

Queensland Public Interest Law Clearing House Incorporated

2006-2007 Annual Report

Law Firms

4changelawyers
Allens Arthur Robinson
Blake Dawson Waldron
Brian Bartley and Associates
Carter Capner
Clayton Utz
Cooper Grace Ward
Corrs Chambers Westgarth
Deacons
DLA Phillips Fox
Ebsworth and Ebsworth
Freehills
Holding Redlich
Macrossans Lawyers
Mallesons Stephen Jaques
McCullough Robertson Lawyers
McInnes Wilson Lawyers
McPhee Lawyers
Miller Harris (Cairns)
Minter Ellison Lawyers
MurphySchmidt
Nathan Lawyers
Piper Alderman
Quinn & Scattini
Shine Lawyers
Sparke Helmore Lawyers
TressCox Lawyers
Walkers Solicitors

Barristers

Nicholas Andreatidis
Michael Ballans
Ken Barlow
John Bond SC
Jacoba Brasch
Vincent Brennan
Judy Brien
Alexandra Brook
Sue Brown
Gary Coveney
Jarrod Cowley-Grimmond
Christopher Crawford
Quentin Cregan
Jean Dalton SC
Cameron Dick
Tracy Fantin (Cairns)
Dr Kim Forrester
Joshua Hanna
Patrick Hay
Keith Howe
George N Kalimnios

David Keane
Stephen Keim SC
Liam Kelly SC
Nitra Kidson
Carla Klease
Michael Labone
Peter Lyons QC
Nicole Martin
Scott McConnel
James McNab
Damien O'Brien
TP O'Brien
Daniel O'Gorman SC
Rebecca Pearson
Darryl Rangiah
Guy Sara
Hugh Scott-Mackenzie
Sarah Scott-Mackenzie
Dr Max Spry
David Thomae
Roger Traves SC
Terence Walsh
Karen Williams
Dr Michael Wilson
Julene Winn

Specified Members

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

Associate Members

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

Government Legal Unit Members

Australian Competition and Consumer
Commission



Queensland Public Interest Law Clearing House Incorporated

STATISTICAL SNAPSHOT

2006-07 CASEWORK

Referral Services

204 applications received
86 referrals

Homeless Persons' Legal Clinic

252 new files opened

Consumer Law Advice Clinic

103 new files opened

Administrative Law Clinic

13 new files opened

PRO BONO VALUE SINCE 2002

Public Interest Referrals

956 applications received to date
354 referrals
137 referrals finalised and costed with an estimated value of
\$886,000
(not including contributions to the clinic and through secondments)

Homeless Persons' Legal Clinic

1209 files opened with an estimated value in excess of \$3.5 million

Consumer Law Advice Clinic

433 cases to date

Administrative Law Clinic

77 cases to date

2006-07 FINANCIALS

Revenue—\$440,953
Expenses—\$427,342
Surplus carried forward—\$13,611



PRESIDENT'S REPORT

Over the last six years as committee member, the last three as president of QPILCH, I have seen some tremendous changes in the profession and in pro bono. The profession's enthusiasm for making a genuine contribution to the legal needs of disadvantaged Queenslanders in civil law and its commitment to a structured pro bono scheme has changed the legal landscape in this State.

QPILCH was founded by the profession because it saw that the reduction in legal aid in civil law from the early 1990s was denying access to justice to many people. Inspired by our southern counterparts, the founders of QPILCH saw opportunities for the private profession to improve access for people who could not get aid or afford private representation.

We started off simply as a referral agency, providing a service to match public interest claims with specialist firms and barristers. Since 2002, over 950 applications have been received and 350 referred. This number of applications and referrals has tested both our capacity to assess them and our members' capacity to assist in this way.

To do more in other ways and to help people who were not being assisted through the referral process, we have started several programs to target the most disadvantaged in our community. QPILCH's members see the broader opportunities through a systemised pro bono structure to target available resources where they are most needed.

We now provide legal services for the homeless (Homeless Persons' Legal Clinic since 2002); for people with credit and debt problems (Consumer Law Advice Clinic since 2004); for people challenging government decision-making (Administrative Law Clinic since 2004); and for refugees (Refugee Civil Law Service since 2007).

While there are many services that provide free legal advice and assistance, full free legal representation is difficult to find. While our referral service in part responds to this need, many people are increasingly accessing the courts without the services of a lawyer. To meet this need, we have been developing a service to assist litigants in person before the Court of Appeal and trial divisions of the Supreme and District Courts. The latter commenced in October 2007 and the Court of Appeal service will commence in early 2008. These new initiatives have been in planning since early 2006.

We have also worked over the year to assist other community legal centres to develop relationships with private firms in order to increase their services to the community. In early 2007, we brokered a meeting between community legal services and private firms with the aim of developing partnerships and thus increasing access to the resources of the private profession by the community legal sector. We brokered a secondment from a member firm to a small regional CLC, have created a family law panel for CLCs to access specialist family law advice, and are developing online training for CLC lawyers. We will continue this program in coming years.

While QPILCH was conceived to provide a service - to help people deal with their daily struggles - paying the bills, finding shelter, finding a job or keeping a pension, struggling with illness, and facing the obstacles that are not presented to the majority - we recognise that we cannot fill the huge gap in services for people who cannot afford a lawyer or obtain legal aid. Accordingly, we have tried to contribute to discussion of the issues that face the civil justice system.

In introducing the UK Access to Justice Bill in 1998, the Lord Chancellor, Lord Irvine of Lairg said that "[a] major component in deciding whether a State provides a decent quality of life for its citizens is the extent to which it secures for them access to justice".

There are many things required to give meaning to the term 'access to justice', and we have made a number of submissions recommending ways to improve the civil justice system.

Over the last few years, we have made submissions to

- Legal Aid Queensland's civil law, Civil Law Legal Aid Scheme and means test reviews, urging it not to further restrict its civil law services, and find improvements through enhanced coordination and more creative use of available funds.

- We have urged government to give adequate public funding for legal aid and community legal centres for civil law, proposing more creative use of managed litigation funds and targeted funding of innovative schemes to achieve greater returns.
- We have encouraged the Standing Committee of Attorneys-General to open up litigation funding, focusing on the disadvantaged by confining our argument to public funding through legal aid and not-for-profit schemes.
- We have recommended to the Legal, Constitutional and Administrative Review Committee of the Queensland Legislative Assembly on how administrative law could be made more accessible.
- We have proposed to the Queensland Attorney-General that consolidated costs legislation be drafted to limit costs orders in public interest litigation, permit cost protection orders, and to protect the interests of lawyers and clients in speculative matters when the relationship breaks down and the client becomes self-represented.

Without proper avenues for enforcing rights and adequate funding to pursue litigation to protect them, access to justice is meaningless.

We are grateful that the State Government provides funding to coordinate our referral and homeless services and funds our service for self-represented litigants. However, our consumer law and administrative law services do not begin to address community need. With minimal extra funding, these services and the civil law advice and assistance provided by Legal Aid Queensland and community legal centres around Queensland could provide a much more comprehensive and needed service.

But it also requires a true commitment by government to make laws understandable and accessible for all Australians.

In the *Decline and Fall of the Roman Empire*, Gibbon noted that on Emperor Justinian's completion of the legal Codex in 529AD, the Romans "were overwhelmed by the weight and variety of new laws which at the end of five centuries became a grievance more intolerable than the vices of the city".

