

In the Public Interest

Newsletter of the Queensland Public Interest Law Clearing House Incorporated



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Newsletter 23, 8 September 2011

Don't forget to look at www.qpilch.org.au for a rundown of all QPILCH's activities.

Upcoming events

Red Wine for Justice

Julian Burnside AO QC will be a guest speaker at this year's **Red Wine for Justice**, to be held on **14 October at 6pm**.

This year's event will raise money for the Homeless Persons' Legal Clinic. Many members helped make last year's inaugural event a success by donating wine, attending and participating in the auction.

The event will again be held at Law Society House and will entail a fine wine auction, tastings, and some competitions to test your knowledge and brief talks by connoisseurs.

Of course there will also be plenty of wine and lovely canapés to drink on the night. Thank you to the Queensland Law Society for providing the venue once again. For more details see www.qpilch.org.au.

QPILCH News

New Mental Health Service

DLA Piper Australia has approved a secondment of a graduate to QPILCH and Queensland Advocacy Incorporated to set up a new HPLC styled clinic staffed by volunteers of DLA at *Open Minds*, a community mental health support agency. The secondee will be working from QAI but will be liaising with QPILCH in relation to civil matters that require referral to QPILCH members. DLA lawyers will also assist and refer clients for assistance in Mental Health Review Tribunal matters. This is an important new clinic to respond to legal needs in this much under-resourced area of law.

Flood and Cyclone Legal Help

A total of 39 applications from small businesses have been received since early February. Most of these relate to insurance companies denying claims for flood damage and the application of the flood exclusion in policies.

However, there have been a number of applications relating to lease issues where landlords have not completed repairs and the tenant wants to terminate the lease; others in which landlords have locked tenants out and destroyed property; tenants requiring assistance to exit leases in the most

commercial way without resulting in any breaches; one that involved an insurance company making amendments to the policy; and one where a body corporate had not insured its building for flood.

We have referred 22 of these applications, 9 accepted by firms and 9 by barristers. Where we receive favourable opinions from barristers we refer the applications to firms for their assistance. There are currently 7 files in which the applicants seem to be making some headway with their insurance companies. It is anticipated that QPILCH will be soon referring Grantham land swap applicants for legal assistance.

Fiona Ellis, the secondee from Mallesons finished her time with QPILCH in early August after a very thorough and concentrated effort on these matters. We thank Fiona for her great contribution. Andrea Perry-Petersen has taken over the role two days a week (currently Monday and Thursday). Contact Andrea - flood@gpilch.org.au



Chief Justice of the Federal Court of Australia Patrick Keane, Justice Logan, John Bond SC, Federal Magistrate Burnett and the Hon Robert McClelland MP

Self Representation Service in Federal Court

On 4 July 2011 QPILCH commenced operation of its Self Representation Service at the Federal Court and Federal Magistrates Court. The Service was launched on 27 July 2011 by the Federal Attorney General Robert McClelland in the presence of members of the judiciary, private practice supporters, members of our Management Committee and Reference Group as well as Court and Service staff. We thank all those who attended the launch to support this new initiative – our partners are vital to the success of the Service. [Read more...](#)

QPILCH members helping to settle FWA matters

The Federal Magistrates Court is piloting a procedure whereby multiple small claims under the Fair Work Act, in which the Fair Work Ombudsman is appearing as a friend of the Court, are listed for hearing at the same time. The FMC requested the Self-Representation Service (Federal Court) provide a settlement conference service on the day of the hearings, so parties can be referred for a short conference before the hearing. **Dr Cate Banks** assisted with one of four settlement conferences that the SRS (Federal Court) provided on 3 August 2011. Two of the matters settled and the other two matters proceeded to a hearing. Thank you to the members who have offered to assist with future settlement conferences.

New members

QPILCH welcomes new members who were accepted as members at our last two Management Committee meetings: **QPILCH Barrister Members** Neil Foran (Gold Coast), Alexandros Katsikalis, Barto du Plessis, Gavin Handran, Dr Stephen Lee, Amanda Stoker, Steven Hogg, Alex Nelson, Joshua R Jones, Kateena O’Gorman, Robert Brandon and Caleb Spicer. **QPILCH Firm Members** Butler McDermott (Sunshine Coast), Family Law Doyle Keyworth & Harris, Henry Davis York and Hynes Lawyers. **QPILCH Associate Member** Managing Justice. **Bar Pro Bono Scheme Members** Susan Fajardo, David Keane, Kateena O’Gorman, Neil Foran, Dr Stephen Lee, Hon Dean Wells MP, Steven Hogg, Ben McEniery, Joshua R Jones and Ross McSwan. **QLS Pro Bono Scheme Members** Dean and Bolton (Townsville and Cairns), Piper Alderman and Murray & Lyons Solicitors (Cairns).

