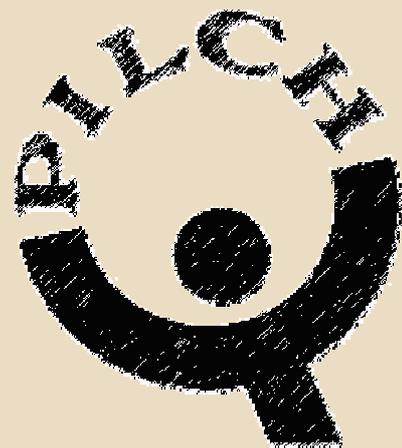


**Queensland Public Interest Law Clearing  
House Incorporated**

**2008-2009  
Annual Report**





# QPILCH Members

## Law Firms

Allens Arthur Robinson  
 Australian Workplace Lawyers  
 Blake Dawson  
 Brian Bartley and Associates  
 Clayton Utz  
 Cooper Grace Ward  
 Corrs Chambers and Westgarth  
 Deacons  
 DibbsBarker  
 DLA Phillips Fox  
 Finn Lawyers  
 Freehills  
 Holding Redlich  
 HWL Ebsworth  
 Macrossans Lawyers  
 Mallesons Stephen Jaques  
 Maurice Blackburn Lawyers  
 McCullough Robertson Lawyers  
 McInnes Wilson Lawyers  
 McPhee Lawyers  
 Minter Ellison  
 MurphySchmidt  
 Nathan Lawyers  
 P & E Law  
 Piper Alderman  
 Quinn & Scattini  
 Shine Lawyers  
 Slater and Gordon  
 Sparke Helmore Lawyers  
 TressCox Lawyers  
 Walkers Lawyers (Toowoomba)

## Barristers

Nicholas Andreatidis  
 Michael Ballans  
 Ken Barlow  
 John Bond SC  
 Jacoba Brasch  
 Vincent Brennan  
 Judy Brien  
 Alexandra Brook  
 Sue Brown  
 Gerald Byrne (Rockhampton)  
 Anna Cappellano  
 Lauren Coman  
 David Cormack  
 Gary Coveney  
 Kristy Crabb  
 Christopher Crawford  
 Quentin Cregan  
 Elliott Dalglish  
 Jean Dalton SC  
 Susan Fajardo  
 Tracy Fantin (Cairns)  
 Dr Kim Forrester  
 Dr Elizabeth Gass  
 Patrick Hay  
 Keith Howe  
 Joseph Jacobs (Cairns)  
 George Kalimnios  
 David Keane  
 Stephen Keim SC  
 Liam Kelly SC

Nitra Kidson  
 Carla Klease  
 Ilan Klevansky  
 Derek Kordick (Cairns)  
 Michael Labone  
 Ruth Link  
 Aida-Portia Maier  
 Paul R Marshall  
 Nicole Martin  
 Janice Mayes (Townsville)  
 Scott McConnel  
 James McNab  
 Paula Morreau  
 Damien O'Brien  
 T.P. O'Brien  
 Dan O'Gorman SC  
 Dan Pratt  
 Andrew Radley  
 Darryl Rangiah  
 Justin Ratanatray  
 Guy Sara  
 Hugh Scott-Mackenzie  
 Sarah Scott-Mackenzie  
 Dr Max Spry  
 Clare Sultmann  
 David Thomae  
 Roger Traves SC  
 Douglas Turnbull (Cairns)  
 Lynette Vanderstoep  
 Suellan Walker-Munro  
 Karen Williams  
 Douglas Wilson  
 Michael Wilson  
 Julene Winn

## 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  
 Faculty of Law, Bond University  
 Queensland University of Technology Law School  
 T.C. Beirne School of Law, University of Queensland

## Government Legal Unit Members

Australian Competition and Consumer Commission

## Life Members

Andrew Buchanan  
 Peter Rosengren

## QLS Pro Bono Scheme Members

Aitken Wilson Lawyers  
 Allens Arthur Robinson  
 Australian Workplace Lawyers  
 Brian Bartley and Associates  
 Bruce Thomas Lawyers  
 Butler McDermott Lawyers  
 Byrnes Business Lawyers  
 Charles Cooper Lawyers  
 Cronin Litigation Lawyers  
 David Wise Solicitor  
 Freehills  
 HW Litigation  
 Hynes Lawyers  
 Irish Bentley Lawyers  
 Kafrouni Lawyers  
 Kurschinsky Law  
 Lee, Turnbull & Co  
 Lex MacGillivray  
 Michael Drummond Lawyer  
 MMLC Murphy Wang  
 Stenton and Coady  
 Wettenhall Silva Solicitors

## Bar Pro Bono Scheme Members

John Allen  
 Sarah Baartz  
 Richard Barnes  
 Jane Bentley  
 Matthew Brady  
 Vincent Brennan  
 Kim Bryson  
 Gerald Byrne  
 Michael Byrne  
 Donna Callaghan  
 Jo Chapple  
 Jeff Clarke  
 Anthony Collins  
 Kristy Crabb  
 Brian Cronin  
 Bertram Curran  
 Elliott Dalglish  
 Geraldine Dann  
 Michael Drew  
 Patricia Feeney  
 Andrew Fraser  
 Elizabeth Gass  
 Simon Gerber  
 Craig Harding  
 Joseph Jacobs  
 Christian Jennings  
 Matthew Jones  
 David Kent  
 Nitra Kidson  
 Anthony Kimmins  
 Ilan Klevansky  
 Derek Kordick  
 Daniel Lavery  
 Gary Long  
 Stephen Lumb  
 Alan Macsporrnan  
 David Marks  
 Janice Mayes  
 Anthony McKinnon  
 Paula Morreau  
 Anthony Morris  
 Dean Morzone  
 Sarah Poon  
 Dan Pratt  
 Cameron Press  
 Gavin Rebetzke  
 Anthony Rimmins  
 Christian Ryall  
 Richard Schulte  
 Hugh Scott-Mackenzie  
 Sarah Scott-Mackenzie  
 Anands Shah  
 Fraser Syme  
 Douglas Turnbull  
 Andrew West  
 Nerida Wilson

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## PRESIDENT'S REPORT

2008-09 has been another busy year for QPILCH:

- applications to the public interest scheme have increased by 25%
- new HPLCs have been established
- QPILCH's management of the QLS and Bar Pro Bono Schemes commenced
- groundwork began to put in place two new student clinics in second semester 2009 and 2010
- a new RRR project was established to reach out to firms and barristers to facilitate pro bono across the State
- move to new premises.

QPILCH has now been operating for almost eight years. The ever-increasing demand for our services demonstrates that the confidence of members, clients and funders in the organisation is well placed and that QPILCH is making a substantial impact in the legal services environment.

To provide some historical perspective, there has been:

- a 450% increase in the annual number of public interest applications from 2001-02 to 2008-09
- a 406% increase in the annual number of public interest referrals from 2001-02 to 2008-09
- a 179% increase in the annual number of Homeless Persons' Legal Clinic (HPLC) clients from 2002-03 to 2008-09
- a 171% increase in the annual number of Self-Representation Civil Law Service (SRCLS) clients over the last 2 years.

In this context, it is important that we do not forget why QPILCH was established. QPILCH is an initiative of the Queensland legal profession and its membership reflects the strong involvement of law firms, barristers, professional representative bodies, legal aid and university law schools.

Following the defunding of legal aid to provide civil law services in the early 1990s, it was our members, experienced legal practitioners, who recognised the need for an organised and targeted mechanism to respond to community legal needs in a practical way. They knew that finding pro bono legal representation is extremely difficult, and that a structured clearing house could play a vital role in facilitating access to justice by tapping the energy in the private profession.

The PILCH model works because it not only facilitates pro bono assistance for individuals, but also directs the scarce pro bono dollar where it is most needed:

- The HPLC and Refugee Civil Law Service (RCLC), partnerships between firms and welfare agencies, provide targeted services to our most vulnerable citizens.
- The SRCLS is an example of responding to local needs in a local way. Queensland's law firms are not as large as southern firms and QPILCH has difficulty referring litigious matters because of the high cost of litigation. While representation is usually the best assistance, help with discrete tasks in the court process assists both self-presented litigants and the Courts.
- The RRR project is another example of an innovative approach to extending pro bono services across Queensland. Unlike some other states, Queensland does not have an extensive network of RRR CLCs but has a strong rural and regional tradition of service through small firms supported by district law associations. In 2008-09, we developed

two pilot partnerships between rural and national firms based in Brisbane to assist rural firms to undertake pro bono work.

The work of our members in these difficult economic times is testament to the commitment of the profession to its professional responsibilities and the community.

The benefits to government of funding a strong pro bono coordinating body are clear.

We conservatively calculate that our members made the following contribution to pro bono legal services in 2008-09:

- Public interest referrals: more than \$383,000 (with less than 40% costed)
- HPLC: more than \$1.8M
- SRCLS: more than \$720,000
- RCLC: more than \$416,000.

This estimate, totaling more than \$3.3M, does not take into account other real contributions by our members such as donations by firms in the form of secondments and grants, contributions by universities, and fundraising such as the Walk for Justice, and by the many non-firm volunteers such as student volunteers, clinic participants and retired practitioners.

In the context of very limited government funding of civil law services (particularly representation) through other free and low cost providers such as Legal Aid Queensland, the pro bono contribution of the profession, facilitated through QPILCH in targeted services, represents a significant saving to government.

Other savings arise through the consideration of applications for assistance. We ensure that every applicant whose application is not accepted is fully apprised of the reasons why, particularly if their matter lacks legal merit. While we cannot quantify the savings made from this aspect of our work, we do know that in 2007-08, of 26 SRCLS clients who had not already commenced proceedings in the Supreme and District Courts, we diverted 19 from the system. The 2008-09 analysis is not completed, but it appears that a similar proportion of clients were diverted. This represents a significant saving to court time and expense to other parties.

Some argue that the private profession should not just provide free legal assistance but also fund the coordination of pro bono, while others argue that government should be responsible for adequate legal aid funding for civil law problems. The reality is that the profession makes an enormous contribution through the provision of pro bono services and government funding is not limitless. The first National Pro Bono Conference recognised that government has a responsibility for funding coordination in order to match and draw out the contribution of the profession for these essential services. QPILCH's services would not exist without the contribution and direct financial support of our members – barristers, law firms and universities - and by government funding our primary costs - staff wages and administration.

Our members are also becoming more active in identifying legal need. Over the last few months QPILCH has been approached by several members wanting to establish new legal services to address a need they have identified. While QPILCH does not represent its members, it is an important voice and platform for its members to express and demonstrate their concern for community legal needs and social justice and to respond to them in practical ways. Many people involved in QPILCH work for busy practices but retain a broader interest in the administration of the justice system and the well-being of the community in which they live and work. Our members recognise the problems associated with the provision of legal services in



Queensland and seek to contribute to a solution to those problems. QPILCH is well placed to harness this great goodwill in the profession.