This description could apply equally to modern Australia as our legislators, federal and state, churn out vast amounts of legislation with which even the most diligent lawyer has trouble keeping abreast. Our governments seem to believe that once policy is decided, often without adequate research, and enacted, the job has been done and the problem solved. Unfortunately, complex and prolix laws can often lead to injustice for individuals and communities. There are recent clear examples where bad and confusing laws have led to unjust results.

If politicians' talk of access to justice is real, and the courts have a legitimate role in our system of government, then governments should think twice before legislating away rights and, in these boom times, should also commit more funds to civil law services.

In reducing prisoners' access to the courts, for example, there was no evidence supporting the government's justification that prisoners were over-using the judicial review process. In legislating away a decision favouring environmentalists, there was no evidence that it would lead to the loss of jobs or damage the industry. In these highly profitable but worrying times, our governments should be trying to 'get the balance right' by ensuring full democratic rights and due processes are observed. Our democracy is undermined if governments change the rules when they do not like the results. And there will be 'blowback' in time if they continue to do so.

Almost predicting the recent increase in litigants in person, Justice Brennan of the US Supreme Court said in 1956:

Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with, but injustice makes us want to pull things down. When only the rich can enjoy the law, as a doubtful luxury, and the poor, who need it most, cannot have it because expense puts it beyond their reach, the threat to the existence of free democracy is not imaginary but very real, because democracy's very life depends upon making the machinery of justice so effective that every citizen shall believe in the benefit of impartiality and fairness.

With those words, and as this is my last report as president of QPILCH, it is with confidence that I hand over to a new president an innovative and vital organisation. With the backing of a committed, imaginative and forward-thinking committee and staff, I know that QPILCH will grow and thrive and continue to be a productive contributor to Queensland.

Projects, programs and events during 2006-07

Project reports are provided for readers' information in more detail later in this report. Here, several points are worthy of special mention.

Under the supervision of Catherine Uhr, the success of the **Consumer Law Advice Clinic**, a partnership of QPILCH and the TC Beirne School of Law, continues as a learning experience for the students and a high quality legal service for the community. Unfortunately, the service has had to be cut back as secondments have ceased and the service is now provided one day per week during semester. We have made submissions to the State and Federal Attorneys-General on the need to establish, like most other states, a stand-alone consumer law centre in Queensland to address the unmet demand for credit and debt advice and assistance.

The **Homeless Persons' Legal Clinic** continues to deliver essential services to the most marginalised members of our community. We now have ten operating clinics, including a new service launched recently in Toowoomba. Two more outside Brisbane are due to start during the 2007-08 financial year. The homeless policy worker Sue Garlick has been responsible for the difficult task of galvanising other communities to establish this essential service.

Our oldest student clinic, the Griffith University **Public Interest Lawyering** clinic, continues to support QPILCH's assessment and referral work in first semester each year. Cristy Dieckmann supervised this clinic in first semester 2007 and I thank Cristy for the freshness and vigor she brought to this role.

Cristy also coordinated a new project to help develop pro bono in the community legal sector. The **CLC Support Program** ended with a function to introduce firm and CLC representatives.

In tandem with the CLC Support Program, **Clayton Utz** seconded a senior associate, Sian Thomas, to QPILCH for placement with the Taylor Street Community Legal Service in Hervey Bay. We urge other firms to put their weight behind such initiatives for CLCs.

The **Administrative Law Clinic** with Bond University completed its eighth term in 2006-07, under the fine supervision of Rebekah Leong (term 3, 2006), then Dawn Carey, a secondee from **DLA Phillips Fox** in term 1, 2007, and Sonia Caton in term 2, 2007.

Blake Dawson Waldron seconded solicitors Amanda Hess to support the Consumer Law Advice Clinic in the second half of 2006 and Emma Hoy to support our referral services for 5 weeks in April and May while the QPILCH coordinator was on leave.

I thank DLA Phillips Fox, Clayton Utz and Blake Dawson Waldron for their generous support with these **secondments** during the year and the very hard working and committed secondees.

We have almost finalized our **systems review**, commenced by Rebekah Leong and continued by Rochelle Carey with the assistance of Allens Arthur Robinson, so that in early 2008 we can commence a comprehensive evaluation of all our services. We are building the evaluation model into our new projects, so that we will know how effective we are in conducting our services.

A new **website** has also resulted from the hard work of Rebekah Leong and Rochelle Carey, which enables us to present to the world the breadth of our work, a legacy that will benefit QPILCH for many years. Rebekah and Rochelle also established an **intranet** to give staff and volunteers ready access to our systems and procedures.

With QUT Law School, we were successful in obtaining funding from LPITAF to research the legal needs of **litigants in person** (LIPs) before the Court of Appeal, with

a view to developing improved services for LIPs. We conducted a seminar in March 2007 and will report on this research later in 2007. I thank Nigel Stobbs and Mark Thomas of QUT Law School for their involvement in this project.

I also acknowledge the excellent coordination of our **student volunteer program** over the year by Rebekah Leong and Rochelle Carey and the students who helped us.

The fourth **Public Interest Address** was held at the Polo Club on 14 September 2006 with guest speakers Sir Anthony Clarke, Master of the Rolls and Michael Napier, the UK Attorney General's Pro Bono Envoy. Bob Musgrove of the UK Civil Justice Council and Colin Stutt of the UK Legal Services Commission also attended. These entertaining and informative guests outlined recent developments in England following the Woolf civil law reforms of the late 1990s and the recent work of the Civil Justice Council.

A special event highlighting the "Stolen Wages" issue was held at the Irish Club on 5 October 2006. Entitled "**Taken on Trust: Government accountability for Indigenous trust monies**", over 200 people attended to hear Dr Elouise Cobell, an elder of the Blackfeet Nation, Dr Ros Kidd, Mr Victor Hart and Fr Frank Brennan. The evening was chaired by Justice Kate Holmes and a welcome to country and acknowledgement of elders was given by Uncle Bob Anderson. The forum was jointly hosted by QPILCH and Caxton Legal Centre. We thank Caxton Legal Centre, Griffith University's Centre for Public Culture and Ideas, the Queensland Council of Unions and Boe Lawyers for their support for this forum.

Finally, I wish to thank three fine volunteers who organized "**Cocktails for a Cause**" in October 2006. Jaclyn Strelow (Mallesons), Amanda Fleming (Macdonnells) and Susan Ford (Mallesons) initiated and coordinated this event that raised over \$8,000, enabling QPILCH to establish a small fund for disbursements in public interest pro bono cases.

The year ahead

The Bar and QLS application to LPITAF for QPILCH to **coordinate pro bono services** (not just public interest ones), was unsuccessful for a second time. We hope to be able to convince the government of the utility, even necessity, of this concept. Providing a one-stop shop for all pro bono referrals will reduce duplication and misdirection of referral for free legal services, reduce referral fatigue and benefit firms by providing a filter for pro bono referrals.

I have been very heartened by the new **members** who have recently joined QPILCH, and members of the Bar are particularly leading the way here. With this in mind we hope to incorporate more barristers into our services, particularly to help out with our self-representation service and also to represent people before tribunals on a more systematic basis.

I am pleased to welcome new services coordinator Andrea de Smidt who has taken over the demanding role of coordinating all QPILCH's legal services from Rochelle Carey. Andrea is committed to developing all the services we provide and contributing to the development of other initiatives, such as the Refugee Civil Law Service, a partnership with Corrs Chambers Westgarth, which was launched by the Chief Justice in September 2007.

