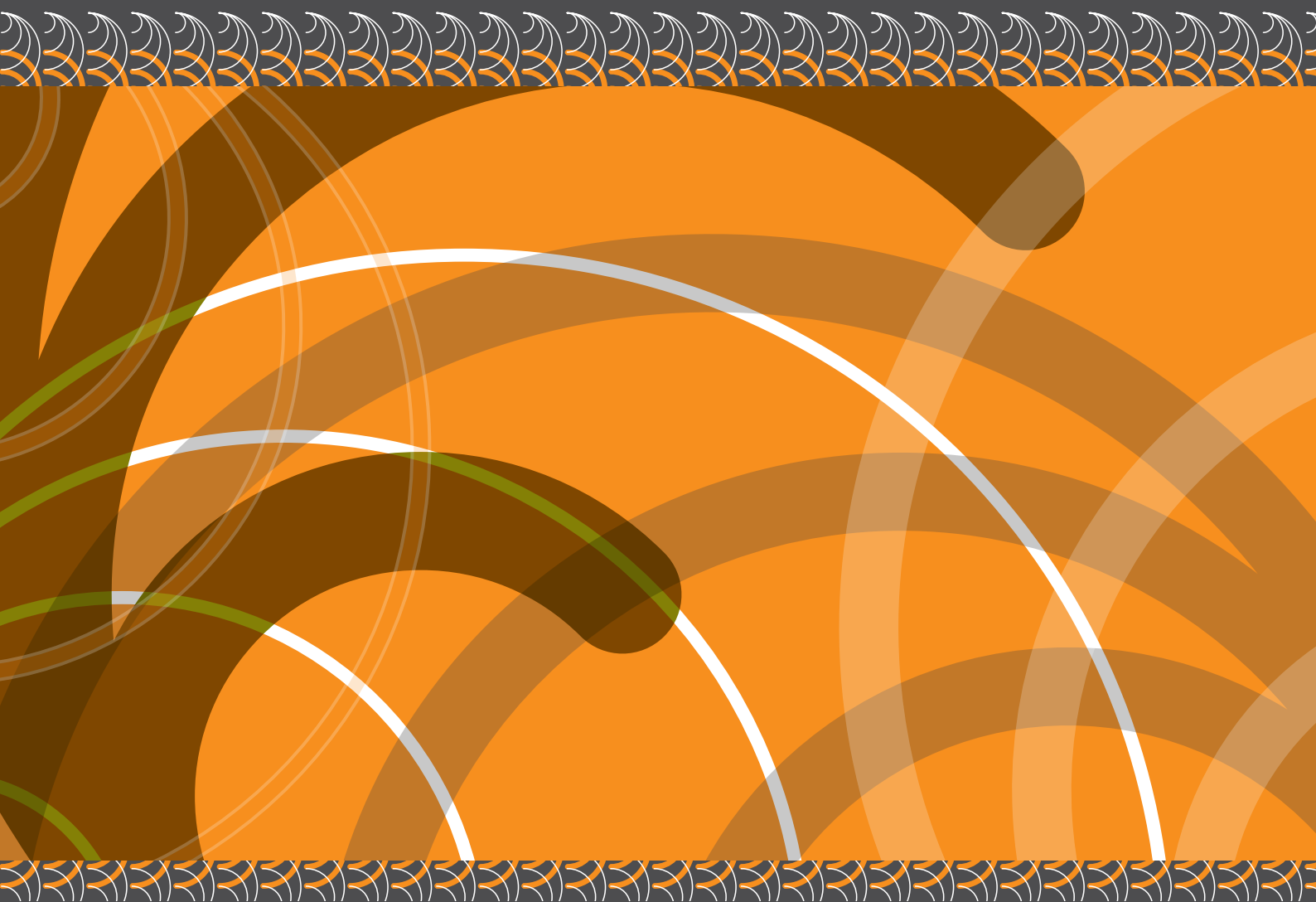
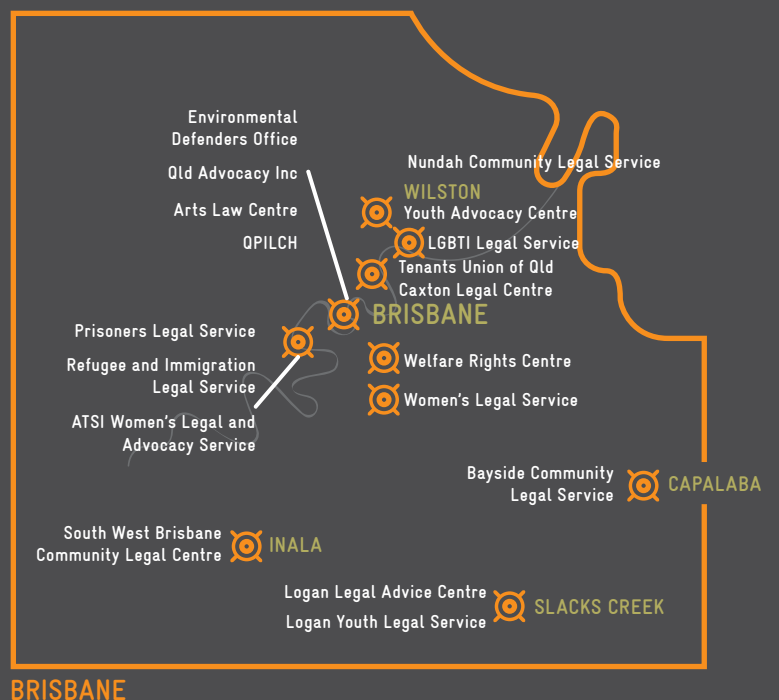
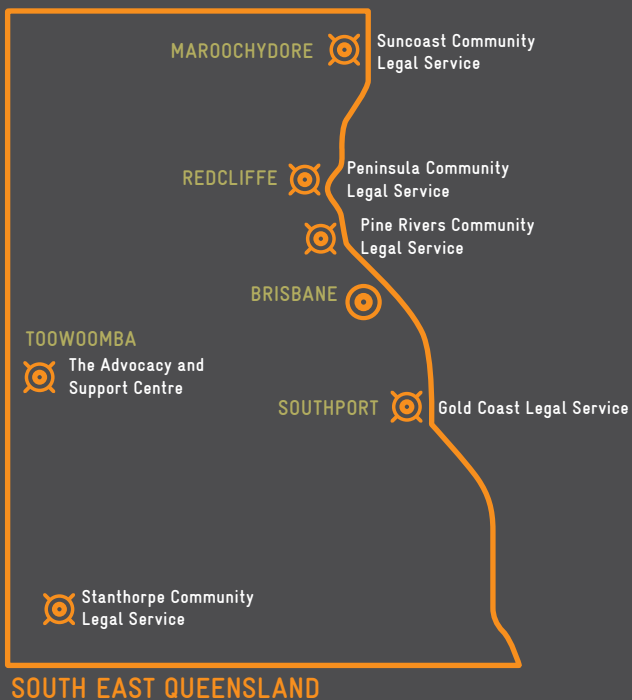
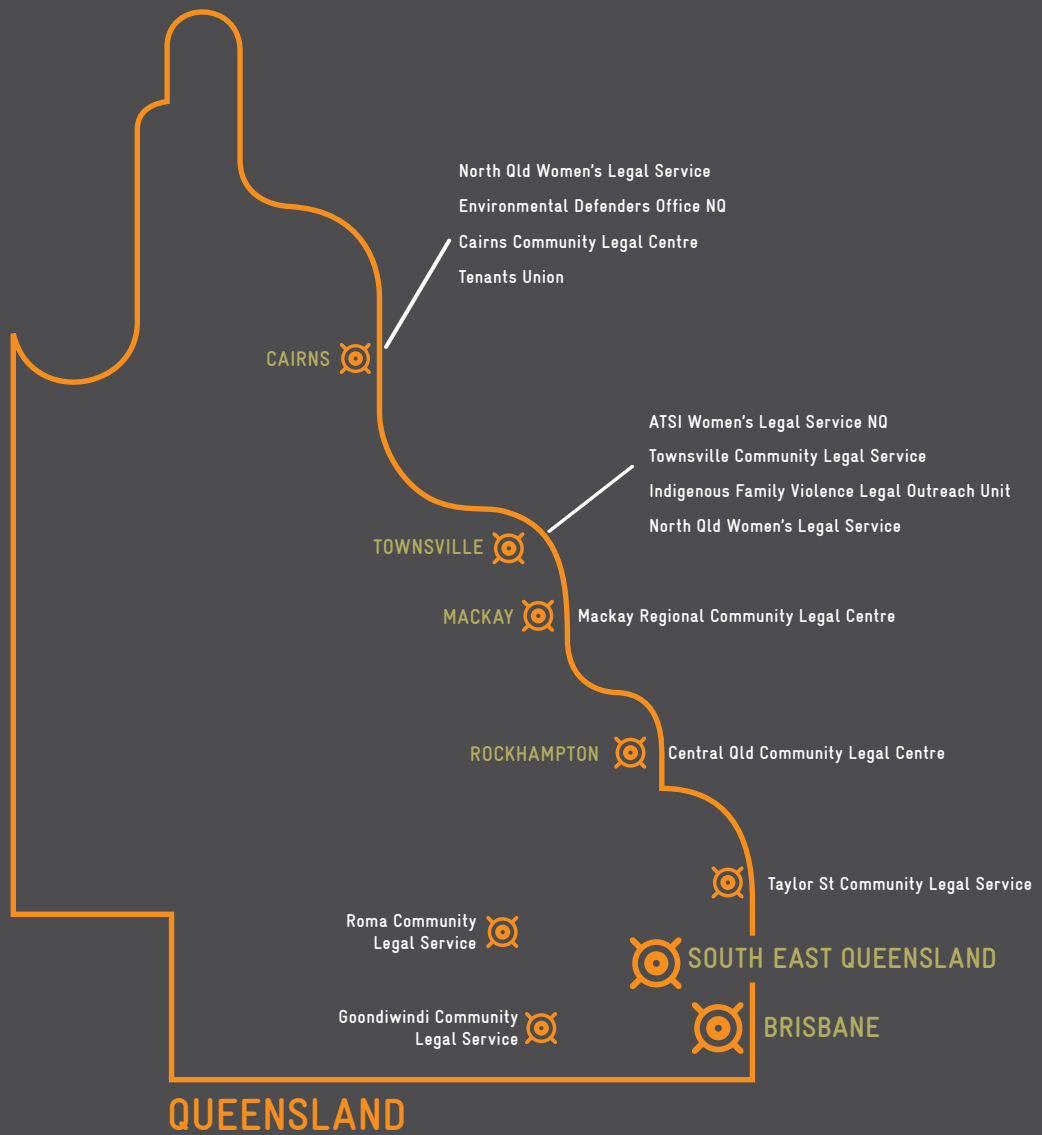


