

2003-2004 Annual Report

Queensland Public Interest Law Clearing House Incorporated



Law Firms

Allens Arthur Robinson
Ash Solicitors
Bain Gasteen
Blake Dawson Waldron
Brian Bartley and Associates
Clayton Utz
Corrs Chambers Westgarth
Deacons
Freehills
Hunt & Hunt
Macrossans Lawyers
Mallesons Stephen Jaques
McCullough Robertson Lawyers
McInnes Wilson
Minter Ellison
MurphySchmidt
Phillips Fox
Quinn & Scattini
Shine Roche McGowan
Walkers Solicitors

Barristers

Nicholas Andreatidis
Franc Asis
John Bond SC
Jacoba Brasch
Vincent Brennan
Sue Brown
Gary Coveney
Quentin Cregan
Jean Dalton SC
Gillian Dempsey
Patrick Hay
Eric Howell
Stephen Keim SC
Liam Kelly
Carla Klease
Peter Lyons
Ross Mack
Nicole Martin
Damien O'Brien
Daniel O'Gorman
Darryl Rangiah
David Thomae
Hugh Scott-Mackenzie
Michael Wilson

Specified Members

Bar Association of Queensland Inc
Legal Aid Queensland
Queensland Association of Independent Legal Services Inc
Queensland Law Society Incorporated

Associate Members

BDO Kendalls, Chartered Accountants
Griffith University Law School
Queensland University of Technology Law School
Faculty of Law, Bond University
T.C. Beirne School of Law, University of Queensland

Government Legal Unit Members

Australian Competition and Consumer Commission

Corporate Legal Unit Members

Energex Limited

PRESIDENT'S REPORT

This is my third and last annual report as president of QPILCH. It has been a pleasure and privilege to be the inaugural president and to preside over its foundation stages. I am confident that this foundation, put in place through the contribution of members, funding bodies, committee members and seconded and employed staff over the last three years will ensure our continued development and success. My clear perception of the last three years is that so much has been achieved so quickly because of the generosity and commitment of so many people, particularly members of the Queensland legal profession.

I thank everyone associated with QPILCH for the opportunity to work with you and to present this my last report of the year just past.

Contribution by the legal profession

Pro Bono referrals

In the twelve months period July 2003 to June 2004, QPILCH received 176 written applications for pro bono assistance, of which 46 were referred to member firms and barristers. This represents a 63% increase in applications and a 15% increase in referrals. 30% of all written applications received since QPILCH was established have been referred to member firms. The demand on our service continues despite minimal publicity.

Only 15 of the 46 referred matters have been costed to date, amounting to \$60,563, an average of over \$4000 per matter.

The total value of pro bono services since inception now exceeds \$200,000, with 54 of 86 matters referred since 1 July 2002 still ongoing and uncoded. I think that this clearly demonstrates the value of QPILCH and underscores the contribution made by the legal profession to the provision of direct pro bono legal services to disadvantaged members of the community. I should also say that I suspect the real value of pro bono services far exceeds that total as I know many are reticent to report the full extent of their efforts.

Secondments

Once again, QPILCH has been able to achieve so much because of the support of its members, particularly through the secondment of dedicated and skilled solicitors.

Over the year, the *Homeless Persons' Legal Clinic* has been coordinated by four secondees. Carla Klease from Blake Dawson Waldron, who established the clinic, finished on 4 October 2003. Carla was followed by secondees from Minter Ellison. Michelle Bradfield commenced in October 2003 and was replaced by Amanda Stevens until the current secondee Sara Finch took over on 5 July 2004 (see report later).

From April to August 2003, Mallesons Stephen Jaques seconded solicitor Kirsten Hagon to QPILCH to develop the *Refugee and Immigration Legal Support* (RAILS) project. Kirsten secured funding for her part-time coordinator's position for a further year through successful applications to the Gambling Community Benefit Fund and Myer Foundation, now filled by Nitra Kidson (see report below).

Allens Arthur Robinson seconded solicitor Rochelle Spedding for six months to undertake the application assessment function. This is an important role because it ensures that applicants whose cases are assessed as without merit are fully apprised of the reasons for that decision, and because it focuses the contribution of members on cases that have merit. Rochelle was seconded from 3 September 2003 to 4 March 2004 and was replaced by Michael Carey from McCullough Robertson from 9 March 2004. The position has not been filled since Michael finished on 30 June 2004.

Clayton Utz seconded experienced solicitor Linda Macpherson to coordinate the Consumer Law Advice Clinic, a new student clinic with the TC Beirne School of Law. Although the clinic did not commence until the 2004-05 year, 2003-04 saw significant work in its development and preparation (see report later).

I wish to express my sincere thanks to the secondees and their firms. As mentioned earlier, this contribution, which exceeds \$100,000 in staff wages, is invaluable to the coordinated and direct services that are provided to the community. I commend the secondees' professionalism, dedication and overall contribution to QPILCH's work and spirit.

Projects and programs

Our projects are the most effective way to provide services to the community. By targeting areas of need, we can ensure that the scarce resources available are maximised to best effect. Later in this report, I canvass some new projects that are under consideration in 2004-05, and separately, project reports are provided for readers' information. Here, I just want to emphasise my belief that our projects are an essential and successful arm of QPILCH's approach.

Our flagship project, the Homeless Persons' Legal Clinic, continues to thrive and deliver essential services to the most marginalised members of our community. I am very pleased to report that the value of services provided to homeless people by member firms over the year exceeded \$750,000. From the very start of this project we ensured that our services would be evaluated. An evaluation report was prepared after the first six months of operation and we will conduct another evaluation in early 2005.

