

MinterEllison

L A W Y E R S

18 August 2003

MINTER ELLISON BUILDING 25 NATIONAL CIRCUIT FORREST
GPO BOX 369 CANBERRA ACT 2601 AUSTRALIA
DX 5601 CANBERRA www.minterellison.com
TELEPHONE +61 2 6225 3000 FACSIMILE +61 2 6225 1000

BY FACSIMILE 02 6277 5794

The Secretariat
Senate Legal and Constitutional Committee
Room S1.61, Parliament House
CANBERRA ACT 2600



Dear Sir/Madam

Senate Legal and Constitutional Committee Inquiry into Legal Aid and Access to Justice - Submission

Please find below our submission in relation to the Senate Legal and Constitutional Committee Inquiry into Legal Aid and Access to Justice ('Senate Inquiry').

1. INTRODUCTION

- 1.1 This submission relates specifically to our firm's involvement in various homeless persons legal clinics/projects operating in New South Wales, Queensland and Victoria. These projects are run by the respective Public Interest Law Clearing Houses ('PILCH') in each state and often involve a number of other participating law firms.
- 1.2 We have had the opportunity to review the submission made by PILCH Victoria and Queensland PILCH ('QPILCH') entitled '*Homelessness and Access to Justice*' ('PILCH Submission') which specifically relates to the Homeless Persons Legal Clinics operating in Melbourne and Brisbane.
- 1.3 The purpose of this submission is to provide specific endorsement for a number of the recommendations made in the PILCH submission. We particularly wish to endorse those recommendations that have relevance to our involvement in the Homeless Persons Legal Clinics as our knowledge and experience is concentrated in this area.
- 1.4 In this regard, we do not feel it is appropriate for us to provide comments on the other recommendations included in the PILCH Submission.

2. MINTER ELLISON'S CURRENT INVOLVEMENT IN HOMELESS PERSONS LEGAL SERVICES

2.1 We are currently involved in the following homeless persons legal services/projects:

(a) **Victoria**

We are active members of the Homeless Persons Legal Clinic which is a joint project of PILCH Victoria and the Council for Homeless People. We have been involved since the project was established in October 2001. Under this scheme, Minters' lawyers provide legal advice and assistance to homeless people on a weekly basis at two inner city clinics. The firm has over 40 lawyers (including partners) involved in this scheme.

(b) **Queensland**

We are also involved in a similar Homeless Persons Legal Clinic in Brisbane operated by PILCH Queensland and have been involved in that project since its inception in late 2002. There are 20 lawyers in our Brisbane office involved with this project.

(c) **New South Wales**

The Public Interest Advocacy Centre in NSW ('PIAC') is currently investigating the possibility of establishing a Homeless Persons Legal Clinic in NSW along similar lines to the clinics operating in Melbourne and Brisbane. We have agreed to provide a secondee on a full time basis to PIAC for a period of 6 months to undertake a feasibility study and to investigate suitable service delivery models. The secondment commenced in July 2003. The firm is also a member of the Steering Group for this project and provides in-kind assistance in a variety of ways to support this initiative.

2.2 In our Brisbane and Melbourne offices where clinics are already operational the firm provides the following forms of support and assistance:

- the firm allows lawyers time off work to attend the clinics and recognises their contributions by providing fee credits for the time spent at the clinics and in undertaking following up work after clinic attendance (i.e follow up work undertaken during office hours);
- the firm covers all travel costs for lawyers involved in the clinics;
- we have appointed designated solicitors as team leaders for the clinics with responsibility for co-ordinating rosters, liaising with PILCH, etc;
- we undertake research at the request of PILCH in relation to specific policy issues arising from the operation of the clinics;
- we allow lawyers time off work to attend training sessions on issues specifically related to working with homeless clients (and often host such training sessions); and

- we provide support and in-kind assistance to those not-for-profit and community organisations where the clinics are located.

2.3 In terms of the value of services provided through the clinics, the PILCH submission identifies in relation to the Melbourne clinic (which involves 8 participating firms) that:

- the clinic mainly provides services in relation to civil and administrative law, being areas which have been identified as high need/where there are gaps in existing services;
- between October 2001 and 30 June 2003, the clinic provided services to 580 homeless clients;
- during the period 1 October 2001 and 30 June 2003, the clinic received state government funding of \$119,000 to run the project, meaning that the cost of co-ordinating the service per client was \$205;
- the amount of time contributed by volunteer lawyers on a pro bono basis during this period was 9,068 hours; and
- the value of this contribution, at commercial charge out rates of those lawyers, was in excess of \$2,300,000, meaning that the value of the work undertaken per client, at commercial rates, was approximately \$3,965.