The Self-Representation Civil Law Service commenced in October 2007 with the appointment of solicitor Erin Thomas and paralegal Allira Thompson and promises to be an innovative and valuable service.

The Court of Appeal self-representation service will commence early in 2008. We will establish a panel of retired lawyers and practicing barristers and a new student clinic to conduct this service in conjunction with the new trial division service. This project was made possible by the passage of the new *Legal Profession Act 2007* following a detailed submission on volunteer practising certificates prepared by Rebekah Leong.

I would particularly like to thank retired justice Martin Moynihan AO for agreeing to chair the reference group that will oversee both self-representation services.

With funding from the Law Foundation, we have now two part-time staff members, Gayle Gasteen and Andrea Perry-Petersen, coordinating our training and research programs to focus more on developing excellence in legal research and analysis skills and developing a more extensive and targeted training program for our members, NGOs, CLCs and students. This funding has also established a new student clinic with the TC Beirne School of Law. The **Public Interest Research Clinic** commenced in July 2007.

The HPLC under the new leadership of Michael Carey and with the untiring support of Sue Garlick will continue to develop and increase its targeted services for the most disadvantaged citizens. I urge the new Minister for Communities to place funding for the coordination of this vital service on a recurrent basis from July 2008.

These initiatives have been achieved with minimal funding. I urge all governments to see the potential offered by providing appropriate funding for small flexible agencies such as ours to improve access to justice for people who cannot obtain legal aid or afford a private lawyer.

Special acknowledgments

I thank the **Chief Justice of Queensland, the Honourable Paul de Jersey AC**, our patron, for initiating the self-representation project for the trial divisions of the Supreme and District Courts and for his support throughout the year.

I thank the former **Attorney-General and Minister for Justice, the Hon Linda Lavarch MP** for her financial support from LPITAF for QPILCH's core services and training development in 2006-07, and the new Attorney, the **Hon Kerry Shine MP** for securing long-term funding for QPILCH's coordination services and the Self-Representation Civil Law Service through the Community Legal Service Program. This support acknowledges the role government has in supporting pro bono coordination and recognises QPILCH's hard work.

I thank the then **Minister for Communities, the Hon Warren Pitt MP** for funding coordination of the Homeless Persons' Legal Clinic. This vital funding has permitted the HPLC to again operate for another year.

I thank **Justice Margaret McMurdo, President of the Court of Appeal** for her support, and her fellow Judges of Appeal for their involvement in the development of the self-representation project, particularly the service that QPILCH will establish in the appeal jurisdiction in early 2008.

I thank all **QPILCH members** for their great contribution to pro bono services and the support of individuals and groups who would otherwise be denied legal assistance. Their continuing commitment to QPILCH is an ongoing inspiration to me as a lawyer. I particularly acknowledge the contribution made by barrister member **Gavin O'Sullivan** who sadly passed away early this year. Gavin was dedicated to helping others, finishing an opinion for a QPILCH client not long before his death.

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 the **QPILCH staff** members who have worked with dedication, imagination and enthusiasm. Special mention must be made of Linda Macpherson, who left after 2.5 years as CLAC supervisor, Rebekah Leong who left QPILCH in December 2006 to work in Cambodia after more than 2 years as the services and projects coordinator, the HPLC coordinator Monica Taylor who left QPILCH for Uganda after two years at the helm of the HPLC, and Rochelle Carey who replaced Rebekah and left to return to private practice in September 2007. These staff worked with great focus, intelligence and energy. They have left their mark on QPILCH.

Finally, I thank my fellow **committee members** who have given much to QPILCH and have supported me as president over the last three years.

Peter Rosengren
President

TREASURER'S REPORT

I present as Treasurer the audited financial report for the financial year 2006-2007.

QPILCH is a lean organization that is open and accountable in our management of the resources that we receive, scarce resources that are available to maximize pro bono legal assistance in Queensland.

In the 2006-07 financial year QPILCH obtained funding:

- from **membership** fees;
- for core services under the **LPITAF** program managed by the Queensland Department of Justice;
- from the **Department of Communities** for the coordination of the Homeless Persons' Legal Clinic;
- from the **Gambling Community Benefit Fund** to upgrade our computer system;
- from our university partners to operate three student clinics.

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

I am pleased to report that from July 2007, the LPITAF funding for our core services became recurrent funding under the **Community Legal Service Program**. This commitment to pro bono coordination ensures relative funding security into the future. However, there are two issues which we will need to address to remain viable.

First, the government funding we have received to date and membership fees do not cover all our expenses, and so we must raise other funds to avoid a deficit at the end of the year. This means that we will continue to spend a significant amount of time on fund-raising, which takes us away from core duties. Our funding situation is tight. We have submitted to government that even a small increase in funds for community legal centres can lead to large service increases if properly coordinated and targeted.

Second, we have unsuccessfully applied to the ATO for DGR status, which would increase our ability to attract corporate funds. The ATO maintains that we are a referral agency, not a direct service provider, and a public interest service, not focused on the relief of poverty. However, over 70% of our output is provided not by our members, but by volunteers and staff of QPILCH (not dissimilar to other CLCs that enjoy DGR status) and this work is for the most disadvantaged people, the homeless and people experiencing severe financial problems. In 2007-08, we hope to convince the ATO that we are entitled to such status. We thank **Freehills** for its assistance with our submissions to the ATO.

The funding we obtained from the Department of Communities in 2006-07 for the coordination of the HPLC was continued into the new 2007-08 financial year. However, this funding remains non-recurrent, and we hope that like core service funding, it can be converted into recurrent SAAP funding from 1 July 2008.

Our major cash source for 2006-07 has been membership fees and government funding, and I thank **our members** and funders for their support. Our major outgoings are wages.

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

- **Blake Dawson Waldron** for seconding solicitors Amanda Hess and Emma Hoy to support our CLAC for semester 2, 2006 and referral services in April/May 2007 respectively; **DLA Phillips Fox** for seconding Dawn Carey for the Administrative Law Clinic (term 1, 2007); and **Clayton Utz** for seconding Sian Thomas to assist Taylor Street Community Legal Centre in April/May 2007; and
- **Law firms** which have provided staff to attend the homeless persons' legal clinics and 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. I particularly acknowledge Rebekah Leong, Monica Taylor and Rochelle Carey who made such fine contributions during the year and who have now left QPILCH to advance their careers elsewhere.

Robert Reed
Secretary/Treasurer



2006-07 MANAGEMENT COMMITTEE

EXECUTIVE

Peter Rosengren, President – Partner, Deacons

Hugh Scott-Mackenzie, Vice-President – Barrister

Robert Reed, Secretary/Treasurer – Senior Associate, Minter Ellison Lawyers.

COMMITTEE MEMBERS

Andrew Buchanan, Partner, Allens Arthur Robinson

Peter Carne – CEO, Queensland Law Society Incorporated

Tony Denholder – Partner, Blake Dawson Waldron

Professor Jeff Giddings – Griffith University Law School

Dan O'Connor – Chief Executive, Bar Association of Queensland Inc

Joanne Rennick – Partner, MurphySchmidt

Vacant – Queensland Association of Independent Legal Services Inc

Elizabeth Shearer - Senior Legal Consultant, Legal Aid Queensland.

