

# In the Public Interest

Newsletter of the Queensland Public Interest Law Clearing House Incorporated



Issue 11 ■ March 2007

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## **WHAT IS QPILCH?**

The Queensland Public Interest Law Clearing House Incorporated (QPILCH) assists people who cannot obtain legal aid or afford private legal services by providing targeted services or referring them to member firms or barristers in public interest cases. For details of our referral services, criteria and procedures, see the QPILCH website at [www.qpilch.org.au](http://www.qpilch.org.au). QPILCH draws on the resources of the wider legal profession - private firms, government, corporate lawyers, university law schools and the community sector – to assist those who are the most disadvantaged and marginalised.

## **NEW MEMBERS**

Since our last newsletter in September 2006, **Ebsworth and Ebsworth** has joined as a firm member. We also have four new barrister members in **Michael Labone, Sarah Scott-Mackenzie, Julene Winn** and **Jarrod Cowley-Grimmond**. We thank our new members for their support and look forward to working with them.

## **HOMELESSNESS ART SHOW STARTS**

Planning for the HPLC's inaugural social inclusion event, an Art Exhibition, is complete. The Art Exhibition opened Tuesday, 6 March and continues until 10 March 2007 at Metro Arts Galleries, level 2, 109 Edward Street, Brisbane. This is a great opportunity to see the creative output of Brisbane's homeless. All proceeds of the sale of artwork go to the artists. We thank our member firms for making this event possible.

### **DLA PHILLIPS FOX SUPPORTS THE ADMINISTRATIVE LAW CLINIC**

The Administrative Law Clinic is a QPILCH/Bond University initiative to provide legal assistance to vulnerable people who wish to challenge government decision-making. The clinic has operated since 2003 and up to the last semester has been supervised by Bond and QPILCH staff members. DLA Phillips Fox has now seconded a solicitor to continue this essential service.

QPILCH welcomes Dawn Carey who will be running the clinic from January to April 2007. Dawn has a Bachelor of Laws (Hons) and Bachelor of International Relations (Hons) from Bond University. After graduating, she spent a year tutoring in International Relations at Bond University and a year teaching English in Tokyo. She has worked at DLA Phillips Fox since June 2005, practicing in the area of corporate law. Dawn decided to come to QPILCH because of her interests in social justice and was encouraged by DLA Phillips Fox's strong commitment to pro bono work.

We thank DLA Phillips Fox for seconding Dawn and Dawn for making such a determined and constructive contribution in the short time she has been with us.

### **CLAYTON UTZ SECONDMENT TO HERVEY BAY COMMUNITY**

QPILCH is very pleased to report that Clayton Utz has agreed to second a solicitor for a six week period to the Taylor Street Community Legal Service at Hervey Bay. Senior Associate Sian Thomas will be seconded to the Centre for 6 weeks from 26 March.

Taylor Street is an under-funded community legal centre servicing a burgeoning area that takes in a large circuit of Wide Bay. It is managed by a part-time coordinator and has little resources to facilitate services for low income and disadvantaged people in the area. By seconding a senior experienced solicitor, Clayton Utz is making a significant contribution to improving services for this community.

We thank Clayton Utz and Sian Thomas for their commitment and support. This will be a terrific boost to Hervey Bay and is further evidence of the profession's willingness to be a part of and make a contribution to the wider Queensland community.

### **QPILCH DISBURSEMENTS FUND**

As a result of the successful fundraiser Cocktails for a Cause organised by three volunteers – Jaclyn Strelow (Mallesons), Amanda Fleming (Macdonnells) and Susan Ford (Mallesons), QPILCH raised over \$8,000. We thank Jaclyn, Amanda and Susan for initiating and organising this successful event. The committee has resolved to set aside this money to use for disbursements in cases referred for pro bono assistance. The committee will establish guidelines for its use in the near future.

### **STAFF CHANGES AT QPILCH**

After more than 2 years at QPILCH, **Rebekah Leong** has left to holiday in Vietnam, work for 6 months in Cambodia and then study in England. Rebekah made a great and valuable contribution to QPILCH and she is sorely missed.

Rebekah has been replaced by **Rochelle Carey**. Rochelle had previously worked at Allens Arthur Robinson before leaving to study for a masters degree in law at the London School of Economics.

