



Policy No. 2013- 11

Legal Opinions Policy

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Council from time to time may require a legal opinion to enable them to make an informed decision on a matter before Council.

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.

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.

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.

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.

Where a legal opinion has been requested, the legal opinion must be in writing.

Council will not consider an agenda item, where, in the opinion of the Mayor or General Manager, a legal opinion should be sought.

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.

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:

- (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.

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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