# ANNUAL REPORT

## 2009-2010



Queensland Association of  
Independent Legal Services Inc



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Queensland Association of  
Independent Legal Services Inc

# acknowledgements

*This Annual Report covers the period July 2009 – June 2010 and was presented at the QAILS Annual General Meeting held on 19th November 2010.*

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This report will be available online from mid-December 2010 at [www.qails.org.au](http://www.qails.org.au)



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# about qails

***QAILS is the state based peak organisation representing the 34 funded and unfunded member Community Legal Centres (CLCs) operating throughout Queensland.***

Community Legal Centres (CLCs) are independent, community organisations providing equitable and accessible legal services. CLCs are able to offer appropriate, effective and creative solutions based on their experience within their community. It is this community relationship that distinguishes Community Legal Centres from other legal services. While providing legal services to individuals, CLCs also work beyond the individual. Community Legal Centres initiate community development, community legal education and law reform projects that are preventative in outcome and that strengthen the community.

The Queensland community legal sector is an active and collegiate network which prioritises the strengthening of the sector as a whole over the needs of individual member organisations.

The Association is established for the public charitable purposes of assisting the Queensland community, particularly disadvantaged and marginalised people, to obtain access to legal services, by including, but not limited to:

- (a) assisting people to resolve legal problems by providing information and referral services;
- (b) providing information and educational resources about legal rights;
- (c) providing referrals to legal assistance services and facilities;
- (d) supporting and assisting community legal centres to provide these services;
- (e) providing a state forum for community legal centres;
- (f) developing and coordinating Queensland community legal centres' policy;
- (g) advancing the interests of community legal centres within Queensland.

QAILS is an incorporated association which operates with a small Secretariat team, side by side an active Management Committee comprised of Queensland CLC workers who offer their time and energy to provide:

- Representation for all members in relation to funding program and law reform issues;
- Coordination of the State administration of the National Professional Indemnity Insurance Scheme which provides group professional indemnity and other insurance services to QAILS member centres;
- Member support services including the coordination of an annual state conference, training on relevant issues and regular bulletins about matters of interest to CLC staff, volunteers and management committees.

There are three elements to the QAILS structure – the membership; Management Committee; and the Secretariat.

The membership of QAILS is made up solely of CLCs, including either staff or Management Committee of these services. QAILS is a member-driven organisation and relies heavily on its membership to provide the overall direction of the organisation. Members are obliged to be active in their participation in some form (Management Committee, Working Parties, Conferences, etc.)

The Management Committee of QAILS is drawn from the membership and any CLC worker or Management Committee member of a CLC may nominate for a position on the QAILS Management Committee each year at the Annual General Meeting. The Management Committee is responsible for the governance functions of QAILS including providing direction for, and overseeing the work of, the Secretariat.

The Secretariat has a core staff team made up of an Executive Officer and an Administrator / Information Officer. From time to time QAILS may employ project staff to work as part of this team. The primary role of the Secretariat is to provide support for the Management Committee and the membership as decided at QAILS planning forums.

QAILS is a member of the National Association of Community Legal Centres (NACLC), the national peak body of CLCs in Australia.

It is important to note that QAILS is the only QLD member of the National Association of Community Legal Centres (NACLC). CLC's in Qld gain representation by NACLC via membership of QAILS.

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# philosophy statement

## PHILOSOPHY STATEMENT

The Philosophy Statement of the Queensland Association of Independent Legal Services Inc. is:

'QAILS is the independent peak body for Community Legal Centres (CLCs) in Queensland. QAILS advocates for social justice in the community and provides a collective voice through:

- Supporting and resourcing members;
- Policy reform, sector development, networking, lobbying government and other relevant bodies; and
- Advocating for access to justice.

QAILS values and promotes the diverse contribution of its members and seeks to work cooperatively and collaboratively with all member CLCs and other community legal sector partners.

QAILS believes that through this work, the voices of and for marginalised and disadvantaged people and their interests will be heard in the community, and will come to influence social systems and policies.'

## PURPOSE STATEMENT



*A COLLECTIVE VOICE ADVOCATING  
**FOR SOCIAL JUSTICE***

# qails members 2009/10

Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service Aboriginal Corporation

Aboriginal and Torres Strait Islander Women's Legal Service – North Queensland Inc.

Arts Law Centre of Queensland Inc.

Bayside Community Legal Service Inc.

Cairns Community Legal Centre Inc.

Care Goondiwindi Association Inc.  
(Goondiwindi Community Legal Service)

Caxton Legal Centre Inc.

Central Queensland Community Legal Centre Inc.

Citizens Advice Bureau and Gold Coast Legal Service Inc.

Community Development Services Inc.  
(Stanthorpe Community Legal Service)

Environmental Defender's Office of Northern Queensland Inc.

Environmental Defender's Office (Qld) Inc.

Hervey Bay Neighbourhood Centre Inc.  
(Taylor Street Community Legal Service)

Lesbian Gay Bisexual Trans Intersex Legal Service Inc.

Logan Legal Advice Centre Inc.

Mackay Regional Community Legal Centre Inc.

North Queensland Women's Legal Service Inc.

Nundah Community Support Group Inc.  
(Nundah Community Legal Service)

Pine Rivers Neighbourhood Association Inc.  
(Pine Rivers Community Legal Service)

Peninsula Community Legal Service Inc.

Prisoners' Legal Service Inc.

Queensland Advocacy Inc.

Queensland Public Interest Law Clearing House Inc.

Refugee and Immigration Legal Service Inc.

Roma Community Legal Service Inc.

South West Brisbane Community Legal Centre Inc.

Suncoast Community Legal Service Inc.

Tenants' Union of Queensland Inc.

The Advocacy and Support Centre Inc.  
(Toowoomba Community Legal Service)

Townsville Community Legal Service Inc.

Welfare Rights Centre Inc.

Women's Legal Service Inc.

Youth Advocacy Centre Inc.

Youth and Family Service (Logan City) Inc.  
(Logan Youth Legal Service)

## EXPERIENCE OF QAILS MEMBERS

Queensland CLCs have over 30 years service delivery experience providing information, advice, referral and casework, community legal education, law reform and advocacy to the community.

In the 2009/10 year, QAILS member community legal centres:

- delivered over 55,000 advice services;
- assisted over 40,000 clients;
- conducted 173 law reform projects; and
- coordinated 590 community legal education projects, ranging from staffing shopping centre stalls, the production of law handbooks, self-help kits, fact sheets, and resources used widely by the legal profession.

Community legal centres work in many areas of law, ranging from assisting a client with advice regarding a neighbourhood dispute, to supporting a client with representation in a child custody matter.

The breakdown of work across CLCs, related to the following three jurisdictions is as follows:

Family Law 32%  
Civil Law 60%  
Criminal Law 8%

This breakdown is exactly the same as 2008/09.

# qails management committee

## COMMITTEE MEMBERS 2009/10

### Convenor

Scott McDougall, Caxton Legal Centre Inc.

### Secretary

Sandra Padgett, South West Brisbane Community Legal Centre Inc.

### Treasurer

Manny Palma, Citizens Advice Bureau and Gold Coast Legal Service Inc.

### Members

Tanya Anderson, North Queensland Women's Legal Service Inc.

Katrina Finn, Women's Legal Service Inc.

Donald Gunn, South West Brisbane Community Legal Centre Inc.

Bill Mitchell, Townsville Community Legal Service Inc.

