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Legal information or legal advice?

What you can explain, when the conversation is changing, and how to keep helping.

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WHO THIS IS FOR

- community, family violence, settlement, youth and health workers
- educators, trainers and researchers
- law graduates, and admitted lawyers who do not hold practising certificates
- writers, content creators and people answering questions about the law online
- organisations designing fact sheets, websites, workshops, chatbots and AI tools

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THE ONE THING TO REMEMBER

Anyone can share legal information. Explaining the law is not the same as providing a legal service to a particular person.

You can explain how a legal process works, make a rule easier to understand, and help someone find support. The risk increases when you start assessing their legal position, choosing a legal response for them, or preparing documents that require legal judgment.

Legal practice is generally restricted to qualified entities, including practising lawyers and law practices, with specific exceptions for some people and activities [1], [2]. The boundary depends on what you do and the context in which you do it, not on what you call the service [3]. This guide helps you recognise that boundary without making you afraid to share useful information.

> **Am I helping someone understand the law, or am I taking responsibility for assessing what the law means for them?**

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- community, family violence, settlement, youth and health workers
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It focuses on Victoria, which applies the Legal Profession Uniform Law, as do New South Wales and Western Australia [1], [17].

How to use it

Start with the practical distinction and examples (pages 2 to 11). Use the legal framework (page 12 and Appendix A) to understand why the boundary exists.

The zones, tables and checklists are this guide's own practical risk model. They are not statutory tests or regulator-issued categories. Whether someone is engaging in legal practice is a question of fact and degree, and the Legal Services Council says "there is no bright line separating permissible legal work from impermissible legal practice" [3].

The working question above is a prompt, not a complete legal test. Legal practice can include more than advice: drafting, representation and other work may also be relevant [2]. Equally, a person who gives advice touching on legal matters, or prepares documents with legal effect, does not act as a legal practitioner "by reason of those acts alone"; who performs the activity, and how, when and where, may matter [3].

01 · THE CENTRAL DISTINCTION

Explaining a rule is different from assessing someone's legal position.

Personalised legal assessment is an important indicator, not the complete test for legal practice.

Legal information

Explains the law or a legal process without assessing what it means for a particular person's legal position. The Legal Services Council describes it as information about the law generally, given without a personal relationship with a particular person, not tailored to their circumstances, and not dependent on the trust of a lawyer and client relationship. Any person may give it, including through technology **[3]**.

- "Here is how family violence intervention orders generally work."
- "This law generally requires…"
- A genuinely educational hypothetical
- Publishing a general fact sheet
- "These are common pathways people use."
- Helping someone locate a service
- Training workers to recognise issues and refer
- Explaining legal requirements relevant to policy design
- A chatbot explaining a public process

Legal advice

Applies legal knowledge and judgment to a particular person's circumstances, for example by assessing their rights, prospects, obligations or legal response. The Federal Court called "the advising of a particular person in a particular situation" the "essence of legal practice" (ACCC v Murray [2002] FCA 1252 at [94]).

- "On these facts, you should apply for an intervention order."
- "Your conduct complies with this law."
- Assessing a real person's circumstances, even with names changed
- Preparing a tailored legal document using legal judgment
- "Your strongest legal option is…"
- Assessing whether they have a strong or weak case
- Telling a worker what legal action their client should take
- Giving an organisation a legal opinion that its policy complies
- A chatbot evaluating evidence and recommending a legal strategy

These examples are this guide's synthesis, not categorical rulings. They draw on the Legal Services Council's principles **[3]**, ACCC v Murray at [94], and Australian Injury Helpline at [96], where outlining a person's "options" and the "legal differences and options available" was "strongly indicative of undertaking of legal work".

02 · A COMMON MISUNDERSTANDING

Personal contact is not the same as personalised legal advice.

You do not have to avoid individual people to stay on the information side. A conversation can respond to someone's practical needs without assessing their legal position.

You can still

- find a service that covers their location
- help them locate an accessible or translated resource
- explain publicly available steps in a process
- help them contact a legal service
- ask what communication support they need

The distinction is between adapting access to information and applying legal judgment to a person's circumstances. Activities touching on law are assessed in context, not treated as legal practice just because they involve legal matters [3].

Hear the difference

> "You said you need help in another language. Let's look for a service that offers an interpreter."

is different from

> "Having reviewed your agreement, I think you can end it without liability."

The first helps someone access assistance. The second assesses their legal position.

WHY NAVIGATION NEEDS CARE

"Triage" can mean two different things. **Service triage asks:** which service can help this person, and how can they reach it? **Legal assessment asks:** what rights does this person have, and what legal response should they choose?

A service may need some personal information to make a useful referral. That does not make every referral legal advice. But deciding which claim someone should bring, assessing their prospects, recommending a legal strategy, or outlining their legal options and the consequences of each goes beyond locating help (Australian Injury Helpline at [96]).

03 · THE MODEL

Two kinds of help, not a ladder.

Most of what you do sits in one of two areas. The question is not how personal the conversation feels. It is whether the task has changed from helping someone understand and access the law to assessing or acting on their legal position.

