



Curtin University

Faculty of Business & Law

John Curtin Law Clinic (JCLC)

Annual Report 2023

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About the John Curtin Law Clinic

First started in February 2017, the John Curtin Law Clinic is situated within the Curtin Law School at Curtin University's 57 Murray Street campus. Curtin University is proud to host an in-house law clinic that allows students to gain real client experience as part of their Bachelor of Laws and Practical Legal Training qualifications.

The John Curtin Law Clinic provides advice and legal assistance to individuals and small businesses in Western Australia who cannot otherwise obtain legal assistance. This offers undergraduate law students an exciting opportunity to develop and apply their practical legal skills while improving access to justice for Western Australians.

Under the supervision of qualified and experienced legal practitioners, Clinic students engage in a range of real world practical legal professional activities including client interviews, directed legal research, file management, provision of advice, and drafting legal documents including contracts and court documents.



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John Curtin Law Clinic Principal Lawyer's Report



Katrina Williams
Principal Lawyer
John Curtin Law Clinic

The John Curtin Law Clinic has had another couple of productive and busy years. In a resource constricted environment, as most universities have been in, we have expanded our clinic areas, and assisted a record number of clients. Overall, the total pro-bono contribution of the Law Clinic was around \$200,000 for 2022/2023.

An exciting new development is our partnership with **Jarman Legal**, who have been providing secondees to the Clinic each week to support the delivery of our pro bono services as of September 2023 – a warm welcome and enormous thank you to Jarman Legal. I am a passionate believer in the benefits of clinical learning in a dedicated student clinic such as the John Curtin Law Clinic. It is an intensive way to teach, and an intensive way to learn, but the rewards are enormous. Over and over again, students tell me in their final seminar they think the Legal Clinic unit should be compulsory for all Bachelor of Laws students, as they leave more skilled, more confident, and now know they want to practice law. In addition to allowing students to contribute to access to justice during their time in Clinic, the Clinic also introduces students to practical ways they can serve the community throughout their legal careers. The students reflect on their opportunities and obligations to serve the community in this way as a fundamental part of the clinic experience. For students, involvement in the Clinic provides opportunities

often not available even to graduate lawyers and restricted practitioners. Students are challenged to develop and utilise their practical legal skills by conducting client interviews and managing client relationships, developing skills ahead of their peers. These interactions occur in a supportive and closely monitored environment, giving students confidence and a distinct advantage, as they learn to apply their theoretical knowledge of the law to actual cases. Students also learn to use the latest legal software for file, time, and document management (LEAP).

Students also interact with some of Western Australia's most senior and well-regarded legal practitioners, including barristers, managing partners, government lawyers, and judicial officers on a structured basis, with opportunities to experience court rooms, mediations and tribunal hearings. Curtin Law School's relationship with Murray Chambers means students can learn how to prepare briefs, work with leading barristers, and has led to fantastic employment and networking opportunities.

Staff Changes

In January 2022, I was appointed to the role of Principal Lawyer of the John Curtin Law Clinic, having previously been a Senior Clinic Supervisor. Later that year, **Sherri Birt** took on the role of Clinic Administrator. Sherri is the first point of contact for clients and her work is critical to optimising our limited resources. We have also gained two new part time Clinic Supervisors in experienced legal practitioners **Rob Lilley** and **Heather Williams**. Rob and Heather both run their own law practices and have brought with them a wealth of enthusiasm and experience, enriching the educational experience of the students.

Heartfelt Thanks

The John Curtin Law Clinic simply would not operate without the hardworking Clinic team, so I want to first give thanks to them for all they manage to achieve, and the good humour they do it with! Thank you also to former Principal Lawyer, **Rosaline Tan**, who left some very big shoes to fill and to previous Clinic Administrator, **Lisa Henderson**, for her contributions.



Legal Clinic (LAWS3005) students with The Hon Lindy Jenkins (left) and hearing from Supreme Court Registrar Brendyn Nelson (right) in Trimester 1, 2023.

Many thanks also to the fantastic students who participate in the Clinic through the **Legal Clinic (LAWS3005)** unit and as volunteers – you are the best of the best! Working with you is the most rewarding aspect of my academic life, and you give me confidence in the future of the legal profession.