Julian Porter, Suncoast Community Legal Service Inc.

Colleen Wall, Aboriginal and Torres Strait Islander Women's  
Legal and Advocacy Service Aboriginal Corporation

Eugene White, Nundah Community Support Centre Inc.  
(Nundah Community Legal Service)

## REPRESENTATIVE POSITIONS

### State Representative

Rosslyn Monro, Youth Advocacy Centre Inc.

### PII Coordinator

Aaron Finn, Townsville Community Legal Service Inc.

# management committee profiles



## SCOTT MCDUGALL

Scott McDougall is the Director of Caxton Legal Centre in Brisbane. Prior to assuming this role in 2002, Scott worked in the areas of native title, discrimination and criminal law.

Scott has a long held interest in the representation of disadvantaged litigants, particularly indigenous people, and has conducted a wide variety of cases in the Queensland and Commonwealth jurisdictions.

In 2006 Scott was commissioned to prepare a report assisting the Palm Island Aboriginal Shire Council in their negotiations with the Queensland Government.

Scott was elected to the position of QAILS Convenor in 2009.



## SANDRA PADGETT

Sandra has been working at the South West Brisbane Community Legal Centre Inc. (SWB CLC) for 11 years, firstly as a solicitor, and since 2003, as the Coordinator.

Sandra studied law as a mature age student at QUT (being around 40 when she started) and was admitted to practice in 1995. She worked in private practice after admission and also completed a 3 month locum position at Women's Legal Service.

She was a volunteer at Women's Legal Service for a number of years and was a member of the WLS Management Committee for 10 years. She was also a member of the Management Committee of the Inala Family Accommodation and Support Service for 6 years.

Currently Sandra is Secretary of the QAILS Management Committee and has been a member of the Committee off and on since 2000.



## MANNY PALMA

Manny has been a solicitor at the Citizens Advice Bureau and Gold Coast Legal Service Inc. since 2003, and Principal Solicitor since 2005. Commencing 2009 he also assumed the role of Coordinator, after the retirement of the long-

standing volunteer coordinator. The Gold Coast Legal Service (formerly Highway Legal Service) is the only funded CLC on the Gold Coast, servicing a population of some 500,000.

Before coming to the community legal sector, Manny had a long-term career in the Commonwealth Public Service, both in Canberra and in Brisbane, including having been a tribunal advocate in the Administrative Appeals Tribunal for the Department of Veterans Affairs, a case officer in the Department of Immigration making decisions on applications from asylum seekers for refugee status, and an Authorised Review Officer in Centrelink.

Manny has also sat as an Executive Member of the Social Security Appeals Tribunal, hearing appeals from clients of Centrelink. More recently, he worked as a Senior Investigation Officer with the Commonwealth Ombudsman. Additionally, Manny worked in private legal practice on the Gold Coast, primarily in the areas of litigation and employment law.



## TANYA ANDERSEN

Tanya was admitted as a solicitor of the Supreme Court of Qld in January 2007 and commenced her law career in private practice in Townsville in 2005 as a trainee Solicitor where she practiced primarily in the fields of commercial law, commercial litigation, family law, estates, and property law.

Tanya has a passion for social justice issues and is dedicated to community work and looked for a more rewarding career where she could really assist clients without the pressures of time costing – putting the person before profit.

Tanya commenced employment with the North Queensland Women's Legal Service (NQWLS) in May 2008 as a solicitor in the Elder and Culturally and Linguistically Diverse Program. She was appointed as the Principal Solicitor of NQWLS in July 2009. Tanya is also a registered Migration Agent providing assistance to migrant women who are affected by Domestic and Family Violence. She is passionate about ensuring that women within the community have access to legal assistance, and participating in law reform.

Tanya is a recent committee member of QAILS being nominated at the 2009 Annual General Meeting.



## KATRINA FINN

Katrina has worked in the CLC sector since January 1998. She is the Legal Coordinator of the Women's Legal Service

in Brisbane and was the Chair of the Ministerial Advisory Council on Domestic and Family Violence from 2005–2007.

In addition to working at Women's Legal Service, Katrina has also worked at the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service (ATSIWLAS).

Over the last 12 years, Katrina has practised as a solicitor and undertaken community education and law reform projects. Katrina has been a member of the Women's Legal Services Australia (WLSA) committee since 2004 and works closely with other Women's Legal Services on issues of National Law Reform.

Through her work, she advocates for legal systems reforms that will address violence against women, particularly in the areas of Family Law and Domestic Violence.

Katrina has been on the QAILS Management Committee since 2004 and was Co-Convenor for 2 terms, 2007/08 – 2008/09.



## DONALD GUNN

Donald works as a generalist solicitor at the South West Brisbane CLC and has been at the centre for almost 5 years.

He worked in private law firms before CLC land.

He has had a long involvement as a volunteer at community radio station 4ZZZ. Donald works in CLC land as he likes helping people. We can't fix everything but we can fix a few things and help a lot of the community. CLC's are born in different areas and exist because of a need in the community that the system has failed to provide. Donald's hobbies are playing guitar, bass, piano accordion, hiking, camping, reading and travelling.

He likes working in CLC land – it's a very positive place and the information exchange and camaraderie is exceptional. Looking forward to working with everyone. Feel free to contact me anytime at South West Brisbane CLC.



## BILL MITCHELL

Bill is Principal Solicitor and Registered Migration Agent at Townsville Community Legal Service Inc. where he has

worked since 1993. Bill was admitted to practice in 1992 and holds a Bachelor of Laws, Graduate Diploma in Legal Practice, Graduate Certificate of Practice Management and a Master of Laws.

Bill has been a QAILS Committee Member since 1997, Convenor of QAILS from 2001 to 2006 and QAILS Treasurer in 2008–2009 for 1 term.



## JULIAN PORTER

Julian began his legal career in 1996 with Crown Law, the Queensland Crown Solicitor's office, prosecuting quasi-criminal

offences and defending administrative decisions of the Government.

His approach to serving the community took a 180 degree turn in 2000 when he joined disability-specific CLC Queensland Advocacy Inc. There he earned his stripes in high-profile guardianship matters, had significant input into reform of laws affecting people with disability and trained CLC volunteers State-wide on how to work with people with disability.

He joined Suncoast Community Legal Centre at Maroochydore in late 2007 as its first Principal Solicitor.

He is enjoying the challenge of building that Service's capacity to equitably service the Sunshine Coast's numerous population centres with the original Maroochydore advice service now supplemented by outreach services in Noosa, Caloundra, Landsborough and Maleny. Julian sees the rapid service expansion at Suncoast CLS in the recent past as exemplar of what can be achieved with only relatively small amounts of additional funding. He believes a united community legal sector feeding the advocacy efforts of QAILS is the key to continued service improvements.



## COLLEEN WALL

Colleen Ma'run Wall is the second daughter of Herb and Alfa Geiszler (nee Beezley) and was born in Eidsvold.

She is one of the many Granddaughters of Bert and Mary Beezley (nee Minniecon) and is a direct descendant of Katherine Minniecon (Lingwoodock) – and her mother Sarah Lloyd – and her mother Nannie who was born of the Dauwa Kabi Clan (of the Bauple region).

The Kabi Nation extends from Maryborough, west to the Coastal Range below Biggenden then south to Goomeri's Kinbombi Range and east to the coast below Noosa. Colleen's Mother's Granny Katherine left the family knowledge and language belonging to our mob.

Colleen is a storyteller whose artwork depicts her Traditional country, significant sites, creation stories and stories of prominent spirits of her ancestral country. Her community work is based on healing and cultural empowerment of our women and their children.

After working most of her life in the bush she started work in Arts Queensland in 1992 after leaving Mt Isa. Colleen stayed there and managed the Aboriginal and Torres Strait Islander programs for 14 years and did a lot of ground breaking work during that time creating many positions and programs including the Indigenous Regional Arts Development Fund. Colleen held positions in Arts Queensland such as Principal Policy Officer and Senior Consultant in the Regional Arts Unit and Queensland Heritage Trails Network. Since leaving Government Colleen has been delivering recognized training to Aboriginal and Torres Strait Islander students in Community Service, Arts Administration, Youth Work and delivering Cultural Training at Griffith University in the School of Nursing and Midwifery, Logan Campus and the School of Physiotherapy and Exercise Science Gold Coast campus.

She started her own company called Wanyiram Pty Ltd and over the past 3 years have worked to profile artists and artworkers. Colleen has been contracted as an Industry Expert working with companies such as Positive Solutions, Focus Pty Ltd and Queensland Arts Council. Wanyiram has become a preferred provider for the Brisbane City Council Aboriginal Programs with Colleen's son Dany Williams and daughter Joelene Williams now managing that work.

The Company's vision is the 'Spiritual Wellbeing for Our People'. The Company works from a premise of 'Land is Law' and the importance of respecting Land and works with community to profile the correct cultural way to proceed in developing our daily lives.

Colleen is now working as the Executive Officer of the Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service (ATSIWLAS) and is very humbled to be working with such a dedicated and hard working team and Management Committee. Colleen is committed to working with our women in such a way that strengthens and empowers our families.

