



15 years of structured pro bono at the Queensland Bar

2001-2016

A celebration of the Queensland legal profession's recent and historical pro bono efforts and a tribute to the members of the Queensland Bar whose work is vital to an accessible justice system.

About QPILCH

Queensland Public Interest Law Clearing House (QPILCH) coordinates pro bono civil law services for:

- the homeless and people at risk of homelessness
- self-represented litigants
- people experiencing mental ill-health
- young people transitioning from State care to independence
- refugees who have been in Australia for less than five years and
- others who cannot afford legal representation or obtain legal aid and whose matter warrants pro bono assistance.

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About this publication

The stories in this publication have been chosen because they reflect the variety of work performed by the barristers who support the services coordinated by QPILCH. There are many other cases that have been undertaken by the barristers mentioned and by others whose work has not been included for reasons of space, but whose contribution is as important and valued.

Except for the names of clients referred to in published cases, the names of clients used in these stories have been changed to preserve confidentiality and privacy.

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CONTENTS

Foreword By The Honourable Catherine Holmes Chief Justice Of Queensland	4
A Message From Christopher Hughes QC President of The Bar Association Of Queensland.....	5
Welcome From Matthew Jones President Of QPILCH	6
15 Years Of Barristers' Participation	7
QPILCH Barrister Members 2002-16	8
Bar Pro Bono Service Members 2015-16	9
Referring Civil Law Cases for Pro Bono Assistance.....	10
Assistance For Indigenous People	10
Discrimination	11
Refugees And Asylum Seekers	13
Older People	14
Helping CLCs And Not-For-Profits	17
Bar Pro Bono Service	17
Supporting Self Represented Litigants	19
Queensland Courts	20
Federal Courts	20
Fair Work Conciliation Service	24
QCAT	24
Mediation Panel	24
Supporting Self Represented Litigants	27
Child Protection Conference Service	27
Workers Compensation Appeals Service.....	27
Enforcement Hearing Duty Lawyer Service.....	29
Helping The Homeless	30
Helping People With Disability.....	32
Regional Queensland.....	34
Research And Training	36
Strategic Management	37
2001-16 QPILCH Milestones	39



**Foreword by The Honourable Catherine Holmes
Chief Justice of Queensland**

This is the third foreword I have written for the series of QPILCH publications celebrating 15 years of pro bono in Queensland. The first two honoured the pro bono efforts of law firms and volunteers. This publication is close to my heart as it celebrates the pro bono work of the barristers' branch of Queensland's legal profession, of which I was a member for many years.

Over the last 15 years, barristers have provided their valuable skills and knowledge, pro bono, to assist some of Queensland's most disadvantaged people. This publication is a well deserved acknowledgment of their contribution in bridging the justice gap. I applaud the innovation of both QPILCH and the barristers who have coordinated and applied their resources and energy in improving access to justice in Queensland.

As QPILCH patron, I have been delighted to witness these efforts and to see barristers obtain, through their advice and advocacy, better outcomes for people who would otherwise have to navigate complex systems by themselves. Pro bono is an important component of a barrister's work and access to justice is essential to the rule of law.

I congratulate and thank all the barristers who have contributed to the cause of equal justice over the last 15 years.



A message from Christopher Hughes QC
President of the Bar Association of Queensland

Over the years many barristers have given freely of their time and expertise to assist people who could not afford legal representation. Through organisations such as QPILCH, such pro bono efforts have often been more structured, targeted and effective.

This publication indicates the extent of that work over the last 15 years. It shows how barristers have been willing to help people in need of the services of our profession. It also illuminates a much larger contribution than can be described in the pages of a publication such as this.

Undertaking work pro bono publico is an important part of the legal profession. I am proud to be part of an independent Bar that not only supports the rule of law generally, but also endeavours to ensure that access to justice is available for many who might otherwise be denied that fundamental right.

Barristers are trained to solve legal problems according to law. Our working lives involve understanding the law, including the processes and procedures that allow people the protection of the law. The provision of such protection, irrespective of capacity or income is one of the finest traditions of the legal profession.

This publication gives real examples of people who have been helped. It describes what honestly motivates many barristers to do pro bono work. It shows how the energy and commitment of barristers can be harnessed and directed for the benefit of people in need of legal assistance. It shows how the pro bono work of barristers assists the administration of the justice system and thus strengthens the rule of law.

I thank all the barristers who participate in QPILCH's services and who do pro bono work in all its manifestations for the benefit of the many individual Queenslanders and many communities across the State.



**Welcome from Matthew Jones
President of QPILCH**

I am delighted to introduce this celebration of Queensland barristers' contribution to pro bono legal work over the last fifteen years.

The bar has a proud tradition of community service. Pro bono work is a matter of professional responsibility – giving back to the community in return for the privileges we enjoy and expertise we have gained. However, a great deal of that work is performed through a genuine desire to help members of our community who for whatever reason cannot afford legal advice or legal representation.

This publication aims to provide a snapshot of the contribution of barristers to pro bono over a long period of time. Some of that work is public but most occurs “behind the scenes”, without direct recognition or promotion.

A number of barristers are identified in the following pages, but I extend my thanks to the countless barristers throughout the state who have devoted their time, effort and skill to pro bono causes. Some of that work has been performed through community legal centres (including significantly through QPILCH) and some has been performed following direct approaches from clients or by informal referrals through friends or associations. Yet more is performed by barristers contributing their skill and experience by direct membership of charities and community organisations. Those individuals do not give their time in the hope of recognition, but this publication helps to make clear the bar's genuine commitment to community service.

Although by tradition barristers work as sole practitioners, in truth we work within teams including solicitors and often, in pro bono work, with members of community legal centres. Barristers could not make the contribution which they do without the assistance of a wide range of other professionals, connecting us to our communities. We value the assistance provided from the most experienced CLC caseworker to the newest trainee or paralegal.

I am sure the stories in this publication will demonstrate the deep commitment of the barristers' branch to sharing our time and skills with those members of our community most in need. I hope these stories inspire yet more barristers to join the fold of regular contributors to pro bono work and also drive home the importance of community legal services in helping barristers make that contribution.



15 YEARS OF BARRISTERS' PARTICIPATION

The Bar Association of Queensland (BAQ) was a founding member of QPILCH and many of its members have become QPILCH members over the last 15 years.

Since 2001, Queensland barristers have provided thousands of hours of pro bono work to Queensland communities through their participation in QPILCH services and many more hours directly through law firms or with other Community Legal Centres (CLCs).

Lawyers undertake pro bono work as part of their professional responsibility. However, involvement in structured and coordinated pro bono work such as is documented in this publication underpins a commitment to assist people most in need, a commitment that is rarely recognised.

This publication stands as a record of the work of the barristers that are members of QPILCH and are members of the Bar Pro Bono Service, managed by QPILCH for the Bar Association of Queensland, as at June 2016. It also documents some of QPILCH's history since its establishment by the Queensland legal profession in 2001.

Civil society requires a justice system that is founded on equal access and is based on the rule of law, has an independent judiciary and legal profession and is resourced to provide legal services for people who cannot afford a lawyer. The unique Australian clearing

house structure was developed in New South Wales and clearing houses were established in Sydney in 1992, Melbourne in 1994 and then Brisbane in 2001. Structured pro bono now makes a significant impact but was not intended as a substitute for government funding of legal aid.

Pro bono's small contribution has developed new partnerships and new methods for providing legal services for the most disadvantaged, services that are targeted and innovative. Partnerships between barristers, law firms, community legal services, welfare groups and government agencies have fostered new ways of operating within the legal assistance landscape, enabling and empowering citizens to obtain needed help and improve legal and social outcomes.

The lists of QPILCH members and the Bar Pro Bono Service members on the next pages of this publication are testament to the willingness of barristers in Queensland to help fellow Queenslanders in order to make a difference in their communities.

This publication is not about QPILCH. It is about the great work that barristers do through QPILCH. QPILCH, and indeed Queensland, is fortunate to have such committed, skilled and confident barristers who are prepared to give their time without reward or recognition. These pages recognise some of their work.

QPILCH BARRISTER MEMBERS 2002-16

The following barristers are now or have been members of QPILCH during the past 15 years.

Dr Karl Ajami (Gold Coast)
 Anthony Anderson
 Nicholas Andreatidis
 Michael Ballans
 Ken Barlow QC
 Paul Beehre
 John Bond QC
 Helen Bowskill
 Shelley-Anne Brace
 Robert Brandon (Miami)
 Jacoba Brasch QC
 Vincent Brennan
 Judy Brien
 Sue Brown QC
 Benjamin Buckley
 Liam Burrow
 Gerald Byrne (Rockhampton)
 Stephen Byrne (Mackay)
 John Cahill
 Douglas Campbell QC
 Anna Cappellano
 Justin Carter
 Simon Chan
 Lee Clark
 Simon Cleary
 Hamish Clift
 Stephen Colditz
 Scott Collins
 Lauren Coman
 David Cormack
 Gary Coveney
 Kristy Crabb
 Christopher Crawford
 Janice Crawford
 Quentin Cregan
 Brian Cronin
 Patrick Cullinane (Mackay)
 Christian Curtis
 Elliott Dalglish
 Jean Dalton SC
 Clare Dart
 Michael de Waard
 Dr Gillian Dempsey
 James Douglas QC

James Doyon
 Michael Drew (Cairns/T'ville)
 Barto du Plessis
 Susan Fajardo
 Tracy Fantin (Cairns)
 John Farren
 John Faulkner (Gold Coast)
 Michael Fellows (Townsville)
 Domenico Ferraro
 Neil Allan Foran (Gold Coast)
 James Ford
 Steven Forrest
 Dr Kim Forrester
 Jillian Francis
 Dan Fuller
 Alexis Gage
 Duncan Galton
 Elizabeth Gass
 Dr Andrew Greinke
 Ryan Haddrick
 John Hammond
 Gavin Handran
 Joshua Hanna
 Stephen Hartwell
 Patrick Hay
 Penny Hay
 Mark Healy
 Jennifer Hewson
 Matthew Hickey
 Steven Hogg
 Emma Hoiberg
 Deborah Holliday
 Keith Howe
 Joseph Jacobs (Cairns)
 Joshua R. Jones
 Matthew Jones
 Steven Jones
 George Kalimnios
 Alexandros Katsikalis
 David Keane
 Viviana Keegan (Townsville)
 Stephen Keim SC
 Liam Kelly QC

Nitra Kidson
 Willem Kilian
 Polina Kinchina
 Carla Klease
 Ilan Klevansky
 Katrina Kluss
 Derek Kordick (Cairns)
 Michael Labone
 Dr Stephen Lee
 Ruth Link
 Allan Lonergan
 Fiona Lubett
 Aida-Portia Maier
 Scott Malcolmson
 Alexandra Marks
 Nicole Martin
 Janice Mayes (Townsville)
 Kasey McAuliffe-Lake
 Mark McCarthy
 Dr Cathryn McConaghy (Sunshine Coast)
 Scott McConnel
 Ben McEniery
 Kelly McIntyre
 Carolyn McKeon
 Susan McLeod
 Bill McMillan (Gladstone)
 James McNab
 Peter Metzdorf
 Paula Morreau
 Alex Nelson
 Antony Newman
 Anastasia Nicholas
 Toby Nielsen (Sunshine Coast)
 Damien O'Brien QC
 Paul O'Brien
 T.P. O'Brien
 Dan O'Gorman SC
 Kateena O'Gorman
 Rowan Pack
 Chato Alexander Page
 Kila Pedder
 Ajith Perera (Gold Coast)
 Greg Potter
 Dan Pratt
 David Purcell

Andrew Quinn
 Andrew Radley
 Darryl Rangiah SC
 Justin Ratanatray
 Kristi Riedel
 Sally Robb
 Guy Sara
 Claire Schneider
 Hugh Scott-Mackenzie
 Sarah Scott-Mackenzie
 Anand Shah
 Leonid Sheptootha
 Julian Siggins
 Anthony Skelton
 Kate Blackford Slack
 Greg Smart
 Michelle Smith
 Caleb Spicer
 Dr Max Spry
 Mark Steele
 Amanda Stoker
 Clare Mary Sultman
 Chris Tam
 Chris Templeton
 David Thomae
 Tracy Thorp
 Peter Travers
 Roger Traves QC
 Jeremy Trost
 Douglas Turnbull (Cairns)
 Ben van de Beld
 Clem van der Weegen (Sunshine Coast)
 Patrick Van Grinsven
 Manuel Varitimos QC
 Borcsa Vass
 Stewart Webster
 William Wild
 Karen Williams
 Matthew Williams
 Richard Williams
 Douglas Wilson
 Julene Winn
 Dianna Worrell
 Keith Wylie
 David Yarrow

