

Regional Outreach Clinic Guidelines (January 2023)

Introduction

The Regional Outreach Clinic Program (ROCP) supports regular face-to-face legal advice clinics for people experiencing disadvantage in regional, rural and remote locations in NSW where there are limited or no other options for free face-to-face legal advice. Legal services are provided by Legal Aid NSW panel lawyers and clinics are held in partnership with local host organisations including neighbourhood centres, local courts and community services. Some clinics are supported by a roster of Legal Aid NSW in-house lawyers and Legal Aid NSW panel lawyers.

The ROCP is managed by the Collaborative Legal Service Delivery Unit in the Client Services Division. The Unit arranges for panel lawyers to provide face to face legal advice at clinics in selected regional, rural or remote locations, often in partnership with a host organisation.

Details regarding a clinic, including location, frequency and whether the clinic is general or focused on a particular legal need (family, civil or crime) are determined by Legal Aid NSW, taking into account the available resources, anticipated need and the availability of other legal assistance services in the location. Generally, clinics operate for three hours.

Appointments for a clinic are made with a Legal Aid NSW regional office, the host organisation or directly with the lawyer providing the service. In some locations the clinic may operate on a drop-in basis

Selection of ROCP lawyers

When a new clinic is established, or new/additional legal practitioners are needed for a clinic, expressions of interest are sought from Legal Aid NSW panel lawyers. A selection committee, which includes the Solicitor in Charge or a senior Legal Aid NSW lawyer from relevant region, selects the lawyer based on the information provided in the expression of interest and by the nominated referee.

Lawyers should address the following selection criteria in an expression of interest:

- Membership (as principal or associate) of one or more Legal Aid NSW panels.
- Demonstrated capacity to deliver high quality legal services to people experiencing social and economic disadvantage, including an understanding of cross-cultural issues and issues experienced by people facing social and economic disadvantage. Demonstrating this capacity includes providing a referee who will be able to confirm the legal practitioner's capacity to effectively communicate with people from a broad range of backgrounds, including people who are experiencing economic and social disadvantage, and to provide services that are inclusive and accessible.
- Extent of the legal practitioner's experience in the relevant areas of law.
- Willingness to comply with reasonable requests for information from Legal Aid NSW, including record-keeping and any reporting requirements.
- Willingness and capacity to work flexibly in partnership with Legal Aid NSW and the host organisation in providing ROCP clinic.

ROCP clinics

Legal Aid NSW selects the locations of clinics, promotes the clinics and pays for any hosting costs associated with the clinic. Legal Aid NSW will make any promotional materials available

to the host of the clinic and the ROCP lawyers who are encouraged to promote the service through their own local networks.

Fees for ROCP lawyers

ROCP lawyers are remunerated on the same basis as Legal Aid NSW duty lawyers in the Local Court for the time allocated to the clinic and are also compensated for travel if the clinic is located more than 35 km from the provider's place of business.

Client Services

ROCP lawyers provide legal advice and where appropriate referrals for clients at ROCP clinics in accordance with the Legal Aid NSW [Quality Standards](#).

Legal Aid NSW does **not** provide legal advice regarding:

- Workers compensation
- Commercial and business matters
- Taxation
- Local planning and development disputes
- Land rights claims
- Conveyancing
- Personal injury
- Defamation
- Drafting of wills, probate or powers of attorney
- Tenancy advice to landlords
- Employment advice for employers
- Intellectual property, trademark or patents
- Legal advice to non-profit organisation
- Completion of bankruptcy forms
- Witnessing of documents
- Home building disputes
- Neighbourhood disputes; or
- Family law pre-nuptial agreements.

If a client is booked in for advice in one of these areas the service to the client should be limited to referral and procedural advice.

If a conflict arises the legal practitioner should notify the client prior to the clinic and refer the client to another lawyer rostered on the same clinic or another service (such as a community legal centre or LawAccess).

