

AEU-NT Policy On Legal Assistance To Members

1. Assistance Provided

The AEU-NT Branch may make provision for legal assistance to members in matters connected with their employment in instances where the employer is unprepared to give support. The AEU-NT Branch does not usually provide legal assistance in matters that are not work related.

AEU-NT Branch staff provide industrial assistance to members in defence of their employment entitlements. Where such matters are not resolved and require legal advice and/or court representation, AEU-NT Branch may consider contributing to the cost of such legal assistance. This will generally involve matters which are within the jurisdiction of the Northern Territory Magistrates Court including the Work Health Court or the Federal Court or Fair Work Australia.

Assistance may be available where the AEU-NT Branch believes that the member has a valid claim and that injustice would arise if assistance were not provided.

Examples of such situations include

- * Pursuing entitlements under the Work Health Act or the Fair Work Act 2009.
- * Action for recovery of withheld wages or other entitlements
- * Defence of charges or actions brought under the Public Sector Employment and Management Act
- * Applications to the Anti Discrimination Commission or the Ombudsman.

The AEU-NT Branch may consider requests for legal assistance in respect to defending civil actions or criminal charges where they are incurred within the normal employment relationship.

As legal assistance can be a considerable expense in any one case, the AEU-NT Branch will only consider providing such assistance on the following conditions

- * the applicant has acted according to the AEU-NT Branch's Code of Ethics
- * the applicant has truthfully supplied the AEU-NT Branch and its legal advisers with all relevant information
- * the matter for which assistance is sought has arisen directly from the member's employment
- * the member was a fully financial member of the AEU-NT Branch at the time the matter arose
- * the member is defending the action or pleading not guilty to the allegation or charge



- * AEU-NT Branch legal assistance must be sought prior to incurring legal costs. No reimbursement for legal expenses already incurred will be considered
- * the member agrees to use the AEU-NT Branch's solicitors unless the AEU-NT Branch decides otherwise and if it decides otherwise, the Branch may impose such conditions as it thinks fit
- * the member waives the privilege of solicitor and client and undertakes to inform his/her solicitor of such a waiver
- * the member agrees to formally make undertakings to the union in respect of support provided.

2. Procedures for Seeking Legal Assistance from the AEU-NT Branch

In the first instance the member should contact a Full-Time Officer or an Organiser of the AEU-NT Branch. The Full-Time Officer will advise whether it is a matter for which the member should apply for legal assistance.

The member seeking assistance must write to the AEU-NT Branch Executive providing details of the matter and requesting assistance. This will be kept confidential. A copy of the AEU-NT Application for Legal Assistance form is available through the AEU-NT Office.

The AEU-NT Branch Executive will advise the member of its decision, either to support or not support the application, or request further information.

Where approval is given by the AEU-NT Branch Executive, the member will be required to make certain undertakings to the Union in respect of support provided, including the reimbursement of legal costs in the event such costs are awarded or recovered in favour of the member.

In all cases where legal assistance is granted the AEU-NT Branch Executive reserves an absolute discretion to discontinue such assistance at any time. Where a member unilaterally discontinues a legal action, the AEU-NT reserves the right to withdraw legal assistance funding and to require reimbursement of legal costs already paid.

3. Police Interviews

The only information a citizen is legally obliged to give the police is his/her name and address. If arrested, it is unwise to engage in discussion with police without first obtaining legal advice. Members are strongly advised not to plead guilty without first consulting a solicitor.

4. Confidentiality

Members should know that the proceedings of the AEU-NT Branch Executive are entirely confidential in respect to cases where the Union provides legal assistance to members.

If a member thinks they need legal assistance they should contact the AEU-NT Branch at once. There are many situations in which teachers and educators should seek such defence and the employer should accept this responsibility. The Union can explain to members how to obtain employer defence.