



The Shopfront

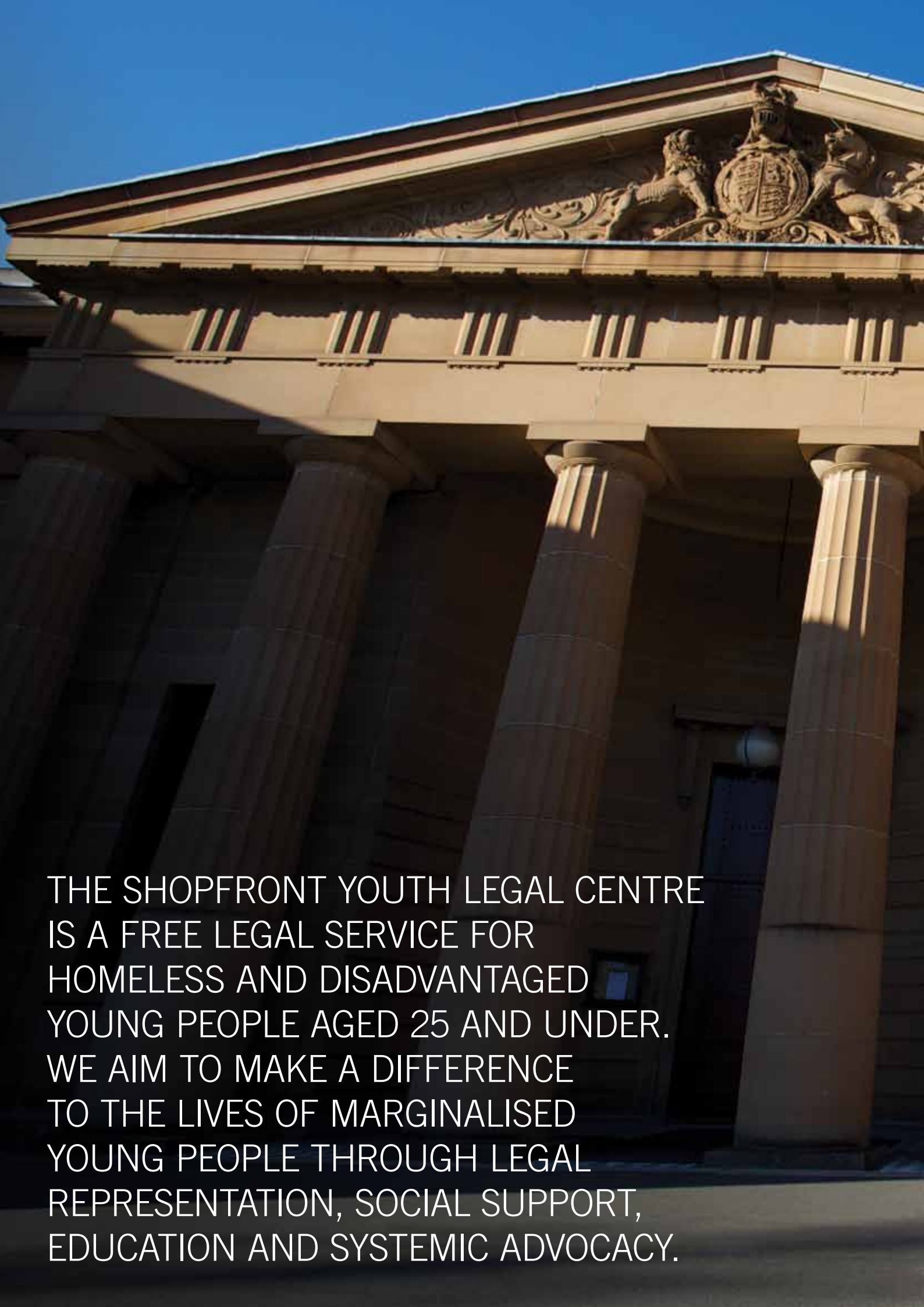
YOUTH LEGAL CENTRE



CELEBRATING 21 YEARS

1993 - 2014





THE SHOPFRONT YOUTH LEGAL CENTRE
IS A FREE LEGAL SERVICE FOR
HOMELESS AND DISADVANTAGED
YOUNG PEOPLE AGED 25 AND UNDER.
WE AIM TO MAKE A DIFFERENCE
TO THE LIVES OF MARGINALISED
YOUNG PEOPLE THROUGH LEGAL
REPRESENTATION, SOCIAL SUPPORT,
EDUCATION AND SYSTEMIC ADVOCACY.

The Shopfront

YOUTH LEGAL CENTRE

The Shopfront is based in Darlinghurst in Sydney's inner city, and is a joint project of Herbert Smith Freehills, Mission Australia and The Salvation Army.

It was established in February 1993 by Freehill Hollingdale and Page and the Sydney City Mission as a practical response to the Human Rights and Equal Opportunity Commission's national inquiry into youth homelessness. The Salvation Army joined the partnership in 1997.

The Shopfront started with two staff and has now grown to a team of nine, assisted by a number of volunteers.

As homeless young people are highly likely to come into contact with the police and the criminal justice system, we have a strong focus on defending clients who are charged with criminal offences. We also provide legal support to young people in their capacity as victims of crime, and advice on a range of other legal issues.

The Shopfront also assists young people to address their non-legal needs which are often inextricably linked with their legal problems. Our case workers provide support and referrals in areas such as housing, health, counselling, income support, education and employment.

In our first 21 years we have assisted over 5,000 young people with over 10,000 legal matters.

We have also provided numerous other young people with social support, referrals, legal education and information, and have contributed to law reform on issues that directly affect vulnerable young people.



"The Shopfront Youth Legal Centre provides an extremely professional service to the most disadvantaged and vulnerable young people. The lawyers who work at the Shopfront are leaders in their field.

The holistic service provided by the Shopfront is a great model for legal practice. The lawyers from the Shopfront have built up great expertise in many areas of law and are ideally placed to participate in policy and law reform work.

They are often called upon to comment, write, present and brief on areas of law and policy.

As such, they are a great resource for the legal profession."

Legal Aid NSW



April MacDonald, Sunaina Pinto, Gabriel Chipkin, Jacki Maxton, Jane Irwin, Jane Sanders, Carole Wilson.

