

# **The Law Handbook**

**YOUR PRACTICAL GUIDE TO THE LAW IN NEW SOUTH WALES**

**14th EDITION**



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# Assistance with Legal Problems

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**[4.10]** Legal problems can be confusing and expensive. There are, however, quite a few places where people can go for information and help. This chapter looks at the different forms of legal assistance available in NSW, including:

- free legal services and sources of advice
- Legal Aid NSW
- what you need to know about using a lawyer
- the interpreting services available to people in the NSW legal system.

## Free legal assistance

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**[4.20]** If you can't afford a lawyer, there are ways of getting help for free. Some preliminary free advice is also a good way to work out whether it is worthwhile paying a lawyer to act for you.

### **[4.30] What assistance is available?**

The main forms of legal assistance offered by the services discussed in this section are:

- legal information
- legal advice, including where to go for further help
- legal representation (for example writing letters on a person's behalf, negotiating with third parties or appearing in court)
- legal education (programs and publications to improve access to legal services and understanding of legal rights).

#### **Means and merits tests**

Some of the services described in this section are available free to anyone, while others are:

- means tested (only available to people whose income and assets are below certain levels), and/or
- merits tested (the case must be likely to succeed, and the cost of funding it must not exceed the benefits to be expected).

Legal information and advice are generally available without means testing.

Legal representation usually involves an application for legal aid, and is usually means tested (see Who is eligible for legal aid? at [4.130]).

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#### **Which agency?**

Some agencies direct their services to a particular group of people or specialise in a particular area of law. If you are unsure which agency is appropriate for your situation, phone LawAccess or a community legal centre, or the chamber service at a Local Court. They are aware of the services available, and can direct you to the right one.

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### **[4.40] Legal Information Access Centre**

The Legal Information Access Centre (LIAC) is a law library for non-lawyers that gives the general public access to information about the law.

#### **What they do**

LIAC helps people find legal information. Its staff can help you:

- find the relevant piece of legislation if you have a problem
- locate books, pamphlets and internet sites on parts of the law that interest you
- find the meaning of legal words
- find out whether a law has been changed
- find agencies that provide legal advice.

#### **Cost**

Anyone can use LIAC for free.

#### **What they don't do**

LIAC does not offer legal advice or legal representation.

#### **Where to find them**

LIAC is based at the State Library in Sydney. There are also LIAC "Find legal answers" toolkits (a collection of easy-to-read, practical books about the law) and Hot Topics

publications (legal issues in plain language) in many public libraries across the state. Some public libraries have an additional collection of legal resources and staff trained to provide a legal information service.

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LIAC is an initiative of the State Library of NSW.

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## [4.50] Community legal centres

Community legal centres offer free advice to help people sort out their legal problems, and can be a useful first contact point. They will also explain whether you might be eligible for legal assistance from other organisations, including Legal Aid NSW.

### What they can do

Where no other legal assistance is available and a person cannot afford to pay a private solicitor, a community legal centre may assist by negotiating on the person's behalf, preparing legal documents and, in some cases, representing the person in court.

### Specialist centres

Some centres operate in a specialist area of law (such as Seniors Rights Service and the Intellectual Disability Rights Service). Anyone who has a problem in that area of law can approach these centres.

### Local centres

Generalist community legal centres can only assist people who live in the communities they serve.

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### Legal education and reform

Community legal centres not only give legal advice, but they also work to change laws when they are unfair or unjust, and undertake community education to help people in the community understand their legal rights and responsibilities.

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### Contacting a community legal centre

It is always a good idea, if possible, to phone the nearest community legal centre for information about their services before

seeking assistance in person. They are open during business hours, but generally have limited hours during which advice is available.

### Evening appointments

Some centres will make appointments for evening interviews if a person is unable to get there during the day.

### Outreach services

Many community legal centres also provide outreach services in other towns and suburbs in the areas they cover.

### Telephone assistance

Many centres offer assistance over the telephone, ranging from direct legal advice to suggestions about other organisations that may be a more appropriate source of help.

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There is a list of community legal centres and their contact details in Contact points at [4.300].

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## [4.60] The Aboriginal Legal Service

The Aboriginal Legal Service (ALS) offers free legal advice and representation for Aboriginal and Torres Strait Islander people. ALS lawyers work in the areas of criminal law, family law and children's care and protection law. For civil law matters they give information and referrals to other service providers.

There is no means test except for contested family law hearings.

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A full list of ALS offices is in the Contact points in Chapter 2, Aboriginal People and the Law.

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## [4.70] Law Society of NSW

The Law Society of NSW offers a range of legal assistance services for the general community. These services are primarily aimed at improving people's access to the legal system and to justice.

### Solicitor Referral Service

The Law Society conducts a Solicitor Referral Service to appropriate NSW legal firms and other agencies.

It can also refer people to firms that are prepared to make legal aid applications, or that have expertise in such areas as mediation, community languages and foreign law.

### Pro Bono Scheme

The Law Society runs a Pro Bono Scheme, which offers legal assistance to people who:

- cannot afford a private solicitor
- do not qualify for legal aid, and
- meet the guidelines for the Scheme.

The Scheme can refer eligible people to solicitors prepared to provide legal advice or representation free or at a reduced cost to pro bono clients.

### Neighbourhood centres

Some regional law societies coordinate neighbourhood legal referral and advice centres.

These centres are staffed by volunteer solicitors, and are usually open one evening each week in a local community centre.

Contact your community centre to find out if there is an advice and referral centre in your area.

### [4.80] LawAccess NSW

LawAccess NSW is a free service providing a single point of access to legal and related assistance in NSW through:

- a telephone legal information, referral and advice service, and
- legal information resources including fact sheets, forms and publications.

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You can access the LawAccess NSW website for legal information including answers to common problems and assistance for people who are dealing with a legal problem without a lawyer or representing themselves in court.

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### [4.90] Justice Connect

Justice Connect (formerly PILCH) matches public interest cases or disadvantaged

groups who need free legal assistance with law firms willing to help them. There are detailed eligibility criteria. Individuals and groups seeking assistance should contact Justice Connect for further information.

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Justice Connect is a membership based organisation. Members include the Law Society of NSW, the NSW Bar Association, Legal Aid NSW and the Public Interest Advocacy Centre, as well as law firms and barristers.

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### [4.100] Chamber service at Local Courts

Most full-time Local Court registries have a registrar or deputy registrar who can provide information and assistance on Local Court procedures and applications. The chamber service does not provide legal advice and cannot represent people in court.

