

Referring clients to The Shopfront Youth Legal Centre: guidelines for youth services

1 About The Shopfront

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

We provide legal representation, advice and referrals on a range of legal issues.

Our main area of expertise is in criminal law and related issues, including:

- criminal charges
- dealing with police
- apprehended violence orders
- fines
- traffic
- victims of crime

We also provide some advice and referrals on other areas of law including:

- civil matters (e.g. contracts and debts)
- administrative law (complaints or disputes with government agencies)
- family law

Our priority is to help vulnerable young people who cannot obtain appropriate legal assistance elsewhere, and who could be significantly disadvantaged without our help.

Unfortunately, we have limited capacity and can't act for everyone who seeks our help.

If we can't assist, we always do our best to refer the client to an appropriate service.

We also provide legal information and training for youth workers and other professionals working with young people.

2 Our contact details

The Shopfront Youth Legal Centre
356 Victoria Street
Darlinghurst NSW 2010
(near the corner of Liverpool St; look for the terrace house with the red door)

Tel: 02 9322 4808

Email: shopfront@theshopfront.org

Web: www.theshopfront.org

Our office hours are 9:00am - 5:30pm Monday to Friday.

We can see clients after hours by arrangement. Solicitors are also contactable after hours for urgent matters.

When the office is unattended, you can leave a voicemail or follow the prompts to get through to a solicitor after hours (but please note, this is not a 24-hour hotline).

3 Making referrals

3.1 Who can make a referral

We welcome "warm" referrals from youth workers and others who work with young people (e.g., counsellors, teachers, health professionals, Youth Justice and DCJ staff).

Clients can also self-refer.

From time-to-time parents or caregivers contact us seeking to refer a young person. Usually, in these circumstances, we ask that the young person contact us directly to discuss their legal issue.

3.2 How to make a referral

You can make a referral by calling us on 9322 4808 during office hours (9:00 to 5:30 Monday to Friday) or by emailing us at shopfront@theshopfront.org.

If it is after hours and the matter is urgent (e.g. a young person is under arrest at the police station), you can call the Shopfront phone number and select option 2 to be put through to a solicitor. *Although we will take urgent calls in the evenings and at weekends, please note that we cannot provide a 24-hour hotline.*

If the client or a worker has used our service before and has a relationship with a particular lawyer or other staff member, it's usually fine to contact that person directly.

3.3 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 (e.g., they might live at home with their parents). Be prepared to explain why you think the client qualifies for our assistance.

3.4 How we deal with referrals

If the matter is urgent (e.g., someone is under arrest at the police station, or has a warrant out for their arrest), we will try to refer it to one of our solicitors immediately.

In other cases, a staff member or volunteer will take the client's details. You or the client can usually expect a call back within the next few days, depending on the nature of the matter and how busy we are. Matters that involve court representation or anything complex will usually be discussed at one of our weekly casework meetings.

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

4 Client criteria

We apply these criteria flexibly, recognising the individual circumstances of each client. The last thing we want is for more young people to “fall through the cracks”.

4.1 Age

We act for young people aged 25 and under.

We will occasionally assist people over 25, for example long-term clients who have complex needs and can't be easily referred elsewhere.

4.2 Homelessness, complex needs or special disadvantage

Our priority is to assist homeless young people. This includes young people who are living in supported accommodation, out-of-home care, etc, as well as young people in community or public housing if they have a history of homelessness.

We also help young people who live independently or with family, if they are at risk of homelessness or if they have complex needs or some special disadvantage (e.g. serious mental health issues, cognitive impairment, trauma history).

We may also assist young people who are not homeless or don't have complex needs if their legal issue is relatively straightforward, but they are ineligible for advice or representation by other services such as Legal Aid NSW or a community legal centre. For example, licence suspension appeals and some other types of traffic matters.

4.3 Geographical location

The Shopfront is based in Darlinghurst and clients may 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. Also, most of our contact with clients is by phone and face-to-face appointments are not always required.

Depending on our capacity and the client's needs, we can travel within metropolitan Sydney (and sometimes further) for court appearances or outreach visits.

We can also provide telephone advice to clients in other parts of NSW.

4.4 Availability or suitability of other services

We give priority 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 (e.g., where the matter is complex or there are several different matters involving different courts or legal issues);
- (b) has complex needs and finds it difficult to attend court, fill in forms, keep appointments, etc, without assistance;
- (c) has problems forming a trusting relationship/rapport with service providers (e.g. a young person who has grown up in care and has been let down by the “system”, a young person with an intellectual disability).

4.5 Our expertise and resources

Even though a young person may fit squarely within our criteria, some cases are simply beyond our expertise or resources, or there is another service which is more appropriate for the client's needs.

