

**PILCH**



Queensland Public Interest Law Clearing House Inc.

**ANNUAL REPORT**

**2009 - 2010**

# STATISTICAL SNAPSHOT

## 2009-2010 CASEWORK

### Referral Services

360 applications received, a 24% increase over last year

95 referrals, a 2% increase over last year

### Self Representation Service (Courts)

122 applications received

414.5 hours of appointments

396 appointments conducted

### Self Representation Service (QCAT)

59 applications received

90 hours of appointments

65 appointments conducted

### Homeless Persons' Legal Clinic

420 new files opened, a 32% increase over last year

### Refugee Civil Law Clinic

35 new files opened

### Administrative Law Clinic

14 new files opened

### Mental Health Law Clinic

24 new files opened

## PRO BONO VALUE SINCE 2002

### Public Interest Referrals

1685 applications received to date

581 referrals to date

210 referrals finalised and costed with an estimated value of \$1.4 million

(not including contributions to the clinics and through secondments)

### Homeless Persons' Legal Clinic

2268 files opened with an estimated value in excess of \$6.7 million

### Refugee Civil Law Clinic

112 files opened to date

### Administrative Law Clinic

149 cases to date

## 2009-2010 FINANCIALS

Revenue - \$984,015

Expenses - \$924,142

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## PRESIDENT'S REPORT

As QPILCH moves into its 10<sup>th</sup> year of operation, the continuing demand for our services demonstrates that QPILCH is making a substantial impact in addressing unmet legal need.

The confidence of members, clients and funders in QPILCH as the main facilitator of pro bono legal services in Queensland is well placed.

This year, as in previous years, QPILCH has undergone significant expansion. This expansion is evidenced not only by an increase in demand for assistance from existing services, but also the establishment of new services.

Now with 32 member firms and 74 member barristers, six student legal clinics, two direct advice clinics and an expanded Self Representation Service, in 2009-10 QPILCH has:

- processed 171 public interest applications and made 95 referrals;
- processed 189 applications to the QLS and Bar Pro Bono Schemes and made 63 referrals;
- assisted 420 new clients, along with existing clients at 13 Homeless Persons' Legal Clinic locations;
- assisted 35 new Refugee Civil Law Clinic clients;
- provided 396 appointments to self represented parties in the civil jurisdictions of the Queensland District and Supreme Courts, and the Queensland Court of Appeal;
- expanded the Self Representation Service into the newly formed Queensland Civil and Administrative Tribunal and in the latter half of this financial year provided 65 appointments to self represented parties within this jurisdiction;
- commenced operation of a Mental Health Law Clinic in conjunction with the University of Queensland and an Intellectual Property & Technology Law Clinic in conjunction with the Queensland University of Technology.

These outcomes would not have been achieved if it weren't for the unswerving support of the private legal profession, professional representative bodies, legal aid and university law schools; members of which collaborated in 2001 to establish QPILCH and improve access to justice in an innovative, targeted and professional manner.

QPILCH achieves this aim, ensuring the scarce pro bono dollar is directed where it is most needed, through its:

- core business, receiving and assessing applications for pro bono legal assistance from individuals and not-for-profit groups for referral to the private legal profession;
- targeted clinics and services, providing direct advice and assistance to particular marginalised or disadvantaged client groups; and
- sustained focus on legal policy and law reform issues, informed by our casework and by our experiences as a community legal centre providing civil law services.

QPILCH's public interest referral scheme now sits alongside the Queensland Law Society and Bar Association of Queensland's pro bono referral schemes, so that all applications for pro bono assistance can be assessed under the one roof. This arrangement has proven an efficient and effective one. For all schemes, QPILCH has maintained its practice of providing applicants ineligible for referral with a detailed "cannot assist" letter so each applicant is fully apprised of the reasons why they cannot be assisted, particularly if their matter lacks legal merit. The Regional Rural Remote Project has boosted involvement of members of the private legal profession in these areas by, among other things, connecting them with their city-dwelling colleagues, in turn broadening QPILCH's capacity to assist.

Along the way, QPILCH has identified areas where a more targeted approach to the provision of pro bono legal services is required. In response, the Homeless Persons' Legal Clinic, the Refugee Civil Law Clinic, the Administrative Law Clinic, the Mental Health Law Clinic, and most recently, the Intellectual Property and Technology Law Clinic have been established.

In addition, the Self Representation Service at the Brisbane District and Supreme Courts, the Queensland Court of Appeal and the Queensland Civil and Administrative Tribunal offers discrete task assistance to self represented parties in these jurisdictions who are unable to obtain pro bono legal representation.

This year QPILCH has continued to contribute to discussions of issues relating to the civil justice system by making the following submissions:

- submission to the Public Trustee of Queensland concerning self represented parties with capacity issues, informed by our Self Representation Service (Courts) experience; and
- response in support of the Access to Justice Taskforce's Report seeking to improve access to civil justice for disadvantaged Australians.

With the support of our members, QPILCH has fostered a strong pro bono culture within Queensland. The work of our members is testament to the commitment of the profession to its professional responsibilities and to the community. In addition to members' pro bono legal service contributions, members provide valuable support in the form of solicitor secondments, grants, in-kind non-legal support and participation in fundraising events.

QPILCH sustains its operation not only thanks to our members' support, but also thanks to continued government funding for primary costs including staffing and administration.

As this is my last report as president of QPILCH, I hand over to the new president with confidence that this generous and invaluable support will continue for this innovative and vital organization in the coming years.

### **Projects, programs and events during 2009-10**

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

The **Self Representation Service (QCAT)** commenced in the safe hands of **Andrea de Smidt**, solicitor and coordinator, and **Sam Boyle**, paralegal. Operating procedures and policies were quickly put in place and the Service began offering appointments to self represented parties in the Queensland Civil and Administrative Tribunal from January 2010. The Service is an expansion of the successful **Self Representation Service (Courts)** which continues to provide invaluable assistance to self represented parties in the Supreme and District Courts in Brisbane and the Queensland Court of Appeal.

The **Intellectual Property & Technology Law Clinic**, established in partnership with Queensland University of Technology, was launched by the Chief Justice on 17 June 2010. Under the diligent supervision of **Cheryl Foong** and **Brian Fitzgerald**, senior law students work to assess and refer applications for assistance in intellectual property and technology law. Applications so far have come from technology users and developers and artists, including indigenous artists, and designers. The assistance provided through the Clinic plays an important role in helping to fill the gap in this area of pro bono service in Queensland.

The **Mental Health Law Clinic**, established in partnership with University of Queensland's TC Beirne School of Law, commenced operation in July 2009. Under the supervision of **Rebekah Leong** in its first



semester of operation and former HPLC Coordinator, **Monica Taylor**, in subsequent semesters, six senior law students have worked in a variety of capacities, including working directly with clients experiencing mental illness through an outreach clinic run in conjunction with Queensland Advocacy Inc. at the Princess Alexandra Hospital.

**Corrs Chambers Westgarth** continues to provide QPILCH with invaluable support in the form of a permanent 4 month rotational secondment. This year's secondees were **Jen O'Farrell**, **Tim Laird** and **Catherine Cocks**. We could not have assessed the high number of applications for assistance we received this year without their hard work.

Late in the financial year, the **Homeless Persons' Legal Clinic** secured long sought after triennial funding from the Department of Communities and a further contribution from the Federal Attorney General. This funding will allow the Clinic to continue to expand and improve the assistance provided to people experiencing homelessness with the peace of mind that longer-term funding provides.

More than 600 people joined the third annual **Walk for Justice**, led by the Chief Justice and the Attorney-General on Monday, 17 May. The walk in Brisbane, and for the first time Townsville, again coincided with walks in Sydney, Melbourne, Adelaide and London. Over \$10,000 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. Thank you to **Karen Kearney**, who commenced in the role of Services Coordinator and Coordinator of our student volunteer program in January 2010, for her outstanding efforts in organising this event.

### **The year ahead**

The uncertainty associated with non-recurrent funding of a number of QPILCH's services and clinics was relieved for another year as QPILCH's application to LPITAF to continue existing operations was successful. We have made recommendations to the Attorney-General to review the way Community Legal Centres are funded so that continuation of such operations may be secured and innovative new services which respond to unmet legal need encouraged.

With expansion comes a need for consolidation. Over the next year we intend to:

- seek QPILCH member feedback by conducting a member workshop early in the 2011 calendar year and taking necessary steps to respond to concerns and recommendations;
- follow up on policy issues which have arisen from our work over the past year;
- work within existing clinic and service models, including the Homeless Persons' Legal Clinic and Self Representation Service, to continue to respond to unmet legal need; and
- continue to work to facilitate the involvement of government, in-house, and retired practitioners in pro bono legal services.

### **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. Next year will mark QPILCH's 10<sup>th</sup> anniversary. His Honour the Chief Justice will acknowledge this milestone by delivering QPILCH's 2011 Public Interest Address.

I thank the **Hon Cameron Dick MP** for continued financial support for coordination of QPILCH's referral schemes and Self Representation Service and the Minister for Community Services and Housing and Minister for Women, the **Hon Karen Struthers MP** for renewed funding of the Homeless Persons' Legal Clinic for 2010 – 2013. This continued funding recognises the role government has in funding pro bono coordination and acknowledges the value of our work.

I thank **The Honourable Justice Margaret White** and QCAT Member, **Patricia Hanly**, for their respective guidance and support of the Self Representation Service (Courts) and Self Representation Service (QCAT). I thank the many other members of the judiciary and the profession who have helped and supported us in a variety of ways, from kind words to advice, donations and assistance.

Thank you to the **Queensland University of Technology Law Faculty** for hosting the launch of the Intellectual Property and Technology Law Clinic at Old Government House in June 2010.

I thank all **QPILCH members**, whose names grace the back cover of this report, for their tremendous ongoing support of QPILCH. Without them, QPILCH would not exist. Their continuing commitment to QPILCH is a wonderful example of their professional and personal contributions to social justice and the community.

