

**1.4: APPOINTMENT OF LITIGATION AND DISPUTE RESOLUTION
LEGAL REPRESENTATION**

Attachments : Current Delegation
Responsible Officer : Acting Chief Executive Officer (G Foster)

RECOMMENDATION**ITEM 1.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY****THAT Council:**

- 1. AUTHORISE legal expenses for Council Members and Officers subject to legal action from the for Chief Executive Officer, Ms Faileen James.**
- 2. APPOINT Clayton Utz as the representative legal firm for this matter.**

BACKGROUND

1. Legal representation is afforded to Councillors and staff to ensure they can undertake their roles in a full, frank and impartial manner.
2. Council has an existing delegation that provides Elected members and staff this confidence and protection, however, legal representation is limited to \$10,000 for each individual.
3. The City of Albany has been served ten separate writs for Elected Members and staff.

DISCUSSION

4. This matter has been referred to the City of Albany's Local Government insurer, and based on a perceived expertise in the area of the claims being made against the City, Clayton Utz were engaged.
5. Clayton Utz specialise in litigation and dispute resolution and are the largest firm of their kind in Australia.
6. Each case will be judged on individual merits and justified for the good governance of the district and the following actions may apply in this respect:
 - That Council authorise legal expenses for Elected Members and Officers subject to legal action by the former Chief Executive Officer, Ms Faileen James.
 - That Council formally appoints Clayton Utz as the representative legal firm for this matter.

GOVERNMENT CONSULTATION

7. N/A

PUBLIC CONSULTATION / ENGAGEMENT

8. There is no requirement to conduct public consultation for this matter.

STATUTORY IMPLICATIONS

9. The *Local Government Act 1995*, section 6.7(2). Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.
10. The *Local Government Act 1995*, section 6.8(1). Local government is not to incur expenditure from Municipal Fund unless authorised in advance.
***Absolute Majority Required.**

POLICY IMPLICATIONS

11. Nil.

FINANCIAL IMPLICATIONS**LEGAL IMPLICATIONS**

12. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*.

CONCLUSION

13. To ensure current and future Elected Members and staff undertake their role in a full, frank and impartial manner, the City has an ethical obligation to fund the legal support for this matter.

Consulted References	<i>Local Government Act 1995</i>
File Number (Name of Ward)	All Wards