See the section below on our areas of legal expertise.

5 Our areas of legal expertise

5.1 Criminal law

This is The Shopfront's main area of expertise.

- (a) **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 from minor street offences through to serious assaults and robberies. We also deal with AVOs and with traffic matters such as licence appeals. For more serious and complex cases, we sometimes get assistance from barristers funded by Legal Aid.
- (b) **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 advice about warrants, helping clients to have matters re-listed and convictions annulled
 - appeal rights
 - criminal records
 - advice for witnesses who have been subpoenaed to court

5.2 Victims of crime

- (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 court. This also includes victims who are reluctant to give evidence, or who want the charges against the alleged offender to be withdrawn, or who never wanted charges laid in the first place. If necessary, we will also 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. We also assist young people who have had AVOs taken out on their behalf by police, and who don't want the AVO or wish to have the conditions varied.
- (c) **Victims compensation and support** – we advise clients about their victims support entitlements and prepare claims on their behalf. Most of these claims involve sexual assault, child abuse or domestic violence.

5.3 Fines

- (a) **Dealing with unpaid fines** - we assist clients who owe large amounts of money to Revenue NSW. This may include challenging fines in court, organising Work and Development Orders, applying for fines to be written off, and getting back drivers' licences that have been suspended due to fine default

5.4 Family law and care proceedings

Our expertise in family law and care matters is limited. We can provide some advice but will usually refer clients to a more specialised service.

- (a) **Family Law** - we provide limited advice about family law issues, either to young parents, or to young people under 18 who are caught up in their parents' family law disputes.
- (b) **Children's Court care proceedings** – again we provide limited advice and advocacy in Children's Court care and protection matters.

5.5 Civil and administrative law

We sometimes deal with civil and administrative law matters however we commonly refer these matters to other legal services who have more expertise in these areas. The Shopfront has a partnership with the Legal Aid Children's Civil Law Service (CCLS). The CCLS can help young people with complex needs who are under 18 (or who have turned 18 but have civil law issues which arose when they were under 18).

Civil and administrative matters may include:

- (a) **Debt, consumer issues and contracts** – we often assist young people who are in significant amounts of debt (to phone companies, banks, etc).
- (b) **Motor vehicle accidents** – we will sometimes 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** – 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 community legal centre.
- (e) **Discrimination** – we will usually refer discrimination matters to a community legal centre with expertise in the area.
- (f) **Personal injury, workers' compensation, etc** – we are sometimes asked to advise on personal injury matters (including negligence actions against Community Services and other government bodies, where the client has suffered severe psychological harm). In some cases we will give clients basic advice about limitation periods and assist them to access files from government agencies. In all cases we will attempt to make an appropriate referral.
- (g) **Wrongful arrest and false imprisonment claims** – we provide advice to young people who may have been wrongfully arrested or mistreated by the police. We will sometimes assist clients with formal complaints. Where there is a potential claim for compensation, we will provide advice and refer the client to an appropriate lawyer for assistance.

- (h) **Guardianship** – occasionally we advise and act in guardianship proceedings at the NSW Civil and Administrative Tribunal (NCAT), mostly where someone has applied for a guardianship or financial management order over one of our clients, or where a client seeks to have such an order revoked.
- (i) **Mental Health** - we occasionally advise clients on their rights under the Mental Health Act. For Mental Health Review Tribunal hearings for clients in hospital, we usually refer clients to the Mental Health Advocacy Service.
- (j) **Social Security** – many clients have Centrelink debts; we usually refer these matters to the Welfare Rights Centre.
- (k) **Complaints** - we sometimes help clients to make complaints against government bodies such as the police, Corrective Services and Community Services. We may also assist with complaints to bodies such as the Health Care Complaints Commission, Telecommunications or Banking Ombudsman.
- (l) **Immigration** – we do not have any registered migration agents on staff and are unable to provide most types of immigration assistance. However, we can sometimes assist clients who are not Australian citizens and who are facing visa cancellation or deportation due to their “character” or criminal history.

6 What we don't do

6.1 Matters outside our expertise

There are some areas of law where we don't have sufficient expertise and resources. These include family law, immigration law, personal injury and most other types of civil litigation. In these cases, we will always try to refer clients to an appropriate service.

6.2 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.

Sometimes 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.

6.3 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 in a particular client to the police, etc.

However, we can provide you with legal *information* and suggest possible sources of legal advice or ways of thinking about the problem.

See “Information, training and resources” below.

7 Legal information, training and resources

7.1 Legal information

There is often a fine line between legal *advice* and legal *information*, but there is a difference.

We can give legal *advice* to young people but not to youth workers and services.

