# Data Consistency Guide – Ready Reckoner – When you do more than Legal Advice

**Updated September 2020**

Please provide any feedback or further questions to [dataconsistency@clcs.org.au](mailto:dataconsistency@clcs.org.au).

This table is part of the Data Consistency Guide – to access the Guide visit our website [here](https://www.clcs.org.au/data-consistency-guide?q=DataGuide).

*You are welcome to download this document and adapt it for your own Centre, for example, deleting the rows that relate to areas of law you do not provide, tailoring the titles of specific lawyers, advocates or caseworkers, or adding in more notes about how you want your Centre’s staff to record particular services in CLASS, eg using custom fields.*

| **CIVIL LAW** | ***Legal Task*** | ***Duty Lawyer*** | ***Non-legal Support- Discrete*** | ***Non-Legal Support - Ongoing*** | ***Court/Tribunal Representation Service*** | ***Dispute Resolution Representation Service*** | ***Other Representation Service*** | ***Ongoing Legal Support Service (date TBA)*** |
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| **Child protection** | Writing to /contacting Government/ NGO for copy of care orders as client (eg in prison) doesn’t have a copy. | Centre solicitors rostered on to provide duty lawyer services in the Children’s Court child protection duty list. | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor, court support worker (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent\* client to oppose or vary care orders in court. | Centre decides to represent a client in a contact mediation (in NSW: s 86). | Centre acts for client in negotiation with Government.  Centre attends a Family Group Meeting to advocate for a client. (Qld) | Centre supports client to advocate for herself against government – includes advice and help with documents. |
| **Consumer (eg insurance)** | Drafting a letter to the other party.  Contacting other party with the client to request info/advocate.  Drafting a complaint to a regulatory body eg ACCC  Drafting application/submissions to Ombudsman, tribunal or court. | N/A | Financial counselling information or appointment. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent client where application lodged / matter commenced in local court / consumer tribunal, remains a Court/Tribunal matter even if settled rather than progressing to a hearing. | Centre decides to represent client going through one of the Ombudsman schemes eg AFCA. | Centre decides to act for client in negotiations or representations with the other party, where matter does not involve Ombudsman or legal proceedings.  This includes internal dispute resolution matters. | Client disputing insurance matter, Centre assesses they are capable of self-representing, Centre commits to ongoing support and advice through internal dispute and AFCA stages. |
| **Complaints against police** | Centre assists client in writing a complaint letter to a local area command in client’s own name.  Centre assists client to fill in a complaint form to an external complaints body in client’s own name. | N/A | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre acts for client in a tort claim against police. | N/A | Centre represents client in writing a complaint letter to a local area command or in a meeting with police.  Centre represents client in a complaint form to an external complaints body. | Centre supports client as they self-represent through a police complaint process, eg provides legal advice, help with filling out forms. |
| **Credit or debt** | Drafting a letter to the other party.  Contacting other party (with the client present / on the line) to request information or advocate, e.g. make a repayment arrangement or request a debt waiver on the spot.  Drafting a complaint to a regulatory body eg ASIC but not representing client at the time.  Drafting application/ submissions to Ombudsman, tribunal or court for a client who is self-representing. | None (please advise CLCs Australia if your Centre does provide a duty lawyer scheme for this type of legal matter). | Financial counselling information or appointment.  Other appointments as relevant. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent client where application lodged / matter commenced - even where settled after commencement. Noting this is a new matter, if the matter has been through an Ombudsman first. | Centre decides to represent client going through one of the Ombudsman schemes eg AFCA. | Centre decides to act for client in negotiations or representations with the other party, and matter does not progress to dispute resolution or court stage. Includes matters in internal dispute resolution. | Centre commits to providing ongoing support to client who self-represents through internal dispute resolution and AFCA. |
| **Discrimin-ation** | Assisting client to lodge application to Australian Human Rights Commission or state/territory discrimination / EEO commission.  Preparing or revising client’s statement, settlement proposal, or Deed of Settlement. | None (please advise CLCs Australia if your Centre does provide a duty lawyer scheme for this type of legal matter). | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent client in a hearing before a Court or Tribunal, eg where matter has gone on appeal from HRC or state/territory commission. | Centre decides to represent in a mediation or conciliation in the AHRC or state/ territory discrimination commission. | Centre decides to act for client in negotiations or representations with the other party, but has not agreed to represent in a conciliation/mediation or in a hearing. | Centre commits to supporting client through a discrimination matter while they self-advocate to employer and then through state discrimination commission. |
| **Domestic or Family Violence Orders** | Helping fill out application for DFV Order.  Preparing affidavit or statement.  Liaising with police or court to find out court date. | Centre solicitors rostered on and attend apprehended domestic violence/ restraining orders list day to assist women who are not represented by police prosecutor. | Court-based support provided by non-legal court support worker at Local Court.  Centre-based appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor for initial support. | Centre commits to providing client with ongoing wrap-around support from one of the Centre’s caseworkers or social workers. | Centre decides to represent a client in local/magistrates court for restraining orders / AVOs. | No | Centre decides to act for client who is involved in a DFV matter even though the police prosecutor is running matter in court. | Centre provides ongoing legal advice and support to client who is being represented by police prosecutor in DFV matter. |
| **Employment** | Assisting client to draft a letter to their employer.  Filling out a FWC application on behalf of a Service User (without commitment to further assist).  Client’s matter is listed in FWC, seeks advice about hearing: Centre reviews their draft submissions. | None (please advise CLCs Australia if your Centre does provide a duty lawyer scheme for this type of legal matter). | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent a client in an unfair dismissal application lodged in Fair Work Commission.  Centre decides to represent client in Federal Circuit Court. | Centre represents a client a HRC or ADB mediation for general protections or adverse actions complaint (discrimination, bullying). | Matter not (yet) lodged in Fair Work Commission but Centre acts in negotiation / discussion with employer in order to resolve without litigation. | Centre agrees to support client in their employment matter, while they represent themselves in a Fair Work Commission unfair dismissal case. Centre helps fill out FWC application, contacts FWC to see if hearing date listed, reviews client’s submissions to FWC. |
| **Environ-ment** |  | N/A |  | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent a client in Court. | N/A | Centre decides to represent a client in a capacity other than at Court, eg writing letters on behalf of the client, liaising between the client and other entities etc. |  |
| **Fines issued by govt (Govt/admin issues relating to fines)** | Contacting the state / territory government to obtain full details of a person’s fines. | Not aware of any schemes, please advise CLCs Australia if you know of any. | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Please provide examples to CLCs Australia. | N/A | Centre acts for client in making written submissions to the state/territory government seeking fines write-off. | Centre provides ongoing advice and assistance to client to act for themselves in getting fines waived. |
