



Queensland Public Interest Law Clearing House Incorporated  
Homeless Persons' Legal Clinic

# ***The Homeless Persons' Legal Clinic***

**END OF PILOT REPORT  
10 JUNE 2003**

***A partnership between the private  
sector, community sector and  
government***

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## **1 Homeless Persons' Legal Clinic**

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### **1.1 What is the Homeless Persons' Legal Clinic?**

The Homeless Persons' Legal Clinic (the "Clinic") is a pilot project of the Queensland Public Interest Law Clearing House Incorporated ("QPILCH"). It was launched in December 2002 by the Hon Rod Welford MP, Attorney-General and Minister for Justice, to provide free legal assistance to, and advocacy on behalf of, one of society's most disenfranchised groups – homeless people. The pilot of the Clinic concluded on 10 June 2003, six months after the launch.

### **1.2 Why is the Homeless Persons' Legal Clinic needed?**

The Clinic is modelled on similar schemes in Victoria, the United States and Canada which have demonstrated that many homeless people face distinct legal problems. These schemes have established that their clients are disproportionately affected by the application of the law, are sometimes targeted for the selective enforcement of laws, and require that services be appropriately targeted and delivered.

At the time of the 1996 Census, there were 25,649 homeless people in Queensland (a rate of 77.9/10,000) compared with 17,840 (a rate of 41/10,000) in Victoria. More recently, at the time of the 2001 Census, Queensland had the highest number of homeless young people in Australia.

The Homeless Persons' Legal Clinic is the first legal service in Queensland which is specifically designed to address the legal needs of homeless people. Legal issues are often a contributing factor which prevent homeless people from leaving the cycle of homelessness or which cause people to become homeless. Because of the range of pressures and issues confronting many homeless people (including financial, social, psychological, medical and health issues), legal problems often go unaddressed unless legal services are provided at places where homeless people already frequent.

"The Clinic fits very neatly alongside the Café's plan to address social justice principles and reduce current barriers to equal accessibility for all in the Valley community".

*Sheryl Chappell,  
Mission Australia  
Community Café*

### **1.3 What does the Homeless Persons' Legal Clinic do?**

The Clinic provides an innovative outreach service where civil legal services are delivered at crisis accommodation centres and welfare agencies. Rather than clients being required to travel to a legal centre or a corporate law firm for advice and assistance, lawyers from the participating private law firms provide their assistance at locations already frequented by homeless people.

#### **1.4 What does the Homeless Persons' Legal Clinic achieve?**

Because of the design of the project, the Clinic achieves the following outcomes:

- a) By locating the Clinics at places where homeless people feel comfortable, the Clinic increases a very marginalised group's opportunity of access to justice in the form of legal assistance;
- b) By providing clients with information on their rights and by providing legal representation to a group who otherwise cannot access legal assistance, the Clinic:
  - reduces inequality before the law for homeless people;
  - removes legal barriers that can ordinarily prevent homeless people from exiting the cycle of homelessness, thereby creating a pathway out of homelessness and diverting homeless people from intensive governmental or non-governmental support systems; and
  - prevents people at risk of homelessness from becoming homeless because of legal issues.

## **2 Financial or Other Support of Clinic**

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### **2.1 What has sustained the Homeless Persons' Legal Clinic so far?**

The Clinic is currently supported by:

- a non-recurrent grant of \$25,000.00 from the Queensland Law Society Grants Committee;
- in-kind assistance from Blake Dawson Waldron valued at approximately \$22,000 which paid the salary of the part-time coordinator of the project until the end of the pilot (this assistance has been extended for a further 3 months);
- in-kind assistance from QPILCH through the provision of free rent, infrastructure, stationary, casework monitoring and supervision of the coordinator of the project;
- 10 private law firms through their provision of a total of 154 lawyers to service each of the Clinics in firm time and at the firms' expense (with 123 lawyers and 29 support staff currently servicing the Clinics). Already over 650 hours valued at \$195,000 have been donated by firms during the pilot via their lawyers' participation in the Clinics;
- in-kind assistance from private law firms in the form of graphic design, stationary (files), secretarial assistance, taxi vouchers and donation of training venues (with food and equipment) for over 60 lawyers at each training session;
- in-kind assistance from welfare agencies in the form of free accommodation of the Clinics and free use of telephone and internet facilities at the Clinics;
- members of the legal profession and homelessness sector including staff from Legal Aid Queensland, Welfare Rights Centre, Caxton Legal Centre, the Adult Guardian, the Tenants Union of Queensland, the Department of Housing, Aboriginal & Torres Strait Islander Legal Service, the State Penalties Enforcement Registry and each of the welfare agencies participating in the project, all who have conducted training sessions for the volunteer lawyers.

### **2.2 Future funding of Clinic**

The funding received from the Queensland Law Society Grants Committee and the support of Blake Dawson Waldron for the coordinator's position will enable the Clinic to operate until 3 October 2003, necessitating access to additional funding or a replacement secondee to maintain the coordinator of the project.

The Clinic has applied to the Queensland Attorney-General's Department for funding in the amount of \$52,330 to allow the project to continue operating until the end of the 2003/2004 financial year.

