

FILE NO: PSC2007-3003
TITLE: REQUESTS FOR ASSISTANCE – LEGAL COSTS
POLICY OWNER: MANAGER LEGAL SERVICES

1. PURPOSE:

1.1 To assist Councils faced with substantial legal costs to defend their reasonable decisions, where the issues arising from and/or outcomes of such legal proceedings directly benefit the Port Stephens Local Government Area.

2. CONTEXT/BACKGROUND:

2.1 From time to time, Local Government NSW (**LGNSW**) requests that Councils support other NSW Councils by providing financial assistance to help off-set costs incurred in relation to legal proceedings in which they have been involved. This policy outlines the process for putting these requests to Council for consideration where staff recommend such requests be supported, and to provide Councillors with the opportunity to consider recommendations by staff not to support a request.

3. SCOPE:

3.1 It is through the adoption and use of policies that Council can aim to deal with matters consistently, particularly where such matters involve the use of Council funds to assist another Council or organisation outside the Port Stephens Local Government Area.

3.2 Under s356 of the *Local Government Act 1993* (financial assistance to others), Council must approve any financial contributions to assist other Councils with legal costs.

4. DEFINITIONS:

Executive Team	Port Stephens Council management team comprising General Manager and Group Managers
Financial Assistance	Percentage contribution of costs incurred in legal proceedings as determined by LGNSW
LGNSW	Local Government NSW

5. POLICY STATEMENT:

- 5.1 Requests from LGNSW for financial assistance with legal costs incurred by other NSW Councils will only be granted by Council if the issues arising from and/or outcomes of legal proceedings involving those Councils directly benefit the Port Stephens Local Government Area.
- 5.2 Council officers will assess such requests to gauge their relevance to Council and provide recommendation as to whether or not each request should be met.
- 5.3 Where Council officers recommend financial assistance be provided, a report will be submitted to Council for its consideration.
- 5.4 Where Council officers recommend against providing financial assistance, a report will be submitted to the General Manager to be dealt with under delegated authority and in consultation with the Executive Team.
- 5.5 The General Manager will advise Councillors of his intention to refuse a request. At the request of any Councillor, the General Manager will submit a report to Council for consideration and decision.

6. POLICY RESPONSIBILITIES:

- 6.1 Manager Legal Services, General Manager and Executive Team are responsible for the implementation of this policy in conjunction with other Council officers as appropriate.

7. RELATED DOCUMENTS:

- 7.1 "Policy and Guidelines – Requests for Assistance with Legal Costs" (LGNSW) (November 2015)

CONTROLLED DOCUMENT INFORMATION:

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Audience	Port Stephens Community		
Process owner	Manager Legal Services		
Author	Manager Legal Services		

Review timeframe	Two years	Next review date	October 2020
Adoption date	9/10/2018		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	9/7/1996	Assistant General Manager	Foundation of policy put in place when Council first requested by LGNSW to contribute to legal costs incurred by another Council	364
1.1	1/4/1997	Corporate Development Officer	Amended policy to screen all requests for assistance	945
2.0	27/11/2001	Legal Officer	Amended policy to streamline the process for consideration of requests for assistance	492
3.0	14/6/2016	Manager Legal Services	Revision of Policy and incorporation into new styling format	163
3.1	9/10/2018	Manager Legal Services	Formatting amended to reflect the current policies template	125