Colleen extends to all a Kabi Blessing. "Mur'uba Ninda – May life be good to you!"



## EUGENE WHITE

Eugene White has been the Principal Solicitor at the Nundah Community Support Group Inc. operating the Nundah

Community Legal Service since 1 July 2008. There he established a virtually new daytime service, which, given that legal problems often entail economic, social, political, cultural, and human issues, focuses on providing clients with holistic, multi-disciplinary service and referrals; plus some law reform and community legal education activities.

Admitted as a solicitor in Queensland in 1980, he has worked in Brisbane, Toowoomba, Sydney, Perth, and Darwin, variously in private, corporate, public and community practice. Primarily a generalist litigator, his experience covers the myriad legal problems relevant to his Centre's diverse clientele in family, criminal, commercial, property, equity, insolvency, probate, personal injuries, professional negligence and discipline, defamation, neighbourhood, employment, domestic violence, consumer, human rights/ discrimination, administrative, motor vehicle property, child protection and tenancy law.

Born in Melbourne of Central European refugees he is committed to multi-culturalism; and with varied interests including the arts, literature, sport, trad jazz, public affairs, travelling and Star Trek, he subscribes to the adage "think globally, act locally". Thus he has served on Management Committees (the Caxton Legal Centre, where he was a volunteer in 1980 and the 1990s; the New Farm

Bowls Club, as hands-on Secretary and Chair, and the New Farm Neighbourhood Centre) and State Executives (the Queensland Council for Civil Liberties and the Australian Republican Movement). In 2009 he was elected to the Management Committee of QAILS and is a member of its Generalist Network; and with a special interest in human rights, NACLC's Human Rights Network. His past memberships include the International Commission of Jurists and the International Bar Association's Human Rights Institute.



## ROSSLYN MONRO

Rosslyn Monroe has been involved with Community Legal Centres since 1997. She started as a law student volunteer at

Nundah Community Legal Service, and has worked at Pine Rivers Community Legal Service as a generalist solicitor, Caxton Legal Centre as a solicitor for older people, and she is currently the Director of the Youth Advocacy Centre.

Rosslyn has been a member of the QAILS Management Committee since 2003. She has previously held the roles of Management Committee Member, Treasurer for 1 year, Co-Convenor for 4 years and currently is the State Representative to National Association of Community Legal Centres [NACLC].



## AARON FINN

Aaron first came into contact with Community Legal Centres when he was a clinical legal education student at the

Townsville Community Legal Service in 1999. He completed his Practical Legal Training at the same Centre.

Aaron served as the Treasurer for the Central Queensland Community Legal Centre from 2004 to 2006. He became the Principal Solicitor at the Mackay Regional Community Legal Centre in April 2006 and spent close to three years at that Centre.

Aaron returned to Townsville in 2009 where he is now a solicitor at the Townsville Community Legal Service Inc. Aaron has supported QAILS member Community Legal Centres as the Professional Indemnity Insurance (PII) Representative for two terms, 2008/09 – 2009/10.

# convenor's report

*In my first report as the Convenor of QAILS, I would like to acknowledge the work of the immediate past convenors, Rosslyn Monro and Katrina Finn particularly for their very generous handover period and their patient support in bringing me on board with QAILS issues.*



## THE BIG PICTURE

In the past ten years Queensland's Community Legal Sector has grown considerably, in both size and level of professionalism, to become an important part of Queensland's social infrastructure. This growth has occurred within the challenging context of:

- rapid increases in Queensland's population,
- increasing complexity of legal issues,
- greater levels of underlying sources of legal issues such as homelessness and mental illness,
- increased numbers of self represented litigants seeking free legal advice, and
- the failure to adequately fund CLCs to pay fair salary levels.

As the peak body for Queensland's Community Legal Centres (CLCs), QAILS plays an important role in maintaining and supporting the Queensland CLC sector. At the QAILS conference in May this year the membership survey made it clear that QAILS should seek to become more involved in the making of funding decisions to ensure the community's legal needs are addressed. To this end, QAILS will continue discussions with the Queensland Government and other stakeholders about reviewing 'the Legal Practitioners' Interest on Trust Accounts Fund (LPITAF) decision making processes.



Representatives of the QAILS Management Committee 2010

## COMMUNITY LEGAL CENTRE WAGES

QAILS liaised with both Legal Aid Queensland and the Department of Justice to ensure that the needs of CLCs were taken into account in the government negotiations on the distribution of the \$414M allocated by the Queensland Government, as supplementary funding to assist community organisations to meet wages under the Queensland Industrial Relations Commission's 2009 pay equity decision. In February, QAILS wrote to the Attorney General, the Hon Cameron Dick, acknowledging the work of his department in securing a portion of the \$414M for the Community Legal Services Program (CLSP). The amount allocated however represents only a fraction of the cost of implementing new award wages and there remains a significant shortfall in funds to bring CLC wages to a respectable level. The shortfall has already caused some CLCs to reduce their services, a difficult task in the face of growing demand.

## EXTERNAL RELATIONSHIPS

My commencement as QAILS Convenor coincided with the appointment of Mr Anthony Reilly as Chief Executive Officer of Legal Aid Queensland. As a former CLC lawyer, Anthony is well placed to work collaboratively with QAILS and individual CLCs to help deliver a wide range of legal services across Queensland.

QAILS continued to participate in the Queensland Legal Assistance Forum (QLAF) which provides an opportunity to work with other agencies in the legal sector including Legal Aid Queensland, the Queensland Law Society, Queensland Bar Association, Queensland Public Interest Law Clearing House (QPILCH) and Aboriginal and Torres Strait Islander Legal Service (ATSILS).

## MEMBERSHIP AND INTERNAL MATTERS

This year the CLC sector welcomed the much needed Lesbian Gay Bisexual Trans Intersex Legal Service Inc. as a member of QAILS.

This year the membership also approved a new Constitution. A review of the Constitution was undertaken in preparation for CLC accreditation which will be introduced over the next twelve months.

With the assistance of Jenny Gilmore and the generosity of Rosslyn Monro and Katrina Finn, QAILS developed a comprehensive set of internal policies to assist in the planned transition to organisational autonomy.

On behalf of the Management Committee I would like to thank the following for their support of QAILS during 2009/10:

- Legal Aid Queensland CEO Anthony Reilly and State Program Manager, Rosemarie Coxon;
- The Hon. Cameron Dick, Attorney General and Minister for Justice and Industrial Relations;
- The Hon. Robert McClelland, Commonwealth Attorney General;
- Mr Phil Clarke, Deputy Director General of the Department of Justice and Attorney General;
- Ms Julia Hall, Director of NALCLC;
- The Management Committee and Staff of Women's Legal Service, the host centre for the QAILS Secretariat.

I would also like to thank QAILS Executive Officer, Carolyn Grant and Administration/Information Officer, Lyn Giles and all of my dedicated fellow board members for their commitment over the last 12 months. Finally, I would like to thank all of the Management Committees, staff and volunteers of the 34 Community Legal Centres in Queensland, for making access to justice more attainable to thousands of Queenslanders.

**Scott McDougall**  
**QAILS Convenor**

# state representative's report

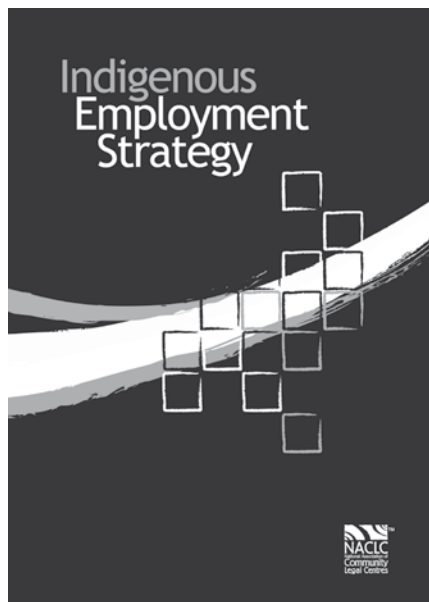
*A major focus for the National Association of Community Legal Services (NACLC) this year has been the development of an accreditation scheme for community legal centres. The scheme will provide certification for CLCs that are providing services in conformity of the NACLC accreditation criteria, including the NACLC risk management guide. To this end NACLC has engaged a consultant to develop an online portal for individual CLCs to manage and resource their self-assessment accreditation process.*



The requirement for an accreditation process arose from the trade marking of the CLC brand in order to protect the interests and reputation of CLCs. This process has also required all state association members of NACLC, including QAILS to adopt the NACLC common membership rules to further define and embed the shared understanding of the qualities and attributes of CLCs.

The online portal will be launched at the 2010 national conference and will provide ongoing challenges and opportunities for CLCs to ensure quality services and healthy organisations.

The 2009 NACLC National Conference was held in Perth. The conference theme was Inclusive Justice: CLCs in action. Two significant pieces of NACLC's work were launched at the conference, the Indigenous Employment Strategy and the CLCs story book DVD. The Indigenous Employment Strategy provides important guidance about the value of indigenous workers in CLCs and how to foster and support indigenous workers in the sector.