Tamara Walsh, Associate Lecturer from QUT, has applied for a QUT Community Service Grant. The application seeks support from the QUT Law School to

develop legal information fact sheets designed for homeless people, a seminar series to educate homeless people on their legal rights and a training package for organisations that provide services to homeless people on legal issues.

### **3 Clinic Partners**

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#### **3.1 Partnership**

The Homeless Persons' Legal Clinic is presently a partnership between private law firms, welfare agencies and the community in general.

#### **3.2 Law Firms supporting the Clinic**

The Clinic is staffed by lawyers from participating law firms, including:

- Allens Arthur Robinson;
- Blake Dawson Waldron;
- Clayton Utz;
- Freehills;
- Hopgood Ganim;
- Mallesons Stephen Jacques;
- McCullough Robertson;
- McInnes Wilson;
- Minter Ellison; and
- MurphySchmidt.

QPILCH is seeking the involvement of another firm to help run the Red Cross clinic.

Each participating law firm contributes staff on a pro bono basis and is responsible for the provision of services at one of the Clinic locations, either in conjunction with another firm or on their own.

All ten firms have indicated that they wish to continue to support the Clinic for at least a further six months, with 7 of the 10 committing themselves to at least a further 12 months.

### 3.3 Agencies hosting the Clinics

At present, the Clinic is being supported by a number of agencies allowing the Clinic to operate at six locations:

a) **Mission Australia** (216 Brunswick Street, Fortitude Valley 4006)

Mission Australia provides support, services and reduced cost meals to homeless and marginalised people who live in Fortitude Valley through its Community Café. The Clinic operates at the Community Café every Thursday from 9:00am to 11:00am and is staffed by lawyers from Freehills and Minter Ellison. This clinic commenced on 12 December 2002.

b) **Red Cross** (397 Adelaide Street, Brisbane 4000)

Red Cross operates a café for young people under 25 years of age at the Red Cross City Steps Café in the basement of Brisbane City Hall every Tuesday and Thursday evenings. The café provides food, clothing, toiletries and support and referral services to young people. The Clinic operates at the Youth Café every Tuesday between 7:00pm to 9:00pm and is staffed by lawyers and support staff from Mallesons Stephen Jacques and Hopgood Ganim. This clinic commenced operating on Tuesday 3 June 2003.

c) **Salvation Army** (28 Quarry Street, Spring Hill 4000)

The Salvation Army operates a crisis accommodation facility and support service for adult males who are homeless or disadvantaged at Pindari. The Clinic operates at Pindari fortnightly on Tuesday from 9:30am to 11:30am and is staffed by lawyers from Clayton Utz. This clinic commenced on 11 March 2003.

d) **St Vincent's Community Services** (48 Peel Street, South Brisbane 4101)

St Vincent's Community Services (now known as Ozcare) operates a crisis accommodation facility and support service for adult males who are homeless or disadvantaged at their Homeless Men's Hostel in South Brisbane. The Clinic operates at the Hostel every Tuesday from 8:30am to 10:30am and is staffed by lawyers from Blake Dawson Waldron and MurphySchmidt. This clinic commenced on 3 December 2002.

e) **Wesley Mission Brisbane** (140 Ann Street, Brisbane 4000)

Wesley Mission Brisbane provides an Emergency Relief Service at Wesley House. The Emergency Relief Service provides assistance in the form of food parcels or vouchers or rent, prescriptions and bills to people in crisis situations who are homeless, or at risk of homelessness. The Clinic operates at Wesley House fortnightly on Tuesday from 10:00am to 11:00am and is staffed by lawyers from Allens Arthur Robinson. This clinic commenced on 17 December 2002. McInnes Wilson also provided lawyers to this clinic until the commencement of the 4AAA kiosk clinic.

**f) West End Community House (4 Norfolk Road, West End 4101)**

West End Community House is a service of the Uniting Church and offers a wide range of services and activities for local residents, including housing advice and information service. West End Community House also provides this service as an outreach program at the 4AAA Kurilpa Kiosk at Boundary Street Community Park, 155A Boundary Street, West End. Drug-Arm provides free outreach support and health services from the back of mobile vans to people who are not currently accessing mainstream health and welfare services. The Clinic operates out of the 4AAA kiosk on Boundary Street, West End at the time a Drug-Arm mobile van stops there to provide health and other services. It operates weekly from 12.30pm to 1.30pm every Friday and is staffed by lawyers from McCullough Robertson and McInnes Wilson. This clinic commenced operation on Friday 30 May 2003.

All of the agencies have expressed their desire to continue hosting the legal clinics for at least a further 3 months and four of the six have indicated they would support the clinics for a further twelve months.

QPILCH is exploring the possibility of opening clinics in regional centres including Toowoomba.

## 4 Clinic Structure

### 4.1 Management

The Clinic is a pilot project of QPILCH.

QPILCH is an incorporated association under the *Associations Incorporation Act 1981* (Qld). QPILCH is a non-profit community based legal service that coordinates the provision of pro bono legal services in public interest matters. Its primary function is to assess requests for free legal assistance for legal merit and to determine whether the matter is within the public interest. Matters that satisfy those criteria are then referred to its member law firms to provide pro bono legal assistance. These services are targeted both at non-profit organisations that advance the public interest and at individuals and groups from marginalised or disadvantaged backgrounds.