| **Housing - Tenancy** | Drafting a letter to the landlord / agent.  Title or company searches to help identify owner.  Centre drafts a letter to client’s GP asking that the GP provide client and Department of Housing a support letter about his medical needs to get onto the Priority Housing waiting list. | Centre solicitors or tenants’ advocates are at court/tribunal rostered on the tenancy duty advocacy scheme, and provide advice to, or represent, the tenant.  There are several Service Types – see the Data Consistency Guid | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent client in a tenancy matter that has been or is being lodged in Court or Tribunal.  Matter remains a Court/ Tribunal Service even where matter is adjoiurned or settled via mediation.  Note that if the Centre sees the tenant for the first time through a tenants duty advocacy scheme, this is a *Duty Lawyer* service, not a Representation Service. | Centre decides to represent tenant in a community mediation eg with a neighbour. | Centre acting for client eg in negotiating with landlord/agent, no application has been lodged in court or Tribunal.  Includes GIPA / FOI applications.  Includes internal social/ government housing appeals processes. | Where the tenant is self-representing in Tribunal or (social housing) internal appeals process, assisting with application, preparation of evidence or statements. |
| **Immigration Law** | Centre undertakes limited one-off tasks for individual clients, including form filling, reviewing statements, FOI etc.  Centre facilitates client’s access to lawyers, eg   * Organise for private / pro bono lawyer to attend/ represent at a Bridging Visa renewal interview * Preparing brief to counsel. | N/A | Appointment with Centre’s social worker. | Centre decides client needs ongoing support from one of the Centre’s caseworkers. | Centre decides to represent a client in the AAT - note there are multiple Divisions in the AAT.  Centre decides to represent a client to the IAA (Immigration Assessment Authority) in relation to conduct reviews of fast track reviewable decisions. | N/A | Centre decides to act for the client in range of matters, including:  Facilitated Judicial Review Referral (including organising brief on brief with counsel and selecting instructing solicitors).  Visa issue or citizenship issue (eg application or cancellation process) in the Department stage – not acting in merits or judicial review.  Strategic litigation with another law firm on the record at court. | Centre commits to providing client with assistance to run their own matter / self-represent, including assistance with Form filling, Statement taking, Completion of an FOI form, Applications for extension of time , Statement or forms editing during advice appointment, SRSS payment cancellation self- advocacy, ‹‹Filing a tribunal application eg online. |
| **Mental health law** | Prepare written submissions to the MHRT.  Contact doctors/third parties on behalf of client to get more information or to advocate on a discrete issue.  Complete forms, eg, LAQ forms, MHRT applications, MHC appeal forms, complaints, Advance Health Directive for Mental Health.  Referral letter for Psychiatric Second Opinion.  Writing letters of support to service providers, decision-makers and authorities. | N/A | Appointment with Centre’s non-legal caseworkers eg social worker, DV counsellor, Aboriginal Access Worker, financial counsellor. | Centre decides client needs ongoing support from one of the Centre’s social workers. | N/A | Represent at MHRT hearings.  Represent in Mental Health Court appeals (direct/solicitor representation for simple/pre-hearing matters; instructing counsel for complex/substantive matters). | Advocate by attending client meetings, gathering evidence, communicating with client, clinicians and others in support network.  Application for IP/RTI Information Access. | Centre agrees to support client as they self-advocate through the legal process (note: given capacity issues, this might not be a common form of service provision in mental health law). |
| **Motor vehicle property damage** | Drafting a letter to the insurer or other party for the client to send. | N/A | One-off appointment with Centre’s financial counsellor, social worker, or other support worker. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre represents client in Local Court proceedings for a debt arising from uninsured property damage. | N/A | Where Centre has decided to act for a client entering into negotiations directly with insurer or other party. | Centre commits to provide ongoing support to client, who is self-representing to insurer or other party. |
| **Neighbour-hood disputes** | Centre drafts a letter for client to send to neighbour with whom client is in dispute. | N/A | One-off appointment with Centre’s financial counsellor, social worker, or other support worker. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre acts for client who is being sued in Local Court for cost of fence. | Centre decides to act for a client in a neighbourhood mediation. | Centre acting for client in correspondence with neighbour. | Centre commits to providing ongoing advice and assistance to self-representing client.. |
| **Privacy** | Centre |  |  |  |  | Centre decides to act for a client in a Privacy Commission complaint. |  |  |
| **Social Security** | Centre reviews client’s documents, calls Centrelink to clarify facts, then writes a comprehensive letter of advice.  Client has been cut off payment but doesn't know why. Centre contacts Centrelink to find out what is happening, and then gives advice.  Centre reviews documents and drafts a letter for the client to take to their GP or specialist to obtain additional evidence tailored towards the DSP medical eligibility requirements. | N/A | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre decides to represent a client where matter is going to the AAT.  Note that where matter moves from first review to second review in the AAT, this would be a new Court/Tribunal Rep Service. | N/A | Centre has made an application for FOI, asking for it to be returned to the Centre, and is reviewing the client’s documents.  Centre has decided to act for a client regarding a Centrelink matter in the early stages, ie for ARO internal review or for Status Resolution Support Service.  Where the matter moves from ARO to AAT, will close the “RS-Other” and open a new “RS-Court/Tribunal” service. | Centre commits to providing ongoing legal advices and assistance to a client in their dispute with Centrelink. |
| **Victims compen-sation** | Assisting client to lodge application, without further commitment to assist once it gets to next stage. | N/A | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor, other. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Where Centre represents a client in a victims compensation matter that is determined by a tribunal or a court. | N/A | In some states and territories, victims compensation matters are government decisions / processes and not run through an independent court or tribunal.  These matters should be described as Representation – Other. | Centre commits to provide ongoing advice and support to client through application process, submissions, hearing (if relevant), and advice on review. |
| **Wills and Estates (including guardian-ship and power of attorney)** | Assisting client to draft stat dec for transfer of property.  Drafting letter for client to send to their Attorney (as in power of attorney) seeking an accounting or review application and evidence.  Support a client to complete and lodge a Tribunal application.  Drafting a will for a client.  One-off instance communication with guardian / administrator to achieve discrete outcome. |  | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor (please provide other examples). | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Centre has decided to represent client in a Guardianship or Power of Attorney hearing where client is the proposed represented person.  Centre has decided to represent the Donor in a breach of Power of Attorney matter. | Centre decides to act for beneficiary of a will who has been requested to attend mediation with other beneficiaries and with the solicitor acting for the estate. | Centre has decided to act in a Guardianship and Administration / Powers of Attorney matter:  Centre writes to the other side noting discrepancies in Attorney’s accounts and seeking an accounting or review application and evidence. | Centre commits to providing ongoing support while a client self-represents through a guardianship matter. |
| **Other civil matters not covered by any of the above** | Please provide examples to CLCs Australia. | Please provide examples to CLCs Australia. | Appointment with Centre’s social worker, DV counsellor, Aboriginal Access Worker, financial counsellor. | Centre decides client needs ongoing support from one of the Centre’s caseworkers or financial counsellors. | Please provide examples to CLCs Australia. | Please provide examples to CLCs Australia. | Please provide examples to CLCs Australia. | Please provide examples to CLCs Australia. |