A person who wishes to consult the chamber service should contact their nearest Local Court. This service is particularly useful to a person handling their own case, and can also help with taking out a summons or filing a defence.

Sometimes it is necessary to make an appointment, or go to another court, to use the chamber service.

### [4.110] NSW Trustee & Guardian

NSW Trustee & Guardian will help prepare wills free of charge, provided the NSW Trustee & Guardian has been appointed executor to administer the estate.

A fee is normally charged for executor services. Details of the charges should be obtained before a decision is made to appoint the NSW Trustee & Guardian as executor.

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See Chapter 40, Wills, Estates and Funerals for more details about getting help with preparing wills and administering estates.

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## Legal aid from Legal Aid NSW

### [4.120] Legal Aid NSW

Legal Aid NSW is funded by the State to provide legal assistance for matters arising under NSW law. It also has an arrangement with the Commonwealth to provide legal assistance for matters arising under Commonwealth law.

#### Getting legal advice

Legal Aid NSW has staff in 23 offices around NSW who can answer general queries about legal aid and legal issues from 9am to 5pm. You can also get legal advice from a Legal Aid NSW solicitor at a Legal Aid NSW office or outreach service. There is no means or merit test for general legal advice. It is generally limited to about 15 minutes.

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For a full listing of Legal Aid NSW offices, go to the Legal Aid NSW website at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

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#### Contacting Legal Aid NSW

It is a good idea to telephone the nearest Legal Aid NSW office to find out when it is open for interviews and to make an appointment if necessary.

#### Telephone advice

Legal advice is not given over the telephone; if you need help over the phone start by calling LawAccess. If you are under 18 and need help with a criminal law problem you can call the Legal Aid Youth Hotline.

#### Interpreters

Interpreters can be arranged for people who don't speak English well or have a hearing difficulty. A person who needs an interpreter should let the office know well before the interview so that this can be organised.

### [4.130] Getting legal aid

Someone who needs more than basic advice will need to make an application for legal aid.

Duty solicitors are also available in all Local Courts and some other courts to provide limited assistance for court appearances.

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#### Legal aid lawyers

If a person is granted legal aid, Legal Aid NSW will provide them with a lawyer to help them with their case. The lawyer may be a Legal Aid NSW lawyer, a private lawyer or a community legal centre lawyer.

When appropriate, Legal Aid NSW can also provide a barrister or, in serious criminal cases, a *public defender*.

Public defenders are barristers retained by Legal Aid NSW to represent legal aid clients appearing in the District or Supreme Courts on criminal charges.

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#### Who is eligible for legal aid?

Legal aid is available for a wide range of civil, criminal and family law matters. It is also available through Legal Aid NSW specialist services, which include the Mental Health Advocacy Service, Prisoners Legal Service, Veterans' Advocacy Service, Child Support Service and Children's Legal Service.

Legal Aid NSW uses eligibility policies to decide who is eligible for legal aid in these different areas of law. The policies aim to be fair and consistent, and to target people in the community who are most socially and financially disadvantaged.

#### Eligibility tests

Five tests are used in deciding whether a person is eligible for legal aid:

- merit test, which looks at whether the case is likely to succeed, and other issues
- means test, which looks at the income and assets of both the applicant and anyone who provides or is likely to provide them with financial support
- jurisdiction test, which looks at the type of case and the area of law in which aid is sought
- availability of funds test – legal aid will only be granted if Legal Aid NSW determines that sufficient funds are available

- unpaid contributions test – legal aid will not be granted if there is a debt owing to Legal Aid NSW.

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This is a guide only. When Legal Aid NSW makes a decision about who gets legal aid, the full eligibility policy guidelines are used. For details and advice about eligibility for legal aid, contact any Legal Aid NSW office or community legal centre (see also Applying for legal aid at [4.170]).

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#### [4.140] Merit tests

There are two merit tests: Merit Test A, used for criminal and civil law matters and state family law matters; and Merit Test B, used for Commonwealth family law matters.

##### Criminal and civil law matters

In applying the merit test for criminal and civil law matters, Legal Aid NSW asks: Is it reasonable in all the circumstances to grant legal aid?

Several matters are considered in answering this question. The main ones are:

- the benefit to the applicant if aid is granted, or the detriment they may suffer if aid is refused
- whether the case has reasonable prospects of success.

##### Commonwealth family law matters

The merit test for Commonwealth family law matters is based on three considerations:

- does the matter have reasonable prospects of success (that is, is it more likely to succeed than not)?
- would a prudent self-funding litigant risk their funds in the proposed proceedings?
- is it appropriate to spend limited public legal aid funds on the particular matter?

##### Matters subject to a merit test

A merit test is applied in the following matters:

- most non-criminal matters (civil, family law, care and protection, and veterans' matters)
- appeals in criminal matters
- Supreme Court bail matters, and

- some matters associated with Children's Court proceedings (such as appeals from the Children's Court to the District Court).

##### Matters not subject to a merit test

A merit test is not applied to:

- criminal law matters (except appeals and Supreme Court bail applications)
- children in the Children's Court
- most *Mental Health Act 2007* (NSW) matters
- the subject of the proceedings in matters before the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT).

#### [4.150] Means test

Legal Aid NSW applies a means test which looks at an applicant's income and assets to:

- assess whether that person is eligible for legal aid, and
- determine how much contribution a successful applicant will have to pay towards the cost of the legal services.

The means test includes both income and assets tests, and also considers the applicant's ability to pay legal costs. Applicants who receive a Centrelink income support payment at the maximum rate automatically satisfy the income test. Otherwise, eligibility is determined by assessing the net assessable income (after subtracting allowable deductions) and assets (after excluding allowable assets) of both:

- the applicant, and
- financially associated persons (anyone who provides or is likely to provide financial support to the applicant).

The means test applies to both State and Commonwealth matters. Details of the means test are on the Legal Aid NSW website at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) including a Means Test Indicator to assist in estimating whether an applicant is likely to meet the means test.

##### What matters are means tested

The means test does not apply to:

- legal advice and minor assistance services
- first appearance bail applications in the Local Court

- family law and civil law duty matters
- children in the Children's Court
- children in appeals to the District Court in care matters
- children represented by an independent children's lawyer in family law proceedings
- some Mental Health Advocacy Service matters
- ex-service personnel and their dependents for proceedings in the Administrative Appeals Tribunal under Pt II of the *Veterans' Entitlements Act 1986* (Cth) and the *Military Rehabilitation and Compensation Act 2004* (Cth)
- Drug Court matters
- *Drug and Alcohol Treatment Act 2007* (NSW) matters (except for appeals).