I hope this invaluable support will continue in the coming year, and I thank my colleagues for their contribution to the assistance of Queenslanders in need through QPILCH.

## **Projects, programs and events during 2008-09**

More detailed project reports are provided for readers' information later in this report. Here, several points are worthy of special mention.

Under the stewardship of **Kathrin Wolf** and with the support of the president of the QLS **Ian Berry** and the president of the Bar Association **Michael Stewart SC**, we commenced management of the new **QLS and Bar Pro Bono Schemes**. This important development for the first time brings pro bono referrals under the one roof.

The **Self-Representation Civil Law Service** completed its first full year with **Judith Douglas** and **Allira Thompson** as solicitor and paralegal respectively. The SRCLS Reference Group, chaired by **Martin Moynihan AO QC**, continues to provide invaluable input and advice. The *accessCourts* initiative also continues to ensure that a holistic service is provided to self-represented litigants in the Supreme and District Courts in Brisbane and the Court of Appeal. I agree with the Chief Justice that this service could be extended to other Queensland superior courts with great benefits and cost savings.

The **Refugee Civil Law Clinic**, operated with **Corrs Chambers Westgarth**, continues to grow and achieve excellent outcomes for people who have settled in Australia in the last five years.

**Corrs Chambers Westgarth** provides a permanent secondment to QPILCH. **Karen Kearney**, the first secondee, was followed by **Duncan Marckwald** and **Jen O'Farrell**. We could not assess the high number of applications for assistance we received in the year without the fine work of the Corrs secondee.

Lead by **Andrea de Smidt** with **Sue Garlick** and **Sam Boyle**, the **Homeless Persons' Legal Clinic** continues to expand the assistance it provides to the homeless. With an increased workload performed by members under staff supervision, it has also developed new initiatives such as a self-assessment tool which is being trialed at a new clinic at Roma House.

The second **Law Walk for Justice** was held in May 2009. Led by the President of the Court of Appeal, **The Honourable Justice Margaret McMurdo AC**, the walk in Brisbane again coincided with walks in Sydney, Melbourne, Adelaide and London. Over \$12,000 was raised for QPILCH's disbursement fund, a fund to help pay for expenses such as filing fees and expert reports incurred in pro bono casework. **Cristy Dieckmann** again organised this event.

Cristy Dieckmann also continued the role of services coordinator and coordinator of our **student volunteer program**. Referral services again experienced a large increase in applications for assistance. Despite the increase in workload and consequent work pressures, QPILCH continues to undertake a detailed assessment of all applications for assistance and to provide full reasons to applicants we cannot assist, usually because a matter lacks legal merit.

**Rebekah Leong** returned from working overseas in February 2009 to coordinate our student programs and publication activities. This year, Rebekah supervised the Griffith *Public Interest*

*Lawyering* clinic and UQ's Public Interest Research Clinic and more recently, UQ's Mental Health Law Clinic.

I am pleased that we are putting in place the infrastructure to be able to draw on the assistance of retired and career break practitioners. **Mr Lex MacGillivray**, who has already been of great assistance to the SRCLS, is now also attending the QPILCH office at West End on a regular basis, sharing his broad expertise in the assessment of complex and difficult files. I hope more retired practitioners will take up this opportunity to keep their knowledge current and use their skills to assist disadvantaged Queenslanders.

Like all moves, QPILCH's **relocation** from the city to West End in April 2009 was a big effort for all staff. Despite the effort and expense, the move has been a success. The new premises more easily accommodate staff, volunteers and files and will be a more viable long-term home for QPILCH. I thank **Legal Aid Queensland**, the **Department of Communities** and the **Gambling Community Benefit Fund** for their support in making the move, and **Daryl Clifford**, partner of **Corrs Chambers Westgarth** for undertaking the necessary legal work.

## **The year ahead**

Despite the significant increase in services provided in 2008-09, there are some ongoing issues that we hope to address in the year ahead.

### ***Policy***

In 2007, we made a submission on civil law services to the then Attorney-General, the Hon Kerry Shine MP, recommending ways to improve coordination of civil law services and greater cooperation between the different providers, as well as better funding arrangements to encourage partnerships to assist those most in need. We hope to pursue these issues with the new Attorney in the year ahead.

### ***Accountability***

When we obtained government funding, our reporting requirements increased significantly. This is an onerous commitment that does not necessarily reflect an improved level of accountability. We hope to convince government this year that there are better ways to ensure accountability of the valued contribution of public monies.

### ***Evaluation***

QPILCH is committed to evaluating its services. We evaluated the first nine months of operation of the SRCLS and are completing the evaluation of its first full year of operation. We constantly assess the value of our HPLC clinics and have closed clinics and opened new ones where necessary. We are completing a full evaluation of QPILCH.

### ***Funding***

We are mindful of extending our services to the point that we have difficulty meeting our reporting requirements and the capacity of staff and volunteers to cope with the demand is overstretched. The increase in size has placed some demands on our resources which have been difficult to meet in a timely way. We have approached government for a small increase in funding to meet this demand, which we believe will give us the foundation we need to consolidate our services and meet future demand.

We are mindful too that our funding is always precarious. We rely on ad hoc grants and project funding to make up our major outgoings such as rent. We have made recommendations to the



Attorney to review the way LPITAF is used and we hope to encourage the Commonwealth Attorney-General to develop a funding mechanism that will enable organisations such as QPILCH to access small grants to coordinate new services.

### **Services**

We have been funded under the LPITAF grants program to extend the SRCLS to the new Queensland Civil and Administrative Tribunal, commencing in January 2010.

In partnership with QUT's **Professor Brian Fitzgerald** and **Kylie Pappalardo**, we will be establishing an IP service from January 2010 and a new IP student clinic from semester 2, 2010. This, too, is a much-needed service, following the closure of the Arts Law Centre in 2008. Many of the volunteers of the Arts Law Centre will be involved in the new service.

In 2009, QPILCH started looking at mental health law issues in earnest, which has led to the establishment of the Mental Health Law Clinic with UQ's TC Beirne School of Law in Semester 2 of 2009. It is hoped the coming year will see the development of further services for consumers of mental health services in coordination with Queensland Advocacy Incorporated.

The Rural Regional and Remote (RRR) project will be re-established in January 2010 for a further six months to follow up on the existing city/country partnerships and to develop further arrangements to promote pro bono across the State.

### **Special acknowledgments**

I again sincerely thank the Chief Justice of Queensland, **The Honourable Paul de Jersey AC**, our patron, for his valued and ongoing support of QPILCH and his recognition of the work of our members. In September 2009, the Chief Justice hosted a function to thank QPILCH members and welcome new law firms to the QLS scheme, for which we are very appreciative. I also thank the president of the QLS, **Ian Berry**, and the **QLS** for sponsoring this event.

I thank the President of the Court of Appeal, **The Honourable Margaret McMurdo AC**, for her support for the Self-Representation Civil Law Service and for leading the 2009 Law Walk.

I thank the former **Attorney-General and Minister for Justice**, the **Hon Kerry Shine MP**, and new Attorney, the **Hon Cameron Dick MP**, for financial support from LPITAF for the Self-Representation Civil Law Service, for funding QPILCH's public interest coordination services through the Community Legal Service Program and for supporting the Bar and QLS schemes and the RRR project through the LPITAF grants process. This support clearly recognises the role government has in funding pro bono coordination and acknowledges the value of our work.

I also thank the Attorney for hosting a feedback event for volunteers of the Self-Representation Civil Law Service in September 2008, also attended by the Chief Justice, President McMurdo, Justice White, Chief Judge Wolfe and the Hon Martin Moynihan AO QC.

I thank the former **Minister for Communities**, the **Hon Lindy Nelson-Carr MP** for renewed funding support of the Homeless Persons' Legal Clinic for 2008-09. This vital funding has permitted the HPLC to operate for another year.

I thank all **QPILCH members**, whose names grace the front inside cover of this report, for their generous contribution to legal services and their support for individuals and groups who would

otherwise be denied legal assistance. Their continuing commitment to QPILCH is a wonderful example of their professional and personal contributions to the community and the profession.

I thank the many other members of the judiciary and profession who have helped and supported us in many ways, from kind words to advice to donations and assistance.

I thank the **students** who are involved in the clinical programs and who volunteer at QPILCH and the **university law schools** that support them. I particularly thank **Professor Jeff Giddings** of Griffith University, **Professor Geraldine Mackenzie** of Bond University and the forces behind UQ's new Pro Bono Centre, **Dr Tamara Walsh, Paul O'Shea, Dr Peter Billings** and **Professor Ross Grantham**.

I thank the **QPILCH staff** members who have worked with dedication, imagination and enthusiasm. Special mention must be made of **Gayle Gasteen** and **Andrea Perry-Peterson** who recently left QPILCH after 3.5 and 2 years respectively. Gayle and Andrea made a great contribution through their work and as part of the QPILCH team and we hope to work with them again in the future.

Special thanks must again be made to **Tony Woodyatt**, coordinator of QPILCH, for his tireless efforts in managing QPILCH and his support of the Management Committee. Tony's unparalleled experience and expertise have ensured the efficient and successful provision by QPILCH of legal services to those in need and the effective coordination of those services for the profession. Tony and **Imogen Coates-Marnane**, QPILCH administrator, must also be thanked for their efforts in effecting the move to new premises smoothly and with a minimum of fuss.

Finally, I thank my fellow **committee members** who, as always, have given generously of their time and talents. Their individual and collective knowledge and expertise have added depth and breadth to QPILCH decision-making in a year full of difficult and important decisions.

**Joanne Rennick**  
**PRESIDENT**

## TREASURER'S REPORT

I present as Treasurer the audited financial report for the financial year 2008-09.

QPILCH remains an organisation that makes the most of its limited revenue. We are committed to being fully accountable and to maximising the resources we have for the benefit of disadvantaged Queenslanders.

The leanness of QPILCH can best be shown by the use of the funding we will receive in 2009-10:

- recurrent CLSP funding of \$195,121 for our core public interest referral services.
- recurrent LPITAF funding of \$143,920 for our self-representation services.
- non-recurrent LPITAF grants funding of \$152,600 for our new pro bono referral services project (managing the QLS and Bar schemes), rural regional remote project and new QCAT SRCLS.
- non-recurrent Department of Communities funding of \$163,848 for our Homeless Persons' Legal Clinic and homelessness policy project.

