

**Item 4.1****Appointment of New Attorneys and Revocation of Prior Powers of Attorney****File No: X095048****Memorandum by the Chief Executive Officer**

To Council:

A Resolution of Council is sought to:

1. revoke a number of existing power of attorney instruments; and
2. grant a new power of attorney to each person occupying a role in the Executive of the Council from time to time.

**Background**

Historically Council has granted powers of attorney to certain senior staff to give effect to the decisions of Council.

Previously, individual powers of attorney have been granted by the Council to the Chief Executive Officer and certain Directors by name. This approach is cumbersome because each power of attorney needs to be revoked when there is a change in identity of relevant Director occupying the relevant role.

The form of power of attorney used is also outdated, comprising of one long paragraph that is difficult for non-lawyers to understand.

On 12 December 2022, Council noted:

- (A) *the recommendation to revoke each current Power of Attorney and grant a new Power of Attorney to each permanent Director role at the City of Sydney;*
- (B) *that a further report to Council to revoke each current power of attorney and grant a new power of attorney to each permanent Director role will be provided to Council for approval in 2023;*
- (C) *that each current Power of Attorney will remain in full force and effect until Council makes a resolution to revoke each Power of Attorney;*

To address the issues identified above, staff have prepared a new form of power of attorney, pursuant to which the Council appoints as attorney

1. each person employed by the Council whose title includes the term “Director”; and
  2. the Chief Operating Officer, Chief Financial Officer and Chief Executive Officer,
- from time to time.

Following the adoption of the new power of attorney by Council resolution the Lord Mayor will also need to issue a letter that can be updated as the members of the Executive change, as evidence of the identity of Council's Executive from time to time. The letter will be provided as evidence that the specific person using the power of attorney has the power to bind the Council.

The power of attorney will apply to each Director as appointed and the letter will be updated each time there is a change of Director.

It will also be necessary to revoke the following powers of attorney:

1. power of attorney granted to Kirsten Tara Morrin dated 2 December 2019;
2. power of attorney granted to William Ross Carter dated 7 November 2016;
3. power of attorney granted to Kim Philip Woodbury dated 7 November 2016; and
4. power of attorney granted to Patricia Monica Barone dated 29 June 2009.

### **Recommendation**

It is resolved that:

#### **Revocation of Power of Attorney Instruments**

- (A) the power of attorney granted to William Ross Carter be revoked in the form shown at Attachment C to the subject memorandum, which is to be executed under the Common Seal of Council;
- (B) the power of attorney granted to Patricia Monica Barone be revoked in the form shown at Attachment D to the subject memorandum, which is to be executed under the Common Seal of Council;
- (C) the power of attorney granted to Kirsten Tara Morrin be revoked in the form shown at Attachment E to the subject memorandum, which is to be executed under the Common Seal of Council; and
- (D) the power of attorney granted to Kim Philip Woodbury be revoked in the form shown at Attachment F to the subject memorandum, which is to be executed under the Common Seal of Council.

#### **Appointment of New Power of Attorney and Attorney List**

- (E) a new power of attorney be granted to each person occupying a role in the Executive of Council from time to time, in the form shown at Attachment A to the subject memorandum, which is to be executed under the Common Seal of Council; and

- (F) the attorney list (setting out the current members of the Executive) as shown at Attachment B to the subject memorandum be signed by the Lord Mayor; and
- (G) authority be delegated to the Lord Mayor to sign and issue further versions of the attorney list when necessary due to change in the identity of people occupying a role in the Executive of Council or due to the elapsing of time.

**MONICA BARONE**

Chief Executive Officer

**Attachments**

- Attachment A.** New Power of Attorney
- Attachment B.** Power of Attorney List
- Attachment C.** Revocation of Power of Attorney - William Ross Carter
- Attachment D.** Revocation of Power of Attorney - Patricia Monica Barone
- Attachment E.** Revocation of Power of Attorney - Kirsten Tara Morrin
- Attachment F.** Revocation of Power of Attorney - Kim Philip Woodbury