



ANNUAL REPORT

2011 = 2012



STATISTICAL SNAPSHOT

2011 - 2012 CASEWORK

Referral Service

468 applications received

172 referrals, a 37% increase over last year

Homeless Persons' Legal Clinic

507 new clients assisted

Refugee Civil Law Clinic

34 new clients assisted

Self Representation Service (QCAT)

194 applications received

241 appointments conducted

Self Representation Service (State Courts)

157 applications received

309 appointments conducted

Self Representation Service (Federal Court)

99 applications received

138 appointments conducted

Administrative Law Clinic

35 new files opened

Mental Health Law Clinic

41 new files opened

Open Minds Legal Clinic

36 new files opened

Intellectual Property Law Clinic

30 new files opened

PRO BONO SINCE 2002

Public Interest Referrals (since 2002)

1902 applications received

798 referrals

Self Representation Service (since 2007)

1309 applications received

Homeless Persons' Legal Clinic (since 2002)

3224 clients assisted

Refugee Civil Law Clinic (since 2007)

171 clients assisted

Administrative Law Clinic (since 2004)

220 files opened

Mental Health Law Clinic (since 2009)

109 files opened

2011-2012 FINANCIALS

Revenue - \$1,205,014

Expenses - \$1,300,474

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PRESIDENT'S REPORT

QPILCH members can be proud of another outstanding year. Of note:

- The pilot Self Representation Service in the Federal Court commenced in July 2011 and was evaluated by Dr Cate Banks. Funding for the pilot ended on 30 June 2012, but we have continued the service until we know the result of our application for ongoing funding from the Commonwealth Attorney General's Department.
- The HPLC has reached more than 500 clients in the year, marking 2011-12 as the busiest yet.
- The Open Minds Mental Health Law Clinic, a partnership of DLA Piper, QAI, QPILCH and Open Minds (a community mental health support service at Woolloongabba) started in August 2011 and is continuing with excellent results.
- We commenced the long road to achieve some funding security with the establishment of the *Civil Justice Fund*.
- The bulk of our project to contribute to land use conflict resolution was undertaken and is nearing completion, thanks to a grant from the Gambling Community Benefit Fund.

As the data shows, the volume of our work has increased overall in 2011-12. Staff members continue to work harder with unstable resources.

To raise both our profile and additional funds to augment formal funding, over the year we held a number of events:

- Nearly 700 people joined the fifth annual **Walk for Justice**, led by the Chief Justice and the Attorney-General on Tuesday, 15 May 2012. The walk again coincided with walks in Townsville, Sydney, Melbourne and Adelaide. \$10,000 was raised for QPILCH's disbursement fund, a fund to help pay for expenses such as filing fees and expert reports incurred in pro bono casework.
- We held the second **Red Wine for Justice** on 14 October 2011. This event was very well received and a strong fundraiser for the Homeless Persons' Legal Clinic. I thank everyone who

donated or bought wine and all those who attended the event. I also thank Andrew Buchanan for his generous support for this event. We have decided to run this event biannually, the next in 2013.

- On 4 May, **Jennifer Robinson**, the lawyer for Wikileaks founder Julian Assange, spoke at a breakfast fundraiser for QPILCH. The event raised more than \$6,500. Jennifer gave a lively and engaging presentation. We thank Jennifer for coming to Brisbane especially to help raise funds for QPILCH and Kathleen Singleton for organising this successful event.

I extend my thanks to all staff members, particularly Cameron Lavery, Imogen Coates-Marnane, Karen Dyhrberg and Elizabeth Pendlebury, for their outstanding efforts in organising these events.

Past and future

The annual report is more than just an opportunity to reflect on the year just passed. It is also an opportunity to review the life of an organisation - from whence it came, how it has unfolded, and where it is going. 2011-12 is my second year as president and eleventh year on the QPILCH board. With this history, I can see the trajectory QPILCH is following in its pursuit of equal access to justice.

It is clear that QPILCH provides services that our community needs. In coordinating the delivery of pro bono civil law services since 2002, we have fine-tuned our services to ensure we meet that need. We have also fine-tuned our services to draw on the skills and resources of the legal profession, working closely with our members and partners to craft the services that match the different capacities and skills of our members with the diverse needs of Queenslanders. We have developed our services to assist Queenslanders who were not being helped by other services or where there were large gaps in available services.

The 2012 Walk for Justice, at which the Chief Justice and the Attorney-General joined the legal community to support access to justice.





QPILCH staff at the 2012 Walk for Justice

In short, QPILCH has a good sense of the lie of the land and has built trust with our members and partners, enabling QPILCH to tailor our services sensitively and appropriately. In the public interest, we are continuing along that trajectory.

However, QPILCH, with the support of its members and friends, cannot do this alone. To reach out across the State, the involvement of all arms of the profession, including those in government and the corporate sector and firms yet to systematise their pro bono, is needed to support structured pro bono in partnership with the community.

We have been working to engender awareness of the strengths and limitations of all participants: government cannot rely on private firms to fill gaps in aid just as public funds are not limitless; philanthropic bodies can augment the private profession's valuable work by contributing funds for coordination; and corporations can make a contribution to the communities in which they profit.

Pro bono is a vital part of the infrastructure of justice and participation, engagement and communication is central to how we can all play our part equitably and most effectively.

The year ahead

In addition to the Open Minds Clinic, we have been working with QAI and our firm and community partners to help rectify the great gap in legal services for people experiencing mental illness. In late 2011, QPILCH approached the **English Family Foundation** (EFF), a Brisbane-based philanthropic organisation, to seek funds to develop, in conjunction with QAI, our mental health law practice. The EFF agreed to fund the expanded service for three years, commencing July 2012. With this support, we are working to establish two more mental health clinics and have commenced a student advocacy program to assist people in the Mental Health Review Tribunal (MHRT). QAI, which provides legal services in the MHRT, relies on non-recurrent LPITAF funding. In only about 2% of Involuntary Treatment Order reviews do patients have legal representation or advocacy. Over the coming year, we hope to convince government of the need to properly fund these services.



QPILCH staff

In 2012-13 we will be starting a new service in the Magistrates Court for people who are unrepresented in civil proceedings and experiencing hardship. The service will be primarily conducted by barristers who will undertake the usual merit assessment and then represent parties with the support of our member firms or through a short-term secondment to QPILCH. Over 60 barristers have signed up for this new advocacy service. I thank barrister **Liam Dollar** and the BAQ for leading this initiative.

In my last report I mentioned that the then Attorney, the **Hon Paul Lucas MP**, had approved government involvement in pro bono. I am pleased to advise that Crown Law has joined the Self Representation Service in the Supreme and District Courts, and we welcome its involvement in coming years and look forward to greater government participation in pro bono activities.

I look forward to the finalisation of the evaluation of the SRS Supreme and District Courts, which is advancing under the guidance of **Professor Jeff Giddings** of Griffith University Law School and **Dr Blake McKimmie** of the UQ Psychology Department. This evaluation has been funded by a generous grant from the **Australian Institute of Judicial Administration**, and is being undertaken **Dr Cate Banks**.

The Attorney-General, the **Hon Jarrod Bleijie MP**, has invited QPILCH to sit on the **LPITAF Review Industry Reference Group**. This will be a great opportunity to contribute to the review of this critical funding source. QPILCH has recommended its overhaul on numerous occasions since 2006 and congratulates the Attorney on his decision.

QPILCH has also instigated a meeting between the pro bono sector and the Queensland Department of Justice. It will likely occur before the end of 2012. This is the first opportunity in Queensland for such a meeting in order to understand how pro bono and government can work together more effectively.



Special acknowledgments

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

I thank the **Hon Jarrod Bleijie MP** for continued financial support for coordination of QPILCH's referral schemes, Self Representation Service and RRR project.

I thank **The Honourable Justice Margaret White** and QCAT Member, **Patricia Hanly**, for their guidance and support of our Self Representation Services in the State Courts and QCAT respectively.

I thank **The Honourable Patrick Keane**, Chief Justice of the Federal Court of Australia and Queensland District Registrar **Heather Baldwin** for their support of the pilot Federal Court Self Representation Service.

I thank the Public Trustee, **Peter Carne**, and LAQ Chair **Rachel Hunter** and CEO, **Anthony Reilly**, for their financial support in establishing the *Civil Justice Fund*. I also thank **Kathleen Singleton of Eliquent Consulting**, for her great support in developing our fundraising and marketing strategies, which are so important for the long-term viability of QPILCH.

I thank the many other members of the judiciary and the profession who have helped and supported us in a variety of ways, from kind words to advice, donations and assistance.

Corrs Chambers Westgarth continues to provide QPILCH with invaluable support in the form of a permanent rotational secondment. This year's secondee is **Matthew Hodgson-van Daal**. As in previous years, we could not have assessed the number of applications for assistance we received in the year without this support.

I thank all **QPILCH members**, whose names grace the back cover of this report, for their selfless support of pro bono including the acceptance of referrals, participating in the clinics, attending our events, donating to our fundraisers and providing wise counsel. I similarly thank members of the QLS and Bar Pro Bono Services and the QLS and BAQ for their general support of QPILCH and specific support for their pro bono schemes.

I thank our community partners – the organisations that host our Homeless Persons' Legal Clinics, the Refugee Civil Law Clinic and Mental Health Law Clinic; our court and tribunal partners, court support partners and sister community legal centres with which we frequently exchange ideas and clients.

I thank the **students** who are involved in the clinical programs and who volunteer at QPILCH and the **university law schools** that support them.

I thank all **QPILCH staff members** who work together and with the committee with great dedication, enthusiasm and collegiality.

Finally, I thank my fellow **committee members** who have generously contributed their time to giving guidance along the QPILCH trajectory.

Robert Reed
PRESIDENT

TREASURER'S REPORT

I present as Treasurer the audited financial report for the financial year 2011-12.

It has been another difficult year to balance income and expenditure in the face of uncertain and fluctuating funding. Our expenditure exceeded income, forcing QPILCH to use its surplus, as planned, to maintain the level of services. Unfortunately, the surplus is a diminishing reserve, so QPILCH must build its funding over coming years to meet the expected demands.

We are gratified however to report that in the last few months of the financial year, the new Attorney, the **Hon Jarrod Bleijie MP**, has commenced a review of LPITAF. I thank the Attorney for taking this initiative, which is welcomed by the community legal sector at large.

QPILCH has been active through the year in developing the *Civil Justice Fund*, a sub-fund of the Queensland Community Foundation, to achieve a degree of financial independence in the long term. I look forward to working with our members and funders to grow this fund over the coming decade.

We worked through the year to raise funds from non-government sources. We were delighted to receive funding for 2012-13 for the Mental Health Law Practice from the **English Family Foundation**. This is a major advance in terms of obtaining funding from a philanthropic source and I thank Allan English for his confidence in QPILCH's work.

A tough decision was made by the committee this year to increase the 2012-13 membership fees. The decision was made reluctantly, but was necessary in light of rising costs and demands for service. This was the first fee rise since inception.

The chart above shows the sources of funds in the 2011-12 financial year.

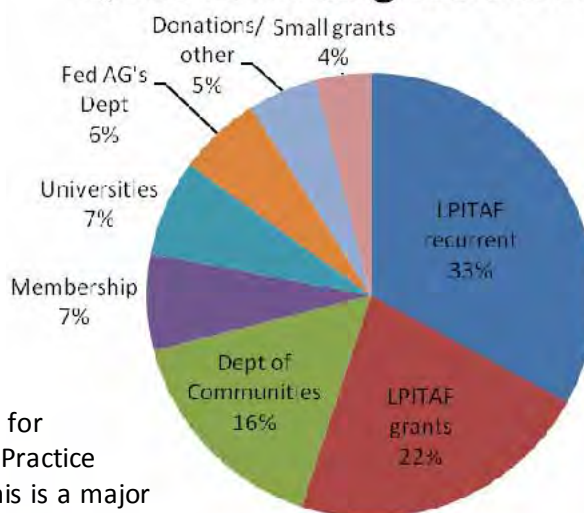
While 77% of our direct funding is provided by government, I acknowledge the financial support of the other contributors and the in-kind support of the following other generous donors that have made our services possible:

- **Corrs Chambers Westgarth** for the permanent secondment which significantly increases our capacity to assess applications for assistance;
- **Law firms** which have provided lawyers to staff the Self Representation Service, Refugee Civil Law Clinic and Homeless Persons' Legal Clinic; and
- **Law firms** and **barrister members** who have so readily accepted referrals for pro bono representation.

I thank all supporters and QPILCH staff for their assistance and hard work over the year.

