

Legal Process and Approval of Contracts Policy

Section 1 - Background and Purpose

- (1) To establish clear guidelines for the following:
- a. process for seeking legal advice from Legal Services;
 - b. requirements prior to entering into contracts on behalf of the University.

Preamble

(2) This Procedure applies to staff members of the University and contractors to the University who wish to seek legal advice in their capacity as an employee or contractor to the University or who wishes the University to become a party to an agreement.

General

(3) The University's Legal Services provides advice to the Vice-Chancellor, the Council, the Schools, the Administration and other parts of the University on all legal matters. It is important to use the resources of Legal Services early in any proposal or project where legal assistance may be required.

Section 2 - Scope

- (4) Applies to:
- a. all campuses
 - b. all staff
 - c. all contractors

Section 3 - Policy Statement

(5) All contracts entered into by the University must comply with relevant University Legislation (the [La Trobe University Act 2009](#), Statutes and Regulations), policies and procedures.

(6) All contracts must be reviewed and approved by Legal Services prior to signing by the University excluding contracts with pre-approved terms and conditions from Legal Services where the terms and conditions are not amended prior to signing.

(7) All contracts must be signed in accordance with the [Contract Signing Delegations](#).

Section 4 - Procedures

Seeking Legal Assistance

(8) All legal work must come to Legal Services.

(9) All correspondence in relation to new legal matters should be directed to the General Counsel & Director of Assurance, Legal Services (via legal.services@latrobe.edu.au) who will then allocate work to individual solicitors.

(10) Legal Services, in consultation with the client will determine whether the work is to be done by Legal Services itself or through the use of an external legal firm where specialist knowledge is required.

(11) Advice from external legal firms can only be obtained with the prior written approval of the General Counsel & Director of Assurance, Legal Services. A panel of external legal firms has been appointed by the University.

Approval and Signing of Contracts

(12) All contracts and agreements must be approved by Legal Services prior to signing by the University. Such approval may be by way of pre-approved terms and conditions in a precedent template where the terms and conditions of the precedent template are not amended prior to signing.

(13) A person may only sign a contract or agreement on behalf of the University:

- a. where that person has a contract signing delegation under the [Contract Signing Delegations](#) approved by University Council;
- b. all required internal University approvals (including financial approvals) and any necessary approvals under the [La Trobe University Act 2009](#) have been obtained;
- c. relevant [University Statutes](#), Regulations, Policies, Procedures and the Commercial Activities Guidelines have been complied with; and
- d. the form of the contract or agreement has been approved by the University's Legal Services (which may include a precedent template).

(14) A Proposal to Enter Into a Contract Coversheet (available from La Trobe's Legal Services [Contracts Intranet Site](#)) must be attached to contracts (other than research and international contracts) that require a signature under Common Seal, by the Vice-Chancellor, a Deputy Vice-Chancellor, the Chief Operating Officer or the Chief Finance and Operations Officer; with a \$ limit exceeding \$300,000.

(15) Separate approval arrangements apply in respect of research and international contracts. Research contracts must be processed through the Research Office and international contracts through Recruitment & International Operations.

(16) Legal Services has a range of precedent templates which should be utilised wherever possible. Any amendments to those terms and conditions of those precedent templates must be approved by Legal Services.

Section 5 - Definitions

(17) Nil.

Status and Details

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Effective Date	19th October 2016
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