This essential government contribution to pro bono coordination totals \$655,489. However, it amounts to just \$52,022 per FTE staff member (including wages, on-costs, rent and



administration), a value for the investment greater than provided by any other legal service provider in Queensland.

In the 2008-09 financial year, QPILCH obtained funding:

- from **membership fees**;
- for core services from the **Community Legal Services Program** administered by Legal Aid Queensland;
- for the Self-Representation Civil Law Service under the **recurrent LPITAF** program administered by the Queensland Department of Justice;
- from the **Department of Communities** for the coordination of the Homeless Persons' Legal Clinic and a small grant to assist with new office renovations;
- from **Legal Aid Queensland** for removal costs, new telephone system and cabling;
- for the new QLS and Bar Pro Bono Schemes and the RRR project from the **LPITAF grants** program;
- a contribution from the **QLS** and **Bar Association** towards the operation of the new QLS and Bar Pro Bono Schemes;
- from the **Law Foundation Queensland** to provide training;
- from our **university partners** to operate five student clinics;
- from the **Gambling Community Benefit Fund** to buy new equipment.

On behalf of QPILCH, I gratefully acknowledge these funds and thank the generous contributors.

We were fortunate in being declared a Public Benevolent Institution by the ATO and thus obtained Deductible Gift Recipient status. We now have a greater ability to attract tax deductible donations. We thank **Freehills** for its great assistance.

The challenge now is to use the DGR status to best effect. Unfortunately, competition for sponsorship and charitable donations is very strong and a number of charitable funds which would have been open to us are now targeting their funding rather than taking unsolicited applications, again limiting opportunities for legal services to attract funds and to reach some sort of financial independence.

Our major cash source for 2008-09 has been membership fees and government funding, and I thank our members and funders for their support. Our major outgoings are for wages, though with the recent move, rent is the next single biggest expense. Our annual rent increased more than four-fold when we moved in March.

Except for the CLSP and recurrent LPITAF funding, all our funding is non-recurrent and therefore insecure. This is a major challenge. QPILCH has established a fundraising and marketing sub-committee to find opportunities to fund the ideas we have to improve access to justice in our region.

QPILCH has made several recommendations for review of LPITAF. I urge the Government to actively work with community legal centres to refine this vital funding scheme.

I wish to acknowledge the support of the following other generous donors that have made our services possible:

- **Corrs Chambers Westgarth** for the permanent secondment which significantly increases our capacity to assess applications for assistance;

- **Law firms** which have provided staff to attend the Self-Representation Civil Law Service, Refugee Civil Law Clinic and Homeless Persons' Legal Clinics.
- **Law firms** and **barrister members** who have so readily accepted referrals for pro bono representation.

I thank all supporters and QPILCH staff for their assistance and hard work over the year.

**Robert Reed**  
SECRETARY/TREASURER

## 2008-09 MANAGEMENT COMMITTEE

### EXECUTIVE

**Joanne Rennick**, President – Partner, MurphySchmidt Solicitors  
**Hugh Scott-Mackenzie**, Vice-President – Barrister  
**Robert Reed**, Secretary/Treasurer – Senior Associate, Minter Ellison Lawyers.

### COMMITTEE MEMBERS

**Samantha Carroll** – Senior Associate, Clayton Utz  
**Professor Jeff Giddings** – Griffith University Law School  
**Noela L'Estrange** – CEO, Queensland Law Society Incorporated  
**Sarah McBratney** – Solicitor, McCullough Robertson Lawyers  
**Julie McStay/Tony Denholder** – Senior Associate/Partner Blake Dawson  
**Dan O'Connor** – Chief Executive, Bar Association of Queensland Inc  
**Elizabeth Shearer** – Director, Civil Justice Services, Legal Aid Queensland

### COOPTED MEMBERS

**Rochelle Carey** – Senior Associate, Allens Arthur Robinson  
**Andrew Buchanan** – co-opted member from 1 July 2008

## 2008-09 STAFF

Name	Position
Katherine Hammond, Priya Dalal, Allira Thompson, Catie Chardon, Katia Vandenbroucke, Anna Poteri, Lulu Ou, Shannan Jarrett.	Law students who worked as our administrative assistant (casual job-share position one day per week)
Sue Garlick	HPLC policy (part-time two days per week)
Gayle Gasteen	Knowledge coordinator (part-time two days per week) from January 2006 to June 2009
Eve Campbell	Internet and publication consolidation (part-time three days per week) to September 2008
Andrea Perry-Petersen	Training coordinator and PIRC supervisor (part-time two days per week) from July 2007 to August 2009
Parth Shukla	Internet/intranet/PBLi assistance (casual one day per week) from June 2008
Imogen Coates-Marnane	Administrator (full-time) from October 2008
Aimee McViegh	RRR coordinator (full-time) from January to August 2009



Cristy Dieckmann	Services coordinator (full-time) from January 2008
Jackson Walkden-Brown	Administrative Law Clinic supervisor (casual one day per week during semester) from September 2007 to November 2008
Ray Rajguru	Bookkeeper (casual one day per week) from December 2007
Sam Boyle	HPLC paralegal (two days per week) from January 2009
Andrea de Smidt	Services coordinator (full-time) from September 2007 and HPLC and RCLC coordinator (full-time) from January 2008
Kathrin Wolf	QLS and Bar schemes coordinator (full-time) from January 2009
Judith Douglas	SRCLS coordinator and solicitor (full-time) from June 2008
Allira Thompson	SRCLS paralegal (part-time three days per week) from October 2007 and full-time from January 2009
Rebekah Leong	Student programs coordinator from February 2009
Karen Kearney, Duncan Marckwald and Jen O'Farrell	Seconded solicitors from Corrs Chambers Westgarth (full-time)
Tony Woodyatt	QPILCH coordinator (full-time) from January 2002

## REFERRAL SERVICES

In 2008-2009 there were a total of 275 written applications for assistance to QPILCH. This was a 25% increase in applications. 86 applications that met our guidelines (means, public interest and legal merit tests) were referred to our member firms and barristers.

As can be seen from the table below, referrals also increased in comparison to 2007-08. A further 23 referrals were attempted, of which 4 were referred to solicitors or barristers who are not members of QPILCH, 14 were not taken up, 2 were withdrawn and 3 were referred to other community legal centres.

	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09
Applications	50	111	76	197	200	204	212	275
Accepted for referral							78	109
Referrals to Members	17	40	46	64	77	86	62	86
Referrals to Non-Members								4
Referrals to CLCs							3	3

Most referrals to QPILCH are from community legal centres, Legal Aid Queensland, law firms and community organisations. Other referrals are from the Ombudsman and government departments including the Office of Fair Trading and the office of the Attorney-General, MPs, the Legal Services Commission, the Queensland Law Society and the Bar Association.

### ***A sample of referrals finalised during 2008-09***

The following list represents a small sample of cases assisted by members and closed during the year.

Not-for-profit and community organisations

- **DLA Phillips Fox** assisted a not-for-profit organisation set up a legal entity for a fundraising project to raise awareness about bi-polar disorder.

- **Quinn & Scattini** and **Slater & Gordon** assisted a not-for-profit organisation with advice on environmental law issues.
- Barrister member **Guy Sara** provided a community legal centre with advice relating to tenants' rights when a mortgagee takes possession of a rental property.
- Barrister member **Andrew Radley** gave advice to a community legal centre about potential liability arising from making a video presentation.
- **McCullough Robertson** assisted a not-for-profit organisation by advising them about their tax status.
- **Holding Redlich** successfully transferred a number of properties from one not-for-profit which was going into liquidation to another not-for-profit.

#### Individuals

- **Corrs Chambers Westgarth** provided advice to an individual about the steps required to review a council's planning and environment decision.
- **Miller Harris Lawyers** assisted an individual to recover part of a judgment debt.
- Barrister member **Suellan Walker-Munro**, instructed by QPILCH, prepared supporting materials and appeared at an AAT mediation conference, after which the Department of Immigration agreed with submissions that the applicant was of good character, after which he was granted Australian citizenship.
- **MurphySchmidt, Bain Gasteen** and barrister members **Dan O'Gorman** and **David Keane** gave advice to an elderly couple who were considering appealing a Small Claims Tribunal decision to the Supreme Court.
- **Minter Ellison** negotiated a settlement for several separate applicants who had been saddled with a judgment debt which arose from a penalty clause in a loan agreement. The applicants, one of whom had a terminal illness, had sold their business to a purchaser who failed to pay out the loan.
- **Deacons** represented an applicant at a conciliation conference in the Industrial Relations Commission and in further negotiations post-conference. This led to the applicant obtaining a positive work reference and a separation certificate confirming that he resigned rather than was terminated.
- Barrister member **Hugh Scott-McKenzie** assisted an applicant by appearing at a Queensland Industrial Relations Commission directions hearing.
- Barrister member **Elliott Dalgleish** assisted an applicant by representing her at a Human Rights and Equal Opportunity Commission conciliation conference.

Our members contributed more than \$382,000 worth of free legal services in the year, with less than 40% of referred cases costing.

The main types of law in which members accepted public interest referrals were (in descending order): administrative law; discrimination and human rights; litigation; property; employment; consumer and trade practices; and criminal and prisoners.

**Cristy Dieckmann** – [services@qpilch.org.au](mailto:services@qpilch.org.au)

## HOMELESS PERSONS' LEGAL CLINIC

2008-09 has been a busy year of activity for the HPLC. Continued funding from the Queensland Department of Communities has supported the ongoing employment of a full-time Coordinator and a part-time Policy and Clinic Expansion Officer to enable the development of HPLC services. A funding increase, approved at the end of last financial year, allowed for the employment of a much needed part-time paralegal/administrative assistant.



## 2008-09 statistics

From 1 July 2008 to 30 June 2009, the HPLC opened 318 new files, bringing the total number of HPLC clients assisted to 1848 since the Clinic's inception in December 2002. As at 30 June 2009, the following clinics were operating:

Clinic	Participating Firms/Organisations
Mission Australia Café One	Minter Ellison Lawyers Freehills
Brisbane Homelessness Service Centre	MurphySchmidt Blake Dawson
Salvation Army Pindari Men's Hostel	Clayton Utz
Salvation Army Pindari Women's Hostel	DLA Philips Fox
Brisbane Youth Service Inc	Mallesons Stephen Jacques Holding Redlich
Anglican Women's Hostel	Allens Arthur Robinson
New Farm Neighbourhood Centre	Allens Arthur Robinson
4AAA Kiosk	McInnes Wilson McCullough Robertson
Mission Australia Pathways to Prevention Kyabra Phone Clinic	Minter Ellison Lawyers
Toowoomba HPLC, The Basement	Clewett Corser Drummond Murdochs Lawyers David Burns & Co. Condon Charles Walkers Solicitors Shannon Donaldson Province Lawyers Hede Byrne & Hall The Advocacy and Support Centre
South Townsville Drop in Centre	Ruddy Tomlins Baxter Boulton Cleary Kern Bevan and Griffin Chris Mills Wilson Ryan Grosse
Townsville Women's Centre	Roberts Nehmer McKee NQ Women's Legal Service ATSI Women's' Legal Service NQ Indigenous Family Violence Legal Outreach Unit

Our rostered firms contributed over \$1.8m of pro bono services to the HPLC in 2008/09, a remarkable effort and a great investment in our community.

