



THE UNIVERSITY OF  
**NEWCASTLE**  
AUSTRALIA

# Independence of Legal and Compliance

The lawyers in Legal and Compliance need to be able to exercise judgement independent of the Council, the Executive, the Colleges and the business units of the University, in order to ensure that the legal advice they provide is objective and impartial, and that they are able to comply with their professional obligations as lawyers.

## Principles

1. Legal services must be provided in an independent and professional manner in accordance with each lawyer's responsibilities as an officer of the court or courts in which they are admitted to practice, and the laws, regulations and professional rules applying to legal practitioners in Australia.
2. In certain circumstances, the professional duties of the lawyers in Legal and Compliance may take precedence over their duties to the University or individuals within the University.
3. The role of Legal and Compliance is to provide legal advice as opposed to commercial advice. This distinction must be clearly understood where a lawyer is providing legal advice to assist the University in making a commercial assessment of a particular matter.
4. The University, senior management and staff must not seek to inappropriately influence the proper exercise of the independent professional judgment of a lawyer in Legal and Compliance.
5. If a lawyer in Legal and Compliance considers that their ability to provide impartial legal advice has been or may be compromised, they should immediately inform the General Counsel or the Vice-Chancellor.
6. Where a lawyer in Legal and Compliance performs both legal and non-legal roles, those roles must be clearly delineated and the distinction identified where appropriate in relevant communications.
7. The lawyers in Legal and Compliance acknowledge that they owe a duty of confidentiality to those whom they advise, and have a duty to act always with the utmost integrity.

Last updated 22 July 2022

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