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 thank all of the **QPILCH staff** who work with dedication and enthusiasm. Special mention must be made of **Rebekah Leong** who returned for a period to supervise the Public Interest Research Clinic and the Mental Health Law Clinic, **Aimee McVeigh**, coordinator of the Regional Rural Remote Project, **Sam Boyle**, paralegal for the Homeless Persons' Legal Clinic and Self Representation Service (QCAT) and **Allira Thompson**, paralegal for the Self Representation Service (Courts). Each contributed much during their time at QPILCH and I wish them well in their future endeavours. We are pleased to continue our working relationship with Rebekah in her new capacity as solicitor for Queensland Advocacy Incorporated's Mental Health Legal Service and Aimee in her new capacity as Principal Solicitor at the Aboriginal & Torres Strait Islander Women's Legal and Advocacy Service.

**Tony Woodyatt**, director of QPILCH, again deserves special thanks for his persistent dedication. Tony's enthusiastic approach, along with his significant experience and expertise, ensures QPILCH continues to respond to address civil justice issues in an effective, efficient and innovative manner.

Finally, I thank my fellow **committee members** who, as always, have given generously of their time and supported me as president over the past three years.

**Joanne Rennick**  
**PRESIDENT**

## TREASURER'S REPORT

I present as Treasurer the audited financial report for the financial year 2009-10.

QPILCH remains an organisation committed to being fully accountable and using its limited financial resources in an efficient manner for the benefit of disadvantaged Queenslanders.

In the 2009-10 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 Service (Courts) through the **recurrent LPITAF** program administered by the Queensland Department of Justice;
- for the QLS and Bar Pro Bono Schemes, the RRR project and new Self Representation Service (QCAT) from the **LPITAF grants** program;



- for the Homeless Persons' Legal Clinic, including the Refugee Civil Law Clinic, from the **Department of Communities**;
- from the **Queensland Law Society** and **Bar Association of Queensland** towards the management costs of these professional bodies' respective Pro Bono Schemes;
- from our **university partners** to operate six student clinics; and
- from **QPILCH supporters** who have provided donations and attended our fundraising events to contribute to the QPILCH Disbursement Fund.

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

Now as a Public Benevolent Institution with Deductible Gift Recipient status, we have a greater ability to attract tax deductible donations. We have sought to use this to best effect by establishing regular fundraising activities, such as the Walk for Justice and Red Wine for Justice, which raise funds for the QPILCH Disbursement Fund. This fund is used primarily to pay for outlays for clients who are accessing pro bono legal services.

Our major cash source for 2009-10 was again membership fees and government funding, and I thank our members and funders for their support. Our major outgoings were wages and rent.

Except for the CLSP and recurrent LPITAF funding, all our funding is non-recurrent and therefore insecure. We are appreciative of both the Department of Communities and the Federal Attorney-General's recent decisions to fund the Homeless Persons' Legal Clinic for the next three years until 30 June 2013.

QPILCH has made recommendations to the Queensland Attorney-General to review the way Community Legal Centres are funded so that the continuation of services provided by Centres is not subject to the volatility of the market.

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 lawyers to staff the Self Representation Service, Refugee Civil Law Clinic and Homeless Persons' Legal Clinic; and
- **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

## 2009-2010 MANAGEMENT COMMITTEE

### EXECUTIVE

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

### COMMITTEE MEMBERS

**Samantha Carroll** – Senior Associate, Clayton Utz

**Tony Denholder** – Partner, Blake Dawson  
**Professor Jeff Giddings** – Griffith University Law School  
**Noela L’Estrange** – CEO, Queensland Law Society Incorporated  
**Sarah McBratney** – Solicitor, McCullough Robertson Lawyers  
**Darryl Rangiah SC** – Bar Association of Queensland Incorporated  
**Elizabeth Shearer** – Director, Client Information and Advice & Civil Justice Services, Legal Aid Queensland

**COOPTED MEMBERS**

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

## 2009-2010 STAFF

Name	Position
Sue Garlick	HPLC policy officer – 3 days/ week (January 2006 – present)
Andrea de Smidt	Self Representation Service (QCAT) coordinator – full-time (January 2010 to present )  ALC supervisor - 1 day / week during semester (September 2009 to August 2010)  HPLC coordinator – full-time (January 2008 to January 2010)
Lauren Steele	HPLC coordinator – full-time (February 2010 – present)
Kathrin Wolf	QLS and Bar Pro Bono Schemes coordinator – full-time (January 2009 – March 2010)
Ann Herriot	QLS and Bar Pro Bono Schemes coordinator – 3 days / week (March 2010 – present)  Public Interest Lawyering Clinic supervisor - 1 day / week (Semester 1, 2010)
Karen Kearney	Services Coordinator – full-time (January 2010 – present)
Andrea Perry-Petersen	PIRC supervisor – 1 day / week (February 2010 – present)
Imogen Coates-Marnane	Administrator – full-time (October 2008 – June 2010)
Reimen Hii	Office assistant – casual (September 2009 – present)
Aimee McVeigh	RRR coordinator - full-time (January 2009 – July 2010)
Monica Taylor	MHLC supervisor – 1 day / week (February 2010 – present)
Cristy Dieckmann	HPLC coordinator – full-time (January – February 2010)  Services coordinator - full-time (January 2008 – January 2010) ALC supervisor - 1 day / week during semester



	(May to September 2009)
Ray Rajguru	Bookkeeper – 2 days / week (December 2007 – present)
Sam Boyle	QCAT paralegal – 2 days / week (January 2010 – June 2010)  HPLC paralegal – 2 days / week (January 2009 – June 2010)
Judith Douglas	Self Representation Service (Courts) coordinator - full-time (June 2008 – January 2010)
Allira Thompson	Self Representation Service (Courts) paralegal – full-time (October 2007 – June 2010)
Iain McCowie	Self Representation Service (Courts) acting coordinator – full-time (February 2010 to present)
Rebekah Leong	Knowledge manager – full-time (February 2009 – June 2010)  MHLC supervisor – 1 day / week (July - November 2009)
Sian Thomas	Caseworker – 2 days / week (February – June 2010)
Jen O’Farrell, Tim Laird and Catherine Cocks	Secoundee solicitors, Corrs Chambers Westgarth - full-time
Tony Woodyatt	QPILCH director - full-time (January 2002 – present)

## PUBLIC INTEREST REFERRAL SCHEME

### Applications

In 2009-10 there were 360 written applications for assistance assessed for referral to the private legal profession. 171 of these were initially identified as having an element of public interest and so were assessed through the Public Interest Referral Scheme. A total of 113 applications for assistance were deemed eligible for referral and 95 were accepted by QPILCH member firms and/or barristers.

A snapshot of the Scheme’s history is provided in the table below. The recent decrease in applications assessed by the Scheme is explained by the fact that 2009-10 was the first complete financial year that QPILCH managed the QLS and BAQ Pro Bono Schemes. Applications previously deemed ineligible for assistance through the Public Interest Referral Scheme were instead allocated to the QLS and BAQ Pro Bono Schemes for assessment. The total number of applications assessed for referral actually represents a 23.6% increase on 2008-09 figures.

	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10
Applications	50	111	76	197	200	204	212	275	171
Accepted for referral							78	109	113
Referrals to Members	17	40	46	64	77	86	62	86	95
Referrals to non-members								4	1
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 received from the Offices of the Queensland and Commonwealth 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 2009-10**

The following list is a small sample of matters referred to members and closed during the year.

#### ***Not-for-profit and community organisations***

- **Macrossans Lawyers** provided advice to a not-for-profit association which assists recently-arrived immigrants from Rwanda. Members of the association sought to establish a cleaning business to provide employment to members of their community. Macrossans advised them about the rules of associations being involved in for-profit activities and assisted them to set up a separate not-for-profit entity.
- **Minter Ellison** advised a not-for-profit community initiative which aims to support and provide accommodation for young people experiencing, or at risk of, homelessness. The group sought advice about the best corporate structure to adopt and a funding agreement. Minters also assisted a recently-incorporated not-for-profit which sought to encourage the production of new music by providing artists with the benefits of being signed to a record label without the associated costs. The not-for-profit sought advice on obtaining deductible gift recipient status, tax exempt status and appropriate amendments to its Rules of Association.
- **Allens Arthur Robinson** advised a not-for-profit arts organisation about applying for registration on the Register of Cultural Organisations. Allens also provided advice to an association on a standard memorandum of understanding and assisted in drafting a hosting agreement.
- **Holding Redlich** assisted a community youth organisation experiencing conflict with a neighbouring property. Holding Redlich provided advice about the relevant issues and established a protocol for the proper monitoring of, and responding to, any further complaints.
- **P&E Law** assisted an indigenous community and a State School to establish and incorporate a not-for-profit organisation to publish books written and illustrated by children. The books were relevant to indigenous learners and had become an integral part of an early literacy program.
- **Cooper Grace Ward** assisted a community youth organisation in taxation and general commercial matters. Their work included amending the organisation's rules and ancillary documentation, applying to the ATO for income tax charity concessions and deductible gift recipient status, obtaining status as an exempt institution for Queensland duty purposes, obtaining status as a registered charity for Queensland fundraising purposes, registering a trade mark, and employment advice including FBT and general tax advice.

#### ***Individuals***

- Barrister **Suellan Walker-Munro** and **DLA Phillips Fox** assisted a woman of Russian descent whose husband was suing her for defamation after she reported domestic violence to the Department of Immigration.
- **Corrs Chambers Westgarth** assisted a woman who had made a complaint to the Anti-Discrimination Commission Queensland. The woman had been employed for seven years and was dismissed while on maternity leave. She had a hearing impairment and was non-verbal but had always managed to do her work and had not received negative feedback. She believed she was discriminated against by her employer. Corrs assisted her to negotiate a settlement.
- **Slater & Gordon** provided advice to a client seeking damages for negligence in dealing with trust account monies.
- Barrister **Ruth Link** and **Macrossans Lawyers** assisted an applicant with a review of a Migration Review Tribunal decision.



