



Best Practice Guidelines for Australian Legal Digital Resources

Introduction

People frequently access legal information online to better understand and resolve their legal problems. People use a range of websites, apps and other online resources that originate from government departments, community organisations, companies, educational institutions, and individuals. Users of digital resources will have varying levels of knowledge of the law. Like resources provided through other channels, it is essential that digital legal resources are high quality and accessible.

The purpose of these Best Practice Guidelines is to promote the development of quality legal resources. They may also be used as a tool to evaluate existing legal resources. Each guideline contains a recommendation, reasons for the recommendation, and examples.

The Best Practice Guidelines were first developed by the Legal Information Standards Council (LISC) and have since been updated by the Law Foundation of NSW and the NSW Law Society.

Guideline 1: The person or organisation responsible for the information on a site is clearly indicated on all pages of a digital resource. Full contact details are provided.

Given that anyone can publish a digital resource, statements of authorship help users to make judgements about the authority of the legal information and advice they encounter within a resource.

Authority can be implied when the information comes from a recognised organisation, such as a government department or community legal centre. When the information comes from an individual or less well-known organisation, stating the credentials of contributing authors will assist users in judging authority. This can be achieved simply by including qualifications or position held with an author's name.

Providing authorship details on every page of a website or easily from anywhere within an app ensures users can more easily ascertain the organisation or person responsible for the information. Where a resource includes images or infographics, add a statement of authorship to the image so that it is retained if the image is shared on social media.

Best Practice Guidelines

1. The person(s) or organisation(s) responsible for the information on a site is clearly indicated on all pages of the site. Full contact details are provided.
2. Legal content is checked by a lawyer with expertise in the area.
3. The currency of the information is clear.
4. The jurisdiction to which any information relates is clear.
5. The content is written and presented in a way that makes a clear distinction between legal information and legal advice.
6. Where appropriate, users are directed to other quality sites and sources that contain related information. An annotation that briefly indicates the authorship, content or relevance of these sites enhances the usefulness of these links.
7. Consider providing links to relevant legislation and case law.

Continued overleaf



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Examples of statements of authorship to meet Guideline 1.

"Frequently asked questions about divorce".
This material was prepared by James Blogg
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Guideline 2: Legal content is checked by a lawyer with expertise in the area.

It is essential that legal information is accurate. Non-legally trained users of a digital resource have no way of knowing whether the information is accurate.

Guideline 3: The currency of the information is clear.

Users should be able to check whether the information provided in a resource is up-to-date and likely to reflect current law. Therefore, providing an indication of the currency of the information is essential for a quality legal site.

Examples of information about currency to meet Guideline 3

"Reflects Australian Immigration law as at 1 September 2018"
"Consolidated as at 18 April 2024"

Guideline 4: The jurisdiction to which any information relates is clear.

Many members of the general public are often unaware of the concept of jurisdiction and do not realise that the law can differ from state to state. When legal information is sought via a search engine, people are often provided with information that is not relevant to their geographic location. Some sites give either no, or at best obscure, jurisdiction details resulting in users being misinformed. Providing clear information about the jurisdiction to which information relates will improve the quality of the resource.

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8. For sites where links to the primary legislation and case law are considered useful, use the correct form of citation.

9. Where appropriate, users are provided with information on how and where to obtain legal advice or further information.

10. Permission is obtained to use content sourced from other providers. The source of the content is acknowledged on the site.

11. The site meets recognised usability and accessibility guidelines.



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Example of information about jurisdiction to meet Guideline 4.

"This guide is for people who want to find out about the rights and responsibilities of landlords and tenants. The information applies to people who live in, or are affected by, the state laws of New South Wales, Australia."

Guideline 5: The content is written and presented in a way that makes a clear distinction between legal information and legal advice.

Digital resources are typically limited in their ability to convey the complexities and variations in how the law may be interpreted. A quality legal resource makes this limitation clear, usually via a disclaimer that emphasises the need for those facing legal problems to speak with a lawyer. It should be made clear that legal information differs from legal advice, and that only legal information is being provided. A disclaimer can also encompass the question of jurisdiction mentioned in Guideline 4.

Example of a disclaimer to meet Guidelines 4 and 5.

"The information contained on this page is not legal advice. If you do have a legal problem, you should talk to a lawyer before making a decision about what to do. The information on this page is written for people resident in, or affected by, the laws of New South Wales, Australia only."

Guideline 6: Where appropriate, users are directed to other quality sites and sources that contain related information. An annotation that briefly indicates the authorship, content or relevance of these sites enhances the usefulness of the links.

Links that have been assessed for their relevance increase the likelihood of people finding the information they are looking for. The addition of annotations to these links assists users to judge whether the link may be relevant for their needs.

Examples of an annotated link to meet Guideline 6

[Fair Work Ombudsman Homepage](#)

Includes legislation, best practice guidelines, forms, publications, and unfair dismissal information.

Guideline 7: Consider providing links to relevant legislation and case law.

As well as reading explanatory material, many people want to find legislation and case law relevant to their problem. This may not be easy for members of the public to locate. For example, a person wanting to read the law relating to divorce would need to know to search 'Family Law Act', not 'divorce'. The addition of links to authoritative sources will give the public an easy way to locate actual law on databases like AustLII. It may not always be appropriate to make such links. The decision would need to be made based on the intended audience for the resource.



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Guideline 8: For sites where links to primary legislation and case law are considered useful, use the correct form of citation.

Using recognised standards for citations promotes accuracy and helps people search for cases on search engines and legal databases.

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Example of a citation to meet Guidelines 7 and 8.

“As a tenant you have rights under the Residential Tenancies Act 2010 (NSW) and Residential Tenancies Regulation 2019 (NSW).”

Guideline 9: Where appropriate, users are provided with information on how and where to obtain legal advice or further information.

The nature of legal problems means that information alone is often not sufficient. Providing referral information directs people to sources of advice relevant to the area of law they are investigating. It also emphasises that online resources have limitations when legal advice is required.

Examples of a referral information to meet Guideline 9

Who else can help:

- [Community Legal Centres \(CLCs\)](#)
- [Translating & Interpreting Services](#)
- [Department of Home Affairs](#)

Guideline 10: Permission is obtained to use content sourced from other providers. The source of the content is acknowledged in the resource and/or whenever it is shared.

Using unacknowledged content from other sources may breach copyright. It also makes it difficult for users to assess the content based on authorship. Care should be taken to acknowledge sources when sharing resources on social media.

Guideline 11: The site addresses usability and accessibility guidelines.

Digital legal resources need to be accessible if they are to be of benefit to all potential users. The Disability Discrimination Act 1992 (Cth) requires that access to information be provided without unreasonable barriers that exclude or disadvantage people with a disability.

The Australian Human Rights Commission has produced [Advisory Notes](#) on accessibility of digital goods and services.

The [W3C Web Content Accessibility](#) guidelines provide assistance for ensuring that web pages are accessible.