# Standardised email templates for areas of law the centre <u>does</u> doclients not requiring urgent appointment

This email template tool can be used if a client is contacting the legal centre about an area of law that the centre \_ provide advice on, however:

- 1. You need to provide a referral as the centre is at capacity
- 2. The client does not fit the eligibility criteria for an advice session
- 3. The client may be eligible for advice as a last resort if they find they cannot navigate the process after being guided by the information you provide.

Please note these have been put together based on the "Client requirements – what to bring" list. You may have other areas or links you would like to add. You may also wish to group them into "areas of law". They are currently listed in alphabetical order.

\*\* All of the information is current at September 2021. Please ensure you check the links at least annually for currency.

You may wish to save all of these areas of law into separate email signatures, so they are automated and ready to go, to save you copying and pasting. Or find another way to make the search easier- alternatively you can have this document saved and use the Control-F function.

### Hello,

Thank you for contacting XXXX Community Legal Centre. We have cannot provide assistance with your legal matter; however, we have included some useful information, links and contacts below.

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### Adult guardian

Queensland's guardianship system protects the rights and interests of adults who have impaired capacity to make their own decisions. When a person no longer has the capacity to make their own decisions, they may need a formal decision maker appointed. A formal decision maker can make decisions on behalf of a person about all aspects of their life.

There are a number of bodies involved in this process including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- QCAT access the website <u>here</u>
- Office of the Public Guardian access the website here
- The Public Advocate- access the website here
- The Public Trustee access the website here

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- ADA Law (website can be accessed here) have information on
  - o General advocacy information here
  - o Applying for Guardianship Administration here
  - Aboriginal and Torres Strait Islander Guardianship <u>here</u>
- **LawRight** (their website can be accessed <u>here</u>) have the Guardianship and Administration Toolkit which can be accessed <u>here</u>.
- Queensland Advocacy Incorporated (QAI) (their website can be accessed <a href="here">here</a>) have a guide to guardianship Law reforms that can be accessed <a href="here">here</a>.
- Caxton Legal Centre (their website can be accessed <u>here</u>) have a self-help resource for guardianship and administration for people with impaired decision-making capacity available <u>here</u>.
- The Office of the Public Guardian have information about all aspects of guardianship, and these resources can be accessed here.
- **CLCQ** have a guide from the Department of Justice and Attorney General on key reforms to Queensland's guardianship legislation, forms and guides and this can be accessed <u>here</u>.

#### **Documents**

- 1. Guardianship order (QCAT)
- 2. Interim order (QCAT)

- 3. Declaration of capacity
- 4. QCAT application against you
- 5. Any correspondence you have had in writing (letters or emails) with the Office of Public Guardian
- 6. Health professionals report medical report or cognitive assessment about capacity
- 7. Enduring Power of Attorney and/or Advance Health Directive

#### Anti-discrimination

Discrimination happens when a person is treated unfairly because of a legally protected attribute (eg characteristic) in certain areas of public life.

Discrimination can be based on an attribute and happens if a person treats, or proposes to treat, someone with that attribute less favourably than someone without it would be treated in a similar situation. Discrimination can also be based on indirect attributes where a person imposes or suggests imposing a term with which a person with an attribute doesn't or isn't able to comply (with which a higher proportion of people without the attribute comply or are able to comply) and it's not reasonable. You should get legal advice.

There are several bodies who can assist with anti-discrimination matters including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Queensland Human Rights Commission website can be accessed here
- Australian Human Rights Commission website can be accessed here
- Fair Work (employment related discrimination) website can be accessed here
- QCAT website can be accessed here

Additionally, there are a number of organisations who provide information on this topic, including those listed below:

- Fair Work Ombudsman have a link to a workplace discrimination resource available here.
- Queensland Human Rights Commission\_have a guide for Aboriginal and/or Torres Strait
   Islander peoples called 'Human rights and discrimination: a guide for our mob" which can be accessed <a href="here">here</a>.
- QCAT have a guide to anti-discrimination matters available <u>here</u>.

#### **Applications**

- Access the complaint application for the Queensland Human Rights Commission here
- Access the complaint application for the Australian Human Rights Commission here
- Access QCAT related forms for anti-discrimination matters here

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Evidence of discrimination (Letter/video/photo)
- 2. Queensland Human Rights Commission application
- 3. Australian Human Rights Commission application

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Body Corporate (where client is not on BC)

Disputes in Body Corporate can arise over a number of issues. Keeping in mind a body corporate cannot evict a tenant; there is no contractual relationship there to end. If problems with tenants are persistent the body corporate has no recourse other than to pressure the owner to bring the tenant into line under clauses within the lease agreement. If you are experiencing issues with a Body Corporate and you are NOT a member, you may be able to access legal advice from some of the community organisations below.

