

## **SPEECH TO NATIONAL ACCESS TO JUSTICE/PRO BONO CONFERENCE 10/11 AUGUST 2006**

In 1995, the Federal Attorney General made funding available for a litigation solicitor position at Brisbane's Financial Counselling Service to undertake consumer law casework. Federal funding also established one lawyer position at Legal Aid Queensland from July 1996.

In 2001, the FCS closed and Federal Attorney General diverted money from this position to create new generalist legal service at Hervey Bay, north of Maryborough.

Federal funding was also subsequently withdrawn from Legal Aid Queensland which has since funded its consumer law position from the base legal aid budget. However, as such, there are no additional funds to support grants of aid in consumer law matters, so in effect, no free consumer litigation in Queensland.

Nonetheless, the Legal Aid Queensland position is meant to have statewide coverage through advice work to both consumers and financial counsellors.

The decision to close the FCS not only left Queensland with one lawyer position at LAQ to service the whole state in credit and debt, but only part-funded the generalist service in Hervey Bay which is struggling to meet demand in the area.

If I can digress for one minute, this background underlines importance of governments in funding community legal services and legal aid at appropriate levels. While I am in no way lamenting the establishment of a new CLC in a growing area of regional Queensland, the decision left Queensland with two under-funded services, both struggling to address the demand.

Into this environment the Consumer Law Advice Clinic was launched.

Soon after QPILCH's inception in 2001, we identified four special areas of need in Queensland:

- Homelessness
- Civil law assistance, particularly intellectual property, for Indigenous Queenslanders
- Administrative law, and
- Consumer law, particularly consumer credit.

The Consumer Law Advice Clinic – a partnership of Clayton Utz, the TC Beirne School of Law and QPILCH, and more recently Blake Dawson Waldron, demonstrates how partnerships can work successfully in the sector.

The four successful elements of this project are

1. The commitment and enthusiasm of CU partner Randal Dennings
2. Clayton Utz secondment for 3 days per week – one day for student clinic – enough time for a viable clinic.
3. The Clayton Utz secondee, Linda Macpherson has 2 outstanding characteristics
  - a. highly qualified in financial services and litigation
  - b. an excellent and patient teacher.

To echo the words of the Chief Justice this morning – Linda is skilled, disinterested and practical.

4. So far, the students have been selected on basis of merit. As UQ's only clinic, there has been considerable demand for the 6 places

We work together well because we have the same objectives:

- To provide the best quality advice and assistance available
- To provide quality training for future lawyers – the students who participate in the program.

This is an example of the private profession and university responding to legal need in an innovative and positive way.

However, we also have to be realistic. We cannot expect, especially in smaller jurisdictions such as Queensland, that private firms can commit on a continuing basis. CU committed for one semester, and extended it to three. The fourth semester was funded by a one off grant from the Queensland Minister for Fair Trading. UQ law school has finally provided funding for the supervisor for one day per week in this the fifth semester and BDW have seconded a young solicitor for 2 days per week until December. We must continue to search for more certain on-going funding.

This requires considerable work and underlines the need, as recommended at the first and second national pro bono conferences, for a greater commitment by government to funding pro bono coordination.

We are only touching the surface of need in Queensland. But the project works because we can mix private sector, university and government funding to keep the CLAC operating.

Daily, I see the excellent work done by the students and staff in helping clients of the centre and the practical outcomes that are achieved for consumers. We have had to focus on consumer credit (over 50% of the workload) just to meet demand. The calendar for phone advice is booked out 3 weeks in advance.

Importantly, each client is followed up by a survey which we will feed into the work of the Centre for credit and Consumer Law at Griffith University. Of the 291 people assisted so far, only about 40 surveys have been completed, but there has been a satisfaction rate of over 90% and a positive outcome rate of over 60%.

While government constantly talks of partnerships and fund legal services on the basis of policies de jour, ranging from the service oriented approach of the early 90s to outcomes based management of the late 90s to demand management now, the Consumer Law Advice Clinic and others like it are high quality services that provide meaningful assistance to people who can't afford a lawyer. Government is good at the rhetoric of partnerships but slow on the uptake.

CLAC is filling a gap in services for Queenslanders. And Queenslanders get the best advice they can get, thanks to our partners, and that is the best measure we can go by.

Tony Woodyatt  
10 August 2006