



Issue 4 ■ December 2003

1. **What is QPILCH**
2. **RAILS - Refugee and Immigration Legal Support project**
3. **Homeless Persons' Legal Clinic new secondee**
4. **Changes to the Vagrants Gaming and Other Offences Act**
5. **Casework report**
6. **QPILCH member appointed to Supreme Court**
7. **Second National Pro Bono Conference**
8. **New members and membership**
9. **AGM and new QPILCH committee**
10. **Funding and resources**
11. **Student clinics**
12. **Subscription**

What is QPILCH

The Queensland Public Interest Law Clearing House Incorporated (QPILCH) 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. QPILCH also provides an opportunity to marshal the resources of private firms, government, corporate lawyers, university law schools and the community sector in advancing the public interest, and through targeted projects, assisting those who are the most disadvantaged and marginalised.

We take this opportunity to thank all our members and supporters for their generous and kind assistance during the year and wish you a very happy and relaxed festive season.

RAILS

The biggest news for the RAILS project is undoubtedly our success in receiving grants from the Gambling Community Benefit Fund and the Myer Foundation which will enable QPILCH to run RAILS until the end of 2004. We thank everyone involved in the program, and all those who wrote letters of support for our applications.

The program is starting to gear up, and a great number of solicitors and barristers have indicated their interest in volunteering their time to register as migration agents and assist with Refugee Review Tribunal applications. We will be appointing a coordinator for the project over the next few weeks. This will be the next step in meeting the expected first wave of applications and requests for assistance in January 2004.

We are working to resolve the migration agent advertising requirement, which unfortunately is delaying the registration and training of volunteers.

Over the coming weeks, a comprehensive volunteer's manual will be available to those who have expressed their interest in participating in the project. It will contain information on the Migration Agent registration process, volunteer

responsibilities, background on the relevant laws, template statutory declarations, legal submissions, and more.

If you are interested, make sure you have sent your contact details to projects2@qpilch.org.au.

Homeless Persons' Legal Clinic has expanded

After 15 months as the first coordinator of the Homeless Persons' Legal Clinic, Carla Klease has returned to full-time practice at Blake Dawson Waldron. We thank Carla for her terrific organisational skills which so effectively launched the clinics. Carla's end of pilot evaluation of the project can be accessed on our website at www.qpilch.org.au.

Michelle Bradfield has been seconded by Minter Ellison for 2.5 days per week for six months to take up the coordinator's role. We thank Minters and Michelle for their enthusiasm in responding to the need for ongoing coordination of the project.

We also thank the firms which continue to provide pro bono services to the homeless – Allens Arthur Robison, Blake Dawson Waldron, Clayton Utz, Freehills, Gilshenan and Luton, Mallesons Stephen Jaques, McCullough Robertson, McInnes Wilson, Minter Ellison and MurphySchmidt.

In addition, we are indebted to the Attorney-General, the Hon Rod Welford MP, who has provided a grant of \$10,000 to the HPLC.

Rip it up – changes to the Vagrants Gaming and Other Offences Act

The Queensland Government has failed to amend laws that directly discriminate against homeless, indigenous and other marginalised groups.

Rights in Public Space Action Group (RIPS) is a coalition of community agencies representative of client groups who are most affected by over-policing of the *Vagrants Gaming and Other Offences Act 1931 (VGO Act)* and related laws.

Public order offences are disproportionately impacting upon indigenous, homeless and young people and those with mental illness.

Reform of the *VGO Act* is long overdue. Queensland is one of the only Australian jurisdictions where vagrancy is still an offence. The Act contains provisions that criminalise poverty and that are discriminatory in their impact, and are inconsistent with current social norms. Further, most behaviours, which the provisions of the Act seek to prevent are already punishable under alternative provisions of the criminal law in Queensland. Many of the provisions border on the ridiculous, and make a mockery of Queensland's corporate image as the "Smart State".

Rather than undertake this necessary reform the Queensland Government on 25 November 2003 created a new offence of 'public nuisance' by amending the *Police Powers and Responsibilities and Other Legislation Act 2003 (Qld)* which amends the *VGO Act*. This new offence of 'public nuisance' may result in an increase in the number of people who receive a criminal penalty for offensive language or behaviour.

RIPS will continue to lobby for the much needed reform of these archaic Queensland laws.

Casework report

Allens Arthur Robison has seconded solicitor Rochelle Spedding for two days per week for six months to coordinate our referral program. Rochelle commenced on 3 September 2003 and will assess applications for assistance. QPILCH is very fortunate to have Rochelle who is revamping our forms and procedures and is ensuring that the assessment process is expeditious and thorough.

From 1 July up to 18 October 2003 QPILCH received 76 written applications for assistance. This can be compared with 111 applications received for the whole 2002-03 period. So far this financial year, 18 matters have been referred with 8 matters still to be taken up; compared with 40 last year.

One recent referral to Mallesons Stephen Jaques resulted in a successful negotiation with the Minister for Immigration and Multicultural and Indigenous Affairs regarding review of an RRT decision. The Federal Court remitted by consent the matter back to the RRT for rehearing.

As reported in our last annual report, QPILCH members have provided more than \$110,000 worth of assistance in just a few of the cases so far costed out of the more than 70 matters referred for assistance. This is a wonderful effort that does not take account of the many hours of work also undertaken as part of the Homeless Persons' Legal Clinic, RAILS project and other work.

