



Queensland Public Interest Law Clearing House

ANNUAL REPORT

2012 – 2013



STATISTICAL SNAPSHOT

2012- 2013 CASEWORK

Referral Service

448 applications received
142 referrals

Homeless Persons' Legal Clinic

462 new clients assisted

Refugee Civil Law Clinic

46 new clients assisted

Self Representation Service (QCAT)

169 applications received
277 appointments conducted

Self Representation Service (State Courts)

148 applications received
282 appointments conducted

Self Representation Service (Federal Court)

16 applications received
17 appointments conducted

Administrative Law Clinic

27 new files opened

Mental Health Law Clinic

133 new files opened

Open Minds Legal Clinic

11 new files opened

PRO BONO SINCE 2002

Public Interest Referrals (since 2002)

2350 applications received
940 referrals

Self Representation Service (since 2007)

1642 applications received

Homeless Persons' Legal Clinic (since 2002)

3686 clients assisted

Refugee Civil Law Clinic (since 2007)

217 clients assisted

Administrative Law Clinic (since 2004)

247 files opened

Mental Health Law Clinic (since 2009)

242 files opened

2012-2013 FINANCIALS

Revenue – \$1,362,168

Expenses – \$1,318,441

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PRESIDENT'S REPORT

This is my last report as president of QPILCH, after three years as president and as member of the board since QPILCH's inception in 2001.

Over those 12 years, I have seen QPILCH formulate and cement its operational model:

- QPILCH works with members to match their resources and skills with assistance required to facilitate high quality legal services for disadvantaged people;
- We marshal other resources where we can: using students extensively; enlisting the support of lawyers outside private practice (retired practitioners, government and corporate lawyers and career-break lawyers); obtaining philanthropic support; working with government to facilitate its role in supporting the pro bono contribution of the profession;
- We focus our services on those most in need, ensuring that the pro bono dollar is used wisely;
- We go to where our clients need us and then we work with social and support workers to facilitate and deepen the assistance we provide to clients;
- We research and survey our clients' needs and our supporters' needs to ensure that we are targeting and using resources effectively and we develop innovative ideas into practical steps to continuously improve what we do;
- We work with other bodies in pursuing collaborative working relationships and practical outcomes in a broader context along the way; and
- We comply with accountability requirements and do what we can to enhance openness and accountability to all our funders and stakeholders.

This annual report sets out what we have done over the last year to achieve our objectives in accordance with this model.

Resources

The majority of our funding comes from government, for which we are very grateful. Without this core funding, we would not be able to operate at anywhere near our current levels of activity. Member contributions continue to be essential to do the extra work that is necessary: to tide the HPLC over, to undertake research, to obtain other funding and to respond to new needs. This year has been our most active yet in trying to source philanthropic funding.

Services

In 2012-13, we exceeded our targets and facilitated assistance, primarily carried out by our members, for more than 1500 clients, the majority of which involved full service casework.

The individual reports of our casework services - Referral Services, Homeless Persons' Legal Clinic, Mental Health Law Practice and Self Representation Service - clearly demonstrate the value of the services provided by our members and coordinated by QPILCH staff. It is inconceivable now to think that over 12 years ago, most of the people who have been assisted by QPILCH would have struggled to find legal help beyond 20 minutes of legal advice. We should not forget why QPILCH was founded. Queenslanders could only find civil law casework assistance on an ad hoc basis. Now, after 12 years, the total cost to the taxpayer of brokering these pro bono services has been far exceeded by the in-kind contribution of the Queensland legal profession.

Research and training

Sue Garlick's great work in developing the Legal Health Check (LHC) is recognised nationally as best practice in identifying the legal needs of disadvantaged clients. It gets to the bottom of their legal problems, not just the problem they self-identify. We thank member firm Herbert Smith Freehills for helping with its development. Sue and Cameron Lavery have continued this year the homelessness caseworker training that has become popular in the sector to ensure appropriate legal referrals. A

training video on the LHC has also been completed with funding from Legal Aid Queensland's Community Legal Education Fund.

Ann Herriot has worked assiduously to research the legal problems and needs faced by people experiencing mental illness in Queensland. Her work has led to the development of our civil law services at community based mental health centres Open Minds and Footprints, in partnership with DLA Piper and Allens respectively, the first dedicated and targeted civil law pro bono mental health services in Queensland. Ann has also developed an active and structured training program for mental health community workers to facilitate appropriate referrals to QPILCH and has established a student advocacy program that has trained over 40 students to advocate for clients in Mental Health Review Tribunal hearings where less than 3% of people under Involuntary Treatment Orders are represented.

Andrea de Smidt is coordinating a research program for the Self Representation Service. With funding from the Australasian Institute of Judicial Administration, she is continuing research into the operation of the State Courts service which has involved a survey of judicial officers and clients. This research is due to be completed by March 2014. We thank Dr Cate Banks, Associate Professor Blake McKimmie of UQ Psychology and Professor Jeff Giddings of Griffith University for their work on this project. Andrea also represents QPILCH as a partner investigator for a large scale research project on self-representation proposed to be undertaken by Monash University.

2013-14 will be an exciting year for research at QPILCH, with two substantial philanthropic grants in recent months to examine the legal problems of young people transitioning from care and the legal needs of young people experiencing mental illness. All our research aims to develop appropriate and practical services.

Collaboration

Over the years, QPILCH has strongly advocated for all parts of the legal assistance sector to work cooperatively and constructively to make the most efficient use of scarce resources and to deploy the highest quality services. Only through collaboration, where parties are prepared to work together, to compromise and look beyond self-interest and ideology, will we be able to develop and improve our services.

If there are laws that give people a cause of action, then public funding should be available for people who cannot afford a lawyer to access the justice system. Otherwise, our commitment to the rule of law is a hollow one. Accordingly, from the perspective of clients who usually are excluded from the system by poverty, and from the perspective of the profession that has created QPILCH to fill gaps in public funding, all participants in the system need to work together to facilitate access to justice, not restrict it or slant it towards one world view or perspective. QPILCH has played a role in the following external collaborative mechanisms with this in perspective mind.

LPITAF review

This was an important process, ordered by the Attorney-General after years of submissions by community legal centres and other bodies for an examination of the administration of this primary source of CLC funding. QPILCH made a submission and participated in the Industry reference group. We congratulate the Attorney and his department staff who managed the review. The recipients of LPITAF, particularly the frontline service providers - Legal Aid Queensland and community legal centres - are integral parts of the infrastructure of justice. Effective use of these funds is vital for ongoing frontline services but also for public confidence in the administration of community sourced funding.

Queensland Legal Assistance Forum (QLAF)

QPILCH is a member of the Queensland Legal Assistance Forum to provide the pro bono perspective. Other members include: Queensland Association of Independent Legal Services (QAIS), Legal Aid Queensland, Aboriginal and Torres Strait Islanders Legal Service, Queensland Indigenous Family Violence Legal Service, Department of Justice and Attorney-General, Queensland Law Society, Bar Association of

Queensland and the Federal Attorney General's Department. Its purpose is to facilitate collaboration and to coordinate free legal service delivery in Queensland. Following the LPITAF review, it will also have strategic input into government decision-making.

This is an important forum for the sector to meet, inform and exchange ideas to improve legal service delivery and to achieve coordination of activities through effective collaboration. Recently it has been working to improve its methodology in order to achieve practical outcomes. Tony Woodyatt prepared a paper on collaboration for QLAF to explore new ways to work together.

Queensland Association of Independent Legal Services (QAILS)

Andrea de Smidt represents QPILCH on the QAILS management committee and chairs the QAILS Sector Development Sub-committee. The sub-committee has been working over the year to develop a coordinated and strategic response for community legal centres to the LPITAF review.

QLS Access to Justice Committee

Andrea de Smidt and Tony Woodyatt represent QPILCH on the Queensland Law Society Access to Justice and Pro Bono Committee. This is an information sharing forum that assists the QLS to make informed responses to a range of access to justice issues on which the Society comments.

Public interest law clearing houses

QPILCH staff members meet with the staff of other clearing houses from South Australia, Victoria and New South Wales on at least an annual basis to discuss issues of mutual interest and to align our referral and other processes. In addition this year, QPILCH staff have met with, and continued to provide information and support to representatives from Western Australia to assist in the development of a clearing house there. For the past two years, Andrea de Smidt has represented the public interest law clearing houses on the board of the National Pro Bono Resource Centre.

I thank all QPILCH staff members who are involved in working on the 'big picture' issues concerned with ensuring that the legal assistance sector is working cooperatively and effectively.

Collaborating with the non-legal assistance sector

Clients under stress need more than just the support of a lawyer. For that reason, QPILCH has always tried to work with community workers. However, recently, we have been developing more links and developing training programs with community support services and welfare agencies, to ensure that QPILCH and our partners properly identify the legal needs of our clients and assist them appropriately.

The year that was

Early in 2013, QPILCH was advised by the Department of Communities that we would no longer receive funding for the HPLC. That funding had been in place for over eight years. We had been working for over two years to obtain more funding to expand the service, so the decision to cease funding was disappointing to say the least. Many HPLC member firms and other supporters advocated for the continuation of the HPLC. We thank them for their support and confidence and we thank the Attorney-General, the Hon Jarrod Bleijie MP, for offering a further year's funding from the LPITAF Emergency Fund.

An unexpected outcome of our work to expand the HPLC was the offer of funds from the Commonwealth Government to develop our services in Townsville and Toowoomba. As a result, we will be opening a Townsville Office in 2013-14.

Management committee

The Queensland Law Society, the Bar Association of Queensland (BAQ) and Legal Aid Queensland are represented on the QPILCH management committee. The representatives of these bodies make an insightful contribution to our strategic approach. These organisations joined QPILCH soon after it was established, and in concert with representatives of firms, barristers, universities, corporate members

and other members on the management committee, created one of the earliest opportunities for civil law coordination in Queensland.

All members of the committee have been a great source of knowledge and support to me over the last three years. They have provided excellent guidance for QPILCH's continued development. I thank committee members for their contribution and commitment.

I particularly thank Darryl Rangiah QC, the BAQ's representative on the QPILCH management committee since 2009, who resigned in July 2013 on his appointment as a judge of the Federal Court of Australia. Darryl served as Vice-President from October 2011 and in that time has made an insightful and practical contribution to all our deliberations.

Staffing

QPILCH is staffed by a dedicated and talented group. Doubts over the future of the HPLC caused considerable anxiety this year. Staff members were not just concerned about the loss of colleagues, but know how valuable the HPLC is to our clients. The HPLC is at the centre of our strategy to assist the most vulnerable clients, integrated into all our activities, cross-referring and strengthening the response wherever we can. I thank all staff members for their hard work and commitment to quality and best practice.

Members

The members of QPILCH continue to be its backbone and I am regularly heartened by their unfailing support for QPILCH. Our members contribute in so many ways, from secondments to donations to difficult cases to a game of soccer and a glass of red wine. I sincerely thank the partners and staff members of our member firms, individual barristers, and our organisational and associate members. I also thank our sole accountancy firm member, BDO, for its unique assistance since QPILCH was founded. Through partner Bob Shead, BDO has helped many clients, particularly HPLC clients, with accounting problems. Unfortunately, BDO has resigned this year because of new priorities, but I thank BDO for its great contribution.

Supporters

Finally, I thank all the other supporters and friends of QPILCH. QPILCH is very grateful for your support. I would particularly like to thank the Chief Justice of Queensland, The Honourable Paul de Jersey AC for his very active and passionate patronage of QPILCH.

My report is a brief introduction to this annual report. I commend it to you for a comprehensive account of QPILCH's activities during 2012-2013.

Robert Reed
PRESIDENT



TREASURER'S REPORT

I present the audited financial report for the financial year 2012-13.

2012-13 has been a difficult and at times worrying year from the perspective of QPILCH's finances. On the other hand, it has been an active and positive one.

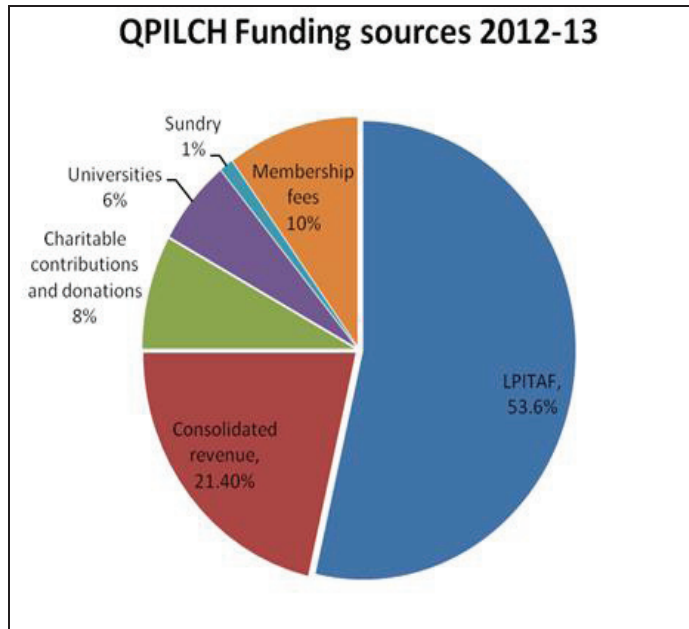
It has been difficult because, as reported in earlier years, we have been operating on a deficit budget, using a long built up surplus to continue operating at optimum levels. This year is no different, although we have reduced our reliance on the surplus and with hard work over the last few years, have now turned a corner, which will mean that from 2014-15, subject to continued funding at the same levels, we should be able to operate strictly within our funding allocations while still developing and improving our services.

It has been worrying because in early 2013, the Queensland Department of Communities, which had funded the Homeless Persons' Legal Clinic for over eight years, three of which were recurrent, withdrew all funding to the service. This was a major blow. Not only is the HPLC held in high regard across the homelessness sector and provides critical legal services for our most marginalised citizens, but this core funding also draws more than \$2m per year of in-kind value from the private profession. Fortunately, the State Attorney, the Hon Jarrod Bleijie MP came to the rescue and provided a grant of \$200,000 from the LPITAF emergency fund to continue the HPLC in 2013-14. I thank the Attorney for rescuing this wonderful service that has been embraced by the profession and the community alike.

It has been an active year because for the first time, with support from the Queensland Community Foundation and an allocation from membership fee revenue, QPILCH has employed a fundraiser who has provided a level of sophistication, new platform and new strategies for fundraising. With the advice and support of our fundraiser Theresa Scanlan, we are moving quickly to build a more solid financial foundation and to use funds to create new dedicated frontline services.

As mentioned earlier, our hard work with government is also bearing fruit. Since 2002, QPILCH has approached the Commonwealth Government on numerous occasions to seek its financial support of our services. Up to and including 2012-13, the only grant we have received from the Commonwealth is an annual \$73,000 grant for the HPLC since 2010. In June, along with other CLCs across Australia, QPILCH received a boost in funding from the Commonwealth that will enable us to substantially increase our homelessness services around the State, particularly in North Queensland, where we will establish an office this year. I thank the former Federal Attorney-General, the Hon Mark Dreyfus QC for this important grant.

We also contributed to the State Attorney's review of LPITAF and I congratulate Attorney-General Bleijie on his commitment to undertaking this long overdue review. We believe that the new LPITAF arrangements should put all CLCs on more solid ground. However, over the last few years, of all LPITAF recipients, only CLC funding has decreased (LAQ funding also decreased, but was replaced from another source). We urge the Attorney to maintain current funding levels for CLCs.



The chart above represents the financial contribution sources to QPILCH this year. Income from consolidated revenue amounts to only 21.4% of our total income, with the majority of our funds coming from the interest on solicitors' trust accounts. Importantly, the charitable contribution has increased from 5% last year to 8% in 2012-13.

In addition to the support of government and charitable bodies, I thank:

- all QPILCH members for their wonderful work and financial support;
- Corrs Chambers Westgarth, Herbert Smith Freehills, Ashurst and the Australian Government Solicitor for providing secondees during the year;
- our university members who make such a rich contribution though funding clinics and providing students with enthusiasm and intellect; and
- all the small amounts that friends and supporters of QPILCH contribute and that together means the difference for many people.

I thank all of our supporters for their great and many contributions to QPILCH.