Although we were not able to gather statistics from all our regional firms, the six firms that contribute to the clinic at South Townsville Drop-in Centre estimate their contribution at \$28,000.00.

70% of HPLC clients are male and 30% female. This gender breakdown reflects generally the demographic of homelessness and has remained fairly consistent since the Clinic's inception. In 2008-09, the areas of law that people attending the Clinic required assistance with remained static, with the four main areas of assistance required being: criminal 23%; family 13%; housing/tenancy 11%; and fines/debt 10%.

In addition to the top four areas of legal need, the HPLC assisted clients with a range of other matters in 2008-09, including employment law, guardianship and administration, personal property, bankruptcy, social security and criminal compensation matters.

The Criminal Law List, established in 2005-06, has continued to operate, with a handful of referrals occurring this year. The continued generous support of the Queensland Bar for this initiative is greatly appreciated.

## HPLC casework

The HPLC members have continued to provide high quality legal advice and assistance to our most vulnerable citizens.

Examples of this work include:

- A client had suffered a breakdown and years earlier sold his business and home in order to pay off his debts. A term of the sale agreement for the business and home was that the purchaser would pay the business' tax debt. The purchaser did not pay the tax debt, and the client continued to be charged interest on the amount owing without his knowledge. On discovering that the debt still existed, the client sought assistance from the HPLC to assist him in negotiating reconciliation with the ATO. Thanks to some convincing submissions from HPLC lawyers, the ATO agreed to remit the general interest charge of over \$9,043 and cancel the original tax debt of \$8,949.
- HPLC lawyers assisted a client who was indebted to Centrelink for approximately \$8,000 because the client did not accurately report her income. The client was a refugee from Guinea and received Centrelink payments for approximately 2 years after her arrival in Australia. Centrelink did not provide an interpreter service to explain or assist the client with her income reporting requirements. Lawyers successfully negotiated with Centrelink which agreed to waive the entire debt and pay back to the client the amount of the debt the client had already begun to pay off.
- HPLC lawyers assisted a client who had been charged with begging where no evidence was presented by the Queensland Police Service to support the charge. Counsel was briefed to appear on behalf of the client. However, the Police Service dropped the charge after being pressed to provide supporting evidence prior to the client's hearing.

## HPLC training

As part of its ongoing professional training and development program, the following CLE activities were organised by the HPLC in 2008-09. The HPLC acknowledges and thanks the participating law firms who hosted and/or presented papers, thereby increasing the knowledge and capacity of all HPLC lawyers to assist our clients:

MONTH	FIRM	TOPIC
June 2009	DLA Phillips Fox	Criminal Law matters
May 2009	McCullough Robertson	Capacity and consent
March 2009	Minter Ellison	HPLC Induction/refresher session



March 2009	Allens Arthur Robinson	Debt matters
November 2008	Freehills	Housing and Tenancy law
October 2008	Corrs Chambers Westgarth	Guardianship and Administration law
September 2008	Blake Dawson	HPLC Induction/refresher session
August 2008	Mallesons Stephen Jacques	Criminal injuries compensation and the Civil Law Legal Aid Scheme.
July 2008	Allens Arthur Robinson	Criminal law matters

As well as providing this training to volunteer lawyers of the HPLC, the HPLC coordinator was able to provide training in homelessness issues to the Queensland Police Service. Thanks to this input, QPS training now includes learning about the causes of homelessness, and the ways in which police can be an agent for help, rather than exacerbating the problems associated with homelessness.

## **Policy and advocacy**

### ***Move-on Powers***

In the first half of 2009, the Crime and Misconduct Commission (CMC) conducted a review of police move-on powers. Given the impact that such powers have on homeless people, the HPLC facilitated that group's participation in the review. HPLC lawyers helped clients of the clinics and other members of the homeless community to make their own submissions directly to the CMC. A pro forma client submission enabled clients to detail two of their experiences with move-on powers and to provide their opinion on the fairness and/or effectiveness of the powers. In this way, the HPLC was able to facilitate a highly valuable number of contributions to the CMC review, which were singled out by the CMC as being particularly pertinent. Many experiences discussed by HPLC clients in their submissions went to the heart of the issue of move-on powers present. Hopefully they will therefore have some bearing on the outcome of the review.

### ***Human Rights Charter***

This year, the National Human Rights Consultation Committee requested submissions on human rights protection in Australia. Specifically, the Committee asked: what rights needed to be protected; how well those rights were currently being protected; and how they could better be protected.

Following on from the success of the move on powers submissions, the HPLC again facilitated the engagement of the homeless community in this debate. HPLC lawyers assisted clients of the HPLC to complete detailed questionnaires, which were then submitted directly to the committee. Thanks to the HPLC, 24 people experiencing homelessness were able to make submissions and thereby participate in the debate about human rights in Australia.

### ***Homeless Connect***

In May 2009, the HPLC attended the Brisbane City Council initiative, Homeless Connect, assisting a record 22 clients on the day, most of whom were new to our service. QPILCH is thankful to the contribution of six participating firms which provided lawyers to staff the HPLC stall.

### ***Homelessness Task Force***

The HPLC has taken on an active role in seeking to enliven the Homelessness Task Force, an independent group of varied members with collective expertise in homelessness. In the current climate, we see an invigorated role for the HTF to respond to state-wide topical issues affecting

those who are experiencing homelessness. The HTF has a role in submitting responses to current policy and law reform consultations, and in identifying, commenting on, and initiating projects relating to systemic issues which affect people experiencing and at risk of homelessness.

### **Art Exhibition**

In May 2009, the HPLC organised an art exhibition, which followed on from a highly successful exhibition in 2007. Approximately 200 guests converged on Metro Arts in Brisbane's Edward St for the opening of the exhibition by Therese Rein, Patron of Common Ground Australia. The exhibition was a great success, both for the quality of the artwork displayed, and the fact that so many people experiencing homelessness were able to participate in the exhibition as artists.

### **Future directions**

The HPLC currently has 13 active clinics in Brisbane (a clinic at Roma House opened in August 2009), Toowoomba and Townsville. Without an increase in staff, this number represents the maximum number of clinics that can operate without suffering a decrease in the quality of the service.

The HPLC is alive to other opportunities when they arise. For instance, it was determined that the HPLC at HART 4000 would receive better attendance if it were moved to the New Farm Neighbourhood Centre, and this move was duly organised in April 2009.

The HPLC received an \$8000 grant in April 2009 from Streetsmart, to pilot an Assertive outreach HPLC at Roma House, a residential facility for chronically homeless clients. Based on research that homeless clients are often unaware of their legal needs, the clinic screens all new clients of Roma House, using a Legal Health Check tool, developed by the HPLC. The pilot aims to train case workers to administer the Legal Health check. The clinic is conducted by Freehills.

### **Acknowledgments**

QPILCH would like to thank all volunteer lawyers, participating law firms and our host agencies for their continued support and efforts in ensuring the legal and human rights of homeless people are recognised and respected.

**Andrea de Smidt** – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au), **Sue Garlick** – [homelesspolicy@qpilch.org.au](mailto:homelesspolicy@qpilch.org.au) and **Sam Boyle** – [hplcadmin@qpilch.org.au](mailto:hplcadmin@qpilch.org.au)

## **REFUGEE CIVIL LAW CLINIC**

Staffed by volunteer lawyers from Corrs Chambers Westgarth and hosted by the Multicultural Development Association at South Brisbane, the RCLC has had a very productive and successful second year. QPILCH is thankful to Corrs Chambers Westgarth, all volunteer lawyers, and the Multicultural Development Association for their ongoing support of the RCLC.

The RCLC operates every second Monday afternoon and generally schedules between two to four client appointments per session. Longer appointment times are scheduled to account for the utilisation of interpreter services during these sessions.

Since inception in August 2007, the RCLC has assisted 77 clients. The value of this work exceeded \$416,000. The areas of law which people attending the Clinic have sought assistance with



include: debt; administrative; insurance; consumer/trade practices; criminal; and family; consumer/trade practices being the most common of these.

Examples of this work include:

- A client purchased what he thought was a prepaid mobile phone service. After using the phone for a period of time he received a bill for over \$2,000, which he was unable to pay. The telecommunication provider transferred the debt to a debt collection agency, which was pursuing the client at the time the client sought assistance from the RCLC. Volunteer lawyers corresponded directly with the telecommunication provider and registered a complaint with the Telecommunications Industry Ombudsman. The steps taken by the lawyers were ultimately fruitful, with the telecommunication provider's Compliance Officer advising that they would cease debt recovery action and ensure there would be no negative effect on the client's credit file.
- The RCLC assisted a client who was seeking a refund of his car purchase. RCLC Lawyers reviewed the contract of sale which they found did not meet the requirements of the *Property Agents and Motor Dealers Act*. Lawyers assisted the client to successfully exercise their right to terminate the contract, and the car dealer refunded the full \$3500 purchase price.

The RCLC is coordinated by the HPLC Coordinator and RCLC lawyers participate in the ongoing professional training and development program of the HPLC.

The RCLC Coordinator is working with RCLC lawyers to ascertain areas of need for policy development and will be implementing legal education in the same vein as the HPLC for the RCLC's clients and the caseworkers who support them.

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## SELF-REPRESENTATION CIVIL LAW SERVICE

QPILCH's Self-Representation Civil Law Service (SRCLS) was established in October 2007 and has now completed its first full year of operation. The SRCLS assists eligible self-represented litigants with the conduct of their court proceeding in the civil trial jurisdiction of the Supreme and District Courts and Court of Appeal and refers ineligible litigants to more appropriate avenues for assistance.

Through the provision of discrete legal advice and information on court procedure, the SRCLS assists self-represented litigants to exercise their legal rights, while discouraging unnecessary litigation. Such discrete tasks which the service assists self-represented clients to complete in the progress of their civil litigation include drafting pleadings, advice on disclosure and evidence, settlement negotiation and preparation for trial. Importantly, the SRCLS also operates a pro bono mediation service and encourages clients to seek to resolve their dispute without litigation when possible.

