



Legal advice provided by LawAccess NSW

When is telephone legal advice provided by LawAccess NSW?

Subject to the capacity of the Legal Unit, legal advice is provided to priority customers in family, criminal and civil law (except in the areas listed below) where the matter can be dealt with over the telephone; or where the caller has multiple legal issues.

Who are our priority customers?

Priority Customers include customers who:

- are at risk of harm;
- have urgent matters;
- live in regional, rural and remote areas;
- are Aboriginal or Torres Strait Islander;
- have a disability;
- are from non-English speaking backgrounds;
- have low levels of literacy;
- are distressed;
- have experienced difficulty in obtaining legal assistance.

What is defined as urgent?

An urgent matter is a situation or matter that requires immediate action to protect the interests of the customer, including but not limited to:

- children who are at risk of harm or abduction;
- persons threatened by domestic or family violence;
- persons affected by statutory limitation periods that will expire within a week;
- tenants who are likely to be evicted;
- mortgagee sales that are scheduled within a week;

- customers who intend to commit an offence or breach a court order;
- customers who have to appear in court or meet a court date within the next week;
- customers who are in custody at a police station;
- customers calling from a public telephone or other premises and who do not have access to a private telephone to receive a return telephone call;
- customers who are homeless.

When is telephone advice inappropriate?

Legal advice will be provided in non-complex, relatively straightforward matters that can be dealt with over the telephone. Examples of complex matters which cannot be dealt with over the telephone include:

- long-standing or ongoing matters;
- matters that require detailed knowledge of relevant legislation and case law;
- matters where the customer has documents that need to be seen to properly advise (ie more than a CAN, one-page letter, AVO, etc);
- where the customer needs advocacy, assistance or representation;
- Supreme Court/High Court matters;
- appeals;
- where the customer needs assistance with drafting the contents of an affidavit, a notice of appeal or a complaint/statement.

Customer Service Officers are encouraged to consult with the Legal Unit to determine whether a matter is complex or not.

Note: In some circumstances a legal officer may ask a customer to fax through relevant documentation (eg where the caller has a disability/lives in a regional, rural or remote area and cannot easily access a lawyer; the documentation is not extensive and the matter is not complex)

LawAccess NSW will NOT provide legal advice where:

- the subject matter of the customer's inquiry falls outside the expertise of the Legal Unit;
- the customer requires complex legal advice or legal representation;
- the customer has documents which would need to be sighted for legal advice to be properly provided (but see *Note* above);
- there is an existing specialist legal advice service and the customer's inquiry would be more appropriately and completely addressed by that service;
- the customer has already obtained legal advice from a qualified solicitor and is seeking a second opinion;
- the customer is a business (or an employer in a business) or an individual with the financial ability to obtain legal advice from a private solicitor.
- The matter falls within the following areas of law (including but not limited to):
 - commercial contracts (including commercial and business insurance contracts, but not including consumer contracts that fall under consumer protection laws);
 - commercial or business leases (including commercial building and construction contracts);
 - franchise agreements (except pyramid schemes covered by consumer protection laws);
 - local planning instruments and complex development application disputes;
 - business taxation matters, such as tax minimisation schemes and financial management plans);
 - land rights claims under relevant legislation;
 - drafting or reviewing of complex wills and probate documents;

- defamation matters (excluding minor neighbourhood disputes);
- conveyancing;
- immigration law;
- workers compensation; and
- personal injury

What happens when a customer has multiple legal issues?

Where a customer has multiple legal issues, the Legal Unit will provide initial advice about how the customer should proceed.

What is considered when referring a customer to the Legal Unit?

In deciding whether to refer a customer to the Legal Unit, Customer Service Officers (CSO) will consider:

- whether the caller is a priority customer;
- what assistance the caller requires;
- what assistance the caller has already obtained, or attempted to obtain;
- whether it would be more appropriate to refer the matter to another service;
- whether an information resource is available that will adequately address the customer's inquiry;
- whether the CSO can provide the information or the web site address of another service;
- whether there is an alternative dispute resolution service that can assist the customer and whether it would be appropriate to refer to that service;
- whether the inquiry is too complex for a CSO to identify the area of inquiry;
- whether the provision of legal advice over the telephone is appropriate given the complexity of the customer's inquiry;
- the availability of LawAccess NSW legal officers;
- whether there is a Legal Officer with the relevant expertise to provide that legal advice;

For full details see the LawAccess NSW Policy, Procedures and Service Standards Manual, Part 1 - Referral of Customers to the Legal and Information Service Unit for Legal Advice on LawAccess Online (www.lawaccess.nsw.gov.au)