

PILCH

Queensland Public Interest Law Clearing House

ANNUAL REPORT

2010 = 2011



PILCH

STATISTICAL SNAPSHOT

2010-2011 CASEWORK

Referral Services

483 applications received, a 35% increase over last year

126 referrals, a 75% increase over last year

Self Representation Service (Courts)

172 applications received

401 appointments conducted

Self Representation Service (QCAT)

171 applications received

202 appointments conducted

Homeless Persons' Legal Clinic

415 new files opened

Refugee Civil Law Clinic

24 new files opened

Administrative Law Clinic

36 new files opened

Mental Health Law Clinic

44 new files opened

PRO BONO SINCE 2002

Public Interest Referrals

1711 applications received to date

649 referrals to date

Homeless Persons' Legal Clinic

2683 files opened

Refugee Civil Law Clinic

137 files opened to date

Administrative Law Clinic

185 cases to date

Mental Health Law Clinic

68 cases to date

2010-2011 FINANCIALS

Revenue - \$1,365,000

Expenses - \$1,204,000

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PRESIDENT'S REPORT

QPILCH turned ten in early 2011, recognised by our patron The Honourable Paul de Jersey AC, Chief Justice of Queensland at the Public Interest Address on 9 June 2011.

I am the fourth president of QPILCH in that time, succeeding Andrew Buchanan, Peter Rosengren and Joanne Rennick, and am proud to have served on the committee since QPILCH's inception. I represent on the management committee my firm Minter Ellison, one of the six founding firms along with Allens Arthur Robinson, Blake Dawson, Clayton Utz, Mallesons Stephen Jaques and McCullough Robertson. The other founding organisations include Legal Aid Queensland, the Queensland Association of Independent Legal Services, the Bar Association of Queensland and the Queensland Law Society.

Many milestones have been passed in the last ten years. Most importantly, QPILCH has grown in membership from those six firms to now include 36 law firms of all sizes, over 100 barrister members, four universities, one accountancy firm (BDO) one government legal unit (the ACCC), a corporate legal unit (Xstrata Copper) and associate member *Managing Justice*.

Also in that time, with the support of many volunteers, our services have grown from a public interest referral agency to an organisation that manages the QLS and Bar pro bono referral schemes, conducts 12 Homeless Persons' Legal Clinics around Queensland and the Refugee Civil Law Clinic, a Self Representation Service in the Supreme and District Courts, QCAT and the Federal Magistrates Court and Federal Court in Brisbane, six student clinics and a range of projects to address unmet legal need, extend our services to rural and regional areas, respond to natural disasters and foster more effective dispute resolution processes.

The founding committee was formed in early 2001 and Tony Woodyatt was appointed director later that year, formally commencing the referral program from the beginning of 2002. Simon Cleary, the first secretary/treasurer of QPILCH, had already begun to facilitate some referrals in the latter half of 2001 from his position as Youth Advocate at Legal Aid Queensland. Tony's first formal referral was the matter of *Baker Johnson v Jorgensen*, taken up by MurphySchmidt, resulting in the judgment of McGill SC DCJ that led to major changes in the way solicitors could charge clients in speculative cases in Queensland.

Over the years, there have been many other cases taken on by our members that have delivered valuable and positive results for Queenslanders who would not otherwise have been able to obtain a lawyer. This is the essence of QPILCH and should give all our members great pride.

Since 2001, there have been 649 public interest referrals from 1711 applications for assistance; since 2009, the QLS and Bar Pro Bono Scheme has processed 473 applications for assistance and made 103 referrals; since 2002 the HPLC has assisted 2683 people who were homeless or facing homelessness; since 2007, 137 people have been assisted in the Refugee Civil Law Clinic; since 2007 the Self Representation Service has received 859 applications from parties representing themselves; 185 have been helped by the Administrative Law Clinic since 2005; and 68 have been assisted by the Mental Health Law Clinic since 2010.

There are many people who have made wonderful, outstanding and inspirational contributions to QPILCH and its work over the last ten years. Those people are too numerous to name here. They have been recognised in previous annual reports and newsletters. But importantly, the significant achievements are not attributable to any one person. QPILCH's strength lies in the contribution of all its members, supporters and staff.



I am particularly heartened by the many volunteers, the principals of our member firms and individual barristers who participate in QPILCH because they and QPILCH are committed to access to justice.

It is of constant surprise and delight to me and my colleagues on the committee that so much has been done by a profession of essentially competing and competitive members. It shows the importance of the concept behind QPILCH and clearly demonstrates the commitment of the legal profession to our communities. This commitment is sweeter because it is voluntary.

Of course, I know we can always do more as members and I urge you to consider what you can do and how you can work with QPILCH to achieve it. The committee strongly believes that a lot more can be achieved through our members targeting their pro bono commitment even more than now in collaboration and partnership with others through the framework and umbrella provided by QPILCH.

I thank all members for your contribution in the year past and for the past ten years of great community service.

Projects, programs and events during 2010-11

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

In early 2011, with the great assistance of **Kathleen Singleton** of **Eloquent Consulting**, we conducted two seminars with barrister and firm members to obtain feedback from our members about QPILCH's membership and referral processes. This was informative and valuable and has led to a number of changes in the way we conduct our business, with more changes planned when we have the necessary resources.

Late in the financial year, the **Homeless Persons' Legal Clinic** secured some additional funding from **Perpetual** to employ a one day per week coordinator at the Toowoomba clinic. This follows the employment of **Amy Hoy** in Townsville earlier in the year.

More than 500 people joined the fourth annual **Walk for Justice**, led by the Chief Justice and the Attorney-General on Monday, 16 May 2011. The walk again coincided with walks in Sydney, Melbourne, Adelaide and London. \$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.

We also held the inaugural **Red Wine for Justice** on 23 July 2010. This event was very well-received and a strong fundraiser. We thank everyone who donated or bought wine and all those who attended the event.

I extend my thanks to **Karen Kearney** for her outstanding efforts in organising these events.

The HPLC Art Show was once again a success and I thank **Amy Heading**, **Lauren Steele** and **Elizabeth Pendlebury** for their hard work in organising this event.

I also congratulate all staff members, particularly **Cristy Dieckmann**, who worked beyond their respective calls of duty to organise the 2010-11 QAILS conference. The Queensland Association of Independent Legal Services holds an annual conference to bring together CLC employees from across the State to discuss access to justice issues.

The year ahead

The continuing 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. Our services can make savings for government and draw pro bono resources from the private profession, maximising community benefit. We have met with successive Attorneys-General to offer a constructive and collaborative approach to resolving the problems associated with LPITAF. In June, we met with the Deputy Premier and Attorney-General, **The Hon Paul Lucas MP**, to once again seek active communication with his department on this issue. The Attorney agreed to arrange a meeting with relevant departmental staff and we look forward to working with the department to look for a positive and practical solution.

We also spoke with the Attorney about government involvement in pro bono. We have since met with the Crown Solicitor, **Greg Cooper**, and hope to involve government lawyers in our pro bono work in the near future.

QPILCH was disappointed with the change to court fees initiated by the government in mid 2011. Over coming years, these changes will impact particularly on clients of the Self Representation Service who will no longer be able to apply for a waiver of court fees, although reductions will be possible.

With the support of the Bar Association and the active involvement of Bar Council members **Liam Dollar** and **Mark Plunkett**, QPILCH has been preparing a Magistrates Court Civil Law Representation Panel, which we hope will commence in early 2012.

In 2009, QPILCH in partnership with University of Queensland's TC Beirne School of Law established the **Mental Health Law Clinic** to work directly with clients experiencing mental illness through an outreach clinic run in conjunction with Queensland Advocacy Inc at the Princess Alexandra Hospital. Since then, we have been working with **DLA Piper Australia**, **Open Minds** (a mental health support agency) and **QAI** to establish a service provided by DLA volunteers at Open Minds to augment legal services in this much under-resourced area. The new service will commence in October 2011. We thank all participants involved in this important and necessary initiative.

Two major projects in planning over 2010-11 will come to fruition in 2011-12 and will have the potential to significantly reflect on our work and engagement with the community.

Under the guidance of **Professor Jeff Giddings** of Griffith University Law School and **Dr Blake McKimmie** of the UQ Psychology Department, we will be conducting a major evaluation of our Self Representation Service in the Supreme and District Courts. From January 2012, we will also be conducting an evaluation of the first six months of operation of the new Federal Court SRS.

Under the guidance of the **Environmental Law Roundtable** (Stephen Keim SC (chair), Associate Professor Poh-Ling Tan (GU Law School), Joanne Bragg (EDO), Cara Thomson, Robert Speed, Michelle Maloney and QPILCH) and with the participation and support of many others, **Catherine Cocks** and a GU student clinic will be conducting research into community based decision making.

Special acknowledgments

I again sincerely thank the Chief Justice of Queensland, **The Honourable Paul de Jersey AC**, our patron, for his valued and ongoing support of QPILCH and his recognition of the work of our



members. In recognition of our 10th anniversary, the Chief Justice acknowledged this milestone by delivering QPILCH's 2011 Public Interest Address on 9 June 2011.

I thank the **Hon Paul Lucas 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 funding of the Homeless Persons' Legal Clinic for 2010 – 2013.

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.

I thank **The Honourable Patrick Keane**, Chief Justice of the Federal Court of Australia, **Chief Federal Magistrate John Pascoe AO** and the **Hon Robert McClelland MP**, Federal Attorney General, for their support in establishing the new Federal Court arm of the Self Representation Service. I also thank Federal Court Registrar **Heather Baldwin** for facilitating the establishment of the new Federal Court SRS.

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 **Tami Grealy** and **Matthew Hodgson-van Daal**. We could not have assessed the high number of applications for assistance we received this year without their hard work.

Mallesons Stephen Jaques seconded **Fiona Ellis** for four months full-time to help with the January 2011 natural disasters. I thank Mallesons for this timely and generous secondment and Fiona for her dedication and hard work.

McCullough Robertson provided two secondees, **Kimberley Davis** and **Alyce Corbutt**, to assist the operation of the SRS (QCAT) in Andrea de Smidt's absence on long leave. Cameron Lavery acted in Andrea's role and filled the crucial paralegal role. I thank McCulloughs, Kimberley and Alyce for their great assistance.

I thank all **QPILCH members**, whose names grace the back cover of this report for their wonderful support of QPILCH in accepting referrals, participating in the clinics, providing secondees, attending our events, donating to our fundraisers and providing wise counsel. I similarly thank members of the QLS and Bar Pro Bono Schemes.

Senior expert practitioners **Lex MacGillivray** and **John Jerrard** have also provided enormous assistance. I thank them and invite more retired and career break lawyers to follow their lead by volunteering at QPILCH.

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 **QPILCH staff members** who work with great dedication and enthusiasm. Staff members who left in the year include **Monica Taylor** (to work at QAI), **Lauren Steele** (to travel overseas), **Erin Thomas** (to return overseas), **Reimin Hii** (to work in Cambodia) and **Emma Allatt** (to take up a graduate position at Cooper Grace Ward). **Cristy Dieckmann** took 12 months leave without pay to act as director of the Youth Advocacy Centre.

I thank my fellow **committee members** who have supported me in my first year as president.

Finally, I particularly thank **Hugh Scott-Mackenzie** who has been vice-president of QPILCH since inception and who has decided to step down from the committee at the 2011 AGM. Hugh was a founding member of QPILCH as the partner representing Mallesons Stephen Jaques. He has played a fundamental role in QPILCH's formation and development over the last ten years, continuing as vice president and barrister member representative when he left Mallesons to join the private bar. Hugh's expertise and breadth of knowledge has been invaluable to QPILCH as a board member. He has also actively accepted many referrals beyond the call of duty. I speak for all of QPILCH in thanking him for his great contribution and hope that he will continue his involvement over the years to come.

Robert Reed
PRESIDENT

TREASURER'S REPORT

I present as Treasurer the audited financial report for the financial year 2010-11.

This is my first report as treasurer, building on the work of my predecessors Simon Cleary and Robert Reed in repeating QPILCH's fiscal mantra - to be administratively lean and fully transparent in its use of all its funding.

It is important to remember that in 2001, QPILCH was established by a generous gift from its six founding firms. This was augmented by a one-off grant by the then Attorney-General, the Hon Rod Welford MP in 2002 and by the generous provision of office space for our first year by Shine Lawyers. Along with growing membership fees, this support sustained QPILCH until 2005 when it obtained its first government grant under a funding program.

This year, as over previous years since 2005, we have relied on government funding for most of our needs. Without this funding, primarily to coordinate the services, QPILCH could not function. We would like to be less reliant on government funding, but it will be many years before this can be achieved, though we are working towards it.

Our major cash source for 2010-11 was again membership fees (6.5%), clinics (8%) and government funding (80%), and I thank our members and funders for their support. Except for recurrent LPITAF funding which is approximately 36% of our income, all our funding is non-recurrent and therefore insecure. Our major outgoings were wages (75%) and rent (6%).

Since 2008, the proceeds of the Walk for Justice has created and maintained the Disbursement Fund, a fund now reaching \$75,000 to be used for disbursements in pro bono cases. The funding to date has been used for expert and medical reports, filing fees and some travel. Some personal donations (including a wonderful gift of \$5,000 from an anonymous donor for flood relief) and proceeds from the 2010 Red Wine for Justice also contributed to the Disbursement Fund.