- Real Estate Institute of Queensland (REIQ) access their website here
- Residential Tenancies Authority (RTA) access their website here
- **Tenants Queensland -** website can be accessed <u>here</u>
- QCAT website can be accessed here

### **CLCQ**

You may find a number of centres can provide tenancy advice in this area by using the Legal Centre Search function "tenancy" by clicking here

There are also several bodies who can assist with body corporate matters including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- **REIQ** resource – Tenants and Body Corporates available <u>here</u>

### Where no Body Corporate Adjudication has been attempted

 Body Corporate and community management – maintenance, role of the body corporate, legislation, government services and by-laws – <u>click here</u> - Adjudication for Body Corporate disputes – click here

#### Where Body Corporate Adjudication has been attempted

- Disputes in a Body Corporate, practice directions, conciliations, disputes about animals, fees, and self-resolution <u>click here</u>
- Conciliation application fees and application click here
- Body Corporate and community management maintenance, role of the body corporate, legislation, government services and by-laws <u>click here</u>

### Where no Body Corporate self-resolution has been attempted

- Self-resolution for disputes <u>click here</u>
- Body Corporate and community management maintenance, role of the body corporate, legislation, government services and by-laws <u>click here</u>

### Where Body Corporate Adjudication was unsuccessful

- Body Corporate and community management maintenance, role of the body corporate, legislation, government services and by-laws <u>click here</u>
- Application to resolve a complex dispute (not lot entitlements) click here

<u>Body Corporate and Community Management Office</u> – their website can be accessed <u>here</u>
The Body Corporate and Community Management Office provides a range of information and services for those who live, invest or work in a community titles scheme in Queensland. They provide information, dispute resolution and a <u>search facility</u> to access adjudicator's orders affecting particular community titles schemes.

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Conciliation application
- 2. Adjunction application
- 3. Body corporate bi-laws

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### **Buying a Car**

When buying a <u>new</u> car you'll be asked to sign a contract. Be careful if you're asked to sign something to 'hold' the car— make sure you're not signing a contract unless you are ready to buy the car. When buying a **used** car, you will be asked to sign a contract. The car you are buying should

be checked by a mechanic. You should also get an independent report (eg from RACQ or your own mechanic) about the car's mechanical condition.

There are a number of organisations who can assist with this area of law including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Caxton Legal Centre have a consumer credit law service access their website here
- Cairns Community Law Service are a state-wide service access their website here
- **Personal Property Securities register** allows you to search and register property (including vehicles) access their website here or call 1300 007 777
- Office of Fair-Trading Qld\_has information about buying used and new cars, resolving disputes with motor vehicle repairers, and handles complaints about motor dealers breaching their Code of Conduct access their website here or call 13 74 68
- **ACCC** helps with consumer rights including your rights to a repair, replacement or refund and compensation for damages and loss access their website <u>here</u> or call (07) 3835 4666
- **QCAT** website can be accessed here

#### CLCQ

You may find a number of centres can provide tenancy advice in this area by using the Legal Centre Search function "consumer" by clicking <a href="here">here</a>

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- Buying a car: a comprehensive resource <u>here</u>
- Buying a car outline here
- Legal Aid Queensland podcast: legal tips and pitfalls: buying a used car in Qld here

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Receipt of sale
- 2. Email trail from dealer/seller
- 3. Paperwork from vehicle sale

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Centrelink disputes

If you are disputing a Centrelink decision you should get legal advice, there are several timeframes you need to comply with.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- **Basic Rights Queensland** access their website <u>here</u>
- **Economic Justice Australia** access their website <u>here</u>
- Services Australia (Centrelink) access their website here
- National Social Security Rights Network access their website here
- Administrative Appeals Tribunal (AAT) access their website <a href="here">here</a>

**Economic Justice Australia** have a number of self-help resources available by <u>clicking here.</u>

Basic Rights Queensland have a number of resources and links listed below-

### **Social Security Appeals**

- Appealing a Centrelink Decision
- Administrative Appeals Tribunal Appeals
- <u>Statement of Financial Circumstances</u> This form can be useful for appeals based on "special circumstances"

### **Disability Support Pension**

- Disability Support Pension Medical Criteria
- <u>Centrelink Impairment Tables</u>

### **Centrelink Debts**

- Robodebt
- Centrelink Debts
- Prosecution of Social Security Offence

### **Other common Centrelink Issues**

- Compensation Preclusion Periods
- Relationship Status and Centrelink
- Domestic Violence and Centrelink
- Carer Payment and Carer Allowance
- Compensation for detriment caused by defective administration (CDDA)

#### CLCQ

You may find a number of centres can provide tenancy advice in this area by using the Legal Centre Search function "Social welfare and Centrelink" by clicking <a href="here">here</a>

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Debt notice
- 2. Centrelink decision letter
- 3. Any application for an authorised review (ARO review) this needs to happen within 13 weeks from receiving the decision
- 4. Accounts payable notice from Centrelink
- 5. Review notice Administrative Appeals Tribunal (AAT) Social Security & Child Support Division (1st level). This needs to happen within 28 days of the ARO review decision.
- 6. Review notice Administrative Appeals Tribunal (AAT) General Division (2nd level). Second review.