As mentioned above, **Dawn Carey** is now supervising the Administrative Law Clinic, previously undertaken by Rebekah.

**Monica Taylor**, who coordinates the Homeless Persons' Legal Clinic spent three months overseas from November. In her absence, **Cristy Dieckmann** coordinated the clinic. Monica has now returned and Cristy has stayed on to coordinate our new CLC support program, a three month project, culminating in a forum for CLCs in early May.

**Linda Macpherson** finished up as Consumer Law Advice Clinic supervisor in December. Linda was seconded by Clayton Utz from second semester 2004. She made a great contribution to QPILCH and was a tremendous teacher and mentor for the clinic students. Linda too will be greatly missed.

Linda has been replaced by **Catherine Uhr**. Catherine also works in Legal Aid Queensland's consumer law unit, so we are lucky to have her vast experience to continue the tradition of excellent training in this important area of law.

We welcome all the new staff to QPILCH.

### **CALL FOR AN ASSESSMENT SECONDEE**

QPILCH relies heavily on the support of its members, particularly in staffing its services and projects. Without this support it is especially difficult to manage our referral process in accordance with best practice.

We therefore seek a secondee to manage our assessment and referral process. This position assesses applications for assistance for legal merit and public interest, supervises student assistance and manages referrals. The position has not been filled since late 2005. We are particularly interested in filling this position for at least **6 weeks** from mid-April to late May when the QPILCH coordinator Tony Woodyatt is on leave.

Please contact Tony Woodyatt on 3012 9773 or [contact@qpilch.org.au](mailto:contact@qpilch.org.au)

### **CIVIL LAW SUBMISSION**

On 17 November 2006, QPILCH made a submission "Achievable initiatives to improve civil law services in Queensland" to the Hon Kerry Shine MP, Attorney-General and Minister for Justice. The submission is accessible on our website at [www.qpilch.org.au](http://www.qpilch.org.au).

The submission focuses on improving civil law services for the disadvantaged by improving coordination between service providers and improving and targeting funding for community legal services. Governments have retreated from funding civil law services for low income earners since the early 1990s and Legal Aid Queensland has in the last decade returned to assisting only in several discreet areas, leaving many people without any kind of legal assistance other than pro bono. While QPILCH endorses the Law Council of Australia's call for a new large injection of funds in civil law, we also see that significant gains can be made with smaller strategic investments.

### **FUNDING**

#### **LPITAF applications close 23 march**

Over the last 2 years, QPILCH has received grants from LPITAF, the Legal Practitioner Interest on Trust Accounts Fund, to fund coordination of our services. Without this support, we could not have been so productive. LPITAF is not a recurrent fund, so in order to achieve funding security, we have submitted to the Attorney that QPILCH be included in the State CLC funding program. However, even if successful, this is unlikely to be provided until 2008-09, so we are again applying for funding for this coming financial year. In the near future, we will be asking our members to support our application, so please help if you can.

#### **Computer upgrade**

QPILCH recently received a small grant from the Gambling Community Benefit Fund (GCBF) to upgrade our server and student computers. We thank the GCBF for this support.

### **HPLC NEWS**

#### **HPLC exceeds 1000 files!**

In November 2006 the HPLC opened its 1,000<sup>th</sup> file since its inception in December 2002. File loads have increased substantially over the past 12 months with all clinics recording a boost in client numbers.

#### **New HPLC clinic on the Gold Coast**

November 2006 saw the launch of the first HPLC Clinic on the Gold Coast which is located at the St John's Drop-in Centre in Surfers Paradise. Volunteer lawyers from Minter Ellison Gold Coast office are staffing the clinic every Tuesday fortnight from

9am to 11am. QPILCH welcomes Minter Ellison Gold Coast to the HPLC and acknowledges their commitment to pro bono and thanks them for their contribution.

**Recent law reform initiatives: *Nowhere to Go***

In collaboration with the University of Queensland (UQ) Law School, the HPLC recently finalised its latest law reform report, *Nowhere to Go: The Impact of Move-on Powers on Homeless People in Queensland*. The report surveyed 132 homeless people in Brisbane over from February to June 2006, and found a high rate of misuse of the move-on power by police officers towards homeless people.

