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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 August 2005, we have been fortunate to attract some new members to QPILCH. We have pleasure in announcing new barrister members **Tracy Fantin** (from Cairns), **Karen Williams**, **TP O'Brien**, **James McNab**, **Gavin O'Sullivan**, and **Nitra Kidson**; and firm members **Sparke Helmore**, **Smith and Stanton**, **Donnelly and Associates Lawyers** and **Piper Alderman**.

We thank all our new members for their support and look forward to a rewarding involvement.

### **LPITAF FUNDING**

Since our last report in August, QPILCH has received funding from the *Legal Practitioners Interest on Trust Accounts Fund* (LPITAF) approved by the Hon Linda Lavarch MP, Attorney-General and Minister for Justice. This funding has been a significant boost to QPILCH, enabling us to employ our two staff members on a full-time basis and to employ other staff for

administration and bookkeeping. Since commencing in 2002, QPILCH has been operated principally on a part-time basis, augmented by seconded staff and resourced by occasional grants and with the support of members. QPILCH's income from membership fees cannot sustain its work without an injection of funds from other sources.

With the new grant, we can sustain our full activities until 30 June 2006. LPITAF is not a recurrent fund, but we will reapply to seek funding for the next financial year, in order to maintain the level of services we are currently providing.

We thank the Attorney for providing these essential funds for QPILCH and all those who supported our successful application.

### **CONSUMER LAW ADVICE CLINIC**

QPILCH was successful in its application for a government grant of \$37,100 from the Consumer Credit Fund administered by the Minister for Fair Trading to enable the clinic to continue operating. The funding agreement is for 6 months terminating on 30 June 2006 and allows QPILCH to continue Linda Macpherson's supervision of the clinic for this period. We thank the Minister for Fair Trading, the Hon Margaret Keech MP for enabling the clinic to continue to provide much needed assistance to disadvantaged consumers.

We sincerely thank Clayton Utz for their very generous secondment of Linda Macpherson to QPILCH to manage the clinic for its first three semesters, totalling 18 months.

To continue the clinic next semester, we must find a new firm willing to second a solicitor to conduct the supervision and manage the service. This clinic equips UQ law students with excellent practical skills as well as providing a much needed service to the community. We invite firm members to fill the position for two or three days per week for second semester 2006.

Contact Linda Macpherson – [consumer@qpilch.org.au](mailto:consumer@qpilch.org.au).

### **TRAINING AND PROFESSIONAL DEVELOPMENT**

QPILCH has received funding from the **Gambling Community Benefit Fund** for an "IT & Organisational Development Project". As part of this project the QPILCH website will be redeveloped as will the case management database.

A survey of clinic students and a review of the recent literature on clinical legal education have revealed that the student clinics are of a very high standard, both in meeting student needs and in achieving educational objectives. Out of these, a number of improvements have been made including preparing student skills checklists in interviewing and letter writing, developing legal ethics seminar topics and developing skills training sessions.

Research into the learning needs of pro bono lawyers has indicated how we may be able to use the website for "just in time" training solutions. We are looking at computer based training programs which will enable QPILCH to support both its volunteers and CLCs and lend itself to building up our regional network. Consultation with CLCs has revealed their need for a clearing house for training activities and publications and resources. This has been incorporated in the web redevelopment.

We are conducting a short survey of practitioners, distributed by QLS, to ascertain the level of need for supplementary training for trainee solicitors. QPILCH has the capacity to conduct intensive programs in administrative and

consumer law if the demand is there. We are also participating in a number of projects relating to legal ethics training, commenting on the discussion paper circulated by QLS and participating in the demonstration organised by the Legal Services Commission of problem-based learning developed by UQ Centre for Biological Information Technology.

The next phase of the project will be implementing the solutions we have developed.

QPILCH would like to hear from any individuals, organisations and firms which are interested in sharing information and ideas related to the information management and organisational development project.

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

### **ANTI-DISCRIMINATION TRAINING**

As an encore to our highly successful training in Guardianship and Administration Tribunal matters, QPILCH and the Bar Association are planning similar training in anti-discrimination matters. Session 1 (Monday 8 May, 5.30pm - 7.30pm), will provide a general overview of the *Anti-Discrimination Act 1991* and the respective roles of the Commission and Tribunal. Session 2, (Monday 5 June, 4.30pm - 7.30pm) will give participants an opportunity to work in groups on problem questions with discussion, hints and tips provided by experienced practitioners, including members of the Tribunal.

