council 26 June 2006*).

Note: Clauses 3.22 – 3.31 are Supplementary Provisions

Notices of motion

- 3.32 The rules applying to the content of Questions also apply to the content of Notices of Motion.
- 3.33 Councillors are to ensure, where it is intended that the Chief Executive Officer be asked to carry out some specific defined action that a Notice of Motion is written in such a way that, if carried, the motion carries such clear and unambiguous direction.

Note: Clauses 3.32 – 3.33 are Supplementary Provisions

Other motions

- 3.34 The rules applying to the content of Questions on Notice and Notices of Motion apply to the content of any other motion or amendment moved at a council or committee meeting.
- 3.35 Councillors are asked, where they propose to move an amendment to a staff recommendation, a committee recommendation, a Notice of Motion or any recommendation printed in the business paper, to provide copies of the proposed amendment to the Chief Executive Officer or their specified delegate at, or prior to the start of the meeting, for circulation to all councillors and relevant staff.
- 3.36 Should a Notice of Motion have any resource implications, financial or otherwise, the Chief Executive Officer will advise council. This advice

will be included in the business paper. (*Resolution of Council 26 June 2006*).

Note: Clauses 3.34 – 3.36 are Supplementary Provisions

Agenda and business papers for ordinary meetings

- 3.37 The Chief Executive Officer must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- 3.38 The Chief Executive Officer must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the Lord Mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.17.
- 3.39 Nothing in clause 3.38 limits the powers of the Lord Mayor to put a mayoral minute to a meeting under clause 7.6.
- 3.40 The Chief Executive Officer must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the Chief Executive Officer, the business is, or the implementation of the business would be, unlawful. The Chief Executive Officer must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.41 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the Chief Executive Officer, is likely to take place when the meeting is closed to the public, the Chief Executive Officer must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.

Note: Clause 3.41 reflects section 9(2A)(a) of the Act.

3.42 The Chief Executive Officer must ensure that the details of any item of business which, in the opinion of the Chief Executive Officer, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Agendas

3.43 The Lord Mayor has the authority to direct the Chief Executive Officer to include items on the agendas for all meetings, subject to the Act and Regulation. Provided that the council has by resolution determined a specific item should be placed on its agenda, the function exercised under this delegation must be exercised in accordance with that resolution. (Resolution of Council of 5 June 2006).

Note: Clause 3.43 is a Supplementary Provision

Matters for tabling – correspondence and petitions

3.44 The business paper may also include any correspondence which, in the opinion of the Chief Executive Officer or Lord Mayor, should be brought to the attention of Council. The Lord Mayor and Councillors may table original petitions, or copies of electronic petitions, at meetings of Council with or without notice. The recommendation accompanying any Matters for Tabling, whether notice has been given or not, is “It is resolved that the matter be received and noted.”

3.45 Notice of Petitions (whether paper petitions or electronic petitions) may be included on Council’s business paper provided that notice is given to the Chief Executive Officer or their specified delegate no later than 12noon, four business days before the meeting at which the petition is to be considered. Notice must include the name of the petition and the statement(s) to which the signatories are agreeing.

3.46 Councillors may debate the subject of the petition if notice has been given.

3.47 Should a Councillor wish Council to consider a motion in relation to a petition, they are able to provide notice of the motion in accordance with the requirements of the Code of Meeting Practice. The motion will then be listed on the Council agenda.

3.48 If notice of the petition has not been given, Council may only receive and note the petition and must not discuss the matter unless a motion is passed in accordance with clause 7.3. A Councillor may request that the petition be placed on the agenda for the next Council meeting to allow for debate.

3.49 Otherwise, once a petition has been received and noted, the Chief Executive Officer must ensure the petition is appropriately considered by the City and in accordance with the Council's Petition Guidelines.

Note – Clauses 3.44 – 3.49 are Supplementary Provisions

Availability of the agenda and business papers to the public

3.50 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.50 reflects section 9(2) and (4) of the Act.

3.51 Clause 3.50 does not apply to the business papers for items of business that the Chief Executive Officer has identified under clause 3.41 as being likely to be considered when the meeting is closed to the public.

Note: Clause 3.51 reflects section 9(2A)(b) of the Act.

3.52 For the purposes of clause 3.50, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.51 reflects section 9(3) of the Act.

3.53 A copy of an agenda, or of an associated business paper made available under clause 3.50, may in addition be given or made available in electronic form.

Note: Clause 3.53 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

3.54 The Chief Executive Officer must ensure the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.

3.55 Despite clause 3.54, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:

- (a) a motion is passed to have the business considered at the meeting, and

(b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

3.56 A motion moved under clause 3.55(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.

3.57 Despite clauses 8.33–8.44, only the mover of a motion moved under clause 3.55(a) can speak to the motion before it is put.

3.58 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.55(b) on whether a matter is of great urgency.

4. Coming Together

Attendance by councillors at meetings

4.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

4.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.

4.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

4.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

4.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

4.6 A councillor's civic office will become vacant if the councillor is absent from three consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 4.6 reflects section 234(1)(d) of the Act.

4.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the Chief Executive Officer at least two days' notice of their intention to attend.

The quorum for a meeting

4.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 4.8 reflects section 368(1) of the Act.

4.9 Clause 4.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 4.9 reflects section 368(2) of the Act.

4.10 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

4.11 In either case, the meeting must be adjourned to a time, date and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the Chief Executive Officer.

4.12 The Chief Executive Officer must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

4.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire), the Lord Mayor may, in consultation with the Chief Executive Officer and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

4.14 Where a meeting is cancelled under clause 4.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.8.

Entitlement of the public to attend council meetings

4.15 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure all meetings of the council and committees of the council are open to the public.

Note: Clause 4.15 reflects section 10(1) of the Act.

4.16 Clause 4.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.

4.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:

- (a) by a resolution of the meeting, or
- (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 4.17 reflects section 10(2) of the Act.

Webcasting of meetings

4.18 All meetings of the council and committees of the council are to be webcast on the council's website.

4.19 The meetings will be audio visually recorded and webcast live.

Note: Clause 4.19 is a Supplementary Provision

4.20 Clause 4.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.

4.21 At the start of each meeting, the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.

4.22 Members of the public attending a council or committee meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for up to 12 months.

- 4.23 By attending a council or committee meeting, whether as a proponent or objector addressing the Council or as an observer or other interested party, members of the public consent to this use of their image, voice and personal information.
- 4.24 Speakers addressing council or committee meetings do not have absolute privilege in respect of opinions expressed or comments made or material presented. The City accepts no responsibility for any defamatory comments in this regard.
- 4.25 Council and committee meetings are public meetings where individuals may make statements or take actions which may be contrary to law. For example, those that are defamatory, discriminatory, breach privacy or physically harm another individual. Statements and actions such as these made in a council or committee meeting by any individual are not protected by privilege and may be the subject of legal proceedings and potential liability.
- 4.26 Council does not accept any liability for statements made or actions taken by individuals during a council or committee meeting that may be contrary to law.
- 4.27 Councillors and council employees are bound by the Code of Conduct and Code of Meeting Practice and are expected to maintain the high standards of conduct and behaviour required by these Codes.
- 4.28 A disclaimer will be published on Council's website, displayed in the public gallery, printed in the meeting agendas and announced by the Chair at the commencement of each meeting, notifying the public that statements made and actions taken during a council or committee meeting are those of the individuals making them, and not those of the council.
- 4.29 Unless set out in a resolution of council, the City of Sydney does not endorse or support the views, opinions, standards, or information that may be expressed by individuals at a council or committee meeting, and which may be contained in a live stream or recording of a council or committee meeting.

Note: Clauses 4.22 – 4.29 are Supplementary Provisions

- 4.30 A recording of each meeting of the council and committee of the council is to be retained on the council's website for 12 months. Recordings of meetings may be disposed of in accordance with the State Records Act 1998.
- 4.31 Recordings of proceedings are not an official record of the meeting, nor do they convey the official minutes of a council or committee meeting or the position of Council. Recordings are not to be used except in accordance with this Code.
- 4.32 Written transcripts of proceedings are not available.
- 4.33 Council or committee meetings may be several hours long. Viewing live or recorded video of Council meetings over the internet can consume large amounts of data. The user is responsible for any charges a service

provider may impose for data usage, particularly over a mobile internet connection.

- 4.34 Access to live streams and recordings of council or committee meetings is provided on the City's website for personal and non-commercial use.
- 4.35 Video, images and audio contained in a live stream or recording must not be altered, reproduced or republished without the permission of the City.
- 4.36 Copyright remains with the City.
- 4.37 There may be situations where, due to technical difficulties beyond the City's control, a live stream or recording of a meeting may not be available. Every reasonable effort will be made to ensure live streams and meeting recordings are made available on the City's website.
- 4.38 The City takes no responsibility for, and accepts no liability, in the event that live streaming of a meeting, a recording of a meeting, or the City's website is unavailable.
- 4.39 Technical issues may include, but are not limited to, the availability of the internet and network or device failure or malfunction.

Note: Clauses 4.31 – 4.39 are Supplementary Provisions

Attendance of the Chief Executive Officer and other staff at meetings

- 4.40 The Chief Executive Officer is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.

Note: Clause 4.40 reflects section 376(1) of the Act.

- 4.41 The Chief Executive Officer is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.

Note: Clause 4.41 reflects section 376(2) of the Act.

- 4.42 The Chief Executive Officer may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the Chief Executive Officer or the terms of employment of the Chief Executive Officer.

Note: Clause 4.42 reflects section 376(3) of the Act.

- 4.43 The attendance of other council staff at a meeting (other than as members of the public) shall be with the approval of the Chief Executive Officer.

5. The Chairperson

The chairperson at meetings

5.1 The Lord Mayor, or at the request of or in the absence of the Lord Mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 5.1 reflects section 369(1) of the Act.

5.2 If the Lord Mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 5.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the Lord Mayor and deputy mayor

5.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

5.4 The election of a chairperson must be conducted:

- (a) by the Chief Executive Officer or, in their absence, an employee of the council designated by the Chief Executive Officer to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the Chief Executive Officer nor a designated employee is present at the meeting, or if there is no Chief Executive Officer or designated employee.