BAR PRO BONO SERVICE MEMBERS 2015-16

Brisbane

Alex Alcock
 Alex Nelson
 Allan Loneragen
 Anand Shah
 Andrew Barron Fraser
 Andrew Hoare
 Andrew Quinn
 Andrew West
 Angela Rae
 Anthony Fronis
 Anthony Morris QC
 Anthony Kimmins
 Anthony McKinnon
 Anthony Skelton
 Antony Newman
 Ben Buckley
 Ben McEniery
 Ben McGlade
 Ben McMillan
 Benjamin Kidston
 Bertram Curran
 Brian Cronin
 Borcsa Vass
 Caleb Spicer
 Carolyn Mckeon
 Catherine Muir
 Charles Matthews
 Chato Alexander Page
 Chris Tam
 Chris Templeton
 Christian (Chris) Curtis
 Christian Jennings
 Claire Schneider
 Clare Dart
 Craig Harding
 Damien Gates
 Dan Fuller
 Danae Younger
 Daniel Lavery
 David Keane
 David Kent
 David Yarrow
 Dean Wells
 Deborah Holliday
 Denika Whitehouse
 Dianna Worrell
 Donna Callaghan
 Duncan Galton
 Edward (John) Williams

Edward Goodwin
 Edward Shorten
 Elizabeth Gaffney
 Elliott Dalglish
 Emma Hoiberg
 Fiona Lubett
 Florence Chen
 Gail Hartridge
 Gavin Rebetzke
 George Kalimnios
 Geraldine Dann
 Graham Carter
 Greg Potter
 Hamish Clift
 Hugh Scott-Mackenzie
 Ilan Klevansky
 Isaac Munsie
 James Ford
 James Grehan
 Janice Crawford
 Jennifer Hewson
 Jens Streit
 Jeremy Trost
 Jillian Francis
 Jo Chapple
 Joe Morris
 John Allen
 John Cahill
 John Dwyer
 John Farren
 John Hammond
 John-Paul Mould
 Joshua Fenton
 Julene Winn
 Julia O'Connor
 Julian Siggins
 Julie Kinross
 Justin Carter
 Kasey McAuliffe-Lake
 Kate Blackford Slack
 Katrina Kluss
 Keith Wylie
 Kila Pedder
 Kim Bryson
 Kirsty Gothard
 Kristi Riedel
 Lee Clark
 Liam Burrow
 Liam Dollar
 Manuel Varitimos

Mark Guest
 Mark McCarthy
 Mark Plunkett
 Matt Black
 Matthew Brady
 Matthew Jones
 Matthew Williams
 Melinda Zerner
 Michael Bonasia
 Michael JW Byrne
 Michael Kehoe
 Michael Labone
 Michael Lyons
 Michael Williams
 Neil Francey
 Neville Weston
 Nicholas Andreatidis
 Nicholas Loos
 Nitra Kidson
 Patricia Feeney
 Patrick Van Grinsven
 Patrick Wilson
 Paul Jeffery
 Paul O'Brien
 Paula Morreau
 Peter Goodwin
 Peter Travers
 Philip Looney QC
 Pierre (Mark) Le Grand
 Polina Kinchina
 Richard Schulte
 Richard Williams
 Robert Brandon
 Ron Ashton
 Russell Byrnes
 Ruth O'Gorman
 Sarah S F Poon
 Sarah Scott-Mackenzie
 Scott Malcolmson
 Sean Radich
 Shaneen Pointing
 Simon Burgess
 Simon Cleary
 Simon Cooper
 Stephen Colditz
 Stephen Hartwell
 Stephen Lee
 Stephen Lumb
 Stephen Mackie
 Steven Forrest

Steven Hogg
 Steven Jones
 Stewart Webster
 Sue Brown
 Susan McLeod
 Tracy Thorp
 Vincent Brennan
 William Wild
 Willem Kilian
 Yulia Chekistrova
 Zoran Gelic

Cairns

Chris Ryall
 Doug Turnbull
 Laura Neil
 Nerida Wilson
 Stephanie Williams

Gold Coast & Hinterland

Ajith Perera
 Angela Salzmann
 Bertram Curren
 Robert Brandon

Ipswich

Andrew West
 Hunter Trotman

Mackay

Neil Francey
 Patrick Cullinane
 Stephen Byrne

Moreton Bay

Lisa Stewart
 The Hon Dean Wells

Rockhampton

Gerald Byrne
 Jeff Clarke

Sunshine Coast

Clem van der Weegen
 Simon Gerber

Townsville

Anthony W Collins
 Janice Mayes
 Viviana Keegan
 Rowan Armstrong
 Alex Raeburn



REFERRING CIVIL LAW CASES FOR PRO BONO ASSISTANCE

PRO BONO REFERRALS

Comprised of the Public Interest Referral Service and the QLS and Bar Pro Bono Referral Service, QPILCH's Referral Service distributes matters to firms and barristers where the applicant cannot afford a lawyer or obtain legal aid and the case justifies pro bono assistance. People who have complex civil law problems and need representation can be left with few options if they can't afford a lawyer. The Referral Service is their safety net.

The Referral Service began in 2001 as QPILCH's primary function and from which QPILCH drew its name as the central place to assess and broker cases for pro bono representation.

Membership of QPILCH (for which a membership fee is required) automatically entitles a barrister to receive public interest referrals, whereas the Bar Pro Bono Referral Service is open to any barrister and the referral does not need a public interest element.

Over the last 15 years, almost 4,000 applications have been assessed and more than 1,200 people have obtained full pro bono representation from barristers and law firms.

Public Interest Referral Service

The Public Interest Referral Service refers matters to member law firms and barristers that have a public interest element, for example, if the matter:

- affects a significant number of people;
- raises issues of broad public concern;
- requires legal intervention to avoid a significant avoidable injustice; or
- particularly impacts on a disadvantaged or marginalised group.

QPILCH SERVICES

Barristers play an integral role in three QPILCH services:

- Referral Service
- Self Representation Service
- Pilot Representation Services

Barristers are also involved in helping the homeless, people with disabilities and in supporting QPILCH's management, fundraising, research and training activities.

CASEWORK

QPILCH clients often require sensitive assistance, and many of the cases involve complex scenarios, complicated areas of law and lengthy processes.

Assistance for Indigenous people

Referrals to assist Aboriginal and Torres Strait Islander clients have been readily accepted by barristers.

Damien O'Brien (then a member of the junior Bar), instructed by Norton Rose Fulbright (Deacons), helped an Indigenous group determine the validity of a deed of assignment in relation to Native Title rights and dealing with a joint venture partner.

Dianna Worrell urgently assisted a 52-year-old Indigenous woman whose landlord filed an application with QCAT to terminate the applicant's lease. The applicant would very likely have been homeless if evicted. Dianna represented the applicant at her hearing in QCAT and successfully sought an adjournment of the matter on the basis of major deficiencies in the landlord's evidence. The landlord subsequently withdrew its QCAT application.



DAN O'GORMAN SC

Dan O'Gorman SC has been a member since 2004 and supports the Public Interest Referral Service, the Bar Pro Bono Referral Service and the Self Representation Service. Dan has an active pro bono practice, helping other Community Legal Centre clients and generously offering his expertise and skills in training activities. While helping with a range of matters, he has assisted specifically in discrimination and human rights matters.

"I do pro bono work because there is a great need for the provision of such services on behalf of some of the less fortunate members of our community and because the cost of justice today is often prohibitive for all but the relatively wealthy. I am also aware that it was the community that enabled me to obtain a law degree and so I feel that I have some obligation to return some of the benefits I have received as a result of that law degree."

Dan's special interests at the Bar are in the areas of human rights law, native title law and administrative law generally and professional disciplinary work. At the Bar, Dan saw the challenges and the potential rewards that were available. While his practice has largely been the result of fate in that many barristers find that areas of work choose them rather than their area of work choosing them, he feels privileged to work in these areas of law.

Dan's commitment to pro bono work has meant that he has accepted referrals consistently since he joined QPILCH, continuing to take matters to this day.

Dan advised an elderly man from regional Queensland who had lived on land for 50 years and had been told by the local Council he could live there in perpetuity, but was then required to either purchase or lease the land.

In QPILCH's second full-year of operation, Dan (then a member of the junior bar) instructed by McCullough Robertson, represented a client in a five day Anti-Discrimination Tribunal hearing over a local authority's facilities for the disabled.

Dan recently assisted Sandra, a client of QPILCH's Self Representation Service with a discrimination claim she had brought in the Federal Circuit Court against her former employer. He provided the Self Representation Service with a verbal opinion about Sandra's case, which enabled the Service's volunteer solicitors to help Sandra to prepare her supporting evidence and understand her prospects of success. Working with QPILCH's Referral Services, the Self Representation Service then facilitated a referral of Sandra's case to a private law firm, which, with Dan's assistance, helped Sandra to negotiate an out of court settlement prior to trial.

"My pro bono experience has been largely a very rewarding one. It often involves novel areas of law, resulting in new law being made, and the clients are generally very genuine people who have real problems they are unable to resolve without assistance, and often they are the victim of real injustices."

Dan O'Gorman

Kelly McIntyre advised on the rights of members of an Indigenous corporation.

Patrick Hay assisted QPILCH to draft detailed submissions and then advocated on QPILCH's and its clients' behalf before a senate inquiry into the 'Stolen Wages' issue

Discrimination

Discrimination is another common area where cases are referred for assistance and keenly accepted by barristers and law firms.

Mark Steele assisted Amy a 48-year old woman with a sexual harassment and victimisation claim. Amy planned to represent herself in QCAT but was advised to obtain legal assistance due to the complex nature of her claim. Mark, instructed by MinterEllison, assisted Amy to prepare for her QCAT hearing and assisted her to settle the matter favourably prior to the hearing. Julian Siggins advised on its client's prospects of pursuing an anti-discrimination claim against a government department.



DR JACOBAS BRASCH QC

Dr Jacoba Brasch QC has been a member of QPILCH since 2003, supporting the Public Interest Referral Service, the Bar Pro Bono Referral Service and the Self Representation Service.

“Giving back is, I think, a moral obligation for us all. Indeed, undertaking pro bono work for the disenfranchised and disempowered is a core aspect of what I consider to be my social responsibility. Whilst we all have inalienable human rights, not everyone can prosecute or defend those rights for themselves - especially when challenged by the

practical problems of homelessness and/or the demons of mental health issues or any of the myriad of almost insurmountable hurdles which meet the vulnerable in our society. I am mindful of the comfortable life I lead, but conscious of the skill set we as lawyers have. To not do any pro bono work, would be, for me, an affront to the affirmation I took when admitted.”

Jacoba has accepted a range of referrals since joining QPILCH, but one particular matter stands out.

Instructed by Hopgood Ganim Lawyers, and with Townsville barrister Tony Collins as her junior, Jacoba successfully assisted Sam, a 16-year old female-to-male transgender individual to obtain an order from the Family Court authorising hormone replacement therapy. The applicant, who began self-identifying and presenting as a male in his early teens, had professional medical support and the support of his parents for his gender transition. Jacoba and HopgoodGanim travelled to Townsville for the hearing. Although the Referral Service does not normally assist with family law issues, Sam’s matter was referred as it has a strong public interest element and deals with a developing area of law. The Family Court granted the application to Sam, noting that this area of law urgently needs reform due to the stresses it places on an applicant and their family.

“It is a tragedy that these Gillick competent young people, who have the unanimous support of their family and medical team for this life-affirming treatment, must get the court’s permission to become the person they really are. Of course, acting pro bono means there is no commercial return. That said, to watch the young man brim with excitement and to see his mum, dad, siblings and grandmother cry with joy when the court declared he could commence a process to live his authentic life – that’s the return. Days like that: humanity trumps commerciality.”

REFUGEE PROJECT

From time to time, QPILCH targets specific legal needs. In 2003, the Refugee and Immigration Legal Support (RAILS) Project commenced, running for over two years. It was a partnership between QPILCH and the South Brisbane Immigration and Community Legal Service (SBICLS, now the Refugee and Immigration Legal Service).