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### **Child Protection**

If Child Safety is aware of alleged harm to a child, and reasonably suspects the child needs protection, they must investigate these allegations and assess whether the child has been, is being, or is at risk of being harmed Child Safety must also assess how the child's protection and care needs can be met. You should immediately get legal advice or apply for legal aid if an application has been made for a court assessment order or a child protection order that would grant Child Safety or another person custody of your child.

There are several organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- **Legal Aid Queensland** access their application <u>here</u>, or call 1300 65 11 88
- ATSILS access their website here or call 1800 012 255

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- Legal Aid Queensland have a comprehensive resource about child safety matters here
- **Hub Community Legal** Information Kit: child protection for parents here
- Child protection duty lawyer information <a href="here">here</a>
- For children and young people in care here

#### **Documents**

If you have been contacted by Child Safety, you may wish to start gathering some of the documents listed below, to ensure that you are prepared. You should get immediate legal advice about this issue.

- 1. Documentation from Child Safety (letter etc)
- 2. Care agreement
- 3. Application for a court assessment order
- 4. Application for a child protection order
- 5. Temporary assessment order
- 6. Court assessment order
- 7. Intervention with parental agreement (IPA) documentation
- 8. Child protection order
- 9. Revocation order
- 10. Revocation order application
- 11. Case plan/s

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### **Child Support**

Child support is a payment made by one or both parents to the other to help with the cost of looking after the children.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Department of Human Services (Child Support) —administers the child support scheme to
  ensure parents contribute to the costs of raising children after separation. Provides help and
  support to parents, including calculating, collecting and transferring child support payments.
  You can access their website here or call 131 272.
- **Federal Circuit Court**—makes decisions about issues including child support matters. You can access their website here or call 1300 720 980 or 1300 352 000.
- **Family Relationship Centres**—can arrange dispute resolution to help you and the other parent reach agreements about children's issues, including payments. Access their website <a href="here">here</a> to find your closest centre.
- ATSILS access their website here or call 1800 012 255
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- Legal Aid Queensland access their website here, or call 1300 65 11 88

### **CLCQ**

 You may find a number of centres can provide tenancy advice in this area by using the Legal Centre Search function "family" by clicking <a href="here">here</a> Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- Services Australia Parents guide to child support here
- Legal Aid Queensland child support here

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Child support agreement
- 2. Proof of paternity (child's birth certificate)
- 3. Bank statements as evidence of payment / missed payment (?)

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Consumer complaint

In Queensland, there are some basic rights covering the purchase of goods and services. If you have a dispute with a trader over the purchase of goods or services, you can:

- try and resolve the dispute with them
- make a complaint to an industry body
- make a complaint to the Office of Fair Trading
- make a complaint to the Australian Competition and Consumer Commission
- make a consumer and trader dispute claim in the Queensland Civil and Administrative Tribunal (QCAT)

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Office of Fair Trading access their website here
- Australian Competition and Consumer Commission access their website here
- Queensland Civil and Administrative Tribunal (QCAT) access their website here
- Australian Communications Consumer Action Network access their website here
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Legal Aid Queensland access their website here, or call 1300 65 11 88

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- Legal Aid Queensland have a PDF/printed guide on 'Consumer and trader disputes a guide to help you resolve a dispute with a trader' – here
- Queensland Government have a guide to dealing with disputes with business here

Here are some more useful links

### Where the dispute is about goods and services up to \$25k

- QCAT Consumer and Trader information here
- QCAT fees and allowances information here
- QCAT application for minor civil dispute here
- Office of Fair Trading Consumer Complaint Form here

### Where the dispute is about goods and services \$25k-\$40k

- Office of Fair Trading Consumer Complaint Form here
- ACCC Consumer Rights and Guarantees information page here

### Where the dispute is about goods and services more \$40k- \$150k

- Courts Queensland information and application link - here

### Where the dispute is about goods and services is a vehicle up to or equal to \$100k

- QCAT motor vehicle disputes information here
- QCAT motor vehicle disputes application here
- QCAT motor vehicle disputes response application here
- Office of Fair Trading Consumer Complaint Form here
- ACCC Consumer Rights and Guarantees information page here

### **Documents**

- 1. Proof of purchase / receipt
- 2. Complaint letter
- 3. QCAT / Magistrates Court application
- 4. Contract
- 5. Loan agreement

- 6. Complaint to industry body, Office of Fair Trading and Australian Competition and Consumer Commission (ACCC)
- 7. Credit report
  - You can access your free credit report once a year from any of the major credit reporting agencies. You can also get a free credit report if you've applied for credit and been refused in the past 3 months.
  - The three major credit report agencies are Equifax, Illion and Experian.