Helping someone understand and access

- Explain a general rule
- Use an educational example
- Locate published information
- Support communication and access
- Help prepare questions and documents for an appointment

Assessing or acting on someone's legal position

- Evaluate their rights or obligations
- Assess evidence or prospects
- Recommend a legal response
- Select legally significant content for them
- Undertake tailored legal work, or act as their representative

> **Pause when the task changes. Check your role, your authority and the context.**

These are practical prompts, not legal classifications or guarantees. Activities in the left-hand area are not automatically lawful, and context can move an activity across: a hypothetical can disguise an assessment of a real case, and a general-looking document can still involve legally significant drafting. The risk turns on the substance and context of the work, including whether you are exercising legal judgment for someone or acting as their representative **[3], [5]**.

Five activities you will recognise

These describe common activities and where each one tends to sit. They are not stages, and they are not an order of increasing risk.

ACTIVITY	EXAMPLE	PRACTICAL BOUNDARY
General information	"Here is how bond disputes generally work."	Keep it accurate, current and clear about which state it covers
Explanation	"Fair wear and tear means ordinary deterioration over time."	Explain the rule without deciding how it applies to this person
Hypothetical illustration	"Imagine a renter and rental provider disagree about worn carpet."	Don't use a supposed hypothetical to assess the questioner's real case
Navigation and practical support	"This service handles bond disputes. I can help you contact it."	Keep navigation and practical help separate from legal assessment
Individual legal assessment or action	"Your evidence proves the claim is invalid. Reject the offer."	Refer, unless you are qualified and authorised to provide that service

04 · WORKED EXAMPLE

A renter asks about their bond.

These examples show the five activities in one scenario. They are not advice about any tenancy. Process facts are from Rental Dispute Resolution Victoria (RDRV) [10] and Tenants Victoria [11]; check them on the day you publish.

Zone 1 · General information

> "In Victoria, rental bonds are lodged with the Residential Tenancies Bond Authority. If there's no dispute at the end of the agreement, either party can apply through RTBA Online to have the bond released. Rental Dispute Resolution Victoria helps with disputes about bond claims."

This describes the public system without assessing anyone's position. People may use it to take a procedural step, and that's fine.

Zone 2 · Explanation

> "Bond claims can involve things like unpaid rent, cleaning or damage. A rental provider can't claim for fair wear and tear, which is ordinary deterioration over time, like faded paint or worn carpet. Whether a particular condition is damage or fair wear and tear depends on the circumstances."

This explains a general distinction without deciding which category someone's situation falls into. RDRV publishes this kind of explanation as general information [10].

Zone 3 · Hypothetical illustration

> "Imagine a renter and rental provider disagree about carpet at the end of a long tenancy. The general distinction is between ordinary deterioration and damage. The example alone doesn't tell us who would succeed."

The Legal Services Council includes applying the law to a hypothetical to show how it works within legal information [3]. But changing a person's name doesn't turn an assessment of their real circumstances into general information.

Zone 4 · Navigation and practical support

> "RDRV helps with bond disputes. I can show you its public information, and help you find a legal service if you want advice about your position."

This identifies services without evaluating the claim. RDRV's own role includes reviewing the information and helping the parties negotiate, with unresolved matters possibly going to a hearing [10]. Explaining that role is different from taking it on yourself.

Zone 5 · Individual legal assessment

> "I've reviewed your photos. That's definitely fair wear and tear. Refuse the claim and take it to a hearing. You'll win."

This assesses evidence, reaches a legal conclusion, recommends a response and predicts an outcome. Those features strongly indicate individual legal advice (ACCC v Murray at [94]; [4]). It should come only from someone qualified and authorised, ordinarily an Australian legal practitioner.

Reached the boundary? Change the kind of help you offer, don't end the conversation. The next page shows what you can keep doing.

05 · HARDER SCENARIOS

The hard cases don't say "you'll win".

The bond example is easy to recognise. These are the moments where the task changes quietly. They are discussion scenarios for teams to adapt to their own roles and procedures, not definitive rulings.

THE MOMENT	WHAT CHANGED IN THE TASK	WHAT YOU SHOULDN'T DETERMINE	HELP THAT CAN CONTINUE	WHAT NEEDS REFERRAL OR SUPERVISOR REVIEW
You're reading published instructions aloud and the person asks, "Which box applies to me?"	From explaining the form to applying it to their facts	Which category their situation falls into, where that affects their legal position	Explain what each box means in general terms; help them write down their question for an adviser	Refer if the choice affects what they claim or admit
You're typing words the person dictates and notice they've misunderstood the question	From clerical help to shaping legally significant content	What they should write instead	Point out that the question may mean something different and show the published guidance; pause the typing	Refer or escalate before the form is submitted
A workshop participant says "this is hypothetical", then describes their actual dispute	From an educational example to a real case	How the rule applies to their facts, their prospects or their best option	Answer the general rule for the group; offer to help them find advice afterwards	Refer the individual question privately after the session
A chatbot gives general options, then starts ranking them against the user's facts	From information to individual assessment	Which option is best for this user	General explanation of each option; a usable handover to a service	Design review: the tool needs a stop and handover at this point
You spot an approaching date but don't know whether it's legally binding	From noticing to interpreting	Whether the date is a legal deadline, or what happens if it's missed	Flag the date as something to check urgently; help the person contact a service today	Prompt referral; escalate internally if the person can't reach a service in time

Pattern across all five: name what changed, stop the part that needs legal judgment, keep the part that doesn't, and make the handover usable. Organisations should decide in advance who staff escalate to, and record that in their own procedures.