QPILCH commenced operation in January 2002 and began as a partnership of law firms, the Queensland Association of Independent Legal Services Inc, the Queensland Law Society Incorporated, the Queensland Bar Association, Legal Aid Queensland and Griffith University Law School. The membership of QPILCH has been steadily increasing – please visit [www.qpilch.org.au](http://www.qpilch.org.au) to see a complete list of members.

“The Clinic provides an excellent opportunity to reaffirm the values of a profession which is based on the concept of service – service to the law, service to the courts and service to the community at large. Our staff have benefited as much from the challenges of practising law in this environment as the clients of the clinic have benefited from someone in the community acknowledging their concerns and trying to work with them to resolve them.”

*Michael Carey and Nicole Quinn, McCullough Robertson Lawyers*

QPILCH's relationship with diverse groups in the legal system enable the Clinic to establish the links and network necessary to provide effective and appropriate legal support and services to homeless people.

### 4.2 Staffing

#### a) Clinic Coordinator

The day to day operation of the Clinic is managed by the Coordinator, Carla Klease, who is seconded by Blake Dawson Waldron to QPILCH two days per week to establish and operate the Clinic. The term of the secondment is due to expire on 3 October 2003 and will not be extended. The Coordinator is responsible for:

- establishing the six Clinics which involves (and has involved) consulting with community groups and relevant interest groups, drafting

memorandums of understanding, liaising on insurance issues and training lawyers;

- organising lawyers from participating law firms to staff the Clinic;
- preparing training, referral and operations materials for lawyers of the Clinic;
- organising and conducting training sessions;
- attending the Clinic as necessary;
- supervising advice and casework provided by lawyers at the Clinic;
- liaising with the media and the public on behalf of the Clinic;
- supervising students and lawyers researching and writing law and policy reform submissions;
- referring relevant matters to QPILCH member firms and other appropriate organisations where the Clinic cannot provide assistance;
- maintaining a database of the Clinic's clients and assistance rendered to them.

#### **b) QPILCH Coordinator**

The QPILCH Coordinator is required, for insurance purposes, to “sign off” on all correspondence and advice provided by the Clinic lawyers.

### **4.3 Firm Involvement**

#### **a) Team Leaders**

Each participating law firm has nominated a Team Leader. The Team Leaders are responsible for:

- being the contact person at the firm for the Clinic Coordinator;
- rostering at least two lawyers from their firm to attend each session their firm is responsible for;
- distributing training, referral and operations materials prepared by the Clinic Coordinator;
- organising for the firm's lawyers to attend the training sessions arranged by the Clinic Coordinator; and
- in conjunction with the Coordinator, monitoring the file management and casework provided by their lawyers and arranging for all files to be delivered to and collected from the Clinic Coordinator for checking.

## **b) Lawyers**

Each of the participating law firms supports the project by allowing their lawyers to attend the various Clinics on a rostered basis, usually in work hours and at the firm's expense. The lawyers provide pro bono legal advice and assistance to the clients at the Clinics.

## **4.4 Volunteers**

Students from the University of Queensland and Queensland University of Technology have been volunteering their services to the Clinic for approximately one day a week over a number of months. The students have been assisting the Clinic Coordinator in the law reform project on the *Vagrancy, Gaming and Other Offences Act*. The students have undertaken research for this project from the following perspectives: international human rights, redundancy of legislation, constitutional law, domestic human rights, fundamental criminal law principles, fundamental legislative principles, abuse of power, equality, and comparative studies with other Australian or international jurisdictions.

Other students volunteering at QPILCH have also assisted with research tasks on individual client files.

## **5 Recipients of services**

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### **5.1 Who is eligible for assistance from the Clinic?**

The Clinic provides services to people who are homeless or are at risk of homelessness.

The location of the Clinic with welfare agencies means that inquiries for legal assistance come predominantly from people who are using the agencies for accommodation or other support services. Clients therefore include people who are:

- a) living in insecure or unaffordable housing;
- b) unable to obtain, or at risk of losing, accommodation due to poverty, discrimination or debt;
- c) sleeping rough or living in parks, squats or other transitional accommodation, such as rooming houses and caravan parks;
- d) residing in shelters, refuges or crisis accommodation facilities; and
- e) living in public housing and in receipt of a Disability Support Pension.

### **5.2 How many people accessed the Clinic?**

For the period of the pilot from 10 December 2002 to 10 June 2003, 114 people used the services of the Clinic.

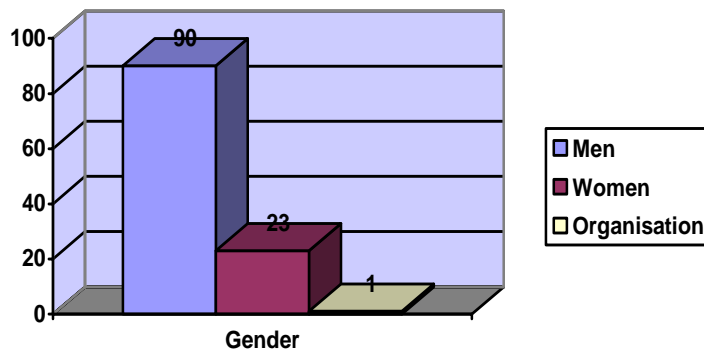
### **5.3 What are the demographics of the people who accessed the Clinic?**

#### **a) Gender**

During the pilot period, 79% of all clients of the clinics were men. This is partly due to the fact that for most of the pilot period, two of the four clinics operating were located at homeless men hostels.