### Crime and criminal law

If you have been charged with a crime in Queensland, arrested, stopped in the street or asked to partake in an interview by police, you have a number of rights, including the right to silence. The police can ask you to give your name and address, especially if they reasonably suspect you've broken the law. The officer must warn you that it's an offence not to give them your correct name and address. It is a good idea to get legal advice.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- **Legal Aid Queensland** access their website here, or call 1300 65 11 88
- ATSILS access their website here or call 1800 012 255
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Courts Queensland access their website <u>here</u>

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- **Legal Aid Queensland** has a guide called 'Have you been charged with an offence? a guide to appearing in the Magistrates Court'- access it here
- Legal Aid Queensland has a comprehensive resource on criminal justice, offences, police and your rights and victims of crime - access it <u>here</u>
- Bayside Community Legal Service has a guide to accessing your QP9 here
- Queensland Law Handbook has information for offenders and victims, police powers, and court proceedings – access it here
- **Courts Queensland** have a number of resources including 'pleading guilty online'- see the application to plead guilty here.
  - \*\*If you are pleading guilty, you should consider getting legal advice from a resource

above or seeing a duty lawyer on your first court date before you do so.

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. QP9 (statement of facts)
- 2. Criminal history
- 3. Notice of adjournment

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Defamation

Defamation can occur where there has been a publication (including newspaper, posts on social media, text messages) which has led to a lowering of the relevant person's reputation, or others to think less of them, others shun or avoid them, or cause others to ridicule. If you have been accused of defamation, or you are concerned someone is defaming you, you should get legal advice.

There are a limited number organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Queensland District and Supreme Courts – access their website here

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- **Caxton** general defamation information here
- Environmental Defenders Office general defamation information here
- <u>LawRight</u> general defamation information <u>here</u>
- Queensland Courts claim form and statement of claim to start defamation proceedings here
- Case law on defamation <u>here</u>
- Queensland Law Handbook Defamation: what you need to know <u>here</u>
- Legal Aid Queensland Cyber bullying, sexting and Facebook guide your rights here

### **Documents**

- 1. Concerns notice
- 2. Evidence of defamation
- 3. Offer to make amends
- 4. Notice to appear

### **Domestic and Family Violence**

Everyone has the right to live without fear of violence or abuse. If there is violence or you or your children have been threatened, get help from the police. **Call 000 if you think you're in danger.** 

You can also get help and support from domestic and family violence services, and there are several organisations who can assist with this area including (but not limited to) the resources below:

- Call 000 if you think you're in danger
- Police Link call 131 444
- **DV Connect** Call 1800 811 811, 24 hours a day, 7 days a week.
- Legal Aid Queensland access their website here, or call 1300 65 11 88
- **ATSILS** access their website <u>here</u> or call 1800 012 255
- Community Legal Centre to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- a <u>family relationship centre</u> or the <u>Family Relationship Advice Line</u> can help you find specialist domestic and family violence services in your area.

Domestic violence is never ok. The behaviour includes when another person you're in a relationship with:

- is physically or sexually abusive to you
- is emotionally or psychologically abusive to you
- is economically abusive to you
- is threatening to you
- is coercive, or
- controls or dominates you and causes you to fear for your safety or wellbeing or that of someone else.

Additionally, there are several community organisations who provide information on this topic, including those listed below:

#### Guides

- How to apply for a domestic violence order - here

- Our legal system- information for women here
- Our legal system- information for Aboriginal and Torres Strait Islander women here
- Women's DV court support we can help you here
- Domestic violence wallet card protect yourself, abuse is wrong! here
- Someone has applied for a domestic violence protection order against me—what are my legal options? - <a href="here">here</a>
- How do I get a domestic violence protection order? here
- Everyone has the right to feel safe at home here
- Increasing your safety brochure here
- Domestic violence guides in multiple languages <u>here</u>
- When violence affects your tenancy here

Queensland Courts has videos on the domestic violence court process - here

Queensland Law Handbook has information about the domestic violence process - here

Bayside Community Legal\_has information on responding to domestic violence matters - here

**TASC National** have information on applying for and responding to domestic violence orders - <u>here</u>

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Police protection notice
- 2. Domestic and family violence application
- 3. Domestic and family violence temporary protection order
- 4. Domestic and family violence (final) order
- 5. Affidavit response
- 6. Affidavit (for application)
- 7. Notice to appear