06 · KEEP HELPING

Reaching the boundary changes the kind of help you offer. It doesn't end the interaction.

Depending on your role, authorisation and organisation's procedures, useful support may include:

- locating reliable public information
- showing where published process steps are
- helping someone prepare questions for a lawyer
- helping them organise documents to take to an appointment
- arranging interpreting or accessibility support
- helping them contact an appropriate service

There is a real difference between mechanical or clerical help and work requiring legal judgment. A case quoted by the Legal Services Council describes shaping a document from "a mass of facts and conditions, the legal effect of which must be carefully determined by a mind trained in the existing laws" as going "beyond mechanical or clerical tasks" [3].

Forms and letters: name the task

"Helping with a form" is too broad to classify on its own.

KIND OF HELP	WHAT TO WATCH
Locating the official form	Don't imply you've assessed that it's the right legal application
Reading published instructions aloud	Don't turn the explanation into an assessment of what the person should claim
Typing words the person has chosen themselves	Watch for a shift into choosing legally significant content or advising on its effect
Choosing claims, remedies, allegations or legal arguments	This may need legal judgment: refer, or involve an authorised legal service
Drafting a tailored legal letter or court submission	The VLSB+C lists these as activities that could be unqualified legal practice [2]

This is not permission to complete legal documents. The VLSB+C lists writing legal documents for a court or tribunal (including applications, forms and submissions), writing or advising on transactional documents, writing documents that imply you represent someone, and "ghost drafting" legal documents or correspondence as activities that could be unqualified practice [2].

07 · WHEN TO PAUSE

Pause when you move from explaining a system to assessing someone's position.

Signs that point towards legal practice

- reviewing evidence to decide whether someone is legally right [4]
- predicting whether they will win or lose [4]
- outlining their legal options and recommending one (Australian Injury Helpline at [96])
- selecting legal grounds, claims or remedies for them
- advising whether to sign, settle, admit, refuse or start proceedings
- writing correspondence as though you represent them [2]
- letting someone believe you are their lawyer (Re Sanderson [1927] VLR 394 at 397)

These draw on the cases and regulator guidance cited. They are not an exhaustive legal test.

Urgency: two separate decisions

A cautious policy, not a legal rule. When there's a deadline, a limitation period, or a money, housing, safety, immigration or criminal consequence at stake, or the person is about to act, ask two questions separately:

- **Does this need timely specialist attention?** A deadline or serious consequence may require prompt referral or escalation.
- **What support can I continue providing?** You may still be able to explain published processes, arrange access support or help the person contact a service within your role.

Urgency increases the need for timely specialist help. It does not automatically mean all information or practical support must stop.

Avoid reassurance about legal rights or outcomes, such as "you'll win" or "the court can't do that". You can still acknowledge distress and offer practical support.

Not every sign means you've crossed the line

Someone telling you personal facts doesn't, by itself, mean you've crossed the line. What matters is what you do with those facts. And people are meant to use good legal information: the fact that a reader may act on a general resource doesn't, on its own, make it advice [3].

> **Am I explaining a generally available step, or deciding that this person should take it because of my assessment of their legal position?**

08 · THE TRAP

Four things that don't settle the question.

Free, accurate, one-off or disclaimed work must still be judged by its substance and context. The VLSB+C says a person may still be engaging in unqualified legal practice even if **[2]**:

It was free.

Doing legal work for reward points to legal practice but "is not a necessary pre-condition" (Legal Services Commissioner v Walter [2011] QSC 132 at [20]).

It was only once.

A single instance can still be unqualified practice.

It was accurate.

Good advice, or a well-drafted document, is still advice or drafting. Accuracy is not a defence.

You said you weren't qualified.

"This is not legal advice" can explain a service's scope. It can't turn an individual legal assessment into general information.

A DISCLAIMER DOESN'T CHANGE THE SUBSTANCE

Explaining your status can matter to whether you held yourself out as a solicitor, where the activity itself may lawfully be done by a non-lawyer. The Legal Services Council notes that a reasonable person's understanding of the actor's status includes any statement that they are not a solicitor (Law Society of NSW v Seymour [1999] NSWCA 117, discussed in **[3]**). It is not a general exemption from the restrictions on legal practice.

A LAWYER'S INVOLVEMENT ISN'T BLANKET AUTHORISATION

Don't assume that a lawyer reviewing a resource, supporting a project or being available for occasional questions authorises everyone involved to give legal advice. The Legal Services Council states that a qualified entity "cannot delegate its entitlement to engage" in legal practice to an unqualified entity **[3]**. A service using lawyers and non-lawyers needs a clearly defined structure for who does what.

09 · WHO CAN DO WHAT

Sharing legal information is different from being authorised to practise law.