Over the last year, QPILCH has been working to establish a Civil Justice Fund as a sub-fund of the Queensland Community Foundation. We envisage that this initiative will benefit not just QPILCH but all community legal centres in developing civil law projects and undertaking test cases. Our status as a Deductible Gift Recipient enables QPILCH to attract tax deductible donations.

In the 2010-11 financial year QPILCH obtained funding:



- from **membership fees**;
- for core services and the Self Representation Service (Courts) through the **recurrent LPITAF** program administered by Legal Aid Queensland;
- for the QLS and BAQ Pro Bono Referral Schemes, the RRR project and Self Representation Service (QCAT) from the **LPITAF grants** program administered by the Queensland Department of Justice;
- for the Homeless Persons' Legal Clinic, including the Refugee Civil Law Clinic, from the **Department of Communities** and the **Federal Attorney General's Department**;
- 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.

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;
- The **Clayton Utz Foundation** for its contribution to employ a part-time solicitor for 12 months in the Self Representation Service;
- **McCullough Robertson** for seconding two staff members to support the Self Representation Service (QCAT);
- **Mallesons Stephen Jaques** for a four month full-time secondment to help with the January 2011 natural disasters;
- **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.

Samantha Carroll
SECRETARY/TREASURER

2010-2011 MANAGEMENT COMMITTEE

EXECUTIVE

Robert Reed, President – Special Counsel, Minter Ellison

Hugh Scott-Mackenzie, Vice-President – Barrister

Samantha Carroll, Secretary/Treasurer – Senior Associate, Clayton Utz

COMMITTEE MEMBERS

Matthew Holmes – Partner, MurphySchmidt

Tony Denholder – Partner, Blake Dawson

Professor Brian Fitzgerald – Queensland University of Technology Faculty of Law (Associate Member representative)

Noela L'Estrange – CEO, Queensland Law Society Incorporated representative

Sarah McBratney – Senior Associate, McCullough Robertson

Darryl Rangiah SC – Bar Association of Queensland Incorporated representative

Vacant – representative of Legal Aid Queensland

Vacant - representative of the Queensland Association of Independent Legal Services Inc

Vacant – Legal Unit representative

COOPTED MEMBERS

Rochelle Carey – Corporate Counsel, Xstrata Copper

Andrew Buchanan

2010-2011 STAFF

Name	Position
Emma Allatt	Administrator – full-time (July 2010 – February 2011)
Sue Garlick	HPLC Policy Officer – 3 days / week (January 2006 – present)
Imogen Coates-Marnane	HPLC/RCLC Paralegal – 3 days / week (June 2010 – present)
Catherine Cocks	QLS and BAQ Pro Bono Referral Schemes Coordinator – 3 days / week (November 2010 – June 2011) Acting Self Representation Service (QCAT) Solicitor – full-time (July – October 2010) Rural, Regional, Remote Project Coordinator – 2 days / week (November 2010 – June 2011)
Alyce Corbutt	Secondee Law Graduate, Self Representation Service (QCAT) (Secoded from McCullough Robertson) – 2 days / week (June – August 2011)
Kimberley Davis	Secondee Solicitor, Self Representation Service (QCAT) (Secoded from McCullough Robertson) – 1 day / week (June – August 2011)
Andrea de Smidt	Acting Director – full-time (July – October 2010) Deputy Director – 2 days / week (November 2010 – May 2011) Self Representation Service (QCAT) Solicitor – full-time (January 2010 to present) ALC supervisor - 1 day / week during semester (September 2009 to August 2010)
Cristy Dieckmann	HPLC and RCLC Coordinator – full-time (October 2010 – May 2011)
Fiona Ellis	Flood and Cyclone Legal Help Solicitor (seconded from Mallesons Stephen Jaques) –full-time (May – August 2011)
Cheryl Foong	IPTLC Supervisor – 1 day / week (during semester 2) (July 2010 – present)
Tami Grealy	Secondee Solicitor, Corrs Chambers Westgarth – full-time (September – December 2010)
Amy Heading	HPLC and RCLC Coordinator – full time (May 2011 – present)

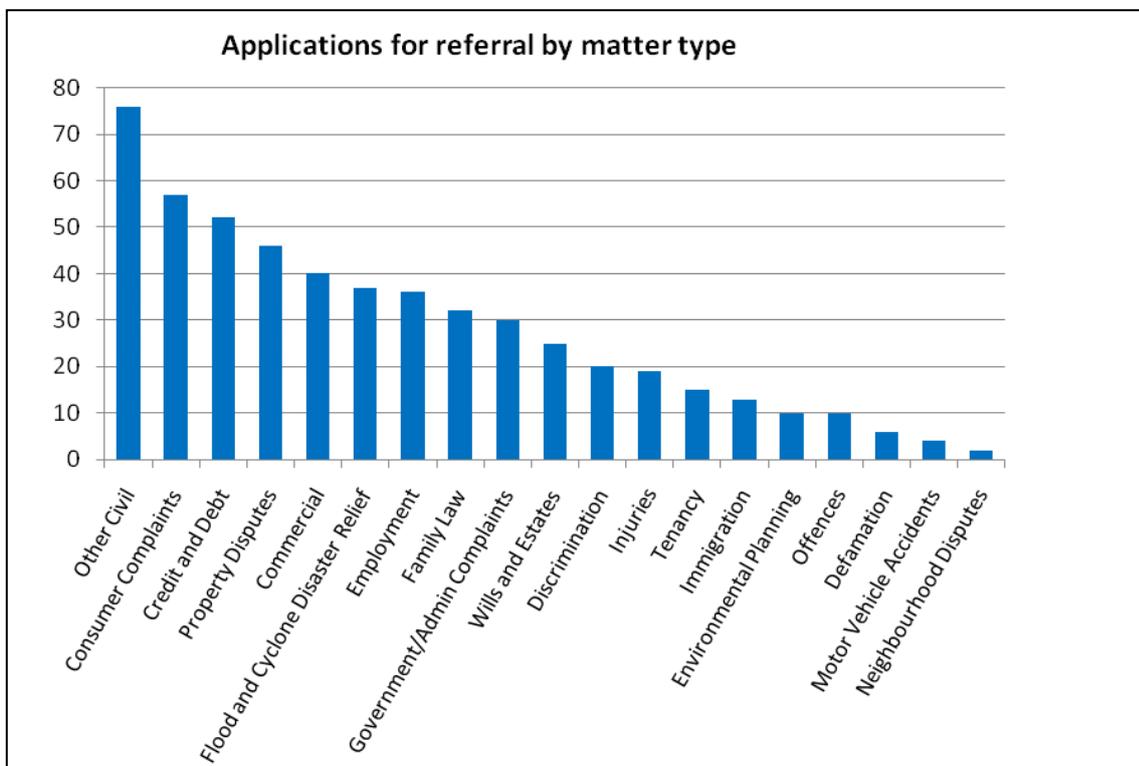
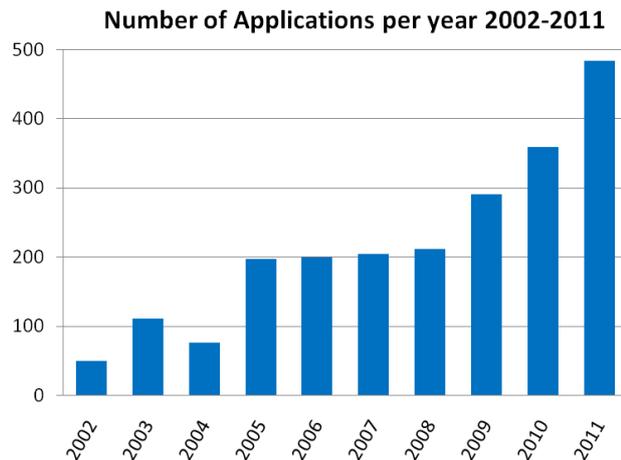


Ann Herriot	QLS and BAQ Pro Bono Referral Schemes Coordinator – 3 days / week (March– October 2010) Student Programs Coordinator (Supervising MHLC, PIRC, PILC, ALC) (October 2010 – present)
Reimen Hii	Office Assistant – casual (September 2009 – June 2011) Self Representation Service (Courts) Acting Paralegal (April 2011 – June 2011)
Amy Ho	HPLC Paralegal (Townsville) – 1 day / week (March 2011 – present)
Matthew Hodgson-van Daal	Secondee Law Graduate, Corrs Chambers Westgarth – 3-4 days / week (May 2011 – present)
Karen Kearney	Referrals Coordinator – full-time (January 2010 – present)
Cameron Lavery	Self Representation Service (QCAT) Paralegal – 3 days / week (July 2010 – May 2011) Self Representation Service (QCAT) Solicitor – 2 days / week (January – May 2011), full-time (June –August 2011) Acting QLS and BAQ Pro Bono Referral Schemes Coordinator – 2 days / week (September – December 2010) Acting ALC Supervisor– 1 day / week (June – July 2011)
Iain McCowie	Self Representation Service (Courts) Solicitor – full-time (February 2010 – present)
Elizabeth Pendlebury	Self Representation Service (Courts) Paralegal – full-time (July 2010 – June 2011), (part-time from April 2011) HPLC and RCLC Solicitor – part-time (April 2011 – present)
Andrea Perry-Petersen	PIRC Supervisor – 1 day / week (February – December 2010) QLS and BAQ Pro Bono Referral Schemes Coordinator 2 days / week (January 2011 – June 2011)
Ray Rajguru	Bookkeeper – 2 days / week (December 2007 – present)
Rory Salisbury	Self Representation Service (Federal Court) Caseworker 2 days / week (January – June 2011)
Lauren Steele	HPLC and RCLC Coordinator – full-time (February 2010 – October 2010) HPLC and RCLC Lawyer – part-time (October 2010 – April 2011)
Fiona Streit	Administrator – full-time (February 2011 – present)
Monica Taylor	MHLC Supervisor (July – December 2010)
Erin Thomas	Referral Schemes Solicitor – casual (February – July 2011)
Tony Woodyatt	QPILCH Director – full-time (January 2002 – present)

REFERRAL SCHEMES

In 2010-11 the referral schemes dealt with 483 applications for assistance. This is a 35% increase on the previous financial year and 66% more than we received in 2008-2009.

215 of this year's applications were initially identified as having an element of public interest and so were assessed through the Public Interest Referral Scheme (for referral to QPILCH members). The remaining 268 were assessed under the QLS & Bar Pro Bono Referral Schemes.

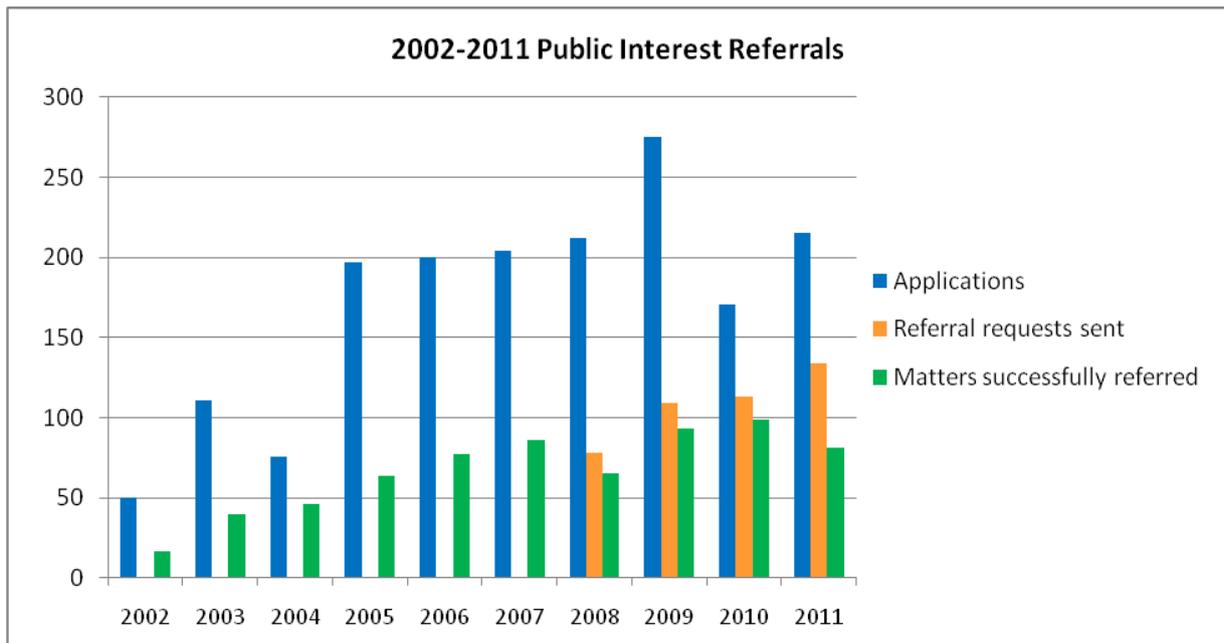


Public Interest Referral Scheme

In the Public Interest Scheme, 134 matters were deemed eligible for referral and 79 were taken up by QPILCH member firms and/or barristers.