All other matters are means tested.

### Contribution from the applicant

A person receiving legal aid is usually required to make an initial contribution of \$75 or more based on their income and assets. If the payment required is greater than the estimated cost of proceedings, the person is not eligible for aid.

### Where there is no initial contribution

An initial contribution is not required for pleas of guilty in Local Court criminal matters, most mental health matters and some other matters.

### The final payment

If the person recovers a sum of money or other asset, or if there is a substantial improvement in their financial situation, they must also usually make a payment at the end of the case. If the person owns real property they will be required to give a charge over that property to secure a final payment.

The final payment is usually the full cost of the grant of legal aid.

Apart from such initial contributions and final payments, the person granted legal aid does not pay any legal fees either to Legal Aid NSW or their lawyer.

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### Discretion to grant aid

In some exceptional cases there is a discretion to grant legal aid in matters where the applicant's income and assets exceed the means test limits (for example, where the applicant would suffer special hardship if aid was refused).

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## [4.160] Jurisdiction test

The jurisdiction test looks at whether legal aid is available in that jurisdiction and area of law. The following table sets out the types of matters where legal aid is available.

Criminal law	Legal aid may be available for the following criminal law matters:
Local Court	<ul style="list-style-type: none"> <li>• applications for annulment of conviction or sentence</li> <li>• bail applications</li> <li>• committal proceedings</li> <li>• contesting a forensic procedure application</li> <li>• defended hearings where there is a real possibility of jail or exceptional circumstances exist</li> <li>• domestic violence proceedings</li> <li>• Drug Court matters</li> <li>• matters commenced by a police court attendance notice (excluding drink driving offences unless there is a real possibility of jail or exceptional circumstances exist)</li> <li>• matters commenced other than by a police court attendance notice if there is a real possibility of jail or exceptional circumstances exist</li> <li>• participation in a restorative justice program, eg Circle Sentencing</li> </ul>

District Court, Supreme Court, Court of Criminal Appeal and High Court	<ul style="list-style-type: none"> <li>• appeals</li> <li>• bail applications</li> <li>• extended supervision order, continuing detention order and control order matters, including matters under the <i>Crimes (High Risk Offenders) Act 2006</i> (NSW)</li> <li>• indictable matters</li> <li>• matters where a conviction is to be quashed following a free pardon or inquiry</li> <li>• matters where the applicant is the defendant in a prosecution in the Land and Environment Court under environmental protection legislation, in limited circumstances</li> <li>• matters where the Director of Public Prosecutions has applied for an acquitted person to be retried</li> <li>• petitions for review of a conviction or sentence, inquiries into a conviction or sentence, and applications to a review panel to review a conviction or sentence</li> <li>• preventative detention, contact order and prohibited contact order matters</li> <li>• protected confiders in sexual assault communication privilege matters</li> </ul>
Children's matters	<ul style="list-style-type: none"> <li>• appeals</li> <li>• matters where the child is acting as an informant, in limited circumstances</li> <li>• matters where the child is participating in a restorative justice program</li> <li>• proceedings in the Children's Court including committals</li> <li>• trials and sentence matters in the District and Supreme Courts</li> </ul>
Prisoners' matters	<ul style="list-style-type: none"> <li>• life re-sentencing applications</li> <li>• Parole Authority hearings</li> <li>• reviews of segregation directions</li> <li>• visiting justice proceedings</li> </ul>
Excluded matters	<p>Legal aid is not available for the following criminal law matters:</p> <ul style="list-style-type: none"> <li>• applicants in Apprehended Personal Violence Order matters unless it is a child</li> <li>• Local Court defended hearings where the defence is frivolous or has no possible prospects of success</li> <li>• proceedings under the <i>Confiscation of Proceeds of Crime Act 1989</i> (NSW) and other legislation related to tainted monies/property</li> <li>• to commence proceedings in the Local Court except for ADVO proceedings</li> </ul>
<b>Family law</b>	<b>Legal aid may be available for the following family law matters:</b>
State matters	<ul style="list-style-type: none"> <li>• adoption proceedings in exceptional circumstances</li> <li>• care and protection</li> <li>• compulsory schooling order proceedings in the Children's Court</li> <li>• property settlement</li> </ul>
Commonwealth matters	<ul style="list-style-type: none"> <li>• child support and child maintenance</li> <li>• contempt of court proceedings where the applicant for legal aid is the respondent</li> <li>• contravention of parenting orders</li> <li>• dissolution and nullity of marriage, in limited circumstances</li> <li>• international child abduction, in limited circumstances</li> <li>• matters relating to the location and/or recovery of a child</li> <li>• parenting matters (separate representation for children is also available)</li> <li>• proceedings in the Family Court concerning a special medical procedure for a child</li> <li>• property settlement</li> <li>• spousal and de facto maintenance</li> </ul>
Excluded matters	<p>Legal aid is not available for the following family law matters:</p> <ul style="list-style-type: none"> <li>• enforcement proceedings</li> </ul>

<b>Civil law</b>	<b>Legal aid may be available for the following civil law matters:</b>
State matters	<ul style="list-style-type: none"> <li>• breach of civil liberties, eg false imprisonment, malicious prosecution</li> <li>• consumer protection</li> <li>• coronial inquests in limited circumstances</li> <li>• discrimination matters</li> <li>• extended supervision order, continuing detention order and control order matters, including matters under the <i>Crimes (High Risk Offenders) Act 2006</i> (NSW)</li> <li>• matters relating to the making or review of a public health order</li> <li>• matters under the Working with Children legislation</li> <li>• matters where it is likely the applicant will lose his or her home</li> <li>• mental health and guardianship matters</li> <li>• public interest human rights matters</li> <li>• reviews under the <i>National Disability Insurance Scheme Act 2013</i> (Cth)</li> <li>• sexual assault communication privilege matters</li> <li>• <i>NSW Trustee and Guardian Act 2009</i> matters (protected estate matters)</li> </ul>
Commonwealth matters	<ul style="list-style-type: none"> <li>• Centrelink income and pension matters</li> <li>• employment law matters where the applicant is a person at special disadvantage</li> <li>• extradition proceedings</li> <li>• matters arising from a Commonwealth decision which affect a person's capacity to continue employment</li> <li>• migration matters including cancellation of visa on character grounds</li> <li>• proceeds of crime</li> <li>• war veterans' matters</li> </ul>
Excluded matters	<p>Legal aid is not available for the following civil law matters:</p> <ul style="list-style-type: none"> <li>• building disputes</li> <li>• disputes arising from commercial or investment transactions</li> <li>• intra-association disputes such as disputes between members of unions or clubs</li> <li>• Local Court proceedings where the amount at issue is \$3,000 or less</li> </ul>

#### [4.170] Applying for legal aid

Application forms (and assistance in completing them) are obtainable from Legal Aid NSW offices, community legal centres and Local Courts. Forms are also available from the Legal Aid NSW website.