Michelle Hutchinson
SECRETARY/TREASURER



2012-2013 MANAGEMENT COMMITTEE

Executive	
Robert Reed, President	Special Counsel, Minter Ellison
Darryl Rangiah SC, Vice-President (BAQ representative)	Barrister
Michelle Hutchinson, Secretary/Treasurer	Senior Associate, Clayton Utz
Committee Members	
Andrew Buchanan	Co-opted member
Rochelle Carey (Corporate Legal Unit representative)	Corporate Counsel, Xstrata Copper
Tony Denholder	Partner, Ashurst
Matthew Holmes	Partner, MurphySchmidt
Matthew Jones	Barrister
Noela L'Estrange (QLS representative)	CEO, Queensland Law Society Incorporated
Sarah McBratney	Senior Associate, McCullough Robertson
Judith McNamara, (Associate Member representative)	Assistant Dean, Learning & Teaching, Queensland University of Technology Faculty of Law
Anthony Reilly	CEO, Legal Aid Queensland



2012-2013 QPILCH STAFF MEMBERS

Position	Name
Director	Tony Woodyatt
Referral Service Coordinator	Karen Dyhrberg
QLS and Bar Pro Bono Referral Services Solicitor	Catherine Hartley
Rural Regional & Remote Casework Solicitor	Anusha Goonetilleke (July 2012-May 2013)
Mental Health Legal Clinic Coordinator	Ann Herriot
Homeless Persons' Legal Clinic Coordinator	Cameron Lavery
Homeless Persons' Legal Clinic Solicitor	Elizabeth Pendlebury
Homeless Persons' Legal Clinic Policy Lawyer	Sue Garlick
Homeless Persons' Legal Clinic Administrator	Imogen Coates-Marnane
Homeless Persons' Legal Clinic Paralegal (Toowoomba)	Rebecca Rosser
Self Representation Service Coordinator	Andrea de Smidt
Self Representation Service (Courts) Solicitor	Iain McCowie
Self Representation Service (Courts) Paralegal	Stephen Grace
Self Representation Service (QCAT) Paralegal	Sarah Cox
Student Clinic Coordinator	Andrea Perry-Petersen
Administrative Law Clinic Coordinator	Jackson Walkden-Brown
Office Manager	Nicola Skeggs
Administrator	Jenny Porter (February 2013-present), Fiona Streit (July 2012-January 2013)
Bookkeeper	Tracey Dwyer (April 2013-present), Ray Rajguru (July 2012-April 2013)
Fundraiser	Theresa Scanlan (March 2013-present)



2012-2013 SECONDEES

Name	Firm
Matthew Hodgson-van Daal	Corrs Chambers Westgarth
Stacey Parker	Corrs Chambers Westgarth
Kate McKenzie	Corrs Chambers Westgarth
Christie Jenkins	Herbert Smith Freehills
David Morgans	Ashurst
Daniel Ryan	Australian Government Solicitor



REFERRAL SERVICES

OVERVIEW

Each year, law firms and barristers make a huge contribution to the community by assisting people pro bono and QPILCH's Referral Services help to ensure this contribution helps the most disadvantaged and is used to the best effect.

The Referral Services assist individuals and community organisations who are unable to afford private legal assistance by receiving and assessing applications for pro bono legal assistance and coordinating the operation of direct legal services to assist particular disadvantaged client groups.

Since the inception of the Public Interest Referral Service in 2001 and QPILCH management of the QLS and Bar Pro Bono Referral Services in 2009, we have experienced an increasing demand for assistance. This year, the number of applications received was on par with previous financial years.

The impact of the assistance provided by QPILCH members and QLS and Bar Pro Bono Service participants is illustrated in the words of a past client:

"I would like to thank you from the bottom of my heart. I am extremely grateful for the hard work that went into getting a fair settlement for me. This was not an easy task. Now I can finally put this behind me and move on with my life."

An important part of the Referral Services is how we assist applicants who we cannot refer for representation. In the 2012-2013, Referral Services invested a significant amount of time in providing applicants whose matters were not eligible for referral with advice, practical information and guidance about other agencies to approach.

FUNDING

QPILCH's continued operation and coordination of *Referral Services* is made possible by a combination of LPITAF funding and member support:

- In 2012-13, the Public Interest Referral Service received a recurrent LPITAF grant of \$241,526, augmented by members' contribution of \$40,000. This LPITAF grant also funds the wages of the QPILCH director and administrative staff and a large contribution to overall administrative costs.
- The QLS and BAQ Referral Services received non-recurrent funding from LPITAF of \$86,560 and a contribution of \$10,000 from each of the Queensland Law Society and the Bar Association of Queensland.

MEMBER CONTRIBUTION

On our best estimate with the reports we have so far, QPILCH members provided well over \$1.3 million of free legal representation in 2012-13. This financial year the number of participants in the QLS and Bar Pro Bono Referral Services increased from 161 to 170, with 42 firms in the QLS Service and 128 barristers participating in the BAQ Service.

How we calculate the value of pro bono work done

When a matter is finalised, members report back to QPILCH on the outcome and the value of the work done. Of the 142 matters referred in 2012-13, members have finalised and reported back on 43 matters. \$194,142 of legal work was done on those files, an average of \$4,514 per matter. With a total of 142 matters referred, this equates to \$641,120 of pro bono work done on matters referred just in 2012-13.

The true amount is likely to be much higher, given that matters returned within the same financial year are likely to be smaller than average. Also, many firms are still working on pro bono files referred in previous financial years. Our best estimate, based on member feedback, is that an additional \$649,509 of pro bono work was done in 2012-13 on matters referred in previous financial years.

Member casework examples

It is impossible to mention every firm and barrister that assisted, but here is a snapshot of the types of help given.

QLS and Bar Pro Bono Services

In the past financial year, the QLS and Bar Pro Bono Referral Services referred out a wide range of matters, including debt and finance disputes, property law matters and consumer disputes. Notable examples include:

- **Mark McCarthy and Jens Streit** of Counsel assisted a single mother who is at risk of homelessness and was undergoing treatment at a drug rehabilitation centre. Counsel represented the applicant at a QCAT hearing where the landlord sought to terminate her tenancy and obtain compensation. The QPILCH Self Representation Service also assisted the applicant to draft her material before being settled by Counsel.
- **Cronin Litigation Lawyers** and **Mr Hugh Scott-Mackenzie** assisted a 23-year old Turkish man whose mother-in-law allegedly misappropriated \$95,000 of his family's savings to renovate her shop and facilitate business expansion.
- **Gerald Byrne** of Counsel is assisting a 54-year-old man from regional Queensland who has impaired capacity as a result of an acquired brain injury. The man is being sued his bank after he was unable to repay a \$65,000 loan within 12 months. Mr Byrne took the matter on from James Morton of Counsel who provided a significant amount of pro bono assistance in the initial stages of the matter.
- **Richard Williams** of Counsel assisted a woman with an intellectual disability to liaise with the trustees of a family trust and advised her in relation to a loan that she provided.
- **Minter Ellison Lawyers** assisted a 46-year-old father of three children who was at risk of homelessness to negotiate a waiver or payment plan with a debt collection agency. Minter Ellison also advised the applicant about pursuing a claim against a storage provider who sold his goods. Minter Ellison also assisted a 33-year-old woman who had significant health problems and was at risk of homelessness to obtain further information about the administration of her late father's estate and advice about whether or not she has a claim.
- **Barry Nilsson** assisted a 22-year-old intellectually disabled woman who is seeking assistance to recover a small debt of approximately \$1,500 from a former colleague

Public Interest Referral Service

Many member firms and barristers provided representation through the Public Interest Referral Service, including:

- **Allens, Ashurst, Bartley Cohen, Clayton Utz, Corrs Chambers Westgarth, DLA Piper, Henry Davis York, King & Wood Mallesons, K&L Gates, McInnes Wilson, Minter Ellison, Middletons, Norton Rose Australia, Sparke Helmore and TressCox** assisted not-for-profit organisations with a variety of legal issues.
- **K&L Gates** assisted an elderly client who had given her daughter all her money to help buy a house, only to be forced to leave when the relationship broke down. K&L Gates helped the woman to issue proceedings and eventually reach a settlement, allowing the client to return to her previous city where she had better support networks.
- **Piper Alderman** assisted a man with schizophrenia and a mood disorder, who was bequeathed a life interest in his late father's house, to attempt to stay in the house after the Public Trustee agreed to sell the house, without consulting him or his adult guardian.
- Many members helped clients with discrimination claims, including **Maurice Blackburn, MinterEllison, Sarah Scott-Mackenzie** of Counsel assisted a man with HIV with a discrimination claim.

- **Allens** assisted an 86-year-old man from a non-English speaking background to recover unpaid wages after he had been underpaid for decades.
- Accountancy firm **BDO** assisted a number of people, mostly clients of the HPLC or people who have been through a period of mental illness or instability, to complete outstanding tax returns.
- **Wettenhall Silva Solicitors** and **Brian Cronin** of Counsel both assisted several vulnerable clients to resolve disputes with their landlords.
- **Dr Jacoba Brasch** was instructed by a community legal centre to assist an Aboriginal woman to give evidence to the Queensland Child Protection Commission of Inquiry.

As always, our barrister members were particularly supportive in providing advices and representation and assisting clients to mediate and resolve matters.

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

Member feedback

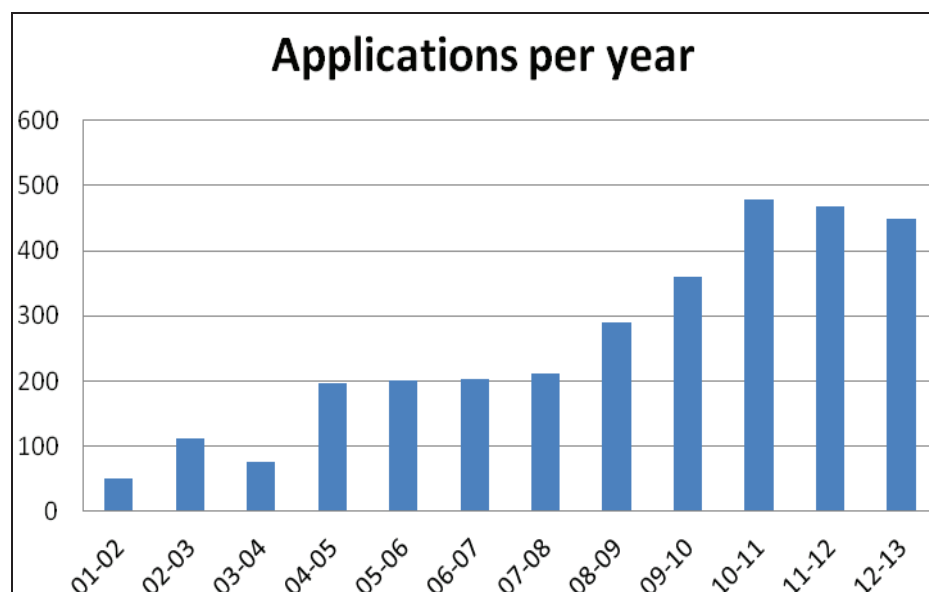
“This financial year, I was involved in a matter which was heard before the Court in January this year. I do not practice in this area of law but because the barrister was an expert, I did not feel out of my depth. It was a great experience and I enjoyed it immensely. We succeeded in the matter and our client was happy with the outcome.” **Trudie Rodgers, Trudie Rodgers Medical Law, QLS Pro Bono Referral Service Participant**

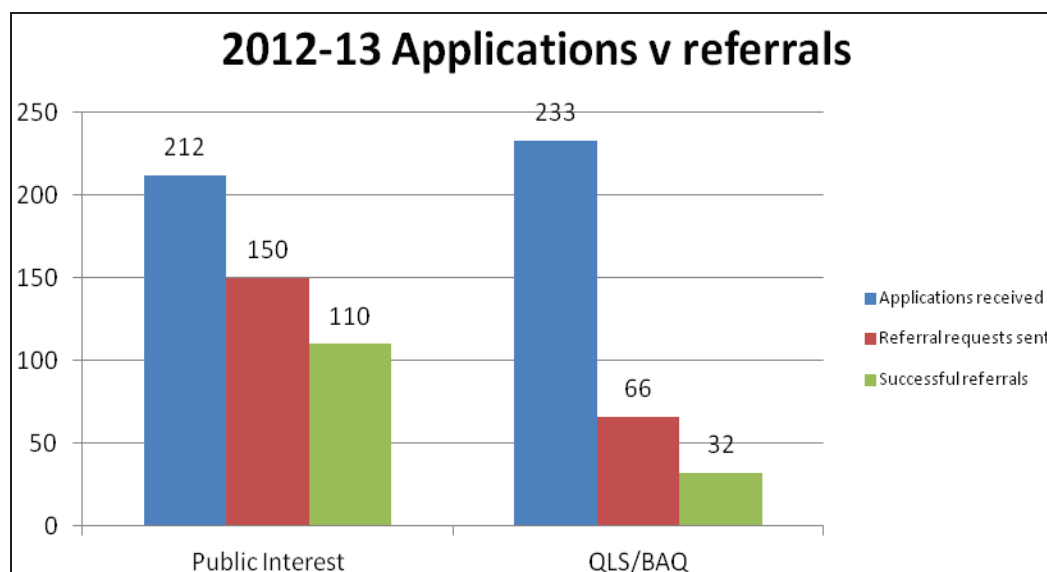
“I think the service you offer is brilliant and referral process very efficient.” **Dr Jacoba Brasch, Barrister-at-Law, QPILCH Member and Bar Pro Bono Referral Service Participant**

SERVICE DATA

Casework statistics

In 2012-13 the referral services dealt with 448 applications for assistance and successfully referred 142 of those. The Public Interest Referral Service took 210 applications, and the QLS and Bar Pro Bono Referral Services took 233 applications.





Public Interest Referral Service

Of the 150 public interest matters deemed eligible for referral, 110 were taken up.

QLS and Bar Pro Bono Referral Services

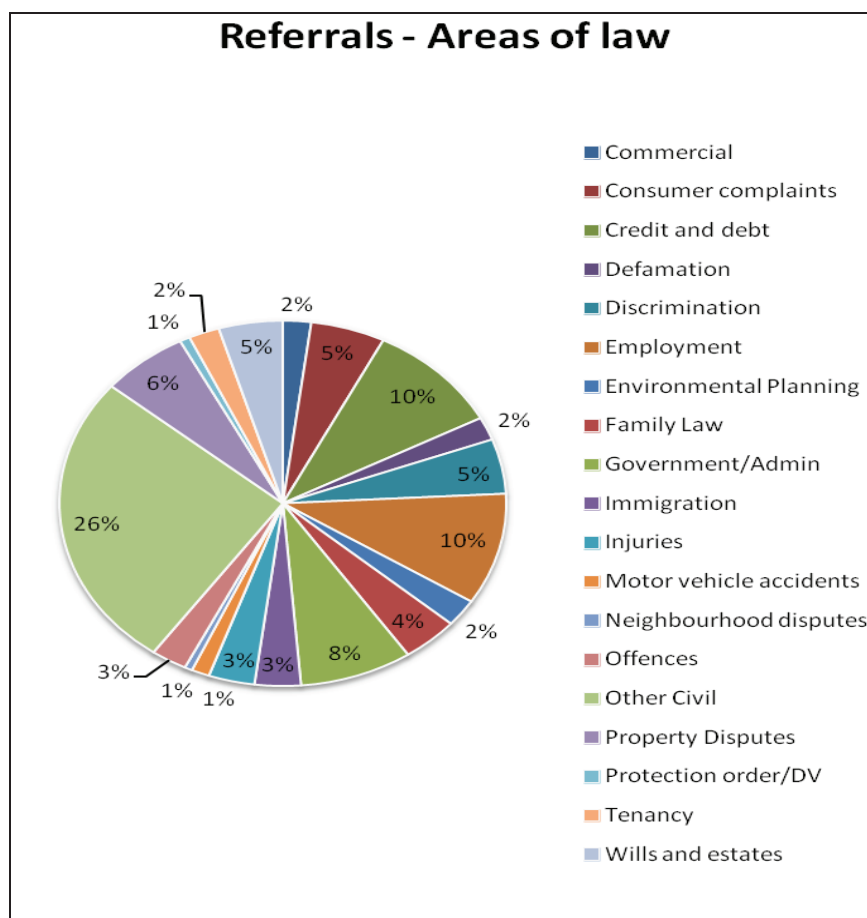
After four years of operation, the QLS and Bar Pro Bono Referral Services are continuing to deliver wide-ranging services to disadvantaged clients. 233 applications for referral were assessed through the QLS and Bar Pro Bono Referral Services. 67 of these applications were determined eligible for referral and 32 of those matters were taken up.

