

Legal Services Procedure

1 Purpose

To establish the manner in which Employees engage with the Legal Office.

2 Scope

This procedure applies to all Employees.

3 Procedure Overview

This procedure establishes the processes for requesting legal services and describes the management of University legal matters. Further details are available in the Legal Services Engagement Manual.

4 Procedures

4.1 Requesting legal services

Requests should be submitted as early as possible. Delayed submissions can have serious ramifications for some matters, particularly those which relate to litigation or claims. Please include all required information (listed below) at the time of submission to avoid delays.

In general, any request for legal services must include:

- relevant deadlines on the matter (particularly those externally imposed, such as court dates, termination dates, or due dates for submission, acceptance or finance);
- the legal questions for which advice is sought;
- relevant details, such as names of parties and their ABNs (checked as correct), QContracts or LEAP reference numbers and the name of the other party's lawyer, where applicable;
- a summary of the matter's context and background, and
- a complete set of relevant documents.

Employees requesting legal services are expected to be familiar with their matter, including having read all relevant documents and having a clear idea of the issue about which they are seeking advice or what the University wishes to achieve through the proposed transaction. Timely, full and accurate information about the matter will result in much quicker and more targeted legal advice. Please see the Legal Services Engagement Manual for more information about the reasons why detailed legal briefings are necessary under the Australian legal system.

Legal advice and drafting is highly labour-intensive and often customised, which means that unrealistic turnaround times are rarely able to be met. Employees should seek legal services as early as possible to avoid disappointment.

4.1.1 Lodging a request form

All requests for legal services are to be lodged through ServiceHub. This includes preliminary advice (i.e. drafting) related to contracts. Please refer to Section 4.7 for advice on submitting prepared contracts for legal review through the Contract Management System.

All Web Requests must contain approval from the relevant area's Category 4 Delegate. Refer to the Human Resources Delegations Schedule, Section 3.1 for further information.

Employee phone calls or emails requesting legal services will be redirected to the appropriate system to enable tracking, record retention and progress updates.

Once a matter is in progress, Employees may contact the Legal Office directly.

4.2 Management of matters

Matters are commenced in order of receipt (in complete form), however they may be prioritised further depending on deadline, financial value, commercial or reputational risk, complexity and overall University importance.

The Legal Office prioritises matters using the following order:

1. Court requirements (legislation, subpoena, litigation, Right to Information etc.);
2. matters of high risk, importance to the University or which have potential for reputational risk;
3. matters from the Vice-Chancellor's Office;
4. close proximity of important deadlines; and
5. all other matters.

Employees are urged to maintain reasonable expectations for their matters, as the Legal Office

provides services to the whole University and has no control over the competing priorities which may arise at any particular time.

4.3 Communications from the Legal Office

Requests for legal services will be reviewed by the Legal Office to confirm that all necessary documentation and information has been provided.

Once a request has been approved, the Legal Administration Officer will advise the following:

- that the request has been received;
- the name of the lawyer attending to the matter;
- the LEAP number (legal file reference number); and
- a projected timeframe for the review of the matter.

Generally, the Legal Administration Office or the assigned lawyer will advise clients of expected timeframes and any changes throughout the course of the matter, where possible.

All communications relating to Legal Services must be treated as confidential and subject to legal professional privilege and must not be forwarded or distributed, even within the University, except with the assigned lawyer's permission. Please refer to the Legal Services Engagement Manual for detailed information on Legal Professional Privilege and Confidentiality.

4.4 Matter enquiries

Enquiries about matters must be directed to the responsible University lawyer in the first instance. Employees may not contact External Lawyers directly unless directed to do so by the managing University lawyer.

Where escalation of enquiries is required, Employees may contact the Director (Legal Services).

4.5 Legal Review Threshold

Matters that must be referred to the Legal Office are as follows:

- documents issued to the University by a court, legislative body, regulatory agency or other entity acting in an official governmental capacity;
- proposed contracts assessed as high risk or with a total contract value of \$250,000.00 AUD (incl. GST) or greater, including those based on University Contract Templates;

- any document that requires the signature of the Vice-Chancellor;
- contract variations which, of themselves or combined with the original contract/s, will bring the transaction within the above thresholds;
- contract terminations; and
- any dispute involving the University where the other party is represented by a lawyer.

Matters that do not meet the Legal Review Threshold may be referred to the Legal Office at the discretion of the internal stakeholder, accompanied by an explanation as to why legal advice is sought.

4.6 Use of External Lawyers

External Lawyers may be engaged and contracted by the Director (Legal Services) on behalf of the University, including where any or all of the following is required by the Legal Office:

- specialist knowledge;
- representation in court; or
- additional legal support.

The Legal Office will instruct and manage engagements with External Lawyers including monitoring matter progress and costs. All fees for External Lawyers engaged to act on behalf of the University by the Legal Office will generally be paid from the Legal Office budget.

External Lawyers cannot be directly engaged by any other staff unless approved by the Vice-Chancellor.

4.7 Contracts and Contract Management System

Some proposed contracts must be referred to the Legal Office under the Contract Management Framework for review and advice prior to being advanced to the contract signatory for signing. For other contracts, it is discretionary whether or not legal advice is sought.

