

Queensland Public Interest Law Clearing House Incorporated

2004 - 2005 Annual Report

Law Firms

Allens Arthur Robinson
Ash Solicitors
Bain Gasteen
Blake Dawson Waldron
Brian Bartley and Associates
Clayton Utz
Corrs Chambers Westgarth
Deacons
Donnelly and Associates Lawyers (Gold Coast)
Freehills
Hunt & Hunt
Macrossans Lawyers
Mallesons Stephen Jaques
McCullough Robertson Lawyers
McInnes Wilson
McPhee Lawyers
Miller Harris (Cairns)
Minter Ellison
MurphySchmidt
Nathan Lawyers
Phillips Fox
Piper Alderman
Quinn & Scattini
Shine Roche McGowan
Smith & Stanton Lawyers
TressCox Lawyers

Walkers Solicitors (Toowoomba)

Barristers

Nicholas Andreatidis
Franc Asis
Ken Barlow
John Bond SC
Jacoba Brasch
Vincent Brennan
Judy Brien
Sue Brown
Gary Coveney
Christopher Crawford
Quentin Cregan
Jean Dalton SC
Tracy Fantin (Cairns)
Joshua Hanna
Patrick Hay
George Kalimnios
Stephen Keim SC
Liam Kelly
Carla Klease
Peter Lyons QC
Ross Mack
Nicole Martin
Damien O'Brien
Daniel O'Gorman
Darryl Rangiah

Hugh Scott-Mackenzie
David Thomae
Karen Williams
Michael Wilson

Specified Members

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

Associate Members

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

Government Legal Unit Members

Australian Competition and Consumer Commission

Corporate Legal Unit Members

Energex Limited

PRESIDENT'S REPORT

This is my first president's report, having taken over as president from Andrew Buchanan at the last AGM in November 2004. Even though I had been a foundation member of the QPILCH board, having resigned after changing firms in 2003, I was impressed to say the least when I was invited back as president to see the great strides made by QPILCH in the 18 months I was off the board.

It is a remarkable achievement that we now provide direct services to the most disadvantaged members of our community, have three student clinics, have expanded our membership to include members from all sectors of the legal profession and other professionals, and our referral work has increased every year. This is due to the overwhelming support and commitment of everyone involved.

The extent of support QPILCH receives from members to assist it in advancing the public interest and carrying out its activities, from casework referral to research and advice and commentary on its publications, underscores one of QPILCH's strengths. QPILCH is an opportunity for all members of the legal profession and other professionals to make a difference in their community through a structured pro bono scheme.

While we do not expect the media to record the profession's pro bono contribution to the community (it is unlikely that the mainstream media will publish good news stories about the legal profession), QPILCH itself can put on record in publications such as this the generous and significant contribution of its members – small and large firms, barristers, an accountancy firm and others - who work to assist those members of the community in need.

Despite the positive achievements, there have been some moments of concern over the last year. QPILCH will never receive enough funds from membership fees to operate even its basic core services. We must inevitably access other funding sources and have been successful in obtaining grants from the Minister for Communities for 12 months for the Homeless Persons' Legal Clinic and from the Attorney-General under the Legal Practitioner Interest on Trust Accounts Fund (LPITAF). This latter grant has enabled QPILCH to keep operating to 30 June 2005. In the past we had received funds from the Grants Fund, the predecessor of LPITAF. But QPILCH must continue to explore all opportunities for funding and so this year we will be embarking on some major fundraising projects, particularly exploring corporate sponsorship for our key projects. I invite members to contribute to these initiatives.

There are some contributions and activities that I want to specifically refer to.

Contribution by our members

Pro Bono referrals

In the period July 2004 to June 2005, QPILCH received 197 written applications for pro bono assistance, of which 64 were referred to member firms and barristers. While this represents only an 11% increase in applications (from a 63% increase last year), it should not be forgotten that we have been able to refer a number of applications internally to the Consumer Law Advice Clinic and Administrative Law Clinic for direct assistance. At the same time, there has been a 39% increase in referrals, constituting a 32% referral rate (30% last year). The demand on our service continues to rise. The referrals were to law firms, barristers and an associate member (accountancy firm BDO Kendalls)

As occurred last year, we are unable to give a comprehensive report on the cost of these services because many matters are ongoing. Of the 64 cases referred in the year, 10 have been costed to date, amounting to over \$67,000.

The total value of pro bono services since inception now exceeds \$410,000, with 75 of 167 matters referred since 1 July 2002 still uncoded. This highlights the contribution made by the legal profession to the provision of direct pro bono legal services to disadvantaged members of the community.

Secondments

QPILCH has achieved so much because of the support of its members, particularly through the secondment of dedicated and skilled solicitors.

Until we received the funding from the Department of Communities in August 2005, Minter Ellison had again maintained the *Homeless Persons' Legal Clinic* through the secondment over the year of Amanda Stevens, Sara Finch and Vanessa O'Donnell.

Clayton Utz has seconded senior solicitor Linda Macpherson for 18 months to coordinate the Consumer Law Advice Clinic.

Deacons has seconded Emily Lucas to the important casework assessment position.

I wish to express my sincere thanks to these firms.

Over the next and coming years, we will need new secondees to fill these and other positions. I urge our members with the capacity to second a solicitor (usually for as little as two days per week) to dig deep for the benefit of the community and to create a positive and rewarding experience for their staff.

Projects and programs

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

The Consumer Law Advice Clinic, a partnership of QPILCH and the University of Queensland Law School with the support of Clayton Utz has continued to thrive, having been recognised by the Minister for Fair Trading's *Excellence in Consumer Protection* award on 13 April 2005. This is a major achievement for a service that commenced in July 2004. Its success is due to the excellence in supervision provided by Linda Macpherson and the enthusiasm of the students involved.

The Homeless Persons' Legal Clinic continues to deliver essential services to the most marginalised members of our community. We have started a new clinic at the Pindari Women's Hostel with law firm Phillips Fox, so now have seven operating clinics, testament to the generosity and commitment of our members. Although starting after the year in question, new coordinator Monica Taylor is superbly taking up where the secondees left off in conscientiously coordinating the HPLC.

The Refugee and Immigration Legal Support project, so ably coordinated by Nitra Kidson draws to an end. The funding finishes in December 2005. Nitra has made a major contribution to this area of law with both casework assessment, the preparation of some important submissions and the development of a database that will be accessible by lawyers representing refugees in Australia.

The Administrative Law Clinic with Bond University has now commenced its fourth term. The Griffith University *Public Interest Lawyering* clinic continues to deliver educational outcomes for Griffith Law School students.

The Coordination of Referral Services project is advancing and we hope to make a major contribution this year towards a structured pro bono scheme.

We have been developing a professional development program for a range of stakeholders under the stewardship of Gayle Gasteen. Recently, Rebekah Leong

organised successful Guardianship and Administration Tribunal training in conjunction with the Bar Association.

