

# In the Public Interest

Newsletter of the Queensland Public Interest Law Clearing House Incorporated



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Don't forget to look at

[www.qpilch.org.au](http://www.qpilch.org.au) for a rundown of all QPILCH's activities. Our new website will be active soon.

## Upcoming events

### HPLC/RCLC Street Soccer



## StreetSoccer

Inter-firm tournament

Wednesday 25 July 2012

A community initiative of The Big Issue.



The much anticipated HPLC/RCLC Street Soccer tournament will take place from 2pm **this Wednesday** at New Farm Park.

HPLC/RCLC firms along with host agencies, the Big Issue and QPILCH staff will be fielding teams in the tournament, which is run in partnership with the Big Issue Street Soccer program. The event is a fantastic social inclusion opportunity for some of our clients who will be on each team.

There will be a free BBQ, kindly donated by **Clayton Utz**, along with drinks and a winner's trophy kindly donated by **MurphySchmidt**. We would also like to thank QPILCH's patron, **the Honourable Paul de Jersey AC, Chief Justice of Queensland**, for agreeing to present the winning team with their trophy at around 4.30pm.

Spectators from firms, host agencies and friends and family are welcome, so come along and cheer on your favourite team. For more information, email [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au) or call QPILCH.

## **News in Brief**

### **Confirmed LPITAF funding**

QPILCH receives non-recurrent LPITAF grants for the QLS/Bar referral service, the Self Representation Service in QCAT and our RRR program. We are grateful to the Attorney-General and Minister for Justice, the Hon Jarrod Bleijie MP, for approving continuation of this funding for the 2012-13 financial year. The Attorney has also committed to reviewing the LPITAF funding arrangements for CLCs and we welcome this initiative. QPILCH has briefed the new Attorney on our proposals and looks forward to working with his department to find a long-term solution to the uncertainty of LPITAF funding.

### **Queensland Community Foundation grant**

QPILCH has been very fortunate to obtain a grant from the Queensland Community Foundation (QCF) to improve its publicity, marketing and fundraising activities. We will use the grant to employ a part-time marketer to raise our public profile and implement a new fundraising strategy around the Civil Justice Fund. We thank the QCF for this timely and generous grant.

### **CLE grants**

Legal Aid Queensland manages a commonwealth fund for CLCs and LAQ to augment their community legal education activities. In the latest round, QPILCH obtained two small grants. One, in partnership with Caxton Legal Centre, will provide presentations to seniors' organisations on particular areas of law within QCAT's jurisdiction. The second will involve the preparation of more practical legal factsheets for the clients of the Self Representation Service. We thank LAQ for making these projects possible.

### **Crown Law joins the Self Representation Service**

We are very pleased to announce that Crown Law has joined the Self Representation Service in the State Courts. This is the first time direct State Government involvement in pro bono has occurred. We thank Crown Law for enthusiastically embracing this concept and welcome lawyers from the Crown Law Office who have volunteered to take time out from their working days to participate in the Service.

### **Help needed in refugee and environment matters**

Recently we have seen an increase in applications from refugees seeking assistance to review their decisions, and we have had difficulty referring them on. We typically only refer matters that RAILS has identified as meritorious or requiring an opinion on prospects.

Following the sudden loss of state funding to the Environmental Defenders Office Qld and EDO North Queensland, we have also started to see applications from clients who the EDOs can no longer assist.

If you have capacity or interest in either field, please let us know.

### **New Magistrates Court Service**

Members will be aware of the new service we are operating in the Magistrates Court for people who are unrepresented in civil proceedings and experiencing hardship. The service will be primarily administered by barristers who will undertake the usual merit assessment and then represent parties with the support of our member firms or through a short-term secondment to QPILCH. Forty barristers have already signed up for this new advocacy service. A number of firms have expressed interest in being involved to help people in this jurisdiction and to give young solicitors instructing experience.

## Mental Health Law Advocates

Preparations are now well underway for the Mental Health Law Advocacy Service, with a 2-day training course for our first cohort of student volunteers to begin acting as advocates for clients in the Mental Health Review Tribunal. Training for the volunteers will be held on 11 and 12 August at the University of Queensland and will cover the Mental Health Act, clinical issues, the human rights context, and communication and advocacy skills. We have had many expressions of interest from potential student advocates and will have contributions from the President of the Mental Health Review Tribunal, mental health and legal practitioners.