Michelle Hutchinson
SECRETARY/TREASURER

QPILCH's funding sources 11-12



QPILCH PEOPLE

2011-2012 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	
Rochelle Carey (Corporate Legal Unit representative)	Corporate Counsel, Xstrata Copper
Tony Denholder	Partner, Ashurst
Professor Brian Fitzgerald (Associate Member representative) retired February 2012	Queensland University of Technology Faculty of Law
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) appointed February 2012	Assistant Dean, Learning & Teaching, Queensland University of Technology Faculty of Law
Andrew Buchanan	Co-opted member

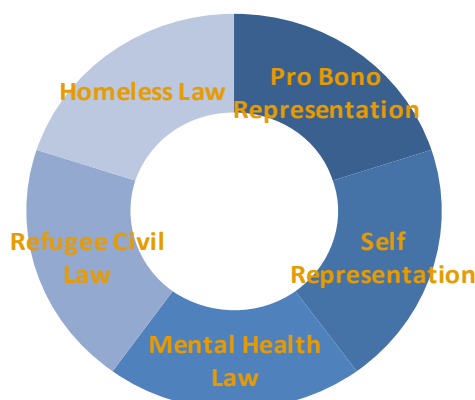
2011-2012 STAFF

Name	Position
Amy Heading	HPLC and RCLC Coordinator – full-time (May 2011 – April 2012)
Amy Ho	HPLC Townsville Paralegal – 1 day / week (March 2011 – July 2012)
Andrea de Smidt	Self Representation Service (QCAT) Solicitor – full-time (January 2010 to present); Self Representation Service Coordinator – full-time (July 2011 to present); Acting Director – full-time (May 2012 – June 2012)
Andrea Perry-Petersen	Flood & Cyclone Disaster Legal Relief Solicitor – 2 days / week (August 2011 – February 2012), 1 day / week (February – June 2012); Social Justice Lawyering Clinic Supervisor – 1 day / week (February 2012 – present)
Ann Herriot	Student Programs Coordinator (Supervising MHLC, PIRC, PILC, ALC) (October 2010 – July 2012)
Anusha Goonetilleke	RRR Coordinator – full-time (April 2012 – present)
Cameron Lavery	Self Representation Service (QCAT) Solicitor – full-time (June – August 2011); QLS and BAQ Pro Bono Referral Service Coordinator – full-time (July 2011 – April 2012); Acting ALC and MHLC Supervisor – 2 days / week (Sept – Oct 2011); HPLC and RCLC Coordinator – full-time (April 2012 – present)
Catherine Hartley	Environmental Law Project – full-time (August 2011 – April 2012); QLS and BAQ Pro Bono Referral Service Coordinator – full-time (April 2012 – present)
Cheryl Foong	IP & Technology Law Clinic Supervisor – 1 day / week (during semester 2) (July 2010 – November 2011)

Name	Position
Elizabeth Pendlebury	HPLC Solicitor – part-time (April 2011 – present); Self Representation Service (Federal Courts) Paralegal – part-time (July – Dec 2011); Self Representation Service (Federal Courts) Solicitor – part-time (January 2012 – present)
Fiona Ellis	Flood and Cyclone Legal Help Solicitor (seconded from Mallesons Stephen Jaques) – full-time (May – August 2011)
Fiona Streit	Administrator – full-time (February 2011 – present)
Iain McCowie	Self Representation Service (Courts) Solicitor – full-time (February 2010 – present)
Imogen Coates-Marnane	HPLC Paralegal – 3 days / week (June 2010 – present)
Jamieson Doyle-Taylor	Secondee Solicitor, Clayton Utz – full-time (June - July 2012)
Kara Butler	Self Representation Service (QCAT) Paralegal – 2.5 days / week (August 2011 – present)
Karen Dyhrberg	Referrals Coordinator – full-time (January 2010 – present)
Kate Dodgson	Self Representation Service Policy – 1 day / week (September 2011 – January 2012); Self Representation Service (Federal Court) Paralegal – 1 day / week (January 2012 – May 2012)
Laura Nagy	Secondee Solicitor, Allens – 4 days / week (May 2012 – June 2012)
Matthew Hodgson-van Daal	Secondee Law Graduate, Corrs Chambers Westgarth – 3-4 days / week (May 2011 – present)
Ray Rajguru	Bookkeeper – 2 days / week (December 2007 – present)
Rebecca Rosser	HPLC Toowoomba Paralegal – 1 day / week (October 2011 – present)
Rory Salisbury	Self Representation Service (Federal Court) Solicitor – part-time (July – December 2011)
Stephen Grace	Self Representation Service (State Courts) Paralegal – 3 days / week (August 2011 – present)
Sue Garlick	HPLC Policy Lawyer – 3 days / week (January 2006 – present)
Tony Woodyatt	QPILCH Director – full-time (January 2002 – present)

QPILCH SERVICES

QPILCH's core civil law services target people most in need of legal assistance, using innovative methods to facilitate access to justice.





Pro Bono Representation

Referral Service

Each year, law firms and barristers make a huge contribution to the community by assisting people pro bono, and QPILCH's Referral Service ensures this contribution helps the most vulnerable clients and is used to the best effect. For clients facing significant injustice and with complex legal problems, often with nowhere else to turn, pro bono representation can assist them immeasurably.

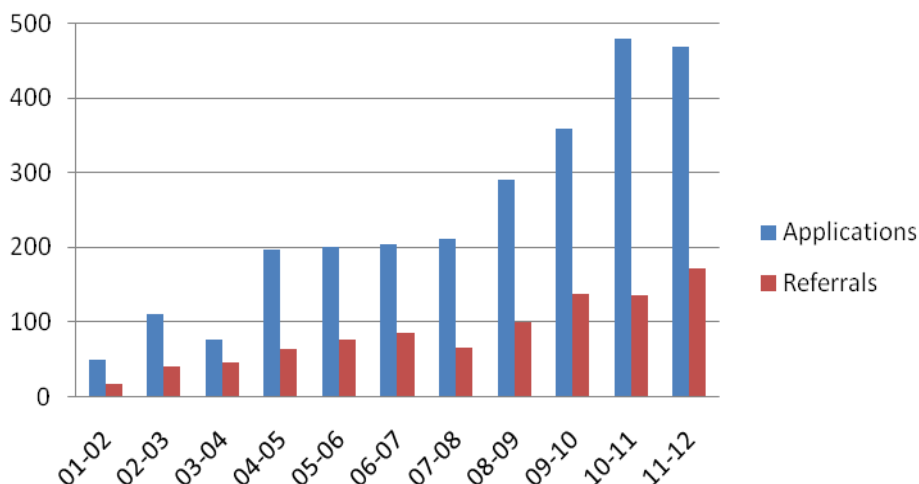
In 2011-12 the referral services dealt with 468 applications for assistance and successfully referred 172 of those. The Public Interest Referral Service took 170 applications, the QLS/BAQ Service 277, and Flood and Cyclone Legal Help dealt with 21 new applications.

As the graph shows, this was marginally fewer applications but significantly more referrals. The slight drop in applications may be due to an earlier spike from natural disasters. We have also been trying to improve the website and work with referrers to help people determine whether QPILCH is the appropriate place for them to seek help. We particularly value referrals from other community legal centres, as a lawyer has generally identified that the client needs further legal representation.

Value of pro bono work done

Based on the reports we have so far, we estimate QPILCH members provided well over \$1.3 million of free legal representation in 2011-12. This figure is calculated based on an average, from the matters that have been finalised in the financial year. When a matter is finalised, members report to QPILCH on the outcome and the value of the work done. Of the 172 matters referred in 2011-12, members have finalised and reported on 34 matters. \$261,629 of legal work was done on those files, an average of \$7,700 per matter. With 172 matters referred, this equates to **\$1,324,400 of pro bono assistance** on matters referred just in 2011-12. 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. In addition, many firms are still working on files referred in previous financial years.

Applications / successful referrals



What our assessment entails

One of a lawyer's hardest tasks is in determining whether a problem has a legal remedy and if so, the merits of any possible action. The Referral Service lawyers at QPILCH gather information and assess applications for legal merit before either seeking to refer the cases to members for representation or succinctly and plainly informing the applicant they cannot be assisted pro bono.

Unsuccessful applicants

An important part of the Referral Service is how we assist applicants who we cannot refer for representation. With every applicant who applies, we write to them to 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. We see this as a vital part of ensuring the smooth running and efficient use of community legal services and the courts and tribunals.

Public Interest Referral Service

Of the 138 public interest matters deemed eligible for referral, 102 were taken up. It is impossible to mention every firm and barrister who assisted, but here is a snapshot of the types of help given.

- Not-for-profit organisations made up 12% of our applications and 23% of successful referrals. **Ashurst, McCullough Robertson, Hynes Lawyers, Freehills, Cooper Grace Ward, DLA Piper, Henry Davis York** and **Holding Redlich** assisted not-for-profit organisations. The assistance

For clients facing significant injustice and with complex legal problems, often with nowhere else to turn, pro bono representation can assist them immeasurably.

included procedural issues such as seeking Deductible Gift Recipient status and updating constitutions, as well as resolving legal problems such as employee and contract disputes.

- **Cooper Grace Ward** assisted an indigenous community to establish a trust for young artists, after a successful artist passed away and left money for this purpose.
- **Murphy Schmidt** assisted an aged pensioner who had no official record of her birth to apply for an Australian passport.
- **Minter Ellison** assisted a man with a FWA claim against his employer after he was made redundant, then apparently dismissed for gross misconduct when he requested his entitlements.
- **Maurice Blackburn** assisted a woman who suffered psychological harm and lost wages after her employer repeatedly refused to comply with her medical requirements.
- **Freehills** assisted a group of residents of an apartment block who were told their units were not zoned for residential or long-term rental.
- **Hynes Lawyers** advised a marine conservation group developing a "sustainable seafoods" app for shoppers on possible legal issues of linking to a site that named particular brands.
- **Henry Davis York** advised an Aboriginal woman on a potential unfair dismissal claim.
- **Corrs Chambers Westgarth** drafted a commercial lease for a community legal centre and advised it on the requirements for execution.
- **Clayton Utz** urgently assisted a CLC to negotiate an extension of time within which they must vacate their premises, following termination of their monthly tenancy agreement.
- 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.
- **Allens** assisted QPILCH to establish the Civil Justice Fund and obtain an ATO ruling.



- **DLA Piper** assisted a young woman who faced a potential claim arising from her charitable work for disadvantaged women.

QPILCH has always enjoyed very strong support from its member barristers, in taking on matters as well as providing advice directly to QPILCH and other community legal centres in how best to help clients.

- **Sarah Scott-Mackenzie** of Counsel assisted the family of a young man with cerebral palsy and severely impaired mental capacity in relation to his eligibility for appropriate housing.
- **Stephen Lee** of Counsel assisted a New Zealand citizen who had lived in Australia since he was a toddler and faced deportation on character grounds.
- **Lisa Stewart** of Counsel represented a client in QCAT to review a decision to remove the client's grandson from her care.
- **Dan O'Gorman** of Senior Counsel advised an elderly man from regional Queensland who had lived on land for 50 years and had been told by the local Council he could live there in perpetuity, but was then required to either purchase or lease the land.
- **Guy Sara** of Counsel advised a man whose mother left him a life interest in her home, but whose children have been threatening to have him removed from the house.
- **Alexandra Marks** of Counsel assisted a group of elderly retirees who are permanent residents at a mobile home park to contest terminations of their site agreements. Compensation orders in excess of \$50,000 were given to some of the residents.
- **Dr Gillian Dempsey** of Counsel advised a community group on its prospects of reviewing a state government department's decision in relation to environmental authorities.
- **Andrew Greinke** of Counsel advised a not-for-profit organisation on the legality of its eviction.
- **Julian Siggins** of Counsel advised a CLC on its client's prospects of pursuing an anti-discrimination claim against a government department.
- **Willem Kilian** and **Barto du Plessis** of Counsel presented a staff training session for a CLC.

QPILCH has always enjoyed very strong support from member barristers, in taking on matters as well as providing advice directly to QPILCH and other community legal centres in how best to help clients.

Again we saw a number of applications from asylum seekers and refugees and worked closely with the Refugee and Immigration Legal Service to provide assistance where most needed.

- **Stephen Lee** of Counsel, instructed by a CLC, represented a 15-year-old who sought asylum in Australia and arrived unaccompanied. The client was seeking judicial review of an Independent Merits Review decision.
- **Nitra Kidson** of Counsel advised an Indian family subject to religious persecution on their prospects of reviewing the Refugee Review Tribunal's decision not to grant protection visas.
- **Minter Ellison** assisted a young Iranian woman seeking to bring her mother to Australia from Iran on a tourist visa.

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.

QLS and BAQ Pro Bono Referral Services

277 applications for referral were assessed through the QLS and BAQ Pro Bono Referral Services, which provide assistance with applications that do not involve a public interest element. 76 of these applications were determined eligible for referral and 49 of those matters were taken up.

