



Administrative Policies

2.14 Legal Representation for Elected Members and Employees

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Policy

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Purpose

This policy sets out guidelines to assist the Shire in determining when it is appropriate to pay legal representation costs attributed to Elected Members (EM) and Employees where they have become involved in legal proceedings as a result of their official functions.

Status

Administrative - Statutory

Policy

1 General Principles

In the first instance, the EM or Employee must refer to the Local Government Insurance Scheme for assessment of their case under the Management Liability Insurance (Elected Members and Employees Liability) cover.

2 Application for Payment

Should cover not be available under this scheme, a written submission is to be prepared to the Shire's CEO, for approval by Council. The details of the written submission requesting financial support for legal services under this policy, must address the following criteria:

- a) The matter for which legal representation is requested;
- b) How the matter relates to the functions of the EM and Employee;
- c) The legal firm nominated to provide the legal representation;



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- d) The nature of the legal representation to be sought (such as advice, representation in court, preparation of a document etc);
- e) An estimated cost of the legal representation;
- f) Why it is in the interests of the Shire for payment to be made;
- g) That the EM or Employee acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- h) That financial support for legal services, complies with the financial interest of the Local Government Act 1995.

2.1 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.

2.2 Each application will be reviewed by Council to determine whether the provision of legal representation costs is justified.

3 Legal representation costs – Limit

The Shire, in approving an application, shall set a limit on the legal representation costs to be paid, based on the estimated costs in the application and the Shire's annual budget.

4 Council's Powers:

The Council may:

- Refuse;
- Grant; or
- Grant subject to conditions,

An application for payment of legal representation costs.

The Council may at any time revoke or vary an approval, or any conditions of approval for the payment of legal representation costs.

5 Approval

Council approves applications requesting legal representation costs under this policy. If there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000.

The EM or Employee shall sign an agreement with the Shire agreeing that the financial assistance shall be provided on the terms and conditions of this policy.



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Where it is the CEO who is seeking urgent financial support for Legal Services the Council shall deal with the application.

6 Repayment of Legal Costs

Any amount recovered by an EM or Employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Shire.

Financial assistance for legal representation costs will be withdrawn where council determines, upon legal advice that a person has acted dishonestly. Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The Shire may take legal action to recover such monies in court.

Special Notes

Related Procedures

Amended Authority Level

Related Delegation	Chief Executive Officer
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Related Local Law/Legislation

Adopted/Amended	September 2023
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Review	September 2025
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