The SRCLS is the only service of its kind in Australia which provides systematic and substantial assistance for people who cannot afford representation in civil cases. The SRCLS has proved to fill a real and growing gap for disadvantaged people who cannot afford the high costs of litigation. For many, self-representation is the only option open to litigate their causes and access justice.

## 2008-09 clients and statistics

The SRCLS operates from the Brisbane Law Courts Complex and is now funded for two full-time staff members, Judith Douglas and Allira Thompson, who are able to staff its District Court based office five days per week. Volunteer solicitors from 12 law firms also assist the service by providing free advice to self-represented litigants in civil law matters. Three hour-long appointments are conducted by staff in morning sessions (9.30am to 12.30) and by volunteers from 2pm to 5pm on Tuesday, Wednesday and Thursday each week. Staff members supervise all assistance given and make follow-up appointments for clients.

2008–09 has been a busy year of growth and activity for the SRCLS. Since its inception, the SRCLS has helped over 300 self-represented litigants who without the assistance of this service may have been forced to navigate the maze that is civil litigation unaided and alone. In the 2008–09 financial year, 213 new client files have been opened, of which 61 were plaintiffs or applicants, 71 defendants or respondents and 81 were potential plaintiffs or applicants.

The applications received this year covered a wide range of disputes, which reflects the diversity of clients that were assisted. In light of the recent global financial crisis, the SRCLS experienced a noticeable increase in self-represented litigants seeking assistance with mortgage and debt related proceedings in the Supreme Court. Fortunately, we have been working closely with the consumer credit units operated from Legal Aid Queensland and Caxton Legal Centre, which have provided meaningful support in a number of urgent matters which have arisen.

Some of the main areas of law the service assisted with this year included:

- Debt recovery (including mortgage-related claims) (20%);
- Property (10%);
- De facto property adjustment (9%);
- Other property (10%);
- Personal Injuries (8%);
- Judicial Review (8%); and
- Commercial matters (9%)

The SRCLS has had significant formal and informal successes none more so than an elderly disability pensioner who was referred to the SRCLS on the eve of the execution of a warrant of possession for her home. After a loan agreement turned sour, the client found herself in debt for substantially more than the original loan, with default interest accruing weekly. The SRCLS assisted the client to draft the necessary court documents to have the warrant stayed and the client has since been referred to Legal Aid for full representation and the judgment against her set aside.

Other positive outcomes clients achieved with assistance from the SRCLS include:

- A client, a tenant for nearly 20, years made many verbal and written requests for his landlord to make repairs to the property which was unfit to live in. Although there were attempts to conciliate the dispute, the client was evicted due to rental arrears and a warrant for possession was issued by the Small Claims Tribunal. The client was unable to attend the hearing due to illness and lack of funds. With assistance from the SRCLS the client commenced and progressed an application for judicial review in the Supreme Court on the ground that the Tribunal had denied him natural justice. The client was successful in having the relevant decision of the Small Claims Tribunal set aside and his matter was remitted for a new hearing.
- A client, who was defending a Supreme Court claim for more than \$500,000 in damages, following the collision of his vessel with a pile beacon, was assisted by the SRCLS to prepare



a defence and initiate informal negotiations. He subsequently had the entire claim discontinued against him even before any interlocutory application hearings had taken place.

- The SRCLS assisted a client to commence property encroachment proceedings against her neighbor and successfully negotiate an informal settlement, following a formal offer drafted by a SRCLS volunteer. Following the settlement, the SRCLS assisted the client to obtain consent orders, including costs in the client's favour. These orders have been complied with by the other side without the client having to go down the path of enforcement.

## **Planning and Environment matters**

The SRCLS continues to provide specialist assistance to self-represented litigants involved in Planning and Environment Court disputes. Eligible clients are offered appointments with P & E specialists from a panel of volunteers.

## **Pro-bono mediation panel**

Having determined an urgent need for affordable mediation services accessible to self-represented litigants, the SRCLS this year established a free mediation service for its clients as a supplement to its current role. The service plays an essential role in diverting matters away from the courts, and establishing settlement dialogue between self-represented litigants and an opposing solicitor. Contrary to common perceptions, most SRCLS clients are keen to resolve their dispute as cheaply and quickly as possible. However, mediations conducted in the context of civil litigation are often an expensive process, which most SRCLS clients cannot afford.

The pro-bono mediation panel meets the need for affordable alternative dispute resolution services and education about conducting informal negotiations with a self-represented party. The SRCLS is grateful to the following volunteer accredited mediators who have expressed a willingness to conduct pro bono mediations upon referral for clients:

Jim Brooks	Ian Hanger QC
Sean Reidy	Suellan Walker-Munro
George Kalminios	Brian Bartley
Toby Boys	Mark Ryan
Joe O'Hare	Tom Stodulka
Janet Barnes	Nicole Sinclair
Narendra Sharma	Michael Halliday
Dominic McGann	Pat Mullins
Cassandra Pullos	

In its first year of operation, the mediation service has already conducted four mediations one of which resulted in a settlement agreement being reached at the mediation.

The Queensland Bar Association has offered considerable support to the pro-bono mediation arm of the service by providing its mediation facilities free of charge for our mediations.

We hope that the new Attorney-General will permit government lawyers with mediation accreditation to participate in this panel.

## **Court of Appeal service**

The SRCLS also manages a distinct Court of Appeal Service (CASRCLS) which provides intensive assistance to self-represented litigants involved in civil Queensland Court of Appeal proceedings.

This year, the SRCLS received 17 applications which fell within the CASRCLS. It should be noted that 16 of the 17 applications which were received by the CASRCLS were from a client in the appellant role.

Clients of the CASRCLS presented with a variety of legal issues such as housing, professional negligence, wills and estates, personal injury, building and construction, planning and environment and administrative law.

Out of the 17 applications for assistance received by the CASRCLS, seven involved matters where an appeal had not yet been commenced. The level of assistance to be allocated to any particular matter is dependent upon the merit of the proposed appeal. The CASRCLS was fortunate to be able to obtain counsel's advice in respect to merit in regard to several of these applications.

Where the CASRCLS considers that the proposed appeal lacks merit, the client will either be provided with written advice about the merits of their appeal or with an appointment with a solicitor in order to discuss the merits. This process, which involves providing relatively detailed advice to clients intending to bring an appeal, continues to produce some excellent results. Of the seven applications received by the CASRCLS where an appeal had not yet been commenced, only two clients went on to pursue their appeal (and both were unsuccessful). Another client elected to pursue her appeal but obtained representation (and was also unsuccessful). The remaining four clients (57%) elected to abandon their proposed appeal.

In total, of the 17 applications for assistance, five elected not to pursue their appeal any further after receiving advice from the CASRCLS. A further three clients who were assisted by the CASRCLS achieved informal settlements.

We especially thank **Gary Coveney**, barrister-at-law, who appeared with a Court of Appeal client at an informal settlement conference. The conference resulted in the parties reaching a settlement agreement. This was of great relief to our client, who had previously self-represented in a Magistrates Court trial and a District Court appeal before the matter was brought to the Court of Appeal.

## **SRCLS projects, law reform and legal policy**

With guidance from the SRCLS Reference Group, the service reviewed and developed its policy in respect to managing conflicts of interest. The policies were amended accordingly to ensure that applicants are able to fairly access the service.

We are also grateful to the Reference Group members who assisted with the development of our policy for clients who appear to lack legal capacity.

In addition to clarifying its internal policies in respect to assisting self-represented clients who present potential capacity issues, the SRCLS made a submission to the Queensland Law Reform Commission. After a meeting with the Public Trustee regarding this issue, the SRCLS is preparing a submission about more practical ways of providing assistance to self-represented civil litigants who lack capacity.

The SRCLS is also currently:

- developing guidelines for legal practitioners engaging with self-represented litigants;
- working on a submission in relation to identifying problems and potential solutions regarding the use of *Uniform Civil Procedure Rules 1999* forms by self-represented litigants; and



- examining the effect of ‘on the spot’ fee waivers on self-represented litigants.

## Training

The SRCLS was keen to ensure that it provided its volunteer solicitors with training and professional development which supported the special role they play in providing discrete task assistance to self-represented litigants. The training program was made possible by the generous support of member firms who offered to host seminars for the service. The program was also supported by some of Brisbane’s foremost experts in litigation:

Event	Speaker & Topic
July 2008	Drafting series: notices of appeal Hosted by Mallesons Stephen Jaques and supported by McCullough Robertson Presented by Damien O’Brien, Barrister-at-law
September 2008	An evening to reflect and thank volunteers Hosted by former Attorney-General, the Hon Kerry Shine MP at Queensland Parliament House. Speakers included The Honourable Martin Moynihan AO, the Hon Kerry Shine MP (former Attorney General), and The Honourable Paul de Jersey AC, Chief Justice of Queensland
April 2009	Drafting series: affidavits Hosted by the Queensland Bar Association Supported by Allens Arthur Robinson and Mallesons Stephen Jaques Presented by Michael Hodge, Barrister-at-law
April 2009	Taking your client’s instructions: interviewing techniques Hosted and supported by Deacons Presented by His Honour John Lock, Brisbane Coroner
May 2009	Drafting series: pleadings Hosted by the Queensland Bar Association Presented by Paul Freeburn SC
Ongoing	Refresher Induction Training Hosted by member firms Speakers include Judith Douglas and Allira Thompson

We thank all presenters and hosts for their assistance.

### ***Discover the Keys to Unlock the Law: A Seminar for Self-Represented Litigants***

The SRCLS held a booked out seminar for self-represented litigants as part of this year’s Law Week Program. The seminar was presented by Judith Douglas and was attended by current and prospective SRCLS clients, as well as court staff and court network volunteers. We received requests from attendees that the SRCLS host similar seminars on a regular basis and we are keen to participate in the Law Week program for 2010.

### ***Blog Launch***

In an effort to encourage feedback and communication between volunteers, the SRCLS this year launched a Volunteers Blog ([srcls.wordpress.com](http://srcls.wordpress.com)) which is password accessible. Volunteers are encouraged to share their experiences with others by leaving comments on the blog. We are hoping that the Blog will become a valuable resource for volunteers by including information and updates about developments at the service, client outcomes and other relevant news.

## Acknowledgments

The SRCLS expresses its appreciation to the Attorney-General who has funded the scheme through LPITAF since its inception. The SRCLS is especially grateful to the Department of Justice

and Attorney-General which in January agreed to provide additional urgent funding to accommodate the increasing demand for the service.

We also thank the Chief Justice, The Honourable Paul de Jersey AC, The Honourable Margaret McMurdo AC, President of the Court of Appeal, Justice Margaret While, Her Honour Chief Judge Patsy Wolfe and His Honour Judge McGill for their support for the service.