Finally, I would like to thank **Dean and Head of Curtin Law School, Professor Robert Cunningham**, for his unwavering support to the Clinic, and to the wider Curtin University community at university, faculty, and school level. Without this support, the Clinic simply would not exist.

Guest Speakers

There are a number of external guest speakers who facilitate invaluable learning experiences for our students, some of which I've included photos of.

Thank you to:

- **Dr John Byrne AM**, Western Australian Commissioner for Equal Opportunity
- **David Eaton**, Small Business Commissioner, Small Business Development Corporation
- **Ayesha Fernandes**, WA Justice Association
- **His Honour Judge Mark Edward Herron**, District Court of Western Australia
- **The Hon Lindy Jenkins**, Chair, Law Reform Commission
- **Adam Levine**, Partner, K&L Gates
- **Diana MacTiernan**, Manager Strategy and Engagement, Equal Opportunity Commission



Legal Clinic (LAWS3005) students at the Small Business Development Corporation (above) and with Dr Bertus de Villiers at the State Administrative Tribunal (below) in Trimester 2, 2023.



- **His Honour Judge Gary William Massey**, Registrar, District Court of Western Australia
- **Brendyn Nelson**, Registrar, Supreme Court of Western Australia
- **Shelby Robinson**, WA Justice Association
- **Leigh Smith**, Director of Learning and Teaching, Curtin Law School
- **Dr Bertus de Villiers**, Member, State Administrative Tribunal
- **Caragh Waller**, Director Business Advisory Services, Small Business Development Corporation.

The future

My hope for the future is that the John Curtin Law Clinic is able to expand to offer more experiences to students, and more assistance to people who need it. There is a tremendous need within the community for our services but we are currently only able to assist about 1 in 4 of the clients who seek our help.

The Clinic continues to positively and meaningfully impact on the lives of individuals who would otherwise have had no assistance to manage their legal issues or start a new charity or social enterprise. But we could do more!

Legal Clinic (LAWS3005)

Students enrolled in the Legal Clinic (LAWS3005) unit are placed in the John Curtin Law Clinic to assist clients in one or more of the John Curtin Law Clinic's practice areas. These areas include:

- Small Business Disputes
- Discrimination
- Providing legal assistance to not-for-profit organisations, start-ups, and social enterprises in the development or early operation phase
- Law Reform Projects – students can alternatively choose to be involved in non-litigious strategies for changes, and drafting law reform submissions.



The Clinic runs twice per week, on Tuesdays and Thursdays, during each Trimester, to ensure as many students as possible have the opportunity to gain experience on real client matters while contributing to improving access to justice for disadvantaged members of the WA community.

Student Feedback

The Legal Clinic (LAWS3005) unit continues to receive overwhelmingly positive feedback via Curtin University's teaching evaluations and from end of unit reflections.

"One of the best units. It should be mandatory. The real-life exposure is incredible and very valuable. I loved every minute of it. Katrina is also one of the best teachers and can really motivate us. I was really happy to have her as my supervisor. An additional benefit from this unit is that I was able to work on my teamwork skills and really improve them. Every class was a mini negotiation as we had to understand what the other person requires or plans, so those soft skills were also improving incredibly fast. Highly, highly recommend it." (Trimester 1, 2023)



"Being part of the JCLC team has been distinct and valuable. My experience at JCLC thus far has allowed me to go beyond the books."

Suvishal Yerramsetti

"The legal clinic overall is definitely a helpful unit to learn how to apply legal research and writing techniques to real-world situations. Being able to conduct your own client interview and draft letters of advice is something you will not often get the chance to do as a graduate lawyer so gaining exposure to this was a great learning experience." (Trimester 2, 2023)



"The JCLC provides me with a 'work' like opportunity to engage in problem solving skills and team collaboration which other units don't provide."

Brian Chang



Student Feedback



“The level of agency that we are given as law students in this program is exciting, but nerve-wracking. Working in the JCLC requires unique project management and professional communication skills.”