In the matters which were finalised and returned to us in the last year, our members contributed more than \$94,000 worth of free legal services, with less than 16% of referred cases costed.





A sample of referrals made during 2010-11

- **Greg Smart** appeared in the Federal Magistrates Court instructed by QPILCH to assist a Grantham flood victim involved in bankruptcy proceedings. Greg was again instructed by QPILCH in a 5-day Planning & Environment Court hearing, acting for submitter respondents, regarding a proposed power plant in the Lockyer Valley.
- **Darryl Rangiah SC** and **Simon Cleary** assisted a woman to appeal a decision of the Administrative Appeals Tribunal to the Federal Court after it re-made a decision and apparently disregarded evidence it had accepted in making the first decision. QPILCH acted as instructing solicitor in this matter as we could not get a firm to take the matter on. The client was successful and the matter referred back to the AAT, where the client was represented by **Ben McGlade**.
- **Sarah Scott-Mackenzie** provided extensive assistance to a man who had his application for a protection visa rejected and sought special consideration from the Minister.

Macrossans, Mallesons, Norton Rose, Allens Arthur Robinson and **Holding Redlich** each assisted a not-for-profit organisation during the year. The assistance included:

- advising on governance documents, including drafting and reviewing policies and constitutions,
- drafting contracts and advising on agreements with other entities,
- helping the organisations to achieve charity and Deductible Gift Recipient status,
- employment law issues such as implementing changes required under legislation.

Several matters were referred to us from a Community Legal Centre or involved giving direct assistance to a CLC to help them assist their client:

- **Brian Cronin** and **Matthew Jones** assisted a CLC and a group of clients with intellectual disabilities, who were inappropriately being moved to facilities for people with mental illnesses.
- **Minter Ellison** assisted a CLC that had run a case in court with Counsel, and needed assistance to obtain and enforce a costs order.
- **Patrick Van Grinsven** and **Justin Carter** each assisted a CLC by reviewing complex advices.
- **Justin Carter** also assisted a CLC in an appeal before QCAT, opposing the issuing of a blue card to a woman who had been convicted of crimes related to her dealings with disabled children.
- **Sparke Helmore** advised a CLC on an employment law issue.

- **MurphySchmidt** assisted a CLC client in a dispute with the law firm she engaged for an estates matter, as well as advising the solicitor at the CLC with a discrete aspect of the matter in which the solicitor did not have the relevant expertise.

We saw a number of applications involving older people:

- **Gary Coveney** and **Ken Barlow** assisted an elderly lady who was subject to elder financial abuse involving property she shared with her daughter and son-in-law.
- **Holding Redlich** assisted a pensioner who was being evicted from the family home which he believed was held on trust for him by his children.
- **Clayton Utz** assisted an elderly man who wanted to recover property who had engaged a supposedly licensed builder to build some portable dwellings, which the builder refused to deliver.
- Rockhampton barrister **Gerald Byrne** assisted an elderly client with tenancy issues.

In applications from refugees or asylum seekers:

- **Piper Alderman** assisted two refugees who were summoned to testify in criminal proceedings against a people smuggler, and were suffering significantly psychological distress as a result.
- **Justin Carter** provided an advice in relation to a man seeking review of his refugee status in the Federal Magistrates Court.

A number of barristers provided advices, which helped us determine how best to assist the client:

- **Ken Barlow SC** and **Guy Sara** both provided advices for clients of the **Mental Health Law Clinic**. The first related to a client who lacked capacity, whose litigation guardian settled a claim against him for defamation with little consultation to the client. The second advice was on a potential personal injury claim for a man whose involuntary mental health treatments had detrimentally affected his health, including Parkinson's syndromes.
- **Kelly McIntyre** advised on the rights of members of an indigenous corporation.
- After initially receiving an advice from barrister **Elizabeth Gass**, **DLA Piper** assisted a young woman with an intellectual disability who had photos of her giving birth put on the internet.

In other matters:

- **BDO Kendalls** helped a HPLC client to do his tax return after ongoing issues with the ATO.
- **Matt Black** assisted a woman from North Queensland in a dispute with the Housing Department, who had been given a seemingly excessive bill for damage with no itemised account.
- **Macrossans** assisted a woman with a Fair Work Australia matter after she worked as a caretaker on a rural property and was never paid wages. **Mallesons** had earlier assisted the woman with residential tenancy issues. This was a referral from the QCAT Self Representation Service.
- **Simon Cleary** assisted a woman with a discrimination complaint about her children's school.
- **Greg Smart** advised on the prospects of a disability discrimination claim against a sports club.

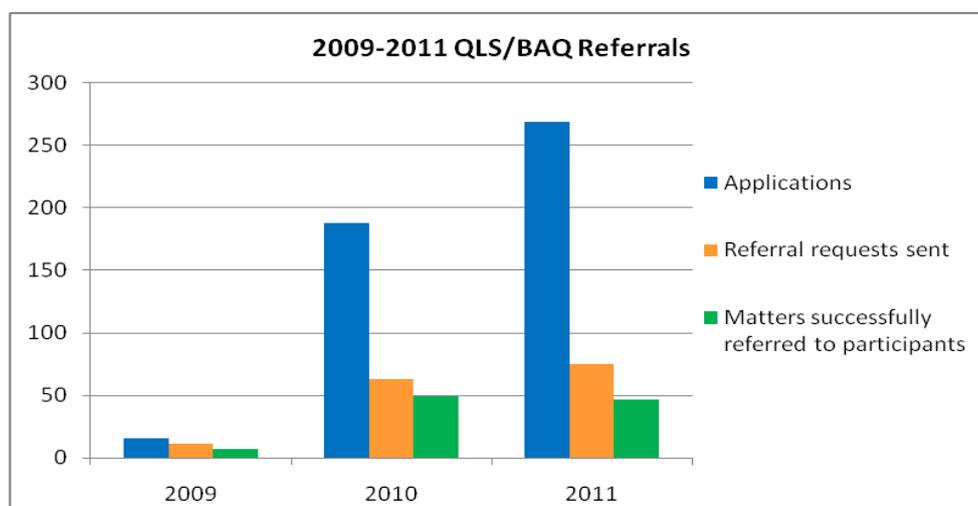
We thank all the abovementioned members, and those whose names do not appear in this report, for their valuable contribution to the provision of pro bono legal services in Queensland.

Karen Kearney – referrals@qpilch.org.au



QLS and BAQ Pro Bono Referral Schemes

In 2010-11, we assessed 268 applications for referral through the QLS and BAQ Pro Bono Referral Schemes. 75 of these applications were determined eligible for referral and 47 of those matters were taken up by participants. These statistics are set out in the graph below.



Over the last financial year, the number of participants in the schemes has increased from 107 to 127. This includes 40 firms participating in the QLS Scheme and 87 barristers participating in the BAQ Scheme.

We are extremely grateful to our dedicated participants who have contributed significantly to the success of the schemes and who have provided many hours of pro bono legal assistance. Based on the 21 matters that were finalised and returned to us in 2010-2011, scheme participants contributed more than \$93,567 worth of free legal services.

QPILCH's continued coordination of the schemes is made possible by non-recurrent 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. After just over two years of operation, these schemes are now hitting their stride in delivering wide-ranging services to disadvantaged clients.

A sample of referrals made during 2010-11

In the past financial year, we referred out a wide range of matters, including wills and estates, administrative law matters, small business disputes, banking and finance issues and consumer disputes. Notable examples include:

- **Sue McLeod** of Counsel and **Townsville Community Legal Service** assisted a man to clarify the issue of title to his property and to negotiate transfer of title from his brother and sister.
- **Bruce Thomas Lawyers** and **Donna Callaghan** of Counsel assisted a man on a disability pension to contest his father's last will on the basis that his father lacked capacity. The firm also assisted an 81-year-old man with a claim for criminal compensation and common law damages.
- **Hugh Scott-Mackenzie** of Counsel provided an advice on prospects in relation to an applicant who lost all of her property due to the allegedly fraudulent actions of her financial advisors.
- **Lisa Stewart** of Counsel assisted a man with a dispute involving the management of a shopping plaza in which he leased a shop, as a result of which he suffered a financial loss of over \$160,000.
- **Anthony Morris QC** and **Liam Copley** of Counsel assisted a woman suffering from depression and lymphatic leukaemia to defend a claim in the Magistrates Court.

- **Trudie Rogers Health Law Consultancy** assisted an applicant to defend a claim for \$15,000 in unpaid legal fees by her former solicitors.
- **Brian Cronin** of Counsel provided advice on the prospects of successfully re-activating an applicant's Supreme Court claim.
- **Michael Williamson** of Counsel provided advice to a couple in far north Queensland in relation to their prospects of successfully appealing the local Council's decision to approve a development application for a fitness centre across the road from their house.
- **Anthony Morris QC** and **Donna Callaghan** of Counsel and **Butler McDermott Lawyers** assisted a woman with litigation involving her deceased mother's estate. The firm also assisted a woman from the Czech Republic to contest the administration of the wills of her aunt and cousin who died in their apartment on the Gold Coast.
- **Irish Bentley Lawyers** and **Andrew West** of Counsel assisted an elderly man with his claim for an equitable interest in a property he purchased with his daughter. The firm also assisted an applicant to enforce an order made by the Federal Magistrates Court against the applicant's former employer requiring payment of \$18,000.
- **Ruddy Tomlin Baxter** assisted an elderly applicant to make a claim against a caravan manufacturer and dealer in relation to a caravan that was not fit for use.
- **Matt Black** of Counsel provided advice to an elderly woman in relation to whether the Queensland Civil and Administrative Tribunal (QCAT) had jurisdiction to hear and determine her claim against a company that designed a water treatment plant on her property.
- **Suellan Walker-Munro** of Counsel provided an advice to a man in relation to the appropriate jurisdiction within which to resolve a property dispute.
- **Barry Nilsson Lawyers** and **Jo Chapple** of Counsel assisted an elderly woman with Supreme Court proceedings seeking specific performance of a contract for the sale of land.
- **Aitken Wilson Lawyers** assisted a client of the Townsville Community Legal Service with a traffic matter in which the client became involved as a result of very extreme personal circumstances.
- **Christian Jennings** of Counsel provided advice on prospects to a 66-year-old man who purchased a house and land in 2008 but discovered the house is actually on unallocated State land.
- **Michael de Waard and Hugh Scott-Mackenzie** of Counsel assisted a woman seeking advice on her prospects of obtaining leave to apply for a property settlement eight years out of time. **Blake Dawson** also assisted with this matter by providing the relevant title searches.
- **Andrew Greinke** of Counsel provided urgent assistance to an 86-year-old woman seeking assistance to have her interest in a property recognised and her money and car returned to her.
- **McCullough Robertson** assisted a young, self-employed artist to determine her legal rights in relation to a number of artistic works which she developed for a company.
- **Diana Worrall** of Counsel assisted a 65-year-old disability support pensioner, regarding his options to recover money in the value of improvements he made to a property.
- **Barry Nilsson** and **Anand Shah** of Counsel are assisting the lessees of a tourist resort in North Queensland to compel the lessor to sign the necessary documents to assign the lease.

Unsuccessful applicants

A significant amount of time goes into not just the successful referrals, but also in responding to applicants who we cannot assist. If an applicant is not eligible for assistance, we give them a detailed explanation of why we cannot assist. This is particularly important where their claim lacks merit, in order to give them a realistic perspective on the prospects of their matter, to prevent them seeking the same assistance from other community legal centres and possibly to discourage them from commencing unmeritorious proceedings. In any case, we usually also provide information about the applicant's options. Any applications that are not eligible for assistance from any of QPILCH's clinics or services are processed by the QLS and BAQ Pro Bono Referral Schemes.

Cameron Lavery – qlsbar@qpilch.org.au



Queensland Public Interest Law Clearing House Incorporated

HOMELESS PERSONS' LEGAL CLINIC (HPLC)

2010-11 has been a year of consolidation for the HPLC, which encompasses twelve Homeless Persons' Legal Clinics and one Refugee Civil Law Clinic.

After receiving triennial funding from the Queensland Department of Communities and the Federal Attorney General last year, the HPLC made a much needed increase in staffing. The part-time policy and part-time paralegal positions were increased to three days per week and a part-time solicitor was employed to assist the Coordinator three days a week. We also employed a part-time (one day a week) Regional Support Coordinator/Paralegal for our Townsville clinics.

