

The Shopfront

YOUTH LEGAL CENTRE

Referring clients to the Shopfront Youth Legal Centre

A guide for youth workers

1 Introduction

The Shopfront Youth Legal Centre is a free legal service for homeless and disadvantaged young people aged 25 and under.

We provide legal representation and advice on various types of legal matters. Our main area of expertise is criminal law, but we also assist with victims compensation, family law, administrative law (complaints or disputes with government agencies) and minor civil matters (eg contracts and debts).

Our priority is to assist vulnerable young people who are unable to obtain appropriate legal assistance elsewhere, and who are likely to be significantly disadvantaged without our help. Unfortunately we can't act for everyone who seeks our assistance, but if we can't help, we will try to refer the client to an appropriate service.

As well as advising and representing young people, we also provide legal information and training for youth workers.

2 Making referrals

2.1 Who can make a referral

Most of our referrals come from youth workers and others who work with young people (eg counsellors, health professionals, juvenile justice officers). Clients can also self-refer by phoning or dropping in.

2.2 How to make a referral

You can make a referral by calling us on 9322 4808 during office hours (9:30 to 5:30 Monday to Friday; please note that our phones are off from 10am-1pm on Tuesdays and Thursdays) or by emailing us at shopfront@freehills.com.

If the client has used our service before, and has built up a rapport with a particular solicitor, it's OK to contact that solicitor directly.

If the matter is urgent (eg. a young person is under arrest at the police station) you can reach a solicitor at most times on 0418 407 290.

2.3 How we deal with referrals

We will try to refer urgent matters to a solicitor immediately. In other cases, a staff member or volunteer will take the client's details and the matter will be discussed at a weekly case work meeting (usually held on Wednesdays).

If we decide that we can take the client on, we will allocate the matter to a solicitor and will call you back to arrange an appointment. If we can't, we will call back to let you know, and if possible we will refer the client to another service.

2.4 What you will need to tell us

When making a referral, please keep in mind our criteria and the sort of questions we are likely to ask you. These are explained in more detail below.

Sometimes a client may not appear to meet our criteria (eg they might live at home with Mum and Dad). Be prepared to explain why you think the client qualifies for our assistance.

3 Client criteria

We are not completely rigid about these criteria. We apply them flexibly, recognising the individual circumstances of each client.

3.1 Age

We act for people aged 25 and under.

We will occasionally assist people over 25, for example long-standing clients who have special needs (eg. intellectual disability) and can't be easily referred elsewhere.

3.2 Homelessness or special disadvantage

Our priority is to assist homeless young people. This includes young people who are living in supported accommodation, foster care, or temporary accommodation.

We will also help young people who live independently or with family, if they are at risk of homelessness or if they suffer from some special disadvantage (eg. a serious mental illness).

3.3 Geographical location

The Shopfront is based in Darlinghurst and clients will find it easier to reach us if they are close to the city. However, we recognise that homelessness is not confined to the inner city and that our clients move around a lot.

The Shopfront now acts for clients all over the Sydney metropolitan area, and occasionally beyond. If the circumstances warrant it, we will travel within metropolitan Sydney (and sometimes slightly further) for court appearances or outreach visits.

3.4 Availability or suitability of other services

We give priority to matters where assistance from another service (such as Legal Aid or a Community Legal Centre) is not available *or* is not adequate to meet the client's special needs. For example, if a client:

- (a) needs continuity of representation - eg where the matter is complex or there are several different matters involving different courts or legal issues;
- (b) is very unstable (eg because of mental illness, disability or homelessness) and finds it difficult to turn up at court, fill in forms, keep appointments, etc, without assistance;
- (c) has problems forming a trusting relationship/rapprochement with service providers (eg a former state ward who has been let down by the "system", a young person with an intellectual disability).

3.5 Our expertise and resources

Even though the client may fit squarely within our criteria, some matters are simply beyond our expertise or resources (see the section below on the types of matters we can assist with).