| **FAMILY LAW** | | ***Legal Task*** | ***Duty Lawyer*** | ***Court/Tribunal Representation*** | ***Dispute Resolution*** | ***Other Representation*** | ***Ongoing Legal Support Service*** | ***Facilitated Resolution Process*** |
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| **Child support** | | Centre assists a client to lodge application for child support.  Centre assists a client to prepare a change of assessment application to child support. | N/A | Centre decides to represent a client in a child support application to the AAT or Federal Circuit Court. | N/A | Centre decides to act for a client who is in dispute with the CSA. | Where the Centre commits to provide ongoing legal advice and assistance to a client in dispute with her ex-partner and/or CSA | N/A |
| **Divorce and Separation**  **Property**  **Parenting arrangements**  **Spousal Maintenance**  **Other** | | Centre assists a client in drafting a Divorce Application.  Centre assists a client to prepare a Response to divorce.  Centre assists client to prepare statement regarding property.  Centre assists a client to prepare an affidavit where marriage certificate is lost/ cultural marriage no certificate.  Centre assists client with service requirements and documents.  Centre assists a client in drafting court documents or a parenting plan.  Centre calls other party/ third parties to find out information to pass directly onto client.  Centre assists a client to draft court documents for spousal maintenance.  Centre assists to daft documents to respond to a Hague Convention matter | Centre solicitors rostered on and attend Family Court or Federal Circuit Court as part of FASS or otherwise. | Centre decides to represent a client in the Family Court or Federal Circuit Court, including court ordered conciliation conference. | Centre decides to represent a client involved in a (Lawyer Assisted) Family Dispute Resolution.  Remains this type of service even if matter does not proceed to conference eg where s60I certificate is issued. | Centre decides to act for a client going through divorce / separation but no court matters currently pending.  Centre decides to act for a client in a property matter, including negotiating with the other party/ solicitor for the other party. | Where the Centre commits to provide ongoing legal advice and assistance to a client in dispute with her ex-partner. | Family Dispute Resolution (FDR) matters – regardless whether they progress to an actual conference.  Also includes where a certificate is issued under s60 I of the Family Law Act – ie includes where FDR did not occur for various reasons. |
| **Domestic / Family Violence** | Centre assists client to prepare affidavit or statement regarding violence for a family law matter. | | Centre solicitors rostered on and attend Family Court or Federal Circuit Court as part of FASS or otherwise. | Best practice is not to open a Representation Service with *Family - DFV* as the main problem type. Family DFV may be attached to an Advice or Representation Service along with other legal problem types, however for a Representative Service in Family Law the main problem type is more likely to be Divorce, Property, Parenting or Maintenance.  Same client likely to have a separate Representation Service for *Civil - Domestic or Family Violence Orders.* | | | Centre is providing ongoing legal advice and support to a client who has experienced DFV and is going through family court proceedings, but is not represented by the Centre. | FDR usually won’t take place where violence is present.  No FDR matters will have “DFV” as a legal problem type. |