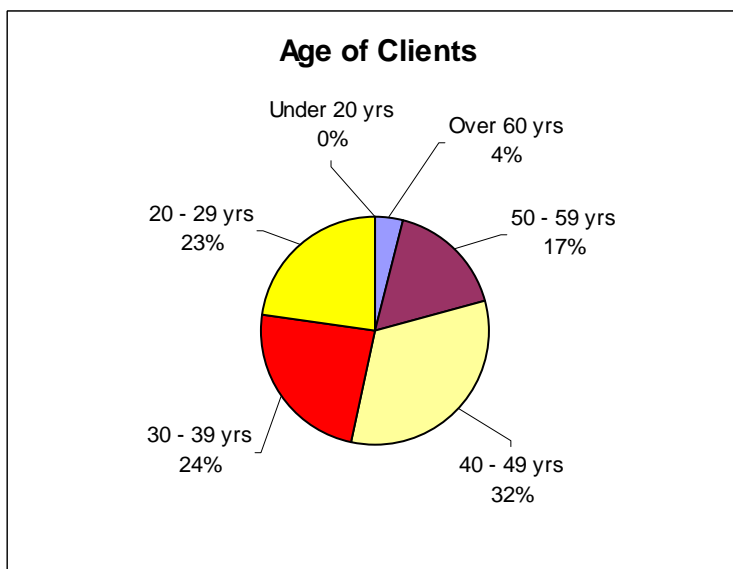
It should be noted that 83% of all clients attending the Wesley Mission Brisbane clinic were women. However, given the comparatively smaller number of clients attending this clinic, it did not greatly affect the proportion of men and women using the service.

Since the commencement of the final two clinics in late May and early June 2003, the number of women using the service has increased slightly with 24% of all clients being women up until 18 July 2003.



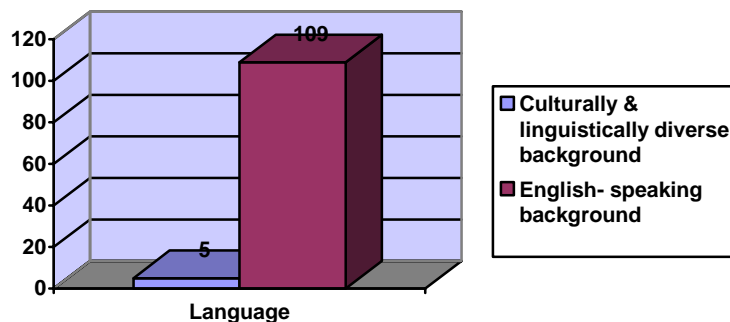
**b) Age**

The ages of clients using the service ranged relatively evenly across the different age groups with 48% of all clients being 40 years or over. At the conclusion of the pilot, no person under the age of 20 had used the service. This is because the Red Cross Youth Night Café clinic had only operated for one session prior to the conclusion of the pilot. This statistic demonstrates the need for the Clinic to have a youth specific service to ensure that homeless youth have access to the free legal assistance.



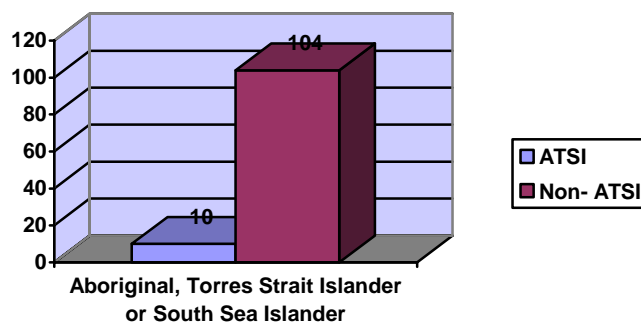
### c) Language

Only a very small proportion of all clients using the service came from a linguistically diverse background. 95% of all clients spoke English as their first language.



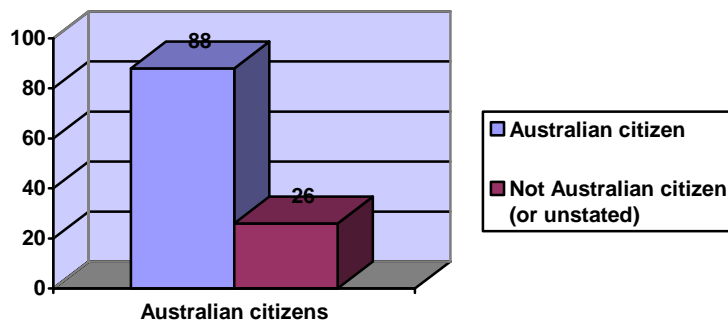
### d) Indigenous Australians

During the pilot period, only 8% of all clients identified themselves as Aboriginal, Torres Strait Islander or South Sea Islander. However, only two sessions of the clinic at the 4AAA kiosk had taken place when the pilot period concluded. It is expected that this clinic will be predominantly accessed by the South Brisbane indigenous community, thereby increasing the number and proportion of indigenous people who access the Clinic.