The Homeless Policy Project, an adjunct to the HPLC to transfer knowledge gained through casework from the clinics to good policy recommendations to government has also prospered with some important research and submission drafting. Michael Carey finished in this position in October and has been replaced by Michelle Bradfield, a previous coordinator of the HPLC and recently returned Cambridge graduate.

Contributions of staff

I thank **QPILCH staff** - Gillie Goldenberg, our administrator (on maternity leave from December 2004), and her replacements – senior law students Jane Auyeung, May Chan, Joanne Lock, Penny Jessup, Angela Borgna, Erin Thomas, Joanna Desouza, Jonathan Lewis, Nadrah Ariff, Michelle Manera, and Elizabeth Young. I extend our thanks to our bookkeeper Sue McComber.

I thank secondees – Linda Macpherson, Amanda Stevens, Sara Finch, Vanessa O'Donnell, and Emily Lucas. I commend the secondees' professionalism and dedication.

I thank Nitra Kidson, RAILS coordinator. As Nitra leaves for the Bar, we wish her well and thank her for her intelligent contribution to the refugee debate and the high casework standards she has set and maintained. Nitra will be missed at QPILCH.

I also thank Rebekah Leong, coordinator of the Referral Services Coordination project and Administrative Law Clinic; Michael Carey and Michelle Bradfield, coordinators of the homeless policy project; Gayle Gasteen who has generously given of her time to establish the training and professional development program for QPILCH; new HPLC coordinator Monica Taylor; and Tony Woodyatt, QPILCH coordinator.

I also thank the many **students** who have volunteered or participated in clinical programs at QPILCH over the year, without whose assistance we could not have met self-imposed deadlines in case assessment, provided essential advice, or produced publications for the benefit of the community and profession.

I thank all these dedicated staff and students for their assistance throughout the year.

Special acknowledgments

On behalf of the management committee, I thank our patron, **The Hon Paul de Jersey, AC**, Chief Justice of Queensland, for his practical assistance and support during the year.

I thank **The Hon Rod Welford MP**, former Attorney-General and Minister for Justice, and new Attorney **The Hon Linda Lavarch MP** both of whom have encouraged QPILCH, not least of which is recent funding assistance. I also thank the Minister for Communities **The Hon Warren Pitt MP** for supporting the Homeless Persons' Legal Clinic.

I wish to thank **our members** for being part of QPILCH and for accepting referrals on a pro bono basis to assist people in need and other assistance without which QPILCH could not operate. Membership continues to grow, albeit slowly. I am pleased that we are attracting membership from smaller firms, which demonstrates their commitment to the community. However, there are many other firms with the capacity to participate in QPILCH's work and I urge all members of the profession to get behind QPILCH and to realise the benefits it provides for the community and the profession. Our members are the backbone of QPILCH and I thank them sincerely.

I thank the many other people who have been involved in QPILCH in other ways for their energy and support.

Finally, I thank **committee members** who have given so much of their time and energy to the management of QPILCH and who have made being president a pleasure.

The year ahead

As mentioned above, and as Andrew mentioned in previous years, our challenge is to secure recurrent funding to put QPILCH on a more stable footing. This will involve a drive for more membership, corporate involvement, applications to charitable foundations for project funding, and recurrent government funding.

In addition, we will continue to improve our services, through better targeting of need and through the evaluation of our services. CLAC clients are surveyed and this information is collated to assist with service improvement as well as ascertaining useful data for policy development.

We have proposed to Legal Aid Queensland that an informal committee be formed to better coordinate free civil law services and that it make more funds available for civil law casework and projects. We are also recommending ways to enhance LAQ's Civil Law Legal Aid Scheme which can benefit all people with potentially winning cases to access the justice system.

We are continuing the Rural Regional and Remote project with a view to expanding our services in user friendly ways across the state.

We are progressing the coordination of referral services project with the aim of reducing duplication and misdirection of free legal services by establishing a centralised referral service for all pro bono referrals.

We are participating in a conference with QUT and the Supreme Court to streamline access to the courts by CLCs which represent the marginalized and disadvantaged.

We are also developing a training program, for staff, to fine tune our clinical program, to assist CLC workers, and to extend professional training for members into areas not usually undertaken. To this end, we have already conducted successful guardianship and administration training with the Bar Association. This too is an important initiative of QPILCH. And from this, we will develop a guardianship and administration panel to provide more opportunities for referral in this area.

These are exciting initiatives, in some cases new to Australia.

Once again, I thank all those who have contributed to QPILCH over the last productive year and look forward to continuing the relationships that have taken shape since 2001 and forming new partnerships and unions to enhance the avenues for disadvantaged members of the community to access the legal system.

Peter Rosengren
President

TREASURER'S REPORT

I present the audited financial report for the financial year 2004-2005.

QPILCH endeavours to use the funds it receives as efficiently as possible to obtain the best possible legal outcomes for applicants and clients. To that end, we seek to be open and accountable in our management of the resources that are available to QPILCH to maximise pro bono legal assistance in Queensland.

In the 2004-05 financial year QPILCH has drawn on its reserves to keep up the full services that we have been developing since inception and providing through our referral service and projects. Nearing depletion of that reserve, we applied to the Department of Communities to fund the Homeless Persons' Legal Clinic. We were successful in obtaining 12 months funding which will fund the HPLC coordinator and policy worker through to September 2006.

We also applied to the Attorney-General for funding under the Legal Practitioner Interest on Trust Accounts Fund to fund our core work, the Consumer Law Advice Clinic, to establish a training program and to complete the Rural Regional and Remote project. We were successful in securing funds for the remainder of 2005-06 for our core services. The funding did not extend to the other projects, and so we are now actively seeking funds to continue those other initiatives.

On behalf of QPILCH, I thank the **Attorney-General and Minister for Justice the Hon Linda Lavarch MP** and the **Minister for Communities, the Hon Warren Pitt MP** for their generous support of QPILCH.

Last year I said that it remains a goal of QPILCH to reach a position of funding stability where we receive adequate recurrent funding to perform our core work without needing to rely on non-recurrent grants. We are very pleased to have obtained funding from the Attorney-General for our core work, and are grateful for the Attorney's tangible support - as the first Law Officer in Queensland - to the provision of pro bono work by the legal profession in this state.

Over the last few years a number of important projects and programs have developed at QPILCH. These are programs where the outcomes are magnified by the in-kind or pro bono contributions of firms or law students. While having received important funding support over the last year, we have not yet reached the point where all of QPILCH's work is recurrently funded. There are few dedicated recurrent funding sources for legal services (other than CLC programs) and charitable foundations usually require applicants to have "deductible gift recipient" status, which QPILCH does not have. Our income from membership fees is unlikely ever to suffice to maintain even a basic level of operation, so we must seek funds from other appropriate sources. QPILCH will be active this year in continuing to seek to put our financial position on a firmer foundation.

