Willoughby City Council

ORDINARY COUNCIL

AGENDA

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of the Council
will be held at Council Chamber
Level 6, 31 Victor Street, Chatswood

on 31 January 2022
commencing at 7:00pm

The Meeting is open to the Public

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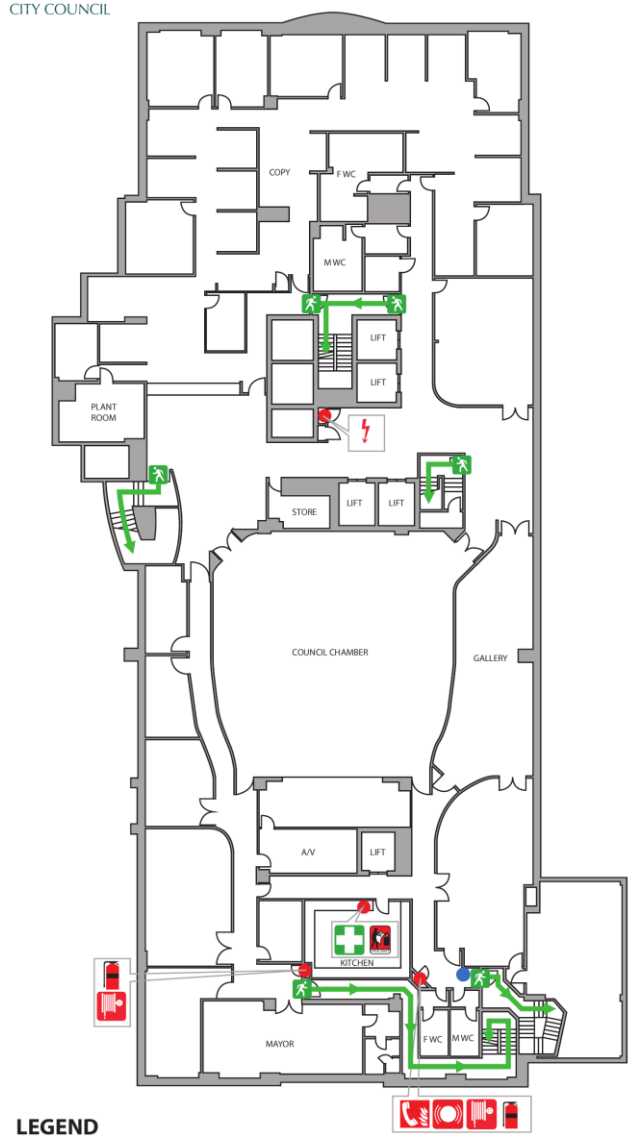
WILLOUGHBY CITY COUNCIL

Level 6 Floor Plan

WILLOUGHBY CITY COUNCIL

EVACUATION DIAGRAM | COUNCIL CHAMBERS



LEGEND

	FIRE EXIT		EMERGENCY ASSEMBLY POINT
	STAIRS		EMERGENCY EXIT ROUTE
	YOU ARE HERE		FIRST AID KIT
	ELECTRICAL DISTRIBUTION BOARD		FIRE BLANKET
FH	FIRE HYDRANT	FIP	FIRE INDICATOR PANEL
	FIRE HOSE REEL		BREAK GLASS ALARM
	WARDEN INTERCOM POINT		CO2 FIRE EXTINGUISHER

LEVEL 6

Assembly Area 1:
Chatswood Mall, near Victor Street

Assembly Area 2:
Garden of Rememberance

000 EMERGENCY

Dial 000 for all emergency services
Address: 31 Victor St, Chatswood
Nearest Cross: Albert Ave

IN THE EVENT OF AN EMERGENCY

Remove any person from danger
Alert staff and others
Confine smoke/fire and close doors
Extinguish fire, if safe to do so -
If not, assist others and move to the Emergency Assembly Area.

EVACUATION PROCEDURES

ALERT BEEEP..BEEEP..BEEEP.

If you hear this sound you must be prepared to evacuate. Listen carefully to any instructions provided by Wardens and Staff.

EVACUATE WOOOP..WOOOP..WOOOP.

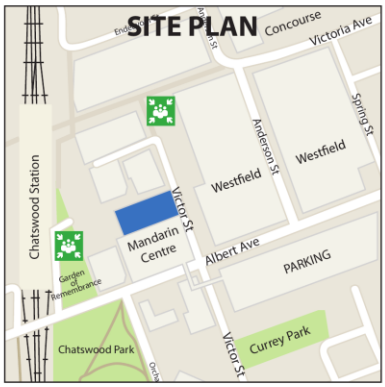
When you hear this sound you MUST evacuate using the nearest Fire Exit. Do not run and do not use any Lifts. If you need assistance to evacuate advise the nearest Staff member.

Listen carefully to any instructions provided by Wardens and Staff.

This diagram identifies the nearest Exit and the alternate Fire Exit as well. You must proceed to the Emergency Assembly Area and wait for further instruction.

DO NOT PANIC

SITE PLAN



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Ph 1300 71 81 31

Date of Issue: 12-2014
Date of Review: 12-2017

NOT DRAWN TO SCALE

WILLOUGHBY CITY COUNCIL
City of Diversity

COUNCIL CHAMBERS

INTERIM GOVERNANCE MANAGER	MAYOR	CHIEF EXECUTIVE OFFICER
W Lawrence	Clr T Taylor	D Just

Clr G Roussac	NAREMBURN	MIDDLE HARBOUR	Clr R Samuel
Clr N Wright			Clr A Rozos
Clr A Greco			Clr S Mouradian
Clr H Eriksson	SAILORS BAY	WEST	Clr C Campbell
Clr J Moratelli			Clr B Zhu
Clr R McCullagh			Clr J Xia

Council

Staff

Council Chamber Protocol

Ordinary Council Meetings are held on the second Monday of the month.

All meetings are open to the public except for items that, in the Council's opinion, are confidential, in accordance with Section 10A of the *Local Government Act 1993*.

- The Council meeting is in progress once the Mayor declares the meeting open and until the Mayor declares the meeting closed. Members of the public are asked to remain silent when the Council meeting is in progress.

- Members of the public can request that an item be discussed early in the meeting by approaching a Council Officer or Councillor prior to the meeting commencing. The decision to bring forward an item rests with the Mayor. Members of the public are not permitted to approach Councillors while the Council meeting is in progress. Having a matter brought forward in the Council meeting does not give a person the right to address Council on that matter.

- You may address Council at a Council meeting in one of two ways:

    - **Open Forum** – allows people to address Council for up to three (3) minutes on any topic relating to Council's activities or Willoughby generally. Members of the public cannot use the Open Forum to speak about an item on the agenda. Requests to speak at Open Forum can be made by completing the on-line form on Council's website before noon on the day of the meeting.

    - **Public Forum** – allows people to address Council for up to three (3) minutes in relation to a specific matter on the agenda. People wishing to address must complete the on-line form on Council's website before noon on the day of the meeting. The decision as to whether or not the person will be heard rests with the Council.

- You are able to distribute additional papers to Councillors prior to a Council meeting via the on-line Request to Address Council Meetings form or via email, post or delivered to Council chambers by noon on the day of the meeting. No additional papers can be distributed to Councillors after 5:00pm on the evening of the Council meeting except in exceptional circumstances agreed by the Chief Executive Officer and the Mayor.

- Please ensure that all mobile phones are turned **off** whilst you are in the Council Chamber. Note that mobile phones or any other recording device are not to be used to record any part of the Council Meeting.

- **Guidelines for Speakers –** When addressing the Council, please remember to be courteous. Comments made by participants in any Council meeting, which are derogatory or damaging to any person's character or reputation, including any Councillor, employee of the Council, or member of the public, may be defamatory and may subject the participant to an action for defamation. Comments made during the course of a Council meeting are not protected by the defence of absolute privilege under the *Defamation Act 2005*, and may not attract any other defences available under that Act or the common law. Every Council meeting is recorded and applications to access such recordings can be made under the *Government Information (Public Access) Act 2009* (*GIPA Act*).

- **Webcasting –** The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded and webcast live on Council's website for the purpose of facilitating community access. Webcast archives are stored and available to the public on Council's website for two years, after which time the recordings may be disclosed under the provision of the *GIPA Act*.

  Members of the public attending a Council meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived for two years. By attending a Council meeting, whether by 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.

1 OPEN MEETING — ACKNOWLEDGEMENT OF COUNTRY

As a sign of respect, Willoughby City Council acknowledges the traditional inhabitants of the land on which we stand, the Aboriginal people, their spirits and ancestors. We acknowledge the vital contribution that indigenous people and cultures have made and still make to the nation that we share, Australia.

2 TAKING OF OATHS AND AFFIRMATIONS

Councillors are to take an oath or affirmation of office in accordance with *the Local Government Act 1993.*

3 DISCLOSURES OF INTERESTS

In accordance with Part 16 of the Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

4 CONFIRMATION OF MINUTES

That the Minutes of the Ordinary Meeting of Council held 3 November 2021, copies of which have been circulated to each member of Council, be confirmed.

5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

In accordance with Part 5 of the Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

6 MAYORAL MINUTE

7 CHIEF EXECUTIVE OFFICER'S LATE REPORT

8 MATTERS FOR DEFERRAL AND PROCEDURAL PRIORITY

9 MATTERS REQUIRING ELABORATION OR DEBATE

At this stage the Mayor will invite Councillors to nominate the items they wish Council to consider separately and these matters will then be dealt with in the order so nominated.

10 REPORTS FROM THE OFFICERS

CUSTOMER & CORPORATE DIRECTORATE

10.1 ELECTION OF THE DEPUTY MAYOR

ATTACHMENTS:	**1. IMPLICATIONS** **2. DEPUTY MAYOR - NOMINATION FORM** **3. OFFICE OF LOCAL GOVERNMENT FACT SHEET – ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS**
RESPONSIBLE OFFICER:	**DEBRA JUST – CHIEF EXECUTIVE OFFICER**
AUTHOR:	**SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To elect a Councillor to the position of Deputy Mayor and to determine the term of appointment.

2. OFFICER'S RECOMMENDATION

That Council elect Councillor [Insert Name] to the position of Deputy Mayor, for a period of [term to be determined], and that the method of voting be by [Open, Ordinary or Preferential].

3. BACKGROUND

Council is required to conduct an election for the position of Deputy Mayor as Councillors' term of office ended with the Council election held on 4 December 2021.

Section 231 of the *Local Government Act 1993* provides inter alia, that*:*

(1) The Councillors may elect a person from among their number to be the Deputy Mayor.
(2) The person may be elected for the Mayoral term or a shorter term
(3) The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence, or otherwise, from exercising the function or if there is a casual vacancy in the office of Mayor.

Historically, Willoughby Council has appointed Deputy Mayors for a 12 month period.

Council's Public Officer (Manager – Governance) has been appointed as the Returning Officer by the Chief Executive Officer.

4. DISCUSSION

The election of Deputy Mayor is regulated by clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005*, and *Local Government Act 1993*. The Deputy Mayor may be elected for the mayoral term, or a shorter term.

Given that the Local Government elections were postponed to December 2021 and that the next Local Government elections are scheduled for September 2024, equal terms of 12 months duration will not be possible. Council has the following options relating to the term of office (to September 2024) for the Deputy Mayor:

- Same period as the Mayor
    - 31 January 2022 to September 2024

- Shorter term followed by two one year terms
    - 31 January 2022 to September 2022
    - September 2022 to September 2023
    - September 2023 to September 2024

- Two one year terms followed by a shorter term
    - 31 January 2022 to January 2023
    - January 2023 to January 2024
    - January 2024 to September 2024

- Three equal terms of 11 months:
    - 31 January 2022 to December 2022
    - December 2022 to November 2023
    - November 2023 to September 2024

A nomination for the office of Deputy Mayor (**refer Attachment 2**) is to be made in writing to the Returning Officer and endorsed by two or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

Nominations, in writing is to be sent or delivered to the Returning Officer prior to the commencement at the meeting. However, there will be a call for additional nominations at the meeting.

The Returning Officer is to conduct the ballot and will announce the names of the nominees at the Council meeting at which the election is to be held. If only one Councillor is nominated, that Councillor is elected. If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by:

1. open voting - conducted by a show of hands
2. ordinary ballot - a secret ballot will occur
3. preferential ballot - a secret ballot will occur.

Secret ballots are not able to be conducted by remote audio-visual methods, therefore in the event some Councillors are granted approval by the Council to participate in the Council meeting by remote audio-visual link, the most practicable method will be to conduct the election by open voting.

The Office of Local Government has produced a fact sheet *"Election of Mayor and Deputy Mayor by Councillors"* which outlines the procedures to be observed in the election of a Deputy Mayor. The fact sheet also includes a reproduction of Schedule 7, of the *Local Government (General) Regulation 2005* (**refer Attachment 3**) relating to the form required for the nomination for the position of Deputy Mayor.

5. CONCLUSION

That Council run an election for the position of Deputy Mayor utilising the voting methods as required under Schedule 7, of the *Local Government (General) Regulation 2005.*

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team provides support to the Mayor and Councillors and provides the arrangements needed to elect a Deputy Mayor every year.
Policy	Council's *Payment of Expenses and the Provision of Facilities for the Mayor and Councillors* policy provides for access to certain facilities for when the Deputy Mayor is acting in the position of Mayor due to the absence of the Mayor.
Consultation	The Office of Local Government has provided advice, guides and fact sheet "Election of Mayor and Deputy Mayor by Councillors" which outlines the procedures for the election of a Deputy Mayor and will be circulated to Councillors.
Resource	There are no specific additional allowances for the Deputy Mayor beyond those available to all Councillors.
Risk	There are no specific risks associated with the election of the Deputy Mayor.
Legal	Council must appoint a Deputy Mayor as per the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.
Legislation	Section 231 of the *Local Government Act 1993* provides that Councillors may elect a person from among their number to be the Deputy Mayor. The election of Deputy Mayor is covered under *Schedule 7, Local Government (General) Regulation 2005*. The Schedule is shown in Attachment 2. Particular attention is drawn to Clauses 2(1) and (2): (1) A councillor may be nominated without notice for election as mayor or deputy mayor. (2) The nomination is to be made in writing by 2 or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing. *Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020* provides rules on Councillors and staff attending council meetings in person.
Budget/Financial	There is an adopted budget for Mayor and Councillors.

ATTACHMENT 2

Fact Sheet

ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS

NSW GOVERNMENT

Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of *the Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

Procedures

Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

> *As returning officer, I now invite nominations for the position of mayor/deputy mayor for* [name of council] *for a two year period.*
>
> *In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

> *As there is only one nominee for the role of mayor/deputy mayor, I declare that* [name of successful candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

Note: In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

> *It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*
>
> *Each councillor is entitled to vote for only one candidate in each round of voting.*
>
> *I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

> *Would those councillors voting for* [name of candidate] *please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

> [Name of candidate] *has the higher number of formal votes and as a result I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

> [Name of candidate], *having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

> *I declare that* [name of candidate] *is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

> *It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

> [Name of candidate], *having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

> *I declare that* [name of candidate] *is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

> [Name of candidate] *has the higher number of votes and I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

> *The votes are tied between* [name of candidate 1] *and* [name of candidate 2] *having received* [number] *votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*
>
> *Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Preferential ballot

The returning officer explains the process.