The first of July 2010 saw CLCs across Australia sign new Commonwealth Community Legal Service Program triennial service agreements. Arriving at this point involved significant work by the NACLC office in negotiating the terms of the agreement with the Commonwealth program managers. This lobbying and negotiation ensured that CLCs signed agreements that were both fair and accountable.

This year, NACLC commenced the re-draft of the Risk Management Guide. This is a major undertaking and will be critically linked to the standards required under the accreditation scheme.

The significant injection of recurrent funds into the sector by the Commonwealth Attorney General in 09/10 budget is in no small way attributable to the lobbying efforts of the NACLC. As part of the ongoing lobbying strategy NACLC produced a publication which clearly outlines how the work of CLCs is strongly aligned with the Federal government's agenda of social inclusion.

NACLC also has a human rights policy focus and this has been enhanced with the employment of a designated policy officer. This position has worked closely with NACLC networks to respond to human rights issues on the international stage.

I am extremely grateful for the work of the staff at the NACLC office, headed by the very efficient and effective Director, Julia Hall. Liz O'Brien, the outgoing Convenor, provides strong leadership and will be sorely missed in this role. There is an undeniable sense of growth and wellbeing of NACLC as an organisation and the experience of supporting it through board membership has been both rewarding and inspiring.

**Rosslyn Monro**  
**State Representative**

# professional indemnity insurance (pii) representative's report

*Rather than reporting on the past year in professional indemnity insurance, I'm going to focus on the future.*

*Change is afoot. The National Legal Profession Reform Project is likely to create a nationally uniform legal profession across most of Australia. The Risk Management Guide will be significantly updated for the first time in five years. NACLC is progressing with its Accreditation project, which will ensure that community legal centres bearing NACLC accreditation meet basic and reasonable standards of quality in their service delivery.*



Is all this change too much of a burden for struggling CLCs?

Despite the seeming burden of change, the reforms are coalescing and converging into a coherent whole. It may even make life easier in CLCs.

Imagine spending no more than a few hours completing an online self-assessment for your CLC that builds your SSPI standards, partially completes your professional indemnity insurance cross-check, ensures compliance with NACLC accreditation, provides a reflective tool for your centre's current policies and practice and provides you with sample policies. That's in the near future.

For now, a debate is ongoing about the need to impose mandatory practice standards on community legal centres. We have to consider some core issues about the nature and identity of community legal centres. There is some resistance to accreditation and uniformity in legal practice standards.

There are very valid arguments about the individuality and community development model that is such a central part of CLC identity. However, change and regulation will affect CLCs through the National Legal Profession Reform project even if NACLC abandoned the Accreditation process.

I think that we should embrace the opportunity to find best standards and expect that best practice of other Centres.

On a personal note, I'm stepping down from my PII Representative role after two years and wish the best to my successor.

**Aaron Finn**  
**PII Representative**

# qails secretariat report

*The QAILS Secretariat is the staffed component of QAILS Inc. The other key components are the QAILS Management Committee and those member organisations they represent, Queensland's Community Legal Centres.*

*The Secretariat is staffed by 2 core part time employees, Executive Officer Carolyn Grant and Administration/Information Officer Lyn Giles. From time to time project staff are also employed to undertake specific project tasks.*



The work of the Secretariat is ultimately to assist the Queensland community, particularly disadvantaged and marginalised people, to obtain access to legal services, through:

- assisting people to resolve legal problems by providing information and referral services;
- providing information and educational resources about legal rights;
- providing referrals to legal assistance services and facilities;
- supporting and assisting community legal centres to provide these services;
- providing a state forum for community legal centres;
- developing and coordinating Queensland community legal centres' policy; and
- advancing the interests of community legal centres within Queensland.

We are assisted in this work by the National Association of Community Legal Centres (NACLC) and our fellow state/territory associations.

QAILS provides a range of services direct to CLCs and in other ways actively supports CLCs in their work. Supported by NACLC and Legal Aid Queensland (LAQ), QAILS offers its members a range of services including:

- representation of the sectors interests to stakeholders;
- opportunities to network and collaborate to advance social justice;
- employee assistance program – free counseling services for CLC employees and their families through Interlock;
- regular bulletins;
- online legal resources from Thomson Reuters;
- free or low cost professional development;
- free and low cost insurances;
- free WebEx facility and teleconferencing services;
- website presence and profiling via the QAILS website and CLC directory;
- Bulletin Board System;
- Annual State Conference and networks;
- access to travel subsidies for the annual NACLC Conference;
- access to regional subsidies to attend QAILS events.

The QAILS Secretariat is in constant communication with member Centres, particularly related to issues of mutual interest to the sector, such as funding, Community Legal Services Program (CLSP) issues, and raising the profile of the sector.

Twice in the past year, the Secretariat along with member centres, staffed a stall at the Queensland Law Society Careers Expo, promoting the work of CLCs to educational institutions and legal sector stakeholders and talking with students and graduates from across wider Brisbane about how to get involved in the work of CLCs. We are hoping to work with the Queensland Law Society in the coming year to include a forum at the 2011 event - 'A day in the life of a CLC lawyer' to complement similar forums held at the Expo. Staff have presented to university law schools, and the QAILS resources such as bookmarks and posters advertising the QAILS website and contact details of CLCs have been sent out in their thousands across Queensland, continuing to raise the profile of the community legal sector.

We had hoped to produce a 'What is a CLC' brochure (and what do they do) in the past year but were unable to secure funding for this initiative. We will add this to the 'to do' list for next year as it will provide a useful resource for the sector, particularly to support community legal education.

The newer function of the QAILS Secretariat as an information and referral service is being monitored, and statistics gathered and we will present this information in coming reports. Similarly numbers accessing the QAILS website are on the rise and as we grow this resource we will seek feedback for improvement, and monitor use.

## **Community Legal Services Resource/Support Project**

The CLS Resource/Support Project Officer, Julie Howes, left us to move on to greener pastures at Caxton Legal Centre in October 2009. One year into the project significant benefits had been realised. During 2009 Julie visited more than 26 of the 35 CLC sites in Qld. WebEx was installed and QAILS purchased webcams and headsets for all member centres.

WebEx training and implementation was facilitated with NACLCL consultants FINREA and demonstrations of how to access and register for Community Legal Services Information Services (CLSIS) training were conducted. CLSIS training via WebEx is live training, available regularly and is cost efficient. In the past, CLCs were only able to access CLSIS training in Brisbane, usually at the annual QAILS Conference and very occasionally in regional centres. The development and implementation of the CLS Resource/Support Project led to multiple benefits, including:

- **increased access to CLSIS training,**
- **reduced costs associated with providing training,**
- **reduced costs to CLCs in attending training,**
- **increased participation in CLSIS training,**
- **increased networking opportunities with the national CLC sector, and**
- **increased understanding of CLSIS operations and data collection.**

One of the key intentions of the Project was to ultimately support CLCs with optimal data collection, data entry, and subsequently improved, relevant, reliable data retrieval. The ultimate purpose being improved access to data which could support CLCs with strategic planning and potentially evidence based funding requests.

To realise these benefits the project needs to continue, enabling ongoing support of member centres and opportunities to build on the gains made to date. QAILS is continuing discussions with Legal Aid Queensland (LAQ) regarding the funding of this project. The project has benefits beyond those already listed including the extended sector support and sector development which arises from increased staffing hours for the QAILS Secretariat office.

The QAILS Secretariat has submitted a Funding Proposal to LAQ to continue the project.



## Building Governance Capacity and Coverage of Queensland's CLCs

Additionally, QAILS is seeking to secure surplus funds to work on a further project – Building Governance Capacity and Coverage of Queensland's CLCs.

In the Funding Proposal we note that a key objective of QAILS is to support and resource the ongoing development of a high quality and effective community legal sector by providing leadership and support in developing organisational capacity and sectoral sustainability.

The importance of functional management committee arrangements for the ongoing viability of community organisations is well established. Whilst there are a plethora of online and other resources available to committees and staff, there is little support available to smaller centres to access face to face training to actually 'step through' the available resources and implement the necessary governance arrangements.

As part of the QAILS Community Legal Services Resource/Support Project which operated during 2008/2009, surveys were conducted of all participating Community Legal Centres regarding current and emerging needs. Governance and management were repeatedly identified areas of concern. This was supported by other direct feedback from Centres to QAILS staff and management committee at QAILS Conferences, planning days, training events, CLC visits and direct enquiries from Centres.

QAILS included projects on Governance issues in the current QAILS Strategic Plan. The original CLS Resource/Support project plan included the development of an induction resource/program for CLC Management Committees and delivering this program to four CLC Management Committees.

QAILS views the current project proposal as an opportunity to complete the work of the CLS Resource/Support Project. At the 2010 QAILS conference the membership expressed overwhelming support for the Governance Project, with several Centres requesting involvement.