Our major cash source for 2004/05 has been membership fees, and I thank **our members** for their consistent support. **Member law firms** and **barristers** have accepted pro bono referrals, given valued advice and assistance, drafted submissions or simply offered wise counsel.

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

- The former **Grants Committee of the Queensland Law Society** for extension of the refugee project, and assistance to the Homeless Persons' Legal Clinic, the Homeless Policy Project, the Rural Regional and Remote Project and the Referral Services Coordination Project.
- **Jupiters Casino Benevolent Fund** for funds to publish a number of legal education materials and to purchase a colour printer.
- We thank **Betta Electrical** for donating two computers which we are using for our consumer and administrative law clinics.
- **Minter Ellison** for seconding three solicitors – Amanda Stevens, Sara Finch and Vanessa O'Donnell - over the year to coordinate the HPLC.

- **Clayton Utz** for seconding senior solicitor Linda Macpherson to coordinate the CLAC, now for a third semester.
- **Deacons** for seconding a solicitor to coordinate casework assessment.
- **Member law firms** who have provided staff to attend seven homeless persons' legal clinics.
- We thank **Clayton Utz** for donating a number of boardroom and office chairs to replace existing old furniture and for donating six computers to upgrade the older computers it had previously given QPILCH for the student workstations.
- **Legal Aid Queensland** kindly donated two copies of the new edition of the *Duty Lawyer Handbook* to assist the work of the homeless persons' legal clinic.

To all QPILCH supporters, I thank you for your support and look forward to developing fruitful relationships over the coming years.

Simon Cleary
Secretary/Treasurer

2004-05 MANAGEMENT COMMITTEE

EXECUTIVE

Peter Rosengren, President – Partner, Deacons
Hugh Scott-Mackenzie, Vice-President – Barrister
Simon Cleary, Secretary/Treasurer – Solicitor, Legal Aid Queensland

COMMITTEE MEMBERS

Lucy Bretherton – Special Counsel, Blake Dawson Waldron
Andrew Buchanan, Partner, Allens Arthur Robinson
Glenn Ferguson – President, Queensland Law Society Incorporated
Professor Jeff Giddings – Griffith University Law School
Dan O'Connor – Chief Executive, Bar Association of Queensland Inc
Robert Reed – Senior Associate, Minter Ellison
Joanne Rennick – Partner, MurphySchmidt
John Stannard – Queensland Association of Independent Legal Services Inc

COOPTED MEMBERS

Emma Robinson – Senior Associate, McCullough Robertson
Robyn Wilkinson – Solicitor, Legal Aid Queensland

REFERRAL SERVICES

In 2004 – 2005 there were a total of **197** written applications for assistance to QPILCH. A total of **64** applications that met the public interest and legal merit tests were referred to our member firms. Most referrals to QPILCH are from Legal Aid Queensland, the office of the Attorney-General, MPs, the Legal Services Commission, community legal centres and the Queensland Law Society.

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

The following selection gives an insight into the types of cases referred to and undertaken by QPILCH members:

The year in referrals

CASEWORK STATISTICAL INFORMATION

	2004-05	2003-04	2002-03	2001-2	Total
Written applications	197	176	111	50	534
Referrals	64	46	40	17	167

The following is a sample of cases referred to members during the year:

Not for profit and community organisations

- **Freehills** assisted a community organisation which was amalgamating with another community organisation and was experiencing difficulty in satisfying the legal requirements for formation of a new association.
- **Blake Dawson Waldron** assisted a community group which opposed the development of a waste management facility. The applicants required legal advice relating to points of law and procedure under the *Integrated Planning Act 1997*. Ultimately, the Planning and Environment Court allowed the appeal and approved the development.
- **Clayton Utz** provided assistance to a non-profit organisation that cares for intellectually disabled men. The organisation had been informed by Disability Services Queensland that it was not legally able to fund the organisation under new disability services legislation on the basis the organisation was considered an "institution". The organisation sought legal advice regarding interpretation of the legislation and whether it could obtain government funding.
- **Allens Arthur Robinson** accepted a referral to assist the National Association of Community Legal Centres on the drafting of its "Risk Management Guide" in relation to insurance issues. The Guide is updated regularly and distributed to community legal centres around Australia.
- **Clayton Utz** assisted a community legal centre in making submissions to the Queensland Government regarding the legitimacy of provisions of the *Residential Services (Accommodation) Act 2002 (Qld)*. The provisions allow service providers to immediately terminate residential agreements and use reasonable and necessary force to remove residents who are in breach. This accommodation is frequently occupied by people with disabilities. The submission argues that the legislation does not afford security of tenure as anticipated by Australia's international treaty obligations, nor does it correspond with enactments in similar Australian jurisdictions requiring an application to an intermediary tribunal before a tenant can be evicted.

Individuals

- **Patrick Hay of Counsel** provided an opinion on the prospects of success of a matter in which the client sought judicial review of a decision of the Queensland Public Service Commissioner. The applicant sought review on the grounds that she had been denied natural justice at a "fair treatment" appeal which had been decided against her. The applicant later accepted an offer of settlement.
- **Blake Dawson Waldron** assisted an individual in defending a Magistrates Court claim for malicious prosecution. The plaintiff agreed to discontinue the proceedings against the individual with each party to bear its own costs.
- **Brian Bartley and Associates** assisted an individual who stopped operating as a taxi driver after 3 months, but was pursued for a complete year's worth of insurance. The terms upon which a refund of insurance contributions would be made were not sent to the client until after he signed the agreement. Brian Bartley and Associates were successful in recovering the individual's money.

- **Nathans Lawyers** provided preliminary assistance to an applicant in a claim against the Queensland Education Department for age discrimination. Although Nathans Lawyers had spent a substantial amount of time on the matter and had briefed counsel, the applicant withdrew her instructions.
- **Clayton Utz** assisted an applicant who claimed that he had been discriminated against by a housing group. The applicant claimed that the group's income threshold policy discriminated against people on the grounds of relationship status and disability. A settlement was reached between the parties at a conciliation conference.
- **MurphySchmidt** successfully argued before the Guardianship and Administrative Tribunal that there was no requirement for an order appointing a guardian for their client and that he should not be removed from his home.
- **MurphySchmidt** also helped an applicant whose wife was diagnosed with Alzheimer's and dementia to oppose the appointment of the Adult Guardian as her guardian. The applicant sought assistance in obtaining evidence supporting his capacity to care for his wife and her cognitive functioning and capacity to make decisions. The appointment was successfully revoked.
- **McInnes Wilson** accepted a number of referrals from Indigenous Australians seeking assistance with the Queensland Government's offer in relation to the "stolen wages" issue.
- **Brian Bartley and Associates** accepted a referral to assist an applicant, the owner of a residence in a residential park, who was concerned that the park owner in which he lived did not recognise his residence as being a "manufactured home" and therefore protected under the *Manufactured Homes (Residential Parks) Act 2003*. A confidential settlement was negotiated for the applicant.
- **BDO Kendalls** completed a number of outstanding tax returns for a client of the Homeless Persons' Legal Clinic.
- **MurphySchmidt** drafted submissions on behalf of a client who sought access to documents in the possession of the Health Rights Commission, who refused their disclosure on the basis they are excluded from application under the *Freedom of Information Act 1992*.
- **Blake Dawson Waldron** successfully negotiated a settlement in a dispute involving the coroner and parents of a house fire victim for the release of the deceased's body so that it could be properly buried.
- **Freehills** assisted in an administrative law matter in relation to the legality of strip searches conducted on detainees by detention centres.
- **Quinn and Scattini** accepted a request to act on behalf of an applicant who was served with a claim from a law firm for outstanding legal fees of approximately \$10 000. This claim was made in spite of the fact that, contrary to the requirements of the *Queensland Law Society Act 1952*, an itemised account was never provided to the client. Additionally, the claim failed to take account of the significant sum already paid by the client in the course of their dealings with the solicitors.