Riley Moriarty

“The unit as an overall unit is very helpful as it bridges the gap between theoretical aspects of the law and their practical application. It’s one of the most useful units that I have had in law school and should be strongly encouraged for all students.” (Trimester 2, 2023)



“Legal Clinic was a really great unit and I thoroughly enjoyed it. Usually, I dread group work but Legal Clinic changed my perspective on it because I was able to work with a great group of people. I enjoyed working on client matters and learned a lot about discrimination law. Katrina did a great job being our supervisor and she made the unit very enjoyable.” (Trimester 1, 2023)

“I was able to get a significant amount of practical experience from this unit and helpful feedback from Katrina on what I was doing well and what I could improve upon.” (Trimester 1, 2023)



“I have been strongly recommending Legal Clinic to all junior students I am mentoring. Unlike clerkships, I believe the Clinic experience to be so distinct in that students are able to handle a case from start to finish; from the interview to the final letter of advice. This is rare even in clerkships, because we often work on small elements of a matter as opposed to handling the entire matter. This calls upon students to use their initiative, critical thinking, and research skills. As another student recommended, which I agree with, Legal Clinic should be a core unit!” (Trimester 2, 2023)

Client Feedback

The Clinic has also received some great feedback from appreciative clients.

“ Thank you so much for looking into this matter for me, I really appreciate your time and guidance. ”



“ Thank you and the team for the detailed letter. This is extremely helpful! I appreciate both the detailed explanations in plain language, and the summarised recommendations at the end. ”

“ Many thanks for your hard work, please forward my sincere gratitude to Harry and Natalia for their professionalism and valuable advice. ”

Clinic Activities in 2022/2023

Over the last year, students working within the John Curtin Law Clinic have engaged in a number of meaningful clinical activities.

These include:

- Making a submissions to the Committee on the Elimination of Racial Discrimination (CERD) relating to the Aboriginal Cultural Heritage Act 2021 (WA)
- Making a submission to the Attorney General of Western Australia regarding access to justice for vulnerable prisoners when charged with minor prison offences under the Prisons Act 1981 (WA) and calling for specific reforms to the Act
- Working on a District Court of Western Australia matter with a senior barrister and community organisation
- Working on a detailed intellectual property advice with a senior barrister
- Participating in a research project into sexual harassment in employment.



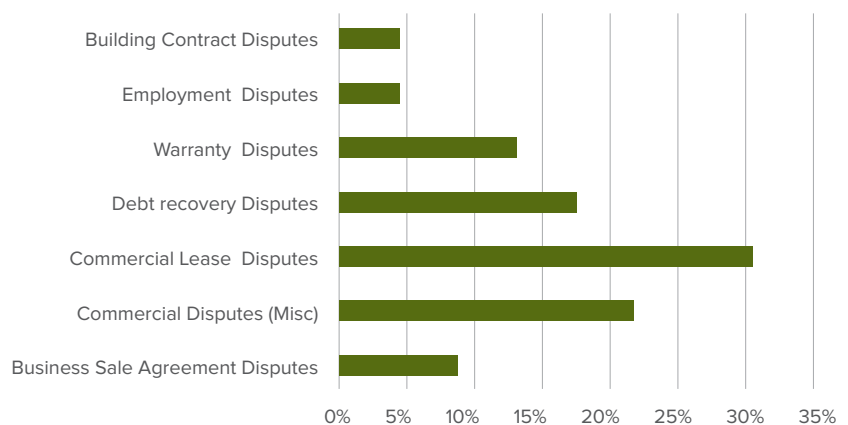
Small Businesses Assistance

The John Curtin Law Clinic assists small businesses where a lack of legal assistance would result in significant hardship for the individuals and families who run the business.

Curtin Link has a strong relationship with the Small Business Development Corporation (SBDC) and the Commissioner, David Eaton. We are grateful for the Commissioner's and the SBDC's support. The SBDC provides a range of services to the small business sector including advisory services and a low-cost dispute resolution service to assist with resolving business-to-business and business-to-government disputes. The SBDC does not provide legal advice, so where parties may benefit from obtaining legal advice or assistance in resolving their dispute, they refer clients to the John Curtin Law Clinic. The Clinic then undertakes a means test of the client along with ensuring adherence to our pro bono guidelines. A wide variety of commercial advice and assistance was provided over the reporting period to small businesses and independent contractors. The stand out issue facing small businesses were commercial lease disputes (many arising from COVID).