- **Holding Redlich** advised a man who had lost lawful vehicular access to his property through re-zoning of neighbouring properties.
- **MurphySchmidt** assisted an elderly woman who was attempting to become administrator of her husband's financial affairs due to his mental illness. The husband was defending a claim for specific performance regarding the sale of their property, when it appeared he lacked capacity at the time of the contract. MurphySchmidt succeeded in having the action against the clients discontinued and the caveat removed from their property.
- **Piper Alderman** appeared for residents of a manufactured home park who were responding to an application by the park owners regarding increases in site rental in the Commercial and Consumer Tribunal. The parties agreed to consent orders about the amount and conditions of the rent.
- Barrister **Karen Williams** assisted a consumer companion working in the mental health system who had made a complaint of sexual abuse. A resolution was achieved through mediation. Due to the power imbalance between the client and her employer she could not have benefited from the mediation process without representation.

We thank all the above mentioned members, and those whose names do not appear in this report, for their valuable contribution to the provision of pro bono legal services in Queensland.

In the matters which were finalised and returned to us in the last year, our members contributed more than \$258,143 worth of free legal services, with less than 20% of referred cases costed.

**Karen Kearney** – [services@qpilch.org.au](mailto:services@qpilch.org.au)

## HOMELESS PERSONS' LEGAL CLINIC

2009-10 has been an exciting year for the HPLC. We received triennial funding from the Queensland Department of Communities to the total amount of \$604,200.00 and triennial funding from the Federal Attorney General to the total amount of \$210,000.00. This funding has enabled much-needed increase in the staffing of the HPLC. In addition to the ongoing employment of a full-time Coordinator, the part-time Policy and part-time Paralegal positions have increased to three days per week. The funding has also allowed for the employment of a part-time (one day per week) Support Coordinator for the Townsville clinics and for the employment of a much needed part-time HPLC Solicitor to assist the HPLC Coordinator. The part-time HPLC Solicitor position will be three days per week and the Solicitor will also perform the role of Support Coordinator for the Toowoomba clinic.

### 2009-10 statistics

From 1 July 2009 to 30 June 2010, the HPLC opened 420 new files, bringing the total number of HPLC clients assisted to 2268 since the Clinic's inception in December 2002. As at 30 June 2010, the following clinics were operating:

Clinic	Participating Firms/Organisations
Mission Australia Café One	Minter Ellison Lawyers HWL Ebsworth
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
Kyabra Phone Clinic	Minter Ellison Lawyers
Roma House	Freehills
Toowoomba HPLC, The Basement	Clewett Lawyers Walker Lawyers Shannon Donaldson Province Lawyers Hede Byrne & Hall Best Wilson Family Law Craig Burgess
South Townsville Drop in Centre	Townsville Community Legal Service Ruddy Tomlins and Baxter Solicitors Boulton Cleary and Kern Lawyers Connolly Suthers Chris Mills Wilson Ryan Grose Lawyers
Townsville Women's Centre	Roberts Nehmer McKee Lawyers North Queensland Women's Legal Service Aboriginal and Torres Strait Islander Women's Legal Service NQ

10 of the 12 member firms participating in the Brisbane clinics were able to provide cost estimates of their pro bono services to the HPLC in 2009-10. The total is over \$1.85M. From this figure we extrapolate that the financial commitment of all Brisbane firms for 2009-10 is greater than \$2M.

With the information we received from six firms that staff the South Townsville Drop-in Centre clinic and one of the three Women's Centre clinic firms, we extrapolate that the total pro bono commitment to the HPLC in Townsville is greater than \$75,000. Likewise, with estimates provided by three of the six Toowoomba firms totalling \$32,100.00, we extrapolate that the total pro bono commitment to the HPLC in Toowoomba in 2009-10 is greater than \$64,000.

We therefore conclude that the financial value of the total contribution to the HPLC in 2009-10 from our Brisbane, Townsville and Toowoomba firms exceeded \$2.1M. This is a remarkable effort and a great investment in our community.

Of the new clients 67% are male and 33% female. This gender breakdown reflects generally the demographic of homelessness and has remained fairly consistent since the Clinic's inception. In 2009-10, the main areas of law that people attending the Clinic required assistance in were criminal and police matters; family; debt/bankruptcy and housing/tenancy. In addition, the HPLC assisted clients with a range of other matters in 2009-10, including SPER debts, social security issues, employment law, guardianship and administration, succession law and criminal compensation matters.

The Criminal Law List, established in 2005-06, has continued to operate. We appreciate the continued generous support of the Queensland Bar for this initiative.



## HPLC casework

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

Examples of this work include:

- At the clinic located at Anglican Women's Hostel a client was assisted to seek a waiver of debts owed to two creditors. The client suffered mental health issues including stress related psychosis and the outstanding debt was a contributing factor to the client's stress. The HPLC lawyers negotiated with the creditors, who ultimately waived the client's debts. The matter was resolved within one month of the client first attending at the clinic. The client wrote to the HPLC expressing her gratitude, stating "that is an excellent result, and I'm really thankful for all your help".
- A client staying at Roma House was charged with assault police, when police entered the dining room of the residence uninvited to intervene in a dispute between residents. The client received injuries and was concussed in the course of the police action. The client has endured a long history of abuse from males in her life and suffers from post traumatic stress disorder. HPLC lawyers, with the assistance of pro-bono Barrister **TP O'Brien**, defended the charges and prepared the matter for trial. On the day of trial, the prosecutor agreed to refer the matter to mediation. Post mediation, which the client found "quite healing" the charges were discontinued. It has been particularly gratifying to have the client and Roma House acknowledge the HPLC involvement as pivotal in the client returning to community living and working actively towards reunification with her young child, after years of chronic homelessness.
- HPLC lawyers at Mission Australia Café One resolved a matter for a client who had failed to disclose a criminal charge when applying for enrolment as a nurse with the Queensland Nursing Council. The HPLC lawyers assisted the client to provide the Nursing Council with information regarding the offence and explained that the client was unaware that she had to disclose it, as no conviction had been recorded. The Nursing Council subsequently issued the client with registration as an enrolled nurse and she has now secured full time employment.

## HPLC training

As part of its ongoing professional training and development program, the following CLE activities were organised by the HPLC in 2009-10. 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:

2009		
MONTH	FIRM	TOPIC
July	Mallesons Stephen Jacques	Housing and Tenancy law
August	Blake Dawson	Centrelink matters
September	MurphySchmidt	Cultural awareness
October	Freehills	Dealing with difficult clients
December	Corrs Chambers Westgarth	Family law referrals

2010		
MONTH	FIRM	TOPIC
January	Clayton Utz	Family law referrals part II
February	Minter Ellison	Assisting clients with mental illness
March	Allens Arthur Robinson	HPLC Induction

April	McCullough Robertson	Criminal Law Referrals
May	DLA Philips Fox	The Civil and Administrative Tribunal
June	Mallesons Stephen Jaques	Debt Matters

The HPLC also thanks the following guest speakers who so generously gave up their time to contribute to our CLE program:

- **Christina Racoma**, Tenants Union of Queensland Inc.;
- **Rose Brown**, Tenants Union of Queensland Inc.;
- **Jim Walsh**, Director, Social Security Appeals Tribunal;
- **Linda Ryle**, Coordinator of the Murri Court;
- **Clare Dart**, Family Law Duty Lawyer, Legal Aid Queensland;
- **Rebekah Leong**, Mental Health Lawyer, Queensland Advocacy Inc.;
- **Barry Thomas**, President, Mental Health Review Tribunal;
- **Laura Rouse**, Legal Officer, Solicitor Advocates, Legal Aid Queensland;
- **Jade Cronan**, Court Case Coordinator, Special Circumstances Court Diversion Program;
- **Ria Hutchines**, Supervisor, Probation and Parole Queensland Corrective Services;
- **Kerrie O’Callaghan**, Senior Member, Queensland Civil and Administrative Tribunal;
- **Julie Ford**, Member, Queensland Civil and Administrative Tribunal;
- **David Bancroft**, Registrar of the Human Rights Division, Queensland Civil and Administrative Tribunal;
- **Paul Holmes**, Solicitor, Consumer Protection Unit, Legal Aid Queensland;
- **Loretta Kreet**, Solicitor, Consumer Protection Unit, Legal Aid Queensland;
- **Carly Clutterbuck**, Interlock Clinical and Training Manager; and
- **Katrina Smith**, Legal officer and Child Protection Unit Coordinator, Legal Aid Queensland.

We continue to receive positive feedback from the volunteer lawyers about the value of the presentations in assisting them with the work at the clinics

## **Policy and advocacy**

### ***State Penalties Enforcement Registry (SPER)***

The focus of policy research this year has been on the impact of fines and their enforcement on people experiencing homelessness. Together with students from the University of Queensland Law School, we have been assessing the alternatives offered in the legislation and in the practice of SPER to our clients. Approval from the UQ Ethics Committee has been received to survey the sector and determine the average debt to SPER. A typical HPLC client, with a debt of approximately \$10,000 will take over 50 years to repay the debt, under the current regime offered by SPER. The HPLC wants SPER to implement community work orders which are tailored to the circumstances of homeless clients and which credit clients who actively engage with homeless services. A similar scheme is currently being trialed in NSW.

### ***Legal health checks***

This diagnostic approach to unmet legal need commenced at a new HPLC at Roma House, in August 2009. Rather than relying on homeless clients to recognize the benefit of a lawyer to their circumstances, lawyers “show clients the menu”, by assessing legal need in areas of debt, criminal law, family and housing. All Roma House residents complete the Legal Health Check soon after arriving, with almost all residents then instructing lawyers in the matters raised. Strong collaboration with caseworkers at Roma House has contributed to greater knowledge and motivation by clients and caseworkers to address outstanding legal issues. The Legal Health Check has proved to be a useful tool to assist volunteer lawyers to use clinic time efficiently, to provide a comprehensive legal service and to train caseworkers. We are seeking to expand this service to other HPLC locations.



The HPLC embraces opportunities to collaborate with others to improve the lives of people experiencing homelessness. Examples of recent collaboration include:

- **Footpath Library** - The HPLC was approached by Barrister TP O'Brien, one of the six Footpath Library Directors, to facilitate the establishment of the Benjamin Andrew Footpath Library into Queensland homelessness services. The Footpath Library provides high quality reading materials to clients at homeless service agencies.
- **Ombudsman** - The HPLC was approached to assist the Commonwealth and State Ombudsman to ensure their services were reaching people experiencing homelessness. As a result the Ombudsman now offers outreach at two homeless service locations; presented at a CLE for the HPLC; and will host a training day for caseworkers on supporting clients with legal issues. HPLC firms will also present workshops on the day.