The SRCLS would like to thank the solicitors, barristers and retired practitioners who have voluntarily contributed more than 270 hours of free assistance to the service this year. This was in addition to the 185 appointments conducted by SRCLS staff. The contribution of the following firms has been vital in ensuring the success of the service and demonstrates the overwhelming support from within the profession to ensuring access to justice for Queensland's most marginalised litigants:

Allens Arthur Robinson	Blake Dawson
Brian Bartley & Associates	Cooper Grace Ward
Corrs Chambers Westgarth	Clayton Utz
Deacons	DLA Phillips Fox
Mallesons Stephen Jaques	McCullough Robertson
Minter Ellison	Murphy Schmidt

Judith Douglas – [selfreps@qpilch.org.au](mailto:selfreps@qpilch.org.au) and Allira Thompson – [selfrepsadmin@qpilch.org.au](mailto:selfrepsadmin@qpilch.org.au)

## QLS AND BAR PRO BONO SCHEMES

The **QLS Pro Bono Scheme** and the **Bar Pro Bono Scheme** commenced on 2 February 2009 and are managed by QPILCH. The two schemes, funded by LPITAF for an initial period of one and a half years until June 2010, operate similarly to QPILCH's public interest referral scheme.

For the first time in Queensland, people experiencing hardship who do not have a public interest issue but have a meritorious case will be able to seek a referral through the QLS and Bar schemes, bringing all pro bono referrals under the one roof. This is another significant step in assisting people who are excluded from the system because they cannot obtain legal aid or afford private representation.

Kathrin Wolf was appointed to coordinate both schemes and in the first few months developed the forms, guidelines and procedures and liaised with the Bar and QLS to ensure the efficient operation of the new schemes. These materials are accessible to the public and profession from the QPILCH and the QLS websites.

By the beginning of June 2009, enough firms and barristers were on board for case referrals. By 30 June 2009, 10 cases in the QLS scheme were assessed of which 3 cases were successfully referred to participating firms. In the Bar scheme, 6 cases were assessed of which 3 matters were referred to barristers. By comparison, since 1 July, more than 46 in the QLS scheme and 4 in the Bar scheme have been assessed.

It goes without saying that these schemes could not exist without the active support of lawyers prepared to contribute their valuable resources on a pro bono basis. Our initial supporters, in particular, have played an important role in getting these schemes off and running.

We sincerely thank the **firm and barrister participants** (listed on the front inside cover of this report) for joining the QLS and Bar schemes and making this service possible.



We thank former Attorney-General the **Hon Kerry Shine MP** for providing funding for the initial year of operation and the **Hon Cameron Dick MP** for continuing funding through to June 2009. At this stage, there is no promise of further funding to keep these schemes operational. We trust that the Attorney will see the value of keeping open this important service for people who are otherwise denied any form of legal support in non-public interest civil law cases.

We would like to give special thanks to **Ian Berry**, President of the QLS, and **Michael Stewart SC**, President of the Bar Association for sending out the invitation of registration and for their ongoing support. We also thank Bar Association Chief Executive **Dan O'Connor** and QLS CEO **Noela L'Estrange** for their great assistance in getting these schemes operational and to the Bar Association and Queensland Law Society for their financial contribution to the cost of coordinating these schemes.

We now have a sufficient level of initial support to ensure that representation will be available for a significant number of applicants who would otherwise be unable to protect their legal interests. Building on that base, we can confidently expect that the scheme will expand its capabilities and provide much needed assistance to a growing number of deserving members of the public.

**Kathrin Wolf** – [referral@qpilch.org.au](mailto:referral@qpilch.org.au)

## CORRS SECONDMENT

**Corrs Chambers Westgarth Lawyers** has established a secondment program with QPILCH on a four to six month rotational basis. The aim of the secondment is to provide graduates with an opportunity to use their legal skills to contribute to the community and to experience the working environment in a not-for-profit organisation.

To date, three Corrs lawyers have completed a rotation – Karen Kearney (March – September 2008), Duncan Marckwald (September 2008 – February 2009) and Jen O'Farrell (February 2009 – September 2009). Tim Laird commenced in October 2009.

The secondment with QPILCH is part of the Giving Back Program that Corrs has initiated, aimed at contributing and making a difference to the broader community.

Corrs nationally has had a long standing relationship with PILCH organisations. In August 2007 Corrs and QPILCH established the Refugee Civil Law Clinic (RCLC).

The secondment provides an ongoing and reliable addition to the small QPILCH team.

### ***What the secondment provides***

Participating in this program has not only assisted with the development of each of the secondees' legal skills but has also provided the following:

- Extensive client contact and exposure to legal, policy and social issues.
- Development of skills such as explaining complex issues in plain language; communicating effectively with people from different walks of life and with different needs and interests; and planning events such as the Walk for Justice.
- Exposure to the running of a small independent organisation, and the related tasks, such as drafting funding applications and contributing to policy reviews.
- Experience the constraints of working with minimal resources.
- Ability to autonomously take instructions and compile a brief.

- The opportunity to contribute to the community.
- Interesting and challenging work with exposure to a broad spectrum of legal issues including discrimination, environmental, indigenous issues, administrative, consumer, employment, guardianship and social security.

### ***Work undertaken by secondees***

The secondee lawyer has generally assisted with QPILCH's core function of assessing applications for pro bono assistance for legal merit and public interest. As the applications can involve any area of law the Corrs secondees learn about a wide range of legal issues.

Examples of the type of work performed by the secondees:

- Review and amend client statements relating to dispute over legal fees payable for property settlement, and contact clients to discuss changes.
- Assess application from a man who was allegedly removed from a certificate of title of a shared property while he was recovering from a head injury sustained in an accident. Applicant also alleged negligence by lawyers. Research the extension of time allowed for people under a disability because time had expired. Draft letter to applicant advising on issues and requesting more information needed to continue.
- Assess application seeking appeal from a Guardianship and Administration Tribunal decision not to remove an administrator where the applicant alleged financial abuse.
- Instruct counsel at conciliation conference in the Administrative Appeals Tribunal regarding an appeal of a decision refusing to grant citizenship to a Sudanese refugee, attend client meetings with counsel in preparation, draft statement of client based on meeting and further interview with client.
- Research and advise on avenues of appeal from the Fisheries Tribunal.
- Assess application regarding the theft of letters written by a notorious person and advise applicant on effectiveness of copyright and conversion and the possibility of seeking an injunction to prevent their publication.
- Assist a self-represented litigant in drafting a Rule 444 letter to the defendant in Supreme Court proceedings involving a division of property under the Property Law Act.

Other work:

- Assist in the organisation and running of the Law Walk and Homeless Persons Legal Clinic Art Exhibition.
- Prepare application to the Office of Fair Trading for registration of QPILCH as a charity under the Collections Act.
- Prepare a memorandum on the applicability sections of the *Social Security (Administration) Act 1999* to an Administrative Law Clinic applicant's Administrative Appeals Tribunal appeal on the issue of whether the provisions operate to limit the amount of back-payment that can be paid.

Jen O'Farrell – [secondee1@qpilch.org.au](mailto:secondee1@qpilch.org.au)

## **RURAL REGIONAL REMOTE PROJECT**

The Rural Regional Remote (RRR) Project aims to enhance the delivery of pro bono legal services to RRR areas in Queensland. Aimee McVeigh was employed to coordinate this six month project from January to July 2009, and will continue for a further six months from January to June 2010.

The focus of the RRR Project has been the establishment of two trial relationships between a regional law firm and a city based law firm. The purpose of these relationships is to enhance the



capacity of the RRR law firm to provide pro bono legal services in their community by giving them access to the resources of the city-based firm. The collaboration also gives the city based firm the opportunity to provide assistance to people in rural, regional and remote areas.

The type of assistance that the city firm may be able to provide a regional firm includes on-going legal support, assistance with a discrete task that is part of an on-going pro bono legal matter, legal research assistance, access to training resources and administrative support.

**Anne Murray & Co**, a small law firm based in Emerald and **Blake Dawson** have agreed to work together to provide pro bono assistance to the Emerald community. **Lee Turnbull & Co**, a small law firm based in Townsville and **Allens Arthur Robison** have also agreed to undertake pro bono work together.

We have been assisted by all the firms that are involved in the trial relationships to develop protocols that can be used by firms that want to form similar relationships for the purpose of providing pro bono legal services in regional rural and remote areas. The protocols deal with issues such how to contact the partnered firm, costs, intellectual property and liability. The protocols are available on our website.

Through the RRR Project we have increased our capacity to provide people with access to a lawyer or barrister in their local area. We have engaged more regional firms and barristers in our work.

We have recently obtained funding from LPITAF to continue the RRR Project for an additional six months. Moving forward we hope to use the structures that we have developed to provide a tailored service to disadvantaged people that are living in rural and regional Queensland.

Aimee McVeigh - [rrr@qpilch.org.au](mailto:rrr@qpilch.org.au)

## TRAINING

With financial support from the Queensland Law Foundation and building on work done in the previous financial year we continued to implement QPILCH's training agenda during 2008-09.

Training activities included seminars for members of the **profession and community legal centres**, especially in poverty law areas and issues facing not-for-profit organisations. We were also able to support the HPLC and SRCLS with their ongoing CLE programs. We thank the Bar Association of Queensland and a number of our member firms for hosting and providing presenters for topics including Drafting Skills, Guardianship and Housing and Tenancy Law.

QPILCH also held seminars providing information to **not-for-profit organisations** on topics including discrimination law, the law of volunteers, intellectual property and taxation Issues. Each of these seminars were enthusiastically attended by representatives of NFPs, including management committee members, staff and volunteers, who often commented on how much they valued the low cost yet expert and relevant legal information.

As part of QPILCH's commitment to evaluating and improving its services we obtained evaluations for each seminar. As a learning organisation we are constantly updating our internal documentation regarding the "how to" of arranging such training. It is accurate to say that the seminars received positive feedback.

In total, well over 600 solicitors, volunteers and not-for-profit attendees have benefited from this training program of 20 seminars, held at regular intervals over the financial year. We are very grateful to our member firms and barristers for their support of this program.

Unfortunately Law Foundation Queensland will not be funding this work in 2009-2010. Despite their acknowledgment of the good work that we do, due to its investments being reduced and funding priorities being given to the Solicitors' Benevolent fund and refurbishment of the QLS building, the Law Foundation Queensland is unable to continue to sponsor this work.

We had been planning to extend our low-cost training in poverty law to RRR lawyers. This must now be put on hold until we can find further funding.

**Andrea Perry-Petersen**

## PUBLICATIONS AND KNOWLEDGE MANAGEMENT

2008-09 saw a significant investment of time into the preparation, publication and organisation of QPILCH factsheets and resources.