STATUS	GENERAL LEGAL INFORMATION	INDIVIDUAL LEGAL SERVICES
Person without legal qualifications	● May provide it	○ Can't practise; specific authorisations or exemptions may apply
Law graduate who hasn't been admitted	● May provide it	○ A law degree doesn't itself authorise practice [2]
Admitted Australian lawyer without a current practising certificate	● May provide it	○ Admission alone doesn't authorise practice [1]
Australian legal practitioner (admitted, with a current practising certificate)	● May provide it	● May practise, subject to certificate conditions and other requirements [1]
Person authorised under another law or an exemption	● May provide it	● Authority is limited to that authorisation [4], [18]

EXCEPTIONS AND OTHER OCCUPATIONS

The General Rules exempt some people from the prohibition to a limited extent, including licensed conveyancers, some government officers, public trustees, and industrial organisations as set out in the Rules [4]. The VLSB+C also names registered conveyancers, accountants, migration agents, and trade mark or patent attorneys as able to provide limited legal services under their own laws [2]. Another law can authorise someone too: VCAT can let non-lawyers such as social workers, renters' advocates or a family member represent a party, usually with its permission [18].

Not every professional who discusses legislation is practising law. Advice that relates to legal requirements but is "truly incidental to the conduct of another occupation" is not legal practice [3], as Victoria's Court of Appeal explained in Felman v Law Institute of Victoria (1998) 4 VR 324 (summarised in Law Institute of Victoria v Maric [2008] VSCA 46 at [25]). These exceptions are specific. They are not a general permission to offer legal services under another label.

TITLES AND DESCRIPTIONS MATTER SEPARATELY

What you do is one issue. What you say you're entitled to do is another. The VLSB+C says a person may commit an offence if they "advertise, represent, state or imply to others that they can provide legal services when they are not qualified to do so", including through social media, and it is a separate offence to advertise that a business can provide legal services when it isn't a law practice [1], [2].

The title "lawyer" is protected. Using a protected title creates a rebuttable presumption that you represented you can practise (Uniform Law s 12(3)). The General Rules allow admitted Australian lawyers to use "lawyer" [13], but the VLSB+C's public page describes protected titles as for people qualified to practise [2]. An admitted lawyer without a practising certificate should add "non-practising" and check the current rules. Permission to use a title is not permission to practise, and a qualifier doesn't fix every misleading description.

10 · WHY THE BOUNDARY MATTERS

The rules protect people who rely on legal help. So does good information.

The VLSB+C says unqualified legal practice "can cause significant harm to the public", and that people acting on unqualified advice "may even lose access to genuine legal solutions" for loss or damage they have suffered. People who use an unqualified person or business are "not protected by professional indemnity insurance or our compensation scheme if things go wrong" [2].

Crossing the line can also lead to enforcement. Engaging in legal practice while unqualified carries a maximum penalty of 250 penalty units or 2 years' imprisonment, or both; representing an entitlement to practise carries up to 250 penalty units [1]. The VLSB+C investigates, can prosecute in the Magistrates' Court, and can seek a Supreme Court injunction [2]. In Victorian Legal Services Board v Jensen [2018] VSC 740, the Supreme Court found the defendants had engaged in legal practice while unqualified and represented they were entitled to, and granted an injunction (summarised in [3]).

The line matters more as AI tools explain the law. The Victorian Law Reform Commission has said that if AI tools are used in Victoria to provide legal advice, this will likely raise issues of unlawful and unqualified legal practice [6].

But protecting the public also means making reliable information available. The Legal Services Council says legal information may be given by any person, qualified or not, including through technological means [3]. Information still needs to be right: someone harmed by reasonably relying on misinformation "will need to look to consumer or commercial remedies for relief" [3].

THE LAW

The legal framework in brief.

The Legal Profession Uniform Law is the starting point [1]:

- **s 6** "Engage in legal practice" includes practising law or providing legal services, but does not include policy work, including developing and commenting on legal policy.
- **s 10** Only a qualified entity may engage in legal practice.
- **s 11** An entity must not advertise, represent or imply that it is entitled to practise unless it is qualified.
- **s 12** Protected titles, and the presumption that using one represents an entitlement to practise.
- **s 43 and the note to s 15** An Australian legal practitioner (an admitted lawyer with a current practising certificate) may practise. Admission alone does not entitle a person to practise.
- **Exemptions** The General Rules and other laws authorise particular people and activities [4].

What the cases contribute

The Legal Services Council's synthesis of the cases identifies recurring principles [3]:

1. The question is one of fact and degree.
2. Advice touching on legal matters, or documents with legal effect, are not legal practice by those acts alone; who does it, and how, when and where, can matter.
3. Advice truly incidental to another occupation is not legal practice.
4. Holding yourself out as a solicitor while doing what solicitors usually do is acting as one (Re Sanderson).
5. Tailored legal advice, assessing litigation prospects and client-specific legal drafting are important indicators ([4]; ACCC v Murray at [94]).
6. Charging a fee is relevant but not essential (Walter at [20]).
7. Some activities solicitors do are also lawfully done by others, such as accountants and town planners.