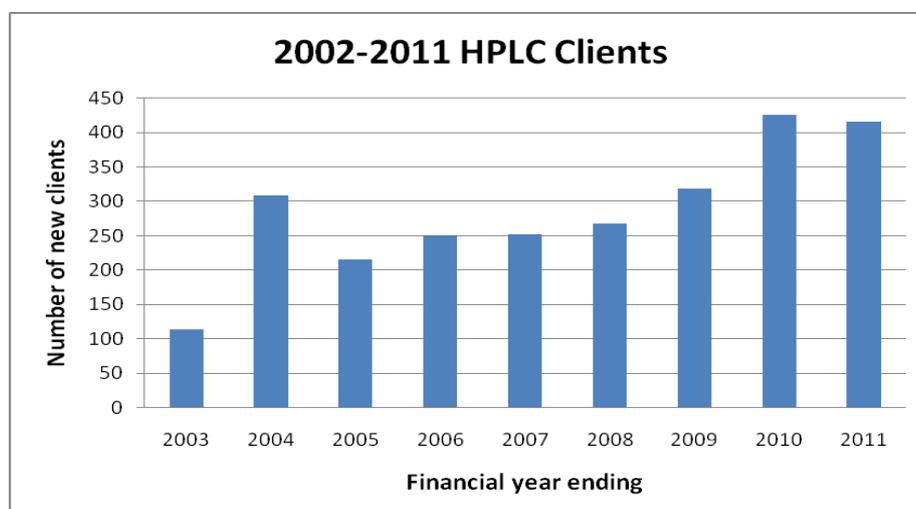
Given this increase in resources, we were able to focus on strengthening the efficiency and effectiveness of our service and the support we provide to volunteer lawyers and firms. As a result, a review of all of the precedents and templates for our volunteers was commenced and a system of file auditing for all clinics on a bi-monthly basis was instigated.

We continue to work towards gaining wider private practice involvement in the HPLC and are grateful to **Dibbs Barker**, which has agreed to take over the Kyabra Phone Clinic from **Minter Ellison** in the 2011-12 financial year. **Minter Ellison** remains a strong supporter of the HPLC in their work at the clinic held at Mission Australia Café One.

Dedicated funding received from the Queensland Department of Communities allowed us to begin designing a complete evaluation of the HPLC. **Encompass Family and Community** has agreed to assist us to undertake this evaluation, a process which is expected to continue until December 2011. The evaluation will help to identify:

- how the model for legal outreach to homeless people or those at risk of homelessness has been implemented at each HPLC clinic location;
- how the model for legal outreach to refugees, asylum seekers and temporary visa holders has been implemented at the RCLC clinic location;
- the strengths, weaknesses, learnings and any improvements that could be made to the model; and
- how effective the clinics have been in achieving our aims.

The evaluation will include information about client and firm data, and feedback from Team Leaders, volunteer lawyers, and host agencies. We hope to produce a report by the end of 2011, and focus on reviewing and improving the service in the first six months of 2012.



2010-11 statistics for the HPLC clinics

From 1 July 2010 to 30 June 2011, the HPLC opened 415 new files (61% male; 39% female), bringing the total number of HPLC clients assisted to 2683 since its inception in December 2002.

As at 30 June 2011, the following HPLC 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
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
The Basement Youth Centre, Toowoomba	Debbie Richards – Shannon Donaldson Province Lawyers Catherine Cheek – Clewett Lawyers Kathy Walker – Walkers Solicitors Andrew Braithwaite – Hede Byrne & Hall Pat Hall – Hede Byrne & Hall Craig Burgess - USQ Law School Ken Parry - MacDonald Law Toowoomba
South Townsville Drop in Centre	Townsville Community Legal Service Ruddy Tomlins and Baxter Solicitors Boulton Cleary and Kern Lawyers Connolly Suthers Chris Mills
Townsville Women's Centre	Roberts Nehmer McKee Lawyers North Queensland Women's Legal Service Aboriginal and Torres Strait Islander Women's Legal Service NQ Mary Wallace

We estimate that the financial value of the total pro bono contribution to the HPLC clinics in 2010-11 from our Brisbane, Townsville and Toowoomba firms exceeded \$1.97million.

In 2010-11, the HPLC assisted clients with a range matters including debt, housing and tenancy, personal injury, defamation, employment, guardianship and administration, traffic offences, succession law and criminal compensation matters. The lawyers also provided active referrals for



criminal and family law matters to Legal Aid, other community legal organisations, and to our Criminal Law Barristers Referral List.

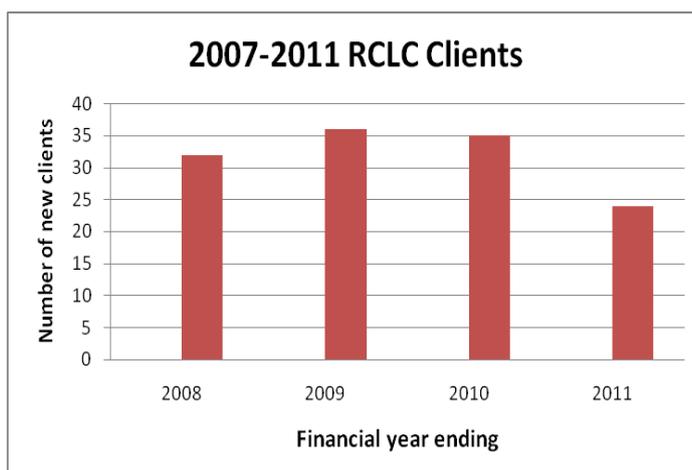
Some good outcomes from our volunteers' efforts in 2010-2011 include:

- Volunteer lawyers from **Minter Ellison** and **HWL Ebsworth** assisted a client with the waiver of a debt of over \$15,000 to Brisbane City Council from an accident the client had caused involving a BCC bus. The client had suffered substantial physical injuries from the accident and had been recovering in hospital. The client's insurance company refused to cover this amount because the client was at fault in the accident, and the client could not afford to pay the amount as he was on a disability pension. The client was considering using his superannuation to pay the debt. After lengthy negotiations with the BCC, the volunteers were able to negotiate a complete waiver of the debt.
- Volunteer lawyers at **McCullough Robertson** and **McInnes Wilson** assisted a client who had been refused return of his bond after leaving his rented room after a rent increase. The agreement was that the bond would be reimbursed so long as he did not cause breakages. The lawyers wrote a letter on behalf of the client requesting the bond be returned. The client reported: *"It (the letter) was very effective, because he [the landlord] immediately offered to return the bond, after many months of refusal and blatant disregard for what is right and wrong"*.
- Volunteer lawyers from **Freehills** assisted a client with a guardianship matter in the Queensland Civil and Administrative Tribunal. The client's sister had applied for the appointment of a guardian and administrator for the client, supported by medical evidence she had obtained from the client's medical practitioners some time ago. Although the client was articulate and maintained her ability to make decisions for herself, she suffered from depression, anxiety disorder, alcoholism, and possible early Huntington's disease and so required representation to defend the application. The volunteers undertook preliminary work on the file, assisted in obtaining representation, and went along on the day to QCAT with the client and counsel for support. The Tribunal dismissed the application, a result that most likely would not have been achieved without the assistance of the volunteers.

The Refugee Civil Law Clinic statistics and casework

The Refugee Civil Law Clinic operates under the HPLC service model and is staffed by volunteer lawyers from **Corrs Chambers Westgarth** and hosted by the **Multicultural Development Association** every fortnight in Woolloongabba.

Since its inception in August 2007, the RCLC has assisted 136 clients in various areas of law, including debt, administrative, insurance, consumer, trade practices, discrimination and criminal and family law matters.



Some good outcomes from the work of our volunteers in 2010-2011 include:

- RCLC volunteer lawyers assisted a client with a passport application. The client had recently applied to the Australian Passport Office (APO) for passports for her children; however, the passport application for one of her daughters was not approved due to a discrepancy with the birth date supplied. The volunteers negotiated with the APO and prepared a statutory

declaration to accompany a new application explaining the discrepancy. In the end the application was authorised and a passport was issued.

- RCLC volunteer lawyers assisted a client who had been in a car accident and had received a letter of demand for over \$4,500 from the other party's insurance company. The client and the insurance company disputed who was at fault in the accident. The volunteer lawyers wrote letters to the insurance company seeking their reasons for why the client was at fault and informing them of the client's limited financial position. The insurance company eventually agreed that both parties would be responsible for their own repair costs.
- Another good outcome from an insurance dispute involved an RCLC client who had been in a car accident. As a result of the accident the client had a debt from damages of \$25,540.97 to an insurance company. Thanks to negotiations made by the volunteers on the client's behalf, the insurance company ended up writing off the full amount of the debt.

Homeless Connect

The HPLC was pleased to be involved in the Brisbane City Council initiative, Homeless Connect on 3 November 2010 and 10 May 2011. The event is now attended by approximately 800 people and is temporarily being held at the RNA showgrounds, while City Hall is being refurbished. Volunteers from **Freehills, Blake Dawson, MurphySchmidt, Allens Arthur Robinson** and **Minter Ellison** kindly gave their time on these days to help clients seeking advice on issues such as employment law and bankruptcy.

Community Legal Education

The HPLC is committed to providing training for our host agencies on the legal needs of our mutual clients. This assists community and caseworkers to better identify which of the client's needs have a legal remedy and where/how to access that remedy. In March 2011, the Commonwealth and Queensland Ombudsman hosted a day of training for 50 caseworkers in the homeless sector. Staff from each HPLC host agency as well as staff from Footprints (Mental Health Service), Sisters Inside and social workers from the Royal Women's Hospital attended. **Allens Arthur Robinson** sponsored network drinks at the end of the day and **Andrew Buchanan** catered beautifully – thanks again to all. Feedback from the day was enthusiastic and all participants were eager for this to be an annual event. The day led to an invitation for us to conduct similar training for all staff at Micah Projects, South Brisbane which is planned for later in the year.

Policy and advocacy

State Penalties Enforcement Registry (SPER)

There have been a number of developments in this area of reform.

- The HPLC was invited to participate in a working group of the Queensland Homelessness Intersectoral Forum. QHIF, chaired by the Department of Communities Homeless Policy section aims to address systemic issues through whole-of-government and community sector cooperation. The HPLC tabled a policy paper (available on request), calling for homeless debtors to be provided with appropriate community work orders, and have their fines and/or fees written off in some circumstances. The paper also called for consultation with the sector about these issues. The working group is pursuing some of these issues.
- The HPLC facilitated discussions with the Special Circumstances Court, SPER, Community Corrections and homeless agencies to develop community work orders that capitalise on and strengthen the existing connection a homeless person may have with a service agency. We hope to commence a pilot project in 2011/12.
- The HPLC collaborated with Prisoners' Legal Service and the Manning Street Project at Caxton Legal Centre to research issues at the intersection of SPER and imprisonment.



Forums and consultation

The HPLC participated in a range of forums and consultation processes, including the Consultation into the Queensland Strategy for Reducing Homelessness 2011-14.

HPLC training

As part of its ongoing professional training and development program, the following CLE activities were organised by the HPLC in 2010-11. The HPLC acknowledges and thanks the participating law firms which hosted and guest speakers that presented sessions:

Month	Firm	Topic	Presenter/s
2010			
July	Corrs Chambers Westgarth	The Commonwealth Ombudsman	Dr Geoff Airo-Farulla , Qld and NT State Director, Commonwealth Ombudsman Service
August	Freehills	Debt Matters in Detail	Paul Holmes, Catherine Uhr & Loretta Kreet , LAQ Consumer Protection Unit
September	Blake Dawson	Workers Compensation – QCOMP and the Return to Work Assist Program	Kylie Horton , Return to Work Assist and Awards Advisor & Sonia Minniecon , Manager of Return to Work Assist
October	HWL Ebsworth	HPLC/RCLC Precedents and Procedure	HPLC Staff
November	MurphySchmidt	The Qld Ombudsman	Louise Rosemann & Jonathan Pacey from the Queensland Ombudsman Service
2011			
March	McCullough Robertson	Qld Dispute Resolution Centre	Bonnie Eggmoesse , Acting Coordinator of the South Qld Dispute Resolution Centre
April	Clayton Utz	Tenancy Issues	HPLC Staff
May	Mallesons Stephen Jacques	Legal Aid Qld – What LAQ funds and what the FACT does	Cathy Carr , Manager Grants Operations LAQ & Jason Czinki , FACT Lawyer LAQ

We continue to receive positive feedback from the volunteer lawyers about the practical nature of our CLE sessions and the value of the presentations in preparing them for work at the clinics.

HPLC and RCLC Art Show

Every two years the HPLC, along with many dedicated volunteers, coordinates and hosts an art show for which our clients are invited to exhibit works. This year we extended the project to include the Refugee Civil Law Clinic, making it the HPLC and RCLC Art Show. Recognising the isolation experienced by many of our clients, the show aims to include these marginalised groups in a setting which focuses on their artistic talents and in which they can engage with other members of the community on an equal footing.

This year's theme was "Adventures" and 45 artists contributed 89 pieces of art. The art was exhibited in the Riverside Centre foyer from 6 – 10 June, a venue which was kindly offered by Riverside Centre management free of charge. Thirty-five of the pieces were sold with the entirety of the sale price going to the artists.

We are grateful to the Brisbane City Council for providing us with a community grant for the art show, as well as to member firms **Minter Ellison, Blake Dawson, Freehills, MurphySchmidt** and **Corrs Chambers Westgarth** for their generous donations.

Acknowledgments

We acknowledge the ongoing generous support of our member firms and thank all of the volunteer lawyers and Team Leaders from these firms who contribute so much of their time and energy to the HPLC and RCLC. Our volunteers continue to provide high quality legal advice and assistance to Queensland's most vulnerable citizens, and without their hard work and support the HPLC and RCLC would cease to exist.