> *It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

> [Name of candidate], *having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

> [Name of candidate], *having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

> [Name of candidate], *having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

> *The votes are tied between* [name of candidate 1] *and* [name of candidate 2] *having received* [number] *votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

> *In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

> *I declare that* [name of candidate] *is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

Schedule 7 - Election of Mayor by Councillors

Part 1 Preliminary

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

(1) A councillor may be nominated without notice for election as mayor or deputy mayor

(2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

(3) The nomination is to be delivered or sent to the returning officer.

(4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

3 Election

(1) If only one councillor is nominated, that councillor is elected.

(2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.

(3) The election is to be held at the council meeting at which the council resolves on the method of voting.

(4) In this clause:

ballot has its normal meaning of secret ballot.

open voting means voting by a show of hands or similar means.

Part 2 Ordinary ballot or open voting

4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

5 Marking of ballot-papers

(1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.

(2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

6 Count—2 candidates

(1) If there are only 2 candidates, the candidate with the higher number of votes is elected.

(2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

7 Count—3 or more candidates

(1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.

(2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.

(3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.

(4) A further vote is to be taken of the 2 remaining candidates.

(5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.

(6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

Part 3 Preferential ballot

8 Application of Part

This Part applies if the election proceeds by preferential ballot.

9 Ballot-papers and voting

(1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.

(2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.

(3) An informal ballot-paper must be rejected at the count.

10 Count

(1) If a candidate has an absolute majority of first preference votes, that candidate is elected.

(2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.

(3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.

(4) In this clause, **"absolute majority"**, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

11 Tied candidates

(1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.

(2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

Part 4 General

12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

ATTACHMENT 3

ELECTION OF DEPUTY MAYOR - MONDAY, 31 JANUARY 2022

NOMINATION OF CANDIDATE

In accordance with Clause 2(2) of Schedule 7 of the *Local Government (General) Regulation 2005*, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of Deputy Mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.

We, the undersigned, do hereby nominate Councillor _____ for the position of Deputy Mayor.

Nominated by:

Councillor _____ Signature _____

Councillor _____ Signature _____

Date: _____ January 2022

Acknowledgment of Nomination

I consent to the above nomination for the position of Deputy Mayor.

Councillor _____ Signature _____

Date: _____ January 2022

10.2 COUNCIL MEETING SCHEDULE 2022

ATTACHMENTS:	**1. IMPLICATIONS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTOR**
AUTHOR:	**SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

This report seeks to adopt the 2022 Ordinary Council meeting schedule in accordance with the *Local Government Act 1993* (the Act) and to amend the Council's Code of Meeting Practice to reflect the adopted schedule.

This report also seeks to amend the Code to allow for Ordinary meetings of the Council to be held virtually (online) or a combination of both.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Adopt the following Council meeting schedule for Council meetings held during 2022 which will be held in the Council Chambers or virtually (online) or a combination of both, commencing at 7:00pm on the following dates:**

    - **Monday 31 January**
    - **Wednesday 2 March (moved due to attendance at the LGNSW Conference)**
    - **Monday 28 March**
    - **Tuesday 26 April (Monday 25 April is Anzac Day Public Holiday)**
    - **Monday 23 May**
    - **Monday 27 June**
    - **Monday 22 August**
    - **Monday 26 September**
    - **Monday 24 October**
    - **Monday 28 November**
    - **Monday 12 December (the meeting is brought forward due to the Christmas Recess period)**

2. **Note the Council will be in recess from 4 July to 15 July 2022 for the Winter School Holidays.**

3. **Amend clause 3.1 of the *Code of Meeting Practice 2020* to state:**
   "Ordinary meetings of the council will be held in the Council Chambers or virtually (online) or a combination of both, on the fourth Monday of the month at 7:00 pm, except when Council is in recess, or as otherwise resolved by Council."

4. **Note that the Chief Executive Officer is responsible for arranging Councillor briefing sessions, in accordance with the *Code of Meeting Practice 2020*, and that Councillor briefing sessions will typically be held on the first and second Monday of each month except when Council is in recess.**

3. BACKGROUND

The *Code of Meeting Practice* (the Code) adopted by Council at its meeting held on the 14 December 2020, incorporates the mandatory provisions of the Model Meeting Code provided for all NSW councils and currently provides inter alia:

> *"that ordinary Council meetings be held in the Council Chambers on the second Monday of the month at 7:00pm".*

The recommended schedule looks to amend the meeting cycle whereby Council meetings are generally held on the fourth Monday in the month (except when Council is in recess or as otherwise resolved).

Section 365 of the Act requires Council to meet at least 10 times a year.

Councillor briefings, presided by the Chief Executive Officer, are also provided to brief Councillors on business to be considered at Council meetings or any other matter.

4. DISCUSSION

2022 Council Meeting Schedule
The 2022 Council meeting schedule is presented to Council for consideration and sets out the dates for ordinary Council meetings as per clause 3.1 of *Code of Meeting Practice*. The schedule allows for a recess period during July.

The meetings schedule recommended seeks to move the ordinary meetings of the Council from the second to the fourth Monday of the month. This change will:

- be particularly pertinent for end of month financial reporting to allow staff time to review and analyse data at month end
- provide financial reports within the month end
- provide a resolution within the month end to minimise operational delays
- provide additional briefing opportunities prior to a Council meeting.

Delegations to the Mayor and Chief Executive Officer are used in periods when meetings are not held. These delegations ensure that urgent matters can be attended to during the break.

The recommended 2022 Council meeting schedule is as follows:

Date	Day	Time	Location
2 March*	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
28 March	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
26 April **	Tuesday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
23 May	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
27 June	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
22 August	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
26 September	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
24 October	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
28 November	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood
12 December ***	Monday	7:00pm	Council Chambers or virtual, Victor Street, Chatswood

* Council meeting held on 2 March due to five Councillors attending the Local Government NSW Special Conference

** Council meeting held on Tuesday 26 April due to Monday 25 April being Anzac Day Public Holiday

*** Council meeting held on Monday 12 December due to Council recess during the Christmas period

Willoughby City Council Code of Meeting Practice 2020
The proposed meeting cycle requires a non-substantial amendment to clause 3.1 of the Code, as shown in below:

The adoption of a resolution to amend the Code to allow meetings to be held virtually (online or a combination of both), formalises a practice which has been forced on Council due to COVID restrictions. The amendment would be as from:

Timing of ordinary council meetings
3.1 Ordinary meetings of the Council will be held in the Council Chambers, on the second Monday of the month at 7:00pm, except when Council is in recess, or as otherwise resolved by Council.

to:

Timing of ordinary council meetings
3.1 Ordinary meetings of the Council will be held in the Council Chambers or virtual (on line) or a combination of both, on the fourth Monday of the month at 7:00pm, except when Council is in recess, or as otherwise resolved by Council.

Section 362(2) of the *Local Government Act 1993* advises that amendments of a non-substantial nature do not require public exhibition of the Code.

Councillor Briefings
To support the 2022 Council meeting schedule, the Chief Executive Officer has scheduled Councillor Briefings on the first and second Monday of the month. This will facilitate the provision for a minimum of two briefing sessions which will enable Councillors to be briefed on matters to be considered at the Council meetings or any other matter.

Up until June 2022, Council will utilise the third Monday of the month to assist with inducting new Councillors. Following this time, the third Monday will remain flexible.

5. CONCLUSION

It is recommended that Council endorse the 2022 Council meeting schedule and the proposed changes to the *Code of Meeting Practice 2020,* to allow meetings to be held on fourth Monday of the month, and if required virtually (online) or a combination of both, as the changes will assist Councillors in their roles as an elected official.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team supports the preparation of Council Meetings.
Policy	Section 3.1 of the *Code of Meeting Practice* states that meetings shall be held on the second Monday of each month.
Consultation	The changes to the *Code of Meeting Practice* are considered non-substantial and therefor community consultation is not required. Council will update Council's website to reflect the changes.
Resource	No additional resourcing will be required as the recommended schedule does not provide for additional meetings than that previously adopted by Council.
Risk	There are no risk implications associated with this report. Delegations with clear parameters issued to the Mayor and Chief Executive Officer enable urgent Council business to be attended to during recess.
Legal	*Local Government Act 1993* *Local Government (General) Regulation 2005*
Legislation	Section 365 of the *Local Government Act 1993* specifies that Council is required to meet at least 10 times each year, each time in a different month. Clause 393B of the *Local Government (General) Regulation 2005* advises in regards to the exercise of council functions during a caretaker period.
Budget/Financial	Any decisions made will be in accordance with the approved budget.

10.3 METHOD TO FILL CASUAL VACANCIES

ATTACHMENTS:	**1. IMPLICATIONS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTOR**
AUTHOR:	**SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

The purpose of this report is for Council to consider using a countback of votes to fill casual vacancies in the office of a Councillor should it occur in the first 18 months after the last ordinary election of the Councillors.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Willoughby City Council Local Government Area be dealt with pursuant to the provisions of section 291A(1)(b) of the *Local Government Act, 1993* (the Act).**

2. **Notify the NSW Electoral Commissioner within seven days of the decision.**

3. BACKGROUND

Following the 2021 Local Government elections, Council has an option to use the countback method in the event of a Councillor vacancy within 18 months of the election (for example, due to resignation).

In accordance with section 291A of the *Local Government Act 1993*, to take up this option Council must, by resolution, declare that any casual vacancy that occurs in the office of a Councillor within 18 months of the date of the last ordinary election of the Councillors be filled by a countback of votes cast at the last election for that office to identify the replacement Councillor.

4. DISCUSSION

In 2021, the *Local Government (General) Regulation 2005* (the Regulation) and *Local Government Act 1993* (the Act) were amended to modernise electoral provisions of the Regulation and to align them with the more contemporary and efficient practices used in State elections.

The amendments also update and make refinements to improve the efficacy and clarity of provisions relating to postal voting, the administration of countback elections and the procedures for counting votes under the optional preferential, and the proportional systems and the publication of data in relation to counts.

As a result, the amendments have enabled councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election following the 4 December 2022 elections. It is anticipated the cost of using the countback method would be lower than a by-election which could cost at a minimum $80,000. In order to exercise the option of using a countback:

1. Council must pass the relevant resolution in the first Council meeting of the newly constituted Council after the 2021 ordinary elections, stating that casual vacancies will be filled using the countback method.

2. Countback elections can only be used to fill casual vacancies of Councillors in the first 18 months after the ordinary elections.

Should the Countback Provision be used, the Chief Executive Officer is required under the *Local Government (General) Regulation 2021* (the Regulation) to notify the NSW Electoral Commissioner of the Council's ordinary election, of the Council's resolution within seven days. The election manager for Willoughby City Council is the NSW Electoral Commissioner.

5. CONCLUSION

It is recommended that Council resolve to fill any casual vacancies that may arise in the first 18 months of the new Council term using the Countback Provisions as set out in section 291A(1)(b) of the *Local Government Act, 1993* (the Act).

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team provides support to the Council and NSW Electoral Commission in the preparation of Local Government Elections.
Policy	There is no applicable Council policy; this report is presented in accordance with Section 291A of the *Local Government Act 1993*.
Consultation	There are no consultation requirements applicable to this report.
Resource	The facilitation for managing the Countback is by the Election Manager for Willoughby City Council. The Election Manager is the NSW Electoral Commissioner.
Risk	Should the recommendation not be adopted at the first ordinary meeting of Council and be reported to the NSW Electoral Commissioner within seven days of making their decision, there is a high risk that Council would be required to hold a by-election within 18 months of the last election which may lead to financial implications.
Legal	*Local Government (General) Regulation 2005* *Local Government Act 1993*
Legislation	This report has been prepared in accordance with Section 291A of the *Local Government Act 1993* which outlines the provisions for a countback to be held instead of a by-election.
Budget/Financial	In the event of a casual vacancy in the office of councillor there will be costs associated with either the use of a countback election or conducting a by-election. Those costs would need to be funded from existing operational budgets through a re-allocation process. It is anticipated the cost of using the countback method would be lower than a by-election which could cost at a minimum $80,000. When the countback provisions were introduced to Parliament in 2014, the Minister for Local Government cited the potential for cost savings as a driver of the amendments.

10.4 LOCAL GOVERNMENT NSW SPECIAL CONFERENCE

ATTACHMENTS:	**1. IMPLICATIONS** **2. LGNSW SPECIAL CONFERENCE MOTIONS SUBMISSION GUIDE** **3. LGNSW MOTION BACKGROUND**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTOR**
AUTHOR:	**SHERRYN WILLIAMS – TEAM LEADER GOVERNANCE**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To determine the councillor voting delegates to attend the Local Government NSW (LGNSW) Special Conference to be held Monday 28 February to Wednesday 2 March 2022 and to submit a motion on Infrastructure Contributions Reform.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Nominate up to five Councillors as voting delegates to attend the Local Government NSW Special Conference from 28 February to 2 March 2022.**

2. **Submit the following motion to the Local Government NSW Special Conference:**

   That Local Government NSW reaffirms their commitment that no council will be worse off through the Infrastructure Contributions reforms and that this issue will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

3. BACKGROUND

Local Government NSW (LGNSW) is the industry association for NSW councils. The Special Conference facilitates the coming together of Councillors to share ideas, and debate issues that shape the way councils operate.

As a result of COVID constraints, and the further postponement of local government elections, LGNSW decided to truncate the Annual Conference to a one-hour, online event on 29 November 2021, followed by a Special Conference on 28 February – 2 March 2022.

The Conference provides an opportunity for councils to submit a motion relating to strategic local government issues which may affect members state-wide and introduce new or emerging policy issues and actions. These motions are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW's advocacy priorities for the year ahead.

Motions submitted must meet the following criteria:

1. Are consistent with the objects of LGNSW (refer Rule 4 of the Association's rules).
2. Relate to local government in NSW and/or across Australia.
3. Concern or are likely to concern local government as a sector.
4. Seek to advance the local government policy agenda of LGNSW and/or improve governance of the Association.
5. Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws).
6. Are clearly worded and unambiguous in nature.
7. Do not express preference for one or several members over one or several other members.

4. DISCUSSION

LGNSW is a member-based industry body for the local government sector. The LGNSW Special Conference will be held at the Hyatt Regency Sydney from 28 February to 2 March 2022. The conference will include the debate and resolution of motions setting LGNSW's advocacy agenda for 2022.

Delegates

As a member of LGNSW, Willoughby City Council is entitled to send up to five voting delegates to the Special Conference. Nominated delegates are to be advised to LGNSW by 17 February 2022.

Attendance at the conference provides an opportunity for Councillors to network, participate in workshops and training sessions, view trade shows and set the LGNSW policy directions for the upcoming year.

The cost of Councillors attendance at the LGNSW Special Conference is met by Council.

Motions

Under the rules to submit motions to the LGNSW conference (**refer Attachment 2**), any motions put, must first be supported by a Council resolution.

The LGNSW rules set the deadline of midnight on 30 January 2022 for motions to be submitted for potential inclusion in the Conference Business Paper. However, the LGNSW Rules do also allow for councils to submit motions with less than 28 days' notice and the LGNSW Board may allow these to be considered at the Conference as late items. If councils cannot meet the 30 January 2022 timeline, they are encouraged to submit motions as late items as soon as possible after the deadline.

Given the deadline for motions to be submitted to LGNSW is 30 January 2022, the opportunity for Council to also resolve a motion to be put to the LGNSW conference is available at this Council meeting only.

It is proposed that Council endorse the following motion to be submitted to the LGNSW Special Conference:

> *That Local Government NSW reaffirms their commitment that no council will be worse off through the Infrastructure Contributions reforms and that this issue will continue to be pursued vigorously with the NSW Minister for Planning and Homes.*

The LGNSW required background paper is attached (**refer Attachment 3**).

