



## News in Brief...

### [New IP and Technology Law Clinic](#)

In conjunction with the Queensland University of Technology, QPILCH welcomes its newest clinic, the Intellectual Property and Technology Law Clinic. The Clinic provides a free legal advice service for Queenslanders working in the arts and technology sectors who can't afford a lawyer, a pro bono referral service and an elective subject for QUT students. [Read more...](#)

### [Red Wine for Justice](#)

Over 70 wine enthusiasts gathered at Law Society House on Friday, 23 July to participate in QPILCH's inaugural Red Wine for Justice. Attendees enjoyed fine wine auctions, wine tastings, competitions, talks by wine aficionados, The Honourable Justice James Douglas and Michael Carey, and delicious canapés by Andrew Buchanan. [Read more...](#)

### [Queensland lawyers Walk for Justice in Brisbane and Townsville](#)

More than 600 walkers joined in the Brisbane walk to make it the biggest yet. The walkers enjoyed good weather, a hot croissant and thoughtful words from Chief Justice de Jersey. [Read more...](#)

### [Public Interest Address 2010](#)

QPILCH's 7th annual Public Interest Address was presented by The Honourable Patrick Keane, Chief Justice of the Federal Court of Australia on Wednesday 16 June. His Honour spoke about the cost of litigation and the implications for public interest matters, the judicial system and society at large. The development of a public interest law fund to facilitate public interest litigation was one of a number of propositions supported by His Honour. [Read more...](#)

### [National Access to Justice and Pro Bono Conference 2010](#)

The third national conference will be held in Brisbane on 27-28 August 2010. [Read more...](#)

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## [Staff changes at QPILCH](#)

Farewell Allira, Sam and Aimee – Welcome to Liz, Cameron, Emma and Cheryl. [Read more...](#)

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### New IP and Technology Law Clinic

In conjunction with the Queensland University of Technology, QPILCH welcomes its newest clinic, the Intellectual Property and Technology Law Clinic.

The IP & Technology Law Clinic comprises three key elements:

1. a **free legal advice service** for Queenslanders working in the arts and technology sectors who cannot afford to see a lawyer, held once monthly at QUT's offices. Clients are able to make 45 minute appointments to speak to a volunteer lawyer one-on-one about any legal questions or issues they may have;
2. a **pro bono referral service** (coordinated by QPILCH) for deserving cases that require a higher level of legal assistance than can be provided through the advice service; and
3. an **elective unit offered to QUT law students** in the second semester of 2010. In this unit, students work to support QUT and QPILCH in providing the advice service and the pro bono service, and learn valuable practical skills in assisting others through community legal service.

If you would like your firm to receive referral emails from the IP & Technology Law Clinic, contact [ip@qpilch.org.au](mailto:ip@qpilch.org.au).

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### Red Wine for Justice

Over 70 wine enthusiasts gathered at Law Society House on Friday, 23 July to participate in QPILCH's inaugural Red Wine for Justice. Attendees enjoyed fine wine auctions, wine tastings, competitions, talks by wine aficionados, The Honourable Justice James Douglas and Michael Carey, and delicious canapés by Andrew Buchanan. Thank you to all who attended and contributed to make the evening such a success. Special mention must go to Chris Karzonis for his entertaining and energetic performance as auctioneer, which raised both awareness and prices on the night. The event raised \$8,730 for the QPILCH disbursement fund.

Thank you to our sponsors who donated funds, prizes and wine in support of the evening:

Allens Arthur Robinson  
Blake Dawson  
Clarke Kann Lawyers

Brian Bartley  
Tom Bradley  
Sue Brown

Jo Rennick  
Ascot Cellars  
Constellation Wines Australia

Clayton Utz  
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Mallesons Stephen Jaques  
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Andrew Buchanan  
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Hardie Grant Publishing  
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QUT Faculty of Law  
Sirromet Wines  
The Treasury Casino and  
Hotel  
Winestate Publishing  
The Wine Emporium

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### **Queensland lawyers Walk for Justice in Brisbane and Townsville**

More than 600 walkers joined in the Brisbane walk to make it the biggest yet. Organised by the Queensland Public Interest Law Clearing House (QPILCH), walkers enjoyed good weather, a hot croissant and thoughtful words from Chief Justice de Jersey.