This financial year saw an increase in the number of firms and barristers participating in the QLS and BAQ Services from 127 to 161 (41 firms in the QLS Service and 120 barristers in the BAQ Service).

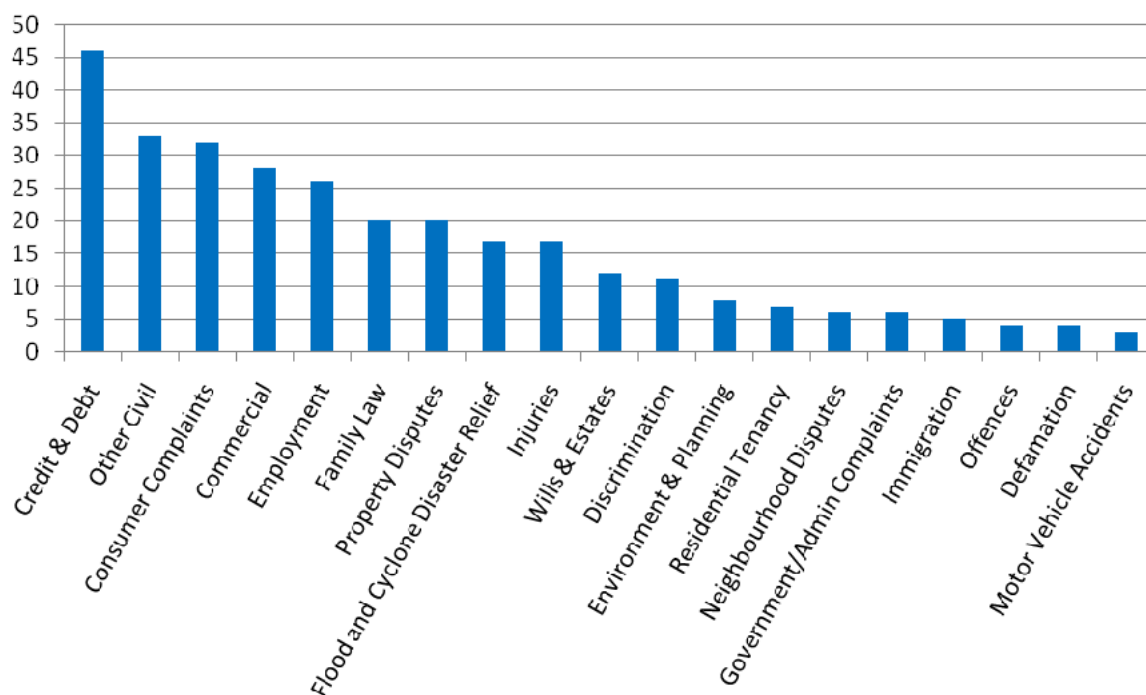
QPILCH's continued coordination of these services is made possible by non-recurrent LPITAF funding from the Department of Justice and Attorney-General and a contribution from each of the Queensland Law Society and the Bar Association of Queensland. We thank these funders for their ongoing support. After three years of operation, these services are continuing to deliver wide-ranging services to disadvantaged clients.

In the past financial year, we referred out a wide range of matters, including debt and finance disputes, property law matters and consumer disputes. Notable examples include:

- **DLA Piper** and **Alex Nelson** of Counsel assisted a disabled man who was allegedly induced to transfer \$850,000 to his pastor, which he did by taking out a loan against his family home. When he approached QPILCH, the man had just been ordered to give the bank possession of his home plus \$960,000.
- **Cronin Litigation Lawyers** assisted a young man with limited financial means who was sued for \$25,000 after his parked vehicle was involved in a collision. With advice from the firm, the man contested the claim from the other party's insurer.
- **Mark McCarthy** of Counsel and **Trudie Rogers Health Law Consultancy** assisted a single mother of five children to enforce a Peace and Good Behaviour Order against a man who had been threatening her family and targeting her disabled son.
- **Irish Bentley Lawyers** assisted an elderly woman to recover an equitable interest in a property. The woman was at risk of homelessness following the breakdown of her relationship with her daughter, who also resided at the property, and sought repayment of her \$200,000 contribution.
- **Matt Black** of Counsel provided an opinion to a not-for-profit organisation concerning the protection of local World Heritage values.
- **Stephen Lee** of Counsel advised a man on his prospects of making a claim against his former business partner and/or the Federal Government in relation to the fraudulent misappropriation of approximately \$150,000.
- **Butler McDermott** assisted a woman from North Queensland to have an insurance company honour its insurance policy and offer a formal apology for accusations of fraud, after a fire caused significant damage to her premises.
- **Irish Bentley** assisted an elderly man who had given a woman \$30,000 on the condition he could live in her house for the remainder of his life. The woman later evicted the man after he was hospitalised after suffering from injuries caused by a stroke.
- **DLA Piper** and **Hugh Scott-Mackenzie** of Counsel assisted a young, unemployed Turkish man whose mother-in-law allegedly misappropriated \$95,000 of his young family's savings.
- **Irish Bentley** advised a single mother who was owed around \$440,000 by her abusive ex-partner. The partner appears to have acted deliberately to extort money and then prevented the woman from entering her home and accessing her personal possessions.



2011-2012 Applications by matter type



- **Hunter Trotman** of Counsel assisted a disability pensioner to settle his community housing neighbourhood dispute.
- **Dianna Worrell** of Counsel provided an opinion on the prospects of an appeal, which may have significant implications for tenants who reside on land under perpetual lease from the Crown.
- **Ashurst** assisted an intellectually impaired woman who alleged misconduct against the trustees of her late husband's estate.
- **Julian Siggins** of Counsel assisted the Gold Coast Legal Service to help an intellectually impaired couple to respond to an application filed in the Children's Court by a child safety authority. The Gold Coast Legal Service instructed Counsel at the hearing.
- **Barry Nilsson** assisted an elderly couple involved in a dispute with their neighbour, who was allegedly interfering with their water supply. The couple sought to regain access to their water supply through an easement on their property, which they were lawfully entitled to use.
- **Steven Hogg** of Counsel provided an opinion in relation to an illiterate man experiencing substantial financial hardship after the allegedly unlawful termination of a franchise agreement.
- **Stephen Lee** of Counsel mediated a dispute after a widow gave her daughter and son-in-law over \$200,000 to build a granny flat that did not eventuate.

Rural Regional Remote

Catherine Hartley coordinated the RRR Project between July 2011 and September 2011 and in April 2012. Anusha Goonetilleke continued the project from May 2012 and into 2012-13.

There were a number of RRR pro bono referrals made during the year. Of the 468 applications for assistance under our referrals schemes, 106 were from RRR areas and a further 110 were from the Gold Coast, Sunshine Coast, Logan and Ipswich. In addition, 36 referrals were successfully made through the RRR Project including the following examples:

- **Barry Nilsson Lawyers** assisted a single-mother and her son, who reside outside of Mackay, to access a benefit of over \$20,000 from a scholarship fund held for the son's secondary education.
- **Chato Page** of Counsel advised a homeless and unemployed single mother from Townsville on various issues related to her personal and financial hardship, including Centrelink, child protection and a driving offence.

- **Ashurst** advised a north Queensland not-for-profit that supports people with schizophrenia and other mental illnesses about the terms of a proposed lease.
- **Richard Williams** of Counsel and the **Townsville Community Legal Service** assisted a disability-support pensioner from north Queensland, who has bipolar disorder and cares for her 30-year-old autistic and schizophrenic son, to liaise with the trustees of her family trust. The woman also received repayment for a \$50,000 loan that she made to the trust.
- **Bevan and Griffin** assisted an elderly man from north Queensland to defend a claim for damages arising out of a motor vehicle accident.
- **Freehills** and **Kateena O’Gorman** of Counsel advised a retired cane farmer from Mackay on his prospects of challenging the constitutional validity of the *Vegetation Management Act 1999* (Qld) (VMA) under section 51(xxxi) and section 96 of the Commonwealth Constitution.
- **Ashurst** provided an advice to a man from the Rockhampton area regarding the next steps he should take in relation to his matter. The man discovered he did not own the house and land he thought he had purchased and instead owned the vacant lot next door.
- **Cooper Grace Ward Lawyers** advised a community group on the appropriate structure in administering a fund for young Indigenous artists from the Western Cape area.
- **Bartley Cohen Litigation Lawyers** assisted a grandmother from the Wide Bay Burnett area to defend two defamation claims after reporting her concerns that two individuals in her community were involved in child abuse and drug trafficking.
- **Trudie Rogers Health Law Consultancy** assisted a woman from a remote town to obtain advice on her legal options after a coroner confirmed that her son had died of a communicable disease.
- **Piper Alderman** assisted an applicant from Toowoomba to dispute the rejection by her insurer of her insurance claim for significant damage to her home, which was sustained during the 2010-2011 Queensland floods.
- **King & Wood Mallesons** accepted the referral of a community legal education (CLE) program. The Palm Island radio station was looking for someone to participate in a weekly segment on air that provides legal information to the community.

The RRR Coordinator travelled throughout Queensland to raise awareness in RRR areas of QPILCH, the availability of the services offered by our city based member law firms, and to discuss the expanding CSG industry and the availability of legal services, including to:

- Coffs Harbour to attend the National Rural and Regional Law and Justice Conference;
- Maroochydore to conduct an evening information session about QPILCH; and
- Stanthorpe, Goondiwindi, Roma, Toowoomba, Laidley and Gatton in July 2011. The trip promoted QPILCH activities to RRR community groups, legal service providers, local councillors and Members of Parliament. The trip also added value to the work of Flood Legal Help (a coalition of the QLS, ATSILS, LAQ, QAILS and QPILCH) to ensure that flood-affected Queenslanders receive the help they need, feeding any necessary referrals to members through QPILCH’s usual referral process.

Funding from LPITAF has been received to continue the RRR Project for another six months over 2012-13. Anusha Goonetilleke will continue to coordinate the RRR Project from July 2012. QPILCH will continue to develop the structures we have established to assist disadvantaged people living in RRR areas throughout Queensland.

Flood and Cyclone Legal Help

With funding from Legal Aid Queensland and support from **Mallesons Stephen Jaques**, the Flood and Cyclone Legal Help Service was established in early 2011 until its conclusion on 30 June 2012. During the Service’s operation, it received 55 applications from individuals and small businesses. We sent 39 referral requests with 27 matters successfully referred to law firms and/or barristers.




In the 2011-12 financial year, 21 applications were received. Most applicants were eligible for assistance, but some were not able to provide sufficient information or documents to allow us to refer their files, and others no longer required assistance. Of the 22 matters for which we sent referral requests, which included applications received in the previous financial year, 20 were successfully referred.

Many applicants were suffering from physical and mental health issues arising from the disasters. Applicants required significant assistance from this service to retrieve and collate their information and documents (including requesting documents from third parties) and our solicitors often worked closely with the applicants' caseworkers.

Examples of matters referred to QPILCH members or QLS BAQ scheme participants include:

- **Andrew West** of Counsel finalised an advice for two small business owners in Goodna and Ipswich, one of whom who was unable to restart her business and was at risk of losing her home.
- **Susan Fajardo** of Counsel finalised advices for two small business owners that suffered significant damage in the Ipswich CBD during the 2011 floods.
- **The Law Place** assisted a single mother seeking to recover flood relief money she had tried to use to repair her flood-damaged home. The client's support worker had referred the client to the worker's own family business and the client said the work had not been properly carried out.
- **Shine Lawyers** offered to review several files about the clients' prospects of success in disputing the insurer's decision.



Many applicants were suffering from physical and mental health issues arising from the disasters.

Most applications involved insurance companies denying claims for flood damage based on flood exclusions in the relevant policy, but there have also been applications where:

- landlords did not properly complete repairs and the tenant wished to terminate the lease,
- landlords locked tenants out and destroyed property;
- tenants required assistance to exit leases in the most commercially viable way;
- an insurance company engaged in questionable behaviour when amending the policy;
- a body corporate had not insured its common property for flood; and
- a property was allegedly damaged by machinery used during the relief effort.

We informed clients of their right to seek internal review of the insurer's decision and the role of the Financial Ombudsman Service, and referred to appropriate emotional and financial support services.

Mallesons secondee Fiona Ellis was at QPILCH until August 2011 after which Andrea Perry-Petersen took over the role 2 days per week. Anusha Goonetilleke assisted from April to June 2012. The Referral Service will handle any new requests for assistance arising out of natural disasters and monitor files that remain open.

Karen Dyhrberg – referrals@qpilch.org.au; **Catherine Hartley** – qlsbar@qpilch.org.au ; **Anusha Goonetilleke** – rrr@qpilch.org.au



Homeless Law

Homeless Persons' Legal Clinic

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 homelessness.