Flood and disaster relief

Of the 448 applications received by the Referral Services, three sought assistance with matters relating to floods and disasters. Of these, two matters were not eligible for referral and the applicants were provided with advice, practical information and guidance about other agencies to approach. The other applicant was referred to **MurphySchmidt** for assistance to dispute a decision by his insurer to refuse his claim after the 2011 floods. Several of these applicants were referred to QPILCH by a community support worker with whom we developed a referral pathway after the 2011 floods.

Referrals by area of law

Employment, credit and debt, government and administration and other civil matters made up the largest percentage of the 448 applications received by the Referral Services in the 2012-2013 financial year.



Unsuccessful applicants

Applicants whose matters are not eligible for referral or not taken up by our members are provided with advice, practical information and guidance about other agencies to approach. With every applicant who applies, we will write to them to either refer them to an appropriate service, give them some advice on how they could pursue their matter themselves, or help them to understand why their matter may not be worth pursuing through a court or tribunal, either due to lack of merit or for practical reasons.

The follow is a sample of the advice given:

- Advising an applicant about options and prospects for pursuing an unfair dismissal, personal injuries and/or defamation claim in relation to the conduct of her former employer.
- Advising an applicant about pursuing a minor debt claim in the Queensland Civil and Administrative Tribunal and reporting the conduct of a company to SCAMwatch.
- Advising several applicants about making a claim against the estate of their late partners, including advice about their prospects and approaching firms for assistance on a speculative or deferred fee basis.
- Advising an applicant about pursuing a claim for breach of a contract that he entered into with a company for hair regrowth treatment.
- Advising an elderly applicant about her prospects of pursuing a claim against a number of parties involved in the purchase and construction of a property.

These are the statistics for the advice and guidance provided to applicants whose matters were ineligible for referral:

	2012 – 2013
Advice	34
Complex advice	8
Practical information	69

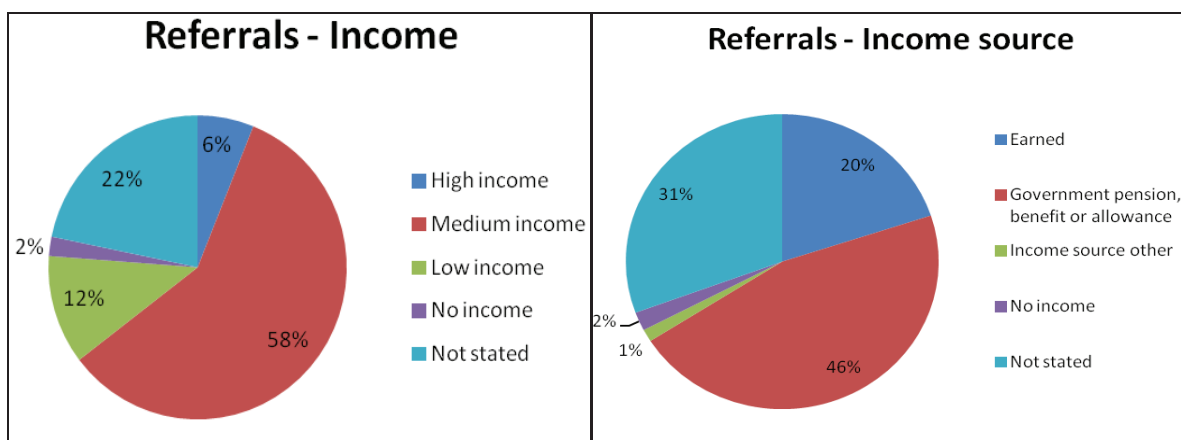
Referral to other QPILCH services	18
Other guidance	136

We see this as a vital part of ensuring the smooth running and efficient use of the justice system and a corollary to access to justice, as it arms clients with the knowledge of why they could not be assisted.

CLIENT INFORMATION

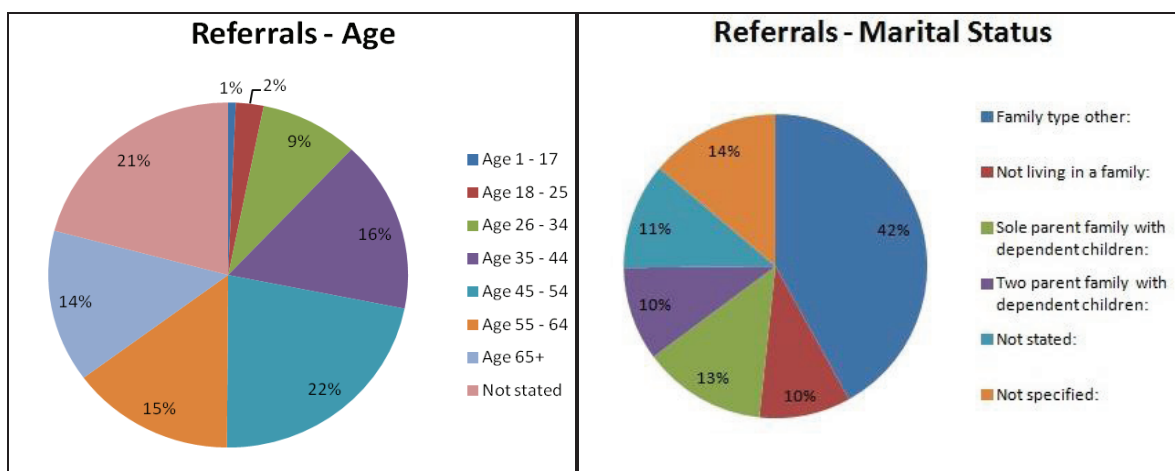
Income

Of all applicants to the Referral Services, 54% were receiving a medium income and 12% were receiving a low income. Only 6% of the applicants were considered to be receiving a high income. 46% of all applicants to the Referral Services were reliant on government benefits.



Age, gender and marital status

Of all applicants to the Referral Services, 55% were female, 43% were male, with 2% not stated. 22% of applicants were aged between 45 and 54. 23% of applicants were supporting dependants.



Catherine Hartley – qlsbar@qpilch.org.au

Karen Dyhrberg – referrals@qpilch.org.au



RURAL REGIONAL REMOTE SERVICES

OVERVIEW

The Rural Regional Remote (RRR) Service aims to enhance the delivery of pro bono legal services to RRR areas in Queensland. Anusha Goonetilleke was employed on a part time basis to coordinate the Service between July 2012 and May 2013.

FUNDING

The RRR Service is made possible by a non-recurrent grant of \$53,788 from LPITAF. We have also obtained funding from the Department of Justice and Attorney-General to continue the RRR Service for an additional six months in 2013-14.

MEMBER CONTRIBUTION

Over the year, the existing relationships between regional law firms and city based firms were strengthened and monitored. The purpose of these relationships is to enhance the capacity of the RRR law firm to provide pro bono legal services in their community by giving them access to the resources of the city based firm. The collaborations also allow city based firms an opportunity to assist people in RRR areas.

A sample of the referrals which have been successfully made are:

- **Dean Morzone SC** provided an advice to 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.
- **DLA Piper** assisted a regional community legal centre with an employment matter.
- **Jason Todman** assisted a man from central Queensland to challenge the termination of his employment.
- **Bartley Cohen** assisted a not-for-profit organisation from north Queensland to defend allegations of defamation made against them.
- **Ashurst** assisted a not-for-profit organisation from north Queensland to redraft their constitution and advising on the applicability of discrimination legislation.
- **MurphySchmidt** assisted a man from south west Queensland to dispute a decision by his insurer to refuse his claim after the 2011 floods.
- **Justin Carter** assisted a man from Mackay who was ordered to reimburse a victim's compensation payment for a crime committed over ten years ago.
- **George Kalimnios** assisted a Townsville resident who has lived in Australia his whole life to challenge a decision of the Minister of Immigration to cancel his visa.

SERVICE DATA

In the 2012-2013 financial year, QPILCH received 448 applications for assistance, of which 101 (or approximately 22.5%) were from regional Queensland. A further 182 (or approximately 40.6%) of the 448 applications received during this period were from the Gold Coast, Sunshine Coast, Logan and Ipswich.

OTHER ACTIVITIES

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

- Meeting with Sunshine Coast law firms, barristers and community legal centres and the Sunshine Coast District Law Association;
- Presentation to community service providers at the Nambour Resource Market;
- A Regional Legal Assistance Forum;
- Meetings with community service providers in Laidley; and
- Meetings with members of the RRR National Network.

The RRR Coordinator also completed the following work:

- Engaged more regional barristers in our referral schemes. In particular, we engaged several new barristers from Cairns.
- Promoted the RRR Project by:
 - Writing to regional community legal centres, State Members of Parliament, Queensland Government Agent Programs and Legal Aid's Community Access Points.
 - Writing an article which was published in the July edition of Proctor; and
 - Writing an article which was published in the Sunshine Coast District Law Association newsletter.
- Assisted the QPILCH Director to investigate the possibility of establishing a QPILCH office in Townsville. This work included analysing legal needs, preparing funding applications and meeting with relevant stakeholders in Townsville. With the approval of one application for funding, QPILCH will be opening a Townsville office in 2013-14. This will strengthen our ability to provide a tailored service for disadvantaged people in Townsville and the northern region and in other RRR locations in Queensland.
- Assessed in detail the NSW Law Foundation's *Legal Needs Survey (Queensland)* to identify regional legal needs.

We hope to continue to develop the structures we have established to assist disadvantaged people living in RRR areas throughout Queensland.



HOMELESS PERSONS' LEGAL CLINIC AND REFUGEE CIVIL LAW CLINIC

OVERVIEW

The Homeless Persons' Legal Clinic (**HPLC**) was established in 2002 as a partnership between QPILCH and private law firms and homeless support agencies, to deliver targeted civil legal services to Queenslanders experiencing or at risk of homelessness.

In 2012-13, the HPLC was co-located at 14 community agencies in Brisbane, Toowoomba and Townsville, with over 350 volunteer lawyers from 23 private law firms, delivering joined-up and frontline legal services. Over the last financial year, the HPLC saw sustained demand for our assistance, addressing the multiple legal needs of 508 new clients.

The HPLC provides a client-focussed, outreach service delivery model by offering free legal representation and advice at host community agencies. By establishing effective, long-term partnerships within the legal and community sectors, the HPLC continues to offer an integrated service that reduces barriers to housing and other essential needs.



We particularly acknowledge **Herbert Smith Freehills** which commenced a new clinic at *bric housing* in early 2013.

Left: some members of the HPLC team this year: Elizabeth Pendlebury, Lawyer; Cameron Lavery, Coordinator; Imogen Coates-Marnane, Paralegal; and Sue Garlick, Senior Lawyer.

The HPLC consistently achieves positive holistic outcomes for our disadvantaged clients. Claire's story demonstrates the impact of the representation and on-going legal casework offered by HPLC pro bono lawyers:

Claire was at a crisis women's hostel, where she met with the HPLC and completed the Legal Health Check. Through several follow-up appointments and on-going collaboration with Claire's caseworkers, the HPLC:

- *provided substantive advice in relation to the guardianship arrangements of Claire's adult child, including assisting with submissions to the Queensland Civil and Administrative Tribunal;*
- *negotiated an infringement notice waiver from a local council; and*
- *facilitated manageable arrangements for Claire's SPER fines.*

Claire is now residing in more secure accommodation and was able to meet with her child for the first time in over 10 years.

In 2012-13, the HPLC and RCLC operated at the following locations:

HPLC location	Participating Firms, CLCs and Practitioners
Mission Australia Café One	Minter Ellison HWL Ebsworth
Brisbane Homelessness Service Centre	MurphySchmidt

	Ashurst
Salvation Army Pindari Men's Hostel	Clayton Utz
Salvation Army Pindari Women's Hostel	Clayton Utz
Brisbane Youth Service	King & Wood Mallesons Holding Redlich
Anglican Women's Hostel	Allens
New Farm Neighbourhood Centre	Allens
4AAA Kiosk	McCullough Robertson
Kyabra Phone Clinic	DibbsBarker
Roma House	Herbert Smith Freehills
Bric Housing	Herbert Smith Freehills
The Basement, Toowoomba	Catherine Cheek – Clewett Lawyers Debbie Richards – Shannon Donaldson Province Lawyers Kathy Walker – Walker Solicitors Andrew Braithwaite – Hede Byrne & Hall Craig Burgess – USQ Law School Ken Parry – MacDonald Law Toowoomba Paul Green – Kennedy Spanner Lawyers
South Townsville Drop-in Centre	Townsville Community Legal Service Crosby Brosnan & Creen Boulton Cleary and Kern Lawyers Connolly Suthers Chris Mills MacDonnells Law Townsville
Refugee Civil Law Clinic at MDA	Corrs Chambers Westgarth

FUNDING

We thank the Queensland Department of Communities, Child Safety and Disability Services for the funding of \$197,400 and the Federal Attorney-General's Department for \$73,597 in the 2012-13 financial year.

We thank the following organisations for generously providing the HPLC with grants in 2012-13:

- StreetSmart - \$10,000
- Legal Aid Queensland CLE Fund - \$9,624
- Brisbane City Council - \$19,868
- The John William McIntyre and Herries Ada McIntyre Charitable Trust managed by *Perpetual* - \$15,914.

We also thank the Queensland Attorney-General, the Hon Jarrod Bleijie MP for continued funding of the HPLC for 2013-14.

MEMBER CONTRIBUTIONS

We acknowledge the vital role of the hundreds of pro bono lawyers who volunteer their time to participate in the HPLC and RCLC. The substantial efforts of these volunteer lawyers make it possible for the HPLC and RCLC to address the complex needs of the most vulnerable members of our community. We also thank the HPLC host agencies for their continued collaboration in providing quality, frontline services to those who need it most.

In 2012-13, law firms, CLCs and legal practitioners generously contributed over \$2.6 million worth of pro bono legal services and support through the HPLC and RCLC.

The HPLC facilitates quarterly meetings for our primary contacts at participant firms, HPLC and RCLC Team Leaders, who provide feedback and input into our service delivery, training programs, innovation, resources and events. Firms host and cater these meetings.

Successful casework examples

The HPLC and RCLC achieved many successful casework outcomes, including:

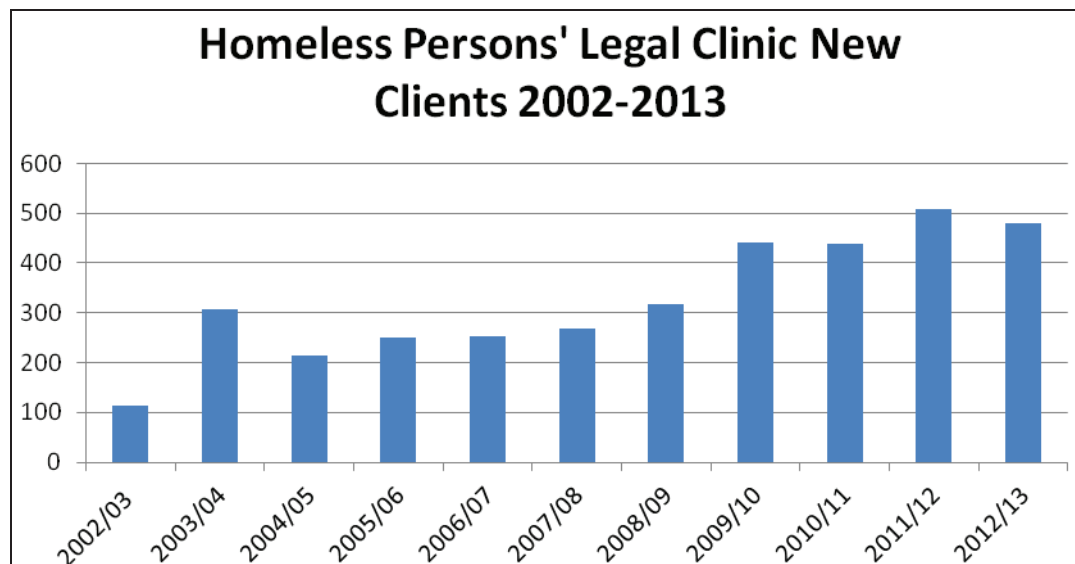
- **Herbert Smith Freehills** represented a homeless man in an urgent tenancy dispute hearing at the Queensland Civil and Administrative Tribunal. The HPLC has since assisted the client to make arrangements for the return of his bond and potentially receive further compensation regarding a lost possession.
- **Corrs Chambers Westgarth** successfully obtained a debt reduction of \$36,000 from a major bank for a refugee client. Following extensive submissions, the RCLC had the client's debt of \$40,000 reduced to \$4,000 (to be paid off interest-free, in manageable instalments).
- **DibbsBarker** and **Minter Ellison** secured a total debt waiver of \$62,000 from various creditors for a man at risk of homelessness with serious medical concerns. The HPLC further negotiated for the client's government debt of around \$28,000 to be indefinitely placed on-hold.