3.6 Applying criteria flexibly

Occasionally we will assist clients who do not strictly fall within our criteria but who clearly need our assistance. This may include the following situations:

- (a) Where a young person is ineligible for Legal Aid but clearly unable to afford private legal representation, and would be disadvantaged if unrepresented. For example, Legal Aid is generally not granted for traffic matters in Local Courts. Defendants in these matters may be as young as 16 and risk incurring a lengthy licence disqualification (with all the consequences that flow from that).
- (b) Where the matter involves advice or minor assistance which is within our expertise and is not readily available elsewhere.
- (c) Where there is a public interest element to the matter. For example, a criminal matter concerning police powers, street rights, etc, where there is potential for some useful legal precedent or policy to be developed.

4 Our areas of legal expertise

4.1 Criminal law

The Shopfront's solicitors spend most of their time working on criminal matters, and we have considerable expertise in this area of law.

- (a) **Advice** - we provide advice on a wide variety of criminal matters, including:
 - police questioning
 - current or pending criminal charges
 - *Young Offenders Act* matters (warnings, cautions, youth justice conferences)
 - failure to appear at court, including doing warrant checks and assisting clients to have matters re-listed and convictions annulled;
 - appeal rights
 - criminal records
 - obligations of witnesses who have been subpoenaed to court
- (b) **Court representation** - we act for children and young adults in the Children's, Local, District and Supreme Courts. We represent clients on all sorts of charges including minor street offences, traffic matters, assaults, drug offences, stealing and robbery. For more serious and complex cases, we will often get assistance from barristers funded by the Legal Aid Commission.
- (c) **Dealing with unpaid fines** - we often assist clients who owe large amounts of money to the State Debt Recovery Office, usually due to unpaid public transport fines. We advise clients about their options and help them to deal with their fines in the most appropriate way. This may include:
 - arranging time to pay
 - challenging fines in court
 - asking for fines to be written off in cases of extreme hardship
 - getting back drivers' licences that have been suspended due to fine default

Because of the huge demand for assistance with fines, we have had to become more rigorous about the type of help we provide. In many cases, we give clients legal advice

about their options, and then equip youth workers with a fines kit so they can complete the relevant paperwork.

4.2 Family law and care proceedings

- (a) **Family Law** - we provide advice about family law issues, mostly to young adults who have babies or small children. We can help organise family law mediations and attend these with clients. Sometimes we initiate and/or appear in court proceedings.
- (b) **Children's Court care proceedings** - we also appear in the Children's Court care jurisdiction, mainly for young people whose children have been removed from their care by the Department of Community Services, and sometimes for teenagers who are undergoing family breakdown and are the subject of care proceedings.

Our expertise in family law and care matters is limited. For complex matters, we would usually try to organise Legal Aid funding for a family law expert.

4.3 Victims

- (a) **General advice** - we provide general advice for victims at various stages of the legal process. Some clients might be considering whether to report a matter to the police or to take out an apprehended violence order (AVO). Some might have gone past this stage and require some advice on what to expect when giving evidence at the trial. If necessary we will refer the client to an appropriate counselling or court support service.
- (b) **Apprehended violence orders** – we will advise victims how to take out an AVO and (if it is a private and not a police application) appear for them in court.
- (c) **Victims compensation** – we advise clients about their entitlements and prepare compensation applications on their behalf. Most of these claims involve sexual assault, child sexual abuse or domestic violence.

4.4 Civil and administrative law

Civil law involves disputes between private individuals or companies. Administrative law generally involves disputes with government agencies. Our role in civil and administrative law matters is usually confined to advice and, where appropriate, negotiating with the other party to the dispute.

