

SUTHERLAND SHIRE COUNCIL
INSTRUMENT OF DELEGATION BY THE CHIEF EXECUTIVE OFFICER

In accordance with section 378 of the *Local Government Act 1993*, I hereby:

1. Delegate to the position of:

Principal Lawyer

and to those people who may act in that position from time to time, the following functions subject to the limitations stated in this Instrument of Delegation and any subsequent written direction made by the Chief Executive Officer; and

2. Revoke any previous Instrument of Delegation to that position.



Manjeet Grewal

Chief Executive Officer

10 April 2024

DELEGATIONS

FS Finance Functions

FS17 Council Timesheets Approval

Approve and certify staff timesheets within the position holder's area of responsibility.

FS32 Hold Corporate Credit Card \$5000

Hold a Corporate Credit Card for the supply, purchase, or hire of goods, works, services, plant, equipment in accordance with the Credit Card Determination and Procurement Policy and Guidelines to the value of \$5000

LE Legislative Functions

LE14 Appointed as a Manager (People Leader) under the Public Interest Disclosure Act 2022

Appointed as a Manager (People Leader) under the requirements of the *Public Interest Disclosure Act 2022* to receive reports of voluntary public interest disclosures from directly or indirectly supervised employees only and pass voluntary public interest disclosures reports on to a Disclosure Officer.

PC People and Culture Functions

PC26 Authorise Temporary Unfit Stand Down

Temporarily stand down an employee in accordance with Council's Alcohol & Other Drugs Determination and Guidelines, Code of Conduct for Council Staff, Work Health and Safety Policy and the Local Government (State) Award.

PR Procurement Functions

PR06 Authorise Expenditure \$50,000

Authorise expenditure for the procurement of goods, works and services, in accordance with the Procurement Policy and Guidelines up to the value of \$50,000 including;

- Council Stores issued goods and materials,
- prescribed contracts (within the meaning of clause 163 of the *Local Government (General) Regulation 2021*),
- endorsed Preferred Supplier Agreement, or
- where Council has resolved to do so.

LG Legal Functions

LG06 Instruct External Lawyer - Administrative Law Matters

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to administrative law matters brought against Council.

LG07 Instruct External Lawyer - Commercial and Property Matters

Instruct external lawyers to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to commercial and property matters brought against Council.

LG09 Instruct External Lawyer – Regulatory Enforcement

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or other matters or actions in relation to matters under the relevant legislation or Regulation governing enforcement action associated with the responsibilities of the Delegate.

LG11 Instruct External Lawyer - Local Court

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court.

LG14 Instruct External Lawyer Local Court and Land and Environment Court

Instruct external lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any proceedings or actions in the Local Court and the Land and Environment Court.

LG16 Instruct External Lawyer and/or Mercantile Agent – Debt Recovery

Instruct external lawyers and/or mercantile agents to provide advice, act for Council, defend and do all things necessary in court proceedings or other matters in relation to debt recovery matters.

LG17 Instruct Lawyers - Land and Environment Court

Instruct Lawyers to provide advice and to commence, defend, prosecute, settle, discontinue and withdraw any:

(i) planning and development and order appeals, objections and applications, including under sections 4.55, 8.7, 8.8, 8.9, 8.16, 8.18, 8.21, 8.22, 8.23 and 8.25 of, and clause 35 of Schedule 5 to, the Environmental Planning and Assessment Act 1979; and

(ii) planning and development and order appeals or objections, including sections 176, 177, 178, 180 and 182 of the Local Government Act 1993.

INTERPRETATION

Where appearing in this Instrument of Delegation:

- Headings are for convenience only and do not affect interpretation.
- Monetary amounts are inclusive of GST, unless the contrary is expressly stated.
- *Law* includes an Act, regulation, instrument and the like and any amendment, re-enactment, consolidation or replacement of that law by a similar provision in that law or any other law.
- A reference to a policy means a policy adopted by resolution of the Council and includes an amendment or replacement of that policy where adopted by resolution of the Council.
- A reference to “written objections” or “public submission” refers to objections or submissions received from the general public and not from a Commonwealth or State Government department, authority, agency and the like.
- A petition, objection or submission that is signed by or contains the names of more than one person is taken to be one objection or submission as the case may be.
- A reference to a Commonwealth or State Government department, authority, agency and the like includes any successor to it.
- A reference to a concurrence includes any later or amended concurrence.
- A reference to a function includes a reference to a power, authority, duty and the like and to the exercise or performance of such.
- Where the exercise or performance of a function requires other functions to be exercised or performed or requires the delegate to do other things to exercise or perform that function, the delegate is authorised to exercise or perform those other functions and to do those other things.
- A word which denotes the singular denotes the plural and vice versa.
- An authority to ‘approve’ includes approve with conditions or to refuse.