

REIMBURSEMENT OF LEGAL ASSISTANCE FEES

POP | #65/4/1-07 | #7918070

RECOMMENDATION:

That Council:

1. Determines, pursuant to Council's *Legal Assistance for Councillors and Employees General Policy and Expense Reimbursement and Support for Elected Members General Policy*, that Mayor Eden is required to reimburse Council, for the matter of *Independent Assessor v Eden* [2026] CCT 4, the amount of \$15,000; and
2. Authorises the Chief Executive Officer, to take the necessary steps to collect the reimbursement from Mayor Eden.

INTERESTED PARTIES:

Mayor Eden

EXECUTIVE SUMMARY:

On 13 November 2023, the Office of the Independent Assessor (OIA) notified Mayor Eden (then Councillor Eden) of an allegation of misconduct and further advised that the allegations could be dealt with by way of hearing before the Councillor Conduct Tribunal (Tribunal).

On 7 July 2026, a *Notice of decision and reasons for decision – Cr Amy Eden Ref No. F26/490* was delivered by the Tribunal in relation to proceedings brought by the OIA against Mayor Eden (the Matter).

The Tribunal decided that Councillor Amy Eden engaged in misconduct on one occasion and orders were made in relation the matter.

As a result of the Tribunal's decision, the repayment provisions under Council's *Legal Assistance for Councillors and Employees General Policy and Expense Reimbursement and Support for Elected Members General Policy* have been enlivened.

BACKGROUND:

Councils *Legal Assistance for Councillors and Employees General Policy* enables Councillors to access legal assistance where claims are brought against them, subject to Councillors undertaking to repay the legal representation costs to Council in accordance with Councils liability insurance.

Council holds Councillor and Officer Liability Insurance, with an excess (deductable) of \$15,000 applying to each approved request for legal assistance that gives rise to a new claim.

In 2023, Mayor Eden (then Councillor Eden) accessed legal assistance under the *Legal Assistance for Councillors and Employees General Policy* for the aforementioned matter.

On 7 July 2026, a *Notice of decision and reasons for decision – Cr Amy Eden Ref No. F26/490* was delivered by the Tribunal in relation to proceedings brought by the Independent Assessor against Mayor Eden (then Councillor Eden).

It was the decision of the Tribunal that Mayor Eden behaved in a way that constitutes misconduct (exerts from *Independent Assessor v Eden [2026] CCT 4*):

- 1. Pursuant to s 150L(1)(b)(i) of the *Local Government Act 2009* (Qld), the conduct the subject of the allegation in the application constitutes misconduct.**

As per Councils *Expense Reimbursement and Support for Elected Members General Policy* Council pays the excess (deductable) on all insurance claims, made in accordance with Legal Assistance for Councillors. Repayment provisions in clause 5.7 of the policy state that:

Council will cover any costs incurred through injury, investigation, hearings or legal proceedings into the conduct of a Councillor where arising out of, or in connection with, the Councillor's performance of their Councillor functions. Where it has been found that the Councillor breached the provisions of the *Local Government Act 2009* or other legislation, then there will be no cover provided to the Councillor and the Councillor must reimburse Council all associated costs incurred by Council.

COMMENT:

The Tribunal's finding that Mayor Eden (then Councillor Eden) engaged in misconduct and breached provisions of the *Local Government Act 2009*.

Consequently, the repayment provisions under the *Expense Reimbursement and Support for Elected Members General Policy* are enlivened, requiring Mayor Eden to repay Council the sum of \$15,000, being the excess (deductable) amount paid by Council in connection with the claim.

OPTIONS:

Option One: (recommended)

That Council:

1. Determines, pursuant to Council's *Legal Assistance for Councillors and Employees General Policy* and *Expense Reimbursement and Support for Elected Members General Policy*, that Mayor Eden is required to reimburse Council, for the matter of *Independent Assessor v Eden* [2026] CCT 4, the amount of \$15,000; and
2. Authorises the Chief Executive Officer to take the necessary steps to collect the reimbursement from Mayor Eden.

Option Two:

Council notes the report and does not require Mayor Eden to reimburse the claim deductible under *the Legal Assistance for Councillors and Employees General Policy* and *Expense Reimbursement and Support for Elected Members General Policy*.

CONSIDERATIONS:

Risk Management:

Failure to seek reimbursement in accordance with Council policy may expose Council to governance, compliance and reputational risks. Implementing the recommendation provides clarity regarding Council's application of the policy and supports consistent and transparent decision-making.

Council Finance and the Local Economy:

The recommendation seeks reimbursement of \$15,000 paid by Council as per Council policy. Receipt of the reimbursement will offset Council expenditure and minimise any financial impact on Council.

Statutory:

Local Government Act 2009 (QLD) - The recommendation is consistent with the local government principles of transparent decision-making, good governance, and ethical and legal behaviour.

Policy:

Legal Assistance for Councillors and Employees Policy
Expense Reimbursement and Support for Elected Members General Policy



Holly Mc Bride
Director People & Organisational Performance