

Legal Services Policy

1 Purpose

To establish the role and responsibilities of the Legal Office.

2 Scope

This policy applies to all Employees.

3 Policy Statement

The Legal Office assists the University to meet Regulatory Compliance Obligations and to accomplish strategic goals.

This policy outlines the types of legal services available to the University. For guidance on how to use these services, refer to the Legal Services Procedure.

4 Principles

4.1 Exclusive client

The Legal Office represents the interests of the University.

Employees may only engage with the Legal Office on legal problems or issues concerning the University. The Legal Office cannot advise Employees or Students on personal or domestic matters or in relation to a complaint, claim or matter raised by an Employee or Student against the University.

4.2 Responsibilities of University lawyers

University lawyers are independent legal advisors to the University and generally do not act as Decision-makers on University matters. The Legal Office is never the owner or sponsor of a University transaction, only the legal advisor and accordingly does not make any commercial or business Decisions about the commercial merits of the transaction.

The Legal Office may facilitate the use of External Lawyers to provide specific legal services.

4.3 Legal Services

The Legal Office may provide legal services including but not limited to the following areas:

- litigation and dispute resolution, including employment law matters;
- general legal advice, including matters relating to legislation and statutory interpretation, case law or concepts of natural justice or procedural fairness;
- advice on or review of University agreements or contracts, including drafting terms and conditions which are compliant with the law and ensuring that the commercial terms directed by the Decision-maker are expressed in a way that is legally enforceable;
- in conjunction with the relevant Decision-maker, negotiation of University contracts with counter-parties with a view to reaching agreement on terms and conditions that are compliant with University instructions and interests;
- preparation of standard and specialised contracts relevant to the activities and operations of the University;
- review and approval of University Contract Templates for use by the relevant Employees of the University;
- facilitating contract execution by the Vice-Chancellor where necessary;
- advice on intellectual property law and rights and commercialisation of University intellectual property;
- legal discovery and disclosure requests, including subpoenas, disclosure or any similar court orders;
- advising on Right to Information and similar regulatory, government or public applications for information;
- managing the University's portfolio of trademarks and designs and managing the preparation and submission of trademark and design applications;
- advising on copyrights and patents; and
- provision of University legal educational seminars and materials.

5 References

Nil.

6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

7 Policy Information

Accountable Officer	Director (Legal Services)
Responsible Officer	Director (Legal Services)
Policy Type	Executive Policy
Policy Suite	Legal Services Procedure
Subordinate Schedules	
Approved Date	14/5/2020
Effective Date	14/5/2020
Review Date	14/5/2023
Relevant Legislation	Legal Profession Act 2007 (Qld) Right to Information Act 2009 (Qld) Queensland Law Society Australian Solicitors Conduct Rules 2012
Related Policies	
Related Procedures	
Related forms, publications and websites	Contract Management Framework website Enterprise Information Management Services Legal Discovery website Legal Services Online Form (restricted access)
Definitions	<p>Terms defined in the Definitions Dictionary</p> <p>Decision</p> <p>A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.</p> <p>Employee</p> <p>A person employed by the University and whose conditions of employment are covered by the USQ Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of</p>

employment are covered by a written agreement or contract with the University.

[External Lawyer](#)

A lawyer who is not a University Employee and who is engaged by the Legal Office to act on behalf of the University to provide legal services.

[Regulatory Compliance Obligation](#)

An external obligation provided in Regulatory Compliance Instruments.

[Student](#)

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

[University](#)

The term 'University' or 'UniSQ' means the University of Southern Queensland.

[University Contract Template](#)

A standard contract document which has been approved by the Legal Office for use by the University for particular designated transactions.

[Vice-Chancellor](#)

The person bearing the title of Vice-Chancellor and President, or as otherwise defined in the University of Southern Queensland Act 1998, including a person acting in that position.

Definitions that relate to this policy only

Keywords

Record No

14/2551PL