

Where to refer clients for legal help?



This fact sheet summarises the Ask LOIS webinar on this topic, presented by solicitor Kate Duffy on Monday 15 October 2012. This webinar can be viewed for free at www.asklois.org.au/webinars/past-webinars.

LawAccess NSW

1300 888 529 - 9am-5pm from Mon-Fri

- LawAccess NSW is a free government telephone service
- It is a good first point of call where clients can receive legal information, resources, be referred elsewhere for legal advice or, where appropriate, receive legal advice from a LawAccess solicitor
- If LawAccess provides legal advice through one of its solicitors, the solicitor will call your client to provide that service within approximately 3 days of the initial call

Who will receive legal advice from LawAccess?

- Customers with particular difficulties or who are disadvantaged in obtaining legal services take priority
- Priority customers are customers who:
 - Are at **risk of harm**
 - Have experienced or are experiencing **domestic, family or sexual violence**
 - Live in **regional, rural or remote** areas
 - Are **Aboriginal or Torres Strait Islander**
 - Have a **disability**
 - Are from Culturally and Linguistically Diverse (**CALD**) backgrounds
 - Have low levels of literacy
 - Are in police custody
 - Are an inmate in a correctional facility
 - Are **homeless**
 - Are **concerned about a child at risk** of physical or psychological harm
 - Are **concerned about a child who has been or may be removed** by FaCS
 - Are **concerned about a child who has been, or is at risk of being, taken out of Australia**
 - Are at risk of losing their home (due to mortgage repossession or tenant / boarder / lodger eviction)
 - Are calling from interstate or overseas
 - Intend to commit an offence
 - Have been or may be contacted by police in relation to a criminal investigation
 - Have a warrant out for their arrest
 - **Have been conflicted out** of legal aid or their local community legal centre

Legal Aid NSW

Call LawAccess on 1300 888 529 and a customer service officer will find a service near you or visit the Legal Aid NSW website www.legalaid.nsw.gov.au to search for a local service centre.
Some advice services are drop-in and others need an appointment so it is best to ring first

Legal Aid is a state-wide organisation providing legal services to socially and economically disadvantaged people across NSW. It delivers legal services in **criminal, family and civil law**

Who Can Access Legal Advice From Legal Aid NSW?

- Anyone except where there is a conflict of interest
- A conflict of interest usually means that a legal service cannot act for someone that they've acted against in the past
- **Important:** even if there is a conflict of interest, your client may be able to get assistance from Legal Aid. If they are eligible for Legal Aid representation and told there is a conflict, they can have a Legal Aid Panel Lawyer to assist them.
- A panel lawyer is a private lawyer who is paid by Legal Aid



- Panel solicitors can also be useful if your client is in a rural or remote area where there is no close-by Legal Aid office
- **To find a Legal Aid Panel Lawyer in your area visit:** www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid/panels-database
- Legal Aid lawyers give free legal advice at locations across NSW including legal aid offices, courts, community organisations, prisons and hospitals

Legal Advice

- **Legal advice is free** (advice being a one-off appointment. This is separate from representation)
- Clients do not need to apply for a grant of legal aid to get legal advice and they do not have to meet any eligibility criteria to use the service

Legal Representation

- To apply for Legal Aid for representation in a matter, your client will need to fill out the application form. Your client can ask Legal Aid, Law Access or a Legal Aid Panel Solicitor for help with filling out the application form
- The application form has questions about a client's legal problem and asks the client about their financial situation (**note: the form is quite long and requires detail**)
- Legal Aid **representation is not always completely free**. In some matters, a client may be asked to give a donation depending on their capacity to pay (often ~\$70)
- For answers to frequently asked questions about Legal Aid applications, visit www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid

Eligibility for Legal Aid Representation

- Legal Aid uses a Means Test to check who can qualify for a grant of Legal Aid
- Legal Aid looks at:
 - How much a client earns;
 - **Your client will need to show proof of income** such as copies of their pay slips, their Centrelink Income Statement and their last 3 bank statements
 - How much a client spends on certain things; and
 - What a client owns

Is There A Limit To The Amount Of Legal Aid A Client Can Get?

- Yes, for some legal problems there are limits on the amount of the grant. This is called a **cost ceiling**
- If a client gets a grant, Legal Aid NSW will let the client know what the limit is
- It is important for clients to know that if the grant runs out, they may need to provide finances to continue with their case
- Client's can ask Legal Aid NSW how much grant money is left at any stage

Application Process Times

- Most applications for a grant of Legal Aid are processed within **two weeks**
- A client can apply for a grant of Legal Aid and be allocated a Legal Aid solicitor or a private solicitor can apply for a grant of legal aid on behalf of the client
- Private solicitors can apply online on behalf of a client, which is a faster process
- It's important that clients apply for a grant aid because even if their application isn't successful, they may be able to use other services such as CLCs or a pro bono scheme based on the Legal Aid rejection

Aboriginal Legal Service (ALS)

- ALS works with Aboriginal and Torres Strait Islander men, women and children
- ALS works mainly in **criminal law** and **child protection law**
- Often, Aboriginal and Torres Strait Islander women are conflicted out. If this occurs, you should refer them to a Community Legal Center (CLC)



Community Legal Centers (CLCs) (NSW)

- To find your local CLC, visit www.clcnsw.org.au and enter your postcode
- Community Legal Centres (CLCs) fill in the gap for people who are not eligible for legal aid but are still disadvantaged
- There are 40 CLCs across NSW. They are either generalist or specialist services