HPLC Art Show



John Doherty *Circles of Industry*



Paul Munro *Life Out Of Balance – The Blue Snake*



QPILCH President Rob Reed opening the exhibition

Our biennial art show ran from 6 – 10 June in the foyer of the Riverside Centre. The opening night was Tuesday 7 June and 45 artists exhibited over 80 artworks. All proceeds from the sale of artworks went to the artists.

Thanks must go to the Brisbane City Council, HPLC firms **Minter Ellison, Blake Dawson, Freehills, Murphy Schmidt** and **Corrs Chambers Westgarth** for their generous donations and of course all the volunteers who assisted with serving food and drinks on the night.

Environmental Governance Project

QPILCH has received funding from the Gambling Community Benefit Fund to employ a solicitor for six months to undertake an Environmental Governance Project. The Project aims to undertake research on possible environmental governance arrangements that can be introduced into the debate. Catherine Cocks will coordinate the Project on a full time basis between October 2011 and March 2012.

The Project is an initiative of the Environmental Law Roundtable (the ELR). The ELR is comprised of experienced environmental law practitioners and is coordinated by QPILCH.

The objectives of the ELR are to:

- research and promote governance arrangements that support government decision-making and give due consideration to environmental sustainability;
- research and promote law and regulatory reform that accommodates competing interests in planning and resource use; and
- build community capacity and develop community/private profession/government partnerships to shape a better environmental future.

For more information about the Environmental Governance Project, contact Catherine Cocks on 3846 6317 or email projects@qpilch.org.au.

Rural Regional Remote Project



Goondiwindi sunrise



Roma

QPILCH has obtained funding from LPITAF to continue our Rural Regional Remote (**RRR**) Project for six months. Catherine Cocks will continue to coordinate the RRR Project on a full time basis until October 2011.

The aim of the RRR Project is to enhance the delivery of pro bono legal services in rural, regional and remote Queensland. Lack of resources, capacity and expertise can often prevent RRR practitioners from providing free legal assistance to disadvantaged people living in their communities.

As part of the 2010-2011 RRR Project, QPILCH:

- strengthened and monitored the two pro bono partnerships between rural and remote law firms and large metropolitan firms that were developed during the 2009 RRR Project. The partnerships are intended to provide the regional firms with support, increased capacity and resources to enhance their ability to provide pro bono legal services.
- extended our services and presence in north Queensland by travelling in March to Mackay, Sarina, Proserpine, Bowen, Cannonvale, Townsville and Cairns to meet with community legal centres, legal service providers, members of parliament, local councillors, community groups and Court and Tribunal registry staff.
- engaged additional RRR based law firms and practitioners in QPILCH activities.

In July 2011, Catherine and flood solicitor Fiona Ellis travelled to Stanthorpe, Goondiwindi, Roma, Toowoomba, Gatton and Laidley to inform RRR based community groups, legal service providers and members of parliament of QPILCH activities and Flood Legal Help to ensure that RRR Queenslanders affected by the January 2011 floods are receiving the help they need. We would like to thank the following people for their hospitality and support during our travels - Chris Meibusch and his team at **South Queensland Law** in Toowoomba and the **Maranoa Regional Councillors**.

In July 2011, the **Suncoast Community Legal Service**, the **Sunshine Coast Law Association** and QPILCH held an information session which was aimed at involving more law firms and barristers from the region in QPILCH activities. We would like to thank **Ferguson Cannon** for hosting the session. If you are a practitioner from the Sunshine Coast and you are interested in becoming involved in QPILCH, please contact us! For more information about the RRR Project, contact Catherine Cocks on 3846 6317 or email projects@qpilch.org.au.

Thank you function for law firms

As part of National Homeless Persons' Week, the QPILCH HPLC team held a thank you function on 4 August for all HPLC/RCLC volunteers. The function consisted of casual after work drinks from 5-7pm at Aquila Caffe and Bar. We would like to thank all of the HPLC/RCLC volunteers who attended and our sponsors Aquila and Clovely Wines.

