

This document is designed to give an overview of the Southern Communities Advocacy, Legal and Education Service Inc. (SCALES) services. We welcome feedback on this document and queries about our services. We look forward to working with you and your clients on their legal issues.

July 2024

LEGAL ASSISTANCE GUIDELINES

SCALES is a not-for-profit community legal centre providing legal information, referrals, advice and advocacy to people from the southern coastal metropolitan area in various areas of law.

Our services are targeted at people who would otherwise not have access to legal services.

If you would like to discuss a matter or have a legal question, please call us on 9550 0400 or email scales@murdoch.edu.au. Please note we do not provide advice by email; it is simply an alternate way to contact us.

Our Vision

A community where human rights are respected, and people can assert those rights in a fair, affordable and accessible justice system.

Our Mission

SCALES will achieve its vision by:

- Working in partnership with others to provide access to justice through holistic legal services including individual assistance, community education and systemic advocacy.
- Providing opportunities for clinical legal education programs that develop the skills and ethical practice of law students within a human rights framework.

Our Values

Respect	For people and place
Diversity	Of people and communities
Partnership	Alone we can travel faster but together we can travel further
Excellence	A commitment to providing a quality service
Integrity	In all that we say and do.

The Legal Practice

Eligibility

SCALES can see clients for initial assistance who fit our eligibility guidelines:

- The client lives in our area
- The area of law is practised at SCALES
- There is no conflict of interest.

Extent of Assistance

The extent of our assistance to a client (including whether we can provide ongoing assistance and/or court representation) is determined on a case-by-case basis and in accordance with our funding obligations.

Other factors that may impact this decision include:

- Whether the client is a priority client
- The current caseload of the service
- The legal merit and prospect of success
- If a matter can be dealt with in the student clinic
- The educational value to the students
- Whether the issue affects other members of the community, and
- Whether the client can access a private practitioner or other relevant organisation.

Information and referral

If we are unable to assist with legal advice, we may offer information in the form of brochures, fact sheets or website information.

We may also refer the person to appropriate alternative services (for example, Legal Aid, another community legal centre, a private practitioner or another service or support group).

Priority Clients

SCALES aims to prioritise clients who would otherwise find it difficult or overwhelming to access justice and assert their rights without assistance, including:

- Women experiencing family and domestic violence
- First Nations people
- Culturally and linguistically diverse community members
- People with disabilities including mental illness
- Young people
- Older people
- Residential tenants.

Appointments

Depending on the service and the urgency, appointments are made up to one week in advance by contacting our office.

Appointments can be made directly by clients or by support workers on their behalf. *(Please note that the need for an onsite interpreter may have an impact on the timing of the appointment.)*

SCALES staff will require the following information before booking in a client:

- Client's full name, address, and contact details
- General nature of the problem
- Name of the other party or parties (to ensure there is no conflict of interest)
- Whether the client has been to SCALES before
- Whether the client has received advice on this matter already, and if so, from whom.

If we can assist, the matter will be directed to the most appropriate service within SCALES.

SCALES is also subject to professional obligations, including conflict of interest checks. If a conflict of interest is identified, SCALES will refer the client to an appropriate service.

Conflict of Interest

Lawyers cannot see a new client until they have checked that seeing the new client will not disadvantage a previous or current client as they have ongoing duties to former clients. So before we make an appointment, we must check our database to ensure that a real, potential or perceived conflict of interest will not arise.

It is not a judgement of the client or their legal issue, it is a very serious professional responsibility. If a Conflict of Interest is identified, we may not be able to tell you that there is a conflict. What we will do is tell you we are unable to see you or your client and provide a referral to another service.

Legal Services

Family and Domestic Violence (FDV)

SCALES is funded to deliver 'wrap around' legal and non-legal services to women experiencing family and domestic violence and have a specialist Family Violence Unit (FVU).

Clients accepted for services in the FVU are considered at high risk of FDV and live in the Kwinana and Rockingham regions.

Our client advocate works closely with the legal staff to provide support to clients, risk management and safety planning, linking clients with other services as needed. Counselling and financial counselling appointments are available at SCALES for FVU clients.

Our core client services include information, referral, advice, advocacy, negotiation, and representation.

The FVU can provide advice and assistance with:

- Family violence restraining orders (including for the protection of children) and representation at mention hearings in the Rockingham Magistrates Court
- Duty lawyer service at Rockingham Magistrates Court at mention hearing
- Restraining orders in the context of criminal proceedings
- Disputes about arrangements for children
- Drafting applications to the Family Court for parenting orders
- Limited representation in the Family Court for interim and other proceedings based on need
- Initial advice about financial matters and property settlement
- Limited legal representation in family court applications
- Risk assessment and safety planning
- Internal and external warm referrals (including into our generalist service for related matters arising out of the family and domestic violence and Legal Aid for grants to represent in court)
- Liaising with police and other government services
- Warm referrals to support services
- Financial counselling
- Counselling

There is some limited funding for divorce applications and criminal injuries compensation applications.

This service works closely with other SCALES services to ensure we are able to extend our services to provide an integrated service by collaborating internally with the Client Advocate (FVU), the FVU lawyers, SCALES generalist service, counsellor and financial counsellor when needed. A case management model will provide an oversight to ensure that each of the client's issues have been addressed.