Research and publication

- **Blake Dawson Waldron** updated the limitation schedule (see our website). Originally developed by Caxton Legal Centre, the schedule provides an important resource of most limitation periods. It is updated annually by Blakes for QPILCH, primarily to assist community legal centres to have ready access to this critical information.
- **Corrs Chambers Westgarth, Damien O'Brien, Darryl Rangiah and Peter Lyons QC** assisted QPILCH in drafting a research paper on the law on costs in public interest litigation and suggestions for reform, in preparation for a meeting with Legal Constitutional and Administrative Review Committee. The complete paper is available on our website.

Thanks

I express my appreciation to all QPILCH members who assisted with these matters and with others not detailed here, and who have provided so much advice and assistance to us in undertaking the referral role over the last year.

I thank members of the QPILCH board for their terrific support and guidance, particularly Peter Rosengren and Simon Cleary for all their time and good counsel.

I also thank all QPILCH staff members who have done so much over the year. If you look at the QPILCH website, you will see the results of a large amount of activity, which represents only the tip of the iceberg. The high quality and high volume work undertaken by staff confirms their commitment to excellence, to QPILCH and to the public interest. It is to them that QPILCH's achievements can be attributed.

I speak on behalf of all staff when saying that Nitra Kidson's expertise, sense of justice and camaraderie will be sorely missed.

Tony Woodyatt – contact@qpilch.org.au

REFUGEE AND IMMIGRATION LEGAL SUPPORT PROJECT

The Refugee and Immigration Legal Support (RAILS) Project commenced in April 2003, and will come to an end in December 2005. It has been a partnership project between QPILCH and South Brisbane Immigration and Community Legal Service (SBICLS). Funding for a part-time project coordinator was initially obtained from the Gambling Community Benefit Fund and the Myer Foundation. Throughout 2005, the coordinator's position has been funded by the (former) Queensland Law Society Grants Committee.

The RAILS Project has been extremely successful at achieving its goal of increasing the level of legal assistance available to Temporary Protection Visa (TPV) holders and asylum seekers in Brisbane. Through the hard work of volunteer lawyers, all of the TPV holders assisted by RAILS have obtained their permanent residence. Many of these lawyers have found the experience so rewarding and stimulating that they will be continuing their involvement with asylum seekers on a pro bono basis as volunteers with SBICLS. Thus, RAILS has achieved another of its goals – systemically increasing the availability of pro bono legal assistance for refugees and asylum seekers in Brisbane.

On behalf of QPILCH, I extend congratulations to all of the volunteers for achieving such wonderful results for RAILS Project clients, and gratitude for making my job so easy!

Project Tribunal statistics

RRT referrals:	22
Successful cases:	21

The future for TPV holders now looks hopeful. As a result of the deal struck between Parliamentarians Petro Georgiou and Judi Moylan and the Prime Minister, the majority of TPV cases will be processed by the department by the end of October 2005. This, combined with the effect of a recent Full Federal Court decision which upheld the notion that refugee status, once granted, only ceases if the cessation clause in the Refugees Convention can be properly invoked, will hopefully result in the TPV caseload being finalised (in a positive way!) by the end of the year.

The RAILS Project also assesses applications for court assistance in refugee and migration cases. A guide to assessing merit in appeals of this tricky area of law has been prepared and is available on our website. Some cases:

- We co-coordinated and supported the first litigation to be brought in Australia which challenged the Refugee Review Tribunal's interpretation of the "7 day rule", a legislative provision which seeks to prevent certain TPV holders from obtaining permanent residence. Mark Plunkett of counsel and SBICLS acted for two Afghan boys (one of whom arrived in Australia as a minor) who were destined to be granted only further temporary protection. A hearing had been scheduled for April 2005, but the Minister intervened, waived the rule in both cases, and granted the boys permanent residence;
- More terrific results in immigration cases referred out through RAILS included a successful Full Federal Court appeal of a criminal deportation case. The Minister had sought to revive a deportation order abandoned years previously. Member Daryl Rangiah of counsel, and Gilshenan & Luton on a pro bono basis, won the case at first instance, and then successfully defended an appeal brought by the Minister: [MIMIA v Craig \[2004\] FCAFC 294](#). Another case involving similar facts but a different statutory source of power (the cancellation power) was successful at first instance in the Federal Court, but unfortunately overturned on appeal. Member Hugh Scott-Mackenzie of counsel, and the firm of Andrew Rouyanian & Co, acted for the plaintiff on a pro bono basis. They are now seeking special leave to appeal to the High Court.

Project litigation statistics	
Cases assessed:	23
Referred:	10
Not taken up:	1
Screened out:	12

Cases assessed:	23
Referred:	10
Not taken up:	1
Screened out:	12

Finally, work on the *RefLaw Australia* jurisprudence database is continuing, although at a slower pace than we had originally envisaged. We hope to launch the database early in 2006.

Nitra Kidson - rails@qpilch.org.au

HOMELESS PERSONS' LEGAL CLINIC

In August 2005, the HPLC was successful in receiving a grant from the Queensland Department of Communities for \$119,280. The grant pays for a full-time coordinator for 12 months, a part-time policy worker (2 days per week for 12 months), on-costs and a basic contribution to the QPILCH coordinator's wage. The grant was provided on a strictly non-recurrent basis and will expire in August 2006. HPLC is continuing to identify future funding opportunities.

From 30 June 2004 to 1 July 2005, the HPLC saw 215 new clients, bringing the total number of HPLC clients to 706 since the Clinic's inception in December 2002.

Mission Australia continues to be the dominant Clinic in terms of casework. It is a Café designed for, and heavily patronised by, homeless people or people at risk of homelessness. The Café is open extensive hours and is open to all people. This is distinct from our other non-hostel clinics, namely the 4AAA Kiosk (which has restricted

opening times) and the Red Cross Night Youth Café (which specifically provides assistance for young street kids).

