



Policy No 2013 - 11

Legal Opinions Policy

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1. Council from time to time may require a legal opinion to enable them to make an informed decision on a matter before Council.
2. Council may direct the General Manager to obtain a legal opinion in relation to an item listed on Council's Ordinary or Special Meeting agenda or a Council Closed Session agenda for a decision.
3. The General Manager is authorised to obtain a legal opinion in relation to any matter that, in the opinion of the General Manager, is required.
4. (a) The Mayor is authorised to obtain a legal opinion in relation to confidential matters or proceedings raised by a third party against the Councillors or General Manager; and
 (b) the Deputy Mayor is authorised to obtain a legal opinion in relation to confidential matters or proceedings raised by a third party where the matter relates directly to the Mayor or involves the Mayor as a party to the matter raised, or in instances where a matter has been referred directly to the Deputy Mayor because of the nature of the proceedings or matter raised
5. Where a legal opinion has been requested, the legal opinion must be in writing.
6. Council will not consider an agenda item, where, in the opinion of the Mayor or General Manager, a legal opinion should be sought.
7. Where an agenda item has a reference to a legal opinion, the written legal opinion will be included in the closed session agenda for that meeting.
8. If the Mayor, Deputy Mayor or a Councillor obtains a private legal opinion or legal advice in respect of a council matter or a potential council matter:

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- (a) The cost of that advice is borne by the Mayor, Deputy Mayor or Councillor;
and
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- (b) The Mayor, Deputy Mayor or Councillor cannot refer to that legal advice without providing a copy of that advice to all Councillors

9. A copy of all correspondence received from both the Auditor-General and the Solicitor- General must be promptly given to the Mayor and presented to Council.

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