The project met its goal of increasing the level of legal assistance available to Temporary Protection Visa (TPV) holders and asylum seekers in Brisbane. Through the hard work of volunteer lawyers, all of the TPV holders assisted by the RAILS project obtained permanent residence. The project was coordinated by Nitra Kidston, then a solicitor but now a member of the Queensland Bar.

One highlight was the coordination of the first litigation to be brought in Australia that challenged the Refugee Review Tribunal’s interpretation of the “7 day rule”, a legislative provision which sought to prevent certain TPV holders from obtaining permanent residence. Mark Plunkett, instructed by SBICLS, acted for two Afghan boys (one of whom arrived in Australia as a minor) who were destined to be granted only further temporary protection. A hearing had been scheduled for April 2005, but after detailed submissions, the Minister intervened, waived the rule in both cases, and granted the boys permanent residence.

Kasey McAuliffe-Lake represented a 23-year old man who is profoundly deaf in a discrimination complaint at a compulsory conference in the Queensland Civil and Administrative Tribunal (QCAT), after an internet service provider refused to communicate with him by email.

Refugees and asylum seekers

After the RAILS project ended, barristers have continued to provide assistance to refugees and asylum seekers and in deportation cases.

In a case involving a criminal deportation, the Minister had sought to revive a deportation order abandoned years previously. **Darryl Rangiah SC** (as he then was) instructed by Gilshenan & Luton won the case at first instance, and then successfully defended an appeal brought by the Minister in *MIMIA v Craig* [2004] FCAFC 294.

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.

Justin Carter provided an advice in relation to a man seeking review of his refugee status in the Federal Magistrates Court.

Ruth Link and Macrossans Lawyers (now merged with TressCox) assisted an applicant with a review of a Migration Review Tribunal decision.

Stephen Lee assisted a New Zealand citizen who had lived in Australia since he was a toddler and faced deportation on character grounds.

Nitra Kidson advised an Indian family subject to religious persecution on their prospects of reviewing the Refugee Review Tribunal's decision not to grant protection visas.

Suellan Walker-Munro instructed by DLA Piper assisted a woman of Russian descent whose husband was suing her for defamation after she reported domestic violence to the Department of Immigration.

Gavin Rebetzke provided advice on the merits of an applicant's case for judicial review of a decision of the Refugee Review Tribunal in relation to his application for a Protection Visa.

Darryl Rangiah SC (as he then was) and Simon Cleary assisted a woman to appeal a



EMMA HOIBERG

Emma came to the Bar in 2015 after spending time as a solicitor, judge's associate, policy advisor and in postgraduate study. She

practises primarily in commercial law, with a particular interest in administrative law.

Emma enjoys pro bono work due to the interesting and varied subject matter, the ability to meet and work with new people, and the opportunity to act in her own matters (an opportunity that can otherwise be difficult to come by as a junior commercial barrister).

Emma assisted the Public Interest Referral Service by providing advice to an applicant in respect of an immigration matter. The applicant, who is a New Zealand citizen, had been in immigration detention for 10 months after his visa was cancelled. The cancellation was due to criminal convictions mostly relating to traffic infringements. The applicant had been in Australia for 15 years and had a wife and two young children. Emma provided advice that the applicant had reasonable prospects of obtaining a court order requiring the Department of Immigration and Border Protection to make a decision in relation to the applicant's application to revoke the mandatory visa cancellation. The applicant however, decided against pursuing a Court application against the department.

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. The client was successful and the matter referred back to the AAT.

Bill McMillan has provided significant assistance to man of Tamil ethnicity to challenge a decision not to grant protection visa. Bill is assisting the applicant with an appeal to the Federal Court.

CASE STUDY - W & T ENTERPRISES (Q) PTY LTD V K O TAYLOR, REFEREE, SMALL CLAIMS TRIBUNAL & ORS [2005] QSC 360 AND [2006] QCA 263

These proceedings were one of the first matters involving QPILCH in the Supreme Court. I was instructed by Brian Bartley & Associates (now known as Bartley Cohen) and worked closely with Alexandra Marks, who was then a senior associate at that firm but subsequently joined the Bar and continued her involvement in the case.

Our clients were a number of residents of the Alexandra Headlands Caravan Park (**the Park**). The owner of the caravan park was W & T Enterprises (Q) Pty Ltd (**W&T**). Our clients occupied mobile homes on sites at the Park. Their right to possession of the sites on which the mobile homes were located was conferred by agreements between them and the predecessor in title of W&T. W&T wanted to terminate the agreements on the basis that they had obtained a development approval for the caravan park to be used for another purpose.

Protection for occupants of mobile homes was then provided under the Mobile Homes Act 1989 (Qld). Absent agreement, s.9 of that Act provided that the occupation agreements could only be terminated by an order of the Small Claims Tribunal (the Tribunal). Section 10 of the Act provided that an occupation agreement could only be terminated if the Tribunal was "satisfied that the making of the order is reasonable and just in the circumstances".

Our clients were retirees and pensioners. They were without any substantial means and had lived in their mobile homes at the

Park for many years. It was their home. The prospect of being forced, at the later stages of their life, to leave the Park and find a new home caused them much anxiety and distress.

Before the Tribunal, our clients had argued that the occupation agreements should not be terminated because of the impact of relocation on them. There were no suitable alternative sites which were close to the medical services, amenities and infrastructure which they required.

The Referee in the Tribunal accepted our clients' submissions and refused to make an order that the agreements be terminated. It was at that stage that my solicitors and I became involved.

W&T brought a judicial review application before Byrne J (as he then was) in the Supreme Court of Queensland, challenging the decision in the Tribunal on the grounds that the Referee had denied procedural fairness. After a quite involved hearing, Byrne J rejected that contention and dismissed the application for judicial review of the Tribunal's decision.

W&T were not prepared to give up. They appealed the decision of Byrne J to the Court of Appeal. The night before the appeal was to be heard, the appeal was settled on the basis that W&T's appeal be dismissed with costs.

The case involved a substantial amount of work at first instance and on appeal. But it was worth the effort to see the look on our clients' faces when the proceedings were finally resolved in their favour and they were told that they would be able to continue to reside in their home.

Damien O'Brien QC

Older people

Matters involving older people are frequently referred for advice and assistance.

Mark Steele assisted a 78-year old pensioner to commence proceedings to recover money she contributed to a property with her son and daughter-in-law, providing security for the purchase of a property based on the agreement that her deposit would be returned

after a period of four years. Mark provided assistance to settle an application to the Court to sell the property so the loan could be recovered.



DIANNA WORRELL

Dianna Worrell has been a member of QPILCH since 2011 and supports the Public Interest Referral Service and the Bar Pro Bono Referral Service.

Before joining the Bar, Dianna worked as a solicitor for national law firms, a boutique practice and in-house, working predominantly in corporate advisory. Eventually, she decided to follow a more autonomous path as a barrister. Her experience in front-end commercial and property matters served her well because of a deep understanding of the transactions underlying the matter being litigated. As a consequence, her main areas of practice as a barrister are insolvency, contractual disputes, corporations law, equity and trusts and property.

At her admission, she was inspired by the words of the Chief Justice, who spoke about the importance of giving back to the community.

“It really stuck a chord with me and I have been involved with some sort of pro bono work ever since. Clients of QPILCH have generally suffered a great injustice and are without the means to help themselves. My particular pro bono interest is assisting elderly parents having property disputes with their children. Unfortunately, as I discovered, it is somewhat common for adult children to arrange for transfers of property to themselves. The legal issues are often complex and the consequence grave and so the need for representation is critical. It is extremely rewarding being able to assist such clients.”

Dianna has accepted pro bono referrals including two matters involving elderly applicants left homeless after allegations of elder abuse.

She assisted a 65-year-old disability support pensioner regarding his options to recover money in the value of improvements he made to a property and a 66-year-old disabled applicant, who sought advice regarding enforcing an oral agreement with a family member. Dianna provided advice recommending that the applicant would be better placed to resolve the matter by negotiation rather than legal proceedings.

Dianna assisted two applicants, in conjunction with the Tenants Union of Queensland, to appeal a QCAT decision finding that their leasing arrangement was not covered by the Residential Tenancies and Rooming Accommodation Act 2008 (Qld). She also provided an opinion on the prospects of an appeal, which may have significant implications for tenants who reside on land under perpetual lease from the Crown.

FLOOD RELIEF

QPILCH took an active role in the Flood and Cyclone Legal Help Service established in early 2011 following the devastating floods in South East Queensland. Many applications were referred through this service to barristers for advice on issues of insurance, compensation for damage done during the recovery effort and liability for damage caused by the flood.

Andrew West provided advice for two small business owners in Goodna and Ipswich, one of whom was unable to restart her business and was at risk of losing her home.

Susan Fajardo provided advices for two small business owners that suffered significant damage in the Ipswich CBD.

Greg Smart appeared in the Federal Magistrates Court instructed by QPILCH to assist a Grantham flood victim involved in bankruptcy proceedings.

Jo Chapple, Matthew Hickey, Anand Shah, Brian Cronin and Anthony **McKinnon** also accepted flood referrals.

Barristers help out in many other areas such as environment and planning and coronial inquiries.

Greg Smart, instructed by QPILCH in a 5-day Planning and Environment Court hearing, acted for submitter respondents regarding a proposed power plant in the Lockyer Valley.

Stephen Keim SC was QPILCH's second barrister member, joining in early 2002. While he has provided much support since joining in a range of cases, his expertise in environment and planning law has meant that he has been able to give opinions in this area, where it is

often difficult to make referrals for pro bono assistance. Stephen also chaired a QPILCH reference group that oversaw research into a complex area of law, after QPILCH had received a number of applications from farmers for help with coal seam gas matters.

While Legal Aid Queensland can grant aid for inquests, few people who have an interest in coronial inquiries qualify for aid. QPILCH therefore can be the only option for people who cannot afford and need representation at an inquest. Barristers frequently accept inquest referrals.



STEPHEN COLDITZ

While studying law, Stephen Colditz volunteered at QPILCH; when he was employed at MinterEllison he was an active volunteer in our services; and since being

called to the Bar in 2014 he has been an enthusiastic barrister member. He accepts pro bono referrals, attends events, and is a member of the Self Representation Service Reference Group. Stephen has also been a volunteer with our new Enforcement Hearing Duty Lawyer Service in the Brisbane Magistrates Court since it commenced in April 2016.

His practice at the Bar is in general commercial litigation and insolvency.

Stephen believes that all counsel ought to be – and generally are – open to accepting pro bono briefs as a matter of principle whenever possible. He agrees with Chief Judge Jonathan Lippman of the New York Court of Appeals, who in 2012 introduced a ground-breaking requirement that candidates for admission to the New York Bar provide 50 hours of pro bono legal services. He sees his pro bono work as a small but pragmatic contribution to remedying and deterring elder abuse and domestic violence, defeating obstacles to safer and more inclusive workplaces, and combating rather than perpetuating entrenched disadvantage through the justice system.

Stephen has accepted many referrals in his short time at the Bar, but two cases stand out for the public interest issues they raise.

Stephen represented an elderly widow at a coronial inquest into the death of her adult son on a direct brief basis. The police investigation determined that his death was by suicide. However, the client believed that the circumstances surrounding her son's death were not investigated properly and that her son did not intend to kill himself. Following the inquest, the coroner found that suicide was not the cause of death. The applicant was extremely relieved by this finding and grateful that she was represented by Stephen in the proceedings.

Stephen also assisted an 89-year old war veteran who was at risk of homelessness. The client sought assistance to preserve his interest in property following the breakdown of his relationship with his daughter. Stephen provided advice on the client's prospects of taking court action; however the client passed away suddenly before mediation.

"The application of even a measured amount of counsel's time and expertise can prove substantially life-improving, whether by achieving something as symbolic as helping a traumatised mother vindicate her deeply-held beliefs about the circumstances of her child's death through inquest findings, or as concrete as settling a constructive trust claim for an elderly aboriginal man to recover his retirement savings after being locked out from a home he had paid to build with those savings by agreement on another's land in rural Queensland."

Helping CLCs and not-for-profits

Many barristers volunteer at Community Legal Centre (CLC) client advice sessions. In addition to helping disadvantaged individuals, QPILCH facilitates referrals to assist with CLC internal issues or by giving direct assistance for clients of the CLC. Many not-for-profit community groups have also been assisted with governance and similar issues.