Applicants should give as much detail as possible on the form. Where possible, supporting documents such as police reports, medical opinions and the statements of witnesses should be included.

A person pleading not guilty to a charge should apply before a date is set for the hearing.

##### Applying through the duty solicitor

A person with a criminal matter in the Local Court who has not had the chance to apply for legal aid can apply at the court. All Local Courts have a lawyer – the duty solicitor – rostered by Legal Aid NSW, on duty every

sitting day, who can give advice about making an application.

##### Bail applications

The duty solicitor can also represent anyone in police custody making a first appearance in court for a bail application. There is no means test in this situation.

#### [4.180] Appeal against legal aid decisions

If an application for legal aid is refused or the applicant does not agree with the conditions of the grant, an appeal can be made to the Legal Aid Review Committee. The letter giving details of the decision made by Legal Aid NSW includes information on how to appeal.

### Time limit

The appeal must be lodged within 28 days of receiving the decision.

### Where there is no right of appeal

There is no appeal for Local Court criminal matters where:

- the application is refused on the basis of the means test, or

- the person is required to pay a contribution.

There is no appeal against assignment of a matter to a Legal Aid NSW lawyer or a private practitioner specified by Legal Aid NSW.

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For advice and assistance in appealing a legal aid decision, contact a community legal centre.

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## Lawyers

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### [4.190] Do you need a lawyer?

In many cases, a person who needs legal assistance must consider consulting a lawyer in private practice. The decision will depend on:

- the type of problem you have
- the sort of action you want to take
- how much money you have available.

### Is legal action the answer?

Legal action is often only one alternative. For instance, problems with neighbours can often be solved by approaching them directly (see Chapter 32, Neighbours for more about this).

### Getting advice and information

There are a number of ways of getting free initial advice and information about your legal situation. See Free legal assistance at [4.20]. You can use this information to find out whether your problem has a legal solution, and decide whether to take legal action.

### Cost

Whether it involves letter writing, negotiation or going to court, legal action is likely to involve seeing a lawyer, and will mean at least some expense if you are not eligible for legal aid.

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Cost may be a major consideration. For information about fees, see Fees charged by lawyers at [4.220].

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### [4.200] Choosing a lawyer

It is essential to have a good relationship with your lawyer. It is worth looking for a lawyer who not only has experience in the area of the law that concerns you, but whom you like and respect.

Any advice a lawyer gives you should be independent, so do not choose a firm or a solicitor already advising someone opposing you in a legal action or dispute.

Remember that you are employing the lawyer. Take the time to shop around, and don't hesitate to ask questions.

### Finding a lawyer

#### *Ask friends and colleagues*

A common way of finding a solicitor is to ask friends or colleagues whether they are happy with a solicitor they have used in the past.

#### *Look in the phone book*

Solicitors are listed alphabetically and by locality in the *Yellow Pages* of the phone book, and some give details of their special areas of practice.

#### *Look for newspaper advertisements*

Many solicitors advertise, mainly in newspapers.

#### *Contact the Law Society*

The Law Society's Solicitor Referral Service can refer you to firms that:

- practise in particular areas of the law in your local area, or wherever is convenient

- have accredited specialists in certain legal areas
- will make legal aid applications on your behalf
- will visit you at home or in hospital
- offer services in community languages.

This information can also be found on the society's website at [www.lawsociety.com.au](http://www.lawsociety.com.au).

#### Contact the Bar Association

The NSW Bar Association can refer you to appropriate barristers, and also has a directory of barristers online. Their website address is [www.nswbar.asn.au](http://www.nswbar.asn.au).

#### Legal aid

If you think you will not be able to afford a solicitor, you can contact a Legal Aid NSW office. They offer assistance, provided you pass the means and merit tests. See Legal aid from Legal Aid NSW at [4.120]-[4.180].

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#### If you are at court without a lawyer

##### Assistance from the duty solicitor

If you are at the Local Court and have no lawyer, you may be able to see the Legal Aid NSW duty solicitor. It is best to be at court early so that there is time to discuss your case. If it is complicated, the duty solicitor can ask that your matter be adjourned (put off) until a later date so that you can get further advice.

##### The duty barrister scheme

The Bar Association has a duty barrister scheme operating in some Local and District Courts to help people who cannot afford a lawyer and who do not qualify for legal aid.

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#### Solicitors and barristers

The term "lawyer" refers to both solicitors and barristers. In NSW lawyers qualify as legal practitioners, but may only practise as a solicitor or a barrister, not both.

##### Solicitors

Solicitors are the lawyers people most often deal with. They usually undertake a range of legal work, including preparing wills, contracts and deeds, and doing conveyancing and probate work. They also work in government organisations, advising and representing those bodies in legal matters, and in community legal centres and Legal Aid NSW.

This section looks mainly at solicitors in private firms, although much of the information also applies to solicitors providing free assistance.

Solicitors can, and many do, appear in court to represent a client, but if a case is complex they may advise a client to use a barrister to represent them in court.

##### Barristers

Barristers are courtroom specialists. They often develop a high level of expertise in particular areas of law, and are therefore often asked by solicitors for their opinion on technical and complex legal questions.

Members of the public can approach barristers directly, but it is usual to see a solicitor first (some barristers only accept instructions through solicitors). The solicitor may then advise that a barrister should be briefed (ie, hired to act in the case).

Barristers are usually employed by the solicitor, not the client, though the client pays their fees.

Collectively barristers are referred to as the *Bar*, and individually as *counsel*.

##### Qualifications

Lawyers in NSW are trained in a variety of ways. Most have law degrees, but it is also possible to qualify by completing the courses offered by the Legal Profession Admission Board.

All practising lawyers must have a practising certificate. These are issued by the Law Society for solicitors and the Bar Association for barristers.

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## [4.210] The lawyer–client relationship

### The retainer

Once you agree to employ a lawyer and they agree to represent you, you have entered into a contract called a *retainer*.

### Formal requirements

The retainer can be a verbal agreement, or it can be in writing.

