

Referring clients to The Shopfront Youth Legal Centre: a guide 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 criminal law (acting for young people charged with criminal offences, as well as assisting victims of crime). We can also advise on other areas of law including civil matters (eg contracts and debts).administrative law (complaints or disputes with government agencies) and family law.

Our priority is to help vulnerable young people who cannot obtain appropriate legal assistance elsewhere, and who are likely to be significantly disadvantaged without our help. Unfortunately we have limited capacity and can't act for everyone who seeks our assistance. If we can't help, we will try 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

Fax: 02 9331 3287

Email: shopfront@theshopfront.org

Web: www.theshopfront.org

Our office hours are 9:00am-5:00pm Monday to Friday. We can see clients after hours by arrangement.

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

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 phone, by email or by dropping in.

3.2 How to make a referral

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

If it is after hours and the matter is urgent (eg. a young person is under arrest at the police station), you can call the Shopfront phone number and select option 3 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 has used our service before, and has built up a rapport with a particular solicitor, it's usually OK to contact that solicitor 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.

If you are not able to give us all the information we ask for, that's OK; please give us as much relevant information as you can.

Sometimes a client may not appear to meet our criteria (eg 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 (eg 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, eg. long-standing 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 will 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 (eg. serious mental illness).

4.3 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.

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 to cases 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) 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 (eg. 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 the client may fit squarely within our criteria, some cases are simply beyond our expertise or resources (see the section below on our areas of legal expertise).

4.6 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.

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 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 abuse or domestic violence.

5.3 Fines

- (a) **Dealing with unpaid fines** - we often assist clients who owe large amounts of money to Revenue NSW (formerly known as the SDRO), 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:
 - challenging fines in court
 - organising Work and Development Orders
 - applying for fines to be written off in cases of extreme hardship
 - 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. We usually try to refer clients to a specialist service for family law advice and representation.
- (b) **Children's Court care proceedings** - we occasionally appear in Children's Court care and protection matters, mainly for long-term clients of our service who have complex needs.

5.5 Civil and administrative law

Civil law generally involves disputes between private individuals or companies. Administrative law involves disputes between individuals and government agencies.

We often refer civil and administrative law matters to other legal services who have more expertise in these areas. However, we can sometimes deal with them in-house (eg where we can negotiate with the other party to the dispute or get a debt written off)..

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). Please contact The Shopfront to refer a client to the CCLS.

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). 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 can try to have the contract set aside. We often refer clients with substantial debts, especially those who are considering bankruptcy, to the Financial Rights Legal Centre or another community legal centre for specialised advice.
- (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). We lack the resources and expertise to act in these matters. 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. We sometimes act for clients in criminal proceedings relating to social security fraud.
- (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

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 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.

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.

We also provide training and fact sheets on areas of law that affect youth services and workers. See “Information, training and resources” below.

7 Information, training and resources

7.1 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 children at risk, dealing with the police, etc.

Training sessions vary in length and format, and can be tailored to the needs of the service. We can run 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 or an agency with a proper training budget.

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

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 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 system.

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 calling us! Just let us know as much as you can.

Remember, the Shopfront is a very small legal centre and can’t take on everyone who seeks our help. Unless it’s really obvious, be prepared to explain why you think the client qualifies for (and needs) our assistance.

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? [If you are calling from a youth service, we will generally assume that you do.]
- (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 - eg 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, disability, substance abuse problems, etc, if the client feels comfortable for this information to be disclosed.
- (k) Any other special circumstances – eg. is (or was) the client in care, do they have a history of abuse, 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, probation, 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 dealing with 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 Family and Community Services involved?
- (e) Are there any court proceedings? If so, where and when? Are there any court orders currently in place?

8.5 Victims

- (a) What happened? (very brief description – no need for details) and how long ago?
- (b) What is the client seeking help with? eg 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. It focuses on services in the Shopfront's local area, services that work specifically with young people, and services that specialise in areas of law that young and homeless people are likely to encounter.

9.1 Legal Aid NSW - general

02 9219 5000 (head office)

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.

9.2 Legal Aid Youth Hotline and Children's Legal Service

1800 10 18 10

The hotline provides advice to people under 18 who are under arrest or facing police questioning. It is open from 9am 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 for criminal matters

1800 733 233 for care and protection and family law matters

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.

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

02 9212 7333 (NSW state office)

www.nswclc.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 or contact the NSW state office. 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 of Sydney.

It also has a specialist youth legal service for young people aged 24 and under. This service is for young people all over NSW, not just in the inner west.

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

Macarthur Legal Centre

02 4628 2042

<http://maclegal.net.au/>

As well as providing general legal services for people in the Campbelltown, Wollondilly and Camden regions, Macarthur Legal Centre has a part-time specialist children's solicitor.

Marrickville Legal Centre

02 9559 2899

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

As well as providing general legal services for people in the inner west of Sydney, Marrickville Legal Centre has a specialist youth legal service. This service is for young people aged 24 and under, anywhere in NSW.

National Children's and Youth Law Centre

02 9385 9588

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

The National Children's and Youth Law Centre does not usually take on individual cases, but provides legal advice via its "Lawmail" email service. The "Lawstuff" website contains lots of useful legal information for young people.

9.7 Community Legal Centres – other specialist services

Financial Rights Legal Service

(02) 9212 4216

Credit and Debt Hotline : 1800 007 007

Insurance Law Service: 1300 663 464

<http://financialrights.org.au> or <http://insurancelaw.org.au>

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

Homeless Persons' Legal Service

02 8898 6545

https://www.piac.asn.au/projects/homelessness/#read_more

The Homeless Persons' Legal Service 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

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

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

Intellectual Disability Rights Service

02 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 Network, which provides support to people with intellectual disabilities 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

<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

www.welfarerights.org.au/centre/sydney

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

The Shopfront Youth Legal Centre

Updated June 2018