Encompassing 13 legal clinics and utilising the resources of 300 volunteer lawyers from 23 law firms, the HPLC experienced a period of positive change in 2011-12. Over the last financial year, the HPLC saw rising demand for our assistance, which resulted in our highest ever number of new clients, 507, increasing from 420 new clients in 2010-11.

In February 2012, the **Encompass Family and Community** completed an evaluation of the HPLC. Based on this evaluation, we have focussed our efforts on strengthening our current operations, working closely with community organisations from the homelessness sector to offer a targeted, holistic and efficient service to our clients.

Administration

The HPLC continues to provide outreach services at host community organisations across Queensland where clients are accessing other essential homelessness services, such as accommodation and case management.

In 2011-12, the HPLC operated the following clinics:

Clinic	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; McInnes Wilson
Kyabra Phone Clinic	Minter Ellison (until August 2011); Dibbs Barker (from August 2011)
Roma House	Freehills
The Basement, Toowoomba	Debbie Richards – Shannon Donaldson Province Lawyers Catherine Cheek – Clewett Lawyers Kathy Walker – Walker Solicitors Andrew Braithwaite – Hede Byrne & Hall



	Craig Burgess – USQ Law School Ken Parry – MacDonald Law Toowoomba Bill Munro – Shine Lawyers
South Townsville Drop-in Centre	Townsville Community Legal Service Crosby Brosnan & Green Boulton Cleary and Kern Lawyers Connolly Suthers Chris Mills MacDonnells Law Townsville
The Women’s Centre, Townsville	North Queensland Women’s Legal Service Aboriginal and Torres Strait Islander Women’s Legal Service NQ

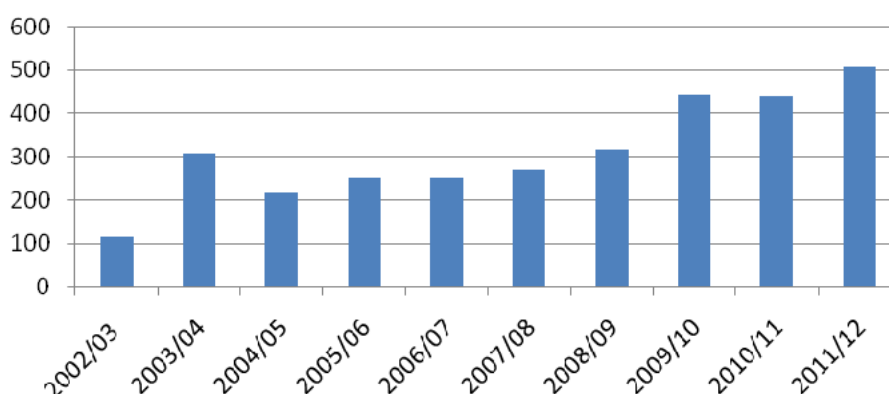
We particularly acknowledge **Dibbs Barker**, which took responsibility for the Kyabra Phone Clinic from **Minter Ellison** in August 2011, and **Clayton Utz**, which recommenced a clinic at the Pindari Women’s Hostel in February 2012.

Following careful consideration by QPILCH’s Management Committee, the clinic at the Women’s Centre in Townsville ceased operation from 30 June 2012. We are continuing to operate and develop the South Townsville Drop-in Centre clinic. We thank the volunteer lawyers who gave up their time and made the clinic at the Women’s Centre possible.

Casework

In 2011-12, the Homeless Persons’ Legal Clinic provided advice and assistance to 507 new clients (59.5% male; 40.5% female).

HPLC New Clients 2002-2012



The clients were facing a range of matters including SPER fines, debt disputes, housing and tenancy, guardianship and administration, mental health law, criminal compensation and child protection. Our volunteer lawyers also gave practical advice to clients with criminal law issues, and actively referred those with criminal and family law matters to appropriate alternative organisations, such as Legal Aid Queensland. These legal services are vital in helping homeless people break the cycle of poverty, sustain housing and exit homelessness.

The Homeless Persons’ Legal Clinic achieved many successful casework outcomes, including:

- **MurphySchmidt** and **Ashurst** assisted a former client of the Self Representation Service to obtain a warrant of possession for her home. Prior to receiving this assistance, the client and her son had been forced to live in a car because of another family taking up residence in their home. The HPLC continued to liaise with the client, while an on-going aspect of the matter was referred out to **Middletons** for specialist advice.
- **Minter Ellison** and **HWL Ebsworth** assisted a homeless man with substantial debts to stabilise his financial circumstances. After drafting extensive materials, the HPLC obtained a debt waiver of \$50,000 for the client.

The legal services offered by the Homeless Persons' Legal Clinic are vital in helping homeless Queenslanders break the poverty cycle, sustain housing & exit homelessness.

- **Freehills** assisted a client to obtain compensation arising from injuries he suffered due to a bed bug infestation at a Gold Coast hostel. The HPLC engaged in months of intensive negotiations with the involved companies, and reached a positive financial settlement for the man.
- **Clayton Utz** assisted a homeless client to successfully negotiate with a local Council for the immediate withdrawal of two parking Infringement notices. Following submissions from the HPLC, the Council recognised that the client had been using a valid permit and that the notices had been issued in error.

- **Allens** assisted a client with mental health concerns who is unable to work due to her condition, to negotiate with several creditors about her debts. The HPLC had already secured a waiver of one debt of over \$1000.

Events

Homeless Connect

Homeless Connect was held twice in 2011-12. The HPLC provided a stall at the event, which gave us an opportunity to assist new clients and talk to stakeholders and other service providers. We thank the following firms for their involvement: **Clayton Utz, Minter Ellison, Allens, Freehills, McCullough Robertson, McInnes Wilson** and **MurphySchmidt**.



Mates Helping Mates

The HPLC ran a stall at the Mates Helping Mates BBQ in February 2012 at Musgrave Park. We provided homeless attendees with one-off advice and connected those who required ongoing assistance to the Clinics.

Tax help clinic

For the first time in 2011-12, the HPLC organised a clinic to help our clients complete their tax returns and receive basic tax advice. The clinic was held in August 2011 at the Brisbane Homelessness Service Centre. **PricewaterhouseCoopers** kindly sent along two tax specialist volunteers to help several clients complete their tax returns.

Research

The HPLC works on specific research projects as part of the student clinic that we operate with the University of Queensland (see 'Student Programs – Homeless Persons' Legal Clinic' for more information).

In 2011-12, the HPLC also made contributions regarding the following issues:

- State Penalties Enforcement Registry (**SPER**) – enforcement of fines:
 - Met on a number of occasions with staff and Magistrates of the Special Circumstances Court, SPER and Probations/Parole officers to successfully develop better pathways to appropriate community work options for the SPER debts of people experiencing homelessness.
 - Facilitated a forum in November 2012 to engage the homelessness sector more broadly in this issue.
 - Partnered with QCOSS and the Homelessness Community Action Plan process to inform homelessness services across Queensland of developments and to collect data, to scope SPER debts of service users (on-going).
 - Facilitated SPER Community Engagement officers to report developments to HPLC lawyers and to homelessness community agencies in South-East Queensland.
- In late 2011, made written and oral submissions to the Legislative Assembly's Legal Affairs, Police, Corrective Services and Emergency Services Committee challenging the proposed widening of police pat-down search powers. The Committee supported our recommendation for a review of add-on offence arrests occasioned by the introduction of the power.
- Met with Senior Sergeant Corey Allen of the City Police in September 2011 to discuss better referral of offenders to the HPLC and to commence training of police liaison officers.
- Considered the role of the Special Circumstances Court in reducing exits into homelessness as a member of the working group of the Brisbane Homeless Community Action plan.

Continuing Legal Education

The HPLC and RCLC's training and development program involves the provision of Continuing Legal Education (**CLE**) to our staff, volunteers, partnership agencies and other community organisations. The HPLC thanks the law firms and agencies that hosted CLE sessions and acknowledges the guest speakers who kindly presented. In 2011-12, the HPLC conducted the following CLE sessions for staff and volunteer lawyers:

Month	Host	Topic	Presenters
2011			
July	Corrs Chambers Westgarth	<i>Helping clients with Victim Assist applications</i>	Jonty Bush, Victim Assist Queensland.
September	Freehills	<i>Making criminal and family law referrals</i>	QPILCH staff
October	MurphySchmidt	<i>Assisting clients with QCAT</i>	QCAT Adjudicator William

		<i>matters</i>	LeMass and QPILCH staff
2012			
March-April	All participant law firms in Brisbane	<i>Compulsory induction training for volunteers</i>	QPILCH staff
May	Corrs Chambers Westgarth	<i>SPER options</i>	Kristy Neilsen, SPER and QPILCH staff

In March 2012, the HPLC facilitated a CLE day for around 65 community workers from the homelessness sector. The Commonwealth Ombudsman hosted, catered and presented. Staff from LAQ, Tenants' Union of Queensland, SPER, Welfare Rights Centre, Queensland Advocacy Inc and the Special Circumstances Court also presented. The HPLC similarly delivered in-house caseworker training to the following community agencies: Micah Projects and Pindari Women's Hostel.



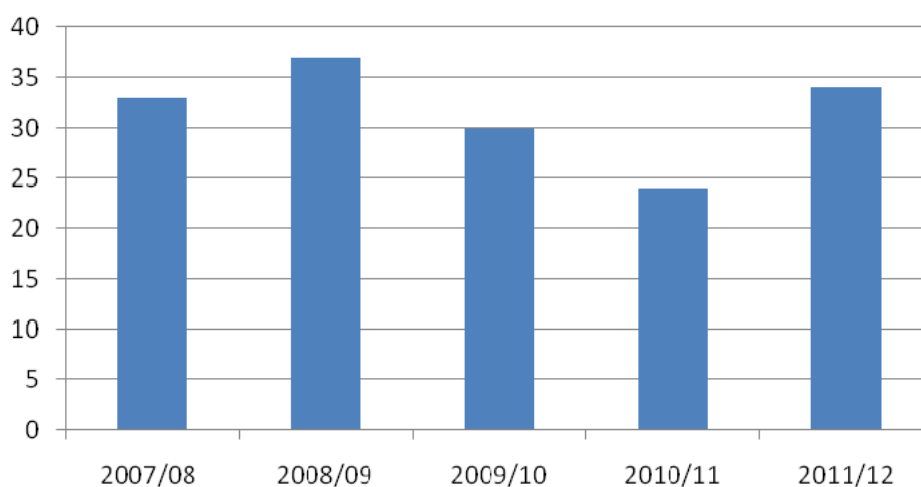
Refugee Civil Law

Refugee Civil Law Clinic

In 2011-12, the Refugee Civil Law Clinic (**RCLC**) assisted 34 new clients in various areas of law, including debt, administrative review, consumer complaints and discrimination. In 2011-12, **Corrs Chambers Westgarth** continued to achieve positive casework results in partnership with QPILCH and the Multicultural Development Association through the RCLC in 2011-12, including:

- Assisting a refugee client to obtain \$75,000 in compensation for injuries she suffered during a violent assault by her husband. The RCLC also provided advice to the client in relation to a number of debt matters, a change of ownership of a vehicle, and making a successful claim under her Loan Protection Insurance to pay off her car loan in full.
- Helping two clients from Sudan with a \$934.62 motor vehicle accident claim made against them by an insurer. The clients were not at fault in the accident, and following intervention by the RCLC, the insurers withdrew the claim. We thank our partners Corrs Chambers Westgarth and the Multicultural Development Association.

RCLC New Clients 2007-2012



HPLC and RCLC acknowledgments

We thank the Queensland Department of Communities, Child Safety and Disability Services and the Australian Government Attorney-General's Department for their ongoing funding and support of the HPLC. We also thank StreetSmart, the Brisbane City Council and Perpetual for providing the HPLC with grants in 2011-12.

We acknowledge our host agencies for their continued support, and recognise the valuable work of these community organisations in providing quality services to those who need it most. We also acknowledge the substantial role of the hundreds of volunteer lawyers who make the HPLC possible. HPLC and RCLC volunteers continued to offer essential and front-line legal advice and assistance to the most vulnerable Queenslanders. In 2011-12, the below law firms, CLCs and legal practitioners generously contributed over \$2.6 million of pro bono legal services and support through the HPLC and RCLC.

