

<b>POL</b>	<b>OBTAINING LEGAL AND OTHER EXPERT ADVICE</b>	<b>SES1</b>
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<b>POLICY CODE:</b>	SES1
<b>DIRECTORATE:</b>	Executive Support Department
<b>BUSINESS UNIT:</b>	Executive Support Department
<b>SERVICE UNIT:</b>	Executive Support Services
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>FILE NO.:</b>	182/001
<b>DATE FIRST ADOPTED:</b>	15 April 1997
<b>DATE LAST REVIEWED:</b>	9 June 2016
<b>ATTACHMENTS:</b>	<a href="#">Yes – (Procedure for Legal Opinion)</a>
<b>DELEGATED AUTHORITY REF.:</b>	SES1
<b>VERSION NO.</b>	4

<b>Dates of Amendments / Reviews:</b>	
DAPPS Meeting:	31 January 2013 22 May 2014 26 May 2016
OCM:	9 April 2009 14 February 2014 12 June 2014

**BACKGROUND:**

Council is now required to seek legal and other expert advice on an increasing basis, to ensure its best interests are protected at all times.

**PURPOSE:**

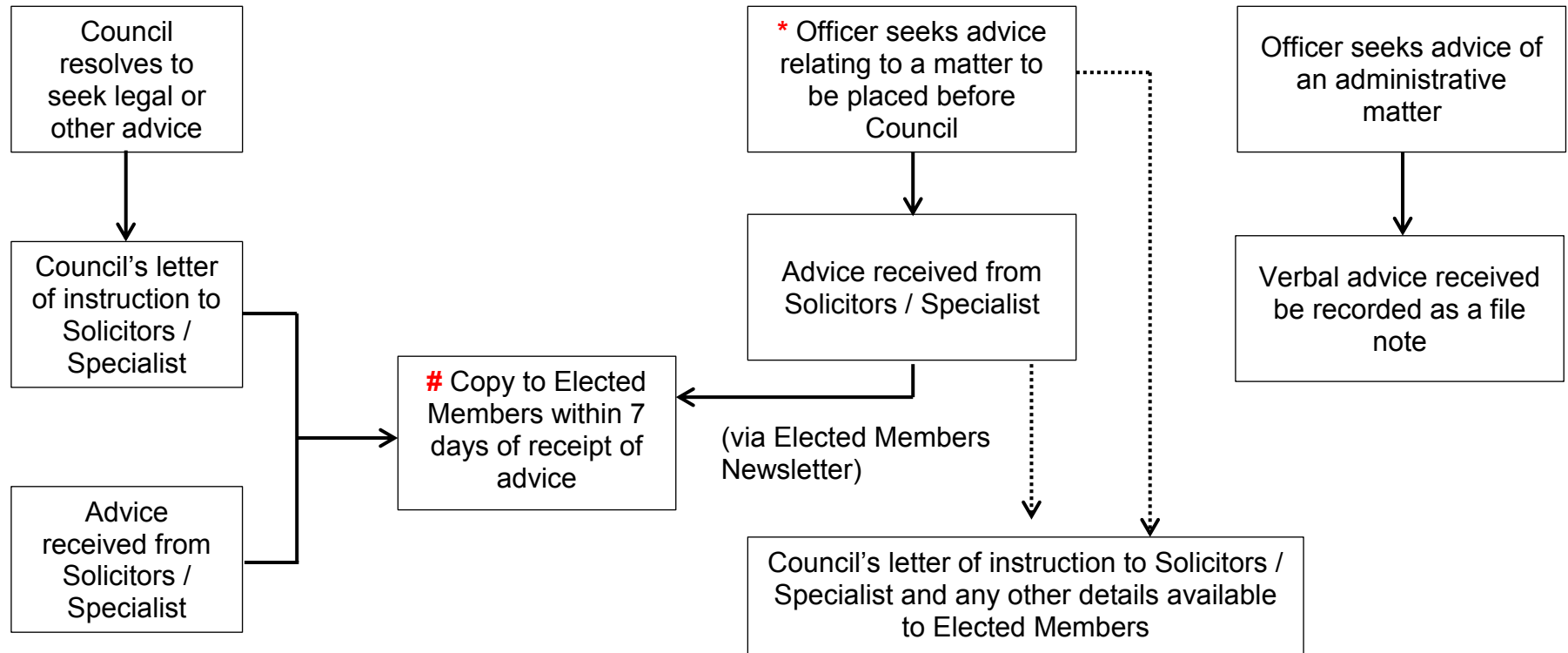
To expedite and ensure a mechanism is in place in respect of the acquisition of legal and other expert advice, as required.

**POLICY:**

- (1) In this Policy and the associated delegated authority, “legal advice” has the same meaning as in the Legal Practice Act 2003 (WA).
- (2) Other expert advice includes that obtained from practitioners qualified in areas of specific professional expertise or knowledge. Examples include advice sought from consulting firms or individuals and from employees of federal or state government agencies with whom Council has binding contractual or statutory obligations.
- (3) The Chief Executive Officer is authorised to obtain legal and other expert advice as is deemed necessary to maintain the proper administration of Council affairs, subject to the following conditions:-

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1. in the instances where Council has resolved or requested to seek legal or other expert advice, a copy of that advice and Council's letter of instruction 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. 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', following the opinion of the Solicitor or specialist who provided advice to the Council about the possible consequences of making that advice available to a third party;
3. Council maintain its retainer arrangement with its Solicitors for the purpose of ascertaining matters of an administrative nature where procedural verbal advice is obtained and that such advice sought be recorded as a file note on the appropriate file;
4. that where a legal or other expert opinion is sought in relation to an item placed before Council, a note that the item is subject to legal or other expert advice (as appropriate) be included in the relevant Agenda or Minutes.
5. before the Council considers an item on an agenda that includes or is based on expert advice (eg legal, environmental, financial) the Council shall have been provided with a copy of that advice (or summary if appropriate) prior to the meeting with adequate time to read and understand the advice before making its decision.
6. Legal advice sought by Council can only be obtained utilising the services of practitioners who form part of the Panel of Preferred Suppliers, as adopted by Council from time to time, unless, in the CEO's opinion, it is advantageous to utilise the services of a different provider who has specific expertise in a particular case.



**# Note:** Legal/Expert opinion not to be disclosed to third parties unless by resolution of Council, following opinion of the Solicitor/Specialist about the possible consequences of making that advice available to third parties

**\* Note:** The relevant Agenda and Minutes to include a note that the item is subject to legal/expert opinion

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