

**Issue 16, March 2009**

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**Forthcoming events**

**3 April**

**Public Interest Address**

There are still some seats available for the next *Public Interest Address* on **3 April** at the Brisbane Polo Club. Michael Napier QC, the UK Attorney General’s Pro Bono Envoy and member of the Legal Services Board and Robert Musgrove, Chief Executive of the UK Civil Justice Council will present on *Achieving better access to civil justice – civil law reforms in the UK from Woolf to the future*. For more information please phone 3846 6317. RSVP by 30 March.

**15 May**



**Walk For Justice**

Last year, QPILCH supporters had such a great time raising over \$8,000 on the Walk for Justice that we are readying ourselves to do it all again on the morning of **Friday 15 May**.

Nearly 400 supporters walked in 2008. This year walks will again occur in New South Wales, Victoria, SA and the UK. In 2009 we hope to surpass last year’s success and gain even more support for pro bono

legal services and access to justice. The walk will be lead by President of the Court of Appeal, **The Honourable Justice Margaret McMurdo AC**.

For those who attended last year, you may be pleased to note that the walk has been shortened considerably and now comes in at a modest 4.7km this year!

We hope this year to have teams from firms, chambers, CLCs and legal units from government the private sector. Please start organising your team now.

**26-30 May**

**Art exhibition**

Therese Rein, Patron for Common Ground Australia, will open the second annual HPLC Art Exhibition on the evening of **27 May** at Metro Arts, 109 Edward Street. This is an important opportunity for homeless artists to display their works of art. All proceeds go to the artists. The last HPLC exhibition in 2007 was a great success and we encourage you to attend. The exhibition will run from 26 to 30 May and has been kindly sponsored by Brisbane City Council and Brisbane HPLC participating firms. Please email [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au) if you have any queries

about the art exhibition or would like to get involved.

### **New pro bono referral service**

The QLS Pro Bono Scheme and the Bar Pro Bono Scheme commenced on 2 February 2009 and are managed by QPILCH.

The two schemes, funded for one year only at this stage, will operate similarly to QPILCH's public interest referral scheme except they will be accessible for all civil matters. The objective of the schemes is to centralise pro bono referrals to reduce duplication and misdirection of referrals and provide a central point of contact to enhance access to civil justice in Queensland. We urge all barristers and firms to support this initiative. For the first time in Queensland, people experiencing hardship who do not have a public interest issue but have legal merit will be able to seek a referral through the QLS and Bar schemes. Participants in the schemes are under no obligation to accept a referral.

This is another significant step in assisting community members who are excluded from the system because of their financial situation.

QLS President, Ian Berry, has invited QLS member firms to participate in the scheme.

Kathrin Wolf coordinates the scheme at QPILCH, working closely with Cristy Dieckmann who manages the public interest scheme and with Aimee McVeigh who is coordinating the RRR project. Kathrin has a Masters of Law from the TC Beirne School of Law (UQ) and has worked at Sparke Helmore and TressCox.

Kathrin Wolf – [referral@qpilch.org.au](mailto:referral@qpilch.org.au)

### **RRR project commenced**

At the end of January 2009 QPILCH commenced a Rural Regional Remote (RRR) project. The RRR project has been funded by the Legal Practitioners Interest on Trust Account Fund for six months with the aim of enhancing the delivery of pro bono legal services in rural, regional and remote Queensland.

In June 2007 a survey to explore rural pro bono legal work in Queensland was conducted for QPILCH by Dr Belinda Carpenter of the Queensland University of

Technology. The survey identified a number of barriers to the provision of pro bono legal services in rural Queensland. While many RRR practitioners do much, lack of resources, capacity and expertise can prevent RRR practitioners from providing free legal assistance to disadvantaged people living in their communities. As part of the RRR Project, QPILCH will develop two partnerships between rural and remote law firms and large metropolitan firms. A number of rural firms expressed an interest in being involved in a partnership when they were surveyed by Dr Carpenter in 2007. The partnerships will provide the regional firms with support, increased capacity and resources to enhance their ability to provide pro bono legal services.

In 2004, the National Pro Bono Resource Centre (NPBRC) facilitated a project between Sydney based national firms and RRR CLCs in New South Wales. As Queensland has fewer RRR CLCs, local firms can be important participants in providing structured and targeted free services to those most in need.

Aimee McVeigh has joined QPILCH to coordinate the RRR Project. Prior to working at QPILCH Aimee was employed as a solicitor at Katherine Women's Information and Legal Service Inc. in the Northern Territory and Cooper Grace Ward and McInnes Wilson in Brisbane.

Aimee McVeigh - [rrr@qpilch.org.au](mailto:rrr@qpilch.org.au)

### **QPILCH has moved**

After six years in Margaret Street, QPILCH has moved to West End. Our new contact details are:

T: (07) 3846 6318

F: (07) 3846 6311

P: PO Box 3631, SOUTH BRISBANE BC QLD 4101

Email addresses will remain the same.