The Shopfront story

1989

The Human Rights and Equal Opportunity Commission released its report, *Our Homeless Children* (commonly referred to as the *Burdekin Report* after Brian Burdekin who was Human Rights Commissioner at the time). Among the report's main findings were that homeless young Australians were not being accorded basic human rights, were disadvantaged at all stages of the legal process, and were not being adequately served by mainstream legal services.

1992

A pro bono committee was formed by partners at Freehill Hollingdale and Page. Members of the committee made contact with a number of community organisations to discuss the establishment of a pro bono project to address issues arising from the *Burdekin Report*.



David Stone (solicitor) and Violet Crichton (legal assistant), circa 1998.

1993

In August, Jane Sanders, who is now our Principal Solicitor, joined The Shopfront. Her position soon became a permanent one and was supplemented by another six-month solicitor secondment.

1997

The Salvation Army became a partner in the project when The Shopfront moved into its building at 356 Victoria Street. Initially The Shopfront was co-located with the Reconnect project, and later with The Salvation Army's Street Outreach Service (SOS). The Shopfront now occupies the entire building.

1999

The Shopfront partnership was a national finalist in the Prime Minister's Awards for Business and Community Partnerships.



Ted Hill (solicitor) and Jenny Taylor (legal assistant), 1993.

1993

Freehill Hollingdale and Page formed an alliance with the Sydney City Mission, which had rented a small shopfront on Darlinghurst Road with the aim of setting up a youth information centre. In February 1993, The Shopfront Youth Legal Centre commenced operation with two staff on secondment from Freehills, solicitor Ted Hill and legal assistant Jenny Taylor.

2000

Freehills provided funding for another solicitor position, job-shared between Jane Irwin and Suzie Miller, followed by a permanent legal assistant position.



William Potter (solicitor) and Jamie Alford (social worker), circa 2011.

2004

The Shopfront partnership won the NSW Law and Justice Foundation's Pro Bono Partnerships Award.

2009

For the first time, The Shopfront was able to employ a case worker to support clients with their non-legal needs. This was made possible by a partnership with the Public Interest Advocacy Centre and its Mental Health Legal Services Project, with two years' pilot funding from the NSW Public Purpose Fund.

2011

The funding of our case worker position was taken over by Mission Australia, with assistance from foundations, corporate and private donors.



Kim Rosslind (legal assistant), Jane Sanders (principal solicitor), Sue Donnelly (solicitor), Martin Clark (Mission Australia), mid-1990s.

2013

Funding was secured for a second case worker, bringing total staff numbers to nine.

2013

The Shopfront entered into a partnership with Legal Aid NSW, to enable vulnerable young people to access specialised civil law services from Legal Aid.



Kate Corcoran (legal assistant), Meredith Zantuck (solicitor), Alison Hogan (legal assistant), Suzie Miller (solicitor), Jane Sanders (principal solicitor), Shruti Sinha (volunteer), circa 2005.

Our team

Jane Sanders
Principal Solicitor

Jane Irwin
Senior Associate

Jacki Maxton
Solicitor

Carole Wilson
Coordinator

Kate Corcoran
Legal Assistant

Penny Ling
Paralegal

Sunaina Pinto
Case Worker

April MacDonald
Case Worker



“What I believe makes the Shopfront such a vital and relevant service is the phenomenal commitment and dedication of staff who demonstrate compassion for their clients. The Shopfront has developed a culture of advocacy and an emphasis on social justice principles, supporting these young people who are marginalised and disadvantaged in many ways.”

Phil Nunn
Psychologist



“The staff at the Shopfront display expertise not only in their legal knowledge, but in their compassionate understanding of the issues affecting young and disadvantaged young people”

Dr Evelynne Tadros
State Leader, NSW South, Mission Australia



Secondment program

The Shopfront also has a solicitor on a six-month secondment from Herbert Smith Freehills. The secondment program has been running since The Shopfront's inception, and at times has also included legal support staff.



“I have had an amazing time at the Shopfront. Despite the drama and stress (and the occasional expletive) I feel absolutely privileged to have had the opportunity to advocate on the behalf of our clients. As much as I would like to say that I have helped them, they have actually helped me develop a deeper level of compassion, patience, understanding and empathy. It is a debt that cannot be repaid. Or even put on a Work and Development Order!”

Liam Cavell
Seconded Solicitor



“I have treasured the last six months, and will never forget them. Remember that this is an amazing service which assists people who have no one to turn to in the world. It is kept together, straining at the seams, by the blood, sweat and tears of all of you.”

Adam Hochroth
Seconded Solicitor

Volunteers and student placements

The Shopfront has about fifteen volunteers and placement students who work one or two days per week. They are mainly law students but also include graduates and admitted solicitors. We also supervise social work and welfare students on placements.



“I can't thank you enough for the guidance and support you have given me over the past year. My time at the Shopfront has been filled with immense personal and professional growth and I feel so privileged to have been a part of the wonderful work you do. I'm walking away with my eyes wide open to the struggles facing your colourful clients – they're so lucky to have you all looking out for them.”

Nicola Austin
Volunteer Law Student



Sumaiya Khaliq and Elicia Sykes (volunteers), 2012.

Our clients

The Shopfront's clients range in age from about 12–25 years. Most are homeless and have complex needs. They often have difficulty accessing mainstream legal services, and need more intensive and holistic support than these services are able to provide.

Homelessness is primarily a lack of safe, stable and affordable housing. Most of our clients have become homeless due to factors such as abuse, neglect, family conflict, and the inadequacies of the state care system. Increasingly we are seeing young people whose entire families are homeless or inadequately housed.

Most of our clients have experienced severe trauma, which has a lasting impact on their lives. Many are affected by mental illness, cognitive impairment, or substance abuse problems. Literacy and numeracy problems, usually due to disrupted schooling, are also widespread.

Our clients come from a variety of cultural backgrounds. About 15% of our legal matters involve Aboriginal or Torres Strait Islander young people.

Our clients are referred to us by a range of services working with young people. These include youth refuges, generalist youth services, health centres, counsellors, employment programs, juvenile justice and probation officers, and legal services. About 20% of our new referrals come by word of mouth (for example, friends and family of existing clients). An increasing number of young people are finding us on-line.

Our main client base is around the inner city of Sydney, but youth homelessness is not confined to any one area and neither are our clients. We travel all over the Sydney metropolitan area (and sometimes beyond) to assist young people in need.