- (a) **Debt, consumer issues and contracts** – we often assist young people who are in significant amounts of debt (to phone companies, banks, etc). We advise clients of their options and can sometimes help to negotiate repayment plans. If the debt arises from an unfair contract (this is especially relevant to under-18s), we will try to have the contract set aside. Occasionally we appear in the Local Court Small Claims Division over debt matters. Clients considering bankruptcy are usually referred to the Consumer Credit Legal Centre for further advice.
- (b) **Motor vehicle accidents** – we will provide basic advice in relation to property damage claims, but we would only get involved in court proceedings in exceptional circumstances. We cannot advise on personal injury claims, but will try to refer clients to another solicitor.
- (c) **Tenancy** – we sometimes provide basic tenancy advice. However, where possible, we will refer the client to a specialist tenancy service.
- (d) **Employment** – employment law is complex and constantly changing, so we usually refer clients to an employment law specialist at a legal centre.
- (e) **Discrimination** – we occasionally advise and act on discrimination matters, including complaints and conciliations in the Anti-Discrimination Board.

- (f) **Personal injury, workers' compensation, etc** – we are sometimes asked to advise on personal injury matters (including negligence actions against DOCS and other government bodies, where the client has suffered severe psychological harm). We lack the resources and expertise to act in these matters. In some cases we will give clients basic advice about limitation periods, assist them to access their DOCS file, and attempt to make an appropriate referral.
- (g) **Guardianship Tribunal** – we advise and act in Guardianship Tribunal proceedings, mostly where someone has applied for a financial management order over one of our clients, or where a client seeks to have such an order revoked.
- (h) **Mental Health** - we advise clients on their rights under the *Mental Health Act*. Occasionally we appear at magistrates' or Mental Health Review Tribunal hearings for clients in hospital, but we usually leave this to the Mental Health Advocacy Service.
- (i) **Social Security** – many clients have debts from Centrelink overpayments; we will provide basic advice on appeal rights but usually we refer these matters to the Welfare Rights Centre. We sometimes act for clients in criminal proceedings relating to social security fraud.
- (j) **Complaints** - we help clients to make complaints to the Ombudsman against government bodies such as the police, Corrective Services and the Department of Community Services. We may also assist with complaints to other bodies such as the Health Care Complaints Commission, Telecommunications or Banking Ombudsman.
- (k) **Immigration** – one of our solicitors is a registered migration agent and we are able to provide a limited amount of immigration advice and assistance.

5 What we don't do

5.1 Matters outside our expertise

As you can see from the above list, there are some areas of law where we don't have sufficient expertise and resources. These include personal injury matters, negligence actions against DOCS and most other types of civil litigation.

5.2 Advice to parents

We can't give legal advice to parents about what to do with their wayward teenager or how they should deal with their child's court case. We can give parents general information about their children's rights, the court process, etc, but we make it clear at all times that our client is the young person and not the parent.

5.3 Legal advice to youth workers and agencies

Except in very special circumstances, we can't give legal advice to youth workers or agencies about their duty of care, how to respond to a subpoena, whether to do a particular client in to the police, etc.

However, we can provide you with some information and suggest possible sources of legal advice or ways of thinking about the problem. We also provide training on areas of law that affect youth workers.

6 Information, training and resources

6.1 Training

We provide training on request to youth workers and others who work with young people. This training is aimed at helping you to recognise a legal problem, make appropriate referrals and support your clients throughout the legal process. We also help youth workers to understand their legal obligations in relation to confidentiality, duty of care, reporting child abuse, dealing with the police, etc.

Training sessions vary in length and format, and can be tailored to the needs of the service. We will conduct training sessions for individual agencies, or for a mix of workers from different organisations. We do not charge a fee for our training, unless we are doing it for a profit-making enterprise.

We will also run legal workshops for young people on request.

6.2 Fact sheets and resources

We have a number of fact sheets on different areas of law. These fact sheets are mostly aimed at youth workers and are handed out at training sessions. They are also available on our website at www.theshopfront.org (go to “legal info for youth workers”).

We are also planning to develop some fact sheets for young people.