Firms, CLCs and practitioners who support the HPLC and RCLC

Allens	Clayton Utz	Ashurst
HWL Ebsworth	King & Wood Mallesons	MurphySchmidt
McCullough Robertson	Holding Redlich	Dibbs Barker
McInnes Wilson	Hede Byrne & Hall	Clewett Lawyers
Craig Burgess	MacDonald Law	Walker Solicitors
Boulton Cleary Kern	Crosby Brosnan & Creen	Connolly Suthers
Chris Mills	Shannon Donaldson Province	MacDonnells Law Townsville
Townsville Community	North Queensland	Aboriginal and Torres Strait Islander
Legal Service	Women's Legal Service	Women's Legal Service NQ
Freehills	Minter Ellison	Corrs Chambers Westgarth

Cameron Lavery – hplc@qpilch.org.au



Self-Representation

Self Representation Service

QPILCH's Self Representation Service is the only one of its kind in Australia, developed to meet a recognised need in all jurisdictions in which the Service operates. In 2011-12 the Service expanded its operations into the Federal Court and the Federal Magistrates Court on a pilot basis to supplement the existing service in the Supreme and District Courts, the Queensland Court of Appeal and the Queensland Civil and Administrative Tribunal.

The Service provides discrete task assistance to people during 1 hour appointments to help them understand the law, and the rights and perspective of the other party, observe court and tribunal rules and procedures, be aware of potential orders and the effect of not complying with orders, and to present their case in the best possible manner.

In 2012, some judges speaking extra-judicially have drawn attention to the challenges that self represented parties pose to the courts. The Honourable PA Keane, Chief Justice of the Federal Court observed that *"[e]ven those litigants in person who are not obviously unreasonable are now seen as*

a problem for the system ... in terms of increased demand on time, costs and resources.” Douglas J of the Queensland Supreme Court noted that “problems arise from the inability of some such litigants to deal with the rules of evidence and procedure which are second nature to efficient litigating lawyers and which facilitate the conduct of litigation so much.”

While Keane CJ noted that the QPILCH Service at the State Courts has been “very successful” and that the Federal Courts pilot project was “very encouraging,” it is clear from these extra-judicial speeches that there is still more work to be done. With the finite resources available to fund the civil justice system, resolving these issues is no easy matter. While it is accepted that the courts have a duty to assist self-represented parties by providing technical information (for example on filling in a form), in practice there is a very fine distinction between providing information and providing legal advice. A simple query such as “which form do I use?” all too frequently involves consideration of a

number of legal issues that can very quickly require the provision of legal advice after a detailed consideration of the details of a client’s case. This fact alone underscores the critical role that the Service plays in assisting not only the client but also the courts and the other party to the dispute.

The Service is distinct from duty-lawyer schemes as people are offered assistance throughout the progress of their proceeding.

The Service is distinct from duty-lawyer or “door-of-the-court” schemes as people are offered assistance throughout the progress of their proceeding, ranging from assistance to draft initiating documents, through to assistance to enforce a judgment made in their favour.

One of the significant advantages of the Service’s model is the opportunity it provides for solicitors to discourage the commencement or continuation of unnecessary proceedings and actively encourage the resolution of disputes through alternative means. In 2011-12 the Service successfully discouraged a total of 56 self-represented parties from commencing or continuing proceedings. The savings to the justice system as a result of such outcomes, along with the outcomes achieved by the Service in assisting people through until the completion of their proceedings, are significant.

Although the Service itself does not provide legal representation, meritorious cases are referred to the private legal profession through QPILCH’s referral service and/or to one of the Service’s Representation Panels in cases where full pro bono representation is required.

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 offer to assist more people than it would otherwise. This year the Service received 450 applications for assistance and provided 688 appointments.

In between receiving applications and providing appointments, QPILCH staff members spend considerable time conducting research to determine the most appropriate course and assistance required for each applicant to the Service. Staff members then follow up work conducted during appointments to ensure clients of the Service remain on the right track.

The Service’s team in 2011-2012 consisted of: Andrea de Smidt, coordinator of the Service and solicitor at QCAT; Iain McCowie, solicitor at the State Courts; Elizabeth Pendlebury, solicitor at the Federal Courts and former paralegal at the Federal Courts; Rory Salisbury, former solicitor at the

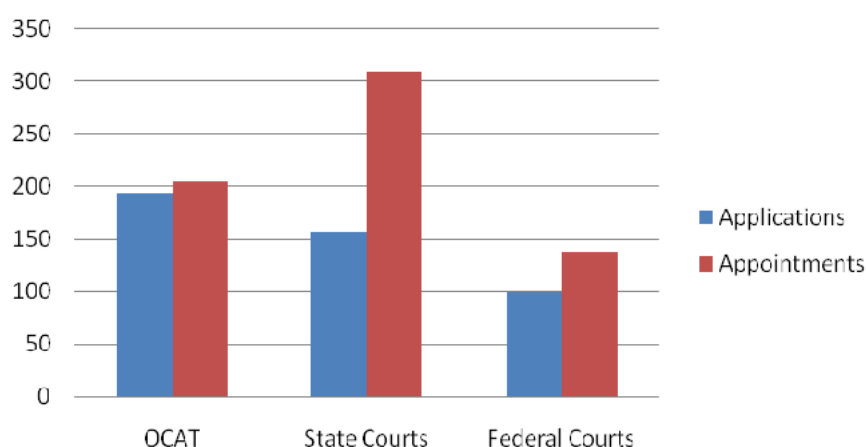


Federal Courts; Cameron Lavery, acting solicitor at QCAT; Kara Butler, paralegal at QCAT; Stephen Grace, paralegal at the State Courts and Kate Dodgson, paralegal at the Federal Courts.

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 pilot of the Service at the Federal Courts was made possible thanks to grants received from the Federal Court and Federal Attorney General's Department. After receiving a particularly positive report on the evaluation of the pilot by **Dr Cate Banks**, QPILCH made an application to the Federal Attorney General's Department to continue the Service in the Federal Courts on a full-time basis in the 2012-13 financial year.

Self Representation Service – Applications & Appointments

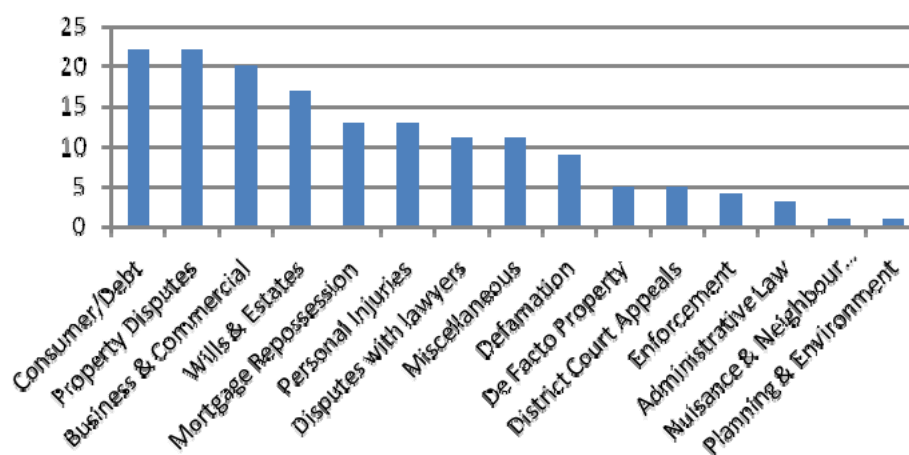


Supreme and District Courts and Queensland Court of Appeal

In 2011-12, the Service received 157 new applications for assistance in the civil jurisdictions of the Supreme and District Courts of Queensland and the Queensland Court of Appeal and provided 309 appointments.

The Service at the State Courts does not limit assistance to specific types of matters, rather assistance is provided to any self-represented party in civil law proceedings. The top five areas of law in which people were assisted were consumer/debt; property disputes; small business and commercial; wills and estates; and mortgage repossession.

State Courts – Areas of Law



Some of the successes achieved by the Service at the State Courts include:

- Successfully diverting 22 people from commencing proceedings (out of 54 who applied for assistance before filing proceedings). A further two clients were assisted to discontinue proceedings already commenced after the Service advised the clients that their prospects of success were limited.
- Assisting a client from the point of commencing proceedings to his trial. The client successfully recovered \$140,000 from his brother, being the client's share of an insurance payout for damage to a property that the siblings had jointly owned. The brother had refused to give the client his half share of the payout.
- Assisting an elderly indigenous person in a remote North Queensland community to oppose a forfeiture application that would have seen his motor vehicle confiscated. The Service assisted the client to draft his affidavit material setting out the considerable hardship that a forfeiture of his motor vehicle would have led to and the DPP discontinued their application.
- Assisting a client with de facto property proceedings with various interlocutory steps and to prepare for her trial in the Goondiwindi District Court. The client obtained a significant judgment in her favour.

The Service is grateful to each QPILCH member who accepted a referral request this year:

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

The Service actively recommends that clients consider mediation of their cases where appropriate.

- **Richard Lilley SC** and **Justin Carter** of Counsel, instructed by **Minter Ellison** represented an elderly client with depression to successfully appeal the striking out of the client's proceedings. The client was seeking to remain in the home he had lived in for twenty years under an agreement with his family, against his children's attempt to evict him.
- **Justin Carter** of Counsel gave an opinion to the Service about the options to resist the enforcement of a mortgage of the house of an elderly mentally ill client to secure payment of her daughter's legal bill. This opinion helped the Service to advise the client on her entitlement to apply for a cost assessment of the account (despite the time since the bills were given, and the making of a number of consent orders acknowledging the debt).

- **Hugh Scott-Mackenzie** of Counsel gave an opinion to the Service about an elderly client who had used her property to secure a guarantee of a bank loan to the client's daughter and son-in-law. With this opinion, we were able to advise the client about her options to bring proceedings to set aside the guarantees. The client made an approach to the Financial Ombudsman's Service, which resulted in the bank making a favourable offer to settle.
- **Butler McDermott Lawyers** and **Guy Sara** of Counsel accepted a referral to assist an elderly pensioner with severe vision impairment to consider his options to challenge a mortgage over the client's property that according to an expert handwriting analysis was the result of a forgery of the client's signature.
- **Richard Lilley SC** provided some basic advice to the Service about the insolvency issues in a criminal proceeds application.
- **Charles Cooper Solicitors** offered to assist a client defending District Court proceedings brought by an interstate company. The client had agreed to purchase training on how to use intuition in business but wanted to end the contract when the quality of the training became apparent. The company tried to enforce the contract.

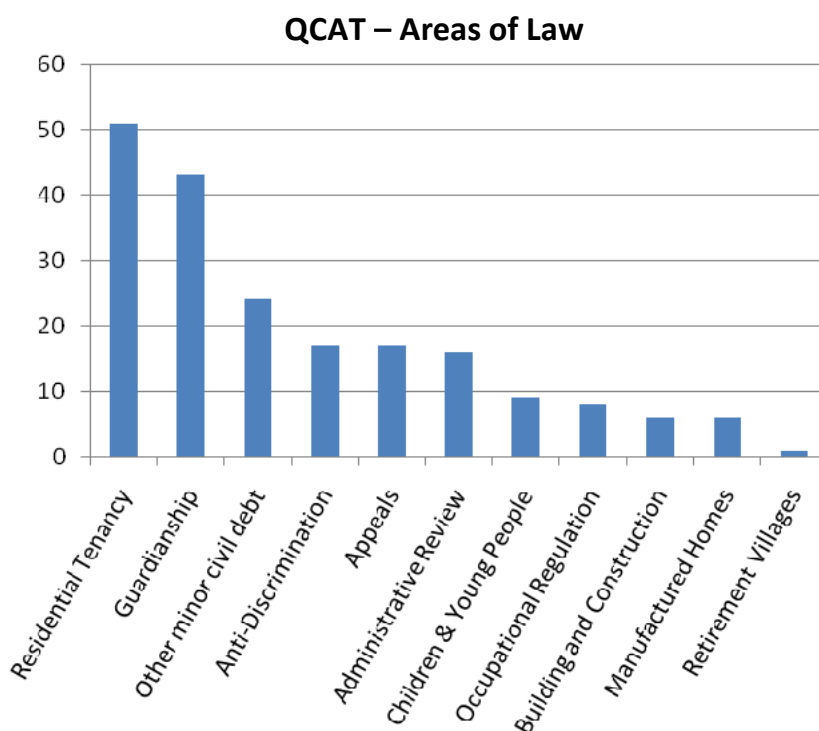


Throughout this year, the Service at the State Courts has actively recommended that clients consider mediation of their cases where appropriate. This year we conducted one mediation through our pro bono mediation panel and thank **Alicia Hill** of McInnes Wilson and **Natalia Wuth** for their attempt to mediate what was a particularly difficult defamation case.

Queensland Civil and Administrative Tribunal

In QCAT, the Service received 194 applications for assistance: 158 concerned existing or prospective proceedings in QCAT's original jurisdiction; 16 concerned existing or prospective proceedings in QCAT's review jurisdiction; and 20 concerned existing or prospective proceedings in QCAT's appeal jurisdiction. QPILCH staff and volunteer solicitors from participating firms provided 241 appointments of at least 1 hour in duration to clients of the Service.