The Northern Sydney Regional Organisation of Council's (NSROC) is also intending to submit a motion on Infrastructure Contributions Reforms and that no council will be worse off.

In recent years, the State Government has proposed numerous reforms to the Infrastructure Contributions framework. The impact of these reforms is significant and Council has undertaken important advocacy work to minimise these impacts and improve the community outcomes.

During the public exhibition period, the Minister for Planning made a commitment to ensuring that no council is worse off, which was supported by LGNSW. However, there continues to be a lack of clarity around how this is defined and over what time period. The Minister's commitment to seek financial assistance in certain circumstances does not provide any assurance that such assistance will actually be provided and if so, under what terms.

Willoughby City Council will be worse off as a result of these reforms in many ways such as financial sustainability, reduced autonomy and value of the voice of local communities, reduction in transparency of the process, extended timeframes for delivery of much needed infrastructure and, likely reduction in service standards due to reduced income.

Below provides a summary of key challenges of the proposed reforms:

- As a result of the proposed changes to the contribution formulas and permitted works, Willoughby City Council will be financially worse off, to the value of almost $42m over 17 years.
- The proposed reforms add more complexity, limit the capacity of councils to respond to local infrastructure, while shifting the cost from new development to existing communities.
- The Regional Infrastructure Contributions Framework should be a far more transparent process and expenditure should be spent in the area it is collected.
- The removal of key elements of the Essential Works List demonstrates a limited view of infrastructure that supports a community.
- The proposed reforms will have negative impacts on local agreements, elevating the risk that our communities will further miss out on much needed infrastructure.
- The proposed benchmarks are not suitable for infill sites and stifles innovation and creating spaces that meet local needs.
- There is no recognition of the service level gap that is created by using base level performance and the additional financial pressure it places on Council and the community to fill this gap.
- There is significant administration burden placed onto councils without appropriate resourcing.

The reforms are still being considered by the Government, after a recent public exhibition period at the end of last year. At the next Council meeting, Council will have the opportunity to make a formal submission to the Minister on these reforms. A more fulsome Councillor Briefing on previous submissions will be provided prior to the meeting.

5. CONCLUSION

LGNSW is a peak body for Local Govenrment in NSW and there is value in Councillors attending the conference and submitting motions that support the future advocacy work of LGNSW. It is therefore, recommended that Council nominate five voting delegates to participate at the Special Conference and adopt the proposed motion to be submitted to the LGNSW Special Conference.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.2 – Demonstrate leadership and advocacy for local priorities
Business Plan Objectives, Outcomes / Services	Council maintains annual membership with LGNSW as they assist member councils to deliver improved services, and better outcomes to their local communities through the provision of advocacy, representation and support.
Policy	Attendance at the LGNSW Conference is included in the annual program of conferences in Council's *Provision of Facilities and Payment of Expenses* policy.
Consultation	There are no consultation requirements applicable to this report.
Resource	There are no additional resource implications applicable to this report. The facilitation of Councillor participation in the conference is an annual activity resourced by the Governance team.
Risk	The nomination of voting delegates ensures that Council's interests are represented at the Annual Conference and in the election of the LGNSW Board. The LGNSW Annual Conference is the annual policy-making event for all NSW councils; the submission of motions represents an opportunity to participate in this process.
Legal	As a registered organisation, LGNSW is bound by a number of legal obligations, including the need to report to members on financial performance within six months of the end of the 2020-21 financial year. For this reason, the Annual Conference must be held within the relevant time period.
Legislation	As a registered organisation, LGNSW is subject to the *Fair Work (Registered Organisations) Act.*
Budget/Financial	Council pays an annual membership fee of $58,636.22 this is funded through an approved budget. Councillor attendance at the Conference is included in the budget.

LOCAL GOVERNMENT NSW

LGNSW Special Conference Motions Submission Guide

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Motions Submission Guide

1. Introduction

Each year, member councils across NSW submit a range of motions to an Annual Conference conducted by Local Government NSW (LGNSW). These motions relate to strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions. They are debated and resolved by Conference delegates, with successful resolutions guiding LGNSW's advocacy priorities for the year ahead.

However, stay-at-home orders and the postponement of local government elections have forced a truncated Annual Conference in 2021, with insufficient time for proper motion debate.
To ensure motions are properly debated and resolved by members, LGNSW will hold an additional Special Conference from 28 February to 2 March 2022.

All LGNSW member councils are invited to submit motions to this Special Conference, with the following Guide outlining the Motion development and submission process.

2. Deadlines

Members are encouraged to submit motions online as early as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. Under LGNSW Rules, the latest date motions can be accepted for inclusion in the Business Paper is **12 midnight (AEDT) on Sunday 30 January 2022** (28 days prior to Conference).

3. Criteria for motion submission

The LGNSW Board has resolved that motions will be included in the Business Paper for the Conference only where they:

1. are consistent with the objects of LGNSW (see Rule 4 of the Association's rules),
2. relate to local government in NSW and/or across Australia,
3. concern or are likely to concern local government as a sector,
4. seek to advance the local government policy agenda of LGNSW and/or improve governance of the Association,
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws),
6. are clearly worded and unambiguous in nature, and
7. do not express preference for one or several members over one or several other members.

Council members are encouraged to review Action Reports (on the member only pages of the LGNSW website) from previous Conferences and the LGNSW Policy Platform before submitting motions for this year's Special Conference to ensure the proposed motion wording reflects any recent developments and does not duplicate existing positions..

4. How to write a motion

Motions adopted at Conferences inform LGNSW's advocacy actions on behalf of the local government sector. LGNSW includes the exact wording of motions when writing to ministers, departments and agencies post-conference, so it is important that the wording of motions clearly outlines your council's policy intent or objective.

The format of motions, as much as possible, should call on a specific body (e.g. LGNSW, state government, federal government, a specific department or minister) and have a specific outcome that the motion is aiming to achieve. The wording should be unambiguous.

Examples of clearly-worded Annual Conference motions:

Minister for Rural and Regional NSW
That LGNSW lobbies the NSW State Government to appoint a Minister for Rural and Regional NSW with suitable resources to undertake meaningful representative activities.

Natural Disaster Funding, Day Labour
That LGNSW requests the Australian and NSW governments reinstate the claimable expense for the use of council staff during their normal working hours to attend to natural disaster relief and recovery funded works and reverse the present policy that effectively requires the mandatory use of contractors for recovery works.

Companion Animal Act matters
That LGNSW advocates that the NSW Government takes the following steps to improve the management of companion animals:

- establish an integrated on-line statewide registration process as an improved service to companion animal owners;
- resolve difficulties with the *Companion Animals Act 1998* definition of an "Authorised Officer", by using the definition contained in the *Impounding Act 1993* as the definition in both Acts, allowing councils choice in the business model for its area; and
- review the dismissal of charges under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in relation to offences under the *Companion Animals Act 1998*.

For more examples see Business Papers from past Conferences on the LGNSW website.

5. Demonstrating evidence of council support for motion

The member submitting the motion must provide accompanying evidence of support for the motion. Such evidence may include an attachment note or extract from the minutes of the council meeting, at which the member council resolved to submit the motion for consideration by the Conference. In the absence of a council meeting, the evidence should be a letter signed by both the Mayor and General Manager.

6. How to submit a motion

LGNSW members are invited to submit motions through an online portal from **12 July 2021**.

Each motion submission should include responses to the following fields:

1. **Council name**
2. **Contact details** of relevant officer
3. **Motion category** *(e.g. planning, economic, environment etc. This assists with assigning motions to the relevant policy staff and grouping related motions in the Conference Business Paper.)*
4. **Motion title** *(a few words)*
5. **Motion** *(a sentence or two which includes the call to action)*
6. **Background note** *(a paragraph or two to explain the context and importance of the issue to the local government sector)*
7. **Evidence of council support** for the motion *(e.g. extract of council meeting minutes)*

Once a motion has been submitted it cannot be edited without contacting LGNSW, so please review the content carefully before submission.

7. How LGNSW manages incoming motions

The LGNSW Board has established a committee and delegated the function of managing incoming motions for the Conference to this committee. The Chief Executive will refer motions to the committee and the committee will assess whether the motion meets or doesn't meet the criteria, or if

it is unclear whether it meets the criteria. This assessment forms the final decision on which motions are included in the Conference Business Paper.

Prior to the committee making a final decision, LGNSW may contact the council that submitted the motion to seek clarity on its intent or wording.

Incoming motions which seek to change any long-held Fundamental Principles will be highlighted in the Business Paper for members' information at time of voting.

Motions which are consistent with existing LGNSW positions or current LGNSW actions, or that are operational and can be actioned without a Conference resolution, may still be printed in the Business Paper but will not be debated at the Conference.

8. What happens to motions at the LGNSW Conference

Standing orders are outlined at the front of the Business Paper and adopted at the commencement of each Conference. They outline the manner in which the Conference deals with motions. The standing orders adopted at the 2019 Conference can be found in **Attachment A.**

During debate on motions at Conference, the standing orders generally permit councillor delegates to speak in support of or against each motion. Following a vote on a motion, the motion is either carried and becomes a resolution of the Conference, or it is defeated.

9. Post-conference: Updates to the LGNSW Policy Platform

LGNSW's Policy Platform consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance to the sector. Importantly, the Policy Platform guides LGNSW in its advocacy on behalf of the local government sector.

The Policy Platform consists of two parts: LGNSW's Fundamental Principles, and the more targeted Position Statements.

- **Fundamental Principles** are the enduring and overarching principles that direct LGNSW's response to broad matters of importance to the local government sector. These Fundamental Principles are endorsed (or amended) by LGNSW members at Annual Conferences (or this year, at the Special Conference).

- **Position Statements** contain LGNSW's more detailed positions on specific issues and guide LGNSW's work on, and response to, policy issues of the day. Position Statements are subordinate to LGNSW's Fundamental Principles but are more agile and are targeted at specific policy issues as they arise.

Changing Fundamental Principles
Where a motion conflicts or may conflict with a Fundamental Principle, this will be clearly highlighted for delegates in the Conference Business Paper. If the motion is adopted as a resolution at Conference, then the relevant Fundamental Principle will be changed.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector.

Changing Position Statements
Following each Conference, LGNSW will review resolutions of that Conference to determine whether the intent of each resolution is adequately covered by existing Position Statements. Where the Position Statements do not adequately include the intent of a resolution, LGNSW will update an existing Position Statement or draft a new Position Statement, to be endorsed by the LGNSW Board as part of the LGNSW Policy Platform.

LGNSW members will be informed of updates to the LGNSW Policy Platform.

10. Post-conference: Determining LGNSW Advocacy Priorities

Following the LGNSW Special Conference, LGNSW will review the resolutions and identify key areas of focus to guide LGNSW's advocacy for the coming year. These areas of focus are also be informed by member feedback, the LGNSW strategic plan, position statements, emerging issues, and Board input.

LGNSW's Advocacy Priorities for the following year are then submitted for endorsement by the LGNSW Board, and communication to members via email.

As LGNSW undertakes advocacy actions on each of the Conference resolutions throughout the year, these actions and their outcomes will be published in LGNSW's Action Report. (Past Action reports are available on the member only pages of the LGNSW website).

11. Further information

For further information on the motion submission process, please contact Damian Thomas, Strategy Manager at damian.thomas@lgnsw.org.au

Frequently Asked Questions

How do I know if my proposed motion is consistent with existing LGNSW policy positions?

The subject matter expert within council is best placed to identify this (for example, if the motion relates to a planning matter, this question should be answered by the Planning Manager). Subject matter experts are encouraged to review LGNSW's Policy Platform to gain an understanding of LGNSW's position on a particular matter to help identify whether your proposed motion is consistent.

What is the deadline for submitting motions?

Members are encouraged to submit motions online as soon as possible to allow assessment of the motions and distribution of the Business Paper before the Conference. However, in line with the LGNSW Rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is **12 midnight AEST on Sunday 30 January 2022** (28 days prior to Conference).

LGNSW can receive more than 300 motions for an Annual Conference. Submitting motions as early as possible helps LGNSW to manage the large volume of motions received within a short period of time and allows LGNSW to seek clarification on any motions if required.

I'm unsure which motion category or sub-category I should select in the online portal

If you are unsure, just select the category you think best fits. LGNSW can reallocate the motion if necessary.

What if my council will not meet to consider motions for the LGNSW Special Conference until after the 30 January 2022 deadline?

LGNSW understands that some councils will not hold their first meeting of the new council term until after the 30 January 2022 deadline to submit motions for inclusion in the Business Paper.

The LGNSW Rules set the deadline of midnight on 30 January 2022 for motions to be submitted for potential inclusion in the Conference Business Paper. However, the LGNSW Rules do also allow for councils to submit motions with less than 28 days' notice and the LGNSW Board may allow these to be considered at Conference as **late items**.

If councils cannot meet the 30 January 2022 timeline, we encourage councils to submit motions as late items as soon as possible after the deadline.

Who should be the council contact for motions?

We recommend the council contact is someone who is available during the months that motions are open, and able to respond promptly to communications between the subject matter expert, your council and LGNSW. Some councils have identified the General Manager and others have identified the Governance Officer – it is a decision for each council.

Will the COVID-19 pandemic affect the motions process?

The LGNSW Conference motions process is an important policy setting process for the local government sector. The Conference will follow government guidelines on safe events and social distancing. In 2020, the LGNSW conference was held online due to COVID-19 health and safety orders and delegates had the opportunity to debate motions during the conference. However, member feedback indicated an in-person conference is preferable, and LGNSW is seeking to do this with the Special Conference from 28 February to 2 March 2022.

How can I amend my council's motion that I've already submitted?

Once a motion has been submitted it cannot be edited without contacting LGNSW so please review the content carefully before submission. If you need to edit a submitted motion, please contact Damian Thomas, Strategy Manager at damian.thomas@lgnsw.org.au. You may need to provide evidence of support for the change (see section 5).

Attachment A – Excerpt of LGNSW 2019 Annual Conference Standing Orders

The 2020 Annual Conference was held wholly online and as such the standing orders differed substantially from past years. The 2019 standing orders are included below as a guide.

Manner of dealing with Conference Business

11. *Conference Business will be dealt with in any order at the discretion of the Chairperson.*

12. *Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.*

In the case of motions

13. *The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.*

14. *Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.*

15. *If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.*

16. *Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.*

17. *A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.*

18. *The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:*
    a. *limit repetition of matters addressed by other speakers;*
    b. *limit debate about matters or issues not genuinely disputed.*

19. *Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, shall have had an opportunity to speak on the resolution then before the Conference.*

20. *A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;*
    a. *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 discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and*
    b. *Despite any clause to the contrary, 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.*

21. *A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.*

22. *When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.*

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23. *No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.*

24. *The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.*

New motions from the floor of Conference

25. *At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).*

26. *Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.*

27. *The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.*

Motions that reflect existing LGNSW policy

28. *Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.*

In the case of all other Conference Business

29. *All other Conference Business will be dealt with at the discretion of the Chairperson.*

Manner of voting

30. *Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.*

31. *Except as hereinafter provided voting on any matter shall be on the show of cards.*

32. *The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.*

33. *After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:*

    a. declare the question resolved in the affirmative or negative; or
    b. if voting cards have been used, call for a new vote using electronic voting.