We can provide legal *information* to service providers. For example, we can talk you through scenarios, provide general information about the law and procedure, and point you towards written resources. We may be able to make referrals to pro bono legal services for youth workers or organisations in need legal advice or representation.

7.2 Fact sheets and other resources

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

We also contribute to other legal publications from time to time.

7.3 Training

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

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

Training sessions vary in length and format and can be tailored to the needs of the service. We can run training for individual agencies, or for a mix of workers from different organisations.

We do not charge fees for our training, unless we are doing it for a profit-making enterprise or an agency with a generous training budget.

8 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 you can tell 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 contacting us! Just let us know as much as you can.

8.1 Basic details about the client

- (a) Firstly, who is making the referral? What is your relationship to the client?
- (b) Do you have the client's consent to make the referral?

- (c) Client's name (including any aliases or alternative spellings if relevant), age and DOB if possible. If the client is seeking advice only, and doesn't wish to give their full name, that's OK.
- (d) Has the client used The Shopfront before? If so, approximately how long ago?
- (e) Contact number for the client and/or the referring worker, and the best time(s) to call back.

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

- (f) Their housing situation – e.g., are they homeless, in a refuge, in supported accommodation, living with parent(s)?
- (g) What suburb or town do they live in? (This is important in case we need to refer them to another service.)
- (h) Are they on benefits or are they employed and, if so, how much do they earn?
- (i) Ethnic or cultural background, including whether they identify as Aboriginal or Torres Strait Islander, if the client is happy to disclose this.
- (j) Any mental health issues, disabilities, substance misuse problems, etc, if the client feels comfortable for this information to be disclosed.
- (k) Any other special circumstances – e.g., is (or was) the client in care, do they have a history of trauma, do they have children, are they an asylum seeker or on another sort of temporary visa?
- (l) What is your level of involvement with the client? Are there other services involved?

8.2 Criminal matters

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

- (a) What are the charges?
- (b) Name of any victim or co-accused, if known (this is important because if this person is already a Shopfront client, we may have a conflict of interest)
- (c) Do you (or does the client) have a copy of their court papers?
- (d) Which court and when is the next court date? If the client doesn't know this info, when and where did they get charged?
- (e) Is the client on bail? If so, what are the conditions? Are there any conditions that the client wants or needs to be changed?
- (f) 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?
- (g) 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? Are they unhappy with their current legal representative or is it simply that you think we might do a better job?
- (h) 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)
- (i) Does the client have a prior criminal record (including juvenile record)? Are they currently on a bond, parole, etc?

8.3 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? Or at enforcement stage with Revenue NSW?
- (d) Is the client having problems with getting or keeping their driver's licence?
- (e) If you have the client with you and they can speak to us directly, we will ask the client if they consent to us contacting Revenue NSW on their behalf.

8.4 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 may 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 DCJ involved?
- (e) Are there any court proceedings? If so, where and when? Are there any court orders currently in place?

8.5 Victims of crime

- (a) What happened? (very brief description – no need for details) and how long ago?
- (b) What is the client seeking help with? e.g. do they want an AVO, do they have to give evidence in court, do they wish to make an application for victims compensation?
- (c) Name of offender, if known (this is important because if this person is already a Shopfront client, we may have a conflict of interest)
- (d) Has the client reported it to police?
- (e) Has the offender been charged and has it gone to court?

8.6 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)?

9 Contact details for other legal services

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

This is not a complete list of legal services in NSW.

This list focuses on services in The Shopfront's local area, services that work specifically with young people, and services that specialise in legal issues that young and homeless people are likely to encounter.

9.1 Legal Aid NSW and LawAccess

1300 888 529 (phone enquiries)

+61 2 8527 3700 (If calling from outside Australia)

Open 9am to 5pm, Mon – Fri

www.legalaid.nsw.gov.au

Legal Aid has offices all over NSW. See the website for details.

Legal Aid provides duty solicitors to represent defendants in criminal cases at Local and Children's Courts. At most courts, clients do not need to make appointments in advance, but can see the duty solicitor at court on their first court date. At others, clients will be asked to attend an advice clinic before their court date if possible.

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 also provides advice and court representation in family law (including care and protection), civil and administrative law.

Legal Aid provides free criminal, civil and family law advice clinics, at its local offices and at other locations on outreach. See the website or contact a Legal Aid office for details.

LawAccess is a telephone legal information and referral service, now merged with Legal Aid and accessible via the same phone number and website. Information officers can explain Legal Aid policy and services, answer simple legal questions and refer callers to other services for help with legal problems.