The report makes 5 recommendations for amending the existing statutory move-on power to bring it in line with other jurisdictions and to boost police accountability regarding the use of the move-on power.

*Nowhere to Go* will be officially launched on 7 March 2007 at the Opening Night of the HPLC Art Exhibition. To download a copy of the Report, please visit the QPILCH website: [www.qpilch.org.au](http://www.qpilch.org.au).

**Thanks to member firms**

One of the HPLC host welfare agencies, Micah, wrote to firm members MurphySchmidt and Blake Dawson Waldron, thanking them for their dedication and great work – "... Your pro bono lawyers have provided a consistent, reliable and quality service to people who otherwise, would have very limited access to legal services, if at all." These comments are equally applicable to all HPLC participants and we are sure would be endorsed by all the host agencies.

Contact Monica Taylor – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

**CONSUMER LAW ADVICE CLINIC**

The Consumer Law Advice Clinic re-commenced on Thursday 1 March with an induction at QPILCH. Training for the students will be held at Clayton Utz on Thursday 8 March and the advice session will start on 15 March. We have now advised the agencies that primarily refer consumer cases to us that our service is recommencing, although we have continued to receive numerous requests for assistance since the last semester finished. As mentioned above, Catherine Uhr is supervising the UQ students this semester, however, unlike previous years, without the benefit of extra days for follow up and other assistance.

Contact Catherine Uhr – [consumer@qpilch.org.au](mailto:consumer@qpilch.org.au)

**LITIGANTS IN PERSON PROJECT**

With QUT, QPILCH made a successful application for LPITAF funds to conduct research into litigants in person in the Court of Appeal. QUT has been conducting the research over the period from December to March and will report to a workshop to be held on 30 March. We hope this workshop will inform the development of a pilot structured program to assist self-represented litigants initially in the Court of Appeal, but potentially in other forums.

Contact Tony Woodyatt – [contact@qpilch.org.au](mailto:contact@qpilch.org.au)

**TRAINING AND PROFESSIONAL DEVELOPMENT**

Our professional development project is well underway. We have drafted policies and procedures for a number of core processes. As well as providing useful guidelines for inducting volunteers, they will also be available to other community legal centres. We are planning a session with CLC's in May to let them know what QPILCH and its members can offer by way of support and resources.

We have been busy organising some "update" training and talking to the Bar Association about more joint training this year. We are developing a training session on "pro bono" for delivery at member firms. We're currently arranging a series of training sessions for NGO's which will be delivered by our members. We will be devoting a

segment of our website to community education material and are planning more student clinical programs to assist with other programs.

We are also developing some online training specifically for members and CLC lawyers.

Contact Gayle Gasteen - [pd@qpilch.org.au](mailto:pd@qpilch.org.au).

## **QPILCH PANELS**

As reported in our last newsletter, QPILCH has established three expert legal panels for guardianship and administration, anti-discrimination and family law matters.

Except for the family law panel, QPILCH panels consist of barristers and firms willing to accept pro bono referrals. When we receive a request for assistance which is of merit in one of the above fields of law, a broadcast email is sent to all members on the panel. The matter is then referred to the member who responds first, with no obligation to take it on. QPILCH plans to support our panellists by providing on-going training in these areas.

The family law panel is accessible only by CLC lawyers for assistance with family law issues with which they need advice.

We are planning new panels for child protection, employment, personal injuries and mediation.

In related news, we have also started our first non-legal, expert panel of psychiatrists who are willing to provide free services for public interest legal matters.

Contact Rochelle Carey - [referral@qpilch.org.au](mailto:referral@qpilch.org.au)

## **REFERRALS**

**Quinn & Scattini** and barrister **Karen Williams** provided separate representation on the request of the Guardianship and Administration Tribunal to a young adult with impaired capacity in relation to a review of the appointment of his guardian.

**Sarah Scott-Mackenzie** of Counsel and **Marianne van Galen Dickie** of Drakopoulos Black recently succeeded in an appeal in the Administrative Appeal Tribunal (AAT). The applicant is married to an Australian citizen and they have a 2 year old child but his application for a spousal visa was refused by DIMA based on character test. The applicant has a criminal record overseas and while he had not committed an offence in Australia, he had failed to disclose his criminal record in the incoming passenger card when he entered Australia.