The Refugee and Immigration Legal Support project is also undertaking quality work and the support for this project from the profession is extremely heartening.

Although not starting until the 2004-05 financial year, this year saw considerable preparation in establishing two new clinics – the Consumer Law Advice Clinic with the TC Beirne School of Law, University of Queensland and an Administrative Law Clinic, with Bond University. The Griffith University *Public Interest Lawyering* clinic also continued in first semester 2004. These too are vital, not only in providing services to those in need but also in equipping the next generation of lawyers with an appreciation of practical legal issues and an awareness of the public interest. We are fortunate to be able to draw on all sectors of the profession, even its future members.

The year also saw preparation in establishing the Homeless Policy Project, an adjunct to the HPLC to transfer knowledge gained through casework from the clinics to good policy recommendations to government. We also undertook preparatory work for the rural regional and remote project and the coordination of referral services project (see later).

We have continued to develop a strong student volunteer program with students from the University of Queensland, Queensland University of Technology and Bond University. The students volunteer their services to undertake case assessment and research under staff supervision. We have also had student interns from QUT and PLT students from Griffith and Bond. The time that students and lawyers volunteer is invaluable in helping QPILCH carry out its work. I thank all these dedicated students for their assistance throughout 2003-04.

Public Interest Address

We held our first Public Interest Address on 20 August 2003, presented by David Marr, author, journalist and lawyer, on the Tampa crisis. This event was extremely successful as a fundraiser for QPILCH and in reminding all present about the

importance of the rule of law, a theme taken up in our second address by Lex Lasry QC on 27 October 2004 in considering the military commission at Guantanamo Bay.

Membership

Our membership has grown over the last year, with particular support from the Bar. Nonetheless, a strong membership base still presents as an important challenge for QPILCH over the coming year if our income from membership fees is to cover our outgoings, to reach that important level of income to make us self-sustaining. As I reported last year, this is an imperative not only for financial viability but also so we can spread the workload and draw on the skills of the whole profession.

Acknowledgments

I again thank the many people who have enabled QPILCH to develop and refine its services to the community. I will leave the details of the financial support we have received to the Treasurer's report. Here, I thank the people who have championed and shepherded QPILCH over the last year.

Our patron, **The Hon Paul de Jersey, AC**, Chief Justice of Queensland continued throughout the year to provide guidance and support for QPILCH. **The Hon Rod Welford MP**, Attorney-General and Minister for Justice has provided financial assistance and glowing praise in the parliament. I thank both for generously giving their time and encouragement to QPILCH.

I wish to thank **our members** for being part of QPILCH and for accepting referrals on a pro bono basis to assist people in need. It is outstanding that our members have contributed over \$1M through QPILCH to pro bono services during the year.

I thank **QPILCH staff** - Gillie Goldenberg, our administrator, Nitra Kidson, RAILS coordinator, Michael Carey, coordinator of the homeless policy project, and Tony Woodyatt, QPILCH coordinator; and **secondees** – Sara Finch, HPLC coordinator, Linda Macpherson, CLAC coordinator, Suellan Walker-Munro, coordinator of the Administrative Law Clinic.

I also congratulate and thank new QPILCH staff Rochelle Spedding, coordinator of the RRR project, and Rebekah Leong, coordinator of the Referral Services Coordination project who have recently taken up their positions.

Finally, I thank **committee members** who have given so much of their time and energy to the management of QPILCH. I would like particularly to thank members of the first committee, some of whom are still on the committee, whose insight into the possibilities offered by a body such as QPILCH enabled it to move from idea to reality, namely: Lucy Bretherton, Tom Byrne, Jeff Giddings, Simon Cleary, Geoff Harley, Merran Lawler, Dan O'Connor, Robert Reed, Peter Rosengren, Hugh Scott-Mackenzie and Robyn Wilkinson.

The Future

Once again, I am pleased to outline several initiatives that I think will enable us to provide better services to the public. Many people with legal problems still fall through the cracks between available services. While our budget is small, we can provide better targeted and more effective services if we better understand the legal terrain and regularly question how to improve our services for people who are remote from or confused by the legal system. We can do this by:

- drawing on the resources of the greater profession, particularly corporate legal units
- using a mix of paid, seconded and voluntary staff through grants and member assistance to both coordinate and deliver targeted programs

- identifying those with the greatest need to access lawyers and the justice system
- expanding our services in user friendly ways across the state
- accessing technology to better coordinate and deliver services
- working with other service providers to reduce duplication and misdirection of services, and
- working with the courts and other bodies to streamline the services we provide, all with a view to improve access to justice.

To this end, we have developed several exciting projects that have just commenced and will unfold in 2004-05. The RRR project and the Referral Services Coordination project, both outlined later, are seeking to expand and streamline the services we provide outside the South-East. We hope that government and corporate bodies will see the purpose and value of these pilot projects and help us to fully implement them in later years.

We hope to develop more targeted clinics and programs that can address areas of high legal need. I said in my last report that we hope to develop an Indigenous intellectual property project to foster Indigenous enterprise but have so far been unable to find a firm to take this project under its wing.

I hope that we can work more closely with the courts in assisting unrepresented litigants and in developing ways that public interest cases can be dealt with by the courts in innovative and cost effective ways.

The committee has approved for QPILCH itself to take on cases, cases which are assessed as within our guidelines but which cannot be referred. The committee will carefully monitor this aspect of our work, but it too could fill a significant gap.

I reiterate my plea to members of the profession to become involved in QPILCH. The more members we have, the more effective we can be in carrying out the objective of supporting and assisting the community in which we live and work.