In the meantime, students who have completed the Mental Health Law Clinic here at QPILCH, and some of our PLT students, are able to provide ad hoc assistance to clients in the Mental Health Review Tribunal. Our first student advocate assisted a client at the Royal Brisbane Hospital recently.

We will begin offering advocacy to clients on involuntary treatment orders at the Princess Alexandra Hospital from the middle of August.

Thanks to the English Family Foundation, University of Queensland, the Princess Alexandra Hospital and the Mental Health Review Tribunal for their support and assistance.

If you are interested in finding out more about the service, contact Ann Herriot on [studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au)

## Austlii donation

QPILCH staff and students raised \$260 for **Austlii**, a vital free public legal resource. Without Austlii, most Australians would have little or no online access to the law and legal information.

## New members and renewing members

QPILCH welcomes new firm members, **Affording Justice Pty Ltd**, **Barry Nilsson Lawyers**, **Littles Lawyers**, and new barrister members, **Kila Pedder**, **Domenico Ferraro**, **Rowan Pack**, **Richard Williams and Douglas Campbell SC**. We are grateful to all members who renewed their membership for the 2012- 2013 financial year. The continued support of members enables QPILCH to advance access to justice for many Queenslanders in need.

## Jennifer Robinson Breakfast

On 4 May, Jennifer Robinson, the lawyer for Wikileaks founder Julian Assange, spoke at a breakfast fundraiser for QPILCH. The event raised more than \$6,500. Jennifer gave a lively and engaging presentation. We thank Jennifer for coming to Brisbane especially to help raise funds for QPILCH and for giving us an insight into her work. We also thank the many guests who made the event a success.



## Over 600 Walk for Justice

Thank you to everyone who joined us on 15 May for the largest Walk for Justice yet. We had almost 700 registrations for the Walk this year and were very grateful to see so many people supporting access to justice in Queensland. Over \$13,000 was raised through registrations and donations. Funds raised are used to pay for disbursements necessary to pursue legal action in pro bono cases and as seed funding to establish new civil law projects to increase access to justice for the

disadvantaged and marginalised members of our society. We thank QPILCH's patron, The Honourable Paul de Jersey AC, Chief Justice of Queensland, for leading the Walk once again.

## **Secondments from Corrs, AGS, Allens and Clayton Utz**

The **Corrs Chambers Westgarth** secondment continues with Matthew Hodgson-van Daal in the role. The Corrs secondee performs a vital function in boosting our ability to meet demand in the referral service. We thank Corrs Chambers Westgarth for this ongoing contribution and assistance.

The **Australian Government Solicitor** has seconded staff to the PILCHs in Adelaide, Melbourne, Sydney and Brisbane. Nicole Franklin assisted the QPILCH referrals team for one day per week from 30 March to July. The AGS makes a significant pro bono commitment, formerly under the guidance of Bronwyn Neroni. We thank the AGS for this renewed contribution to QPILCH.

**Allens Linklaters** lawyer Laura Nagy undertook a secondment during May to replace Karen Kearney while she was on leave. Laura's assistance in the Referral Service was invaluable and we thank Allens for responding to our call for a short-term secondment.

**Clayton Utz** lawyer Jamieson Doyle-Taylor commenced a four-week secondment at QPILCH on 11 June as solicitor for the QCAT Self Representation Service, while Andrea de Smidt was acting as Director for that period. We thank Jamieson for taking responsibility for this demanding role.

## **What we do at QPILCH**

**This is the first part in a series where we will briefly outline what QPILCH actually does on a day-to-day basis. In this issue, members might be interested in knowing how we ensure that QPILCH is fully accountable for its finances and activities.**

### **Accountability**

As an incorporated association that has PBI status and receives government funding, there are a range of accountability measures that we must fulfil. Like all CLCs, we take our accountability obligations seriously. QPILCH receives some taxpayer funds so must expend them in the public interest. However, we also receive funds from LPITAF, charitable organisations and our members, and must maintain the confidence of this support.

