



Issue 5 ■ March 2004

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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 fee. 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.

Membership

We have pleasure in announcing several new QPILCH members. **Peter Lyons QC** has joined as a barrister member, national firm **Phillips Fox and Quinn and Scattini** have become firm members and the **TC Beirne School of Law** at the University of Queensland has joined as an associate member. We thank these new members for their support.

RAILS

The project has a new coordinator! Nitra Kidson was appointed to the position and commenced work in January 2004. Nitra was formerly a lawyer at South Brisbane Immigration and Community Legal Service (SBICLS) and will be working for 3 days per week for 12 months.

At the moment the project is focussed on readying volunteer lawyers to provide assistance with applications to the Refugee Review Tribunal. A large group of Temporary Protection Visa holders from Afghanistan were interviewed by the immigration department in September 2003 in relation to their applications for permanent residence, with final decisions expected in March 2004. There is every indication that the overwhelming majority will have their primary applications rejected on the basis that it is now safe to return to Afghanistan.

The RAILS project, in conjunction with SBICLS, will assist this group by recruiting, training, resourcing and supporting a pool of volunteer lawyers to prepare comprehensive applications for review. Training for this work took place over two evenings (4 hours in total) on Thursday 12 & 26 February 2004 from 6-8pm at SBICLS. The training was attended by 23 lawyers and the level of interest is high.

A major hiccup for the project has been the cost involved in getting lawyers registered as migration agents, a statutory requirement for this type of work. We had a major breakthrough when the Australian Financial Review agreed to a one-off half-price deal for the costs of advertising applications for registration by RAILS volunteers. Several firms have also joined in the spirit and agreed to fund the full cost of registration for their participating lawyers. Many thanks in this regard to Allens Arthur Robinson, Shine Roche McGowan, Minter Ellison, Murphy Schmidt and Phillips Fox

If anyone would like to find out more about the project, please contact Nitra at projects2@qpilch.org.au

An audience with Fr Frank Brennan SJ

Uniya's annual Jesuit Seminar Series 2004 is coming to Brisbane. The series is entitled "A Fair Go In An Age Of Terror: Countering the Terrorist Threat to Human Rights and the Australian Identity" and the keynote speaker will be Fr Frank Brennan.

The series offers Brisbane residents an opportunity to hear intelligent, insightful and passionate argument from one of Australia's leading human rights advocates on the need to protect fundamental rights – such as the right to seek asylum – in the context of the "war against terrorism".

UNIYA's Jesuit Seminar Series 2004

A Fair Go In An Age Of Terror

Tuesday 23 March 2004 at 7.30pm

Christians Brothers College,

Gregory Terrace

There is no need to book or RSVP, and the seminar is free to the public, but the organisers would appreciate a donation at the door.

Robert Manne talk

Readers of opinion columns and watchers of Lateline will be familiar with Professor Robert Manne, a leading Melbourne academic who has been an outspoken critic of the Federal government's policies on refugees and asylum seekers.

Professor Manne will be speaking in Brisbane at an event hosted by the Brisbane Institute:

Sending Them Home: Refugees and the new politics of indifference

23 March 2004 at 5.30pm for 6.00pm start

Customs House, 399 Queen Street

Cost: \$22 general admission/ \$11 concession/ free for BI members

RSVP ph. 3220 2198 or email rsvp@brisinst.org.au

For those of you who wish to hear both Professor Manne and Fr. Frank Brennan, the BI event is scheduled to finish at 7.00pm – just in time to catch a cab to Gregory Terrace by 7.30pm!

Homeless Persons' Legal Clinic

The Rights in Public Space Action Group (RIPS) met with the Attorney-General, Premier's Department, the former Minister for Police and Corrective Services, Police Commissioner, the former Minister for Families, and Terry O'Gorman, vice-president of the QCCL, regarding public order offences and particularly the *Police Powers and Responsibility and Other Legislation Amendment*

Bill. Correspondence also occurred with the Scrutiny of Legislation Committee regarding the *Bill*. Unfortunately the Bill was passed to amend the *Vagrancy, Gaming and Other Offences Act* (VGA), and our suggestions to make the Act fairer were not incorporated into the legislative changes.

RIPS has also completed a survey of homeless people and their service providers regarding their use of public space, their opinions in relation to the vagrancy laws and policing behaviour.

The QUT Law Faculty has provided funds for QPILCH and Tamara Walsh (Associate Lecturer at QUT) to conduct research into the sentencing behaviour of magistrates in relation to public order offences, particularly offences under the VGA. Two students have been employed to attend the Magistrates Court and collect data on public order offences, sentences, and magistrate's use of discretion. This research will feed into a new submission being prepared on the VGA.

Minter Ellison Lawyers has provided two lawyers to develop a submission on public order offences and potential grounds for invalidity, particularly regarding the *Anti-Discrimination Act*. This submission will most likely be combined with a submission being developed by Clayton Utz which is proposing reform of the *Anti-Discrimination Act*.

QPILCH, Blake Dawson Waldron and Tamara Walsh are developing a submission on alternative sentencing with regard to public order offences. This submission details the current status of sentencing laws in all Australian States and Territories as well as a number of international jurisdictions. The aim is to use this research to convince the Queensland Government of the need for urgent reform.