“All of our young people have experienced trauma and it impacts in every aspect of their lives. To address many of their concerns we often refer young people to seek legal guidance and to process victims compensation claims. This is a very difficult time as many of these young people have never really informed anyone of their past. The solicitor's role in this process cannot be underestimated; our staff have often reported back how appropriate, sensitive and understanding the Shopfront solicitors have been, while they have pursued the information required from these young people to enable them to make the claims. This is a very empowering experience for our young people, of being believed and their lives being accounted for. We would not be so confident using another legal service to address Victims Compensation claims.”

Bron Parker

Manager, ALIVE Program, CatholicCare



EMILY

When Emily was referred to The Shopfront by a youth refuge she was a physically small young woman, only 15 years old, homeless, dependent on heroin, sex working at Kings Cross and in trouble with the law. Her immediate legal concerns related to her escalating criminal offending. These invariably involved assaults against males, usually in uniform - police, transit officers or security guards.

Emily was an extremely angry young woman who consistently presented to The Shopfront severely drug-affected and expressed an alarming lack of concern for her safety, her life or her future.

We represented Emily in the Children's Court for the next few years. Initially Emily agreed to a clinical psychological assessment and later, a psychiatric assessment which diagnosed her with complex mental health conditions. In the early matters, the court agreed to the diversionary paths offered by the Young Offenders Act and by the Mental Health (Forensic Provisions) Act. Ultimately, though, Emily spent time in a juvenile detention centre because of continued offending.

Emily also had numerous fines, incurred while she was a homeless teenager with no income. The Shopfront helped Emily to have her fines reviewed and to substantially reduce her debt.

Throughout this time Emily disclosed an extensive history of child sexual assault by a number of perpetrators. Her offending, mainly assaults against males in authority, was intimately related to this dreadful history of trauma and abuse. We represented her in five victims compensation applications, grouping the applications according to the offenders. These included assaults perpetrated by a priest, and offences against her when she was a child sex worker, when she was incapable of consenting to sexual contact because she was underage. We believe that the recognition of Emily as a victim by the Victims Compensation Tribunal, and the payment of compensation, had a profound impact on her path to recovery.

The Shopfront also referred Emily to services that would support her rehabilitation. She stabilised her mental health with the assistance of medication and counselling. After a few attempts, Emily overcame her drug dependency through a combination of methadone, residential rehabilitation and counselling.

All clients' names have been changed to protect their privacy.

Emily showed extraordinary courage and went back to complete her Year 10 Certificate. She received an award and, later, a scholarship. As well as paying for a laptop and TAFE fees, this helped her to undertake a 7-week placement in South Africa.

Emily went on to achieve a number of qualifications, culminating in a Masters in Social Work. She is passionate about working with children and young people, and has fulfilled her dream by gaining employment in the area.

The Shopfront continues to provide Emily, now 25, with occasional legal support when needed. Earlier this year we helped Emily with her Working with Children Check. We made submissions to the Children's Guardian that, despite her juvenile criminal history, Emily has achieved remarkable rehabilitation and does not pose a risk to children.

We recently assisted Emily when she was asked by police to provide a DNA sample for their database on the basis that she was an “untested former offender” who had served a term of imprisonment. We wrote to the police, advising them that a sentence in a juvenile detention centre is not a term of imprisonment, and that Emily was not obliged to provide her DNA. The police withdrew their request.

We believe that the continuity in legal representation has helped Emily on her path to rehabilitation. Emily presented to The Shopfront 10 years ago as a dangerously fragile and damaged young woman, and has since grown into an extraordinary individual who has broken a potentially devastating cycle.

Earlier this year we were delighted to receive this message from Emily:



“It has been an amazing month. I have travelled solo through Mexico and Belize and met some awesome people along the way. I have explored Mayan ruins and taught today's modern day Mayan children in a drop in centre. I have helped disabled children to walk and received lots of sloppy kisses. I have dived under the sea, snorkelled with sharks and sting rays and trekked through caves. I have visited island paradise and walked down the Hollywood walk of fame. Thanks to the awesome people I have met along the way for making this such an incredible adventure.”

Emily, client

Legal representation and advice

The Shopfront currently takes on about 40 new legal matters per month, or 500 per year. Of these, about half involve new clients and the other half involve existing clients presenting with new legal problems.

A matter can consist of simple legal advice or referral, or it can involve a substantial amount of work over several months or even years.

We strive to provide our clients with continuity of representation, and with a holistic service that addresses their non-legal as well as their legal needs.

The Shopfront provides:

- Court representation in criminal matters. Our solicitors appear almost daily in courts throughout the Sydney metropolitan area. For a minority of serious and complex matters we brief barristers, either with Legal Aid funding or on a pro bono basis. Matters range from the trivial to the very serious, and most often involve:
 - offences resulting from poverty (railway infringements, survival crimes such as shoplifting)
 - street offences resulting from interactions with police (for example, the ‘trifecta’ of offensive language, resist police and assault police)
 - apprehended violence order applications and criminal charges arising from family conflict
 - offences linked to mental illness or substance abuse problems (for example, property offences committed to fund a drug habit, assaults or property damage committed while intoxicated or suffering from psychosis)
 - traffic offences (usually unlicensed driving or driving while disqualified, often as a consequence of fine default)
- Legal advice on a range of criminal law issues including police interviews, rights and obligations of witnesses, traffic and licensing issues, and the effect of criminal records.

- Assistance with outstanding fines. We have assisted hundreds of clients to have their fines reviewed or to convert them to Work and Development Orders, enabling them to clear substantial debts and to move on with their lives.
- Providing legal advice and pursuing compensation entitlements for young people who have endured sexual assault, child abuse and other forms of violence.
- Legal advice (and occasionally representation) on a range of other issues including family law, care and protection, civil and administrative matters.
- Referrals to other legal services where we lack the capacity or expertise to assist.



“The Shopfront provides a unique broad-based service to young persons who require specialised skills and a multidimensional approach to addressing their legal problems. The Shopfront delivers a quality service built upon extensive practice wisdom and their long-standing relationships with clients.

Importantly, the service will challenge the lawfulness of police powers and behaviour in the appropriate case, addressing the impact of the state upon the young and therefore contribute significantly to unmasking police misconduct that other lawyers may not address in a defended hearing. Therefore, the Shopfront is instrumental in highlighting injustices to youth that may have remained undetected.”