Internally, QPILCH is overseen by a board that is drawn from its membership. We are fortunate to have committee members who are committed to QPILCH and its success and who are prepared to offer strong advice and oversight. Likewise, staff members are transparent in their work, erring on the side of completeness rather than brevity in reporting to the board. Openness and responsibility are key principles we observe. The board monitors every report and closely scrutinises the financial records and expenditure at every meeting. Every year, two members of the committee conduct a random file review.

Every year, our accounts are audited and a full annual report of our activities is provided to members, our funders and to the Office of Fair Trading. This report is as complete as we can make it.

This structure would be well known to most readers. What you may not know are the other processes we undertake to account for the funds we receive:

- Before the end of each financial year, we prepare a draft budget for the next year for the committee's approval. Once approved, the budget is submitted to LAQ, which manages the government funding regime, through CLSIS (the community legal service information system).
- Every three years, we prepare a strategic plan that is updated annually and reported on every six months.
- By the first of May each year, we provide a schedule of annual casework targets.

- Throughout the year, we provide monthly statistical reports on casework and half-yearly expenditure reports through CLSIS.
- We report on client satisfaction surveys once during the service period.
- We undertake an annual 'cross-check' whereby another CLC solicitor reviews our files.
- Periodically, LAQ conducts a 'stakeholder feedback survey' whereby agencies with which we work are surveyed about our operations.

These requirements apply to our recurrently funded services. There is a similar (but different) reporting regime administered by the Department of Communities for funding for the HPLC.

In addition, we provide:

- Detailed outcome and finance reports for each LPITAF grant (as opposed to the recurrent funding outlined above) after each financial year to the Department of Justice. These are for the Self Representation Service in QCAT, RRR project and QLS/Bar Pro Bono Referral Service.
- We report on the ad hoc funding we receive, such as for the Federal Attorney-General's Department for the SRS at the Federal Court and the Gambling Community Benefit Fund.

Finally, along with all other CLCs in Australia, we have recently undergone a detailed accreditation process, requiring compliance with nationally agreed standards and policies to ensure effectiveness and accountability. We will be completing this process in August to be able to claim status as a CLC and member of the National Association of Community Legal Centres.

We have made submissions to government for some simplification of this system, because the current approach is costly and time-consuming. We have sought not to reduce accountability, but to improve the depth of accountability while reducing the administrative burden associated with preparing the many reports without the concomitant administrative support. Governments have been working for a number of years to bring about some consistency in financial and output reporting by the community sector at large. Yet to date, cross-department consistency has not been achieved. We will continue to advocate for changes to reduce the administrative burden for CLCs or for staffing assistance to help us meet our obligations.

## Recent training

### Assisting self-represented parties with drafting tasks

In April 2012, volunteer solicitors for the Self Representation Service received training to assist them in helping self-represented parties draft court and tribunal documents. The training was presented by QPILCH barrister members, **Gary Coveney** and **Michael DeWaard** and senior QCAT member, **Peta Stilgoe**. We thank **Allens** for hosting this very practical and well received session.

### Assisting self-represented parties with guardianship and administration matters

In June 2012, solicitors who volunteer for the Self Representation Service at QCAT were provided with an overview of QCAT's guardianship and administration jurisdiction and tips and tricks to assist them in their work providing discrete task assistance to clients involved in guardianship and administration proceedings. Thanks to **MurphySchmidt** for hosting and QCAT member, **Patricia Hanly** for presenting.

### Assisting self-represented parties with costs disputes

Most recently on 5 July 2012, a panel consisting of **Ruth Chowdhury** and **Kerrie Rosati** of DGT Costs Lawyers, **Lisa Sylvester** from the Legal Services Commission, and **Stafford Shepherd** from the Queensland Law Society, was chaired in a discussion by QPILCH solicitor, Iain McCowie. In their discussion, the panel addressed a number of issues to assist solicitors volunteering for the Self

Representation Service at the State Courts in their work with self-represented parties involved in costs disputes. Thanks to **Cooper Grace Ward** for hosting this well-attended event.

## SPER

On 9 May, **Kristy Neilsen**, Community Liaison Officer at SPER, spoke about the Community Engagement Team options for HPLC/RCLC clients with SPER debts. We thank Kristy for her contribution. QPILCH staff also gave an overview of procedures and our new precedents for HPLC/RCLC volunteers assisting with SPER matters. Thank you to **Corrs Chambers Westgarth** for providing the venue and breakfast.