It is sensible to have a written agreement setting out what each party expects from the other, although it is not compulsory for a lawyer to provide a general written agreement. Lawyers must provide written costs disclosure in matters where total legal costs are expected to exceed \$750 disclosing the basis upon which costs will be calculated and an estimate. See [4.230].

### What you need to know

You will need to find out:

- what your lawyer expects to happen as your matter progresses
- how your lawyer will keep you up to

date with the progress of your matter

- if you are dealing with a firm, the name of the lawyer who will be handling your matter (and of the partner who will be supervising that person, if they are not a partner in the firm).

#### **Ending the agreement**

Either you or your lawyer can end the agreement for good reason and with reasonable notice.

#### **The lawyer's duty to keep you informed**

Your lawyer has a duty to keep you informed of developments in your case.

If you feel that you are not being kept informed, you can arrange for regular contact. However, lawyers can charge for all the time they spend on a case, including client visits and phone calls. It is better, therefore, to have an agreement about how you will be kept informed and to contact the lawyer only when there are specific issues to be dealt with.

The lawyer's staff may be able to answer your minor queries.

#### **Responsibility to act on instructions**

You, the client, are instructing the lawyer, and they are obliged to follow your instructions, provided those instructions are legal and ethical.

Lawyers should never act without instructions from a client.

#### **If you change solicitors**

##### **Obtaining your file from the solicitor**

If you engage a solicitor and then decide to employ another solicitor, the first solicitor does not have to hand over the file until their bill is paid in full or their costs are satisfactorily secured. The first solicitor has a *lien* over the file. (A *lien* is simply a right of possession over something of value that lasts until obligations under a contract or agreement have been fulfilled.)

If the file is needed for court proceedings, the solicitor may be required to hand it over regardless of the *lien*.

##### **Obtaining a brief from a barrister**

If a barrister is holding the brief relating to your case, this brief belongs to the instructing solicitor, and the barrister cannot give it straight to you.

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You can contact the Office of the Legal Services Commissioner for assistance in retrieving your file from your lawyer.

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#### **The first interview**

When you go to see a lawyer for the first time, you should try to get as much as possible from the interview. You may save both time and money if you are well prepared, with all your information and documents ready.

It is also important to ask questions when you do not understand something. The law is full of jargon, and lawyers are inclined to use specialised language, sometimes without realising it.

##### **What to ask your lawyer**

Some important questions to ask are:

- is the first appointment free? (Ask this when you make the appointment.)
- can you start straight away?
- what are my chances of success?
- what other matters like mine have you handled?
- how do you charge – by the hour or a fixed amount?
- can you estimate the overall cost?

- will you send me a letter outlining how I will be charged?
- how long is the case likely to take?
- what possible delays or problems are there?
- will you be handling the case personally?
- how will we communicate with each other?
- will you send me an itemised bill?
- can I pay in instalments?
- do you think there will be any additional costs?
- what is the worst possible outcome if I lose?

##### **Find out what the lawyer can and cannot do**

You need to understand the limits of what your lawyer can actually do for you. To avoid later disappointment, try to establish from the beginning what can and cannot be accomplished by legal action. You need to understand what benefits you could gain, and at what cost in time and money. Ask the lawyer to explain this carefully.

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## [4.220] Fees charged by lawyers

One of the most important issues you need to agree on with your lawyer is costs. You should establish as soon as possible:

- what your matter is likely to cost
- how you will be billed
- how you will pay
- what you will be charged for.

### Costs and disbursements

There are two parts to legal expenses – costs and disbursements.

#### Costs

Costs are the fees charged by a lawyer for all work done in handling a matter. This includes:

- *lawyer–client* costs for the work done by the lawyer, and
- *party–party* costs for work which directly relates to court proceedings.

Party–party costs can be recovered from the other side if you win the court case. You may be required to pay the other side’s party–party costs if you lose.

Lawyer–client costs are paid by the client, whether you win or lose.

#### Disbursements

Disbursements are the expenses that the solicitor pays out on your behalf. They include:

- payments for applying for official records and certificates (for example, a traffic accident report from the NSW Police, or a certificate of title from Land and Property Information)
- fees for filing documents at court
- fees for serving documents on other people involved in the proceedings
- barrister’s fees, if relevant.

## [4.230] Costs disclosure requirements

### What must be disclosed

Section 174 of the *Legal Profession Uniform Law (NSW)* (“LPUL”) (which came into force on 1 July 2015, replacing the *Legal Profession Act 2004* (NSW) (now repealed)),

requires lawyers to disclose the basis of their costs to clients up front, including:

- an estimate of total legal costs, and
- the basis for calculating it
- arrangements for billing the client.

The LPUL applies if the client first instructs a law practice on or after 1 July 2015. If the client first instructs a law practice before 1 July 2015, the requirements of the *Legal Profession Act 2004* in relation to disclosure apply.

### Formal requirements

The costs disclosure must be in writing (s 174(6)). It may be a separate document, part of a *costs agreement*, or in a retainer agreement (see The retainer at [4.210]). It must include information about the client’s rights to:

- negotiate a costs agreement with the law practice
- negotiate the billing method
- to receive a bill from the law practice, and
- to request an itemised bill after receiving a bill that is not itemised or is only partially itemised, and
- to seek the assistance of the Legal Services Commissioner in the event of a dispute about legal costs.

Your lawyer must be satisfied you understand the costs disclosure (s 174(3)).

### Exceptions to costs disclosure requirements

#### Costs expected to be below a certain limit

The lawyer does not have to provide the costs disclosure referred to above when the total legal fees (excluding GST and disbursements) are expected to be below \$750.

If the lawyer does not take reasonable steps to provide a costs disclosure, and the costs exceed the limit, the cost agreement may be void in which case the lawyer cannot recover their costs without having the bill assessed by the NSW Costs Assessment Scheme or the costs dispute is resolved by the Legal Services Commissioner. There is also a standard (simplified) costs disclosure form for matters where the total legal costs are not likely to exceed \$3000 (excluding GST and disbursements).

The lawyer does not have to disclose costs when the client is a “commercial or government client” (s 170).

#### **Family law matters**

With the introduction of the LPUL on 1 July 2015, the costs disclosure requirements for solicitors working on family law matters where instructions are received after 1 July 2015 is the same as for other types of legal matters. The Family Court sets a fixed scale of fees that applies to costs payable on a party-party basis. Solicitors may charge for work done in family law proceedings at scale rates, or otherwise, but they should still disclose their estimate, and on what basis it is calculated.

### **[4.240] Methods of charging**

Because there are several ways in which lawyers can charge for their work, it is important that you understand how you will be charged.