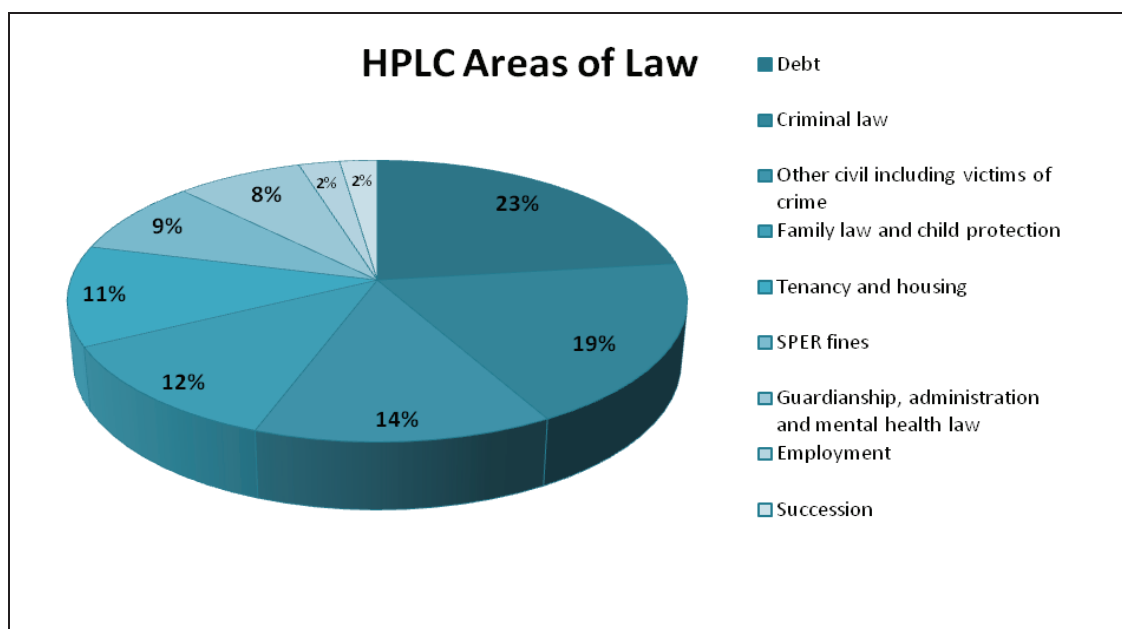
SERVICE DATA

Casework Statistics – Homeless Persons' Legal Clinic

In 2012-13, the HPLC addressed the complex, multiple legal needs of 462 new homeless clients.

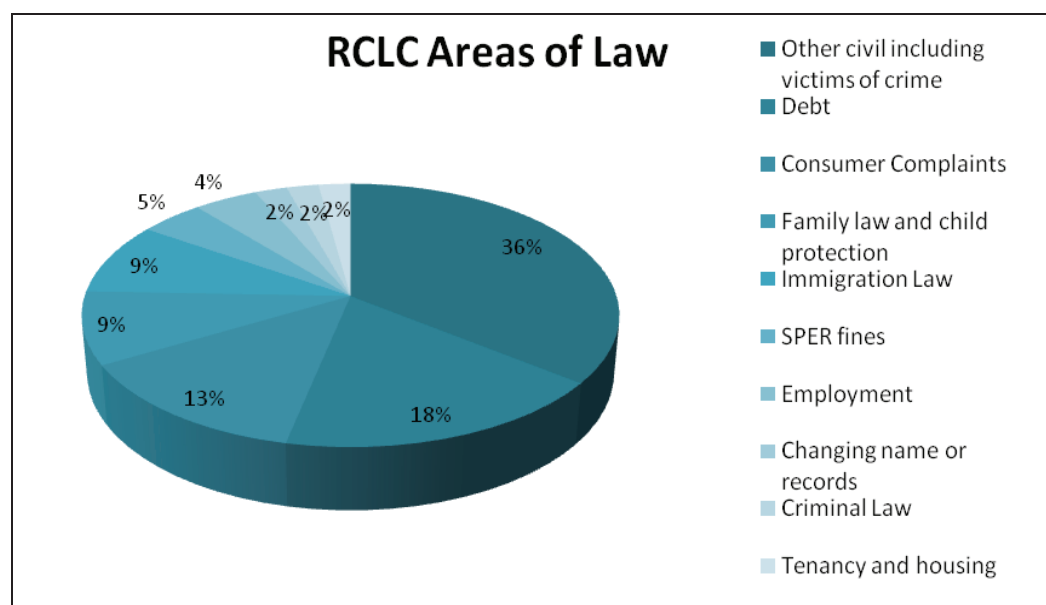
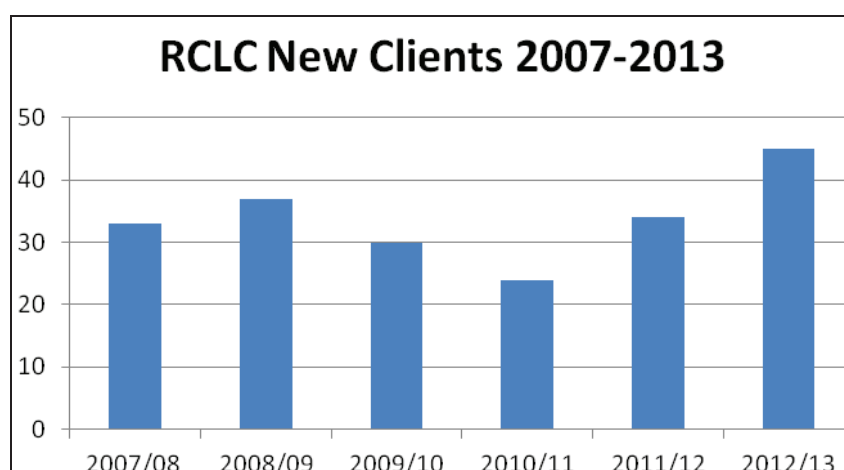


The clients faced a range of matters including debts, SPER fines, housing and tenancy, mental health law, guardianship and administration, and employment law. The HPLC also made active referrals for criminal and family law disputes.



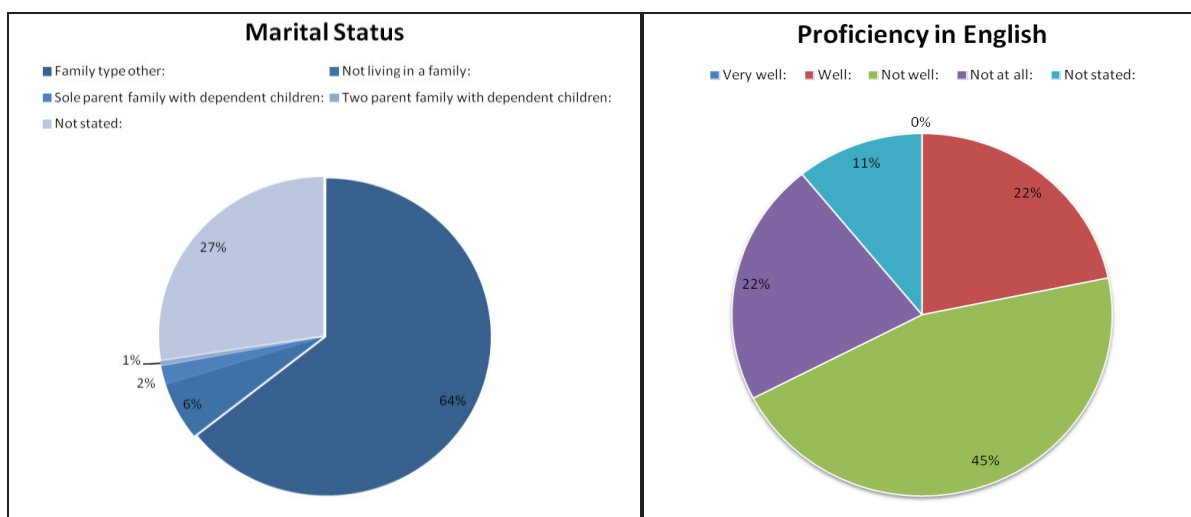
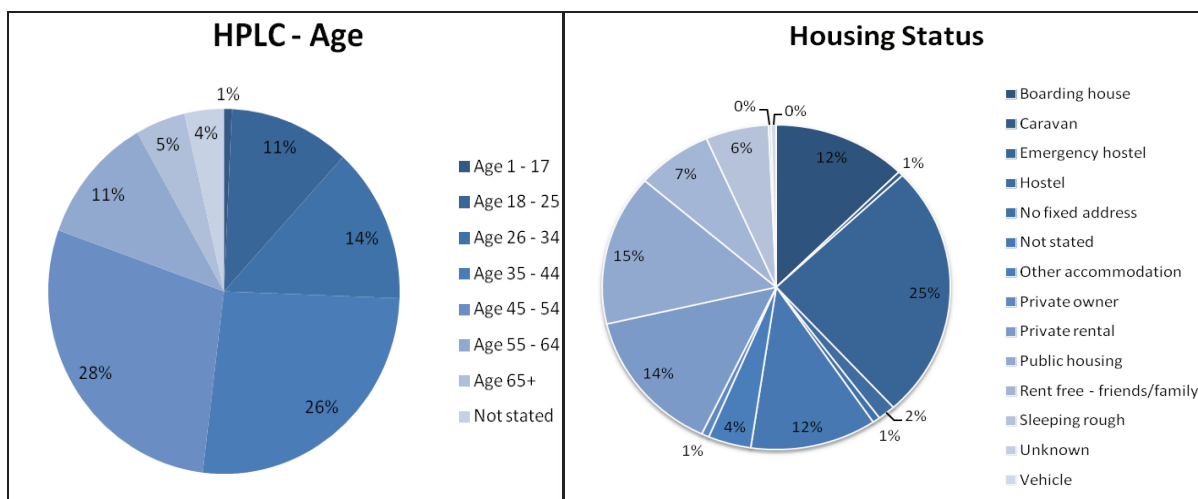
Casework Statistics – Refugee Civil Law Clinic

The Refugee Civil Law Clinic (RCLC) assisted 46 new clients. All RCLC clients were Culturally and Linguistically Diverse (CALD), while 28.26% of the client base was female, and 71.74% was male.

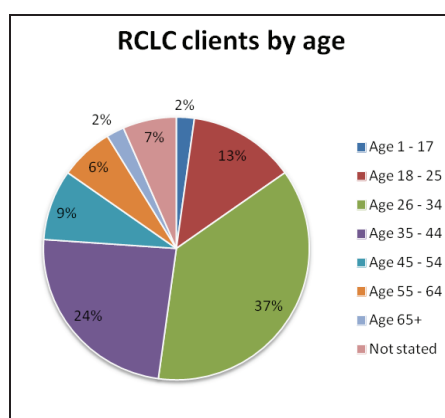


CLIENT INFORMATION

Of all HPLC clients, 34.2% were female; 64.86% male; 0.94% did not identify a gender). 11.4% of our clients identified as Aboriginal or Torres Strait Islander, while 10.17% indicated they were less than 25 years-old. 98% of clients described their income as low or none, with 82% receiving a pension or benefit.



Of RCLC clients, 72% were male and 28% female, while 78% received a pension or benefit, 9% earned a wage or salary and 2% received no income, with 11% not stated.



OTHER ACTIVITIES

Events

Street Soccer

Our first annual HPLC & RCLC Street Soccer tournament was held on 25 July 2012 at New Farm Park.

HPLC & RCLC firms joined teams from the Big Issue and HPLC host agencies Mission Australia and Micah Projects. The event raised around \$2,000 for the Big Issue's Street Soccer Program and the HPLC.



Above: Chief Justice de Jersey presenting the trophy to the MinterEllison's team.

We thank the Honourable Paul de Jersey AC, Chief Justice of Queensland for presenting the trophies.

Ten Year Acknowledgement Event

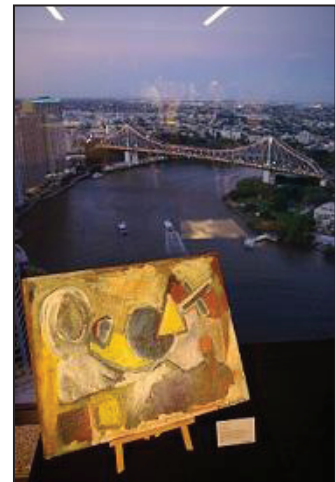
We acknowledged partners, team leaders and long-term volunteer lawyers from all HPLC/RCLC firms at our 10 Year Acknowledgment Event on 22 April 2013, generously hosted and catered by **Ashurst**.

The Honourable Paul de Jersey AC, Chief Justice of Queensland formally recognised the firms' tremendous pro bono contribution.

The HPLC attended other events through the year, including National Homeless Persons' Week, Mates Helping Mates Barbeque, Homeless Connect and the HPLC National Forum.

Research

In 2012-13 the HPLC contributed to the QPILCH submission to the Queensland Commission of Inquiry into the Child Protection System, responded to the *Residential Tenancies and Rooming Accommodation Act* Review, made a submission on the draft *Homelessness Bill 2012* (Cth) and a submission on the proposal in the *Penalties and Sentences and Other Legislation Amendment Bill 2012* to introduce an offenders levy in the Magistrates Court. Some 2012-13 HPLC research projects form part of the student clinic we operate with the University of Queensland (see 'Student Programs – Homeless Persons' Legal Clinic' for more information). All submissions are available on the QPILCH website.



Continuing legal education

The HPLC delivers Continuing Legal Education (**CLE**) to our staff, pro bono firms, partnership agencies and other community organisations. The HPLC thanks the law firms and agencies that hosted CLE sessions and recognises presenters for their contributions.

Our annual free caseworker training hosted by the **Commonwealth and State Ombudsman's Office** was held on 14 March 2013. Sessions on relevant legal issues were presented by CLC and government representatives. Fifty caseworkers representing approximately 25 community organisations attended and gave very positive feedback.

Projects

The HPLC worked on several projects this year, including:

- HPLC location postcards and **Legal Health Check question postcards**;

- **LegalPod**, a new legal service delivery model for young people transitioning from care;
- **bric housing**, a new drop-in legal clinic facilitated by Under1Roof (U1R), which **Herbert Smith Freehills** attends weekly; and
- being an active member of the implementation group for **Queensland Courts Referral**, a new court diversion response in the Brisbane Magistrates Court.

Cameron Lavery – hplc@qpilch.org.au; **Sue Garlick** – hplcpolicy@qpilch.org.au; **Elizabeth Pendlebury** – hplclawyer@qpilch.org.au; **Fleur Hopkins** – hplcadmin@qpilch.org.au



MENTAL HEALTH LAW PRACTICE

OVERVIEW

The Mental Health Law Practice (**MHLP**) addresses the serious deficit in legal and advocacy services for people experiencing mental illness. The MHLP provides direct legal advice and assistance to clients and their families affected by mental illness. Over the last financial year, the MHLP experienced an increasing demand for assistance, attributable to the expansion of the MHLP and publicity of the services. In response to the growing demand on our service, **Herbert Smith Freehills** kindly provided a part-time secondee, Christie Jenkins on a six month rotation, from March 2013. In addition, Stacey Parker, a secondee lawyer from Corrs Chambers Westgarth, also assisted the MHLP from March 2013 until her return to Corrs in May 2013.

The MHLP evolved out of our student clinic and now comprises:

- Tribunal Advocacy Service;
- Open Minds Civil Law Clinic;
- Footprints Civil Law Clinic; and
- Mental Health Law Clinic.

The MHLP also provides training for mental health caseworkers to assist them in identifying potential legal issues their clients may be facing.