Types of Commercial Disputes Dealt with 2021/2022

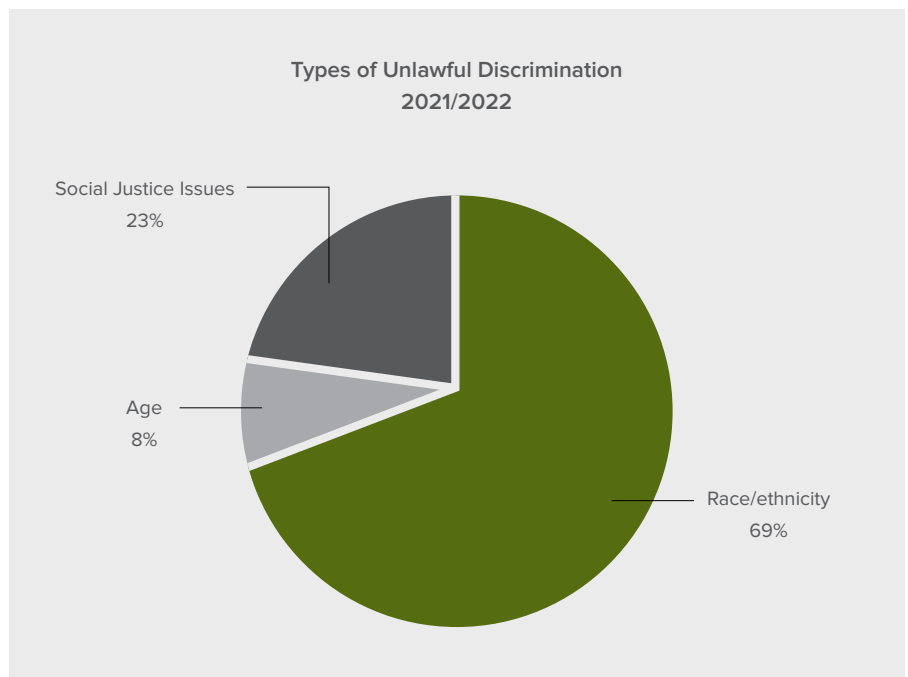


Discrimination Service

The John Curtin Law Clinic provides advice and assistance to individuals in relation to unlawful discrimination. This includes discrimination on the basis of race, sex (including sexual harassment), sexual orientation, gender identity, and age.

The Discrimination Clinic dealt with a wide variety of allegations but 69% of complaints were involving allegations of discrimination on the grounds of race and/or ethnicity.

Matters that did not specifically relate to a protected area of discrimination law have been broadly classified as 'social justice issues'.



Curtin Link

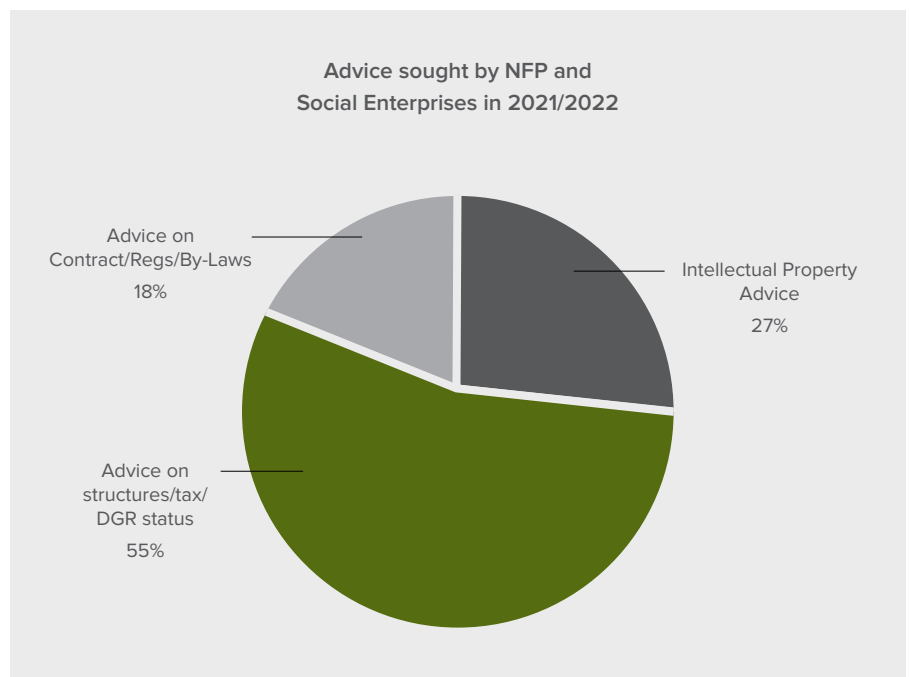
Based at the Graduate School of Business at Curtin University’s 78 Murray Street campus, Curtin Link is a collaboration with Curtin Business School and the Curtin Tax Clinic. Curtin Link provides legal advice and assistance to WA based not-for-profit organisations and social enterprises on issues affecting their day-to-day operations and ongoing sustainability, and attempts to provide seamless referrals when they require business or tax advice.