We also thank our host agencies for their support and recognise their continued hard work to ensure services are available to those who need them most, and their caseworkers for referring clients to our service, for providing continued non-legal support and for continuing to work with us to achieve the best possible outcomes for our clients.

QPILCH's continued coordination of the HPLC and RCLC is made possible by funding from the Queensland Department of Communities. We thank the Department for their ongoing support.

Amy Heading – hplc@qpilch.org.au

SELF REPRESENTATION SERVICE

QPILCH's Self Representation Service commenced operation in 2007, initially in the civil jurisdictions of the Supreme and District Courts of Queensland and the Queensland Court of Appeal. The Service now also operates in the Queensland Civil and Administrative Tribunal (from January 2010), and the Brisbane districts of the Federal Magistrates Court and the Federal Court (from July 2011).

The Service is the only one of its kind in Australia, developed to meet a recognised need in all jurisdictions in which it operates. With the increase in cost of private legal assistance and the decrease in availability of Legal Aid Queensland grants of aid for civil law matters, the prevalence of unrepresented parties in our State and Federal Courts is high. In the Queensland Civil and Administrative Tribunal, parties are generally required to represent themselves; however those parties will commonly still require assistance to commence proceedings or prepare for their tribunal appearances.

The outcome of court or tribunal proceedings will often have serious consequences on the welfare, dignity and daily living of people involved, many of whom will not have had the benefit of legal advice and have limited knowledge and understanding of the law and processes required for them to meaningfully assert their rights.

The Service aims to address this concern through the provision of discrete task assistance throughout the progress of a client's proceeding, assisting people to:

- understand the law, and the rights and perspective of the other party;
- observe court and tribunal 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.

Further, the Service discourages the commencement or continuation of unnecessary proceedings, encourages the resolution of disputes through alternative means, and where appropriate, refers people to other community agencies or services for assistance. Although the Service itself does not provide legal representation, meritorious cases are referred to the private legal profession through QPILCH's referral schemes and/or to one of the Service's Representation Panels.

The Service offers any number of appointments to clients who are representing themselves in the jurisdictions in which the Service operates. Appointments are staffed by QPILCH solicitors and volunteer solicitors from QPILCH participating firms. Thanks to the support of the legal profession, including court and tribunal staff and QPILCH members, the Service is an undeniable success.

Service administration and expansion

The Service continues to operate out of 'satellite' offices where the courts and tribunal are housed: the State Courts arm of the Service is located at level 1 of the District Court building in the George Street Courts Complex; the QCAT arm of the Service is located at level 11 of the Bank of Queensland Building, Queen St; and the recently launched Federal Court arm of the Service is located at Level 6 of the Harry Gibbs Commonwealth Law Courts Building, 119 North Quay. We are grateful to the courts and QCAT for accommodating us in these locations, which are readily accessible for those already attending the courts and QCAT in Brisbane.

In May 2011, QPILCH received confirmation that funding would be provided by the Federal Court and Federal Attorney-General to operate the Service two days per week at the Federal Court and Federal Magistrates Court on a pilot basis for 12 months. This newly established 'Federal Court' arm of the Service assists self-represented parties in bankruptcy and anti-discrimination proceedings in the Federal Magistrates Court; and in judicial review, anti-discrimination, privacy, competition and consumer, and bankruptcy proceedings in the Federal Court. This arm of the Service will also assist in appeals to the Federal Court from the Federal Magistrates Court and federal tribunals such as the Administrative Appeals Tribunal, and appeals to the Full Court of the Federal Court in appropriate cases. This expansion will allow prospective and existing parties to proceedings which fall within the designated areas of the Federal jurisdictions to experience the benefits of the Service's targeted approach to assisting self-represented parties that their counterparts in the State Courts and QCAT currently enjoy.

In 2010-11, the Service was funded to employ a full time solicitor for each of the State Courts and QCAT arms of the Service, a full time paralegal for the State Courts arm and a part-time 2.5 day per week paralegal for the QCAT arm. Funding provided by the Queensland Department of Justice and Attorney General is a mixture of recurrent and non-recurrent funding. The uncertainty associated with the non-recurrent funding of the QCAT arm of the Service was relieved for another year as QPILCH's application to the Department to continue operations into 2011-12 was successful. Unfortunately, the funding to employ the paralegal for the State Courts arm of the Service for an additional 2 days per week making that position full time has been discontinued.

Casework - Supreme and District Courts and Queensland Court of Appeal

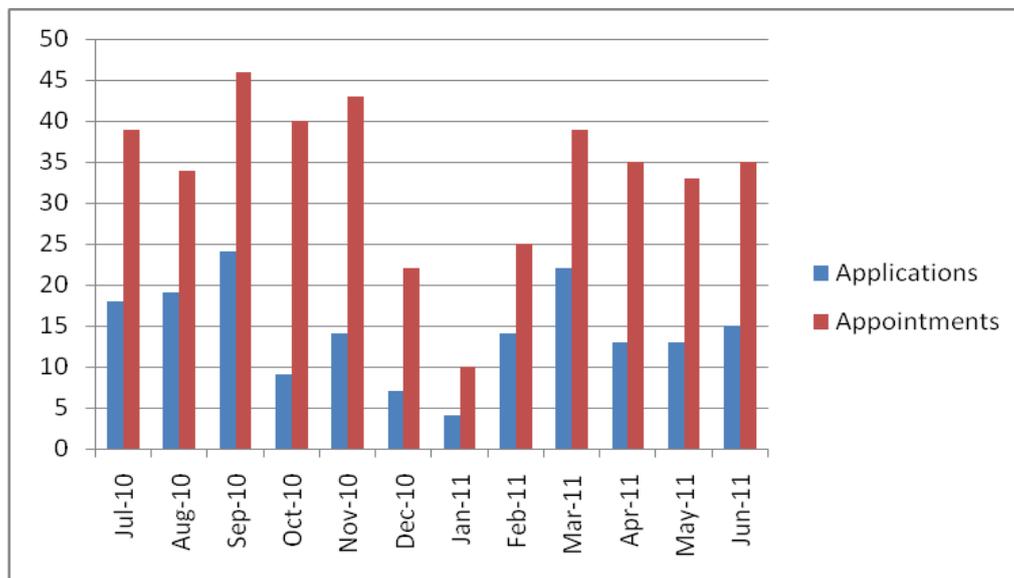
In 2010-11 the Service received 172 new applications for assistance in the civil jurisdictions of the Supreme and District Courts of Queensland and the Queensland Court of Appeal.

A total of 401 appointments were provided; 260 by volunteer solicitors from participating firms and 141 by QPILCH staff. Volunteer appointments were approximately 1 hour in duration, whereas staff

appointments were longer, averaging 1.5 hours with the longest appointment being 4 hours, reflective of the fact that QPILCH staff are required to assist in more complex and urgent cases.

On 1 November 2010, the *Civil and Criminal Jurisdiction Reform and Modernisation Amendment Act 2010* brought about significant changes in the jurisdiction of the civil courts in Queensland. A review of the Service’s open files revealed that almost 1 in 6 files, had these changes been enacted earlier, would have fallen within the Magistrates Court’s jurisdiction. In consultation with the QPILCH Management Committee and Reference Group, the Service decided to continue to consider applications from people whose matters would, but for the enactment of this Act, have fallen within the jurisdiction of the District Court.

Applications received and appointments provided by the Service in the civil jurisdictions of the Supreme and District Courts of Queensland and the Queensland Court of Appeal for 2010-11:



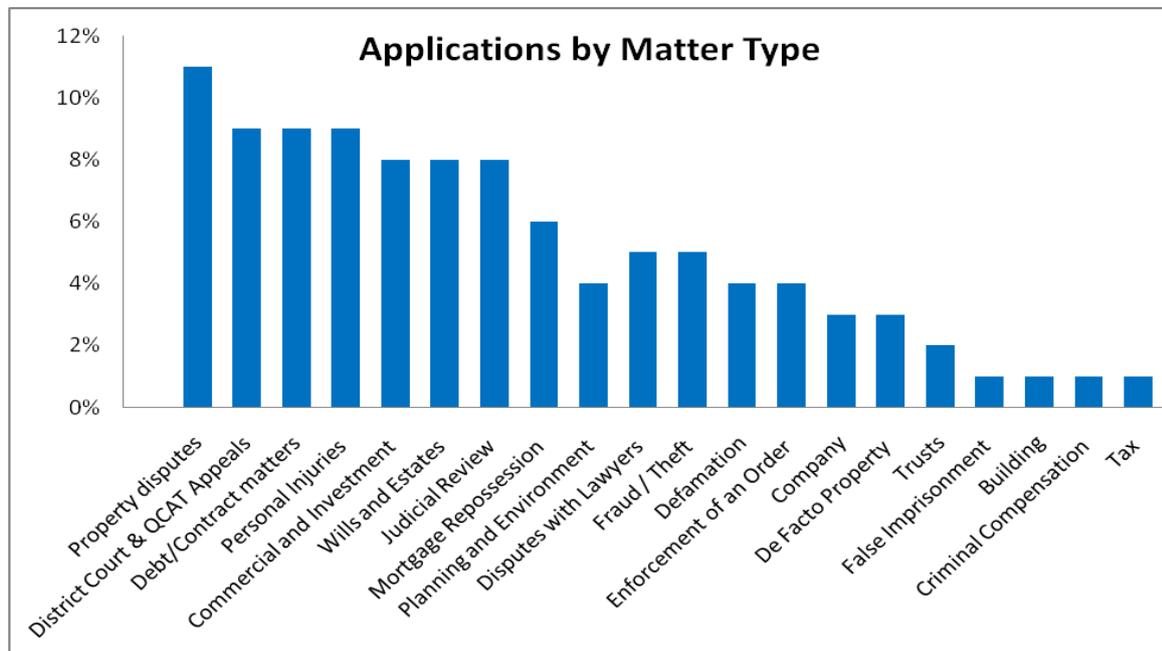
A breakdown of the 172 applications received in the 2010-11 financial year is as follows: 149 in the Supreme and District Courts of Queensland, 15 in the Queensland Court of Appeal, and 8 in the Magistrates Court. Of the total, 62 were from applicants who had not yet commenced proceedings and 110 were from applicants with proceedings ‘on foot’. Of the applications where proceedings had not yet commenced, 15 applicants who were advised that their matters lacked merit took the advice of the Service on board to not commence proceedings. Of the 110 applications received where proceedings were already on foot, 48 were from plaintiffs, applicants or appellants and 62 were from defendants or respondents to proceedings.

The Service has again maintained a strong record in diverting unmeritorious clients from pursuing appeals. In the Court of Appeal jurisdiction, only two of five prospective appellants proceeded to institute proceedings after receiving advice from the Service that they had poor prospects of success and a further appellant discontinued their appeal after receiving similar advice.

The most common discrete tasks undertaken during appointments are drafting initiating documents (eg statements of claim or originating applications) and affidavits. This work occurred in 43% of appointments. Other discrete tasks undertaken during appointments include: dealing with defective pleadings (18%), provision of procedural advice (10%) and assistance preparing for trial (10%).



In 2010-11 the Service assisted in a range of matters. The most striking change in comparison to 2009-10 statistics is the reduction in the number of mortgage repossession cases which last year comprised 15% of applications, presumably as a result of the global financial crisis.



The Service assisted a number of self-represented parties to achieve successful outcomes over the course of the year. In the State Courts, the Service:

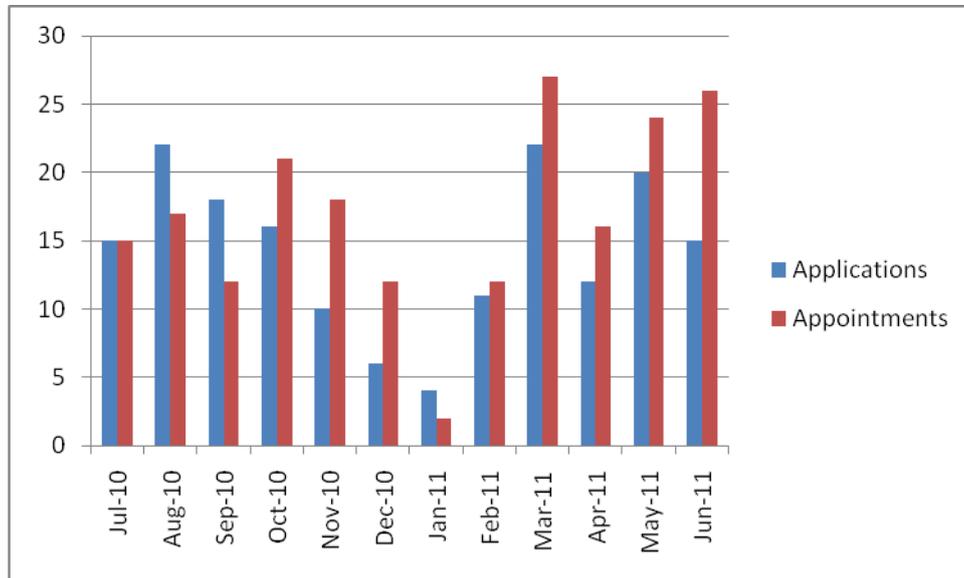
- Assisted a small sporting association to bring Magistrates Court proceedings against the associations' statutory regulator over a breach of contract. Enactment of legislation re-organising the industry caused a transfer of the assets and liabilities of the old regulator to a new regulator. The Service assisted the client to draft submissions on the meaning of the new legislation in response to the new regulator's opposition to the client's application to join them to the proceedings. The client reached a settlement agreement with the new regulator shortly after the client's application to join was successful.
- Assisted a client who had been named as a defendant in Supreme Court proceedings instituted against the client's husband and company in relation to some alleged damage to an opal collection that the client's husband had assisted to transport. The Service assisted the client to apply for orders allowing her to inspect the opal collection. When the opals were not produced, the Service assisted the client to apply for further orders, and eventually obtain judgment in her favour. The plaintiff later abandoned an attempt to have this judgment set aside.
- Assisted a client in the Court of Appeal to successfully appeal a decision of the District Court refusing the client's application for an extension of time to bring defamation proceedings against a government agency. The government agency had published material on its website stating that the client had been convicted of an offence when in fact the client had been acquitted. The Court of Appeal found that the District Court should have exercised its powers more generously in the circumstances where the client had provided an explanation for the delay and where the client's claim appeared to have good merit.

