



Helping your client with legal issues

A guide for community workers

Department of Justice | November 2018

Introduction

This guide has been developed for community workers in NSW. We consulted with community workers working in the multicultural sector to ask them what kinds of legal problems their clients were bringing to them. The resource provides information about common legal problems that their clients may face, and where clients can find further information or get legal advice.

To provide feedback on this resource or request additional questions, please email diversity-services@justice.nsw.gov.au

For more information on the law in NSW, you can contact LawAccess NSW. LawAccess NSW is a free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW. The LawAccess NSW website also contains legal information and resources: <http://www.lawaccess.nsw.gov.au/>. The information in this guide is correct as at November 2018. This resource will be updated, so please check www.justice.nsw.gov.au/communityworkers for the latest version.

Acknowledgements, Copyright and Disclaimer

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The information in this resource is a general guide to the law only. You should not rely on it as legal advice, and we recommend you refer your clients to a lawyer for legal advice about their particular situation. The information in this document is current as at November 2018.

This document has been prepared by the Department of Justice for general information purposes and while every care has been taken in relation to its accuracy, no warranty is given or implied. Further, recipients should obtain their own independent advice before making any decisions that rely on this information. (10/2018).

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Australian law

How are laws made in Australia?

A proposal for a new law or a change to an existing law is called a 'bill'. Most bills are introduced by government ministers, but other members of parliament can introduce their own bills — these are called private members or private senators' bills.

A bill becomes a law if it is passed by a majority vote in the House of Representatives and the Senate and given Royal Assent by the Governor-General. It is then known as an Act of Parliament.

For more information

- > [Parliamentary Education Office](#)
- > State Library Legal Information Access Service Videos on [how laws are made](#)
- > [State Library Legal Information Access Service](#)

My client wants to lobby for a change of law. How can they do that?

- > Contact your local, state or federal member of parliament and tell them what change you want:
 - The [Australian Electoral Commission](#) can tell you who your federal representative is and how you can contact them. Call **13 23 26**.
 - You can find out who your [state MP](#) is on NSW Electoral Commission website.
 - Call your local council to find out who your local representative is.
- > Join a political party. If you are an active member of a political party you can help choose a candidate and develop policy. A candidate is someone who wants to be elected to parliament.
- > Join or start a lobby group. A lobby group is a group of people who share the same ideas about an issue. They work together to try to change public opinion or a law.
- > Speak to the media about the law you want to change. The media can bring attention to issues in the community. This can lead to a change in the law.
- > Send a submission to a [Parliamentary Committee](#). A parliamentary inquiry may be advertised in a newspaper.
- > Become an active member of your local council. Attend meetings that are open to the public.
- > Attend or organise a public meeting or protest. Let the police know if you are organising a protest.

Births, Deaths & Marriages

My client wants to legally change their name. What do they need to do?

To change your name in NSW you must:

- > be 18 or older
- > have been born in NSW
- > have been born overseas AND a resident in NSW for at least the last 3 years in a row immediately before you apply.

If you were born in Australian but not in NSW you must apply to the Registry in the State or Territory where you were born.

To apply to change your name, you must:

- > check to see if you are a **restricted person**
- > complete the **Application to register change of name for an adult (18 years or over) – PDF**
- > make sure you have all the documentation you need
- > lodge your application at **Service NSW** or Births, Deaths & Marriages NSW registry
- > post your application to the Registry of Births, Deaths & Marriages NSW, GPO Box 30, Sydney NSW 2001.

For more information

The **Registry of Births Deaths and Marriages** has information about how to change your name.

My client just had a baby. What do they need to do to register the birth?

You must register your new baby with the **Registry of Births, Deaths and Marriages NSW** no later than 60 days after the child is born.

You can do this **online**:

- > check to see if you are **eligible** to do this online
- > select the 'Register online' button and complete the form
- > upload any documents that you are asked for.

You will not be able to register the birth online if your baby was born:

- > more than 60 days ago, or
- > at home without a doctor or midwife and you didn't go to hospital or see a doctor in the first 24 hours after the birth.

See **this page** to find out what to do in these situations.

If you don't want to register the birth online you can collect all of the documents you need and:

- > go to a [NSW Service Centre](#)
- > post it to the Registry of Births, Deaths & Marriages, GPO Box 30, Sydney NSW 2001.

My client wants to get married? What do they need to do?

You must be over 18 to get married.

If one of you is between 16 and 18 years old, you need the permission of your parents (or guardians) and the court to get married.

Even if your parents agree, the court can still decide that you cannot get married. Or if your parents don't agree the courts sometimes make an order to allow the marriage. You should get legal advice.

To get married you need to have:

- > completed a [Notice of Intended Marriage form](#). You can get this from the NSW Registry of Births, Deaths and Marriages or from the celebrant
- > both of your original birth certificates or passports
- > if either you have been married before — either a final divorce order or your former spouse's death certificate.

Documents in a foreign language must be translated to English by an accredited translator. The Registry of Births, Deaths & Marriages won't accept photocopied documents.

These documents must be given to the marriage celebrant or Births, Deaths and Marriages NSW at least 1 month before the wedding date.

For more information

The Registry of [Births Deaths and Marriages](#) has information about what you need to do to get married in NSW.

Centrelink

Centrelink have told my client they owe them money. This may be wrong. What can they do about it?

If Centrelink says you owe them money, you can appeal that decision to an Authorised Review Officer.

You should get legal advice about the debt Centrelink says you owe them. A lawyer can tell you:

- > if you do owe money
- > how to appeal
- > what evidence you can use to support your appeal.

Get legal advice before you agree that you owe the money or make any arrangements about the debt with Centrelink.

You can tell Centrelink that you want to get legal advice before you discuss it anymore.

The letter from Centrelink will give you a time limit to make arrangements to repay the debt, but there is no time limit to appeal a debt.

For free legal advice

- > Welfare Rights Centre
02 9211 5300
- > Legal Aid NSW's Immigration & Social Security Service
02 9219 5790

What are my client's rights and obligations with jobactive providers?

jobactive is an Australian Government program that aims to connect someone who wants a job (a job seeker) with employers.

Job seekers may need to do certain things to keep getting income support. These are called 'mutual obligation requirements'. A job seeker's mutual obligation requirements will depend on their age and other personal circumstances.

If you have mutual obligation requirements then you will need to:

- > agree to a Job Plan — which explains what you will need to do to become more-job-ready
- > look for jobs each month, and
- > do **Work for the Dole** or another suitable activity (such as part-time work, part-time study, accredited language, literacy and numeracy training or voluntary work) for 6 months each year.

There can be penalties if you don't stick to your Job Plan. If you don't agree with the penalty you should get **legal advice**.

My client does not agree with a jobactive provider or Centrelink decision. What can they do?

If you don't agree with a jobactive Provider or Centrelink decision, you have the right to appeal. You should get legal advice first.

You can find more information about how to appeal a Centrelink decision **here**.