COOPTED MEMBERS

Russell Thirgood – Partner, McCullough Robertson

Robyn Wilkinson – Solicitor, Legal Aid Queensland

2006-07 STAFF

Name	Position
Jane Auyeung, Jackson Lim, Katherine McGree, Emma Timms, Sarah Leslie, Katia Vandembroucke, Lulu Ou, Shannon Jarrett, Rhian Ward, Sarah Walters, Prue Fan	Law students who work as our administrative assistant (casual job-share position one day per week)
Sue Garlick	HPLC policy (part-time two days per week)
Gayle Gasteen	Training and Development coordinator (part-time two days per week)
Simon Ryder	Internet/intranet/PBLi assistance (casual one day per week)
Rebekah Leong	Projects coordination officer (full-time) until December 2006
Linda Macpherson	CLAC supervisor (casual one day per week during semester) until October 2006
Rochelle Carey	Projects coordination officer (full-time) from January 2007
Sonia Caton	Administrative Law Clinic supervisor (casual one day per week during term) from May 2007
Sue McComber	Bookkeeper (casual one day per week) until September 2006
Jessica Hodge	Bookkeeper (casual one day per week) from September 2006
Catherine Uhr	CLAC coordinator (casual one day per week during semester) from February 2007
Monica Taylor	HPLC coordinator (full-time) until July 2007
Michael Carey	HPLC coordinator (full-time) from July 2007
Tony Woodyatt	QPILCH coordinator (full-time)

REFERRAL SERVICES

In 2006–2007 there were a total of 204 written applications for assistance to QPILCH. A total of 86 applications that met the public interest and legal merit tests were referred to our member firms and barristers. While this only represents a small increase over the previous year, assessing over 200 applications, many of which are complicated and voluminous, tests the capacity of our staff complement (including students) and current member base to do more.

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

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

Referral statistics 2001-present

	2006-07	2005-06	2004-05	2003-04	2002-03	2001-2	Total
Written applications	204	200	197	76	111	50	938
Referrals	86	77	64	46	40	17	334

A sample of referrals finalised during 2006-07

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

Not for profit and community organisations

Clayton Utz assisted a non-profit organisation that sought advice regarding legal liability arising because of statutory obligations placed on licensees and nominees under the *Child Protection Act 1999*; provided assistance to a not for profit organisation which required amendment of its constitution in compliance with the *Association Incorporation Act 1981* (Qld); and also negotiated the terms of a proposed lease and purchase of land for a non-profit organisation.

Allens Arthur Robinson provided assistance to a non-profit organisation which was seeking legal advice in relation to the amendment of their risk management guide and insurance for their members; and provided detailed legal advice to a non-profit Indigenous organisation in relation to whether a block of land could potentially be the subject of a native title claim.

Judy Brien of counsel provided advice on a planning issue to a not for profit organisation.

Barrister member **Damien O'Brien** assisted QCOSS and QAILS to settle their submission to the Legal, Constitutional & Administrative Review Committee in its inquiry into the accessibility of administrative justice.

QPILCH sought legal advice regarding intellectual property rights to training material created by volunteers. **Minter Ellison** provided assistance by drafting a deed of agreement and license deed.

For insurance purposes, CLCs are periodically required to undergo a quality assurance audit of their files. Barrister **Carla Klease** kindly donated her time to do this for the Homeless Persons' Legal Clinic.

Barrister **Sue Brown** provided her opinion to a non-profit organisation seeking advice on whether to legally challenge the expansion of the move-on powers under the *Police Powers & Responsibilities Act 2000*.

Cooper Grace Ward Lawyers assisted a non-profit organisation which supports cancer patients to amend their constitution, and provided general legal advice to the organisation regarding intellectual property and insurance issues.

Ebsworth & Ebsworth Lawyers provided advice to a community advocacy organisation regarding the applicability of the WorkChoices legislation.

Barrister **David Keane** assisted a community legal centre representing an individual in a choice of law matter. Detailed legal advice was provided regarding the appropriate jurisdiction in which to commence the claim.

Barrister **Anand Shah** provided advice to a community legal centre which was acting for a client in relation to a disability discrimination matter. The client lodged a disability discrimination complaint with the Human Rights and Equal Opportunities Commission against an airline carrier in relation to its mobility aid size restrictions.

Individuals

An applicant was due in the Anti-Discrimination Tribunal for a final hearing, however due to an anxiety attack left the Tribunal before his hearing. The respondent then brought an application to dismiss the complaint because the complainant failed to appear. **Carter Capner** and **Dan O’Gorman SC** were successful in having the application by the respondents dismissed and continued to successfully assist the applicant.

TressCox Lawyers and barrister **Ken Barlow** assisted an elderly applicant in relation to the transfer of her property. The applicant’s husband suffered from dementia however he executed a transfer of his half of the property in favour of his son (the applicant’s stepson). The applicant’s husband then passed away and the transfer was not lodged until after the husband’s death. The stepson was also the executor and beneficiary under the husband’s will, and the applicant sought urgent assistance to stop the transfer, and hence her stepson from borrowing against his half share of the property. TressCox Lawyers and Ken Barlow were successful in obtaining an order in the Supreme Court that the land title register be corrected to show the applicant as the sole owner of the land.

Miller Harris Lawyers and barrister **Dan O’Gorman SC** were successful before the Federal Court in relation to a disability discrimination claim. The applicant claimed that he was discriminated against by health care services by them not allowing his dogs into the premises. He claimed that they were assistance animals in relation to his disability. The Court found that the health care facilities discriminated against the applicant.

Nathan Lawyers provided advice to an applicant in relation to alleged discriminatory conduct on the basis of an impairment which he suffered when applying for a job.

Associate member, chartered accountants **BDO Kendalls** provided actuarial advice for a former ward of the state in a claim for unpaid wages.

Barrister **George Kalimnios** and solicitor **Malcolm Pieterse** of the firm **Pieterse & Pieterse** assisted an applicant at very late notice in relation to an application brought in the Family Court under the Hague Convention for the return of children to the United States. The issue in question was whether the order that the Crown were seeking was within the power of the Court.

MurphySchmidt Solicitors assisted an applicant with a claim being made against him for damages of \$4,800 for loss suffered as a result of a car accident in 2003. The applicant was an HPLC client and the HPLC was unsuccessful in negotiating with the insurer. The insurer filed a claim in the Magistrates Court and indicated that it would push for summary judgment. MurphySchmidt were successful in negotiating a much reduced amount to be paid by the applicant.

MurphySchmidt Solicitors also assisted an applicant in a claim for professional negligence against a firm of solicitors which the applicant engaged to seek compensation against a nominal defendant for her husband’s death in a car accident. The firm of solicitors advised the applicant not to accept the first offer that was made to her and then failed to pursue the matter. The applicant was then barred from pursuing the matter due to statutory time limits. MurphySchmidt were successful in negotiating a settlement with the firm’s professional indemnity insurer.

Barrister **Sarah Scott-Mackenzie**, instructed by **Drakopolis Black**, successfully assisted an applicant overturn the Minister for Immigration’s refusal to grant a visa, and the Minister subsequently granted the visa for the applicant to remain lawfully in Australia.

McInnes Wilson Lawyers assisted an applicant whose husband had gone bankrupt and the trustee in bankruptcy was threatening to sell the applicant’s home (held only in her name). The husband went bankrupt on poor advice on a debt of \$2,500. The trustee in bankruptcy had incurred substantial costs over the small debt. McInnes Wilson was able to negotiate with the trustees in bankruptcy to accept a much reduced amount in settlement of all the debts of creditors and the trustee’s fees, and secure an annulment of the bankruptcy.

