

Policy Details

Directorate:	Organisational Services
Branch:	Corporate Governance
Responsible Manager:	Corporate Governance Manager
Date adopted:	04/12/2019 (minute number 188/2019)
Date for review:	2 years from the date of adoption or date of last review
Legislative basis:	<i>Local Government Regulation 2012</i>
Related Documents - forms and procedures	Insurance and Indemnity for Councillors Procedure (DM: 13347965)

1. Policy Purpose

The purpose of this policy is to set out the circumstances under which Council will enter into a Councillor Insurance Policy, pay the insurance policy excess for a Councillor Insurance Policy and indemnity or reimburse a Councillor for costs incurred through injury, investigation, hearings or legal proceedings.

2. Scope

This policy applies to all Councillors, including to any former Councillor in relation to a Councillor Responsibility performed by that former Councillor during their Council term.

3. Policy Statement

Principles

Council will organise a Councillor Insurance Policy and otherwise indemnify a Councillor for loss or damage suffered by a Councillor when performing a Councillor Responsibility.

Council will enter into a Councillor Insurance Policy to cover the following risks which result from the performance by a Councillor of a Councillor Responsibility:

- (a) *Public liability* - A claim for an alleged negligent act or omission which occurred or was allowed to occur which results in a personal injury or theft, or loss or injury to property.
- (b) *Professional indemnity* - A claim for an alleged negligent act or breach of duty arising from an act, error or omission in the performance of a professional service.
- (c) *Councillor's and officer's liability* - Expenses including legal defence costs and related fees incurred by a Councillor to defend themselves against a claim made against them in a personal capacity for an alleged wrongful act.
- (d) *Statutory liability* - Any penalty and legal defence costs payable by a Councillor to any statutory authority under an Act for a wrongful statutory breach where not deliberate.
- (e) *Domestic and international travel insurance* - Expenses for approved domestic and international travel in the course of performing a Councillor responsibility.

- (f) *Personal accident* - A claim for an insured event, including temporary total disablement caused by injury, where the event giving rise to the claim occurred whilst a Councillor was performing a Councillor Responsibility including travel to and from a place to perform a Councillor Responsibility.

Insurance and Indemnity for Councillors Procedure

The way in which Council will enter into a Councillor Insurance Policy, pay the insurance policy excess for a Councillor Insurance Policy and indemnity or reimburse a Councillor for costs incurred through injury, investigation, hearings or legal proceedings will be managed in accordance with the Insurance and Indemnity for Councillors Procedure (DM: 13347965).

4. Definitions

TERM	DEFINITION
Councillor	all elected representatives including the Mayor
Councillor Insurance Policy	means a contract of insurance which covers a Councillor.
Councillor responsibility	means a responsibility of a Councillor under the <i>Local Government Act 2009</i> which is performed in good faith and in accordance with the Local Government Principles but does not include the conduct of a Councillor stated in section 150T or section 150U of the <i>Local Government Act 2009</i> . Note— Section 150T and section 150U of the Local Government Act 2009 relate to the investigation of councillor conduct by the Independent Assessor.
Claims Manager	means the entity or person insuring or managing a circumstance giving rise to a potential claim or a claim in order to mitigate the risk involved, which may be the following: (a) the Council; (b) the Council's insurer; (c) a person appointed by the Council or the Council's insurer.
Disqualifying Offence	has the meaning given in the <i>Local Government Act 2009</i>
Former Councillor	means a person who was a Councillor but does not include a person who automatically stopped being a Councillor under section 153(6) of the <i>Local Government Act 2009</i> due to being convicted of a Disqualifying Offence
Local Government Principles	has the meaning given in the <i>Local Government Act 2009</i>

Document Control

File:	867909-1	Document Id:	13347879
Amendment History			
Version Number	Description of Change	Author / Branch	Date
1.0	Creation	Corporate Governance	4 December 2019