Training

Self Representation Service

The training program for volunteers of the Self Representation Service continues to provide volunteers with an opportunity to attend training on a bi-monthly basis. Recent and upcoming continuing legal education sessions include:

- *QCAT administrative review and appellate jurisdictions* –presented by **Senior Member Richard Oliver** and hosted by **Macrossans** Lawyers on 11 May 2011;
- *Drafting Applications & Affidavits* – presented by **Gary Coveney** of Counsel and hosted by **Blake Dawson** on 15 June 2011; and

- *Ethical issues faced by lawyers in assisting self represented parties* – presented by **Brian Bartley** and hosted by **Norton Rose Australia** on 21 July 2011.
- On 25 May 2011, the QCAT Service, in association with QAILS, facilitated a free QCAT training seminar that was hosted by the **Queensland Law Society**. The seminar was presented by **Her Honour Judge Fleur Kingham**, Senior QCAT Member **Clare Endicott**, QCAT Members **Patricia Hanley** and **Julie Ford**, and QCAT Adjudicator **William LeMass**. The session was well attended and provided useful tips and tricks for CLC and Legal Aid lawyers and social workers who assist clients in QCAT. We thank all of the presenters for their valuable contributions on the day.

Homeless Persons Legal Clinic

The next training session for HPLC/RCLC volunteers is on *criminal and family law referrals*. The CLE will be hosted by **Freehills** on Thursday 8 September.

We have held the following legal education sessions for HPLC and RCLC lawyers this year:

- *Helping victims of crime and Victim Assist Queensland* – hosted by **Corrs Chambers Westgarth** in July.
- *Legal Aid Queensland - What Legal Aid Queensland funds and what the FACT does* – hosted by **Mallesons Stephen Jaques** in May.
- *Tenancy Issues* – hosted by **Clayton Utz** in April.
- *The Queensland Dispute Resolution Centre* – hosted by **McCullough Robertson** in March.

Secondments

McCullough Robertson seconded two staff members, Kimberley Davis and Alyce Corbutt, to assist in staffing the Self Representation Service's office at QCAT from 21 June 2011 until 4 August 2011. We thank McCullough Robertson for its kind assistance and acknowledge the valuable contributions of Kimberley and Alyce to the Service during this time.

Mallesons Stephen Jaques kindly seconded Fiona Ellis to act as the solicitor for the Flood and Cyclone Legal Help Scheme. We thank Mallesons for its timely and generous contribution to the disaster relief initiative.

Corrs Chambers Westgarth continues its regularQPILCH secondment with the placement of Matthew Hodgson-van Daal to assist with the Public Interest Referral Scheme. We sincerely thank Corrs and acknowledge Matthew's commitment and enthusiasm.

Staff changes at QPILCH

- **Cristy Dieckmann** left the HPLC/RCLC Coordinator position in May to take up directorship of the Youth Advocacy Centre (YAC) for 12 months. We wish her well in this role! **Amy Heading**, former HPLC Team Leader at Blake Dawson, has taken over the position until the end of this year.
- **Lauren Steele** also left the part-time HPLC/RCLC Lawyer position earlier this year to study and travel overseas. **Elizabeth Pendlebury**, former paralegal of the Self Representation Service at the Courts, has taken over this role.
- **Catherine Cocks** has left the QLS and Bar Pro Bono Scheme coordinator role to take up the Rural Regional Remote Project Coordinator role full-time until October 2011, when she will take on the Environmental Governance Project Coordinator role full time for six months.
- **Cameron Lavery**, formerly of the Self Representation Service at QCAT, will now coordinate the QLS and Bar Pro Bono Scheme.
- **Andrea Perry-Peterson** has been working on the QLS and Bar Pro Bono Scheme, and will now focus on the Flood & Cyclone files.

- **Rory Salisbury** and **Elizabeth Pendlebury**, **Stephen Grace** and **Kara Butler** have joined the staff of the Self Representation Service, which now operates at the Federal Courts, State Courts and QCAT.
- **Reimen Hii**, long-serving volunteer at QPILCH, returned to act as paralegal for the Self Representation Service at the State Courts from May - August 2011. We wish Rei well in his new role as a Judge's Associate with the Extraordinary Chambers in the Courts of Cambodia (established under the United Nations Assistance to the Khmer Rouge Trials).