5.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

5.6 For the purposes of clause 5.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

5.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

- 5.8 Any election conducted under clause 5.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

- 5.9 When the chairperson rises or speaks during a meeting of the council:
- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
 - (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

Recognition of chairperson

- 5.10 In addressing council, councillors and other persons addressing the council shall at all times speak through the chairperson.
- 5.11 Councillors and other persons addressing the council shall at all times show appropriate respect and observe the ruling of the chairperson.
- 5.12 A councillor, despite the clauses immediately above, may, through a motion of dissent, challenge a ruling from the chairperson.

Note: Clauses 5.10 – 5.12 are Supplementary Provisions

Mode of address

- 5.13 To facilitate debate, councillors, with the exception of the chairperson, are to stand in their place when speaking at a meeting of council (except when prevented by disability or injury). This procedure does not need to be followed at meetings of committees, or in circumstances where the chairperson rules that standing is not required.
- 5.14 In addressing council, councillors and other persons addressing the council will use the appropriate mode of address to the Lord Mayor, deputy mayor, fellow councillors, employees of council and members of the public in attendance.
- 5.15 Councillors shall refrain from the use of offensive or inappropriate words in reference to any councillors, employees of council and members of the public consistent with the City's Code of Conduct.
- 5.16 Councillors shall not make imputations of improper motives or personal reflections on councillors, employees of council and members of the public, consistent with the City's Code of Conduct.

Note: Clauses 5.13 – 5.16 are Supplementary Provisions

6. Order of Business for Ordinary Council Meetings

- 6.1 At a meeting of the council, the general order of business is as fixed by resolution of the council.
- 6.2 The order of business as fixed under clause 6.1 may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.
- 6.3 Despite clauses 8.33–8.44, only the mover of a motion referred to in clause 6.2 may speak to the motion before it is put.

7. Consideration of Business at Council Meetings

Business that can be dealt with at a council meeting

- 7.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.17, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.13 in the case of an ordinary meeting or clause 3.15 in the case of an extraordinary meeting called in an emergency.
- 7.2 Clause 7.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 7.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 7.3 Despite clause 7.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 7.4 A motion moved under clause 7.3(a) can be moved without notice. Despite clauses 8.33–8.44, only the mover of a motion referred to in clause 7.3(a) can speak to the motion before it is put.
- 7.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 7.3(b).

Mayoral minutes

- 7.6 Subject to clause 7.9, if the Lord Mayor is the chairperson at a meeting of the council, the Lord Mayor may, by minute signed by the Lord Mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 7.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the Lord Mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 7.8 A recommendation made in a mayoral minute put by the Lord Mayor is, so far as it is adopted by the council, a resolution of the council.
- 7.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 7.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation.
- 7.11 If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the recommendation if adopted.

Note: Clause 7.11 is a Supplementary Provision

Staff reports

- 7.12 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 7.13 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 7.14 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 7.15 A question must not be asked at a meeting of the council unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.17 and 3.19.
- 7.16 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 7.17 A councillor may, through the Chief Executive Officer, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the Chief Executive Officer at the direction of the Chief Executive Officer.
- 7.18 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and respond directly to the councillor raising the question, via a CEO Update or by report to the next meeting of the council.
- 7.19 Councillors must put questions directly, succinctly, respectfully and without argument.
- 7.20 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.

8. Rules of Debate

Motions to be seconded

- 8.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.
- 8.2 Debate on a motion or amendment commences once the mover has spoken to the motion or amendment.
- 8.3 If, however, the mover reserves his or her right to speak on the motion or amendment, the motion or amendment must be seconded for debate to proceed.

Note: This provision will enable the mover of a motion to speak to a motion without it being seconded. If the motion is not seconded after the mover has spoken, it will lapse.

Note: Clauses 8.2 and 8.3 are Supplementary Provisions

Notices of motion

- 8.4 A councillor who has submitted a notice of motion under clause 3.17 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 8.5 If a councillor who has submitted a notice of motion under clause 3.17 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 8.6 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
 - (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 8.7 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 8.8 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.

- 8.9 Before ruling out of order a motion or an amendment to a motion under clause 8.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 8.10 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 8.11 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the Chief Executive Officer on the availability of funds for implementing the motion if adopted.

Amendments to motions

- 8.12 An amendment to a motion must be moved and seconded before it can be debated.
- 8.13 The amendment must also be moved before the debate on the motion has been concluded and the right of reply of the mover of the motion has been exercised.
- 8.14 Once an amendment has been moved and seconded, it cannot be withdrawn without the consent of the meeting.

Note: Clauses 8.13 – 8.14 are Supplementary Provisions

- 8.15 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.
- 8.16 An amendment should not be moved that is substantially the same as an earlier rejected amendment on the motion.
- 8.17 An amendment that is in opposition to an amendment already accepted should not be moved or accepted for debate.

Note: Clauses 8.16 – 8.17 are Supplementary Provisions

- 8.18 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.

- 8.19 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one motion and one proposed amendment can be before council at any one time.
- 8.20 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 8.21 If the amendment is carried, it becomes the motion, **as amended** and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 8.22 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 8.23 A councillor may propose a foreshadowed motion in relation to the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 8.24 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 8.25 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.
- 8.26 The chairperson may exercise discretion and recommend to the meeting a change of order for foreshadowed motions or amendments.
- 8.27 Foreshadowed motions or amendments are still subject to the clause 8.1 (to be moved and seconded).

Note: Clauses 8.26 – 8.27 are Supplementary Provisions

Variations to motions

8.28 A councillor may seek to vary a motion by:

- (a) obtaining the unanimous consent of council; or
- (b) proposing an amendment to the motion.

Note: Clause 8.30 is a Supplementary Provision

Variations by consent

8.29 If a councillor, including the seconder to the original motion, proposes a variation to a motion, the chairperson shall ask whether any councillor objects to the variation.

8.30 If there is no objection, the proposed variation is adopted into the motion by consent of the council.

8.31 If there is an objection, the proposed variation must be dealt with as an amendment and seconded and voted on accordingly.

8.32 If the variation is proposed by the seconder to the original motion, but not accepted by councillors, then a new seconder should be sought for the original motion.

Note: The intention of a variation by consent is to enable a change to a motion that is non-contentious, improves clarity or effects a correction. This is also consistent with the common law rule that a seconder to a motion cannot move an amendment but enables a seconder to move a variation.

Note: Clauses 8.29 – 8.32 are Supplementary Provisions

Limitations on the number and duration of speeches

8.33 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.

8.34 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

8.35 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than five minutes at any one time.

8.36 Despite clause 8.35, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

8.37 Nothing in clauses 8.33, 8.34 or 8.35 affects questions being asked, with the leave of the chairperson, relevant to any matter under discussion at a meeting.

Note: Clause 8.37 is a Supplementary Provision

8.38 Despite clause 8.35, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.

8.39 Despite clauses 8.33 and 8.34, a councillor may move that a motion or an amendment be now put:

- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
- (b) if at least two councillors have spoken in favour of the motion or amendment and at least two councillors have spoken against it.

8.40 The chairperson must immediately put to the vote, without debate, a motion moved under clause 8.39. A seconder is not required for such a motion.

8.41 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 8.33.

8.42 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.

8.43 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.

8.44 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.

9. Voting

Voting entitlements of councillors

9.1 Each councillor is entitled to one vote.

Note: Clause 9.1 reflects section 370(1) of the Act.

9.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 9.2 reflects section 370(2) of the Act.

9.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

9.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

9.5 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

9.6 All voting at council meetings, (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

Voting on planning decisions

9.7 The Chief Executive Officer must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

9.8 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.

9.9 Clauses 9.7 and 9.8 apply also to meetings that are closed to the public.



Note: Clauses 9.7 to 9.9 reflect section 375A of the Act.

Note: The requirements of clause 9.7 may be satisfied by maintaining a register of the minutes of each planning decision.

10. Committee of the Whole

10.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 10.1 reflects section 373 of the Act.

10.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 8.33–8.44 limit the number and duration of speeches.

10.3 The Chief Executive Officer or, in the absence of the Chief Executive Officer, an employee of the council designated by the Chief Executive Officer, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

10.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

11. Dealing with Items by Exception

- 11.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 11.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 11.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 11.3 The council or committee must not resolve to adopt any item of business under clause 11.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 11.4 Where the consideration of multiple items of business together under clause 11.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 6.2.
- 11.5 A motion to adopt multiple items of business together under clause 11.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 11.6 Items of business adopted under clause 11.1 are to be taken to have been adopted unanimously.
- 11.7 Councillors must ensure they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 11.1 in accordance with the requirements of the council's code of conduct.

12. Closure of Council Meetings to the Public

Grounds on which meetings can be closed to the public

12.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
- (e) prejudice the commercial position of the person who supplied it, or
- (f) confer a commercial advantage on a competitor of the council, or
- (g) reveal a trade secret,
- (h) information that would, if disclosed, prejudice the maintenance of law,
- (i) matters affecting the security of the council, councillors, council staff or council property,
- (j) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (k) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (l) alleged contraventions of the council's code of conduct.

Note: Clause 12.1 reflects section 10A(1) and (2) of the Act.

12.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 12.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

12.3 A meeting is not to remain closed during the discussion of anything referred to in clause 12.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 12.3 reflects section 10B(1) of the Act.

12.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 12.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.

Note: Clause 12.4 reflects section 10B(2) of the Act.

12.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 12.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 12.1.

Note: Clause 12.5 reflects section 10B(3) of the Act.

12.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 12.6 reflects section 10B(4) of the Act.

12.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 12.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

12.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.41 as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 12.1, and
- (b) the council or committee, after considering any representations made under clause 12.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 12.8 reflects section 10C of the Act.

Representations by members of the public

12.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 12.9 reflects section 10A(4) of the Act.

12.10 A representation under clause 12.9 is to be made after the motion to close the part of the meeting is moved and seconded.

12.11 Where the matter has been identified in the agenda of the meeting under clause 3.41 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 12.9, members of the public must first make an application to the council in the approved form. Applications must be received four hours before the meeting at which the matter is to be considered.

