

**Issue 17, July 2009**

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**QPILCH events**

**Walk For Justice**



QPILCH held the second Walk for Justice on Friday 15 May.

We had 580 registrations and around 400 people walked on the morning, led by Justice Margaret McMurdo AC, President of the Court of Appeal. The weather smiled on us again, with a beautiful Brisbane morning. It was a pleasure to be walking along the

Brisbane River with so many colleagues.

We were overwhelmed with the number of registrations and by the generosity of the sponsors. While the final tally is not yet complete, it seems that we may hit our target of \$10,000, to be added to the disbursement fund, which is an increase of almost 20% on last year's effort.

Merlo Coffee, Dendy Cinemas, Avid Reader and La Boite Theatre all generously donated prizes to be shared by Lee Rush and Caroline Cavanagh, the individual walkers who raised the most sponsorship.

We thank President McMurdo, her fellow judges and all the other walkers, sponsors and volunteers who again made the event such a success.

Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au)

**HPLC Art Exhibition**

Around 200 guests gathered at Metro Arts in Brisbane's Edward St for the opening of the exhibition by Therese Rein, patron of the *Australian Common Ground Alliance*.

The exhibition provided an opportunity

for artists, either currently or formerly homeless, to display their talent and creativity to their family and friends, support workers and members of the legal profession. This year's theme, 'Journeys' was portrayed in many of the artists' works.

Seventy-eight artists contributed to the exhibition which included over 150 pieces of art, nearly half of which were sold on opening night with all proceeds going directly to the artists.



LEGALLY ALONE BY JOHN DOHERTY

Thank you to the participating firms and support agencies, artists, volunteers and everyone else who made the Art Exhibition so successful.

Andrea de Smidt – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

### **Human Rights forum**

On 24 June, QPILCH held a forum for lawyers on the proposed Australian human rights charter. Discussion was led by three speakers. Stephen Keim SC argued that any concern that a charter would negatively impact on the standing of the Australian judiciary was misplaced. He referred to the judicial experience overseas in interpreting their charters and local landmark decisions, such as *Mabo* and *Tasmanian Dams*, which had not brought the judiciary into disrepute but had in fact enhanced their standing. The Honourable Keith Mason AC QC gave the alternative point of view, that the proposed dialogue model in which the courts would have power to declare legislation incompatible with human rights was potentially unconstitutional and would undermine the relationship between Parliament and the Courts which had been deliberately embedded in the Constitution. The third speaker, Phil Lynch, director of the Victorian Human Rights Law Resource Centre, provided an evidence and practice based assessment of the operation and impact of the Victorian human rights charter

after almost three years of operation and implications this might have for the national debate. Almost an hour of interesting and thought provoking discussion followed, which was facilitated by Jean Dalton SC. We are very grateful to the speakers, Jean, and the attendees, including Fr Frank Brennan, who opened the evening, and Tammy Williams, both members of the National Human Rights Consultation Committee.

### **Services**

#### **QLS and Bar pro bono schemes**

QPILCH has started processing and referring meritorious applications under these schemes. Unlike QPILCH's existing scheme, the QLS and Bar schemes do not require a public interest element for cases to be referred for pro bono assistance.

Ian Berry, President of the QLS has invited all firms in Queensland to participate in this new scheme, managed for the QLS by QPILCH.

We thank the following firms for joining the scheme: Aitken Wilson Lawyers, Australian Workplace Lawyers, Brian Bartley and Associates, Bruce Thomas Lawyers, Charles Cooper Lawyers, Cronin Litigation Lawyers, David Wise Solicitor, Hynes Lawyers, Irish Bentley Lawyers, Kafouni Lawyers, Kurschinski Law, Lee Turnbull & Co, Lex MacGillivray, Michael Drummond Lawyer, MMLC Murphy Wang, Stenton and Coady and Wettenhall Silva Solicitors.