As an outcome of the training, we hope to establish a QPILCH referral panel, comprising of firms and barristers who would be willing to accept pro bono referrals in anti-discrimination cases. As with all QPILCH referrals, only cases meeting our means, merit and public interest criteria will be referred out and panel members are under no obligation to accept a referral.

Cost for the training is \$50 per session, or \$20 for CLC lawyers and those willing to be included on the QPILCH panel. Participants will accrue CPD points from both the QLS and the Bar Association, to the same value of the hours attended. Attendance numbers are limited so register as soon as possible.

For a program flier and registration form contact [referral@qpilch.org.au](mailto:referral@qpilch.org.au).

### **NEW QPILCH WEBSITE**

As part of the IT and Organisational Development Project and the funding received from the **Gambling Community Benefit Fund**, we have been able to retain the services of ToadShow in the redevelopment of the QPILCH website ([www.qpilch.org.au](http://www.qpilch.org.au)). The original website, kindly designed by Clayton Utz pro bono, was starting to feel the wear and tear of 4 years existence and it was decided that a fresh new look was needed to enable easy and aesthetic access to the vast amount of information now available on the website.

ToadShow has been very kind in providing their services at a reduced fee.

Currently undergoing stakeholder testing, the website is due to go live by early April 2006.

Contact Rebekah Leong at [referral@qpilch.org.au](mailto:referral@qpilch.org.au).

## **CALL FOR ASSESSMENT SECONDEES**

QPILCH relies heavily of the support of its members, particularly in staffing its services and projects. Deacons kindly provided a secondee to manage our assessment process for 3 months to November 2005. Without this support it is very difficult to process all applications as quickly as we like. This position assesses applications for assistance for legal merit and public interest, supervises student assistance and manages referrals.

We are now seeking to fill this position for periods throughout 2006 and invite firm members to fill the assessment position for two days per week usually for from 3 to 6 months.

Please contact Tony Woodyatt on 3012 9773 or [contact@qpilch.org.au](mailto:contact@qpilch.org.au) if you are interested in discussing the assessment secondee position.

## **HPLC NEWS**

### **UQ HPLC Clinical Legal Education**

In conjunction with the University of Queensland TC Beirne School of Law, the HPLC is running QPILCH's fourth clinical legal education subject. Six final year law students are participating in the HPLC from March – June 2006, and will have the opportunity to participate in clinic casework and contribute to the law reform initiatives of the HPLC. The HPLC thanks the law firms accommodating UQ students: Freehills, McCullough Robertson, Minter Ellison, MurphySchmidt and McInnes Wilson.

### **HPLC Lawyer Satisfaction Survey**

In February 2006, the HPLC administered an HPLC Lawyer Satisfaction Survey to gauge the level of commitment and satisfaction of volunteer lawyers in participating in the HPLC. Some findings included:

- 98% lawyers want to maintain their involvement in the HPLC for the next 6 months;
- 96% lawyers identified “giving back and doing something valuable for my community” as the main reason for their involvement in the HPLC; and
- 54% of lawyers expressed an interest in extending their involvement in the HPLC to activities other than casework.

### **HPLC Social Committee**

In other news, the HPLC has formed a Social Committee comprising of seven lawyers from Minter Ellison, Mallesons Stephen Jaques and McInnes Wilson. The HPLC Social Committee held its first meeting on 9 March 2006 and in cooperation with the homelessness sector, is planning to hold an art exhibition/breakfast function in September 2006.

### **Law Reform**

In conjunction with *Rights In Public Space Action Group* (RIPS), the HPLC is continuing to advocate for law reform on key public space issues in Queensland, including preparing a submission to the CMC's review of the implementation of s6 of the *Summary Offences Act 2005*.

The HPLC is continuing to monitor the effects that the recent expansion of police move-on powers into three major public spaces in Brisbane will have on Brisbane's homeless population.

### **Homeless Persons' Court Diversion Program**

The Pilot Homeless Persons' Court Diversion Program is almost ready to commence. Once up and running, homeless people charged with public order offences will be diverted away from the criminal justice system into appropriate services to address accommodation, health and other needs

which may be contributing to their offending behaviour. The HPLC is a member of the Stakeholder Reference Group and is providing input into the practical operation of the program.

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

### **HOMELESS POLICY PROJECT**

Our new policy worker, Sue Garlick, has been busy developing networks on the Gold Coast and in Toowoomba, in our effort to establish HPLCs there. Some troubling Gold Coast statistics include: the second highest level of homelessness in Queensland, the same number of Domestic Violence orders as Brisbane, but with half the population; and 60% of Gold Coast areas have more than 50% of their residents receiving Commonwealth Rent Assistance.