Quinn & Scattini and barrister **Karen Williams** provided separate representation on the request of the Guardianship and Administration Tribunal to a young adult with impaired capacity in relation to a review of the appointment of his guardian; and **Quinn & Scattini** and barrister **Jacoba Brash** provided separate representation on the request of the Tribunal for an applicant seeking review of the decision that he lacked capacity for his legal matters.

Mallesons Stephen Jaques provided assistance to a refugee in relation to the alleged wrongful termination of a franchise agreement; and also assisted two pensioner couples in defending a claim of defamation and civil conspiracy in the Supreme Court. The claim was lodged after the couples had complained to the plaintiff regarding the conditions of their retirement village. The claim against the couples was withdrawn.

Deacons assisted a 93 year old applicant in relation to a breach of an agreement between himself and his daughter. The applicant sought legal assistance regarding an

accommodation agreement he had made with his daughter, which the daughter subsequently failed to uphold. Ultimately, the applicant and his daughter resolved their dispute regarding what he was owed pursuant to the agreement between them.

In 2004, QPILCH was approached by a group of mobile home owners whose park owner had applied to the Small Claims Tribunal to terminate their site agreements. While the Small Claims Tribunal ruled in the applicants' favour, the park owner had appealed to the Supreme Court on a point of law. **Brian Bartley & Associates** instructing counsel **Damien O'Brien** successfully defended the claim. A Court of Appeal action was filed, however, was settled by agreement. Costs were awarded to the applicants.

QPILCH received an application from a man who was refused a protection visa and was concerned that he would face persecution in his home country if he returned due to his religion, membership of a particular social group and his political opinion. **Nitra Kidson** of counsel provided an opinion as to prospects of success in appealing the decision of the Refugee Review Tribunal.

Clayton Utz and barrister **Hugh Scott-Mackenzie** assisted an invalid pensioner to resolve a property dispute with her defacto ex-husband. A settlement was negotiated between the parties and resulted in a satisfactory outcome. Furthermore, the applicant was provided with assistance to obtain a loan required to effect the settlement.

Research and publications

- **Minter Ellison Lawyers** undertook considerable work for QPILCH's submission to the Standing Committee of Attorneys General (SCAG) on litigation funding.
- **Freehills** assisted QPILCH in seeking a ruling on Deductible Gift Recipient status from the ATO.
- **Allens Arthur Robison** continued with its assistance in reviewing QPILCH's systems as part of an internal quality audit process and reviewed our pro bono solicitor/client agreement.
- During the year, **Clayton Utz** commenced updating the limitation schedule (see our website) which provides a resource for CLCs to assist in checking important limitation periods.

Andrea de Smidt – services@qpilch.org.au

HOMELESS PERSONS' LEGAL CLINIC

2006-07 was a very busy year for the HPLC. The continuation of full-time funding from the Queensland Department of Communities has enabled the Clinic to employ a full-time Coordinator and a part-time Policy and Clinic Expansion Officer. This has borne fruit with expansion of HPLC services including the establishment of the first regional HPLC in Australia.

2006-07 statistics

From 1 July 2006 to 30 June 2007, the HPLC opened 252 new files, bringing the total number of HPLC clients to 1209 since the Clinic's inception in December 2002. As at 30 June 2007, the following clinics were operating:

Clinic	Firms
Mission Australia Café One on Wickham	Minter Ellison Freehills
Brisbane Homelessness Service Centre (formerly Ozcare Men's Hostel)	MurphySchmidt Blake Dawson Waldron
Pindari Salvation Army Men's Hostel	Clayton Utz
4AAA Kiosk	McInnes Wilson McCullough Robertson
Anglican Women's Hostel	Allens Arthur Robison
HART 4000	Allens Arthur Robison
Red Cross Night Youth Cafe	Gilshenan & Luton Mallesons Stephen Jaques
Pindari Salvation Army Women's Hostel	Phillips Fox
Mission Australia Pathways to Prevention Phone Advice Clinic	Minter Ellison
The Basement - Toowoomba	See list in Clinic Expansion below



70% of HPLC clients are male and 30% female. This gender breakdown reflects the demographic of homelessness and has remained static since the Clinic's inception. The areas of law which homeless persons required assistance in 2006-07 remained static, with the four main areas of assistance required: criminal 22%; family 12%; housing/tenancy 10%; and fines/debt 10%.

In addition to the top four areas of legal need, the HPLC assisted clients with a range of other matters in 2006-07, including employment law, guardianship and administration, personal property, bankruptcy, social security and taxation law matters.

The further implementation of the Criminal Law List (CCL), established in 2005-06 has seen the scope of services provided by the HPLC increase. We have had a 100% uptake of our criminal law referrals. With the exception of one matter, our clients have been found not guilty or the police service, after some negotiation, has led no evidence at trial. These are great outcomes for our clients. The continued generous support of the Queensland Bar for this initiative is greatly appreciated.

HPLC training

As part of its ongoing professional training and development program, the following CLE activities were organised by the HPLC in 2006-07. The HPLC acknowledges and thanks the participating law firms who hosted and/or presented papers, thereby increasing the knowledge and capacity of all HPLC lawyers to assist our clients:

Month	Host Firm	Topic
August 2006	McCullough Robertson Lawyers	Centerlink and Welfare Rights: <i>Welfare to Work & Social Security Law</i>
September 2006	Mallesons Stephen Jaques	Youth Homelessness Presented by Brisbane Youth Service, Youth Advocacy Centre Legal Aid Queensland and Red Cross Youth Night Café
October 2006	Blake Dawson Waldron	Legal Capacity for Vulnerable Clients Presented by Brian Herd, Carne Reidy Herd
November 2006	Gilshenan & Luton	Police Powers and Responsibilities
January 2007	Freehills	SPER Update – Presented by SPER officers
March 2007	Allen's Arthur Robinson	Domestic Violence and Family Law
April 2007	Murphy Schmidt	Criminal Compensation, Asbestos and Discrimination
May 2007	DLA Phillips Fox	Consumer Law – Common issues
June 2007	McCullough Robertson	Summary Criminal Law and HPLC Criminal Law List

HPLC law subject

From January to June 2007, the HPLC again co-supervised a clinical legal education subject in partnership with Dr Tamara Walsh from the TC Beirne School of Law. The subject involved 6 law students from the University of Queensland Law School undertaking a semester-long placement at QPILCH and participating HPLC law firms. The students were:

Anna Kloeden
Maja Doma
Katherine Hammond
Tamlyn Mills
Kate Richardson
Anna Mironov.

The subject was once again a great success and will be run again in first semester 2008.

Policy and advocacy

Youth Homelessness – Submission to National Inquiry

Lawyers from Mallesons Stephen Jaques and Gilshenan & Luton provided significant support to the QPILCH HPLC submissions, both written and oral to the National Inquiry into Youth Homelessness. The QPILCH HPLC submission was a collaborative initiative which involved working with other youth-specific agencies in Brisbane, including the Brisbane Youth Service, the Youth Outreach Service and the Australian Red Cross (through its Night Café). Emmanuel Pappas from Mallesons co-presented an oral submission with Monica Taylor to the Commissioners during their visit to Brisbane in April 2007. Carly Long from Mallesons, Steven Hogg from Gilshenan & Luton and the HPLC Coordinator co-wrote the HPLC's submission to the inquiry.