e) **Australian citizenship**

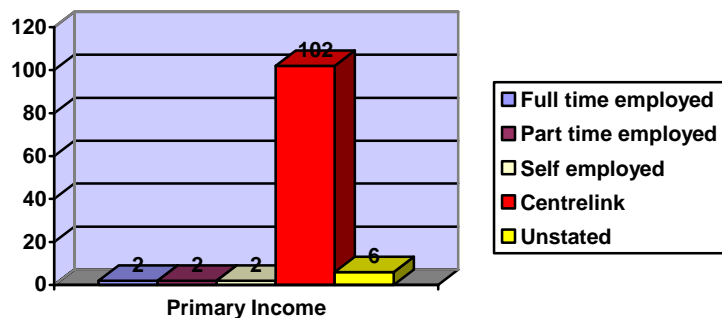
During the pilot period, 77% of all clients stated that they were Australian citizens. It should be noted that a large number of clients did not identify whether or not they were Australian and we expect that the proportion of clients who were Australian citizens is actually larger.

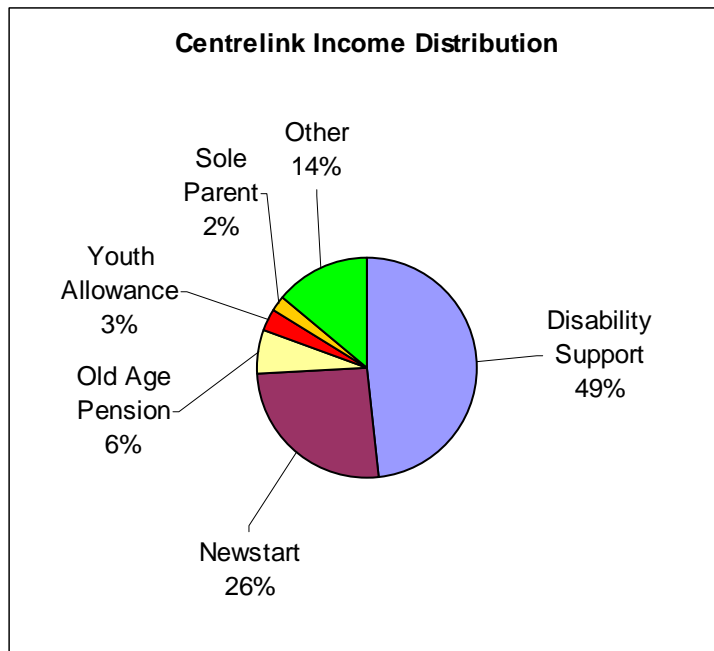


f) **Primary income**

During the pilot period, over 89% of all clients were in receipt of a Centrelink payment as their primary source of income.

Of those clients in receipt of Centrelink payments, 49% received the Disability Support Pension and 26% received the Newstart allowance.

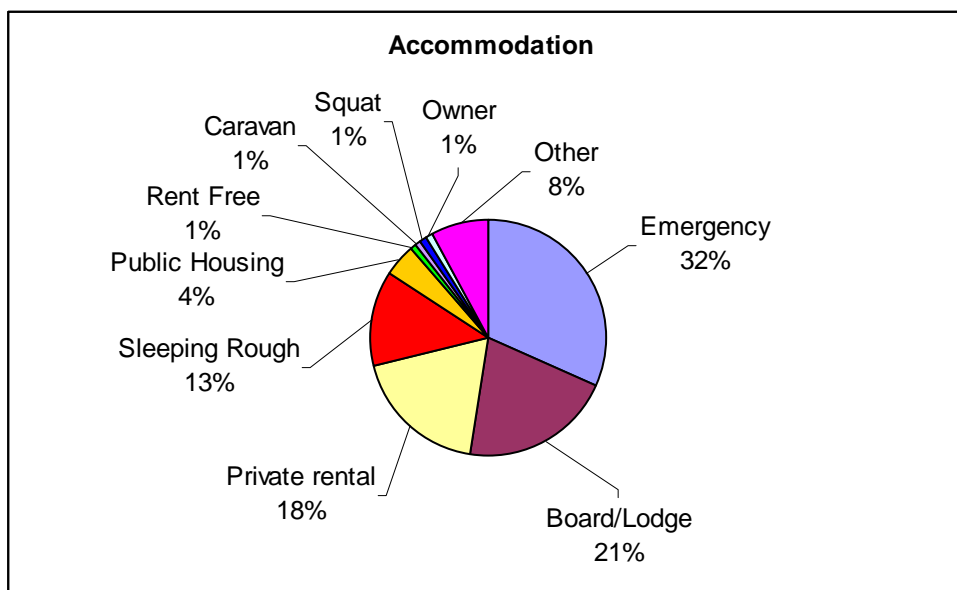




**g) Accommodation**

During the pilot period, 32% of all clients were living in emergency hostel accommodation at the time they sought assistance from the clinics. This is largely due to the fact that two of the clinics operate from emergency hostels for homeless men and a third clinic is accessed predominantly by women staying at the Anglicare Women's Hostel in New Farm.