Andrew Buchanan
President

TREASURER'S REPORT

I present the audited financial report.

During 2003/04 QPILCH identified a number of areas of legal need for disadvantaged people, and sought to be innovative and flexible in helping to provide services to those people. We have been fortunate to receive support from a number of sectors and agencies in providing these services. Tellingly, there has continued to be an increase in the number of law firms and barristers who have become members of QPILCH. Our members contribute an enormous amount of time, energy, enthusiasm, resources, and expertise to representing needy clients. This speaks loudly of the legal profession's commitment to performing public interest pro bono work for the disadvantaged in our society.

Acknowledgements

A strength of QPILCH is its ability to marshal the resources of the wider community to assist disadvantaged people to access the legal system.

We are grateful for this support and thank all donors for their generosity:

- The **Gambling Community Benefit Fund** for grants for infrastructure and funding of our refugee project.
- The **Grants Committee of the Queensland Law Society** for extension of the refugee project, and assistance to the Homeless Persons' Legal Clinic, the

Homeless Policy Project, the Rural Regional and Remote Project and the Referral Services Coordination Project.

- The **Myer Foundation** kindly provided a grant for the refugee project.
- The **Hon Rod Welford MP Attorney-General and Minister for Justice** provided general funds towards our operating expenses and the Homeless Persons' Legal Clinic.
- **Our members** pay annual membership fees which sustain our daily operations.
- **Member law firms** have seconded solicitors to QPILCH since 2002. The secondees have made a major contribution to QPILCH's work. This commitment of staff hours has exceeded \$100,000 in wages over the last year.
- **Member law firms** have provided staff to attend six homeless persons' legal clinics during work hours since November 2002. This commitment adds up to more than \$750,000 in legal services.
- **Member law firms** and **barristers** have accepted pro bono referrals exceeding \$60,000 in 15 of the 46 matters referred.
- Though received since the close of the financial year, we also acknowledge the kind donation of two computers by **Betta Stores** and the grant by **Jupiters Casino Benevolent Fund** to purchase a number of legal education materials and to purchase a colour printer. We thank both sincerely for their support.

It remains a goal of QPILCH to reach a position of funding stability where it receives adequate recurrent funding to perform its core work, without needing to rely on non-recurrent grants.

Acknowledgement of the outgoing president

Since QPILCH's birth in 2001, Andrew Buchanan has been our outstanding President. He has steered the organisation masterfully. At the birth of an organisation, this calls for the skills not only of a captain, but of a navigator. New waters within the Queensland legal profession have been charted adroitly. Andrew has been committed to QPILCH's success, and has communicated its vision across the legal profession throughout the three years of his term. QPILCH is the product of the many relationships which support it: relationships with members, community organisations, government, and with funders. Andrew understands relationships, and has superbly nurtured the many relationships upon which QPILCH relies. Having worked with Andrew from QPILCH's inception through its establishment, I would like to thank him, both personally and on behalf of all of those associated with QPILCH, for his enormous contribution to the scheme.

Simon Cleary
Secretary/Treasurer

2002-03 MANAGEMENT COMMITTEE

Executive

Andrew Buchanan, President – Partner, Allens Arthur Robinson
Hugh Scott-Mackenzie, Vice-President – formerly Partner, Mallesons Stephen Jaques and now Barrister-at-Law
Simon Cleary, Secretary/Treasurer – Solicitor, Legal Aid Queensland

Committee Members

Lucy Bretherton – Special Counsel, Blake Dawson Waldron

Tom Byrne – Queensland Law Society Incorporated (resigned 15 July 2004)
 Professor Jeff Giddings – Griffith Law School
 Dan O'Connor – Chief Executive, Bar Association of Queensland Inc
 Cathy Pereira – Queensland Association of Independent Legal Services Inc (resigned 11 October 2004)
 Robert Reed – Senior Associate, Minter Ellison
 Joanne Rennick – Partner, MurphySchmidt
 John Swinson – Partner, Mallesons Stephen Jaques (deputized to Cameron Gee to 30 July 2004 and then Brad Galvin)
 Brad Watkins – Legal Officer, Energex Limited
Coopted members
 Emma Robinson – McCullough Robertson
 Robyn Wilkinson – Executive Legal Officer, Legal Aid Queensland

CORE REFERRAL SERVICES

In 2003 – 2004 there were a total of **176** written applications for assistance to QPILCH. A total of **46** applications that met the public interest and legal merit tests were referred to our member firms. Several more applications for assistance were offered for referral but not taken up. The majority of applications came from individuals, with the remainder being made by community groups, non-profit organisations or community legal services seeking expert advice. Most applicants are referred by Legal Aid Queensland, the office of the Attorney-General, MPs, the Legal Ombudsman, community legal centres and the Queensland Law Society.

Of the matters not referred by QPILCH to members, some were referred to other legal service providers that could provide the appropriate assistance.

The following selection gives an insight into the types of cases referred to and undertaken by QPILCH members:

Not for profit and community organisations

Deacons assisted a community school to incorporate, a housing cooperative in relation to possible taxation and regulatory requirements which could impact on its not-for-profit status arising from proposed development of affordable housing, an educational foundation to apply for gift deductibility status with the Australian Taxation Office, and a community group to understand a new service agreement required for government funding.

Shine Roche McGowan gave advice to a peak community organisation in relation to the insurance needed to cover volunteers.

Allens Arthur Robinson assisted a national health and education and support body to incorporate an international network of like organisations.

