

Item 4.

Grants and Sponsorship - Ad Hoc Grant - Grant of Licence to Australians for Indigenous Constitutional Recognition Ltd

File No: S098790

Summary

The 2023 Voice referendum will ask voters to approve an alteration to the Australian Constitution, creating the Aboriginal and Torres Strait Islander Voice to represent Indigenous Australians to the parliament and federal government on matters of Indigenous affairs.

While a date hasn't been announced as at the time of writing, the Federal Government has stated its intention to hold the referendum sometime between September and December 2023. Exact timing is a matter for Government.

Council resolved to support a "Yes" vote in the Voice to Parliament referendum through a program of information, awareness, communications, events and community support.

Yes23 is a campaign led by Australians for Indigenous Constitutional Recognition Ltd, a registered charity which has requested the City of Sydney provide it with short term, rent free, office accommodation from which to run the campaign.

The City currently has 137.5 m2 of functional office space located at Suite 17.02B on Level 17, Town Hall House, 456 Kent Street, Sydney which is currently vacant and is off market for leasing, pending a refurbishment in 2023. The suite "as is" is fit for the proposed use.

This report recommends an ad-hoc grant to Australians for Indigenous Constitutional Recognition Limited in the form of a 100 per cent subsidised licence for Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney for a term of three months in accordance with section 356 of the Local Government Act 1993.

All figures in this report are exclusive of GST.

Recommendation

It is resolved that:

- (A) Council approve an ad-hoc grant to Australians for Indigenous Constitutional Recognition Limited to licence Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney from 8 August 2023 to 7 November 2023 in accordance with section 356 of the Local Government Act 1993 on the following rental subsidy which incorporates all outgoings and utilities:

| Licence Term | Market Rental Value (approximate) | Grant Subsidy (Rounded) | Grant Amount | Rent to be paid |
|---------------------------------|-----------------------------------|-------------------------|--------------|-----------------|
| 8 August 2023 – 7 November 2023 | \$25,781.25 | 100% | \$25,781.25 | \$0 |

- (B) Council note that the Chief Executive Officer has entered into a three-month licence agreement for Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney with Australians for Indigenous Constitutional Recognition Limited (YES23);
- (C) Council note that the City will be required to report and declare this financial assistance provided in accordance with the applicable legislation from time to time;
- (D) Council note that the funding for this grant will be sourced from the amount approved by Council on 15 May 2023 to support the Voice to Parliament;
- (E) authority be delegated to the Chief Executive Officer to correct minor errors to the matters set out in this report, noting that the identity of the recipient will not change, and a CEO Update will be provided to Council advising of any changes made in accordance with this resolution.

Attachments

- Attachment A.** 15 May 2023 CEO Memo - City of Sydney Campaign to Support the Voice to Parliament

Background

1. The 2023 Voice referendum will ask voters to approve an alteration to the Australian Constitution, creating the Aboriginal and Torres Strait Islander Voice to represent Indigenous Australians to the parliament and federal government on matters of Indigenous affairs.
2. While a date hasn't been announced at the time of writing, the Federal Government has stated its intention to hold the referendum sometime between September and December 2023. Exact timing is a matter for Government.
3. Council resolved to support a "Yes" vote in the Voice to Parliament referendum through a program of information, awareness, communications, events and community support. These initiatives have commenced and will continue until the referendum is held.
4. Yes23 is a campaign led by Australians for Indigenous Constitutional Recognition Ltd, a registered charity, which has requested the City of Sydney provide it with short term, rent free, office accommodation from which to run the campaign.
5. The City currently has 137.5 m² of functional office space on Level 17 of Town Hall House which is currently vacant and is off market for leasing, pending a refurbishment of the suite late 2023. The suite "as is" is fit for the proposed use.
6. On 25 July 2023, the Lord Mayor wrote to Councillors requesting support for a proposal to provide Yes23 with short term, rent free, office accommodation from which to run the campaign. A majority of Councillors indicated support for the proposal.
7. On 4 August 2023, the Chief Executive Officer entered into a three-month licence agreement for Suite 17.02B, Level 17, Town Hall House, 456 Kent Street, Sydney with Australians for Indigenous Constitutional Recognition Limited (YES23). That licence contains a term providing that if Council does not resolve to support a grant as recommended in this report, Yes23 will either vacate the premises as soon as reasonably practical or pay the market rent (at their option).

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

8. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This program is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - Partnership, collaboration and cooperation are essential to achieve holistic outcomes for our communities. The provision of this currently empty office space is an opportunity to extend the City's adopted position to support the Yes23 campaign as well as put empty space to worthwhile use without incurring any impact to the City's budgeted income.

- (b) Direction 6 - An equitable and inclusive city - Providing free access to empty office space (which is currently unavailable to the market) to the registered charity that is leading a national campaign in support of a Yes vote, extends inclusive access to City owned spaces.

Organisational Impact

9. Staff resources are available to administer this short-term licence.

Risks

10. As with all activity relating to the referendum, it is important the City upholds the commitment in the Stretch Reconciliation Action Plan (RAP) to consult the Aboriginal and Torres Strait Islander community about the Uluru Statement from the Heart to identify appropriate ways to support the community's aspirations. Through the community's discussions about the referendum and Uluru Statement from the Heart - Truth, Treaty and Voice at events hosted in City of Sydney community venues, some Aboriginal and or Torres Strait Islander community groups and individuals may decide not to support a "Yes" vote, and this position should be respected.
11. The City's approach to communication and information sharing should take care that it doesn't inadvertently foster division within the local Aboriginal and Torres Strait Islander community.

Social / Cultural / Community

12. As with all activity relating to the referendum, the City will prioritise care and compassion for the local Aboriginal and Torres Strait Islander community, being mindful of potential negative ramifications for community members. The City will actively discourage any discrimination or racism and will uphold the principles of self-determination. Respectful dialogue will be encouraged in all activities related to the referendum.

Financial Implications

13. The total value of this ad hoc grant in the 2023/24 financial year is estimated at \$25,781.25 in revenue foregone, compared to market value rent.
14. There will be no impact on the 2023/24 budget given the premises will be vacant for the remainder of 2023 due to a planned refurbishment and no rental income had been accounted for in the first six months of the 2023/24 financial year.
15. It is expected that the \$25,781.25 in revenue foregone for Yes23 office space will be accommodated within the Voice campaign budget already approved by Council on 15 May 2023.

Relevant Legislation

16. Commonwealth of Australia Constitution Act.
17. Commonwealth Electoral Act 1918.
18. (Cth) Referendum (Machinery Provisions) Act 1984 as amended by the (Cth) Referendum (Machinery Provisions) Amendment Act 2023.

- 19.** 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

20. The licence period is 8 August 2023 to 7 November 2023.

KATE DEACON

Director Strategic Development and Engagement