

Liverpool City Council Public Inquiry

Proposed List of Key Issues (as at 9 July 2025)

1. Pursuant to s 438(1) of the *Local Government Act 1993* (NSW) (the **Act**), the Commissioner has been appointed by the Minister for Local Government to conduct an inquiry into the Liverpool City Council (the **Inquiry**) with the following terms of reference:
 - a. In exercising its functions under section 21, 22, 23 and 24 of the Act, the governing body is meeting its obligations to provide strong and effective leadership in a manner consistent with the guiding principles set out in section 8A, 8B, and 8C of the Act, including whether its leadership with respect to Council's management of its responsibilities relating to long term financial planning, public land management and provision of services is appropriate;
 - b. In exercising its functions under section 21, 22, 23 and 24 of the Act, Council is meeting its obligations to act as a responsible employer, providing a safe, consultative and supportive working environment for the general manager and other staff in a manner consistent with the guiding principles set out in section 8A(1)(i) of the Act and any other statutory requirements considered relevant;
 - c. In exercising its functions under section 21, 22, 23 and 24, and Part 2, Divisions 2 and 3 of Chapter 9 of the Act, the governing body's Mayor and councillors' conduct and decision-making both collectively and/or individually demonstrates an understanding of their role under sections 226 and 232 of the Act;
 - d. In exercising its functions under section 21, 22, 23 and 24 of the Act, the governing body acts in accordance with the guiding principles set out in section 8A of the Act, including whether the governing body commands the confidence of the community; and
 - e. Any other matter that warrants mention, particularly those that may impact upon the effective administration of the Council's functions and responsibilities or the community's confidence in the Council being able to do
2. Having regard to the above terms of reference, Counsel Assisting the Inquiry have identified a preliminary list of key issues to be examined during the public hearings of the Inquiry commencing on 14 July 2025. The list is non-exhaustive of the issues that may be explored and is subject to amendment as the Inquiry receives further material and as evidence is adduced during the course of the public hearings. The list is without limitation as to other potential matters that may ultimately be the subject of potential recommendations.
3. The key issues identified by Counsel Assisting the Inquiry as at the date of this document are, having regard to the obligations under and guiding principles set out in the Act and referred to in the terms of reference, whether:

- a. the Council has in place, and has followed, appropriate policies and procedures for the acquisition and sale of land including with respect to (but not limited to) the following properties:
 - i. 600 Cowpasture Road;
 - ii. 3 Hoxton Park Road;
 - iii. 33 Moore Street;
 - iv. Hammondville Park; and
 - v. Proposed Lots 101, 102 and 103 in DP 1162812,
- b. the acquisition and sale of properties (including those above), and any development of property, was consistent with strategic planning documents that had been previously adopted by the Council;
- c. the Council has in place, and has followed, appropriate policies and procedures for the preparation and approval of annual budgets, including with respect to the means through which budget surpluses have been projected or achieved;
- d. the Council has followed appropriate policies and procedures for and the amendments to budgets and the approval of expenditure, including expenditure proposed in Council meetings and the degree of prior notice to Councillors and Council staff for such expenditure;
- e. the Council has exercised appropriate long-term management of its financial position, including with respect to internal financial planning documents and in relation to issues raised by the Audit Office of New South Wales;
- f. the Council has appropriately managed applications for, and the administration of, grants received from State and Commonwealth governments for designated projects, including but not limited to, grants for:
 - i. the Brickmakers Creek to Woodward Park connection and upgrades to Macquarie Street, Railway Street and Scott Street, and, the contemplated use of such funds for the development of a stadium or amphitheatre;
 - ii. Governor Macquarie Drive;
 - iii. Carnes Hill Pool;

- iv. Lighthorse Park; and
 - v. Edmonson Avenue,
- g. the Council has in place, and has followed, appropriate policies and procedures for:
 - i. the hiring and termination of Council staff (including the General Manager) and the procedures used to effect such decisions (including Mayoral Minutes);
 - ii. the selection of individuals to fill roles in an acting capacity, and the subsequent recruitment processes for the permanent position; and
 - iii. the creation of new positions and direct appointments within the Council structure (including the extent to which consultation and business cases analysis occurs prior to a creation of a position);
- h. the current governing body of the Council, the elected Councillors, is functioning effectively, both within the governing body itself and in its engagement with Council staff, including with respect to:
 - i. the use of social media;
 - ii. the targeted use of Council procedures (including Code of Conduct complaints); and
 - iii. other confrontational or targeted behaviour,
- i. the Code of Conduct operates effectively, and is used appropriately, and whether breaches of the Code of Conduct are dealt with efficiently and effectively by Council and external investigators engaged by Council;
- j. the Council has in place, and has followed, effective policies regarding the interaction between Councillors and Council staff;
- k. the Code of Meeting Practice operates effectively to govern Council Meetings, including with respect to the appropriate use of Mayoral Minutes; and
- l. the decision-making processes of the Council are appropriately transparent to the public and to the Council itself, particularly with respect to planning and expenditure decisions.

4. The Counsel Assisting the Inquiry will update and re-circulate the above list to interested parties if and when further issues arise.

Counsel Assisting the Inquiry

9 July 2025