Clayton Utz gave advice in relation to the terms of a lease which was offered to house a community church, and a peak community organisation which sought advice regarding an audit of its materials for copyright approval.

McCullough Robertson helped an applicant which sought assistance regarding the legal implications of indirect discriminatory training practices for inclusion in a trainee manual informing them of their legislative rights (particularly in relation to workplace issues and sex discrimination).

Freehills helped a community legal service in relation to fringe benefit tax issues.

Mallesons Stephen Jaques assisted a defunct community hospital respond to legal issues relating to the records of former patients.

Bain Gasteen assisted a community group in relation to employee relations.

Other

Shine Roche McGowan assisted an applicant in a conciliation conference in the Anti-Discrimination Tribunal which resulted in monetary compensation for the client, and for another client in relation to expulsion from a Brisbane school.

Minter Ellison assisted two employees in the Industrial Magistrates Court who faced loss of severance pay following dismissal.

MurphySchmidt helped a number of applicants before the Guardianship and Administration Tribunal. One client was successful in obtaining a declaration that he had capacity and an administration order was revoked. Another applicant was assisted in applying for an administration order for her husband after the financial affairs were taken over by another body without due notice.

Brian Bartley and Associates helped an applicant seeking assistance in recovering property or proceeds of sale and avoiding a contract on the grounds of unconscionability.

Bain Gasteen and barrister **David Thomae** successfully assisted an applicant defend an application by a local authority for costs from orders of the Local Government and Supreme Courts arising from public interest environmental action in 1989/90.

Barrister **Franc Asis** prepared an opinion on the interpretation of mortgage documentation for a self-represented applicant in a Banking Ombudsman mediation.

Quinn and Scattini accepted a personal injuries matter arising from allegations of child abuse in government and church run homes where the limitation date had long past.

Mallesons Stephen Jaques assisted an elderly person evicted from the home she had gifted to her family, raising issues of undue influence and unconscionable conduct.

Blake Dawson Waldron assisted an elderly migrant couple negotiate with a landlord who had reneged on an agreement.

Freehills assisted an applicant in applying to the AAT for a review of a decision of the Insolvency and Trustee Service Australia (ITSA) refusing to waive Official Trustee fees on the grounds of hardship.

Deacons and barrister **Damien O'Brien** helped an Indigenous group determine the validity of a deed of assignment in relation to Native Title rights and dealing with a joint venture partner.

CASEWORK STATISTICAL INFORMATION

	2003-04	2002-03	2001-2	Total
Written applications	176	111	50	337
Referrals	46	40	17	103

Tony Woodyatt – contact@qpilch.org.au

PROJECT AND CLINIC REPORTS

Homeless Persons' Legal Clinic

The Homeless Persons' Legal Clinic (HPLC) has now been operating for nearly 2 years, and has gone from strength to strength during this period.

The HPLC has 6 operational clinics throughout the Brisbane metropolitan area with plans for regional clinics to commence in Townsville and the Gold Coast underway.

The HPLC provides legal services at crisis accommodation centres and welfare agencies, including the 4AAA Kiosk, Mission Australia Community Café, Ozcare Homeless Men's Hostel (formerly St Vincent's Community Services), Red Cross Youth

Night Café, Salvation Army's Pindari Homeless Men's Hostel and the Anglican Women's Hostel.

Salvation Army Pindari has recently established a homeless women's hostel and we will be approaching another member firm to provide volunteer lawyers to provide a legal service to the women's hostel.

The HPLC remains a partnership between private law firms, which provide the lawyers, and welfare agencies, which provide the venue. The Clinic is staffed by lawyers from Allens Arthur Robinson, Blake Dawson Waldron, Clayton Utz, Freehills, Gilshenan & Luton, Mallesons Stephen Jacques, McCullough Robertson, McInnes Wilson, Minter Ellison and MurphySchmidt.

During the past year the HPLC has seen approximately 308 new clients and has a total active client base of 439. From our database records it can be seen that the majority of the clients have been receiving Centrelink payments and have been living in emergency housing or boarding houses.

We have assisted a number of clients with debts, fines and infringement notices, social security issues and provided assistance to clients in applying for legal aid or referrals to other community legal centres. We have also advised clients in relation to, amongst other things:

- suing a large tobacco company;
- cancelling a contract for a credit card and seeking waiver of the debt on the basis that the client cannot recall applying for the credit card (on account of an epileptic seizure) and which somebody else has run up costs;
- taking action against a housing shelter for harassment and abuse by the shelter's staff;
- wills and estates; and
- copyright issues.

Application has now been made to government for a grant which would allow the clinic to employ a part-time coordinator and cover the HPLC's administration costs.

The inaugural national meeting of the homeless persons' legal clinics will be held on 18 November 2004 in Melbourne. The HPLC coordinators from Sydney, Melbourne and Brisbane will meet in the morning followed by a national meeting of team leaders that afternoon. This should see the start of national initiatives and knowledge sharing going forward.

Sara Finch - hplc@qpilch.org.au

Refugee and Immigration Legal Support Project

The Refugee and Immigration Legal Support (RAILS) Project commenced in April 2003. It is a partnership project between QPILCH and South Brisbane Immigration and Community Legal Service (SBICLS). Its goal is to increase the level of legal assistance available to Temporary Protection Visa (TPV) holders and asylum seekers in Australia. Funding received from the Gambling Machine Community Benefit Fund and the Myer Foundation enabled us to employ Nitra Kidson as the part-time project coordinator from January 2004.