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Elder abuse

Elder abuse is when someone in a relationship of trust with an older person commits an act causing emotional, psychological, financial, physical or sexual harm or neglect.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- Aged and Disability Advocacy (ADA) Australia access their website <a href="here">here</a> or call 1800 818</a>
- Elder Abuse Prevention Unit access their website here or call 1300 65 11 92
- Seniors Enquiry Line access their website here, or call 1300 13 55 00
- Institute for Urban Indigenous Health (IUIH) Legal Service access their website <a href="here">here</a>, or call 07 3828 3600
- Caxton Legal Centre Seniors Legal and Support Service access their website <a href="here">here</a> or call 07 3214 6333
- Townsville Community Law Scenarios Legal and Support Service access their website <a href="here">here</a> or call 07 4721 5511
- Legal Aid Queensland access their website here, or call 1300 65 11 88
- **ATSILS** access their website here or call 1800 012 255
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- Public Trustee access their website here or call 1300 36 00 44
- Office of the Public Guardian access their website here or call 1300 65 31 87
- Queensland Police 131 444 or call 000 if you are in danger/it is an emergency

Additionally, there are several community organisations who provide information on this topic, including those listed below:

- Know the signs. Make it stop resource here
- Queensland Government Elder Abuse resources here
- Legal Aid Queensland Elder abuse Information here
- Elder Abuse Prevention Unit resource here
- Queensland Police Elder abuse resource here

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Domestic and family violence application
- 2. Evidence of elder abuse (photos, messages, letters, videos)
- 3. Enduring Power of Attorney
- 4. Will
- 5. Advance Health Directive

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

Employment law in Australia is regulated by the state and Commonwealth governments. Most employees in Queensland are covered by the Commonwealth Fair Work laws. Employees who work for state or local governments are covered by Queensland employment laws.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- Basic Rights Queensland access their website <u>here</u> or call 07 3847 5532
- **Fair Work Ombudsman** to find out about your rights and obligations under Commonwealth employment law access their website here or call 13 13 94
- Office of Industrial Relations Qld to find out about your rights and obligations under Queensland employment law - access their website <a href="here">here</a> or call 1300 32 21 28
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Legal Aid Queensland access their website here, or call 1300 65 11 88
- Queensland Services Union if you are a member of your union they may be able to help access their website here or call 07 3844 5300
- Queensland Human Rights Commission access their website here
- Australian Human Rights Commission access their website here
- Fair Work (employment related discrimination) access their website here
- QCAT access their website here
- JobWatch access their website here or call 1800 331 617

Additionally, there are several community organisations who provide information on this topic, including those listed below:

### Resources

- Employment Law and Your Rights here
- Work related stress here
- Qld Industrial Relations Commission Anti-Discrimination applications here
- Losing your job here
- Employment Contracts <u>here</u>
- General Protections Adverse Actions Guidelines here
- Fair Work Commission General Protections Benchbook here
- Fair Work Commission application to stop bullying form here
- Paycheck plus tool <u>here</u>
- Queensland Law Handbook Employment information here
- Discrimination Factsheet here
- Termination of employment (including unfair dismissal) here
- Parental and paid parental leave here
- Independent contractors and employees here
- Limitation dates guide here
- Unfair dismissal application form here
- Unpaid wages: small claims court here

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Copy of your employment contract / letter
- 2. Letter of dismissal
- 3. Fair Work Commission application
- 4. Fair Work Ombudsman application
- 5. Queensland Human Rights Commission application
- 6. Evidence of unpaid wages (eg bank statements, payslips)

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Family

There are several fields including under the banner of family law including separation, property, divorce, children and parenting, child support and maintenance, court and child protection. Where there are children involved, the law encourages parents and other people interested in the welfare of the children to come to an agreement on arrangements for children.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- Women's Legal Service access their website here, or call 1800 957 957
- North Queensland Women's Legal Service access their website here, or call 1800 244 504
- Aboriginal and Torres Strait Islander Women's Legal Service NQ access their website here, or call 1800 082 600
- Qld Indigenous Family Violence Legal Service (QIFVLS) access their website <a href="here">here</a>, or call 1800 88 77 00
- **Legal Aid Queensland** access their website <u>here</u>, or call 1300 65 11 88
- **ATSILS** access their website <u>here</u> or call 1800 012 255
- Community Legal Centre to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Relationships Australia access their website <u>here</u>, or call 1300 364 277

Additionally, there are several community organisations who provide information on this topic, including those listed below:

### Resources

Court portal – forms – here

- Divorce factsheet here
- Queensland Law Handbook family law here
- You and family law: a short guide here
- Life after separation <u>here</u>
- Relationships and Children <u>here</u>
- Dividing your property <u>here</u>
- Consent orders, parenting orders and parenting plans guide here
- Reaching agreement Family dispute resolution and mediation here
- Family Law Term Finder easy to understand here
- COVID and parenting what you need to know here
- 10 tips for parenting during COVID 19 here
- Parenting orders program here
- Moving or travelling with children here