Reports from QPILCH services and clinics

Homeless Persons' Legal Clinic and Refugee Civil Law Clinic

Casework

Last financial year 417 clients were assisted through the HPLC, and 24 clients through the RCLC. Since the start of this financial year 53 new clients have approached the HPLC for assistance and 5 new clients to the RCLC.

As usual the volunteers have worked hard to achieve some great results, including:

- **Freehills** volunteers assisted a client from Roma House with a guardianship matter in QCAT. The client's sister had applied for the appointment of a guardian and administrator for the client, supported by medical evidence she had obtained from the client's medical practitioners some time ago. Although the client was articulate and maintained her ability to make decisions for herself, she suffered from depression, anxiety disorder, alcoholism, and possible early Huntington's disease, and so required representation to defend the application. The volunteers undertook preliminary work on the file, assisted in obtaining representation, and went along on the day to QCAT with the client and counsel for support. The Tribunal dismissed the application, a result that most likely would not have been achieved without the assistance of the volunteers.
- **Minter Ellison** and **HWL Ebsworth** volunteers assisted a client to get his financial situation back on track. The client had a number of debts including one for \$50,000. This debt was waived based on the documents the volunteers prepared for him.
- **Blake Dawson** and **MurphySchmidt** volunteers, **Holding Redlich** and **Mallesons** volunteers, and **Minter Ellison** and **HWL Ebsworth** volunteers have all been very successful in advocating for their financially disadvantaged clients, with numerous phone plans with big telecommunication companies able to be cancelled, and outstanding debts and cancellation fees waived.
- **Corrs Chambers Westgarth** volunteers gave advice and assistance to a child of a client for a passport application, where there was an issue over the child's date of birth. In the end the application was authorised and a passport was issued. **Corrs** has also recently helped a refugee family waive a large amount of international student fees which they could not afford and had not been aware they had to pay.

Kyabra phone clinic

Dibbs Barker has recently joined the program and has taken over the Kyabra phone clinic from **Minter Ellison**. **Minter Ellison** remains a strong supporter of the HPLC program and will continue to manage the Mission Australia Café One clinic with **HWL Ebsworth**.

Tax Help Clinic

The HPLC team recently organised a clinic to help our clients complete their tax returns and receive basic tax advice. This was held on Friday 12 August at the Brisbane Homelessness Service Centre in Peel Street, South Brisbane. **PricewaterhouseCoopers** sent along two tax specialist volunteers from 10am to 5pm to help clients complete their tax returns. The clinic was a success and we are hoping this will become a yearly event!

Policy work - SPER Reforms

There have been a number of developments in this area of reform.

- The HPLC presented a discussion paper at a Queensland Homelessness Intersectoral Forum working group. [Read the report here](#). The paper called for homeless debtors to be provided with appropriate community work orders, to have their fines and/or fees written off in some circumstances, and for consultation with the sector about these issues. The working group is pursuing some of these issues.
- The HPLC facilitated discussions with the Special Circumstances Court, SPER and Community Corrections to develop community work orders that capitalize on and strengthen the existing connection a homeless person may have with a service agency. A forum is planned in October for homeless agencies to progress this issue, and we hope to commence a pilot project in 2011-2012.
- The HPLC collaborated with Prisoners' Legal Service and the Manning St Project at Caxton Legal Centre to research issues at the intersection of SPER and imprisonment.

HPLC Evaluation

With the assistance of Encompass Family and Community, the HPLC team is undertaking a complete evaluation of the program to identify:

- how the HPLC model for legal outreach to homeless people or those at risk of homelessness has been implemented at each location;
- the strengths, weaknesses, learnings and any improvements that could be made to the model; and
- how effective the HPLC has been in achieving its aims.

This evaluation will include information about client and firm data, and feedback from Team Leaders, volunteer lawyers, and host agencies. We hope to produce a report by the end of 2011.

Self Representation Service

The Self Representation Service at the State Courts (incorporating the Brisbane District and Supreme Courts and the Queensland Court of Appeal), QCAT and now also at the Federal Court is receiving steady interest from existing and prospective parties in these jurisdictions. This interest is as a result of continued referrals from judicial and tribunal members, registry staff, Community Legal Centres, non-legal support services and internal referrals from QPILCH's referral schemes and student clinics.