9.2 Legal Aid Youth Hotline and Children's Legal Service

1800 10 18 10

<https://www.legalaid.nsw.gov.au/ways-to-get-help/publications-and-resources/childrens-legal-service>

The **Hotline** provides advice to people under 18 who are under arrest or facing police questioning. It is open from 9 am to midnight on weekdays and 24 hours on weekends and public holidays.

The Hotline can also advise young people who are facing a police caution, youth justice conference or Children's Court proceedings.

It is often the first point of contact for the Legal Aid **Children's Legal Service**, which represents young people in Children's Court criminal matters.

9.3 Aboriginal Legal Service

1800 765 767

www.alsnswact.org.au

The Aboriginal Legal Service (ALS) has offices throughout NSW and the ACT. They act for Aboriginal and Torres Strait Islander people in criminal law, family law and care and protection cases. They also provide help with some types of civil law matters, e.g. employment law.

The ALS runs a Custody Notification Service (CNS) which operates 24/7 and advises people who have been arrested by police. The CNS phone number is not publicly available, but all police stations have it and are required to call if they have an Aboriginal or Torres Strait Islander person under arrest for an alleged offence.

9.4 Community Legal Centres - general

www.clcsw.org.au/

There are about 40 community legal centres in NSW. They advise and assist low-income people with all sorts of legal problems, especially civil and administrative law.

To find out about your nearest one, see the website. Details of some local and specialist CLCs are listed below.

9.5 Community Legal Centres – inner Sydney

Inner City Legal Centre

02 9332 1966

www.iclc.org.au

Inner City Legal Centre provides services for people in the inner city and northern areas of Sydney. As well as providing a range of general legal services, ICLC specialises in working with LGBTQI people.

Kingsford Legal Centre

02 9385 9566

<http://www.klc.unsw.edu.au/>

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

Marrickville Legal Centre

02 9559 2899

<http://www.mlc.org.au/>

Marrickville Legal Centre provides legal services for people in the inner west and southern suburbs of Sydney.

Redfern Legal Centre

02 9698 7277

www.rlc.org.au

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

RLC has a specialist service to help with complaints against police and other government agencies. It also provides legal advice for international students. These services operate statewide.

9.6 Community legal centres – specialist youth legal services

Marrickville Legal Centre

02 9559 2899

<http://www.mlc.org.au/>

Marrickville Legal Centre has a specialist Youth Legal Service. This service is for young people aged 25 and under, anywhere in NSW.

The Centre also provides a General Legal Service, offering legal advice and assistance to adults in Sydney's inner west and southern suburbs.

Youth Law Australia

1800 950 570

www.yla.org.au

Youth Law Australia provides free legal advice, assistance and referrals to young people (below the age of 25) and their advocates, through their webform and over the phone.

Their website contains some useful legal information for young people.

9.7 Community Legal Centres – other specialist services

Financial Rights Legal Service

(02) 9212 4216 (Administration)

1800 007 007 (Credit and Debt Hotline)

1300 663 464 (Insurance Law Service)

<http://financialrights.org.au>

Legal advice and assistance on issues such as consumer credit, banking, debts, bankruptcy and insurance.

Justice and Equity Centre and Homeless Persons' Legal Service

02 8898 6545

<https://jec.org.au/focus-areas/homelessness/>

The Homeless Persons' Legal Service (HPLS) is part of the Justice and Equity Centre (JEC), previously known as the Public Interest Advocacy Centre (PIAC).

HPLS runs legal advice sessions at different homeless services around Sydney. See the website for details of locations and times.

HPLS also has a criminal lawyer who provides court representation.

Immigration Advice and Rights Centre

02 8234 0700 (information)

02 8234 077 (DV priority line)

<http://www.iarc.asn.au>

Free immigration advice and representation to refugees and financially disadvantaged immigrants in NSW.

Intellectual Disability Rights Service (Ability Rights Centre)

02 9265 6350

www.idrs.org.au

The Intellectual Disability Rights Service (also known as the Ability Rights Centre) helps people with cognitive impairments with a range of legal problems.

It also co-ordinates the Justice Advocacy Service (JAS), which provides support to people with cognitive impairments at police stations and courts. For support at police stations call 1300 665 908.

Refugee Advice and Casework Service

02 8355 7227

<https://www.racs.org.au>

Legal advice and services for refugees and asylum seekers.

Tenants' Advice and Advocacy Services

1800 251 101 (Tenants' Advice Line)

<http://www.tenants.org.au/contact-us>

There are a number of these services in NSW, some located within Community Legal Centres. They advise and assist tenants in private rental and public housing. See the website to find your nearest service.

Welfare Rights Centre

02 9211 5300

<https://welfare-rights-centre.org.au/>

The Welfare Rights Centre provides legal assistance for people who are experiencing problems with Centrelink.

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