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Divorce application
- 2. Divorce order
- 3. Application for consent orders
- 4. Consent orders
- 5. Mediation certificate (s60I)
- 6. Proof of paternity (child's birth certificate)
- 7. Domestic and family violence application
- 8. Domestic and family violence temporary protection order
- 9. Domestic and family violence (final) order
- 10. Notice to appear
- 11. Notice of adjournment
- 12. Affidavits
- 13. Application for review
- 14. Contravention application
- 15. Financial statement
- 16. Name change application

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

**Human Rights** 

Government departments and public service employees have a responsibility to respect, protect and promote the human rights of individuals. They must act in a way that is compatible with human rights obligations when delivering services and interacting with the community. If you believe a government department has violated one of the human rights obligations in respect to you, then a complaint can be made.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Queensland Human Rights Commission website can be accessed here
- Australian Human Rights Commission website can be accessed here
- Ombudsman website can be accessed <u>here</u>
- Department of Justice and Attorney-General website can be accessed <u>here</u>

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- **Caxton** human rights information here
- LawRight human rights information here
- Legal Aid Queensland human rights information here
- **Australian Human Rights Commission** (website can be <u>accessed here</u>) have a claim form and statement of claim to start defamation proceedings, which can be accessed here
- Queensland Ombudsman human rights information here
- Queensland Human Rights Commission have information about all aspects of human rights, and these resources can be accessed - here
- Queensland Government human rights information here
- Department of Justice and Attorney-General human rights information here

### **Applications**

- To access the complaint application for the Queensland Human Rights Commission go here
- To access the complaint application for the Australian Human Rights Commission go here

#### **Documents**

- 1. Australian Human Rights Complaint for/application
- 2. Queensland Human Rights Commission complaint form
- 3. Any evidence of a breach of human rights (photos/letters/videos)

#### Mental Health

Mental Health Law governs the temporary involuntary detention, assessment or treatment of persons with a mental illness when the person is not capable of consenting to required medical treatment.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- Queensland Advocacy Incorporated (QAI) has a specialised Mental Health Legal Service access the website <a href="here">here</a> or call 07 3844 4200
- LawRight supports clients with mental health related issues access the website here
- Legal Aid Queensland access their website here, or call 1300 65 11 88
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- QCAT access the website here
- Office of the Public Guardian access the website here
- The Public Trustee access the website here

Additionally, there are several community organisations who provide information on this topic, including those listed below:

- Legal Aid Queensland Mental health and wellbeing here
- Queensland Law Handbook Mental Health and Wellbeing here
- **LawRight** Mental Health Law here
- QAI Treatment authorities here
- **QAI** Tips for Self-Advocacy at the MHRT here
- QAI Mental Health Review Tribunal and Legal Representation here
- Health justice partnerships Australia resources here

### **Documents**

- 1. Treatment authority
- 2. Enduring Power of Attorney
- 3. Guardianship order (QCAT)
- 4. Electroconvulsive therapy (ECT) application
- 5. Application of treatment criteria
- 6. Forensic order

- 7. Treatment application
- 8. Decisions from appeals

### Money and debt

Money and debt problems can be confusing and frightening if you don't know your rights. There are laws about what someone can and can't do to recover a debt. Additionally, if someone owes you money and is refusing to pay, there are several things you can do to try and recover your money.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- Legal Aid Queensland access their website here, or call 1300 65 11 88
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- **QCAT** access the website here
- Australian Financial Complaints Authority (AFCA) access their website <u>here</u> or call 1300 56 55 62

Additionally, there are several community organisations who provide information on this topic, including those listed below:

- ASICs Moneysmart guide <u>here</u>
- ACCC's Dealing with debt collectors: your responsibilities here
- QCAT debt disputes here
- Queensland Law Handbook Contracts, Money and Property here
- I owe money here
- Someone owes me money here

#### **Documents**

- 1. Fine
- 2. Contract (for consumer disputes or debt disagreement)
- 3. Court application
- 4. Enforcement order
- 5. Default notice
- 6. Claim and/or Statement of Claim

- 7. Order and/or Judgement from Court
- 8. Letter of demand to you
- 9. Letter of demand from you to someone else
- 10. Written response to a letter of demand

### Neighbourhood dispute (eg dividing fence / overhanging trees)

If you have a problem with your neighbours, you should try and sort it out with them first before complaining to an official body like the police or local council, but only if it is safe to do so. Property owners in Queensland have rights and obligations when it comes to fencing between adjoining properties, and these matters can extend to noise complaints and harassment.