Law students were out in droves with the winner of the biggest team going to the Queensland University of Technology's student association. Congratulations to Deborah Wilson from the Supreme & District Court team, the winner of our prize pack. The pack includes a \$100 hamper from Merlo, a package from Sirromet Wines, and several gift vouchers.

Thank you to all participants, especially to those who donated above the registration fee. The event raised over \$12,000 for the QPILCH disbursement fund which is used primarily to fund outlays in pro bono litigation, such as filing fees and medical reports.

Special thanks also to the Townsville District Law Association (TDLA) which organised the first Townsville walk. On a tropical North Queensland morning the TDLA president acknowledged the work done by local lawyers through their volunteering with the Townsville Community Legal Service and the Homeless Persons' Legal Clinic.

This year in Sydney there were 300 walkers, while in Melbourne 200 braved the cold Autumn morning to join in this important awareness raising event. In England, the event occurs on a somewhat larger scale with 4,000 walkers participating in London's 5<sup>th</sup> walk and raising over £380,000.

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### **Public Interest Address**

QPILCH's 7th annual Public Interest Address was presented by The Honourable Patrick Keane, Chief Justice of the Federal Court of Australia

on Wednesday 16 June.

His Honour spoke about the cost of litigation and the implications for public interest litigation, the judicial system and society at large. The insightful speech traversed the history of challenges faced in public interest litigation and important constitutional considerations. The development of a public interest law fund to facilitate public interest litigation was one of a number of propositions supported by His Honour. QPILCH wholly supports this idea as a means of improving access to justice for deserving litigants who find the costs of litigation prohibitive.

Thank you to Chief Justice Keane for this year's address. His Honour is an eminent lawyer and jurist, having been appointed Queen's Counsel in 1988, Solicitor-General for Queensland from 1992 to 2005, Justice of the Queensland Court of Appeal from 2005 and from March 2010, Chief Justice of the Federal Court of Australia.

His Honour has kindly provided a copy of his speech available at the following link: [click here for a copy of the address.](#)

Next year is QPILCH's 10th anniversary, and our patron, the Honourable Paul de Jersey AC, Chief Justice of Queensland, will be providing the address.

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### **National Access to Justice and Pro Bono Conference 2010**

The third national conference will be held in Brisbane on 27-28 August 2010. QPILCH, along with PILCH NSW, PILCH Victoria and JusticeNetSA, will be hosting welcome drinks for conference participants on Thursday 26 August 2010 at the Bleeding Heart Gallery, Ann St. If you would like to attend the welcome drinks, please RSVP now to avoid disappointment. Numbers are limited!

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### **Staff changes**

Farewell Allira, Sam and Aimee, welcome to Emma, Cameron, Liz and Cheryl.

**Allira Thompson**, Self Representation Service (Courts) paralegal has moved on to commence her private practice career with QPILCH member firm MurphySchmidt. Allira has been with the Service since its inception and the term 'paralegal' does not do justice to the extensive work Allira contributed to the Service and its clients. Replacing Allira is **Elizabeth Pendlebury**. Liz is in her final semester of her law degree and has previously worked at QPILCH as a student participating in UQ's Homeless Persons' Legal Clinic elective unit.

**Aimee McVeigh**, Regional Rural & Remote (RRR) Service Coordinator, leaves us to take on the position of Principal Solicitor at the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service (ATSIWLAS). Aimee was instrumental in raising QPILCH's profile in RRR

areas and setting up partnerships between regional and city firms to promote access to justice. We wish her well in her future endeavours at ATSIWLAS.

Also leaving us is **Sam Boyle**, who managed his dual commitment as paralegal to the HPLC and Self Representation Service (QCAT) with alacrity and poise. Sam is off to enjoy travelling adventures before commencing post-graduate study next year. **Cameron Lavery** has replaced Sam as paralegal to the Self Representation Service (QCAT) and former Office Administrator **Imogen Coates-Marnane** has taken on the role of HPLC paralegal. **Emma Allatt** has come on board as Office Administrator and has taken on the task of getting the office in ship-shape condition with gusto. Finally, we welcome **Cheryl Foong**, supervisor of the new IP & Technology Law Clinic run in conjunction with QUT.