This is why a practical guide needs both clear boundaries and qualifications. "Never help with a document" is too broad. "It's fine if you call it information" is too permissive. Detailed statutory and case notes are in Appendix A.

11 · WHAT TO SAY

When someone asks “what should I do?”

A useful response acknowledges the person, explains the boundary without assessing their case, and offers a concrete route to further help.

In person

> “That sounds really hard. I can explain how the process generally works, but I can’t assess your legal position or tell you which option to choose. I can help you find a service that can advise you.”

In a workshop

> “That depends on your circumstances. I can explain the general rule for the group, but I can’t assess your case in this session. I’m happy to help you find someone who can afterwards.”

In a message or comment

> “I can’t assess individual situations here. Please don’t post private documents or more personal details. These services can advise on your situation: Victoria Legal Aid (1300 792 387) or your local community legal centre. If you’re in immediate danger, call 000.”

These are suggested scripts, not regulator-prescribed wording. They are consistent with Victoria Legal Aid’s point that a general resource can’t understand a person’s legal situation or advise them the way a lawyer can [8].

A referral needs more than a service name

A disclaimer is not a plan. A usable referral includes:

- a named service
- how to contact it
- what it does, and any published eligibility limits
- interpreting or accessibility support
- what to bring
- a backup if it can’t help
- a specialist service where the matter is specialist (family violence, migration, employment, debt), not a generic “see a lawyer”

This is this guide’s service-design recommendation, not a legal rule. Keep legal advice services, dispute-resolution services and non-legal support in separate categories so people understand what each does. For example, RDRV helps parties resolve rental disputes; it isn’t the renter’s legal adviser [10]. The directory in Appendix C lists services with the date each entry was last checked.

> **If someone is in immediate danger, call 000.**

12 · MAKING IT USEFUL

Build it around what the reader needs to understand and do next.

- Start with the problem in everyday language. Many people don't recognise their problem as legal (Appendix B).
- State the state it covers and the date it was last reviewed.
- Separate general rules from exceptions.
- Explain unfamiliar terms.
- Keep public process steps separate from individual recommendations.
- Provide an obvious route to advice.
- Explain the resource's limits without burying the useful content.
- Write in plain language. Victoria Legal Aid's test is whether your audience can easily find what they need, understand what they find, and use it; its techniques include a logical structure, everyday words, active voice, short sentences of no more than 22 words, and "you" and "we" [7].
- Make it accessible and inclusive, using accessibility standards and guides for multicultural communication and inclusive language [7].

These are editorial recommendations. They support the Legal Services Council's recognition of fact sheets, flow charts, websites and similar resources as legal information [3].

Information can support action

Legal information doesn't have to be so abstract that nobody can use it. A resource can explain how to contact a service, where to find an official form, and what a public process involves. RDRV's own guidance includes practical steps, such as photographing the property and reviewing the condition report [10]. Research also suggests information works better when it builds skills and confidence and connects people to help [16], [21]. The boundary to watch is the move from explaining available steps to selecting a legal response through an individual assessment.

Chatbots and AI tools

The same distinction applies whether information comes from a person, a website or a conversational tool. The Legal Services Council recognises that legal information can be given through technological means [3]. The Victorian Law Reform Commission has said that AI tools used in Victoria to provide legal advice will likely raise issues of unlawful and unqualified practice, and has noted that an AI tool can't hold a practising certificate [6].

> **What happens when the user moves from "How does this work?" to "Here are my facts. What should I do?"**

This guide recommends these controls for an information-only service:

- define the topics and states it covers
- ground answers in maintained sources
- detect when a user supplies personal facts
- avoid evaluating evidence, predicting prospects or recommending legal strategy
- explain the service's limits
- provide a usable handover to an appropriate service
- test conversations that start general and become personal

These are design recommendations, not a regulator-issued safe harbour. A technological format, disclaimer or human review step doesn't by itself decide whether a service is engaging in legal practice [3]. Regulators' current AI guidance is written for lawyers. The December 2024 joint statement by the VLSB+C, the Law Society of NSW and the Legal Practice Board of WA says AI chatbots and similar tools "cannot reason, understand, or advise" and that lawyers remain responsible for accuracy [20]. We did not find an equivalent statement for non-lawyers or public-facing tools.

13 · BEFORE YOU PUBLISH OR RESPOND

Ten checks.

Use this as a practical review, not a compliance certificate. No single answer decides the legal position; the whole activity and its context matter [3].

1. **Scope.** Are the state, topic and audience clear?
2. **Status.** Does your description accurately explain your role and authority? If you use “lawyer”, is your status clear?
3. **Substance.** Are you explaining the law, or assessing someone’s legal position?
4. **Examples.** Are scenarios genuinely educational, or disguised individual assessments?
5. **Documents.** Are you giving practical help, or exercising legal judgment?
6. **Expectations.** Could someone reasonably believe you’ve agreed to act as their lawyer?
7. **Accuracy.** Have the legal content, links and process details been checked, and is the review date shown?
8. **Referral.** Is there a clear, usable route to advice?
9. **Disclaimer.** Does it accurately describe the service you actually provide?
10. **Review.** Who updates the content, and who fixes it when it goes out of date?