- 12.12 The Chief Executive Officer (or their delegate) may refuse an application made under clause 12.11. The Chief Executive Officer or their delegate must give reasons in writing for a decision to refuse an application.
- 12.13 No more than three speakers are to be permitted to make representations under clause 12.9.
- 12.14 If more than the permitted number of speakers apply to make representations under clause 12.9, the Chief Executive Officer or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 12.9, the Chief Executive Officer or their delegate is to determine who will make representations to the council.
- 12.15 The Chief Executive Officer (or their delegate) is to determine the order of speakers.
- 12.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.19 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 12.9 after the motion to close the part of the meeting is moved and seconded. The chairperson is to permit no more than three speakers to make representations in such order as determined by the chairperson.
- 12.17 Each speaker will be allowed three minutes to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 12.18 Apart from the circumstances referred to in the clauses above, and in view of the opportunity provided to members of the public to address meetings of committees, no provision is made for members of the public to address meetings of council.

Note: Clause 12.18 is a Supplementary Provision

Expulsion of non-councillors from meetings closed to the public

12.19 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.

12.20 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.

Information to be disclosed in resolutions closing meetings to the public

12.21 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:

- (a) the relevant provision of section 10A(2) of the Act,
- (b) the matter that is to be discussed during the closed part of the meeting,
- (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 12.21 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

12.22 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.

12.23 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 12.22 during a part of the meeting that is webcast.

13. Keeping Order at Meetings

Observe the Code of Conduct and Code of Meeting Practice

- 13.1 Councillors, employees of council and other persons at the meeting are required to observe the Code of Meeting Practice at all meetings of council.
- 13.2 Failure on the part of a councillor or an employee to observe the Code of Meeting Practice may be subject to a complaint under the Code of Conduct.
- 13.3 The chairperson of the meeting, a councillor, employee or any other person in attendance may report in writing to the Chief Executive Officer a complaint alleging a breach of the Code of Meeting Practice to the councillor.

Note: Clauses 13.1 – 13.3 are Supplementary Provisions

General procedural motions

- 13.4 A procedural motion is a motion that refers to the conduct of a meeting.
- 13.5 Procedural motions are not subject to the notice of motion requirements in clause 3.17.
- 13.6 In general, a procedural motion requires a seconder, unless stated to the contrary in the Code of Meeting Practice.
- 13.7 Unless stated to the contrary in this Code of Meeting Practice, there is no debate on a procedural motion.
- 13.8 A procedural motion has precedence over substantive motions and must be put to the meeting for a decision.

Note: Clauses 13.4 – 13.8 are Supplementary Provisions

Points of order

- 13.9 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 13.10 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 13.11 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

- 13.12 The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- 13.13 A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- 13.14 The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- 13.15 The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

Motions of dissent

- 13.16 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 13.17 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 13.18 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
- 13.19 A motion of dissent does not require a seconder.

Note: Clause 13.19 is a Supplementary Provision

Acts of disorder

- 13.20 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
- (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the

jurisdiction of the council or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or

- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
- (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

13.21 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 13.20(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 13.20(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 13.20(d) and (e).

How disorder at a meeting may be dealt with

13.22 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Warning to councillors

13.23 If the chairperson of the meeting is of the view that the ongoing behaviour of a councillor is disruptive to the good order of the meeting, the chairperson:

- (a) shall warn the councillor they could face a motion to authorise removal from the meeting if they continue to breach the Code of Meeting Practice, and
- (b) if a further breach occurs, seek the views of the meeting as to the removal of the councillor.

Note: Clause 3.23 is a Supplementary Provision

Expulsion from meetings

- 13.24 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.
- 13.25 Clause 13.24 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting under section 10(2)(a) of the Act.
- 13.26 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 13.21. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.
- 13.27 A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for engaging in or having engaged in disorderly conduct at the meeting.
- 13.28 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.
- 13.29 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.

Use of mobile phones and the unauthorised recording of meetings

- 13.30 Councillors, council staff and members of the public must ensure mobile phones are turned to silent during meetings of the council and committees of the council.
- 13.31 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 13.32 Any person who contravenes or attempts to contravene clause 13.31, may be expelled from the meeting as provided for under section 10(2) of the Act.

13.33 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.

13.34 Clause 13.31, as it applies to an audio recorder, video camera, mobile phone or any other device, also applies to photography at council or committee meetings.

Note: Clause 13.34 is a Supplementary Provision

14. Conflicts of Interest

14.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council and committees of the council in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

Disclosure of pecuniary interests

14.2 A councillor who has a pecuniary interest in a matter being considered at a council or committee meeting must disclose the existence of the interest and also the nature of that interest. Councillors are to make such a disclosure in writing and provide the written disclosure to the Chief Executive Officer prior to or at the commencement of the meeting.

14.3 Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the Chair.

14.4 If a councillor becomes aware of an interest during a meeting, as soon as the councillor becomes aware of the interest the councillor must:

- (a) disclose the interest verbally at the council or committee meeting; and
- (b) submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.

14.5 A councillor, having disclosed a pecuniary interest, must not be present at the meeting when the matter is being considered, discussed or voted on.

14.6 A councillor with a pecuniary interest in a matter is not counted for the purposes of quorum on that matter.

14.7 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.

Note: Clauses 14.2 – 14.7 are Supplementary Provisions

Disclosure of non-pecuniary interests

- 14.8 A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned, and who will be or is present at a meeting of the council or committee at which the matter is being considered, must consider disclosing the non-pecuniary interest, in accordance with the council's code of conduct, in writing to the Chief Executive Officer prior to or at the commencement of each committee or council meeting.
- 14.9 Councillors are also to verbally declare any pecuniary interest at the commencement of each meeting when disclosures are sought from the Chair.
- 14.10 If a non-pecuniary interest becomes apparent to a councillor during a meeting, as soon as the councillor becomes aware of the interest the councillor must:
- (a) disclose the interest verbally at the council or committee meeting; and
 - (b) submit the interest in writing to the Chief Executive Officer during or as soon as possible after the council or committee meeting.
- 14.11 A disclosure in accordance with clause 14.8 or 14.10 must indicate the nature of the non-pecuniary interest.
- 14.12 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes.
- 14.13 Written disclosures of interest will be tabled at the relevant meeting, or, if disclosed during the meeting, at the next meeting of the Council.
- 14.14 In accordance with the council's code of conduct, councillors should note that matters before council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Note: Clauses 14.8 – 14.14 are Supplementary Provisions

Disclosures in the business paper

- 14.15 The business paper for a council meeting will include a reference to any disclosure of interests of councillors and designated persons which are to be tabled at the meeting.

Note: Clause 14.15 is a Supplementary Provision

15. Decisions of the Council

Council decisions

15.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 15.1 reflects section 371 of the Act.

15.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

15.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 15.3 reflects section 372(1) of the Act.

15.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 15.4 reflects section 372(2) of the Act.

15.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 15.5 reflects section 372(3) of the Act.

15.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three councillors if less than three months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 15.6 reflects section 372(4) of the Act.

15.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 15.7 reflects section 372(5) of the Act.

15.8 The provisions of clauses 15.5–15.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 15.8 reflects section 372(7) of the Act.

15.9 A notice of motion submitted in accordance with clause 15.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

15.10 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 15.10 reflects section 372(6) of the Act.

15.11 Subject to clause 15.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

15.12 A motion moved under clause 15.11(b) can be moved without notice. Despite clauses 8.33–8.44, only the mover of a motion referred to in clause 15.11(b) can speak to the motion before it is put.

15.13 A motion of dissent cannot be moved against a ruling by the chairperson under clause 15.11(c).

15.14 If in the circumstances the Chief Executive Officer or specified delegate receives a notice of motion in accordance with clause 15.3, the Chief Executive Officer or specified delegate must ensure action to carry the resolution into effect, if not yet commenced, is not commenced; and, if already commenced, is ceased and no further action taken until the rescission motion is dealt with.

15.15 If notice of intention to lodge a notice of motion to alter or rescind a resolution has been given by a councillor at a council meeting and a notice of motion has not been lodged with the Chief Executive Officer or specified delegate in accordance with clause 15.3, action to carry the resolution into effect will commence.

15.16 The draft motion that is proposed to be moved, should the rescission motion be carried, must be lodged in accordance with the Notice of Motion of this Code, if such proposed motion has not already been stated in the rescission motion.

Note: Clauses 15.14 – 15.16 are Supplementary Provisions

Recommitting resolutions to correct an error

15.17 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

15.18 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 15.17(a), the councillor is to propose alternative wording for the resolution.

15.19 The chairperson must not grant leave to recommit a resolution for the purposes of clause 15.17(a), unless they are satisfied the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

15.20 A motion moved under clause 15.17 can be moved without notice. Despite clauses 8.33–8.44, only the mover of a motion referred to in clause 15.17 can speak to the motion before it is put.

15.21 A motion of dissent cannot be moved against a ruling by the chairperson under clause 15.17.

15.22 A motion moved under clause 15.17 with the leave of the chairperson cannot be voted on unless or until it has been seconded.

16. Time Limits on Council Meetings

- 16.1 Meetings of the council and committees of the council are to conclude no later than 10.00pm.
- 16.2 If the business of the meeting is unfinished at 9.45pm, the council or the committee may, by resolution, extend the time of the meeting.
- 16.3 If the business of the meeting is unfinished at 10.00pm, and the council does not resolve to extend the meeting, the chairperson must either:
- (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 16.4 Clause 16.3 does not limit the ability of the council or a committee of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 16.5 Where a meeting is adjourned under clause 16.3 or 16.4, the Chief Executive Officer must:
- (a) individually notify each councillor of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the Chief Executive Officer is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.

Motion to adjourn meeting

- 16.6 A councillor may move the procedural motion "that the meeting be adjourned".
- 16.7 The motion before being put to the vote must be seconded by a councillor.
- 16.8 The mover of the motion may address the meeting on the motion.
- 16.9 No further debate on the motion is permitted.

Note: Clauses 16.6 – 16.9 are Supplementary Provisions

Amendment to adjourn meeting motion

- 16.10 Amendments to the motion are permitted, but only to the extent that they relate to the timing and place of reconvening the meeting.
- 16.11 Amendments to the motion to adjourn a meeting are to be moved and seconded.
- 16.12 The mover of the amendment may address the meeting as to the content of the proposed amendment.
- 16.13 Any address to the motion of adjournment or amendment is limited to three minutes.

