Independence Statement

The lawyers in the Legal Office need to remain independent of the various faculties, the Council and the management team of the University to ensure that the legal advice they provide is sufficiently objective and impartial, and to comply with their professional obligations as lawyers.

Independence 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 the Legal Office may take precedence over their duties to the University or individuals within the University.

3. The role of the Legal Office is to provide legal advice as opposed to commercial advice. This distinction must be clearly understood where a lawyer is providing legal advice to the University 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 the Legal Office.

5. If a lawyer in the Legal Office forms the view 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 the Legal Office 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 the Legal Office acknowledge that they owe a duty of confidentiality to those whom they advise and have a duty to act always with the utmost integrity.

Issued by the Legal Office of the University of Newcastle
10 October 2013