### Future directions

The HPLC now has 13 active clinics in Brisbane, Toowoomba and Townsville. The increase in staff resulting from the receipt of triennial funding will enable the HPLC to maintain the quality of the service despite increasing client numbers.

### Acknowledgments

QPILCH would like to thank all of the volunteer lawyers from the participating law firms and in particular the team leaders at the firms who contribute so much of their valuable time. Without their assistance the HPLC would be unable to operate. We also thank our host agencies for their support in ensuring the legal and human rights of homeless people are recognised and respected. In particular we thank the case workers for referring relevant matters to our service and for providing continued non-legal support. We acknowledge that we would not have been able to assist a number of clients over the past year without the involvement of their case workers.

Lauren Steele – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au), Sue Garlick – [homelesspolicy@qpilch.org.au](mailto:homelesspolicy@qpilch.org.au),  
Imogen Coates-Marnane – [hplcadmin@qpilch.org.au](mailto:hplcadmin@qpilch.org.au)

## REFUGEE CIVIL LAW CLINIC

The RCLC operates under the HPLC service model, is staffed by volunteer lawyers from **Corrs Chambers Westgarth** and hosted by the **Multicultural Development Association** at South Brisbane. The RCLC has operated for three years and continues to be very successful. QPILCH is thankful to Corrs Chambers Westgarth, all volunteer lawyers, and the Multicultural Development Association for their ongoing support.

The RCLC operates every second Monday afternoon and on average, schedules between three and four client appointments per session. This is an increase from last financial year when two to three appointments were generally scheduled per session.

In 2009-10 the RCLC assisted 35 new clients. Since its inception in August 2007, the RCLC has assisted 112 clients in various areas of law, including debt; administrative; insurance; consumer/trade practices; criminal and family law matters.

Examples of this work include:

- The RCLC assisted a client who was involved in a car accident. The other party's insurance company had sent the client a letter of demand for over \$4,500 being the damage to their insured's vehicle. The client incurred approximately \$1,900 damage to his own vehicle. The client and the insurance company disputed who was at fault in the accident. RCLC lawyers

wrote many letters to the insurance company seeking reasons for the insurance company's assertion that the client was at fault. RCLC lawyers also informed the insurance company of the client's limited financial position and inability to enter payment plans if found at fault. The insurance company eventually agreed that both parties would be responsible for their own repair costs.

- A client who did not read or speak English entered into a mobile phone contract and sought a friend's assistance to interpret when entering the contract. The client cancelled the contract two months later and was being pursued by a debt collection agency for \$765.29. The RCLC assisted the client to negotiate with the mobile phone company to reduce the debt to \$185.53 to be paid in \$20 monthly installments. The client was happy to pay the reduced amount.
- The RCLC assisted a client who was involved in a motor vehicle accident. The client's unlicensed brother was driving when a taxi ran into them. RCLC lawyers obtained a police report which indicated that the taxi driver was at fault in the accident. The lawyers wrote several letters to the taxi owner who eventually provided the lawyers with the details of his insurance. RCLC lawyers then pursued the insurer who accepted the claim and offered the client \$4,800 for her car and also paid for the client's towing and search expenses. The client was extremely happy with the outcome.

The RCLC remains connected with the Homeless Persons' Legal Clinic in that the RCLC is coordinated by the HPLC Coordinator and RCLC lawyers participate in the ongoing professional training and development program offered to HPLC lawyers. The RCLC also has an interest in policy and law reform work and hopes to expand the RCLC in this capacity as issues relevant to our refugee clients arise.

Lauren Steele – [hplc@qpilch.org.au](mailto:hplc@qpilch.org.au)

## SELF REPRESENTATION SERVICE (COURTS)

QPILCH's Self Representation Service (Courts) assists eligible self represented litigants during their court proceeding in the civil jurisdictions of the Supreme and District Courts and Queensland Court of Appeal. The Service commenced operation in 2008 as part of the accessCourts initiative. The Service assists self-represented litigants to exercise their legal rights, attempts to discourage unnecessary litigation and where possible, refers clients to more appropriate agencies or services for assistance.

The Service assists clients with discrete tasks. Such tasks can include drafting pleadings, advice on disclosure and evidence, settlement negotiation and preparation for trial. Importantly, the Service also operates a pro bono mediation service and encourages clients to seek to resolve their dispute without proceeding to court when possible.

The Service is the only one of its kind in Australia which provides systematic and substantial assistance to people who cannot afford representation in civil cases. In this regard, the Service has filled a real and growing gap. For many, self-representation is the only option open to litigate their causes and obtain access to justice.

### Changes to the Service

In January 2010, the Service changed its name from the Self Representation Civil Law Service to the Self Representation Service (Courts) to distinguish it from the newly established Self Representation Service (QCAT).

February 2009 saw the commencement of a part-time Casework Solicitor at the Service. This role was developed to enable the Service to provide more extensive assistance to certain clients in matters with good prospects of success. The Service is grateful to **Clayton Utz** for contributing to the funding of



this part-time position for a twelve month period. Throughout this year, our Casework Solicitor performed a number of diverse tasks such as instructing Counsel in a Queensland Industrial Court matter (resisting an appeal in which the State sought to double a fine to a small business owner for underpayment of wages), as well as assisting a number of clients with more complex and long-running cases.

## **2009-10 Statistics**

The Service uses office space in the District Court building and continues to be staffed by a full-time solicitor and paralegal.

Appointments are conducted on Tuesdays – Thursdays (inclusive) each week. The QPILCH solicitor staffs up to three morning appointments from 9:30am – 12:30pm and volunteer lawyers from participating member firms staff an afternoon appointment session from 2pm to 5pm. The QPILCH solicitor supervises all advice and assistance provided by volunteers.

The first three quarters of 2009-10 saw a marked reduction in the number of applications received by the Service. The QPILCH Director, Service solicitor and paralegal have attended regular meetings with other stakeholders in the accessCourts initiative (the Deputy Registrar administering the Self Represented Litigants Service, and the State Manager of the Court Network for Humanity) to ensure that information about the Service reaches self represented parties in need of assistance. These meetings appear to have paid dividends in that since April 2010, the Service has observed a significant increase in the number of applications received which has continued into the 2010-11 financial year.

The main areas of law the Service assisted in this year were:

- Mortgage repossession cases (15%)
- Recovery of misappropriated assets and cases alleging fraud (9%)
- Commercial, Investment and Business Disputes (9%)
- De Facto Property (8%)
- Wills and Estates (7%)
- Disputes with Lawyers (debt recovery and/or professional negligence) (5%)
- Personal Injuries (5%)
- Property (5%)
- Building and construction disputes (4%)
- District Court Appeals (4%)
- Corporations and Associations (4%)
- Defamation (3%)
- Tax (3%)
- Nuisance and neighbour disputes (3%)

The mix of people who sought assistance from the Service this year was markedly different from previous years, which saw approximately equal numbers of plaintiffs, defendants and potential plaintiffs. This year, more than 60% of applicants to the Service were defendants or respondents in proceedings already commenced. The precise breakdown being:

- Plaintiff/Applicant 32%
- Defendant/Respondent 62%
- Potential Plaintiff 21%
- Potential Defendant / Respondent 1%

The Service's volunteer lawyers provided over 292 hours of assistance (up from approximately 270 hours last year). In addition, QPILCH staff provided approximately 123 hours of appointments (down from approximately 180 hours).

The Service is pleased to report a number of success stories, including:

- Assisting a female client to informally settle a Supreme Court dispute about her guarantee of bank loans of more than \$1.5 million borrowed by her husband. The Service assisted the client in her negotiations with the plaintiff bank, and on the basis of submissions to the bank, the guarantees were set aside.
- Instructing counsel in a QCAT hearing in which a client identified by the Service as lacking capacity applied for a declaration of capacity. The client was defending Supreme Court proceedings for specific performance of a contract of sale which the client signed while she was being treated for mental illness. QCAT determined that the client lacked capacity and appointed the Public Trustee as administrator for complex legal decisions. **Clayton Utz** have since agreed to act as solicitors for the Public Trustee which is acting as litigation guardian for the client.
- Two elderly clients (one of whom was recently bankrupted and had undergone multiple open heart surgeries over the last fifteen months) stayed the imminent execution of an enforcement warrant for the mortgagee to recover possession of their home. The Service assisted the clients to file an Application and Supporting Affidavit for the stay. While the clients were aware that the loan was in arrears, the Service discovered that they may not have been served correctly and as a result had only become aware of the proceedings at the time that they were contacted by the Bailiff seeking to enforce the warrant. The clients were granted a stay of one week, which was a significant success in that this allowed the clients time to urgently make arrangements for the sale of the property and to find alternative accommodation.
- A husband and wife approached the Service for assistance after a referral from the Caxton Legal Centre. The Service assisted the clients to successfully apply to the Court to have the Default Judgment against them set aside and to obtain leave to issue a Counterclaim against the lender and the lender's broker about the unsuitability of the construction loan provided to the clients. The clients have since been able to obtain pro bono assistance from **Susan McNeil** of Counsel, who initially met the clients at the Caxton Legal Centre.

### **Court of Appeal Service**

This year, the Service received 24 applications from self represented parties in the Queensland Court of Appeal (up from 17 last year). These cases can be broken down as follows:

- Appeals on foot: 11 Appellants  
3 Respondents
- Appeal not commenced: 9 Potential Appellants (Court of Appeal)  
1 Potential Appellant (High Court)

Clients of the Court of Appeal Service were involved in a variety of matters. The Service assisted with property and land contracts disputes (3), mortgagee repossession cases (2), building disputes (2), personal injury claims (3), Judicial Review applications, attempts to set aside default judgments, and defamation, planning and environment, liquor licensing, constitutional, commercial law, costs, motor vehicle accident property damage, and wills and estate matters.

Of the nine clients considering commencing appeals, six chose not to do so after receiving advice from the Service. A seventh applicant commenced an appeal however very shortly thereafter abandoned his appeal with no order for costs made against him. This represents a significant cost saving to the Court of Appeal and the greater community.