FUNDING

The MHLP does not currently receive any government funding. We are only able to provide our services because of the generosity of the **English Family Foundation**, through partnering arrangements with law firms, community agencies and universities and the valuable contribution of our volunteer students and lawyers.

The MHLP received \$45,437 in funding from the **English Family Foundation** to run the Tribunal Advocacy Service for this financial year and for two further years.

MEMBER CONTRIBUTION

Open Minds Civil Law Clinic

The MHLP continues to work in partnership with Open Minds, DLA Piper and QAI to provide civil law advice for people with mental illness. Open Minds assists people with mental illness offering a range of programs and tailored support services covering issues such as lifestyle, living, employment and health to enable individual achievement and recovery. The clinic is held at Open Minds at their premises in Woolloongabba. The clinic is staffed by volunteer lawyers from DLA Piper who see clients each fortnight. Clients contact Open Minds to make an appointment. This year, volunteer lawyers from DLA Piper provided advice and assistance to 12 new clients at fortnightly clinic sessions. In addition, the clinic provided advice and assistance to 20 existing clients.

DLA Piper has estimated that their lawyers have spent more than 750 hours assisting clients at the clinic during the year at a value of more than \$260,000.

Footprints Civil Law Clinic

In June 2013, **Allens** committed to partnering with the MHLP and Footprints to establish a civil law clinic. Footprints is a not for profit community based organisation which assists a wide range of people including those with mental illness by providing recovery and wellbeing programs. The new clinic will

initially operate once a month at Footprints' new premises in the Valley and will be staffed by volunteers from Allens. The clinic commenced in August 2013.

We thank **DLA Piper** and **Allens Lawyers** for their great assistance for people experiencing mental illness and for **Open Minds** and **Footprints** for hosting these clinics.

SERVICE DATA

Tribunal Advocacy Service

The MHLP established the Tribunal Advocacy Service in August 2012. In Queensland, there are more than 11,000 Mental Health Review Tribunal (**MHRT**) hearings each year. Less than 50% of patients participate in their MHRT hearings and less than 3% of patients have any form of representation. This is the lowest rate of representation in any MHRT in the country. With funding from the **English Family Foundation** we established the Tribunal Advocacy Service to help address this need.

In September 2012 we trained 26 advocates, primarily final year law and social work students. The two day training course covered clinical issues, the Mental Health Act and the human rights framework, tribunal procedures as well as practical skills in communication and advocacy. Although the service initially targeted patients at the Princess Alexandra Hospital, we soon expanded it to provide the service to mental health services throughout Queensland.

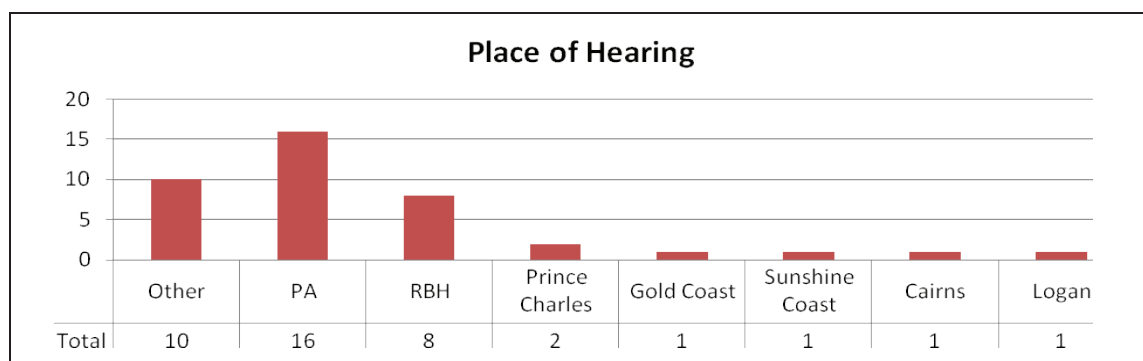
Due to increased interest in the Tribunal Advocacy Service, the MHLP conducted a second training session for new advocates on 11 and 12 May 2013 at the University of Queensland. The MHLP has developed a comprehensive training program and now has 48 trained advocates to assist patients throughout Queensland.

The advocates ensure clients understand the role of the MHRT, help them to prepare for their hearings and present relevant information to the MHRT.

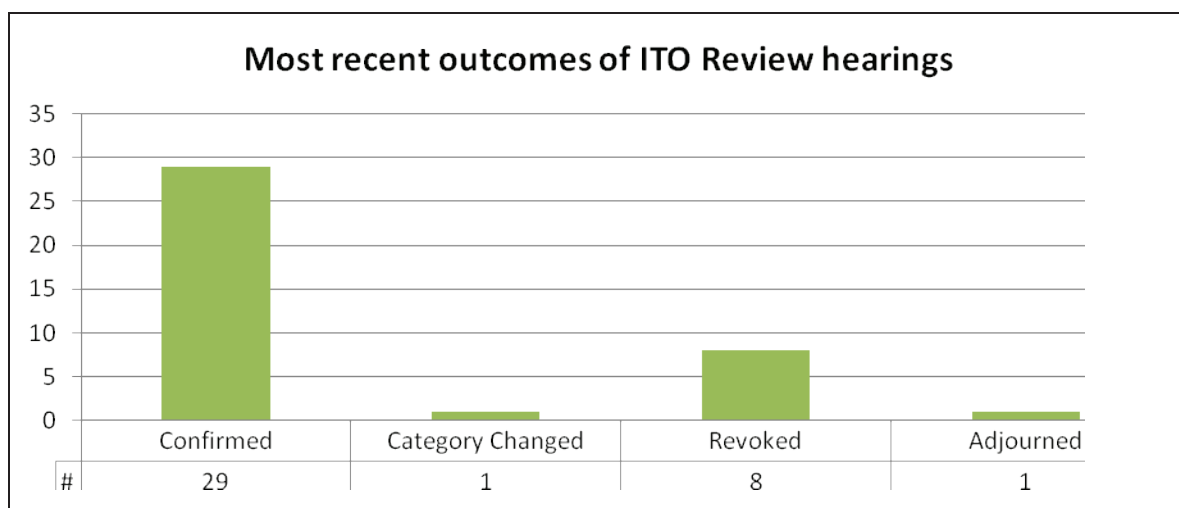
Feedback about the service from clients, the MHRT and mental health agencies continues to be overwhelmingly positive. The service is also proving to be a valuable opportunity for students to interact with clients, get advocacy experience and to use their legal training to make a real difference to some of the most disadvantaged members of our community.

Requests for assistance were initially slow but after extensive promotion to mental health services, demand increased. In this year we have represented 39 clients at their ITO Review hearing (the majority of these since February 2013). We also provided advice and assistance to a further 53 clients with issues under the Mental Health Act and a number of clients had their involuntary treatment orders (ITOs) revoked prior to their hearings.

The following diagrams show the number of hearings we have assisted with based on location and the outcomes of these hearings.



Note that one of these hearings related to an ECT application and not an ITO Review Hearing.

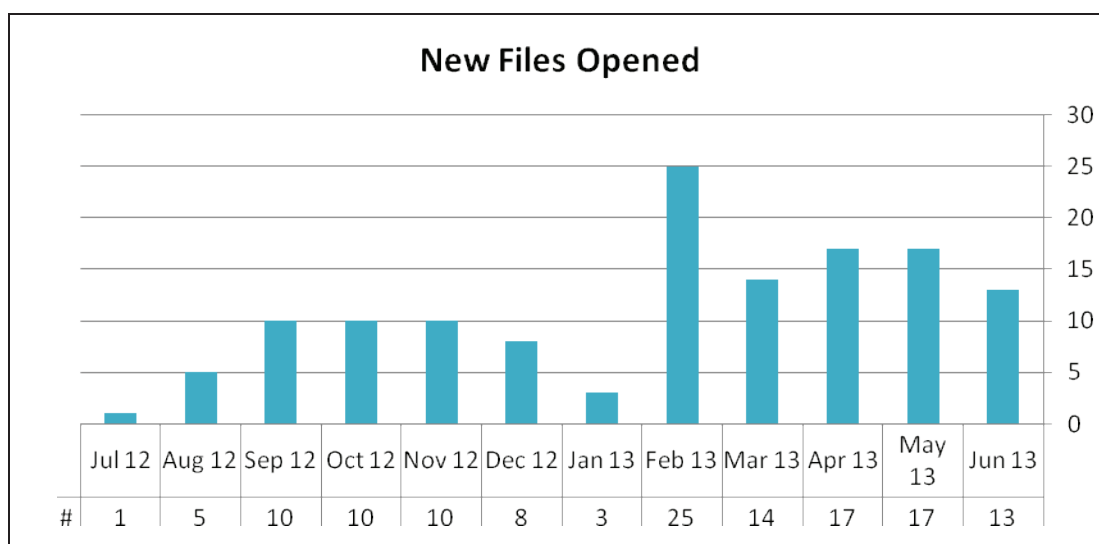


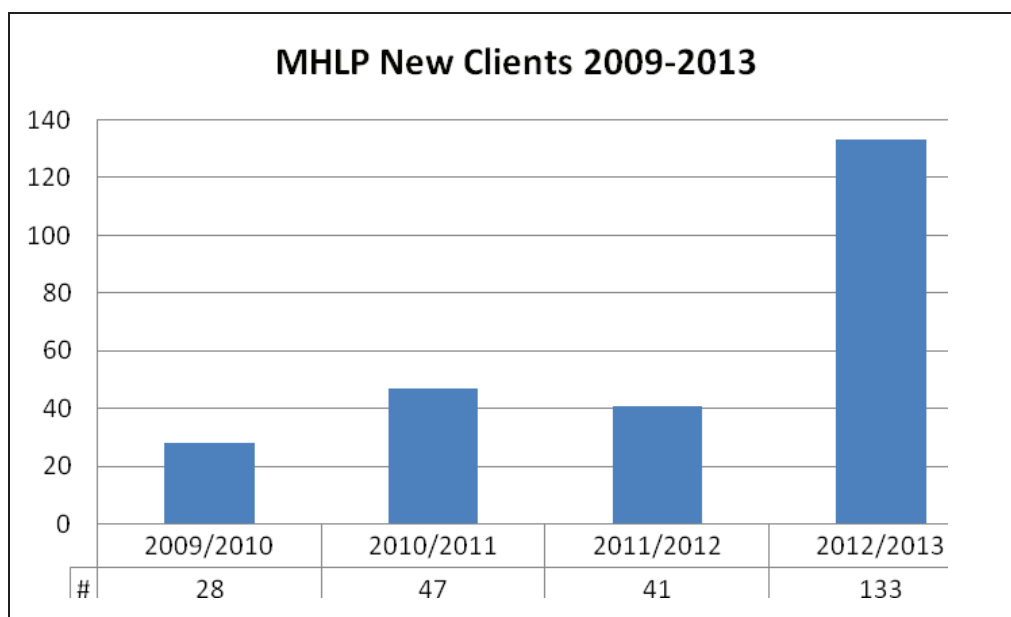
Mental Health Law Clinic

The MHLP is supported by a student clinic which provides direct advice to clients on a range of mental health and civil law issues. The clinic operates in collaboration with the University of Queensland's **TC Beirne School of Law** where six students attend the clinic one day per week for a 12 week semester. (See the Student Clinics section for more information.) The clinic assists in completing the casework carried out by the MHLP.

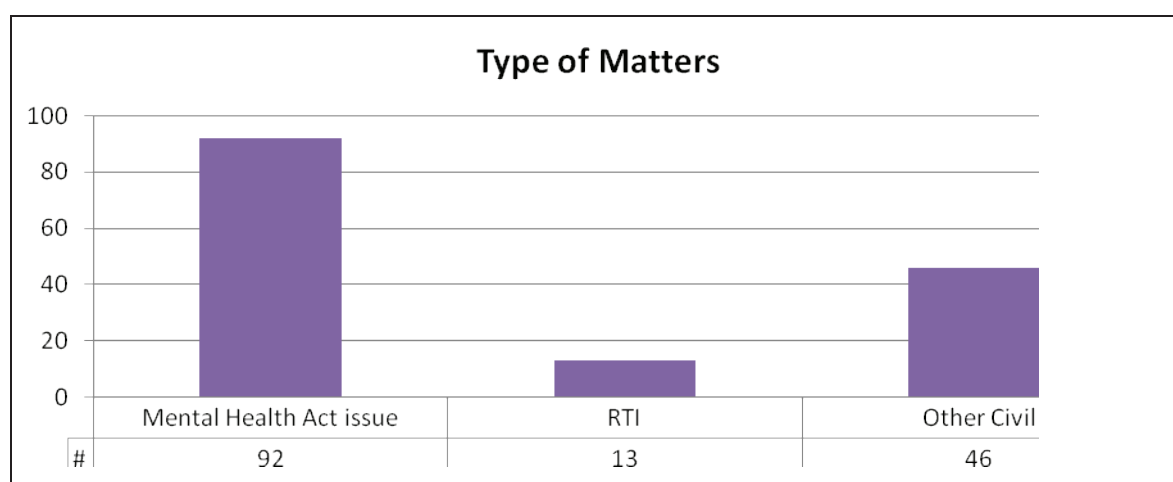
Casework

2012-2013 saw significant growth in the MHLP. The MHLP assisted a total of 149 clients with 133 new clients and 16 existing clients compared with 41 new clients in 2011-2012. This figure does not include clients assisted through the Open Minds Civil Law Clinic.





The clients presented with a range of matters including housing and tenancy disputes, SPER fines, guardianship and administration, public trustee and mental health law including consent to treating, second opinions, capacity, ITOs and Electroconvulsive Therapy hearings.



Note that we assist many clients with multiple issues.

CLIENT INFORMATION

Due to the evolving nature of the MHLP we have not been able to collect comprehensive demographic information for this financial year and do not currently have sufficient information to be of value in discerning trends. We have recently implemented new data collection systems and will be collecting more comprehensive demographic information about our clients in 2013-14.

OTHER ACTIVITIES

The MHLP held its first Mental Health Caseworker Training on 30 May 2013. Many clients with mental illness have difficulty in accessing legal services but will often be connected to caseworkers in community mental health services. The purpose of the training therefore was to assist mental health caseworkers in welfare organisations to better identify legal issues and to develop and improve referral pathways to relevant legal services. Sixty-five caseworkers attended this training. Feedback from participants was overwhelmingly positive and as we were overwhelmed by the level of interest in the training, and reached capacity well in advance of the RSVP date, we are aiming to make this an annual or bi-annual event.

The training involved presentations by the following guest speakers: Paul Holmes (Consumer Protection Unit, Legal Aid Queensland); Andrea de Smidt (QPILCH Self Representation Service) Wendy Herman (Tenants' Union Queensland) Rebekah Leong (Queensland Advocacy Incorporated); Kristy Neilsen (Community Engagement Team, State Penalties Enforcement Registry); Bryony Walters (Welfare Rights Centre).

We receive no specific funding to conduct this training but consider it a vital service to our clients and the mental health sector. We are grateful to the generous contribution of Ashurst Lawyers for hosting this event.

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SELF REPRESENTATION SERVICE

OVERVIEW

The basis of QPILCH's Self Representation Service is an acceptance of the reality that not everyone can be represented by a lawyer on their day in court. Funding of community legal centres and Legal Aid is not adequate, and the generosity of private practitioners working on a pro bono basis cannot fill the whole gap.

Since its commencement in 2007, the Self Representation Service has strived to meet the needs of those unable to secure legal representation. It does so through the delivery of cost-efficient 'discrete task' or 'unbundled' legal assistance which is offered to self-represented litigants at multiple stages throughout the course of their proceedings. The result is best summed up in the words of past clients:

I believe one of the contributing factors to [my] success was the assistance I received from QPILCH. They advised me of the format and content that would be appropriate in my submission so I could express the issues as they needed to be presented.

I found the assistance that the QPILCH volunteers provided to be absolutely brilliant. I entered your offices broken and in poverty. Your staff provided practical assistance and communicated the pathway forward with clarity. I left a feeling of hope... Thank you so very much.

I am looking forward to putting closure to this entire nightmare and moving forward to brighter days.... Thank you for all your support and assistance in my case, I could not have done it without the advice and guidance from your office.

I am extremely grateful to the solicitor I saw for her comments. I tried my best to follow her instructions and wish to report that the Tribunal Member actually commented that I'd done a good job and if everybody did what I'd done it would make her job so much easier.