For free legal advice

- > **Welfare Rights Centre**
02 9211 5300
- > **Legal Aid NSW's Immigration & Social Security Service**
02 9219 5790

Children and Young People

What kind of discipline can a parent give their child under the law?

A parent can use physical force to punish a child, but the force must be 'reasonable'. What is reasonable will depend on the child's age, health, maturity, and how badly the child was misbehaving.

You can't use force on any part of a child's head or neck.

If you choose to physically discipline your child, such as with a smack — the harm you cause must only last for a short time. For example, if you hit your child and it creates a bruise, that force will not be reasonable.

Discipline is not child abuse. However, if someone thinks that the discipline is excessive and harmful to the child, or puts them at risk of harm, they can report it to **Family and Community Services**.

For more information

There are many parenting resources that can help and support parents to discipline their children appropriately in a safe and caring relationship:

- > [Raising children network](#)
- > [Resourcing parents](#)

Children can also get help from:

- > [Kids helpline 1800 55 1800](#)

What is bullying at school?

Bullying is repeated behaviour that:

- > can cause harm
- > targets a certain person or group of people
- > embarrasses or intimidates the person being bullied.

Bullying can be:

- > **verbal** — like insults, teasing, name-calling
- > **physical behaviour** — like hitting, kicking, pushing
- > **social** — behaviours like exclusion, gossip, spreading rumours or offensive gestures
- > **in person or online** — like sending offensive SMS and emails and 'cyber bullying' on social media or in chat rooms.

All public schools in New South Wales must have an anti-bullying plan to deal with bullying and cyber-bullying. You can ask the school about their anti-bullying plan.

The school must:

- > make sure that students are not bullied or harassed
- > not tolerate bullying and make the school a safe place to be
- > teach students about bullying
- > have a clear procedure for students to report bullying
- > provide support for students who have been affected by bullying.

For more information

- > [Kids helpline 1800 55 1800](#)
- > [Raising children network](#) has information for parents about bullying
- > [NSW Department of Education](#)

Consumer issues

What rights do consumers have?

When you buy products and services they come with automatic 'consumer guarantees' that they will work and will be what you asked for.

If you buy something that is faulty, you have consumer rights. You may be able to get the product repaired, replaced or a refund. You may also be able to get compensation.

Under the law:

- > goods or services must be as they were described and must be fit for the purpose you got them
- > goods must be of acceptable quality
- > services must be provided with proper care and skill and in a reasonable timeframe.

Also:

- > suppliers, manufacturers and service providers must not mislead consumers into buying goods or services they do not want or do not understand
- > companies and businesses cannot have 'unfair terms' in their contract.

You can get **legal help** about this.

For more information

You can find more information about consumer rights and guarantees from the [Australian Competition and Consumer Commission](#).

What can my client do if they have a dispute with an education provider?

Education providers must act the same way as any business or company that provides goods or services, and you have the same consumer rights that you have with any other business.

If you have a dispute with an education provider you can follow these steps:

- > **Try to sort it out with the provider**
 - You can try to resolve your complaint over the phone or in person. If this doesn't work put your complaint in writing and keep a copy of communications you send.
 - Calmly and clearly suggest a resolution — for example, ask for a refund.
 - Show them documents such as contracts, receipts or quotes.
 - Be polite and listen to what they have to say. They might suggest solutions you have not thought about.

> **If that doesn't work — contact Fair Trading NSW**

Call **13 32 20** or visit their [website](#) for information about your rights or to lodge a complaint online. In some cases Fair Trading may contact the other party to help negotiate a solution.

> **If Fair Trading can't help — go to NSW Civil and Administrative Tribunal (NCAT)**

You must do this no later than 3 years after the date the problem with the goods or service happened. You should get [legal advice](#) before you lodge your complaint.

You can get an application form and the fee schedule from the [NCAT website](#) or call **1300 006 228**.

For more information

- > [Study Assist VET complaints](#)
- > [Study Assist Higher education student complaints](#)
- > [Tertiary Education Quality and Standards Agency complaints](#)
- > Legal Aid NSW brochure — [Problems with a private training course?](#)

How can my client resolve their consumer dispute?

- > Try to sort it out directly with the service provider, seller or manufacturer
 - You can try to resolve your complaint over the phone or in person. If this doesn't work put your complaint in writing (called a letter of demand). State what you want — for example, a refund.
 - Give them documents such as contracts, receipts or quotes and a keep a copy of anything you send.

> **If that doesn't work — contact Fair Trading NSW**

Call **13 32 20** or go to their [website](#) for information about your rights or to lodge a complaint online. In some cases Fair Trading may contact the other party to help negotiate a resolution.

> **If Fair Trading can't help — you can go to the NSW Civil and Administrative Tribunal (NCAT) or the Local Court**

- You should get legal advice about the best thing to do.
- You have 3 years from the date the problem with the goods or service happened to lodge a claim at NCAT.
- You have 6 years to start legal action in the local court.
- NCAT and the local court can make an order that you be given compensation, or have the problem fixed, or have your money refunded.

For more information

You can find more information about consumer rights and guarantees from the [Australian Competition and Consumer Commission](#).

My client has a dispute with a tradesperson. What can they do?

Follow the steps that are set out under [How can my client resolve their consumer dispute?](#)

You can find out from [NSW Fair Trading](#) if the tradesperson is licenced.

You may need to give NCAT or the local court reports from independent professionals.

Before you decide what to do you should get [legal advice](#).

For more information

You can get more information about [building complaints](#) from Fair Trading NSW.

What should my client be aware of when buying a car?

Before you buy a car you should:

- > check the motor dealer's licence if you are buying from a dealer
- > check the vehicle registration
- > order a [vehicle history report](#)
- > [report suspected odometer tampering](#) to NSW Fair Trading
- > check the [Personal Property Securities Register](#)
- > if you are a P1 or P2 license holder — check what vehicles you are [prohibited](#) from driving.

If you buy a car from a dealer you are protected by consumer law. The motor dealer must:

- > be licenced
- > give you accurate information about the make and model of a car and its odometer reading
- > repair the car in the time they are required to do so if it has a problem after you bought it. For example, if it is a new car they have 1 year to repair it.

If you buy a car from a private seller — for example, at an auction or from a website like gumtree, an ad in a paper, or through word of mouth — you usually won't have consumer rights under the law.

Get an independent mechanic to test the car and tell you if it is a good car to buy.

For more information

You can find more information about buying a car from [Service NSW](#).

Crime prevention

Where can I find information to help my clients keep themselves safe in the community?

There are things you can do to keep yourself and your home safe:

- > Know your neighbours — if you know who lives in your neighbourhood it will be easier to identify a suspicious person in the area.
- > Don't put your holiday plans on social media — you can make yourself a target for burglars.
- > If you can set a timer for the lights at home to go on and off at specific times — it will look like your home is being occupied.
- > Lock all doors and windows when you are not home or home alone. If you have any sliding doors, place a rod in the track to prevent thieves from forcing the door open.
- > Never leave any possessions inside your car.
- > Do not keep garage door openers in a car parked outside your home. A thief can break into your car and use the garage door opener to enter your garage and possibly your house.