## Tenancy

On 11 July, **Cristina Pahl**, Principal Solicitor of Tenants' Union of Queensland (**TUQ**) and HPLC/RCLC Coordinator Cameron Lavery presented on tenancy law and how it relates to clients of those clinics. We also discussed the updated HPLC/RCLC resources available for tenancy matters. We thank Cristina for providing our volunteer lawyers with her specialist knowledge and acknowledge **King & Wood Mallesons** for kindly hosting and providing breakfast.

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

In 2011-12, the HPLC and RCLC assisted well over 500 new clients, making it our busiest year since we began in 2002. The HPLC/RCLC volunteer lawyers have worked hard to get positive outcomes for our clients, including the following recent examples:

- **Minter Ellison** and **HWL Ebsworth** volunteers assisted a client to successfully waive a debt of \$26,576 on compassionate grounds. The client was extremely relieved and happy about this outcome, which would not have been possible without extensive work from the HPLC.
- **Allens** volunteers are helping a client with mental health concerns with several debt matters. Due to her personal hardship and health issues, the client was forced to close her business and is no longer able to work. The volunteers have already secured a waiver of one debt of over \$1000, and continue to negotiate with the client's other creditors.
- **Clayton Utz** volunteers assisted a homeless client to successfully negotiate with the local Council for the immediate withdrawal of two parking Infringement Notices. Following submissions from the HPLC, the Council recognised that the client had been using a valid permit and that the Notices had been issued in error.
- **MurphySchmidt** and **Ashurst** volunteers assisted a former client of the Self Representation Service to obtain a warrant of possession for her home. Prior to receiving this assistance, the client and her son had been forced to live in a car because of another family taking up residence in their home.
- **Corrs Chambers Westgarth** volunteers assisted a refugee client who bought a faulty car to obtain a full refund of the purchase price and associated costs, amounting to \$3,557. Prior to the RCLC's intervention, the company had refused to compensate the client, despite the purchased car breaking down after only four days.
- **Holding Redlich** volunteers assisted an 18 year-old client to achieve a positive outcome in an urgent criminal matter. After giving the client practical advice, the HPLC acquired the relevant documents and briefed the duty lawyer. With this assistance, the client obtained a non-custodial sentence and a suspended fine at his hearing, and he later expressed his relief and gratitude.

## Homeless Connect



The HPLC operated a stall at the Homeless Connect event on Friday 25 May at the RNA Showgrounds. The event was a good opportunity for the HPLC to assist some new clients and talk to stakeholders and other service providers, including a number of our host agencies. We thank the following firms for sending their volunteers to assist on the day: **Allens, Clayton Utz, McCullough Robertson, McInnes Wilson and MurphySchmidt.**

*The photo shows **Clayton Utz** volunteers, Tim Neilson and Emma Thompson, at the event.*

## Thank you event – Homelessness Stories

The HPLC recently published the stories from six Roma House residents, describing their life-long struggle with disadvantage (available from [www.qpilch.org.au](http://www.qpilch.org.au)). A thank you function, supported by **Freehills**, was held at Roma House on Wednesday 17 April with Magistrate Roney of the Special Circumstances Court kindly officiating. We shared the homelessness stories with the HPLC volunteers at their inductions in March and have had some wonderful feedback, which we relayed to the people who told us their stories.

## HPLC policy update

The HPLC recently made a submission regarding the proposed amendment of the *Penalties and Sentences Act 1992* to introduce an offender levy of \$100-300 for people convicted of a criminal offence. The HPLC suggests that this type of levy could disproportionately impact on people who are homeless, who have an inability to pay, and will likely exacerbate their homelessness instead of providing a solution.

The irony of imposing a fine on people in poverty has been explored in many publications, and the proposed offender levy will increase this burden, adding to the already unsustainable State Penalties Enforcement Registry (**SPER**) debt of homeless people. The HPLC estimates that 70% of people experiencing long-term homelessness have a SPER debt, averaging \$4000, with many having accumulated debts of between \$15,000 and \$50,000. Imposing an offender levy will increase these unsustainable debts. The HPLC proposes that the offender levy be waived where the defendant is experiencing homelessness, mental illness or a cognitive or intellectual impairment.