QPILCH member appointed to Supreme Court

James Douglas QC, one of the first of QPILCH's barrister members, has been appointed to the Supreme Court. We congratulate Justice Douglas and thank him for his encouragement and support.

Second National Pro Bono Conference - Transforming Access to Justice

The National Pro Bono Resource Centre, in conjunction with QPILCH and the Public Interest Law Clearing Houses in Victoria and New South Wales hosted the Second National Pro Bono Conference – Transforming Access to Justice in Sydney on 20 – 21 October 2003.

The Conference brought together members of the profession in private practice, community legal centres, government departments and experts from overseas to discuss and debate issues facing the pro bono community in providing and maintaining access to legal resources.

An array of local and international speakers from different areas of the profession spoke and presented workshops geared at evaluating the current methods of providing pro bono services (and whether they are effectively addressing social justice) as well as new ideas for developing pro bono schemes in the profession.

There were particular comments at the conference that the pro bono community ought to consider acting in family law disputes. The consensus was that firms were reluctant to do so for reasons which included:

- Family law was generally outside the area of expertise of member firms;
- A concern that to do pro bono family work (particularly non-public interest family work) would be inappropriate for firms given that this was an area of Commonwealth responsibility.
- Conducting family law would reduce the resource capacity of firms to do other important pro bono public interest work, such as in the area of civil law.

In addition to discussion on such issues, practical resources were launched including The Australian Pro Bono Manual and Pro Bono Net Australia. These resources can be viewed at <http://www.nationalprobono.org.au/index.html>.

The Conference was a fantastic opportunity to gather ideas about delivering pro bono services more effectively, as well as to meet other colleagues from around Australia.

Membership

We are very pleased to announce the membership of Hugh Scott-Mackenzie Damien O'Brien, David Thomae and Eric Howell, all barristers. Hugh was previously

on the management committee as the representative of Mallesons Stephen Jaques, and has returned as barrister representative. Eric is a retired barrister. We extend a welcome to these new members and thank them for their support. Please see our full membership list below.

We need new members and in the near future will be embarking on another membership drive. Please consider QPILCH membership because it benefits the community and the profession, and you control what you do.

AGM

Our second AGM was held on 23 October 2003. Guest speaker Esther Lardent entertained members and guests with an informative talk about the US pro bono experience, particularly the involvement of corporate lawyers.

For a copy of our most recent annual report, please visit our website:

A new management committee was elected at the AGM. Committee members for 2003-04 are:

Andrew Buchanan (firm member), **Hugh Scott-Mackenzie** (barrister member), **Simon Cleary** (LAQ), **Lucy Bretherton** (firm member), **Robert Reed** (firm member), **Cathy Pereira** (QAILS), **Jeff Giddings** (associate member) **Dan O'Connor** (Bar Association), **John Swinson** (firm member), **Tom Byrne** (QLS), **Joanne Rennick** (firm member), **Brad Watkins** (legal unit member), **Emma Robinson** (coopted member), and **Robyn Wilkinson** (coopted member).

Funding and resources

In July, we applied to the Queensland Law Foundation for funds to travel to regional areas in order to develop links to rural and remote communities. A member firm had indicated an interest in seconding a solicitor to coordinate a rural and remote project. However, our application was unsuccessful. So we have now applied to the Grants Committee of the Law Society and are hopeful of obtaining funds to conduct this project and upgrade our services to the wider community. We will keep you posted.

We thank the Attorney-General, the Hon Rod Welford MP, for a grant of \$10,000 towards our core services. This is in addition to a similar amount for the Homeless Persons' Legal Clinic. This is a very timely addition to our funds because income from membership still falls short of our aim to be self-sustaining.

We are also grateful to Telstra for donating some important legal resource books to assist in researching the law as part of the case assessment process.

Student clinic and volunteers

The third clinic involving law students from Griffith University ended on 27 October. The students continued the high level of enthusiasm from earlier *Public Interest Lawyering* courses. As part of their project work, students continued a manual of legal referral services commenced in the previous semester and worked on a new project on immigration law to assist the RAILS project. In 2004, we hope to start a second student clinic in association with another university law school.

Law students from QUT, UQ and Bond University have also been actively assisting QPILCH with case assessments and research.

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 or contact us by phone or fax (see below).

Firms Allens Arthur Robinson, Ash Solicitors, Bain Gasteen, Blake Dawson Waldron, Brian Bartley and Associates, Clayton Utz, Deacons, Freehills, Hunt & Hunt, Mallesons Stephen Jaques, McCullough Robertson, McInnes Wilson, Minter Ellison, MurphySchmidt, Shine Roche McGowan, Walkers Solicitors (Toowoomba) **Barristers** Franc Asis, John Bond SC, Jacoba Brasch, Jean Dalton, James Douglas QC, Eric Howell, Stephen Keim, Liam Kelly, Ross Mack, Damien O'Brien, Darryl Rangiah, Hugh Scott-Mackenzie, David Thomae
Specified members Bar Association of Queensland Inc, Legal Aid Queensland, Queensland Association of Independent Legal Services Inc, Queensland Law Society Incorporated
Associate members BDO Kendalls, Chartered Accountants, Griffith University Law School, Queensland University of Technology Law School **Government legal unit members** Australian Competition and Consumer Commission **Corporate legal unit members** Energex Limited