

The Advice and Duty forms have been updated to reduce the length and complexity of the forms, and the number of forms. Electronic versions of the new Advice and Duty forms are fillable pdfs that can be easily completed on a PC or laptop to assist practitioners working remotely and providing services by phone.

The [Application for legal aid form](#) has been updated to a fillable pdf that can be easily completed on a computer.

Please use the forms in **Adobe Reader**.

1. Why did we change the advice and duty forms?

The forms were updated to:

- Reduce length and complexity
- Use plain English
- Ensure questions are clear and concise to make it easier for clients to correctly complete the form.
- Collect only the data we need to provide the legal services and meet any reporting requirements.
- Ensure we collect and use data in line with our statutory and business requirements.
- Tailor the back page of the form to the needs of each area of law.

2. How do I download and save the forms?

The forms are designed to work in **Adobe Acrobat Reader DC** (this program is available for free download [here](#).)

1. Download the form from the internet and save it to your desktop or a file on your computer. This should be a clean version of the form that you can use to create a new document for each client.
2. Create a copy of the form for each new client.
3. Open the form in **Adobe Acrobat Reader DC**.
4. Click File > Save and choose a location and name (e.g. client's name) for the file.

You must create a new pdf document for every client from a clean version of the pdf (i.e. not from a version that you have completed for a different client). This will prevent the wrong information from being carried over and will help to protect each client's personal and confidential information.

3. How do I obtain declarations and consents when engaging with the client over the telephone?

In response to the COVID-19 pandemic, many of our services are now being provided over the telephone. In many cases, this means that it will not be possible for a client to sign a declaration or consent in a form.

The following approaches have been approved by the CEO:

Declaration that the information provided is true and correct

All client forms (for advice, duty and grants of aid) require the client to declare that the information provided is true and correct.

The declaration can either be provided in writing or verbally:

1. You can send an electronic version of the relevant form to the client via email for them to complete and return. The client must then confirm in an email that the information they have included is true and correct.
2. You can complete the form with the client over the phone. The client must declare orally that what they have told you is true and correct, and this declaration must be recorded on the form. Or, you can email the completed form to the client for them to review and confirm by email that the information is true and correct.

Centrelink consent

Only applications for legal aid and the Crime Advice and Duty form include an option for the client to consent to Legal Aid NSW accessing information about their income using Centrelink Confirmation eServices. This information is used to verify means and assess the applicant's eligibility for legal aid.

Centrelink consent can be provided verbally over the telephone. To comply with Centrelink auditing requirements, you must complete the following steps:

1. Confirm your client's identity (full name, date of birth, address).
2. Read the [Centrelink consent script](#) to your client over the phone.
3. Record the details of the consent including the script in a [file note](#) and save to the client's file in CCMS.

4. When will the printed versions of the forms be available?

Printed versions of the forms will be available at all Legal Aid NSW offices and court locations once face-to-face services resume.

5. Why are there no lines on the pages when I print out the form?

The electronic forms are fillable PDFs designed to be completed on a PC or laptop.

Hard copy versions of the forms (which will include lines for handwriting) will be released at all Legal Aid NSW office and court locations once face-to-face services resume.

6. Why can't I see all the text wrote when I print out the form?

The electronic versions of the forms only have one scrollable box for typing instructions, advice or notes. This box is found on page 3 of each of the forms. There is no limit to the amount of text you can type. However, if you print out the form then any text that goes beyond the bottom of the box will not be printed. If you do wish to print out your entire instructions, advice or notes then you can copy and paste the text into a blank Word document.

7. What are the changes to a client's disability information?

Client section

Do you have a disability or mental health condition? No / Yes / Not stated

If you choose to tell us this, we will ask what supports you need to make our service work for you.

Solicitor section

If the client has a disability or mental health condition, then consider asking:

Which of these categories best describe the client's disability/diagnosis?

- Cognitive (includes intellectual, ASD, ABI, dementia)
- Mental health condition
- Physical
- Sensory/speech
- Other (please specify): _____

What supports does the client require?

- Auslan interpreter
- Large print documents
- Plain English summary of advice
- Support person present
- Suitable communication: _____
- Other (please specify): _____

This approach makes it clear to the client that we are asking for this personal information to ensure that our service is appropriate for their needs. It also allows solicitors to tailor their interaction and only offer those supports that are relevant to the service being provided and to the needs of the client.

In response to concerns about the personal nature of the information we collect on a client's disability or diagnosis, the list of disability types is now more high-level:

- Cognitive (includes the old categories of Acquired Brain Injury, Autism Spectrum, Intellectual)
- Physical (includes the old categories of Physical Impairment & Chronic Health Condition)
- Sensory/Speech (includes the old categories of Hearing/Speech Impairment & Vision Impairment)
- Mental Health Condition
- Other

This list of disability supports has been updated to those that are most relevant, useful and available.

8. What are the changes to information about safely managing a matter where the client experiences DFV?

Client section

Are you experiencing or at risk of domestic and family violence?

e.g. has your partner, ex-partner or family member hit, slapped or threatened you? Or are you frightened of or controlled by them?

No / Yes

Solicitor section

If the client is at risk of domestic and family violence, then consider asking:

- Has an AVO been made for the protection of the client or their children? No /Yes
- Is it safe to contact the client by? SMS / Email /Phone /Mail
- Is it safe to disclose the clients address? No /Yes
- Is there anything else we can do to keep the client safe (e.g. do they feel safe going to court?) – free text space

Previously, only the FASS and advice forms asked clients the DFV safety questions. The DFV Steering Committee decided that all forms across all practice areas (except for the MHAS form) should now ask safety questions where a client has indicated they are experiencing DFV.

This approach means that solicitors can engage with their clients directly about a sensitive issue and can tailor the safety questions as required.