70% of HPLC clients are male and 30% female. This gender breakdown reflects the demographic of homelessness and has remained static since the Clinic's inception.

The current clinic arrangements are as follows:

Clinic	Firms
Mission Australia Café One on Wickham	Minter Ellison Freehills
OzCare – St Vincent's Homeless Persons' Centre	Murphy Schmidt Blake Dawson Waldron
Pindari Salvation Army Men's Hostel	Clayton Utz
4AAA Kiosk on Boundary Street in West End	McInnes Wilson McCullough Robertson
Anglican Women's Hostel	Allens Arthur Robinson
Red Cross Night Youth Cafe	Gilshenan & Luton Mallesons Stephen Jacques
Pindari Salvation Army Women's Hostel	Phillips Fox

Client success stories

The HPLC achieved a number of successful outcomes for clients during 2004-05:

- **Minter Ellison** assisted a client with her complaint to the Anti-Discrimination Commission of Queensland against a State government department for discrimination on the basis of pregnancy and family responsibilities. HPLC lawyers helped the client prepare for the conciliation conference, attended the conciliation conference with her and successfully negotiated a settlement and compensation payout on the client's behalf.
- **Freehills and Minter Ellison** also assisted a client to successfully change his name by completing the necessary forms with the Queensland Registry of Births, Deaths and Marriages.
- **Phillips Fox** negotiated a reduced Centrelink monthly repayment amount from \$40 per week to \$15 per week for a mentally ill client who was having difficulty budgeting because of the amount of her monthly repayments.

Training

In 2004-05, HPLC firms presented the following CLE activities:

Month	Firm	Topic
February	Allens Arthur Robinson	Summary Offences Project
April	Murphy Schmidt	Criminal Compensation, WorkCover, Superannuation Claims and public liability claims
May	Minter Ellison	Housing and tenancy law, presented by

		Tenant's Union of Queensland
June	McCullough Robertson	Domestic Violence Orders and other restraining orders

In April 2005, QPILCH gained CPD accreditation as an In-House Course Provider by the Queensland Law Society. This ensures that attendance at HPLC CLE counts towards our volunteer solicitors' CPD points.

Clinic expansion

Cairns

In December 2004, members of the HPLC and QPILCH travelled to Cairns to meet local firms and community service providers to assess the feasibility of establishing a regional HPLC in Cairns. We have identified potential partners for a Cairns Clinic, and discussions are ongoing.

Toowoomba

QPILCH and the HPLC conducted discussions with a range of agencies in Toowoomba, in particular Walker Solicitors and The Advocacy and Support Centre (TASC). Toowoomba has developed a service delivery model distinct from the QPILCH model. QPILCH has agreed to initially support the project on a consultancy basis, rather than formal involvement.

Gold Coast

The HPLC is also currently assessing possibilities for opening a clinic on the Gold Coast. A number of service providers have been identified as places which would be suitable for a Clinic. Law firms are being canvassed to identify their interest in participating in the project.

Lady Bowen Centre

Drug Arm Queensland has applied to the State Government for management rights to the completed Lady Bowen Centre in Spring Hill. QPILCH HPLC provided a letter of support to Drug Arm indicating our willingness to work with the managers of the project to establish a clinic in the hostel. It was made clear to both Drug Arm and in the letter that we would be hoping to work with whatever organisation is granted management rights.

Publicity

In 2004 to 2005, the HPLC published 5 editions of its newsletter, *Street Law*. Each edition of *Street Law* contains information about a legal issue relevant to homeless people and "success stories" from the clinics. *Street Law* continues to be a great tool for promoting the work of the HPLC.

Speaking activities in 2004 to 2005 included a presentation at the West End Community House "Food for Thought" breakfast seminar and at the Brisbane City Council "Homelessness: New Ways, New Partners" Forum.

Acknowledgements

The HPLC would like to thank all volunteer lawyers, participating law firms and our host agencies for their continued support and efforts in ensuring the legal and human rights of homeless people are recognised and respected.

Monica Taylor - hplc@qpilch.org.au



HOMELESS POLICY PROJECT

Homelessness and Street Offences Project

From 1 January 2005 to 30 June 2005, the HPLC worked closely with Legal Aid Queensland (LAQ) to develop its Homeless and Street Offences Project. The key aim of the project was to provide greater representation to homeless people in the criminal justice system.

During the six month period, LAQ represented 60 homeless people before the Brisbane Magistrates Court. Some of LAQ findings included:

- More than 50% of clients had mental health issues
- 77% of clients were male
- All clients were either in receipt of government benefits or had an extremely low income, with the majority of clients receiving \$150 to \$199 per week.
- The majority of clients were sleeping rough at the time of offence.

The findings of LAQ will significantly inform the development of the State Government's Homeless Persons' Court Diversion Program (see below).

Homeless Persons' Court Diversion Program

In December 2004, State Cabinet approved a range of initiatives to minimise any impacts the continuation of public space offences would have on homeless people and Indigenous people. Funding was provided for a number of initiatives, including the Homeless Persons' Court Diversion Program.

The HPLC is a member of a multi-agency reference group established to assist the program. In 2004 to 2005, the HPLC attended a range of stakeholder meetings to discuss formulation of the Court Diversion Program. Stakeholder meetings are ongoing and the HPLC will continue to participate in the program's development.

South Side Community Centre – Breaking the Cycle Project

In 2004 to 2005, HPLC was involved in the development of a network of real estate agents and service providers designed to stabilise private tenancies and provide appropriate support for tenants. The aim of the project was to reduce the number of people leaving the private rental market and ending up in emergency housing.

Michelle Bradfield - homelesspolicy@qpilch.org.au

CONSUMER LAW ADVICE CLINIC

The third semester of CLAC commenced on 4 August 2005. Referrals to the clinic continue from Legal Aid Queensland, the Office of Fair Trading, financial counsellors as well as community legal centres. Appointments are continually fully booked every Thursday. Some of the matters that the students have assisted clients with this semester involved:

1. drafting complaints to the Banking and Financial Services Ombudsman and the Telecommunications Industry Ombudsman;
2. providing advice as to the consequences of bankruptcy;
3. debtor harassment;
4. assistance with drafting minor debt claims; and
5. advice relating to joint liabilities.

The success rate for assisting consumers with their legal problems has been high. The clinic conducts a survey at the conclusion of the client's matter and the

feedback from clients has been very positive. Of the clients surveyed to date, CLAC has been able to achieve resolutions for 62% of clients with an overall 93% of clients being very satisfied with the service provided by CLAC.

The clinic has also continued to be a success for the students involved with feedback continuing to be overwhelmingly positive.