34. *A Division may be called following a vote on the show of cards by no less than 10 Delegates.*

35. *A Division will be taken by use of electronic voting.*

Suspending Standing Orders

36. *Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.*

Outstanding business

37. *In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.*

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ATTACHMENT 3

LGNSW Motion
January 2022

1. **Council name**
   Willoughby City Council

2. **Contact details of relevant officer**
   Maxine Kenyon, Interim Customer and Corporate Director
   9777 1000 or Email@willoughby.nsw.gov.au

3. **Motion category**
   Financial Sustainability and Planning

4. **Motion title**
   Infrastructure Contributions Reforms – No Council worse off

5. **Motion**
   That Local Government NSW reaffirms their commitment that no council will be worse off through the Infrastructure Contributions reforms and that this issue will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

6. **Background note**
   The Infrastructure Contributions reforms proposed by the NSW Government add more complexity, limit the capacity of councils to respond to local infrastructure, while shifting the cost from new development to existing communities and councils. These reforms impose significant operational and capital costs to councils at a time when the broader financial climate for local govenrment is bleak.

   The State Government, supported by LGNSW, claimed that no council will be worse off as a result of these reforms, yet there is no clarity on how this will be achieved.

   The financial impacts are compounded by other impacts which will also contribute to a difficult future for councils where they will be worse off, these factors should also be considered:

   - Increased costs to meet the gap in service provision due to a reduction in contributions.
   - Extended timeframe for delivery of infrastructure works given the increased gaps in service standards, the reduced developer contributions and councils having to find alternate sources of funding.
   - The approach diminishes the role and value the community and councils provide in undertaking local strategic planning to respond to local needs.
   - Reduction in transparency of processes, through increased Ministerial powers, and the requirements placed on the State Government for its elements of the new contributions system being much less than those placed on local government.
   - Reduction in the service standards and outcomes our communities can expect, one sized infrastructure benchmarks do not enable flexibility for communities to set their own service standards and outcomes they consider appropriate. Costs on existing rate payers will have to be increased if existing standards of service above the nominated benchmarks are to be maintained.

7. **Evidence of council support for the motion**
   To be attached

10.5 MATTERS DEALT WITH UNDER DELEGATED AUTHORITY FOR THE PERIOD 4 NOVEMBER 2021 TO 30 JANUARY 2022

ATTACHMENTS:	**1. IMPLICATIONS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTORATE**
AUTHOR:	**SHERRYN WILLIAMS – GOVERNANCE TEAM LEADER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To report to Council on matters dealt with by the Mayor and the Chief Executive Officer under delegated authority during the Christmas / New Year recess period.

2. OFFICER'S RECOMMENDATION

That Council receive the report outlining matters dealt with under delegated authority during the Christmas/New Year recess.

3. BACKGROUND

At its meeting on 3 November 2021, Council resolved to:

That Council:

1. *Note the Council will be in recess from 4 November 2021 to 30 January 2022.*

2. *Delegate authority to the Mayor and Chief Executive Officer from 4 November 2021 to 30 January 2022 to deal with matters during the break considered by them to be urgent, subject to:*
   - *compliance with relevant legislation*
   - *the limitations to delegations under section 377 of the Local Government Act 1993*
   - *matters that are considered urgent in nature or would cause undue delays to stakeholders*
   - *consultation with Ward Councillors for decisions involving planning proposals*
   - *decisions being deferred where Council policy provides no clear guidelines.*

3. *Note a report outlining how the authority was exercised will be provided to Council at its meeting of 31 January 2022.*

4. DISCUSSION

Delegations to the Mayor and Chief Executive Officer are used in periods when meetings are not held. These delegations ensure that urgent matters can be attended to during the recess period. This delegation was provided to the Mayor and Chief Executive Officer by Council, at its meeting held on the 3 November 2021.

There were no occasions during the recess period for which the Mayor or Chief Executive Officer were required to exercise their delegated authority.

5. CONCLUSION

The delegations to the Mayor or Chief Executive Officer were not exercised during the recess period.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Governance team provides support to the Council in the preparation of Council meeting reports, agendas and minutes.
Policy	There is no applicable policy; this report is presented pursuant to the Council Resolution of the 3 November 2021: *3. Note a report outlining how the authority was exercised will be provided to Council at its meeting of 31 January 2022.*
Consultation	Consultation was undertaken with the Chief Executive Officer.
Resource	As the delegation was not exercised, there are no resource implications.
Risk	The provision of this report ensures that the Council and community are informed of any circumstances in which delegated authority was exercised whilst the Council was in recess; ensuring the openness, transparency and accountability.
Legal	As the delegation was not exercised there are no legal implications.
Legislation	As the delegation was not exercised there are no legislative implications.
Budget/Financial	There are no financial implications associated with this report.

10.6 INVESTMENT REPORT FOR THE MONTH OF OCTOBER 2021

ATTACHMENTS:	**1. IMPLICATIONS** **2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020)** **3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTORATE**
AUTHOR:	**STEPHEN NAVEN – CHIEF FINANCIAL OFFICER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 October 2021 under section 625 of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 October 2021.

3. BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*.

In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 31 October 2021 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3.**

Actual performance against policy settings and budget are included in **Attachment 2**.

The monthly investment report details the interest income for the month and any other relevant information.

The key financial indicators for Council's investment holdings at 31 October 2021 include:

Combined Bank Balance	$9.5M
Investment Holdings	$178.1M
Total Cash and Investments	**$187.6M**
Return on Investments	0.75%, (0.74% above benchmark of 0.01%) (Refer to **Attachment 2** – Figure 3).
Actual Interest Return (Month)	$111K ($12K better than $99K budget) (Refer to **Attachment 2** – Figure 4).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of $486K is $29K favourable to Year to Date budget of $457K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 October 2021 was $187.6m. Of this amount, $168.6m, or 90% is restricted to be spent on specific purposes. This leaves $19.0m or 10% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Table 1 shows the breakdown of cash and investments.

Table 1 – Restricted versus unrestricted cash and investments as at 31 October 2021

Restriction Category	**Total cash and investments as at** 31 October 2021 **($'m)**	**Percentage of Total Portfolio %**
Internally Restricted	$62.5M	33%
Externally Restricted	$106.1M	57%
Unrestricted	$19.0M	10%
Total	**$187.6M**	100%

5. CONCLUSION

Council's investment holdings at 31 October 2021 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005,* the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's *Investment Policy* which safeguards Council's investment portfolio.
Consultation	There are no consultation considerations applicable to this report.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*. In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.
Budget/ Financial	The monthly investment report details the interest income for the month and any other relevant information required by Council. Council's Cash and Investments holdings at 31 October 2021 were $187.6M and Interest returns are on track to exceed the annual budget of $1.1M.

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	**Short Term Rating** (S&P or equivalent)	**Portfolio Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	**100**	**61**
A+ / A	A1	**70**	**3**
A- / BBB+ / BBB	A2	**50**	**32**
BBB-	A3	**10**	**0**
Unrated	Unrated	**10**	**4**

Credit Risk refers to the risk of loss due to the insolvency of an institution or institutions that Council is investing funds with. To ensure that Credit Risk is minimised, Council relies on external rating agencies (such as Standard and Poors Global Rating) and sets targets for each rating class (with a higher proportion of the portfolio in higher rated / less risky classes and lower amounts in lower credit classes).

Figure 1 shows that this month Council's portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	**Institution Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	30	27
A+ / A	A1	20	1
A- / BBB+ / BBB	A2	15	9
BBB-	A3	5	0
Unrated	Unrated	5	3

In addition to minimising credit risk by concentrating investments in highly rated institutions (Figure 1), Council also needs to ensure that exposure to loss from one single organisation (counterparty risk) is minimised. The policy therefore prescribes maximum percentage targets for amounts invested in a single institution.

Figure 2 shows that this month Council's investment portfolio meets policy requirements as exposure to single entities is equal to or lower than the policy prescribed maximums.

Figure 3 – Interest Rate Comparison for 31 October 2021

Description	Average Interest Rate
Council Portfolio	0.75%
Benchmark – Bloomberg AUSBond Bank Bill Index	0.01%
Above Benchmark Return	0.74%

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.74%.

Figure 4 – Investment Return for 31 October 2021

Description	Interest Achieved ($K: $000's)
Council Actual Interest Return	$111K
Budgeted Return	$99K
Over Budgeted Return	$12K

Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is $12K better than budget.

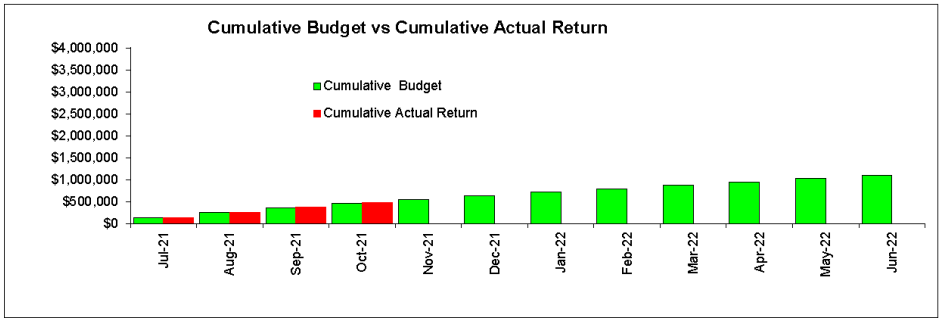
Investment Report for October 2021 — Council Holdings and Counterparty Analysis — ATTACHMENT 3