Thanks also to the Bar Pro Bono Scheme participants: Gerald Byrne, Jo Chapple, Jeff Clarke, Kristy Crabb, Patricia Feeney, Elizabeth Gass, Joseph Jacobs, David Kent, Ilan Klevansky, Derek Kordik, Janice Mayes, Paula Morreau, Dean Morzone, Cameron Press, Douglas Turnbull and Nerida Wilson.

So far, we have been able to refer three applications through the Bar scheme and two applications through the QLS scheme. One application, referred from the SRCLS, involved a middle-aged couple who sought assistance with amending their Statement of Claim. The other application involved a 78 year-old widow who asserted she had made financial contributions to the purchase of a granny flat on a property owned by her son. Counsel's opinion was sought regarding the prospects of success in this matter.

With minimal government funding for coordination of these schemes, their addition to QPILCH's stable has considerably increased the reach of pro bono legal services in Queensland.

Kathrin Wolf – [referral@qpilch.org.au](mailto:referral@qpilch.org.au)

## **Entrenching QPILCH in Rural Regional and Remote Queensland**

QPILCH's Rural Regional Remote (RRR) Project commenced at the end of January this year. The project is a six month pilot that aims to enhance the delivery of pro bono legal services in Rural Regional and Remote Queensland.

The project's focus is the development of two partnerships between rural and remote law firms and large metropolitan firms. These partnerships will provide the regional firms with support, increased capacity and resources to enhance their ability to provide pro bono legal services in their own communities. We thank Lee Turnbull & Co (Townsville) and Anne Murray & Co (Emerald) and Brisbane partners Allens Arthur Robinson and Blake Dawson respectively for their involvement in this pilot.

QPILCH also welcomes Maurice Blackburn Lawyers and P & E Law as new law firm members with the capacity to service clients in regional Queensland through their regional offices to support our RRR work, and we hope other firms with a regional presence will join this initiative.

We are continuing to travel throughout Queensland to meet with law firms and barristers to encourage their participation in QPILCH and promote pro bono activities generally.

Aimee McVeigh [-rrr@qpilch.org.au](mailto:-rrr@qpilch.org.au)

## **Self-Representation Civil Law Service**

The service recently opened its 300<sup>th</sup> file since its inception and has been receiving an increasing number of applications. In the first quarter this year the service received 55 applications for assistance - a 30% increase from the first quarter of 2008. We are grateful to our volunteers, who have ensured that we are able to meet the demand and who have consistently offered first class legal advice to our clients.

The day before his summary

judgment application hearing a defendant client was assisted during an appointment by volunteers to prepare an affidavit for the hearing, which is no small accomplishment for such a short time. The client was successful in resisting the application for summary judgment and the service is now able to spend some time with him to amend his defence. Sometimes it can be difficult to believe that any meaningful assistance could be given in such a short timeframe – but for client's like this, the one hour appointment with volunteers has made a huge difference and given him a real chance in defending the claim against him.

Another client, assisted by the SRCLS since the commencement of her Supreme Court application was recently successful in obtaining consent orders from the respondent on the morning of the final hearing. The orders negotiated with the respondent included costs in our client's favour.

A Gold Coast client was referred to the SRCLS for assistance at the eleventh hour of a summary judgment application. The client and his bedridden wife, both aged pensioners, were facing an adverse possession order in favour of their mortgagee. The SRCLS assisted the clients to prepare affidavit material and an outline of argument and the clients were successful in resisting the summary judgment application.

The SRCLS wishes to thank Gary Coveney, Barrister-at-Law who appeared with a Court of Appeal client at a recent informal settlement conference. We were pleased to hear that the conference resulted in the parties reaching a settlement agreement. This was of great relief to our client, who had previously self-represented in a Magistrates Court trial and a District Court appeal before the matter was brought to the Court of Appeal.

## **Blog - SRCLS goes live!**

The SRCLS has launched a new blog to connect its volunteers. This exciting new technology is easy to use and will link Brisbane volunteers, provide a forum for giving feedback and insights about volunteers' experience, share stories and updates on news about successes, service improvements and other important developments. We hope the blog will make the volunteering experience more productive and enjoyable for volunteers. For a username and password contact Judith or Allira.