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### **Homeless Persons' Legal Clinic and Refugee Civil Law Clinic**

The HPLC has received a huge boost in funding with the Government committing to the provision of \$600,000 over the next three years to assist in running the clinics. The Hon Karen Struthers MP, Minister for Community Services, Housing and Women launched the funding at the Mission Australia Café One on 6 July 2010. Also in attendance was Grace Grace MP, the Member for Brisbane Central. Over 420 clients were assisted in the past year through the clinics in Brisbane, Toowoomba and Townsville.

### **Recent success stories**

An HPLC client sought a waiver of debts owed to two creditors. The client had mental health issues (including stress related psychosis) and the outstanding debt was a contributing factor to the client's stress. The lawyers wrote to the creditors, who waived the client's debts. The client wrote to the HPLC expressing her gratitude, stating "that is an excellent result, and I'm really thankful for all your help".

Lawyers assisted a client of the RCLC who was involved in a car accident, and the other party's insurance company had sent the client a letter of demand for over \$4,500. The client and the insurance company disputed who was at fault in the accident. The lawyers wrote letters to the insurance company seeking their reasons for why our client was at fault and informing them of our client's limited financial position. The insurance company eventually agreed that both parties would be responsible for their own repair costs.

Homeless Connect was held on 11 May 2010 at the RNA Show Grounds and the HPLC had a presence. The new location made for a more inclusive and dynamic event, with the HPLC assisting 15 people over the day. Thanks to the volunteers from Freehills, MurphySchmidt, Minter Ellison and Mallesons Stephen Jaques who attended and helped make the HPLC's involvement in the day a success.

### **Training**

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

- Criminal Law Referrals – 17 April hosted by **McCullough Robertson**.
- The Civil and Administrative Tribunal – May hosted by **DLA Philips Fox**.

- Debt Matters – 23 June hosted by **Mallesons Stephen Jaques**.
- Commonwealth Ombudsman – 22 July hosted by **Corrs Chambers Westgarth**.

Thank you to all presenters for contributing their time to facilitate our volunteer lawyers' continuing legal education in these areas of law.

### **Homeless Persons' Legal Clinic student clinic**

The HPLC student clinic, held in partnership with UQ School of Law, is focussing on the impact of fines on homeless clients. Students have prepared a survey, which will enable us to obtain accurate data from the State Penalties Enforcement Registry on the amount of debts that burden clients. The students, Jess Owen, Rachael Holt, Rebecca Durrant, Constance Lee, Yoshiko and Liz Pendlebury, have also researched alternative approaches to fine-debt management, and considered the opportunities in the existing legislation for alternative practices.

This research project will be developed by a new cohort of students in Semester 2.

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### **Self Representation Service (Courts)**

After a slower start to the year, things have picked up at the Courts, with the Service opening 67 files, including 11 Court of Appeal files and conducting a total of 152 appointments, in the last four months. All of this is possible because of the valuable contributions of our volunteer firms. Some of our panel and members have generously provided additional assistance to the Service. In particular we thank:

- **MurphySchmidt** and **Gary Coveney** of Counsel who assisted a client in responding to an appeal regarding a family provision application. As a result of their combined assistance, the client's entitlements under the estate weren't reduced and the client's substantive position was not altered by the Court's decision.
- **Mallesons Stephen Jaques** and barrister **Cathy Muir** who are assisting a client to resist an appeal to the Court of Appeal brought by the State in relation to the service of alcohol to underage patrons. The client was the hotel manager but not on duty at the relevant time. The client and his employer were successful in the Magistrates Court and the District Court but his employer has now become insolvent, and the client was left to defend this further Appeal on his own.

### **Recent success stories**

The Service assisted a client to successfully uphold an appeal against a refusal of the Commissioner for Children and Young People and Adult Guardian to issue her with a Blue Card. The client was middle-aged and nearing the end of her nursing studies and the refusal would have had dire consequences for her future livelihood. Our volunteer lawyers helped the client draft her Outline of Argument, and subsequently, the Commissioner discontinued his appeal.