Dr Gillian Dempsey advised a community group on its prospects of reviewing a state government department's decision in relation to environmental authorities.

Dr Andrew Greinke advised a not-for-profit organisation on the legality of its eviction.

Matt Black provided an opinion to a not-for-profit organisation concerning the protection of local World Heritage values.

Brian Cronin and **Matthew Jones** assisted a CLC by representing a group of clients with intellectual disabilities who were inappropriately being moved to facilities for people with mental illness.

Justin Carter 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.

Bar Pro Bono Service

The Bar and Queensland Law Society (QLS) Pro Bono Services are coordinated by a QPILCH solicitor who assesses applications for assistance and manages referrals to barristers and/or law firms. Referrals are made where the applicant is experiencing hardship and the matter involves a meritorious legal claim. Barristers assist by providing advice and practical assistance to resolve a dispute or through representation in legal proceedings. In suitable matters, barristers can also provide representation on a direct brief basis.

CASEWORK

All the applicants referred in these cases were considered to have legal merit and insufficient means to obtain private assistance.

Richard Williams instructed by Harrisonslaw recently assisted a 31-year-old woman who was a victim of domestic violence to make an urgent application to the Supreme Court for an



SUE MCLEOD

Sue McLeod has been a member of QPILCH since 2010, actively supporting the Referral Service and accepting a range of referrals

that have resulted in positive outcomes.

Sue provided advice to Holding Redlich on an elderly woman's prospects of success in a property dispute.

Instructed by Aitken Whyte Lawyers, Sue successfully assisted a young man and his siblings with an application for a grant of letters of administration after his father died intestate.

Sue provided an opinion to QPILCH on the appropriate course of action open to the beneficiary of an estate where the proceeds of the estate were being held on trust by the Queensland Law Society. This advice allowed QPILCH to assist the beneficiary to successfully recover the monies, finalising administration of the estate.

Sue provided an advice in relation to a complex breach of contract, negligence and bankruptcy matter and the right of the Insolvency and Trustee Service Australia to take control of legal proceedings. Sue and Townsville Community Legal Service also assisted a man to clarify the issue of title to his property and to negotiate transfer of title from his brother and sister.

order allowing her to cremate her child's body. The applicant's former partner consented to the cremation, but then raised an objection during the funeral and the cremation was put on hold. A successful outcome was achieved for the applicant as the Supreme Court made orders by consent that the child's body be released to the applicant for the purpose of arranging a cremation.

Scott Malcolmson instructed by Bartley Cohen Litigation Lawyers recently assisted Tim, a war veteran with post-traumatic-stress disorder and an anxiety disorder, who was discharged from service because of his mental illness. While driving home from a psychiatric review, Tim was involved in

a motor vehicle accident which escalated into a physical altercation. The other driver commenced personal injury proceedings against Tim, who sought QPILCH assistance to settle the claim out-of-court. During the course of the proceedings, Tim was charged

with public nuisance for attempting suicide and was imprisoned. Scott and Bartley Cohen were able to settle the personal injury proceedings on terms satisfactory to Tim and negotiate a three year payment plan for the damages.



ANAND SHAH

Anand Shah has been a member since 2008 and has been an active supporter of QPILCH, providing advice and assistance in a range of matters.

“The Bar presented me with an opportunity to practise law – independently – in every sense: the type of work I did (I did not want to be pinned down to one or two areas); deciding where I could ‘physically’ practise (the aesthetics of my room, listening to classical music etc); no restrictions on the type of client I could act for; the flexibility of work hours; and the ability to practise law with minimal administrative distractions (e.g. firm meetings, marketing, budgets etc.). After practising as a solicitor for many years in private law firms it was this need for independence that called me to the Bar.

“I do pro bono work because every person should have the right to legal representation. I think I can help the client deal with a legal dispute better than they can handle that dispute themselves and, most importantly, it makes me feel good about myself. Some of the most interesting work I have done at the Bar has been pro bono and legal aid work. “

Anand’s practice is a broad one and includes areas such as commercial litigation, administrative law, defamation, succession and personal injuries. “I value my pro bono experience and have learnt

much from it, particularly discrimination law, by doing pro bono work at the Bar.

Anand provided assistance to an elderly woman in relation to a Magistrates Court claim filed against her by her former lawyers relating to legal costs. The applicant signed a costs agreement and stated she was not advised about the terms contained in the agreement. Anand, instructed by Clayton Utz, assisted the applicant to settle the dispute out of Court.

Anand also provided advice and assistance to the owners of a business in a regional area in relation to a lease dispute. The property on which applicants’ business operated was damaged during Cyclone Yasi, and they were forced to sell the business to cover their significant debts. The owners of the subject land on which the business operated, unreasonably refused their consent to assign the business lease and demanded the applicants complete \$645,000 worth of repairs to the property. Anand provided advice to the applicants on their obligations and rights under the terms of the lease.

Anand also represented a small business owner to respond to an appeal in the Industrial Court and represented clients in two discrimination trials before the Federal Circuit Court: one an ‘assistance animal’ case and the other an ‘access to building’ case.

Anand also supports QPILCH’s fundraising activities such as QPILCH’s annual Legal Walk and Red Wine for Justice. In 2016, he participated in the London Legal Walk.



SUPPORTING SELF REPRESENTED LITIGANTS

Many people are unable to avoid becoming embroiled in litigation. They may be unable to afford representation to get early legal advice or to engage a lawyer once proceedings have commenced. And most free legal services have limited resources to help with the complexities of litigation. Equal access to the courts and tribunals, as the place where legal rights are ultimately adjudicated, is vital for the effective operation of our justice system.

QPILCH's Self Representation Service (SRS) was the first of its kind in Australia. It was established with the benefit of research over two years conducted in partnership with the QUT Faculty of Law. A seminar, chaired by Court of Appeal President, The Honourable Justice Margaret McMurdo AC, in the presence of other Judges of Appeal (including The Honourable Justice Patrick Keane (as he then was)), The Honourable Justice Martin Moynihan AO, Senior Judge Administrator, and representatives of law firms, the Bar and academia, considered the research findings, profiled the concerns of self-represented litigants and examined what a self-representation service would look like.

With the support of the then Chief Justice (now His Excellency Paul de Jersey AC, Governor of Queensland) and a financial contribution from the Attorney-General and Minister for Justice, the Self Representation

Service was launched in 2007 in the trial divisions of the Supreme and District Courts and the Queensland Court of Appeal.

On his appointment as Chief Justice of the Federal Court, The Honourable Patrick Keane (as he then was) instigated a pilot Self Representation Service in the Federal Court and Federal Circuit Court.

The service was extended to the Queensland Civil and Administrative Tribunal when QCAT was established in 2010, and now operates in all major jurisdictions in Queensland and QPILCH's model has been adopted across Australia in the Federal jurisdiction and in the Supreme Court of South Australia.

The SRS assists self-represented parties with civil law problems to navigate the court and tribunal systems in Queensland, or alternatively to identify unmeritorious cases and divert parties to a more appropriate resolution. Volunteer lawyers from Brisbane's private law firms provide pro bono advice and assistance to complete the legal tasks for each step in the litigation process. Barristers support the SRS by giving advice in difficult cases and representing clients who are considered not to have the ability to self-represent. Barristers also assist with mediations. While the primary aim of the SRS is to assist unrepresented litigants to take practical steps in their proceedings, it also has

"In 2006 the Court of Appeal liaised with the Queensland Public Interest Law Clearing House Inc (QPILCH) about how best to assist unrepresented litigants in civil matters. In October 2007 the QPILCH Self-Representation Civil Law Service became operational. It continues to provide valuable assistance to self-represented civil litigants in the Court of Appeal and to the Court and is highly regarded throughout Australia."

McMurdo P, Academy of Law Lecture on the Court of Appeal: "The First Twenty-Five Years"
24 October 2016

practical benefits for the other party and the courts by ensuring a more efficient passage of cases.

Queensland courts

In the civil jurisdictions of the Supreme and District Courts and the Queensland Court of Appeal, the service is available to self-represented parties with existing or prospective proceedings in person in Brisbane and Townsville and by telephone or email across the State. The Townsville office also assists clients with Magistrates Court proceedings.

CASEWORK

MurphySchmidt Solicitors and **Gary Coveney** assisted a client who was a small beneficiary in a large estate. The client was assisted to respond to an appeal regarding the construction of a provision in the will and for further and better provision. While the appeal was allowed, the client's entitlements under the estate were not reduced and the client's position was not substantially altered by the Court's decision.

Matt Black, instructed by Bruce Thomas Lawyers, 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).

King & Wood Mallesons and **Catherine Muir** assisted a client to successfully defend a prosecution by the State Government 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 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 provided advice to the Service in relation to the reviewability of conditions imposed under the Dangerous Prisoners (Sexual Offenders) Act 2003 (Qld).

Richard Lilley SC and **Justin Carter**, instructed by MinterEllison, represented an elderly client diagnosed with depression to successfully appeal the striking out of the client's proceedings against his children's

attempt to evict him. The client was seeking to remain in the home he had lived in for twenty years under an agreement with his family.

Justin Carter gave an opinion to the Service about the options to resist the enforcement of a mortgage of the house of an elderly mentally ill client to secure payment of her daughter's legal bill. This opinion helped the Service to advise the client on her entitlement to apply for a cost assessment of the account (despite the time since the bills were given, and the making of a number of consent orders acknowledging the debt).

Butler McDermott Lawyers and **Guy Sara** accepted a referral to assist an elderly pensioner with severe vision impairment to consider his options to challenge a mortgage over his property on the basis that, according to expert handwriting analysis, it was the result of a forgery of the client's signature.

Richard Lilley SC provided advice to the Service about insolvency issues in a criminal proceeds application.

Gary Coveney, instructed by MinterEllison, assisted a 77 year old respondent recovering from cancer treatment to successfully resist an application for an extension of time in the Court of Appeal that was brought a year after the client successfully obtained judgment from the District Court.

Matthew Jones provided urgent advice to the Self Representation Service at the State Courts about the drafting of a counterclaim alleging a breach of a mortgagee and receiver's duty when exercising power of sale.

Federal courts

In the Federal Circuit Court and Federal Court of Australia the service provides assistance in the following areas: bankruptcy; judicial review; anti-discrimination; competition and consumer; information privacy; fair work; and appeals.

CASEWORK

Christopher, a former serviceman who was dependant on an invalidity pension from the Military Superannuation and Benefits Scheme (MSBS), had been involved in protracted family law property proceedings before the Federal Circuit Court and complications arose when the Trustee for MSBS sought to include his pension as part of his splittable superannuation interest under the Family

CASE STUDY - STARK V DENNETT [2008] QCA 50

In February 2008, QPILCH established the Court of Appeal Self-Representation service. One of the first cases to be accepted for referral was Stark v Dennett.

The case involved a dispute between Mr Stark and his solicitor, Mr Dennett. Surprisingly, it was not a dispute about costs. Mr Stark was involved in complex litigation against his former employer. He retained Mr Dennett and entered in to a written client agreement. The retainer was later varied so that Mr Dennett agreed to act on a speculative basis. The case was scheduled for mediation. However, in the days leading up to the mediation, Mr Dennett demanded that Mr Stark sign a new retainer on different terms and provide releases from liability. When Mr Stark refused, Mr Dennett asserted that Mr Stark had terminated the retainer and asserted a possessory lien over the files for the amount of his unpaid fees.

Mr Stark needed the file to prepare for the mediation. He applied to the Supreme Court for an order that Mr Dennett return the file. The trial judge held that Mr Stark had terminated the retainer, and therefore Mr Dennett was entitled to assert the lien and withhold his documents. Mr Stark filed a Notice of Appeal. It was around this time that he approached QPILCH for assistance.

Lex MacGillivray, recently retired, offered to help. I also offered to act. Collectively, Lex and I prepared an amended Notice of Appeal and fresh submissions for the Court of Appeal. They were significantly shorter than the documents filed by Mr Stark.

The Court of Appeal took a different view than the trial judge. The Court held that the client was under no obligation to comply with the condition imposed by the solicitor in order to obtain his documents prior to the mediation, and that the solicitor was duty bound to allow the client access to those documents. The refusal to provide those documents amounted to a termination of the retainer by the solicitor, or alternatively, gave the client good cause to terminate it. An order was made for the delivery up of Mr Stark's papers.