The AAT overturned the Department of Immigration and Multicultural Affairs (DIMA) decision to refuse a visa application.

We thank Karen, Sarah, Marianne and Quinn and Scattini for their terrific work on these cases.

Contact Rochelle Carey - [referral@qpilch.org.au](mailto:referral@qpilch.org.au)

## **STUDENTS**

Our clerkship program has once again been a resounding success, with QPILCH hosting four senior law students as part of our Summer Clerkship program. The students attended QPILCH full time for two weeks over the Summer holidays and were given exposure to the hands-on work that QPILCH does, as well as research and general legal skills training. The students thoroughly enjoyed their experience and were a fantastic help to QPILCH.

We then also had 14 students who generously volunteered their time during their holidays until the start of Semester 1, to assist us with assessing applications. Their assistance over the holiday period has been invaluable.

All of our places for student volunteers during Semester 1 have also been fully booked up, with applications far exceeding the number of places available. Due to the student clinics run by QPILCH in conjunction with the universities, this semester there were only places for 9 volunteers. However, Semester 2 should see more student volunteer places become available.

## **REVIEW OF OUR REFERRAL SERVICES**

In late 2006 QPILCH decided to conduct a survey of its member firms to obtain feedback regarding its services. It was pleasing to note that all of the member firms that completed the survey indicated they were satisfied with their QPILCH membership and were happy with the current way referrals were conducted.

Two improvements that QPILCH is instigating, arising from the survey include:

- A 6 monthly reporting mechanism which gives details of the number of referrals the firm has taken on in the last 6 months; and
- Beginning our 'Pro Bono 101' series of seminars, where QPILCH staff members give a short presentation to firms to provide more information on QPILCH and its services.

## **AGM**

The QPILCH AGM was held on 30 October 2006. The following member representatives were elected to the QPILCH board:

**Peter Rosengren** – President; **Hugh Scott-Mackenzie** – Vice-President; **Robert Reed** – Secretary/Treasurer and ordinary members - **Andrew Buchanan**; **Peter Carne** (QLS); **Tony Denholder**; **Professor Jeff Giddings** (Griffith University); **Dan O'Connor** (Bar Association); **Joanne Rennick**; **Elizabeth Shearer** (LAQ). **Russell Thirgood** and **Robyn Wilkinson** have been coopted to the committee.

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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 or fax (see below).

**Firms** Allens Arthur Robinson, Ash Solicitors, Bain Gasteen, Blake Dawson Waldron, Brian Bartley and Associates, Clayton Utz, Corrs Chambers Westgarth, Deacons, Donnelly & Associates, Ebsworth & Ebsworth, Freehills, Hunt & Hunt, Macrossans Lawyers, Mallesons Stephen Jaques, McCullough Robertson, McInnes Wilson, McPhee Lawyers, Miller Harris (Cairns), Minter Ellison, MurphySchmidt, Nathan Lawyers, Phillips Fox, Piper Alderman, Quinn and Scattini, Shine Roche McGowan, Smith & Stanton, Sparke Helmore, TressCox Lawyers, Walkers Solicitors (Toowoomba) **Barristers** Nicholas Andreatidis, Franc Asis, Michael Ballans, Ken Barlow, John Bond SC, Jacoba Brasch, Judy Brien, Sue Brown, Gary Coveney, Jarrod Cowley-Grimmond, Christopher Crawford, Quentin Cregan, Jean Dalton SC, Dr Gillian Dempsey, Cameron Dick, Tracy Fantin (Cairns), Joshua Hanna, Eric Howell, George Kalimnios, Stephen Keim SC, Liam Kelly, Nitra Kidson, Carla Klease, Michael Labone, Peter Lyons QC, Ross Mack, James McNab, Nicole Martin, Damien O'Brien, TP O'Brien, Dan O'Gorman, Gavin O'Sullivan, Darryl Rangiah, Guy Sara, Hugh Scott-Mackenzie, Sarah Scott-Mackenzie, David Thomae, Terrence Walsh, Karen Williams, 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**