

Item 11.8

Notices of Motion

Amendment to the Recommended Use of City of Sydney Facilities for the ‘Yes’ Campaign

By Councillor Jarrett

It is resolved that:

(A) Council note:

- (i) as part of the Australian Government’s commitment to implement the Uluru Statement from the Heart, a referendum will be held between October and December 2023;
- (ii) the proposed question to be put to the Australian people in the 2023 referendum will be:

“A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?”;

- (iii) in August 2022, the Lord Mayor in her Mayoral Minute requested the Chief Executive Officer to ‘investigate options for the City to conduct a campaign in support of the “yes” vote in the proposed constitutional referendum’;
- (iv) the informal update of the above-mentioned investigation was noted in recommendations (G) to (I) of the 2022/23 Quarter 3 Review – Delivery Program 2022-2026 that was presented to the Council Committee Meeting on 8 May 2023 which recommended:

(G) Council approves the provision of value-in-kind sponsorships for up to three free public events of approximately 500 to 1000 attendees to **support the ‘yes’ campaign**. Applications to be received from appropriate groups (not-for-profit community organisations, unincorporated community groups and individual auspiced by a not-for-profit organisation) and assessed in accordance with the City’s Grants and Sponsorship Policy and Guidelines, ethics framework and Reconciliation Plan, with approval delegated to the Chief Executive Officer;

(H) Council note that the public events as outlined above will include value-in-kind sponsorships of up to \$30,000 (plus GST) per event towards the venue hire, equipment hire and staffing fees only associated with using the appropriate City venue, which may include Sydney Town Hall, Lower Town Hall or Paddington Town Hall; and

(I) Council note that the City may be required to report and declare any financial assistance provided as “referendum expenditure” in accordance with the applicable legislation from time to time;

- (v) pursuant to s8A(1)(h) of the Local Government Act 1993, which requires that “Councils should act fairly, ethically and without bias in the interests of the local community”, these recommendations are not within the functions of local government as they support a particular political campaign;
 - (vi) pursuant to the City’s Grants and Sponsorship Policy under General exclusions and ineligibility, the City of Sydney does not provide grants or sponsorship for projects that ‘could be perceived as benefitting a political party and/or a political campaign’ or ‘activities that could be perceived as divisive within the community’;
 - (vii) the recommendations made in sections (G) to (I) outlined above explicitly posit the City of Sydney in support of the ‘yes’ campaign through recommending the approval of the use of ‘landmark’ Council facilities to hold events in support of the ‘yes’ campaign which clearly constitutes activities in support of a political campaign; and
 - (viii) the recommendations made in (G) to (I) of the Quarter 3 Review are “beyond the power” of Council, as per the Local Government Act 1993, as such recommendations compel Council to direct ratepayers’ money and resources to matters outside of Council’s function as a local government body; and
- (B) the Chief Executive Officer be requested to:
- (i) amend recommendations (G) to (I) of the 2022/23 Quarter 3 Review – Delivery Program 2022-2026 to reflect the following:
 - (G) Council approves the provision of value-in-kind sponsorships for up to three free public events of approximately 500 to 1000 attendees to **support the ‘yes’ campaign provide information about the Voice Referendum on a fair and unbiased basis**. Applications to be received from appropriate groups (not-for-profit community organisations, unincorporated community groups and individual auspiced by a not-for-profit organisation) and assessed in accordance with the City’s Grants and Sponsorship Policy and Guidelines, ethics framework and Reconciliation Plan ~~approval delegated to the Chief Executive Officer~~ **with approval delegated to Council**;
 - (H) Council note that the public events as outlined above will include value-in-kind sponsorships of up to \$30,000 (plus GST) per event towards the venue hire, equipment hire and staffing fees only associated with using the appropriate City venue, which may include Sydney Town Hall, Lower Town Hall or Paddington Town Hall; and
 - (I) Council note that the City may be required to report and declare any financial assistance provided as “referendum expenditure” in accordance with the applicable legislation from time to time.

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