This was an enjoyable case for a number of reasons. Firstly, it was exciting to be part of the first case from the Court of Appeal Self-Representation Service to be heard by the Court of Appeal. Second, without his file, Mr Stark was more than likely going to be unable to resolve the litigation with his previous employer. He had a good claim, but no funds to progress it. With the lien in place, it was unlikely that he would be able to conduct an effective mediation. The availability of pro-bono assistance was, in reality, the only real prospect Mr Stark had of getting legal representation for his appeal. Third, I personally benefited from the experience (my first) of appearing in the Court of Appeal. As it turned out, the legal point involved was interesting, and the decision was ultimately reported.

I later heard that Mr Stark settled his litigation favourably. Without the pro-bono support of QPILCH, this may not have occurred. The case demonstrated that a person can become powerless on very short notice and without fault. It is in those cases that the availability of pro-bono assistance is critical to ensure that justice is done.

Gary Coveney

Law Act 1975. Christopher lodged a complaint about the trustee's decision to the Superannuation Complaints Tribunal; however the Tribunal withdrew his complaint, describing it as 'misconceived'. Christopher commenced proceedings in the Federal Court seeking a review of the Tribunal's decision. Following the hearing of Christopher's matter, the Federal Court granted leave for the parties to file further submissions on the issue of whether a military invalidity benefit constituted

a superannuation interest under the Family Law Act 1975. **Matthew Taylor** prepared further submissions on Christopher's behalf. The Federal Court subsequently found that errors of law had been made by the Tribunal in withdrawing Christopher's complaint and that military invalidity payments did not constitute a superannuation interest under the Family Law Act 1975, setting a new precedent for the way property settlement cases involving veterans' invalidity pensions are decided.

Gavin Rebetzke provided urgent assistance to QPILCH's Self Representation Service for clients Bill and Jenny, two applicants involved in Federal Circuit Court proceedings in which they alleged their former employer contravened the general protections contained in the Fair Work Act 2009. Gavin provided assistance to the Service's solicitor to determine Bill and Jenny's prospects of success and to complete their affidavit evidence. Gavin also drafted submissions for the clients. This matter was then taken up by Stephen Mackie who assisted the clients to reach a settlement with their former employer instead of proceeding to trial.

Cindy and her son Max, who has intellectual disabilities, began a discrimination claim in the Federal Circuit Court. Cindy had struggled for some years to maintain her son's position in mainstream schooling. Cindy had enrolled her son in two state primary

schools and alleged that the arrangements, actions and assessments imposed on her son were discriminatory. Volunteers from Wotton + Kearney helped Cindy to understand the Federal Circuit Court rules concerning the representation of a minor and begin preparing her affidavit evidence. As Cindy was not able to represent her son without legal representation, QPILCH secured Bartley Cohen and **Sean Radich** to represent Cindy in a mediation at which they were able to reach a positive resolution.

A woman from a non-English speaking background was involved in proceedings in the Federal Circuit Court for a general protections claim. The proceedings were statute barred after the woman received incorrect advice from an advocacy group.

Matthew Jones provided verbal advice to QPILCH on the prospects of success in a negligence claim against the advocacy group.



KATEENA O'GORMAN

Kateena O'Gorman has been an active member of QPILCH and has maintained her QPILCH membership since moving to Melbourne to join the Victorian Bar. Kateena has a strong interest in human rights.

Kateena provided assistance to an Iraqi family who fled death threats and entered Australia by boat. Kateena represented the family in a Judicial Review hearing after their applications for recognition as refugees were unsuccessful. Kateena secured a successful outcome

obtaining an order that the Department had failed to afford the applicants procedural fairness.

Kateena also assisted an Iranian woman who was refused a protection visa by an Independent Protection Assessment Reviewer. The woman feared persecution of herself and her three children if they were returned to Iran because of her family's involvement in a particular social/religious group. Instructed by the Refugee and Immigration Legal Service, Kateena successfully advocated for a protection visa.

After having moved to Melbourne, Kateena also assisted a 30-year-old man of Pakhtun ethnicity from Peshawar, Pakistan. The applicant sought to review a decision of the Refugee Review Tribunal (the RRT) which affirmed a decision of the Department of Immigration and Citizenship to refuse his and his family's application for a protection visa. Kateena provided an opinion that the applicant had an arguable ground for judicial review of the decision. The applicant then applied to the Federal Circuit Court (the FCC). Justice Connect in Melbourne referred the matter to a Victorian law firm to instruct Kateena at the FCC hearing, where the matter was referred back to the RRT. Unfortunately, the RRT affirmed the decision not to grant the applicant or the members of his family protection visas.

Freehills instructed Kateena to advise a retired cane farmer from Mackay on his prospects of challenging the constitutional validity of the Vegetation Management Act 1999 (Qld) (VMA) under section 51(xxxi) and section 96 of the Commonwealth Constitution.



GEORGE KALIMNIOS

George Kalimnios has been a longstanding member of QPILCH, having joined in 2005, and has consistently volunteered through QPILCH.

He enjoys his role as a barrister because he likes the intellectual challenge of law and the idea of being able to influence and advocate for change and an outcome or to provide a voice.

In 1982, George commenced his career in law, studying part-time at QUT, while working with the Magistrates Court Service. He then transferred to the Public Defender's Office as a law clerk practicing totally in the area of criminal law. In 1989, upon admission as a solicitor, he left the public service to gain civil experience in commercial areas of law, working for several law firms. In 1996, to broaden his experience, George undertook several years of full time service with the Royal Australian Airforce as a specialist reserve legal officer. At the end of this full-time service, he decided to return to legal practice and was admitted to practice as a barrister in 2003, practising mainly in crime, family, veterans' compensation, inquiries law and mediation, along with teaching at QUT and continuing with the RAAF Specialist Reserve.

"I believe that practicing as a barrister is a privilege in terms of the access to education which the community provided in order to obtain my qualification, the respect which the community holds in its barristers and the family support I have received along the way. For these reason pro bono work provides an opportunity to give back to the community and to individuals who may not have had the opportunity of education and family support."

George supports QPILCH's Self Representation Service in the Federal Circuit Court as a mediator in minor debt

unpaid wages claims, having assisted its pilot during 2011-12. He is also a volunteer with the new QCAT Child Protection Conference Service.

George assisted a legally blind man apply to the Federal Circuit Court after his unlawful discrimination claim was terminated by the Australian Human Rights Commission (AHRC). The applicant was advised by an airline, when organising travel, that the airline's policy was to not permit seeing-eye service dogs to accompany their owners in the cabin of particular flight routes. The applicant lodged a complaint with the AHRC, which terminated the complaint on the basis that there were limited prospects of the matter being settled by conciliation. Instructed by Holding Redlich, George, who was lead by Dan O'Gorman QC, provided advice on the prospects of pursuing a discrimination claim in the Federal Circuit Court.

George assisted a foster carer who had applied to QCAT for a review of a decision of Blue Card Services to issue a negative notice and cancel her blue card. As a result of this decision, the client's foster children were placed into emergency care and she lost her employment because it involved working with children. QPILCH's Self Representation Service assisted the client to prepare her life story for the review proceedings. George appeared for the client at her compulsory conference in QCAT, instructed by QPILCH. At the conference, Blue Card Services was directed to re-consider its decision to issue a negative notice. In doing so, Blue Card Services decided that the client should have been issued with a positive notice. The re-issuing of the client's blue card will allow her foster children to be returned to her care and for her to return to her employment working with children.

George is also a supporter of QPILCH events such as the Walk for Justice.

Fair Work Conciliation Service

Staffed by volunteer accredited mediators, QPILCH's Fair Work Conciliation Service offers a free conciliation service to parties attending a first court date for an unpaid wages claim proceeding in the small claims list of the Federal Circuit Court. The panel includes barristers:

Stephen Lee	Joe O'Hare
John Farren	Jacob Owen
Chris Lenz	Kirsty Petersen
Kelly McIntyre	Farley Tolpen
Matt Jones	Rob Stevenson
George Kalimnios	Lynette Vanderstoep
Roman Krumins	

QCAT

In the Queensland Civil and Administrative Tribunal (QCAT), QPILCH provides assistance in the following areas: administrative review; anti-discrimination; children and young people; disciplinary proceedings; guardianship and administration; information and privacy rights; manufactured homes; residential tenancies and rooming accommodation disputes if they involve termination of an agreement or domestic violence issues; retirement villages; and appeals.

CASEWORK

The Service assisted an Iraqi doctor to have the Queensland Medical Board review its decision to not allow his registration. The client had left Iraq during the war, and spent some years in Jordan waiting for resettlement, having been recognised as a refugee by the UNHCR. The client's volunteer work in Jordan was not initially recognised by the Board, but with the help of QPILCH member barrister, **Paula Morreau**, the Board was convinced to change its decision and allow the client's registration.

Justin Carter 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 then ran the matter to a successful completion.

Mark McCarthy represented a client with an acquired brain injury in a guardianship and administration proceeding. The client was successful in obtaining a declaration of capacity.

Lisa Stewart instructed by secondee 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.

Patricia Feeney instructed by secondee Matthew Hodgson-van Daal represented a client in occupational regulation proceedings.

Jens Streit and **Mark McCarthy** assisted a young mother to respond to a residential tenancies application filed by the Department of Housing and Public Works. The client was undergoing rehabilitation treatment and maintaining secure accommodation was critical to her chances of being reunified with her children. Mr Streit and Mr McCarthy successfully obtained an adjournment for the client until the client's related criminal matters were resolved and then liaised with the Department in an attempt to resolve the dispute. Counsel assisted the applicant with the preparation of a settlement agreement with the Department. Unfortunately the applicant decided not to agree to settle the matter as advised by Counsel.

Lisa Stewart provided assistance to an applicant who was the sole full-time carer of his 92 year-old father. The applicant ran a small business but became very unwell and appointed a business manager. The business manager varied the pay structure of an employee which resulted in the applicant being prosecuted. The applicant was unable to pay the fine and was facing imprisonment. Lisa, instructed by the Suncoast Community Legal Service, was able to successfully obtain an extension of time in which the applicant was permitted to pay the fine, avoid imprisonment, and continue caring for his father.

Mediation Panel

The Self Representation Service maintains a panel of accredited mediators who are willing to conduct pro bono mediations. The panel is available to clients of the service who are seeking to undertake alternative dispute



STEVEN JONES

Steven Jones has been a member since 2015. He came to the Law relatively late, having served for twenty years in the New South Wales Police Force and

“...pro bono work certainly doesn't pay the bills, but the feeling you gain when a person shakes your hand after a matter has been completed and who tells you, 'you have made a difference to my Life!' I find it difficult to turn away anyone's cause, especially when it has some merit, merely because they can't afford me...”

Steven Jones

subsequently worked in various investigative positions with NSW's Independent Commission Against Corruption and the then Department of Fair Trading for ten years.

In 2007, Steven came to Brisbane to complete a master's degree in law at the Queensland University of Technology due to an interest in health law, an interest he continues to pursue as a sessional lecturer at the University of Queensland.

Steven mainly practices in criminal and family law with some administrative law, covering such diverse legal areas as immigration and professional disciplinary proceedings.

Uniquely, Steven has committed a third of his practice to pro bono work and has taken on many referrals through QPILCH, including providing assistance with judicial review of migration decisions, coronial inquests, negligence, contractual and general protections matters. Steven has also been a keen volunteer with our new Enforcement Hearing Duty Lawyer Service in the Brisbane Magistrates Court since it was started in April 2016.

“I take on pro bono matters largely due to what I have experienced during a career in law and regulatory enforcement over forty years. My experiences have contributed to the development of a personal philosophy of ensuring people, who can ill-afford competent legal representation still have access to barristers, who remain willing to have people's interests championed in the best traditions of the independent Bar.”

Steven acted for two young women, now aged 19 and 17, before the Queensland Civil and Administrative Tribunal. They had commenced applications seeking compensation for sexual harassment under the Anti Discrimination Act (Qld) 1991 in their former workplace, when 17 and 15 years of age. Following a two day hearing, the Tribunal found in favour of the girls and ordered their former employer to pay \$15,000 to each of them.

