

## Advice Note

Responsible Officer: Executive Manager Governance and Legal Services

Date of Meeting: 15 June 2021

Meeting of the: Ordinary Meeting of Council

Item: Motion with Notice 16.1 – Legal Representation Policy (Cr Kepert)

### DETAIL

Cr Kepert submitted a Motion with Notice to the 16 February 2021 Council Meeting that the Council review CP-017 Legal Representation Policy Elected Members and Employees. At the February meeting the item was deferred, by resolution, to the 16 March 2021 along with several other items.

Cr Kepert was an apology from the March meeting and the Mayor advised that these items would be held over to the April 2021 Ordinary Meeting of Meeting.

The Motion was then included on the Agenda of the Special Meeting of Council held 6 April 2021 where it was deferred to the 20 April 2021 Meeting.

The motion was then considered at the 20 April Council Meeting. – Item 17.1 where the motion was presented and then withdrawn by the mover and seconder.

On the 20 April 2021 Cr Kepert submitted an “updated motion...” which was not considered at the April meeting as it was received without notice.

On the 19 May 2021 Cr Kepert submitted a new Motion with Notice in relation to this policy for consideration at the June 2021 Council Meeting.

This matter was originally discussed in July 2020, with part of the 21 July 2020 Council resolution being:

*The Council requests that CP-017 be presented at the October Elected Member Information Session for review.*

In order to facilitate discussion on the policy, the Policy was published on the Elected Member Discussion Board from 11 March 2021 until 25 March 2021. No comments were received.

After discussion at the April Council Meeting the Policy was again published to the Discussion Board for comment from 14 May 2021 to 4 June 2021. As no responses were received the period was extended to Friday 11 June 2021. Along with the Policy the Department of Local Government Operational Guidelines – Legal Representation for Council Members and Employees (including the Model Policy) and Cr Kepert’s Motion with Notice were also provided.

***ADVICE NOTE Continued***

This resolution will need to be considered, revoked or changed in accordance with Regulation 10 of the *Local Government (Administration) Regulation 1996*. Alternatively the Council could:

- 1 Note that the EMIS to review CP-017 did not occur in October 2020 and consider Cr Keper's proposed amendments to the Policy, or
- 2 Note that the EMIS to review CP-017 did not occur in October 2020 and reconfirm that the Policy, the Model Policy, Cr Keper's amendments and any comments received on the Discussion Board be considered at an Elected Member Workshop

The Administration comment in relation to the proposed changes to the Policy is that the costs and protections afforded by the Policy apply equally to Elected Members and employees and are entirely consistent with Department of Local Government Operational Guidelines and the Departments Model Policy.