

Request for Assistance with Legal Costs Policy

Date policy was adopted:	24 April 2019	CEO Signature and date 
Resolution number:	141/19	
Next Policy review date:	April 2021	
Reference number:	C1960216	
Strategic Pillar	Capability	
Responsible Branch	Legal & Risk	24 April 2019

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1. OUTCOMES:

- 1.1 The policy provides structure and process in the administration of requests for legal assistance from outside agencies like Local Government NSW.

2. POLICY:

- 2.1 To assist NSW Councils or other organisations faced with substantive costs resulting from a legitimate legal action where the issues arising from and/or outcomes of such legal proceedings could benefit Queanbeyan-Palerang Regional Council.

3. SCOPE OF THE POLICY:

- 3.1 From time to time, the Council receives requests, usually from the Local Government NSW requesting that Council provide financial assistance to help off-set costs incurred in relation to legal proceedings in which the Council or organisation has been involved. Many such requests are minor and operational in nature and can be dealt with during the normal course of business.

4. DEFINITIONS:

- 4.1 Nil

5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS:

- 5.1 In accordance with Section 356 of the Local Government Act 1993 (*financial assistance to others*), Council must approve any financial contributions to assist other Councils with legal costs.

6. CONTENT:

- 6.1 Any requests from the Local Government NSW or others for financial assistance with legal costs will only be granted if the issues arising from and/or outcomes of legal proceedings could benefit Queanbeyan-Palerang Regional Council.
- 6.2 The General Manager in consultation with the Mayor will assess any such request to gauge its relevance to Council; if the request is supported, the General Manager can arrange reimbursement up to \$2,000 within an approved budget.
- 6.3 Any request greater than \$2,000 shall be referred to the Council for consideration together with an Officers report on the matter recommending support or otherwise.
- 6.4 A summary of requests for financial assistance under this policy and a summary of such requests will be included in the quarterly report on Legal Matters submitted to the Council and the Schedule of Donations in the Council Annual Report.

7. REVIEW

- 7.1 This policy is a local policy and accordingly will be reviewed or confirmed within the first 12 months after the declaration of the poll for the next NSW general local government election, unless revoked sooner by Council. **[Note:** automatic revocation of this policy is provided for under s.165(4) of the *Local Government Act 1993*. The next general local government election is scheduled to be held in September 2020].

This policy may be reviewed and updated as necessary if:

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- (a) legislation requires it, or
- (b) Council's functions, structure or activities change.