

## Issue 14, June 2008

### Contents

Law walk	1
HPLC news	1
Self-Representation Civil Law Service	2
Refugee civil law service	2
Training and research news	3
Referrals	3
Student and volunteer programs	4
Secondments	5
Subscription	5



### Fundraising walk

QPILCH held the inaugural *Law Walk* on Monday 19 May. The walk was a fundraising event for the QPILCH Disbursement Fund, which directly assists QPILCH applicants and clients by providing for outlays and discrete services.

There was a fabulous response in Brisbane, with over 300 walkers led by Chief Justice de Jersey and accompanied by the Attorney-General Kerry Shine. We walked off to the chiming of the 7am City Hall clock, and most walkers were at the City Gardens Café by 8.30am to enjoy a breakfast courtesy of the QLS and the Bar Association.

Sponsorship monies are still coming in, but it looks likely that the event will raise more than \$10,000.

This event has been part of the London legal calendar for four years and on the same day this year there were 3500 walkers in London who raised £310,000. The Brisbane walk also coincided with events held by sister PILCH organisations in NSW and Victoria and by the SA Law Society which is hoping to set up a PILCH in Adelaide.

We thank the Chief Justice, other members of the judiciary, parliamentarians, QPILCH members and the many others who supported this event through participation and sponsorship, and look forward to doing it all again next year.



Participants enjoy breakfast after the morning walk

### HPLC news

#### Casework

The HPLC recently opened its 1400<sup>th</sup> file since its inception in December 2002. The HPLC clinics continue to see a steady flow of clients, and now with regional clinics in both Toowoomba and Townsville, 2008 is proving to be a busy year.

#### HPLC projects

The Homeless Court Connect Client Reference Group project is nearing completion. The HPLC has contributed to this project through delivery of public speaking workshops, legal 'toolbox talks' and yet to be delivered skills-based training such as resume writing and interview techniques.

#### Reform

HPLC Coordinator, Andrea de Smidt, attended a 'Green Paper Roundtable' in Sydney on 28 March to consider issues which will feed into the Federal Government's Green Paper on Homelessness. The Green paper was released at the Homelessness

Conference in Adelaide on 22 May, which Andrea and HPLC Policy Officer, Sue Garlick attended. The Green Paper highlights the HPLCs (in Qld, NSW, VIC and SA) as an innovative response to homelessness. We are currently preparing a submission to the Green Paper focussing on best practice in early intervention, the negative impact of Queensland public space laws and the importance of funding specialist networked services.

### **Refugee Civil Law Service**

The Refugee Civil Law Clinic is continuing to see a steady number of clients each fortnight. Lawyers from Corrs Chambers Westgarth are doing a fantastic job providing a consistently high standard of support, advice and overall service to all clients who attend.

It is intended that the RCLC will begin to expand its services beyond client casework to incorporate educational training and workshops for clients and relevant reform work along similar lines to the HPLC. We look forward to providing details of this work in due course.

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

QPILCH's self-representation civil law services, funded by the Department of Justice, have now assisted almost 80 litigants in person since commencing in January this year. This level of assistance is made possible by the generous contribution of 130 lawyers from 12 QPILCH member law firms and 18 QPILCH member barristers. We will be holding a feedback session in July to learn from the experience of our volunteers.

### **Reference Group**

The SRCLS reference group chaired by The Honourable Martin Moynihan AO QC has met twice in the last five months. At the instigation of the Reference Group we have obtained the opinion of Bernard Porter of Counsel in drafting the policies and materials used by the service. We thank Mr Porter for his assistance.

### **Call for volunteers**

The Court of Appeal Self-Representation Civil Law Service (CA SRCLS) is seeking the assistance of retired solicitors and barristers, and practising

barristers willing to take part as volunteers in the CA SRCLS during work hours. Under the *Legal Profession Act 2007* (Qld), retired solicitors can now apply for a volunteer practising certificate at no cost so long as they work through a community legal centre such as QPILCH.

The first case was successfully undertaken by retired solicitor Lex MacGillivray and practising barrister Gary Coveney in February.

If you are interested in being involved, please contact Tony Woodyatt, QPILCH Coordinator, on 30129775 or [contact@qpilch.org.au](mailto:contact@qpilch.org.au).

### **Law week**

The Self-Representation Civil Law Service (SRCLS) participated in this year's Law Week by presenting two seminars on self-representation. Approximately 50 members of the public attended the seminars on Saturday 10 May 2008 as part of the Law Week Open Day events at the Brisbane Law Courts Complex.

### **New name**

We would like a punchier name for the *Self-Representation Civil Law Service*. A bottle of 1990 Baileys Hermitage for the person who comes up with the name we use. Any suggestions to [contact@qpilch.org.au](mailto:contact@qpilch.org.au). [LIPService has already been suggested].