2.4 And in relation to the QPILCH Homeless Persons Clinic in Brisbane (which involves 9 participating firms):

- between December 2002 and June 2003, the clinic provided assistance to 114 homeless clients;
- the amount of time contributed by volunteer lawyers during this period was 650 hours; and
- the value of this contribution, at commercial charge out rates, was \$200,000, meaning that the value of work undertaken per client, at commercial rates, was approximately \$1,750.

2.5 It has only been possible for our firm to participate in the clinics in Melbourne and Brisbane as a result of the invaluable co-ordinating role played by PILCH in each state. Without the co-ordination, training and support provided by PILCH, it would be very difficult for our firm to participate.

2.6 The co-ordination role for Melbourne clinic only has funding to 30 June 2005 (including part funding through PILCH fund raising and donations from participating firms/organisations)¹. The co-ordination role in the Brisbane clinic is currently undertaken by a temporary part time secondee from one of the participating law firms. The lack of certainty about ongoing funding for co-ordination is a cause for concern for both the Melbourne and Brisbane clinics and is a threat to the ongoing viability of these services.

¹ Current funding of \$75,000 per annum is \$15,000 per annum less than the operating costs of running the service.

- 2.7 In relation to the current feasibility study being undertaken in NSW by our secondee at PIAC, one of the barriers identified to the possible introduction of such a service in NSW is the lack of funding for ongoing co-ordination, training and support.

3. ENDORSEMENT FOR PILCH RECOMMENDATIONS

- 3.1 Through our involvement in these various projects and our face to face dealings with clients of the Homeless Persons Legal Clinics, the firm has acquired considerable knowledge and understanding of the barriers faced by homeless people in accessing legal services.
- 3.2 Based on that knowledge and experience and the firm's commitment to working with homeless people through the PILCH Homeless Persons Clinics, we wish to endorse the following recommendations made in the PILCH Submission, namely that:
- (a) the Commonwealth formally acknowledge the outstanding commitment and contribution of pro bono lawyers to ensuring access to justice for people who are homeless or at risk of homelessness, including by taking those contributions into account in the consideration of tenders for governmental work;
 - (b) the Commonwealth contribute monies to the operation of specialist homeless persons legal services in Victoria, Queensland and New South Wales to ensure continued financial viability of those services and to enable those services to continue providing access to justice for people who are homeless or at risk of homelessness;
 - (c) the Commonwealth formally acknowledge the outstanding commitment and contribution of homelessness agencies and welfare workers to ensuring access to justice for people who are homeless or at risk of homelessness, including by taking these contributions into account in the allocation of monies for the homelessness and related service systems;
 - (d) the Commonwealth encourage and assist in the development of collaborative relationships between lawyers and welfare agencies to enhance the access of marginalised and disadvantaged clients to appropriately targeted and tailored legal services; and
 - (e) the Commonwealth increase funding to community legal centres to enable them to provide enhanced community legal education, including through publications and newsletters where appropriate.

4. CONCLUSION

- 4.1 From our involvement in working with homeless people it is clear that access to adequate legal services is one of the barriers to homeless people overcoming social disadvantage.
- 4.2 The various Homeless Persons Legal Clinics represent an excellent example of private firms working collaboratively with the community sector to provide services for one of the most disadvantaged groups in our society. We believe these highly successful partnerships should be recognised and supported by government and that the clinics should be seen as models for successful service delivery to disadvantaged groups who otherwise do not have adequate access to justice.

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4.3 If you would like to discuss the contents of this submission or require any further information in relation to our involvements with the Homeless Persons Clinics/projects, please contact Eloise Murphy on 02 9921 4343.

4.4 We request that the contents of this submission be kept confidential, however, we are happy to consider a waiver of confidentiality for any proper purpose.

Yours faithfully

MINTER ELLISON



Mark Treffers

National Pro Bono Partner

Contact:
Email:

Eloise Murphy Direct phone: +61 2 9921 4343 Direct fax: +61 2 9921 8191
eloise.murphy@minterellison.co