



Third Party Legal Costs Policy

1 Document Information

Version Date <i>(Draft or Council Meeting date)</i>	[22 May 2018]
Author	Administration Manager
Owner <i>(Relevant director)</i>	Director of Finance & Corporate Services
Status – <i>Draft, Approved, Adopted by Council, Superseded or Withdrawn</i>	Adopted by Council
Next Review Date	Within 12 months of Council being elected
Minute number <i>(once adopted by Council)</i>	18/05/20

2 Summary

To limit Council's exposure to legal costs incurred by other parties in the process of Council acquiring land/property.

3 Approvals

Title	Date Approved	Signature
General Manager		

4 History

Minute No.	Summary of Changes	New Version Date
08/08/20	Newly developed policy arising from August 2008 Ordinary Council meeting.	23/10/08
10/02/17	Readopted by Council	15 February 2010
13/09/30	Readopted as per s165(4)	17 September 2013
18/05/20	Readopted as per s165(4)	22 May 2018

5 Reason

Previous exposure to unreasonable legal costs being claimed.

6 Scope

Applies to all land acquisitions.

7 Associated Legislation

8 Definitions

9 Responsibilities

9.1 General Manager, Directors and Managers

To ensure that should a higher amount be considered necessary a report is to be submitted to Council prior to finalising negotiations. The higher amount is to be specifically stated together with an explanation as to why paying a higher level of legal costs is being considered.

10 Related Documents

Document Name	Document Location

11 Policy Statement

Council's policy in relation to legal costs associated with land acquisition is that:

- Council's exposure to other parties' legal costs be limited to one thousand and five hundred dollars (\$1,500) – increasing by CPI each year.
- The other party is required to have their legal costs submitted via Council's solicitor as an itemised account.
- Should a higher amount be considered necessary a report is to be submitted to Council prior to finalising negotiations: the higher amount is to be specifically stated together with an explanation as to why paying a higher level of legal costs is being considered.
- Under no circumstances is the provision of council services (e.g. unpaid grading, etc) to be included in negotiations.