### **Staff news**

Erin Thomas, the first coordinator of the SRCLS, is leaving QPILCH from late June. The establishment of the SRCLS's systems, policies and procedures are due to her dedication and hard work. We thank Erin for her great contribution and wish her well in her new ventures.

We welcome the new coordinator, Jude Douglas. Jude comes to QPILCH from Carter Newell, and we look forward to working with her in further developing the SRCLS.

### **Training**

Funded by the Law Foundation Queensland, our training program has been significantly expanded over the last year. We thank the LFQ for its support.

### **RCLC and HPLC training**

Recent CLEs conducted for the HPLC and RCLC are as follows:

1. *Resolving Uninsured Third Party Debt & Negotiating with Insurers* – presented by Denis Nelthorpe, independent consumer

representative of the General Insurance Code of Practice Compliance Committee, hosted by Clayton Utz;

2. *SPER: payment options for vulnerable and disadvantaged clients* – presented by Rochelle Blanch, SPER Community Liaison Officer, hosted by MurphySchmidt Lawyers;
3. *Consumer Law Issues: helping clients keep their head above water* - presented by Catherine Uhr, Lawyer, Consumer Protection Unit, LAQ and QPILCH's CLAC, hosted by DLA Phillips Fox.

### SRCLS training for staff & volunteers

Seminars one and two of the SRCLS' four part civil litigation drafting series have provided valuable training to QPILCH staff and volunteers.

On 14 April 2008, Gary Coveney of Counsel presented a seminar on *Drafting Applications and Supporting Affidavits*. Paul Freeburn SC presented a seminar on *Drafting Pleadings* on 12 May 2008. Both seminars were kindly hosted by Deacons and were attended by over 100 QPILCH volunteers. Attendees commented that the training is very valuable because it assists them to develop the skills that they require both as commercial litigators and as QPILCH volunteers.

The next training on drafting affidavits (Michael Hodge) and notices of appeal (Damien O'Brien) will be held on 16 June and 28 July respectively.

### Professional Training

On Thursday 22 May a seminar on the "Children Services Tribunal" was held in conjunction with the Bar Association of Queensland. Expert presenters included Julie Ford, President and Patricia Hanly, Deputy President of the Children Services Tribunal; Bernadette Smith from the Department of Community Services; Catherine Moynihan and Ross Beer from Legal Aid; and Damian Bartholomew from the Youth Advocacy Centre. Over 70 people attended including a number of barristers, solicitors from community legal centres and private practice and advocates from the community sector. We thank the presenters, Mark Plunkett for chairing and the Bar Association for its support.

QPILCH also organised training for Legal Aid Queensland's civil law team on employment law by Freehills solicitor Amanda Cockrane and special counsel

Geraldine Dann. We thank Freehills for their assistance.

A joint QPILCH/Bar Association seminar on the "Adult Guardian" was held on 11 June at the Bar Common Room.

### NFP seminar series

Since our last newsletter, two seminars in the series "How healthy is your organisation? A legal service for Not-for-Profit organisations" have been held. Participants from a range of organisations attended the seminar on "Employment Law" hosted by Macrossans Lawyers in early April. We thank Rachel Drew of Macrossans, Paul Hardman of Holding Redlich and barrister Dr Max Spry.

On June 4, Belinda Morandini of Blake Dawson Lawyers provided an excellent presentation on "Discrimination Law". We thank Belinda for this fine presentation.

We are grateful to Heather Watson of McCullough Robertson Lawyers for presenting and Cairns Community Legal Centre for organising a seminar on "Corporate Governance" in Cairns on 15 May. Participants from local law firms and community organisations attended. Dr Max Spry is also presenting on employment law in Cairns on 24 June 2008.

Through these seminars, legal information is delivered to resource-poor organisations so that they may continue their valuable work for the community.

Details of seminars planned for the remainder of the year can be found on our website at [www.qpilch.org.au/Training](http://www.qpilch.org.au/Training).

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

### Referrals

**QPILCH** and barrister **Vince Brennan** successfully settled a matter where the applicants were being pursued for solicitor's fees.

**Nathan Lawyers** assisted an applicant with a disability in securing a car park in her Department of Housing unit block.

**McCullough Robertson** and barrister **Dr Max Spry** advised a client in relation to her bankruptcy.

**Minter Ellison** provided advice on criminal liability, police powers and record-keeping issues which may affect a homeless shelter.

We thank all our members for their continued acceptance of referrals.

## **Student and volunteer programs**

### **UQ Vice Chancellor's Award**

UQ's student clinic program, operated in conjunction with QPILCH and LAQ, was awarded the Vice-Chancellor's Equity and Diversity Award at the University of Queensland. The prize recognises staff, students and graduates who are pursuing inclusive initiatives which benefit others.