As well as attending the clinic every Thursday, the students also receive general training on consumer credit matters which is conducted at the offices of Clayton Utz. Randal Dennings, partner at Clayton Utz assists with the student training. Nicola Howell, the Director of the Griffith University Centre for Credit and Consumer Law attended the training to provide an update on the Centre's activities, and Lorretta Kreet from Legal Aid Queensland also provided invaluable insights into consumer law. "Guest" speakers are also invited to attend the clinic for lunch and speak to the students. This semester the students were again fortunate to have as guest speakers, Gregory Mowle, financial counsellor with the Smith Family and President of the FCAQ, Fiona Fitzpatrick of the Office of Fair Trading and Emmanuel Givanakis and Myra Poon from ASIC.

In April, CLAC was recognised as the inaugural winner of the Award for Excellence in Consumer Protection by the Minister for Tourism, Fair Trading and Wine Industry Development, the Hon Margaret Keech MP. The award was one of a series of Consumer Protection Awards announced by Fair Trading Minister Margaret Keech, highlighting Queensland Consumer Protection Week. In a congratulatory letter from the President of the Queensland Law Society, after the clinic received the Minister's award, the excellent work that the clinic does and continues to do was acknowledged and recognised as demonstrating to the profession in such a practical way the finest traditions of pro bono work.

As part of their assessment, CLAC students have completed fact sheets and brochures for publication. The following documents have been published:

- Debtor Harassment
- Part IX Debt Agreements
- Guarantees
- Unsolicited Goods and Consumer Rights.

The fact sheets prepared by second semester CLAC students entitled "Bankruptcy" and "Repossession" will be published shortly.

CLAC has to date continued to receive support from Clayton Utz with the secondment of Linda Macpherson as the supervisor for three days per week. As support from other QPILCH member law firms could not be obtained for the first semester of 2006, QPILCH has sought funding from other sources to enable the clinic to continue for this semester.

Linda Macpherson - consumer@qpilch.org.au

CLAC students semester 2 2004

Sara Forgione
Matthew Hammond
Kala Heinemann
Jonathan Lewis
Mathew Waters
Rosena Yau

CLAC students semester 1 2005

Kate Cook
Joanne Lock
Lyma Nguyen
Madeline Rothwell
Camile Seldon
Emily Tranter

REFERRAL SERVICES COORDINATION PROJECT

The Referral Services Coordination Project aims to improve access by the community to pro bono services and enhance practitioner involvement in pro bono in Queensland by coordinating pro bono referral schemes and establishing an umbrella service to manage and administer the schemes under one roof. At this stage, the pro bono referral schemes targeted are:

- the Bar Association of Queensland (BAQ) referral scheme;
- a currently non-existent Queensland Law Society (QLS) referral scheme; and
- the QPILCH public interest referral scheme.

In October 2005, with the assistance of funds from the Grants Committee of the Queensland Law Society, QPILCH employed Rebekah Leong for 3 days a week for 6 months to carry this project forward.

Over those 6 months and beyond, the Project has:

- Liaised with and made submissions to BAQ and QLS regarding their involvement and funding for the scheme;
- Conducted research relevant to the implementation of the scheme, including review and analysis of a similar scheme in existence in Victoria, managed by VicPILCH;
- Reviewed and commented on a similar scheme which has been proposed by PILCH NSW;
- Made an (unsuccessful) funding submission to the Gambling Community Benefit Fund for the upgrade of technical facilities at QPILCH to handle the anticipated increased workload; and
- Made a submission to the Federal Court and Federal Magistrates Court regarding how QPILCH might be able to assist in the administration of the formal referral schemes under O 80 and Chapter 1 Part 12 of their respective court rules.

Unfortunately, uptake of the proposed scheme has been slow.

BAQ has indicated its support in principle for the project and is currently considering possible funding for the scheme.

The QLS has also indicated its support for the project and has offered to help compile a database of QLS members who would be interested in participating in the scheme. Although we have previously been refused funding by the QLS Council late last year, we have been invited to make a further submission for the Council's reconsideration in December 2005.

Provided funding for the project can be obtained, it is intended for the coordinated scheme to be launched by 1 July 2006.

Rebekah Leong - referral@qpilch.org.au

PUBLICATIONS AND SUBMISSIONS

With assistance from Jupiters Community Benefit Fund, we published the following research and educational materials this year for public and professional use:

- "Coronial Investigations and Inquests" - a guide for lawyers and interested persons to the Queensland Coroners Court and the coronial process.
- "Resource Manual: The Provision of Pro Bono Legal Services in Queensland" - listing legal aid, referral services and community legal centres available in Queensland with details on eligibility criteria, types of assistance and area of law.

- “Assessment Manual: Applications for Assistance in Refugee and Migration Appeals” – a guide to assessing applications for assistance in refugee and migration appeals.
- “A Brief Guide to Costs in Public Interest Litigation” - an introduction to the common law and legislative exceptions to the general rule that "costs follow the event".
- “Court and Tribunal Fee Waiver and Exemption Guide” – a guide outlining the circumstances in which fees may be waived or exempted in Commonwealth and Queensland courts and tribunals, and the procedures to take advantage of such provisions.
- “Standing in Public Interest Cases” – a brief overview of the law of standing in public interest matters.

These documents are available on QPILCH's website.

QPILCH continued to make its voice heard on legal policy issues with submissions to:

- the Minister for Police and Corrective Services for the review of the *Vagrants, Gaming and Other Offences Act 1931* (Qld);
- the Senate Legal and Constitutional Committee in the Inquiry into the Provisions of the Migration Litigation Reform Bill 2005;
- Legal Aid Queensland in relation to its review of civil law services;
- Legal Aid Queensland in relation to its consultation paper on "Financial Eligibility for Legal Assistance";
- the Attorney-General to improve the signage systems for Brisbane City's Magistrates Courts.

In February 2005, QPILCH met with the Legal Constitutional and Administrative Review Committee for an informal discussion about costs orders and how this acts as a barrier to the public interest litigant. Our research and suggestions for reform culminated in a detailed research paper which was forwarded to the Committee.

The submissions are all available on our website.

Rebekah Leong - referral@qpilch.org.au

TRAINING AND PROFESSIONAL DEVELOPMENT

During the course of 2005, we have been developing a training and information management framework for QPILCH. We have applied for funding for the project and are awaiting the outcome.

A good deal of excellent training is being done under the QPILCH umbrella. The aim of this project is to tie it together to support efficient and effective delivery of our services. It will involve systematising documents for storage and retrieval and making this available with other training tools for development purposes. This should constitute considerable savings for QPILCH.

QPILCH conducts training for specific clinics and functions and has generated systems to comply with QLS CPD requirements. In July 2005, the Homeless Persons' Legal Clinic (HPLC), a project of QPILCH, conducted induction training for new solicitors to provide legal advice at the new Clinic at the Salvation Army Pindari Women's Hostel. The HPLC also operates a monthly CLE program for HPLC volunteer solicitors. The CLEs are always well attended and provide valuable practical training in key areas of law affecting homeless people. Each solicitor receives CPD points for attendance as a result of QPILCH's CPD accreditation from the Queensland Law Society.