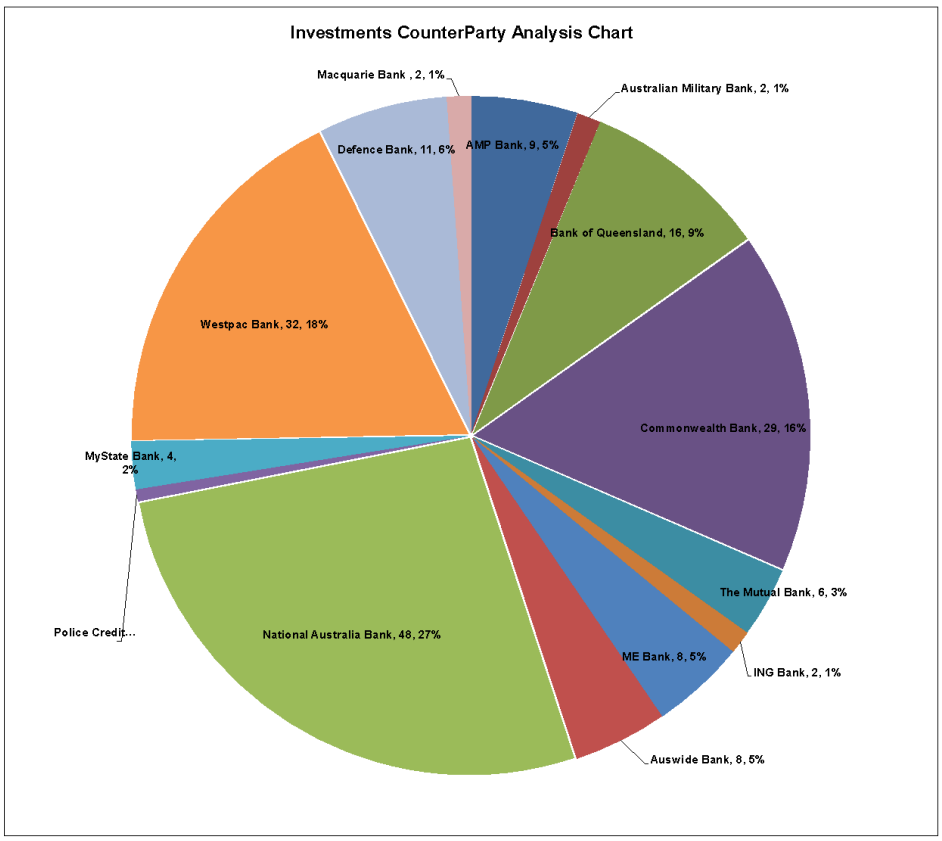
LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
Auswide Bank (42057)	BBB+	TD	3,000,000	1.70%	838	3/10/2019	7/10/2021	Matured
Westpac Bank (8601107)	AA-	TD	2,000,000	1.00%	712	11/06/2020	14/10/2021	Matured
Commonwealth Bank (2018)	A1+	TD	3,000,000	0.63%	673	15/10/2020	14/10/2021	Matured
Commonwealth Bank (2019)	A1+	TD	3,000,000	0.63%	673	15/10/2020	14/10/2021	Matured
National Australia Bank (93-476-0564)	A1+	TD	1,000,000	0.64%	351	15/10/2020	21/10/2021	Matured
Commonwealth Bank (2020)	A1+	TD	3,000,000	0.63%	1,036	15/10/2020	21/10/2021	Matured
National Australia Bank (78-523-5597)	A1+	TD	1,000,000	0.63%	466	8/10/2020	28/10/2021	Matured
Current Investments:								
Westpac Bank (8775277)	AA-	TD	3,000,000	0.80%	2,038	27/08/2020	4/11/2021	0-3 mths
National Australia Bank (409468987)	AA-	TD	2,000,000	0.82%	1,393	27/08/2020	4/11/2021	0-3 mths
National Australia Bank (48236)	AA-	TD	3,000,000	0.82%	2,089	27/08/2020	11/11/2021	0-3 mths
Westpac Bank (8119978)	AA-	TD	2,000,000	1.62%	2,752	8/11/2019	11/11/2021	0-3 mths
Westpac Bank (8758031)	AA-	TD	4,000,000	0.82%	2,786	20/08/2020	18/11/2021	0-3 mths
AMP Bank (653244327) (REG)	A-	TD	1,050,963	1.55%	1,384	14/05/2020	18/11/2021	0-3 mths
National Australia Bank (10730270)	A1+	TD	2,000,000	0.58%	985	12/11/2020	25/11/2021	0-3 mths
Commwealth Bank (2025)	A1+	TD	2,000,000	0.54%	917	12/11/2020	25/11/2021	0-3 mths
Commwealth Bank (2028)	A1+	TD	1,000,000	0.55%	467	26/11/2020	25/11/2021	0-3 mths
Commwealth Bank (2031)	A1+	TD	2,000,000	0.55%	934	3/12/2020	2/12/2021	0-3 mths
Westpac Bank (8804859)	AA-	TD	2,000,000	0.75%	1,274	10/09/2020	9/12/2021	0-3 mths
The Mutual Bank (48415)	Unrated	TD	2,000,000	0.95%	1,614	10/09/2020	9/12/2021	0-3 mths
MyState Bank (48416)	BBB+	TD	2,000,000	0.80%	1,359	10/09/2020	9/12/2021	0-3 mths
National Australia Bank (23-268-6136)	AA-	TD	3,000,000	0.80%	2,038	3/09/2020	16/12/2021	0-3 mths
Macquarie Bank (257847582)	A+	TD	1,000,000	0.74%	628	15/01/2021	13/01/2022	0-3 mths
National Australia Bank (10738486)	A1+	TD	1,000,000	0.45%	382	21/01/2021	20/01/2022	0-3 mths
Auswide Bank (44222)	BBB+	TD	2,000,000	1.70%	2,888	6/02/2020	3/02/2022	4 mths
National Australia Bank (10741025)	A1+	TD	2,000,000	0.43%	730	4/02/2021	3/02/2022	4 mths
The Mutual Bank (50608)	Unrated	TD	2,000,000	0.55%	934	4/02/2021	3/02/2022	4 mths
Auswide Bank (197597)	BBB+	TD	2,000,000	1.75%	2,973	13/02/2020	17/02/2022	4 mths
Bank of QLD (227914)	A2	TD	2,000,000	1.60%	2,718	20/02/2020	17/02/2022	4 mths
Commonwealth Bank (2041)	A1+	TD	2,000,000	0.50%	849	4/03/2021	3/03/2022	5 mths
Auswide Bank (44840)	A2	TD	2,000,000	1.65%	2,803	5/03/2020	10/03/2022	5 mths
Macquarie Bank (51134)	A1	TD	1,000,000	0.45%	382	11/03/2021	10/03/2022	5 mths
Defence Bank (51133)	A2	TD	2,000,000	0.47%	798	11/03/2021	17/03/2022	5 mths
Police Credit Union SA (180321)	Unrated	TD	1,000,000	0.50%	425	18/03/2021	17/03/2022	5 mths
Bank of QLD (267625)	BBB+	TD	2,000,000	1.25%	2,123	4/06/2020	7/04/2022	6 mths
National Australia Bank (48537)	AA-	TD	4,000,000	0.77%	2,616	17/09/2020	14/04/2022	6 mths
National Australia Bank (23-320-2164)	AA-	TD	3,000,000	0.77%	1,962	17/09/2020	14/04/2022	6 mths
National Australia Bank (23-629-5247)	AA-	TD	2,000,000	0.77%	1,308	17/09/2020	21/04/2022	6 mths
Defence Bank (52215)	A2	TD	2,000,000	0.50%	849	6/05/2021	5/05/2022	7 mths
ME Bank (52216)	A2	TD	1,000,000	0.50%	425	6/05/2021	5/05/2022	7 mths
ME Bank (52311)	A2	TD	2,000,000	0.50%	849	13/05/2021	12/05/2022	7 mths
ME Bank (52393)	A2	TD	3,000,000	0.50%	1,274	20/05/2021	19/05/2022	7 mths
Defence Bank (46617)	BBB+	TD	2,000,000	1.20%	2,038	28/05/2020	2/06/2022	8 mths
The Mutual Bank (47111)	Unrated	TD	2,000,000	1.30%	2,208	18/06/2020	16/06/2022	8 mths
AMP Bank (415527977)	BBB+	TD	1,000,000	0.75%	637	17/12/2020	16/06/2022	8 mths
ME Bank (52908)	A2	TD	2,000,000	0.53%	900	17/06/2021	16/06/2022	8 mths
AMP Bank (474382181)	A2	TD	1,000,000	0.75%	637	28/01/2021	28/07/2022	9 mths
AMP Bank (862977733)	BBB+	TD	2,000,000	0.75%	1,274	18/02/2021	11/08/2022	10 mths
Bank of QLD (415480)	A2	TD	2,000,000	0.45%	764	19/08/2021	18/08/2022	10 mths
Commonwealth Bank (2066)	A1+	TD	3,000,000	0.44%	1,121	2/09/2021	1/09/2022	11 mths
Commonwealth Bank (2069)	A1+	TD	3,000,000	0.42%	1,070	3/09/2021	8/09/2022	11 mths
Commonwealth Bank (2071)	A1+	TD	2,000,000	0.35%	595	16/09/2021	22/09/2022	11 mths
AMP Bank (290921)	A2	TD	2,000,000	0.80%	1,359	30/09/2021	29/09/2022	11 mths
AMP Bank (61022)	A2	TD	2,000,000	0.80%	1,359	30/09/2021	6/10/2022	11 mths
Bank of QLD (314092)	BBB+	TD	1,000,000	0.80%	679	22/10/2020	20/10/2022	11 mths
National Australia Bank (10728150)	AA-	TD	2,000,000	0.65%	1,104	27/10/2020	27/10/2022	>12 mths
National Australia Bank (10730271)	AA-	TD	2,000,000	0.66%	1,121	12/11/2020	10/11/2022	>12 mths
Defence Bank (49553)	BBB+	TD	2,000,000	0.62%	1,053	19/11/2020	17/11/2022	>12 mths
Defence Bank (49658)	BBB+	TD	1,000,000	0.63%	535	26/11/2020	24/11/2022	>12 mths
National Australia Bank (10732871)	AA-	TD	4,000,000	0.65%	2,208	3/12/2020	8/12/2022	>12 mths
Australaian Military Bank (49893)	BBB+	TD	2,000,000	0.60%	1,019	10/12/2020	8/12/2022	>12 mths
National Australia Bank (10733880)	AA-	TD	3,000,000	0.63%	1,605	10/12/2020	15/12/2022	>12 mths
National Australia Bank (10738485)	AA-	TD	3,000,000	0.62%	1,580	21/01/2021	19/01/2023	>12 mths
Bank of QLD (410814)	BBB+	TD	2,000,000	0.53%	900	26/08/2021	16/02/2023	>12 mths
Commonwealth Bank (2038)	AA-	TD	2,000,000	0.55%	934	25/02/2021	23/02/2023	>12 mths
Bank of QLD (418016)	BBB+	TD	2,000,000	0.53%	900	26/08/2021	23/02/2023	>12 mths
National Australia Bank (511346)	AA-	TD	2,000,000	0.64%	1,087	4/03/2021	9/03/2023	>12 mths
Commonwealth Bank (2042)	AA-	TD	3,000,000	0.51%	1,299	11/03/2021	16/03/2023	>12 mths
Defence Bank (51389)	BBB+	TD	2,000,000	0.55%	934	18/03/2021	23/03/2023	>12 mths
Commonwealth Bank (2046)	AA-	TD	2,000,000	0.51%	866	22/04/2021	27/04/2023	>12 mths
Bank of QLD (382470)	A2	TD	3,000,000	0.50%	1,274	13/05/2021	18/05/2023	>12 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	934	3/06/2021	8/06/2023	>12 mths
National Australia Bank (10754610)	AA-	TD	2,000,000	0.60%	1,019	10/06/2021	15/06/2023	>12 mths
National Australia Bank (52905)	AA-	TD	1,000,000	0.60%	510	17/06/2021	22/06/2023	>12 mths
National Australia Bank (53374)	AA-	TD	2,000,000	0.65%	1,104	15/07/2021	13/07/2023	>12 mths
Bank of QLD (413036)	BBB+	TD	2,000,000	0.60%	1,019	12/08/2021	10/08/2023	>12 mths
National Australia Bank (180182816)	AA-	TD	2,000,000	0.62%	1,053	19/08/2021	17/08/2023	>12 mths
Commwealth Bank (2063)	AA-	TD	2,000,000	0.60%	1,019	26/08/2021	24/08/2023	>12 mths
Commonwealth Bank (2065)	AA-	TD	3,000,000	0.60%	1,529	2/09/2021	7/09/2023	>12 mths
Commonwealth Bank (2070)	AA-	TD	2,000,000	0.57%	968	9/09/2021	14/09/2023	>12 mths
Auswide Bank (54182)	BBB+	TD	2,000,000	0.60%	1,019	16/09/2021	21/09/2023	>12 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	934	23/09/2021	28/09/2023	>12 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,036	28/08/2021	23/11/2023	>12 mths
Westpac Bank (9427345)	AA-	TD	3,000,000	0.60%	1,529	2/09/2021	7/12/2023	>12 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,104	17/06/2021	14/12/2023	>12 mths
Westpac Bank - Green Tailored Deposit (75532	AA-	TD	1,000,000	1.01%	858	28/02/2019	1/03/2024	>12 mths
National Australia Bank (53282)	AA-	TD	1,000,000	0.80%	679	8/07/2021	4/07/2024	>12 mths
National Australia Bank (10760802)	AA-	TD	2,000,000	0.78%	1,325	12/08/2021	15/08/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	740	14/10/2021	12/10/2023	24 mths
Westpac Bank (9499818)	AA-	TD	3,000,000	0.73%	1,080	14/10/2021	19/10/2023	24 mths
Westpac Bank (9499897)	AA-	TD	3,000,000	0.73%	1,080	14/10/2021	5/10/2023	24 mths
Westpac Bank (9514099)	A1+	TD	2,000,000	0.48%	289	21/10/2021	13/10/2022	12 mths
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	542	21/10/2021	26/10/2023	24 mths
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	124	28/10/2021	2/11/2023	24 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	178,050,963	0.75%	109,256			
Other Cash and Monthly Interest (11am STMM)		Cash	9,504,386		1,285			
Total Cash & Investments			187,555,349		110,541			
Benchmark: Bloomberg AUSBond Bank Bill Index				0.01%				
Investments Margin above Benchmark				0.74%				

Investment Report for October 2021 | Council Holdings and Counterparty Analysis | ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments Maturity Period	0-3 Months		4-12 Months		> 12 Months		**Total $**	chk s/be 0
Amount	33,050,963		64,000,000		81,000,000		178,050,963	0
% of Total	18.6%		35.9%		45.5%		100%	

Cash & Investments Return:	Budget $	Actual $	Var. $
Current Month	99,820	110,541	11,921
Year to Date	457,848	486,489	28,641





10.7 INVESTMENT REPORT FOR THE MONTH OF NOVEMBER 2021

ATTACHMENTS:	**1. IMPLICATIONS** **2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020)** **3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTORATE**
AUTHOR:	**STEPHEN NAVEN – CHIEF FINANCIAL OFFICER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 30 November 2021 under section 625 of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 30 November 2021.

3. BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*.

In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 30 November 2021 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

Actual performance against policy settings and budget are included in **Attachment 2**.

The monthly investment report details the interest income for the month and any other relevant information.

The key financial indicators for Council's investment holdings at 30 November 2021 include:

Combined Bank Balance	$18.8M
Investment Holdings	$178.0M
Total Cash and Investments	**$196.8M**
Return on Investments	0.77%, (0.70% above benchmark of 0.07%) (Refer to **Attachment 2** – Figure 3).
Actual Interest Return (Month)	$108K ($19K better than $89K budget) (Refer to **Attachment 2** – Figure 4).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of $595K is $48K favourable to Year to Date budget of $547K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 30 November 2021 was $196.8m. Of this amount, $173.5m, or 88% is restricted to be spent on specific purposes. This leaves $23.3m or 12% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Table 1 shows the breakdown of cash and investments.

Table 1 – Restricted versus unrestricted cash and investments as at 30 November 2021

Restriction Category	**Total cash and investments as at** 30 November 2021 **($'m)**	**Percentage of Total Portfolio %**
Internally Restricted	63.0 M	32
Externally Restricted	110.5 M	56
Unrestricted	23.3 M	12
Total	**196.8 M**	100

5. CONCLUSION

Council's investment holdings at 30 November 2021 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005,* the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's *Investment Policy* which safeguards Council's investment portfolio.
Consultation	There are no consultation requirements applicable to this report.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*. In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.
Budget/ Financial	The monthly investment report details the interest income for the month and any other relevant information required by Council. Council's Cash and Investments holdings at 30 November 2021 were $196.8M and Interest returns are on track to exceed the annual budget of $1.1M.

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	**Short Term Rating** (S&P or equivalent)	**Portfolio Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	**100**	**61**
A+ / A	A1	**70**	**2**
A- / BBB+ / BBB	A2	**50**	**33**
BBB-	A3	**10**	**0**
Unrated	Unrated	**10**	**4**

Credit Risk refers to the risk of loss due to the insolvency of an institution or institutions that Council is investing funds with. To ensure that Credit Risk is minimised, Council relies on external rating agencies (such as Standard and Poors Global Rating) and sets targets for each rating class (with a higher proportion of the portfolio in higher rated / less risky classes and lower amounts in lower credit classes).

Figure 1 shows that this month Council's portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	**Institution Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	30	24
A+ / A	A1	20	1
A- / BBB+ / BBB	A2	15	9
BBB-	A3	5	0
Unrated	Unrated	5	3

In addition to minimising credit risk by concentrating investments in highly rated institutions (Figure 1), Council also needs to ensure that exposure to loss from one single organisation (counterparty risk) is minimised. The policy therefore prescribes maximum percentage targets for amounts invested in a single institution.

Figure 2 shows that this month Council's investment portfolio meets policy requirements as exposure to single entities is equal to or lower than the policy prescribed maximums.

Figure 3 – Interest Rate Comparison for 30 November 2021.

Description	Average Interest Rate
Council Portfolio	0.77%
Benchmark – Bloomberg AUSBond Bank Bill Index	0.07%
Above Benchmark Return	0.70%

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.70%.

Figure 4 – Investment Return for 30 November 2021

Description	Interest Achieved ($K: $000's)
Council Actual Interest Return	$108K
Budgeted Return	$89K
Over Budgeted Return	$19K

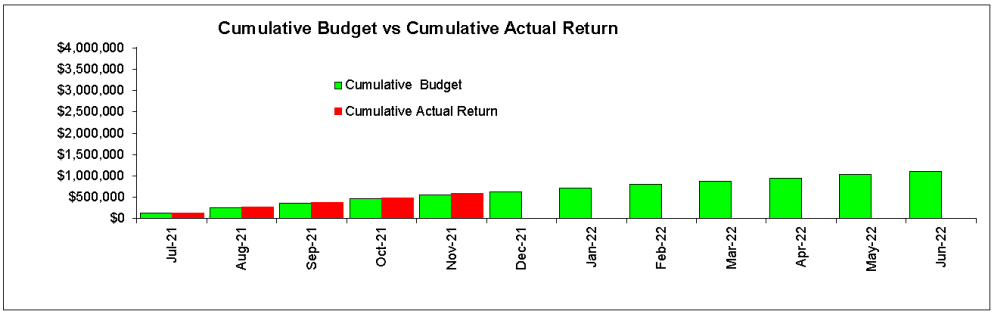
Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is $19K better than budget.