The main aim of Curtin Link is to connect students from Curtin Business and Curtin Law School with the community. Students are provided with meaningful, real-world experience, and begin to develop their professional network with their peers from other disciplines.

Areas of advice and project support covered by the Curtin Link service include:

- Law e.g. incorporation of a legal entity and drafting and refining a corporate constitution
- Taxation e.g. assistance with obtaining Deductible Gift Recipient status (provided by the Curtin Tax Clinic)
- Marketing e.g. development of marketing plans
- Accounting and finance
- Property development and valuation
- Information systems and information technology
- Management and business development
- Logistics and supply chain management.

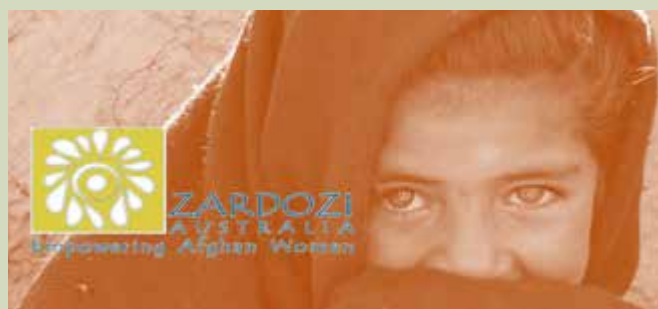
The most sought-after advice from the Curtin Link Clinic in the last year was in relation to corporate structure, taxation, and Deductible Gift Recipient status issues (55%). Intellectual property advice (copyright infringement and trade mark advice) comprised 27% of matters, and 18% of matters were advices on contracts, regulations, and by-laws affecting the clients.



Case Studies

Zardozi Australia

Zardozi Australia is a not-for-profit organisation based in Western Australia. Zardozi Australia has been set up to raise funds to support their sister organisation, Zardozi Afghanistan. Zardozi Afghanistan has supported over 6,000 poor Afghan women to start their own enterprise, through providing training, mentoring and small business loans. Zardozi Australia sought legal advice from Curtin Link on registering as a charity and acquiring Deductible Gift Recipient status. Both of these aims were achieved with the assistance of Curtin Link.



Prison Justice Reform WA

Prison Justice Reform WA is an unincorporated association of individuals who aim to transform prison policies and practices to improve education, training and parole outcomes for life and indeterminate term prisoners. Prison Justice Reform WA is supported by the Justice Reform Initiative and WA Justice Association. They sought legal advice from Curtin Link on their options for incorporation and registering as a charity.

Small Business A

In 2023, the John Curtin Law Clinic assisted a small business in Bentley with the recovery of a deposit on a cancelled purchase of business equipment from a large retailer who was refusing to provide a refund. Final year law students Riley and Gabriel carried out extensive research on the relevant legislation and regulations, uncovering a fatal flaw in the contract itself which led to the retailer realising they had no legal entitlement to retain the deposit and agreeing to provide a full refund to the client.

Fibre Economy

Fibre Economy Pty Ltd is a start-up social enterprise established in Western Australia in 2019. Fibre Economy's purpose is to improve and reduce the environmental, social and economic impacts of fabric waste. Fibre Economy has developed Second Life Workwear, a circular textile waste management service that collects and redistributes unwanted workwear from WA mining companies to WA charitable organisations, disability employment enterprises, and educational institutions, together with Australian designers / up-cyclers and textile recyclers. The service is designed to keep unwanted company workwear out of landfill by connecting it with people in the community who extend the life of workwear through reuse, transformation, and innovation. Fibre Economy sought legal advice and assistance from Curtin Link with preparation of a standard service agreement comprising their terms and conditions, as well as preparation of a shareholders' agreement following their incorporation.