Lawyers in NSW are generally free to charge on any basis they choose as long as their charges are fair and reasonable, although fees in some types of matters are regulated.

Where fees are not regulated, most solicitors:

- charge a fixed amount, or
- calculate their costs on an hourly basis.

It should be clear from the costs agreement provided by your lawyer which method of charging is to be used.

#### **Regulated fees**

The matters in which the fees a solicitor can charge have been fixed by legislation include:

- motor accident claims (unless there is a costs agreement)
- victims compensation matters
- deceased estates (obtaining a grant of probate only).

#### **Charging a lump sum**

One method is to charge a lump sum fee. This is usually done for conveyancing, for example, where fees are likely to depend on the value of the property being bought or sold.

Ask what other charges apply, particularly disbursements. A low lump sum fee may include larger-than-usual disbursements as a hidden cost.

#### **Charging item by item**

Another method is to charge on an item-by-item basis. In this case, the lawyer may charge a fixed amount for particular work, eg writing a letter, reading a letter or drafting a statement of claim to commence court proceedings.

#### **Charging an hourly rate**

The lawyer may charge for the time spent on the matter. There must be a specific agreement between lawyer and client as to the rate per hour, or per day. Different solicitors charge different rates, so you should shop around. Charges are usually levied in minimum units of time, most commonly six minutes. That is, work that takes less than six minutes will be charged at a minimum of six minutes.

#### **No win, no fee**

Some lawyers sometimes offer conditional (“no win, no fee”) agreements under which the client only pays if the case is successful.

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#### **No win, no cost?**

If your lawyer is working on a “no win, no fee” basis, you should find out exactly what this means in your case. It is important in most civil cases, because if you lose you can be required to pay the legal costs of the winning side, even if you don’t have to pay your own lawyer.

You may also have to pay for your disbursements.

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### **[4.250] Payment**

Lawyers often ask for money in advance at an early stage to pay for costs and disbursements.

#### **The solicitor's trust account**

Solicitors operate two different accounts. Any money paid by a client in advance of work being done must be placed in a trust account until it is used for the client’s expenses.

This money cannot be used to benefit any other client, or the solicitor, and the solicitor must have the client's authority to spend it.

Any breach by a solicitor of the regulations that control their use of client's money can lead to serious consequences for the solicitor.

### The solicitor's bill

When your case is finished, the solicitor will send you a final bill. This is called the memorandum of costs and disbursements. If the bill does not itemise all the work done and all the disbursements paid on your behalf, you may request an itemised bill.

If the solicitor has put your money in a trust account, a trust account statement

setting out any money paid into and out of the account must also be provided.

If the solicitor has paid some of the expenses/disbursements out of the office operating account, they will send a letter asking for authority to withdraw money from the trust account to repay it.

### Party-party costs

The bill of costs from the solicitor will include party-party costs (see Costs and disbursements at [4.220]) if the matter has gone to court, even though that money may be recoverable from the other side (this can sometimes take a long time).

When the other side pays the costs, the solicitor will refund the amount to the client.

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### Problems with lawyers

If you are dissatisfied with the service you are receiving or feel there is a problem with your case, there are a number of avenues you can pursue.

Usually the simplest way to resolve a problem is to raise the issue with the lawyer yourself, as early as possible,

either in person or by letter. This can often resolve the problem easily and quickly.

If direct communication is not successful, you may need help. See Complaints about lawyers in Chapter 9, Complaints, for detailed information about how to proceed.

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## Interpreters

**[4.260]** A person who has difficulty communicating effectively in English must have access to an interpreter in situations involving the law or legal proceedings. Accurate communication is essential, whether the person is being interviewed by police, is having a conference with a lawyer, or is a witness in court.

Interpreters may be needed not only by people from non-English speaking backgrounds, but also by people with hearing or speech disabilities.

Even if someone can understand perfectly what is being said, they may have difficulty answering questions accurately.

### [4.270] Right to an interpreter

#### International law

The right of a person to an interpreter in

legal matters is recognised in international law; for example, in Article 14 of the International Covenant on Civil and Political Rights.

#### NSW law

In NSW, only a small number of statutes provide that an interpreter must be made available for a person who cannot communicate in English. An example is the *Mental Health Act 2007* (NSW), ss 70 and 158.

#### Giving evidence

Under both the *Evidence Act 1995* (NSW) and the *Evidence Act 1995* (Cth), an interpreter may be used by a witness giving evidence in court where that person:

- has difficulty communicating in English (s 30)
- is deaf and/or speech impaired (s 31).

However, these provisions apply only to witnesses, and do not give litigants the right to have all of the court proceedings interpreted.

#### **Rules of the courts**

The Rules of the Local, District and Supreme Courts give the presiding judicial officer, either judge or magistrate, the discretion to decide whether an interpreter should be used.

#### **Attitude of the courts**

Most judicial officers now recognise that for justice to be done, an interpreter must be made available to people appearing before the court who have difficulty communicating in English.

#### **Federal law**

Some federal legislation (for example, the *Customs Act 1901* (Cth), s 219ZD and the *Migration Act 1958* (Cth), s 366C) provides that when a person cannot understand or adequately reply to questions in English, interpreter services *may be provided*.

#### **The Administrative Appeals Tribunal**

The federal Administrative Appeals Tribunal has specific guidelines for the use of interpreters for matters within its jurisdiction.

## **[4.280] Being interviewed by the police**

### **When a person is arrested**

#### **Under federal law**

Under ss 23J and 23N of the *Crimes Act 1914* (Cth), when a person is arrested for an offence under a federal law, whether by federal or state police, an interpreter must be provided if required.

#### **Under NSW law**

Pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW), s 128, a person, who is detained by police in connection with any investigation, has a right to an

interpreter if that person is unable to communicate with “reasonable fluency” in English because of either inadequate knowledge of the language or a disability. An interpreter need not be provided if the “difficulty of obtaining an interpreter makes compliance with the requirement” impractical (s 128(3) and (6)). A person also has the right to an interpreter before the police carry out any forensic procedure, such as the taking of finger prints, a body search or the taking of biological samples for testing (*Crimes (Forensic Procedures) Act 2000* (NSW), s 98).

#### **Arranging for interpreters**

Interpreters are now provided for initial interviews in criminal matters, if needed, by arrangement with Multicultural NSW (formerly the Community Relations Commission).

#### **Aboriginal suspects**

In addition to the statutory right to an interpreter in NSW, the courts have developed special rules in relation to the interrogation of Aboriginal suspects by police.