SUGGESTED RESOURCE DISCLAIMER

This resource provides general legal information about the law in Victoria as at [date]. It doesn’t assess your circumstances or give advice about your legal position. For advice about your situation, contact an appropriately qualified legal service. Links and service details may change.

Use the disclaimer to describe the resource, not as a substitute for controlling what the resource actually does.

THE FINAL CHECK

Are we helping someone understand a legal issue, or giving them the impression that we have resolved their individual position? If the resource can’t answer their question, have we explained that limit and offered a useful way forward?

APPENDIX A

Statutory and case notes

SECTION	WHAT IT SAYS	WHAT IT MEANS IN PRACTICE
s 6	"Engage in legal practice" includes practising law or providing legal services, but does not include policy work, including developing and commenting on legal policy. "Legal services" means work done, or business transacted, in the ordinary course of legal practice.	Law reform submissions and commentary on how the law should change are not legal practice.
s 10	An entity must not engage in legal practice unless it is a qualified entity. Maximum penalty: 250 penalty units or 2 years' imprisonment, or both. Amounts received can't be recovered and must be repaid.	Providing legal services without authorisation is an offence, paid or not.
s 11(1)	An entity must not advertise, represent or do anything that states or implies it is entitled to practise unless qualified. Maximum penalty: 250 penalty units.	How you describe yourself can be an offence on its own, even without giving advice.
s 11(2)	A director, partner, officer, employee or agent must not represent that an unqualified entity can practise. Maximum penalty: 50 penalty units.	Describing an organisation as able to practise is a separate offence.
s 12	Protects titles including lawyer, legal practitioner, barrister, solicitor, attorney and counsel. Using one creates a rebuttable presumption, for s 11, that the person represented they can practise.	Only people the rules allow may use these titles, and using one carries a presumption that may need rebutting.
s 43; note to s 15	An Australian legal practitioner may practise. Admission does not of itself entitle a person to practise.	The practising certificate, not admission or a degree, permits practice.

THE MENTAL ELEMENT FOR S 11(1)

In Giurina v McLeay [2024] VSCA 326, Victoria's Court of Appeal held that s 11(1) is a strict liability offence: the prosecution doesn't need to prove knowledge or intention to represent an entitlement to practise (at [106] to [119]). An honest and reasonable mistake of fact is a defence, but the belief must be held on reasonable grounds (at [113]). The court also said the s 12(3) presumption does not itself show that any particular state of mind is required (at [117]). Separately, whether conduct is legal practice is judged objectively from its substance and context, not from the person's intention or statements about themselves (Abboud v Council of the Law Society of NSW [2025] NSWCATOD 34 at [43], summarised in [5]).

Titles

The General Rules allow admitted Australian lawyers to use the title "lawyer" [13]. The VLSB+C's public page describes protected titles, including "lawyer", as for people qualified to practise [2]. Check rule 9 and current regulator guidance before making categorical statements about any title.

The law versus this guide's cautious policy

The statutory prohibition is narrower than some of this guide's recommendations. The urgency guidance (page 8) and the referral standard (page 13) are deliberately cautious policies. Following them doesn't mean that anything outside them is unlawful, and crossing one doesn't mean an offence has occurred.

APPENDIX A (CONTINUED)

Key cases

- **Re Sanderson; Ex parte Law Institute of Victoria [1927] VLR 394 at 397.** A person who does something usually done by a solicitor, in a way that leads to the reasonable inference they are a solicitor, acts as one.
- **Cornall v Nagle [1995] 2 VR 188 at 208 to 210.** J D Phillips J said an unqualified person may act as a solicitor by (1) the Sanderson route; (2) doing something the law reserves to qualified practitioners; or (3) doing something that, to protect the public, must be left to the legally trained, the example being "the giving of legal advice as part of a course of conduct and for reward".
- **Law Society of NSW v Seymour [1999] NSWCA 117 at [15].** The NSW Court of Appeal said the third Cornall proposition "is too widely stated, and, taken literally, extends to a variety of activities legitimately carried on by legally qualified persons, including judges, legal academics and arbitrators". Treat proposition (3) with that qualification.
- **Felman v Law Institute of Victoria (1998) 4 VR 324 at 352.** "Engage in legal practice" means to "carry on or exercise the profession of law". Advice incidental to another occupation is not necessarily legal practice (summarised in Maric at [25]).
- **ACCC v Murray [2002] FCA 1252 at [84] and [94].** "The essence of legal practice" is "the advising of a particular person in a particular situation and the production of a document which affects legal rights and which is tailored to the particular needs of that person", in contrast to "the giving of abstract information as to legal rules".
- **Law Institute of Victoria v Maric [2008] VSCA 46 at [23] to [25].** Victoria's Court of Appeal applied Cornall and Felman.
- **Council of the Law Society of NSW v Australian Injury Helpline Ltd [2008] NSWSC 627 at [96].** Discussing a person's rights, outlining their "options" and the "legal differences and options available" were "strongly indicative of undertaking of legal work".
- **Legal Services Commissioner v Walter [2011] QSC 132 at [20].** Reward is indicative but "not a necessary pre-condition"; the orders restrained advising about proceedings, corresponding for litigants, drawing pleadings, affidavits and submissions, and appearing.
- **Victorian Legal Services Board v Jensen [2018] VSC 740.** The Supreme Court applied Sanderson, Cornall, Felman and Walter, found breaches of ss 10 and 11, and granted an injunction (summarised in [3]).
- **Giurina v McLeay [2024] VSCA 326 at [106] to [119].** Section 11(1) is a strict liability offence; honest and reasonable mistake of fact is a defence (checked through a published case summary).
- **Abboud v Council of the Law Society of NSW [2025] NSWCATOD 34 at [43].** Whether conduct is legal practice is judged objectively from its substance and context (via [5]).