When you are out you should:

- > have enough money for a taxi or telephone call
- > have your keys ready before you get to your home or car

- > carry a personal alarm or whistle if you don't feel safe
- > park your car in a busy area with good lighting
- > if you are threatened by someone in a car, run in the opposite direction to the direction the car is facing
- > shout as loudly as you can if someone attacks you.

To keep your personal information safe you should:

- > shred your personal information before you throw it away — such as anything that has your address, phone number, date of birth, credit card information, bank number or password
- > not share your details with people you don't know.

If someone steals your identity, call the police.

If you are the victim of a scam or cybercrime you can report it to [Fair Trading NSW](#) or [Scamwatch](#).

For more information

- > You can find more information about how to keep yourself safe at home, online and in the community from [NSW Police](#)

Cyber safety

My client is being harassed on the internet. How can they keep themselves safe?

Harassment, threats or bullying on social media is sometimes called 'cyberbullying'. It can include:

- > repeated insults or comments that make you feel bad
- > threats to harm you or someone you know
- > comments that make you feel hurt, scared, or intimidated.

You can:

- > keep a record of the behaviour — for example, take a screenshot of the offensive post. You can then use this as evidence if you decide to report it to police
- > talk to the person directly if you feel safe doing this, and if there is no Apprehended Violence Order that stops you from contacting them
- > report it to the website administrator and ask them to delete material or suspend the person if they are breaching the websites policies
- > talk to your employer **if the person bullying you is a colleague at work**
- > get **legal advice** — a lawyer can help you work out what you can do.

Under 18?

- > If the person being cyberbullied is under 18 they should talk to a trusted friend, adult or teacher
- > If someone is under 18 and the police want to talk to them about bullying someone else they can call the Legal Aid Youth Hotline on **1800 101810**.

For more information

- > **Office of the eSafety Commissioner**
- > Legal Aid NSW and National Children's and Youth Law Centre **fact sheet about cyberbullying**

Debt and fines

My client has been fined for travelling without a ticket or not tapping on with their Opal Card. What should they do?

You have 21 days after you get a fine (also called a penalty notice) to:

- > pay the fine
- > make arrangements with [Revenue NSW](#) to pay off the fine over time if you can't afford to pay it all at once
- > ask Revenue NSW to review their decision, or
- > decide to go to the local court.

If you don't do anything you will get a penalty reminder notice.

If you get a penalty reminder notice you have the same options as those listed above — but you have 28 days to take action. Don't ignore a fine. It will not go away and the problem will get worse.

If you don't do anything the fine will become an enforcement order. This means that Revenue NSW can take steps to recover the money they say you owe. For example, they can apply to court for an order to take money out of your bank account without your permission.

If you are thinking of going to court to dispute the fine, get [legal advice](#) first.

If you choose to go to court and you are not happy with the outcome you have 28 days to appeal the court's decision to the District Court.

You can complain about how you were treated by the person who gave you the fine. You can:

- > give feedback to [Transport for NSW](#)
- > contact the [NSW Ombudsman](#)
- > complain to the [Anti-Discrimination Board](#) or [Australian Human Rights Commission](#) if you have been unlawfully discriminated against.

For more information

- > Legal Aid NSW brochure: [Are you having problems with fines?](#)
- > [LawAccess NSW](#) has information about fines

What is a Work and Development Order? Can my client get one?

A Work and Development Order (WDO) is an order Revenue NSW makes that allows some people to clear their fines debts by doing activities instead of paying a fine.

You can clear your fines debt through a WDO if you are a member of one or more of the following groups:

- > are under 18
- > get a Centrelink benefit
- > are in financial hardship
- > are homeless or living in temporary accommodation
- > have an addiction to drugs, alcohol or other substance
- > have a mental illness
- > have an intellectual disability, or
- > have a cognitive impairment (such as autism, brain injury or dementia).

The WDO activities you can do to clear a fines debt include:

- > unpaid work — such as volunteering in a community centre
- > courses
- > counselling
- > treatment programs
- > mentoring programs for young people under 25.

A WDO sponsor must support an application to do a WDO. A sponsor can be a government or non-government organisation, health service, psychologist, doctor or nurse.

For more information

- > For information about WDO sponsors in your area contact:
 - Revenue NSW WDO Hotline on **1300 478 879**
 - Legal Aid NSW at wdo@legalaid.nsw.gov.au

Discrimination

What is discrimination?

Not all treatment that is unfair is against the law.

Discrimination is when you are treated less favourably than others because of your:

- > gender
- > race
- > age
- > disability (which includes medical illness)
- > marital status
- > gender identity
- > carer's responsibilities, or
- > sexuality.

These are called 'grounds' of discrimination.

Discrimination can be obvious — for example, when a person is treated unfairly because of one of these grounds. This is called direct discrimination.

Discrimination can also be less obvious — for example, when a rule appears to apply equally to everyone but is unfair to a particular group of people. This is known as indirect discrimination.

For example — there used to be a rule about how tall you had to be to be a police officer. This rule applied to everyone, but the effect of it was to exclude some women and some people from different ethnic backgrounds from that role.

It is against the law to discriminate against someone:

- > in the workplace
- > when providing goods and services — for example, like public transport and many education or housing services.

What can my client do if they have been discriminated against?

If you are discriminated against, you should first try to talk to the person or organisation that treated you unfairly. They may have a complaint process you can follow.

If you can't resolve the issue with the person or organisation, you can complain to the:

- > [Anti-Discrimination Board of NSW](#) — no later than 12 months after the discrimination happened
- > [Australian Human Rights Commission](#) — no later than 6 months after the discrimination happened.

In NSW there are state and commonwealth laws that cover discrimination. You should get [legal advice](#) to work out if you should make a complaint and which law to use.

For more information

- > [Anti-Discrimination Board of NSW](#)
- > [Australian Human Rights Commission](#)
- > [LawAccess NSW](#)

Domestic and Family Violence

My client is experiencing domestic violence. What kind of support is available?

If your client fears for their safety they should call the police. The police can take out an Apprehended Violence Order (AVO) to protect them.

An AVO is a court order that aims to protect people from someone (the defendant) who may be violent toward them, or cause them to fear for their safety.

An AVO works by listing things that the defendant must not do — such as not assault, threaten, harass or intimidate the person. These are called ‘conditions’ of the AVO.

