

DA	OBTAINING LEGAL OR OTHER EXPERT ADVICE	SES1
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DELEGATED AUTHORITY CODE:	SES1
DIRECTORATE:	Executive Services
BUSINESS UNIT:	Executive Services
SERVICE UNIT:	Executive Services
RESPONSIBLE OFFICER:	Director, Governance & Community Services
FILE NO.:	086/003
DATE FIRST ADOPTED:	1997
DATE LAST REVIEWED:	9 June 2016
ATTACHMENTS:	N/A
VERSION NO.	3

Dates of Amendments / Reviews:	
DAPPS Meeting:	24 June 2012 26 May 2016
OCM:	13 May 2010 14 June 2012

FUNCTION DELEGATED:

The authority to obtain legal or other expert advice on behalf of Council.

CONDITIONS/GUIDELINES:

- (1) In the instances where Council has resolved or requested to seek legal or other expert advice, a copy of that advice be provided to all Elected Members as soon as practicable within seven (7) days of receipt by the City unless otherwise resolved by Council.
- (2) The intent of any advice received relating to any matter placed before Council for determination being conveyed to Elected Members via "Elected Members Newsletter" within seven days of receipt and Elected Members may obtain a copy or further details of this advice.
- (3) Where copies of legal or other expert advice are made available to Elected Members, the content of the advice is not permitted to be disclosed to third parties, unless by resolution of Council.
- (4) Council maintain its retainer arrangement with its Solicitors for the purpose of ascertaining matters of an administrative nature where procedural verbal advice is obtained.
- (5) Legal advice obtained for:-
 1. initiating specific action by Council or its authorised officers;
 2. the interpretation of statute;

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3. the interpretation of the state of the law in relation to any matter; or
4. any other advice to be relied upon as legal advice

is only to be obtained from certified practitioners.

- (6) All transactions utilising this delegation are to be recorded in the Recording of Delegated Decisions Register by the officer responsible for initiating the action taken, or by another officer under the direction of the initiating officer.

AUTONOMY OF DISCRETION:

As provided in Conditions above.

LEGISLATIVE REQUIREMENTS/COUNCIL POLICY:

Council Policy SES1 "Obtaining Legal or Other Expert Advice" refers.

DELEGATE:

Chief Executive Officer

Note: The Chief Executive Officer will sub-delegate this authority to:

DELEGATE/S AUTHORISED:

Director - Finance and Corporate Services
Director - Planning & Development
Director – Governance & Community Services
Director - Engineering & Works
Manager, Statutory Planning
Manager, Strategic Planning
Manager, Environmental Health
Manager, Building Services