Our website also contains other resources such as conference papers and submissions on various policy issues.

We have also contributed to publications such as “The Law Handbook” (Redfern Legal Centre Publishing) and “Youth Justice: your guide to cops and court” (Federation Press). both of these are useful resources for non-lawyers who wish to develop a better understanding of the legal process.

7 What sort of questions we will ask you

If you are making a referral, please try to give us as much of the following information as possible. The more information you give us, the more likely it is that we can assist the client or make an appropriate referral.

If you don't have all the information available, please don't let that deter you from calling us ... just let us know as much as you can.

Remember, the Shopfront is a small legal centre and can't take on everyone who seeks our help. Be prepared to explain why you think the client qualifies for our assistance.

7.1 Basic details about the client

- (a) Firstly, who is making the referral?
- (b) Client's name and age (and DOB if possible). If the client is seeking advice only, and doesn't wish to give their full name, that's OK.
- (c) Has the client used the Shopfront before? If so, approximately how long ago?
- (d) Contact number for the client and/or the referring youth worker, and the best time(s) to call back

7.2 The client's personal circumstances

Unless the client is already known to us, we will need to know a bit about:

- (a) Their housing situation - eg are they homeless, in a refuge, in supported accommodation, living with parent(s)?
- (b) What suburb do they live in? (this is important in case we need to refer them to another service)
- (c) Are they on benefits or are they employed and, if so, how much do they earn?
- (d) Ethnic or cultural background, including whether they identify as Aboriginal or Torres Strait Islander
- (e) Any mental health issues, disability, AOD problems, etc
- (f) Any other special circumstances – eg is (or was) the client in care, does he or she have a history of abuse, does he or she have children?

7.3 Criminal matters

If the client has been charged with an offence and has to go to court:

- (a) What are the charges?
- (b) Does the client have a copy of their court papers?
- (c) Which court and when is the next court date? If the client doesn't know this info, when and where did they get charged?
- (d) Has the matter already been to court? If so, what stage is the matter at? How many times has the case been adjourned? Has the client entered a plea?
- (e) If the matter has already been to court, did the client have a lawyer appearing for them last time? If so, do they know who it was?
- (f) If the client has failed to appear at court, which court and when? (approximate date will do if client does not know the exact date)
- (g) Does the client have a prior criminal record (including juvenile record)? Are they currently on a bond, probation, etc?

7.4 Fines

- (a) Does the client have one fine or many?
- (b) Approximately how much do they owe?
- (c) What stage are the fines at? Just issued? Reminder notice from the Infringement Processing Bureau? Or at the SDRO?
- (d) Is the client having problems with getting or keeping their driver's licence?

7.5 Family law or care and protection

- (a) Name and age of child(ren) involved
- (b) Name of child's other parent (this is important because if this person is already a Shopfront client, we will have a conflict of interest)
- (c) Does the child currently live with the client? If no, who with and since when? Is the client having contact with the child?
- (d) Is DOCS involved?
- (e) Are there any court proceedings? If so, where and when? Are there any court orders currently in place?

7.6 Victims

- (a) What happened? (very brief description – no need for details) and how long ago?
- (b) Name of offender (if known)
- (c) Has the client reported it to police?
- (d) Has the offender been charged and has it gone to court?

7.7 Other types of matters

- (a) What? (e.g. tenancy, employment, debt, personal injury)
- (b) Who? (e.g. name of the other party to the dispute – this is important so we can check if we have a conflict of interest)
- (c) When? (e.g. when did the client sign the contract, get dismissed from work, have a car accident, etc)?

8 Our contact details

The Shopfront Youth Legal Centre
 356 Victoria Street
 Darlinghurst NSW 2010
 (just near the corner of Liverpool St)

Tel: 02 9322 4808
 Fax: 02 9331 3287
 Mob: 0418 407 290

Email: shopfront@freehills.com
 Web: www.theshopfront.org

Our office hours are 9:30am-5:30pm Monday to Friday. Our phones are switched off from 10am-1pm on Tuesdays and Thursdays. When the office is unattended, you can leave a voice mail message or call the mobile number.