### **Publications**

A list of factsheets are available on our website at [www.qpilch.org.au/resources/factsheets/index.htm](http://www.qpilch.org.au/resources/factsheets/index.htm).

Guides that will soon be ready for publication are:

- You and Your Lawyer – 2009 update
- Guide to guardianship and administration law
- Involuntary treatment orders: Information for advocates appearing before the Queensland Mental Health Review Tribunal.

We also launched our precedents and resources system, organising our existing factsheets, precedents, weblinks and other resources by area of law. The system is available to the public, however, more sensitive resources have been made password protected for use by QPILCH staff, CLCs or volunteers only. Resources for the public can be accessed at: [http://www.qpilch.org.au/01\\_cms/details.asp?ID=557](http://www.qpilch.org.au/01_cms/details.asp?ID=557).

### **QPILCH information technology**

In early 2009, QPILCH launched [shop.qpilch.org.au](http://shop.qpilch.org.au) to enable credit card payments for membership, training and other events online. The new facility also allows us to take credit card details over the phone.

We have also set up a donation facility with [www.OurCommunity.com.au](http://www.OurCommunity.com.au), to provide people with an alternative and simple way to make donations to QPILCH. Our appeal site can be viewed at: [www.ourcommunity.com.au/qpilch](http://www.ourcommunity.com.au/qpilch).

**Gayle Gasteen and Rebekah Leong** – [studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au).

## STUDENT PROGRAMS

QPILCH continues to provide opportunities for students to work in providing pro bono services in a range of ways that benefit the student and the community.



## Public Interest Lawyering clinic

QPILCH's first legal clinic again operated for the first semester of 2009. **Rebekah Leong** supervised 6 senior law students who were involved in case assessment, presenting seminars on public interest issues and preparing a research paper exploring the judicial review processes in various jurisdictions in Australia and overseas.

As always, the students were an invaluable resource in providing support in assessing our applications for assistance through the public interest referrals scheme.

The *Public Interest Lawyering* students in Semester 1 of 2009 were:

Anita Lowe	Ellie Bassingthwaighte
Jaclyn Duong	Jenny Jee
Madonna Evans	Marie Monforte.

We thank guest speakers **Neil Watt**, QLS Ethics Office, **Zoe Rathus**, Griffith University, and **Mr Martin Moynihan AO QC**. We again thank **Zoe Rathus** and Professor **Jeff Giddings** and **Griffith University** for their support for this clinic.

**Rebekah Leong** – [studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au)

## Administrative Law Clinic

Since 2004, QPILCH and Bond University's legal education partnership has provided six Bond University law students per semester with an opportunity to work on administrative law cases through the QPILCH Administrative Law Clinic. The ability to challenge government decisions is a key aspect of the rule of law, so this unique service is a vital addition to the QPILCH toolkit.

The Clinic is held on Fridays during the semester. There are three Clinics per year, which correspond with the three semesters of Bond University's academic year. Clinics run for eleven weeks, and the most recent Clinic finished in August 2009.

The Clinic provides clients with free legal advice and assistance in matters relating to administrative law. Most clients are identified through QPILCH's core referral services; the assistance provided is given by the students and overseen by the clinic supervisor.

The main legal focus of the Clinic is judicial review of State and Federal Government decisions, and matters before the Administrative Appeals Tribunal. However, the Clinic may also assist with other matters of an administrative nature, including: internal review of government decisions; freedom of information matters; matters before the Social Security Appeals Tribunal; matters before the Guardianship and Administration Tribunal; and other matters before government tribunals.

Students are allocated particular matters and are required to work on the matter throughout the semester. Students are expected to conduct legal research in relation to the matter, and are required to draft correspondence and make phone calls as necessary.

Students of the clinic are also given other specific research tasks; either individually or in groups. The results of the research are then used to assist later students, and are also used to improve the information available to all QPILCH services.

During the semester, students are given a tour of the Administrative Appeals Tribunal, and also get to hear from a number of guest speakers, including tribunal members, senior Administrative law barristers and the ombudsman.

The students for the Administrative Law Clinic during 2008-09 were:

<b>Semester 3, 2008</b>	<b>Semester 1, 2009</b>	<b>Semester 2, 2009</b>
Guinevere Sablan	Kimber Pipella	Tristan Blom
Nadia Conforti	Kristie Erickson	Kenneth Yam
Preet Singh	Les Preston	Guan Huang
Sabina Medarevic	Loren Holly	Michael Scott
Sylvester Joseph	Nicholas Lichti	Brett Graham
Tiffany Lee	Nikhil Wahi	Lindsay McAlear
Wang Jun		

The Administrative Law clinic continues to fulfill a dual role of providing students with legal education in a clinical setting, and also providing real legal assistance to clients.

We again thank **Jackson Walkden-Brown** and **Bond University** for their support with this invaluable service. We also thank **Professor Geraldine Mackenzie**, dean of the Bond University Law School, for increasing funding for the administrative law clinic to operate for two days per week in semester 3, 2009.

### **HPLC clinical subject**

From February to June 2009, the HPLC co-supervised a clinical legal education subject in partnership with Dr Tamara Walsh from the TC Beirne School of Law. The subject involved 6 law students from the University of Queensland Law School undertaking a semester-long placement at QPILCH and participating HPLC firms. In addition to file work, students conducted research on GAAT and MHRT procedures, with a focus on the practical challenges faced by clients of the HPLC seeking to review orders of these institutions. The finalised research papers will be compiled into a report on mental health law, capacity and homelessness that will be made available to relevant agencies and HPLC lawyers.

The students this year were:

John Poulsen	Kelly Shore
Kimberley Sweet	Amy Heading
Meghan Tait	Emma Hearn

The subject was once again a great success with positive feedback provided by both firms and students.

**Andrea de Smidt** – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

### **Consumer Law Advice Clinic**

After a successful joint QPILCH/Caxton Legal Centre submission, a new Consumer Law Service was located at Caxton. QPILCH and UQ's Consumer Law Advice Clinic moved to Caxton to support the new service from second semester 2008.



## Public Interest Research Clinic

The Public Interest Research Clinic, a joint project with the **TC Beirne School of Law**, continued for its second year. Unlike the other clinical courses run by QPILCH, the focus of this course is on legal research with a view to providing students with a skill set outside casework as well as insight into alternative career pathways once they graduate from law school, such as socio-legal research, legal knowledge management and plain English legal drafting.

The students for semester 2 of 2008 were supervised by **Andrea Perry-Petersen**. The project for 2 of the students was to evaluate QPILCH's services. This involved gathering data, interviewing clients and members and putting a significant amount of statistical and narrative data into a format for use by QPILCH and our funding bodies. The other 3 students worked on materials relating to self-represented litigants, namely guidelines for barristers on how to relate to litigants in person in different scenarios including at mediation and in court.

The clinic for semester 1 of 2009, supervised by **Rebekah Leong**, focused on the Mental Health Review Tribunal (MHRT). The students produced 2 papers which comment on representation before the MHRT and MHRT processes. An advocate's guide was also prepared for lay and legal advocates who intend to appear before the MHRT. These materials have provided an excellent foundation for the establishment of the new Mental Health Law Clinic, another TC Beirne School of Law student clinic, as well as a 3 part training series on mental health law held in September and October 2009.

Students of the clinic were

### Semester 2, 2008

Dario Morosini  
Ewa Cholinska  
Ellen-Rose Burgess  
Laura Chiu  
Peta McGrath

### Semester 1, 2009

Caitlin Noble  
Moditha Perera  
Vera Motina  
Catherine Drummond  
Catherine Dang

We are very grateful to **Dr Ros Macdonald**, QUT, **Justice Roslyn Atkinson**, Supreme Court of Queensland, **Mr Barry Thomas**, President of the Mental Health Review Tribunal, **Professor Richard Johnstone**, Griffith University, and **Ms Deborah Scott**, Allens Arthur Robinson, for generously giving of their time to speak with the students.

**Rebekah Leong** – [studentprograms@qpilch.org.au](mailto:studentprograms@qpilch.org.au).

## Interns

Our 2008-09 interns were:

**QUT:** Max Walker (semester 1 2009)  
**Griffith PLT:** Jarrod Johnson (December 2008); Uma Wathukarage (June 2009)  
**ANU PLT:** Kelly Xiao (December 2008)

## Volunteers

We thank the following dedicated and hardworking volunteers who freely gave their time to research and assess applications for assistance:

Heike Herrling	Steph Hooper	Nora Gotzmann
Amy Heselwood	Shelly Nakamura	Nikki Wawryk
Dominique Mayo	Belinda Dickson	Eddie Wood

Raj Srikanth  
Chelsea Cross  
Heather Corkhill  
Naomi Gearon  
Nicholas Lichti  
Phoebe Stuart  
Katie Allen  
Nick Barbey

Chelsea Tabart  
Lauren Farrelly  
Charmaine Feggans  
Kyra Bell-Pasht  
Nikita Reed  
Will Sugden  
Anita White  
Emma Thompson

Yasmin Naghavi  
Isaac Evans  
Emma Hearn  
Jodie Whan  
Julia Ravell  
Pav Zielinski  
Kaitlin Mahon  
Louise Le Pla

**Cristy Dieckmann** – [services@qpilch.org.au](mailto:services@qpilch.org.au)



**Queensland Public  
Interest Law  
Clearing House  
Inc.**

**Special Purpose Financial  
Report for the year ended  
30 June 2009**

**QUEENSLAND PUBLIC INTEREST LAW CLEARING  
HOUSE INC.**

***SPECIAL PURPOSE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2009***

**INDEX**

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	4	Management Committee Statement
	5	Balance Sheet
	6	Income Statement
	7	Notes to and forming part of the Financial Statements

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF  
QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Report on the Financial Report**

We have audited the accompanying financial report, being a special purpose financial report, of Queensland Public Interest Law Clearing House Inc (the association), which comprises the balance sheet as at 30 June 2009 for the year then ended, the income statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

*Committee's Responsibility for the Financial Report*

The committee of the association is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Associations Incorporation Act QLD 1981. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF QUEENSLAND  
PUBLIC INTEREST LAW CLEARING HOUSE INC. (Continued)**

*Independence*

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

*Auditor's Opinion*

In our opinion, the financial report of Queensland Public Interest Law Clearing House Inc presents fairly, in all material respects the financial position of Queensland Public Interest Law Clearing House Inc as of 30 June 2009 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Queensland Associations Incorporation Act 1981.