The Service is grateful to **MurphySchmidt Solicitors** and **Gary Coveney** of Counsel for assisting a client who was a small beneficiary in a large estate. The client was assisted to respond to an appeal



regarding the construction of a provision in the will and for further and better provision. While the appeal was allowed, the client's entitlements under the estate were not reduced and the client's substantive position was not altered by the Court's decision.

### **Projects, law reform and legal policy**

Late last year the Service prepared a submission on the issue of capacity to the Public Trustee: 'Incapable of Justice: Capacity and Self Represented Civil Litigants'.

The Service is also currently:

- developing guidelines for legal practitioners dealing with self-represented litigants;
- drafting a series of Factsheets for Self Represented Litigants with a view to preparing a Self Represented Litigant's Handbook for publication; and
- conducting comparative research into the law relating to Solicitor's liens to determine what scope, if any, exists for mitigating the serious hardship to a client who loses legal representation (and access to documents that are essential to a case) before a trial.

### **Acknowledgments**

The Service expresses its appreciation to the Department of Justice and Attorney-General which has funded the scheme through the LPITAF since its inception.

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

Finally, the Service thanks the solicitors, barristers and retired practitioners who have voluntarily contributed more than 290 hours of pro bono assistance to the Service this year. The contribution of the following firms has been vital in ensuring the success of the Service in 2009-10 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
Norton Rose	DLA Phillips Fox
Mallesons Stephen Jaques	McCullough Robertson
Minter Ellison	MurphySchmidt

Iain McCowie – [srs.courts@qpilch.org.au](mailto:srs.courts@qpilch.org.au) and Elizabeth Pendlebury – [srs.courtsadmin@qpilch.org.au](mailto:srs.courtsadmin@qpilch.org.au)

## **SELF REPRESENTATION SERVICE (QCAT)**

QPILCH's Self Representation Service (QCAT) commenced in January 2010 to assist self represented parties with the conduct of their proceeding in the newly formed Queensland Civil and Administrative Tribunal. An estimated 35,000 people will be involved in proceedings in this new jurisdiction each year. The outcome of these proceedings will often have serious consequences on the welfare, dignity and daily living of those people, many of whom will not have had the benefit of legal advice.

Through the provision of legal advice and discrete task assistance, the Service aims to assist self represented parties to meaningfully assert their legal rights, while discouraging the institution or continuation of unnecessary proceedings.

The Service is modeled on the successful Self Representation Service (Courts) and is the only one of its kind in Australia providing assistance to self represented parties with proceedings before a Tribunal. The Service seeks to enhance the efficacy of QCAT and in turn, the public's confidence in the administration of justice, by assisting people to:

- understand the law, and the rights and perspective of the other party;
- observe QCAT rules and procedures;
- be aware of potential orders and the effect of not complying with orders; and
- present their case in the best possible manner.

The Service may assist a client in one or more of the following ways:

- assessing legal merit and status of proceedings, through our established client intake process;
- conducting appointments, staffed by QPILCH solicitors and volunteer solicitors from QPILCH member firms, to provide discrete task assistance to clients throughout their proceedings (clients may receive any number of appointments from the Service as required);
- providing useful and accessible legal information to promote understanding of relevant law and procedures; and
- assisting people whose cases are without merit to pursue other avenues to resolve their legal problems.

Although the Service itself does not provide legal representation in QCAT proceedings, meritorious cases may be referred to the private legal profession through QPILCH's referral schemes and/or to the Tribunal Representation Panel (see below).

### **2009-10 clients and statistics**

The Service operates from office space at QCAT and is staffed by one full-time solicitor and one part-time paralegal. Appointments are conducted on Tuesdays – Thursdays (inclusive) each week. The QPILCH solicitor staffs up to three morning appointments from 9:30am – 12:30pm and volunteer lawyers from eight QPILCH member firms staff an afternoon appointment session from 2pm to 5pm. The QPILCH solicitor supervises all advice and assistance provided by volunteers.

Since its inception, the Service has helped over 120 self represented parties. In the 2009–10 financial year, 59 new client files were opened, of which:

- 44 were involved in proceedings in the QCAT original jurisdiction;
- 5 were involved in proceedings in the QCAT review jurisdiction; and
- 10 were involved in proceedings in the QCAT appeal jurisdiction.

The Service assists people whose matters fall under the following QCAT enabling legislation:

- Anti-Discrimination Act 1991;
- Child Protection Act 1999;
- Commission for Children and Young People and Child Guardian Act 2000;
- Education (General Provisions) Act 2006;
- Guardianship and Administration Act 2000 and Powers of Attorney Act 1998;
- Information Privacy 2009 and Right to Information Act 2009;
- Manufactured Homes (Residential Parks) Act 2003;
- Residential Tenancies and Rooming Accommodation Act 2008; and
- Retirement Villages Act 1999.

People appealing a QCAT decision, even if it does not relate to one of those pieces of legislation, are also eligible for assistance.



The applications received this year covered a wide range of disputes across the Service's designated areas. While the Service was in its infancy and had capacity to do so, we also provided assistance outside the Service's designated areas.

The spread of assistance provided was as follows:

- 5 child protection;
- 10 guardianship and administration;
- 11 residential tenancy;
- 6 minor debt;
- 3 discrimination;
- 3 occupational regulation;
- 3 building;
- 2 administrative review (firearms licensing and blue card review); and
- 1 retirement village matter.

The Service has had significant formal and informal successes, none more so than assisting an Iraqi doctor to have the Queensland Medical Board review its decision to not allow his registration. The client had left Iraq during the war, and spent some years in Jordan waiting for resettlement, having been recognised as a refugee by the UNHCR. The client's volunteer work in Jordan was not initially recognised by the Board, but with the help of the Service, and QPILCH member barrister, **Paula Morreau**, the Board was convinced to change its decision and allow the client's registration.

Other successful outcomes include:

- assisting an elderly client to apply for a stay of QCAT decision to terminate the client's tenancy and issue a warrant for possession for removal of the client from a property in which the client asserted an equitable interest. The stay was granted securing accommodation for the client while he pursues his appeal; and
- guiding a concerned client through the process of applying to QCAT to urgently consider her father's capacity and to make an order appointing the Public Trustee as administrator and the Adult Guardian as guardian for her father, who was at significant risk of being financially exploited by new 'friends'. QCAT decided the client's father did not have capacity and the appointments were made.

### **Tribunal representation panel**

Having determined a need for affordable legal representation in appropriate cases where the Tribunal grants a party leave to be represented, the Service established the Tribunal Representation Panel. The Panel plays an important role in providing legal representation in meritorious cases before the Tribunal.

The Service is grateful to the following barristers who have expressed a willingness to provide pro-bono representation in Tribunal proceedings upon referral:

Anna Cappellano	Alexandra Brook
Darryl Rangiah SC	David Cormack
Hugh-Scott Mackenzie RFD	Ilan Klevansky
Julene Winn	Kristy Crabb
Kim Forrester	Matthew Jones
Paul Marshall	Scott McConnel
Shelley-Anne Brace	Simon Brown
Suellan Walker-Munro	

## Service projects, law reform and legal policy

Part of the Service's function is to facilitate legislative reform and adaption of tribunal processes where we see there is a need. This year the Service has alerted QCAT Member Patricia Hanly, who has kindly volunteered to act as liaison for the Service, to some procedural concerns encountered by our self represented clients. With guidance from the Service Reference Group, the Service will continue to facilitate reform by identifying appropriate test cases and seeking clarification of existing QCAT processes and making recommendations as appropriate.

## Training

The Service is keen to ensure that it provides its staff and volunteer solicitors with training and professional development which supports the special role they play in providing discrete task assistance to self represented parties. The training program is made possible by the generous support of member firms which host lunch-time training sessions and presenters who give up their time to prepare and present materials. Training conducted to date is set out in the table below:

Event	Speaker & Topic
April 2010	Induction Hosted by MurphySchmidt Solicitors Presented by Andrea de Smidt
July 2010	Child protection and Guardianship and Administration matters Hosted by Macrossans Presented by QCAT Members Patricia Hanly and Julie Ford

## Acknowledgments

The Service expresses its appreciation to the Department of Justice and Attorney-General which provided initial funding for the Service to operate as a pilot project and has recently renewed funding for a further year of operation.

We also thank QCAT President **His Honour Justice Alan Wilson**, QCAT Deputy President **Her Honour Judge Fleur Kingham**, QCAT Member **Patricia Hanly**, and all QCAT Senior Members, Members, Adjudicators, Case Managers and QCAT staff for their support for the Service.

Finally, we thank the solicitors and barristers who voluntarily contribute their time to the Service. In the latter half of the 2009-10 financial year 65 appointments were provided by Service staff and volunteers. This equates to more than 90 hours of pro bono legal assistance.

The contribution of the following firms has been vital in ensuring the success of the Service:

deGroots	Dibbs Barker
Macrossans Lawyers	Minter Ellison
McCullough Robertson	MurphySchmidt
Shine Lawyers	TressCox Lawyers

**Andrea de Smidt** and **Catherine Cocks** – [srs.qcat@qpilch.org.au](mailto:srs.qcat@qpilch.org.au)

**Cameron Lavery** – [srs.qcatadmin@qpilch.org.au](mailto:srs.qcatadmin@qpilch.org.au)

## QLS AND BAR PRO BONO SCHEMES

2009-10 was the first complete financial year in which QPILCH managed the **Queensland Law Society** and **Bar Association of Queensland Pro Bono Schemes**. These schemes have developed substantially during this period.



To be eligible for referral, applicants must be experiencing hardship and have reasonable prospects of success, but their legal matter does not need to raise a public interest issue. QPILCH conducts an assessment of the application to ensure the matter meets these eligibility criteria and if appropriate, refers the matter to solicitors and barristers who have respectively volunteered to participate in the QLS and BAQ pro bono panels.

The operation of these schemes makes a significant contribution to improving access to justice to a proportion of the community who are not able to access other legal services, including legal aid and who cannot afford to pay for private legal assistance.

