

Casework Intake and Referrals to the Legal Practice from TIS

Policy Statement

Casework and Appearances

Subject to its capacity and resources at the time, the Legal Practice will accept referrals from the Telephone Information Service (TIS) and will consider each matter according to its merits. As a general rule, the Legal Practice will apply the following criteria when deciding which cases to take on.

Guidelines

All cases must:

1. Have legal merit and a reasonable prospect of success; and
2. Comply with the requirements of our Funding Agreement.

Cases should also meet at least one of the following criteria:

1. It is for the benefit of a disadvantaged worker¹;
2. It involves a serious injustice;
3. The caller has been physically, sexually or verbally/psychologically abused;
4. It is linked to a JobWatch campaign;
5. It tests new provisions of legislation and and/or explores avenues not canvassed by the existing case law²;
6. The worker cannot obtain representation from a legal or industrial representative or his/her union³;

¹ “Disadvantaged workers” are those who have one or more of the following characteristics - youth, NESB, disability, low-income occupation, rural.

² Issues of disadvantage are clearly important with respect to any case taken on by the legal practice, however, if a matter involves test case or public interest issues, then it is not essential that the criteria of disadvantage be met. The legal practice has full discretion to provide assistance even where a party may be able to afford their own representation.

³ Capacity to obtain representation elsewhere is particularly pertinent in cases where the case is unlikely to yield significant financial outcomes. For example, cases where the client is an apprentice or a part-time worker with a low income or where the client’s preferred remedy is reinstatement instead of compensation.

7. An organisation or individual with whom JobWatch has a relationship has referred the matter to us for assistance⁴; and/or
8. It raises issues of public interest⁵.

Procedure

1. The TIS worker places the advice card in the referrals tray. The TIS card should include JobWatch Legal Practice in the “referred to” box.
2. If they wish to do so, the TIS worker can write notes on the advice card and/or speak to one of the lawyers regarding the reasons for referring the caller to the Legal Practice.

⁴ For example, the EOCV, the office of the Minister for Industrial Relations, another community legal centre etc.

⁵ Public interest cases are those that provide the opportunity to advance an issue requiring law reform and/or media attention. They may involve testing the scope of existing laws or otherwise highlighting problems with the current laws. As stated in footnote 2, disadvantage is not necessarily a prerequisite if it would otherwise be in the public interest for the legal practice to take on the matter.