



*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.*

March 2019

## LEGAL ASSISTANCE GUIDELINES

SCALES' services and the work we do are outlined in these guidelines.

**SCALES is a not for profit community legal centre providing legal information, referrals, advice and advocacy to people from the Rockingham and Kwinana area in various areas of law.**

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](mailto: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 are able to 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 is able to 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 assistance to a client is determined on a case-by-case basis and in accordance with our funding obligations.

Other factors that may impact this decision include:

- The legal merit and chances of success
- Whether the client is a priority client
- The current caseload of the service
- The educational value to the students
- If a matter can be dealt with in the student clinic
- Whether the issue affects other members of the community, *and*
- Whether the client is able to 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.

These members of the community include, but are not limited to:

- Women experiencing domestic violence
- Aboriginal and Torres Strait Islander People
- Culturally and linguistically diverse community members
- People with disabilities including mental health issues
- Young people
- Older people.

## 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 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 had advice on this matter from another solicitor, and if so, the name of that solicitor.

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

## Legal Services

### Family and Domestic Violence

SCALES is funded to provide advice and assistance to women experiencing family violence including:

- Assistance with family law issues including parenting and financial matters
- Advice and assistance on applying for family violence restraining orders
- Advice and some representation where family violence restraining orders are contested
- Representation at Final Order Hearings in some circumstances
- Assistance with Department for Child Protection matters
- Legal Aid applications
- Liaison with other services such as the Lucy Saw Centre and other women's refuges, perpetrator programs, Police, victim support and counselling services.
- Criminal Injuries compensation applications.

The client advocate works closely with the legal staff and provides support to clients, risk management and safety planning, linking clients with other services if appropriate and following up with the clients regarding progress and safety.

### Tenancy

Our tenant advocate assists private and social housing tenants with all aspects of their tenancy, including:

- Advice, negotiation and advocacy for residential tenants about termination, bond disputes, rent arrears, property maintenance etc
- Assistance with preparation for court proceedings and representation in some cases
- Department of Housing appeals and priority applications;
- Advice on the Department of Housing's Disruptive Behaviour Management Systems including the three-strike policy.

## Tenant Court Service

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

This service is available to assist tenants who are experiencing problems with the Department of Housing, Community Housing providers and private rentals.

No appointment is necessary. The tenants can see the advocate on the day of the court appearance. Any advice is subject to the usual conflict checks.

## The Student Clinic, Rockingham

The Student Clinic provides advice, information or referrals to clients on a range of legal matters including:

- Centrelink / Social Security, simple matters, complex matters referred to the Welfare Rights worker at Fremantle CLC
- Consumer, negotiation, assistance with drafting of Court documents and assistance with drafting complaints
- Criminal Injuries Compensation
- Criminal matters, Magistrates Court and Children's Court
- Family Law, advice and support clients involved in disputes about children with a focus to reach sustainable and workable arrangements. Advice and assistance may include:
  - Arrangements for children
  - Divorce and Dispensation of service in limited circumstance (disability, literacy)
  - Legal Aid applications.
- Fines and Fines Enforcement, assist with obtaining information, negotiation of fine amounts and payment arrangements
- Tenancy, advocacy for private, community and Housing Authority tenants, assistance with preparation for court proceedings and representation in some matters and Housing Authority review mechanisms, including documentation.
- Traffic offences.

## Human Rights Law Clinic, Murdoch

SCALES hosts an advanced unit in human rights clinic that is based at the SCALES Murdoch office in the School of Law. The caseload in this unit is very broad and uses United Nations covenants that Australia is a signatory as part of the advocacy.

Some matters this clinic focusses on are:

- Humanitarian immigration applications and appeals
- Juvenile justice
- Prison conditions, with a special emphasis on juvenile justice
- The Right to Housing, Department of Housing 3 strikes policy.

## Migration Clinic, Murdoch

SCALES hosts an advanced migration clinic in the second semester each year at the SCALES Murdoch office in the School of Law. The unit is part of the Graduate Diploma of Australian Migration Law and Practice. Matters in this clinic focusses on are mainly humanitarian immigration applications and appeals.

## FVRO Respondent Information Session

SCALES presents an Family Violence Restraining Order Information Session for respondents each Wednesday at the Rockingham Magistrates Court. Respondents are invited to attend the information session where a paralegal provides information about FVROs – what it means, how they work, what happens after the hearing, consequences of breaching a FVRO and Court etiquette and procedures.

## Community Legal Education

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.

## Policy and Law Reform

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:

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