

Case Notes

Obligations, opportunities, tips & pitfalls

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Why Record?

- ❖ Professional obligations
- ❖ Discharge duty of care
- ❖ Two audiences
 - for yourself
 - for others,
such as workers, court, prof body



What to record?

❖ *Privacy Act 1988* & Australian Privacy Principles

- ❖ APP 3 - must not collect personal information unless the information is reasonably necessary for, or directly related to, relevant functions or activities.
- ❖ APP 6 - must not use or disclose the information for another purpose (the secondary purpose) unless the individual has consented to the use or disclosure of the information.
- ❖ APP 12 - If hold personal information about an individual you must, on request by the individual, give access to the information.

Compulsory Disclosure

- ❖ Subpoena & Discovery
- ❖ Privilege
 - Legal Advice
 - ❖ Confidential communication made for the dominant purpose of providing legal advice.
 - Litigation
 - ❖ Confidential communication prepared for the dominant purpose of providing legal services for a person who is a party to proceedings or anticipated proceedings.
- ❖ Public Interest Privilege
- ❖ Process & Production



What to include - *and not!*

*"The two words, **information** and **communication** are often used interchangeably, but they signify quite different things. Information is giving out; communication is getting through"*



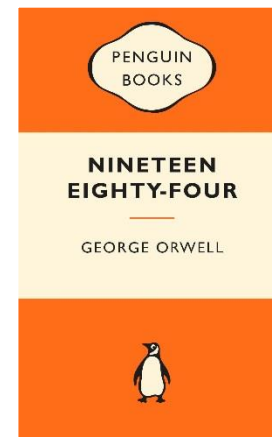
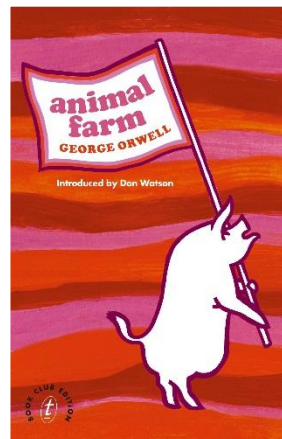
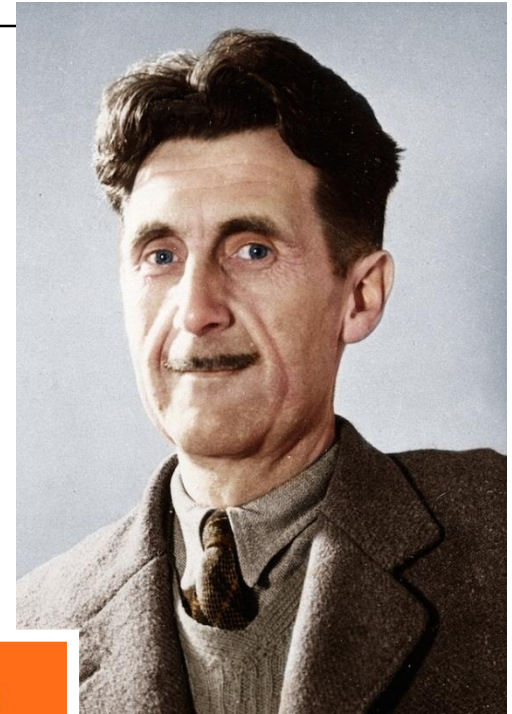
Sydney Harris

- ❖ Record interactions, time limits, conflicts, actions to be done & when.

- ❖ Writing to record
 - Read for ambiguity
 - Write to the future
 - Don't overreach

Better writing - the basic

- ❖ **Orwell's six rules for effective writing:**
 - ❖ Never use the passive when you can use the active
 - ❖ If it possible to cut a word out, always cut it out
 - ❖ Break any of these rules sooner than say something barbarous



Better writing – the basics



John can jump.
Betty can jump.



Betty can run.
John can run.

Better writing – the basics





Call Us!

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