## Law Week seminar

The service was invited to participate in this year's Law Week. On 13 May, Judith presented a free seminar for self-represented litigants. At the booked-out seminar, attendees learnt how to start a claim, what to do to get to trial, how to draft court documents and make their case strong, the advantages of alternative dispute resolution, and what costs may be involved in civil litigation.

## Induction refreshers

We realise that member firms may have had some changes in volunteers since the original induction program offered by the service. To generate some interest and answer any questions or concerns that potential volunteers may have about the service we are running short inductions to talk to new and prospective volunteers at member firms. Rather than run an hour long, formal induction as we did at our inception, we are planning to tailor our induction talks to the needs of individual firms. It is hoped that the more personalised, firm-specific inductions will be a better way to reach potential volunteers and help past volunteers stay connected to the service. If you think this is something that the staff at your firm may benefit from, please let us know and we will organise a time for a short induction.

Judith Douglas - [selfreps@qpilch.org.au](mailto:selfreps@qpilch.org.au)

Allira Thompson -

[selfrepsadmin@qpilch.org.au](mailto:selfrepsadmin@qpilch.org.au)

## HPLC news

### Clinics

The RCLC and all HPLCs are continuing to see a steady stream of clients, keeping volunteer lawyers from participating firms busy in their pro bono practice. Thank you to lawyers and firms for their continued efforts in this regard.

### Reform

With the assistance of lawyers from participating RCLC and HPLC firms, clients of the clinics completed questionnaires to provide insight into the sufficiency of current rights protection mechanisms within Australia. This information was collated into a submission to the Committee for the National Human Rights Consultation. See this submission at -

[http://www.qpilch.org.au/dbase\\_upl/HPLC%20Submission%20to%20Consultation.pdf](http://www.qpilch.org.au/dbase_upl/HPLC%20Submission%20to%20Consultation.pdf)

Andrea de Smidt – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

## HPLC policy news

The HPLC received a substantial Streetsmart grant in April to develop the Assertive outreach clinic at Roma House. The Streetsmart restaurant campaign will now be joined by their hotel campaign in August/September, which invites you to add a small donation to your room service account. Check for participating accommodation at [www.streetsmartaustralia.org.au](http://www.streetsmartaustralia.org.au).

HPLC lawyers from six firms saw a record 22 clients at Brisbane City Council's Homeless Connect. This twice-yearly event sees more than 600 clients experiencing homelessness provided with free haircuts, medical care, meals and clothes, as well as easy access to 53 homeless service providers.

Sue Garlick – [homelesspolicy@qpilch.org.au](mailto:homelesspolicy@qpilch.org.au)

### NEW MEMBERS

Since our last newsletter in March, we have been encouraged by a surge in new member applications to QPILCH's public interest scheme. We thank new barrister members **Kristy Crabb, Ruth Link, Ilan Klevansky, Janice Mayes** (Townsville), **Lauren Coman, Gerald Byrne** (Rockhampton), **Paula Morreau, Derek Kordick** (Cairns), **Joseph Jacobs** (Cairns) and **Douglas Turnbull** (Cairns), and new firm members **Finn Lawyers** (Toowong), **Maurice Blackburn, P&E Law** (Cairns and Sunshine Coast) and **HWL Ebsworth**.

We thank our new members for their commitment and support.

## Programs

### Coordinated Student Programs

#### Griffith University *Public Interest Lawyering Clinic*

This year's clinic came to an end on 1 June, with the students once again providing invaluable support in assessing applications to our public interest referral service. In addition, the students investigated the processes for conducting judicial review applications in Australia and overseas. It is hoped the research done may inform a proposal on how to make this fundamental tool of administrative law more accessible.

We are grateful to our guest speakers

this semester Neil Watt, QLS ethics officer, and the Honorable Martin Moynihan AO QC. The students for this semester were Ellie Bassingthwaighte, Anita Lowe, Marie Monforte, Jaclyn Duong, Jenny Jee and Madonna Evans.

