



Establishing Authority to Act

File Note

Date: _____

Client Name		
Lawyer		
Matter Type		
Completed by		
1. Can client give consent?	If yes , proceed to act (End)	If no , go to 2.
2. Is client a legal adult?	If yes , go to 3.	If no , parent can consent. (End)
3. Are any of the following available to consent? (indicate which) <ul style="list-style-type: none">• VCAT appointed guardian (with relevant authority for the matter type)• VCAT appointed administrator• NDIS or Centrelink nominee (if relevant)• Power of Attorney	If yes , go to 4.	If no , go to 5.
4. Does the client agree to the involvement of the person above for the purposes of consent?	If yes , proceed to act. (End)	If no , go to 5.
5. Is there an urgent and critical need to act?	If yes , go to 6.	If no , go to 7.
6. Depending on the circumstances, the following options may be available to you: <ul style="list-style-type: none">• Act in an amicus curiae capacity, to ensure the perspective of the client is heard• Seek the assistance of a third party with authority to act – VCAT, Office of Public Advocate, NDIS, Centrelink etc Ensure the position is discussed with the Principal Solicitor for risk management purposes, and notes of relevant discussions are on file.		
7. If there is no urgent need to act, the following options should be considered: <ul style="list-style-type: none">• Seek the assistance of an independent disability advocate• Investigate what steps could be taken to support the person's capacity to consent• Determine whether a litigation guardian is needed, or whether the matter is a basic human rights issue		

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Villamanta Disability Rights
Legal Service Inc.