Her Honour Magistrate Jayeann Carney
Children's Court of NSW



SIMON

Simon is a young man with an intellectual disability which has significantly affected all aspects of his life, including his performance at school. Simon's parents had very high expectations of him and seemed unable to accept that he had a disability, instead criticising him for being “lazy”. This eventually led to a breakdown in their relationship and Simon became homeless at the age of 16.

When Simon was referred to The Shopfront he was 17 years old, living in a refuge, and had just been charged with being a passenger in a stolen car. We appeared for him in the Children's Court and, with the assistance of a psychological assessment, had his charge dismissed under section 32 of the Mental Health (Forensic Provisions) Act.

In the next two years, Simon came to the attention of the police a few times, mainly for being involved in fights, for being in possession of a weapon and for allegedly being involved in a home invasion. On most of these occasions it appears that he was “led astray” by older and more sophisticated friends.

Fortunately Simon was able to obtain stable, semi-independent accommodation through a youth accommodation service. He also received case management from Mission Australia's The Crossing, which in turn made a referral to Ageing, Disability and Home Care (ADHC), a NSW government agency which provides support for people with disabilities. ADHC has very stringent eligibility criteria and a lengthy assessment process, so it was a great boost to learn that the referral had been accepted. ADHC provided Simon with a case worker and some assistance from their Behaviour Intervention Service.

Simon's case workers worked together with The Shopfront to put together a comprehensive case plan, which resulted in all of his charges being dismissed under section 32 of the Mental Health (Forensic Provisions) Act. This was a substantial achievement, as some of the allegations against him were very serious.

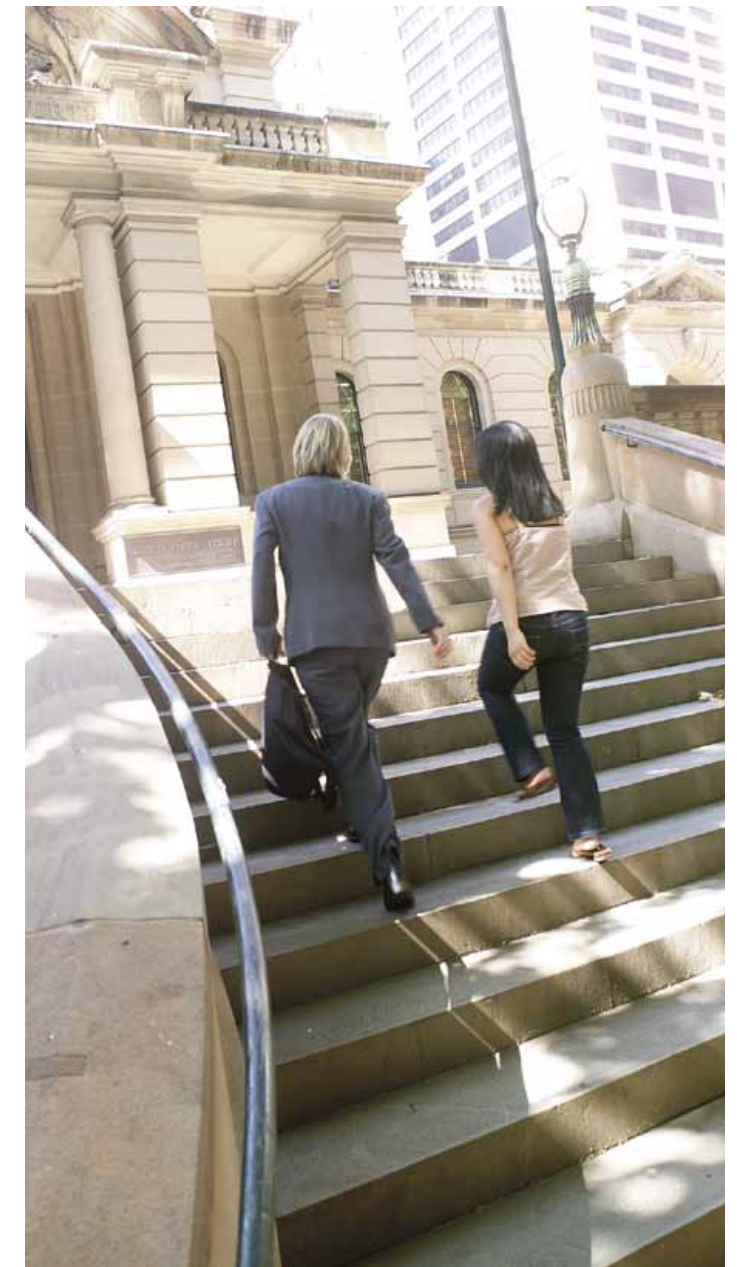
About two years after his court proceedings were finalised, Simon contacted his solicitor at The Shopfront, not because he was in legal trouble but because he wanted someone to sign his passport application. By this time Simon's relationship with his family had greatly improved and he was making plans to go overseas with his brother.



“As a service we often refer clients with multiple and complex issues to Shopfront as I know that they will not only receive the best legal advice but also the one to one contact that they desperately need. Shopfront also provide us with ongoing practical telephone and email support and even when they are overloaded with work they still have time to offer advice and help.”

Sue Underwood

Coordinator, Beaches Outreach Project



Case work service

Many of our clients have complex needs which are inextricably linked to their legal problems. The Shopfront's two case workers collaborate with our solicitors to ensure that our clients receive a truly holistic service.

Our case workers provide long-term intensive case management for clients with particularly high and complex needs (for example, a serious mental illness or intellectual disability coupled with substance misuse problems and chronic homelessness).

For other clients, they provide short-term therapeutic interventions, crisis management, general social and emotional support, and referral to other services.

Case management typically involves:

- Communicating and working jointly with other youth, community and health services, to ensure that clients receive coordinated case management.
- Finding emergency accommodation and long-term housing.
- Referring clients for mental health assessment, treatment and counselling.
- Preparing case plans for court matters, particularly for applications under section 32 of the Mental Health (Forensic Provisions) Act.
- Assisting solicitors to communicate with clients about legal processes.
- Helping clients with transport to court and court support.
- Advocacy with organisations such as Centrelink, Housing NSW, Corrective Services, Justice Health, and Family and Community Services.
- Practical assistance including support with living skills, shopping, transport and help filling in forms.
- Accessing brokerage funding to assist clients with transport, emergency accommodation or basic necessities.