Note: Clauses 16.10 – 16.13 are Supplementary Provisions

Re-convening an adjourned meeting

- 16.14 The Notice of Meeting provisions do not apply to a re-convened meeting.
- 16.15 A re-convened meeting will commence in accordance with any motion or amendment and will continue as if there had been no break in the proceedings of the meeting.
- 16.16 To the extent that it is practical, public notice of the re-convened meeting is to be given.
- 16.17 In the circumstances of an adjourned meeting for which there was no specified time and place for the meeting to be re-convened, council will deal with any unfinished business for which notice was given at the next ordinary meeting of council.

Note: Clauses 16.14 – 16.17 are Supplementary Provisions

17. After the Meeting

Minutes of meetings

17.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 17.1 reflects section 375(1) of the Act.

17.2 At a minimum, the Chief Executive Officer must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

17.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 17.3 reflects section 375(2) of the Act.

17.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

17.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 17.5 reflects section 375(2) of the Act.

17.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

17.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

17.8 Minutes of council meetings are to be made accessible via the City of Sydney website to councillors and the public as soon as practicable following council meetings (generally within three business days).

Note: Clause 17.8 is a Supplementary Provision

Access to correspondence and reports laid on the table at, or submitted to, a meeting

17.9 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 17.9 reflects section 11(1) of the Act.

17.10 Clause 17.9 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 17.10 reflects section 11(2) of the Act.

17.11 Clause 17.9 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 17.11 reflects section 11(3) of the Act.

17.12 Correspondence or reports to which clauses 17.10 and 17.11 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

17.13 The Chief Executive Officer is to implement, without undue delay, lawful decisions of the council.

Note: Clause 17.13 reflects section 335(b) of the Act.

18. Council Committees

Application of this Part

18.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

18.2 The council may, by resolution, establish such committees as it considers necessary.

18.3 A committee of the council is to consist of the Lord Mayor and such other councillors as are elected by the councillors or appointed by the council.

18.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

18.5 All councillors are members of each committee of the council (Resolution of Council 11 December 2006).

Note: Clause 18.5 is a Supplementary Provision

Functions of committees

18.6 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

18.7 All committees and sub-committees shall be advisory to council and have no independent role, except where specific authorities are delegated to them by council (Policies and Procedures of Committees; Resolution of Council 11 December 2006).

18.8 The number, functions, policies, procedures, delegations, membership, quorums and chairpersons of committees of council shall be as determined by council from time to time.

18.9 Meetings of council committees are to be conducted in accordance with this Code of Meeting Practice.

Note: Clauses 18.7 – 18.9 are Supplementary Provisions

Notice of committee meetings

18.10 The Chief Executive Officer must send to each councillor, regardless of whether they are a committee member, at least three days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

18.11 Notice of less than three days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

18.12 A committee member (other than the Lord Mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

18.13 Clause 18.12 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

18.14 A councillor who is not a member of a committee of the council is entitled to attend, and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

18.15 The chairperson of each committee of the council must be:

- (a) the Lord Mayor, or

- (b) if the Lord Mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

18.16 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

18.17 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

18.18 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Addressing committees

18.19 Members of the public may address meetings of committees on items that are on the committee agendas, subject to the approval of the relevant committee.

18.20 The committee chairperson may ask members of the public to restrict their addresses to no more than three minutes.

18.21 The committee chairperson may suggest that, if a satisfactory resolution to the matter on the agenda is being considered, there may be no need for members of the public to address the committee.

18.22 Committees, and council staff on behalf of committees, may invite applicants, consultants, Government authorities and other groups or individuals to provide a presentation to a committee on a matter that is on the committee agenda. Time limits for such presentations may be set by the committee.

18.23 Speakers are asked to register to speak before noon on the day of the committee meeting.

18.24 Speakers are requested to declare membership of organisations or other interests relevant to consideration of the item that they wish to speak to.

18.25 If there are a large number of people interested in the same item, it is suggested a maximum of three representatives be nominated to speak on behalf of a group and indicate how many people they are representing.

Note: Clauses 18.19 – 18.25 are Supplementary Provisions

Procedure in committee meetings

- 18.26 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.
- 18.27 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 18.26.
- 18.28 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

- 18.29 The provisions of the Act and Part 12 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.
- 18.30 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or recommendation must also be recorded in the publicly available minutes of the meeting.
- 18.31 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 18.30 during a part of the meeting that is webcast.

Disorder in committee meetings

- 18.32 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 18.33 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must

ensure that the following matters are recorded in the committee's minutes:

- (a) details of each motion moved at a meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

18.34 All voting at meetings of committees of the council (including meetings that are closed to the public), must be recorded in the minutes of meetings with the names of councillors who voted for and against each motion or amendment, (including the use of the casting vote), being recorded.

18.35 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee or council.

18.36 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

18.37 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.

18.38 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

18.39 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.

19. Irregularities

19.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 19.1 reflects section 374 of the Act.

20. Definitions

| | |
|--------------------------|---|
| the Act | means the Local Government Act 1993 |
| act of disorder | means an act of disorder as defined in clause 13.20 of this code |
| amendment | in relation to an original motion, means a motion moving an amendment to that motion |
| audio recorder | any device capable of recording speech |
| business day | means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales |
| chairperson | in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 5.1 and 5.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 18.15 of this code |
| this code | means the council’s adopted code of meeting practice |
| committee of the council | means a committee established by the council in accordance with clause 18.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 10.1 |
| council official | has the same meaning it has in the Model Code of Conduct for Local Councils in NSW |
| day | means calendar day |
| division | means a request by two councillors under clause 9.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion |

| | |
|-------------------------------|---|
| foreshadowed amendment | means a proposed amendment foreshadowed by a councillor under clause 8.24 of this code during debate on the first amendment |
| foreshadowed motion | means a motion foreshadowed by a councillor under clause 8.23 of this code during debate on an original motion |
| open voting | means voting on the voices or by a show of hands or by a visible electronic voting system or similar means |
| planning decision | means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979 including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act |
| performance improvement order | means an order issued under section 438A of the Act |
| quorum | means the minimum number of councillors or committee members necessary to conduct a meeting |
| the Regulation | means the Local Government (General) Regulation 2005 |
| webcast | a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time |
| year | means the period beginning 1 July and ending the following 30 June |

Item 7.**Policy - Adoption - Corporate Sponsorship Policy****File No: X023684****Summary**

Corporate sponsorship at the City enhances, extends and reduces the cost of current activities or programs produced by the City. It builds relationships with the business sector by providing benefits to a private sector company, corporation or government agency in exchange for money, goods or services to support its activities. Corporate sponsorship aligns with many Sustainable Sydney 2030 objectives through building business partnerships, creating a cultural and creative city, building a lively and engaging city centre and ensuring Sydney is a globally competitive and innovative city.

The Corporate Sponsorship Policy (the Policy) was adopted by Council on 8 December 2014. The Policy applies to all sponsorships received either as cash or value in-kind by the City. It does not apply to the grants and sponsorships given by the City, which are covered by the Grants and Sponsorship Policy.

The Corporate Sponsorship Policy must be regularly reviewed and adopted by Council.

The proposed Policy (Attachment A) is consistent with the previous Policy. The proposed changes are minimal and simplify the Policy.

Recommendation

It is resolved that Council adopt the Corporate Sponsorship Policy with amendments as shown at Attachment A to the subject report.

Attachments**Attachment A.** Corporate Sponsorship Policy

Background

1. The City procures incoming sponsorships in accordance with the City's Corporate Sponsorship Policy, which was adopted by Council on 8 December 2014.
2. Incoming sponsorship can be provided as cash or value in-kind, where the sponsor provides a product or service.
3. The length of a sponsorship can vary from alignment to one single event or program, to a partnership over multiple years. The value of a sponsorship can also vary.
4. Through sponsorship, the City can enhance, extend or reduce the cost of current activities or programs. It can do this by providing a benefit to a private sector company, corporation or government agency in exchange for money, goods or services to support its activities. For example, a government entity could provide, as value in kind, land or space for an event or program to activate the space. Alternatively, a private organisation could provide cash in return for alignment of product to the event or program's audience.
5. The benefits to a sponsor range from promotion of the sponsor as a supporter of the City program, through to activation in the public domain aligned to the City program. The benefits are tailored to the sponsor's objectives for the partnership.
6. The proposed amendments to the Policy are minimal and aim to simplify the Policy. The changes include: the addition of exhibitions and programs to the list of suitable activities for sponsorship, and clarification that the City is able to use the cash received from the sponsor at its discretion.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

7. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - A Globally Competitive and Innovative City - through sponsorships like the Sydney New Year's Eve partnership with the Australian Broadcasting Corporation, the City is able to showcase Sydney and the fireworks to the world.
 - (b) Direction 5 - A Lively and Engaging City Centre - through sponsorships across Sydney New Year's Eve, Sydney Christmas and Sydney Lunar Festival we work with partners to activate the City in alignment with each event.
 - (c) Direction 7 - A Cultural and Creative City - through sponsorships across Sydney New Year's Eve, Sydney Christmas and Sydney Lunar Festival we work with partners to activate the City in alignment with each event.
 - (d) Direction 10 - Implementation through Effective Governance and Partnerships - the cash and value in-kind received is used to enhance, extend and reduce the cost of current activities or programs produced by the City.

Social / Cultural / Community

8. The key benefit for the community is to ensure City events and programs are enhanced and can deliver enriched experiences for the public.

Relevant Legislation

9. Local Government Act 1993.

ANN HOBAN

Director, City Life

Chelsea Dunsire, Manager Corporate Partnerships

Attachment A

Corporate Sponsorship Policy

Corporate Sponsorship Policy

~~2014~~2019

1.0 Introduction

1.1 Purpose

This Policy outlines the City's approach to dealing with sponsorship and details the types of sponsorship arrangements the City will undertake. This Policy may be read in conjunction with the City's Corporate Sponsorship Procedure 2014 which details the process that supports the implementation of this Policy.