Clients who access the clinics also mostly stay in boarding houses, privately rent or sleep rough.



## **6 Current Services**

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### **6.1 Aim of Services**

The fundamental objective of the Clinic is to reduce the degree to which homeless people are marginalised and to provide a viable and sustainable pathway out of homelessness or prevent people at risk of homelessness from becoming homeless.

The Clinic achieves these aims by:

- providing free legal services and access to justice to a profoundly disadvantaged group;
- combining the resources, expertise and experience of QPILCH, private law firms and welfare agencies to operate a flexible legal service that is accessible, targeted and responsive to the special needs of homeless people; and
- protecting and promoting people's rights and freedoms.

### **6.2 What services does the Clinic provide?**

The Clinic provides free legal assistance in most areas of law other than criminal or family law.

Examples of the type of legal assistance rendered by the Clinic during the period of the pilot included:

- providing verbal and written legal advice;
- drafting correspondence;
- assisting clients with the completion of official documents or forms, for example, Freedom of Information applications, SPER fine revocation and instalment order applications and applications for review of administration order;
- liaising by telephone and correspondence with government departments and other third parties on behalf of clients;
- researching complex areas of law to provide advice;
- preparing briefs for Legal Aid duty solicitors;
- assisting clients to understand correspondence or other documents received by them; and
- referring clients to other appropriate bodies for assistance.

In addition to providing legal advice services, the Clinic seeks to:

- a) identify the range of legal issues facing homeless people;
- b) identify gaps in the delivery of legal services to homeless people;
- c) develop a process whereby law firms can apply their legal expertise and resources for the benefit of homeless people; and
- d) examine, and conduct advocacy regarding, relevant law and policy reform issues.

### 6.3 Process of service delivery

The legal assistance described above in 6.2 is given to a client at the welfare agency or crisis accommodation facility where the Clinic operates. The assistance may be provided in the first meeting but usually occurs over a period of several meetings between client and lawyer. This enables the lawyers to take detailed instructions and to properly consider and settle the advice or assistance provided. Lawyers usually prepare correspondence, conduct research or draft briefs back at their office which is then checked and sent out by QPILCH.

“The Legal Clinic has provided an innovative, useful addition to services available for homeless people in Brisbane. Lawyers volunteering at the Clinic have impressed with their sensitive, approachable and interested nature, as well as the professional way in which they have conducted themselves. In our opinion, all staff assisting have proved a credit to their firms through their work.”

*Joe Hurley, West End Community House.*

Over 50% of clients seek assistance from the Clinic on an ongoing basis – that is, they visit the clinic on more than one occasion.

Where a client presents with a complex, time consuming, litigious or resource intensive legal problem, initial instructions are taken at the Clinic and the client is referred to a law firm via the QPILCH referral process. If the referral is taken up, the client then becomes a pro bono client of a particular member firm. During the pilot period, three clients of the Clinic were referred to QPILCH member firms or other supportive firms through this process.

Where clients present with legal problems in respect of which the Clinic or QPILCH law firms cannot render assistance (eg due to lack of expertise, conflicts of interest or lack of capacity), clients are referred to an appropriate agency or service for assistance. In this respect, the Clinic has developed strong referral relationships with

community legal centres, Legal Aid Queensland, the Aboriginal & Torres Strait Islander Legal Service, the Aboriginal Women’s Legal Service and Financial Counselling Services Qld. Regular communications with these organisations ensures that services are not duplicated. At least 16% of clients are referred to an appropriate agency at their first advice session with the Clinic, mostly because clients present with criminal or family law matters.

The co-location of the Clinic with welfare agencies means that where clients have non-legal needs, the Clinic is able to easily refer clients to the other support services provided by the welfare agency.

#### **6.4 Collection of Data**

The Clinic collects and analyses data as to assistance required and rendered by:

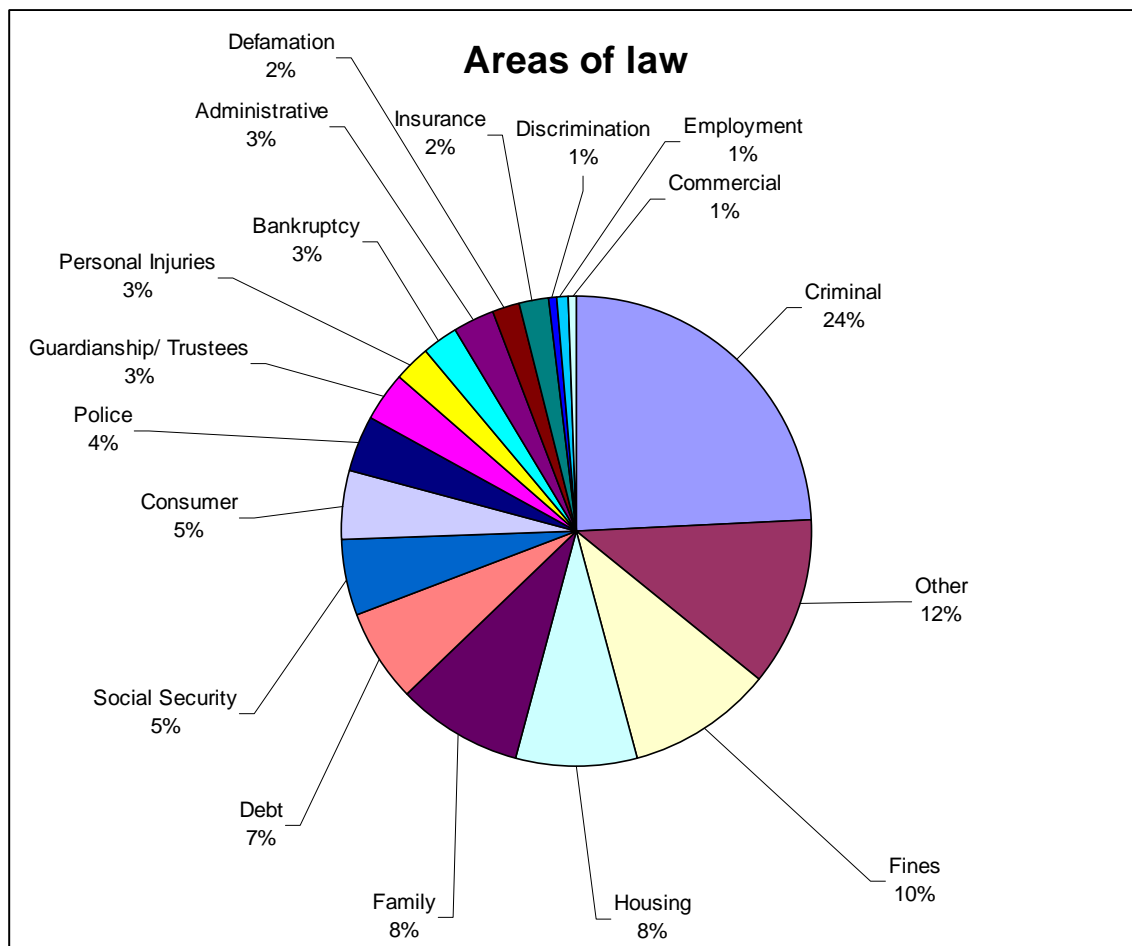
- a) Collecting statistical information from clients at their initial intake interview;
- b) Obtaining reports from lawyers at the conclusion of matters indicating, inter alia, the assistance required, the outcome of the matter, the number of hours spent on the matter and the approximate value of work undertaken;
- c) Maintaining a database from which statistics profiling the quantity and quality of service are derived; and
- d) Liaising with clients and caseworkers regarding the service provided.

#### **6.5 Range of legal issues facing homeless people**

During the pilot period, clients presented at the Clinic with a large range of legal issues. The most common legal problems for which homeless people required assistance included (in descending order):

- Criminal law;
- Fines and infringement notices;
- Housing and tenancy inquiries;
- Family law issues;
- Debt; and
- Social security issues.

The most common legal issue raised in the “other” category mentioned in the below table was inquiries on applying for criminal compensation. The breakdown of the number of inquiries by area of law is:



## 6.6 Gaps in delivery of legal services to homeless people

As demonstrated by the pie chart above, the overwhelming issue facing many homeless people is criminal law. As mentioned above, the Clinic does not provide legal advice in criminal or family law matters.

The majority of clients who seek criminal law assistance from the Clinic have minor criminal charges (summary offences), including public space or vagrancy offences, traffic offences or minor drug offences. The only available assistance for these types of matters includes verbal advice from Caxton Legal Centre (or other community legal centre) or Legal Aid Queensland's First Advice Contact Team or representation in court by a duty solicitor if the client chooses to plead guilty.

The Clinic currently assists clients who present with minor criminal matters by providing them with details of the other services and sometimes in preparing a brief for the client to take to the Legal Aid First Advice Contact Team or to the duty solicitor which summarises the facts and articulates the legal assistance being sought by the client.

However, many of the clients who access the Clinic are never likely to take up a referral to Caxton or Legal Aid or attend court to obtain assistance from a duty solicitor.

Also many clients, particularly those charged with public space offences due to the fact they live in the public space, feel that the charge or charges are unjustified and choose to plead not guilty. However, no assistance is available to them and they are left to represent themselves at trial.

Criminal law (and more particularly, summary offences where clients enter pleas of not guilty) has been recognised by all agencies and firms participating in the Clinic as the area of law for which a gap in the delivery of legal services to homeless people exists. All organisations involved in the Clinic have indicated that they would like to see the Clinic give greater criminal law assistance to clients.

## **6.7 Outcomes achieved by services provided**

We have received feedback from both host agencies and law firms that, as a result of providing the above services, the Clinic has achieved the following outcomes for homeless people:

### **a) Enhanced access to legal services**

The Clinic has allowed many people who would not normally be prepared or able to access legal services in a formal setting to have access to justice in a forum in which they feel comfortable. It has also provided for some people a stepping stone to a firm who is willing to represent them in more complex matters.