Support Services

- > **Domestic Violence Liaison Officers (DVLO’s)**
DVLOs are at most police stations and provide information and support.
- > **Women’s Domestic Violence Court Advocacy Services**
Help women and children with AVOs.
1800 938 227
- > **Domestic Violence Line**
A 24 hour NSW telephone crisis counselling and referral service for women experiencing domestic violence.
1800 65 64 63
- > **1800 respect**
A 24/7 counselling, information and referral service.
1800 737 737
- > **Mensline**
24/7 help, support, referrals and counselling services for men.
1300 789 978

For legal advice

> [LawAccess NSW](#)

- A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.
- They can refer people to their closest legal service, including their closest Legal Aid NSW office and Community Legal Centre, and specialist services that can help clients who are experiencing domestic violence.
1300 888 529

> [Women's Legal Service NSW](#)

- A Community legal centre providing women across NSW with a range of free legal services
1800 801 501

For more information

- > [LawAccess NSW](#) information about AVOs
- > Legal Aid brochure — [Are you applying for an AVO?](#)
- > Legal Aid brochure — [Are you experiencing domestic violence?](#)
- > Legal Aid NSW [Domestic Violence Unit](#)
- > Family Advocacy and Support Service (FASS) brochure — [general](#)
- > FASS social support [for women](#)
- > FASS social support [for men](#)

My client has been served with an AVO. What should they do?

You should get legal advice about what having an AVO against you will mean and what your options are. You should do this before you go to court, if that is possible.

If you are not able to get legal advice before the court date you can ask the magistrate to adjourn the case to give you time to get legal advice.

For legal advice

- > **LawAccess NSW**
 - A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.
 - They can refer people to their closest legal service, including their closest Legal Aid NSW office and Community Legal Centre.
1300 888 529

For more information

- > Legal Aid brochure — **Is someone asking the court to make an AVO against you?**
- > Legal Aid brochure — **Have you been charged with a domestic violence offence?**

My client has a disability and is being abused by a carer. What can they do?

If your client fears for their safety they should contact the police. The police may take out an AVO to protect them.

An AVO is a court order that aims to protect people from someone (the defendant) who may be violent toward them, or cause them to fear for their safety.

They work by listing things that the defendant must not do — such as not assault, threaten, harass or intimidate the person. These are called ‘conditions’ of the AVO.

An AVO can be taken out against a person you have had a ‘domestic relationship’ with — such as a relative, partner, husband or wife, or someone you are not related to or do not have any domestic or intimate relationship — like a carer, neighbour, friend or co-worker.

If the carer lives with your client, your client should get **legal advice** about what they can do to exclude the carer from their home.

If the carer is employed to care for your client, your client can complain to the service provider and ask to have the person removed as a carer.

Support Services

- > The **National Disability Abuse and Neglect Hotline**
 - A free, independent and confidential service for reporting mistreatment of people with disability.
1800 880 052
- > If the care is provided under an NDIS package, they can complain to the **NDIS Quality and Safeguards Commission**
- > **NSW Ombudsman**
 - To report a provider of supported accommodation, day programs and other supports.
- > **Women’s Domestic Violence Court Advocacy Services**
 - Help women and children with AVOs
1800 938 227
- > **Domestic Violence Line**
 - A 24 hour NSW telephone crisis counselling and referral service for women experiencing domestic violence. **1800 65 64 63**

Where to get legal advice

- > **LawAccess NSW**
 - A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.

Driving

What should my client do if they have received a fine for a traffic offence?

If you get a fine for a traffic offence, you have several options:

- > If you weren't driving the vehicle at the time — you can fill in the form that comes with the fine and put the name of the person who was driving
- > If you think the fine was not fair or that you should not have been fined — you can ask Revenue NSW to review it
- > Pay the fine — either in full, or by instalments over a period of time
- > Apply for a **Work and Development Order (WDO)**
- > Elect (choose) to go to court. You should get **legal advice** before they choose to do this.

If you do nothing then Revenue NSW will:

- > send a penalty reminder notice
- > send a 'Pay Now' notice and add extra fees
- > take 'enforcement action' to get you to pay the fine. They can:
 - cancel your driver licence and motor vehicle registration
 - garnish (take money directly from) your wages or bank accounts
 - get a court order to seize (take) your property

For more information

LawAccess NSW —
Have you got a fine?

My client has had a car accident – what should they do?

After a car accident you should:

- > call 000 if you think someone needs medical help
- > report the accident to the police if:
 - someone was killed or injured
 - another driver refused to give you their details, or
 - a vehicle was towed away
- > exchange details with the other driver
- > take photos of the damage to your car and the other person's car
- > get the contact details of any witnesses who saw the accident
- > speak to your insurance company if you are insured and want to make a claim on your policy.

The Financial Rights Legal Centre's [Motor Vehicle Accident Problem Solver](#) is a helpful resource. It will ask you questions and then, based on your answers, it will give you information and template letters.

If you are injured in a car accident you can make a claim for personal injury benefits by going to the [State Insurance Regulatory Authority website](#).

For more information

- > LawAccess NSW — [car accidents](#)
- > The Financial Rights Legal Centre's [Motor Vehicle Accident Problem Solver](#) — it asks you questions and then, based on your answers, give you information and template letters.

For legal advice

[LawAccess NSW](#)

A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.

They can refer people to their closest legal service, including their closest Community Legal Centre.
1300 888 529

How can my client get a driver's licence?

To get a learner licence, you must:

- > be at least 16 years old
- > pass the Driver Knowledge Test (DKT)
- > prove your identity
- > pass an eyesight test
- > pay the licence and test fees — unless you can get a concession.

To apply for a **P1 licence** you must:

- > be at least 17 years old
- > have held a learner licence for at least 12 months — unless you are 25 or older
- > have logged at least 120 hours driving time in the Learner Driver Log Book (including at least 20 hours of night driving) — unless you are 25 years or older
- > prove your identity
- > pass an eyesight test
- > pay the licence and test fees — unless you can get a concession
- > pass the Hazard Perception Test (HPT)
- > pass the driving test.

To apply for a **P2 licence** you must:

- > have held your P1 licence for at least 12 months
- > prove your identity
- > pay the licence and test fees — unless you can get a concession.

To apply for a **full licence** you must:

- > have held your P2 licence for at least 24 months
- > prove your identity
- > pass an eyesight test
- > pay the licence and test fees — unless you can get a concession.

If you move to NSW you can use your interstate or overseas licence for up to 3 months. After that you must apply for a NSW driver licence.

For more information

[Service NSW](#)

Family law

What does family law cover?

Family law covers:

- > arrangements for children after a relationship has ended
- > marriage and divorce
- > sorting out property after the breakdown of a marriage or a de facto relationship
- > spousal maintenance after the breakdown of a marriage or a de facto relationship
- > financial support of children (called child support).

Family law covers same-sex and different-sex relationships when there is a dispute.

If there are children, parents can use the family law system if they are married or not.

Anyone who has an ongoing relationship with children and wants that relationship to continue — such as grandparents — can use the family law system.

Family law is different to care and protection law — when Family and Community Services (FaCS) get involved because there are concerns for the safety of children.

For more information

- > Legal Aid brochure — [What happens when your relationship ends?](#)
- > Federal Circuit Court of Australia website — [Family law matters](#)
- > [Family Relationships Online](#)

My client is separating from their partner. Where can they go for help?

If you can sort out your family separation problems yourselves you do not have to use the family law system. However it is a good idea to still get legal advice.

LawAccess NSW

A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.