The Service assists in areas within QCAT's jurisdiction that are more likely to raise a public interest concern: anti-discrimination, children and young people, guardianship and administration, information privacy, manufactured home, residential tenancy, retirement village and administrative review. People with disputes outside these areas were also provided with assistance if they were considered particularly vulnerable and would, as a result of this vulnerability, be likely to experience disadvantage during the course of their QCAT proceeding.



The successes achieved by the Service in QCAT this year include:

- Discouraging eight people from commencing proceedings and influencing a further five people to discontinue proceedings after providing advice about QCAT's jurisdiction and/or the person's prospects of securing their desired outcome.
- A victim of domestic violence successfully re-opened residential tenancy proceedings instituted against her and her ex-partner. An order had been made against the client and her ex-partner for \$6,784.44 in rent arrears; however, the client received no notice of the proceedings as she had left the property and was residing in a women's refuge. The Service assisted the client through a series of appointments to complete the necessary forms, draft a statement setting out her story, and prepare for the final hearing of the matter, which she attended by teleconference. Final orders were made relieving the client of all liability.

- A disabled pensioner successfully objected to an opposing party's leave for representation application and reached a settlement agreement with the opposing party at a compulsory conference in an anti-discrimination matter. In the reasons for the decision on the leave for representation application, Senior Member Endicott noted:
"[Mr S] has not sought to be legally represented in the proceedings but quite sensibly he has clearly obtained assistance from a legal adviser about his complaint and his contentions reveal the benefit of his obtaining that assistance."
- An elderly pensioner suffering from severe depression obtained a stay of a decision that terminated the pensioner's tenancy and provided for his removal from a property in which the pensioner asserted an equitable interest. The Service assisted the client to complete the necessary application form and convert his instructions into submissions in support of the application. The stay secured the pensioner with a roof over his head pending resolution of the property dispute in the District Court.
- A mother pursuing anti-discrimination complaints on behalf of her children was discouraged from pursuing an appeal of the Tribunal's decision to grant the opposing party leave to be legally represented. The Service had provided a number of appointments from the time her children's complaints were referred to the Tribunal. This meant that by the time the Service needed to advise the mother of the limited circumstances in which an appeal of an interlocutory decision would be successful, the Service had built up a rapport with the mother, who accepted that her energy would be best spent preparing for the substantive hearing of the complaints.

The Service is grateful to each QPILCH member who accepted a referral request this year. In QCAT QPILCH went on the record to instruct:

- **Brian Cronin** of Counsel who represented a 21-year-old man diagnosed with autism subjected to restrictive practices in a hearing during which the order approving continuation of the restrictive practices (seclusion and containment as well as chemical restraint) was reviewed.
- **Paula Morreau** of Counsel who represented a young Burmese woman suffering from post traumatic stress disorder to successfully review the appointment of the Public Trustee as the woman's administrator. In the process leading up to the proceedings, the Service successfully negotiated with the Public Trustee for repayment of all administrative and legal fees charged by the Public Trustee against the woman's account.

Federal Magistrates Court and Federal Court of Australia

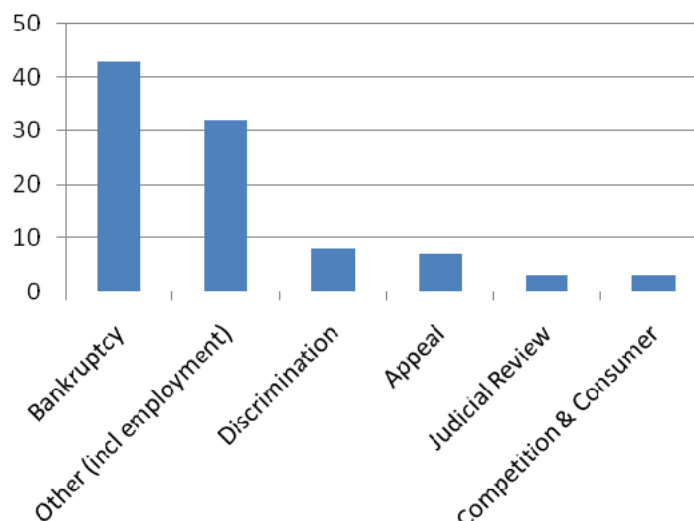
This financial year, the Service at the Federal Courts operated as a pilot on a 2-day per week basis. In that time, the Service received 99 applications for assistance: 85 concerned existing or prospective proceedings in the Federal Magistrates Court and 14 concerned existing or prospective proceedings in the Federal Court. QPILCH staff and volunteer solicitors from participating firms provided 138 appointments of at least 1 hour in duration.

During the pilot, the Service limited assistance within the federal jurisdiction to matters that are more likely to raise a public interest concern, including anti-discrimination, bankruptcy, information privacy, consumer disputes, and judicial review matters. The Service also assists existing or prospective parties in the court's appeal jurisdiction.

While not one of the areas initially included in the scope of the Service in the federal jurisdiction, it quickly became apparent that there was a high demand for advice in employment matters commenced under the *Fair Work Act 2009*. As part of this, the Service coordinated conciliations for a number of small claims under the *Fair Work Act 2009* and created a panel of mediators willing to assist in this regard. The mediators on that panel conducted 19 pro bono conciliations this financial year, seven of which were settled during the process without the need for a formal court hearing.



Federal Courts – Areas of Law



The successes achieved by the Service in the Federal Magistrates Court and Federal Court include:

- Successfully diverted 15 people from commencing court proceedings (out of 24 who applied for assistance before filing proceedings). A further four clients were assisted to discontinue actions that had already been commenced but that the Service advised had limited prospects of success.
- Successfully assisted a client to oppose a creditor's petition filed against her in the Federal Magistrates Court on the basis that she had the funds to pay the debt from her own resources.
- Assisted a client to obtain a positive outcome in a disability discrimination claim he had brought in the Federal Magistrates Court. The client is a vision-impaired man who had been refused accommodation at a hotel because he had to be accompanied by his guide dog. The service assisted the client throughout his proceeding, from drafting his initial pleadings to preparing his affidavit evidence and preparing for mediation. The matter was settled at mediation and the client received a significant amount of compensation.
- Assisted a client to negotiate a settlement agreement with a creditor who had filed a creditor's petition in the Federal Magistrates Court. Volunteers from **Henry Davis York** went above and beyond in their work on this file and secured an outcome that would otherwise have been out of reach for the client, who had no defence to the petition and had made several previous offers to enter into a payment plan that had been rejected by the creditor.

The Service is grateful to each QPILCH member who accepted a referral request this year:

- **Caleb Spicer** of Counsel provided an opinion to a client considering commencing proceedings in the Federal Magistrates Court against a former employer.
- **Freehills** assisted a client alleging sexual harassment and unlawful dismissal against a former employer to progress her matter to a point where she was ready for trial.
- **Dr Cate Banks, Farley Tolpen, Keyon Bayani, Stephen Lee** and **George Kalimnios** of Counsel collectively conducted 19 conciliations in the Fair Work small claims jurisdiction of the Federal Magistrates Court.

Projects, law reform and legal policy

This year the Service has focused its energies on publishing:

- Fact sheets on various elements of court and tribunal processes on the QPILCH website for independent use by the public or to complement advice provided by solicitors during appointments;
- Articles for Queensland Law Society publication, Proctor and Queensland Bar Association publication, Hearsay; and
- An article on the operation of the Service in QCAT in the Journal of Judicial Administration (Volume 21 at pages 246 – 255).

The Service has also invested in evaluating the effectiveness of the work performed. Thanks to a grant from the Australian Institute of Judicial Administration, an evaluation of the Service at the State Courts is underway.

Training

The Service is keen to ensure that it provides its staff and volunteer solicitors with training and professional development to support their work. The training program is made possible by the generous support of participating firms that host breakfast or lunchtime training sessions and presenters who give up their time to prepare and present materials. In 2011-12, the following training sessions were conducted:

- *Ethics in assisting self represented parties* hosted by **Norton Rose Australia**, presented by **Brian Bartley of Bartley Cohen Litigation Lawyers** and then Chair of the QLS Ethics Committee;
- *Induction and refresher session for volunteers* hosted by **Minter Ellison** and presented by QPILCH solicitors Andrea de Smidt and Iain McCowie;
- *Alternative Dispute Resolution Options* hosted by **Corrs Chambers Westgarth**, chaired by **Marg O'Donnell** and presented by **Dr Cate Banks, Toby Boys** and Senior QCAT Member **Trish Hanly**;
- *Induction and refresher session for volunteers* hosted by **Clayton Utz** and presented by QPILCH solicitors Andrea de Smidt, Iain McCowie and Elizabeth Pendlebury;
- *Assisting clients with drafting tasks* hosted by **Allens** and presented by **Gary Coveney** and **Michael deWaard** of Counsel and QCAT Member **Peta Stilgoe**; and
- *Guardianship and administration matters* hosted by **MurphySchmidt** and presented by Senior QCAT Member **Trish Hanly**.

Acknowledgments

We thank the Chief Justice, **The Honourable Paul de Jersey AC**, President of the Court of Appeal, **The Honourable Margaret McMurdo AC**, **The Honourable Justice Margaret White**, QCAT President, **The Honourable Justice Alan Wilson**, Her Honour Chief Judge **Patsy Wolfe**, QCAT Deputy President **Her Honour Judge Fleur Kingham**, and QCAT Member **Patricia Hanly** for their support of the Service.

We thank members of the **Reference Group**, John Bond SC (Chair), Magistrate Bronwyn Springer, Professor Jeff Giddings, Joanne Rennick, and former members, Joan Lawrence and Greg Mackay, for their dedication to guiding the development of the Service, which has facilitated the Service's operational success. 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.

Finally, we thank the practitioners who voluntarily contributed their time to support clients of the Service this year. The estimated value of assistance provided in 2011-12 was \$820,000, demonstrating an overwhelming support from within the profession to the Service's cause.

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

Elizabeth Pendlebury – fed@qpilch.org.au

Firms that support the Self Representation Service

Allens	Dibbs Barker	Minter Ellison
Ashurst	DLA Piper	MurphySchmidt
Bartley Cohen	Henry Davis York	Norton Rose
Clayton Utz	Hynes Lawyers	Shine Lawyers
Cooper Grace Ward	King & Wood Mallesons	TressCox Lawyers
Corrs Chambers Westgarth	Macrossans Lawyers	
deGroots	McCullough Robertson	





Mental Health Law

Mental Health Law Practice

Mental health legal services are a significant area of need within our community. Often people with mental illness face a complex array of legal, social and economic issues. Addressing legal needs can be an important contribution to a person's recovery.

Building on our Mental Health Law Clinic, which provides direct client service to people with mental health issues, in 2012 QPILCH expanded its mental health legal services. This expansion has only been possible because of the generous donation from the **English Family Foundation** commencing in 2012. In 2012-2013, it will be a priority to secure long-term funding for these services.

The Mental Health Law Practice will now comprise:

Civil law clinics

QPILCH has collaborated with DLA Piper Lawyers and QAI to provide a civil law clinic for people with mental illness at Open Minds. This year, volunteer lawyers provided advice and assistance to 36 clients at fortnightly clinic sessions.

In 2012/13 QPILCH will expand our civil law clinics by establishing at least one new clinic.

The Mental Health Volunteer Advocacy Scheme

Under this scheme, QPILCH will train volunteer law students and social work students to provide advocacy and support for people on Involuntary Treatment Orders at their Mental Health Review Tribunal hearings. The scheme will be trialed initially at the PA Hospital from August 2012. This scheme is based on a long-running and successful volunteer advocacy scheme in Tasmania.

Direct client advice and mental health law research

QPILCH will continue to provide direct advice in partnership with the TC Beirne School of Law for people with mental illness through the Mental Health Law Clinic.

*The expansion of the
Mental Health Law
Practice has only been
possible with a generous
donation from the
English Family
Foundation.*

Ann Herriot – studentprograms@qpilch.org.au

PROJECTS AND SUPPORT

Land Use Governance Project

The Land Use Governance Project was a research project aiming to identify and develop a new model for land use decision making and the legal framework that will underpin it. The project used coal seam gas as a case study. QPILCH has received many planning and environment applications over the years and often has difficulty in finding pro bono assistance for them. Catherine Hartley coordinated the project between October 2011 and March 2012. The project was funded with a grant from the Gambling Community Benefit Fund.

The research investigated structures and mechanisms to improve stakeholder participation and consultation. It also looked at how to incorporate scientific information into the decision making process in a manner that is understood and supported by politicians, other decision makers and the community as a whole.