Brisbane District and Supreme Courts

In the Brisbane District and Supreme Courts the following outcomes have been achieved:

- The Service assisted an aged pensioner to resolve a dispute about the sale by instalment contract of her interest in property in Bundaberg. The relationship between the sellers and the buyer had deteriorated and matters were complicated when the other owner suffered a stroke and lost capacity. The Service was able to refer the client's matter for mediation (conducted by **Alicia Hill** of **McInnes Wilson**) and at the mediation the client was assisted by **Jo Chapple** of Counsel and **Barry Nilsson Lawyers** on a pro bono basis. With the assistance of these QPILCH members, the client was able to negotiate an agreement bringing the legal dispute to an end.
- The Service assisted a client with proceedings initiated to recover money lent to a family member. The client was suffering significant financial hardship as a result of the family member's non-payment. When the family member failed to respond to the client's amended Statement of Claim, the Service assisted the client to draft an application seeking summary judgment or in the alternative, directions for the progression of the matter. In the result, District Court Judge Samios granted the client summary judgment.
- The Service assisted a small incorporated sporting and social club in proceedings against its statutory regulator for breach of contract. In 2009 legislation effected a re-organisation of the industry, incorporated a new regulator and transferred the assets and liabilities of the old

regulator to a new company. The Service assisted the client to draft submissions to the Court in support of the client's contested application to add the new company as a Second Defendant to the proceedings. The court agreed that the client's submissions correctly identified the intention of Parliament in enacting the re-organisation and added the new company as a Defendant.

- The Service has prepared a number of litigation factsheets, which are available from our website at www.qpilch.org.au.

Federal Court and Federal Magistrates Court

On 4 July 2011 the Self Representation Service at the Federal Court and Federal Magistrates Court commenced operation on a 2 day per week (Mondays and Wednesdays) basis for an initial 12 month pilot period. The Service assists eligible self-represented parties:

- in bankruptcy and anti-discrimination proceedings in the Federal Magistrates Court;
- in the Federal Court of Australia in the following areas:
 - Administrative Decisions (Judicial Review) Act 1997;
 - Age Discrimination Act 2004, Disability Discrimination Act 1992, Racial Discrimination Act 1975, Sex Discrimination Act 1984;
 - Privacy Act 1988;
 - Competition and Consumer Act 2010;
 - Bankruptcy Act 1966;
 - Appeals to the Federal Court from the Federal Magistrates Court and federal tribunals such as the AAT in appropriate cases; and
 - Appeals to the Full Court of the Federal Court in appropriate cases.

The Service is already very busy with 17 files opened, and over 13 hours of appointments conducted since commencement. The Service has conducted 4 settlement conferences as part of a pilot settlement conference process being trialled by the Federal Magistrates Court. The Service is looking forward to welcoming volunteer lawyers from **Minter Ellison, Corrs Chambers Westgarth, Hynes Lawyers, Henry Davis York** and **Clayton Utz** to its operations, and would welcome the involvement of other firms in the Service. If you are interested in making a commitment of two staff members for just three hours every two months, please contact Rory Salisbury at fed@qpilch.org.au.

Queensland Civil and Administrative Tribunal

In the past three months, the Self Representation Service at QCAT has received an increased number of applications, particularly in the areas of guardianship and administration, residential tenancy and anti-discrimination. Some recent success stories include:

- Helping a guardianship and administration client with an acquired brain injury to successfully obtain a declaration of capacity. After providing the client with an appointment, the Service referred the matter to **Mark McCarthy** of Counsel who represented the client at the Tribunal hearing. The Tribunal declared the client had capacity to manage his personal and financial affairs, and ordered the removal of the Public Trustee as the client's administrator and the removal of the Office of the Adult Guardian as the client's guardian; and
- The Service assisted an elderly flood victim to obtain an injunction to prevent her former lessors from removing and destroying her possessions. Service solicitors assisted the client to complete the necessary application form and draft supporting submissions. The Tribunal granted an interim injunction that prohibited the lessors from carrying out their threatened destruction of the client's possessions. The client's matter was subsequently referred out to member firm, **McInnes Wilson**, which provided the client with further assistance.
- The Service assisted an elderly and disabled client to successfully object to an opposing party's leave for representation application and reach a settlement agreement with that opposing party at a compulsory conference in an anti-discrimination matter. In the reasons for the decision on the leave for representation application, Senior Member Endicott noted:

'[Mr S] has not sought to be legally represented in the proceedings but quite sensibly he has clearly obtained assistance from a legal adviser about his complaint and his contentions reveal the benefit of his obtaining that assistance'

The client had previously unsuccessfully sought to resolve his discrimination complaint against a public-transport provider in the Anti-Discrimination Commission of Queensland. The client's complaint was referred to QCAT, where the client received assistance from the Service to pursue his complaint which was brought in response to a transport provider's decision to re-route a bus service which the client relied on to access local amenities. The outcome achieved included an agreement by the public transport provider to re-introduce the former bus route.