There are several organisations who can assist with this area including (but not limited to) the resources below:

- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- **Dispute resolution Centre** access their website <u>here</u>
- Queensland Police 131 444
- **Local Council** for barking dogs

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Additionally, there are several community organisations who provide information on this topic, including those listed below:

- Bayside Community Legal Fencing Dispute Toolkit here
- Queensland Law Handbook Neighbourhood disputes here
- Notice to contribute for urgent fencing work application here
- Notice to contribute for fencing work application <u>here</u>
- QCAT FAQ's regarding fencing <u>here</u>

## Fences and retaining walls:

- Step-by-step guide to resolving tree and fence disputes
- Avoiding disputes about fences
- Your responsibility as a fence owner
- Dividing fences kit (Caxton Legal Centre).

### Trees and plants:

- Step-by-step guide to resolving tree and fence disputes
- What to do if your neighbour's tree is affecting you
- Your responsibilities as a tree-keeper

- Avoiding disputes about trees
- Tree disputes kite (Caxton Legal Centre).

#### **Boundaries and easements:**

- Information about boundaries and easements

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Letter you have provided to the neighbour
- 2. Letter received from your neighbour
- 3. Peace and good behaviour application
- 4. Peace and good behaviour order
- The other party's details
   How to find the details of another party if you don't have them
  - Ask the person their full name (only if you feel it is safe to do so)
  - You can make an informal application to your local council for the details of the owner of the neighbouring property. An informal application is usually free, although you may have to pay for photocopying costs.
  - Do a Land Titles search by address here https://www.resources.qld.gov.au/qld/housing/property-search#page=search
  - Check any correspondence you may have received from them
  - Run an internet and social media search
  - Go to an Australian Electoral Commission office to view the electoral roll.

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

#### Peace and Good Behaviour Order

A Peace and Good Behaviour Order is an order by the Magistrates Court, requiring a person to stop any activity that threatens to cause harm to you or your property, or threatens any person under your care or charge. It effectively orders the person to be of good behaviour and keep the peace for a certain period of time (usually between 12 months and 2 years). It does not include harassment and verbal abuse, for example a person calling you names or harassing you on the phone.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Legal Aid Queensland access their website here, or call 1300 65 11 88
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092
- Queensland District and Supreme Courts access their website here

Additionally, there are a number of community organisations who provide information on this topic, including those listed below:

- Caxton self-help kit for Peace and Good Behaviour Order here
- Legal Aid peace and good behaviour order and assessment criteria here
- Queensland Courts information fact sheet here
- Queensland Courts application for protection can be found <u>here</u>

#### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Peace and good behaviour application
- 2. Peace and good behaviour order
- 3. Complaint
- 4. Summons
- 5. Notice to appear
- 6. Evidence of threats to your wellbeing or quality of life (reason for order)

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Property settlement

There are laws about how property should be divided when a relationship breaks down. The Family Law Act sets out what the court will consider when determining how property should be divided.

Property includes assets (where something is owned) and liabilities (where money is owed) that are owned individually, with another person or by a family trust or family company. You should get legal advice before dividing your property.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- **Legal Aid Queensland** access their website here, or call 1300 65 11 88
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092

- Relationships Australia access their website here or call 1300 364 277
- Family Relationship Centres access their website here or call 1800 050 321
- Family Court of Australia access their website here or call 1300 352 000

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Property and Financial Agreements here
- You and family law: a short guide here
- Life after separation <u>here</u>
- Dividing your property <u>here</u>
- Reaching agreement Family dispute resolution and mediation here
- Family Law Term Finder easy to understand here
- Protecting your property here
- Spousal maintenance here
- Women's Legal Service property guide here
- Property and Financial Agreements and Consent Orders What You Need To Know here

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. Divorce application
- 2. Divorce order
- 3. Binding financial agreement (we may not be able to give advice on this)
- 4. Pre-marriage agreement
- 5. Mortgage statement
- 6. Debt agreements
- 7. Statements from any other loans or assets
  - a. Car loan/agreement
  - b. Superannuation statements
  - c. Investments
  - d. Insurance policies
  - e. Shares
  - f. Bank statements

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Succession law – Wills and estates (contesting only)

Laws relating wills and deceased estates can be complex. If you are contesting a will you should get legal advice.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- The Public Trustee access the website here
- Consumer Law Reform Association access the website here or call 07 3899 1711
- Queensland courts access their website <u>here</u>
- Community Legal Centre (some- not all) to find a CLC in your area, please use the CLCQ website search function here or call 07 3392 0092

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Queensland Law Handbook Wills and Estates <u>here</u>
- Probate notice database here
- Queensland Courts all the forms required to contest a will/estate here
- Deceased estates trouble shooting guide here
- A guide for beneficiaries <u>here</u>
- Let's talk about wills here
- Probate and deceased estates here
- Caxton Legal Centre Contesting a will <u>here</u>
- When someone dies: practical issues here
- Letters of administration (without a will) here

### **Documents**

- 1. The Will (if you have a copy)
- 2. Family provision claim
- 3. A grant of probate
- 4. Correspondence with the executor of the estate notice of intention to commence proceedings
- 5. Affidavit
- 6. Directions hearing notice (court notice)

- 7. Mediation documents
- 8. Judgement from court

### Tenancy dispute

Different types of tenancy are protected under different laws in Queensland.