APPENDIX B

What the research says

Each figure is labelled with what it is a percentage of. Respondents, problems and resource use are different measures and shouldn't be compared directly.

34%

of people thought of their issue as legal, in the Victoria Law Foundation's Public Understanding of Law Survey [19]

8.7%

of problems where a self-help resource was the most intensive help sought (3.6% for people with three or more indicators of disadvantage) [14]

3 in 4

surveyed Legal Help callers had done something proactive, or were waiting for an appointment, a week after their call [21]

1. Do people recognise their problems as legal?

Victoria Law Foundation, Public Understanding of Law Survey [19]:

- 42% of **respondents** reported one or more legal problems
- 34% of **people** thought of their issue as legal, as reported by the Foundation
- just over 20% of **problems** led respondents to a legal service
- independent advice, legal or non-legal, was obtained for around half of **problems**

2. Can people find and use information?

Legal Australia-Wide Survey analysis, Law and Justice Foundation of NSW [14], [15]:

- a self-help resource was used for 19.5% of **problems**, and was the most intensive help sought for 8.7% of **problems** [14]
- for people with three or more indicators of disadvantage, a self-help resource was tried for 14.9% of **their problems**, and was the most intensive help for 3.6% [14]
- self-help resources had "relatively low uptake (20%)" and "somewhat mixed helpfulness (60%)", and the paper reports they were helpful for "only 12 per cent of legal problems" [15]
- many people searching for legal help want "someone to solve their problem for them" [15]

3. What extra help enables people to act?

- Information strategies may need to go beyond awareness and understanding to build the skills and confidence people need to act [16].
- In an evaluation of Victoria Legal Aid's Legal Help telephone service, over three-quarters of the 111 **clients surveyed** had done something proactive, or were waiting for an appointment, a week after their call. Clients with multiple vulnerabilities appeared less empowered to act. Information emails were valued, but less so when not directly applicable to the client's specific question [21].
- Community legal education and information "is not a one-shot magic bullet" and works best as part of a kitbag of legal assistance tools [14].

APPENDIX C

Referral directory (Victoria)

If someone is in immediate danger, call 000. Check every entry against the service's own website before publishing, and don't promise a service can advise or help someone prepare unless its current published scope says so. Responsible editor: [name].

Legal information, advice and representation

SERVICE	WHO IT'S FOR	CONTACT	SOURCE, LAST CHECKED
Victoria Legal Aid, Legal Help	Anyone in Victoria: free information, referrals and advice (advice depends on eligibility; wait times possible); also Legal Help Chat	1300 792 387; legalaid.vic.gov.au	[8], [12]; 19 Oct 2026
Community legal centres	Free, confidential local legal help; services and eligibility vary	fclc.org.au/find_a_community_legal_centre	[12]; 19 Oct 2026
Law Institute of Victoria, Find Your Lawyer Referral Service	Referral to a private lawyer for a free consultation of up to 30 minutes about needs, next steps and fees (no legal advice in it)	03 9607 9550, business days 9am to 12:30pm and 1:30pm to 4pm; liv.asn.au/referral	[9]; Sept 2026
Women's Legal Service Victoria	Women	03 8622 0600 or 1800 133 302; womenslegal.org.au	[12]; 19 Oct 2026
Youthlaw	Young people	03 9113 9500; youthlaw.asn.au	[12]; 19 Oct 2026
Victorian Aboriginal Legal Service (VALS)	Aboriginal and Torres Strait Islander people	1800 064 865; vals.org.au	[12]; 19 Oct 2026
Djirra	Aboriginal people experiencing family violence	1800 105 303; djirra.org.au	[12]; 19 Oct 2026

Dispute resolution

SERVICE	WHAT IT DOES	CONTACT	SOURCE, LAST CHECKED
Rental Dispute Resolution Victoria (RDRV)	Free early resolution of rental disputes, including bond claims: reviews information and helps parties negotiate; unresolved matters may go to a VCAT hearing	myRDRV online; helpline 1300 01 7378; rdrv.vic.gov.au	[10]; 19 Oct 2026

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Tribunals (not a referral service; they decide disputes and set their own rules on representation)

BODY	WHAT IT DOES	CONTACT	SOURCE, LAST CHECKED
VCAT	Victorian Civil and Administrative Tribunal; hears rental and many other disputes, and sets rules on who may represent a party	vcat.vic.gov.au	[18]; 19 Oct 2026

