

IEUA-QNT Legal Assistance to Members External Policy Statement

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Description:	Legal Assistance to Members	Version:	4
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1. RATIONALE:

The provision of legal assistance is necessary in some circumstances to ensure that the position of members in matters relating to their employment is fully protected.

2. PURPOSE:

The purpose of this policy is to outline the circumstances in which the IEUA-QNT may offer its financial members access to legal services.

The IEUA-QNT will assess all industrial enquiries to determine if legal assistance is required.

3. POLICY STATEMENT:

3.1 Service Provision

The Union will offer three forms of legal assistance to financial members:

3.1.1 Full legal assistance may be provided to financial members in matters arising directly from their employment.

- (a) If an allegation which could lead to a criminal charge or a Queensland College of Teachers action is brought against a member for a matter arising directly from their employment situation, the Union is able to provide legal representation for the member.
- (b) Legal assistance will ordinarily be authorised on a progressive basis and will be subject to review at various stages of a matter.

- (c) The Union Branch Executive retains the discretion to make a determination at any point in regard to payment of costs. This may include offering to pay a proportion of costs, or not paying not costs, based on the particular circumstances of the matter.

3.1.2 Subsidised legal assistance may be provided to financial members in relation to matters not arising directly from employment, but which could have a bearing on employment.

- (a) This assistance can be provided for criminal matters which do not arise from their employment situation, but for which a conviction may lead to dismissal.
- (b) The extent of the Union subsidy would be 30% of legal costs. The Union's solicitor would provide a 25% discount on fees in addition to the Union subsidy.

3.1.3 Extended legal assistance may be provided to financial members for matters which do not fall within the two categories above.

- (a) In such matters, the Union would arrange a free half hour consultation with the Union's solicitors. The solicitors currently provide a 25% discount on their fees charged for performing work for the member arising from this consultation.

3.2 General

3.2.1 The Union will arrange legal representation, if necessary, through the Union's solicitors.

3.2.2 It is contrary to the Union's policy for a member to have "dual representation". If a member seeks advice or assistance from a solicitor or any other representative (whether paid or unpaid) the member is required to inform the assigned Officer immediately, and the Union cannot continue to act on the member's behalf whilst he/she is receiving advice from another representative.

3.2.3 The Union is not responsible for any costs incurred privately by a member.

3.2.4 The Union will not meet legal costs where the member seeks advice without the Union's approval.

3.2.5 Legal advice is provided only by the nominated firm of solicitors or their nominated agents.

3.2.6 The Union does not ordinarily provide funding for any civil actions initiated by members (e.g., defamation). However, funding for actions such as recovery of wages in the Federal Circuit Court or proceedings in the Fair Work Commission will be considered. Such actions will, at the discretion of the Union, be run by officers or legal representatives.

3.2.7 Union funded legal assistance will not be provided where one member is in dispute with another member.

4. APPLICABILITY

This policy applies to all financial members. To be eligible for legal assistance, members must be financial, and must have been financial prior to the date on which the issue arose.

5. DEFINITONS

6. PERSON RESPONSIBLE

The Secretary has oversight of this policy. The Secretary (or their delegated officer) must be consulted for approval of the provision of legal assistance.

7. POLICY AUTHORITY

This policy is authorised by the IEUA-QNT Branch Executive.

8. RELATED DOCUMENTS AND LINKS

Document ID	Document Type	Document Name
2021.02 – Industrial Services to Members – Member Guidelines	Policy Statement	IEUA-QNT Industrial Services to Members – Member Guidelines
2021.01 – Pre-existing Issue Policy	Policy Statement	IEUA-QNT Provision of Industrial Services to New Members and Unfinancial Members Reinstating with Pre-existing Issues

9. IMPLEMENTATION PROCEDURES

This policy shall be applied to all matters requiring the provision of legal assistance to members.

10. REVISION HISTORY

Revision	Date	Made By	Approved By	Reason
1	20 June 2004	Industrial Committee	QIEU Council	New Policy
2	October 2012	Industrial Committee	QIEU Council	Amended Policy
3	19 July 2019	Industrial Committee	IEUA-QNT Branch Executive	Amended Policy
4	12 November 2021	Industrial Committee	IEUA-QNT Branch Executive	Amended Policy