#### **UQ Public Interest Research Clinic**

The focus for this semester was the Mental Health Review Tribunal. The students had an opportunity to conduct an online survey; interview the President of the MHRT Barry Thomas and the Client Services Manager and undertake an extensive literature research on this little considered area of law. The students have produced two papers which comment on representation before the MHRT and MHRT processes. They have also produced an Advocates' Guide for lay and legal advocates who intend to appear before the MHRT. These materials will facilitate the training to be held later this year on the MHRT and involuntary treatment orders. We also thank our guest speakers: The Honourable Justice Roslyn Atkinson, Dr Ros Macdonald (QUT), Barry Thomas (MHRT), Professor Richard Johnstone (Griffith University) and Deborah Scott (Allens Arthur Robinson).

The PIRC students for this semester were Caitlin Noble, Moditha Perera, Vera Motina, Catherine Drummond and Catherine Dang. Rebekah Leong –

[studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au).

#### **Administrative Law Clinic**

The second semester of the Bond administrative law clinic commenced on 22 May. Now into its fifth week, the clinic is experiencing a steady caseload, with referrals from QPILCH's public interest scheme and other community legal centres such as the Prisoners' Legal Service. We hope to expand the administrative law clinic over the next year. The students this semester are: Tristan Blom, Brett Graham, Guan Huang, Lindsay McAlear, Michael Scott and Kenneth Yam.

#### **The UQ HPLC clinical subject**

Thank you to participating firms Holding Redlich, McInnes Wilson, Minter Ellison, McCullough Robertson, MurphySchmidt and Mallesons Stephen Jacques for their involvement in this important project. Students are currently finalising their work which will culminate in the production of a report on mental health law,

capacity and homelessness that will be made available to all HPLC lawyers.

#### **Student volunteers**

Phoebe Stuart, Will Sugden, Pav Zielinski, Katie Allen, Anita White, Kaitlin Mahon, Nick Barbey, Emma Thompson, Louise Le Pla were our student volunteers over first semester. Thanks to all of them for their hard work.

We have advertised for 12 students to volunteer in second semester and hope to receive the usual high calibre applications.

#### **Interns**

QPILCH is hosting a Griffith PLT student, Uma Wathukarage for five weeks from mid-June.

We have had a large number of enquiries from practitioners prepared to volunteer on a weekly basis. Unfortunately, we do not have the computer space at the moment to accommodate extra volunteers. However, we have obtained a grant from the Gambling Community Benefit Fund to buy more hardware so we can expand our volunteer program. Stay tuned for more details.

Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au)

#### **Retired and Career break lawyers**

QPILCH has previously advertised for retired and career break lawyers to assist with the Self-Representation Civil Law Service, and Lex MacGillivray and John Rowell have kindly offered their services. Other lawyers have offered to help with our general referral assessments. Unfortunately, at the court office and our office in Margaret Street, we have not had the facilities to easily accommodate volunteers. However, we soon hope to have a desk, chair and computer reserved for qualified volunteers in our new office at West End. We will be contacting everyone who has expressed interest in the near future. If others are interested, please email [contact@qpilch.org.au](mailto:contact@qpilch.org.au) or telephone Tony Woodyatt on 3846 6317.

#### **Information technology**

You may have noticed QPILCH's latest technological advancement at [shop.qpilch.org.au](http://shop.qpilch.org.au) where payments for membership, training and other events can be made online via Mastercard or Visa.

Payments can still be made by cheque or direct debit (and these do not attract credit card fees!). It is hoped this new facility will encourage more people to sign up, buy up, or best of all, donate. There are still some teething problems so please bear with us.