Casework with self-represented litigants informs other work, including research to address systemic issues within our justice system. This year we contributed to a joint publication by the Queensland Association of Independent Legal Services (QAILS) on the review of the *Queensland Civil and Administrative Tribunal Act 2009*, made submissions on the Supreme Court's revised practice direction on Caseflow Management and a submission on potential reforms to the Supreme Court's Supervised Case List practice direction.

FUNDING

Funding for the operation of the Service at the State Courts and QCAT is provided by the Queensland Department of Justice and Attorney General and is a mixture of recurrent and non-recurrent funding from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF):

- The Self Representation Service (State Courts) received \$164,485;
- The Self Representation Service (QCAT) received \$133,042.

The pilot of the Service at the Federal Courts, which concluded operation in October 2012, was made possible thanks to grants received from the Federal Court and Federal Attorney General's Department. This funding ceased in July 2012, but the Service was continued till October with the contribution of membership fees.

QPILCH has continued to advocate for continued funding for operation of the Service at the Federal Courts and on 24 July 2013 we were pleased to learn of the Australian Government's intention to allocate \$4 million over four years for the establishment of self-representation services in the Federal

Court and Federal Circuit Court across the nation. We hope to be able to re-establish the Service in the Brisbane District of the Federal Court and Federal Circuit Court, this time on a full-time basis during 2013-14.

We received two grants from Legal Aid Queensland to undertake community legal education projects. The first grant of \$10,000 was used to update and add to a suite of factsheets on the Civil Litigation process in both the State and Federal Courts. These factsheets, which are published on the QPILCH website, are our most frequently accessed resource. We also use factsheets to guide and reiterate advice provided to clients during appointments. Part of the grant was used to engage **Dr Cate Banks** who prepared an evaluation of the efficacy of the factsheets and provided a number of useful recommendations which we are now implementing.

The second grant, also of \$10,000 was used to provide training through a variety of forums including presentations, factsheets, and news publications, to seniors' 'service providers' (people to whom residents are likely to turn for help, such as general practitioners). We conducted this training in collaboration with the Seniors Legal and Support Service at Caxton Legal Centre and the Caravan and Manufactured Home Residents Association of Queensland, to improve understanding about the needs of seniors within our community who may encounter problems which are solvable in QCAT.

A grant from the **Australian Institute of Judicial Administration** of \$10,000 has continued to support our efforts in evaluating the effectiveness of the Self Representation Service at the State Courts. This evaluation commenced last year and will be complete by March 2014.

MEMBER CONTRIBUTIONS

Thanks to the involvement of solicitors from QPILCH member firms who give up their time to staff appointments on a pro bono basis, the Service can assist more people than it would otherwise. In 2012-13, volunteer lawyers participating in the Service contributed an estimated 2182 hours of their time at a value of \$631,060.

Volunteers are assisted in the work that they do for the Self Representation Service through a comprehensive continuing legal education program which is conducted throughout the year. We are thankful to all firms participating in the service who hosted a CLE session this year and to all presenters for generously giving their time to improve our knowledge and skills in a variety of areas.

Participating firms

Allens	Dibbs Barker	McCullough Robertson
Ashurst	DLA Piper	McInnes Wilson
Bartley Cohen	Hemming+Hart	Minter Ellison
Barry Nilsson Lawyers	Henry Davis York	MurphySchmidt
Clayton Utz	Herbert Geer	Norton Rose Fullbright
Cooper Grace Ward	Hynes Lawyers	Shine Lawyers
Corrs Chambers Westgarth	HWL Ebsworth Lawyers	TressCox Lawyers
Crown Law	King & Wood Mallesons	
deGroots	Macrossans Lawyers	

Volunteers and staff helped many Self Representation Service clients obtain a successful outcome during the year, notably:

- A 76-year-old pensioner successfully resisted a summary judgment application in a mortgage repossession case and negotiated an end to the lender's proceedings against her.
- A man suffering from serious depression after lengthy family court proceedings negotiated a favourable end to proceedings brought by his former employer to enforce restraint of trade and confidential information clauses in the client's employment contract against him.
- A retired client and internet enthusiast successfully defended himself in District Court proceedings brought against the client by the purchaser of a torch which the client had sold and which had caused fire destroying property. The District Court rejected the plaintiff's argument that the client (as opposed to the manufacturer) was liable for the damage to the plaintiff's property, and found that the client's activities were not conducted in the course of a business, and that the client did not owe a duty of care to the plaintiff.
- A blind disability pensioner who co-owned a property with her brother, successfully negotiated with her brother to buy out his share of the property and for the brother to discontinue his application for the appointment of trustees for the partition and sale of the property.
- A woman successfully obtained orders for the amendment of consent orders in a de facto property dispute after the orders remained unfulfilled for a number of years and the woman could not locate her former partner. This allowed the woman to finalise the end of her financial relationship with her former partner.
- A man with severe depression successfully appealed a decision made against him for payment of \$20,451.60 to his ex-partner for various alleged 'debts'. The decision was erroneous on a number of grounds including that QCAT did not have jurisdiction to hear the dispute and that part of the judgment related to a debt owed by the client's son, rather than the client himself.
- A pensioner living in a manufactured home park obtained an agreement with the owner of the park, which entitled the pensioner to sell his home. The pensioner was under significant stress, which was contributed to by tactics employed by the owner to limit the pensioner's rights, including his right to sell the home. On the weight of submissions filed in QCAT, the owner offered to enter into an agreement with the pensioner.

QPILCH members also support the Service by representing clients of the Service where a greater level of pro bono assistance is required, provide opinions to guide the course of action taken by the Service, and mediate disputes. We thank the following members who assisted in this way in 2012-13:

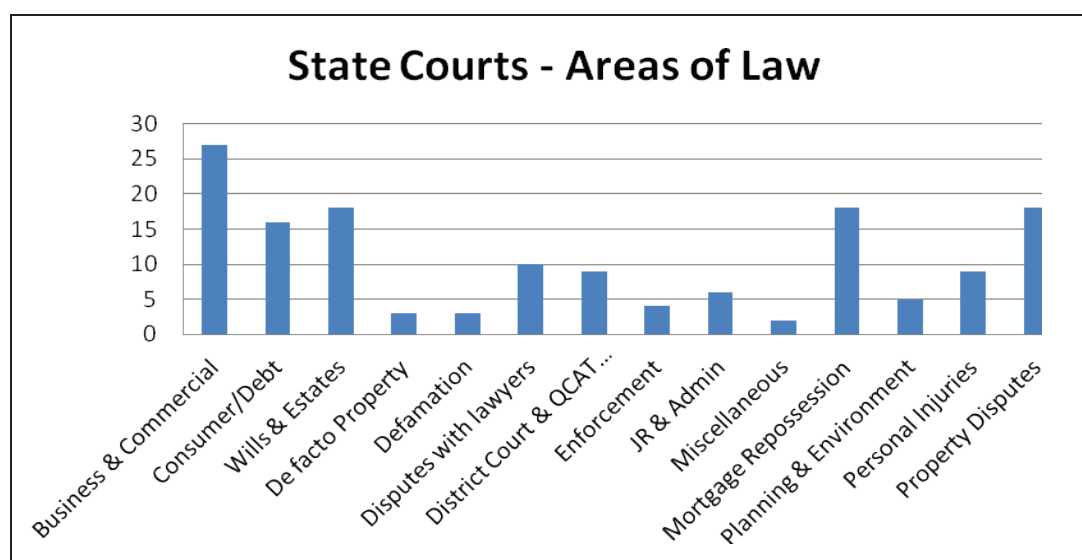
- **Middletons Lawyers (now K&L Gates)** gave a detailed advice to a client experiencing homelessness in west Queensland about her prospects of bringing proceedings in the Magistrates Court. The client temporarily housed victims of a house fire who then refused to leave and then 'trashed' the client's house. The client had successfully applied to regain possession of her home but was unable to re-occupy the house because of the serious damage to it.
- **Gary Coveney** of Counsel, instructed by **Minter Ellison**, agreed to assist 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 a year earlier.
- **Karl Manning** conducted a pro bono mediation for a client involved in Supreme Court proceedings about the ownership of property with one of the client's family members, successfully resolving the proceedings.
- **Kateena O'Gorman** of Counsel appeared at a number of hearings for a client defending bankruptcy proceedings in the Federal Circuit Court.
- **Farley Tolpen, Keyon Bayani** and **Joe O'Hare** conducted conciliations in the Fair Work small claims jurisdiction of the Federal Circuit Court.
- **Jens Streit** and **Mark McCarthy** are assisting a young mother to respond to a residential tenancies application filed by the Department of Housing and Public Works. Mr Streit and Mr McCarthy successfully obtained an adjournment for the client until the client's related criminal matters are resolved and are now liaising with the Department in an attempt to resolve the dispute. The client is

currently undergoing rehabilitation treatment. Maintaining secure accommodation is critical to the client's chances of being reunified with her children.

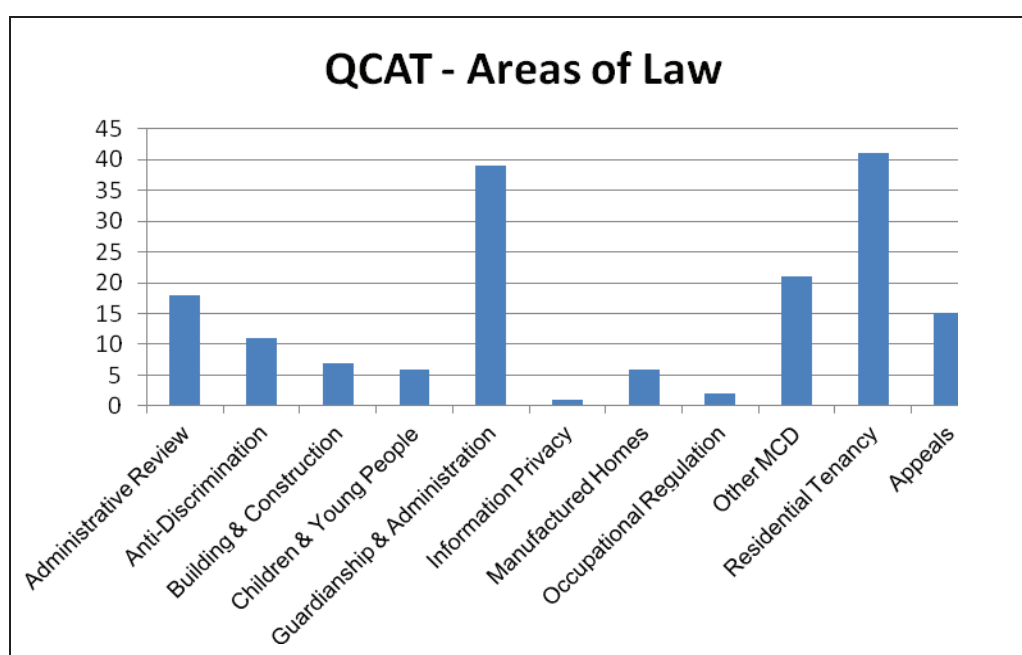
- **Rodgers Barnes & Green Lawyers** represented a 61 year old small business man to pursue a complex appeal in the QCAT Appeal Tribunal.

SERVICE DATA

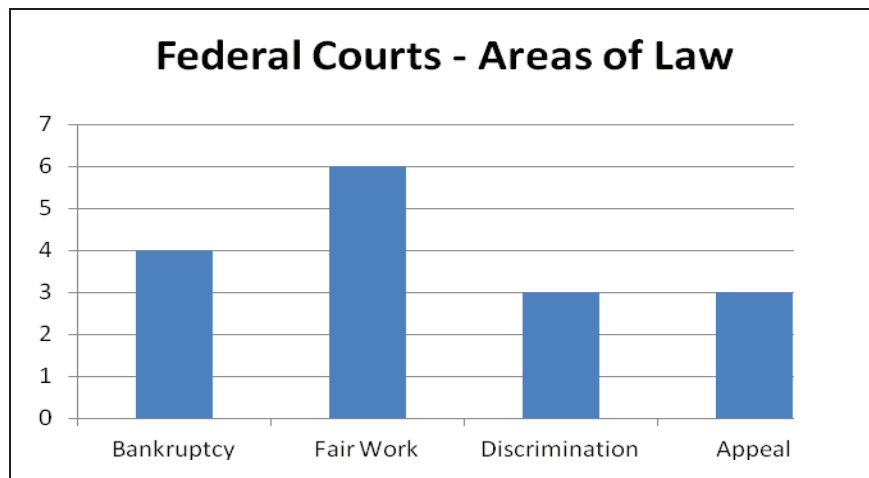
In the Supreme and District Courts of Queensland and the Queensland Court of Appeal the Service received 148 new applications for assistance and provided 282 appointments of at least 1 hour duration to clients of the Service. Assistance is provided within the civil jurisdictions of these courts in a wide variety of matters, ranging from mortgagee repossession cases to consumer/debt disputes as depicted in the below graph.



In QCAT, the Service received 169 applications for assistance and provided 277 appointments to self-represented litigants in areas which within this jurisdiction which are more likely to raise a public interest concern or may result in an outcome which will have significant personal impact. The top areas in which we assisted this year were residential tenancy, guardianship and administration, and other minor civil disputes.



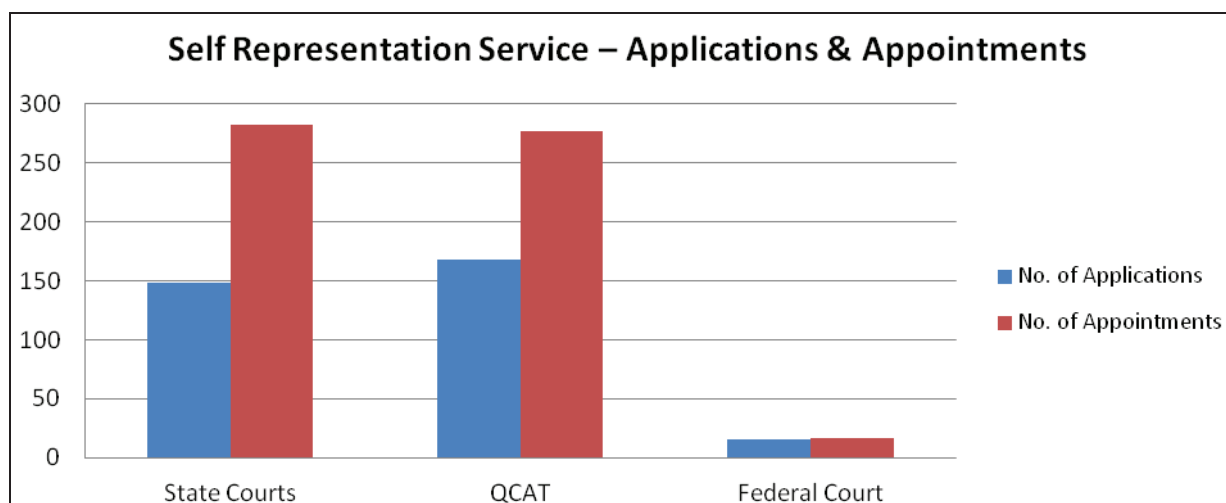
The pilot Service at the Federal Courts continued until October 2012 on a 2-day per week basis while funding was sought for its continuation. While the pilot continued, the Service received 16 applications for assistance: 14 concerned existing or prospective proceedings in the Federal Circuit Court and 2 concerned existing or prospective proceedings in the Federal Court.