Generalist

- Generalist centers have geographical catchment areas. For example, Southern Western Sydney CLC covers people who live, work or study in the Liverpool, Fairfield or Bankstown areas
- Where a CLC catchment area is quite large, the CLC will provide a telephone legal advice and/or outreach legal advice service

Statewide Specialist Legal Services

- Statewide specialist services focus on assisting a specific demographic of people. For example:

The Women's Legal Services NSW (WLS NSW)

- WLS NSW provides face-to-face, telephone and outreach advice services and runs community development projects across NSW. WLS NSW also runs a Indigenous Women's Legal Program
- WLS NSW also runs Ask LOIS (www.asklois.org.au). Community workers can access legal advice and information through this online portal
- The main areas of work include domestic violence, sexual assault, family law, apprehended violence orders (AVOs), victims support, discrimination and police complaints

Women's Legal Contact Line: (02) 8745 6988 or 1800 801 501

Mondays: 9.30am-12.30pm, Tuesdays: 1.30pm-4.30pm, Thursdays: 9.30am-12.30pm

Domestic Violence Legal Advice Line: (02) 8745 6999 or 1800 810 784

Mondays 1.30pm-4.30pm, Tuesdays: 9.30am-12.30pm, Thursdays: 1.30pm-4.30pm

Indigenous Women's Legal Contact Line: (02) 8745 6977 or 1800 639 784

Mondays: 10am-12.30pm, Tuesdays: 10am-12.30pm, Thursdays: 10am-12.30pm

Working Women's Legal Service Line: (02) 8745 6954

Website: www.womenslegalnsw.asn.au

Wirringa Baiya Aboriginal Women's Legal Centre

A statewide legal service for Aboriginal women and children that provides telephone advice and assistance

Telephone advice line: (02) 9569 3847

Monday-Thursday 10am-4pm and Friday 9am-midday

Website: www.wirringabaiya.org.au

Immigration Advice and Rights Centre

A statewide immigration advice service that provides telephone advice and support. Provides assistance for people experiencing domestic violence on spousal temporary visas as well as other family-type visas

Telephone advice line: (02) 8234 0799

Advice line hours: Tuesday and Thursday 2-4pm

Website: www.iarc.asn.au

Refugee Advice and Casework Service

A statewide immigration advice service to onshore asylum seekers

Telephone advice line: (02) 9114 1600

Advice line hours: Tuesday and Thursday 10-11.30am

Website: www.racs.org.au

Inner City Legal Centre

A statewide legal service for Gay, Lesbian, Bisexual, Transgender and Intersex people

Telephone: (02) 9332 1966

Office hours: Monday, Thursday and Friday 9am-5pm; Tuesday and Wednesday 9am-8pm

Website: www.iclc.org.au

HIV/AIDS Legal Centre

A statewide legal centre that provides advice and assistance in HIV and Hepatitis C related legal matters

Telephone: (02) 9206 2060

Office hours: Monday-Friday 10am-6pm

Website: www.halc.org.au

Welfare Rights Centre, Sydney

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This factsheet is not intended to take the place of legal advice given by a qualified legal practitioner familiar with the individual case or subject matter. No responsibility is taken for any loss suffered as a result of the information presented.



A statewide legal service for all social security matters

Telephone advice line: (02) 9211 5300

Advice line hours: Monday, Thursday and Friday 9.30am-1pm, Tuesdays 1-4.30pm

Website: www.welfarerights.org.au

Financial Rights Legal Centre

A statewide legal centre that provides free financial counseling, information, referral and legal advice.

They also have a Credit and Debt hotline

Telephone: (02) 9212 4216

Credit and Debit Hotline: 1800 007 007

Website: www.financialrights.org.au

Tenants Union NSW

A statewide legal centre for tenancy issues. Their website has a lot of resources and factsheets and you can search for your nearest centres details by entering your postcode

Website: www.tenants.org.au

The Aged Care Rights Service including the Older Persons' Legal Service

Specialises in older persons' legal issues, eg, guardianship and elder abuse

Telephone: 1800 420 079

Email: tars@tars.com.au

Website: www.tars.com.au

National Children's and Youth Law Centre

An independent community legal centre for children and young people. They provide legal advice through email – their 'lawmail' and run a website called 'Lawstuff' which has a lot of legal information and resources for children under 18 years old

Telephone: (02) 9385 9588

Email: admin@ncylc.org.au

Website: www.ncylc.org.au

Australian Centre for Disability Law

Provide legal advice, representation and assistance for people with a disability

Telephone advice line: (02) 8014 7000

Advice line hours: Tuesday, Wednesday and Friday 9.30am-12.30pm

Email: advice@disabilitylaw.org.au

Website: www.disabilitylaw.org.au

Intellectual Disability Rights Service

A legal centre that focuses on people with intellectual disabilities who are in the criminal justice system

Telephone: (02) 9318 0144

Email: info@idrs.org.au

Website: www.idrs.org.au

Pro Bono Legal Referral Schemes

- Public Interest Law Clearing House (PILCH) NSW connects the private legal sector with NGOs and vulnerable, marginalized or disadvantaged persons through pro bono legal assistance. A merits test is required to be able to access these schemes
- Cases must have a public interest element such as human rights, equality etc

Private Solicitors

- Find a private solicitor through the Law Society of NSW: www.lawsociety.com.au or call the solicitor referral service on (02) 9926 0300
- Call your local CLC and ask for referrals for private solicitors