

## LEGAL ADVICE POLICY

### PURPOSE

This policy sets out who may commission advice on behalf of the Shire of Quairading, guidelines as to the kind of issues where advice may be sought and the process for engaging advice.

### OBJECTIVE

To manage Council's affairs by employing publicly accountable practices.

### POLICY

#### PRINCIPLES

- a. A central role of the Chief Executive Officer (CEO) is to provide advice to the Council and as such, it is solely the role of the CEO to commission legal advice on matters relating to the business of the Shire.
- b. The commission of legal advice follows the same procurement requirements as any aspect of Council business

#### PROVISIONS

##### 1. Procurement of Legal Advice

- a. The Chief Executive Officer is to approve the procurement of all legal advice sought by the Shire of Quairading, other than advice relating to the performance of the CEO and/or the relationship between the CEO and the Shire of Quairading Council.
- b. The Council may via formal resolution commission advice relating to the performance of the CEO and the relationship between the CEO and the Council, provided that they have sought advice via a formal report from the appointed advisor to Council on CEO performance.
- c. Procurement of legal advice must be obtained according to requirements set out under the Purchasing Policy.

##### 2. Recording of Legal Advice

- a. A register of legal advice received by the Shire of Quairading must be maintained. Prior to any decision to procure advice being made, this register must be reviewed to determine whether advice has previously been received.

### GUIDELINES

Local Government Act 1995

Purchasing Policy

### STATUTORY ENVIRONMENT

Local Government Act 1995

<b>Record of Policy Review</b>					
Version	Author	Council Adoption	Resolution	Reason for Review	Review Date
01	Graeme Fardon	22/02/2007	204-06/07		
02	Graeme Fardon	27 September 2018	41-18/19	<i>Policy Review Project – 5/09/2018</i>	
03	Graeme Fardon	17 December 2020	97-20/21	Biennial Policy Review	December 2020