These rules, which apply throughout Australia, are known as the Anunga Rules because they were first formulated in *R v Anunga* (1976) 11 ALR 412.

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#### **The Anunga Rules**

The Anunga Rules state that:

- unless the suspect is as fluent in English as the average person of English-speaking background, an interpreter must be used
- wherever possible, a “prisoner’s friend”, that is, someone in whom the suspect has confidence, should be present. The prisoner’s friend may be an interpreter
- the caution should be given in simple language, and care should be taken to ensure that the suspect fully understands what it means
- care should be taken to frame questions that do not suggest specific answers.

Although these rules apply specifically to Aboriginal people being held in police custody for questioning, it could be argued that they should apply to the protection of anyone unable to communicate effectively in English.

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## [4.290] Interpreter services

### Why use an accredited interpreter?

It is essential that interpreters are properly trained and accredited.

Interpreting is an extremely specialised profession and requires a high degree of competence in both English and the other language. In the case of legal interpreting, it also requires a detailed knowledge of legal terminology.

The fact that a person is able to speak two languages does not qualify them to be an interpreter.

### National Accreditation Authority for Translators and Interpreters

In Australia, interpreters and translators are accredited by the National Accreditation Authority for Translators and Interpreters. Accreditation ensures that an interpreter has achieved a specified level of competence in English and the other language.

#### Levels of competence

The levels of competence recognised by the National Accreditation Authority for Translators and Interpreters are:

- *paraprofessional interpreter and translator* (formerly level 2), this is a level of competence which indicates that a person is able to interpret or translate non-specialised information
- *professional interpreter and translator* (formerly level 3), the first professional level, which represents the minimum standard of competence for a professional interpreter or translator. Any interpreter used in legal interpreting should be accredited to at least this level
- *conference interpreter and advanced translator* (formerly level 4), the advanced professional level. People accredited to this standard are able to interpret in complex technical situations, including conferences and court proceedings
- *conference interpreter (senior) and advanced translator (senior)* (formerly level 5), which requires that the interpreter demonstrate extensive experience and a high degree of excellence in their language use.

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### Non-accredited interpreters

Except in emergencies, people should never use the services of a friend or relative for interpreting in legal situations unless that person is a professional interpreter. An incompetent interpreter may cause more problems than having no interpreter at all.

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### Availability of accredited interpreters

For legal interpreting, as noted above, it is essential that the interpreter be accredited to at least paraprofessional interpreter and translator level. Usually, interpreters supplied by state and federal government departments are accredited to this level.

However, there may be a few languages in which it is impossible to obtain suitably qualified and accredited interpreters – perhaps where only a very small number of people in Australia speak that particular language.

### Obtaining the services of an interpreter

In NSW there are a number of state and federal government authorities that provide interpreting and translating services.

### Translating and Interpreting Service

Where an interpreter is needed urgently, the federal Department of Immigration and Border Protection provides the Translating and Interpreting Service National (TIS National). The TIS National telephone service operates 24 hours a day, with interpreters available in all major languages spoken in Australia. The service is free. The Department also offers translating services.

The Department of Social Services also offers free interpreting and translating services through TIS National.

### Multicultural NSW

Multicultural NSW provides legal interpreters and translators on a fee-for-service basis, 24 hours a day, seven days a week.

### Document translation

Multicultural NSW provides a service for translating documents into English. The translations are certified by an official stamp, and are made by interpreters accredited to at least paraprofessional interpreter and translator level.

The fees charged for these services depend on the length and complexity of the document.

**Private interpreting and translating services**

Besides the interpreting and translating services offered by government departments,

there are a number of private interpreting and translating agencies listed in the *Yellow Pages* online telephone directory.

## Contact points

**[4.300]** If you have a hearing or speech impairment and/or you use a TTY, you can ring any number through the National Relay Service by phoning **133 677** (TTY users, chargeable calls) or **1800 555 677** (TTY users, to call an 1800 number) or **1300 555 727** (Speak and Listen, chargeable calls) or **1800 555 727** (Speak and Listen, to call an 1800 number). For more information, see [www.relayservice.gov.au](http://www.relayservice.gov.au).

Non-English speakers can contact the Translating and Interpreting Service (TIS National) on **131 450** to use an interpreter over the telephone to ring any number. For more information or to book an interpreter online see [www.tisnational.gov.au](http://www.tisnational.gov.au).

### Free legal assistance

#### Australasian Legal Information Institute (AustLII)

[www.austlii.edu.au](http://www.austlii.edu.au)

#### Australian Government Solicitor

[ags.gov.au](http://ags.gov.au)

ph: 9581 7777

#### Bar Association, NSW

[www.nswbar.asn.au](http://www.nswbar.asn.au)

ph: 9232 4055

#### Choice

[www.choice.com.au](http://www.choice.com.au)

#### Community Restorative Centre (CRC)

[www.crcnsw.org.au](http://www.crcnsw.org.au)

ph: 9288 8700

#### Federal Register of Legislation (formerly CommLaw)

[www.legislation.gov.au](http://www.legislation.gov.au)

#### Find Legal Answers (State Library of NSW)

[www.legalanswers.sl.nsw.gov.au](http://www.legalanswers.sl.nsw.gov.au)

ph: 9273 1414

The State Library of NSW in Sydney has a comprehensive range of legal information resources and specialist staff.

All public libraries in NSW have plain language legal information: the *Find Legal Answers* Toolkit (a collection of easy-to-read, practical books about the law) and Hot Topics publications (legal issues in plain language).

#### Justice Connect

[www.justiceconnect.org.au](http://www.justiceconnect.org.au)

ph: 8599 2100

Justice (NSW), Department of  
[www.justice.nsw.gov.au](http://www.justice.nsw.gov.au)

#### LawAccess NSW

[www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au)

ph: 1300 888 529

#### Law and Justice Foundation of NSW

[www.lawfoundation.net.au](http://www.lawfoundation.net.au)

ph: 8227 3200

#### Law Consumers

[lawconsumers.org](http://lawconsumers.org)

ph: 9564 6933

#### Law Reform Commission, NSW

[www.lawreform.justice.nsw.gov.au](http://www.lawreform.justice.nsw.gov.au)

ph: 8346 1284

#### Law Society of NSW

[www.lawsociety.com.au](http://www.lawsociety.com.au)

ph: 9926 0333

#### Law Society Solicitor Referral Service

ph: 9926 0300 or 1800 422 713

#### Law Society Pro Bono Scheme

ph: 9926 0364

#### Lawstuff (website for young people)

[www.lawstuff.org.au](http://www.lawstuff.org.au)

#### Legal Information Access Centre (LIAC)

[www.legalanswers.sl.nsw.gov.au/about/liac](http://www.legalanswers.sl.nsw.gov.au/about/liac)

#### Legal Services Commissioner, Office of

[www.olsc.nsw.gov.au](http://www.olsc.nsw.gov.au)

ph: 9377 1800 or 1800 242 958

#### National Accreditation Authority for Translators and Interpreters

[www.naati.com.au](http://www.naati.com.au)

ph: 9267 1357

### Aboriginal legal services

For a list of Aboriginal legal services see Contact points for Chapter 2, Aboriginal People and the Law.