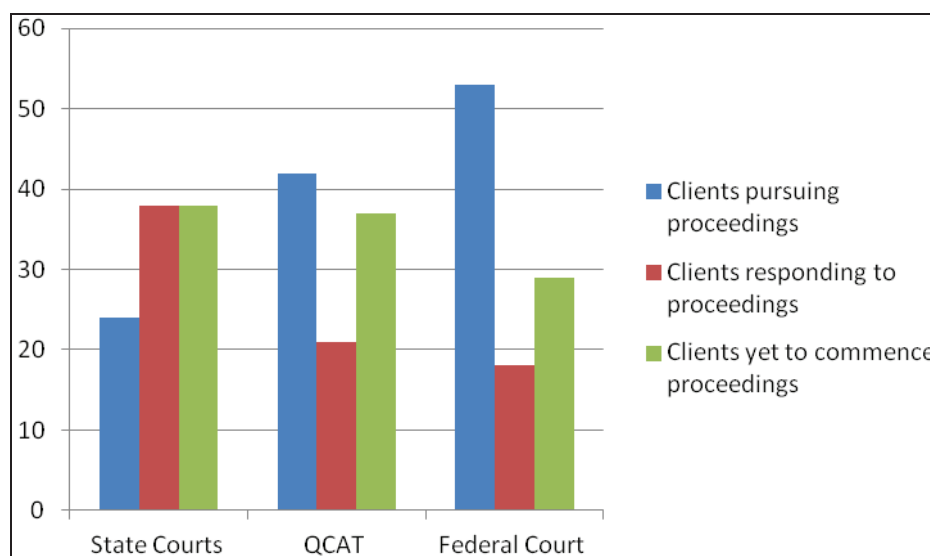
A number of self-represented litigants who seek assistance from the Service have either commenced proceedings, or are considering commencing proceedings, are unlikely to result in the outcome hoped for. On these occasions, an appointment is arranged for the self-represented litigant to receive advice about the proposed legal cause of action and the likely difficulties they will face if they proceed with the action. In 2012-13, the Service successfully discouraged a total of 63 self-represented parties from commencing or continuing unmeritorious proceedings. The statistics available from the Service in the Supreme and District Courts of Queensland and the Queensland Court of Appeal indicate that of all clients who were advised to not commence, discontinue or negotiate an end to their proceedings, 63% accepted this advice. These diversions result in benefit not only to the self-represented parties themselves but also to the justice system as a whole.

As noted by The Honourable Patrick Keane QC, former Chief Justice of the Federal Court and now justice of the High Court, in relation to the cessation of the Service at the Federal Court:

But an important pilot program with the Queensland Public Interest Law Clearing House was cut because of shortages. Volunteer lawyers from the clearing house helped self-represented litigants either to clarify their cases so they had a better chance of winning, or explained why a case would never be successful. This kept unnecessary and time-consuming cases out of the court, a useful outcome given a recent survey of judges' workloads found more than half of magistrates and 15 per cent of judges reported their time was "often or always" taken up by unrepresented litigants.



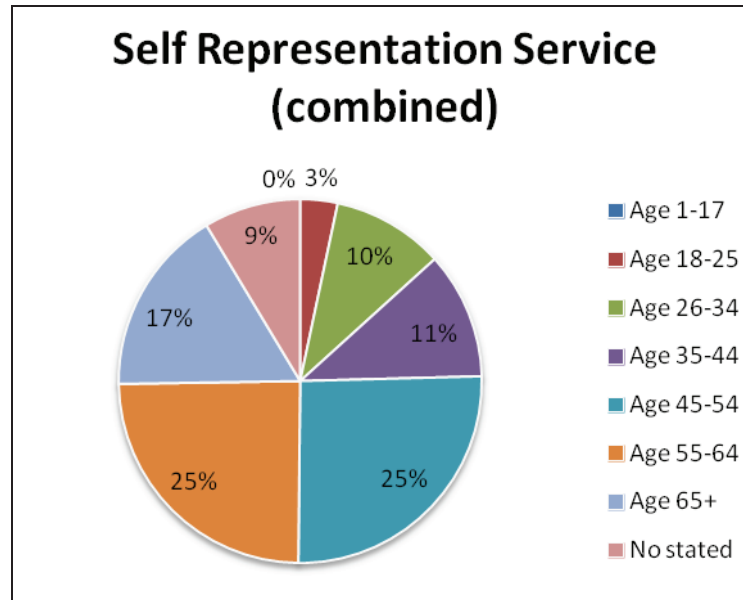
The distribution of clients of the Self Representation Service – people pursuing or responding to existing proceedings, and people considering prospective proceedings – is depicted below in percentage figures for each jurisdiction in which the Service operates. Interestingly this year a greater number of people responding to proceedings sought assistance from the Service at the State Courts. Our office at QCAT continued to experience a higher demand from applicants, rather than respondents, to proceedings due to the nature of the matters, such as administrative review and guardianship and administration, with which we assist in this jurisdiction.



CLIENT INFORMATION

An almost even number of male and female self-represented litigants sought assistance from the Service this year. This statistic does not accord with previous trends where more males have sought our assistance than females. A trend which has continued is that a significant majority of those who seek our assistance are low income earners. This year, 77% of clients indicated they received an income of \$26,000 or less and 58% of clients indicated that their source of income was a pension or benefit. Only 12 clients indicated they were of Aboriginal or Torres Strait Islander descent.

The age distribution of clients is shown in the chart below:



OTHER CONTRIBUTIONS AND SUPPORT

The Service continues to enjoy the strong support of members of the judiciary. Justice Atkinson wrote of the Service in a judgment this year:

“...This valuable service is independent of the courts and government and helps litigants without legal representation to take the practical steps necessary to have their case fully heard and determined. By providing free legal advice, the service also assists those whose claim or defence is likely to be successful to prepare for trial or alternate dispute resolution and those whose claim or defence is unlikely to be successful to understand that continuing the proceeding may not be in their interests.”

We take this opportunity to thank those members of the judiciary and QCAT for their ongoing support. In particular, we thank the Chief Justice of Queensland, **The Honourable Paul de Jersey AC**, President of the Court of Appeal, **The Honourable Margaret McMurdo AC**, **The Honourable Justice Margaret White**, **The Honourable Justice Alan Wilson**, Her Honour Chief Judge Patsy Wolfe, His Honour Judge **Alexander Horneman-Wren**, and QCAT Member **Patricia Hanly**.

We thank members of the **Reference Group**, John Bond QC (Chair), Magistrate Bronwyn Springer, Professor Jeff Giddings, Joanne Rennick and Dr Shelley Keane, for their guidance throughout the year. We also thank the courts and QCAT for accommodating us in our ‘satellite’ offices, which are readily accessible for those already attending the courts and QCAT in Brisbane.



STUDENT PROGRAMS

QPILCH continues to provide opportunities for students to be formally involved in the provision of pro bono legal services in a range of ways that benefit both the community and the student. We strive to be at the forefront of clinical practice.

58 students gained clinical experience with us in 2012-2013. Since 2002 when our student programs began, 480 students have worked at QPILCH.

Student Clinics

In 2012-13, QPILCH operated five student legal clinics in conjunction with our university partners and is the largest provider of clinical legal education in Queensland. Details of each clinic are set out in this section, along with information about intern and PLT programs. During the year, we have worked with QUT Law School to establish a new clinic which began in semester 2, 2013.

CLINIC	UNIVERSITY	SEMESTER
Social Justice Lawyering Clinic	Griffith University	1
Public Interest Research Clinic	University of Queensland	1 & 2
Homeless Persons' Legal Clinic	University of Queensland	1 & 2
Mental Health Law Clinic	University of Queensland	1 & 2
Administrative Law Clinic	Bond University	1, 2 & 3

Social Justice Lawyering Clinic

The Social Justice Lawyering Clinic (formerly Public Interest Lawyering) operates in the first semester of each academic year. From February-June 2013, six law students attended one day per week and assisted in assessing public interest applications for legal assistance, conducted legal research and presented seminars on public interest issues. Students also undertook two research projects, one regarding the community need for a specialist Employment Law Service, the other considering regulation of Powers of Attorney.

We are thankful to the many guest speakers who shared their time and experience with students: **Justice Jean Dalton**; **Neil Watt** (Principal Neil Watt Consulting and former QLS Ethics Solicitor); **Cristy Dieckmann** (Director, Queensland Association of Independent Legal Services) and **James Farrell** (Acting Director, QAILS).

We express our appreciation to **Ms Zoe Rathus AM**, **Professor Jeff Giddings** and **Griffith University** for their enduring support of this clinic, which was QPILCH's first commencing in 2002.

Semester 1 2013 students: Boba Djordjevic, Stephanie Gribbon, Matthew Scott, Katherine Stacey, Dale Mitchell and Skye Trevanion.

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

Administrative Law Clinic

In conjunction with **Bond University**, QPILCH operates three 12-week student clinics per year, providing direct and much needed legal assistance to QPILCH clients in administrative law. In each clinic, six Bond University law students attend QPILCH offices one day per week and work on a range of administrative law matters. Specifically, the most common clients assisted by the clinic include social security recipients, prisoners, refugees, and people subject to guardianship and administration orders. Students conduct telephone interviews with clients, draft correspondence and documents, conduct legal research

and provide advice under the supervision of the clinic supervisor. The clinic is currently supervised by Jackson Walkden-Brown.

In 2012-2013, the clinic opened more than 20 new files. Students undertook project work to support other QPILCH services and improve resources including fact sheets and precedents. The students also work on law reform projects relevant to administrative law and justice.

We are thankful to all practitioners who give their time so generously. This year students were fortunate to meet with **Nitra Kidson**, **Darryl Rangiah QC**, **Matt Black** and **Mark Plunkett** of Counsel, **Dr Geoffrey Airo-Farulla** from the Office of the Commonwealth Ombudsman, **Peter Cantwell** from the Office of the Queensland Ombudsman, **Eleanor Dickens** from Clayton Utz, **Monica Taylor** from the UQ Pro Bono Centre, **Matilda Alexander** from the Prisoners' Legal Service, **Angus Francis** from the Refugee and Immigration Legal Service, Senior Member **Clare Endicott** of QCAT, and Senior Member **Bernard McCabe** of the AAT.

Semester 3 2012 students: Eleanor Surajballi, Melaia Vatucaawaqa, Emily Vale, Luke Symons, Kahla Williams and Lisa Galpin.

Semester 1 2013 students: Samantha Breach, Robert Millard, Edward Fleetwood, Megan Shine, Linda Ollerenshaw and Dylan Hans.

Semester 2 2013 students: David Brown, Rhys Larson, Taz Mohanathas, Alexandra Geelan, Timothy Karfs Aaron Beck and Alex Medrana.

Jackson Walkden-Brown – adminlaw@qpilch.org.au

Public Interest Research Clinic

The Public Interest Research Clinic students performed law reform and socio-legal research projects for one day per week in both semesters.

In **Semester 2 of 2012** students worked on two projects: A consumer law report about trends in consumer law problems as they relate to disadvantaged and marginalized people. The three students working on this project presented their findings to the Queensland Regulators/Consumers Forum hosted by ASIC in November 2012. The second project focussed on the current situation in Queensland regarding police interactions with mental health patients.

Students: Rebecca Coward, Jeremy Lee, Jessie Jagger, Matthew Lim, Tui Trezise and Sebastian Jack.

In **Semester 1 of 2013** students also worked on two projects. Two students researched, produced a report and a brochure on the current state of Pro Bono in Queensland. They also assisted with planning and running an event "Partnerships in Pro Bono" hosted by the UQ Pro Bono Centre, QPILCH and the Bar Association of Queensland in May 2013. The other four students investigated the validity of a Trust Deed executed by the Cocos (Keeling) Islanders and social conditions on the Islands since integration with Australia in 1984.

Students: Thomas Baldwin, Lindon Cox, Joseph Fam, Portia Tyle, Kah Hey (June) Loh and Alice Teague.

We are grateful to **Justice Roslyn Atkinson**; Professor **Richard Johnstone** of Griffith Law School, **Klaire Coles** Generalist Lawyer Caxton Legal Centre Inc., **Snr Sgt Corey Allen** and **Snr Sgt Michael Mitchell** Queensland Police Service, **Martin Moynihan AO**, **Brett Bassett** and **Chris Howard** Australian Securities and Investment Commission (ASIC), **Richard Whittington** former cultural advisor to the Cocos (Keeling) Islanders and **Cate Banks**, Principal of Cate Banks Consulting for generously giving their time to speak with the students.

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

Homeless Persons' Legal Clinic

The Homeless Persons' Legal Clinic (**HPLC**) operates a student clinic in collaboration with the University of Queensland's **TC Beirne School of Law**. Students spend six weeks of their placement with an HPLC law firm, and six weeks at QPILCH on research projects. We thank the following firms for hosting students in 2012-13: **Minter Ellison, McCullough Robertson, King & Wood Mallesons, Ashurst, Holding Redlich and MurphySchmidt, Herbert Smith Freehills, DibbsBarker and HWL Ebsworth.**

In **Semester 2 of 2012** students continued to build on research from Semester 1 of 2012 into the nexus between the child protection system and homelessness. They assisted with a submission to the Commission of Inquiry into Child Protection in Queensland, which is now available on the QPILCH website. The students also assisted with consultations into a new QPILCH project: Legal Navigators for Young People Transitioning from Care. A Legal Health Check will form the basis for the relationship between a small pod of lawyers and the young person, and will address issues such as housing, access to QCAT, employment rights and crime.

We thank the following presenters: **Peter Young** Lecturer Griffith University and former Director of Policy and Research Queensland Department of Housing; **Jen Glover** Legal Aid Youth Advocacy and **Dr Cameron Parsell** UQ Institute for Social Science Research.

Students: Naomi Hayes, Ray Morgan, Seung Jin, Rachel Zagorskis, Sarah Cox and Emma Flemming.

In **Semester 1 of 2013** the students updated the work of our 2010 student clinic about the scope and impact of fine enforcement on people experiencing homelessness.

The students completed a file audit of Roma House clients with a SPER matter for each of the financial years from 2010-11 to 2012-13. During those time periods, the average SPER fine was \$4,813, \$7,682 and \$5,482 respectively.

We valued hearing from the following presenters: staff and clients at **Roma House**, **Kristy Neilson** SPER Community Engagement Team, and **James Farrell** Acting QAILS Director and former HPLC Coordinator in Victoria.

Students: Carin Mattar, Sian Littledale, Alicia Brischetto, Fleur Hopkins and Lisa Palmer.

A student offered the following feedback:

"...my time with the HPLC has been amidst the most rewarding and enjoyable experiences of my university career. [It] has provided me with practical experience and encouraged me to engage in a different kind of thinking. It has been the most exciting subject I have undertaken to date, and that is a direct result of the QPILCH staff. I feel very privileged and grateful for this opportunity, and plan to continue working with the less fortunate".

Sue Garlick – hplcpolicy@qpilch.org.au

Mental Health Law Clinic

The MHLP operates a clinic to provide direct advice to clients on a range of mental health and civil law issues. The clinic operates in collaboration with the University of Queensland's **TC Beirne School of Law** where six students attend the clinic one day per week for a 12 week semester. The clinic students take instructions, draft advices, conduct research and present seminars on mental health issues. In addition, the students conduct outreach services to patients at the Princess Alexandra Hospital.

In **Semester 2 of 2012** students provided advice and assistance to clients on a range of issues including ITOs, MHRT proceedings, debt and family law issues. We also had a number of inquiries from people seeking clinical mental health assistance for family members.

One of the most rewarding aspects of the clinic is the report from students about how the clinic has broadened their perspective and understanding of the complex issues facing people with mental illness. In particular, the outreach services we provided to patients at the Princess Alexandra Hospital proved an eye opening experience for many students.

Students: Marie Fernando, Jessica Thrower, Marika Pathe, Melinda Lim, Rina Biswas and Mitchell Harwood.

In **Semester 1 of 2013** we continued to assist clients with Mental Health Act issues, right to information applications, SPER debts etc. The students reviewed our factsheets and undertook research on dementia and mental illness. The students also presented seminars on fitness to plead in Court, DSM-5, Human Rights and Mental Health: exploring the tension between the legal and clinical frameworks, and Justices Examination Orders.

Students: Aaron Brooks, Lani Bajracharya, Vivien Boyd, Sarah Brown and Juliet Walker.

We continue to be very grateful to our many speakers who shared their wisdom and experience with the students through our lunchtime seminar program: **Justice David Boddice**, **Helen Webster** psychiatric nurse and mental health nurse educator at QUT, **Marianne Wyder** Post Doctoral Research Fellow University of Queensland, **Carolyn Perry** Footprints, **Michelle Radke** Mental Health Review Tribunal and **Andrew Caple** Associate Lecturer University of Queensland, **Karen Williams** Barrister, **Jay Hendricks** of Footprints and **Richard Denning** Directorate of Mental Health.

Ann Herriot – mhlp@qpich.org.au

PLT Placements

In 2012-13, there were 13 PLT placements at QPILCH, all of whom provided invaluable assistance:

Simon Bentley	Ronald Moss	Terry Slight
Liam Burke	Sarah Nicol	Eleanor Surajballi
John Dedegikas	Rebekah O'Sullivan	Alexandra Wolhuter
Xing Lee	Rene Pergomet	Renee Worsfold
	Jordan Sacco	



VOLUNTEERS

We thank the many volunteers who freely gave their time to assist QPILCH.