2022 Snapshot

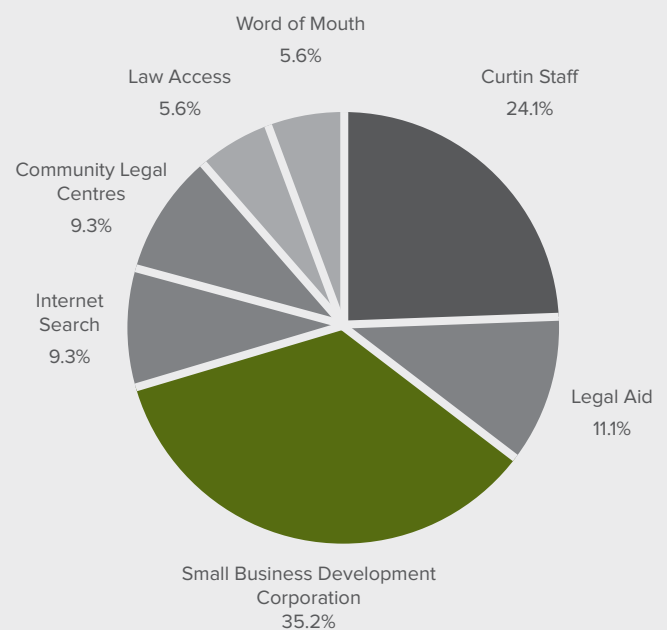
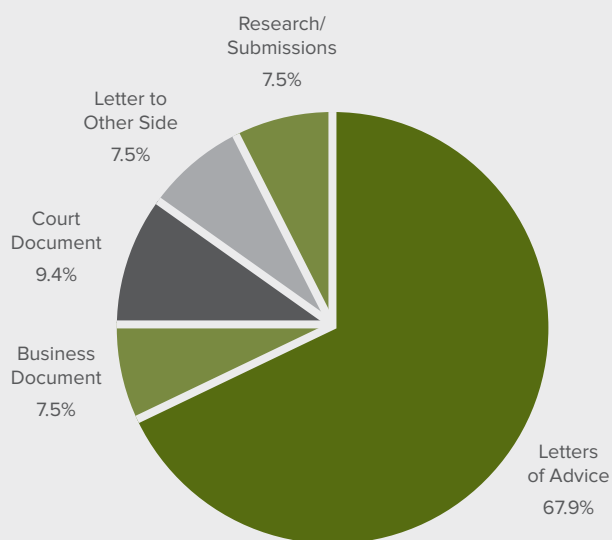
In 2022, the Clinic received 151 requests for assistance. Of those requests, 49 new matters were opened, and further assistance was provided on 5 previous matters opened in 2021.

Not all requests for assistance become client matters for various reasons, including whether the request fell within an area of law the clinic could advise in, whether the individual / business / organisation met the criteria for assistance, and the capacity of the Clinic to accept the matter at the time.

As per the graph below, the majority of the work the Clinic undertook in 2022 was providing letters of advice to clients. Students also prepared court documents, prepared 'ghost written' letters to the other side in dispute matters, and drafted business documents (such as memorandums of understanding, contractor agreements, etc).



In 2022, the majority of our client referrals came directly from the Small Business Development Corporation (SBDC). The 9.3% of referrals from community legal centres included organisations such as Consumer Credit Legal Service, Sussex Street Community Law Services Inc, Subiaco Justice Centre, and Northern Suburbs Community Legal Centre.