We thank **Legal Aid Queensland** for its assistance with removal and other costs associated with the move.

### **Coordinated Student Programs**

The first university semester for 2009 is now in full swing, as are QPILCH's student programs. We welcome 9 new volunteers, one student intern from QUT, and a further 21

students who commenced clinical placements as part of the Griffith University Public Interest Lawyering Course (Mondays); the UQ Homeless Persons' Legal Clinic (Tuesdays); the UQ Public Interest Research Clinic (Wednesdays); and the Bond Administrative Law Clinic (Fridays)(see below). Holding Redlich, Minter Ellison, McInnes Wilson, McCullough Robertson, MurphySchmidt and Mallesons Stephen Jacques are participating in the HPLC clinic which commenced on 3 March. We are thankful for their support.

We welcome back Rebekah Leong after 2 years working overseas as a refugee lawyer in Cambodia and immigration lawyer for the UK Home Office. Rebekah will coordinate the student programs and supervise the Griffith University and the UQ Public Interest Research clinics.  
Rebekah Leong -  
[studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au)

### **Administrative Law Clinic**

The Bond clinic's first semester commenced on 30 January. Now into the seventh week, it's continuing to undertake a significant caseload, keeping participating students on a steep learning curve. Andrea de Smidt has taken over supervision of the clinic from Jackson Walkden-Brown.

### **Student volunteers**

We would like to thank the students who volunteered with QPILCH over the summer semester. Thanks go to Yasmin Naghavi, Chelsea Cross, Lauren Farrelly, Isaac Evans, Heather Corkhill, Charmaine Feggans, Emma Hearn, Naomi Gearon, Kyra Bell-Pasht, Jodie Whan, Nicholas Lichti, Nikita Reed and graduate Julia Ravell. These students have worked on a diverse caseload during the semester and have carried out many different tasks around the office with aplomb.

We have also hosted two PLT students over the summer semester. Jarrod Johnston and Kelly Xiao contributed to various casework and research projects during their placements.

### **HPLC news Clinics**

The service provided by the HPLC is increasingly in demand in this current economic climate. HPLCs in Brisbane,

Toowoomba and Townsville are continuing to see a steady stream of clients, keeping volunteer lawyers from participating firms busy in their pro bono practice. Thank you to lawyers and firms for their continued efforts.

### **Reform**

On 20 February, the HPLC submitted a response to the Crime and Misconduct Commission's call for public comment on Queensland's police move-on powers. Given the work already conducted by the HPLC on the use and impact of move-on powers on Queensland's public space users, the HPLC assisted our clients to submit their own responses. A pro forma client submission enabled clients to provide details of two of their experiences with move-on powers and to provide their opinion on the fairness and/or effectiveness of the powers. Thanks to the efforts of volunteer lawyers, 17 client submissions were collected from 1 to 18 February and forwarded to the CMC for consideration. The HPLC recognises that these submissions provide just a sample of the views of Queensland's public space users, and has accordingly encouraged the CMC to conduct its own 'on the ground' research to facilitate the production of a balanced report which considers the opinions of all stakeholders concerned.

### **New staff member**

Sam Boyle has started work as HPLC and RCLC paralegal two days a week. Sam is a welcome addition to the HPLC and RCLC – providing much-needed support to coordinator, Andrea de Smidt.  
Andrea de Smidt – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

### **HPLC policy news**

The Federal Government White Paper on Homelessness, released in December 2008, nominates a clear need to expand legal services to people at risk of homelessness as one of its key outputs. QPILCH is working with state and national networks to contribute to the implementation of these goals. The Queensland Department of Communities is responsible for managing these reforms at a state level.

We are disappointed we have not had any more law firms from the Gold Coast commit to a HPLC there, and the project is once more in abeyance. In December QPILCH invited the District Law Association

to take a lead role in recruiting and planning to ensure the project's sustainability, but to date have had no response.

The HPLC is continuing to develop an assertive outreach legal services model which incorporates case management principles, non-lawyers as conduits, accessible visiting lawyers and physical orientation to community legal services. Sue Garlick – [homelesspolicy@qpilch.org.au](mailto:homelesspolicy@qpilch.org.au)

#### **NEW MEMBERS**

Since March 2008, we welcome new firm members **Australian Workplace Lawyers** and **Slater&Gordon** and new barrister members **Dan Pratt, Elliott Dalgleish, Andrew Radley, Aida-Portia Maier, Clare Sultman, Shelley-Anne Brace, Susan Fajardo, Simon Brown, Paul Marshall, Justin Ratanatray and Douglas Wilson**. We thank our new members for their interest and support.