Retired and career-break practitioners

We are very grateful to the experienced practitioners who assist at QPILCH, most volunteering regularly at our West End office, and some assisting at our services at the courts.

Brian Bartley
Jan Logan
Jo Cameron

Patricia Cabrera
Nel Jayasinghe
Carmel McMahon
Allira Thompson

Suzanne Webcke
Jane Whipps
Megan Window

Students

44 students volunteered at QPILCH over the year:

Charlotte Anderson-
James
Paris Astill-Torchia
Venecia Bachee
Joanne Brennan
Alicia Brischetto
Ben Campbell
Claire Campbell
Joey Chan
Remmy Clay
Naomi Delaney

Grace Devereaux
Emma Flemming
Claire Fraser
Iris Gajic-Pavlica
Tom Gardiner
Jade Henderson
Jessica Hoey
Susan Hogarth
Tim Karfs
Genevieve Nuttall
Virginia Wills

Randolph Lai
Mandy Lim
Danielle Little
Ellie Livsey
Laura-Rose Lynch
Laurie Gibbons
Alasdair McCallum
Rachel Noonan
Ben O'Brien
Catherine Olyslager
Annie Pang

Rupert Pedler
Katelyn Rennick
James Schlunke
Keeghan Silcock
Kelly Staunton
Jordan Virtue
Srividya Viswanathan
Jasper Wu
Christina Zhong
Claire Arnesen
Nicholas Glen
Jessica Freeburn



FUNDRAISING

In March 2013, with a grant of \$20,000 from the Queensland Community Foundation, augmented by a \$10,000 contribution from membership fees, QPILCH engaged a fundraising consultant for an initial period of six months in order to increase QPILCH's fundraising capability.

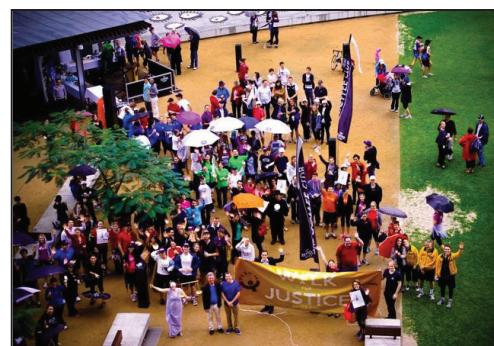
A fundraising operating plan was developed and approved by the fundraising sub-committee. This plan has provided the framework for all fundraising and marketing activities in the short term and also provides for the introduction of new fundraising opportunities that can be developed over the long term.

Fundraising events

The 2013 Walk for Justice was held on Tuesday 14 May 2013 and was a resounding success despite the inclement weather. A total of 948 walkers registered (888 in Brisbane and 60 in Townsville) including 29 teams. The five kilometre walk started and finished at the new QEII Courts Building and was led by the Chief Justice and the Attorney-General. The event raised over \$40,000.00, almost three times the monies raised in previous years, and the highest fundraising team was the Carbolic Group Chambers.



We would like to thank everyone for their wholehearted support, including our wonderful sponsors:



Civil Justice Fund

The Civil Justice Fund is a registered sub-fund of the Queensland Community Foundation
www.qcf.org.au

It was established by QPILCH in 2012 with seed funding provided by the Public Trustee of Queensland and Legal Aid Queensland. It will provide long-term funding for the provision of services to bridge the justice gap in Queensland.

Donations and bequests made to the Civil Justice Fund are invested in perpetuity and the income earned each year is applied to meet the objectives of the Fund. The perpetual fund is managed by the Public Trustee of Queensland and invested by QIC (Queensland Investment Corporation) - one of Australia's leading investment managers www.qic.com

The primary objectives of the Civil Justice Fund are:

- To provide equal access to the civil justice system to disadvantaged Queenslanders
- To foster partnerships between community legal centres
- To provide funds for practical legal projects and civil casework
- To satisfy unmet legal need in Queensland
- To support research to assist in formulating a practical legal service



Thank you to all our supporters

QPILCH is dependent upon the support of the community for its continuity and growth.

Our supporters contribute in many ways – through the donation of their time and skills, through membership and financial donations, by attending our events and through the sponsorship of prizes and products. They all play an important part in our success and we are very grateful for each and every contribution we receive.

We would like to sincerely all those who have supported us during the last financial year including:

- Our Patron, The Honourable Paul de Jersey AC, Chief Justice of Queensland.
- Members of the Management Committee and the Fundraising sub-committee.
- the large number of law firms, barristers, lawyers in government and corporations and law students who devote a meaningful portion of their time to assist QPILCH and help meet the legal needs of socially and economically disadvantaged people.
- Funding bodies and private Foundations that have awarded grants to a QPILCH program.
- Everyone who attended one of our fundraising events and all those who sponsored walkers in the Walk for Justice.
- Sponsors and prize donors who generously and wholeheartedly supported our events.

We thank LitSupport, in particular Conroy Filies and his team, for printing this report.



AUDITOR'S REPORT

**Queensland Public
Interest Law Clearing
House Inc.**

**Special Purpose Financial
Report for the year ended
30 June 2013**

**QUEENSLAND PUBLIC INTEREST LAW CLEARING
HOUSE INC.
FOR THE YEAR ENDED 30 JUNE 2013
COMMITTEE'S REPORT**

Your committee members submit the financial report of Queensland Public Interest Law Clearing House Inc ("the Association") Inc for the financial year ended 30 June 2013.

Executive

Robert Reed, President	Special Counsel, Minter Ellison
Darry Rangiah SC, Vice-President (BAQ representative)	Barrister
Michelle Hutchinson, Secretary/Treasurer	Senior Associate, Clayton Utz

Committee members

The names of committee members throughout the year and at the date of this report are:

Rochelle Carey (Corporate Legal Unit Representative)	Corporate Counsel, Xstrata Copper
Tony Denholder	Partner, Ashurst
Matthew Holmes	Partner, MurphySchmidt
Matthew Jones	Barrister
Neola L'Estrange (QLS representative)	CEO, Queensland Law Society Incorporated
Sarah McBratney	Senior Associate, McCullough Robertson
Judith McNamara (Associate Member Representative)	Assistant Dean, Learning & Teaching Queensland University of Technology Faculty of law
Anthony Reilly (LAQ representative)	CEO, Legal Aid Queensland
Andrew Buchanan	Co-opted member

Principal Activities

The principal activities of the association during the financial year were to provide legal referral and direct services.

Significant Changes

No significant change in the nature of these activities occurred during the year.

Operating Result

The surplus after providing for income tax amounted to \$43,727 (2012: Deficit \$128,756).

Signed in accordance with a resolution of the members of the committee.


(President)
Mr Robert Reed


(Secretary/Treasurer)
Ms Michelle Hutchinson

Brisbane, 15 October 2013

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

Income Statement

For the year ended 30 June 2013

	Note	2013	2012
		\$	\$
Revenue			
Membership		125,267	82,700
Grants	6	1,137,740	1,013,235
Interest		13,004	12,259
Donations and Fundraising		7,427	19,259
Sundry Income		78,730	101,207
Total revenue		1,362,168	1,228,660
Expenses			
Staff Costs		1,087,497	1,099,595
Rent Expense		67,105	65,052
Depreciation		16,066	23,790
Event Expenses		5,152	18,149
Administration Expenses		142,621	150,830
Total expenses		1,318,441	1,357,416
Surplus/(deficit) before income tax		43,727	(128,756)
Income tax expense		-	-
Surplus/(deficit) before income tax		43,727	(128,756)
Members' Funds			
Members' funds beginning of year		267,921	396,677
Surplus/(deficit) for the year		43,727	(128,756)
Members' funds end of year		311,648	267,921

The accompanying notes form part of these financial statements.

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

Balance Sheet

As at 30 June 2013

	Note	2013	2012
		\$	\$
Current Assets			
Cash	2	1,725,620	497,852
Receivables	3	21,580	12,250
Prepaid expenses		1,138	1,865
Total Current Assets		<u>1,748,338</u>	<u>511,967</u>
Non-Current Assets			
Furniture & equipment	4	50,904	61,130
Total Non-Current Assets		<u>50,904</u>	<u>61,130</u>
Total Assets		<u>1,799,242</u>	<u>573,097</u>
Current Liabilities			
Creditors & accruals	5	194,011	55,755
Provision for Employee Entitlements	8	101,867	82,945
Unexpended Grants		1,120,061	121,351
Memberships Prepaid		71,655	45,125
Total Current Liabilities		<u>1,487,594</u>	<u>305,176</u>
Total Liabilities		<u>1,487,594</u>	<u>305,176</u>
Net Assets		<u>311,648</u>	<u>267,921</u>
Equity			
Members' Funds		311,648	267,921
Total Equity		<u>311,648</u>	<u>267,921</u>

The accompanying notes form part of these financial statements.

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

Notes to the Financial Statements

For the year ended 30 June 2013

1. Statement of Significant Accounting Policies

Basis of accounting

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

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

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

a. Revenue

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. For this purpose, deferred consideration is not discounted to present values when recognising revenue.

Grant and donation income is recognised when the entity obtains control over the funds, which is generally at the time of receipt. Grant revenue is recognised in line with the terms of the funding arrangement.

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

Revenue is recorded net of goods and services tax.

b. Fixed Assets

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

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

c. Income Tax

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

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

Notes to the Financial Statements

For the year ended 30 June 2013

1. Statement of Significant Accounting Policies

d. Employee Benefits

Provision is made for the association's liability for employee benefits arising from services rendered by employees to balance date. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

e. Cash and Cash Equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

f. Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the balance sheet are shown inclusive of GST.

g. Provisions

Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at reporting date.

h. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is recognised in the income and expenditure statement.

i. Leases

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

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

Notes to the Financial Statements

For the year ended 30 June 2013

	2013	2012
	\$	\$
2. Cash		
Cash float	122	187
Cash at bank	1,725,498	497,665
	<u>1,725,620</u>	<u>497,852</u>
3. Receivables		
Security Deposit	1,450	1,450
Debtors	20,130	10,800
	<u>21,580</u>	<u>12,250</u>
4. Furniture & Equipment		
Office furniture, at cost	70,386	72,341
Less: accumulated depreciation	(30,227)	(27,941)
	<u>40,159</u>	<u>44,400</u>
Computers, at cost	41,365	40,474
Less: accumulated depreciation	(31,129)	(24,481)
	<u>10,236</u>	<u>15,993</u>
Motor Vehicle	2,727	2,727
Less: accumulated depreciation	(2,218)	(1,990)
	<u>509</u>	<u>737</u>
	<u>50,904</u>	<u>61,130</u>
5. Creditors and Accruals		
Sundry creditors	13,496	1,607
GST & PAYG Withholding	127,719	21,683
Superannuation	22,443	24,199
Salary Sacrifice	849	-
Visa Credit Card	2,509	1,270
Donation payable	25,000	-
Accrued Expenses	1,995	6,996
	<u>194,011</u>	<u>55,755</u>

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

Notes to the Financial Statements

For the year ended 30 June 2013

6. Grant Income

Department of Communities (refer Note 10)	197,400	197,400
Department of Justice & Attorney-General	273,380	269,872
Legal Aid Queensland(refer Note 9)	479,609	470,049
Other	187,351	75,914
	<u>1,137,740</u>	<u>1,013,235</u>

**7. Operating Lease
Commitments**

Being for rent of office
Payable – minimum lease
payments

- Not greater than 12 months	44,736	67,105
- Between 12 months & 5 years	-	44,736
- Greater than 5 years	-	-
	<u>44,736</u>	<u>111,841</u>

8. Provisions

Annual Leave	70,450	61,214
Long Service Leave	31,417	21,731
	<u>101,867</u>	<u>82,945</u>

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

Notes to the Financial Statements

For the year ended 30 June 2013

	2013	2012
	\$	\$
9. Use of Funds – Legal Aid Queensland		
Note		
Income Statement		
For the year ended 30 June		
Revenue		
LPITAF recurrent grants	164,483	153,929
CLSP	241,528	244,928
Other grants	73,598	71,192
6	<u>479,609</u>	<u>470,049</u>
Sundry CORE Funds		
– cash collected	57,115	47,259
– membership fees reversed	-	6,350
	<u>57,115</u>	<u>53,609</u>
Total LAQ revenue included in Income Statement	<u>536,724</u>	<u>523,658</u>
Expenses		
Property expenses	32,791	33,826
Depreciation	3,700	2,300
Staff costs	432,128	425,032
Administration expenses	69,575	60,016
Membership fees reversed	-	6,350
Total expenses included in income statement	<u>538,194</u>	<u>527,524</u>
Surplus/(deficit) from ordinary activities	(1,470)	(3,866)
Less: assets purchased	<u>(1,519)</u>	<u>(3,701)</u>
Surplus/ (deficit) per Legal Aid Queensland report	<u>(2,989)</u>	<u>(7,567)</u>
Balance Sheet at 30 June		
Assets - Current		
Cash	20,161	23,151
Total Assets	<u>20,161</u>	<u>23,151</u>
Equity		
Accumulated surplus	20,161	23,151
Total Equity	<u>20,161</u>	<u>23,151</u>

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

Notes to the Financial Statements

For the year ended 30 June 2013

		2013	2012
		\$	\$
10. Use of Funds - Department of Communities			
	Note		
Income Statement			
For the year ended 30 June			
Revenue			
Grant revenue	6	197,400	197,400
Other revenue		-	8,655
Total revenue		<u>197,400</u>	<u>206,055</u>
Expenses			
Operating costs		59,277	66,138
Organisational costs		998	-
Salaries and wages		139,645	175,999
		<u>199,920</u>	<u>242,137</u>
Surplus/(deficit)		<u>(2,520)</u>	<u>(36,082)</u>
Less: assets purchased		-	-
Surplus/(deficit) per Department of Communities report		<u>(2,520)</u>	<u>(36,082)</u>
Balance Sheet at 30 June			
Assets - Current			
Cash		11,576	7,519
Computers		1,818	1,818
Total Assets		<u>13,394</u>	<u>9,337</u>
Liabilities - Current			
Unexpended grants		15,914	15,914
Total Liabilities		<u>15,914</u>	<u>15,914</u>
Net Assets/(Liabilities)		<u>(2,520)</u>	<u>(6,577)</u>
Equity			
Accumulated surplus/(deficit)		<u>(2,520)</u>	<u>(6,577)</u>
Total equity		<u>(2,520)</u>	<u>(6,577)</u>

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


Management Committee Statement

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 2 to 9:

1. Presents fairly the financial position of Queensland Public Interest Law Clearing House Inc as at 30 June 2013 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Queensland Public Interest Law Clearing House Inc will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:



(President)
Mr Robert Reed



(Secretary/Treasurer)
Ms Michelle Hutchinson

Brisbane, 15 October 2013

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

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of Queensland Public Interest Law Clearing House Inc (the association), which comprises the balance sheet as at 30 June 2013, the income statement for the year then ended, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

Brisbane
Rockhampton
Sydney
Melbourne
Newcastle

Committee's Responsibility for the Financial Report

The committee of the association is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the *Queensland Associations Incorporation Act QLD 1981*. This responsibility includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF QUEENSLAND PUBLIC
INTEREST LAW CLEARING HOUSE INC. (Continued)**

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Opinion

In our opinion, the financial report of Queensland Public Interest Law Clearing House Inc presents fairly, in all material respects the financial position of Queensland Public Interest Law Clearing House Inc as of 30 June 2013 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial report, and the *Queensland Associations Incorporation Act 1981*.

Basis of Accounting

Without modifying our opinion, we draw attention to Note 1 to the financial report which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the committee's financial reporting responsibilities under the *Queensland Associations Incorporation Act 1981*. As a result, the financial report may not be suitable for another purpose.

Lawler Hacketts

Lawler Hacketts Audit



**Shaun Lindemann
Partner
Brisbane**

Dated this 15th day of OCTOBER 2013

We thank the following for their financial support in 2012-2013:



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BARRISTERS

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Nicholas Andreatidis
Kenneth Barlow SC
Paul Beehre
John Bond SC
Robert Brandon
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Judith Brien
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Cooper Grace Ward
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David Wise Solicitor
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Holding Redlich
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Hynes Lawyers
King & Wood Mallesons
Littles Lawyers
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Shine Lawyers
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Xstrata Copper

GOVERNMENT LEGAL UNIT MEMBER

Australian Competition and
Consumer Commission