Refer to section 4.5. and the Contract Management Framework for more information as to which University contracts require mandatory referral to the Legal Office for review and advice. Proposed contracts that do not require mandatory review may still be referred to the Legal Office at the discretion of the internal stakeholder, accompanied by an explanation as to what legal advice is sought.

Legal review can ensure the contract:

- is in the correct form for the type of transaction;
- has an appropriate governing law and choice of forum;
- is expressed in a way that is legally enforceable under Queensland law, in particular, that it has all of the necessary clauses to make it a functional, binding contract;
- contains an appropriate allocation of risk between the parties;
- does not impose unusually onerous requirements upon the University; and
- appropriately uses defined terms and correct terminology.

The Legal Office cannot comment on the commercial aspects of the transaction, such as whether the price, milestones, payments, warranties, servicing or specifications are reasonable in the circumstances.

University contracts which require legal review must be processed through the Contract Management System.

4.7.1 Request for contract review

As per Section 4.1.1, requests for preliminary advice, such as drafting, must be lodged through ServiceHub form prior to submission through the Contract Management System.

Employees seeking legal review of a contract must have the approval of the Employee responsible for that contract and be accompanied by a Legal Instructions Sheet. Templates for Legal Instruction Sheets are available in the Contract Management System.

For further guidance, refer to the Contract Management Procedure.

4.7.2 Use of University Contract Templates

Subject to the mandatory legal review thresholds, generally the use of a University Contract Template as a proposed contract for signature will not require referral to the Legal Office where the template used:

- is not amended in any way;
- is marked as the currently approved version;
- is approved for use by the appropriate Division or section;

- has all relevant commercial information or selections completed; and
- has all appropriate limitations or conditions of use, such as term, completed.

A collection of University Contract Templates can be found on the Contract Management Framework website.

4.7.3 New Contract Templates

Requests for new University Contract Templates must be submitted through ServiceHub for review or drafting by the Legal Office. Contract Templates approved by the Legal Office will be returned to the requestor to begin the approval process in the Contract Management System, if appropriate.

The Legal Office will determine whether the template is appropriate to be made available on an enterprise-wide basis or limited to a Division or section. Additionally, the Legal Office may impose some limitations or conditions on the use of any particular approved template. Requests for new University Contract Templates will be subject to the Legal Office determining whether or not the Contract Template is likely to be used frequently enough to justify the work of development, or whether the type of transaction is appropriate for the use of standard terms and conditions.

4.7.4 Vice-Chancellor signing

In order to progress University contracts to the Vice-Chancellor for signing under the Financial Delegations Schedule, the University Council and Vice-Chancellor require that:

- The contract must have received legal review; and
- The contract must be accompanied by a Contract Outline approved by the relevant area's Divisional head.

Employees submitting contracts for signing by the Vice-Chancellor are responsible for ensuring that the above requirements are met.

4.7.5 Legal records

The Legal Office manages record keeping for original fully signed contracts, where available. All fully signed contracts submitted to the Legal Office for filing must include the Contract Cover Sheet, available from the Contract Management System.

To obtain a copy of a fully signed contract, contact your area's Contract Administrator in the first instance (list available on the Contract Management Framework site). In the event that the

documents are not in the Contract Management System, contact the Legal Administration Officer.

Employees may be required to sign a record regarding removal of contracts or other legal documentation from the Legal Office.

4.8 Claims or actions against the University

The Legal Office must be notified immediately of claims made against the University. Any delay in notification could result in serious legal and financial implications for the University, including the recording of judgement against the University without it having had the change to present its case.

Any documents issued to the University by a court, legislative body, regulatory agency or other entity acting in an official governmental capacity may be referred to the Legal Office for advice.

5 References

Nil.

6 Schedules

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

7 Procedure Information

Accountable Officer	Director (Legal Services)
Responsible Officer	Director (Legal Services)
Policy Type	University Procedure
Policy Suite	Legal Services Policy
Subordinate Schedules	
Approved Date	14/5/2020
Effective Date	14/5/2020
Review Date	14/5/2025
Relevant Legislation	Legal Profession Act 2007 (Qld)
Policy Exceptions	Policy Exceptions Register

Related Policies	Records and Information Management Policy
Related Procedures	Records and Information Management Procedure
Related forms, publications and websites	Contract Management Framework website Financial Delegations Schedule Human Resources Delegations Schedule Legal Services Online Form (restricted access)
Definitions	<p>Terms defined in the Definitions Dictionary</p> <p>Contract Management System</p> <p>The 'Open Windows' system approved by the University to facilitate contract initiation, registration and management activities.</p> <p>Council</p> <p>Council means the governing body, the University of Southern Queensland Council.</p> <p>Employee</p> <p>A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.</p> <p>External Lawyer</p> <p>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.</p> <p>Procedure</p> <p>An operational instruction that sets out the process to operationalise a Policy.</p> <p>University</p> <p>The term 'University' or 'UniSQ' means the University of Southern Queensland.</p>

	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 procedure only
Keywords	
Record No	14/2554PL