They can refer people to their closest legal service, including their closest Legal Aid NSW office and Community Legal Centre. **1300 888 529**

The end of a relationship can be stressful and people will experience competing emotional, practical and financial issues. Non-legal services can help people leaving a relationship.

Family Relationships Online

Helps families with relationship issues, relationship breakdowns, making arrangements for children after their parents separate and can make referral to other services. **1800 050 321**

For more information

- > **Best for Kids Website** has information for parents and kids.
- > Legal Aid brochure — **What happens when your relationship ends?**
- > **Federal Circuit Court of Australia brochure — Marriage, families and separation**

My client has a dispute with their ex-partner over the children. Where can they go for help?

If parents can't reach an agreement about arrangements for their children after the breakdown of their relationship, they should **get legal advice**.

The law says that parents must make a genuine effort to communicate with each other about arrangements for their children and to resolve their disputes through mediation or counselling before they go to court.

Mediation is also called family dispute resolution. It can help families agree about decisions to do with children — for example where they will live and how much time they will spend with parents and family members.

Mediation is faster, cheaper and less stressful than courts.

You must usually go to mediation before going to court. But you won't have to do this if your situation is urgent (for example, if someone is threatening to take children out of the country) or if there is family violence or a serious illness. Get legal help if you think you should go straight to court.

For family dispute resolution services

- > **Family Relationship Centres**
 - Call the Family Relationship Advice Line **1800 050 321**
- > Legal Aid NSW
 - Provides family dispute resolution services for clients who have been granted legal aid.
 - The Legal Aid NSW brochure — **Family dispute resolution conferences at Legal Aid NSW** explains how Legal Aid can help people to solve their family law dispute without going to court.

For more information

- > Legal Aid brochure — **What happens when your relationship ends?**
- > Federal Circuit Court of Australia website — **If you can't agree on parenting arrangements**
- > Family Relationships Online — **Family mediation and dispute resolution**

Health

School counsellors breached my client's child confidentiality. What can they do?

A school counsellor cannot tell anyone what your child tells them unless:

- > they have your child's permission
- > a court says they have to, or
- > it is necessary to do so for urgent safety reasons.

A school counsellor must report what they are told to the Child Protection Hotline on Schools if they believe a child is at risk of harm.

They must exchange information with other agencies like Family and Community Services if the information will help the child or young person's safety, wellbeing or welfare.

To make a complaint

To complain about a school counsellor you can speak to them directly or to the principal of the school.

If the child is at a public school you can complain to:

- > the [NSW Department of Education](#) or
- > the [NSW Ombudsman](#)

If your complaint is about a breach of privacy you can complain to:

- > the [NSW Information and Privacy Commission](#)

What rights do I have when I deal with my doctor?

The Australian Charter of Healthcare Rights sets out 7 rights that we have when we use healthcare services. You can find more information about them [here](#).

If your doctor does not follow the Charter you can:

- > talk to them about your concerns
- > talk to the Practice Manager of the doctor's practice
- > complain to the NSW Health Care Complaints Commission.

You should get legal advice if you think your doctor was negligent. A private lawyer will be able to tell you if you can get compensation. Call the [Law Society of NSW Solicitor Referral Service](#) on **02 9926 0300**.

Housing

How can my client get their rental bond back?

Residential tenants can claim their bond back at the end of the tenancy online or by filling out a [Claim for Refund of Bond Money form](#) from NSW Fair Trading.

If your client is a boarder or lodger they will not be a residential tenant.

To check if they are a residential tenant see the tenants NSW factsheet — [The Residential Tenancies Act](#) on the Tenants NSW website.

If the landlord or agent agrees about how much should be returned

They should also sign the form. Send the form to [NSW Fair Trading](#):

- > by post
- > email at bondclaims@finance.nsw.gov.au
- > take it in yourself.

NSW Fair Trading can deposit the money into your bank account or post a cheque to your new address.

If the landlord or agent doesn't agree about the bond

You can still ask for Fair Trading to give you your bond back even if the landlord or agent doesn't agree with you. Fill in the form with the amount that you want paid back to you. You do not need the landlord's/agent's signature.

Fair Trading will give the landlord or agent written notice that you have made a claim. If they don't respond Fair Trading will pay your claim after 14 days.

If the landlord or agent doesn't agree they must apply to the [NSW Civil and Administrative Tribunal](#) (NCAT) no later than 14 days after they get the notice. NCAT will decide what should happen with the bond.

For more information

- > Tenants NSW factsheet on [bonds](#)
- > NSW fair Trading — [Rental Bonds Online](#)
- > Your local [Tenants Advice and Advocacy](#) Service can give information and advice
- > [The Tenant's rights manual: a practical guide to renting in NSW](#)

My client can't afford their utility bills. What can they do?

Energy and water providers have programs and plans that can help if you are having trouble paying a bill.

All electricity and gas providers must offer 2 payment plans in a 12 month period, and have a hardship program to help keep people connected.

The NSW Government offers energy rebates for people including a [Low Income Household Rebate](#). You may also be eligible for Energy Accounts Payment Assistance vouchers to help pay a current electricity or gas bill.

Make a complaint to the [Energy and Water Ombudsman](#) if your energy or water provider is not being reasonable.

Your client may be able to get [government help to pay for a new energy efficient fridge or television](#).

For legal advice

LawAccess NSW

A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.

They can refer people to their closest legal service, including their closest Legal Aid NSW office and Community Legal Centre.

1300 888 529

For more information

- > EWON fact sheet — [Difficulty paying bills?](#)

Immigration

My client's visa has been cancelled. Where can they get help?

If your client's visa is cancelled they should get legal advice quickly. The time limits to appeal a decision to cancel a visa are very strict.

For example — if a person's Bridging Visa is cancelled and they are detained, they only have 2 working days to appeal. If their visa is cancelled under the character grounds, they only have 9 calendar days to appeal.

For legal advice

Legal Aid NSW

- > [Legal Aid Immigration & Social Security Service](#)
- > [Legal Aid Refugee Service](#)

Community Legal Centres

- > [Immigration Advice and Rights Centre](#)
- > [Refugee Advice and Casework Service](#)

Law Society of NSW

- > [Law Society NSW's Pro Bono Scheme](#)
- > [Law Society NSW Solicitor Referral Service](#)

My client wants to sponsor their relatives to come to Australia. What do they need to do?

There are a number of ways a person can bring their family members to Australia to live:

- > they can sponsor a family member under the family stream migration program
- > they can add a family member to their own visa application when they apply to live in Australia
- > the family member can apply to come to Australia as a refugee under the humanitarian program
- > their family member can apply for an Australian visa.

For more information

- > Overview of [family stream migration factsheet](#)
- > Department of Home Affairs — [Bringing your family or partners](#)
- > Department of Home Affairs — [Relative visa options](#)

For legal advice

Legal Aid NSW has appointments for immigration advice about family and humanitarian visas at the locations listed below. Bookings are essential.