This project would address the following:

- **Governance and the role of the management committee (including Position Descriptions)**
- **The application of the Constitution, governance, delegation, monitoring and reporting**
- **Financial management for management committees**
- **Recruitment, induction and succession planning for management committees**
- **Governance performance review**
- **Sustainability of the organisation**
- **Organisational planning and the strategic plan**
- **Legal compliance and risk management, including employment issues**
- **Sector-wide risk management across QAILS members**
- **Meeting governance standards**
- **Succession planning for employed staff/Coordinator**

Workshops with management committee groups and relevant staff will provide the opportunity to tailor learning and development opportunities to the specific CLC's needs and requirements. This strategy will support management committee members to remain in the sector longer and to be better supported at the commencement and during their management committee tenure.

The new free Management Support Online (MSO) facility which will support the CLC Accreditation process will provide further resources for this project.

## QAILS Members Learning and Development

Each year the Secretariat coordinates two key events - the QAILS Annual State Conference and a two day Planning/ Training/AGM Meeting. CLC members from all over Queensland are represented by staff and sometimes volunteers and management committee members.

The 2010 Annual State Conference, hosted by the team at Logan Youth Legal Service, was held for the first time in nearly ten years at an alternative venue. Previous conferences had seen CLC workers congregate on Bribie Island at the Joondoburri Centre.

Unfortunately, the Centre had closed and was no longer available to us. After some significant time spent trying to find a similar style of venue which ticked all the boxes we settled on Twin Waters Resort on the Sunshine Coast.

The May 2010 conference program built on the successes of previous years and provided an opportunity to hear from speakers and participate in workshops which challenged us, encouraged us to think beyond the known and understood, and again provided an opportunity for formal and informal networking. Phil Clarke, the then Acting Director-General, Department of Justice and Attorney General, and Anthony Reilly, CEO of Legal Aid Queensland (LAQ) opened the Conference talking to the challenges for the legal aid sector post GFC. Key note speaking topics included Community Development, Young People and Human Rights, Sexual Offending Behaviour Across a Lifespan; and Logan Youth Legal Service launched their documentary style film developed as a resource for people who work with and/or support young people in the juvenile justice system. Workshop topics included community development, cultural awareness, mediation, barriers to accessing Legal Aid for women, Legal Aid Queensland on-line resources, CLE in practice, policy development and law reform.

The QAILS update session at the Conference provided an opportunity to feedback to CLC members the preliminary outcomes of a recent QAILS Survey. Of note was the clear mandate from members regarding the need for QAILS to continue work on funding issues, and sector development.

The QAILS Planning/Training/AGM Meeting held in November 2009 provided an opportunity to hear from all member centres about new initiatives, highlights and challenges. Invited speakers Tim Longwill, Partner from McCullough Robertson and Michael Pegg, Manager of the Industrial Relations Team from Jobs Australia addressed the hot topic of the state of play with regard Industrial Relations issues: the new QCSCA State Award, Pay Equity and Award Modernisation – implications and challenges. Louise Logan, Principal Registrar from the soon to be open for business Qld Civil and Administrative Tribunal (QCAT), provided an update and information regarding the new system.



The 2009 Annual General Meeting saw the Association's Constitution amended, finalising a three year process of updating, modernising and preparing for the new CLC accreditation process by incorporating national model rules. The accreditation process is outlined further in this Annual Report.

QAILS staff attended the annual NACLC National Conference held in Perth: the conference theme 'Inclusive Justice: CLCs in action' provided an opportunity to reflect on issues of access to justice particularly for Indigenous Australians. As in past years the opportunity to network with staff from the other state associations and the national association was invaluable.

## QAILS Funding Submission

The QAILS Secretariat worked with the Management Committee and membership to address the implementation of the Queensland Industrial Relations Commission, May 2009, landmark decision which resulted in increased Award rates for the sector of up to 38%. We applauded the State Government for salary subsidies allocated to most Centres, however it was clear that a significant gap remained before the realisation of 'full funding'.

The Secretariat consulted with the CLC membership and prepared the financial modelling for the submission which identified the shortfall across the Community Legal Services Program (CLSP) funding.

Our conservative modelling which related only to CLC funding sources from CLSP revealed the following shortfalls across the QAILS membership:

**2009/2010** \$132,465  
**2010/2011** \$1,196,185  
**2011/2012** \$1,966,668  
**2012/2013** \$1,878,660

QAILS adopted the existing LAQ 70/30 Formula for the purposes of modelling for the submission presented to the Queensland Attorney General in February. The submission built on the work of the 2008-2011 QAILS State Funding Submission submitted in late 2007 and we await the opportunity for further discussions with State and Commonwealth funders regarding the impact of an ongoing shortfall in funding.

As stated in our submission the shortfalls represent a significant portion of the overall amount of funding received by community legal centres to provide legal services. For example, in 2012, the shortfall will comprise just over 20% of total funding received by the sector. If the shortfalls are not addressed, community legal centres will be forced to reduce staffing levels. Future negotiations will be critical with regard the viability of existing community legal centres.

## QAILS Autonomy

Another significant piece of work in train is that which will see the QAILS Secretariat attain 'independence'. This objective requires a number of parallel actions including the recently approved, revised Constitution. The next step is to apply for a range of tax initiatives including Public Benevolent Institution (PBI) status. In 2010 QAILS Inc. registered for GST.

Questions to consider will be: can the QAILS office exist independently from a host organisation; will the organisation be financially viable; how might we access increased funding; where will the QAILS office be located; what type of financial management model will we implement e.g. outsourcing, in-house bookkeeper, no change; is the current staffing structure the same structure we need for the future; do we have the staffing resources to maintain an independent service; does our current vision and planning support independence?

All are questions which will be asked and discussed with the QAILS membership over the coming months. To this end an options paper is being developed as a step in the process of consultation.

## Policies and Procedures

One of the key actions which has absorbed our attention over the past year has been the development of QAILS governance and operational policies and procedures. A consultant was contracted in 2009 to work with us on this task and we are making great headway. The resulting policies and procedures will see us well placed to becoming an autonomous organisation.

## Onward...

The community legal sector in Queensland has received an injection of funds in the past year for new projects and programs, including funding from the State Legal Practitioners Interest on Trust Account Funds (LPITAF) and notably, new recurrent funding from the Commonwealth Attorney General's Department. This has resulted in extended community legal services to the Queensland community such as: partnerships between CLCs and Family Relationship Centres (FRCs); the opening of an Ipswich Community Legal Service as an extension of TASC; Consumer Law Services at Caxton Legal Service and the Cairns Community Legal Service; a Family Law Duty Lawyer Service from Caxton; a free RRR phone advice service at Women's Legal Service; a Mental Health Legal Service and Justice Support Program at QAI; QPILCH's Self Representation Services at the District and Supreme Courts and Queensland Court of Appeal, and QCAT; and other innovative initiatives, many of which are detailed in this Annual Report in the CLC Profile section.

QAILS celebrates these new projects and programs and at the same time is reminded that the key focus for the future is to ensure that all existing services and any new services must be 'fully funded'.

The CLC community also celebrated the opening of a new 'grassroots' community legal centre. The Lesbian Gay Bisexual Trans Intersex (LGBTI) Legal Service opened its doors in July 2010. The year leading up to the opening was spent initiating and setting up this new volunteer, specialist CLC. Like many community based, community managed and supported, community legal centres the LGBTI Legal Service will open one night a week staffed by legal and social support volunteers and evolve over the coming years. We look forward to supporting and growing this new service.

The Secretariat is planning a newsletter for 2011 and hopes to use this vehicle to consult and share information as well as profile the work of community legal centres.

The QAILS Secretariat office continues to be hosted by Women's Legal Service and we are grateful for the ongoing support provided by the staff and management committee of the Service. We are outgrowing our space which will be a consideration during discussions regarding autonomy.

The new year will see us build on the work of previous years. There will be some hurdles, not the least of which is the fact that QAILS was not a recipient of increased funding from the State government to support the implementation of the new QCSCA Award salary levels. Considerable work has gone into reviewing the QAILS 2010/11 budget and a resource developed for the QAILS Management Committee to assess the implications and implementation of salary increases.

We look forward to the coming year which will see a new chapter in the QAILS Secretariat story. With a view to autonomy we relish the opportunity for new challenges and the prospect of working with the QAILS Management Committee and CLC membership on a renewed, revitalised vision for QAILS.

We look forward to continuing to work with our key stakeholders and participating in regular meetings with representatives from Legal Aid Queensland, the Attorney Generals office, the Department of Attorney General and Justice and our other stakeholders. We also look forward to discovering new partnerships.

The QAILS staff team thanks our supportive Executive and Management Committee, many of whom joined us in the last term. This group were the first recipients of the new QAILS Management Committee Induction Manual which we will review and add to for next years Committee. We look forward to working with the incoming team.

Finally, the Secretariat would like to take the opportunity to thank the members for their support. One of the key challenges for the Secretariat is gathering information from CLC members while CLCs are busy with the work of increasing access to justice for their target communities.

Together – Secretariat, Management Committee, CLC members – a collective voice advocating for social justice.