The City has a range of responsibilities to deliver programs and services under a wide range of legislation. It also produces events which contribute to the vibrant cultural life of Sydney and are generally free to the public. By seeking and receiving sponsorship, the City provides additional resources with which to support specific activities or programs. In addition, the success and public exposure of an activity can be enhanced by sponsorship providing better visitor experiences.

Through sponsorship, the City can enhance, extend or reduce the cost of current activities or programs or develop new ones. This is in line with Sustainable Sydney 2030 Strategic Direction objective 10.5.1 which expresses the City's intention to "expand revenue from commercial operations, property portfolio and other income generating assets". The City can do this by providing benefits to private sector companies or other government agencies in exchange for money, goods or services to support their activities. In some cases, a sponsor can participate in City events by producing their own associated event.

1.2 Preface

The City has the opportunity to develop world class sponsorships with organisations encouraging and fostering innovation and creativity. During the community consultation for Sustainable Sydney 2030, residents of the City expressed their wish for a city that is vibrant and active. Through the development of sponsorships with a variety of organisations, the City can better implement the Sustainable Sydney 2030 Plan.

1.3 Scope

This Policy applies to all incoming sponsorships received by the City. It does not apply to outgoing grants and sponsorships given by the City which are covered by the City's Grants and Sponsorships Policy.

This Corporate Sponsorship Policy outlines:

- what sponsorships the City will and will not undertake;
- the responsibilities of all parties involved in a sponsorship arrangement in order to ensure there is neither conflict of interest nor negative impact on the City's reputation or probity;

- the process for attracting sponsors; and
- the sponsorship approval process.

1.4 Definitions

| Term | Meaning |
|--------------------|--|
| Sponsorship Assets | The activity (eg. event, program or service) for which sponsorship is being sought. |
| Sponsorship | <p>A commercial arrangement in which a sponsor provides a cash or in-kind contribution to support an activity in return for certain specified benefits. Sponsorship can be provided by the corporate sector or private individuals in support of City sponsorship assets.</p> <p>Sponsorship does not include:</p> <ul style="list-style-type: none"> • the selling of advertising space; • joint ventures; • consultancies; and • unconditional gifts, donations, bequests or endowments. |

2.0 Policy

2.1 Criteria for attracting sponsors

Any sponsorship arrangement that is offered or sought by the City must:

- benefit the City and its residents, workers and visitors;
- not create an actual or perceived conflict of interest; and
- not fetter or interfere with the City's compliance with and exercise of its legislative obligations under the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and the City's planning instruments, the Roads Act 1993 or any other legislation.

2.2 Suitable activities for sponsorship

The general types of events/activities that the City may consider suitable as Sponsorship Assets include activities or events such as:

- public and ticketed events;
- training;
- scholarships;
- awards;
- education;
- industry research;
- publications;
- **exhibitions; and**
- **programs; and**
- conferences i.e. business forums

2.3 Benefits for sponsors

The primary benefit for Sponsors is a competitively-priced strategy for reaching a target audience or to meet corporate social responsibility goals.

Entitlements include, but are not limited to:

- (a) licence to use the City's intellectual property for the event such as logos, content and imagery;
- (b) branding on event marketing communications including print, press, direct marketing, posters and other collateral;
- (c) exposure at events through signage, access to floor space for activation and integration into the official event programme;
- (d) online promotion including banners, splashes and sponsored segments; and
- (e) the ability to develop co-branded marketing initiatives.

Entitlements are determined by collaboration and agreement between the City and the Sponsor, and are restricted by legislation and public policy.

2.4 Sponsorships not permitted under this Policy

- (a) The City will not undertake sponsorships that:
 - (i) require or imply the City's endorsement of commercial products, services, companies, political parties or individuals;
 - (ii) limit the City's ability to carry out its legislative functions fully and impartially;
 - (iii) restrict access to the City's sponsorship assets by the widest audience possible;
 - (iv) are not consistent with the City's social justice principles of equity, participation, rights and accessibility for all groups in the community;
 - (v) personally benefit individual City employees, or their friends/family;
 - (vi) allow ownership and control of the sponsored sponsorship assets to be removed from the City;
 - (vii) pose a conflict with the broader policies and practices of the City; and
 - (viii) pose a conflict between the objectives and values of the City and those of the Sponsor.
- (b) The City will not accept sponsorship from entities which derive their principle source of revenue from any of the following activities:
 - (i) pornography;
 - (ii) production or the sale of tobacco;
 - (iii) armaments and weapons manufacturing; and
 - (iv) sexual services.
- ~~(c) Sponsorships with the following monetary issues will not be considered:~~
 - ~~(i) if the sponsorship investment is more than the cost of the event;~~
 - ~~(ii) where a price is placed on the City's sponsorship package that is not fair in comparison to marketplace prices, undermines the perceived quality of the package or does not represent value for money for the City; or~~
 - ~~(iii) where research conducted by the City is required to establish the viability of undertaking a sponsorship, where that research is disproportionate to the value of the sponsorship itself.~~

- (c) Organisations that receive some or all of their income from the provision of gambling activities or the sale of alcohol may provide sponsorship to the City for events that are considered by City staff to be appropriate.

2.5 Ethics Framework

The City of Sydney will avoid entering into sponsorship agreements with enterprises which are considered to:

- (a) pollute land, air or water;
- (b) destroy or waste non-recurring resources;
- (c) market, promote or advertise products or services in a misleading or deceitful manner;
- (d) produce, promote or distribute products or services likely to be harmful to the community;
- (e) acquire land or commodities primarily for the purpose of speculative gain;
- (f) create, encourage, or perpetuate militarism or engage in the manufacture of armaments;
- (g) entice people into financial over-commitment;
- (h) exploit people through the payment of below award wages or poor working conditions;
- (i) discriminate by way of race, religion or sex in employment, marketing or advertising practices; or
- (j) contribute to the inhibition of human rights generally.

2.6 Retainment of discretion to reject Sponsorship

The City retains the discretion not to accept sponsorship from any entity for any reason.

2.7 Conflict of Interest and Personal Benefits

Any sponsorship arrangement the City undertakes must not compromise the City's reputation, public image, probity or its ability to fulfil its legislative functions. Any sponsorship arrangement must not impose or imply conditions that would limit or be perceived to limit the City's ability to carry out its functions fully and impartially. There should be no actual or perceived conflict between the objectives and values of the City and that of the Sponsor.

All sponsorship proposals will be subject to an assessment process and consideration will be made by authorised City staff of conflict of interest issues that may arise prior to entering into negotiations with potential sponsors. Information will be provided to potential sponsors about the City's expectations, objectives, ethical requirements, sponsor benefits, sponsorship procedures and the criteria against which a proposal will be assessed.

The City will not enter into sponsorship arrangements with a potential sponsor whose interests, objectives and/or mission are in actual conflict with those of the City.

Conflicts arising from personal relationships or financial arrangements of staff involved in sponsorship assessment, approval or administration will be managed in accordance with the conflict of interest provisions of the City's Code of Conduct.

No employee may seek or receive a personal benefit or be perceived to receive a personal benefit from a sponsorship. Any contribution from the sponsor must be received by the City, not directly to an individual, and must be seen to benefit the City, not an individual.

Sponsors should be aware of and comply with the City's Statement of Business Ethics.

2.8 Attracting Sponsors

In order to ensure equitable opportunities for the business community and other interested parties to consider Sponsorship of the City's Sponsorship Assets, the City will promote this opportunity via a two-stage process:

(a) Expression of Interest advertisement

The City will place an annual Expressions of Interest advertisement to ensure the business community and other relevant government and non-government agencies have the opportunity to participate in sponsorship opportunities.

(b) Pitching a sponsorship

The City may identify potential sponsors for the City's Sponsorship Assets and may wish to initiate direct contact with the potential sponsor or via third parties that represent the potential sponsor such as advertising, media, public relations, experiential or event agencies. The City may also decide to use an external agent to secure sponsorship.

2.9 Contracting Sponsors

Financial decisions in relation to sponsorship arrangements will be made in accordance with the requirements of the Local Government Act 1993. ~~Monies received from related entities will be considered to have been part of the same sponsorship agreement for the purposes of calculating the relevant totals.~~ ***It is at the City's discretion where the cash received from the Sponsor is spent.***

2.10 Managing the sponsorship

A management plan and legally binding agreement must be entered into for each sponsorship arrangement in accordance with the City's approved procedures, delegations and probity arrangements. The sponsorship agreement must not impose or imply conditions that would limit, or appear to limit, the City's ability to carry out its functions fully and impartially.

2.11 Transparency of information

Information about sponsorships (excluding monetary values) will be available to the public on request. The City will maintain a register of sponsorships.

All details of each sponsorship will be listed in the City's Annual Report. The value of the sponsorship will not be published as if disclosed would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business as referred to in Section 10A(2)(c) of the Local Government Act 1993.

2.12 Evaluation

Regular financial and performance audits will be conducted in relation to sponsorship arrangements.

3.0 References

| | |
|--------------------------------|---|
| Laws and standards | <ul style="list-style-type: none"> Local Government Act 1993; The Australian National Audit Office Management of Corporate Sponsorship 1997; Sponsorship in the Public Sector – Independent Commission Against Corruption 2006; and Internal Audit of the City of Sydney receiving Sponsorship from External Sources – Deloitte 2009. |
| Policies and procedures | <ul style="list-style-type: none"> Code of Conduct; and Corporate Sponsorship Procedure 2014. |

Approval status

Council approved this policy on XXX.

(A copy of the CEO’s signature should be inserted here.)

Approval history

| Stage | Date | Comment | TRIM Reference |
|-----------------|----------------|---|----------------|
| Original Policy | December, 2014 | Approved by Council | 2014/425162-02 |
| Review | February, 2019 | Fit for purpose. No change. Endorsed by the Strategy Implementation PCG (SI PCG) and the Corporate & Strategy Projects Steering Committee (CSP SC). | 2019/033696-01 |
| Next review | May, 2023 | | |

Ownership and approval

| Responsibility | Role |
|----------------|--------------------------------|
| Author | Manager Corporate Partnerships |
| Owner | Manager Corporate Partnerships |
| Endorser | City of Sydney Executive |
| Approver | City of Sydney Council |

Item 8.