This intervention often continues after our clients' legal issues have been resolved. Our case workers' continued involvement helps prevent further legal issues from arising, as they are well-placed to identify potential legal problems (for example, family conflict, potential eviction, escalating debt, difficulties complying with bail conditions or court orders) and to address the causes of those problems before they escalate.

For most of our clients, the support provided by our case workers has led to a reduction in re-offending, increased compliance with court orders and case plans, more stable housing and significantly improved well-being.



"To our knowledge, there is no other service like The Shopfront. It is the only legal service that specialises in youth issues and that has the ability to work with young people in a way that is efficient, non-judgemental, meaningful, collaborative and participatory. The Shopfront keeps in regular contact with the young people and our service when required. The staff are compassionate and really care, and do what is best in the interests of the young people. The Shopfront is part of a much wider network that can holistically address the needs of a young person."

Beverley Aufai

Service Manager, The Crossing, Mission Australia



LACHLAN

Lachlan, now aged 23, was referred to us at the age of 18 by an Anglican priest. At that time he needed advice about a large amount of outstanding fines.

We soon discovered that Lachlan had a very sad and difficult history as a child, teenager and now young adult. In his early teens Lachlan had to leave home because of a breakdown in relations with his mother, who experienced mental illness. He ended up living with his father, who he had never met before. His father was a violent man who subjected Lachlan to physical and sexual abuse and exposed him to drug abuse and criminality.

This led to a period of chronic homelessness for Lachlan. Having been introduced to drugs by his father at a young age, Lachlan developed a substance abuse disorder and became involved in the criminal justice system.

When Lachlan was 19 he approached a service station attendant with a knife and stole some money. Almost immediately he contacted police, admitted to the offence, took police to the scene and showed them where he had discarded the knife. Lachlan was charged with armed robbery and was refused bail.

When Lachlan's solicitor visited him in prison, it became clear that he was experiencing symptoms of mental illness. We arranged for Lachlan to see a psychiatrist, who diagnosed him with schizophrenia and was of the opinion that he was experiencing a psychotic episode when he committed the armed robbery.

Lachlan's solicitor referred him to one of our case workers, who helped him find accommodation and referred him to a community mental health service. This helped us to get Lachlan out on bail, and then to get him a suspended sentence, in circumstances where most offenders are sentenced to full-time imprisonment.

Unfortunately Lachlan re-offended and we had to deal with breach proceedings as well as fresh charges. At some stage he had been placed on the wrong medication which apparently triggered a further psychotic episode. Lachlan became extremely unwell, began drinking alcohol and very soon committed further offences. Although we managed to convince the District Court not to revoke his suspended sentence, the Local Court sentenced Lachlan to a prison term for some of his fresh offences.

Before he was released on parole, Lachlan's case worker liaised closely with the Probation and Parole Service to prepare a detailed support plan. This included obtaining housing via the Inner City Youth at Risk Project, which enabled Lachlan to move to the inner city where he has a range of support services available.

We are also helping Lachlan to deal with the abuse perpetrated by his father, which continues to affect him profoundly. His father has been charged with sexual assault and Lachlan will have to give evidence at the trial next year. We are also lodging victims compensation applications on his behalf.

Lachlan is still very fragile and needs a high level of support to ensure that he receives appropriate psychiatric care, that he does not relapse into substance abuse, and that he does not re-offend. The Shopfront's case workers have done a great deal of advocacy with other organisations to ensure that Lachlan receives the services he needs.





KAREN

Karen, now aged 23, is a young Aboriginal woman who was the victim of horrific physical, emotional and sexual abuse by her stepfather. Karen's mother entered into a relationship with this man when Karen was 5 years old. From the beginning he used to physically abuse and intimidate Karen.

When she was 14, Karen disclosed to authorities that her stepfather had indecently assaulted her. He was convicted and sentenced to five months' imprisonment. The repercussions of the abuse were severe, as Karen's relationship with her mother deteriorated into frequent violence and verbal abuse, and Karen began using drugs and truanting from high school.

Following his release from prison, and in breach of an apprehended violence order, the stepfather moved back into the mother's house. He then effectively groomed Karen and exploited her deteriorating relationship with her mother.

Karen's mother then left the family home and, as a result, the stepfather became Karen's primary carer. Being vulnerable, insecure and at risk of homelessness, Karen accepted his "care" and financial support. There was at this stage a repeated pattern of Karen being beaten and sexually assaulted, which continued until she finally escaped at the age of 19. Many times Karen had tried to run away to her grandmother's home, only to be harassed and intimidated into returning.

Although she managed to escape the sexual abuse, Karen's stepfather continued to stalk and intimidate her for another three years. He started stalking her on Facebook by getting his new partner to "friend" Karen. This led to a confrontation between Karen and her stepfather's partner, and Karen was charged with a number of offences including intimidation and property damage. It was at this stage that Karen was referred to The Shopfront by a youth accommodation service.

We acted for Karen in the criminal proceedings. Although we were unable to avoid a conviction, we managed to get some charges withdrawn and to have Karen placed on a good behaviour bond for the other charges.

While Karen was still on bail for these offences, she was given an infringement notice for offensive language after she swore at a police officer. According to Karen, she swore at him because he had called her a "junkie".

The police officer then found out that Karen was on bail for other offences. He arrested her for breach of bail, on the grounds that she had failed to comply with the "good behaviour" condition. Karen was held in custody overnight until the court released her on bail the next morning.

After being arrested, Karen let fly with some more verbal abuse, and was charged with intimidating a police officer in the execution of his duty. Karen pleaded not guilty and we appeared for her at the hearing. We argued that the arrest for breach of bail was unlawful or at least improper, and that any evidence obtained in consequence of this arrest should be excluded. The magistrate accepted our submissions and dismissed the charge.

In reaching her decision, the magistrate was highly critical of the police officer's conduct. She found that the arrest was improper because the officer had not exercised his discretion appropriately, and that his conduct fell far short of the standards expected of police. She also remarked that the abusive language allegedly used by Karen was a predictable (almost inevitable) consequence of such an improper arrest.

