

## COUNCIL POLICY

**Title:** Obtaining Legal Advice

**Responsible Officer:** Deputy Chief Executive Officer

Shire of  
**Kellerberrin**

**Version:** Current

### 1. PURPOSE

The purpose of this policy is to expedite and ensure a mechanism is in place in respect to the acquisition of legal advice, as required.

### 2. SCOPE

This policy is applied to the Shire of Kellerberrin and its elected members and employees.

### 3. DEFINITIONS

### 4. STRATEGIC CONTEXT

This policy links to core drivers:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

### 5. POLICY STATEMENT

The Chief Executive Officer is authorised to obtain legal advice within budget constraints as is deemed necessary to maintain the proper administration of Council affairs, subject to the following conditions;

Where copies of legal advice are made available to Councillors, the content of the advice is not permitted to be disclosed to third parties, unless by a resolution of the Council following the opinion of the Solicitor who provided the advice to the Council about the possible consequences of making that advice available to a third party.

That where a legal opinion is sought in relation to an item placed before Council a note that the item is subject to legal advice is included in the relevant Agenda or Minutes.

The intent of any advice is included in the relevant Agenda or Minutes.

The intent of any advice received relating to any matter placed before Council for determination being conveyed to councillors within seven (7) days of receipt, Councillors may obtain a copy of this advice together with Council's letter of instruction.

The Chief Executive Officer is responsible for implementing and ensuring compliance with this policy.

**6. RELATED LEGISLATION/ DOCUMENTATION**

**7. REVIEW DETAILS**

Council Adoption	Date	February 2020	Resolution #	MIN009/20
Previous Adoption	Date	October 2016	Resolution #	MIN168/16