#### **Refugee Civil Law Clinic**

Corrs team leader Tarryn Brown and RCLC coordinator, Andrea de Smidt attended the Multicultural Development Association on 11 February to provide a 'refresher' information session about the clinic to MDA caseworkers and staff. The session was well received by all attendees, many of whom indicated their appreciation for the continued support the clinic provides to their clients. Since its inception in August 2007 the RCLC has assisted 53 refugee clients with civil law issues.

#### **Self-Representation Civil Law Service**

We are extremely grateful for additional funding recently granted by the Department of Justice and Attorney-General. The funding, which takes the service to two full-time staff members, became necessary due to the substantial increase in applications for assistance.

The service received 50% more applications in January 2009 than it did during the same month last year. The funding has allowed the service to staff its District Court office on a full time basis, rather than three days a week. With the increase in

applications, the SRCLS's appointment schedule has become noticeably more crowded. The service would like to thank the volunteer solicitors who have ensured the service has been able to accommodate the increasing demand for assistance.

The service has also noticed an increase in the volume of mortgage and debt related applications since December 2008. In the last financial year, debt related disputes made up less than 15% of the applications. Mortgage and debt related proceedings have accounted for nearly one quarter of all new applications for assistance since the start of 2009.

The SRCLS was pleased to receive news from a client about a particularly outstanding informal settlement which he reached with a legally-represented opponent. The client, who was being pursued for more than \$500,000 in damages, was assisted by the SRCLS to prepare a defence and initiate informal negotiations. The client received confirmation in late December 2008 that the plaintiff had agreed to discontinue its entire claim against the client, only months after having initiated proceedings.

The SRCLS recently assisted a company director and his wife who were advised to seek assistance from the service in the midst of a final hearing. A finance company had initiated Supreme Court action against the clients after they fell foul of debts owed under a facility agreement. The clients were on the verge of consenting to the sale of their home when the SRCLS was asked to intervene by the Supreme Court.

Due to the complexity of the credit documents underpinning the proceedings, the SRCLS sought assistance from solicitors in Legal Aid's Consumer Protection Unit, who agreed to assist with an appointment with the clients later the same day.

With the assistance of Legal Aid's Paul Holmes, the SRCLS helped the clients identify that the financier had not justified its claim to an equitable mortgage, or for possession and sale of the family home.

With the combined assistance of Legal Aid and the SRCLS, the clients were successful in obtaining a lengthy adjournment and avoiding the cataclysmic orders which were threatening to go 'unchecked' due to their self-representation.

#### **Pro bono mediation service**

The SRCLS's recent introduction of a

free mediation service for self-represented litigants continues to receive support from clients, the profession and the judiciary. The mediation service is already able to boast achieving an informal settlement for some SRCLS clients. The SRCLS is also aware that in at least two recent cases, the availability of the free mediation service has been a key factor in the Supreme Court's decision to order parties to mediate. It appears as though the service will become an increasingly important component of the services offered by the SRCLS in 2009. Judith Douglas - [selfreps@qpilch.org.au](mailto:selfreps@qpilch.org.au) Allira Thompson - [selfrepsadmin@qpilch.org.au](mailto:selfrepsadmin@qpilch.org.au)

## Training

We have an ambitious training program for 2009 (some dates are to be confirmed):

### Training for the profession

**28 May** - *Mental Health Law 1 – overview*

**15 June** - *A Human Rights seminar* focusing on a Charter of Rights.

**24 June** – Human Rights consultation for the profession

**June** - *Mental Health Law 2 – The MHRT*

**July** – *Mental Health Law 3 – Involuntary Treatment Orders*

### Training for CLCs

**17 April** – *Consumer Law 1 - Consumer Credit Code*

**21 April** - *Professional Costs*

**May** – *Consumer Law 2 - home repossessions*

**July** – *Consumer Law 3 - general and credit card debt*

**July** – JR applications

### Not-for-profit seminar series

**27 March** - *Intellectual Property*

**15 May** - *Taxation*

**June** - *Evaluation techniques*

### Self-Representation Civil Law Service

**20 April** - *Drafting skills – Affidavits*

**29 April** - *Communication skills*

**May** - *Drafting Skills – Pleadings*

**June** - *Drafting Skills – Applications*

**July** - *Drafting Skills – Outlines of arguments and submissions*

**August** - *Drafting Skills – Grounds of appeal Family and Criminal Law.*

### RCLC and HPLC Training

**30 March** - *HPLC Induction*

**20 April** - *Cultural Awareness*

**May** – *Communication skills*

**June** – guardianship

### Public seminar

**13 May** – *How to effectively represent yourself.*

**For more information or to register for training see our website under 'Training'.**

Andrea Perry-Petersen - [training@qpilch.org.au](mailto:training@qpilch.org.au).