## Donations

Donations are used to cover disbursements necessary to pursue legal action in pro bono cases. They are kept separate from our operating accounts and will not be used to fund office expenses. Donations may also be used as seed funding to establish new projects run by QPILCH or other community legal centres for the relief of poverty and increased access to justice. People can donate by credit card online by going to [www.ourcommunity.com.au/qpilch](http://www.ourcommunity.com.au/qpilch). This service is totally secure and only credit card fees are deducted from the donation. Donations can also be made via cheque, direct debit and through the QPILCH shop website at [shop.qpilch.org.au](http://shop.qpilch.org.au). Donations of \$2.00 or more are tax deductible.

## QPILCH Factsheets

QPILCH has been working to produce factsheets to provide information on areas of law which are not otherwise easily accessible. Some are now available on our website at [www.qpilch.org.au](http://www.qpilch.org.au) under "Resources for the public". They have been produced using a product generously donated by the TC Beirne School of Law and developed by the University of Queensland's Centre for Biological Information Technology (CBIT). New factsheets will be added in the future. Your comments or ideas for new factsheets are welcome to [services@qpilch.org.au](mailto:services@qpilch.org.au).  
Rebekah Leong -  
[studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au)

## Training

We have an ambitious training program for the second half of 2009, including:

**For members and other interested lawyers:** *Mental Health Law (three parts) – overview; the MHRT; and Involuntary Treatment Orders; and Administrative Law practice and procedure.*

**For CLCs:** *Consumer Law - Home repossessions and Consumer Credit Code; and Taxation Issues – Practical Examples for NFPs.*

**For self-representation service volunteers:** *Drafting Skills – Applications; Outlines of arguments; Submissions; and Grounds of appeal.*

**For HPLC volunteers:** *Housing and Tenancy Law Update; Indigenous Cultural Awareness Training; Dealing with difficult clients; Family law referrals; and Public Trustee matters.*

For more information or to register for training see our website under 'Training'.

Andrea Perry-Petersen -  
[training@qpilch.org.au](mailto:training@qpilch.org.au).

## Referrals

**MurphySchmidt** represented an applicant in the Guardianship and Administration Tribunal and was successful in having the client appointed as guardian for her brother in circumstances where the previous guardian was less than satisfactory.

**Deacons** represented an applicant at a conciliation conference in the Industrial Relations Commission and in further negotiations post-conference. This led to the applicant obtaining a positive work reference and a separation certificate confirming that he resigned rather than was terminated.

**Quinn & Scattini** represented an applicant in the Guardianship and Administration Tribunal and were successful in having property transferred to the applicant.

**DLA Phillips Fox** gave an applicant advice and drafted documents in relation to a copyright issue.

Barrister member **Hugh Scott-McKenzie** assisted an applicant by appearing at a Queensland Industrial Relations Commission directions hearing.

**McCullough Robertson** assisted a not-for-profit organisation by advising them about their tax status.

Barrister member **Elliott Dalgleish** assisted an applicant by representing her at a Human Rights and Equal Opportunity Commission conciliation conference.

Barrister member **Suellan Walker-Munro** appeared for an applicant at an Anti-Discrimination Tribunal conciliation.

**Holding Redlich** successfully transferred a number of properties from one

not-for-profit which was going into liquidation to another not-for-profit.

Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au).

## Secondments

We are delighted that Jen O’Farrell has had her secondment at QPILCH increased to eight months, which means we will have her with us until the end of September. Jen’s generous attitude towards applicants, her infectious laugh and amazing cooking abilities have made her a welcome addition to our office. We again thank Corrs Chambers Westgarth for their ongoing support.

## Considering a secondment?

As free legal services are overloaded with requests for assistance, secondments of any duration from private firms are becoming increasingly important and of great benefit to the community. If you would like to broaden the experience and skills of your staff, we can use more hands to assist disadvantaged clients at QPILCH or another CLC. If you are interested in discussing a secondment, please contact Tony Woodyatt - [contact@qpilch.org.au](mailto:contact@qpilch.org.au).

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## Subscription and Feedback

To subscribe (free) or unsubscribe to “In the Public Interest”, the newsletter of the Queensland Public Interest Law Clearing House Incorporated or for more information about any item in this newsletter, please send an e-mail to [contact@qpilch.org.au](mailto:contact@qpilch.org.au) or contact us by phone 07 3846 6318 or fax 07 3846 6311.