**QAILS Secretariat**  
**Carolyn Grant**  
**Lyn Giles**



Julie's farewell



QAILS Conference welcome

# accreditation

## ACCREDITATION AND CERTIFICATION OF COMMUNITY LEGAL CENTRES

*This year has seen very significant developments in this major joint initiative of the state and territory associations of CLCs and NACLC. The project is driven by a sector commitment to ensure nationally consistent, quality service delivery to CLC clients and to actively support organisational development.*

During 2009-10, all state and territory associations adopted the common membership rules. To be eligible to apply for certification and accreditation, organisations must be full members of a state or territory CLC association, and full members are required to satisfy the NACLC accreditation criteria. Importantly, NACLC accreditation is a tiered system; it is possible for a CLC to be accredited if it has satisfied the state/territory association that it is actively working towards complying.

Much work this year has gone into investigating and developing possible models for implementing accreditation, and in related consultation among the sector. In the end, the NACLC Management Committee, comprising state and territory representatives, decided to engage a consultant, Breaking New Ground (BNG), to develop assessment processes, including indicators for the standards under the accreditation criteria, and resources to support member CLCs.

BNG is developing for NACLC a version, tailored for CLCs, of their online product, the Standards and Performance Pathways (SPP), that will carry baseline resources to assist CLCs in completing the tasks necessary to show compliance with the standards. It is an easy electronic system for completing standards assessments, supported by resources to enable NGOs to complete improvement tasks, and, through comprehensive cross referencing, provides a way of reporting against multiple sets of standards (for multiple funders) through a single assessment process.

To further reduce the administrative burden on centres seeking to demonstrate compliance, it was decided that the accreditation criteria should reflect the requirements of the Community Legal Centres Program Service Standards and the requirements of the NACLC Risk Management Guide.

The NACLC SPP will be launched at the National CLCs Conference this year, and its resources will be made available to CLCs towards the end of 2010. In June 2010, the Commonwealth Attorney General's Department (AGD) made a one off grant to NACLC which will meet a significant part of the cost of the SPP for the first year. Even so, NACLC's financial investment in this project has been and will continue to be over the next few years, very significant.

## ADDITIONAL SUPPORT FOR CLCS – MANAGEMENT SUPPORT ONLINE (MSO)

This year NACLC engaged BNG to develop a tailored Management Support Online Service (MSO) for CLCs. The MSO will complement the SPP's baseline resources by supplementing them with quality improvement resources. The NACLC MSO portal will provide an integrated suite of detailed tools, templates and guided activities covering aspects of governance, management, administration and service delivery not addressed in baseline standards but key to improving service delivery performance. These include diagnostic tools for organisational performance and sustainability, detailed good practice guides for areas such as financial management, staffing, risk management, organisational planning and reporting, and skills development programs for staff and board members.

The MSO will be launched at the CLCs National Conference and will be available to all 'member' CLCs free for at least its first year. At the end of 2009/10 AGD provided a one off grant which has meant that NACLC will also be able to provide free for one year the MSO advice service.

**(ref: NACLC Annual Report 09/10)**



# qails funding and finances


*QAILS Inc. financial reports form a separate attachment to the QAILS 2009/10 Annual Report.*

*Funds held on behalf of QAILS for the operation of the Secretariat are held in the accounts of the Secretariat's host organisation. This extract from the Women's Legal Service Inc. audit report (QAILS Section) shows the breakdown of those QAILS funds.*



| INCOME  |  | 2010   | 2009    |
|---|--|--------|---------|
| Unexpended Secretariat Grant brought forward    |  | 25503  | 19813   |
| Unexpended Grant – Tech Support brought forward |  | 30000  | 30000   |
| QAILS Project Fund                              |  |        |         |
| Secretariat Project 1                           |  | 186469 | 175,824 |
| Secretariat Project 2                           |  | 44733  | 64,850  |
| Bank Interest                                   |  | 4006   | 4890    |
| QAILS Project Management Fee                    |  | 2200   | –       |
| QAILS State Conference                          |  | 15000  | –       |
| State Conference Fees Received                  |  | 10405  | –       |
|   |  | 318316 | 295377  |

| LESS EXPENSES                          |       |         |         |
|--|-------|---------|---------|
| Total Expenses (as per WLS audit)      |       | 251,486 | 239,874 |
|  |       | 66830   | 55503   |
| Unexpended Grant – Secretariat Project | 30891 |         | 25503   |
| Unexpended Grant – Tech Support        | 30000 |         | 30000   |
| Unexpended Grant – State Conference    | 5939  |         | –       |
| NET SURPLUS/ (DEFICIT) FOR YEAR        |       | 0       | 0       |



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The Queensland Association of Independent Legal Services (QAILS) Inc. account, held with the Commonwealth Bank, has been audited by Jones Howard Chartered Accountants. The funds held in the QAILS account are the Association's funds. No project funds are currently deposited in the account.

QAILS secured increased recurrent State Community Legal Services Program (CLSP) Funds from 1st July 2009. This resulted in total core funds, Secretariat Project 1, totalling \$186,469 for the year.

Project funding recorded as Secretariat Project 2 for the Community Legal Services Resource/Support Project ceased following the 1st quarter of the second year of the project as a result of the project worker vacancy and subsequently renegotiations with LAQ regarding the project funding.

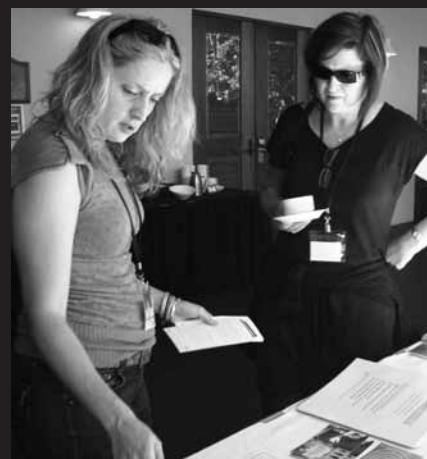
The QAILS Conference subsidy of \$15,000 allocated by LAQ, was managed and held in the accounts of Queensland Association of Independent Legal Services Inc., although as seen in the table opposite the funds were also audited with the QAILS funds held by Women's Legal Services as a result of a request to do so from LAQ.

With increased administration capacity in the QAILS office, the QAILS Secretariat trialled the management of the QAILS Annual Conference finances in house. This proved a successful approach and will continue for the future.

Financial Statements relating to QAILS Inc. funds 2009/10 are available to members by contacting the QAILS office.

# snapshots – clcs network





# what is a clc?

*Community legal centres (CLCs) are independent, community organisations providing equitable and accessible legal services.*

*They are of their communities and responsive to their communities. 'Communities' may be geographic communities, as for generalist CLCs, or communities of interest, as for specialist CLCs that may target a group (eg. children) or a particular area of law.*

CLCs are able to offer appropriate, effective and creative solutions based on their experience within their community. It is this community relationship that distinguishes community legal centres from other legal services. It is this community relationship that makes community legal centres essential and vital organisations.

While providing legal services to individuals, CLCs also work beyond the individual.

Community legal centres initiate community development, community legal education and law reform projects that are preventative in outcome and that strengthen the community.

The clients of community legal centres are those who are facing injustice, whose legal problem is not profitable, and whose life circumstances are affected by their legal problem.

Community legal centres harness the energy and expertise of thousands of volunteers across the country. Centres are committed to collaboration with government, legal aid, the private legal profession and community partners to ensure the best outcomes for their clients and the system of justice in Australia.

**COMMUNITY LEGAL CENTRES –  
ABOUT JUSTICE, NOT JUST THE LAW**

# nature of clcs

*CLCs are community managed, independent organisations operating within an overarching philosophy of promoting access to justice for members of the community through the provision of direct legal services, community education and law reform activities.*



TASC opening

Traditionally, CLCs have developed as grass roots, dynamic and voluntary organisations of solicitors, social workers, community workers and concerned community members who seek to provide basic legal information and advice services. The historical nature of CLCs has allowed them to develop in places of high legal needs to meet identified gaps in the services provided by Legal Aid and the private profession.

The very nature of the evolution of CLCs as instruments created by and for the community has traditionally ensured that CLC services are appropriately tailored to the community being serviced and that there are high levels of acceptance of those services by the community.

Significantly, CLCs have never claimed to be, nor do they wish to be seen as replacements for a properly resourced legal aid system. Rather, CLCs aim to complement the broad range of Legal Aid services provided through formal Legal Aid structures.

Successive reviews (both in Queensland and in other states) have concluded that CLCs effectively work in conjunction with formal Legal Aid structures and the private profession to address legal needs that might otherwise remain unfulfilled.

In this regard, CLCs are uniquely positioned to identify and respond to emerging needs because:

- they are located within the community. This is more than a mere physical presence by way of an office, but extends to community management of the services and directions of each CLC;
- they have the ability to be highly responsive.

Unhampered by rigid structures or the 'red tape' of large institutions such as Legal Aid offices, CLCs are able to quickly identify needs and develop strategies for dealing with issues:

- they are able to adopt 'nontraditional' approaches to legal problems and draw upon highly innovative means for the delivery of services, including the ability to provide services outside of normal business hours;
- they draw upon extensive bodies of voluntary assistance.

CLCs are not outposts of Legal Aid, or 'mini Legal Aid offices'. They have limited or no capacity to deal with large-scale casework and court representation which they see as the responsibility of a properly resourced Legal Aid office that has the personnel and infrastructure to effectively manage such activities.

