

SUBJECT: <i>LEGAL ADVICE POLICY</i>	FILE NO:	LEG/001; ADM/0900
ADOPTED BY COUNCIL ON:	MINUTE NO:	
AMENDED BY COUNCIL ON:	MINUTE NO:	
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Provision of Legal Advice

Given the multiplicity of sources of potential legal advice and to guard against the temptation to “cherry pick” advice, Council will determine a panel of up to three providers from which advice will be sought for the duration of the Council or until amended by Council.

New Councils are at liberty to re-confirm or otherwise revise the panel, or amend this policy as they see fit.

Council may, at its discretion, decide to approve a retainer arrangement (e.g. a service level agreement) for the provision of general advice and enter into a formal agreement to facilitate this outcome.

Categories of Legal Advice

For the purposes of this policy, legal advice provided to Council is deemed to fall into either one, or the other, of two categories, being:

1) Operational Advice

Advice required by the General Manager in the performance of day-to-day operational matters, e.g. staffing matters, rates collection, implementing Council policy and decisions not requiring further decision by Council, etc.; or

2) Policy/Strategic/Planning Advice

Advice required to inform Council and/or to assist Council in the performance of its policy and decision making roles, e.g. advice related to any matter to be put before Council for its considerations.

Where information is requested verbally, the request must be followed up formally in writing, either by letter, facsimile (fax) or e-mail.

Additional requirements for Policy Advice

All legal advice (i.e. non-operational advice) obtained for and on behalf of Council is to be provided to Councillors in the form it was received, without redaction or omission, together with the formal request for such advice.

This legal advice, and its initiating request/s, is to be provided to Councillors at the same time as any advice, information or recommendations incorporating, or referencing such advice, is provided to the council or a council committee.

Requirements for all Advice

The General Manager is to maintain a (Legal Advice) Register of all advice sought and received, including the:

- Date advice was sought;
- Provider of the advice;
- Purpose or subject of such advice
- Category of advice sought (i.e. Operational or Policy)
- Date the advice was received; and
- Cost of the advice, if outside a pre-paid retainer agreement.

Access to the Legal Advice Register is to be made available for Councillors on request.

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