### Community legal centres

#### Animal Defenders Office

[www.ado.org.au](http://www.ado.org.au)

ph: 0428 416 857

#### Arts Law Centre of Australia

[www.artslaw.com.au](http://www.artslaw.com.au)

ph: 1800 221 457 or 9356 2566

#### Australian Centre for Disability Law

[disabilitylaw.org.au](http://disabilitylaw.org.au)

ph: 1800 800 708 or 9370 3135

#### Central Coast Community Legal Centre

[centralcoastclc.org.au](http://centralcoastclc.org.au)

ph: 4353 4988

#### Community Legal Centres NSW

[www.clcnsw.org.au](http://www.clcnsw.org.au)

ph: 9212 7333

#### Domestic Violence Legal Service

[www.wlsnsw.org.au/legal-services/domestic-violence-legal-service](http://www.wlsnsw.org.au/legal-services/domestic-violence-legal-service)

ph: 1800 810 784 or 8745 6999

#### EDO NSW

[www.edonsw.org.au](http://www.edonsw.org.au)

ph: 1800 626 239 or 9262 6989

**Elizabeth Evatt Community Legal Centre**

www.eeclc.org.au

ph: 1300 363 967 or 4782 4155

**Far West Community Legal Centre**

www.farwestclc.org.au

ph: 1800 300 036 or (08) 8088 2020

**Financial Rights Legal Centre (NSW)**

financialrights.org.au

*Insurance Law Service*

ph: 1300 663 464

*Credit and Debt Hotline*

ph: 1800 007 007

**Hawkesbury-Nepean Community Legal Centre**

www.hncl.net.au

ph: 4587 8877

**HIV/AIDS Legal Centre (NSW)**

halc.org.au

ph: 9206 2060

**Hume Riverina Community Legal Service**

hrcls.org.au

ph: 6057 5000 or 1800 918 377

**Hunter Community Legal Centre**

www.hunterclc.com.au

ph: 4040 9120 or 1800 650 073

**Illawarra Legal Centre Inc**

www.illawarralegalcentre.org.au

ph: 4276 1939

**Immigration Advice and Rights Centre Inc**

www.iarc.asn.au

ph: 8234 0799

**Indigenous Women's Legal Program**

www.wlsnsw.org.au/legal-services/indigenous-womens-legal-program

ph: 8745 6977 or 1800 639 784

**Inner City Legal Centre (ICLC)**

www.iclc.org.au

ph: 9332 1966 or 1800 244 481

**Intellectual Disability Rights Service (IDRS)**

www.idrs.org.au

ph: 1800 666 611 or 9318 0144

**Kingsford Legal Centre**

www.klc.unsw.edu.au

ph: 9385 9566

**Macarthur Legal Centre**

maclegal.net.au

ph: 4628 2042

**Macquarie Legal Centre**

www.macquarielegal.org.au

ph: 8833 0911

**Marrickville Legal Centre**

mlc.org.au

ph: 9559 2899

**Mid North Coast Community Legal Centre**

mncccl.org.au

ph: 6580 2111

**Mt Druitt & Area Community Legal Centre**

www.mdclc.org.au

ph: 9675 2009

**National Children's and Youth Law Centre**

www.ncylc.org.au

ph: 9385 9588

**North & North West Community Legal Service**

www.nnwcls.org.au

ph: 1800 687 687 or 6772 8100

**Northern Rivers Community Legal Centre**

northernriversclc.org.au

ph: 6621 1000

**Public Interest Advocacy Centre**

www.piac.asn.au

ph: 8898 6500

**Redfern Legal Centre**

rlc.org.au

ph: 9698 7277

**Refugee Advice and Casework Service (Australia)**

www.racs.org.au

ph: 8355 7227

**Seniors Rights Service**

seniorsrightsservice.org.au

ph: 1800 424 079

**Shoalcoast Community Legal Centre Inc**

shoalcoast.org.au

ph: 1800 229 529 or 4422 9529

**South West Sydney Legal Centre**

www.swslc.org.au

ph: 9601 7777

**Tenants NSW**

www.tenants.org.au

**University of Newcastle Legal Centre**

www.newcastle.edu.au

ph: 4921 8666

**Welfare Rights Centre (NSW)**

www.welfarerights.org.au

ph: 1800 226 028 or 9211 5300

**Western NSW Community Legal Centre**

wnswclc.org.au

ph: 1800 655 927 or 6884 9422

**Warringa Baiya Aboriginal Women's Legal Centre**

www.wirringabaiya.org.au

ph: 1800 686 587 or 9569 3847

**Women's Legal Services NSW**

www.wlsnsw.org.au

ph: 1800 801 501 or 8745 6988

**Legal Aid NSW**

www.legalaid.nsw.gov.au

See website for a full list of offices in NSW.

**Central Sydney office**

ph: 9219 5000

**Legal Aid NSW specialist services**

www.legalaid.nsw.gov.au

**LawAccess NSW**

www.lawaccess.nsw.gov.au

ph: 1300 888 529

**Child Support Service**

ph: 1800 451 784 or 9633 9916

**Children's Legal Service**

ph: 8688 3800

*Legal Aid Youth Hotline*

ph: 1800 10 18 10

**Coronial Inquest Unit**

ph: 9219 5156 or 9219 5000

**Domestic Violence Unit**

ph: 9219 6300

**Family Law Early Intervention Unit**

ph: 1800 551 589

**Immigration Service**

ph: 9219 5790

**Mental Health Advocacy Service**

ph: 9747 4277

**Older Persons' Legal and Education Program**

ph: 1800 424 074

**Prisoners Legal Service**

ph: 8688 3888

**Sexual Assault Communications Privilege Service**

ph: 9219 5888

**Social Security Service**

ph: 9219 5790

**Veterans' Advocacy Service**

ph: 9219 5148

**Work and Development Order Service**

ph: 1300 478 879