Casework report

Member firm **Bain Gasteen** and member barrister **David Thomae** were successful in opposing an application seeking leave to commence enforcement proceedings. The applicant, an environmental advocate, was being pursued by the Townsville City Council for costs of \$45,000 that were ordered against her in the Local Government Court and the Supreme Court in 1989/1990. The case arose from the applicant's opposition to a large scale tourist resort on the basis of protecting the local amenity and character and preventing environmental damage to the coastal area. As more than 6 years had expired from the date the costs order became enforceable, leave was needed to commence proceedings.

His Honour Judge Brabazon QC of the District Court found in favour of the applicant, and refused leave to commence enforcement proceedings. Due to the delay by the Council (in that 14 years had passed from the date of the judgement), and the honest conduct of the applicant, His Honour held that there was no reason why leave should be granted.

We thank Bain Gasteen and David Thomae for their efforts in assisting the applicant this matter.

Secondments

After 6 months at QPILCH, Rochelle Spedding ended her secondment as case assessor on 11 March 2004. Rochelle said: "I have had a challenging and enjoyable time working together with the team here, and it has been an extremely rewarding experience. I would like to extend a big thank you to QPILCH and Allens Arthur Robinson for giving me the opportunity to be part of the QPILCH team". QPILCH will miss Rochelle's skill, dedication and enthusiasm and thanks Allens for seconding Rochelle over the last six months.

McCullough Robertson has agreed to second a lawyer to take over the case assessment role. Michael Carey commenced a three month secondment at QPILCH on 16 March 2004. QPILCH thanks McCullough Robertson for its generosity in seconding Michael who will also make history as the first male secondee to QPILCH!

New Centre for Credit and Consumer Law

For a number of years, consumer advocates have argued that Queensland needs a policy centre to ensure that the consumer perspective is heard in relevant policy and law reform debates. Their hard work in lobbying for such a centre has now been rewarded with the establishment of the Centre for Credit and Consumer Law (CCCL) at Griffith University.

CCCL is funded jointly by the University and the Office of Fair Trading, and is overseen by a board of key stakeholders – including representatives from the Consumers' Federation of Australia, Queensland Consumers' Association, Legal Aid Queensland, Griffith University and the Office of Fair Trading. The Centre will be housed at QPILCH until permanent accommodation is located at the University's Ship Inn site.

The key objective of the CCCL is to promote the attainment of a fairer, safer and more efficient marketplace, particularly for low income and vulnerable consumers. It will do this by:

- advocating for the reform of laws, policies and industry practices;
- forming linkages with consumer, government and industry groups for undertaking research and education programs;
- undertaking high quality research; and
- reporting on research outcomes.

The CCCL will also work closely with the Credit and Consumer Law Research Program at Griffith University's Socio-Legal Research Centre.

The Centre's inaugural Director, Nicola Howell, commenced work in March. An initial planning session has already been held, and at this session, a range of stakeholders discussed the potential research priorities and other activities of the Centre. The research priorities will be finalised soon, and a formal launch of the Centre will take place in coming months.

For more information about the Centre for Credit and Consumer Law, please contact Nicola on (07) 3875 6472 or email N.Howell@griffith.edu.au.

Grants Fund success

QPILCH has been fortunate to receive a grant from the Grants Committee of the Queensland Law Society. Our application sought funds to implement a new rural, regional and remote outreach project (see below), to improve our library and to obtain some new desks to temporarily house the Centre for Credit and Consumer Law. We thank the chair of the Grants Committee Brian Kilmartin and the committee members for their assistance with this grant.

New RRR project

Our new Rural Regional and Remote project has three limbs. First, it involves undertaking research in conjunction with QUT's School of Justice Studies on the pro bono needs of rural and regional areas. This is part of a broader Queensland pro bono study being undertaken by QUT for the Queensland Law Society. Second, with the assistance of a secondee, we will trial partnerships between law firms in two rural/regional areas with city firms to assist with local pro bono needs. This part of the project will involve the development of processes and protocols for ensuring that the interests of all parties assisting rural applicants in public interest pro bono work are recognised and protected. Third, funding was provided for the QPILCH coordinator to visit district law associations, local community groups and firms to promote QPILCH services to regional areas and to encourage membership from regional firms and barristers.

Student clinic and volunteers

We welcome 20 new volunteers to QPILCH from QUT, UQ, Bond and Griffith for Semester 1 2004. As you may be aware, QPILCH relies heavily on student volunteers to assist with casework and undertake research so that we are able to provide our services. These students have generously given their time to assist us for either half a day or one day per week during semester.

For the first time, on 4 March 2004 Rochelle Spedding, secondee from Allens Arthur Robinson, conducted a training session for all of the new volunteers. The aim was to guide them through QPILCH's internal procedures, as well as what is expected in terms of legal research and analysis. It was wonderful to see so many students keen to volunteer and turn up to the training session.

It should also be mentioned that we could only choose 20 students to fill the volunteer places; however we received many more applications than we had available places. Thanks to all the students who sent in applications.

On 8 March, the QPILCH/Griffith University *Public Interest Lawyering* course commenced with six students attending QPILCH each Monday during semester. This is the fourth semester in which the course has been offered.

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).

<p>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, Phillips Fox, Quinn and Scattini, 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, Peter Lyons QC, 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, TC Beirne School of Law (UQ) Government legal unit members Australian Competition and Consumer Commission Corporate legal unit members Energex Limited</p>
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