Family violence and other non-legal support

SERVICE	WHO IT'S FOR	CONTACT	SOURCE, LAST CHECKED
Safe Steps	24/7 family violence response	1800 015 188; safesteps.org.au	[12]; 19 Oct 2026
1800RESPECT	National sexual assault and family violence counselling	1800 737 732; 1800respect.org.au	[12]; 19 Oct 2026
The Orange Door	Family violence and family wellbeing support	See website; orangedoor.vic.gov.au	[12]; 19 Oct 2026
InTouch Multicultural Centre Against Family Violence	Migrant and refugee communities	1800 755 988; intouch.org.au	[12]; 19 Oct 2026
Rainbow Door	LGBTIQA+ people	1800 729 367; rainbowdoor.org.au	[12]; 19 Oct 2026
Men's Referral Service	People using or at risk of using violence	1300 766 491; ntv.org.au	[12]; 19 Oct 2026

SOURCES AND PUBLICATION STATUS

Where this comes from.

The practical model in this guide (the zones, tables, pause points and checklists) is the author's synthesis. It is not issued or endorsed by a regulator. Numbers in square brackets refer to this list; cases are cited by name and paragraph in the text and in Appendix A.

	DOCUMENT
[1]	Legal Profession Uniform Law, Schedule 1 to the Legal Profession Uniform Law Application Act 2014 (Vic): ss 6, 10, 11, 12, 43 and the note to s 15.
[2]	Victorian Legal Services Board + Commissioner, Unqualified legal practice, lsbc.vic.gov.au (last updated 26 June 2026; checked 19 October 2026).
[3]	Legal Services Council, Legal technological innovation and the Uniform Law (information sheet, August 2019), legalservicescouncil.org.au.
[4]	Law Society of NSW, Practising in NSW under the Uniform Law: Unqualified legal practice (fact sheet LS1138, 2018).
[5]	Dora Chan, "To be or not to be engaging in legal practice?", Law Society Journal (NSW), 26 August 2025, summarising Abboud v Council of the Law Society of NSW [2025] NSWCATOD 34 at [43].
[6]	Victorian Law Reform Commission, Artificial Intelligence in Victoria's Courts and Tribunals (Report, October 2025), para 2.30.
[7]	Victoria Legal Aid, Making community legal information (web page).
[8]	Victoria Legal Aid, Using artificial intelligence for your legal problem (updated 8 July 2026).
[9]	Law Institute of Victoria, Find Your Lawyer Referral Service, liv.asn.au/referral.
[10]	Rental Dispute Resolution Victoria, Bond disputes, rdrv.vic.gov.au (checked 19 October 2026).
[11]	Tenants Victoria, Disputing bond and compensation claims, tenantsvic.org.au.
[12]	Victorian Law Reform Commission, Family violence: get support or legal advice, lawreform.vic.gov.au (checked 19 October 2026).
[13]	Legal Profession Uniform General Rules 2015, rule 9.
[14]	Law and Justice Foundation of NSW, Beyond great expectations: modest, meaningful and measurable community legal education and information (Justice Issues paper 21).
[15]	Law and Justice Foundation of NSW, Uptake of legal self-help resources: what works for whom and for what? (Justice Issues paper 30).
[16]	Law and Justice Foundation of NSW, Limits of legal information strategies: when knowing what to do is not enough (Updating Justice 44).
[17]	Legal Practice Board of Western Australia, Uniform Law terminology, lpbwa.org.au.
[18]	VCAT, Legal and professional representation, vcat.vic.gov.au (checked 19 October 2026).
[19]	Victoria Law Foundation, PULS Volume 1 shows gaps in how people understand and engage with the law (30 August 2023).
[20]	VLSB+C, Statement on the use of artificial intelligence in Australian legal practice (6 December 2024).
[21]	Law and Justice Foundation of NSW, Law informed: the value of telephone legal information services to clients (2020).

Background reading: Jane Knowler and Rachel Spencer, "Unqualified Persons and the Practice of Law" (2014).

PUBLICATION STATUS

What has been checked, and what hasn't.

Verification status

- **Checked against the primary source:** the Uniform Law provisions; ACCC v Murray, Seymour, Maric, Walter, Australian Injury Helpline and Felman (through the passages quoted in Maric and Walter); the Legal Services Council sheet; the Law Society of NSW fact sheet; the research papers in [14] to [16] and [21].
- **Checked through a secondary source only:** Giurina v McLeay (a published case summary); Jensen (via [3]); Abboud (via [5]); Re Sanderson and Cornall v Nagle (as quoted in [3], Maric and Seymour).
- **Not reopened for this version:** the VLRC report paragraph [6], the Victoria Legal Aid pages [7], [8], the LIV referral details [9], and rule 9 of the General Rules [13].
- **Service details:** the RDRV helpline number comes from the September 2026 check; it was not shown on the RDRV bond page when rechecked on 19 October 2026. The Orange Door's listed number was shared with another service in source [12], so only its website is given.

PUBLICATION NOTE

This guide was restructured on 19 October 2026. It combines practical examples, regulatory guidance and a proposed risk model. It remains subject to primary-source legal review, review by an Australian legal practitioner, and checks of service details and current procedures before publication. It is general information, not legal advice.

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