Nowhere to Go – A report on Move on Powers

Monica Taylor co-authored a significant research report into the application and effect of the 'move on' powers as they are excised in Brisbane City. This report was a collaboration between the HPLC and Dr Tamara Walsh from the TC Beirne School of Law at the University of Queensland. The primary research for the project was conducted with the assistance of the HPLC UQ legal clinic students who also assisted with some of the preliminary drafting. The report found that the power significantly impacted on people experiencing homelessness and their use of public space. It recommended greater oversight in the application of the powers, including the maintenance of a register that sets out the reasons for which 'move ons' are issued.

Submission to the Review of the Residential Tenancies Act

With the assistance of the University of Queensland HPLC legal clinic, the HPLC was able to provide a detailed written submission in response to the policy paper released by the Department of Housing into the *Residential Tenancies Act*. The submission focused on the issues confronting boarders and lodgers whose rights under the Act are not as extensive as those of traditional tenants.

Homeless Court Diversion Program

In 2006-07, the HPLC continued its involvement in the governance of the pilot Homeless Persons' Court Diversion Program. The HPLC is represented on the Stakeholder Reference Group and the Client Reference Group. The HPLC made a number of referrals to the Homeless Persons' Court Liaison Officer. QPILCH was also involved in the evaluation process which is due for completion in December 2007.

Clinic expansion

From 25 September 2006, our first HPLC telephone service commenced with the assistance of Minter Ellison Lawyers at the **Pathways to Prevention** Project based at Inala. Clients of this innovative parenting and crime prevention project access Minter Ellison lawyers by phone for telephone advice and assistance. Discussions commenced with a Homeless Early Intervention service at **Kyabra** to provide a telephone legal service similar to the service at Pathways, Inala. This will commence in December 2007.

The first regional HPLC commenced in **Toowoomba** in April, 2007, with nine local firms volunteering. The Advocacy and Support Centre (TASC) supply a second lawyer for most weekly sessions. Participating law firms include:

- Masons Solicitors
- Murdochs Lawyers
- Clewett Corser & Drummond
- Keogh & Co.
- Walkers Solicitors
- David Burns & Co.
- Hede Byrne & Hall
- Shannon Donaldson Province Lawyers
- Insight Lawyers.

We thank these firms and TASC for their enthusiasm and great contribution to the HPLC.

The **Gold Coast** HPLC commenced in November 2006, with one firm volunteering. Due to QPILCH being unable to secure further support, that firm withdrew from the project in March, 2007. A positive relationship with Griffith Gold Coast Law School, and a recommendation from the Chief Justice to the District Law Association, has seen strong developments in mid-2007.

An information night, hosted by Mike Reynolds MP, was held in **Townsville**, resulting in strong local support for a weekly HPLC. Induction for volunteer lawyers will take place in late 2007. We are also consulting with a legal service in **Cairns** to support a local HPLC.

NAB Award

In September 2006, the HPLC was honoured to receive the National Australia Bank 2006 Volunteer Awards in the Community Service and Development Category. This award recognises the hard work of the HPLC volunteers, the commitment of our member firms and the coordination and organisation provided by QPILCH staff.

Michael Carey – hplc@qpilch.org.au and **Sue Garlick** – homelesspolicy@qpilch.org.au

TRAINING AND PROFESSIONAL DEVELOPMENT

We are very grateful for the support of the Queensland Government for funds from LPITAF to develop a professional development and training agenda over the year. Importantly, this funding permitted Gayle Gasteen to establish a base and develop a forward agenda that enabled us to obtain funding from the Law Foundation Queensland to take this work to a further stage in 2007-08.

The LPITAF funds were used to develop three distinct but related activities: a training agenda for volunteers, members, students, NGOs, community legal centre lawyers and the profession at large; research and publication functions; and QPILCH development to support these activities.

A CLC training needs analysis was conducted in early 2007; a literature review was conducted on community legal education needs; best practice in clinical legal education was researched; all QPILCH student materials were reviewed and updated; a “pro bono 101” course was developed; a ‘dealing with querulous litigants’ program was commenced; and the training needs of pro bono and volunteer lawyers was investigated.

Public interest and pro bono lawyering involve practice areas which are often different from those most commonly dealt with by member firms, so this agenda involves areas of law to enhance pro bono practice. The training program we are developing for CLC and volunteer lawyers will be in areas of law relevant to our client base, sometimes referred to as “poverty” or “community” law. We also commenced in early 2007 some online training for CLCs in the compulsory professional development program.

There is a pressing need for education and training for not-for-profit organisations whose staff are the frontline in providing information and support in the community. Training in legal information and skills initially will be held in SEQ and subsequently in regional areas.

To support the research and publications functions, we have developed new policy and procedure guidelines and in July 2007 established a new clinic called the Public Interest Research Clinic with the TC Beirne School of Law to support the research and publication agendas. This clinic provides students with insight into the issues such as legal knowledge management, legal training, socio-legal research, and plain English drafting and supports the research and training agenda.

During the year, we also revised the learning needs of our existing clinical programs which will lead to improved outcomes for students and clients over coming years.

Finally, as part of the organisational development work, all of QPILCH's policies, procedures and systems were revamped and documented, creating the platform upon which our knowledge and learning activities are based.

Gayle Gasteen – knowledge@qpilch.org.au and **Andrea Perry-Petersen** – training@qpilch.org.au

Public Interest Lawyering clinic

The Griffith Law School clinic again operated in first semester 2007, under the supervision of Cristy Dieckmann, with six senior law students involved in case assessment, presenting seminars on topics concerned with public interest and related issues and assistance with our self-representation project.

The clinic continues to attract dedicated and enthusiastic students, whose support ensures that applications for assistance are expeditiously assessed.

Public Interest Lawyering students

Semester 1 2007

Singrid Berry
Yulia Chekirova
Susan Falting
Daniel Le
Sarah Leslie
Lucy Ostling

We thank Griffith University's Professor Jeff Giddings and Zoe Rathus for their ongoing support for this clinic and the students who participated in 2007.

Administrative Law Clinic

The Administrative Law Clinic, a joint project of QPILCH and Bond University, in 2006-07 saw its eighth semester of operation. The clinic did not run in term 2 of 2006, and began again in term 3 2006 under the supervision of Rebekah Leong, and then in term 1 2007 supervised by Dawn Carey (DLA Phillips Fox secondee) and term 2 2007 under the supervision of Sonia Caton.

The Administrative Law clinic continues to fulfill the roles of providing students with legal education in a clinical setting and providing real legal assistance to clients and support to other community legal centers.

The clinic provides six Bond University law students each term with an opportunity to work on administrative law cases received by QPILCH, prepare a seminar on a specialised topic and undertake a project for the benefit of QPILCH and its clients.

During the year, the clinic provided assistance to 13 applicants. Although this may seem a small number, these were complex cases involving judicial review, discrimination, social security, deportation, freedom of information, compensation, and license applications. The students spend considerable time preparing detailed submissions and drafting materials so applicants can represent themselves.

Each semester, the students hear experienced practitioners such as AAT senior member Bernie McCabe, Geoffrey Airo-Farulla (Assistant Commonwealth Ombudsman), John Stannard from Welfare Rights and barrister Mark Plunkett. The wealth of experience these speakers bring to the QPILCH round table puts humanity into the black letter law clinic students have been studying. Once students start working on cases, they all comment how different law is in practice compared to the lecture theatre.

