



**Issue 1 November 2002**

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**What is QPILCH?**

This is the first edition of the newsletter of the Queensland Public Interest Law Clearing House Incorporated (QPILCH). QPILCH was launched in April 2002. It assesses applications for legal assistance in public interest cases for referral to member law firms and barristers who act for free or at reduced fees. For details of our referral criteria and procedures, see the QPILCH website at [www.qpilch.org.au](http://www.qpilch.org.au).

**Homeless Persons' Legal Clinic**

QPILCH has begun an exciting new initiative - its first project - with the establishment of the *Homeless Persons' Legal Clinic* in Brisbane. The clinic, to be launched in December this year as a six month pilot, will provide free legal assistance to the homeless at a number of locations already frequented by homeless people in the inner city, such as at emergency accommodation centres and welfare agencies. The aim of the clinic is to reduce the degree to which homeless people are marginalized and to assist them in finding viable and sustainable pathways out of homelessness through the provision of free legal advice.

10 Brisbane law firms have committed to providing lawyers to staff the clinics in partnership with welfare agencies on a regular basis. In addition to providing legal advice in all areas excluding family or criminal law, lawyers will seek to identify the range of legal issues facing homeless people, identify gaps in the delivery of legal services to homeless people and examine relevant policy and law reform issues.

**The Homeless Persons' Legal Clinic will be launched between 9.30 and 11 on Tuesday 10 December 2002.** Details will be circulated soon.

**QPILCH website**

QPILCH has recently launched a website at [www.qpilch.org.au](http://www.qpilch.org.au). You can access QPILCH's services by downloading an application form from this site, find

out our latest news, link to members' sites, see what projects we are involved in, and link to public interest cases.

Our 2001-02 Annual Report is posted on our website.

As QPILCH explores new projects and refers more cases to members *in the public interest*, our site will provide a wealth of information to everyone who is interested in protecting the public interest and is concerned with public interest issues.

### **QPILCH referrals**

In our first year of operation (part-time), QPILCH received over 150 inquiries and 50 written applications for assistance, of which 17 were referred for legal assistance.

In the three months since 1 July this year, we have received 61 written applications. To date, nine matters have been referred. Many of the new applications have not yet been assessed.

The matters that we have so far referred vary widely, from cases relating to the government's offer to Indigenous workers to settle claims arising out of the enforced work schemes that operated in Queensland from the 1890s to 1972, to assistance to non-profit groups to incorporate or amalgamate, to a medical negligence case, and to the drafting of contracts for a community organisation funded to produce an educational film.

### **Solicitor/client agreements**

One of QPILCH's first referrals concerned the issue of 'no win, no fee' solicitor/client agreements. This case is important because, in the words of His Honour Judge McGill DCJ, "the precise meaning of a retainer on a "no win no fee" basis does not seem to have been the subject of an authoritative exposition." (*Baker Johnson Lawyers v Jorgensen* [2002] QDC 205)

More recently, the Queensland Law Society and the Legal Ombudsman have been examining issues surrounding solicitors' fees. Retired Judge Pat Shanahan's report was published by the QLS on Tuesday 12 November and can be accessed at [www.qls.com.au/shanahanreport\\_frame.htm](http://www.qls.com.au/shanahanreport_frame.htm).

In order to contribute to a resolution of these issues in a constructive and practical way, Griffith University law students undertaking the "Public Interest Lawyering" course at QPILCH (see our website for more details) have drafted a model solicitor/client agreement which sets out a range of options and includes explanations that provide for a fairer agreement – fairer to both client and lawyer. This document will be available on our website in the near future.

### **QPILCH AGM**

The QPILCH AGM was held on Monday 14 October 2002. The new 2002-03 board comprises:

#### **EXECUTIVE**

Andrew Buchanan, President – Partner, Allens Arthur Robinson

Hugh Scott-Mackenzie, Vice-President – Partner, Mallesons Stephen Jaques

Simon Cleary, Secretary/Treasurer – Solicitor, Legal Aid Queensland

### **COMMITTEE MEMBERS**

Genevieve Bolton – Queensland Association of Independent Legal Services Inc  
Lucy Bretherton – Special Counsel, Blake Dawson Waldron  
Tom Byrne – Queensland Law Society Incorporated  
Associate Professor Jeff Giddings – Director, Clinical Legal Education, Griffith University Law School  
Geoff Harley – Managing Partner, Clayton Utz  
Dan O’Connor – Chief Executive, Bar Association of Queensland Inc  
Robert Reed – Senior Associate, Minter Ellison  
Peter Rosengren – Partner, McCullough Robertson Lawyers  
Robyn Wilkinson – Executive Legal Officer, Legal Aid Queensland

### **Subscription and feedback**

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