Steven is representing a 43 year old former refugee who had previously worked as a child care worker. Following two separate incidents where children in his care were not under his direct supervision, the Department of Education, Training and Employment issued him a prohibition notice preventing him from continuing to provide education and care services. On the same grounds, the Public Safety Business Agency issued a negative notice to him, in effect, cancelling his Blue Card. Prior to Steven's involvement, the applicant appealed these decisions to the Queensland Civil and Administrative Tribunal. The Department withdrew its notice, but the Tribunal affirmed the Agency's decision to issue the negative notice. The applicant appealed the Tribunal's decision to its appeal division. The matter has been remitted back to the Tribunal for re-determination, where Steven will represent the applicant.

resolution but are unable to afford the cost of so doing. The barrister members of the mediation panel are:

Stephen Colditz	Ian Hanger QC
Shane Connor	George Kalimnios
John Farren	Polina Kinchina
Patricia Feeney	Michael Labone
Elizabeth Gaffney	Grace Lawson

Stephen Lee
Kelly McIntyre
Sue McLeod
Andrew See

Anand Shah
Jens Streit
Suellan Walker-Munro
Karen Williams

Ian Hanger QC conducted a mediation involving a client of the Self Representation Service who had intervened in her mother's de facto property proceedings to establish

the client's interest in a property the client substantially contributed to. The parties ultimately settled the proceeding.

Stephen Lee mediated a dispute after a widow gave her daughter and son-in-law over \$200,000 to build a granny flat that did not eventuate.



CHRISTOPHER TEMPLETON

Chris Templeton has been a member since mid 2015, soon after he was called to the Bar.

In the past two years, Chris has provided significant support to the Referral Service, accepting pro bono referrals covering a broad range of legal issues. He also supports the Self Representation Service.

Chris previously worked as a solicitor, and at the Bar practises primarily in commercial and administrative law. "I see pro bono work as an important part of being engaged in a profession, and believe it to be a beneficial experience for the clients and the practitioner alike."

Chris assisted Sarah, who was involved in protracted proceedings after the Office of the Public Guardian (OPG) was appointed as guardian of her mother. Sarah was concerned about the accommodation and health services that her mother was receiving. Chris successfully represented Sarah in an appeal to the Appeal Tribunal of the Queensland Civil and Administrative Tribunal; an outcome which ultimately led to the OPG being removed as guardian and Sarah being appointed as her mother's guardian.

Chris also assisted Jeremy, a client of QPILCH's Self Representation Service, to understand his prospects of success in an appeal Jeremy had brought in the Federal Circuit Court from a decision of the Refugee Review Tribunal (as it was then called). Chris provided an opinion, which enabled the Service's volunteer solicitors to help Jeremy amend his notice of appeal and prepare submissions.



PILOT REPRESENTATION SERVICES

Three new pilot representation services were established in early 2016 as part of the Self Representation Service to provide representation for self-represented litigants in particularly challenging steps in the litigation process. Volunteer barristers are integral to the operation of these services.

Child Protection Conference Service

QPILCH's Child Protection Conference Service offers advice and one-off legal representation for parents and carers who apply for a review of a decision of the Department of Communities, Child Safety and Disability Services, or of Blue Card Services where there are child protection issues involved, at their compulsory conference in the Queensland Civil and Administrative Tribunal. These decisions relate to the care of, or contact with, a child who is the subject of a child protection order made by the Children's Court. Volunteer barristers are instructed by a QPILCH solicitor at the conference. Volunteers in this service are:

George Kalimnios	Hamish Clift
Anthony Anderson	Scott Malcolmson
Anastasia Nichols	Zoran Gelic
Steven Hogg	Jennifer Hewson
Greg Potter	Clare Dart
Benjamin Buckley	

Workers Compensation Appeals Service

Staffed by volunteer barristers, this service provides one-off legal representation at compulsory conferences in the Queensland Industrial Relations Commission for people who are appealing a decision of the Workers Compensation Regulator and who cannot

afford private legal assistance. Volunteer barristers and solicitors may also assist the client to finalise their statement of facts and contentions and/or consider possible referrals for pro bono representation of the client at their hearing. Volunteers in this service are:

Mark Healy	Hugh Scott-Mackenzie
Rosemary Dalby	James Ford
Jens Streit	Ajith Perera
Subramaniam	Jennifer Hewson
Barataraj	Anthony Skelton
Susan Anderson	Graham Carter
Polina Kinchina	Sean Reidy
Michael Holohan	Ben McMillan
Anastasia Nichols	Sarah Poon
Greg Potter	James Earl Smith
Benjamin Buckley	Michael Johnson
Zoran Gelic	Peter Goodwin
Borcsa Vass	John Curran

Rosemary Dalby recently assisted a young man who had claimed workers' compensation for a work-related psychiatric injury in his appeal against a decision of the Workers' Compensation Regulator in the QIRC. Rosemary assisted the client to properly articulate his claim for workers' compensation in a statement of facts and contentions. Instructed by QPILCH, Rosemary also appeared for the client at his compulsory conference in the QIRC. Rosemary worked closely with the client to help him to understand the key issues in dispute and the evidence he would need to prove an entitlement to workers' compensation.

Graham Carter recently assisted a 55-year-old woman who had injured her back while working in a physically demanding

job and claimed to have suffered from a psychiatric injury as a result of this back injury. The client had lodged an appeal in the QIRC against a decision of the Workers' Compensation Regulator in relation to the claimed psychiatric injury. Instructed by QPILCH, Graham appeared for the client at

a compulsory conference in the QIRC, and drew the Regulator's attention to evidence which he submitted supported the client's claim for workers' compensation. Graham also helped the client to focus on the key issues in dispute and the requirements for proving an entitlement to workers' compensation.



ANGELA RAE

Angela Rae practised as a solicitor for many years, mostly in commercial litigation. She had also engaged in pro bono work as much as possible as a solicitor, including volunteering at QPILCH's Homeless Persons Legal Clinic. In joining the Bar, Angela was keen to continue volunteering in this way.

"People generally don't choose to have a dispute with someone else; and when they find themselves in a position of needing to take something to a court or tribunal there is usually a sense of vulnerability (if not actual despair). Having assistance to get through the court process is vital, and it shouldn't be a barrier to access that someone is unable to pay for help that they need.

"I'm in the fortunate position of having some expertise in navigating the court process and it's my duty to use that expertise as generously as possible. Pro bono work is enormously rewarding, in that the clients are real people whose problem has reached a fairly pointy stage, and so the work is both interesting and very necessary. I have met some fascinating people who wouldn't otherwise have walked into my chambers! It's also opened my eyes to issues of homelessness, cultural identity and disability in a very personal way."

Mika, a refugee with limited English, shortly after arriving in Australia, was charged with common assault. He pleaded guilty to the charge and then voluntarily undertook significant training and education to better understand what is culturally and legally acceptable in Australia. He also undertook further training as a disability support worker so that he could care for and support individuals with mental and physical disabilities. When Mika applied for a blue card so that he could work in this area, the Public Safety Business Agency (the PSBA) issued him with a negative notice because of the assault conviction five years earlier. Mika applied to QCAT for a review of the PSBA's decision. QPILCH's Self Representation Service assisted Mika to prepare his life story and statement of evidence in the review proceedings. Angela, instructed by QPILCH, represented Mika at the compulsory conference in QCAT. Angela, instructed by Ashurst Australia, then appeared on Mika's behalf at the hearing of the matter, where the PSBA's decision was overturned and QCAT made orders that Mika should be issued with a blue card. Because of this decision, Mika can be employed as a disability support worker.

"My client needed to bring the appeal because the original decision was wrong and affected his livelihood. But because he did not speak much English, and did not understand how the process worked, he needed assistance in order to present his case – and fortunately, he succeeded."

Angela undertook another case in the Supreme Court for an Indigenous woman who needed to sift through statutory provisions and deal with handwritten evidence. This was a complex process, which most laypeople would not be able to navigate without assistance.

Angela is also a plain English writing expert who is helping QPILCH to prepare for publication a range of materials about Powers of Attorney, Advance Health Directives and the Mental Health Review Tribunal.

"Working with these two clients was really humbling, as well as involving a lot of intellectual challenge. I have been involved with QPILCH from its very early days as a solicitor, and it's a joy to continue that involvement in my own name at the Bar."

Angela Rae

Enforcement Hearing Duty Lawyer Service

QPILCH's Enforcement Hearing Duty Lawyer Service offers legal advice and one-off representation to debtors at their enforcement hearing in the Brisbane Magistrates Court. Volunteer barristers are instructed by law student volunteers in providing this advice and representation. Clients are assisted in understanding their rights and obligations and in completing key documents as required by the enforcement hearing summons. Volunteers in this service are:

Matthew Jones	Anthony Anderson
Lonya Sheptooha	Greg Potter
Dan Fuller	Benjamin Buckley
Peter Somers	Steve Jones
Stephen Colditz	Gail Hartridge
Borcsa Vass	Peter Travers
Florence Chen	Sue McLeod
Melanie Hindman	Troy Schmidt
Ben Wetzig	Barry Ryan
Denika Whitehouse	Sarah Poon
Bridget O'Brien	Anthony Skelton
Keith Wylie	Stephen Hegedus
Nathan Shaw	Zoran Gelic
Steven Hogg	Jade Marr
Michael Holohan	Maxwell Walker

In one matter, **Matthew Jones** and **Stephen Colditz** assisted a client in two separate hearings to reach a final settlement of his \$18,000 debt. The client was advised about his options in the enforcement proceedings and helped to negotiate with the creditor to resolve the long standing dispute.

Sue McLeod assisted a client to complete a sworn statement of his financial position and to have an arrest warrant discharged.



HELPING THE HOMELESS

Homeless people are among the most vulnerable Australians. QPILCH identified this group in its first year as warranting special focus and in December 2002, the Homeless Persons' Legal Clinic (**HPLC**) was established. The HPLC started with three clinics in Brisbane and now operates in 17 locations across Brisbane and in Toowoomba, Townsville and Cairns.

Barristers do not usually have opportunities to help the Homeless Persons' Legal Clinic (HPLC). The homeless clinics are staffed by solicitors from member law firms and are located at welfare agencies that support the homeless with other needs such as food and short-term accommodation. However, from time to time, matters have been referred to barrister members to help with special cases that require advocacy for matters outside the usual work of firm volunteers.

In 2006, volunteers met Bruce Rowe at the HPLC's Mission Australia Café One. Mr Rowe was a 67 year old pensioner who had become depressed and subsequently homeless after the death of his wife. He had been charged with several street offences arising from an incident in the Queen Street Mall. He had refused to leave the public toilet until he had changed his clothes after attending church and was violently arrested. Mr Rowe pleaded not guilty to the offences and was represented by QPILCH. Mr Rowe was convicted in the Magistrates Court and the conviction was upheld on appeal to the District Court. On 27 June 2008, the Queensland Court of Appeal ruled in favour of Mr Rowe, holding that the direction given by police and the arrest were unlawful. Mr Rowe was represented by barristers **Peter Callaghan SC** and **Shaun Gordon** in the lower courts and by **Jean**

Dalton SC (as she then was) and **Kerri Mellifont** (then of the junior Bar) in the Court of Appeal.

A client staying at Roma House was charged with assault police when police entered the dining room of the residence to intervene in a dispute between residents. The client received injuries and was concussed in the course of the police action. The client had endured a long history of abuse in her life and suffers from post traumatic stress disorder. HPLC lawyers, with the assistance of pro-bono counsel TP O'Brien, defended the charges and prepared the matter for trial. On the day of trial, the prosecutor agreed to refer the matter to mediation. Post mediation, which the client found "quite healing", the charges were discontinued. The client and Roma House acknowledged the lawyers' involvement was pivotal in the client returning to community living and working actively towards reunification with her young child, after years of chronic homelessness.



STEVEN HOGG

Steven Hogg has been a member since 2011 and supports the Public Interest Referral Service and Bar Pro Bono Referral Service. Steven primarily works in the area of commercial litigation, but accepts pro bono briefs in a variety of other areas.

He does pro bono work for altruistic and self-interested reasons. "The altruistic reason is that I see our role as barristers not just as court room advocates but as dispute resolution practitioners. If we can use our skills and experience to help guide someone through the often complicated and arcane world of litigation to get them out of a dispute, then that's what we're supposed to do and we should do it. The purely self-interested reason is that it's a great way to meet new solicitors. From a practical perspective, I just love getting into court. The experience of oral advocacy must send some good chemicals through my brain because I come out of court just feeling energised."

