

YMCA Geelong- Board Access to Legal Advice Policy



OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG133-G	22/07/2014	22/07/2014	APPROVED

1. BOARD ACCESS TO LEGAL ADVICE POLICY

2. INTRODUCTION

It is sometimes necessary for board members to obtain legal advice in respect of their obligations or duties as directors. In addition where a claims are brought (or threatened) against board members personally, legal advice will generally need to be sought at an individual and board level.

In most situations it is appropriate that legal costs be reimbursed by the entity which the board member is involved represent.

There are obvious exceptions to this (i.e where legal costs are incurred needlessly or where the board member has not acted in good faith, where it is appropriate that it be offered this right to reimbursement can be adequately documented.

YMCA Geelong Inc. as the licensed Association of YMCA Australia is required to maintain Director and Officer Insurance and ensures that the following is in place;

- Director and Officer Insurance has coverage over the YMCA Geelong
- The Director and Officer Insurance policy is current and a certificate of Currency is available to Directors- YNET- Governance- Board Manual
- That "Run-Off" coverage for a period of 7 years is included in the policy

While current serving directors have certain rights of access, past board members (up to 7 years post the current date) will also have coverage and the ability to have insurance coverage for legal costs pertaining to a related entity and issue.

Insurance coverage for legal costs does not include fines, payments arising of any legal action.

3. RELATED POLICY

Governance Framework

4. RELATED LEGISLATION, REGULATIONS,

Associations Reform Act 2012

5. RELATED STANDARDS or GUIDELINES/PROTOCOLS

YMCA Geelong Inc. Constitution (Approved AGM 26/11/2013)

6. SCOPE & PURPOSE

This procedure applies to Board of The Young Men's Christian Association of Geelong Inc. .

The purpose of this policy is to provide clarity for the Board on how to access legal advice for;

1. Personal independent advice
2. Board General legal advice

7. ROLES AND RESPONSIBILITIES

Department/Area	Role/Responsibility
CEO	Facilitate a review of the procedure by the Board
	Administer the requests for access and document requests

8. POLICY

Independent Personal Director Advice

- 8.1 A director can make a request to access to independent legal advice by contacting the CEO of YMCA Geelong Inc. They will provide the contact name and contact details for the Legal Advice provider.
- 8.2 The Legal Advice will provide initial general advice on the personal legal matter relating to the directors duties and if further work is required they will provide the CEO with a scoping and pricing estimate for further advice required before the legal advice is to be provided.
- 8.3 Should additional work be required the Board or a delegated committee will be required to endorse the expenditure and approve the additional work required.

Board General Legal Advice

- 8.4 The Board may request legal advice from Management by asking the CEO to seek a legal opinion on a matter.
- 8.5 The CEO will brief the specific Legal panel on the scope of the legal opinion required and will register the request on the "Request for Legal Advice Register in Ynet.

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8.6 The legal advisors will provide a confirmation of scope and pricing letter before the work is to proceed.

8.7 CEO to approve the expenditure within delegated authority and the work to proceed.

8.8 On receipt of the legal advice the CEO will present the advice to the Board at the relevant Board meeting.

9. IMPLEMENTATION

The Board will be inducted in this policy and the procedure to be stored in YMCA Ynet Policy and Procedure Library.

10. MONITOR & REVIEW

The procedure will be reviewed on a bi-annual basis by the Governance and Personnel Subcommittee with recommendations for improvement to be tabled at the Board Meeting.

Approved by: YMCA Geelong Board

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Resolution number:

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Review date:22/07/2017

Policy Owner: CEO

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Amendment history:

Version	Date	Author	Change Description
V1	11/02/2014	Shona Eland	Uploaded to YMCA Geelong Policy Template included scope, monitoring and evaluation clauses.

As adopted by the YMCA of Geelong on 22/07/2014



Shona Eland

Chief Executive Officer YMCA Geelong Inc.