

POLICY:-	
Policy Title:	Legal Proceedings Reporting Policy
File Reference:	F10/618-05
Date Policy was adopted by Council initially:	27 September 2007
Resolution Number:	292/07,
Other Review Dates:	15 October 2009, 17 May 2012, 19 March 2015, 18 April 2019
Resolution Number:	436/09, 154/12, 58/15, 90/19
Current Policy adopted by Council:	19 October 2023
Resolution Number:	203/23
Next Policy Review Date:	2026

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy developed by:	Chief Executive Officer
Committee/s (if any) consulted in the development of this policy:	N/A
Responsibility for implementation:	Chief Executive Officer
Responsibility for review of Policy:	Chief Executive Officer

LEGAL PROCEEDINGS REPORTING POLICY

OBJECTIVE

To meet the legislative requirements of Clause 413A, *Local Government (General) Regulation 2021* and to ensure that the Council are informed on legal matters in a timely manner.

POLICY

Directors are to ensure that there is effective and timely escalation of communicating legal matters to the Chief Executive Officer, Mayor and Councillors by ensuring:

- i. That Managers escalate acknowledgement of receipt of a fine, penalty or costs to the Director in a timely manner;
- ii. That Managers report to the Director any matter that has a high potential to evolve into legal action against Council in a timely manner; and
- iii. That the information received is provided to Councillors by at least the next available Council meeting.

DEFINITIONS

Nil

LEGISLATIVE OBLIGATIONS AND APPLICABLE STANDARD:

Section 413A *Local Government (General) Regulation 2021*.

CONTENT:

Reporting to Councillors

In accordance with section 413A of the *Local Government (General) Regulation 2021*, if a court or tribunal orders a council to pay any fine or other penalty, or to pay costs in relation to any legal proceedings, it is the duty of the Chief Executive Officer to ensure that the following information is made available to each Councillor as soon as practicable after the order is made:

- a) The date on which the order was made;
- b) The amount of the fine, penalty or costs; and
- c) The act or omission giving rise to the fine or penalty, or the nature of the legal proceedings giving rise to the costs, as the case may be:

Annual Reporting

On an annual basis, as part of the Annual Report, Councillors will be provided with an update on the status of Councils outstanding legal matters and contingent liabilities (that may result in additional, future costs in relation to the legal matter), to ensure the Council is kept informed of its potential financial exposure to penalties or the like for a failure to comply with legal and financial obligations.

Reporting Court Orders

Within three (3) days of receiving notification that a court or tribunal has made orders with respect to Council incurring a fine or penalty, or is to pay costs in relation to any legal proceedings Managers in all sections are required to forward the notification to the Director responsible for their division.

In absence of the Departmental Director, the Acting Director or Manager is to inform the Chief Executive Officer directly. The Chief Executive Officer must then provide a report to the next available Council Meeting containing the following information:-

- a) The date on which the order was made;
- b) The amount of the fine, penalty or costs; and
- c) The act or omission giving rise to the fine or penalty, or the nature of the legal proceedings giving rise to the costs, such as the case may be.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- State Records Act 1998;
- Code of Conduct for Local Councils in NSW and Code of Conduct Procedures;
- Records Policy;
- Gathering Information Policy;
- Internal Audit and Risk Management Policy;
- Code of Conduct Procedures.

VARIATION

Council reserves the right to vary or revoke this policy.