A woman was allegedly unfairly dismissed from her employment after being diagnosed with breast cancer. She was at risk of homelessness. Steven assisted her to negotiate a settlement of her Federal Magistrates Court claim to compensate her for unpaid wages.

A man with quadriplegia was awarded compensation by QCAT for damages suffered after modifications made to his car were not undertaken correctly, but needed advice on how to recover the money from the judgment debtor. Steven gave the client detailed advice on his options, including proceeding to an enforcement hearing.

An illiterate man was experiencing significant financial hardship due to the termination of a franchise agreement. Steven advised the client on his options to claim compensation from the franchisor.

He advised a not-for-profit organisation on its response to a subpoena issued by the Department of Communities, Child Safety and Disability Services to produce records relating to counselling provided to a mother and her two children.

Member firm DibbsBarker and Steven accepted a referral to represent a young country music artist defending proceedings brought by her former manager for specific performance of a management agreement.

"I don't normally crow about court victories, but I recently had a satisfying win on a pro bono matter. I represented a man with a mental health disorder who is owed money by the landlord of a sheltered accommodation facility. The landlord clearly owed the money and didn't show up to the Tribunal. It took the Tribunal all of 15 minutes to work it out and order that the landlord pay."

Steven Hogg

Steven also represented a disabled man on a direct brief in QCAT proceedings to recover rent overpayments made by his former administrator to his landlord. The application was successful and the client recovered all outstanding amounts, enabling him to focus on improving his health.

HELPING PEOPLE WITH DISABILITY

QPILCH assists people with disability through its Referral Service. For people experiencing mental ill-health, the Mental Health Law Practice (MHLP) provides targeted and sensitive free legal advice and assistance. In focusing on mental health, the MHLP provides direct advice about issues arising under the Mental Health Act and has an advocacy service that coordinates advocates for patients appearing at their Mental Health Review Tribunal review hearings. The MHLP also operates two outreach clinics at Open Minds

(Woolloongabba) and Footprints (New Farm) to assist with civil law matters; and operates three Health Justice Partnerships at the Princess Alexandra Hospital Psychiatric Unit, St Vincent's Hospital Neurological Unit and the Mater Hospital.

A number of barristers such as Karen Williams, Brian Cronin, Paula Morreau, Sarah Scott-Mackenzie and Ken Barlow QC have been steadfast in helping people with physical or mental disability.



BRIAN CRONIN

Brian Cronin's main area of work is commercial law, predominantly property, planning and valuation disputes.

Brian's pro bono work has predominantly been for the intellectually impaired. He has a personal interest because he has a child with physical and intellectual impairment who lacks capacity. For more than 30 years, Brian has been actively involved in organisations that provide services to his child and consequently the provision of legal

services to these organisations and their clients. Choosing this work has assisted him to understand and deal with the issues that arise particularly with restraints under the Disability Services Act. Additionally, for over 20 years, Brian has chaired an aged care board which constantly required legal advice, which he was in a position to provide.

"I have always been involved in pro bono legal services and consequently the requests by QPILCH and other services such as QAI and Standing Up For You (SUFY) were a natural extension of legal services that I was already providing."

Brian has assisted with several QCAT matters, including representing the family of a man with an acquired brain injury with a Guardianship and Administration hearing.

Brian assisted a 66 year old widowed pensioner involved in a dispute with her daughter and son-in-law, seeking a declaration that they hold property on trust for her.

Brian provided advice on the prospects of successfully re-activating an applicant's Supreme Court claim and represented a couple with intellectual disability in proceedings instituted to review a decision by the Department of Communities, Child Safety and Disability Services to restrict contact with their children. He also provided an opinion on a QCAT jurisdictional issue.

Brian also represented a 21-year-old man diagnosed with autism subjected to restrictive practices in a hearing during which the order approving continuation of the restrictive practices (seclusion and containment as well as chemical restraint) was reviewed.



KAREN WILLIAMS

Karen Williams has volunteered with QPILCH since 2005. Before becoming a barrister, Karen had 20 years experience as a social worker in public health systems. After working with people with mental illness as a social worker and also through managing and developing community mental health services, she studied law to advocate for the rights of people to make their own decisions. She brought her

knowledge of aged care, disability, mental health, emergency health and end-of-life care to assist people to make their own decisions wherever possible.

Karen's experience as a barrister showed her that systemic advocacy was not always fruitful. She has been a driving force in developing organisations like QPILCH, Age and Disability Advocacy Australia (formerly QADA) and Queensland Advocacy Incorporated (QAI) through the establishment of new funded programs for people to access legal help and advocacy in a range of new settings. At QPILCH, Karen instigated our health-justice partnerships that are now located at the St Vincent's and Mater Hospitals.

"I am interested in preserving the rights of people to make their own decisions, where their capacity is being questioned, particularly in the disability, aged care, health and mental health sectors. I am also interested in the legal and social systems that people with cognitive impairment are required to navigate to access appropriate care."

Karen has assisted with many matters within her areas of specialty for the benefit of very vulnerable clients, often with mental illness, intellectual disability and capacity issues.

For example, she helped a consumer companion working in the mental health system who had made a complaint of sexual abuse. A resolution was achieved through mediation. Due to the power imbalance between the client and her employer she could not have navigated the mediation process without representation.

Karen provided advice to a consortium of 12 homeless service providers with several legal matters relating to privacy and information-sharing issues.

Karen also provided advice to an applicant in a dispute with the Guardianship and Administration Tribunal (the Tribunal), the Adult Guardian and her daughter relating to a decision of the Tribunal to appoint the Adult Guardian as guardian for her husband's personal matters. Karen provided an opinion that the applicant had poor prospects of success to review the decision of the Tribunal.

Ken Barlow QC and **Guy Sara** both provided opinions for clients of the Mental Health Law Practice. The first related to a client who lacked capacity, whose litigation guardian settled a claim against him for defamation with little consultation with 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.

Sarah Scott-Mackenzie assisted the family of a young man with cerebral palsy and severely impaired mental capacity in relation to his eligibility for appropriate housing.

Julian Siggins, instructed by the Gold Coast Legal Service, helped an intellectually

impaired couple to respond to an application filed in the Children's Court by a child safety authority.

A client was representing herself as a defendant to a claim for specific performance of a contract, after selling her home when she was an inpatient in a mental health ward of a hospital. The Public Trustee is generally reluctant to become a litigation guardian, but in this case agreed to be appointed as the client's administrator for financial matters and become litigation guardian. **Paula Morreau** appeared for the client in QCAT on an application for a limited administration order. The court proceedings were favourably resolved for the client through mediation.



REGIONAL QUEENSLAND

Regional clients have been assisted by barristers working in regional areas and by Brisbane based barristers who have travelled to regional Queensland to represent clients or who have provided opinions for clients through regional firms, QPILCH and other CLCs.

North Queensland

In Townsville, **Rohan Armstrong** assisted a man who was being sued by a family member for repayment of an alleged loan provided to him by a family member who had since died. The client instructed that his and the deceased's relationship was akin to father and son, and the money provided was a gift, rather than a loan. Rohan assisted him to draft a defence and provided information on court procedure.

Rohan also assisted a man who was being sued for negligence in respect of a vehicle collision. Rohan assisted the client to draft a defence and counterclaim, which resulted in the Plaintiff discontinuing the claim.

Alex Raeburn accepted a referral for an elderly client who built a flat on her child's property and was seeking to claim an equitable interest in the property before it was sold.

Tony Collins provided an opinion for a Self Representation Service client who was seeking to challenge a debt recovery order.

Chato Page advised a homeless and unemployed single mother on various issues related to her personal and financial hardship, including Centrelink, child protection and a driving offence.

Richard Williams and the Townsville Community Legal Service assisted a disability support pensioner from North Queensland

who has bipolar disorder and cares for her 30-yearold autistic and schizophrenic son to liaise with the trustees of her family trust. The woman also received repayment for a loan that she made to the trust.

Merissa Martinez assisted a woman to prepare for her upcoming hearing in QCAT. The client was being sued for a large sum for allegedly missing payments on a bus she had purchased. Merissa assisted her to draft a letter of offer to the other party and a defence submission for her hearing. She was also assisted to draft a submission to have her matter heard by telephone. The Tribunal ruled in the client's favour and she was able to keep her bus and did not owe any money to the other party.

Sean Kelly assisted a woman with two dependent children being sued in the District Court by a liquidator of a company for recovery of funds paid into her account by her estranged husband, the sole director of the company in liquidation. She received no benefit from the funds which left her account within two days. She had no knowledge of the business affairs of the company run and managed by her estranged husband. Sean assisted her to draft submissions, complete disclosure and respond to offers of settlement and other procedural steps.

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.

Dean Morzone QC provided an advice for an elderly man from Cairns whose farm was allegedly sold by the mortgagee for less than 50% of its market value.

Sarah Scott-Mackenzie advised an indigenous group about whether they could claim compensation for damage caused to the Great Barrier Reef Marine Park as a result of the Shen Neng 1 incident in 2010.

Central Queensland

Gerald Byrne assisted an elderly client with tenancy issues and also assisted a 54-year-old man from regional Queensland who has impaired capacity as a result of an acquired

brain injury. The man was sued by his bank after he was unable to repay a loan within 12 months.

Jason Todman assisted a man from Central Queensland to challenge the termination of his employment.

Justin Carter assisted a man from Mackay who was ordered to reimburse a victim's compensation payment for a crime committed over ten years before.



DONNA CALLAGHAN

Donna Callaghan was called to the Bar in 2009. Donna's expertise lies in personal injuries, health and succession law. Shortly after being called to the Bar, Donna became one of the first members of the Bar Pro Bono Referral Service when it commenced in 2009. Over the last seven years, Donna has been a regular participant in the Referral Service and has assisted with a wide range of matters.

Donna recently provided assistance to James, a 64-year-old man living in a rural area. James' employment was terminated after he sustained a workplace injury. A regional Community Legal Centre assisted James to file an application for reinstatement with the Queensland Industrial Relations Commission and then connected James with QPILCH. K&L Gates and Donna provided James with ongoing assistance leading up to the hearing. The Referral Service then asked one of our regional firms, Wettenhall Silva Solicitors to instruct Donna at the hearing of the matter in North Queensland. QPILCH's disbursement fund paid for Donna's flights and accommodation so she could attend the hearing. The Commission subsequently found that the termination of James' employment was invalid and ordered that he be reinstated to his former position and receive back pay from the time his employment was terminated.

Instructed by Bruce Thomas Lawyers, Donna assisted a man on a disability pension to contest his father's last will on the basis that his father lacked capacity.

Anthony Morris QC and Donna Callaghan, instructed by Butler McDermott Lawyers, assisted a woman with litigation involving her deceased mother's estate.

"Donna was outstanding, she did a fantastic job in Cairns, I couldn't ask for any better representation, she was absolutely brilliant."

James



RESEARCH AND TRAINING

Many barristers have been actively involved in training law firm, CLC and QPILCH staff to develop skills and knowledge in specialist areas of law. They have also provided valuable assistance in undertaking research to support policy development and submissions. These are but a few examples:

Dan O’Gorman SC, Damien O’Brien QC, Paul Freeburn QC, Gary Coveney, Stephen Hogg, Michael Hodges, Christian Curtis, Matthew Jones and **Matt Black** have supported the SRS training program in the State Courts since its inception in 2007.

Sue McLeod, an Accredited Specialist in Succession Law, presented on Family Provision Applications for law firm volunteers of the Self Representation Service.

Stephen Mackie has also been a mentor and supporter for QPILCH’s Self Representation Service, conducting training for volunteer solicitors of the Service and recently by acting in videos produced by the Service to assist self-represented litigants with their proceedings.

Willem Kilian and **Barto du Plessis** presented a staff training session for a CLC and in February 2015, Steven Hogg and Matthew Jones presented to community legal centre lawyers at CPD training organised by QPILCH.

Karen Garner prepared a valuable resource and spoke at a CLE to train volunteer barristers for QPILCH’s QIRC workers’ compensation conciliation conference service.

Matthew Jones presented at a CLE to train volunteer barristers participating in QPILCH’s Magistrates Court enforcement hearing service.