9 Contact details for other legal services

If the Shopfront can't assist, one of the following legal services may be able to help:

9.1 Legal Aid Hotline for under 18s

1800 10 18 10

The hotline is open from 9am to midnight on weekdays and 24 hours on weekends and public holidays. It provides advice to people under 18 who are in trouble with the police, or who are facing a caution, youth justice conference or Children's Court proceedings.

The hotline is also a point of contact for Legal Aid's Children's Legal Service, which represents young people in Children's Court criminal matters.

9.2 Legal Aid Commission

9219 5000 (head office)

www.legalaid.nsw.gov.au

Legal Aid has offices all over NSW.

Legal Aid provides duty solicitors to represent defendants in criminal cases at Local and Children's Courts all over New South Wales. Usually, clients do not need to make appointments in advance, but can see the duty solicitor at court on their first court date.

Legal Aid also acts for people in District and Supreme Court cases, but there is no duty system so the client must make an application in advance.

Legal Aid provides free family law advice and takes on family law cases for applicants who meet their criteria. It also takes on a very limited number of civil and administrative cases.

9.3 Aboriginal Legal Service

9318 2122 (Redfern office)

www.coalsnsw.org.au

The Aboriginal Legal Service has offices throughout NSW and acts for Aboriginal and Torres Strait Islander people in criminal law, family law and care and protection cases.

9.4 Community Legal Centres

9318 2355 (NSW state office)

www.nswclc.org.au

There are many other community legal centres in NSW. They advise and assist low-income people with all sorts of legal problems, especially civil and administrative law matters. To find out about your nearest one, contact the NSW Community Legal Centres state office. Details of some CLCs are listed below.

9.5 National Children's and Youth Law Centre

9385 9588

www.ncylc.org.au; www.lawstuff.org.au

The National Children's and Youth Law Centre does not usually take on cases, but provides a limited amount of legal advice, mainly by email. The "lawstuff" website contains lots of useful legal information for young people.

9.6 Inner City Legal Centre

9332 1966

www.iclc.org.au

Inner City Legal Centre provides services for people in the inner city and northern areas of Sydney.

9.7 Kingsford Legal Centre

9385 9566

www.unsw.edu.au/centres/klc

Kingsford Legal Centre provides services for people in the eastern suburbs of Sydney.

9.8 Macarthur Legal Centre

4628 2041

www.macarthurlegal.org.au

Macarthur Legal Centre provides services for people in the Campbelltown, Wollondilly and Camden regions. It has a part-time specialist children's solicitor.

9.9 Marrickville Legal Centre

9559 2899

www.mlc.asn.au

Marrickville Legal Centre provides services for people in the inner west of Sydney. It has a specialist children's solicitor who is available for under-18s even if they live outside the inner west.

9.10 Redfern Legal Centre

9698 7277

www.rlc.org.au

Redfern Legal Centre provides services for people in the inner city and surrounding areas.

9.11 Intellectual Disability Rights Service

9318 0144

www.idrs.org.au

The Intellectual Disability Rights Service helps people with intellectual disabilities with a range of legal problems. It also co-ordinates the Criminal Justice Support Networks, which provides support people at police stations.

9.12 Welfare Rights Centre

9211 9300

www.welfarerights.org.au/centre/sydney

The Welfare Rights Centre helps people who are experiencing problems with Centrelink.

9.13 Homeless Persons' Legal Service

8898 6500

<http://piac.asn.au/legal/hpls.html>

The Homeless Persons Legal Service provides legal advice at different homeless people's services around Sydney. For further information, contact the co-ordinator (who is based at the Public Interest Advocacy Centre).

**Shopfront Youth Legal Centre
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