### Applications

In 2009-10 we assessed 189 applications for referral through the schemes. 56 of these matters were determined suitable for referral and 39 of those matters were taken up by solicitors and/or barristers. 15 matters were referred to firms, 19 matters were referred to barristers, and 5 matters were taken on by both a firm and a barrister. These statistics are set out in the table below.

	08/09	09/10
Applications	16	189
Accepted for referral		56
Referrals to participants		39
Referrals to participating firms	3	20
Referrals to participating barristers	3	24

We also provided applicants ineligible for referral with information and detailed reasons why we could not assist. This is a crucial component of the assistance provided by QPILCH in that if applicants are ineligible for referral due to a lack of legal merit, applicants receive a detailed advice setting out the law and its application to the facts of their case. In many cases, applicants are referred from one agency or service to the next without ever having had a merit assessment conducted or explained. We are confident that the explanations we provide, in at least some cases, dissuade applicants from continuing or instituting unmeritorious proceedings.

### Examples of matters referred

We are extremely grateful to our dedicated participants who have contributed so much to the success of the schemes and who have devoted many hours of pro bono legal assistance.

A wide range of legal matters have been referred in the past year, including wills and estates, administrative law matters, small business disputes, banking and finance issues and consumer issues. Criminal law, family law and complex building disputes are not accepted for referral under the schemes.

Notable referrals include:

- **Bruce Thomas Lawyers** have assisted in a number of matters including assisting an elderly man to claim an interest in the home in which he had lived with his wife for 23 years. His wife transferred the property to two granddaughters shortly before she died and there was a question about her capacity and duress at the time of the transfer.
- **Anand Shah** represented a small business owner to respond to an appeal in the Industrial Court.
- **Matt Black** and **Bruce Thomas Lawyers** represented a man who is the primary carer for four children, including a baby with a disability, to successfully appeal the decision of the Social Security Appeals Tribunal regarding the assessment of his income for child support purposes.

- **Sue McLeod** provided an advice in relation to a complex breach of contract, negligence and bankruptcy matter and the right of ITSA (the Insolvency and Trustee Service Australia) to take control of legal proceedings.
- **Hugh Scott-Mackenzie** assisted an unincorporated association to defend a breach of contract action.
- **Matt Jones** assisted a Korean woman to defend an action for debt by her former de facto partner.

The QLS Scheme now has 34 participating firms and the BAQ Scheme has 73 participating barristers. In 2010-11 it will be a priority to increase the number of participating firms and barristers on our panels.

The continued management of the two schemes by QPILCH is made possible by funding from the Department of Justice and Attorney-General and a contribution from each of the Queensland Law Society and the Bar Association of Queensland. We thank these funders for their ongoing support.

**Ann Herriot** – [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 five 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, five Corrs lawyers have completed a rotation – Karen Kearney (March 2008 – September 2008), Duncan Marckwald (September 2008 – February 2009), Jen O’Farrell (February 2009 – September 2009), Tim Laird (October 2009 – January 2010) and Catherine Cocks (February 2010 – May 2010). Tami Grealy commenced in August 2010.

The secondment with QPILCH is part of the Corrs Giving Back Program which is 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 relatively small QPILCH team.

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

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

- extensive client contact;
- exposure to legal, policy and social issues;
- development of plain English drafting skills;
- communicating effectively with people from different backgrounds and with different needs and interests;
- exposure to the internal workings of community legal centres and not-for-profit organisations and related tasks, such as drafting funding applications;
- experience regarding the constraints of working with minimal resources;
- ability to autonomously take instructions and compile a brief;
- the opportunity to contribute to the community; and



- interesting and challenging work with exposure to a broad spectrum of legal issues including discrimination, environmental, administrative review, employment, building and consumer protection.

### **Work undertaken by secondees**

The secondee lawyer has traditionally 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 secondee lawyer learns about a wide range of legal issues.

In the 2009-10 financial year the secondee lawyer assumed responsibility for the assessment and referral of applications for pro bono legal assistance under the Public Interest Referral Scheme. With the support of the Services Coordinator and the QPILCH Director, the secondee lawyer supervises student volunteers who are undertaking public interest casework and drafts and reviews legal correspondence. To a more limited extent, the secondee lawyer is also involved in QLS and Bar Pro Bono Scheme casework. The secondee lawyer is also given the opportunity to oversee the student volunteer application process.

Work performed by the secondee lawyers in the last financial year includes:

- finding assistance for a not-for-profit community organisation supporting the members of the African community seeking assistance to register with ASIC as a not-for-profit company limited by guarantee;
- assisting and advising an applicant seeking review of a decision made by the Veterinary Surgeons Board of Queensland that there were no grounds to support any contention that the acts or omissions of the veterinarian who treated the applicant's animals warranted censure or discipline;
- assessing an application seeking advice in relation to an anti-discrimination complaint against a government department in relation to their social housing policies and liaising with Counsel in relation to the provision of an opinion on prospects;
- assessing an application regarding a Supervision Order imposed on the applicant under the *Dangerous Prisoners (Sexual Offenders) Act 2003*; and
- assisting a self represented litigant in drafting a Notice of Appeal to file in the Federal Court regarding a decision made the Administrative Appeals Tribunal in relation to a claim for compensation for Post Traumatic Stress Disorder.

Other work conducted by the secondee lawyers includes:

- assisting with sponsorship negotiations for the 2010 Walk for Justice;
- researching alternative funding options for the Environmental Law Roundtable projects and completing a funding application for the Fosters' Community Grants Fund with the assistance of Laura Spencer, a former student volunteer and PLT student;
- amending and finalising a submission on manufactured homes; and
- developing innovative ideas to better capture QPILCH precedents and improve the efficiency of the application process.

Catherine Cocks – [srs.qcat@qpilch.org.au](mailto:srs.qcat@qpilch.org.au)

Tami Grealy – [secondee1@qpilch.org.au](mailto:secondee1@qpilch.org.au)

## **RURAL REGIONAL REMOTE PROJECT**

The Rural Regional Remote (RRR) Project was established to enhance the delivery of pro bono legal services to RRR areas in Queensland. The Project was coordinated by Aimee McVeigh for a period of six months from January to July 2009 and a further six months from January to June 2010.

In this time, additional RRR firms and barristers were engaged in QPILCH, an increased number of applications for assistance were assessed and referred, and three relationships between regional law firms and city based firms were established. 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 increases the city based firm's opportunity to provide assistance to people in rural, regional and remote areas.

Participating firms in the Project are:

- **Anne Murray & Co** (Emerald) and **Blake Dawson**;
- **Lee Turnbull & Co** (Townsville) and **Allens Arthur Robinson**; and
- **Rod Madsen Solicitors** (Mount Isa) and **Clayton Utz**.

Although there has been limited casework undertaken as a result of these collaborations to date, it is expected that, over the course of time, with ongoing monitoring and fostering of the relationships, the provision of pro bono legal services will be enhanced in these RRR areas. Protocols which deal with issues such as costs, intellectual property and liability, have been established to facilitate the development of similar relationships in other RRR areas in the future.

The RRR Coordinator spoke at/attended the following meetings:

- Lockyer Valley Service Provider's Interagency Meeting
- Bundaberg Service Provider's Interagency Meetings;
- Mount Isa Regional Legal Assistance Forum;
- Hervey Bay Regional Legal Assistance Forum;
- Rockhampton Regional Legal Assistance Forum; and
- Granite Belt Community Network.

The involvement of the RRR Coordinator at these meetings and further extensive travel throughout Queensland has raised awareness in RRR areas of QPILCH and the availability of city-based member firms' services.

Recently approved further funding from LPITAF to continue the RRR Project for an additional six months will enable us to develop the structures established and tailor our services to disadvantaged people living in rural , regional and remote Queensland.

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

## KNOWLEDGE MANAGEMENT AND INFORMATION TECHNOLOGY

### QPILCH Resources

The QPILCH website is a useful resource for the public, other CLCs, QPILCH staff and volunteers. The main resources are found in the Factsheet and Precedents and Resources sections of the website.

A list of factsheets is available at [www.qpilch.org.au/resources/factsheets/index.htm](http://www.qpilch.org.au/resources/factsheets/index.htm). We have a new suite of factsheets on the Queensland Civil and Administrative Tribunal and on Guardianship and Administration law. New factsheets are added, and existing factsheets are updated, regularly.

The Precedents and Resources section of the website catalogues our resources by area of law. Some resources are available to members of the public, while others are password protected for access only by QPILCH staff, volunteers, students and other CLC workers. 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). Within each area of law, there



are *Factsheets & guides*, *Other publications*, *Services & websites*, and *Templates & forms (including precedents)*.

### **QPILCH IT – Online payment technology**

We have continued using the online shop ([shop.qpilch.org.au](http://shop.qpilch.org.au)) to process credit card payments for membership and the Public Interest Address online. We also have an appeal site which provides an alternative and simple way to make donations to QPILCH ([www.ourcommunity.com.au/qpilch](http://www.ourcommunity.com.au/qpilch)). We used this site for Walk for Justice donations, along with an online registration facility on our website.

## **STUDENT PROGRAMS**

QPILCH continues to provide opportunities for students to be involved in the provision of pro bono legal services in a range of ways that benefit the student and the community.

QPILCH now operates six student legal clinics in conjunction with our university partners. Details of each clinic are set out in this section, along with intern and volunteer information.

### **Public Interest Lawyering Clinic**

QPILCH public interest lawyering clinic operates in the first semester of each academic year. From February – July 2010, 6 senior law students assisted in the assessment of public interest applications for assistance, researched and presented seminars on public interest issues, and prepared papers exploring regulation of social networking sites.

Once again, the students were an invaluable resource in providing support in assessing applications for assistance through the public interest referrals scheme. Students were:

Chantell Hall	Tim McCarthy
Olivia King	Greg Lutvey
Marissa Bonnici	Cameron Webster

We thank guest speakers **The Honourable Justice Ros Atkinson**, Supreme Court of Queensland, **Zoe Rathus**, Griffith University, **Ms Marg O'Donnell**, Legal Aid Commission and **Mr Rob Reed**, Minter Ellison.

We again thank **Zoe Rathus** and Professor **Jeff Giddings** and **Griffith University** for their support for this clinic.