- > **Auburn Diversity Services**
8737 5500
- > **Bankstown Legal Aid**
9707 4555
- > **Blacktown SydWest Multicultural Services**
9621 6633
- > **Fairfield Legal Aid**
9727 3777
- > **Western Sydney Migrant Resource Centre**
8778 1200
- > **Central Sydney 9219 5790**
Legal Aid Refugee Service

My client wants to travel back to their home country. What should they know?

To find out if you can travel back to your home country you should:

- > check your visa details and conditions at Visa Entitlement Verification Online
- > contact Department of Home Affairs
- > get legal advice.

When you are granted permanent residency you have a right to travel to and from Australia — this is called a travel facility.

The travel facility is only valid for 5 years.

Your permanent visa allows you to stay in Australia indefinitely, but you can only travel overseas in the 5 years from the date you got your visa. If you want to continue travelling to and from Australia after 5 years, you must either get:

- > a Resident Return Visa; or
- > Australian Citizenship

If you applied for and got a visa because you claimed that you were in danger in your home country, try not to travel to that country.

If you travel to a country where you said you were in danger, the Department of Home Affairs may say that you were lying in your original application. Your Australian visa (and your family members' visas) could be cancelled. If you have to travel, don't use the passport of your home country. Apply for a Convention Travel Document from the passport office.

What rights do asylum seekers on bridging visas have?

Bridging visas allow asylum seekers to live in the community. Bridging visas can have conditions and restrictions attached to them. For example if you are an asylum seeker you must:

- > give the Department of Home Affairs your address and tell them if it changes
- > report to the Department on a regular basis.

Asylum seekers who are living in the community on bridging visas do not have a right to:

- > family reunion
- > re-enter Australia if they travel overseas
- > social security payments through Centrelink
- > public housing.

You may have permission to work.

For more information

[Department of Home Affairs](#)

What can delay my client's application for citizenship?

You can do these things to try to avoid delays:

- > Make sure your application was complete
 - Did you provide all the documents that were required?
 - Did you complete the identity declaration?

If not – you should send any additional documents and ask for the processing of the application to resume. You should only supply genuine identity documents and keep a copy.

- > Ask the Department for a copy of your citizenship file.
 - Complete **Form 424A**. This is called a Freedom of Information request. Ask for: *'A full copy of my citizenship application file, plus any other information relating to the processing of my citizenship application – including internal department records and any electronic or other requests to external agencies'*
- > Ask about how your application is progressing. You can do this by writing to the Department. You can say: *'My application for citizenship has now been with the Department for a very long time. I am still waiting for a decision about whether I can become a citizen or not.'*

I would be grateful if you could let me know:

 - *If my case has been allocated to a case officer?*
 - *If my application is being actively processed, and if so, what is happening?*
 - *what issues are outstanding?*
 - *I look forward to hearing from you.*
- > Use the Department of Home Affairs online **[compliments-complaints-suggestions](#)** form. If the application has taken longer than the service standard (80 days) – ask what is causing the delay. Note down the complaint reference number.
- > Complain to the **[Commonwealth Ombudsman](#)** if you have been waiting more than 12 months. It investigates complaints from people who believe they have been treated unfairly or unreasonably by an Australian Government department. It can't overturn the decisions, but they try to resolve disputes. A complaint must have been made to the Department first.
- > Talk to your **[local Federal Member of Parliament](#)** (MP). Make an appointment for a meeting with the MP or staff member. The MP can contact the Department to ask about the case.

For more information

- > [How to apply for Australian citizenship](#)
- > Department of Home Affairs — [information about citizenship](#)
- > Department of Home Affairs — [information documents](#)
- > Department of Home Affairs — [standards](#)

What can my client do if their details with the Department of Home Affairs are wrong?

If you give the Department the incorrect or fake information, the Department may:

- > cancel a visa
- > start a criminal case against you for deceiving or misleading an immigration officer.

If someone enters Australia using a different identity (a different name or date of birth), even if the mistake was an innocent one, it can have serious consequences if it is discovered later. Your visa can be cancelled and you can be detained and removed from Australia.

To find out what information the Department has, you will need to get a copy of your file by filling out a **Form 424A**. This is called a Freedom of Information request.

You should ask for 'A full copy of my [insert your visa type that you came to Australia on] application file, including all identity documents I supplied in support of this application'.

You should not correct any important identity details such as your name or date of birth until you get legal advice.

For legal advice

[Legal Aid Immigration & Social Security Service](#)

[Legal Aid Refugee Service](#)

How should my client tell the Department of Home Affairs they have moved?

After you apply for a visa, if you move to an address you will live at for more than 14 days you must tell the Department of Home Affairs.

If you moved and didn't tell the Department, you should do it as soon as possible. If you don't tell the Department about your new address, you could miss getting an important decision about your case.

If you tell another government department (like Centrelink) your new address, it doesn't mean the Department of Home Affairs will know.

You can:

- > Give the Department a **Form 929** by:
 - emailing it to 929@homeaffairs.gov.au or
 - sending it by registered post to Department of Home Affairs, GPO Box 9984 Sydney 2001. Keep a copy.
- > Update your details online if your application is in [ImmiAccount](#).

Neighbourhood disputes

My client is having a dispute with their neighbour. What can they do?

The quickest and cheapest way to try to fix a problem is to talk with your neighbour. If you can agree, put it in writing and both sign it.

You can contact **Community Justice Centres** for help with free mediation. An independent person called a mediator will help you and your neighbour discuss and resolve the dispute.

If you can't agree about how to resolve the dispute you can find out what to do below:

- > Disputes about **fences**
- > Disputes about **boundaries**
- > Disputes about **retaining walls**
- > Disputes about **trees**
 - If you and your neighbour can't agree about what should happen to a tree you can apply to the Land and Environment Court.
 - The Court can order a person to cut a tree back, remove it and pay compensation. Tree orders are often made if there is a risk to property, injury to people, if it badly blocks a view or sunlight. Get legal advice before you apply for a tree order in the **Land and Environment Court**.
- > Disputes about **noise**
- > **Environmental** disputes — including smell. If you and your neighbour can't agree about a problem about smells or environmental issues you can complain to:
 - the local council
 - **Office of Environment and Heritages** or
 - **New South Wales Environment Protection Authority**.
- > **Development** disputes

If you have a development dispute with a neighbour you can complain to the local council or get legal advice from a private lawyer.
- > **If you fear for your safety**

If you are worried about your safety and it is an emergency call the police on 000. The police can apply for an **Apprehended Violence Order** (AVO). If the police don't apply for the AVO and you are still worried about your safety you can apply for an AVO at the Local Court. Get legal advice first.

For legal advice

LawAccess NSW

A free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.

They can refer people to their closest legal service, including their closest Community Legal Centre.

1300 888 529

For more information

- > State library NSW Find [Legal Answers – Neighbours](#)

Can police mediate a neighbourhood dispute?

NSW Police are mainly involved in criminal matters. If disputes between neighbours don't involve a criminal offence, the police will probably not get involved and tell you it is a 'civil' matter.