Contract Variation - Child Care Management Agreement - Children's Services Community Management

File No: S080772

Summary

Children's Services Community Management, an entity owned by Community Early Learning Australia, has been operating a child care centre in Chippendale since it was awarded the tender by Council in 2009. The service offers affordable education and care to the general community whilst also providing places to City of Sydney employees.

The contract includes an annual management fee paid by the City to Children's Services Community Management. The contract was awarded for a five-year term with a five-year option. The first five-year term commenced on 1 January 2011. The second five-year term commenced on 1 January 2017 and is due to cease on 31 December 2021.

During the contract period, Children's Services Community Management was supported financially by Community Early Learning Australia to cover the financial deficit experienced by the service in some years due to low utilisation.

In May 2018, Community Early Learning Australia formally notified the City that it was no longer in a financial position to continue operating Chippendale Child Care, and sought to end the contract agreement early, in August 2018.

The City assessed a number of options and associated timeframes for short-term assistance to enable the continued operations of the centre while a long-term plan was determined. This assessment was conducted in collaboration with Children's Services Community Management.

In August 2018, Council entered into a contract variation from Children's Services Community Management and provided Community Early Learning Australia additional funds, as outlined in the Resolution of Council dated 13 August 2018, to ensure the continued operation of the service to 30 June 2019.

The City has been working closely with Children's Services Community Management to assess the viability of the service to the end of the contracted period (December 2021).

In March 2019, Community Early Learning Australia informed the City that Children's Services Community Management was continuing to experience financial difficulties and required further funds to cover the deficit the service was experiencing.

The City is committed to continuing to offer child care and has assessed a number of short-term options for the service, which form the basis of the recommendations of this report. Providing the additional funds will ensure that the service can remain open and continue to offer child care to the community.

This report recommends that Council enter into a contract variation with Children's Services Community Management to enable the continued operation of Chippendale Child Care to 31 December 2019. The City will then undertake an open tender to find a suitable service provider to carry out the remainder of the contract term to December 2021.

The City is also currently working to update the City's Child Care Needs Analysis. The City will consider the findings to determine a long-term solution for Chippendale Child Care that will form the basis of a future report to Council.

Recommendation

It is resolved that:

- (A) Council enter into a contract variation with Children's Services Community Management for Chippendale Child Care so that the period of management of the child care service ends by 31 December 2019;
- (B) Council approve the payment of additional funds to Children's Services Community Management as outlined in Confidential Attachment A to the subject report, should this be required;
- (C) authority be delegated to the Chief Executive Officer to finalise negotiations and enter into any documentation necessary to give effect to clauses (A) and (B); and
- (D) Council approve funding from the 2018/19 General Contingency budget, in the event that the additional costs are not able to be absorbed through savings in the People, Performance and Technology operational budget for 2018/19.

Attachments

Attachment A. Contract Variation Offer (Confidential)

Background

1. Children's Services Community Management, an entity owned by Community Early Learning Australia, has been operating the child care centre since it was awarded the tender by Council in September 2009. The service also provides child care spaces for City of Sydney employees.
2. The term of the awarded tender with Children's Services Community Management was for five-years, with a five-year option. The first five-year contract term between the City and Children's Services Community Management commenced on 1 January 2011.
3. In December 2016, following a thorough assessment of occupancy rates, Children's Services Community Management's Annual Reports and financials and a review of a number of new initiatives designed to improve the Centre's performance, the City made a decision to exercise the five-year term option which commenced on 1 January 2017. This option is due to end on 31 December 2021.
4. In May 2018, Community Early Learning Australia formally notified the City that its entity, Children's Services Community Management, was experiencing financial difficulties and could no longer continue operating Chippendale Child Care. Community Early Learning Australia indicated its intention of ending the contract agreement in August 2018.
5. On receiving this notification, the City assessed options and associated timeframes for maintaining the ongoing operation of the centre. As part of this process, the City requested that Children's Services Community Management assess what assistance would be required to continue operations while a long-term plan was determined.
6. In June 2018, the City met with Children's Services Community Management to discuss a proposal to provide Children's Services Community Management with the financial capacity to continue operation of the service 30 June 2019.
7. In August 2018, Council entered into a contract variation to pay Community Early Learning Australia additional funds to ensure the continued operation of the service to 30 June 2019.
8. Since August 2018, the City has been meeting with representatives of Community Early Learning Australia and Children's Services Community Management to assess the ongoing financial viability of Children's Services Community Management continuing to operate the service until at least 31 December 2019. These discussions have also assessed the possibility of Children's Services Community Management to continue operating the service to the end of the contract period, 31 December 2021.
9. In March 2019, Community Early Learning Australia formally informed the City that the service was still experiencing financial difficulties and would require further financial assistance, over and above that awarded in August 2018.
10. Confidential Attachment A provides details of the proposal for further financial assistance and recommendations.

Key Implications

Organisational Impact

11. Chippendale Child Care is the City's work-based child care centre and provides a benefit to City of Sydney employees who have priority access for places.

Risks

12. Community Early Learning Australia has confirmed that it can no longer continue to financially support the operations of Chippendale Child Care. Without the City's support there is a risk that the service will not be able to continue operating in the short term without additional funds to the centre's operations.

Social / Cultural / Community

13. Chippendale Child Care offers care and education to the community whilst also providing places for City of Sydney employees. Families who currently access the service may find it difficult to find alternative child care at short notice, should the service close.

Budget Implications

14. Should additional costs, outlined in Confidential Attachment A, not be able to be absorbed through savings in the People, Performance and Technology operational budget, funding will be sought from Council's 2018/19 General Contingency budget. The request for additional funds in the 2019/20 financial year has been included in the draft People, Performance and Technology 2019/20 operational budget.

Relevant Legislation

15. Local Government Act 1993.
16. Attachment A to the subject report contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
17. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

18. Children's Services Community Management identified that it is unable to continue to operate Chippendale Child Care beyond June 2019 without the financial support from the City to cover the shortfall. The additional funds requested will allow the operations to continue to 31 December 2019. If Council does not approve the additional funds, Children's Services Community Management will consider withdrawing from operations prior to 30 June 2019.

ANN HOBAN

Director City Life

Irene Fakas, Manager Child and Family Services

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By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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Item 9.

Cancellation of Tender - Street Furniture, Out-of-Home Media and Wi-Fi Services

Document to Follow

Item 10.

**Exemption from Tender - Joynton Avenue and Zetland Avenue East
Roadworks**

Document to Follow

Item 11.

Tender - Asset Compliance Services

File No: X019256.013

Tender No: 1897

Summary

The scope of the Asset Compliance Services contract includes the delivery of legislatively required compliance certifications (such as Annual Fire Safety Statements), which are required annually for continued occupation of all City-owned buildings. The scope also includes specialist engineering consultancy services to the City, to provide advice on the status of City-owned building structures, plant and equipment. These condition reports will be utilised to formulate future maintenance and capital renewal plans.

The City currently contracts Asset Compliance Services on an ad hoc basis through the incumbent Facility Management service provider, Ventia.

The City has undergone a tender process to engage a new supplier to deliver Asset Compliance Services consistent with the new property services delivery model.

This report recommends that Council accept the tender offer of Tenderer D for Asset Compliance Services.

Recommendation

It is resolved that:

- (A) Council accept the tender offer of tenderer D for the provision of Asset Compliance Services for a period of two years, with the option of four further extensions of two years each if appropriate;
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the contracts relating to the tender; and
- (C) authority be delegated to the Chief Executive Officer to exercise the options referred to in clause A, if appropriate, and negotiate the price to extend the contract accordingly.

Attachments

Attachment A. Tender Evaluation Summary (Confidential)

Background

1. The City is responsible for a large and diverse property portfolio comprising 256 buildings and assets with a replacement value at over \$2 billion. This includes community buildings, public domain, depots, aquatic centres, corporate offices, investment properties and assets.
2. The City's previous property services model was an integrated model engaging the services of BGIS all four specialist services: Facility Management, Property Management, Compliance Management and Utility Management.
3. The City's new property services model disaggregates these services into four separable service packages.
4. The City engaged Ventia to deliver Facility Management Services and Colliers International to deliver Property Management services with the new contracts commencing in May 2018 and July 2018 respectively.
5. The City currently engages Ventia on an ad hoc basis to deliver the required compliance services, including annual fire safety statements and registration of various plant and equipment, including pressure vessels, lifts, cooling towers and non-return valves. The City also engages specialist engineering consultancy services on an ad hoc basis, to provide required advice on the status of City-owned building structures, plant and equipment. These temporary engagements are not financially or operationally efficient.
6. The proposed Asset Compliance contract is for a period of two years with four further options of two years each.
7. Compliance management is an essential part of the new property services model. This contract will deliver legislatively required services.
8. The scope of the Asset Compliance Services contract has been constructed to complement the current Facility Management and Property Management scopes of services and is required to enable the new property services model to operate as designed.

Invitation to Tender

9. Tender 1897 was advertised in The Daily Telegraph and The Sydney Morning Herald, and on the City's e-tendering website on 20 November 2018.
10. The tender was open to the public from 20 November 2018 to 18 December 2018.
11. A briefing information session was held at Town Hall House on 29 November 2018 for potential bidders.

Tender Submissions

12. Six submissions were received from the following organisations:
 - AESC Pty Ltd;
 - Core Project Consulting;
 - Hendry Group Pty Ltd;
 - JGS Property;
 - Lucid Consulting Engineers (NSW) Pty Ltd; and
 - MBMpl Pty Ltd.
13. No late submissions were received.

Tender Evaluation

14. All members of the Tender Evaluation Panel have signed Pecuniary Interest Declarations. No pecuniary interests were noted.
15. The relative ranking of tenders as determined from the total weighted score is provided in Confidential Attachment A.
16. All submissions were assessed in accordance with the approved evaluation criteria being:
 - (a) demonstrated experience in carrying out services of a similar size and nature;
 - (b) the proposed methodology as outlined in the draft service delivery plan;
 - (c) personnel allocation, qualification, experience and capacity including subcontractors and for work requirements;
 - (d) Environmental and Work Health and Safety;
 - (e) financial and commercial trading integrity, including insurances; and
 - (f) schedule of prices.