Four clinics are run from UQ by law lecturers Paul O'Shea and Dr Tamara Walsh. Three are run in partnership with QPILCH – the Consumer Law Advice Clinic, the Homeless Persons' Student Legal Clinic and the Public Interest Research Clinic. A fourth operates with LAQ's Brief Services Unit. The course, LAWS 5180, allows undergraduate students to better understand how the legal system affects disadvantaged people by working directly with clients of the clinics and by undertaking research. Importantly, the clinics also provide legal services that would otherwise not occur.

### **HPLC student clinic**

The HPLC student clinic operates one semester per year. The students in this clinic work at QPILCH and with member firms to support volunteer staff providing advice and assistance to homeless people at eight welfare agencies in Brisbane.

The 2008 HPLC UQ clinical subject ended in May. Six UQ Law School students spent time at HPLC clinics and QPILCH assisting volunteer lawyers with casework and contributed to the production of a QPILCH 'fact sheet' kit for HPLC volunteer lawyers and clients. Students reported back positively on their experience with the HPLC. Andrea se Smidt – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au).

### **Public Interest Research Clinic**

Established in semester two 2007 with financial support from the Law Foundation-Queensland, the second Public Interest Research Clinic concluded in early May. Six UQ students worked in two teams of three to prepare materials relating to the Children Services Tribunal and Guardianship and Administration Tribunal. The students visited the Tribunals, spoke with the Registrars and observed hearings.

This unique student clinic gives law students an insight into non-traditional legal studies such as knowledge management, socio-legal research, plain English writing

and evaluation techniques. Some of the students who participate in the PIRC may become future knowledge managers in member law firms.

From second semester 2008, this clinic will be funded by the University of Queensland.

Andrea Petersen – [training@qpilch.org.au](mailto:training@qpilch.org.au).  
**Consumer Law Advice Clinic**

The Consumer Law Advice Clinic has been operating each semester since 2004. It was started with the assistance of QPILCH foundation member Clayton Utz which seconded a senior solicitor for three days per week to establish and run the service. UQ now funds the service for one day per week.

Several systemic issues of concern arose from the CLAC in the last semester. In one case, a small lender used high cost, incomprehensible promissory notes with business purpose declarations in an attempt to avoid protection under the Consumer Credit Code. In a second, training organisations offered courses that are expensive, not accredited and appear unlikely to improve the consumer's prospects of employment in an environment where there is little regulatory consumer protection or recourse to affordable dispute resolution.

We thank the students involved this semester and for the support of Randal Dennings and staff from Clayton Utz who provided a venue and leadership for the clinic's training on its commencement.

Catherine Uhr – [consumer@qpilch.org.au](mailto:consumer@qpilch.org.au)  
**Griffith University student clinic**

QPILCH's oldest clinic, *Public Interest Lawyering*, has been operating since semester 2, 2002. Six senior Griffith University students worked very well this semester assisting with general casework referrals and also produced fact sheets about time limitations in civil litigation (to be published soon). The students also participated wholeheartedly in discussions with guest speakers and in seminars about public interest lawyering topics.

Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au).  
**Administrative law clinic**

The Bond administrative law clinic second semester 2008 has just commenced under the supervision of Bond academic Jackson Walkden-Brown. We hope this semester to develop a dedicated administrative law section on the QPILCH

website, incorporating useful resources for the profession.

### Students and volunteers

We would like to thank the students who volunteered at QPILCH this semester. Thanks go to Jess Larsen, Jee Hamlyn-Harris, Hope Henderson, Sean Houston and Eddie Wood. These students have been invaluable in assisting us with assessing applications, legal research and were also very accommodating when we asked for a lot of assistance with organising the inaugural *Law Walk for Justice*.

Applications for volunteers in Semester 2 have now closed, and we will be advising successful applicants shortly. Contact Cristy Dieckmann – [services@qpilch.org.au](mailto:services@qpilch.org.au).

### Secondments

Free legal services are under increasing funding pressure, so secondments from private firms are becoming increasingly important and of great benefit to the community. If your firm would be interested in making such a commitment to QPILCH or another CLC, please contact Tony Woodyatt on 3012 9775 or [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 or fax (see below).

### 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. 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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### Membership

**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, Smith & Stanton, Sparke Helmore, TressCox Lawyers, Walkers Solicitors (Toowoomba) **Barristers** Nicholas Andreatidis, Franc Asis, Michael Ballans, Ken Barlow, John Bond SC, Jacoba Brasch, Judy Brien, Alexandra Brook, Sue Brown, Anna Cappellano, Gary Coveney, Jarrod Cowley-Grimmond, Christopher Crawford, Quentin Cregan, Jean Dalton SC, Dr Gillian Dempsey, Cameron Dick, 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, Scott McConnel, James McNab, Ross Mack, Nicole Martin, Damien O'Brien, TP O'Brien, Dan O'Gorman, Rebecca Pearson, Darryl Rangiah, Guy Sara, Hugh Scott-Mackenzie, Sarah Scott-Mackenzie, Dr Max Spry, David Thomaе, Roger Traves SC, Terrence Walsh, Karen Williams, 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**