Once the criminal proceedings were over, we focused on helping Karen to get some redress for the abuse perpetrated by her stepfather. We filed two victims compensation claims, one for the physical abuse and one for the sexual abuse. With the help of a solicitor from Herbert Smith Freehills, we tracked down and reviewed records from a number of official sources to build up a strong case for each of her claims. Karen then sat with us and told her story as we prepared a detailed statement.

The claims were successful and Karen was delighted, not only for the financial compensation, but because she had been listened to and her experience had been acknowledged.



Systemic advocacy

The Shopfront also has an important role to play in advocating for the rights and interests of young people. We speak out on issues that directly affect homeless and disadvantaged young people, particularly in relation to policing and criminal justice.

We contribute to law and policy reform by:

- **Writing submissions and giving evidence** to Parliamentary Inquiries, Law Reform Commission references, and legislative reviews conducted by the New South Wales Ombudsman.

We have commented on a range of issues including police search and move-on powers, consorting laws, mental health, children's consent to medical treatment, juvenile detention centres, naming of children involved in criminal proceedings, enforcement of unpaid fines, and driver licence disqualification.

Our submissions, based on the real-life experience of our clients, often have a significant influence on the recommendations of the Inquiry or review.

- **Involvement in committees and networks.** Our senior solicitors sit on the NSW Law Society's Criminal Law and Juvenile Justice Committees, and are often called upon to represent the Law Society or The Shopfront at meetings convened by bodies such as the Department of Justice, Corrective Services, and the NSW Law Reform Commission.

The Shopfront's solicitors and case workers are also actively involved with networks including the Youth Justice Coalition, Justice Reinvestment NSW, and the NSW Legal Assistance Forum.

- **Media comment.** We are often approached for comment on topical issues, which in recent years have included juvenile justice, policing, bail, consorting laws, fines, traffic offences, offensive language, and mandatory sentencing.

We have appeared in media as diverse as The Sydney Morning Herald, the Daily Telegraph, ABC TV's *Four Corners*, Triple J's Hack current affairs segment, Radio National, SBS TV and radio, and a range of commercial and community radio stations.



"The Shopfront has built a reputation as a consistent and insightful contributor to law reform and policy work. This is based on its rich experience in working with young people and its links with other service providers particularly in the areas of drug treatment, homelessness and social welfare generally. The professionalism and the commitment of its workers is legend."

James McDougall

Former Director, National Children's and Youth Law Centre



"The Shopfront Youth Legal Centre submitted a number of high quality written representations to reviews of existing legislation and responses to proposed legislation. The representations dealt with the likely impact that that legislation would have on young people. Because of the specialist expertise of the solicitors from The Shopfront Youth Legal Centre their submissions were always extremely valuable in the development of policy and legislation."

Lloyd Babb SC

NSW Director of Public Prosecutions, and former head of Criminal Law Review, NSW Attorney-General's Department



Systemic advocacy... continued

The Shopfront has made a particular impact on the New South Wales fine enforcement system, helping to improve its fairness and flexibility. This is an important issue because it affects large numbers of people, including most of our clients, and non-payment of fines can have serious consequences.

Working together with other legal and community organisations, The Shopfront has helped bring about substantial changes over the past decade. This includes the introduction of Work and Development Orders, which allow disadvantaged people to “work off” their fines by way of community work, counselling, case management and education.

It is not unusual for The Shopfront’s clients to owe several thousand dollars in outstanding fines, largely due to railway infringements incurred while homeless. We work with State Debt Recovery to help clients arrange payment plans, to apply for Work and Development Orders, and to have fines reviewed and written off in appropriate circumstances.

One of the more serious consequences of fine default is licence suspension: even for non-traffic fines, a fine defaulter can have their driving licence suspended or be prohibited from applying for a licence. This has resulted in large numbers of people losing their licences for reasons completely unrelated to poor driving.

This in turn leads to “secondary offending”, that is, people driving whilst unlicensed or suspended, and then (after being convicted and disqualified by a court), committing further offences of driving while disqualified.

When faced with excessively long suspension or disqualification periods, it is common for young people to abandon hope of getting a licence. In these circumstances they often run the risk and drive unlicensed, sometimes out of necessity for employment or family reasons, and sometimes due to the impulsivity that accompanies adolescence.

The penalties and disqualifications for unlicensed driving offences are draconian and magistrates have very little discretion. As a result, it is common for fine defaulters to end up disqualified from driving for several years, and also sentenced to imprisonment for driving while disqualified, even if they have not committed a substantive driving offence such as drink-driving or speeding.

Ideally The Shopfront will help our clients to deal with their fines before they end up in trouble for unlicensed driving. Unfortunately, for many, this is not the reality, and we still have to deal with numerous driver licensing offences. In these cases, we try to persuade the courts to use their limited discretion, and give young people a chance to obtain and keep their licence rather than lose it for a long period.

In 2013 we made a submission and gave evidence to a NSW Parliamentary Inquiry about driver licence disqualification reform. The NSW Legislative Assembly Committee on Law and Safety recognised the difficulties disadvantaged people face in obtaining and keeping a licence, the way in which unpaid fines contribute to this, and the injustice that often results when people are convicted of unlicensed driving offences. The Committee also acknowledged that long periods of licence disqualification do not appear to be having the intended deterrent effect, and are counterproductive to road safety.

The Committee made numerous recommendations aimed at reforming the licence disqualification system. Many of these recommendations have met with a favourable response from government. If implemented, they will significantly reduce the hardship and injustice faced by unlicensed drivers, including many of The Shopfront’s clients.



DANIEL

Daniel, now in his mid-20s, had a tumultuous upbringing. His adolescence and early adulthood were marred by difficulties at school, family conflict and homelessness.