The advice should include, where appropriate the availability of legal aid and assistance with completing the client to complete an application for a grant of legal aid. Legal Aid NSW [Policy Online](#) has information about the availability of legal aid.

ROCP legal practitioners should keep detailed notes of the advice and referrals provided to clients and obtain from clients the demographic data required about each client for Grants Online (Aboriginal and Torres Strait Islander status, whether the client receive income support from Centrelink; and whether the client receives Disability Support Pension from Centrelink).

Referrals

The CLSD Unit has developed a referral directory for ROCP lawyers. Contact the Unit for an up-to-date copy of the directory.

ROCP lawyers should consider making a referral to one or more of the following services, particularly where the client is experiencing deep and/or persistent disadvantage and requires further assistance:

- A specialist or regional community legal centre (for example, Welfare Rights Centre for Centrelink problems).
- Aboriginal community-controlled organisations such as the ALS NSW/ACT for Aboriginal and Torres Strait Islander clients.
- Tenancy advice and advocacy services (refer to the Tenants Union website for details of local services) for tenants who are facing eviction or having persistent problems with getting repairs done.
- 1800RESPECT for all people impacted by domestic, family and sexual violence, including people who use violence or who are accused of using violence.
- Financial counsellors, including the specialist Gambling Awareness counsellors who are available in regional areas.

Further information about these services and others are in the ROCP referral directory.

Where a matter involves additional casework or representation work and the client is likely to be eligible for legal aid but the lawyer is unable to take the matter on, the lawyer should assist the client to complete an application for legal aid or refer the client to the nearest [Legal Aid office](#).

Aboriginal or Torres Strait Islander people who need representation in criminal matters should be referred to the Aboriginal Legal Service NSW/ACT.

Aboriginal or Torres Strait Islander people who need representation in family law or care and protection matters should be referred to the Aboriginal Legal Service NSW/ACT, the Legal Aid NSW Family Law Service for Aboriginal Communities or the Legal Aid NSW Early Intervention Unit. Further information on referring to these services is in the ROCP referral guide.

For matters outside of Legal Aid NSW guidelines consider a referral for pro bono legal assistance using [Justice Connect](#) or a specialist community legal centre.

Wherever possible 'warm referrals' (referrals in which the legal practitioner introduces the client to the referee agency – rather than just provide a phone number) should be made.

Record-keeping, Reporting and Monitoring

Legal Aid NSW monitors the operation of the ROCP and lawyers must retain records of all work undertaken including the area of the law, the matter type and the approximate time associated with the work as well as statistical and other data on client services delivered through the clinics, as requested by Legal Aid NSW. The following demographic data should be collected:

- Whether a client is Aboriginal or Torres Strait Islander; and
- Whether a client receives Centrelink, and whether a client receives a disability support pension.

From time to time, Legal Aid NSW evaluates the effectiveness of the ROCP for its impact on service delivery and for its operational costs and benefits. ROCP lawyers may be asked to complete survey documents, participate in interviews and other processes that may be undertaken as part of this evaluation.

Legal Aid NSW may also conduct an audit of the lawyer's files to confirm that any work undertaken on behalf of Legal Aid NSW complies with Legal Aid NSW policies, guidelines and procedures.

Complaints

ROCP services are covered by the Legal Aid NSW [complaints policy](#). ROCP legal practitioners should comply with this policy and provide clients with information about the policy.

All complaints should be directed to the Manager of the CLSD Unit at Legal Aid NSW who will seek to resolve it informally (Level 1 of the Legal Aid NSW complaint handling policy).

When a complaint cannot be resolved informally the Manager will refer the complaint to Level 2 of the Legal Aid NSW complaint handling process.

Training and Resources

Legal Aid NSW offers ROCP legal practitioners free or discounted admission to Legal Aid NSW Conferences. Other training may be offered from time to time depending on need and resources. Legal Aid NSW provides a referral guide for ROCP lawyers.