Casework – Queensland Civil and Administrative Tribunal

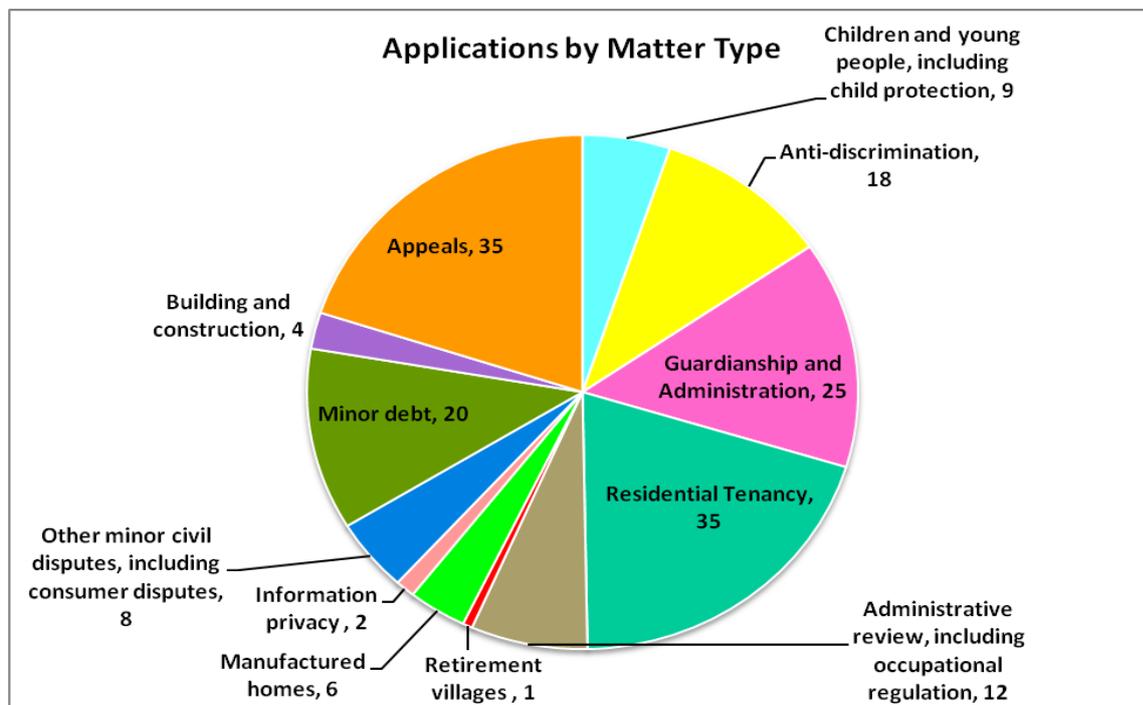
In the QCAT jurisdiction, the Service received 171 applications for assistance: 124 concerned existing or prospective proceedings in QCAT's original jurisdiction; 12 concerned existing or prospective proceedings in QCAT's review jurisdiction; and 35 concerned existing or prospective proceedings in

QCAT’s appeal jurisdiction. QPILCH staff and volunteer solicitors from participating firms provided 202 appointments of approximately 1 hour in duration.

Applications received and appointments provided by the Service within the jurisdiction of the Queensland Civil and Administrative Tribunal in 2010-11:



The Service assists in matters within QCAT’s jurisdiction which are more likely to raise a public interest concern, including Human Rights Division matters (anti-discrimination, children and young people, and guardianship and administration), information privacy, manufactured home, residential tenancy, retirement village and administrative review matters. The Service also assists existing or prospective parties in QCAT’s internal appeal tribunal.



In 2010-11, the Service assisted in proceedings across the range of the Service's designated areas. Applicants for assistance who fell outside the Service's scope were also provided with assistance if they were considered particularly vulnerable and would, as a result of this vulnerability, be likely to experience disadvantage during the course of their QCAT proceeding.

The Service assisted a number of self-represented parties to achieve successful outcomes over the course of the year. In QCAT, the Service:

- Assisted a client who had suffered an acquired brain injury to apply for a review of his administration arrangements. The Service provided assistance to the client to complete the relevant QCAT forms, a financial management plan and two corroborating affidavits. The client's application was successful and QCAT ordered the removal of the Public Trustee.
- Helped a not-for-profit association reach a negotiated outcome in an anti-discrimination matter with a former volunteer. The former volunteer had lodged a complaint of workplace discrimination on the ground of disability and the Service assisted the association to prepare for its Anti-Discrimination Commission of Queensland conference, at which a settlement agreement was negotiated.
- Assisted a tenant to draft and lodge an application to resolve a residential tenancy dispute against her abusive ex-partner and co-tenant. Based on the submissions prepared with the assistance of the Service, QCAT ordered that the lease be terminated and that half of the bond be returned to the Service's client.
- Assisted an elderly flood victim to obtain an injunction to prevent her former lessors from removing and destroying her possessions. The Service completed the relevant application form with the client, including supporting submissions, and QCAT granted an interim injunction that prohibited the lessors from carrying out their threatened destruction of the client's possessions.

Referrals

The Service's representation panels play an important role in providing representation and associated assistance in meritorious cases. We are grateful to each QPILCH member who accepted a referral request this year. In the State Courts:

- **Bruce Thomas Lawyers** and **Matt Black** of Counsel assisted a small building company to defend an appeal against an order granting the client summary judgment under the *Building and Construction Industry Payments Act 2004* (Qld).
- **Mallesons Stephen Jaques** and **Catherine Muir** of Counsel assisted a client to successfully defend a prosecution by the State Government against the client in relation to the service of alcohol to underage persons; the client had formed an honest and reasonable but mistaken belief as to the age of the patrons in the hotel.
- **Willem Kilian** of Counsel provided an opinion on a client's prospects of establishing an equitable interest in property belonging to the client's mother on the basis of a prior agreement entered into between the client and her mother.
- **Mark Plunkett** of Counsel provided advice to the Service in relation to the reviewability of conditions imposed under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld).
- **Holding Redlich** lawyers provided a client with assistance to institute proceedings claiming an equitable interest in a property in which he resided, from which his children sought to evict him.
- **Bruce Thomas Lawyers** assisted a client seeking to resolve a dispute about the ownership of a property that the client had assisted his daughter to purchase.
- **MurphySchmidt** assisted two clients. The first case, which was taken on a speculative basis, was a complex medical negligence case involving a failure to diagnose a client's brain aneurysm. The second case involved a client's application under s 21 of the *Succession Act 1981* (Qld) for the revocation of her mother's will who had been diagnosed with dementia at the time the will was made.

In QCAT:

- **Justin Carter** of Counsel provided an opinion in relation to an application from a group of retirement village residents who sought to overturn a Building Services Authority decision to refuse part of an insurance claim for defective building works. Member firm **MurphySchmidt** and **Lisa Stewart** of Counsel then ran the matter to a successful completion.
- **Brian Cronin** of Counsel represented a couple with intellectual disability in proceedings instituted to review a decision by the Department of Communities (Child Safety Services) to restrict contact with their children; Mr Cronin also assisted in another matter by providing an opinion on a QCAT jurisdictional issue.
- **Mark McCarthy** of Counsel represented a client with an acquired brain injury in a guardianship and administration proceeding. The client was successful in obtaining a declaration of capacity.
- **MurphySchmidt** assisted a couple to respond to an application by their daughter's physician seeking the appointment of the Adult Guardian and Public Trustee for the daughter.
- **Macrossan & Amiet solicitors** assisted a client to pursue a claim for an equitable interest in a property which was originally the subject of a residential tenancy dispute. The **Mackay Community Legal Centre** was instrumental in facilitating QPILCH's interaction with the client for the purposes of provision of initial advice through the Service prior to the referral.
- **Lisa Stewart** of Counsel instructed by **seconded solicitor Kimberley Davis** represented a client and her daughter in a guardianship and administration hearing, where the client's daughter was successfully appointed as guardian and administrator for the client's disabled son.
- **Joshua Creamer** of Counsel represented a client in an anti-discrimination conference at the Anti-Discrimination Commission of Queensland.
- **Patricia Feeney** of Counsel instructed by **seconded Matthew Hodgson-van Daal** is representing a client in ongoing occupational regulation proceedings.
- **McInnes Wilson Lawyers** is assisting an elderly client in an ongoing residential tenancy dispute.

In 2010-11 the State Courts arm of the Service conducted four mediations through our pro bono mediation panel, which remains an invaluable resource in assisting the Service to resolve disputes. We are grateful to Ian Hanger AM QC, Janet Barnes, Shane Connor and Alicia Hill for their services.

Casework solicitor

From February 2011, a new Casework Solicitor was employed on a 2 day per week basis to continue to assist in long running or complex matters of the Service (both at the State Courts and QCAT), as well as performing other policy and precedent work.

This year, the Casework Solicitor assisted in one particularly complex matter by providing a client with multiple appointments to help the client progress their matter through preparation of pleadings, correspondence and disclosure. In another long-running matter, the Casework Solicitor brought the matter to mediation (with the pro bono assistance of **Barry Nilsson Lawyers** and **Jo Chapple** of Counsel), resulting in the successful resolution of the dispute.

Policy and precedent work undertaken by the Casework Solicitor this year included: obtaining pro bono assistance from **Damien O'Brien** of Counsel for an opinion regarding some legal professional privilege issues and QPILCH "going on the record"; preparation of a draft guide for barristers assisting self-represented parties; preparation of a draft speculative costs agreement for barristers accepting direct briefs and associated template referral letters.

Projects, law reform and legal policy

This year the Service focused its energies on publishing:

- in collaboration with the Queensland Law Society, a Guide for Solicitors working with Self Represented Litigants;



- fact sheets on various elements of court and tribunal processes on the QPILCH website for independent use by the public or to complement advice provided by solicitors during appointments;
- articles for Queensland Law Society publication, Proctor and Queensland Bar Association publication, Hearsay; and
- an article on the operation of the Service in the State Courts in the Journal of Judicial Administration (Volume 20 at pages 225 – 239).

With guidance from the Service's Reference Group (John Bond SC (chair), and other members), the Service will continue to seek to identify appropriate test cases and projects for reform of laws, including court and tribunal rules, which impact on the ability of clients of the Service to access justice. QPILCH is grateful to the members of the Reference Group for their dedication to guiding the development of the Service which has facilitated the Service's operational success.

Training

The Service is keen to ensure that it provides its staff and volunteer solicitors with training and professional development to support their work. The training program is made possible by the generous support of participating firms which host breakfast or lunch-time training sessions and presenters who give up their time to prepare and present materials. In 2010-11, the following training sessions were conducted:

- *Assisting clients in Child protection and Guardianship and Administration matters* hosted by **Macrossans Lawyers**, presented by QCAT Members Patricia Hanly and Julie Ford;
- *Induction and refresher session for volunteers* hosted by **Minter Ellison** and presented by QPILCH solicitors Catherine Cocks and Andrea de Smidt;
- *Discrete Task Assistance and Interview Skills* hosted by **McCullough Robertson** presented by Magistrate John Lock and QPILCH solicitor, Andrea de Smidt;
- *Assisting clients in Anti-Discrimination matters* hosted by **DibbsBarker** and presented by Senior QCAT Member Clare Endicott; and
- *Assisting clients in Administrative Reviews and the Appeal Process* hosted by **Macrossans Lawyers** and presented by Senior QCAT Member Richard Oliver.
- *Assisting clients to draft pleadings* hosted by **Allens Arthur Robinson** and presented by **Damien O'Brien** of Counsel.
- *Assisting clients to draft applications and supporting affidavits* hosted by **Blake Dawson** and presented by **Gary Coveney** of Counsel.

Acknowledgments

The Service expresses its appreciation to the Department of Justice and Attorney-General which has provided funding for the operation of the Service through the Legal Practitioners Interest on Trust Account Fund since its inception and to **Clayton Utz** for contributing to the funding of the Casework Solicitor position.