On 24 October 2005, QPILCH with the Bar Association of Queensland conducted the first of 2 training sessions on Guardianship and Administration Tribunal matters. The public seminar provided an overview of the Tribunal, the interrelation of the Adult Guardian and Public Trustee and some practical tips in preparing for and attending a Tribunal hearing. Held in the Riverside Auditorium at Riverside Centre, and sponsored by MurphySchmidt, it was well attended by over 100 people.

This will be followed by a workshop on 28 November, a practical session at which participants will be split into groups to work on problem questions. This is targeted at QPILCH members, Bar Association members and community legal centres and is sponsored by Clayton Utz.

The training has been undertaken in response to a growing need in guardianship and administration, with a view to establishing a panel of experts who can take up referrals in these matters.

It is hoped that these initiatives can be consolidated and built upon through a structured training program.

Gayle Gasteen – pd@qpilch.org.au

RURAL REGIONAL REMOTE PROJECT

The Regional Rural and Remote Pro Bono Law Project commenced in October 2004. The project aims to develop pro bono legal services in rural, regional and remote areas of Queensland by forming "partnerships" between regional firms and metropolitan firms. The project is running two "pilots" linking two regional firms and two metropolitan firms. Guidelines will be developed with the input of all participants in order to protect the interests of each party. It is hoped that these guidelines may then be used by other firms to develop their own relationships after the end of the pilot phase.

GRIFFITH LAW SCHOOL PUBLIC INTEREST LAWYERING CLINIC

The Griffith Law School clinic again operated in first semester 2005 with six senior law students involved in case assessment, presenting seminars on topics concerned with public interest and related issues and the preparation of two projects – a review of legal disbursement schemes in Australia and overseas and a review of land laws. The clinic, QPILCH's first, continues to attract dedicated and enthusiastic students, whose support ensures that applications for assistance are expeditiously assessed.

The disbursements schemes project will assist QPILCH's submission to Legal Aid Queensland's review of its Civil Law Legal Aid Scheme.

We thank Griffith University's Professor Jeff Giddings for his ongoing support for this clinic and the students, listed below, who participated in 2005.

Tony Woodyatt – contact@qpilch.org.au

Public Interest Lawyering students

Semester 1 2005

Katie Clark
James Hickey
Jessica Mackay
Fiona Lubett
Stacey Pearson
Elizabeth Rebolledo

ADMINISTRATIVE LAW CLINIC

The 2004-05 financial year saw the establishment of the Administrative Law Clinic, a joint project of QPILCH and Bond University to provide free legal services to disadvantaged people who have problems with government decision-making.

The clinic was established after QPILCH was approached by the Catholic Prison Ministry, Prisoners' Legal Service, Sisters Inside and Aboriginal and Torres Strait Islander Legal Service for assistance in administrative law matters. The Queensland Association of Independent Legal Services (QAILS) had also raised administrative law as an issue with which its members need support.

The clinic is staffed by senior law students who attend QPILCH one day a week during university semester. Under the supervision of a practitioner seconded by Bond, the students:

- Provide advice and opinions;
- Draft documents on behalf of clients, including correspondence, court documents and submissions;
- Provide referrals to member firms and barristers in appropriate cases;
- Prepare legal research, legislative reform and community education.

The table below outlines the types of matters the clinic dealt with this financial year.

Type of matter	Number of Cases
Judicial Review	6
Guardianship and administration	7
Administrative Appeals Tribunal	3
Social Security Appeals Tribunal	3
Centrelink	3
Appeal of parole decision	3
Anti-discrimination	2
Other	1
TOTAL	28

Notably, the students prepared a detailed submission on behalf of a client who represented herself before the Administrative Appeals Tribunal, disputing a debt of more than \$40,000 allegedly owed to Centrelink. On the basis of special circumstances, the Tribunal waived part of the debt, reducing it to \$15,000.

The high number of guardianship and administration cases has also led to the drafting of a Guardianship and Administration Tribunal User Guide, and the development of training and a panel to increase referrals in these sorts of matters.

The following people have kindly given of their time to speak to the students at lunchtime seminars over the past year:

- Geoff Airo-Farulla, Assistant Ombudsman, Commonwealth
- Chris Douglas, Minter Ellison
- Matthew Holmes, Murphy Schmidt
- Nitra Kidson, Refugee and Immigration Legal Support Project
- Johnson Lo, Clayton Utz
- Bernie McCabe, Senior Member of the Administrative Appeals Tribunal
- Mark Plunkett, Barrister
- Darryl Rangiah, Barrister

- John Stannard, Welfare Rights Centre
- Robyn Wilkinson, Legal Aid Queensland

The first clinic, in semester 3 of 2004, was supervised by Suellen Walker-Munro. The clinic is now coordinated by Rebekah Leong.

Administrative Law Clinic students Term 3 2004

David Decker
Sarah Furlonger
Laurie Harding
Sam Holloway
Eric Nanayakkara
Phillip Tull

Administrative Law Clinic students Term 1 2005

Roberta Atherton
Scott Goddard
Sally Imanian
Natasha Lett
Cat Maluish
Diwaka Prakash

Administrative Law Clinic students Term 2 2005

Trevor Douglas
Nader Hanna
Alex Jones
Christian Malciw
Adrian Praljak
Charlie Young

STUDENT INTERNS

QUT intern Semester 1 2005

Justin Hine

Griffith PLT 2004/2005

Amanda Easter
Francis Ng

VOLUNTEER STUDENTS

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

Alma Alic (QUT)
Nadrah Ariff (UQ)
Jane Auyeung (UQ)
Angela Borgna (UQ)
Rebecca Britnell (QUT)
May Chan (UQ)
Kim Chau (QUT)
Stephen Colditz (UQ)
Emily Darling (QUT)
Heidi Davidson (UQ)
Lindi Deguara (QUT)

Joanna DeSouza (UQ)
Siobhan Doherty (UQ)
Cathy Donohue (Solicitor)
Kelly Dove (UQ)
Teresa Dwight
Kapo Fung (QUT)
Sarah Gibbs (Uni of Adelaide)
Catherine Grainer (QUT Justice
Studies)
Justin Hine (QUT)
Penny Jessup (UQ)

Joanne Lock (UQ)
Rupert Malony (QUT)
Matthew McKeown (UQ)
Sam Orr (QUT)
Joanna Sorrentini (QUT)
Sidney Tang (UQ)
Erin Thomas (UQ)
Emily Tranter (UQ)
Elizabeth Young (UQ)

Queensland Public Interest Law Clearing House Incorporated

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

**Queensland Public
Interest Clearing
House Inc.**

**Special Purpose Financial
Report for the year ended
30 June 2005**

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

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

***SPECIAL PURPOSE FINANCIAL REPORT
FOR THE YEAR ENDED 30 JUNE 2005***

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	4	Management Committee Statement
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	6	Statement of Financial Performance
	7	Statement of Cash Flows
	8	Notes to and forming part of the Financial Statements

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

Scope

The financial report and committee's responsibility

The financial report comprises the statement of financial performance, statement of financial position, statement of cash flows, accompanying notes to the financial statements, and the Management Committee's declaration for Queensland Public Interest Law Clearing House Inc (the association), for the year ended 30 June 2005.