The intersection between homelessness and the criminal justice system is illustrated by many of the HPLC's clients who access the Special Circumstances Court. One homeless man, who was a recovering alcoholic and suffered from severe depression, received assistance from volunteer lawyers from **Freehills** to transfer a drink-driving charge (the latest of many similar offences) from a regional Magistrates Court to the Special Circumstances Court. Instead of facing further jail time and exiting back into homelessness, the client obtained a non-custodial sentence from the Special Circumstances Court. The last time the client spoke to the HPLC, he was sober, had reunited with his kids and was living in public housing.

## Self Representation Service

Since the last edition of the QPILCH newsletter published in April 2012, QPILCH's Self Representation Service has completed the pilot of the Service in the Brisbane district of the Federal Court and Federal Magistrates Court which, according to an independent evaluation, was a resounding success, published an article in the Journal of Judicial Administration about the Service's operation in the Queensland Civil and Administrative Tribunal, and assisted 125 clients across all jurisdictions in which the Service operates.

Volunteer solicitors from participating firms ensure the ongoing success of the Service, and their contributions are frequently acknowledged by clients. A client with proceedings in the State Courts recently wrote to us after her appointment to say:

I found the assistance that the QPILCH volunteers provided to be absolutely brilliant. I entered your offices broken and in poverty. Your staff provided practical assistance and communicated the pathway forward with clarity. I left [with] a feeling of hope. Now with these documents in hand I am empowered. Thank you so very much, on behalf of myself and my young daughter.

At the State Courts, the Service:

- Successfully diverted two clients considering bringing appeals (with very poor prospects of success) to the Court of Appeal. The clients were involved in minor civil disputes in QCAT and after unsuccessfully appealing decisions made against them in the QCAT Appeal Tribunal, wanted to take matters further. In both cases, our volunteers and staff explained to the clients the serious difficulties they would face in seeking leave to appeal to the Court of Appeal and explained why their concerns with the QCAT decisions related to issues of fact, rather than possible errors of law.
- Assisted a 79 year old pensioner, who had used her half share in her home to guarantee a bank loan entered into by her daughter and son-in-law. The daughter and son-in-law had defaulted under the loan agreement and were bankrupted, and the bank and trustee-in-bankruptcy were seeking possession of the pensioner's home. The Service assisted the pensioner to approach the Financial Ombudsman Service, setting out the circumstances of the loan. As a result, the bank agreed to allow the pensioner to remain in her home for a further five years before taking steps to take possession of the property. The Service thanks **Hugh Scott-Mackenzie**, who provided an initial advice, setting out the general principles involved.

At the Federal Courts, the Service:

- successfully dissuaded a client from pursuing an appeal to the Federal Court after her application to set aside a bankruptcy notice was dismissed by the Federal Magistrates Court. The Service advised the client that her prospects of successfully appealing the decision were poor. The client accepted the advice and agreed not to pursue an appeal. The Service saves significant expense to the judicial system by dissuading clients such as this from commencing unmeritorious proceedings (as noted in the Federal Attorney-General's Access To Justice Task Force Report, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* (September 2009) the net cost per service in the Federal Court in 2007-2008 was \$17,590).
- assisted a client to successfully oppose a creditor's petition filed against her in the Federal Magistrates Court on the basis that she had the funds to pay the debt from her own resources. Unfortunately, costs were awarded against the client but this was an expected outcome given the history between the parties prior to the filing of the petition. The client was eager to avoid bankruptcy and, despite the costs order, was satisfied with the outcome.
- assisted a man with vision impairment to obtain a positive outcome in a disability discrimination claim he had brought in the Federal Magistrates Court. The man had been refused accommodation at a hotel because he had to be accompanied by his guide dog. The Service assisted the man throughout his proceedings, from drafting his initial pleadings to preparing his affidavit evidence, and most recently, to assisting the man to prepare for mediation at which the matter settled with the man receiving a significant amount of compensation.

At the Queensland Civil and Administrative Tribunal, the Service:

- Assisted foster carers to apply to QCAT for leave to bring an application to urgently stay and review a decision by the Queensland Department of Communities to remove a child from their care. After discussing the matter with LAQ as to the appropriate course of action, the Service assisted the foster carers to obtain leave to bring the application on behalf of the child on the

basis of various concerns with the Department's decision-making process. The Department conceded to a stay of the decision, which was to take effect on 1 June 2012, and the decision is now being formally reviewed.