Civil matters are the types of disputes set out under [My client is having a dispute with their neighbour. What can they do?](#)

Police may try to mediate a dispute if they think the problem may lead to a criminal matter or an AVO. For example — if they think a dispute could end up in property damage, assault, intimidation, harassment, stalking or another form of violence.

Police may get involved in noise disputes if the situation is urgent. For example — if a house alarm continues to go off or there is a loud party late at night.

Older people

How can my client make a will?

A will is an important legal document that says who you want to get your assets (all the things you own) after you die. Your assets become known as your estate after you die.

To make a valid will you must:

- > be at least 18 years old
- > understand what you are doing and how you want your estate distributed after you die
- > have the will signed and witnessed correctly.

There are 3 usual ways people make a will:

- > **Do it yourself.** You can use a will kit that you can buy at a newsagent. However, it is best to talk to a professional to make sure your will is legally valid and reflects your wishes.
- > **NSW Trustee & Guardian** can do a will for you. They charge a fee. If you are eligible for a full Centrelink Age Pension the fee for making a will is waived. NSW Trustee & Guardian also charge a fee for administering your estate after you die. Ask them about how much this costs.

- > **Get a lawyer to do will.** A lawyer can help you choose an executor, understand your tax liability, give advice about giving assets to family and friends and make sure the will is written clearly, signed and witnessed correctly and stored in a safe place.

For more information

- > [NSW Trustee and Guardian](#)
- > Find a private lawyer — [Law Society NSW](#)
- > Legal Aid NSW brochure — [Why make a will?](#)

My client is a victim of elder abuse. What can they do?

The term 'elder abuse' is used to describe a situation where someone in a relationship of trust with an older person — like a partner, adult child, close relative, neighbour or carer — hurts, neglects, abuses or takes advantage of the older person.

Elder abuse can be physical, psychological, sexual or financial. It can be intentional, or it can be unintentional neglect.

In some situations the law can protect a person from elder abuse and help them after it has happened:

- > Some types of behaviours are crimes — for example, assault, theft or fraud. This can be reported to police and the abuser can be charged and prosecuted by the police.
- > An Apprehended Violence Order (AVO) can protect the older person from the person who is abusing them. It can include an order that they leave the home. A person who doesn't follow an AVO can be charged by police.

For help

- > [Senior Rights Service](#)
- > [NSW Elder Abuse Helpline & Resource Unit](#)

For more information

- > [NSW Elder Abuse Helpline & Resource Unit](#)

Police

What are people's rights when interacting with the police?

Police can arrest you if:

- > you are committing an offence
- > they have reasonable grounds to suspect that you have committed an offence
- > you are breaching the peace
- > you have breached your bail conditions
- > the court ordered a warrant for you to be arrested
- > they need to serve you with an Apprehended Violence Order (AVO)
- > they want to apply for an urgent AVO against you.

The police should tell you:

- > that you are under arrest
- > why you are being arrested
- > their name and where they work.

Police cannot stop you on the street and demand you identify yourself, or search you, unless they think you have broken the law or have another proper reason for arresting you.

The police can stop you and ask you to show your driver licence if you are driving a car.

The police cannot arrest you just to ask you questions. If police want you to take part in their investigations, for example by questioning you or

taking a statement, you have a right to speak to a lawyer or other person before you make a statement to police.

For more information

Legal Aid NSW brochure — [Police powers: your rights and responsibilities](#)

When are police officers allowed to use force?

Police may need to use force to:

- > stop a crime from happening or continuing
- > place someone under arrest if they are not co-operating with the police
- > protect the person who is being arrested, or anybody else, from harm
- > prevent someone from running away.

Police must never use more force than is necessary. If someone thinks police have used force unnecessarily or more force than they needed to they should get legal advice. The force may be assault.

For more information

Legal Aid NSW brochure — [Police powers: your rights and responsibilities](#)

My client is not happy with something the police have done. What can they do?

- > Call the relevant police station and speak with the Officer in Charge
- > Call the Police Customer Assistance Unit on **1800 622 571**
- > If the complaint is about serious misconduct or serious maladministration, or if you want a review of a complaint that was investigated by the Police contact the **Law Enforcement Conduct Commission**

For more information

- > NSW Police Force — **How to lodge a complaint**

For legal advice

- > For free telephone advice about police complaints contact the **Redfern Legal Centre**.

My client has complained about the police and is not happy with the result. Where else can they go?

If you are not happy with the outcome of a police complaint you can go to the **Law Enforcement Conduct Commission** (LECC).

What can you be arrested for if you have been drinking or are on drugs?

The most common drug-related driving charges are:

- > **'Driving under the influence of a drug'**. To be charged with this offence you must actually be affected by the drug.
- > **'Driving with an illicit drug present in oral fluid, blood or urine'**. The drug only needs to be detected in your system. You can break this law even if you are no longer affected by the drug.
- > **Refusing to be tested.**

The most common alcohol-related driving charges are:

- > 'prescribed concentration of alcohol' (PCA) offence
- > 'driving under the influence' (DUI) offence
- > refusing or failing to give a breath analysis or blood sample
- > dangerous driving involving alcohol.

For more information

- > Legal Aid NSW brochure — **Drink driving charges and you**
- > Legal Aid NSW brochure — **Drugs, driving and you**

Scams & fraud

My client has been the victim of a scam. What should they do?

You should take steps to limit the damage and protect yourself from future scams. For example:

- > if you shared your details with a scammer or sent them money — contact your bank as soon as possible to report the scam. Close the account if the scammer has your account details
- > if you think your identify has been stolen contact the police
- > contact [Fair Trading NSW report a scam](#) or [ACCC ScamWatch report a scam](#).

For more information

- > Fair trading NSW — [Scams](#)
- > [Scamwatch](#)
- > [Moneysmart](#)
- > [National Identity and cyber support service](#)

Workplace issues

What does the law say about bullying in the workplace and unfair dismissal?

Bullying is when:

- > a person or group of people repeatedly behave unreasonably towards a worker (or a group of workers)
- > the behaviour creates a risk to health (including mental health) and safety.

The person doing the bullying could be a colleague, supervisor or manager.

Management actions that are reasonable in a workplace — such as performance management — are not bullying.

You can find out more about bullying behaviour and who is protected from being bullied from the [Fair Work Ombudsman](#).

If the bullying includes threats of physical or sexual violence or you have been hurt or fear you will be hurt you can:

- > go to the police
- > get an Apprehended Violence Order.

For more information

- > [Fair Work Commission](#)

What is unfair dismissal?

Unfair dismissal is where you have been dismissed from your job and the dismissal is 'harsh, unjust and unreasonable'.

Your dismissal may be unfair if you were:

- > not told why you are losing your job
- > not given a chance to explain why you should keep your job or to improve your performance.

The law also prevents you from being dismissed because:

- > of discrimination — for example, because of your age, race, nationality, sex, gender, disability, religious belief, pregnancy, or because you are a parent or carer
- > you complain about your work rights.

You may be able to get compensation or your job back. This will depend on your particular situation, the size of the workplace and how long you have been working.