In term 2, 2007, the students also benefitted by visiting the chambers of Paul Freeburn SC and Jean Dalton SC to hear their perspectives on administrative law and practice.

The students gain an appreciation of how important their work at QPILCH is. There is a realisation that administrative law touches many areas of people's lives and many people have complicated and legitimate claims and yet no resources to carry them forward. The responsibility to professionally assist clients brings a gravity and real conscientiousness to the clinic students' work. They also experience a realisation

of how important community legal centres are in providing access to justice for those who cannot afford it.

In their seminar work, the students are given the opportunity to look closely at a specific area of administrative law and to develop the confidence to present their views to the other students and supervisor. The projects in terms 1 and 2 2007 involved the students in developing an annotated *Judicial Review Act*.

Jackson Walkden-Brown, a lecturer in administrative Law at Bond, has taken over supervision duties in term 3 2007.

We thank **Associate Professor Michael Weir** and **Bond University** and the following energetic students for their considerable support for this clinic.

Students Term 3 2006

Tenny Kim
Ebony Harris
Geetha Sanderan
Ilana Raynai
Meghan Willis

Students Term 1 2007

Jocia Bekker
Natasha Ho
Ilan Klevansky
Sadia Stathis
Nadine Domalewski
Julie Jansen

Students Term 2 2007

Ashley Kersey
Sonia McIntosh
Diego Solimano
Mary-Jay Grima-Williams
Aila Makooti
Tyler Laing

Consumer Law Advice Clinic

The Consumer Law Advice Clinic (CLAC) is a joint project between the TC Beirne School of Law at the University of Queensland (TCB) and QPILCH. TCB students undertake a one day per week placement at CLAC for the purpose of providing advice to vulnerable clients in consumer matters, specialising in disputes about credit and debt, consumer purchases and consumer injustices. The seventh semester of CLAC commenced on 1 March 2007.

Amanda Hess, a solicitor from Blake Dawson Waldron's banking and finance group was seconded to the clinic from July to December 2006 to support Linda Macpherson who again supervised the clinic.

From first semester 2007, the clinic has been supervised by Catherine Uhr. Catherine works in a job-share position in Legal Aid Queensland's Civil Justice (consumer protection) Unit, is a director of the Credit Ombudsman Service (dispute resolution for mortgage brokers) and teaches Commercial Law at Griffith University and is a member of the Queensland Law Society's Banking and Finance Sub-Committee. We are grateful that Catherine has taken up this role and her expertise and skills ensure that the high standards embraced by this clinic from the beginning are maintained through best practice training for the students and quality legal services for clients.

Despite the constrained circumstances of the clinic (operating only 1 day per week during the university semester from March 2007 instead of the previous three days per week over previous years), 27 files were opened in Semester one and an estimated \$50,000 in repayments saved as a result of advice given, bringing the total number of client assisted by the CLAC so far to over 400.

Students appeared shell-shocked after their first day of advice. Angry consumers, voluminous contracts, high interest rates and urgent advice had students engaged from the moment they first phoned clients; a defence was due on day one for a 15 year old with a \$9,000 mobile phone bill; another client had apparently offered her vehicle as security for multiple fringe credit contracts; a debt collector had claimed costs in a letter of demand which almost equaled the claim; and a woman was claiming a constructive trust in relation to property in which she resided in the face of mortgagee repossession.

A client who we assisted to terminate an \$18,000 car contract that she was pressured to sign in circumstances where she could not afford the in-house car yard finance sent the CLAC her thanks:

You provided us with four options, as well as some verbal support and encouragement. It is with much pleasure that we advise that we received the return of our deposit. This was a very stressful time for us and without your guidance we would probably be facing a large debt. We sincerely appreciate all your support and will definitely recommend your organisation to others.

We thank **Paul O'Shea** and **Professor Charles Ricketts** of the **TC Beirne School of Law** for their continued support of this service and the following students for their enthusiasm and dedication.

CLAC students semester 2 2006	CLAC students semester 1 2007
Darin Clearwater	Tracey Lau
Duncan Marckwald	Chantel Le Feuvre
Louisa Young	Robert Rankin
Stephanie Dunn-Balzer	Angela Reynolds
Rebecca Rowling	Michael Wells
Paul Stevenson	Kellie Wyrosteck

Vacation clerkships

Vacation clerkships saw 4 senior law students attend QPILCH for 2 weeks over the 2006-07 summer break. We would like to thank the following students for their enthusiasm and assistance during the clerkship period.

Summer Clerks 2006

Darin Clearwater
 Yang Lu Ou
 Andrew McCarthy
 Dana Prasek

Interns

QUT intern Semester 1 2007

Shannon Jarrett

Griffith PLT 2006

Tamoris Bhattacharyya

Volunteers

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

Kate Winter	Sarah Holmes	Kenmi Tan
Matt Smith	Greg Xu	Hanna Donnelley
Katia Vandenbroucke	Bing Wang	Kevin Wong
Eric Halden	Daniel Beecher	Lulu Ou
Elizabeth Cassells	Chloe Cameron	Jeri McInnes
Frances Truong	Christina Raymond	Rachel Willis
Jelena Butina	Stephen O'Grady	Esther Fletcher
Kirsty Abbot	Mali Dissanayake	Tao Van Graaf
Crystal Seeto	Megan Badke	Emma Timms
Bohan Wang	Bruce Chen	Ruth Boey
June Yu	Sarah Leslie	Dalibor Pavkovic
Kara Pennisi	Jenna Johnsen	Shradha Prasad
Chern Tan	Aaron Canty	Lauren Banning
Chantal Kirkwood	Ben Hay	Nina Lamprell
Timmy Chan	Prue Fan	Daniel Hua
Liam Dunstan	Darin Clearwater	Tom Spencer

PUBLICATIONS AND SUBMISSIONS

Publications

The year again proved productive in terms of publications and pamphlets aimed to assist the public. While not all have yet been published, they were:

- Cause of action fact sheet
- Workplace harassment and bullying fact sheet
- Unfair dismissal fact sheet
- Role and function of the Litigation Guardian fact sheet



Substantive evidence fact sheet
Open court and public documents fact sheet
Class actions fact sheet
A guide to *PIPA* and the *Civil Liability Act*
Personal injury claims – legislation and advice
Extending limitation periods in personal injuries cases fact sheet
Rights to privacy fact sheet
Private nuisance at common law
Children Services Tribunal fact sheet
Guardianship and Administration Tribunal Resource Manual and submissions kit
A guide to defamation
Family Provision claims in Queensland from a deceased's estate
Compensation for workplace injuries fact sheet

In addition, the HPLC was active in research and reporting, publishing:

- “Nowhere to Go – The Impact of Police Move-On Powers on Homeless people in Queensland” edited by Monica Taylor and Dr Tamara Walsh, November 2006
- “No Vagrancy”, an examination of the impact of the criminal justice system on people living in poverty in Queensland, by Dr Tamara Walsh, June 2007.

Submissions

QPILCH, with the assistance of barrister members **Patrick Hay** and **Jean Dalton SC**, prepared a submission for the Australian Senate inquiry into “stolen wages”, which was submitted on 10 August 2006. Patrick Hay also presented QPILCH’s oral submissions to the Senate Committee in Brisbane on 25 October 2006.

In July 2006, a submission was made to the CMC’s Review of Public Nuisance laws.

A detailed submission on litigation funding was made to the Standing Committee of Attorneys General in September 2006.