A draft discussion paper incorporating the results from this research has been prepared to obtain broad views on improved stakeholder participation and the inclusion of scientific information that could be applied in Australia. The discussion paper will be finalised in the 2012-2013 financial year. As funding for the project finished in March 2012, work on the paper only continues as time permits.

Students and volunteers

Funded by Griffith University, Alexandra Wolhuter was employed as a casual research assistant to assist with the research. Volunteer students from the University of Queensland's Pro Bono Centre also contributed to research for the project and provided invaluable assistance. We thank Lisa Fairley, Ying Tay, Jessica Thrower, Rachel Gallagher, Sarah Brown, Paula Hughes and Stephen Grace for their assistance.

...to incorporate scientific information ... to achieve better, less costly and more sustainable land use decisions.

Submissions

In line with investigating new frameworks for decision making in land use, QPILCH made a submission to the Expert Panel on the Constitutional Recognition of Local Government with assistance from member firm **McCullough Robertson**. QPILCH also drafted a submission to the former Department of Environment and Resource Management on the proposed revision of the Coal Seam Gas Water Management Policy. Both submissions are available on the QPILCH website.

Environmental Law Roundtable

The project is overseen by the Environmental Law Roundtable (ELR). Formed in 2009, the ELR is a group of experienced legal practitioners who are conscious of the need for better land use planning and new ways to resolve land use pressures and conflicts. The ELR has developed a research agenda for promoting law and regulatory reform, build community capacity and develop partnerships to shape a sustainable future. The members are Stephen Keim SC, Convenor, Australian Wild Law Alliance, Griffith University; Professor Poh-Ling Tan, Griffith University Law School; Jo-Anne Bragg, Principal Solicitor, Environmental Defenders Office (Qld); Cara Thomson, Legal Counsel, Queensland Bulk Water Supply Authority, SEQ Water; Tim Laird, Lawyer, Department of Transport and Main Roads; Robert Speed, Environmental Law Consultant; and Tony Woodyatt, QPILCH Director.

Catherine Hartley – qlsbar@qpilch.org.au



Queensland Public Interest Law Clearing House Incorporated

Student Clinics

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.

In 2011-12, QPILCH operated six student legal clinics in conjunction with our university partners and is the largest provider of clinical legal education in Queensland. Details of each clinic are set out in this section, along with information about intern and PLT programs.

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
IP and Technology Law Clinic	Queensland University of Technology	2
Administrative Law Clinic	Bond University	1, 2 & 3

Social Justice Lawyering Clinic

June 2012, six law students assisted in the assessment of public interest applications for legal assistance, conducted legal research and presented seminars on public interest issues. Students also undertook two research projects, one on elder financial abuse and a second on a review of our applications on employment law issues.

We are thankful to the many guest speakers who shared their time and experience with students: **Justice Roslyn Atkinson**, **Anthony Reilly** CEO Legal Aid Queensland, **Russell Thirgood**, Partner at **McCullough Robertson**, staff at **Caxton Community Legal Centre** and **Ms Zoe Rathus AM** from Griffith University.

We express our appreciation to **Ms Zoe Rathus AM**, **Professor Jeff Giddings** and **Griffith University** for the enduring support of this clinic.

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 each clinic six Bond University law students attend QPILCH offices one day per week and work on a range of administrative law matters including judicial review, freedom of information, guardianship, licensing issues and migration matters. Students interview clients, draft correspondence and documents, conduct legal research and provide advice under the

The QPILCH Social Justice Lawyering (formerly Public Interest Lawyering) Clinic operates in the first semester of each academic year. From February –

SJLC Sem 1, 2012

Diana Bora
Elizabeth Bowden
Diana Bora
Shaaaira Ibrahim
Cecile Masingue
Gavin Reece

ALC Sem 3, 2011

Laura Hall
Ernie Hu
Sarah Kafrouni
Kim Martyn
Samuel Nowland
Mitchell O'Connel

ALC Sem 2, 2012

Nurul Anuar
Teora Bombek
Mark Butler
Robert Flynn
Jennifer Maffey
Michael Milgrom

supervision of the clinic supervisor. The clinic was supervised by Ann Herriot in the early part of the year and is currently supervised by Jackson Walkden-Brown.

In 2011-2012, the clinic opened more than 30 new files. Students also undertake project work to support other QPILCH services and improve resources including preparing fact sheets and updating precedents.

We are thankful to all practitioners who give their time so generously. This year students were fortunate to meet with **Nitra Kidson** 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, **Matilda Alexander** from the Prisoners' Legal Service, and Senior Member **Bernie McCabe** of the AAT.

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

Mental Health Law Clinic

Through the MHLC, students provide advice and assistance to clients, draft correspondence and documents, conduct seminars on mental health and undertake research on mental health law issues. The clinic also provides direct advice through outreach at the Princess Alexandra Hospital.

Casework

During the 2011-12 year the MHLC opened 41 new files. The clinic also continued work on a number of existing files.

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

- Advice and assistance to clients in gaining access to their medical records;
- Advice to a client about bringing an action for negligence and false imprisonment;
- Assistance to clients about applying for a review of their Involuntary Treatment Orders;
- Advice to clients on contractual issues;
- Assistance to clients wanting to adjust their treatment plans;
- Assistance to clients in negotiating with the Public Trust Office; and
- Advice to clients in debt crisis after a mental health episode.

Students also helped to prepare clinic documents and resources, and updated factsheets on involuntary treatment orders, justice examination orders, emergency examination orders and involuntary assessment. These are available on the QPILCH website.

We were fortunate to have a number of guest speakers who shared their expertise with students. We would like to thank **Rebecca Leong** and **Julie Hearndon** from Queensland Advocacy Inc, **Helen**

ALC Sem 1, 2012

India Bevacua
Joshua Francis
Rachel Lucas
Caitlin Murdock
Georgina Nielsen
Aaron Williamson

MHLC Sem 2, 2011

Stephanie Banham
Kate Elliott
Amy Laing
Laura-Rose Lynch
Corin Morcom
Kate Stacey

MHLC Sem 1, 2012

Xing Lee
Michael Neumeier
Alex O'Connell
James Schlunke
Dan Tang
Yer Thao



Webster, psychiatric nurse, **Barry Thomas**, President of the Mental Health Review Tribunal and **Marianne Wyder**, Researcher, School of Human Services, University of Queensland.

Ann Herriot – studentprograms@qpilch.org.au

Public Interest Research Clinic

The Public Interest Research Clinic, a joint project with the University of Queensland's **TC Beirne School of Law**, continued work on law reform, policy and socio-legal research projects.

In Semester 2 of 2011, students worked on two projects: one group worked on a project investigating the impact of the *Victims of Crime Assistance Act 2009* on the recovery of old criminal compensation debts and the other prepared and delivered a video presentation on social justice for high school students.

In Semester 1 of 2012, students also worked on two projects: one group worked on a research paper on the funding arrangements for Mental Health Review Tribunal representation in Australia and related issues, and the second group researched the implications of the income management policy in Logan.

We are grateful to **Professor Richard Johnstone** from Griffith University, **Gretchen Young** from Young Futures, **Sue Horton**, Executive Director Queensland Health Performance Improvement and Policy Services, Associate Professor **Andrew Caple** from University of Queensland, **Nicola Doumany**, Director Victims Assist for generously giving their time to speak with the students.

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

Homeless Person's Legal Clinic

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 2011-12: **MurphySchmidt, Ashurst, McInnes Wilson, McCullough Robertson, Holding Redlich, King & Wood Mallesons, Minter Ellison, Dibbs Barker and Freehills.**

In semester 2 of 2011, students worked with residents of Roma House to produce the art and text for eight posters on legal issues. The posters were delivered to HPLC host agencies in a celebration at Roma House on November 29, 2011. Students also interviewed eight residents of Roma House to gain a clearer understanding of the impact of trauma in the

The Homeless Persons' Legal Clinic (**HPLC**) operates a student clinic in collaboration with the University of Queensland's **TC Beirne School of Law**. Students

"This opportunity to work at the HPLC has been an enriching and inspiring experience, and one that I will carry with me throughout my future career. This subject has been the most practical, exciting subject I have undertaken to date; it was run with tremendous enthusiasm and efficiency and I have felt privileged to have been given the opportunity to participate in it"

PIRC Sem 2, 2011

Grace Devereaux
Laura Francey
Ellie Livsey
Sarah Nicol
Alex Seton
Michael Weatherley

PIRC Sem 1, 2012

Charlotte Anderson-James
Simon Chen
Louise Lu
Sharin Matter
Alisa Poh

HPLC Sem 1, 2012

Helen Hawksworth
Laura Mandeville
Anthony Mourginos
Michael Poulsen
Clare Slattery
Gabrielle Ward

HPLC Sem 2, 2011

Paris Astill-Torchia

Holly Baxter

Venetia Brown

Caroline Ee

Sian McGee

Ying Ying Tay

stories of homeless people and to better appreciate how policy and service delivery magnifies or addresses that trauma.

The stories were published and presented to the participants by Magistrate Christine Roney of the Special Circumstances Court on April 18, 2012. The stories can be accessed on the QPILCH website.

In semester 1 of 2012, students scoped the nexus between homelessness and

the child protection system, inviting a series of speakers in this sector to contribute their perspectives. Our thanks to **Tamara Walsh** (UQ), **Nigel Miller** (LAQ), **Andrea de Smidt** (QPILCH), **Lucas Moore** (create), **Carol Birrell** (Anglican Women's Hostel), **William Hayward** (ATSILS), **Gayle Carr** (Family Inclusion Network) (with two clients of that network), **Terry Stedman** (SWBCLC), and **Jorja Webber** (Logan Youth and Family Service).

Drawing on a range of research, we know that:

- 40% of those who are chronically homeless grew up in the child protection system.
- 72% of those experiencing chronic homelessness have had their children placed in child protection.
- 34% of children exiting the child protection system experience homelessness within 12 months.

"A common thread which runs through all of the stories shared with us by [Roma House] residents is the gradual decline into homelessness, characterised by accumulating failures of legal and other services to address criminal, health, financial and accommodation issues."

The far-reaching social consequences of the law in areas such as police powers, housing/tenancy, debt and mental health is something I feel I could not have completely comprehended without the dialogue we have been able to have with people directly experiencing them."

The goal of this clinic was to develop ways to address this alarming systemic failure, and actioning these ideas will be the focus of the clinic in Semester 2 2012.

Sue Garlick – hplcpolicy@qpilch.org.au

Intellectual Property & Technology Law

The Intellectual Property and Technology Law Clinic (IPTLC) has been a joint initiative between QPILCH and the Queensland University of Technology, which aimed to facilitate free legal advice and legal services to members of the arts and technology communities who could not afford to consult a lawyer. The areas of law covered by the IPTLC include copyright, contract (eg recording and publishing contracts), trademarks, designs, patents, laws governing digital distribution and online business models, technology law and confidentiality.

The Intellectual Property and Technology Law Clinic (IPTLC)

has been a joint

IPTLC Sem 2, 2011

Jasmine Cox

Skye Reeve

Richard Suthers

Emma Taylor

Megan Tucker

Kira Vardanega

The IPTLC had three components:

- An advice service held once monthly at QUT offices in which clients could make 45 minute appointments with a volunteer lawyer;
- A pro bono referral service to a panel of law firms for deserving cases that required greater attention than could be provided through the advice service; and
- A student elective offered to QUT law students, held on Tuesdays in Semester 2.



Queensland Public Interest Law Clearing House Incorporated

The IPTLC conducted the student elective for the second time in Semester 2 of 2011. Professor Brian Fitzgerald and Cheryl Foong supervised six law students, who worked to support the IPTLC in providing the advice service and the pro bono referral service. Tasks carried out by students included research on IP/Technology legal issues, recording the advice given at the advice service, assessing applications for assistance through the pro bono referral service, drafting correspondence and making phone calls as necessary. In addition to clinical work, each student was required to present a seminar on a specific IP/Technology law issue. They were also required to submit a research paper at the end of the semester as part of their assessment.

We would like to thank our guest speakers, Professor **Anne Fitzgerald** (QUT), **Kellie Lloyd** (QMusic), **Julie Woodward** (YAQ), **Alex Adsett** (QWC), **Marcus Bree** (Bree Industries), **Harold Littler** (Mackays Solicitors), **Linda Dreghorn** (Arts Queensland), **Andrew Cameron** (Sony Australia), **Neale Hooper** (Crown Law), **Ben McEniery** (Queensland Bar), **Joshua Henderson** (Thomsons), **Nic Suzor** (QUT), **Dave Harrison** (AusGamers), **Hannah Suarez** (Brisbane Festival), **Simon Groth** (if:book), **Stephanie Surm** (DLA Piper), **Jim Eliades** (Queensland Bar) and **Terry Hutchinson** (Queensland Law Reform Commission) for bringing their own unique perspectives and first-hand accounts about working in this area. We are very grateful to our guest speakers for generously sharing their time and invaluable insight. We would also like to thank **QUT Dean of Law, Professor Michael Lavarch, DVC Scott Sheppard** and QUT's Engagement Committee, Alumni and Development Office, and **Kylie Pappalardo** for strongly supporting the IPTLC. We acknowledge the lawyers who have generously volunteered their time to provide much-needed advice and the firms for accepting our referrals.