We have also been developing promotional and information documents to offer interested private law firms.

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

### **RAILS PROJECT ENDS**

In early January, Nitra Kidson, the coordinator of the Refugee and Immigration Legal Support project wound up the project after over 18 months of operation. In that period, Nitra assessed and referred many applications to member firms and barristers for assistance. Nitra and volunteers have also developed a database on refugee decisions which will become a useful resource for practitioners in the field when it is launched in the near future.

We thank the **Myer Foundation** and **Gambling Community Benefit Fund** for their generous support of this project.

Nitra has now joined the private bar and we wish her well in her career and thank her for her dedication to this very successful project. We also thank the many barristers and firms that have generously given of their time and skills to help refugees and detainees in need of protection.

### **THE YEAR AHEAD**

We are involved in several major projects which we expect will produce fruit this year.

The **referral services coordination project**, which commenced in October 2004, aims to establish a one stop shop for pro bono referral assistance by coordinating the pro bono referral schemes of QPILCH, the Queensland Law Society and the Bar Association of Queensland.

Following a further submission to QLS late last year, the QLS Access to Justice Committee recently met and agreed to develop a discussion paper for consideration at the next QLS Council meeting as to options for creating a formal QLS pro bono scheme. This is a necessary first step to establishing a coordinated referral service.

We have also approached the Bar Association to discuss their commitment.

We hope to launch the scheme some time this year, with at least a percentage of funding to be sought from the Attorney-General's Legal Practitioner Interest on Trust Accounts Fund.

The **E-Courts project** has developed from the QUT/Supreme Court of Queensland's annual "Courts for the 21<sup>st</sup> Century" conference, the topic of

which at last November's conference was enhancing access to the courts by community legal centres through use of technology. An outcome of the conference was the decision to pilot extended use of technology by the Supreme Court in administrative law matters, particularly judicial review, to help CLCs and self-represented litigants.

The agencies involved in the pilot are: the Prisoners Legal Service, Supreme Court of Queensland, Townsville Community Legal Service, Legal Aid Queensland, Crown Law and QPILCH.

To start with, the project has developed a "wish list" of proposals, which is currently being discussed and refined amongst all stakeholders. It is also proposed that a pilot be developed to trial direct access by prisoners to a "bail by e-mail" system based on the current "bail by mail" scheme.

The **self-representation project** involves QPILCH and QUT undertaking research to address the needs of self-represented appellants before the Court of Appeal with a view to developing programs to assist appellants and other self-represented litigants to navigate the courts. While in the early stages, it is also hoped that appellants can be surveyed to ascertain their views on the court process and their attitudes to different ways of ensuring that cases with merit are assisted and others are resolved as early as possible.

### **QPILCH PANELS**

We are establishing panels for **GAAT matters, family law and discrimination**.

The GAAT and discrimination law panels include barristers and firms willing to accept pro bono referrals. With the firm's permission, the list includes the names of the solicitors in the firms who work in the field. So for example, if a firm joined the discrimination panel and there were two lawyers in the firm who did discrimination work, both their names would go on the panel list, including the firm's pro bono coordinator (if appropriate).

The discrimination law panel has been established with several firms and barristers who have volunteered to assist in discrimination matters. We hope to expand on this list after the discrimination law training in May and June. Practitioners who are prepared to join the list are offered a reduced fee to participate in the training. Josh Hanna of Counsel and Nathan Lawyers have already given significant assistance in a matter before the Tribunal.

The family law panel is primarily established as a point of advice for CLC lawyers who need to access family law expertise. It is then up to the firm if it wishes to assist further. So firms on the family panel will not be referred cases from QPILCH unless they indicate a willingness to do so. Before this panel has been even formally convened, a CLC lawyer has been referred to a practitioner for assistance.

We thank all those who have joined the panels and ask practitioners to consider joining this effective way of participating in the discrete delivery of legal services.

For more information on our panels, please contact Tony Woodyatt on 3012 9773 or [contact@qpilch.org.au](mailto:contact@qpilch.org.au).

### **REFERRALS**

**Nathan Lawyers** provided a community organisation with advice and assistance on procedure and prospects of an appeal related to a proposed

development. The proposed development was approved with consent orders, subject to various modifications satisfactory to the community.

**Karen Williams** of Counsel recently provided pro bono assistance in an urgent application heard over three days by the Guardianship and Administration Tribunal.