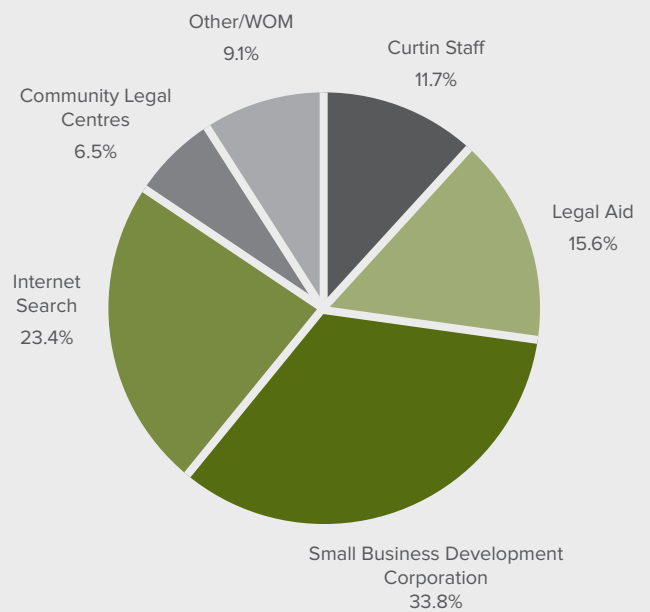
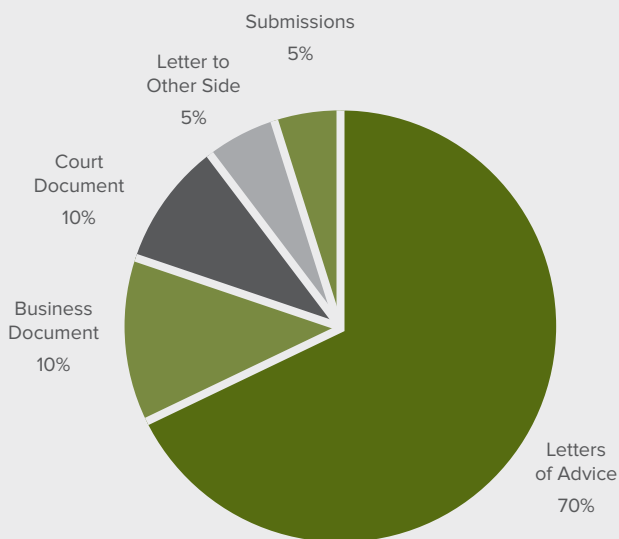
2023 Snapshot



From 1 January 2023 to the end of Trimester 2, 2023, the Clinic received 75 requests for assistance. Of those requests, 46 new matters were opened and further assistance was provided on 8 previous matters opened in 2022.

As noted above, not all requests for assistance become client matters for various reasons. The majority of the work the Clinic undertook in 2023 was providing letters of advice to clients. Preparing court documents, 'ghost written' letters to the other side in dispute matters, research / submissions, and business documents share the balance.

In 2023, the majority of referrals to the Clinic again came from the SBDC. However, Legal Aid referrals have increased approximately 5% since 2022. The number of applications coming via internet search has also doubled since 2022.



Practical Legal Training (PLT)

Curtin University is the only university in Western Australia that directly offers Practical Legal Training.

The John Curtin Law Clinic provides Curtin Law School's PLT students with work-placement opportunities, involvement with important pro bono test cases, and the chance to advise social enterprises, not-for-profits and start-ups.

Students can participate in the John Curtin Law Clinic as a post graduate while enrolled in the **Clinical Workplace Experience (LAWS5014)** or **Legal Workplace Experience (LAWS5007)** units as part of the Graduate Diploma in Legal Practice. In 2022 & 2023, the John Curtin Law Clinic also hosted a number of intensive PLT Clinics to provide students with clinical learning experiences.



Sustainable Development Goals

All activities within Curtin University's Faculty of Business and Law are underpinned by ethics, responsibility, and sustainability, aligning to 6 priority United Nations Sustainable Development Goals.

In August 2023, the John Curtin Law Clinic took part in the Curtin University Faculty of Business and Law Sustainability Showcase. The Showcase was a great opportunity for Principal Lawyer Katrina Williams and Director of Learning and Teaching Leigh Smith to talk to both students and staff about the fantastic work of the Clinic and how it is helping to meet the University's sustainability goals in the area of peace and justice.



How to Get Involved

Students

Curtin Law School students can:

- Enrol in the **Legal Clinic (LAWS3005)** in their Bachelor of Laws; or
- Enrol in the **Clinical Workplace Experience (LAWS5014)** or **Legal Workplace Experience (LAWS5007)** units in their Graduate Diploma in Legal Practice; or
- **Volunteer** in the Clinic.

Legal profession and Pro bono

We are always seeking to build relationships with law firms who would like to be involved in the Clinic as part of their pro bono contribution to the community, including by seconding a lawyer to the Clinic. Alternatively, let us know if you are an experienced practitioner, looking to teach law in a clinical capacity.

Community Legal Centres

We enjoy working closely with other community legal services to serve clients and the community better with our referral partnerships and partnering in research.





For more information

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