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## GOVERNANCE POLICIES

### Commissioning Legal Advice



Policy Number:	G23
Relevant Delegation:	Nil
Adoption Details:	22 February 2016
Last Review Details:	22 June 2021

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#### **POLICY OBJECTIVE:**

To ensure that legal advice is sought in a consistent manner by the Shire of York.

#### **POLICY SCOPE:**

This policy applies to situations where the potential for securing legal advice is being considered.

#### **POLICY STATEMENT:**

#### **INTRODUCTION**

The Shire of York organisation will from time to time need to seek legal advice on a matter. It is important that there is clarity about the many legislative duties and functions discharged on a daily basis by officers and that there is independent legal advice available to assist the organisation and the Council to make robust decisions.

This policy sets out who may commission advice on behalf of the Shire of York, guidelines as to the kind of issues where advice may be sought and the process for engaging advice. It should be read in conjunction with the Procurement Policy (F2) and the Elected Members: Code of Conduct (E1).

#### **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**

- 1.1 The Chief Executive Officer must approve the procurement of all legal advice sought by the Shire of York, other than advice relating to the performance of the CEO and/ or the relationship between the CEO and the Shire of York Council.
  - 1.2 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.
  - 1.3 Procurement of legal advice must be obtained according to requirements set out under the Procurement Policy (F2).
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**PENALTIES:**

Not applicable.

**KEY TERMS/DEFINITIONS:**

Not applicable.

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Responsible Officer: Chief Executive Officer

Contact Officer: Chief Executive Officer

Relevant Legislation: Not applicable

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>
Adopted – 22 February 2016	
Reviewed – 24 October 2016	
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