**Ann Herriot** – [referral@qpilch.org.au](mailto:referral@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 component of QPILCH's brief.

The Clinic provides clients with free legal advice and assistance in matters relating to administrative law. These predominantly involve matters of judicial review of State and Federal Government decisions. However, the Clinic also assists in freedom of information matters; matters before the Administrative Appeals Tribunal, the Queensland Civil and Administrative Tribunal and other government tribunals.

Most clients are identified through QPILCH's core referral services, and the assistance provided, including advice, and procedural assistance such as drafting submissions, is undertaken by students who are overseen by the clinic supervisor.

In addition to casework, students also undertake project work to support other QPILCH services or improve resources available, such as fact sheets, to assist later students. Most recently, students worked on developing a summary of key Queensland Civil and Administrative Tribunal decisions, which is currently proving extremely useful for solicitors working for the Self Representation Service (QCAT).

During the semester, students benefit from meeting with administrative law legal practitioners. We are thankful to all practitioners who give their time so generously. This year students were fortunate to meet with **Darryl Rangiah SC**, **Nitra Kidson** and **Mark Plunkett** of Counsel, **Dr Geoff Airo-Farulla** of the Office of the Commonwealth Ombudsman, **Reanna Maloney** of Prisoner's Legal Service, **Matt Holmes** of MurphySchmidt, Senior Members **Bernie McCabe** of the AAT and **Clare Endicott** of QCAT.

The students for the Administrative Law Clinic during 2009-10 were:

<b>Semester 3, 2009</b>	<b>Semester 1, 2010</b>	<b>Semester 2, 2010</b>
Ashleigh Light	Amani Sekhon	Raisa Blanco
Jason Fletcher	Ariel Slavin	Marian Pond
William Coutts	Kaylene Dunbar	Mona Mizikovsky
Marilyn Davis	Adam Goldner	Danica Francis
Barrie Hansen	Deanna Bronowicki	Renee Worsfold
Ben Reilly	Renee Gregor	Lauren Jones

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 thank **Jackson Walkden-Brown** and **Bond University** for their support with this invaluable service. We also thank **Professor Geraldine Mackenzie**, Bond University Law School Dean, for continuing to provide operational funding.

**Andrea de Smidt** - [srs.qcat@qpilch.org.au](mailto:srs.qcat@qpilch.org.au)

### **HPLC clinical subject**

From February to June 2010, 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 the impact of fine regimes on people experiencing homelessness. Students analysed the legislation, policies and practice underpinning the State Penalties Enforcement Registry (SPER), researched progressive policies in other Australian jurisdictions and prepared a survey, which will enable the HPLC to quantify the average SPER debt of a significant sample of homeless service users. The research will continue into Semester 2, 2010.

The students this year were:

Yoshiko Robertson	Jess Owen
Elizabeth Pendlebury	Rebecca Durrant
Rachael Holt	Youngwon (Constance) Lee



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

**Sue Garlick** – [homelesspolicy@qpilch.org.au](mailto:homelesspolicy@qpilch.org.au)

### **Mental Health Law Clinic**

In partnership with the University of Queensland, the first Mental Health Law Clinic ran from July to November 2009. Participating students for this semester were Jane Munro, Tamioka Gilmour, Peta Stephenson and Patrick MacDonald. Participating students in the following semester were Scott Lang, Chantelle Baguley, Sarah Quigley, Michelle Ho, Thanu Gunesekera and Simon Lapinski.

### **Casework**

In total, the clinic opened 33 new files, with the majority of client files generated from the pilot outreach PA clinic (see below).

Some examples of matters that the Mental Health Law Clinic has worked on:

- advice about the Medical Board of Queensland's powers to record a reprimand of a psychiatrist who unlawfully ordered an assessment for an Involuntary Treatment Order;
- advice about the lawful execution of Justices Examination Orders and Emergency Examination Orders;
- assisting a young indigenous man who sought to avoid ECT and psychiatric drugs;
- assisting a community legal centre which wanted advice on how to compel Queensland Health to provide psychiatric reports within the timeframes stipulated by the Mental Health Act;
- advice for a number of clients in debt crisis after suffering a mental health episode; and
- advice on accessing documents held by Queensland Health under right to information legislation.

### **Publications**

In addition to casework, students have assisted in the preparation of various clinic documents and reports. Students have developed factsheets on involuntary treatment orders, justice examination orders, emergency examination orders and involuntary assessment, which are now available on the QPILCH website. Other publications and research projects undertaken by students include:

- An advocate's guide to forensic orders – information for advocates appearing before the Queensland Mental Health Court and the Queensland Mental Health Review Tribunal; and
- Compliance or change?: The Effects of the Carter Report – Examining the problem of people with intellectual disabilities in the mental health system; and
- Patient roadmap to the Mental Health Act 2000.

### **Pilot outreach clinic at the PA Hospital**

In conjunction with Queensland Advocacy Incorporated, the QPILCH Mental Health Law Clinic conducted a two-week pilot outreach clinic at the Mental Health Unit of the Princess Alexandra Hospital. The MHLC Clinic Supervisor and QAI solicitor, together with the assistance of participating students, attended the hospital and took instructions from clients seeking legal assistance. The pilot clinic generated a large number of clients with genuine legal issues.

We would like to acknowledge and thank the work of **Denise Ryan**, **Anne Garton**, and **Michael Seow** of the PA Hospital for supporting the idea of a pilot outreach clinic. Denise and Ann assisted a great deal with internal clinic promotion, compiling a running list of clients, room allocation and other support such as photocopying client documents, which enabled the pilot clinic to run very smoothly.

On the success of this pilot, QPILCH, QAI and the Mental Health Unit at the PA Hospital have agreed to run a second outreach clinic in late 2010.

### **Information and training on mental health law**

The Mental Health Law Clinic has held 3 seminars on mental health law. The first, on 10 September 2009 at **Norton Rose** (formerly Deacons), introduced participants to the mental health law regime. Thanks to **Georgina Lawson** and **Rachael Krinks** of Queensland Alliance, **Simon Hamlyn-Harris**, Barrister-at-law and **David Thompson** for speaking at this event. There were 34 recorded registrations.

The second mental health seminar was held on 1 October 2009 at **HWL Ebsworth**. This seminar covered practice and procedure of the Mental Health Review Tribunal. We were fortunate to have **Barry Thomas**, President of the Mental Health Review Tribunal and **Donna Nedelkos** of the Victorian Mental Health Legal Centre Inc speak. We had 41 registrations for this event.

The third and final mental health seminar was held on 13 May 2010 at **Blake Dawson**. This seminar looked at Involuntary Treatment Orders under the *Mental Health Act 2000*. We were fortunate to have **Dr Jacinta Powell** psychiatrist and **Rebekah Leong** and **Jim Gibney** of Queensland Advocacy Inc. speak. There were 41 registrations for this event. **Karen Williams**, Barrister-at-Law, kindly chaired this seminar. Karen also chaired the first two seminars in 2009 and we thank her for her considerable support.

All seminars were videoed and are available for loan on DVD.

Various guest speakers shared their expertise with students during the semester clinics. We would like to thank **Jim Gibney** from QAI, **Michelle Radke** from the Mental Health Review Tribunal, **Melody Edwardson** from Queensland Alliance and **Dr Dan Siskind**, psychiatrist, for giving their time to talk with students.

**Monica Taylor** – [MHLC@qpilch.org.au](mailto:MHLC@qpilch.org.au)

### **IP and Technology Law Clinic**

The Intellectual Property and Technology Law Clinic (IPTLC) is QPILCH's newest clinic. A joint initiative with the Queensland University of Technology, The IPTLC aims to facilitate free legal advice and legal services to members of the arts and technology communities who cannot otherwise afford to consult a lawyer. The areas of law that are covered by the IPTLC include copyright, contract (e.g. recording contracts, publishing contracts), trademarks, designs, patents, laws governing digital distribution and online business models, technology law and confidentiality.

The IPTLC has three components:

- An advice service held once monthly at the QUT offices, in which clients are able to make 45 minute appointments to speak to a volunteer lawyer one-on-one about IP/Technology legal issues they may have;
- A pro bono referral service to a panel of law firms for deserving cases that require greater attention than can be provided through the advice service; and
- A student elective offered to QUT law students, held on Tuesdays at QPILCH during semester.

The IPTLC as a student elective and referral service commenced for the first time in Semester 2 of 2010 and will be reported in next year's annual report.



We thank QUT Dean of Law, **Professor Michael Lavarch**, **DVC Scott Sheppard** and **QUT's Engagement Committee, Alumni and Development Office**, and **Kylie Pappalardo** for strongly supporting the development of the IPTLC.

**Cheryl Foong** – [ip@qpilch.org.au](mailto:ip@qpilch.org.au)

### **Public Interest Research Clinic**

The Public Interest Research Clinic, a joint project with the University of Queensland's **TC Beirne School of Law**, continued for its third consecutive year. The focus of this course is on legal research with a view to providing students with a skill set outside of casework as well as insight into alternative career pathways within the community legal sector, with pro bono providers, in areas of legal knowledge management, plain English legal drafting or socio-legal research.

In Semester 2 of 2009, students worked hard in preparing resources for the Self Representation Service (QCAT), under the supervision of **Rebekah Leong**. Materials produced by the students include factsheets for QPILCH staff and volunteers on guardianship and administration, children services and anti-discrimination matters and a suite of factsheets for the public on various elements of QCAT including jurisdiction, appeals, representation, and costs. These factsheets are available on the QPILCH website and are an excellent resource used frequently by the Self Representation Service (QCAT).

Research projects considered:

- whether Community Legal Centres ("CLCs") can act for applicants on the record and cost recovery by CLCs;
- duties and liabilities in providing discrete task assistance; and
- costs in public interest litigation and other suggestions for reform

In Semester 1 of 2010, students worked in groups of 3 on 2 projects under the supervision of **Andrea Perry-Petersen**. Students investigated ways of encouraging ADR (especially where one party is self-represented) and the possibility of reviewing the UCPR Court forms to make them more "user-friendly" and therefore improve access to justice. Students undertook research, interviewed Self Representation Service (Courts) staff and met with Registry staff and other members of the profession to inform their investigations. Students in Semester 2 of 2010 will continue this work with the aim of implementing recommendations from Semester 1.