You should get [legal advice](#) or contact the [Fair Work Commission](#) or [Fair Work Ombudsman](#) to find out what you can do.

You should get advice quickly because:

- > you only have 21 days after you were dismissed to apply to the Fair Work Commission for unfair dismissal, and
- > there may be other types of legal action you could take — for example, you may be able to make a claim about discrimination.

For more information

- > [LawAccess NSW](#)
- > [Fair Work Commission](#)

Is it illegal to join a union?

No. Employees have the right to be a member of a union or to decide not to join a union.

If your employer fires you because you joined a union or participated in union activity, you can apply to the **Fair Work Commission** for unfair dismissal. Get legal advice.

For more information

- > [LawAccess NSW](#)

My client has been sexually harassed at work. What can they do?

Sexual harassment is any behaviour that is unwelcome, unwanted, embarrassing, offensive or intimidating. It is against the law for a colleague or employer to sexually harass a person at work.

It can be sexual harassment if someone:

- > stares at you in a sexual manner
- > makes comments about your physical appearance

- > makes sexual jokes or insults
- > keeps asking you to have sex or dates with them when you have already said no
- > asks you unwelcome questions about your sexuality or private life
- > puts up sexual material up on a noticeboard or screensaver
- > sends you sexually explicit emails or internet sites
- > makes unwelcome physical contact with you.

Your client can:

- > talk to the person who harassed them if they feel safe to do so, or to their employer
- > make a sexual harassment complaint to the Human Rights Commission or the Anti-Discrimination Board of NSW
- > make a complaint about a breach of their general protection rights with the Fair Work Ombudsman or Fair Work Commission
- > go to the police if they fear for their safety or if they have been threatened or sexually assaulted.

If your client is sexually harassed at work they should **get legal advice**. A lawyer can help them think about what they want and help them work out what to do.

For more information

- > [Human Rights Commission](#)
- > [Anti-Discrimination Board NSW](#)

My client's employer hasn't paid their wages. What can they do?

If you have not been paid your wages or think you have been underpaid you can:

- > [check your Award](#) or employment contract
- > check your payslips or electronic pay record
- > contact the **Fair Work Ombudsman** to find out your award and pay entitlements. Tell them if you are not getting a pay slip.

If you think your employer owes you money you can:

- > talk to your employer, manager or supervisor, or your Human Resources section if you have one
- > contact the **Fair Work Ombudsman** — they can explain how to recover the money or they may help you do this in some cases
- > go to court — but you should get [legal advice](#) or help from [your union](#) before you do this.

You have 6 years from the date your employer owed you the money to start court action to get your wages back.

Make sure you have good records of your hours. Those hours might involve unpaid overtime payments and penalty rates. Keep a diary or use the [Fair Work Ombudsman App](#).

For more information

- > [LawAccess NSW — What if my entitlements are not paid?](#)
- > [Fair Work Ombudsman](#)

Where can I refer my clients about problems at work?

- > [LawAccess NSW](#)
 - LawAccess NSW is a free government telephone service that provides legal information, referrals and sometimes advice for people who have a legal problem in NSW.
 - It is the best place to start when you are looking for a legal service to help your client. They can refer people to their closest legal service, including their closest Legal Aid NSW office and Community Legal Centre. **1300 888 529**
- > [Legal Aid NSW](#) has [employment lawyers](#) who work in different locations.
- > [Redfern Legal Centre](#) provides state-wide advice for international students.
- > [Kingsford Legal Centre](#) provides state-wide advice about discrimination.
- > [The Women's Legal Service NSW](#) provides advice about discrimination and sexual harassment to women.
- > The [Human Rights Commission](#) or the [Anti-discrimination Board of NSW](#) provide information about discrimination and sexual harassment and about their complaint processes.
- > [Fair Work Commission](#) especially if clients have been dismissed or bullied. The Fair Work Commission can arrange free legal advice.
- > [Fair Work Ombudsman](#) for information about Awards, underpayment and other employment issues.

Where to get legal help

LawAccess NSW

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Resources in community languages

How can Legal Aid NSW help me? (YouTube)

[Arabic](#) | [Assyrian](#) | [Auslan](#) | [Dari/Farsi](#) | [English](#)
– [Audio Described](#) | [English](#) | [Mandarin](#)

Can I get legal aid? (YouTube)

[Arabic](#) | [Assyrian](#) | [Auslan](#) | [Dari/Farsi](#) | [English](#)
– [Audio Described](#) | [English](#) | [Mandarin](#)

How can the Legal Aid NSW Refugee Service help me? (YouTube)

[Arabic](#) | [Assyrian](#) | [Dari/Farsi](#) | [English](#) | [Kurdish Kurmanji](#)

Free legal help for refugees (PDF)

[Arabic](#) | [Assyrian](#) | [Dari/Farsi](#) | [English](#)

Charter of Victims Rights (PDF)

[Arabic](#) | [Chinese Simplified](#) | [Chinese Traditional](#) | [English](#) | [Dari](#) | [French](#) | [Greek](#) | [Hindi](#) | [Korean](#) | [Macedonian](#) | [Samoan](#) | [Somali](#) | [Spanish](#) | [Swahili](#) | [Tamil](#) | [Turkish](#) | [Vietnamese](#)

Mediation at Community Justice Centres (PDF)

[Arabic](#) | [Bosnian](#) | [Chinese](#) | [Croatian](#) | [English](#) | [Filipino](#) | [German](#) | [Greek](#) | [Hindi](#) | [Italian](#) | [Khmer](#) | [Korean](#) | [Lao](#) | [Macedonian](#) | [Maltese](#) | [Polish](#) | [Portuguese](#) | [Russian](#) | [Serbian](#) | [Spanish](#) | [Turkish](#) | [Vietnamese](#)

Need Legal Help?

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Need immigration advice? Talk to us (PDF)

[Arabic](#) | [Burmese](#) | [Chinese Simplified](#) | [Dari/Farsi](#) | [English](#) | [Indonesian](#) | [Tamil](#) | [Thai](#) | [Vietnamese](#)

Say NO to discrimination (PDF)

[Arabic](#) | [Armenian](#) | [Chinese](#) | [Croatian](#) | [Dari](#) |
[Greek](#) | [Hindi](#) | [Italian](#) | [Khmer](#) | [Korean](#) |
[Macedonian](#) | [Portuguese](#) | [Serbian](#) | [Spanish](#) |
[Turkish](#) | [Vietnamese](#)

Victims Services – Helping victims of crime in NSW (PDF)

[Arabic](#) | [English](#) | [Chinese Simplified](#) | [Chinese Traditional](#) | [Croatian](#) | [Dinka](#) | [Farsi](#) | [Greek](#) |
[Khmer](#) | [Korean](#) | [Macedonian](#) | [Serbian](#) |
[Spanish](#) | [Thai](#) | [Turkish](#) | [Vietnamese](#)

Visiting a Correctional Centre (PDF)

[Arabic](#) | [English](#) | [Chinese](#) | [Vietnamese](#)

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- how you can help.

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