We seek firms and barristers to join the Self Representation Service in the various jurisdictions. If you would like to give your staff the opportunity to extend their skills, contact Andrea de Smidt on 3235 4850 or 3846 6317.

Reference Group

The Reference Group has met twice since the last newsletter. It provides valuable advice to the SRS team. We thank members of the Group for their continued support - John Bond SC (Chair), Dr Joan Lawrence, Greg Mackay, Jo Rennick and Professor Jeff Giddings. We also thank **Dibbs Barker** and **Herbert Geer** for hosting the meetings.

Pro bono referral schemes

Public Interest Referral Scheme

We received 215 applications for assistance through the scheme in the 2010-2011 financial year. 134 of these applications were referred for assistance and 79 were taken up by members. To date in the 2011-2012 financial year, we have received 37 applications for assistance. Currently, 26 of these applications have been referred for assistance and 20 have been taken up by members.

- **Minter Ellison and Andrew Greinke** of Counsel are representing a young, homeless man to enforce a judgment he obtained in VCAT but needs to enforce in Queensland. The Consumer Action Law Centre in Victoria had assisted the client with his VCAT proceedings.
- **Murphy Schmidt** represented a young woman at an ADCQ conciliation conference before relating to her complaint of sexual harassment by her employer. The firm negotiated a substantial monetary settlement for the client.
- **Blake Dawson** is representing an elderly, pensioner couple who are appealing the decision of a local council to approve a development application in the Planning and Environment Court. **Tracy Fantin** of Counsel practices in Cairns and has offered to appear at a likely mediation.
- **McCullough Robertson** and **Liam Burrow** of Counsel are advising a non profit organisation on an intellectual property dispute.
- **Holding Redlich** is instructing **Sean Reidy** of Counsel in the Federal Magistrates Court in an application for judicial review of rejected refugee claims.

QLS and Bar Pro Bono Referral Schemes

We now have 41 firms and 93 barristers participating in the QLS and Bar Pro Bono Schemes. We are grateful to all the law firms and barristers who have so generously donated their time and efforts to assist our applicants.

We are keen to increase participation of more firms and barristers. If you are interested, please contact the coordinator of the schemes, Cameron Lavery at qlsbar@qpilch.org.au or you can find further information and the registration form on our website at www.qpilch.org.au.

Casework

We received 268 applications for assistance through the schemes in the 2010-2011 financial year. 75 of these applications were referred for assistance and 47 were taken up by participants. So far this financial year, we have received 47 applications for assistance. 15 of these applications have been referred for assistance and 8 have been taken up by participants.

Over the last financial year we have had a diverse range of matters including wills and estate disputes, administrative law cases, franchising matters, insurance claims and debts and insolvency disputes.

- **Barry Nilsson Lawyers** assisted with numerous matters, including an elderly woman who had instituted Supreme Court proceedings seeking specific performance of a contract for the sale of land. **Jo Chapple** of Counsel also assisted with this matter.
- **Charles Cooper** is assisting several applicants to defend separate proceedings against the same company. The company allegedly took advantage of the applicants through a marketing arrangement.
- **Bruce Thomas Lawyers** are assisting with multiple matters, including a claim for criminal compensation and common law damages being pursued by an 81 year old man.
- **Matt Black** of Counsel assisted a man to appeal a decision made by a government body to the Social Security Appeals Tribunal. The man received a favourable outcome when the Tribunal reversed the original decision to impose a disability support pension preclusion period.
- **Dibbs Barker** is assisting an 18-year-old-country music artist to defend District Court proceedings brought against her by her former management company.
- **Butler McDermott Lawyers** assisted with several applicants, including advice to a woman from the Czech Republic to contest the administration of the wills of her aunt and cousin who died in their Gold Coast apartment.
- **Stephen Lee** of Counsel has provided an advice to a man regarding his prospects of making a claim against his former business partner in relation to the fraudulent misappropriation of approximately \$150,000.
- **Julian Siggins** of Counsel is assisting an intellectually impaired couple to respond to an application filed in the Children's Court by a child safety authority. The **Gold Coast Legal Service** has agreed to instruct Counsel at the upcoming hearing.