Performance Measurement

17. Functional testing and reporting of all essential fire safety measures as per the contracted program.
18. Timely provision and submission of annual fire safety statement for all in-scope buildings.
19. Timely provision of building condition assessment reports.
20. Timely provision of building service consultancy services.

Financial Implications

21. There are sufficient funds allocated for this project within the current year's operating budget and future years' forward estimates.

Relevant Legislation

22. The tender has been conducted in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and the City's Contracts Policy.
23. Attachment A contains confidential commercial information of the tenderers and details of Council's tender evaluation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
24. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Critical Dates / Time Frames

25. The anticipated contract award and start of the transition phase is targeted by the project team as late May 2019
 - (a) Council approval of the tender - May 2019
 - (b) Contract execution with service provider - May 2019
 - (c) Transition period from - June 2019
 - (d) Contract commencement - July 2019

Options

- 26. Option one is to maintain the current ad hoc arrangement with Ventia. This is not recommended as it is operationally and financially inefficient.
- 27. Option two is to proceed with the tender recommendation as per Confidential Attachment A. This is recommended as it presents the least risk position for the City and the best financial value outcome.

Public Consultation

- 28. There has been no public consultation regarding this tender.

AMIT CHANAN

Director City Projects and Property

Sherif Awadalla, Executive Manager Property Services

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By virtue of the Local Government Act 1993 Section 10A Paragraph 2

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Item 12.**Lease Approval - Levels 8, 9 and 10 - 343 George Street, Sydney****File No: S096167****Summary**

This report seeks Council's approval to grant a new lease to the existing occupant Atlassian Pty Ltd ("Atlassian") for Levels 8, 9 and 10, 343 George Street, Sydney. The new lease proposes a three-year and four-month term, with a further lease option of two one-year terms. The current lease expires 28 February 2020.

Essential lease terms and conditions of the proposed lease term of three years and four months are outlined in Confidential Attachment A.

Recommendation

It is resolved that:

- (A) Council approve the grant of a lease to Atlassian Pty Ltd for Levels 8, 9 and 10, 343 George Street, Sydney. The proposed new lease is for a three-year and four-month term, with an additional option term of two one-year options, which would extend Atlassian's tenure to 30 June 2025; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the lease in accordance with the terms contained in Confidential Attachment A to the subject report.

Attachments

Attachment A. Essential Lease Terms and Conditions (Confidential)

Background

1. 343 George Street is a 10-storey retail/commercial office building located on the north western corner of George and Barrack Streets, immediately facing Martin Place. It is one of Sydney's heritage landmark buildings, originally completed in 1925 as the headquarters for the Commercial Banking Company in Sydney. The City of Sydney purchased the building in 2010 as part of its commercial investment portfolio.
2. The ground floor retail is occupied by upmarket fashion retailer Burberry, with the remaining nine levels being commercial office accommodation.
3. Atlassian currently occupy the top three levels of 343 George Street. Atlassian also occupy the top three levels of 341 George Street. The current lease expires on 28 February 2020 and has an additional option term of three years and two months. Atlassian have requested that the new lease include a three-year and four-month term, with an additional option term of two one-year options.
4. Prior to the City of Sydney purchasing this building, Atlassian were granted permission to create a doorway on each of these levels connecting the two buildings on these top three floors. Atlassian carried out extensive fitout over these three floors, including the installation of a fully stocked kitchen.
5. Atlassian Pty Ltd is an Australian enterprise software company that develops products geared towards software developers and project managers. Atlassian serves over 35,000 customers globally, and its clients include Audi, NASA, Twitter, Infor, and Cisco.
6. There are no plans afoot to make any major changes to the existing fitout.
7. The new terms have been negotiated to include the Green Lease Clauses now required by Council in all leases within this group of buildings. The additional clauses will provide a commitment from both parties to proactively improve the sustainable performance of the building.
8. The City's independent valuer, Rawlinsons, has undertaken an assessment of the market rent for this tenancy. The agreed terms of the proposed lease are in line with the market rental valuation, as detailed at Confidential Attachment A.

Option Lease Term

9. Atlassian submitted a request to the City for a new lease of three years and four months and two one-year options. Should this lease with the option periods be exercised by Atlassian, this would extend the tenure for Levels 8, 9 and 10 to 30 June 2025.
10. The City is supportive of extending the term of this lease, given the new lease would offer no vacancy and therefore no adverse impact on of the 2019/20 budget. This recommendation is also in conjunction with the tenant's excellent payment history.
11. Atlassian have executed a Heads of Agreement and the key terms are summarised as per Confidential Attachment A. The agreed terms are subject to approval by Council.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

12. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships – specifically, Action 10.5.1: Expand revenues from commercial operations, property portfolio and other income generating assets.

Budget Implications

13. The proposed lease commencement date is 1 March 2020. The rental income has been included in the draft 2019/20 operating budget.

Relevant Legislation

14. Local Government Act 1993.
15. Attachment A contains confidential commercial information and details of Council's valuation and contingencies which, if disclosed, would:
 - (a) confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business; and
 - (b) prejudice the commercial position of the person who supplied it.
16. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Options

17. Option 1 – reject Atlassian proposal and maintain the current lease which will expire April 2023, should the current option be exercised. This option is not recommended as it yields lower revenue for the City due to the relatively short remaining lease term.
18. Option 2 – approve the newly negotiated lease to commence March 2020 which will expire June 2025 should all options be exercised. This option is recommended as it results in an extended period of revenue for the City.

AMIT CHANAN

Director, City Projects and Property

Con Vafeas, Portfolio Manager Commercial

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Item 13.**Lease Approval - Part Ground Floor, Levels 1 and 2, 101 William Street, Darlinghurst**

File No: S099737

Summary

This report seeks Council's approval to grant a new lease to City Gym Sydney Pty Ltd for Part Ground Floor, Level 1 and Level 2, 101 William Street, Darlinghurst, for a term of 10 years with a further lease option term of five years commencing 1 June 2019.

Essential lease terms and conditions of the proposed lease are shown in Confidential Attachment A.

Recommendation

It is resolved that:

- (A) Council approve the grant of a 10-year lease to City Gym Sydney Pty Ltd for Part Ground Floor, Level 1 and Level 2, 101 William Street, Darlinghurst, which includes an option of five years; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease in accordance with Confidential Attachment A to the subject report.

Attachments

Attachment A. Essential Lease Terms and Conditions (Confidential)

Background

1. The property has been occupied by HUB Sydney Pty Ltd since 1 April 2014. HUB vacated the property as at 31 March 2019 due to expanding their current operations to a larger site at Customs House.
2. City Gym has been a fitness industry icon since 1978. Internationally recognised as the place for known weight lifters and celebrities to visit, it has been an integral part of Sydney's social evolution. City Gym is a draw card for a diverse range of community groups: world class athletes, seniors and younger groups – providing a friendly, safe and welcoming environment.
3. City Gym is currently spread across three floors, offering heavy weights, cardio and classes. It also offers personal training, as well as a corporate studio with a running club, yoga, and supported programs for beginners.
4. City Gym has been operating since 1978, its first location being at 100 William Street, Darlinghurst. It then moved to its current property at 107 Crown Street, Surry Hills, which has been its location for the last 35 years.
5. City Gym's lease at the current site, 107 Crown Street, Surry Hills, expires at the end of August 2019. City Gym are taking this as an opportunity to re-locate the gym back onto the original street where City Gym built its name, and into a building that offers better floor plates for improved gym layout.
6. Proposed gym set-up:
 - (a) Ground floor: reception with café, offering health foods and coffee;
 - (b) Level 1: Bathrooms with showers, spa, sauna, group fitness, classes, boxing, cardio; and
 - (c) Level 2 – Weights area – to be whole floor.
7. The total of the proposed tenancy area is 1127.3 square metres.
8. The City's independent valuer, BEM Property Consultants and Valuers, has undertaken an assessment of the market rent for this tenancy. The agreed terms of the proposed lease are in line with the market rental valuation, as detailed at Confidential Attachment A.
9. The new terms have been negotiated to include the Green Lease clause now required by the City in all leases within this group of buildings.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

10. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships - Specifically, Action 10.5.1 - Expand revenues from commercial operations, property portfolio and other income generating assets.

Budget Implications

11. Revenue for the 2018/2019 budget will not be impacted. HUB Sydney Pty Ltd have vacated as at 31 March 19 and the income budget reflects the reduced income due to assumed vacancy. The proposed lease is due to commence 1 June 2019.

Relevant Legislation

12. Local Government Act 1993.
13. Attachment A contains confidential commercial information and details which, if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
14. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

Options

15. At this time, the subject property is vacant. If the City does not lease the property to City Gym, it will have to continue to source a new tenant. This action would prolong vacancy and loss of income. There is no commercial advantage for the City to remain on the market and source an alternative lessee.
16. The City has considered the option to lease the subject property to City Gym Sydney Pty Ltd and believes it will achieve significant commercial income for the City and an uplift in rent received.

AMIT CHANAN

Director City Projects and Property

Roisin O'Sullivan, Commercial Property Manager

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Item 14.**Lease Approval - Level 9, 540 George Street, Sydney****File No: S098637.006****Summary**

This report seeks Council's approval to grant a new lease to the existing tenant, Australian Technical & Management College Pty Ltd, for Level 9, 540 George Street, Sydney, to include an eight-year term. The current lease expired 30 November 2018.

Essential lease terms and conditions of the proposed lease term of eight years are shown at Confidential Attachment A.

Recommendation

It is resolved that:

- (A) Council approve the grant of a lease to Australian Technical & Management College Pty Ltd for Level 9, 540 George Street, Sydney. The proposed new lease includes a term of eight years, which would extend the current tenant's tenure to 31 December 2026; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer the terms of the lease in accordance with the terms contained in Confidential Attachment A to the subject report.