A big part of the project is to recruit and support volunteer lawyers to prepare Refugee Review Tribunal applications for TPV holders from Afghanistan, Iraq and Iran. Although the rate of departmental decision making has been considerably slower than anticipated (mainly due to the Minister placing a moratorium on processing the Iraqi caseload), we are pleased to report that all of the RAILS Project Tribunal cases have been successful to date. The volunteer lawyers have been excited and enthused by the

work, and all have reported finding it a challenging but deeply rewarding experience. Several Tribunal members have specifically commented on the quality and comprehensiveness of the legal submissions being delivered through the RAILS Project. Further volunteers have come on board to regularly gather up to date country information for use in Tribunal cases.

Tribunal statistics to 30/6/04

RRT referrals:	8
Successful cases:	5
Unsuccessful cases:	-

The RAILS Project also assesses applications for court assistance in refugee and migration cases. Some very interesting cases were referred out to private firms including:

- Two cases involving criminal deportation decisions made several years ago, but then formally abandoned by the Minister as a result of a High Court ruling in 2001. In light of a more recent High Court ruling in December 2003, the Minister tried to enforce those old decisions without going through any process of considering changes in circumstances. One of these cases was successful in the Federal Court; the other decision is still pending
- An Afghan TPV holder who was denied permanent protection by the RRT on the basis that it was now safe to return to Afghanistan. The legal issue involved is of critical importance to the TPV caseload generally, and this case is one of a series of cases being brought around the country by refugee advocates. The case will be heard in the new year.
- An elderly pensioner was denied the ability to sponsor his adult daughter to Australia to provide him with full-time care, on the basis that he could go into a nursing home at any time, whether he wished to or not. The decision is pending in the Federal Court.

Litigation statistics to 30/6/04

Cases assessed:	11
Referred:	6
Screened out:	4

Finally, an initiative of the RAILS Project has been to develop databases for use in refugee case preparation. With the help of volunteers, we initially created a database of RRT decisions involving TPV holders from Afghanistan. It has proved enormously useful for Tribunal case preparation, and is being shared enthusiastically with twelve other community based legal services around Australia.

The database has proved so effective and popular that, on the basis of it, we successfully obtained a small grant of funding from the Don Chipp Foundation to develop a Refugee Jurisprudence database of Federal and High court decisions. As a condition of funding, we undertook to make the court database available to refugee legal services on a national basis. We hope to have the database ready for launching in February 2005.

We would like to thank the many volunteers who have made the RAILS Project such a success and who, through their involvement, have enabled us to set our sights high for what it can achieve. There has been a great deal of interest in the model of

private sector participation provided by the RAILS project, and we are hopeful it will be duplicated in other states.

RAILS Project volunteers

Damien Atkinson	Mandy Easter	Louise Paulsen
Kate Avery	Alana Ebert	Nicole Randall
Simon Batten	Sue Field	Paula Rogers
Sonali Bishop	Lara Flanagan	Leanne Smith
Tania Boal	Angus Francis	Jo Sorbello
Catriona Burke	Bronwyn Fursey	Rochelle Spedding
Eve Campbell	Maria Gittins	Myra Stocker
Michael Carey	Gary Goldman	Katie Stride
Sophie Chamberlin	Marg Herriot	Monica Taylor
Karen Chapman	Rebekah Leong	Suellan Walker-Munro
Andrew Clark	Eoin MacGiolarì	Alexis Wallace
Sophie Devitt	Cynthia Marchant	Nicole Watson

Nitra Kidson - rails@qpilch.org.au

Homeless policy project

In July this year funding was secured for a policy officer to work with the HPLC. It was envisaged that this role be made up of two components. The first is working for the positive reform of laws in Queensland that impact on the homeless, and the second will focus on the establishment of HPLC's in some regional areas of Queensland.

QPILCH has been intimately involved in the movement to reform the Vagrants Gaming and Other Offences Act 1931. As part of a collective effort called the Rights In Public Space Action Group (RIPS) QPILCH has been involved in a consultation process for the new Summary Offences Bill 2004. This consultation grew out of the highly successful forum 'Legislated Intolerance – Public Order Law in Queensland' held in the Banco Court and attended by more than 300 people including members of the judiciary, government and the Queensland Police Service. Despite serious reservations about the final content of the Bill, RIPS were successful in achieving a reduction in the penalties within the Bill as well as the inclusion of a reasonable excuse defence to charges of wilful exposure. Other initiatives including a drive for legislative systemic diversion for homeless and other vulnerable people have also been on the agenda.

QPILCH will also be involved this November in the first national meeting of representatives of HPLC's from Queensland, New South Wales and Victoria. It is hoped that this meeting will become a regular occurrence. It is also hoped that this meeting will provide a useful focus on issues requiring national reform.

In addition to these specific legal reform initiatives the policy position has allowed QPILCH to participate in a project being run by the South Side Community Centre focused on building meaningful networks for people experiencing difficulty staying in the private rental market.

The expansion of the HPLC concept into other communities in Queensland has progressed more slowly than the policy work. We have focused our efforts on Townsville and the Gold Coast. Some preliminary work has been done for both these clinics. The reduction in intensity of the policy work brought about by the introduction of the Summary Offences Bill 2004 will mean that the focus of the policy role into the New Year will be on the development and implementation of these two clinics.