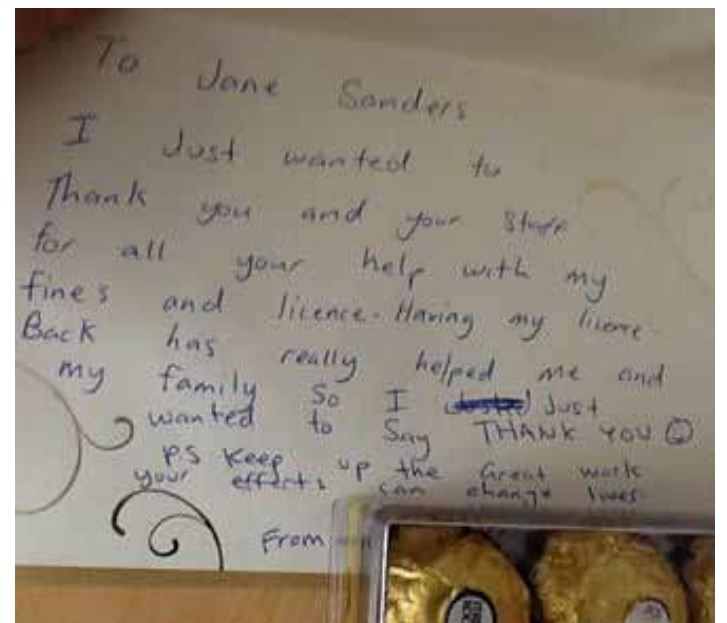
For two years from the age of 11, Daniel was involved with the Department of Community Services. At the age of 13 he left home and, because of his unstable relationship with his family, was homeless on and off for the next few years. He was associating with drug-using and offending peers, and it was not long before he began offending. Between the ages of 15 and 18, he was in and out of juvenile detention centres.

Among Daniel’s charges were offences of driving while suspended and driving while disqualified, mostly committed when he was only 17 years of age. By the time he turned 18, he was already disqualified from driving until he was 24. He committed two further “drive while disqualified” offences when he was 18 and 19 years of age respectively, at a time when he was struggling to maintain employment. These offences led to further periods of disqualification and to “habitual traffic offender declarations” which put him off the road for an additional 15 years.

In the next few years, Daniel ceased offending and made significant changes in many areas of his life. He commenced a painting apprenticeship and a trade certificate at TAFE. However, as he was unable to get a licence and to drive to and from work sites, Daniel struggled to obtain regular employment.

It was at this point that Daniel was referred to the Shopfront by a local youth worker. We successfully applied to the Local Court to have Daniel’s habitual traffic offender declarations quashed. However, he still had some disqualification left to serve, so we made an application to the Department of Attorney-General and Justice to have his remaining licence disqualifications remitted. In our experience, such applications rarely succeed, but in Daniel’s case we were successful.

By this time, Daniel was married and expecting his first child. Getting his licence back was particularly significant for him, as it meant he could obtain regular work to support his family.





Vicky is now in her late 20s and has been a client of The Shopfront since she was 18. During her early teens she started to experience difficulties at school and at home, and was diagnosed with a range of developmental and behavioural disorders. These problems, combined with inadequate parenting, led to Vicky leaving home in her mid-teens.

Although Vicky was referred to the Department of Community Services, they were unable to find her a stable placement and she was homeless for about three years. During this period she incurred thousands of dollars' worth of fines, mainly for travelling on the train without a ticket. She was also charged with offences including shoplifting and fraud.

At the age of 19, with the help of a government-funded after-care service, Vicky was able to obtain stable housing. This was a significant step forward but Vicky's problems were far from over.

Vicky's unpaid fines prevented her from getting a driver's licence. As an impulsive young woman with mental health problems and a love of cars, Vicky continued to drive without a licence and soon found herself facing very harsh consequences. She spent her 21st birthday in prison for driving while disqualified and she is now disqualified from driving until she is well into her forties. Ironically, Vicky appears to be quite a competent and safe driver who could be trusted with a licence: she has only been charged with one offence involving dangerous driving, when she sped off to avoid the police because she feared being apprehended for driving unlicensed.

At the age of 23, Vicky gave birth to a daughter, Leyla. Although Vicky was a devoted mother and initially seemed to be coping well, Leyla was removed from her care at the age of 6 months after having been exposed to violence from Vicky's former partner.

Over the next two years, Vicky worked very hard to prove that she was a good parent who could be trusted to protect her daughter from any further harm. With the help of her case worker from The Shopfront, she completed some parenting courses, was referred to a family support service, and moved to a new house that was close to her support networks but far away from her former partner.

Vicky also had an excellent counsellor who helped her to manage her mental health and to develop maturity and insight. Vicky's growing maturity also helped her resist the temptation to re-offend.

The Shopfront, assisted by a barrister funded by Legal Aid, acted for Vicky in the Children's Court care proceedings. After a 3-day hearing, the Magistrate decided that Vicky's daughter should be restored to her care. This was an extraordinary result which would not have been possible without the support network that we helped to pull together.

Vicky is now concentrating on raising Leyla, who is now in pre-school. Vicky is also studying at TAFE and trying to find part-time work, although she is finding it difficult without a driving licence.

The Shopfront has recently been helping Vicky to work through her unresolved legal issues, so she can move forward with her life and provide the best care for Leyla. These include:

- Applying for remission of her licence disqualifications. We have had to provide extensive documentation to demonstrate Vicky's progress towards rehabilitation, her personal circumstances and her need for a licence. If this application is successful it will open up employment opportunities for Vicky and will also make it much easier to transport Leyla to and from school.
- Referring her to a private solicitor to pursue a compensation claim arising from an unlawful arrest.
- Linking her with a financial counsellor to get her outstanding fines and debts under control.
- Referring her to a tenancy advocacy service to ensure that her landlord performed necessary repairs and maintenance.
- Assisting with a change of name application for both Vicky and Leyla. At the age of 18 Vicky changed her surname to distance herself from her family. She has now reconciled with her parents and has acknowledged this by going back to her original family name.



"I wanted to say merry christmas and happy new year thanks heaps for everything u have done for me this year sorry i keep getting my self into trouble i dont know what i would do with out you with all the support you have provided me over these past few years thank you i hope you have a great christmas holiday see you in the new year thanks again."

Vicky, client



Peter is a 19-year-old Maori man who came to Australia from New Zealand when he was only 15 years old. His mother is living in Sydney but his father still lives in New Zealand. Peter says that his father cannot move to Australia because of the length and seriousness of his criminal history.

Peter described a childhood experience of serious domestic violence at the hands of his father. He has experienced homelessness since 2011 and has stayed between family and friends' homes and on the streets. He is not eligible for Centrelink benefits, a common problem for New Zealand citizens who are in Australia on special category visas. He has been able to source some odd days of casual work in the hospitality and construction industry, but this work is not consistent. Peter has very limited literacy, which further inhibits his ability to find and keep work.