### **b) Empowerment of homeless people**

The Clinic has empowered some individuals to address matters that may otherwise have been considered to be outside their reach. Many of the Clinic's clients have been empowered by an increased awareness of their legal rights and have been delighted that there is something that can be done to assist them. For people who have felt helpless for a long time, this has been a great benefit.

### **c) Validation of concerns**

The Clinic has provided an important point of validation for individuals who may not be confident or sure whether they have a right to pursue matters. It has also provided a forum where homeless people feel comfortable, are respected and are listened to.

### **d) Communication of issues**

The Clinic has also allowed issues concerning homelessness and homeless people to be communicated to a broader cross section of the community.

“The clinic is a welcome addition to the services we are able to offer young people accessing the Red cross Night Café. Young people do not always understand the options open to them or their rights. A source of free and accessible information is invaluable to them.”

*Clare Everson, Red Cross Youth Night Café*

## **6.8 Value of work performed**

The Clinic estimates that the number of hours spent by individual lawyers doing work at or for the clinics during the pilot period was approximately 650 hours. The value of work undertaken at commercial rates has therefore amounted to over \$195,000.00.

It is expected that the value of pro bono legal services to be provided through the Clinic by participating law firms in 2003/2004 will exceed \$400,000.

## **6.9 Case Studies**

Below are summaries of a few of the Clinic's cases:

### ***Fines***

John (not his real name) slept on the streets for a period of time and is an alcoholic. John received a large number of public space fines as a result of him living on the streets, including drinking in a public place and jay walking. The Clinic assisted John in negotiating a community service order with the State Penalties Enforcement Registry (SPER) and helped him deal with the relevant community corrections officer.

### ***Guardianship & Administration***

Jane (not her real name) suffers from a schizoaffective disorder and was subject to an involuntary treatment order. The Guardianship and Administration Tribunal (GAAT) had appointed the Public Trustee to administer Jane's financial affairs. Jane approached the clinic seeking assistance to gain control of her financial affairs because she believes that her current course of medication has restored her capacity to manage her own affairs. The Clinic assisted Jane to prepare an application to GAAT requesting a review of the administration order and a letter to her previous treating doctor seeking a medical report supporting her application. Since receiving assistance from the Clinic, Jane has moved out of emergency accommodation and moved into private rental accommodation and the involuntary treatment order has been revoked. Jane is currently awaiting the outcome of the GAAT's review.

### ***Housing***

Wendy (not her real name) lived in public housing for a number of years with her husband. Wendy spent some time in prison and when she was released her application for public housing was denied on the basis that there were unpaid maintenance fees that were incurred from the time she lived in public housing with her husband. Her husband, however, was already back in public housing and was not being pursued for the joint (alleged) maintenance fee. For four years, Wendy moved between various forms of insecure accommodation including emergency hostels. She was unable to be reunited with her children because of her lack of secure accommodation. The Clinic wrote to the Department of Housing requesting that Wendy be re-instated to the waiting list and that her application be

back dated to when she first applied in 1999. Wendy's request was granted and she was immediately housed.

### ***Police***

Jake (not his real name) was arrested for drunk and disorderly conduct while he was having an epileptic episode and was denied medical treatment while he was in the prison cell despite the police knowing he was suffering from epilepsy. The Clinic assisted Jake to obtain copies of his police records by a Freedom of Information Act application, medical reports and court documents. The Clinic then referred Jake to a criminal law firm which is providing legal advice and representation to Jake.

## **6.10 Law Reform**

As discussed above, the experience of the Clinic is that many clients are disproportionately affected by the application of the law. The Clinic has therefore begun addressing some of the systemic issues that create barriers for homeless people attempting exit the cycle of homelessness, that cause people at risk of homelessness from becoming homeless and that cause homeless people to enter the criminal justice system solely on account of their homelessness.

For example, the Clinic has three final year law students who are currently conducting research on vagrancy laws, their disproportionate impact on the homeless (particularly those who are indigenous or mentally ill) and proposed reforms.

This project will assist government to address a systemic cause of homeless people entering the criminal justice system.

## **7 Training**

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### **7.1 Training**

Training was conducted in October 2002 prior to the commencement of the Clinic. Ongoing training is currently being conducted. The aim of the training has been to broaden the knowledge and skills base of the volunteer commercial lawyers, to prepare them to deal with a wide range of legal issues relating to disadvantage and poverty and to develop the communication skills required to meet the needs of homeless people. Training has been conducted in the following areas:

- Consumer debt and bankruptcy;
- Social security law;
- Tenancy and housing law;
- Fines;
- Introductory criminal law;
- Guardianship and administration law;
- Police powers and responsibilities;
- Interview techniques for dealing with homeless people; and
- Indigenous sensitivity training.

Further training sessions are being planned in the above areas and also in introductory family law and advocating for clients with mental health issues.

## **8 Conclusion**

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### **8.1 Recommendations**

Given the outcomes achieved by the Clinic to date and the continued support of participating law firms and host agencies, it is recommended that the Homeless Persons' Legal Clinic continue to operate for at least a further 12 months after the conclusion of the pilot period. It is recognised that the future of the Clinic is dependent on securing support for the part-time Coordinator's position either through government funding or by a law firm providing a secondee.