Michael Carey - homelesspolicy@qpilch.org.au

Rural Regional Remote project

The Regional Rural and Remote Pro Bono Law Project commenced in October 2004 with the appointment of the coordinator, Rochelle Spedding. The project aims to assist the provision of pro bono legal services in rural, regional and remote areas of Queensland by instigating "partnerships" between regional firms and metropolitan firms. The project will run two "pilots" where links between two regional firms and two metropolitan firms will be facilitated so rural and regional clients in need of pro bono assistance can be aided by their local solicitors with the help of city firms. A set of "guidelines" will be developed by the coordinator with the input of both firms (based on their particular needs) which will govern the relationship between the regional and metropolitan firms, and protect the interests of each party. It is hoped that these guidelines may then be used by other firms to develop their own relationships after the end of the pilot phase.

Rochelle Spedding - rrr@qpilch.org.au

Coordination of referral services project

There are currently a number of pro bono and low cost referral services operating in Queensland. These include formal and informal schemes run by QPILCH, the Bar Association Queensland, and the Courts, among others.

The current system has led to duplication of effort, misdirection of referrals, referral repetition (i.e., the same firms getting all the referrals) and referral fatigue. The lack of formalised processes can also result in ad hoc assistance or no assistance at all.

The Referral Services Project aims to avoid these problems by establishing a coordinated approach to the pro bono legal referral services provided by QPILCH and other referral services such as BAQ and the Courts.

With the assistance of funds from the Grants Committee of the Queensland Law Society, solicitor Rebekah Leong commenced at QPILCH in November 2004 to carry this project forward with the intention of launching the scheme by 1 July 2005.

Rebekah Leong - referral@qpilch.org.au

Griffith Law School *Public Interest Lawyering* clinic

The first Griffith Law School and QPILCH "*Public Interest Lawyering*" student clinic commenced in second semester 2002 with clinics following in each semester since until the end of first semester 2004. From this year, this clinic will operate in first semester. As part of their course, final year Griffith law students undertake research projects of public interest and assist in assessing applications for pro bono assistance under the supervision of the QPILCH coordinator. The aim of this structured course is to equip the next generation of lawyers with an appreciation of public interest issues.

QPILCH's innovative clinical program with Griffith Law School enables students to benefit from working on a wide range of matters related to the work of QPILCH. In casework assessment, they consider in detail whether such matters satisfy the QPILCH public interest guidelines and merit test. They therefore make an important contribution to QPILCH's core referral function.

Students also have the opportunity to work on community legal education projects as part of the course. Over the first three semesters, students prepared a draft model solicitor/client agreement, an article on the new coroner's legislation, a pro bono referral manual and a fees and costs waiver manual. The last group worked on materials for the RAILS project and assisted Queensland Advocacy Incorporated with preparation of a

manual for people with intellectual disabilities. This work will soon come to fruition, as QPILCH has been successful in obtaining a grant from Jupiters Casino Benefit Fund to edit these documents for public and professional use.

QPILCH management is committed to developing this clinic so that students gain a strong appreciation of the importance of lawyering in the public interest, the effective use of different forms of legal practice while developing their practical legal skills to the highest standards.

Professor Jeff Giddings, Griffith Law School - J.Giddings@griffith.edu.au

Public Interest Lawyering students

Semester 2 2003

Jessica Brake
Alana Ebert
Nikola Errington
Kate McArthur
Sami Osman
Rachael Spoor

Semester 1 2004

Matthew Halliday
Karishma Narayan
Nicole English
Christine Collins
Yvonne Cross
Terry Stedman

Consumer Law Advice Clinic

The Consumer Law Advice Clinic commenced operation on 12 August, 2004. The week before the clinic became operational, the students from UQ attended a day of training at Clayton Utz, conducted by Randal Dennings and myself, to give them an overview of the Uniform Consumer Credit Code. Catherine Uhr and Loretta Kreet, solicitors from the Legal Aid Consumer Law Protection Unit and Nicola Howell the Director for the Griffith University Centre for Credit and Consumer Law also attended to provide the students with some practical experiences. Their input was invaluable and my thanks to Catherine, Loretta and Nicola for giving up their time to assist with the training.

I would also like to thank and acknowledge Gregory Mowle formerly a financial counsellor from Advantage Debt Management Service, an activity of Lifeline Brisbane, who has also agreed to attend the clinic to give the students an overview of the role of the financial counsellor and the problems that they encounter. Greg's knowledge and experiences were invaluable to the students.

The students attended the clinic every Thursday from 12 August to 7 October 2004 and have been increasingly busy with calls from consumers. They have had to deal with issues such as bankruptcy, credit card debt, advice as to the procedures of a mortgagee to recover possession of their homes, debtor harassment, unjust and unconscionable conduct relating to guarantees, recovering fees paid to mortgage brokers and disputes with financial advisors. They also advised clients on civil procedures after service of a claim upon them and give them assistance with drafting defences. The students gained an understanding of file management, letter writing skills and gaining experience on how to effectively take instructions over the telephone.

The clinic not only provides a free service to assist disadvantaged people with problems relating to consumer credit and debt, but also gives the students practical experience that they would not otherwise be able to gain through their course at UQ. The students reported that they enjoyed their day at the clinic and clients have appreciated the assistance that is being given.

Cases undertaken by the students include:

- Client telephoned with request for assistance with respect to an account for over \$6,000.00 issued by a financial administration service company for

alleged advice and assistance given in relation to their debts including incorrect advice as to the transfer of the client's home into the name of their daughter to defeat creditors. The client and their daughter were also being harassed by the financial administration service company. The student concerned has written to the client advising them to report the company to the ACCC and ITSA and has advised the client as to an appropriate letter to write to the financial administration service company in response to its threatening letters and invoice. The client has received no further correspondence from the company.