The adult the subject of the application had suffered a stroke and as a result required artificial hydration and nutrition to continue living. A decision was made by the Adult Guardian as statutory health attorney of last resort to withhold such treatment. Concerns were raised by members of a carer organisation and, responding to these concerns, the Adult Guardian made an application to the Tribunal for advice, directions or recommendations.

The adult had no support network beyond the carer organisation and attempts to contact the adult's family with whom he had not spoken to in many years had been unsuccessful. In the circumstances, the Tribunal felt it appropriate to appoint a separate representative to represent the best interests of the adult.

After failing to obtain legal aid, the Tribunal asked QPILCH for assistance. Karen accepted the referral and had less than a day to read the masses of medical and other information before the initial hearing. Rebekah Leong of QPILCH acted as instructing solicitor. A second hearing was held 2 days later in order for Karen and Rebekah to meet the adult and gather further expert evidence, which included experts from Sydney and New Zealand.

The Tribunal came to a considered decision and acknowledged the importance of the work done by Karen and QPILCH at such short notice. Reasons for the decision have not yet been published.

**Brian Bartley & Associates** and barrister **Damien O'Brien** assisted a community organisation which was the respondent in an appeal against a referee's decision in the Small Claims Tribunal. The organisation comprised of a group of residents in a caravan/mobile park in Queensland which was affected by a number of applications to the Small Claims Tribunal, initiated by the park owner to terminate various site agreements. The appeal was dismissed and the applicant was awarded costs of and incidental to the action.

**Minter Ellison** helped a tenant referred by a community legal centre which was involved in a tenancy dispute. Assistance was provided to draft and appear on an application to continue proceedings in the Magistrates Court to overcome the issue of delay. Leave to proceed was granted and there was no order as to costs.

## **STUDENTS**

The sixth Griffith "Public Interest Lawyering" clinic, the fourth Consumer Law Advice Clinic with the University of Queensland Law School and the fifth Bond Administrative Law Clinic have commenced.

QUT intern Lynne Kozak has commenced at QPILCH one day per week for the semester and a number of students are volunteering on the two available days per week. We thank all the students who are assisting at QPILCH this first semester.

## **QPILCH BOARD**

Since our last newsletter, the QPILCH AGM confirmed a new management committee. Peter Rosengren was returned as president and Hugh Scott-Mackenzie as Vice-president.

More recently, after over five years as secretary/treasurer, Simon Cleary resigned to take up a new appointment as the Deputy Telecommunications Ombudsman in Melbourne. Simon was a founder of QPILCH and a tireless advocate and supporter. We thank him for his great commitment and company.

Robert Reed has been elected to take Simon's place. Other elected committee members are: Lucy Bretherton, Andrew Buchanan, Rob Davis, Professor Jeff Giddings, Bernadette Kasten, Dan O'Connor, Joanne Rennick and John Stannard. Coopted members are Dominic McGann and Robyn Wilkinson.

### **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).

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| <p><b>Firms</b> Allens Arthur Robinson, Ash Solicitors, Bain Gasteen, Blake Dawson Waldron, Brian Bartley and Associates, Clayton Utz, Corrs Chambers Westgarth, Deacons, Donnelly &amp; Associates, Freehills, Hunt &amp; 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 &amp; Stanton, Sparke Helmore, TressCox Lawyers, Walkers Solicitors (Toowoomba) <b>Barristers</b> Nicholas Andreatidis, Franc Asis, Ken Barlow, John Bond SC, Jacoba Brasch, Judy Brien, Sue Brown, Gary Coveney, Christopher Crawford, Quentin Cregan, Jean Dalton SC, Dr Gillian Dempsey, Tracy Fantin (Cairns), Joshua Hanna, Eric Howell, George Kalimnios, Stephen Keim SC, Liam Kelly, Nitra Kidson, Carla Klease, Peter Lyons QC, Ross Mack, James McNab, Nicole Martin, Damien O'Brien, TP O'Brien, Dan O'Gorman, Gavin O'Sullivan, Darryl Rangiah, Hugh Scott-Mackenzie, David Thomae, Karen Williams, Michael Wilson <b>Specified members</b> Bar Association of Queensland Inc, Legal Aid Queensland, Queensland Association of Independent Legal Services Inc, Queensland Law Society Incorporated <b>Associate members</b> BDO Kendalls, Chartered Accountants, Bond University Law School, Griffith University Law School, Queensland University of Technology Law School, TC Beirne School of Law (UQ) <b>Government legal unit members</b> Australian Competition and Consumer Commission <b>Corporate legal unit members</b> Energex Limited</p> |
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