## What is QPILCH?

The Queensland Public Interest Law Clearing House Incorporated (QPILCH) is an initiative of the legal profession to assist people who cannot obtain legal aid or afford private legal services in civil law cases. QPILCH draws on the resources of the wider legal profession - private firms, barristers, government, corporate lawyers, university law schools and works with other community based agencies to assist those who are the most disadvantaged and marginalised. In addition to public interest pro bono referrals, QPILCH manages the QLS and Bar pro bono schemes and operates four direct services with the support of its members – the Homeless Persons’ Legal Clinic, the Refugee Civil Law Clinic, the Self-Representation Civil Law Service, and the Administrative Law Clinic. For details of our referral and direct services, criteria and procedures, see the QPILCH website at [www.qpilch.org.au](http://www.qpilch.org.au).

## QPILCH Members

**Firms** Allens Arthur Robinson, Australian Workplace Lawyers, Blake Dawson, Brian Bartley and Associates, Clayton Utz, Corrs Chambers Westgarth, Deacons, Dibbs Barker, DLA Phillips Fox, HWL Ebsworth, Finn Lawyers (Toowong), Freehills, Holding Redlich, HWL Ebsworth, Macrossans Lawyers, Mallesons Stephen Jaques, Maurice Blackburn Lawyers, McCullough Robertson, McInnes Wilson, McPhee Lawyers, Miller Harris (Cairns), Minter Ellison, MurphySchmidt, Nathan Lawyers, P&E Law (Cairns and Sunshine Coast), Piper Alderman, Quinn and Scattini, Shine Lawyers, Slater & Gordon, Smith & Stanton, Sparke Helmore, TressCox Lawyers, Walkers Solicitors (Toowoomba) **Barristers** Nicholas Andreatidis, Franc Asis, Michael Ballans, Ken Barlow, John Bond SC, Shelley-Anne Brace, Jacoba Brasch, Vince Brennan, Judy Brien, Alexandra Brook, Simon Brown, Sue Brown, Gerald Byrne (Rockhampton), Anna Cappellano, Lauren Coman, Gary Coveney, Lauren Coman, Jarrod Cowley-Grimmond, Kristy Crabb, Christopher Crawford, Quentin Cregan, Elliott Dalgleish, Jean Dalton SC, Dr Gillian Dempsey, Cameron Dick, Susan Fajardo, Tracy Fantin (Cairns), Dr Kim Forrester, Elizabeth Gass, Joshua Hanna, Keith Howe, Joseph Jacobs Cairns) George Kalimnios, David Keane, Stephen Keim SC, Liam Kelly, Nitra Kidson, Carla Klease, Ilan Klevansky, Derek Kordik (Cairns), Michael Labone, Ruth Link, Peter Lyons QC, Aida-Portia Maier, Paul Marshall, Janice Mayes (Townsville), Scott McConnel, James McNab, Ross Mack, Paula Morreau, Nicole Martin, Damien O’Brien, TP O’Brien, Dan O’Gorman, Rebecca Pearson, Dan Pratt, Andrew Radley, Darryl Rangiah, Justin Ky Ratanatray, Guy Sara, Hugh Scott-Mackenzie, Sarah Scott-Mackenzie, Dr Max Spry, Clare Sultman, David Thoma, Roger Traves SC, Douglas Turnbull (Cairns), Suellan Walker-Munro, Karen Williams, Douglas Wilson, Michael Wilson, Julene Winn **Specified members** Bar Association of Queensland Inc, Legal Aid Queensland, Queensland Association of Independent Legal Services Inc, Queensland Law Society Incorporated **Associate members** BDO Kendalls, Chartered Accountants, Bond University Law School, Griffith University Law School, Queensland University of Technology Law School, TC Beirne School of Law (UQ) **Government legal unit members** Australian Competition and Consumer Commission **Corporate legal unit members**