- Client telephoned with request for assistance as to how to deal with 3 loan contracts (2 for loans of \$500.00 and 1 for \$1,000.00) entered into by the client, each with interest rates of 520%. The client, who was on a disability pension, had defaulted in repayment of these loans and was receiving demanding calls and letters from the finance company. The student concerned has looked at the calculation of interest made by the finance company and has questioned the calculations. The client has been advised on further details to request from the finance company with respect to the interest calculations and has given the client advice as to what to include in a letter to the finance company to try to negotiate a repayment arrangement. The student has also advised the client to seek assistance from a financial counsellor at Lifeline. To assist the client further, the student also gave the client detailed information on bankruptcy, as the client was unaware of the legal and financial consequences of bankruptcy.

I would like to acknowledge Tony Woodyatt, coordinator of QPILCH, Paul O'Shea, lecturer and Professor Ross Grantham from the TC Beirne School of Law and Randal Dennings, partner from Clayton Utz for their work in the establishment, launch and promotion of the clinic. I would also like to thank Graeme Howatson of Clayton Utz for filling in as supervisor whilst I was on leave.

Linda Macpherson - consumer@qpilch.org.au

CLAC students semester 2 2004

Sara Forgione
Matthew Hammond
Kala Heinemann
Jonathan Lewis
Mathew Waters
Rosena Yau

Administrative Law Clinic

Following the clinic launch by the Chief Justice on 16 September 2004, the Bond University Administrative law Clinic began on 17 September 2004. Six final year students attend for one day per week to provide advice and minor assistance in Commonwealth and State administrative law, particularly judicial review, AAT and SSAT matters. While only operating for about six weeks, the students have assisted clients in a diverse range of matters including Centrelink decisions and prison issues. Like the other clinics, the students also undertake project work in addition to casework. The first group is preparing some administrative law materials and a submission on administrative review in Queensland. Importantly, the first group is also involved in putting in place a manual of administrative law cases and materials which later groups will build on as a resource for the clinic.

Examples of the work undertaken so far include:

- In a recent matter, a student assisted an elderly male client in relation to his eligibility for a single rate aged pension. The student was able to advise the client how to arrange his personal affairs in line with the legislation so that he could successfully reapply for payment.
- Two students have drafted affidavit material and undertaken research for a barrister who is acting pro bono in a judicial review matter lodged by the client in the Supreme Court to review a decision by the Public Service Commissioner.

I thank Michael Weir, Deputy Dean, Bond University Faculty of Law and Robert Reed of Minter Ellison for the preparatory work in developing this clinic.

Suellan Walker-Munro - adminlaw@qpilch.org.au

Administrative Law Clinic students Term 3 2004

David Decker
Sarah Furlonger
Laurie Harding
Sam Holloway
Eric Nanayakkara
Phillip Tull

Student interns

QUT intern Semester 1 2004

Sam Orr

Griffith PLT June/July 2004

Amanda Easter

Queensland Public Interest Law Clearing House Incorporated

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P: GPO Box 1543
BRISBANE QLD 4001

**Queensland Public
Interest Clearing
House Inc.**

**Special Purpose Financial
Report for the year ended
30 June 2004**

Pitcher Partners
Level 21 300 Queen Street
Brisbane Qld 4000
Telephone: (07) 3228 4000

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

***SPECIAL PURPOSE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2004***

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

Scope

The financial report and committee's responsibility

The financial report comprises the statement of financial performance, statement of financial position, statement of cash flows, accompanying notes to the financial statements, and the Management Committee's declaration for Queensland Public Interest Law Clearing House Inc (the association), for the year ended 30 June 2004.

The Management Committee of the association are responsible for the preparation and true and fair presentation of the financial report in accordance with the Associations Incorporation Act 1981. This includes responsibility for the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

Audit approach

We conducted an independent audit in order to express an opinion to the members of the association. Our audit was conducted in accordance with Australian Auditing Standards in order to provide reasonable assurance as to whether the financial report is free of material misstatement. The nature of an audit is influenced by factors such as the use of professional judgement, selective testing, the inherent limitations of internal control, and the availability of persuasive rather than conclusive evidence. Therefore, an audit cannot guarantee that all material misstatements have been detected.

We performed procedures to assess whether in all material respects the financial report presents fairly, in accordance with the Associations Incorporation Act 1981, including compliance with Accounting Standards and other mandatory financial reporting requirements in Australia, a view which is consistent with our understanding of the company's financial position, and of its performance as represented by the results of its operations and cash flows.

We formed our audit opinion on the basis of these procedures, which included:

- examining, on a test basis, information to provide evidence supporting the amounts and disclosures in the financial report, and
- assessing the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by the Management Committee.

While we considered the effectiveness of management's internal controls over financial reporting when determining the nature and extent of our procedures, our audit was not designed to provide assurance on internal controls.

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

Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Audit opinion

In our opinion, the financial report of Queensland Public Interest Law Clearing House Inc is in accordance with:

- (a) the Associations Incorporation Act 1981, including:
 - (i) giving a true and fair view of the association's financial position as at 30 June 2004 and of its performance for the year ended on that date; and
 - (ii) complying with Accounting Standards in Australia and the Associations Incorporation Act 1981; and

- (b) other mandatory financial reporting requirements in Australia.

PITCHER PARTNERS

R J St Clair

Partner

Brisbane, 17 October 2004

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

Management Committee Statement

In the opinion of the Management Committee -

(a) The financial report, as set out on pages 5 to 10 , presents fairly the Association's financial position at 30 June 2004 and its performance, as represented by the results of its operations and cash flows, for the year ended on that date, in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other authoritative pronouncements of the Australian Accounting Standards Board; and

(b) At the date of this statement there are reasonable grounds to believe that the Association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Management Committee and is signed for and on behalf of the Management Committee.