The resources in the Family Violence Unit will allow internal referrals for issues such as assessing risk, safety planning, restraining orders, debt issues and family law (children and some property) where needed. Where family violence is not disclosed, the generalist family law service can be used for children and referrals to the evening legal service for property can also be made.

Queries can be directed to the FVU email ScalesFVU@murdoch.edu.au or by telephone 9550 0490.

Generalist Legal Services

Tenancy

We assist private, public and social housing tenants with all aspects of their tenancy, including:

- Terminations, bond disputes, rent arrears, breaches including disruptive behaviour
- Terminations on grounds of family and domestic violence
- Public and community housing disputes
- Advice about appearing in court
- Ongoing assistance and representation in some cases.

Tenant Advice Court Service (TACS)

Our tenant advocate and law clinic students attend the Rockingham Magistrates' Court each Tuesday morning to provide a "duty service" for tenants appearing in Court.

This service is available to assist tenants with advice and assistance on the day. Further assistance will be determined on a case-by-case basis.

It is important for a tenant to attend Court if they have been served with Court papers. The Tenant Advocate can help on the day or beforehand if you call SCALES. No appointment is needed for assistance at the Court. The advice is subject to the usual conflict checks.

The Family Law and Generalist Student Law Clinics, Rockingham

The Family Law and Generalist Student Law Clinic provides advice, information, or referrals to clients on a broad range of legal matters. Some of the common legal matters dealt with include:

- Tenancy and housing disputes
- Debt and other civil matters
- Violence Restraining Orders
- Family Violence Restraining Orders
- Criminal offences

- Family Law, advice and support to clients involved in disputes about family law and children with a focus to reach sustainable and workable arrangements. Advice and assistance may include:
 - Arrangements for children
 - Divorce, dispensation of service in limited circumstances (disability, literacy, language)
 - Legal Aid applications.
- Fines and Fines Enforcement
- Traffic Offences
- Applications to remove life disqualifications and advice about Extraordinary Drivers Licence.

If you are unsure whether we are able to assist a client, please contact our office on 9550 0400.

Human Rights and Indigenous Student Law Clinics, Murdoch

SCALES hosts units in human rights and to First Nations people based at the SCALES' Murdoch office in the School of Law and Criminology. The caseload in this unit is very broad and uses United Nations covenants that Australia is a signatory as part of the advocacy; and addresses the legal matters of First Nations clients including the over representation in the justice system.

Some matters these clinics focusses on are:

- Refugee, humanitarian and migration application and appeals
- Prison conditions, with a special emphasis on juvenile justice
- The Right to Housing and other economic, social and cultural rights
- Complaints and advocacy to International Human Rights Bodies regarding breaches of Human Rights
- Deaths in custody
- Removal of children
- Police relations.

Vulnerable Women's Legal Service

This Vulnerable Women's Legal Service provides legal services to vulnerable women on a variety of matters. Issues addressed in this service might include matters that go beyond their immediate family and domestic violence issues that would be dealt with in the Family Violence Unit such as Criminal Injuries Compensation and women who are victims of crime generally.

Kwinana Outreach Service

SCALES sends a lawyer to The Zone Youth Space each Tuesday. Legal advice is booked through our Rockingham office. Legal advice is provided on tenancy, criminal, traffic offences, fines and fines enforcement and other civil matters.

We are happy to arrange to visit services and groups to talk about what SCALES does. Please contact the

Rockingham on 9550 0400 office for further information.

Visiting Services

Older People's Rights Service (OPRS)

OPRS staff regularly visits SCALES Rockingham to speak to older people at risk of or experiencing elder abuse. They can also help with Enduring Powers of Attorney and Enduring Powers of Guardianship. Call the Northern Suburbs Community Legal Centre on 9440 1663 to book an appointment in Rockingham.

<https://nsclegal.org.au/how-we-can-help/older-peoples-rights-service-oprs/>

They are available to provide community legal education to services or groups on older people's rights.

<https://nsclegal.org.au/community-education/topics/>

Mortgage Stress Outreach Service

We have partnered with the Consumer Credit Legal Service (CCLS) to provide a local mortgage stress outreach service from our Rockingham office. A lawyer visits regularly to provide legal services to people who have missed a payment or are struggling to pay their mortgage payment.

Call the CCLS Advice Line on 9221 7066 to get advice or make an appointment at SCALES Rockingham office. CCLS are also happy to provide community legal education to services or groups on financial and consumer rights.

<https://cclswa.org.au/>

Community Legal Education and Law and Policy Reform

Community Legal Education (CLE) and Law and Policy Reform are important parts of our legal practice. Our clients' issues, requests, law changes and government inquiries are all drivers of this work.

If you would like someone from SCALES to speak to a group (staff, clients, students etc) on a specific topic on law and/or legal procedures, we are happy to consider requests.

We often speak to groups about the services SCALES provides or specific information relevant to that audience. For example: tenants' rights, family and domestic violence, rights of young people. We can also facilitate other or more appropriate services to provide this service.

If you or your organisation has a query in relation to policy or law that is affecting you or your clients, we are happy to meet to discuss a possible law or policy reform project. Requests are taken to the next staff meeting for discussion.

SCALES is supported by:

Attorney General's Department, Commonwealth

City of Kwinana

City of Rockingham

Justice, Department of, WA

Energy, Mines, Industry Regulation and Safety, Department of, WA

Murdoch University

All donations to SCALES over \$2 are tax deductible