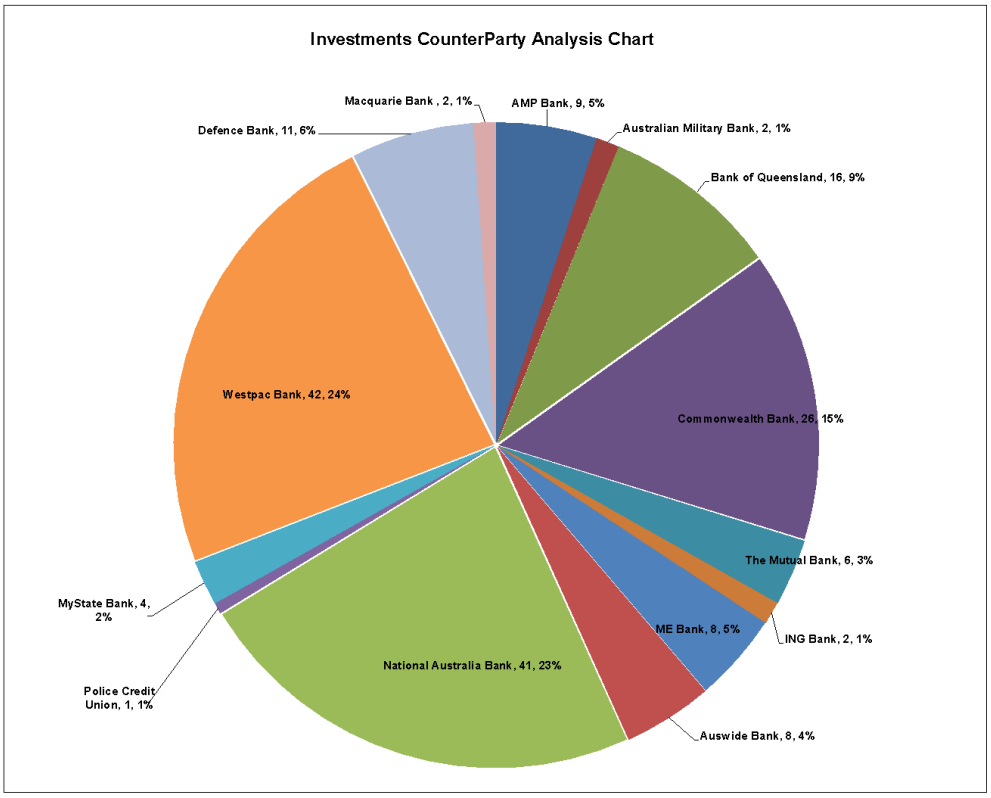
Investment Report for November 2021 — Council Holdings and Counterparty Analysis — ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
Westpac Bank (8775277)	AA-	TD	3,000,000	0.80%	197	27/08/2020	4/11/2021	Matured
National Australia Bank (409468987)	AA-	TD	2,000,000	0.82%	135	27/08/2020	4/11/2021	Matured
National Australia Bank (48236)	AA-	TD	3,000,000	0.82%	674	27/08/2020	11/11/2021	Matured
Westpac Bank (8119978)	AA-	TD	2,000,000	1.62%	888	8/11/2019	11/11/2021	Matured
Westpac Bank (8758031)	AA-	TD	4,000,000	0.82%	1,528	20/08/2020	18/11/2021	Matured
AMP Bank (653244327) (REG)	A-	TD	1,050,963	1.55%	759	14/05/2020	18/11/2021	Matured
National Australia Bank (232686478)	A1+	TD	2,000,000	0.58%	763	12/11/2020	25/11/2021	Matured
Commwealth Bank (2025)	A1+	TD	2,000,000	0.54%	710	12/11/2020	25/11/2021	Matured
Commwealth Bank (2028)	A1+	TD	1,000,000	0.55%	362	26/11/2020	25/11/2021	Matured
Current Investments:								
Commwealth Bank (2031)	A1+	TD	2,000,000	0.55%	904	3/12/2020	2/12/2021	0-3 mths
Westpac Bank (8804859)	AA-	TD	2,000,000	0.75%	1,233	10/09/2020	9/12/2021	0-3 mths
The Mutual Bank (48415)	Unrated	TD	2,000,000	0.95%	1,562	10/09/2020	9/12/2021	0-3 mths
MyState Bank (48416)	BBB+	TD	2,000,000	0.80%	1,315	10/09/2020	9/12/2021	0-3 mths
National Australia Bank (23-268-6136)	AA-	TD	3,000,000	0.80%	1,973	3/09/2020	16/12/2021	0-3 mths
Macquarie Bank (257847582)	A+	TD	1,000,000	0.74%	608	15/01/2021	13/01/2022	0-3 mths
National Australia Bank (10738486)	A1+	TD	1,000,000	0.45%	370	21/01/2021	20/01/2022	0-3 mths
Auswide Bank (44222)	BBB+	TD	2,000,000	1.70%	2,795	8/02/2020	3/02/2022	0-3 mths
National Australia Bank (10741025)	A1+	TD	2,000,000	0.43%	707	4/02/2021	3/02/2022	0-3 mths
The Mutual Bank (50808)	Unrated	TD	2,000,000	0.55%	904	4/02/2021	3/02/2022	0-3 mths
Auswide Bank (197597)	BBB+	TD	2,000,000	1.75%	2,877	13/02/2020	17/02/2022	0-3 mths
Bank of QLD (227914)	A2	TD	2,000,000	1.60%	2,630	20/02/2020	17/02/2022	0-3 mths
Commonwealth Bank (2041)	A1+	TD	2,000,000	0.50%	822	4/03/2021	3/03/2022	4 mths
Auswide Bank (44840)	A2	TD	2,000,000	1.65%	2,712	5/03/2020	10/03/2022	4 mths
Macquarie Bank (51134)	A1	TD	1,000,000	0.45%	370	11/03/2021	10/03/2022	4 mths
Defence Bank (51133)	A2	TD	2,000,000	0.47%	773	11/03/2021	17/03/2022	4 mths
Police Credit Union SA (180321)	Unrated	TD	1,000,000	0.50%	411	18/03/2021	17/03/2022	4 mths
Bank of QLD (267625)	BBB+	TD	2,000,000	1.25%	2,055	4/06/2020	7/04/2022	5 mths
National Australia Bank (48537)	AA-	TD	4,000,000	0.77%	2,532	17/09/2020	14/04/2022	5 mths
National Australia Bank (23-320-2164)	AA-	TD	3,000,000	0.77%	1,899	17/09/2020	14/04/2022	5 mths
National Australia Bank (23-629-5247)	AA-	TD	2,000,000	0.77%	1,266	17/09/2020	21/04/2022	5 mths
Defence Bank (52215)	A2	TD	2,000,000	0.50%	822	6/05/2021	5/05/2022	6 mths
ME Bank (52216)	A2	TD	1,000,000	0.50%	411	6/05/2021	5/05/2022	6 mths
ME Bank (52311)	A2	TD	2,000,000	0.50%	822	13/05/2021	12/05/2022	6 mths
ME Bank (52393)	A2	TD	3,000,000	0.50%	1,233	20/05/2021	19/05/2022	6 mths
Defence Bank (46617)	BBB+	TD	2,000,000	1.20%	1,973	28/05/2020	2/06/2022	7 mths
The Mutual Bank (47111)	Unrated	TD	2,000,000	1.30%	2,137	18/06/2020	16/06/2022	7 mths
AMP Bank (415527977)	BBB+	TD	1,000,000	0.75%	616	17/12/2020	16/06/2022	7 mths
ME Bank (52908)	A2	TD	2,000,000	0.53%	871	17/06/2021	16/06/2022	7 mths
AMP Bank (474382181)	A2	TD	1,000,000	0.75%	616	28/01/2021	28/07/2022	8 mths
AMP Bank (862977733)	BBB+	TD	2,000,000	0.75%	1,233	18/02/2021	11/08/2022	9 mths
Bank of QLD (415480)	A2	TD	2,000,000	0.45%	740	19/08/2021	18/08/2022	9 mths
Commonwealth Bank (2066)	A1+	TD	3,000,000	0.44%	1,085	2/09/2021	1/09/2022	10 mths
Commonwealth Bank (2069)	A1+	TD	3,000,000	0.42%	1,036	3/09/2021	8/09/2022	10 mths
Commonwealth Bank (2071)	A1+	TD	2,000,000	0.35%	575	16/09/2021	22/09/2022	10 mths
AMP Bank (290921)	A2	TD	2,000,000	0.80%	1,315	30/09/2021	29/09/2022	11 mths
AMP Bank (61022)	A2	TD	2,000,000	0.80%	1,315	30/09/2021	6/10/2022	11 mths
Westpac Bank (9514099)	A1+	TD	2,000,000	0.48%	789	21/10/2021	13/10/2022	11 mths
Bank of QLD (314092)	BBB+	TD	1,000,000	0.80%	658	22/10/2020	20/10/2022	11 mths
National Australia Bank (10728150)	AA-	TD	2,000,000	0.65%	1,068	27/10/2020	27/10/2022	12 mths
National Australia Bank (232760180)	AA-	TD	2,000,000	0.66%	1,085	12/11/2020	10/11/2022	12 mths
Defence Bank (49553)	BBB+	TD	2,000,000	0.62%	1,019	19/11/2020	17/11/2022	12 mths
Defence Bank (49658)	BBB+	TD	1,000,000	0.63%	518	26/11/2020	24/11/2022	12 mths
National Australia Bank (10732871)	AA-	TD	4,000,000	0.65%	2,137	3/12/2020	8/12/2022	>12 mths
Austrlaian Military Bank (49893)	BBB+	TD	2,000,000	0.60%	986	10/12/2020	8/12/2022	>12 mths
National Australia Bank (10733880)	AA-	TD	3,000,000	0.63%	1,553	10/12/2020	15/12/2022	>12 mths
National Australia Bank (10738485)	AA-	TD	3,000,000	0.62%	1,529	21/01/2021	19/01/2023	>12 mths
Bank of QLD (410814)	BBB+	TD	2,000,000	0.53%	871	26/08/2021	16/02/2023	>12 mths
Commonwealth Bank (2038)	AA-	TD	2,000,000	0.55%	904	25/02/2021	23/02/2023	>12 mths
Bank of QLD (418016)	BBB+	TD	2,000,000	0.53%	871	26/08/2021	23/02/2023	>12 mths
National Australia Bank (511346)	AA-	TD	2,000,000	0.64%	1,052	4/03/2021	9/03/2023	>12 mths
Commonwealth Bank (2042)	AA-	TD	3,000,000	0.51%	1,258	11/03/2021	16/03/2023	>12 mths
Defence Bank (51389)	BBB+	TD	2,000,000	0.55%	904	18/03/2021	23/03/2023	>12 mths
Commonwealth Bank (2046)	AA-	TD	2,000,000	0.51%	838	22/04/2021	27/04/2023	>12 mths
Bank of QLD (382470)	A2	TD	3,000,000	0.50%	1,233	13/05/2021	18/05/2023	>12 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	904	3/06/2021	8/06/2023	>12 mths
National Australia Bank (10754810)	AA-	TD	2,000,000	0.60%	986	10/06/2021	15/06/2023	>12 mths
National Australia Bank (52905)	AA-	TD	1,000,000	0.60%	493	17/06/2021	22/06/2023	>12 mths
National Australia Bank (53374)	AA-	TD	2,000,000	0.65%	1,068	15/07/2021	13/07/2023	>12 mths
Bank of QLD (413036)	BBB+	TD	2,000,000	0.60%	986	12/08/2021	10/08/2023	>12 mths
National Australia Bank (180182816)	AA-	TD	2,000,000	0.62%	1,019	19/08/2021	17/08/2023	>12 mths
Commwealth Bank (2063)	AA-	TD	2,000,000	0.60%	986	26/08/2021	24/08/2023	>12 mths
Commonwealth Bank (2065)	AA-	TD	3,000,000	0.60%	1,479	2/09/2021	7/09/2023	>12 mths
Commonwealth Bank (2070)	AA-	TD	2,000,000	0.57%	937	9/09/2021	14/09/2023	>12 mths
Auswide Bank (54182)	BBB+	TD	2,000,000	0.60%	986	16/09/2021	21/09/2023	>12 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	904	23/09/2021	28/09/2023	>12 mths
Westpac Bank (9499897)	AA-	TD	3,000,000	0.73%	1,800	14/10/2021	5/10/2023	>12 mths
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	1,233	14/10/2021	12/10/2023	>12 mths
Westpac Bank (9499818)	AA-	TD	3,000,000	0.73%	1,800	14/10/2021	19/10/2023	>12 mths
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	1,479	21/10/2021	26/10/2023	>12 mths
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	929	28/10/2021	2/11/2023	>12 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,003	26/08/2021	23/11/2023	>12 mths
Westpac Bank (9427345)	AA-	TD	3,000,000	0.60%	1,479	2/09/2021	7/12/2023	>12 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,068	17/08/2021	14/12/2023	>12 mths
Westpac Bank - Green Tailored Deposit (7553241)	AA-	TD	1,000,000	1.00%	822	28/02/2019	1/03/2024	>12 mths
National Australia Bank (53282)	AA-	TD	1,000,000	0.80%	658	8/07/2021	4/07/2024	>12 mths
National Australia Bank (10760802)	AA-	TD	2,000,000	0.78%	1,282	12/08/2021	15/08/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
Westpac Bank (9548463)	AA-	TD	3,000,000	1.16%	2,574	4/11/2021	9/11/2023	24 mths
Westpac Bank (9548482)	A1+	TD	2,000,000	0.57%	843	4/11/2021	3/11/2022	12 mths
Westpac Bank (9562251)	AA-	TD	3,000,000	1.22%	2,005	11/11/2021	9/11/2023	24 mths
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	1,337	11/11/2021	16/11/2023	24 mths
AMP Bank (184594166)	A2	TD	1,000,000	1.00%	356	18/11/2021	24/11/2022	12 mths
Westpac Bank (9575658)	AA-	TD	4,000,000	1.20%	1,710	18/11/2021	21/12/2023	24 mths
Westpac Bank (9588504)	AA-	TD	2,000,000	1.34%	441	25/11/2021	11/01/2024	24 mths
Westpac Bank (9588489)	A1+	TD	2,000,000	1.00%	329	25/11/2021	20/07/2023	12 mths
Westpac Bank (9270249)	A1+	TD	1,000,000	0.58%	95	25/11/2021	3/11/2022	12 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	178,000,000	0.77%	106,798			
Other Cash and Monthly Interest (11am STMM)		Cash	18,796,824		1,795			
Total Cash & Investments			196,796,824		108,593			
Benchmark: Bloomberg AUSBond Bank Bill Index				0.07%				
Investments Margin above Benchmark				0.70%				

Investment Report for November 2021 | Council Holdings and Counterparty Analysis | ATTACHMENT 3

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments Maturity Period	0-3 Months		4-12 Months	> 12 Months			**Total $**	chk s/be 0
Amount	23,000,000		67,000,000	88,000,000			178,000,000	0
% of Total	12.9%		37.6%		49.4%		100%	
Cash & Investments Return:	Budget $		Actual $		Var. $			
Current Month	89,375		108,593		19,218			
Year to Date	547,223		595,082		47,859			





10.8 INVESTMENT REPORT FOR THE MONTH OF DECEMBER 2021

ATTACHMENTS:	**1. IMPLICATIONS** **2. ACTUAL PERFORMANCE AGAINST INVESTMENT POLICY (2020)** **3. COUNCIL HOLDINGS AND COUNTERPARTY ANALYSIS**
RESPONSIBLE OFFICER:	**MAXINE KENYON – INTERIM CUSTOMER & CORPORATE DIRECTORATE**
AUTHOR:	**STEPHEN NAVEN – CHIEF FINANCIAL OFFICER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To provide a report setting out Council's bank balances and investment portfolio performance as at 31 December 2021 under section 625 of the *Local Government Act 1993*.

2. OFFICER'S RECOMMENDATION

That Council receive the Statement of Bank Balances and Investment Holdings as at 31 December 2021.

3. BACKGROUND

The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*.

In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.

4. DISCUSSION

The *Investment Policy* adopted by Council at its meeting on 14 December 2020 applies to all investments from that date.

A summary of Council's holdings as at 31 December 2021 is included in **Attachment 1** (Financial Implications) with details of holdings and counterparty analysis included in **Attachment 3**.

Actual performance against policy settings and budget are included in **Attachment 2**.

The monthly investment report details the interest income for the month and any other relevant information.

The key financial indicators for Council's investment holdings at 31 December 2021 include:

Combined Bank Balance	$12.3M
Investment Holdings	$178.0M
Total Cash and Investments	**$190.3M**
Return on Investments	0.77%, (0.73% above benchmark of 0.04%) (Refer to **Attachment 2** – Figure 3).
Actual Interest Return (Month)	$117K ($29K better than $88K budget) (Refer to **Attachment 2** – Figure 4).
Actual Interest Return (Year to Date)	Actual Year to Date Interest of $712K is $77K favourable to Year to Date budget of $635K.

Restricted versus Unrestricted Cash and Investments

Total cash and investments as at 31 December 2021 was $190.3m. Of this amount, $171.4m, or 90% is restricted to be spent on specific purposes. This leaves $18.9m or 10% of unrestricted cash and investments for working capital purposes to ensure Council can meet its financial obligations as they fall due.

Table 1 shows the breakdown of cash and investments.