(President)
Mr Andrew Buchanan

(Secretary/Treasurer)
Mr Simon Cleary

Brisbane,

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

Statement of Financial Position

As at 30 June 2004

	Note	2004	2003
		\$	\$
<u>Current Assets</u>			
Cash	2	131,215	71,863
Receivables	3	2,358	22,254
Total Current Assets		133,573	94,117
<u>Non-Current Assets</u>			
Furniture & equipment	4	28,063	24,037
Total Non-Current Assets		28,063	24,037
Total Assets		161,636	118,154
<u>Current Liabilities</u>			
Creditors & accruals	5	3,306	7,124
Subscriptions in Advance		10,500	32,755
Provision for Employee Entitlements		8,179	4,306
Total Current Liabilities		21,985	44,185
Total Liabilities		21,985	44,185
Net Assets		139,651	73,969
<u>Equity</u>			
Members Retained Funds		139,651	73,969
Total Equity		139,651	73,969

The accompanying notes form part of the financial report.

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

Statement of Financial Performance

For the year ended 30 June 2004

	Note	2004	2003
		\$	\$
Revenue			
Membership		49,355	36,055
Grants	6	185,257	51,981
Interest		2,510	137
Donations and Fundraising		8,710	3,625
Sundry Income		1,804	-
		247,636	91,798
		247,636	91,798
Expenses			
Staff Costs		86,491	63,691
Operating Expenses		97,135	35,153
		183,626	98,844
		183,626	98,844
Operating Surplus (Deficit)		64,010	(7,046)
Prior year GST refund		1,672	10,465
		65,682	3,419
		65,682	3,419
Members funds beginning of year		73,969	70,550
Members funds end of year		139,651	73,969
		139,651	73,969

The accompanying notes form part of the financial report.

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

Statement of Cash Flows

For the year ended 30 June 2004

	2004	2003
	\$	\$
Cash flows from operating activities		
Receipts of income	242,133	91,246
Payments to suppliers & employees	-177,913	-98,974
Interest received	2,510	137
Net cash provided by operating	66,810	-7,591
 Cash flows from investing activities		
Payment for plant & equipment	-6,208	-24,487
Net cash provided by investing	-6,208	-24,487
Net increase (decrease) in cash held	60,602	-32,078
Add opening cash brought forward	70,613	102,691
Closing cash carried forward	131,215	70,613

Note (a)

Reconciliation of operating loss to net cash flows from operations

Operating surplus (loss)	65,683	3,419
Add depreciation	2,181	2,471
<u>Changes in assets & liabilities</u>		
Receivables	19,896	-23,504
Creditors	55	2,923
Accrued Income	-21,005	7,100
Net cash flows from operating	66,810	-7,591

The accompanying notes form part of the financial report.

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

Notes to the Financial Statements

For the year ended 30 June 2004

Note

1

Statement of Significant Accounting Policies

This financial report is a special purpose financial report that has been prepared in accordance with Australian Accounting Standards, other mandatory professional reporting requirement and the requirements of the Associations Incorporation Act (Qld) 1981.

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.

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) Income Tax
Queensland Public Interest Law Clearing House Inc. is exempt from income tax as a non-profit charitable institution.

- (c) Cash
For the purpose of the Statement of Cash Flows, cash includes cash on hand and at the bank.

- (d) Fixed Assets
Fixed assets have been capitalised at their cost of acquisition.
Depreciation has been calculated on the Prime Cost basis based on an estimate of the asset's useful life.

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

Notes to the Financial Statements

For the year ended 30 June 2004

Note	2004	2003
	\$	\$
2 Cash		
Cash float	33	224
Cash at bank	<u>131,182</u>	<u>71,639</u>
	<u>131,215</u>	<u>71,863</u>
3 Receivables		
Security Deposit	1,250	0
Debtors	1,074	22,220
ABN Withholding Credits	<u>34</u>	<u>34</u>
	<u>2,358</u>	<u>22,254</u>
4 Furniture & Equipment		
Computers, at cost	22,965	8,512
Less: accumulated depreciation	<u>(1,829)</u>	<u>(1,967)</u>
	<u>21,136</u>	<u>6,545</u>
Office furniture, at cost	10,132	18,379
Less: accumulated depreciation	<u>(3,205)</u>	<u>(887)</u>
	<u>6,927</u>	<u>17,492</u>
	<u>28,063</u>	<u>24,037</u>
5 Creditors and Accruals		
Sundry creditors	126	1,453
GST	(996)	2,606
PAYG	<u>4,176</u>	<u>3,065</u>
	<u>3,306</u>	<u>7,124</u>
6 Grants		
Qld Law Society Grants Committee	83,325	25,000
Queensland Government	20,000	5,000
Other	<u>81,932</u>	<u>21,981</u>
	<u>185,257</u>	<u>51,981</u>

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

Notes to the Financial Statements

For the year ended 30 June 2004

Note

7 Commitments

As at 30 June 2004 there were no mortgages, charges or securities of any description affecting the assets of the Association.

8 Management Committee Members

Management Committee Members during the year were

Andrew Buchanan (President)
Hugh Scott-Mackenzie (Vice-President)
Simon Cleary (Secretary/Treasurer)

Lucy Bretherton
Tom Byrne
Jeff Giddings
Dan O'Connor
Cathy Perelra
Robert Reed
Joanne Rennick
John Swinson
Brad Watkins
Emma Robinson
Robyn Wilkinson

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