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

Audit approach

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

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

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

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

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

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

Independence

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

Audit opinion

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

- (a) the Associations Incorporation Act 1981, including:
 - (i) giving a true and fair view of the association's financial position as at 30 June 2005 and of its performance for the year ended on that date; and
 - (ii) complying with Accounting Standards in Australia and the Associations Incorporation Act 1981; and
- (b) other mandatory financial reporting requirements in Australia.

PITCHER PARTNERS

R J St Clair

Partner

Brisbane, 7 November 2005

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

Management Committee Statement

In the opinion of the Management Committee -

- (a) The financial report, as set out on pages 5 to 10 , presents fairly the Association's financial position at 30 June 2005 and its performance, as represented by the results of its operations and cash flows, for the year ended on that date, in accordance with Australian Accounting Standards, mandatory professional reporting requirements and other authoritative pronouncements of the Australian Accounting Standards Board; and
- (b) At the date of this statement there are reasonable grounds to believe that the Association will be able to pay its debts as and when they fall due.

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

(President)
Mr Peter Rosengren

(Secretary/Treasurer)
Mr Simon Cleary

Brisbane, 7 November 2005

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

Statement of Financial Position

As at 30 June 2005

	Note	2005	2004
		\$	\$
<u>Current Assets</u>			
Cash	2	24,671	131,215
Receivables	3	8,193	2,358
Total Current Assets		32,864	133,573
<u>Non-Current Assets</u>			
Furniture & equipment	4	26,173	28,063
Total Non-Current Assets		26,173	28,063
Total Assets		59,037	161,636
<u>Current Liabilities</u>			
Creditors & accruals	5	7,470	3,306
Subscriptions in Advance		3,700	10,500
Provision for Employee Entitlements		9,687	8,179
Total Current Liabilities		20,858	21,985
Total Liabilities		20,858	21,985
Net Assets		38,179	139,651
<u>Equity</u>			
Members Retained Funds		38,179	139,651
Total Equity		38,179	139,651

The accompanying notes form part of the financial report.

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

Statement of Financial Performance

For the year ended 30 June 2005

	Note	2005	2004
		\$	\$
Revenue			
Membership		61,700	49,355
Grants	6	46,979	185,257
Interest		3,035	2,510
Donations and Fundraising		9,452	8,710
Sundry Income		202	1,804
		<u>121,368</u>	<u>247,636</u>
		<u>121,368</u>	<u>247,636</u>
Expenses			
Staff Costs		169,988	86,491
Operating Expenses		52,852	97,135
		<u>222,840</u>	<u>183,626</u>
		<u>222,840</u>	<u>183,626</u>
Operating Surplus (Deficit)		(101,472)	64,010
Prior year GST refund		-	1,672
		<u>(101,472)</u>	<u>65,682</u>
		<u>(101,472)</u>	<u>65,682</u>
Members funds beginning of year		139,651	73,969
Members funds end of year		<u>38,179</u>	<u>139,651</u>
		<u>38,179</u>	<u>139,651</u>

The accompanying notes form part of the financial report.

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

Statement of Cash Flows

For the year ended 30 June 2005

	2005	2004
	\$	\$
Cash flows from operating activities		
Receipts of income	110,244	242,213
Payments to suppliers & employees	(217,235)	(177,913)
Interest received	3,035	2,510
Net cash provided by operating	<u>(103,956)</u>	<u>66,810</u>
Cash flows from investing activities		
Payment for plant & equipment	(2,588)	(6,208)
Net cash provided by investing	<u>(2,588)</u>	<u>(6,208)</u>
Net increase (decrease) in cash held	(106,544)	60,602
Add opening cash brought forward	131,215	70,613
Closing cash carried forward	<u>24,671</u>	<u>131,215</u>

Note (a)

Reconciliation of operating loss to net cash flows from operations

Operating surplus (loss)	(101,472)	65,683
Add depreciation	4,478	2,181
<u>Changes in assets & liabilities</u>		
Receivables	(5,835)	19,896
Creditors	5,673	55
Accrued Income	(6,800)	(21,005)
Net cash flows from operating	<u>(103,956)</u>	<u>66,810</u>

The accompanying notes form part of the financial report.

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

Notes to the Financial Statements

For the year ended 30 June 2005

Note

1

Statement of Significant Accounting Policies

This financial report is a special purpose financial report that has been prepared in accordance with Australian Accounting Standards, other mandatory professional reporting requirement and the requirements of the Associations Incorporation Act (Qld) 1981.

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.

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

- (a)** Income Tax
Queensland Public Interest Law Clearing House Inc. is exempt from income tax as a non-profit charitable institution.
- (c)** Cash
For the purpose of the Statement of Cash Flows, cash includes cash on hand and at the bank.
- (d)** Fixed Assets
Fixed assets have been capitalised at their cost of acquisition.
Depreciation has been calculated on the Prime Cost basis based on an estimate of the asset's useful life.

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

Notes to the Financial Statements

For the year ended 30 June 2005

Note	2005 \$	2004 \$
2 Cash		
Cash float	104	33
Cash at bank	24,567	131,182
	<u>24,671</u>	<u>131,215</u>
3 Receivables		
Security Deposit	1,250	1,250
Debtors	6,943	1,074
ABN Withholding Credits	-	34
	<u>8,193</u>	<u>2,358</u>
4 Furniture & Equipment		
Office furniture, at cost	25,553	22,965
Less: accumulated depreciation	(4,046)	(1,829)
	<u>21,507</u>	<u>21,136</u>
Computers, at cost	10,132	10,132
Less: accumulated depreciation	(5,466)	(3,205)
	<u>4,666</u>	<u>6,927</u>
	<u>26,173</u>	<u>28,063</u>
5 Creditors and Accruals		
Sundry creditors	437	126
GST	244	(996)
PAYG	6,789	4,176
	<u>7,470</u>	<u>3,306</u>
6 Grants		
Qld Law Society Grants Committee	36,400	83,325
Queensland Government	-	20,000
Other	10,579	81,932
	<u>46,979</u>	<u>185,257</u>

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

Notes to the Financial Statements

For the year ended 30 June 2005

Note

7 Commitments

As at 30 June 2005 there were no mortgages, charges or securities of any description affecting the assets of the Association.

8 Management Committee Members

Management Committee Members during the year were

Peter Rosengren (President)
Hugh Scott-Mackenzie (Vice-President)
Simon Cleary (Secretary/Treasurer)

Lucy Bretherton
Andrew Buchanan
Glenn Ferguson
Professor Jeff Giddings
Dan O'Connor
Robert Reed
Joanne Rennick
John Stanard
Emma Robinson
Robyn Wilkinson

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