A couple were assisted to successfully set aside a default judgment against them in a Supreme Court 'mortgage repossession' case. The clients raised issues about the possible negligence of their Mortgage Broker in preparing their loan. With our assistance the clients drew the Court's

attention to these concerns. As a result, the Court set aside the default judgment. The Service continues to assist these clients with their proceeding. The clients commented that while they still have a lot of work to do, the result was “a huge weight off our shoulders” and that they were very grateful for the assistance of the Service so far.

The Service helped a client to obtain leave to intervene in a Supreme Court proceeding in relation to a complicated de facto property dispute. In addition, **Willem Kilian** of Counsel kindly provided an opinion on the client’s prospects of asserting her interest in the property, and the Service assisted the client to file a Statement of Claim. The client said that without our input she would not have been able to persuade the Court that she should be allowed the opportunity to assert her claim in the property and put her best case forward.

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### **Self Representation Service (QCAT)**

Since opening its doors on level 11 of the Bank of Queensland Building, QPILCH’s Self Representation Service (QCAT) has established itself and gone ahead in leaps and bounds.

The Service’s solicitors, paralegal and volunteer solicitors from QPILCH member firms have been kept busy assisting people in a wide variety of matters, including: child protection, guardianship and administration, residential tenancy, minor debt, discrimination, occupational regulation, manufactured homes, retirement villages, administrative review, and QCAT appeals.

We are grateful to the Department of Justice and Attorney General which has provided further funding to enable us to continue to help those marginalised and disadvantaged members of our society who would otherwise be forced to negotiate the maze of tribunal processes and procedures alone.

The Service continues to offer appointments on Tuesdays, Wednesdays and Thursdays either in person at QCAT or by telephone (for clients in regional Queensland).

### **Recent success stories**

The Service assisted an elderly client to apply for a stay of a QCAT decision to terminate the client’s tenancy and issue a warrant for removal of the client from a property in which the client instructs his interests are more than mere tenancy. The stay was granted allowing the client to remain in his home while he pursues his appeal.

A concerned client was guided through the process of applying to QCAT to urgently consider her father’s capacity and make necessary guardianship and administration orders for her father, who was at significant risk of being financially exploited by new ‘friends’. QCAT decided the client’s father did not have capacity and the appointments were made.

An Iraqi doctor was assisted with pursuing a review of the Queensland Medical Board's decision to not allow his registration. The client had left Iraq during the war, and spent some years in Jordan waiting for resettlement, having been recognised as a refugee by the UNHCR. The client's volunteer work in Jordan was not initially recognised by the Board, but with the help of the Service, and QPILCH member barrister Paula Morreau, the Board was convinced to change its decision and allow the client's registration.

The Service dissuaded a client, who had commenced appeal proceedings, from continuing her appeal by stepping through the written reasons provided by QCAT and explaining the lack of any demonstrable grounds for an appeal.

If not for the Service's assistance in each of these cases, such favourable outcomes may not have been achieved.

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## Public Interest Referral Scheme

We sent out 129 referral emails in 2009 - 2010, with the vast majority being taken on by our members.

Thank you to everyone who accepted a referral. Some of the most common areas for applications are financial abuse of older persons, work for not-for-profits (often in setting up or obtaining DGR status) and discrimination. A few current matters are mentioned below.

We are always keen to know what areas you or your firm are interested in doing pro bono work in, and welcome your feedback. We have a panel of mediators willing to assist and this year we would like to utilise this panel more.

So far this financial year:

- Rockhampton barrister **Gerald Byrne** is assisting Caxton Legal Centre's Seniors Legal and Advocacy Support Service to help one of their clients. The client had a caravan and a lot of junk left on her property, but the owner of the material has threatened the client with legal action if she has it removed.
- **Mallesons Stephen Jacques** is assisting a woman who has been a caretaker on a rural property and was trying to resolve unpaid wages, employment and tenancy issues.
- **Brian Cronin** and **Matthew Jones** are providing advice to Queensland Advocacy Inc. to help them assist a group of clients with intellectual disabilities.
- **Matt Black** assisted a woman from North Queensland in a dispute with the Housing Department.