There are a number of organisations who can assist with this area including (but not limited to) the resources below.

These websites may be useful if you are looking for more information:

- Residential Tenancy Authority (RTA) access their website here or call 1300 366 311
- **Tenants Qld** access their website here or call 1300 744 263
- **Community Legal Centre (some- not all)** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Office of Fair Trading access their website here or call 1374 62
- **QCAT –** access their website <u>here</u> or call 1300 753 228

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Tenancy Facts <u>here</u>
- If violence affects your tenancy <u>here</u>
- Entry and privacy here
- Lessor ends tenancy <u>here</u>
- You want to leave- <u>here</u>
- Resolving tenancy disputes <u>here</u>
- Legal Aid Queensland: tenancy and housing <u>here</u>
- Queensland Law Handbook: Tenancy <u>here</u>
- Going to the tribunal <u>here</u>

#### **Documents**

- 1. Breach notice
- 2. Notice to remedy breach
- 3. Notice to leave
- 4. Evidence of landlord in breach
- 5. Dispute resolution application
- 6. Notice of intention to leave
- 7. Letter from agent / owner / RTA withholding bond
- 8. Notice of claim for refund of rental bond
- 9. Entry / exit condition report

### Traffic and loss of license

Traffic offences are a complex area of law, and being charged with an offence can be very serious. Penalties can range from receiving a fine, incurring demerit points, a probation order or even going to jail. This depends on the type of offence, the circumstances, and your traffic history.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Legal Aid Queensland access their website here, or call 1300 65 11 88
- ATSILS access their website here or call 1800 012 255
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <a href="here">here</a> or call 07 3392 0092
- Queensland Traffic Offenders Program access their website here or call 0401 344 982
- Department of Transport and Main Roads access their website here or call 13 23 80
- State Penalties Enforcement Registry (SPER) access their website <u>here</u> or call 1300 365
   635

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Are you going to lose your driver licence?—applying for a work licence or special hardship order - here
- Has your licence been disqualified for more than two years? here
- Traffic offences <u>here</u>
- Drink and drug driving here
- License disqualification here

- Work licenses here
- Queensland Law Handbook: traffic offences here
- About work licenses here

### **Documents**

You may wish to start gathering some of the documents listed below (if they apply to you and/or you have safe access to them) to ensure that you are prepared if you decide to get legal advice about this issue.

- 1. The original fine/infringement notice
- 2. Traffic history
  - a. You can get this from Department of Transport by calling them
- 3. Criminal history
- 4. Work license application
- 5. Special hardship order
- 6. Notice to appear (in court)
- 7. Bail undertaking
- 8. Application for an Order directing the issue of a Restricted Licence (s87) form (your application form)
- 9. Affidavit from your employer

Alternatively, you may also wish to seek legal advice from a private solicitor. You can use the Queensland Law Society's tool 'Find a solicitor' to find a private practitioner who may be able to help.

### Vehicle accident

If you're involved in a traffic accident you must stop and give your name and address to the other person involved. If the vehicle is unoccupied you can leave your details for the owner. If there's any damage to vehicles or people involved you should report it to the police.

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Your insurance company
- Legal Aid Queensland access their website here, or call 1300 65 11 88
- ATSILS access their website here or call 1800 012 255
- **Community Legal Centre** to find a CLC in your area, please use the CLCQ website search function <u>here</u> or call 07 3392 0092
- Financial Rights Legal Centre- access their website here or call 1300 663 464
- Australian Financial Complaints Authority access their website here or call 1800 931 678
- Motor Accident Insurance Commission access their website here or call 1300 302 568

There are a number of organisations who can assist with this area including (but not limited to) the resources below. These websites may be useful if you are looking for more information:

- Have you been in an accident? a guide to help you work out who pays here
- I've had an accident and I'm uninsured here
- making a claim on your car insurance here
- What can I do if my claim is refused? here
- Queensland Law Handbook: traffic offences here

#### **Documents**

- 1. Insurance policy
- 2. Accident report
- 3. Quote for repairs
- 4. Any court documents
- 5. The other party's details
  - You will need to get the details of the other party before you can get advice.
     You can request the other party's details by requesting a <u>Queensland Motor Vehicle</u>
     <u>Register</u> search. To make an application you can contact QMVR and supply 1 or more of the following:
    - a police traffic accident report (only if the police investigated the accident
    - a written permission from the registered operator
    - an official request on letterhead from your insurance company, solicitor or lawyer supporting the vehicle incident or accident report
    - a statutory declaration describing the off-road incident and property damage, with a copy of any available witness statements
    - a statutory declaration describing the incident, with a repair quote.