Since 2011 Peter has been accessing High Street Youth Health Service's basic needs program for food, shower and laundry facilities. Since November 2012 he has been case-managed by this service who have assisted him in getting access to identification documents, enrolling and completing an arts course with Mission Australia's Creative Youth Initiatives program, and gaining some employment.

When he was involved in Creative Youth Initiatives' "Artworks!" course, Peter proved to be a talented artist. He excelled in this program and, as well as developing his skills, he took considerable pride in his achievements. This is significant, given his low literacy and self-esteem.

Unfortunately Peter was recently charged with some graffiti offences, after he and another young man were caught with spray paint. He immediately admitted to the police that he had been spray-painting bus shelters. Peter, who had no prior criminal record in Australia or New Zealand, was extremely embarrassed about the charges and very anxious about going to court.

Peter was represented by a solicitor from The Shopfront and supported at court by his case worker from High Street Youth Health Service. He readily offered to participate in a community clean-up order. The magistrate, who is not known for her leniency, was so moved by Peter's circumstances that she made orders under section 10 of the Crimes (Sentencing Procedure) Act that one charge be dismissed outright and the other dealt with by placing Peter on a 12-month good behaviour bond. This means that, as long as Peter does not re-offend in the next 12 months, he will continue to have a "clean" criminal record.

This was a particularly satisfying matter for us to appear in because of the vulnerability of this young man and his compelling personal story. It was made even more rewarding when his solicitor received a message from his case worker.



"I just wanted to let you know that after you left on Tuesday Peter turned to me and said "I just wanted to give her a big hug but I know that would be wrong. I can't believe she helped me like that, she is sick". I thought I would pass on this gratitude in the only way that Peter knows how to show it."

Case worker for Peter, client



Legal education

Legal education is a vital part of The Shopfront's role, and allows us to reach young people beyond our client base.

We provide:

- **Workshops for young people at schools, refuges and youth centres.** Topics covered include dealing with police (and others such as security guards and transit officers), court procedure and sentencing, drug laws, "sexting" and other emerging legal issues, driving, fines, victims' rights and entitlements, and apprehended violence orders.
- **Training for youth workers, health professionals and others who work with young people.** To enable youth workers to better support their clients, we provide training on topics such as supporting young people in police interviews, understanding bail, writing court reports, and helping clients deal with unpaid fines. We also train professionals to understand their own legal obligations in areas such as confidentiality, subpoenas, reporting of children at risk, and children's access to medical treatment.
- **Education for the legal profession.** We regularly present papers at conferences and seminars run by Legal Aid, the Aboriginal Legal Service, the Law Society, and private continuing legal education providers. We have also provided in-house training to solicitors at organisations such as the Homeless Persons Legal Service and the Commonwealth Director of Public Prosecutions. Our main area of expertise is police powers, and we have also presented on topics such as Children's Court procedure, bail, and fines.
- **Guest lecturing.** We are often called upon to give guest lectures and presentations to students in disciplines such as law, criminology, welfare and counselling.
- **Contributing to publications aimed at young people and community workers.** The most significant of these is *Youth Justice: Your Guide to Cops and Court* (a collaboration with Macquarie Legal Centre, now into its fourth edition). We also contribute regularly to the Children's Law chapter of *The Law Handbook* (a very popular book from Redfern Legal Centre Publishing, now in its 12th edition).
- **Legal fact sheets** on a range of topics, available via our website.



"The many informational resources provided by the Shopfront have been extremely helpful in assisting me in developing Community Legal Education materials and presentations. I can always trust that the utmost care and precision has been taken in producing these resources and that they are an excellent starting point when addressing any number of legal issues affecting young people in NSW."

Tim Khoo

Former Youth Legal Educator, Macquarie Legal Centre



"Thank you for the work you do and the free and open approach you have to making legal issues accessible to all. I have been referring students and NSW youthworkers and welfare workers, as well as other interested people, to your website for years, and thought that it was only fair that I let you know how much it is appreciated."

David Smith

Teacher, Welfare and Youthwork, TAFE Western Institute, Dubbo



Our supporters

Our parent organisations



HERBERT
SMITH
FREEHILLS

Herbert Smith Freehills employs our solicitors and legal support staff, and provides information technology, management support, financial contributions and pro bono legal assistance.



Mission Australia employs our case workers, contributes to transport and office overheads, and helps support our clients through its network of youth services.



The Salvation Army provides our office space and helps support our clients through its Oasis Youth Support Network.

Other financial supporters

- Allianz
- John and Anna Curtis
- Legal Aid NSW
- The Matana Foundation
- The NSW Department of Health via the Inner City Youth at Risk Project
- The NSW Public Purpose Fund via the Public Interest Advocacy Centre's Mental Health Legal Services Project
- The Sir David Martin Foundation
- Westpac

Pro bono and in-kind support

We have also received invaluable in-kind and pro bono support from a range of legal, health and youth service providers.



"It is a sad feature of our community that access to justice and legal services is often denied those for whose benefit, one might argue, the legal profession and the courts were originally created - the poor, the oppressed and the disadvantaged. The Shopfront Youth Legal Centre has been a practical response to this problem and I think all those concerned with the provision of this service deserve congratulations."

The late Scott Mitchell

Former Senior Children's Magistrate, Children's Court of NSW

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Awards and accolades

The Shopfront

- Betty Makin Youth Award, South Sydney Council, 1998
- Finalist, Prime Minister's Awards for Business and Community Partnerships, 1999
- Pro Bono Partnerships Award, New South Wales Law and Justice Foundation, 2004

Jane Irwin

- Accredited specialist, Criminal Law
- Highly Commended, Children's Lawyer of the Year Awards, National Children's and Youth Law Centre, 2000

Jane Sanders

- Accredited Specialist, Criminal Law, Children's Law
- New South Wales Children's Lawyer of the Year, awarded by National Children's and Youth Law Centre, 1999
- Industry Innovator Award, Sex Workers Outreach Project, 2003
- Justice Medal, New South Wales Law and Justice Foundation, 2008
- Terry Keaney Memorial Award for Criminal Law, 2014



Senator Jocelyn Newman, Paul Moulds (The Salvation Army), Patrick McClure (Mission Australia), Prime Minister John Howard, Luke Hastings (Freehills), 1999.



