

LEGAL SERVICES POLICY

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Responsible Officer:	Coordinator Legal Services
Owner:	Governance
Responsible Director:	Corporate Performance
Relevant Legislation/Authority:	<i>Local Government Act 2020</i> <i>Local Government Act 1989</i>
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1. PURPOSE

The purpose of this policy is to provide an effective framework for the delivery of Legal Services to the City.

2. BACKGROUND

2.1 The City provides a diverse range of local government services for the benefit and wellbeing of the Greater Bendigo community including:

- 2.1.1 regulation and enforcement;
- 2.1.2 infrastructure and service delivery;
- 2.1.3 facilities maintenance and management;
- 2.1.4 entering into and management of contracts and commercial and non-commercial ventures;
- 2.1.5 risk management and human resource management; and
- 2.1.6 the acquisition and disposal of property including leasing, licensing and casual hire by commercial and not-for-profit organisations.

- 2.2 Efficient and effective provision of these services and the protection of the City's interests, its assets and the community, often requires Legal Services.

Legal Services can be provided internally by legal practitioners employed by the City (**Internal Legal Services**) or by providers external to the organisation (**External Legal Services**).

- 2.3 An effective framework for provision of Legal Services to the City will ensure that:

- 2.3.1 City staff are supported to seek legal advice at appropriate times and from appropriate sources;
- 2.3.2 internal Legal Services are used effectively and efficiently; and
- 2.3.3 external Legal Services are used appropriately with a view to minimising or containing costs and capitalising on external advice and precedents.

- 2.4 A centralised approach to the provision of Legal Services to the City will ensure:

- 2.4.1 consistency of legal advice to the City;
- 2.4.2 awareness of the availability of legal advice and services;
- 2.4.3 minimal duplication of advice;
- 2.4.4 provision of high-quality legal advice and services across the City;
- 2.4.5 cost effective and timely access to legal advice and services across the City; and
- 2.4.6 minimisation of the City's exposure to legal risk.

3. SCOPE

- 3.1 The Policy encompasses:

- 3.1.1 the delivery of Internal Legal Services; and
 - 3.1.2 the engagement and use of External Legal Services,
- across the organisation.

This Policy and the associated Procedure do not apply to the delivery of internally resourced conveyancing and property transaction services delivered from the Property Services Unit.

- 3.2 This Policy applies to all City staff.

4. DEFINITIONS

External Legal Services means Legal Services provided to the City by legal practitioners not employed by the City.

Internal Legal Services means Legal Services provided to the City by legal practitioners employed by the Legal Services Team.

Legal Services means any services provided by legal practitioners, consisting of the provision of legal and commercial advice, assistance, representation and advocacy.

Legal Services Team means the team responsible for the coordination and delivery of Legal Services to the City.

5. PRINCIPLES

This policy is guided by the following principles:

- 5.1 *Effective and efficient use of resources*: Cost effective Legal Services are delivered to the City by maximising the use of Internal Legal Services and managing External Legal Services to minimise costs and capitalise on external advice and precedents.
- 5.2 *Agile and innovative service*: The delivery of Legal Services to the City through strong relationships that facilitate collaboration, understanding, adaptation and responsive delivery of legal advice and services.
- 5.3 *Reliable and trustworthy service*: The aim to provide Legal Services to the City that are of high quality and timely.
- 5.4 *Consistency*: Legal Services should be delivered to the City in a consistent way that is well understood by staff across the City.

6. POLICY

- 6.1 Legal Services are coordinated and delivered to the City through the Legal Services Team in accordance with the Engaging Legal Services Procedure.
- 6.2 Staff must comply with the Engaging Legal Services Procedure to engage Legal Services, unless they are subject to an exemption or alternative arrangement approved by the Director Corporate Performance under that procedure.
- 6.3 The role of the Legal Services Team includes:
 - 6.3.1 the provision of Internal Legal Services to the City;
 - 6.3.2 coordination and management of External Legal Services to the City in accordance with the Engaging Legal Services Procedure; and
 - 6.3.3 oversight of the City's expenditure on legal advice and services.
- 6.4 Legal Services requested from the Legal Services Team must relate to the business and interests of the City.
- 6.5 The Legal Services Team cannot provide or coordinate the provision of legal advice or services of a personal nature to Councillors or staff.

- 6.6 The City will establish and maintain a panel of External Legal Service providers. External Legal Services will generally be obtained from members of this panel, but the Coordinator Legal Services retains discretion to engage other External Legal Service providers where they consider it is appropriate to do so.
- 6.7 Staff eligible to directly engage External Legal Service providers must engage panel members, unless otherwise approved by the Coordinator Legal Services.

7. ROLES AND RESPONSIBILITIES

7.1 Staff

City staff are responsible for seeking Legal Services in accordance with this Policy.

7.2 Coordinator Legal Services

The Coordinator Legal Services is responsible for facilitating the implementation and review of this Policy, the overall management and coordination of Legal Services to the City and overseeing the City's expenditure on Legal Services.

7.3 Manager / Coordinator in relevant unit

The Manager or Coordinator in a unit procuring External Legal Services may be responsible for the budget or job code – and will work in conjunction with the Coordinator Legal Services to code appropriate invoices or costs to relevant service areas.

8. RELATED DOCUMENTS

Employees are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below.

These include:

- engaging Legal Services Procedure located on the Legal Service Team SharePoint page; and
- legal Services Request Form located on the Legal Service Team SharePoint page – an alternative online form may be provided.

Further information or advice on this policy should be directed to Governance.

9. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

10. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this,

such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

11. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
20/12/2022	Ryan Millard	Governance	Initial version	1	20/12/2026
23/08/23	Rebecca Maple	Governance	Doc Set ID added	2	20/12/2026