

Letter of Demand Response Protocol

Section 1 - Purpose

(1) The purpose of this Letter of Demand Response Protocol is to establish a protocol for the management of letters of demand and similar claims received by the University.

Scope

(2) This protocol applies to all employees and organisational units of the University and its controlled entities.

Section 2 - Policy

(3) This protocol is made under the [Legal Policy](#).

Section 3 - Protocol

(4) Any officer of the University who receives a letter of demand or similar claim addressed to the University must refer it to Legal Services without delay (to the attention of General Counsel) for legal advice, and should not reply to the letter without first receiving legal advice. The officer must provide a copy of the letter to Legal Services together with copies of all relevant documents relating to the matter. If it is not self-evident from the documents, or if there are no documents, the officer must provide a confidential note describing the events that have led to the demand and any other relevant background information (see the see [Legal Procedure - Requesting Legal Advice](#)).

(5) Legal Services will examine the documents provided, consult as necessary with relevant parties (who may include the claimant or the claimant's solicitor, and internal staff), brief appropriate executive officer(s), and provide advice to the Vice-Chancellor (or another executive officer who has authority to settle the kind of claim set out in the demand) as to how the University should respond.

Note: If the letter of demand involves a claim that relates to an insured risk, General Counsel will provide a recommendation to appropriate executive officer(s) on whether the claim should be referred to the University's insurer. If the decision is made to refer the demand or other claim to the University's insurer, and if the insurer accepts it as an insured claim, the insurer will take over management of the matter and clause 6 will not apply. See also Part B of the [Legal Procedure - Court Orders, Claims and Investigations](#) "Claims (including litigation) in relation to insured risks managed by the University's insurers".

(6) Legal Services will, if requested, draft appropriate letters in response to the demand for the Vice-Chancellor or other appropriate executive officer. The responsible executive officer will then respond to the letter of demand and will issue all subsequent written communications regarding the matter until it is settled, or until litigation is commenced (at which point all correspondence should be taken over by the appointed legal representatives of the University and the claimant). No other officer of the University should issue any written communication in relation to the subject matter of the letter of demand to the claimant or the claimant's solicitor.

Section 4 - Guidelines and other supporting information

(7) See also:

- a. The [Legal Procedure - Court Orders, Claims and Investigations](#) (Part B: Management of claims by or against the University)
- b. [Legal Procedure - Requesting Legal Advice](#)
- c. [Delegation Schedule A - Governance and Legal](#) (for details of executive officers who have authority to settle claims)

Section 5 - Glossary

(8) For the purpose of this protocol:

- a. A claim means a legal claim by or against the University and includes actions, notices of claim, letters of demand, legal proceedings and litigation, and material disputes or threatened legal action.
- b. A letter of demand is any form of written communication or notice received by the University from a claimant or a claimant's solicitor, generally sent prior to the commencement of legal proceedings, that demands that the University pay a sum of money, or act on a contractual commitment, or perform some other alleged obligation. A claimant may be a student, staff member, counterparty to a contract, client of the University or a member of the public.

Status and Details

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