Table 1 – Restricted versus unrestricted cash and investments as at 31 December 2021

Restriction Category	**Total cash and investments as at** 31 December 2021 **($'m)**	**Percentage of Total Portfolio %**
Internally Restricted	61.0 M	32
Externally Restricted	110.4 M	58
Unrestricted	18.9 M	10
Total	**190.3 M**	100

5. CONCLUSION

Council's investment holdings at 31 December 2021 have been made in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005,* the *Investment Policy* adopted by Council on 14 December 2020, *Ministerial Investment Order* issued February 2011 and Division of Local Government (as it was then known) *Investment Policy Guidelines* published in May 2010.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes/ Services	Maximise interest rate returns and comply with all relevant legislation.
Policy	This report relates to Council's *Investment Policy* which safeguards Council's investment portfolio.
Consultation	There are no consultation requirements applicable to this report.
Resource	Council's bank balances and investment holdings are managed within existing staff resources within the Finance Unit.
Risk	Investments in this report have been considered in light of adopted risk management guidelines around the preservation of capital, diversification, market interest rates, liquidity and maturity risks.
Legal	There are no legal considerations applicable to this report
Legislation	The Responsible Accounting Officer must provide Council with a monthly report setting out details of all money that the Council has invested under *Section 625* of the *Local Government Act 1993*. In accordance with Clause 212 of *Local Government (General) Regulation 2005*, this report must include Certification as to whether or not the Investments have been made in accordance with the Act, the Regulations and Council's *Investment Policy*.
Budget/ Financial	The monthly investment report details the interest income for the month and any other relevant information required by Council. Council's Cash and Investments holdings at 31 December 2021 were $190.3M and Interest returns are on track to exceed the annual budget of $1.1M.

ATTACHMENT 2

Actual Performance against Investment Policy Settings and Budget is detailed below:

Figure 1 - Maximum hold of a class/mix of investments as a % of total portfolio

Long Term Rating (S&P or equivalent)	**Short Term Rating** (S&P or equivalent)	**Portfolio Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	**100**	**60**
A+ / A	A1	**70**	**2**
A- / BBB+ / BBB	A2	**50**	**33**
BBB-	A3	**10**	**0**
Unrated	Unrated	**10**	**5**

Credit Risk refers to the risk of loss due to the insolvency of an institution or institutions that Council is investing funds with. To ensure that Credit Risk is minimised, Council relies on external rating agencies (such as Standard and Poors Global Rating) and sets targets for each rating class (with a higher proportion of the portfolio in higher rated / less risky classes and lower amounts in lower credit classes).

Figure 1 shows that this month Council's portfolio meets policy requirements as the percentage of investments in each credit class is equal to or lower than the policy prescribed maximums.

Figure 2 - Maximum exposure to a single financial institution as a % of total portfolio

Long Term Rating (S&P or equivalent)	Short Term Rating (S&P or equivalent)	**Institution Maximum** **%**	**Actual Allocation this month** **%**
AAA to AA+/- (Or major banks)	A1+	30	24
A+ / A	A1	20	1
A- / BBB+ / BBB	A2	15	9
BBB-	A3	5	0
Unrated	Unrated	5	4

In addition to minimising credit risk by concentrating investments in highly rated institutions (Figure 1), Council also needs to ensure that exposure to loss from one single organisation (counterparty risk) is minimised. The policy therefore prescribes maximum percentage targets for amounts invested in a single institution.

Figure 2 shows that this month Council's investment portfolio meets policy requirements as exposure to single entities is equal to or lower than the policy prescribed maximums.

Figure 3 – Interest Rate Comparison for 31 December 2021.

Description	Average Interest Rate
Council Portfolio	0.77%
Benchmark – Bloomberg AUSBond Bank Bill Index	0.04%
Above Benchmark Return	0.73%

Figure 3 shows the average interest rate achieved by Council on its investment portfolio compared with the average Bloomberg AUSBond Bank Bill Index for the month. Council's return has outperformed the benchmark by 0.73%.

Figure 4 – Investment Return for 301 December 2021

Description	Interest Achieved ($K: $000's)
Council Actual Interest Return	$117K
Budgeted Return	$88K
Over Budgeted Return	$29K

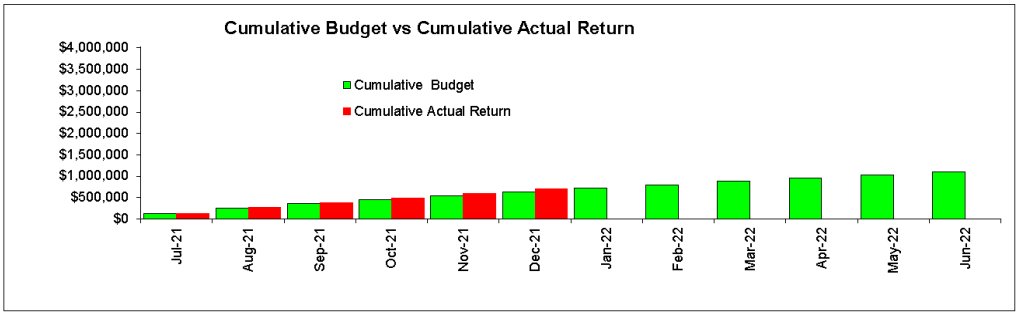
Figure 4 provides a comparison of the actual interest return on investments for the month with the budget and shows that the monthly return is $29K better than budget.

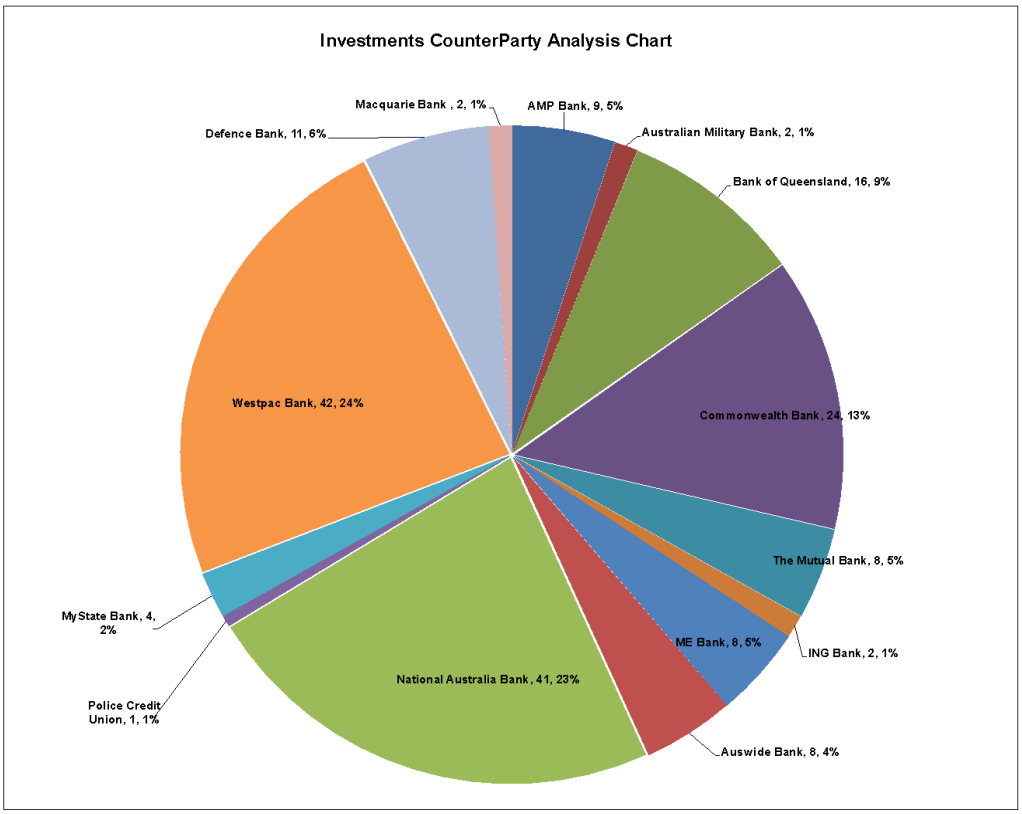
Investment Report for December 2021 Council Holdings and Counterparty Analysis **ATTACHMENT 3**

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments that matured during the month:								
Commwealth Bank (2031)	A1+	TD	2,000,000	0.55%	30	3/12/2020	2/12/2021	Matured
Westpac Bank (8804859)	AA-	TD	2,000,000	0.75%	329	10/09/2020	9/12/2021	Matured
The Mutual Bank (48415)	Unrated	TD	2,000,000	0.95%	416	10/09/2020	9/12/2021	Matured
MyState Bank (48416)	BBB+	TD	2,000,000	0.80%	351	10/09/2020	9/12/2021	Matured
National Australia Bank (23-268-6136)	AA-	TD	3,000,000	0.80%	986	3/09/2020	16/12/2021	Matured
Current Investments:								
Macquarie Bank (257847582)	A+	TD	1,000,000	0.74%	628	15/01/2021	13/01/2022	0-3 mths
National Australia Bank (10738486)	A1+	TD	1,000,000	0.45%	382	21/01/2021	20/01/2022	0-3 mths
Auswide Bank (44222)	BBB+	TD	2,000,000	1.70%	2,888	6/02/2020	3/02/2022	0-3 mths
National Australia Bank (10741025)	A1+	TD	2,000,000	0.43%	730	4/02/2021	3/02/2022	0-3 mths
The Mutual Bank (50608)	Unrated	TD	2,000,000	0.55%	934	4/02/2021	3/02/2022	0-3 mths
Auswide Bank (197597)	BBB+	TD	2,000,000	1.75%	2,973	13/02/2020	17/02/2022	0-3 mths
Bank of QLD (227914)	A2	TD	2,000,000	1.60%	2,718	20/02/2020	17/02/2022	0-3 mths
Commonwealth Bank (2041)	A1+	TD	2,000,000	0.50%	849	4/03/2021	3/03/2022	0-3 mths
Auswide Bank (44840)	A2	TD	2,000,000	1.65%	2,803	5/03/2020	10/03/2022	0-3 mths
Macquarie Bank (51134)	A1	TD	1,000,000	0.45%	382	11/03/2021	10/03/2022	0-3 mths
Defence Bank (51133)	A2	TD	2,000,000	0.47%	798	11/03/2021	17/03/2022	0-3 mths
Police Credit Union SA (180321)	Unrated	TD	1,000,000	0.50%	425	18/03/2021	17/03/2022	0-3 mths
Bank of QLD (267625)	BBB+	TD	2,000,000	1.25%	2,123	4/06/2020	7/04/2022	4 mths
National Australia Bank (48537)	AA-	TD	4,000,000	0.77%	2,616	17/09/2020	14/04/2022	4 mths
National Australia Bank (23-320-2164)	AA-	TD	3,000,000	0.77%	1,962	17/09/2020	14/04/2022	4 mths
National Australia Bank (23-629-5247)	AA-	TD	2,000,000	0.77%	1,308	17/09/2020	21/04/2022	4 mths
Defence Bank (52215)	A2	TD	2,000,000	0.50%	849	6/05/2021	5/05/2022	5 mths
ME Bank (52216)	A2	TD	1,000,000	0.50%	425	6/05/2021	5/05/2022	5 mths
ME Bank (52311)	A2	TD	2,000,000	0.50%	849	13/05/2021	12/05/2022	5 mths
ME Bank (52393)	A2	TD	3,000,000	0.50%	1,274	20/05/2021	19/05/2022	5 mths
Defence Bank (46617)	BBB+	TD	2,000,000	1.20%	2,038	28/05/2020	2/06/2022	6 mths
The Mutual Bank (47111)	Unrated	TD	2,000,000	1.30%	2,208	18/06/2020	16/06/2022	6 mths
AMP Bank (415527977)	BBB+	TD	1,000,000	0.75%	637	17/12/2020	16/06/2022	6 mths
ME Bank (52908)	A2	TD	2,000,000	0.53%	900	17/06/2021	16/06/2022	6 mths
AMP Bank (474382181)	A2	TD	1,000,000	0.75%	637	28/01/2021	28/07/2022	7 mths
AMP Bank (862977733)	BBB+	TD	2,000,000	0.75%	1,274	18/02/2021	11/08/2022	8 mths
Bank of QLD (415480)	A2	TD	2,000,000	0.45%	764	19/08/2021	18/08/2022	8 mths
Commonwealth Bank (2066)	A1+	TD	3,000,000	0.44%	1,121	2/09/2021	1/09/2022	9 mths
Commonwealth Bank (2069)	A1+	TD	3,000,000	0.42%	1,070	3/09/2021	8/09/2022	9 mths
Commonwealth Bank (2071)	A1+	TD	2,000,000	0.35%	595	16/09/2021	22/09/2022	9 mths
AMP Bank (290921)	A2	TD	2,000,000	0.80%	1,359	30/09/2021	29/09/2022	10 mths
AMP Bank (61022)	A2	TD	2,000,000	0.80%	1,359	30/09/2021	6/10/2022	10 mths
Westpac Bank (9514099)	A1+	TD	2,000,000	0.48%	815	21/10/2021	13/10/2022	10 mths
Bank of QLD (314092)	BBB+	TD	1,000,000	0.80%	679	22/10/2020	20/10/2022	10 mths
National Australia Bank (10728150)	AA-	TD	2,000,000	0.65%	1,104	27/10/2020	27/10/2022	10 mths
Westpac Bank (9548482)	A1+	TD	2,000,000	0.57%	968	4/11/2021	3/11/2022	11 mths
Westpac Bank (9270249)	A1+	TD	1,000,000	0.58%	493	25/11/2021	3/11/2022	11 mths
National Australia Bank (232760180)	AA-	TD	2,000,000	0.66%	1,121	12/11/2020	10/11/2022	11 mths
Defence Bank (49553)	BBB+	TD	2,000,000	0.62%	1,053	19/11/2020	17/11/2022	11 mths
Defence Bank (49658)	BBB+	TD	1,000,000	0.63%	535	26/11/2020	24/11/2022	11 mths
AMP Bank (184594166)	A2	TD	1,000,000	1.00%	849	18/11/2021	24/11/2022	11 mths
National Australia Bank (887396754)	AA-	TD	4,000,000	0.65%	2,208	3/12/2020	8/12/2022	12 mths
Austrlaian Military Bank (49893)	BBB+	TD	2,000,000	0.60%	1,019	10/12/2020	8/12/2022	12 mths
National Australia Bank (235464715)	AA-	TD	3,000,000	0.63%	1,605	10/12/2020	15/12/2022	12 mths
National Australia Bank (10738485)	AA-	TD	3,000,000	0.62%	1,580	21/01/2021	19/01/2023	>12 mths
Bank of QLD (410814)	BBB+	TD	2,000,000	0.53%	900	26/08/2021	16/02/2023	>12 mths
Commonwealth Bank (2038)	AA-	TD	2,000,000	0.55%	934	25/02/2021	23/02/2023	>12 mths
Bank of QLD (418016)	BBB+	TD	2,000,000	0.53%	900	26/08/2021	23/02/2023	>12 mths
National Australia Bank (511346)	AA-	TD	2,000,000	0.64%	1,087	4/03/2021	9/03/2023	>12 mths
Commonwealth Bank (2042)	AA-	TD	3,000,000	0.51%	1,299	11/03/2021	16/03/2023	>12 mths
Defence Bank (51389)	BBB+	TD	2,000,000	0.55%	934	18/03/2021	23/03/2023	>12 mths
Commonwealth Bank (2046)	AA-	TD	2,000,000	0.51%	866	22/04/2021	27/04/2023	>12 mths
Bank of QLD (382470)	A2	TD	3,000,000	0.50%	1,274	13/05/2021	18/05/2023	>12 mths
ING Bank (811179)	A+	TD	2,000,000	0.55%	934	3/06/2021	8/06/2023	>12 mths
National Australia Bank (10754810)	AA-	TD	2,000,000	0.60%	1,019	10/06/2021	15/06/2023	>12 mths
National Australia Bank (52905)	AA-	TD	1,000,000	0.60%	510	17/06/2021	22/06/2023	>12 mths
National Australia Bank (53374)	AA-	TD	2,000,000	0.65%	1,104	15/07/2021	13/07/2023	>12 mths
Westpac Bank (9588489)	A1+	TD	2,000,000	1.00%	1,699	25/11/2021	20/07/2023	>12 mths
Bank of QLD (413036)	BBB+	TD	2,000,000	0.60%	1,019	12/08/2021	10/08/2023	>12 mths
National Australia Bank (180182816)	AA-	TD	2,000,000	0.62%	1,053	19/08/2021	17/08/2023	>12 mths
Commwealth Bank (2063)	AA-	TD	2,000,000	0.60%	1,019	26/08/2021	24/08/2023	>12 mths
Commonwealth Bank (2065)	AA-	TD	3,000,000	0.60%	1,529	2/09/2021	7/09/2023	>12 mths
Commonwealth Bank (2070)	AA-	TD	2,000,000	0.57%	968	9/09/2021	14/09/2023	>12 mths
Auswide Bank (54182)	BBB+	TD	2,000,000	0.60%	1,019	16/09/2021	21/09/2023	>12 mths
Westpac Bank (9462962)	AA-	TD	2,000,000	0.55%	934	23/09/2021	28/09/2023	>12 mths
Westpac Bank (9499897)	AA-	TD	3,000,000	0.73%	1,860	14/10/2021	5/10/2023	>12 mths
MyState Bank (54656)	BBB+	TD	2,000,000	0.75%	1,274	14/10/2021	12/10/2023	>12 mths
Westpac Bank (9499818)	AA-	TD	3,000,000	0.73%	1,860	14/10/2021	19/10/2023	>12 mths
Westpac Bank (9514107)	AA-	TD	2,000,000	0.90%	1,529	21/10/2021	26/10/2023	>12 mths
Westpac Bank (9528796)	AA-	TD	1,000,000	1.13%	960	28/10/2021	2/11/2023	>12 mths
Westpac Bank (9548463)	AA-	TD	3,000,000	1.16%	2,956	4/11/2021	9/11/2023	>12 mths
Westpac Bank (9562251)	AA-	TD	3,000,000	1.22%	3,108	11/11/2021	9/11/2023	>12 mths
Westpac Bank (9562241)	AA-	TD	2,000,000	1.22%	2,072	11/11/2021	16/11/2023	>12 mths
Westpac Bank (9415227)	AA-	TD	2,000,000	0.61%	1,036	26/08/2021	23/11/2023	>12 mths
Westpac Bank (9427345)	AA-	TD	3,000,000	0.60%	1,529	2/09/2021	7/12/2023	>12 mths
Westpac Bank (9298720)	AA-	TD	2,000,000	0.65%	1,104	17/06/2021	14/12/2023	>12 mths
Westpac Bank (9575658)	AA-	TD	4,000,000	1.20%	4,077	18/11/2021	21/12/2023	>12 mths
Westpac Bank (9588504)	AA-	TD	2,000,000	1.34%	2,276	25/11/2021	11/01/2024	>12 mths
Westpac Bank - Green Tailored Deposit (7553241)	AA-	TD	1,000,000	1.00%	849	28/02/2019	1/03/2024	>12 mths
National Australia Bank (53282)	AA-	TD	1,000,000	0.80%	679	8/07/2021	4/07/2024	>12 mths
National Australia Bank (10760802)	AA-	TD	2,000,000	0.78%	1,325	12/08/2021	15/08/2024	>12 mths
Current Investments - "New and Rollover" made during the month:								
The Mutual Bank (55512)	Unrated	TD	2,000,000	1.05%	1,726	2/12/2021	22/12/2022	12 mths
Westpac Bank (9619113)	AA-	TD	2,000,000	1.21%	1,525	9/12/2021	14/12/2023	24 mths
The Mutual Bank (55632)	Unrated	TD	2,000,000	1.10%	1,386	9/12/2021	12/01/2023	12 mths
MyState Bank (55631)	BBB+	TD	2,000,000	1.20%	1,512	9/12/2021	4/01/2024	24 mths
National Australia Bank (232686136)	A1+	TD	3,000,000	0.75%	1,048	15/12/2021	12/01/2023	12 mths
Total Current Investments, Monthly Interest and Weighted Return		Inv	178,000,000	0.77%	114,718			
Other Cash and Monthly Interest (11am STMM)		Cash	12,255,585		2,441			
Total Cash & Investments			190,255,585		117,159			
Benchmark: Bloomberg AUSBond Bank Bill Index				0.04%				
Investments Margin above Benchmark				0.73%				