*Hacketts*  
**HACKETTS DFK**  
**Brisbane**

  
**Shaun Lindemann**  
**Audit Partner**

Dated this.....19<sup>th</sup>.....day of OCTOBER.....2009

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Management Committee Statement**

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

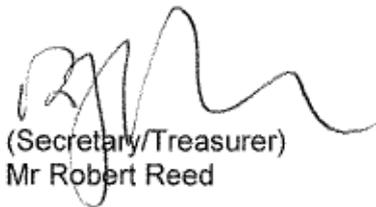
In the opinion of the committee the financial report as set out on pages 5 to 11:

1. Presents a true and fair view of the financial position of Queensland Public Interest Law Clearing House Inc as at 30 June 2009 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Queensland Public Interest Law Clearing House Inc will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:



(President)  
Ms Joanne Rennick



(Secretary/Treasurer)  
Mr Robert Reed

Brisbane, 19 October 2009

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Balance Sheet**

**As at 30 June 2009**

	Note	2009	2008
		\$	\$
<b>Current Assets</b>			
Cash	2	261,846	148,088
Receivables	3	23,720	11,626
Prepaid expenses		8,685	426
<b>Total Current Assets</b>		294,251	160,140
<b>Non-Current Assets</b>			
Furniture & equipment	4	56,598	53,902
<b>Total Non-Current Assets</b>		56,598	53,902
<b>Total Assets</b>		350,849	214,042
<b>Current Liabilities</b>			
Creditors & accruals	5	46,844	41,811
Provision for Employee Entitlements	9	67,785	31,518
Unexpended Grants	6	60,386	34,813
<b>Total Current Liabilities</b>		175,015	108,142
<b>Total Liabilities</b>		175,015	108,142
<b>Net Assets</b>		175,834	105,900
<b>Equity</b>			
Members Retained Funds		175,834	105,900
<b>Total Equity</b>		175,834	105,900

The accompanying notes form part of the financial report.

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Income Statement**

**For the year ended 30 June 2009**

	Note	2009	2008
		\$	\$
<b>Revenue</b>			
Membership		73,080	60,450
Grants	7	687,481	490,537
Interest		10,448	9,802
Donations and Fundraising		48,583	15,979
Sundry Income		64,280	47,430
<b>Total Revenue</b>		883,872	624,198
<b>Expenses</b>			
Staff Costs		661,761	493,706
Rent		32,832	15,465
Depreciation		7,480	6,861
Event Expenses		17,973	14,110
Operating Expenses		40,394	39,692
Rent		32,832	15,465
Other premises costs		20,666	-
<b>Total Expenses</b>		813,938	585,299
<b>Operating Surplus (Deficit)</b>		69,934	38,899
<b>Members Funds</b>			
Members funds beginning of year		105,900	65,329
Adjustment prior year		-	1,672
Operating Surplus		69,934	38,899
Members funds end of year		175,834	105,900

The accompanying notes form part of the financial report.

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Notes to the Financial Statements**

**For the year ended 30 June 2009**

**1. Statement of Significant Accounting Policies**

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Queensland Associations Incorporation Act 1981. The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historic costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following material accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

**a. Revenue**

Revenue is recognised in line with the sale of goods, or performance of the service. Grant revenue is recognised in line with the terms of the funding arrangement. Revenue is recorded net of goods and services tax.

**b. Fixed Assets**

Furniture & equipments are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all fixed assets are depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

**c. Income Tax**

The Association is exempt from income tax under Division 50 of the Income Tax Assessment Act 1997.

**d. Employee Benefits**

Provision is made for the company's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Notes to the Financial Statements**

**For the year ended 30 June 2009**

**1. Statement of Significant Accounting Policies (continued)**

**e. Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

**f. Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

**g. Provisions**

Provisions are recognised when the company has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at reporting date.

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Notes to the Financial Statements**

**For the year ended 30 June 2009**

	2009	2008
	\$	\$
<b>2. Cash</b>		
Cash float	7	221
Cash at bank	261,839	147,867
	<u>261,846</u>	<u>148,088</u>
<b>3. Receivables</b>		
Security Deposit	1,450	1,450
Debtors	22,270	10,176
	<u>23,720</u>	<u>11,626</u>
<b>4. Furniture &amp; Equipment</b>		
Office furniture, at cost	49,047	40,409
Less: accumulated depreciation	<u>(16,441)</u>	<u>(12,693)</u>
	32,606	27,716
Computers, at cost	34,602	33,063
Less: accumulated depreciation	<u>(13,750)</u>	<u>(11,097)</u>
	20,852	21,966
Software, at cost	2,800	2,800
Less: accumulated depreciation	<u>(1,559)</u>	<u>(1,039)</u>
	1,241	1,761
Motor Vehicle	2,727	2,727
Less: accumulated depreciation	<u>(828)</u>	<u>(268)</u>
	1,899	2,459
	<u>56,598</u>	<u>53,902</u>
<b>5. Creditors and Accruals</b>		
Sundry creditors	593	3,107
GST	24,077	26,570
Superannuation	16,456	10,181
Visa Credit Card	2,225	1,953
Accrued Expense	3,493	-
	<u>46,844</u>	<u>41,811</u>

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Notes to the Financial Statements**

**For the year ended 30 June 2009**

**6. Grants Received in Advance**

Department of Justice & Attorney	55,886	-
Special Disbursement Fund	-	17,033
Law Foundation - Training	-	17,780
Bond University	4,500	-
Other	-	-
	<u>60,386</u>	<u>34,813</u>

**7. Grant Income**

Department of Communities	153,243	126,700
Department of Justice & Attorney	76,008	320,123
Office of Fair Trading	-	750
Other (refer Note 11)	458,230	42,964
	<u>687,481</u>	<u>490,537</u>

**8. Operating Lease Commitments**

Being for rent of office Payable – minimum lease payments		
- Not greater than 12 months	66,000	-
- Between 12 months & 5 years	241,018	-
- Greater than 5 years	-	-
	<u>307,018</u>	<u>-</u>

**9. Provisions**

Annual Leave	56,130	31,518
Long Service Leave	<u>11,655</u>	<u>-</u>
	<u>67,785</u>	<u>31,518</u>

**10. Management Committee Members**

Management Committee Members during the year were:

Joanne Rennick (President from 12 November 2007)

Hugh Scott-Mackenzie (Vice-President)

Robert Reed (Secretary/Treasurer)

Sarah McBratney

Andrew Buchanan

Samantha Carroll

**QUEENSLAND PUBLIC INTEREST LAW  
CLEARING HOUSE INC.**

**Notes to the Financial Statements**

**For the year ended 30 June 2009**

**10. Management Committee Members (continued)**

Noela L'Estrange  
Professor Jeff Giddings  
Dan O'Connor  
Elizabeth Shearer  
Julie McStay  
Tony Denholder

The Management Committee Members do not receive any remuneration for their services.

**11. Use of Funds**

Included in 'other' grant income is Legal Aid Queensland funding.

**Income statement**

		<b>2009</b>
		<b>\$</b>
Revenue		
LPITAF Recurrent Grant	7	129,100
CLSP	7	199,820
Sundry CORE Funds	7	96,844
Administrative expenses		(22,174)
Property expenses		(30,330)
Depreciation		-
Employment and contract expenses		(335,810)
Client related expenses		-
Other expenses		(49,926)
Deficit from ordinary activities		<u>(12,476)</u> =====

There were no assets or liabilities at the end of the financial year relating to the above grants.

# 2008-2009 Annual Report

## Statistical Snapshot

### 2008-09 CASEWORK

#### Referral Services

275 applications received, a 30% increase over last year  
93 referrals, a 50% increase over last year

#### Self-Representation Civil Law Service

213 new applications received  
455 hours of appointments

#### Homeless Persons' Legal Clinic

318 new files opened, a 19% increase over last year

#### Refugee Civil Law Clinic

39 new files opened

#### Administrative Law Clinic

22 new files opened

### PRO BONO VALUE SINCE 2002

#### Public Interest Referrals

1325 applications received to date  
486 referrals to date  
194 referrals finalised and costed with an estimated value of \$1.1 million  
(not including contributions to the clinics and through secondments)

#### Homeless Persons' Legal Clinic

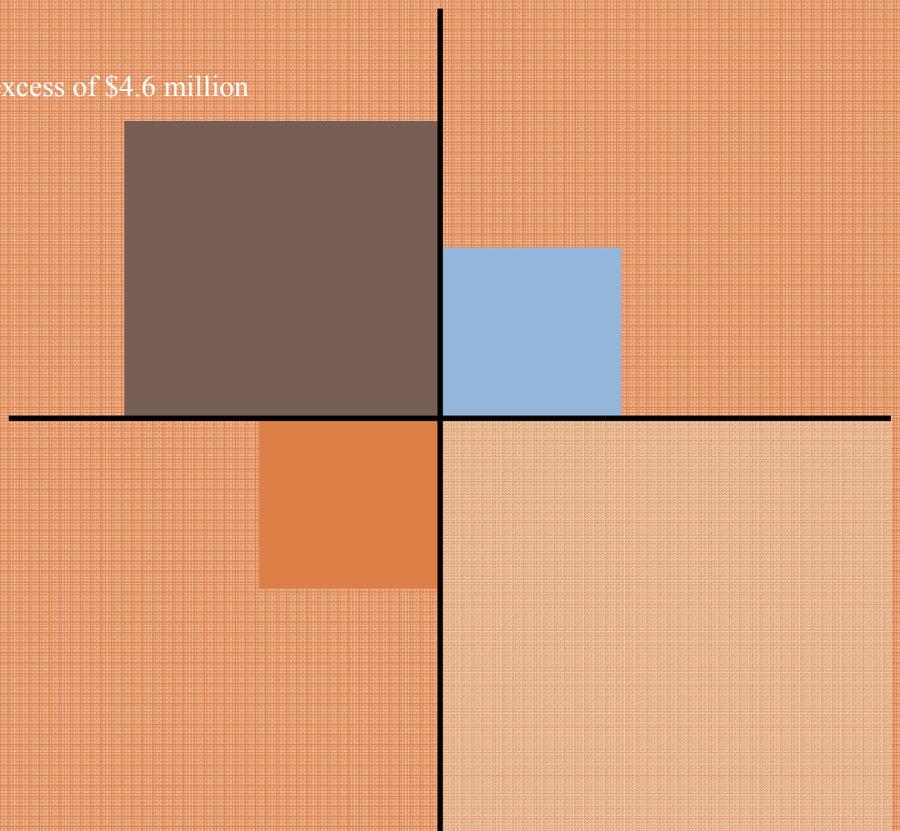
1848 files opened with an estimated value in excess of \$4.6 million

#### Administrative Law Clinic

135 cases to date

### 2008-09 FINANCIALS

Revenue— \$883,872  
Expenses— \$813,938



# We thank the following for their financial support in 2008-09:



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