We 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**, QCAT President **The Honourable Justice Alan Wilson**, **Her Honour Chief Judge Patsy Wolfe**, QCAT Deputy President **Her Honour Judge Fleur Kingham**, and QCAT Member **Patricia Hanly** for their support of the Service.

We also thank members of the Reference Group for their dedication and assistance in developing the Service's operation over the years.

Finally, we thank the solicitors and barristers who voluntarily contributed more than 460 hours of pro bono assistance to the Service this year, demonstrating the overwhelming support from within

the profession to the Service's cause. The contribution of our participating firms has been vital in ensuring the success of the Service in 2010-11. These firms have provided assistance at an estimated value of \$480,000.

Allens Arthur Robinson	Blake Dawson	MurphySchmidt
Brian Bartley & Associates	Cooper Grace Ward	TressCox Lawyers
Corrs Chambers Westgarth	Clayton Utz	McCullough Robertson
Norton Rose	DLA Piper	Shine Lawyers
Mallesons Stephen Jaques	Dibbs Barker	Macrossans Lawyers
deGroots	Minter Ellison	

Andrea de Smidt – qcat@qpilch.org.au; **Iain McCowie** – courts@qpilch.org.au;
Rory Salisbury – fed@qpilch.org.au

SECONDMENTS

Corrs Chambers Westgarth secondment

Since March 2008, Corrs Chambers Westgarth Lawyers has contributed to QPILCH via a secondment program 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. The secondment provides an ongoing and reliable addition to the relatively small QPILCH team.

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.

To date, six Corrs lawyers have completed a rotation:

Karen Kearney (March – September 2008)	Tim Laird (October 2009 – January 2010)
Duncan Marckwald (Sep 2008 – February 2009)	Catherine Cocks (February 2010 – May 2010)
Jen O'Farrell (February 2009 – September 2009)	Tami Grealy (August– December 2010)

Law graduate Matthew Hodgson-van Daal commenced a part-time secondment in May 2011.

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 2010-11 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 Referrals 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 lesser extent, the secondee lawyer is also involved in QLS and BAQ Pro Bono Referral Schemes casework.

Work performed by the secondee lawyer and law graduate in the last financial year includes:

- instructing Counsel at a hearing and compulsory conference in QCAT for a client who was referred to QPILCH by Judge Kingham DJC;
- finding assistance for a not-for-profit organisation that was evicted from a property where it ran a childcare centre, contrary to the terms of a prior settlement deed;



- instructing Counsel in a Federal Court appeal of an AAT decision that a woman was not an eligible carer of her daughter. The appeal was successful and the matter remitted to the AAT. The second AAT hearing was concluded favourably;
- finding assistance for an elderly man who was being asked to either purchase or lease a block of land, once inhabited by the applicant's ancestors, on which he has been living for 50 years, despite being told by the local Council that he could live there in perpetuity;
- assisting an elderly man seeking an ex-gratia payment for criminal liability compensation for injuries suffered in 1983 to liaise with the Minister for Justice and the Criminal Misconduct Commission;
- drafting a factsheet on personal injuries under the *Personal Injuries Proceedings Act 2002* (Qld) and the *Civil Liability Act 2003* (Qld), to be published on the QPILCH website;
- overseeing the student volunteer application process and compiling an initial shortlist of volunteer applications.

McCullough Robertson secondment

Seconded solicitors Alyce Corbutt and Kimberley Davis shared the commitment in staffing the QCAT arm of the Self Representation Service, three days per week to assist solicitor Cameron Lavery, who was coordinating the Service, from June – July 2011. Alyce and Kimberley provided invaluable support, without which, the Service would not have maintained its usual hours of operation. Kimberley and Alyce reviewed applications received from people seeking assistance from the Service, staffed appointments, and in one guardianship and administration matter, Kimberley instructed a QPILCH barrister where it was determined that representation for the applicant was warranted.

Mallesons Stephen Jaques secondment

In response to the natural disasters that occurred in Queensland in early 2011, **Mallesons Stephen Jaques** provided a seconded solicitor to assist with Flood and Cyclone Legal Help matters.

Seconded Fiona Ellis was placed at QPILCH full-time for 3 months, from May to August 2011. This timely contribution from Mallesons gave QPILCH the extra capacity needed to deal with these applications and allowed the appropriate matters to be referred to member firms for assistance.

More information about Fiona's work can be found below in the Flood and Cyclone Legal Help section.

RURAL REGIONAL REMOTE PROJECT

The Rural Regional Remote (RRR) Project aims to enhance the delivery of pro bono legal services to RRR areas in Queensland. Catherine Cocks was employed to coordinate the RRR Project on a part time basis between November 2010 and July 2011.

In this time, the existing relationships between regional law firms and city based firms were strengthened and monitored. 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 collaborations also allow the city based firm an opportunity to assist people in RRR areas.

- **Anne Murray & Co**, a small law firm based in Emerald and **Blake Dawson** agreed to work together to provide pro bono assistance to the Emerald community. This year, they worked together on a planning and environment matter where the client is an Aboriginal organisation that manages a drug and alcohol rehabilitation service.

- **Lee Turnbull & Co**, a small law firm based in Townsville and **Allens Arthur Robinson** agreed to undertake pro bono work together. This year, Allens Arthur Robinson agreed to work with Lee Turnbull & Co in relation to a discrete part of a property matter which QPILCH referred to Lee Turnbull & Co in 2009. The client is a not-for-profit indigenous organisation that provides culturally appropriate child care to predominantly indigenous children.
- **Rod Madsen Solicitors**, a small firm based in Mount Isa and **Clayton Utz** agreed to work together to provide pro bono assistance in the Mount Isa area. Unfortunately this collaboration came to an end in January 2011 when Rod was appointed as a Magistrate in Townsville.

Although there has been limited casework undertaken as a result of these collaborations to date, it is expected that, over the course of time and with continued monitoring the model provided by the pilot arrangements can be used by other RRR firms to assist their clients on a pro bono basis. We would like to thank all of the law firms involved in the collaborations for their contribution to QPILCH.

Of course, these cases do not include the many other pro bono referrals made during the year. Of the 321 applications for assistance under our referrals schemes, 67 were from RRR areas and a further 96 were from the Gold Coast, Sunshine Coast, Logan and Ipswich. In addition, 18 referrals were successfully made through the RRR Project including the following examples:

- **Michael Williamson** of Counsel provided an advice to a couple in Cairns in relation to their prospects of successfully appealing the local Council's decision to approve a development application for a fitness centre across the road from their house. After considering Counsel's advice, and receiving some further advice from a contact at RRR firm and QPILCH member **P&E Law** in Cairns, the applicants decided not to proceed with an appeal, highlighting the important role of the QPILCH referral services in diverting non-meritorious claims away from the Courts.
- **Christian Jennings** of Counsel provided advice to a 66-year-old pensioner who discovered he does not own the house and land in the Rockhampton region he thought he had purchased and instead owns the vacant lot next door.
- **Michael de Waard** and **Hugh Scott-Mackenzie** of Counsel advised a woman from the Wide Bay Burnett region on her prospects of obtaining leave to apply for a property settlement eight years out of time on the basis of extreme hardship. **Blake Dawson** also assisted Counsel with this matter by providing the relevant title searches.
- **Anand Shah** of Counsel and **Barry Nilsson Lawyers** assisted a north Queensland couple who run a tourist resort in relation to the assignment of a lease. The resort suffered a small amount of damage in Cyclone Yasi and the couple was in significant debt.
- **MurphySchmidt** assisted a client of the Townsville Community Legal Service in relation to a dispute the client was involved in with law firm she engaged for an estates matter. Joanne Rennick of MurphySchmidt assisted the solicitor at the TCLS with a discrete aspect of the matter in which the solicitor did not have the relevant expertise.
- **Bruce Thomas Lawyers** assisted an elderly man to recover monies which he lost when he purchased a restaurant business in the Central West region. The client and the vendor were both represented in the purchase transaction by a trainee solicitor, under a supervising solicitor, of a private law firm.
- Mackay based law firm, **Macrossan & Amiet** assisted an elderly widow to set aside the transfer of a property by her late husband due to undue influence and/or unconscionable conduct. This matter was referred to QPILCH by the Mackay Regional Community Legal Centre.

Additional RRR firms, barristers and mediators were engaged in QPILCH including:

- **Michael Fellows** (Townsville) and **Neil Foran** (Gold Coast) of Counsel became QPILCH members;
- **Dean and Bolton** (Cairns and Townsville) and **Murray Lyons** (Cairns) agreed to participate in the QLS Pro Bono Referral Scheme; and



- **Christine Jones** (Sunshine Coast), **Noel Jensen** (Toowoomba), **Gerald Byrne** (Rockhampton), **David O'Brien** (Bundaberg), **Kate Grant** (Caboolture), **Ian Murphy** (Gold Coast), **Anthony Lee** (Cairns) and **Jim Ryan** (Sunshine Coast) have joined our mediation panel.

The RRR Coordinator travelled extensively throughout Queensland to raise awareness in RRR areas of QPILCH and the availability of the services offered by our city based member law firms. In particular, the RRR Coordinator travelled to:

- Melbourne to attend the NALC Conference and National RRR Network Meeting;
- Maroochydore to attend Regional Legal Assistance Forum Meeting and conduct an evening information session about QPILCH; and
- Mackay, Sarina, Proserpine, Cannonvale, Bowen, Townsville and Cairns to attend meetings with legal service providers, court and tribunal staff, community groups, local councillors and Members of Parliament.

The RRR Coordinator also spent time planning a trip to Stanthorpe, Goondiwindi, Roma, Toowoomba, Laidley and Gatton which occurred in July 2011. The trip promoted QPILCH activities to RRR based community groups, legal service providers, local councillors and Members of Parliament and added value to the work of Flood Legal Help, a coalition of the QLS, ATSILS, LAQ, QAILS and QPILCH, to ensure that Queenslanders affected by the flood receive the help they need, feeding any necessary referrals to members through QPILCH's usual referral process.

We have obtained funding from LPITAF to continue the RRR Project for an additional six months. Moving forward, we hope to continue to develop the structures we have established to assist disadvantaged people living in RRR areas throughout Queensland.

Catherine Cocks – projects@qpilch.org.au

FLOOD AND CYCLONE LEGAL HELP

“Legal Aid Queensland is coordinating the Queensland Flood and Cyclone Legal Help response and is working in partnership with organisations such as QPILCH to ensure free flood and cyclone legal information and advice is available to all Queenslanders who need it”.

Media Release - 18 April 2011

Flood and Cyclone Legal Help was established in response to the January 2011 floods and Cyclone Yasi with funding from Legal Aid Queensland and support from Mallesons Stephen Jaques, sufficient to support a full-time solicitor at QPILCH until early August 2011 and then for 2 days per week until June 2012. Caxton Legal Centre is also providing legal services as part of Flood and Cyclone Legal Help.

Initially, QPILCH staff and members attended training by the Queensland Law Society on relevant areas of law, followed by visits to **recovery centres** in Yeronga, Middle Park, Ipswich and Goodna.

Andrea de Smidt was actively involved in the coordinating the total legal response to the floods in the first key months from January.

We assisted in developing “Legal Health Check”, a questionnaire used by lawyers to assist people to identify legal issues including housing and tenancy, employment, lost documents, fencing, wills and estates.

QPILCH members also assisted to develop **factsheets for Flood Legal Help** on a similar range of issues, especially insurance. Many of the firms were themselves directly affected, yet provided support from the early stages of the response even though they were working remotely out of temporary office spaces or from home while they waited to regain access to their offices. QPILCH established a **designated appeal fund** for expenses associated with legal action arising from the floods. We kindly received a \$5,000 donation for this purpose in April 2011.

Our primary role in the disaster response has been to **assist small business**. We plan to assist individuals with referral to a firm, should it be required after they receive advice from Legal Aid Queensland and Caxton Legal Centre on insurers' Internal Dispute Resolution and the Financial Services Ombudsman process.

We drafted a **factsheet on the land swap proposal** for Lockyer Valley residents and liaised with the Reconstruction Authority on this issue. We haven't yet received any requests for assistance but should we do so, expect those requests to be readily taken up as those referrals will not involve insurers (and therefore conflict issues).

Catherine Cocks and Fiona Ellis (Mallesons secondee) spent time **planning visits to affected areas in SEQ** – Goondiwindi, Roma, Toowoomba and the Lockyer Valley in July – to make contact with local businesses, residents, community organisations and local reconstruction groups. QPILCH has also been contributing to the **QAILS Submission to Queensland Floods Commission of Inquiry**.

In 2010-11, a total of **34 applications** have been received since early February. Most involved insurance companies denying claims for flood damage based on an exclusion for flood in their policy. However, there have also been applications relating to lease issues where landlords did not properly complete repairs and the tenant wished to terminate the lease; others in which landlords locked tenants out and destroyed property; tenants requiring assistance to exit leases in the most commercially viable way without resulting in breach; one involving questionable behaviour by an insurance company when amending the policy; and one where a body corporate had not insured its common property for flood.

