

**FILE NO: PSC2007-3003**

**TITLE: REQUESTS FOR ASSISTANCE – LEGAL COSTS**

**OWNER: GOVERNANCE SECTION MANAGER**

## **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 request 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 involved 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 other), Council must approve any financial contributions to assist other Councils with legal costs.

## **4. DEFINITIONS:**

4.1 An outline of the key definitions of terms included in the policy.

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. STATEMENT:**

- 5.1 Requests for 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 to 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. RESPONSIBILITIES:

- 6.1 Legal Services Manager, General Manager and Executive Team are responsible for the implementation of the 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)~~ **“Local Government NSW Legal Assistance Policy and Guidelines” (Version 2.0 June 2021)**

## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No.</b>	PSC2007-3003	<b>EDRMS record No.</b>	
<b>Audience</b>	Port Stephens Community		
<b>Process owner</b>	Legal Services Manager		
<b>Author</b>	Legal Services Manager		

<b>Review timeframe</b>	2 <b>3</b> years	<b>Next review date</b>	December 2022
<b>Adoption date</b>	8 December 2020		

## 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
3.2	8/12/2020	Legal Services Manager	Formatting to reflect current template for policies and updating version control. Updated title of policy owner, process owner and author. 6.1 – updated title of Legal Services Manager.	282
<b>3.3</b>		<b>Legal Services Manager</b>	<b>7.1 – updated to reflect current version of LG NSW policy document.</b> <b>Review timeframe changed to 3 years.</b>	