Student clinics and volunteers

This semester, our Mental Health Law Clinic students have assisted clients with mental health issues to obtain access to their hospital records, contest an ITO and provided advice on personal injuries claims. The students have also visited the Mental Health Court and are doing research on a range of mental health issues including the rise of mental illness among young people.

Our Public Interest Research Clinic students are preparing a multimedia presentation for high schools on social justice and pro bono law as well as doing a research project on criminal compensation.

Thanks to the following firms which are hosting a student participating in the HPLC Clinic: **Minter Ellison, MurphySchmidt, McCullough Robertson, McInnes Wilson, Freehills, Holding Redlich** and **Dibbs Barker**. The project of the clinic this semester is to work with residents of Roma House to produce a suite of posters on legal issues that can be displayed at host agencies. We plan to arrange a launch at the end of the clinic to officially "handover" the posters to each host agency, and to recognise the efforts of those residents that work with us.

The new Bond Administrative Law Clinic starts on 16 September.

Student clinics are a terrific way for students to gain practical legal experience and are an important bridge between the theory and practice of law. In addition they are a cost effective way to deliver practical and much needed legal services to members of the community who would otherwise not have access to legal advice.

Please keep our student clinics in mind if you hear of clients who need legal assistance, particularly in the areas of administrative law or mental health issues.

If you would like to find out more about our clinics, please contact Ann Herriot on studentprograms@qpilch.org.au

As part of the clinic the students will also participate in long interviews with residents to gain a clearer understanding of the impact of trauma in the stories of homeless people and to better appreciate where and how policy/service delivery magnifies or addresses that trauma.

A reflection on the QPILCH student program

Joshua Lessing, Administrative Law Clinic Winter 2011

As the no longer elusive horizon that is our graduation date draws closer, we begin to get a little cocky. For what seems an eternity we have been tempering our legal ambitions with the unwieldy tools of our trade – texts, legislation and cases. Our once open minds now perceive everything in terms of issue, law, application and a ‘better view’. We’ve done our Priestley 11. We know the law.

Ever heard of the [Manufactured Homes \(Residential Parks\) Act?](#) Ever tried to challenge an administrative decision that can’t be challenged? Ever read victim statements? Ever spoken on the phone to a distraught client who has lost everything, and through no fault of their own cannot obtain justice? Ever told that person why they cannot obtain justice? How about all these in one day?

A semester ago, we hadn’t. And yet in that time, one day a week as part of a QPILCH student clinic, we have been grappling with these sorts of issues. And by grappling, I don’t mean getting coffees for the partners. I mean finding the law. Conducting the case assessments. Writing the letters. Writing submissions to the relevant Minister. Not unsupervised or unsupported, mind you, but definitely not spoon fed.

We assisted with refugee applications, parole applications, ex-gratia payment applications, social security challenges, tribunal hearings and involuntary treatment orders. The list really does go on. We conducted research on the reviewability of child protection decisions. We sat in AAT and QCAT hearings, and chatted with Tribunal members, barristers and solicitors. We worked with and learnt from the most intelligent and dedicated lawyers one could hope for.

We learnt the value of reflection in continuing personal and professional development. We learnt how to manage expectations and how to positively utilise mirror neurons in conversation. We learnt how to do the best for our clients without becoming emotionally burdened, how to channel frustration at an apparent injustice into a productive force and how it feels to truly make a difference in someone’s life.

Finally, we learnt how little we know, how fortunate we are and the value of the legal profession’s continued contribution to the community.

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 or contact us on (07) 3846 6318.

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 and 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 direct services – the Homeless Persons’ Legal Clinic, Refugee Civil Law Clinic, Self Representation Service (Supreme and District Courts, Federal Court and Federal Magistrates Court, and QCAT), Administrative Law Clinic, Mental Health Law Clinic, and IP & Technology Law Clinic – with the support of its members. For details of our referral and direct services, criteria and procedures, see the QPILCH website at www.qpilch.org.au.

QPILCH Members

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