## Referrals

Barrister member **Suellan Walker-Munro**, instructed by QPILCH, prepared supporting materials and appeared at an AAT mediation conference, after which the Department of Immigration agreed with submissions that the applicant was of good character and he was eventually granted Australian citizenship.

**Quinn & Scattini** and **Slater & Gordon** assisted a not-for-profit organisation with advice on environmental law.

Barrister member **Guy Sara** provided a community legal centre with advice relating to tenants' rights when a mortgagee takes possession of a rental property.

**MurphySchmidt, Bain Gasteen** and barrister members **Dan O'Gorman** and **David Keane** gave advice to an elderly couple who were appealing a Small Claims Tribunal decision to the Supreme Court.

Barrister member **Andrew Radley** gave advice to a community legal centre about liability arising from making a video presentation.

**Minter Ellison** negotiated settlement for applicants who had been saddled with a judgment debt which arose from a penalty clause in a loan agreement. The applicants, one of whom had a terminal illness, had sold their business to a purchaser who failed to pay out the loan. They were facing a large debt and had no means to pay it off. Bankruptcy was being considered. Minter's successfully argued that the loan company's default interest charge of 40% was a penalty and negotiated a settlement of the matter in which the company set aside its judgment, dismissed proceedings with no costs order and removed the caveat over the applicants' house. The applicants are now free to pay off a sum that is one fifth of the debt they were originally facing, and have the option of paying the total in monthly \$60 installments. Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au).

## Secondments

Corrs secondee Duncan Marckwald finished his four months with us at the end of January. Duncan added good cheer to our office in great quantities, managed a large workload and was always pro-active in making our systems more streamlined and effective.

Jen O'Farrell has taken over from Duncan. She brings a wealth of experience and a very thorough approach to the assessment process, which is of great benefit to QPILCH and those we are trying to assist.

## Considering a secondment?

As free legal services are overloaded with requests for assistance, secondments of any duration from private firms are becoming increasingly important and of great benefit to the community. If you would like to broaden the experience and skills of your staff, we can use more hands to assist disadvantaged clients at QPILCH or another CLC. If you are interested in discussing a secondment, please contact Tony Woodyatt - [contact@qpilch.org.au](mailto:contact@qpilch.org.au)

## 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 07 3846 6318 or fax 07 3846 6311.

## 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 public interest 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 pro bono referrals, QPILCH operates four direct services with the support of its members – the Homeless Persons' Legal Clinic, the Refugee Civil Law Clinic, the Self-Representation Civil Law Service, and the Administrative Law Clinic. 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).

## QPILCH Members

**Firms** Allens Arthur Robinson, Blake Dawson, Brian Bartley and Associates, Carter Capner, Clayton Utz, Corrs Chambers Westgarth, Deacons, DLA Phillips Fox, Ebsworth & Ebsworth, 4 Change Lawyers, Freehills, Holding Redlich, Hunt & Hunt, Macrossans Lawyers, Mallesons Stephen Jaques, McCullough Robertson, McInnes Wilson, McPhee Lawyers, Miller Harris (Cairns), Minter Ellison, MurphySchmidt, Nathan Lawyers, Piper Alderman, Quinn and Scattini, Shine Lawyers, Slater & Gordon, Smith & Stanton, Sparke Helmore, TressCox Lawyers, Walkers Solicitors (Toowoomba) **Barristers** Nicholas Andreatidis, Franc Asis, Michael Ballans, Ken Barlow, John Bond SC, Shelley-Anne Brace, Jacoba Brasch, Vince Brennan, Judy Brien, Alexandra Brook, Simon Brown, Sue Brown, Anna Cappellano, Gary Coveney, Jarrod Cowley-Grimmond, Christopher Crawford, Quentin Cregan, Elliott Dalglish, Jean Dalton SC, Dr Gillian Dempsey, Cameron Dick, Susan Fajardo, Tracy Fantin (Cairns), Dr Kim Forrester, Joshua Hanna, Keith Howe, George Kalimnios, David Keane, Stephen Keim SC, Liam Kelly, Nitra Kidson, Carla Klease, Michael Labone, Peter Lyons QC, Aida-Portia Maier, Paul Marshall, Scott McConnel, James McNab, Ross Mack, Nicole Martin, Damien O'Brien, TP O'Brien, Dan O'Gorman, Rebecca Pearson, Dan Pratt, Andrew Radley, Darryl Rangiah, Justin Ky Ratanatray, Guy Sara, Hugh Scott-Mackenzie, Sarah Scott-Mackenzie, Dr Max Spry, Clare Sultman, David Thomae, Roger Traves SC, Terrence Walsh, Suellan Walker-Munro, Karen Williams, Douglas Wilson, Michael Wilson, Julene Winn **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, Bond University Law School, Griffith University Law School, Queensland University of Technology Law School, TC Beirne School of Law (UQ) **Government legal unit members** Australian Competition and Consumer Commission **Corporate legal unit members**