- Assisted a client to respond to an application filed by an aged health care provider to appoint the Public Trustee as administrator for his mother. The Service assisted the client to prepare submissions in support of his own application to be appointed as administrator for his mother and provided detailed advice to the client about the nature of the obligations imposed on administrators so that his decision to apply to be appointed as administrator for his mother was an informed one. The client was successful in his application.
- Assisted a client who found himself in a disadvantaged position under a lease that had been entered into under the *Retail Shop Leases Act 1994* (Qld). The Service assisted the client to understand the jurisdictional difference between QCAT and the Magistrates Court for disputes under the Act. The Service also helped the client prepare the material on which he will rely in his QCAT proceeding, in which the client is seeking compensation for a host of alleged breaches by the lessor.

In certain cases, the Service seeks involvement of barrister and firm members who have offered to assist in a manner of ways, including providing opinions, conducting mediations and conferences, and representing clients who the Service identifies as not capable of representing themselves. We thank the following members who have accepted our calls for help through our mediation, court of appeal, fair work conciliation and tribunal representation panels:

- **Caleb Spicer** of Counsel provided an opinion on the prospects of a Federal Court Fair Work claim.
- **Stephen Lee** and **George Kalimnios** of Counsel conducted four Fair Work conciliations for the Federal Courts Service on 18 June 2012.
- **Richard Lilley SC** provided the Service with advice about a Court of Appeal matter involving the *Criminal Proceeds Confiscation Act 2002*.

## What's new?

We are very pleased to announce that as of 1 July 2012, **Barry Nilsson** and **Crown Law** have signed up to participate in the Service at the State Courts and **Clayton Utz** has extended its participation in the Service by joining the roster for the Service at QCAT. **Clayton Utz** lawyers also volunteer for the Service at the Federal Court and State Courts.

The Service is excited about the upcoming opening of the new District and Supreme Court building at 415 George Street. Solicitor Iain McCowie enjoyed a tour of the building in March. At the time of writing, we expect that the new building will be open for use on Monday 13 August 2012.

## Referral Service

We were happy to hear that the QLS/BAQ Referral Service has received funding to continue into 2012-13.

This financial year we received almost the same number of applications but successfully referred 34 more matters than last year. We hope this is due to our efforts to provide better information (online and over the phone) to potential applicants to help them decide whether it's worth applying in the first place.

The Referrals Service currently consists of solicitors Catherine Hartley, Karen Dyhrberg (nee Kearney), Anusha Goonetilleke and secondee graduate Matthew Hodgson-van Daal, along with volunteer PLT students from Bond, Ronald Moss and Rebekah O'Sullivan.

Just some of the many matters taken on recently:

- **Barry Nilsson** is assisting an elderly couple involved in a dispute with their neighbour who is allegedly interfering with their water supply via an easement.
- **Steven Hogg** of Counsel is providing an opinion in relation to an illiterate man who is experiencing substantial financial hardship after the termination of a franchise agreement.
- **Henry Davis York** is advising a woman on her prospects of successfully recovering a \$70,000 loan. The woman has demanded payment on multiple occasions and despite numerous assurances that the loan would be repaid, no payment has been forthcoming.
- **Trudie Rogers Medical Lawyers** is advising a woman on her options and if necessary, providing ongoing assistance after her home was found to have asbestos and her son died after possibly being incorrectly diagnosed at a hospital.
- **Nitra Kidson** of Counsel is providing advice on an Indian family's prospects of successfully reviewing the Refugee Review Tribunal's decision not to grant protection visas. The family has been subject to violence due to their membership of a specific religious sect.
- **Willem Kilian** and **Barto du Plessis** of Counsel prepared and presented a staff training session for the Tenants' Union of Queensland on the application of the Australian Consumer Law to certain tenancy issues, specifically the remedies afforded to tenants.
- **Minter Ellison** assisted a man attempting to bring an out-of-time FWA claim against his previous employer, after he was made redundant but then told he was dismissed for gross misconduct when he requested his redundancy entitlements.
- **DLA Piper** is assisting an NFP that supports people with Cystic Fibrosis to protect its trading name and logo.
- **Minter Ellison** is assisting a young Iranian woman, who is seeking assistance to bring her mother to Australia from Iran on a tourist visa.
- **Slater & Gordon** is providing pro bono assistance to a man who is appealing an order of QCAT to allow him to continue living in a property, from which his children are trying to remove him.
- **Elliot Dagleish** of Counsel assisted a man to successfully settle an ongoing employment dispute.