## Volunteers

We have had a new complement of volunteers start and they are all settling in well. One volunteer each day is helping our Office Administrator to answer the phones and assist with any administrative tasks around the office. This has been a huge help to all staff! Thank you also to Rei Hii, a former student volunteer, who has returned to QPILCH and is providing invaluable assistance to both staff and students alike.

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## **QLS and Bar Pro Bono Referral Scheme**

We have received 210 applications for assistance through the QLS and Bar Pro Bono Schemes in 2009-2010 and more than 60 of these were referred for assistance. We have had a diverse range of matters including wills and estate matters, administrative law cases, franchising disputes, debts and insolvency matters.

We now have 25 firms and 65 barristers signed up to participate in the schemes. We are keen to have more firms join up. If you are interested in joining please contact the coordinator of the scheme at [referral@qpilch.org.au](mailto:referral@qpilch.org.au) or you will find the application form on our website at [www.qpilch.org.au](http://www.qpilch.org.au).

We are grateful to all the law firms and barristers who have so generously donated their time and efforts to assist our applicants. We promise to make a delicious lunch for any of our members once they have taken on their fifth matter!

**Bruce Thomas lawyers** have been very generous in their acceptance of many of the QLS referrals. These have included assisting an elderly man in an estate matter; a review of an administrative decision and instructing Counsel in a Court of Appeal matter.

Barrister **Matt Black** has kindly offered his assistance in a number of matters including a review of the decision of the SSAT in relation to child-support assessment; an advice on prospects concerning a review of the decision of the Queensland Police Commissioner; and assisting an elderly man with a manufactured home matter in QCAT. **Anand Shah** and **Tony Morris QC** have also very generously provided a comprehensive advice on a company liquidation and winding up matter.

## **Student clinics**

Moving into the second half of the year, the new student clinics are now getting underway. The following clinics are now operating at QPILCH – the new IP & Technology Law Clinic, HPLC Student Clinic, Public Interest Research Clinic, Administrative Law Clinic and the Mental Health Law Clinic – keeping us all busy every day of the week!

More details of the Administrative Law Clinic and Mental Health Law Clinic are provided below; details of the HPLC student clinic are above.

### **Administrative Law Clinic**

The Administrative Law Clinic commenced with Bond Semester 2 on 21 May 2010, with Raisa Blanco, Marian Pond, Mona Mizikovsky, Danica Francis, Renee Worsfold and Lauren Jones participating. The students have been kept busy by Andrea de Smidt, working on a variety of files. Students have benefited from informative discussions with Matthew Holmes of MurphySchmidt who shared his experience of guardianship and administration law on 4 June 2010, Senior Member McCabe of the AAT on 2 July 2010, and Dr Geoff Airo-Farulla of the Commonwealth Ombudsman's Office on 30 July 2010.

Thank you to all legal practitioners who give up their time during the semester to contribute to the students' learning.

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### **Mental Health Law Clinic**

From February to June 2010, QPILCH ran its second Mental Health Law Clinic in partnership with the University of Queensland TC Beirne School of Law. Under the supervision of MHLC coordinator, Monica Taylor, six senior law students were exposed to the Queensland mental health law system in a variety of settings. Early on in the clinic semester, MHLC students observed a hearing of the Mental Health Court. The Court was determining the soundness of mind of an accused person with paranoid delusional schizophrenia charged with murder.

In partnership with Queensland Advocacy Inc., MHLC students also participated in a two week outreach clinic at the mental health inpatient unit at the PA Hospital. Students were able to have direct contact with clients through legal interviews, as well as observe the hospital environment for those patients being treated under Involuntary Treatment Orders. Students also compiled two QPILCH publications throughout the semester: a *Patient Road Map to the Mental Health Act in Queensland*, and an *Advocate's Guide to Mental Health Review Tribunal Hearing for Involuntary Treatment Orders and Forensic Order Reviews*.

The MHLC opened a total of 20 new files throughout the semester, a 35% increase in last year's clinic.

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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 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, 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 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](http://www.qpilch.org.au).