Feedback from students who participate in this clinic remains positive; comments from students include: "We were able to see how the views of the stakeholders in social issues can help in reforming/shaping the system" and "I have a greater awareness of how our legal justice system reflects the dominant culture and the scope of available pro bono legal services".

Students of the Clinic were:

#### **2009, Semester 2**

Toby Davidson  
Priscilla Jamieson  
Kate McLean  
Joern Herrmann  
Dominique Mayo  
Christopher Huang

#### **2010, Semester 1**

Amy Dunphy  
Nicole Goodwin  
Sophie Dixon  
Rohan Tate  
Ismael Perez-Smith  
Anna Poteri

We are very grateful to **Dr Ros Macdonald**, QUT, **Ms Carla Klease**, Barrister-at-Law, **Mr Michael Hodge**, Barrister-at-Law, **Mr Toby Boys**, Holding Redlich, **Professor Richard Johnstone**, Griffith

University, **Ms Deborah Scott**, Allens Arthur Robinson, **Ms Eve Massingham**, Red Cross, and **Mr Simon Cleary**, Telecommunication Industry Ombudsman, for generously giving of their time to speak with the students.

**Andrea Perry-Petersen** - [training@qpilch.org.au](mailto:training@qpilch.org.au)

### **Interns**

In Semester 1 of 2010, Emma Allatt of QUT joined us to do an internship. Emma supported QPILCH solicitors in their work assessing applications for referral by conducting case assessments, drafting correspondence and preparing referral materials for our member firms and barristers. Emma was a pleasure to have in the QPILCH office and we are thankful for her continued stay as Administrator full-time. We also enjoyed hosting Blessing Agada from Nigeria for the work placement he undertook through the Bridgeworks Employment & Training program. We were very grateful for Blessing's hard work and were happy to see him find further employment and continue his legal studies in Australia.

### **Volunteers**

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

James Allen	Darius Hii	Carly Poissant
Frances Bain	Reimen Hii	Sarah Quigley
Ellie Bassingthwaighte	Fleur Holyland	Edmund Robinson
Quita Brunt	Anna Horton	Marcel Schlamowitz
Spica Delorino	Kathryn James	Venetia Scott
Nicole Dever	Karen Ko	Laura Spencer
Anh Donald	Cameron Lavery	Andrea Stolarchuk
Eliza Eaton	Liz Mason	Alex Tate
Lisa Elton	Stacey McEvoy	Céline Thompson
Ellen Fletcher	Kate McKenzie	Viola Tran
Tess Flottman	Lynette Nam	Caron Wadick
Shingo Fujisaki	Alana Nisbet	Amy Waight
Daniel Fuller	Lauren Nolan	Alicia Wederlich
Jessica Gahang	Jamie Nuich	Jaimie Wolbers
Jessica Goldie	Benjamin Pattison	Suzanne Webcke
Stephen Grace	Caroline Pearce	Elizabeth Young
Elizabeth Harvey		

**Karen Kearney** – [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 2010**

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

***SPECIAL PURPOSE FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2010***

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**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 2010 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. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. 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 AUDIT 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 statements 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 2010 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.

*Lawler Hacketts*

**LAWLER HACKETTS AUDIT**

*S Lindemann*

**Shaun Lindemann  
Audit Partner**

Brisbane

Dated: 27 September 2010

**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 12:

1. Presents fairly the financial position of Queensland Public Interest Law Clearing House Inc as at 30 June 2010 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, 27 September 2010

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

**Balance Sheet**

**As at 30 June 2010**

	Note	2010	2009
		\$	\$
<b>Current Assets</b>			
Cash	2	247,288	261,846
Receivables	3	10,770	23,720
Prepaid expenses		3,297	8,685
<b>Total Current Assets</b>		<u>261,355</u>	<u>294,251</u>
<b>Non-Current Assets</b>			
Furniture & equipment	4	96,899	56,598
<b>Total Non-Current Assets</b>		<u>96,899</u>	<u>56,598</u>
<b>Total Assets</b>		<u>358,254</u>	<u>350,849</u>
<b>Current Liabilities</b>			
Creditors & accruals	5	54,272	46,844
Provision for Employee Entitlements	9	68,275	67,785
Unexpended Grants	6	-	60,386
<b>Total Current Liabilities</b>		<u>122,547</u>	<u>175,015</u>
<b>Total Liabilities</b>		<u>122,547</u>	<u>175,015</u>
<b>Net Assets</b>		<u>235,707</u>	<u>175,834</u>
<b>Equity</b>			
Members Funds		235,707	175,834
<b>Total Equity</b>		<u>235,707</u>	<u>175,834</u>

The accompanying notes form part of these financial statements.



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

**Income Statement**

**For the year ended 30 June 2010**

	Note	2010	2009
		\$	\$
<b>Revenue</b>			
Membership		67,500	73,080
Grants	7	786,633	687,481
Interest		7,552	10,448
Donations and Fundraising		64,325	48,583
Sundry Income		58,005	64,280
<b>Total Revenue</b>		<u>984,015</u>	<u>883,872</u>
<b>Expenses</b>			
Staff Costs		745,015	661,761
Rent Expense		66,813	53,498
Depreciation		13,811	7,480
Event Expenses		18,592	17,973
Administration Expenses		79,911	73,226
<b>Total Expenses</b>		<u>924,142</u>	<u>813,938</u>
<b>Operating Surplus</b>		<u>59,873</u>	<u>69,934</u>
<b>Members Funds</b>			
Members funds beginning of year		175,834	105,900
Operating Surplus		59,873	69,934
Members funds end of year		<u>235,707</u>	<u>175,834</u>

The accompanying notes form part of these financial statements.

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

**Notes to the Financial Statements**

**For the year ended 30 June 2010**

**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**

Grant and donation income is recognised when the entity obtains control over the funds, which is generally at the time of receipt. 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 association'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 2010**

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

**1.**

- 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 association 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 2010**

	<b>2010</b>	<b>2009</b>
	<b>\$</b>	<b>\$</b>
<b>2. Cash</b>		
Cash float	193	7
Cash at bank	247,095	261,839
	<u>247,288</u>	<u>261,846</u>
<b>3. Receivables</b>		
Security Deposit	1,450	1,450
Debtors	9,320	22,270
	<u>10,770</u>	<u>23,720</u>
<b>4. Furniture &amp; Equipment</b>		
Office furniture, at cost	81,652	49,047
Less: accumulated depreciation	(22,635)	(16,441)
	<u>59,017</u>	<u>32,606</u>
Computers, at cost	55,349	34,602
Less: accumulated depreciation	(20,541)	(13,750)
	<u>34,808</u>	<u>20,852</u>
Software, at cost	3,560	2,800
Less: accumulated depreciation	(1,840)	(1,559)
	<u>1,720</u>	<u>1,241</u>
Motor Vehicle	2,727	2,727
Less: accumulated depreciation	(1,373)	(828)
	<u>1,354</u>	<u>1,899</u>
	<u>96,899</u>	<u>56,598</u>
<b>5. Creditors and Accruals</b>		
Sundry creditors	6,449	593
GST	24,755	24,077
Superannuation	18,533	16,456
Visa Credit Card	1,235	2,225
Accrued Expense	3,300	3,493
	<u>54,272</u>	<u>46,844</u>

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

**Notes to the Financial Statements**

**For the year ended 30 June 2010**

<b>6. Grants Received in Advance</b>	<b>2010</b>	<b>2009</b>
	<b>\$</b>	<b>\$</b>
Department of Justice & Attorney	-	55,886
Bond University	-	4,500
	<u>-</u>	<u>60,386</u>
 <b>7. Grant Income</b>		
Department of Communities	163,848	153,243
Department of Justice & Attorney	152,600	126,800
Legal Aid Queensland (refer Note 11)	363,911	328,920
Other	106,274	78,518
	<u>786,633</u>	<u>687,481</u>
 <b>8. Operating Lease Commitments</b>		
Being for rent of office Payable - minimum lease payments		
- Not greater than 12 months	68,310	66,000
- Between 12 months & 5 years	192,660	241,018
- Greater than 5 years	-	-
	<u>260,970</u>	<u>307,018</u>
 <b>9. Provisions</b>		
Annual Leave	51,542	56,130
Long Service Leave	<u>16,733</u>	<u>11,655</u>
	<u>68,275</u>	<u>67,785</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

Noela L'Estrange

Professor Jeff Giddings

Darryl Ranglah SC

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

**Notes to the Financial Statements**

**For the year ended 30 June 2010**

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

Elizabeth Shearer  
Rochelle Carey  
Tony Denholder

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

**11. Use of Funds - Legal Aid Queensland (LAQ)**

**(i) Income statement - LAQ**

		2010 \$	2009 \$
<b>Revenue</b>			
LPITAF Recurrent Grant	7	144,376	129,100
CLSP	7	219,535	199,820
		363,911	328,920
Sundry CORE Funds – cash collected		70,170	96,844
- receivable		5,700	-
		75,870	96,844
Total LAQ revenue included in Income Statement		439,781	425,764
<b>Expenses</b>			
Property expenses		(41,423)	(30,330)
Depreciation		(1,532)	-
Staff costs		(350,740)	(335,810)
Administration expenses		(37,244)	(72,100)
		430,939	438,240
Surplus/(deficit) from ordinary activities		8,842	(12,476)
Less: assets purchased		(6,733)	-
Less: sundry funds not received at 30 June		(5,700)	-
Deficit per Legal Aid Queensland report		(3,591)	(12,476)

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

**Notes to the Financial Statements**

**For the year ended 30 June 2010**

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

Elizabeth Shearer  
Rochelle Carey  
Tony Denholder

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

**11. Use of Funds - Legal Aid Queensland (LAQ)**

**(i) Income statement - LAQ**

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		\$	\$
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Administration expenses		(37,244)	(72,100)
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Surplus/(deficit) from ordinary activities		8,842	(12,476)
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Less: sundry funds not received at 30 June		(5,700)	-
		(3,591)	(12,476)
Deficit per Legal Aid Queensland report		(3,591)	(12,476)

We thank the following for their financial support in 2009-2010:



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