We referred 17 of these applications in 2010-2011 financial year, 7 matters being accepted by firms before 30 June 2011. Many referrals will be taken up in the early part of the following financial year. Of those referred in the first 6 months of the scheme, nearly 80% were accepted by QPILCH members or QLS BAQ Scheme Participants including:

- **McInnes Wilson** assisting with two matters, one involving abatement and abandonment of goods;
- **Clayton Utz** assisting a not-for-profit organisation with its claim for repair or replacement of contents;
- **Irish Bentley** assisting a not-for-profit sporting association disputing the excess payable under its insurance policy;
- **Shine Lawyers** taking on two matters involving disputes about the source of water; and
- **Murphy Schmidt** offering to assist a small business that was not made aware of the flood exclusion when purchasing its policy.

There are currently 10 or so files in which the applicants seem to be making progress with their insurance companies. Those applications are in abeyance until they advise further assistance is required of QPILCH.



Fiona Ellis, the secondee from Mallesons, finished her time with QPILCH in early August after a very thorough and concentrated effort on these matters. Andrea Perry-Petersen has taken over the role two days per week (currently Monday and Thursday).

Andrea Perry-Petersen – flood@qpilch.org.au

STUDENT PROGRAMS

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

QPILCH operates six student legal clinics in conjunction with our university partners and is the largest provider of clinical legal education in Queensland. Details of each clinic are set out in this section, along with information about intern and PLT programs.

Public Interest Lawyering Clinic

The QPILCH public interest lawyering clinic operates in the first semester of each academic year. From February – July 2011, 6 senior law students assisted in the assessment of public interest applications for legal assistance, conducted legal research and presented seminars on public interest issues. Students also undertook two research projects, one on privacy and social-networking sites and a second on insurance issues for people involved in minor car accidents.

Once again, the students were an invaluable resource in providing support in assessing applications for assistance through the public interest referrals scheme. Students in the 2011 clinic were:

Samantha Delechantos

Nicole Jefferies

Alana Elliot

Sarah Mathieson

Tyler Wright

John-Matthew Haddard

We are thankful to the many guest speakers who shared their time and experience with students:

Mr Simon Cleary of Counsel, **Dr Geoff Airo-Farulla** from the Office of the Commonwealth Ombudsman, **Dr Osmat Jefferson** from the Cambia Institute, **Mr Stephen Wilson** from Lockstep Consulting and **Ms Zoe Rathus** from Griffith University .

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

Administrative Law Clinic

In conjunction with Bond University, QPILCH operates three 12 week student clinics per year, providing direct and much needed legal assistance to our clients. In each clinic six Bond University law students attend QPILCH offices one day per week and work on a range of administrative law matters including: judicial review, freedom of information, guardianship, licensing issues and migration matters. Students interview clients, draft correspondence and documents, conduct legal research and provide advice under the supervision of the clinic supervisor.

In the 2010/2011 year the clinic opened 36 new files. It also assisted by providing research and drafting correspondence for approximately 30 QCAT and courts self-representation service files.

Students also undertake project work to support other QPILCH services and improve resources including preparing fact sheets and up dating precedents.

We are thankful to all practitioners who give their time so generously. This year students were fortunate to meet with **Barry Dunphy** from Clayton Utz, **Nitra Kidson** of Counsel, **Dr Geoff Airo-Farulla** from the Office of the Commonwealth Ombudsman, **Matilda Alexander** from Prisoner's Legal Service, **Matt Holmes** from MurphySchmidt and Senior Members **Bernie McCabe** of the AAT and **Clare Endicott** of QCAT.

Clinic students were:

Semester 3, 2010	Semester 1, 2011	Semester 2, 2011
Avril Prior	Rebecca Nielsen	Josh Lessing
Allie Pyper	Ci Yun Ho	Stephanie Nielsen
Amy Cook	Jenny Leo	Ashleigh Tomlinson
Han Nguyen	Samuel Brouff	Noor El-Gubbi
Katherine Mansted	Yostina Gindi	Vik Sodhi
Ashkan Tai	Siobhan Amad	Shane Cooper

Our thanks to **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.

Mental Health Law Clinic

The University of Queensland and QPILCH commenced the first Mental Health Law Clinic in second semester 2009. Since then, we have continued to provide the clinic for two twelve week semesters each year. Six students attend QPILCH one day per week for the semester. During this time, the students provide advice and assistance to clients, draft correspondence and documents for clients and conduct seminars on mental health. Each semester students also attend a hearing at the Mental Health Court.

Clinic students were:

Semester Two 2010	Semester One 2011
Alexandria Douglas	Brooke Thompson
Annie Liu	Cathaye Robertson
Micahela Purasinghe	Jordan Sacco
Sarah D'Andilly	Kate Dodgson
Margaret Freyne	Rachel Hew
Matt O'Donnell	Suvinee Gunasena

Casework

During the 2010-11 year the clinic opened 44 new files, a significant increase on the previous year. The clinic also continued work on a number of existing files.

Some of the matters that students in the Mental Health Law Clinic worked on include:

- Advice and assistance to clients in gaining access to their medical records;
- Advice to a client about bringing an action for negligence and false imprisonment;
- Assistance to a client to have an Involuntary Treatment Order removed;
- Advice to clients on their obligations in relation to contracts entered while suffering incapacity because of a mental health issue;
- Assistance to clients wanting to adjust their treatment plans;
- Assistance to clients in negotiating with the Public Trust Office; and
- Advice to clients in debt crisis after suffering a mental health episode.



In addition to casework, students have assisted in the preparation of various clinic documents and resources. Students updated factsheets on involuntary treatment orders, justice examination orders, emergency examination orders and involuntary assessment. These are available on the QPILCH website.

In semester 2 2010, the outreach program at the PA Hospital continued with two clinic visits. The clinic supervisor and students met with clients to take instructions and provide advice on a range of legal matters.

We were fortunate to have a number of guest speakers who shared their expertise with students during the clinics. We would like to thank **Rebecca Leong** from QAI, **Helen Webster**, psychiatric nurse, **Simon Hamlyn-Harris** of Counsel, **Beth Incognito** from the Speakers Bureau, **Dr Dan Siskind**, psychiatrist and **Melody Edwardson** of Queensland Alliance for generously giving their time to talk with students.

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 fourth consecutive year. Students in this clinic work on law reform, policy and socio-legal research. This clinic provides students with the opportunity to work intensively on a research project for the duration of the semester. The outcome of the semester's work can be various: a submission to government or a funding body, an article for a socio-legal publication, content for a website, publication of fact sheets etc. The clinic focuses on social issues and the law in practice and aims to assist students to develop a broader skill set. It is aimed at students who are considering careers in law reform, socio-legal research and policy.

In Semester 2 of 2010, students continued a project investigating ways of encouraging ADR in the courts (especially where one party is self-represented) and improving access to justice through more "user friendly" forms under the UCPR.

In Semester 1 of 2011, students worked in groups on two projects. One group conducted research on best practice in clinical legal education and assisted in drafting a funding submission for QPILCH. The other group worked on privacy issues affecting young people, particularly looking at identity scanning by nightclubs and obligations under privacy legislation.

Clinic students were:

Semester Two 2010

Angela Seeto
Christopher Yee
Fraser Bax
Helen Maguire
Lorne Easton
Seone Woolf

Semester One 2011

Elizabeth Talbot
Helen Davies
Katrina Cuskelly
Georgina Horsburgh
Sean Russell

We are very grateful to **Professor Jeff Giddings** and **Professor Richard Johnstone** from Griffith University, **Ros McDonald** from QUT Law School, **Toby Boys** from Holding Redlich, **Gretchen Young** from Young Futures and **Ann Edwards**, Sentencing Advisory Council, for generously giving their time to speak with the students.

Ann Herriot – studentprograms@qpilch.org.au

The Intellectual Property and Technology Law Clinic

The Intellectual Property and Technology Law Clinic (IPTLC) is a joint initiative between QPILCH and the Queensland University of Technology (QUT), which aims to facilitate free legal advice and legal services to members of the arts and technology communities who cannot afford to consult a lawyer. The areas of law that are covered by the IPTLC include copyright, contract (e.g. recording and 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 Margaret Street, in which clients are able to make 45 minute appointments to speak to a volunteer lawyer one-on-one about IP/Technology legal issues;
- 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 in Semester 2.

The IPTLC commenced as a student elective for the first time in Semester 2 of 2010. **Professor Brian Fitzgerald** and **Cheryl Foong** supervised six law students, who worked to support the IPTLC in providing the advice service and the pro bono referral service. Tasks carried out by students include researching on IP/Technology legal issues, recording the advice given at the advice service, assessing applications for assistance through the pro bono referral service, drafting correspondence and making phone calls as necessary. In addition to clinical work, each student was required to present on a specific IP/Technology legal issue. They were also required to submit a research paper at the end of the semester as part of their assessment.

We would like to thank our guest **speakers, Professor Anne Fitzgerald (QUT), Kellie Lloyd (QMusic), Alex McCallum (YAQ), Mark Moko, James North, Lix Bacskay, Elliott Bledsoe (Creative Commons Australia), Jimmy Ti (QUT), Harold Littler (Mackays Solicitors), Andrew Cameron (Sony Australia), Neale Hooper (Crown Law), Emma Carroll (Blake Dawson), Josh Henderson (DLA Piper), Dave Harrison (AusGamers), Hannah Suarez (Brisbane Creative Industries & Brisbane Festival), John Banks (QUT), Jim Eliades (Queensland Bar) and Ben White (QUT)**, for bringing their own unique perspectives and first-hand accounts about working in this area. We are very grateful to our guest speakers for generously sharing their time and invaluable insight. We would also like to 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 IPTLC. We acknowledge the lawyers who have generously volunteered their time to provide much-needed advice and the firms for accepting our referrals.

The students in Semester 2, 2010 were:

Clair Berman-Robinson	Sarah James
Jason Leong	Marie-Claire Rothnie
Stephanie Surm	Stephanie Williamson

Through the IPTLC, the students have learned valuable practical skills in assisting others through community legal service, and at the same time gained legal research experience, particularly in the area of Intellectual Property and Technology law. The student elective recommences in Semester 2, 2011 with 6 new students.

35 clients have received legal advice from volunteer lawyers at the IPTLC's monthly advice sessions. We have processed 10 pro bono referral applications, 4 of which were referred to a firm.



Examples of this work include:

- A client had written a feature film, and was in the process of casting their characters and seeking funding. They sought to protect the idea behind the story and their script, and attended an advice session in July 2010. They were advised by lawyers from HopgoodGanim and Blake Dawson on copyright in the script and the extent of copyright protection. They were also advised on how to protect the confidentiality of the story.
- A client had designed various cultural products. They sought advice on the permissions and licensing agreements needed in order to market and sell those products. Across two advice sessions, lawyers from DLA Piper and Bolam Legal provided the client with advice on copyright law and other IP issues. The client also sought referral assistance for further advice and a review of the licenses offered to them. This assistance was provided by McCullough Robertson Lawyers in August 2010. These products are currently being sold at various locations in Australia.
 - A client was starting an online music publishing business and wanted to know how to protect their trademark internationally. They also wanted to know how to protect all IP held by the company in general. The client attended an advice session in October 2010. They were advised by a solicitor from DLA Piper on trademark protection, and were given an overview on the process of registering trademarks overseas. They were also advised on copyright in the company's content, website aesthetics etc. The importance of agreements and clear terms and conditions on the website was emphasised.

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Homeless Persons Legal Clinic

The HPLC coordinates a clinical legal education subject in collaboration with the **TC Beirne School of Law**. Students spend six weeks of their placement with an HPLC law firm, and six weeks at QPILCH on policy projects. We are grateful to the following firms which host the students: **MurphySchmidt, Blake Dawson, McInnes Wilson, McCullough Robertson, Holding Redlich, Mallesons Stephen Jacques, Minter Ellison** and **Freehills**.

In Semester 2, 2010 the students continued research into SPER issues, surveying clients, consulting with stakeholders and providing the foundation for the HPLC discussion Paper and subsequent advocacy.

In Semester 1, 2011 the students worked to develop the model and resources for a civil law clinic for prisoners. There is a strong connection between homelessness and imprisonment, both as a cause and effect, and government policy is increasingly directed at the need to prevent exits into homelessness from institutional care. The Offender Reintegration Support Service, managed by Mission Australia, delivers case-management to some prisoners within six months of release. Mission Australia caseworkers agreed to assist clients to complete the Legal Health Check, and forward it to a student clinic for file work. The intention was to have the clinic operational in Semester 2, 2011; however, this has been deferred.

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VOLUNTEERS

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Stephen Grace	Dominic Nelson	Robyn Wynn
Susan Hogarth	Sheree O'Dwyer	Alexandra Young

Other placements and interns

- **Christine Bredenhof, Meisoon Lau, Kirsty McFarlane** and **Gail Jessup** did their Professional Legal Training placement in a volunteer capacity at QPILCH.
- **Cécile Bigot**, a trainee lawyer from France, joined us for an internship.
- **Emma Treherne** attended a placement at QPILCH through the QUT Internship Program.
- **David Farlow** joined us for a placement through Bridgeworks.
- **Alexandra Holland** from St Rita's College and **Shalom Roes** from Stanthorpe High School joined us for work experience.
- **Sahib Nazari** assisted us with administration through a placement from the Multicultural Development Association. We are very grateful for Sahib's assistance.



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