We also acknowledge all of the other QPILCH member firms and barristers and QLS & BAQ Referral Service participants that have accepted referrals this financial year or are currently working on pro bono matters.

- Please contact us if you're interested in becoming a QPILCH member or participant in the QLS and BAQ Referral Service. For more information, please see [www.qpilch.org.au](http://www.qpilch.org.au).

## Rural, Regional & Remote casework

In the last financial year 106 of the 468 applications we received were from RRR areas.

Anusha Goonetilleke will be looking after RRR casework as Catherine Hartley returns to managing the QLS/BAQ Referral Service.

Since the last newsletter in March 2012, we have received 36 applications for assistance from RRR Queensland and 10 additional referrals have been successfully made through the RRR Project. Some of the casework outcomes include:

- **Richard Williams** of Counsel is assisting a 57-year-old disability-support pensioner from north Queensland, who has bipolar disorder and cares for her 30-year-old autistic and schizophrenic son, to liaise with the trustees of her family trust.
- **Bevan and Griffin** is assisting an elderly man from north Queensland to defend a claim for damages arising out of a motor vehicle accident.

## Flood and Cyclone Legal Help

58 files have been opened since the commencement of this service early last year. In the 2011-12 financial year, we received 21 applications for assistance. As expected, the number of applications to this service has been decreasing.

We have provided substantial assistance to applicants to obtain relevant documents to allow their matters to be referred for assistance. We have also provided applicants with information about disputing the insurer's decision through their internal dispute resolution process and making submissions to the Financial Ombudsman Service.

- **Andrew West** of Counsel finalised an advice for a small business owner in Goodna who was unable to restart her business or obtain alternate employment and is now at risk of losing her home. He also completed another advice for a small business owner in Ipswich.
- **Susan Fajardo** of Counsel finalised an advice for a small business owner that suffered significant damage in the Ipswich CBD following the 2011 floods.

Funding for this service concluded at the end of July 2012, and from now on any new applications relating to disaster relief, and follow-up of ongoing files, will be dealt with as part of our normal referral service.

## Student clinics and volunteers

### HPLC Student Clinic (University of Queensland)

We acknowledge those firms that have hosted our University of Queensland law students this semester: **McCullough Robertson, King & Wood Mallesons, Holding Redlich, Ashurst, Minter Ellison, Freehills, McInnes Wilson** and **MurphySchmidt**. We also thank the following presenters for their contributions: Gayle Carr of Family Inclusion Network (together with two clients of that network), Terry Stedman of SWBCLC and Jorja Webber of Logan Youth and Family Service.

Clare Slattery, one of this semester's students, reflected on her experience working on this project:

At present the [child protection] system is extremely complex, which results in many individuals involved in the system becoming very confused, the inability for these people to obtain legal advice means the power and resources of the Department often outplay them. Previous to my research I had assumed that the right to legal representation was a right everyone had, as our formal [law studies] teaches us, when in reality many individuals are not able to access this fundamental right. This opportunity to work at the HPLC has been an enriching and inspiring experience, and one that I will carry with me throughout my future career.

We will make the report on homelessness and the Child Protection system, including our practical suggestions for change, available in July.

### Administrative Law Clinic (Bond University)

Jackson Walkden-Brown has taken over supervision duties. The students this semester are: Teora Bombek, Rob Flynn, Michael Milgrom, Jennifer Maffey, Mark Butler and Nurul Anuar.

Currently in its ninth week, the ALC has provided advice and assistance in a range of matters. A few of the more notable of these include:

- Assessing two judicial review applications in refugee matters.
- Reviewing and advising on an AAT application prepared by a client.

