



muswellbrook shire council

USE OF LEGAL SERVICES

Policy No. L15/1

**Assembled by
Russell Esdaile**

**Adopted By Council
12 October, 2009
Minute No. 268**

LEGAL SERVICES

L15/1

POLICY OBJECTIVE

To obtain efficient and effective legal services in a cost effective manner.

POLICY STATEMENT

The Council is committed to:

- A Obtaining efficient and effective legal services;*
- B Obtaining best value for legal services;*
- C Ensuring that the decision making with respect to the regulatory or prosecutorial function of the Council is undertaken as independently and objectively as is practicable; and*
- D Ensuring that the General Manager is appropriately resourced to undertake the regulatory or prosecutorial functions on behalf of the Council.*

Author **Russell Esdaile**
Director, Corporate & Community Services

Date **12 October, 2009**

REVIEW HISTORY:

	Current	Previous	Prior	Prior
Minute No:				
Meeting Date:				
Review Date:				
Rescind Date:				

1.0 Appointment of Preferred Legal Advisors

1.1 A tender process is to be undertaken every four (4) years to seek suitably qualified legal firms to undertake legal work on behalf of Council. Amongst other things and without limitation, the tender process must invite tenders in respect of the following areas of law:

- (a) Property and conveyancing law;
- (b) Environmental law (including planning law);
- (c) Companion animals law;
- (d) Health and Safety law (including public health law);
- (e) Industrial law;
- (f) Building and construction law;
- (g) Commercial and equity law; and
- (h) Local government law.

1.2 In accepting a tender in respect of legal services, the Council may:

- (a) Accept a single tender whether in respect of any particular class of legal services or generally;
- (b) Accept more than one tender whether in respect of a particular class of legal services or generally.

1.3 The legal firms (or firm as the case may be) the subject of accepted tenders shall form a panel of approved legal service providers in respect of the class of legal services for which their tender was accepted (the **Panel**).

2.0 Requests for Legal Services.

2.1 The General Manager may approve requests for legal services from Council's Panel.

2.2 The General Manager may not approve requests for legal services which exceed the amount, or are likely to exceed the amount, set aside in the Council's budget for legal services without the approval of the Council.

2.3 Where, at any time, it appears to the General Manager that expenditure on legal services by the Council may exceed the amount set aside in the Council's budget for legal services, the General Manager must inform the Council as soon as reasonably practicable.

2.4 The General Manager may instruct Council's legal service providers to give advice, prosecute, compromise, settle, mediate, conciliate, arbitrate, make application to or seek an Order (including cost orders and enforcement orders) from any Court or tribunal, defend or resolve any issue or withdraw an instruction whether the matter is before a Court or not.

3.0 Receipt of Court Documents.

3.1 The General Manager may adopt a procedure for the receipt, recording, answering or actioning any documents issued by a Court or any other body or authorised person (such as subpoena or Notice of Action against Council.)

4.0 Legal Documents

4.1 The General Manager may adopt a procedure for the preparation, execution, recording, safe storage or delivery and where appropriate destruction of any legal document.