# FINANCIAL POLICIES AND PROCEDURES

## SECTION 2: RISK

## POLICY 3: LEGAL ADVICE

### Policy Rationale

[organisation] will seek quality cost effective legal advice where required in order to minimise the organisation’s exposure to legal risk.

### Policy Statement(s)

[organisation] shall obtain legal advice when it is reasonable and prudent to do so.

The seeking of any legal advice or entering into any litigation should only be undertaken in accordance with [organisation]’s Delegated Authorities,

Where legal advice is to be obtained, it should be:

1. From suitably qualified barristers and or solicitors
2. Conducted in a timely manner
3. Following receipt and approval (by [organisation]’s CEO or Board, depending on delegated authority limits) of a quote for the anticipated legal engagement

### Policy Implementation and Related Procedure Documents

The implementation and review of these Legal Advice policies are the responsibility of [organisation]’s Audit, Finance & Risk Committee.

As per [organisation]’s Delegated Authorities, [organisation]’s Board and / or CEO will be responsible for seeking any legal advice or entering into any litigation as and when required.

[organisation]’s CEO will be responsible for informing the Board, through [organisation]’s Audit, Finance & Risk Committee, of any impending or anticipated legal issues.

The following [organisation] policies and frameworks should be referred to in this regard:

* Delegated Authorities Policy
* Accountability, Internal Controls & Audit Policy
* Risk Management Policy

### Legislative Compliance Considerations

* Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (sets out rights when you receive legal advice)
* Incorporated Society Rules [if an Incorporated Society registered under the 1908 Act]
* Incorporated Society Constitution [if an Incorporated Society registered under the 2022 Act]
* Trust Deed [if a Trust]

### Review Protocol

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| --- | --- |
| Policy Reviewed By: | Audit, Finance & Risk Committee |
| Date Reviewed: | [Date] |
| Next Review Date: | [Date] |
| Revokes Policy Reviewed: | [Date] |