- Assisting a client with a large Centrelink debt (incurred for non-fraudulent overpayment of child support) to put in a claim for an offset since she would have been entitled to a DSP for a significant period of time during which she was being overpaid child support.
- Assisting a client liaise with the Information Commissioner regarding the recovery of documents from the Department of Defence.
- Assisting a medical student challenge an expulsion decision.

We have also provided advice and assistance on a couple of FOI applications, recovery of a repossessed boat from a local council, and various minor matters involving Child Safety.

A number of guests have already presented to the students, including: Geoffrey Airo-Farulla (Cth Ombudsman), Mark Plunkett (Barrister) Peter Cantwell (Qld Ombudsman) and Bernie McCabe (AAT senior member).

### **Public Interest Research Clinic (University of Queensland)**

Our students from semester one – Louise Lu, Samantha Walker, Simon Chen, Charlotte Anderson-James, Alisa Poh, Sharin Mattar – completed two research projects, one on the impact of the new income management policy and on representation of people with mental illness before mental health tribunals in Australia. This second research document has been distributed to other agencies and politicians to assist in obtaining secure and long term funding for mental health services.

Students were fortunate to have speakers on a range of issues: policy evaluation and futures thinking (Gretchen Young, private consultant); legal policy research (Joanna Fear, President of the Australian Law Librarians Association Queensland); practical policy Sue Horton (Executive Director, Performance Improvement and Policy Services Queensland Health).

The next clinic will start at the end of July and will be supervised by Andrea Perry-Petersen.

### **Social Justice Lawyering Clinic (Griffith University)**

Students this year were Diana Bora, Elizabeth Bowden, Shaaira Ibrahim, Cecile Masingue, Mary O'Donovan and Gavin Reece, and supervised by Andrea Perry-Petersen. The students worked on Public Interest, QLS Bar Service and Flood & Cyclone Legal Help files and each presented a seminar on two research projects – Employment Law and Elder Financial Abuse.

As a result of the casework, the students reported improving their skills in legal analysis and problem solving, writing, oral presentation and communication with “clients” across varied areas of law. As part of the clinic evaluation the students indicated they had developed ideas about policy, become more aware of the importance of access to law and better understood the role of law in society.

Thanks to Justice Roslyn Atkinson, Legal Aid Queensland CEO Anthony Reilly, McCullough Robertson partner Russell Thirgood and staff at Caxton Legal Centre for discussing with the students the connection between social justice and the law.

### **Mental Health Law Clinic (University of Queensland)**

The semester one clinic concluded at the end of May. Our wonderful students Alexandra O'Connell, Daniel Tang, James Schlunke, Yer Thao, Jian-xing Lee and Michael Neumeier **provided** advice and assistance to more than 30 clients on a range of issues including involuntary treatment orders, Mental Health Court proceedings, debt and family law issues. We also had a number of inquiries from people seeking clinical mental health assistance for family members.

One of the most rewarding aspects of the clinic is the report from students about how the clinic has broadened their perspective and understanding of the complex issues facing people with mental illness. In particular, the outreach services we provided to patients at the Princess Alexandra Hospital proved an eye opening experience for many of our students.

We are very pleased that all of the students want to continue their association with QPILCH and our mental health work and have signed up for the Mental Health Law Advocates training in August.

We are very grateful to our many speakers who shared their wisdom and experience with the students through our lunchtime seminar program. Last semester speakers were Barry Thomas, President of the Mental Health Review Tribunal; Andrew Caple, University of Queensland Associate Lecturer; Marianne Wyder, researcher and post-doctoral candidate in the Social Work Faculty; and David Thompson, Legal Aid Lawyer.

The new clinic starts at the end of July and will be supervised by Ann Herriot.

### **Student volunteers**

UQ, Griffith and QUT volunteers will be commencing at the end of July. Lester Fan completed a PLT placement in June, and Ronald Moss and Rebekah O'Sullivan are currently doing their PLT placements with QPILCH. We currently have Bond University student Katelyn Rennick and Iris Gajic-Pavlica volunteering with us.

## **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 6317.

### **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 Referral Services and operates direct services – the Homeless Persons' Legal Clinic, Refugee Civil Law Clinic, Self Representation Service (Supreme and District Courts, QCAT, the Federal Court and the Federal Magistrates Court), Administrative Law Clinic, and Mental Health 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).

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