Damien O’Brien (then of the junior Bar), **Darryl Rangiah** (as he then was) and **Peter Lyons QC** (as he then was) assisted QPILCH in drafting a research paper on the law of costs in public interest litigation and suggestions for reform in preparation for a meeting with the Queensland Parliament’s Legal Constitutional and Administrative Review Committee.

Former QPILCH management committee member **Matthew Holmes**, who joined the Bar in 2016, provided comprehensive training for law firm and CLC employees on powers of attorney and guardianship law.



STRATEGIC MANAGEMENT

Barristers play an active role in QPILCH's management.

Dan O'Connor (now Deputy President of the Queensland Industrial Relations Commission) as CEO of the Bar Association was a founding member of QPILCH.

Other BAQ representatives have been **Darryl Rangiah SC** (now Justice Rangiah of the Federal Court) and **Kathryn McMillan QC**.

Hugh Scott-Mackenzie was a founding member and Vice-president of QPILCH, then became QPILCH's first representative of barrister members. **Matthew Jones** succeeded Hugh as the barrister representative on the management committee, was Secretary/Treasurer for five years and became QPILCH's sixth president in November 2016.

"The overarching objective of the founding members was to address poverty and distress by coordinating pro bono legal services and it is a matter of great pride that I was one of the founders and a member of the Management Committee for the next 10 years. QPILCH's 2015 – 2016 Annual Report is testament to the growth in the range and effectiveness of the services provided and the contribution made by QPILCH to the justice system."

Hugh Scott-Mackenzie



HUGH SCOTT-MACKENZIE

QPILCH was incorporated in April 2001 and Hugh Scott-Mackenzie was one of its founders. At the time a partner in Mallesons Stephen Jaques (now King & Wood Mallesons), Hugh became QPILCH's first Vice-President. Hugh's practice as a solicitor was mostly in administrative and constitutional law and commercial litigation, which he continued when he joined the Bar in 2003.

"I am frequently asked why I undertake pro bono work. The work is often very difficult and time consuming. You are seldom thanked for your efforts. And you are not paid! Many academics and others have offered reasons for undertaking pro bono work. They have included President Kennedy who said, 'To those whom much is given, much is expected.' For me, the reason for undertaking pro bono work is no more sophisticated than a desire to make legal advice and assistance available to deserving people unable to afford the high cost."

In addition to serving on the Management Committee until 2010, Hugh has provided legal advice and assistance to a large number of individuals and associations.

In 2015, Hugh was instructed by Ashurst to represent Mary in an application under the Succession Act 1981 (Qld). Mary and her husband cohabited for about 23 years and were then married for about 13 years before her husband passed away. In 1992, Mary and the deceased purchased a residential property in joint names in which they lived together until his death. Subsequently, they each made a Will in almost identical terms, giving minor gifts to their respective children by previous marriages and their respective residuary estates to each other. Shortly prior to his death, Mary's husband made a new Will and severed the joint tenancy of the residential property. Mary only discovered her husband had done so after his death. Under the new Will, he gave his estate and interest in the residential property to his executors, his two children by a previous marriage, upon trust for Mary to live in for so long as she wished, conditioned on her paying the whole of the outgoings, which Mary could not afford. He gave his residuary estate to his executors. The application was compromised on terms giving the residential property to Mary and small gifts to each of the executors. The compromise was approved by the Supreme Court.

In 2011, Hugh was instructed by Clayton Utz to act for Clive who suffers from spina bifida and is permanently confined to a wheelchair. Clive and other persons suffering impairment such as his were unable to gain access to a grandstand at a racetrack to view race meetings and access a restaurant and other facilities as were other members of the public. He made a complaint of discrimination under the Anti-Discrimination Act 1991 (Qld) on the basis of impairment. Ultimately, the complaint was compromised on terms including a term the owner of the racetrack would provide lift access to the grandstand, restaurant and other facilities.

Hugh also participates in QPILCH's Workers Compensation Service. Instructed by QPILCH, he appeared for four self-represented appellants at their compulsory conference/s in the QIRC. Hugh assisted the clients at the conferences to narrow the issues in dispute, and usually to arrange additional time for the clients to obtain further evidence to support their case. Hugh provided advice about the workers' compensation appeal process and the steps the clients needed to take to have the best chance of succeeding in their appeals.

Hugh also 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. He provided an opinion for QPILCH about the grounds on which a 78 year old pensioner, who was facing losing her home, could challenge a guarantee she gave over her home for a bank loan to her son and daughter-in-law. With this advice, QPILCH's Self Representation Service was able to advise the client about the terms of a proposed settlement from the bank, bringing this difficult dispute to an end.



2001-16 QPILCH MILESTONES

28 November 2000 - first formal meeting of founding member representatives to plan establishment of QPILCH.

1 February 2001 - second formal meeting to confirm rules, funding and a timeline for incorporation.

5 March 2001 – The Honourable Paul de Jersey AC, Chief Justice of Queensland, agrees to be the patron of QPILCH.

5 April 2001 - Special General Meeting held to resolve to incorporate.

8 June 2001 - QPILCH incorporated.

September 2001 – six foundation law firms (Allens Arthur Robinson (Allens), Blake Dawson Waldron (Ashurst), Clayton Utz, Mallesons Stephen Jaques (King & Wood Mallesons), McCullough Robertson and MinterEllison fund the establishment of QPILCH.

December 2001 – first staff member employed on part-time basis.

December 2001 to March 2002 - QPILCH accommodated at the offices of Legal Aid Queensland.

March 2002 – QPILCH moved to office space donated by Shine Roche McGowan (Shine Lawyers).

19 April 2002 – launch of QPILCH by The Honourable Paul de Jersey AC, Chief Justice of Queensland at Customs House, Brisbane.

July 2002 - first student clinic with Griffith University law students commenced.

July 2002 – first secondee to QPILCH from Ashurst (Blake Dawson Waldron) to research and develop homeless persons' legal service.

10 December 2002 – launch of the Homeless Persons' Legal Clinic by the Hon Rod Welford MP,

Attorney-General and Minister for Justice at St Vincent's Homeless Men's Hostel.

March 2003 – QPILCH moves to new offices in Margaret Street, Brisbane.

15 July 2003 – QPILCH and Griffith University co-host seminar on International Developments in Pro Bono, hosted by Allens.

14 August 2003 – QPILCH holds seminar on Human Trafficking, Sex Slavery and the Law, organised by Mallesons Stephen Jaques secondee, seconded to start a new QPILCH service for refugees on Temporary Protection Visas.

20 August 2003 – first Public Interest Address presented by lawyer and journalist David Marr on "Tampa and the Rule of Law".

3 September 2003 – first in a series of secondments from Allens and McCullough Robertson to undertake case assessments.

20-21 October 2003 – QPILCH co-hosts and representatives address the Second National Pro Bono Conference in Sydney.

December 2003 – the Queensland Government provides a small grant for the operation of the HPLC and referrals service.

December 2003 – small grants by Myer Foundation and Gambling Community Benefit Fund to establish a service for refugees on temporary protection orders for 12 months.

December 2003 – first in a series of secondees from MinterEllison to coordinate the HPLC.

March 2004 – first Rural Regional Remote project commenced with secondment from Allens.

9 July 2004 – launch of the Consumer Law Advice Clinic, a partnership of the TC Beirne School of Law, Clayton Utz and QPILCH, by the Hon Rod Welford MP, Attorney-General.

August 2004 – Administrative Law Clinic started with Bond University Law School.

August 2004 – participation in research for Rights in Public Space Action Group for submission on review of the Vagrants, Gaming and Other Offences Act.

April 2005 – employment of first projects coordinator.

March 2005 – first homeless policy researcher appointed with secondment from McCullough Robertson.

August 2005 – first grant from the Department of Communities to employ a coordinator for the HPLC.

August 2005 – first external training event on guardianship and administration in partnership with BAQ.

September 2005 – publication of Limitation Schedule for CLCs in partnership with Caxton Legal Centre, Ashurst and Clayton Utz (now on legalpediaqld.org.au).

January 2006 – first homeless policy coordinator employed with a grant by the Department of Communities.

March 2006 – HPLC student clinic commenced with UQ students.

April 2006 – research begins into self-representation in partnership with QUT law school.

21 June 2006 – HPLC forum on human rights.

5 October 2006 – appearance before Senate committee on Indigenous wages.

5 October 2006 - forum on Indigenous rights with Dr Elouise Cobell, elder of the Blackfeet Nation.

13 September 2006 – Public Interest Address presented by the Master of the Rolls, Sir Anthony Clarke and the UK Pro Bono Envoy Michael Napier.

10 March 2007 – first HPLC Art Show.

7 March 2007 – launch of UQ Law/QPILCH report “Nowhere to Go: The impact of Move-on Powers on Homeless People in Queensland”.

March 2007 – commencement of CLC support project, culminating in a firms/CLCs forum in May 2007.

30 March 2007 – forum with the Court of Appeal to discuss self-representation research and develop a self-representation service.

July 2007 – grant from Queensland Law Foundation to establish NFP training program.

July 2007 – first confirmed recurrent funding for QPILCH from the Legal Practitioners’ Interest on Trust Accounts Fund.

September 2007 – Self Representation Service in the Supreme and District Courts and Court of Appeal commences.

12 September 2007 – Refugee Civil Law Clinic, a partnership of the Multicultural Development Association, Corrs Chambers Westgarth and QPILCH, launched by The Honourable Paul de Jersey AC, Chief Justice of Queensland.

25 September 2007 – launch of the first regional HPLC in Toowoomba by QLS president Megan Mahon.

24 November 2007 - QPILCH’s first fundraiser “Cocktails for a Cause” occurs, organised by solicitors from Mallesons Stephen Jaques and MacDonnells. Proceeds used to establish Disbursement Fund.

12 December 2007 - launch of the Self Representation Service in the Supreme and District Courts and Court of Appeal by the Hon Kerry Shine MP, Attorney-General and Minister for Justice.

26 March 2008 – Townsville HPLC commenced.

19 May 2008 - first Walk for Justice held.

8 October 2008 – QPILCH granted PBI status with the assistance of Freehills.

December 2008 – Mediation service at State Courts started with assistance of Holding Redlich.

June 2009 – QPILCH begins management of the Queensland Law Society Pro Bono Service and the Bar Pro Bono Service.

July 2009 - commencement of the Mental Health Law Practice with a grant for three years from the English Family Foundation and subsequently from the Sylvia and Charles Viertel Foundation.

2009 – development of the Legal Health Check through a partnership of Roma House, Herbert Smith Freehills and QPILCH.

2009 – Self Representation Service in the Queensland Civil and Administrative Tribunal commences.

6 July 2010 – three year funding for the HPLC provided by the Queensland Department of Communities.

23 July 2010 – first Red Wine for Justice fundraiser held.

9 June 2011 – Celebration of QPILCH's 10th anniversary at the Public Interest Address by the Chief Justice of Queensland, the Honourable Paul de Jersey AC.

27 July 2011 - launch of pilot Self Representation Service in the Federal Courts by the Federal Attorney General, the Hon Robert McClelland MP, in the presence of The Honourable Patrick Keane, Chief Justice of the Federal Court.

25 July 2012 – first Street Soccer held.

5 November 2013 - Launch of the Legal Health Check videos, a guide to using the LHC, by the Hon Jarrod Bleijie MP, Attorney-General and Minister for Justice.

11 December 2013 - the Queensland Government provides a grant to staff the HPLC in Cairns.

February 2014 – launch of QPILCH's Townsville office.

23 April 2014 – launch of the Self Representation Service in the Federal Courts by Senator, The Hon George Brandis MP, Attorney General for the Commonwealth.

18 March 2015 - launch of the Civil Justice Fund by The Honourable Justice Margaret McMurdo AC, President of the Court of Appeal and the patron of the fund.

April 2016 – launch of the Pilot representation Services to assist clients in Queensland Industrial Relations Commission workers' compensation conciliation conferences, Magistrates Court enforcement hearings and QCAT Child Protection conferences.

November 2016 – publication of QPILCH's first Impact Report, the beginning of a process to better understand and report on the impact of its services.

November 2016 – publication of "15 years of law firm pro bono in Queensland 2001-2016".

December 2016 - publication of "15 years of volunteer pro bono in Queensland 2001-2016".



***A tribute to the people who volunteer their time to help
disadvantaged and vulnerable people to access the justice system.
January 2017***

