

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 CEO 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 Council, provided it has 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

| Record of Policy Review | | | | | | |
|-------------------------|---------------|------------------|-------------|------------------------------------------|-------------|-------------------------------------------------------------------------------------|
| Version | Author | Council Adoption | Resolution | Reason for Review | Review Date | CEO Signature |
| 01 | Graeme Fardon | 22/02/2007 | 204-06/07 | | | |
| 02 | Graeme Fardon | 27/09/18 | 41-18/19 | <i>Policy Review Project – 5/09/2018</i> | | |
| 03 | Graeme Fardon | 17/12/20 | 97-20/21 | Biennial Policy Review | Dec 2022 | |
| 04 | Nicole Gibbs | 24/11/22 | 126 - 22/23 | Biennial Policy Review | Nov 24 |  |