Through the IPTLC, the students learned valuable practical skills in assisting others through community legal service, at the same time gaining legal research experience, particularly in the area of Intellectual Property and Technology law.

24 clients received legal advice from volunteer lawyers at the IPTLC's monthly advice sessions. We have processed six pro bono referral applications, three of which were referred to firms.

Examples of this work include:

- A client planned to use existing copyright material to create a new educational product. They sought advice on how to obtain the relevant permissions and about what sort of commercial arrangements were common in this area. They were advised by a lawyer from **McCullough Robertson** and a barrister from the Queensland Bar.
- A client had created an album, through collaboration with people from around the world. They sought advice on the types of arrangements and contracts they would need with the various parties involved in the project. A lawyer from LegalIT advised on the necessary legal arrangements.
- A client had started a new online sales business. They wished to register a trademark, which was somewhat similar to someone else's existing trademark and sought advice on the matter. They were advised by a lawyer from **DLA Piper**.

Secondments

Since March 2008, **Corrs Chambers Westgarth** has provided a significant contribution to QPILCH by seconding a law graduate to QPILCH, generally for 6-month rotations. Matthew Hodgson-van Daal started his secondment in May 2011, and is staying through to September 2012. Matthew assisted the Referral Service as well as recruiting and training student volunteers. Having the secondee also provides some extra capacity in matters where needed, for example:

- Working with particularly vulnerable applicants where more work is required to ascertain the facts of their matter, including several telephone interviews to build rapport with the client and the necessary legal research to understand the issues; and
- Drafting appeal submissions for a client of the Administrative Law Clinic who was appealing the decision of a university disciplinary board, where the outcome would have a grave impact on the client and required greater assistance in the timeframe.

Allens seconded lawyer Laura Nagy to QPILCH from 8 May to 6 June 2012 to replace Karen Dyhrberg while she was on leave. The depth of experience Laura brought to managing the Public Interest Referral Service and supervising students was invaluable.

Clayton Utz seconded lawyer Jamieson Doyle-Taylor for four weeks in June to replace Andrea de Smidt as QCAT Self Representation Service coordinator while Andrea was Acting Director.

The **Australian Government Solicitor** seconded Nicole Franklin to assist the Referral Service one day per week from March to July 2012. The AGS has also seconded staff to the PILCHs in Adelaide, Melbourne and Sydney and makes a significant commitment under the guidance of Bronwyn Neroni.

Volunteers

We thank the dedicated student volunteers who freely gave their time to assist QPILCH:

Ryan Ainscough	Shingo Fujisaki	Stephanie Lagerstedt	Munpreet Singh
Venecia Bachee	Thomas Galloway	Eric Lee	Stephanie Smith
Byron Bailey	Edith Graveson	Iain Macdonald	Anna Stewart
Brenna Booth-Mowat	Natasha Grewal	Kristie Megg	Ben Strick
Alexandra Bose	Scott Gruar	Ashlee Miller	Helina Tewodros
Nina Brewer	Suvinee Gunasena	Cathryn Moore	Bianca Tracy
Aaron Brooks	John-Matthew	Verina Morwood	Megan Tucker
Siobhan Clair	Haddad	Emily Murphy	Alexandria Utting
Rachel Cook	Alan Hewson	Sarah Newman	Kathy Vukim
Naomi Delaney	Matthew Jeffrey	Catherine Olyslager	Renee Wallerstein
Kate Dodgson	Tracey Kariwo	Katelyn Rennick	Alexandra Wolhuter
Michael Esteban	Caroline Karlsson	Jasmine Ross	Phebe Wong
Russell Faulkner	William Keating	Jacqueline Scanlan	Yuan Wu
Larisa Filipovic	Austin Kneller	Keeghan Silcock	Sarah Yeung

Other placements and interns

- **Ava Balsara, Margaret Freyne, Natasha Harth, Austin Kneller, Sheila Mushosho, Ronald Moss, Dr Jenny Ng, Rebekah O'Sullivan, Lester Fan, Adela Vidovic and Alexandra Wolhuter** did their Professional Legal Training placement at QPILCH.
- **Thomas Moreno-Moore**, a law graduate from Belgium, joined us for an internship facilitated by the EF International Language Centre.
- **Pavithra Prasad** and **Kamala Manickam** assisted us with administration through a placement from the Multicultural Development Association. We are very grateful for their assistance.
- We also thank **Reimen Hii** who helped significantly through the year.



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

**Special Purpose Financial
Report for the year ended
30 June 2012**

**QUEENSLAND PUBLIC INTEREST LAW CLEARING
HOUSE INC.
FOR THE YEAR ENDED 30 JUNE 2012
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 2012.

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

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
Professor Brian Fitzgerald (Associate Member representative) retired February 2012	Queensland University of Technology Faculty of Law
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) appointed February 2012	Assistant Dean, Learning & Teaching Queensland University of Technology Faculty of law
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.

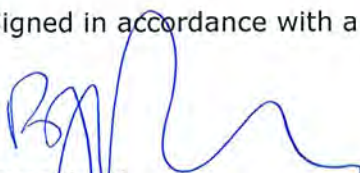
Significant Changes

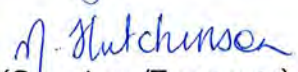
No significant change in the nature of these activities occurred during the year.

Operating Result

The deficit after providing for income tax amounted to \$128,756 (2011: Surplus \$160,970).

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


(President)
Mr Robert Reed


(Secretary/Treasurer)
Ms Michelle Hutchinson

Brisbane, 19 October 2012

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

Income Statement

For the year ended 30 June 2012

	Note	2012	2011
		\$	\$
Revenue			
Membership		82,700	72,450
Grants	6	1,013,235	1,181,530
Interest		12,259	9,101
Donations and Fundraising		19,259	47,568
Sundry Income		101,207	54,556
Total revenue		1,228,660	1,365,205
Expenses			
Staff Costs		1,099,595	950,237
Rent Expense		65,052	63,952
Depreciation		23,790	13,488
Event Expenses		18,149	28,782
Administration Expenses		150,830	147,776
Total expenses		1,357,416	1,204,235
Surplus/(deficit) before income tax		(128,756)	160,970
Income tax expense		-	-
Surplus/(deficit) before income tax		(128,756)	160,970
Members Funds			
Members funds beginning of year		396,677	235,707
Surplus/(deficit) for the year		(128,756)	160,970
Members funds end of year		267,921	396,677

The accompanying notes form part of these financial statements.

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

Balance Sheet

As at 30 June 2012

	Note	2012	2011
		\$	\$
Current Assets			
Cash	2	497,852	437,559
Receivables	3	12,250	18,840
Prepaid expenses		1,865	4,505
Total Current Assets		511,967	460,904
Non-Current Assets			
Furniture & equipment	4	61,130	79,654
Total Non-Current Assets		61,130	79,654
Total Assets		573,097	540,558
Current Liabilities			
Creditors & accruals	5	55,755	45,840
Provision for Employee Entitlements	8	82,945	67,831
Unexpended Grants		166,476	30,210
Total Current Liabilities		305,176	143,881
Total Liabilities		305,176	143,881
Net Assets		267,921	396,677
Equity			
Members' Funds		267,921	396,677
Total Equity		267,921	396,677

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 2012

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

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

c. Income Tax

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

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

Notes to the Financial Statements

For the year ended 30 June 2012

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 2012

	2012	2011
	\$	\$
2. Cash		
Cash float	187	266
Cash at bank	497,665	437,293
	<u>497,852</u>	<u>437,559</u>
3. Receivables		
Security Deposit	1,450	1,450
Debtors	10,800	17,390
	<u>12,250</u>	<u>18,840</u>
4. Furniture & Equipment		
Office furniture, at cost	72,341	71,227
Less: accumulated depreciation	(27,941)	(16,399)
	<u>44,400</u>	<u>54,828</u>
Computers, at cost	40,474	36,575
Less: accumulated depreciation	(24,481)	(12,803)
	<u>15,993</u>	<u>23,772</u>
Motor Vehicle	2,727	2,727
Less: accumulated depreciation	(1,990)	(1,673)
	<u>737</u>	<u>1,054</u>
	<u>61,130</u>	<u>79,654</u>
5. Creditors and Accruals		
Sundry creditors	1,607	35
GST & Payg Withholding	21,683	17,258
Superannuation	24,199	22,677
Visa Credit Card	1,270	454
Accrued Expenses	6,996	5,416
	<u>55,755</u>	<u>45,840</u>

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

Notes to the Financial Statements

For the year ended 30 June 2012

6. Grant Income

Department of Communities (refer Note 10)	197,400	209,400
Department of Justice & Attorney-General	269,872	262,777
Legal Aid Queensland(refer Note 9)	470,049	493,083
Other	75,914	216,270
	<u>1,013,235</u>	<u>1,181,530</u>

**7. Operating Lease
Commitments**

Being for rent of office
Payable – minimum lease
payments

- Not greater than 12 months	67,105	64,836
- Between 12 months & 5 years	44,736	111,841
- Greater than 5 years	-	-
	<u>111,841</u>	<u>176,677</u>

8. Provisions

Annual Leave	61,214	50,426
Long Service Leave	21,731	17,405
	<u>82,945</u>	<u>67,831</u>

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

Notes to the Financial Statements

For the year ended 30 June 2012

	2012	2011
	\$	\$
9. Use of Funds – Legal Aid Queensland		
Note		
Income Statement		
For the year ended 30 June		
Revenue		
LPITAF recurrent grants	153,929	195,946
CLSP	244,928	227,137
Other grants	71,192	70,000
6	<u>470,049</u>	<u>493,083</u>
Sundry CORE Funds		
– cash collected	47,259	81,551
– membership fees reversed	6,350	8,600
	<u>53,609</u>	<u>90,151</u>
Total LAQ revenue included in Income Statement	<u>523,658</u>	<u>583,234</u>
Expenses		
Property expenses	33,826	32,419
Depreciation	2,300	2,450
Staff costs	425,032	452,659
Administration expenses	60,016	67,059
Membership fees reversed	6,350	8600
Total expenses included in income statement	<u>527,524</u>	<u>563,187</u>
Surplus/(deficit) from ordinary activities	(3,866)	20,047
Less: assets purchased	<u>(3,701)</u>	<u>(5,636)</u>
Surplus/ (deficit) per Legal Aid Queensland report	<u>(7,567)</u>	<u>14,411</u>
Balance Sheet at 30 June		
Assets - Current		
Cash	23,151	30,718
Total Assets	<u>23,151</u>	<u>30,718</u>
Equity		
Accumulated surplus	23,151	30,718
Total Equity	<u>23,151</u>	<u>30,718</u>

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

Notes to the Financial Statements

For the year ended 30 June 2012

		2012 \$	2011 \$
10. Use of Funds - Department of Communities			
	Note		
Income Statement			
For the year ended 30 June			
Revenue			
Grant revenue	6	197,400	209,400
Other revenue		8,655	6,000
Total revenue		<u>206,055</u>	<u>215,400</u>
Expenses			
Operating costs		66,138	40,254
Organisational costs		-	823
Salaries and wages		175,999	15,8914
		<u>242,137</u>	<u>19,9991</u>
Surplus/(deficit)		<u>(36,082)</u>	<u>15,409</u>
Less: assets purchased		-	(1818)
Surplus/(deficit) per Department of Communities report		<u>(36,082)</u>	<u>13,591</u>
Balance Sheet at 30 June			
Assets - Current			
Cash		7,519	13,591
Computers		1,818	1,818
Total Assets		<u>9,337</u>	<u>15,409</u>
Liabilities - Current			
Unexpended grants		15,914	-
Total Liabilities		<u>15,914</u>	<u>-</u>
Net Assets/(Liabilities)		<u>(6,577)</u>	<u>15,409</u>
Equity			
Accumulated surplus/(deficit)		<u>(6,577)</u>	<u>15,409</u>
Total equity		<u>(6,577)</u>	<u>15,409</u>

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

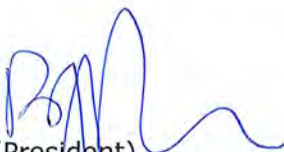
Management Committee Statement

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 2012 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, 19 October 2012

**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 2012 for the year then ended, the income statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

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. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. 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 2012 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, 19 October 2012



We thank the following for their financial support in 2011-2012:



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