Investment Report for December 2021 Council Holdings and Counterparty Analysis **ATTACHMENT 3**

LIST OF INVESTMENTS	Credit Rating	FRN /TD	Investment Amount $	Return % p.a.	Monthly Income $	Investment Date	Mature & Reset Date	Period/ Matur. Date
Investments Maturity Period	0-3 Months		4-12 Months	> 12 Months			**Total $**	chk s/be 0
Amount	20,000,000		73,000,000	85,000,000			178,000,000	0
% of Total	11.2%		41.0%	47.8%			100%	
Cash & Investments Return:	Budget $		Actual $		Var. $			
Current Month	87,693		117,159		29,466			
Year to Date	634,916		712,241		77,325			





COMMUNITY, CULTURE & LEISURE DIRECTORATE

10.9 PROCUREMENT EXEMPTION - CBD REVITALISATION EVENT

ATTACHMENTS:	**1. IMPLICATIONS**
RESPONSIBLE OFFICER:	**MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR**
AUTHOR:	**SAMANTHA CONNOR – MEDIA, MARKETING & EVENTS MANAGER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

1. PURPOSE OF REPORT

To seek approval for an exemption from public tender requirements under Section 55(3)(i) of the *Local Government Act 1993* (the Act) for artistic installation and contract services to deliver a light art projection on The Concourse as part of a CBD revitalisation event *Chatswood Nights* from 1 March to 30 April 2022.

2. OFFICER'S RECOMMENDATION

That Council:

1. **Endorse an exemption from the tendering requirements under section 55(3)(i) of the *Local Government Act 1993* and approve service provider contracts to deliver a major outdoor art installation (*Roaming Gnomes*) and light art projection on The Concourse for the *Chatswood Nights* event, due to a funding opportunity becoming available through Investment NSW *CBD Revitalisation Program* with a deadline for completion of delivery of the event being 1 May 2022.**

2. **Delegate authority to the Chief Executive Officer to enter into contractual arrangements with Amigo and Amigo for delivery of a major art installation, in the event of a successful grant.**

3. **Delegate authority to the Chief Executive Officer to enter into contractual arrangements with The Electric Canvas for delivery of light art projection services, in the event of a successful grant.**

3. BACKGROUND

At its meeting of 2 August 2021, Council endorsed the implementation of the *Culture Bites Program* as a replacement for investment in *Vivid Sydney at Chatswood*. The *Culture Bites Program* was considered better value for money and projected returns on investment exceeded those of previous *Vivid Sydney at Chatswood* Programs.

In late 2021, the NSW Government announced the launch of a grant funding program to support activation of CBDs across the state. Council has applied for a NSW Government grant under the Investment NSW *CBD Revitalisation Program*.

If successful, funding will be used to deliver a major event *Chatswood Nights* as part of the *Culture Bites Program*, to encourage visitation and economic uplift to Chatswood CBD. *Chatswood Nights* was trialled in 2021 as part of *Chatswood Culture Bites*, a year-long program of cultural activations, free outdoor events and ticketed performances in Chatswood.

4. DISCUSSION

Council has applied for grant funding under Investment NSW *CBDs Revitalisation Program*, to host the *Chatswood Nights* event as part of the new Culture Bites program. Council will be notified of the outcome of the funding application in February. If successful in obtaining the grant, the *Chatswood Nights* event must be completed by 1 May and the funds expended by June 2022.

As the timeframe for implementation of the program is March 2022 – 1 May 2022, it does not allow for a tender process to be undertaken should Willoughby be successful in receiving a grant. An exemption from tendering would reduce the procurement timeframe from eight weeks to one week, allowing Council to meet the timeframes mandated by Investment NSW in the funding program.

Investment NSW *CBD's Revitalisation Program* – potential funding for *Chatswood Nights* event

In 2020 Investment NSW established a program to accelerate the economic and social recovery of CBDs across Greater Sydney, Newcastle and Wollongong post COVID-19. The Program will offer $50 million over three rounds of funding. Round one of the funding was held in mid-2021 for Sydney based events being held over December 2021 and January 2022. Round Two of the program was opened on 17 December 2021. The Program supports events and activations that attract people back to CBDs and increase their connectedness and engagement with these locations.

In the funding program, Chatswood is highlighted as one of 17 CBDs in NSW eligible for funding. Funding of $250,000 to $1 million is available to hold major CBD activation events. Applications for funding opened on 17 December 2021 and closed on 17 January 2022.

Council submitted an application seeking funding towards the delivery of a one off event *Chatswood Nights* from 1 March to 30 April, that encourages ongoing visitation to Chatswood CBD. *Chatswood Nights* is an extension of a trial completed in 2021 as part of the new *Chatswood Culture Bites program*.

Under the provisions of the Investment NSW *CBDs Revitalisation Program*, it will be necessary to complete the event by 1 May 2022 and expend potential grant funds by June 2022. This constitutes a very tight time frame for delivery of the event and precludes normal expression of interest processes which traditionally takes eight weeks to complete.

Benefits to the community

The value of the trial of *Chatswood Nights* (an event in the Culture Bites program) in 2021 were positive and demonstrate that further activations of this type provide a much needed economic injection to the CBD by way of increased foot traffic, increased food and beverage purchases and increased spending in general. The community also enjoys and values these events.

Visitation to *Culture Bites* ticketed performances and free outdoor events is estimated to be 40,000 in 2021 and expected to reach up to 80,000 in 2022, exceeding 2019 *Vivid* visitation of 72,000 people.

The value to the community and local businesses, and the opportunity to avail Council of external funding, is significant. Economic return from previous events such as *Vivid Sydney at Chatswood* ranged from $2 million to $4.5 million annually.

Further, Council's *Community Perception Survey 2020* indicates that events and activations are highly valued by our community with a 91% satisfaction rating by our community. In the 2018 survey, residents rated 'free festivals and events' in the top five things Council does for the community.

Chatswood Nights will be run in line with Public Health Orders and using a COVID Safe Plan. COVID Safe Plans for events ensure public safety by monitoring social distancing, encouraging good hygiene and mask wearing, and regular cleaning regimes at events.

Procurement Exemption

A traditional approach to procurement of the services required to deliver major art installations and artistic light projections would require the preparation of procurement documentation, calling of tenders and evaluation over a period of approximately eight weeks. Such a process would negate Council's ability to achieve the overall project completion within the timeframe mandated by Investment NSW.

As procurement must commence immediately after notification of a successful grant application, it is recommended that Council exercise its power under section 55(3)(i) of the *Local Government Act 1993* (Act) and not require a public tender for contract services to deliver a major artistic installation and a light art projection on The Concourse due to the imposed time constraints of the grant conditions. An extract from the Act below, confirms a tendering exemption option under extenuating circumstances, in this case imposed timelines by Investment NSW*:*

55 Requirements for tendering

(3) This section does not apply to the following contracts:

(i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

Recommended suppliers

The suggested suppliers for this event are Amigo and Amigo and The Electric Canvas due to their past experience and successful delivery of projects like this for Council through competitive tendering processes*.*

The fleet approach to enter into contracts with Amigo and Amigo and The Electric Canvas without the need for public tenders can reduce the procurement timeframe from approximately eight weeks to one week, which will assist in meeting the Investment NSW time constraints for the project. By enabling an exemption from tender and selection of Amigo and Amigo and The Electric Canvas, Council staff will be able to prepare the necessary procurement documentation and be ready to proceed immediately when the *Invest NSW CBDs Revitalisation Program* grants are announced in February 2022.

The recommendations of the confidential report will be made public, if Council is successful in obtaining the CBDs revitalisation grant funding and upon execution of services contracts with the recommended suppliers.

Council's procurement team have been consulted in the preparation of this report and are supportive of a request for Council to endorse an exemption under the Act.

Funding
The cost of running the *Chatswood Nights* event are expected to be covered by the grant and existing funding allocated to events in Council's 2020/21 Operational Plan & Budget.

5. CONCLUSION

Council is eligible to receive an offer of grant funds from the NSW Government under *Invest NSW CBD's Revitalisation Program t*o deliver a major event that attracts people back to Chatswood CBD. To deliver the project outcomes within the time constraints of the grant, it is necessary to select artistic suppliers with previous experience in delivering events in Chatswood.

Therefore, an exemption from public tendering under section 55(3)(i) of the Act due to extenuating circumstances is recommended to enable selection of Amigo and Amigo and The Electric Canvas to deliver artistic installations and projection artworks for the *Chatswood Nights* event which will run from 1 March to 30 April 2022.

ATTACHMENT 1

IMPLICATIONS	COMMENT
City Strategy Outcome	5.1 – Be honest, transparent and accountable in all that we do
Business Plan Objectives, Outcomes / Services	The Media, Marketing and Events Unit supports economic recovery and uplift of Chatswood through delivery of major events that attract diverse audiences, increase dwell time in the CBD and increase visitor spend at local businesses.
Policy	This matter relates to Council's *Procurement Policy* and *Tendering Procedures.*
Consultation	Council Officers will consult with local businesses and stakeholders within the Chatswood CBD for inclusion in the Chatswood Nights event and to benefit from increased foot traffic for the duration of the event.
Resource	No additional resources are required to deliver this outcome. Should Council be successful in receiving a grant, staff resources are fully funded by the grant.
Risk	Tendering for the artistic installations and projection mapping artwork will delay the project and limit Council's ability to meet the requirements of the grant. COVID-19 may impact the event with potential changes to Public Health Orders relating to public gatherings.
Legal	There are no legal implications associated with this report.
Legislation	Section 55(3)(i) of the *Local Government Act 1993* exempts councils from the tendering process if a satisfactory result would not be achieved due to extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers.
Budget/Financial	The cost of running the *Chatswood Nights* event are expected to be covered by the grant and existing funding allocated to events in Council's 2020/21 Operational Plan & Budget.

11 CONFIDENTIAL MATTERS

11.1 CONFIDENTIAL PROCUREMENT EXEMPTION - CBD REVITALISATION EVENT

ATTACHMENTS:	**1. IMPLICATIONS**
RESPONSIBLE OFFICER:	**MELANIE SMITH – COMMUNITY, CULTURE & LEISURE DIRECTOR**
AUTHOR:	**SAMANTHA CONNOR – MEDIA, MARKETING & EVENTS MANAGER**
CITY STRATEGY OUTCOME:	**5.1 – BE HONEST, TRANSPARENT AND ACCOUNTABLE IN ALL THAT WE DO**
MEETING DATE:	**31 JANUARY 2022**

REASON FOR CONFIDENTIALITY

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

This report provides Councillors with information that relates to the commercial value of services intended to be contracted. The release of this information would provide a commercial advantage to other potential service providers. On balance, it is not in the public interest to release information that, if disclosed, would limit the prospects for competitive tenders in future similar contracts.

12 CONCLUSION OF THE MEETING