Also in September 2006, QPILCH made a submission to the Queensland Law Society recommending the introduction of voluntary practicing certificates for community legal centre volunteers. This submission was also made to the Attorney-General.

A submission entitled “Achievable initiatives to improve the civil law services in Queensland” was made to the Queensland Attorney-General and Minister for Justice the Hon Kerry Shine MP on 17 November 2006.

In June 2007, the HPLC made a submission to the National Youth Commission Inquiry into Youth Homelessness, in cooperation with the Brisbane Youth Service, Australian Red Cross and the Salvation Army Youth Outreach Service.



PITCHER PARTNERS

**Queensland Public
Interest Clearing
House Inc.**

**Special Purpose Financial
Report for the year ended
30 June 2007**

Pitcher Partners

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

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

***SPECIAL PURPOSE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2007***

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



PITCHER PARTNERS

Chartered Accountants, Auditors, Tax and Business Consultants

Level 21
300 Queen Street
Brisbane
Queensland 4000

Postal address:
GPO Box 35
Brisbane Qld 4001
Australia

tel: 07 3228 4000
fax: 07 3221 4420

www.pitcher.com.au
info@pitcher.qld.com.au

AN INDEPENDENT MEMBER OF PITCHER PARTNERS WORLDWIDE (PITCHER PARTNERS)

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

Scope

The financial report and committee's responsibility

The financial report comprises the balance sheet, income statement, accompanying notes to the financial statements, and the Management Committee's declaration for Queensland Public Interest Law Clearing House Inc (the association), for the year ended 30 June 2007.

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

Audit approach

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

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

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

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

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

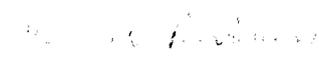
Independence

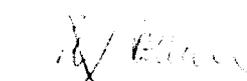
In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Audit opinion

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

- (a) the Associations Incorporation Act 1981, including:
 - (i) giving a true and fair view of the association's financial position as at 30 June 2007 and of its performance for the year ended on that date; and
 - (ii) complying with Accounting Standards in Australia and the Associations Incorporation Act 1981; and
- (b) other mandatory financial reporting requirements in Australia.


PITCHER PARTNERS



R J St Clair

Partner

Brisbane, 24 October 2007

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

Management Committee Statement

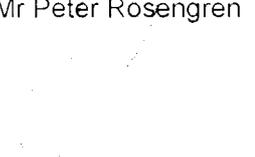
In the opinion of the Management Committee -

- (a) The financial report, as set out on pages 5 to 9 , presents fairly the Association's financial position at 30 June 2007 and its performance, as represented by the results of its operations and cash flows, for the year ended on that date, in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other authoritative pronouncements of the Australian Accounting Standards Board; and
- (b) At the date of this statement there are reasonable grounds to believe that the Association will be able to pay its debts as and when they fall due.

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



(President)
Mr Peter Rosengren



(Secretary/Treasurer)
Mr Robert Reed

Brisbane, . October 2007

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

Balance Sheet

As at 30 June 2007

	Note	2007	2006
		\$	\$
Current Assets			
Cash	2	149,904	95,042
Receivables	3	9,328	1,557
Total Current Assets		159,232	95,042
Non-Current Assets			
Furniture & equipment	4	42,738	25,714
Total Non-Current Assets		42,738	25,714
Total Assets		201,970	122,313
Current Liabilities			
Creditors & accruals	5	29,921	13,178
Income in Advance		67,893	3,000
Provision for Employee Entitlements		10,707	9,006
Unexpended Grants	6	28,120	45,411
Total Current Liabilities		136,641	70,595
Total Liabilities		136,641	70,595
Net Assets		65,329	51,718
Equity			
Members Retained Funds		65,329	51,718
Total Equity		65,329	51,718

The accompanying notes form part of the financial report.

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

Income Statement

For the year ended 30 June 2007

	Note	2007	2006
		\$	\$
Revenue			
Membership		61,600	60,850
Grants	7	335,807	291,538
Interest		2,771	1,208
Donations and Fundraising		30,960	11,954
Sundry Income		9,815	183
Total Revenue		440,953	365,733
Expenses			
Staff Costs		343,197	273,678
Operating Expenses		84,145	78,516
Total Expenses		427,342	352,194
Operating Surplus (Deficit)		13,611	13,539
Members Funds			
Members funds beginning of year		51,718	38,179
Operating Surplus (Deficit)		13,611	13,539
Members funds end of year		65,329	51,718

The accompanying notes form part of the financial report.

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

Notes to the Financial Statements

For the year ended 30 June 2007

1. Statement of Significant Accounting Policies

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

The financial report has been prepared in accordance with the requirements of the Queensland Associations Incorporation Act 1981 and the following Australian Accounting Standards:

AASB 1031 Materiality
AASB 110 Events after the Balance Sheet Date

No other applicable Accounting Standards, Urgent Issues Group Interpretations or other authoritative pronouncements of the Australian Accounting Standards Board have been applied.

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

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

a. Revenue

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

b. Fixed Assets

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

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

c. Income Tax

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

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

Notes to the Financial Statements

For the year ended 30 June 2007

	2007	2006
	\$	\$
2. Cash		
Cash float	65	86
Cash at bank	149,839	94,956
	<u>149,904</u>	<u>95,042</u>
3. Receivables		
Security Deposit	1,450	1,450
Debtors	7,878	107
	<u>9,328</u>	<u>1,557</u>
4. Furniture & Equipment		
Office furniture, at cost	30,444	28,891
Less: accumulated depreciation	(9,058)	(6,330)
	21,386	22,561
Computers, at cost	27,732	10,132
Less: accumulated depreciation	(8,660)	(6,979)
	<u>19,072</u>	<u>3,153</u>
Software, at cost	2,800	-
Less: accumulated depreciation	(520)	-
	<u>2,280</u>	<u>-</u>
	<u>42,738</u>	<u>25,714</u>
5. Creditors and Accruals		
Sundry creditors	3,750	13,010
GST	19,362	168
Super Liability	6,809	-
	<u>29,921</u>	<u>13,178</u>
6. Unexpended Grants		
Department of Communities	5,553	39,015
Office of Fair Trading	-	6,396
T.C Beirne School of Law	3,000	-
Bond University	10,156	-
Other	9,411	-
	<u>28,120</u>	<u>45,411</u>

**QUEENSLAND PUBLIC INTEREST LAW
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Notes to the Financial Statements

For the year ended 30 June 2007

7. Grants

Department of Communities	124,322	80,265
Department of Justice & Attorney General	184,200	155,000
Office of Fair Trading	1,043	30,704
Other	26,242	25,569
	<u>335,807</u>	<u>291,538</u>

8. Commitments

As at 30 June 2007 there were no mortgages, charges or securities of any description affecting the assets of the Association.

9. Management Committee Members

Management Committee Members during the year were

Peter Rosengren (President)
Hugh Scott-Mackenzie (Vice-President)
Robert Reed (Secretary/Treasurer)
Andrew Buchanan
Tony Denholder
Peter Carne
Professor Jeff Giddings
Dan O'Connor
Joanne Rennick
Elizabeth Shearer
Russell Thirgood
Robyn Wilkinson

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

FINANCIAL CONTRIBUTORS

We thank the following for their financial support in 2006-07



Queensland Public Interest Law Clearing House Incorporated

T: 07 3012 9773
F: 07 3012 9774
E: contact@qpilch.org.au
W: www.qpilch.org.au
P: GPO Box 1543
BRISBANE QLD 4001