Attachments

Attachment A. Essential Lease Terms and Conditions (Confidential)

Background

1. Australian Technical & Management College Pty Ltd is a nationally recognised education facility providing further education in business and management programs. The College has campuses in Melbourne and Sydney, offering a range of courses to prepare students for the global workforce.
2. Australian Technical & Management College enrolled over 6,000 students for the 2018 financial year, and employ over 400 staff across both campuses. Australian Technical & Management College are affiliated with two leading Australian Universities, the Federation University Australia and the University of the Sunshine Coast.
3. Dr Manish Malhotra is the Chief Executive Officer / Director and Founder of Australian Technical & Management College. Dr Malhotra holds a PhD in Computer Engineering and has over 15 years' experience in the training industry.
4. Australian Technical & Management College commenced occupation in the building on Level 9 on 1 December 2013. It occupies a whole floor and last updated the fit out in 2016, consisting of a reception area, classrooms, lunch / break out rooms and staff offices. There are no plans to make any major changes to the existing fit out within the next 12 months.
5. The new terms have been negotiated to include the Green Lease clause now required by the City in all leases within this group of buildings.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

6. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic direction and objectives:
 - (a) Direction 10 - Implementation through Effective Governance and Partnerships - 10.3.3 Strategic Property Management - Manage the investment property portfolio to realise commercial returns and contribute to a diverse income base.

Lease Term

7. On 22 August 2011, Council resolved that the period available for commercial and retail leases in the buildings required for Town Hall Square be extended to the end of 2021. Any lease term past the 2021 date required a demolition clause be included in the terms.
8. The current lease with Australian Technical & Management College contains a specific demolition clause, whereby the City may terminate the lease by giving six months' notice, should the City wish to demolish the building.
9. The inclusion of a demolition clause adversely impacts potential revenue due to the tenant's uncertainty of tenure.

10. The City have reviewed the demolition clause and this clause has been removed from the proposed eight-year lease with Australian Technical & Management College to offer certainty to the tenant, and to reflect the revised likely timeframes for the future Town Hall Square project.
11. The current lease expired 31 December 2018 and the Lessee is currently on holdover. This delay was due to the renegotiation of lease terms, noting the removal of the demolition clause.
12. Should this lease be granted to Australian Technical & Management College, this would extend the tenure over Level 9 to 31 December 2026.
13. The City is supportive of extending the term of this lease, given the new lease would offer no vacancy. This recommendation is also in conjunction with the tenant's excellent payment history.
14. Australian Technical & Management College have executed a Heads of Agreement and the key terms are summarised at Confidential Attachment A. The agreed terms are subject to approval by a resolution of Council.

Budget Implications

15. Rent received in the financial year 2018/19 will result in income surplus to the operating budget.

Options

16. Given the current lease expired on 30 November 2018, if this proposal is not approved, the City will have to go to the market to source a new tenant. This action would incur costs, including leasing agent fees, marketing costs, refurbishment costs and a possible vacancy and loss of income. There is no commercial advantage for the City to go to the market to source an alternative lessee.

Relevant Legislation

17. Local Government Act 1993.
18. Attachment A contains confidential commercial information and details which, if disclosed, would confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
19. Discussion of the matter in an open meeting would, on balance, be contrary to the public interest because it would compromise Council's ability to negotiate fairly and commercially to achieve the best outcome for its ratepayers.

AMIT CHANAN

Director City Projects and Property

David Graham, Commercial Property Manager, Property Services

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Item 15.**Knowledge Exchange Sponsorship - Textbook Ventures****File No: X023779****Summary**

In December 2013, Council adopted the Economic Development Strategy – a 10 year strategy that aims to strengthen the city’s economy and support businesses. The Tech Startups Action Plan (endorsed by Council in June 2016) is consistent with this strategy. It identifies how the City can support entrepreneurs, with a focus on new businesses based on technology. A specific focus of the plan is to create a culture of entrepreneurship among young people in Sydney.

An application for \$10,000 (excluding GST) has been received for sponsorship under the Knowledge Exchange Sponsorship Program from Textbook Ventures, a not-for-profit organisation run by students, for students. Its vision is to inspire young people to embrace entrepreneurship and be catalysts of change.

Textbook Ventures is seeking sponsorship for a 12-month program of events aimed at promoting entrepreneurship to university students. Initiatives include Student Startup Stories, Diversity Programs, Startup Careers Fair and a Startup Festival. Through these programs, students will gain invaluable entrepreneurship skills like pitching, networking, understanding entrepreneurial mindsets and the types of entrepreneurial endeavours, as well as commercial growth strategies and best practices.

This initiative addresses a key market gap in the start-up ecosystem, the pipeline of new startups, with emphasis on entrepreneurship for Australian students. The program would directly address this gap by increasing direct engagement between industry experts and tertiary students. Participants will meet and learn from members of the startup ecosystem (including venture capitalists, incubators and technologists), to gain an understanding of emerging technologies, and take part in competitions intended to promote and celebrate the entrepreneurial endeavours of students. The program will also create opportunities for mentorships, internships and employment.

This report recommends a Knowledge Exchange Sponsorship of \$10,000 (excluding GST) to Textbook Ventures for a 12-month program with outcomes addressing knowledge exchange, skills development and engagement in the ecosystem, showcasing Sydney as a hub for technological innovation and entrepreneurship.

The City’s grant of \$10,000 would contribute to the costs of running the program, allowing the organisation to continue to run events for students at a minimal cost.

Recommendation

It is resolved that:

- (A) Council approve a cash sponsorship of \$10,000 (excluding GST) for Textbook Ventures' initiatives; and
- (B) authority be delegated to the Chief Executive Officer to negotiate, execute and administer a sponsorship agreement with Textbook Ventures.

Attachments

Nil.

Background

1. Sponsorship of Textbook Ventures Community Building program meets the objectives of the City of Sydney's Knowledge Exchange Sponsorship Program, Economic Development Strategy and the Tech Startups Action Plan.
2. A focus area of the Tech Startups Action Plan is on creating skilled and connected entrepreneurs. It acknowledges that in all stages of startup formation, it is useful to have information and advice delivered via events or mentors – particularly those who have successfully navigated through growth stage.
3. Action 1.2 states that the City will create or support events that encourage members of the community to become entrepreneurs, and celebrate and promote the tech startup ecosystem.
4. Action 2.3 identifies that the City will implement the Knowledge Exchange Sponsorship Program or develop new projects that enable expertise to be shared and skills developed and provide practical business education relevant to entrepreneurs.
5. Action 2.14 states that the City will support initiatives that develop entrepreneurial skills in young people.

Textbook Ventures Community Building Program

6. Textbook Ventures is a not for profit community group. In 2018, they pivoted from a venture capital for university students to an organisation aimed at encouraging students to embrace entrepreneurship. They provide opportunities for Sydney tertiary students to gain knowledge that they do not gain in traditional higher education.
7. In 2019, their mission is to raise the profile of entrepreneurship among students, through the support of ecosystem partners, startups, incubators, entrepreneurs and student ambassadors.
8. The 12-month program proposed for sponsorship will enable students to engage in peer supported learning. Students will develop skills in pitching, networking, and understanding entrepreneurial mindsets and the types of entrepreneurial endeavours, as well as commercial growth strategies and best practices.
9. Students will meet and learn from members of the startup ecosystem (including venture capitalists, incubators, and technologists), to gain an understanding of emerging technologies, and take part in competitions intended to promote and celebrate the entrepreneurial endeavours of students. The program will also create opportunities for mentorships, internships and employment.
10. The application supports three stages of tertiary student audience with networking, knowledge exchange, industry and peer support and resources.
11. Existing partnerships with the organisations Blackbird and Reinventure reinforce the calibre of Textbook Ventures and the programs they deliver. The recommended funding from the City gives credibility to Textbook Ventures and will enable them to develop longer-term partnerships and in-kind support.

Sponsorship

12. The application has been assessed under the City's Knowledge Exchange Sponsorship program. The program recognises that, for the city to thrive, we must support and create an environment that fosters collaboration and learning.
13. The Knowledge Exchange Sponsorship program supports the exchange of ideas and knowledge and encourages dialogue on local and global issues. Under the program, eligible projects can be supported to a maximum of \$40,000 cash and applications can be received ad hoc throughout the year.
14. The City wants to work with industry and government partners to strengthen the ecosystem to enable more entrepreneurs to start and grow successful global businesses.
15. Evaluation of the sponsorship will include a report containing results from a participant survey, participant feedback, website analytics and media mentions. The evaluation requirements will be included as part of the City's standard sponsorship agreement.
16. Under the Knowledge Exchange Sponsorship program, not-for-profit and for-profit organisations, as well as social enterprises, are eligible to apply. Textbook Ventures is a not-for-profit organisation.
17. The application has been assessed as contributing to the following program outcomes:
 - (a) adoption and implementation of best practice approaches by organisations and individuals;
 - (b) strong networks where participants share resources and acquire new knowledge and skills;
 - (c) improved capacity in organisations and individuals to develop and maintain sustainable business ventures; and
 - (d) increased recognition of Sydney as an innovative and creative city.
18. Sponsorship benefits to be negotiated include acknowledgement of the City of Sydney in media releases, on social media platforms, in blogs and on-line advertisements, and on signage at the opening or closing event; the City of Sydney logo included in all marketing materials including direct mail, t-shirts, bags, videos and website; and invitations to attend as guests opening and closing events associated with the program.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

19. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This sponsorship is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - A Globally Competitive and Innovative City - supporting entrepreneurs to start and grow innovative businesses will potentially create more employment, boost Sydney's economy, strengthen global connections and make the city a more desirable place to live, work and visit.
 - (b) Direction 6 - Vibrant Local Communities and Economies - innovative businesses can grow into global businesses, resulting in swift economic and employment benefits locally.
 - (c) Direction 7 - A Cultural and Creative City - supporting entrepreneurs is supporting the expression of innovation and creativity, which in turn, contributes to a cosmopolitan, vibrant and active city.

Budget Implications

20. This report recommends a total sponsorship amount of \$10,000 (excluding GST) cash.
21. There are sufficient funds allocated for payments within the Knowledge Exchange Grants and Sponsorship budget as following:
 - (a) 2018/19 - \$8,000.
 - (b) 2019/20 draft budget - \$2,000.

Relevant Legislation

22. Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Critical Dates / Time Frames

23. Subject to Council approval, the recommended projects are scheduled to be undertaken over 2019 and 2020.

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