| **CRIMINAL LAW** | ***Legal Task*** | ***Duty Lawyer*** | ***Court/Tribunal Representation*** | ***Dispute Resolution*** | ***Other Representation*** | ***Ongoing Legal Support Service*** |
| --- | --- | --- | --- | --- | --- | --- |
| **Any criminal matter where client is person charged**  **or**  **where client is victim or witness** | Assisting client to draft / redraft statement.  Helping client apply for Legal Aid.  Liaising with police or court just to get court date. | Centre solicitors rostered on and attend local court criminal list day – whether they pick up all criminal matters, or only some matters, eg driving offences, assistance to victims / witnesses in DV assault matters. | Centre decides to represent defendant (or brief a barrister to represent) in local or magistrates court. It remains a Court/ Tribunal Rep Service even where matter is settled via mediation. | NO - What about youth conferencing? Any Centre acting as a representative for a young person who is going through youth conferencing? | Centre decides to act for a defendant before charges have been laid (and therefore before it is court matter).  Centre decides to act for client who is involved in criminal matter as victim or witness. The scope of the engagement might be limited to liaison between the police and court support scheme to ascertain details and keep client up to date. This might be done with a client for whom the Centre has also opened a Victims Compensation Representation Service. | Centre commits to providing ongoing advice and assistance to a person who is facing criminal changes but who does not have legal representation.  Note: likely to only ever be for minor criminal matters, and with very tight scope of agreed work, as the risk and workload too high if it is a serious criminal matter. |