Rather, CLCs achieve the important goal of promoting access to justice by providing a range of accessible services, often unavailable through other means. Whereas a Legal Aid office is properly concerned with the resolution of a problem for the individual, CLCs have a focus not only on the individual, but also on the wider community.

A community legal centre is often the first port of call when legal matters arise through the provision of individualised advice, information and referral. They are also often the last port of call when the justice system falters or fails and so provide the important (and otherwise silent) community voice in seeking reform of that system.



# queensland clcs listing

Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service

Aboriginal and Torres Strait Islander Women's Legal Service (NQ)

Arts Law Centre of Queensland

Bayside Community Legal Service

Cairns Community Legal Centre

Caxton Legal Centre

Central Queensland Community Legal Centre

Environmental Defenders Office (Qld)

Environmental Defenders Office of Northern Queensland

Gold Coast Legal Service

Goondiwindi Community Legal Service

Lesbian Gay Bisexual Trans Intersex Legal Service

Logan Legal Advice Centre

Logan Youth Legal Service

Mackay Regional Community Legal Centre

North Queensland Women's Legal Service (Cairns)

North Queensland Women's Legal Service (Townsville)

Nundah Community Legal Service

Peninsula Community Legal Service

Pine Rivers Community Legal Service

Prisoners Legal Service

Queensland Advocacy Incorporated

Queensland Public Interest Law Clearing House

Refugee and Immigration Legal Service

Roma Community Legal Service

South West Brisbane Community Legal Centre

Stanthorpe Community Legal Service

Suncoast Community Legal Service

Taylor Street Community Legal Service

Tenants Union of Queensland

Tenants Union of Queensland – North Queensland Office

The Advocacy and Support Centre

Townsville Community Legal Service

Welfare Rights Centre

Women's Legal Service

Youth Advocacy Centre

# clcs in queensland

*QAILS currently has 34 members providing community legal services throughout Queensland. The client base of each Queensland community legal centre is as diverse as the dictates imposed by individual geographical location, demographics, areas of legal practice and resource limitations. Commonly however, each centre is directed towards providing services to the most needy in their community.*



Scott McDougall welcoming delegates

To this end, centres have developed individual hierarchies of need. These generally see those with the greatest barriers to accessing justice provided with the most intensive services available (having regard to resource constraints), while those who might otherwise have access to services elsewhere (i.e. through private solicitors) are provided with the least intensive services (such as legal information). As such, while most people with access to a community legal centre receive some level of service, the real client base of Queensland community legal centres are those clients with one or more levels of significant disadvantage, be they economic, geographic, gender, social or cultural barriers.

The landscape of community legal centres in Queensland is a unique one, consisting of a range of government funded and purely voluntary centres.

Centres service a diverse range of areas including:

- a rapidly growing inner capital city (characterised by urban renewal and the consequent displacement of traditional (and often disadvantaged) inner city dwellers);
- regional and rural towns experiencing primary industry reform and the hardships of years of drought;
- emerging and rapidly growing regional towns without the necessary community infrastructure including basic things such as public transport and access to suitable health and community services;
- those which have been affected by natural and not-so-natural disasters such as cyclones, flood and bush fires; and
- remote indigenous communities accessible only by airplane.



QAILS Annual Conference 2010 hosts

# types of clcs in queensland

*Queensland CLCs can be categorised in a variety of ways reflecting the nature of their funding, client base and service delivery methods. The most common methods of categorisation include:*

## Funding Base

- **Funded services:** Typically those CLCs which derive some level of funding from Commonwealth and/or State Community Legal Service program funding sources.
- **Unfunded services:** Typically those CLCs which do not derive any monies from a recognised source of Community Legal Service funding. Such services may be entirely voluntary or may operate some level of legal service using funds from other sources (for example, a State funding source to provide a particular service to young people).

## Area of Practice

- **Generalist services:** Those CLCs which offer a broad range of services to a diverse client base. Such centres may operate individual “specialist” services (for example, a child support service or a disability discrimination legal service) but such specialisations are simply part of the broad suite of services offered.
- **Specialist services:** Those CLCs which offer specific services in a discrete area of law (for example, legal services in relation to environment or social security), or to a specific section of the community (for example, services directed towards women, indigenous women, LGBTI communities, seniors, or young people).

## Geographic Location

- **Urban services:** Those centres located primarily in the Brisbane metropolitan area. The categorisation is often problematic because many such centres, while physically located in the urban area, offer services outside that area, sometimes on a state-wide basis.
- **Regional, rural and remote services:** A ‘grab bag’ description of centres typically located outside the Brisbane metropolitan region and located either in regional towns throughout Queensland or in rural locations. Again, the categorisation is deceptive. CLCs based in regional Queensland may deliver services to rural and remote locations, for example, a centre based in Cairns may deliver services to the Cape York Peninsula; while a centre in Townsville may service inland Queensland as far as Mt Isa and the Northern Territory border and back again to Palm Island.

One further exemplary case in point would be the Taylor Street Community Legal Service which works side by side the Seniors Legal and Support Service. Auspiced by the Hervey Bay Neighbourhood Centre, Taylor Street coordinates outreach legal advice and community legal education to Maryborough, Bundaberg, Gin Gin, Gympie, Tiaro and Tin Can Bay, and via skype, provides services to Biggenden, Gayndah, Mundubbera and Monto.

In a state as geographically diverse as Queensland, access to justice presents the additional challenges of distance, wet seasons, island communities, and those communities which may as well be located on an island for the degree of remoteness they experience, and the challenges this brings with providing services.

**Community Legal Centres are innovative, pioneering and inventive when it comes to ‘access’.**

# volunteering with clcs

*Volunteers are an important resource for many community legal centres. Their participation connects centres with their communities, provides access to a broad range of skills and expertise, and enables centres to extend services and activities.*



WLS volunteer induction evening

As I sit in the QAILS office in my upstairs quarters in the Women's Legal Service building on a Wednesday evening, the lights are still blazing across Ipswich Road and the work continues downstairs. Clients have been arriving in the car park since the employed, day staff "officially" stopped working. Some have rung the door bell and come inside to wait for the evening shift of volunteers – legal and support staff, 3 nights per week, almost every week of the year.

On Tuesday night of this week, all the WLS volunteer evening coordinators attended a compulsory training session to learn how to implement the new Risk Assessment tool, to support screening women who may be at risk of domestic and family violence, in order to provide clients with the best possible information, advice and referral.

These activities occur at CLC sites and their outreach destinations across Queensland, some during the day, most at night. Without the support of volunteers this service delivery would not be possible.

However, the closure of the Arts Law Centre of Queensland (ALCQ) in 2008, as a result of loss of funding from the Queensland State Government, is clear evidence that most Centres, without paid staff to coordinate and support volunteers, will not successfully recruit, induct, train, professionally develop, support, problem solve and celebrate those same volunteers.

The website [www.clcvolunteers.net.au](http://www.clcvolunteers.net.au), a joint venture between the National Association of Community Legal Centres (NACLC) and the National Pro Bono Resource Centre (NPBRC), provides information about volunteering in CLCs.

The QAILS website [www.qails.org.au](http://www.qails.org.au) has been identified as one of the top four referral sites to the opportunities provided by the clc volunteers site.

Support from volunteers in the community legal sector remains strong. Without the many volunteers who assist with the provision of legal advice, legal supervision, coordination and support work most of the evening advise sessions across Queensland would cease. As can be seen from the table on the following page, volunteer numbers in Queensland remain high, particularly related to the numbers of paid staff. The comparison from other States is evidence of just how supportive our Queensland CLC volunteers are.

## WHAT SORTS OF WORK DO VOLUNTEERS DO?

Different CLCs have different policies regarding the involvement of volunteers. It is important to contact the centre to discuss the role and volunteering opportunities at that particular CLC. The work of volunteers will typically be coordinated and overseen by CLC staff.

CLCs may offer opportunities for law and social work students, lawyers, social workers and others with skills that can help the CLC perform its functions, such as language and cross-cultural skills, social welfare work experience or training. They may also recruit representatives of their volunteers and/or seek people from their community who have experience, knowledge or skills that will be useful to their board of management.

Volunteer students are often required to assist with administrative and reception work as well as initial client contact. Depending on areas of interest and experience, students might also be involved in:

- conducting initial client interviews, and discussing factual scenarios with staff lawyers and volunteer lawyers;
- responding to general inquiries about the CLC and its services;
- referring clients to appropriate community and government agencies;

- case management, maintaining client files and documentation;
- assisting in advocacy work of staff lawyers (including attending courts and tribunals);
- drafting letters and other legal documents;
- researching legal issues, administrative procedures and relevant policy areas;
- maintaining CLC legal resources, loose leaf services and periodicals.

Students who are not admitted to practice must defer to volunteer and staff lawyers for the provision of actual legal advice and must inform clients that they are not qualified to give legal advice but will refer them to a lawyer or arrange for a lawyer to contact them.

Volunteer lawyers may be on a weekly, fortnightly or monthly roster to attend evening shifts in order to advise clients. Experienced volunteer lawyers may be involved in mentoring and guiding volunteer students and volunteer lawyers with less experience.

Non-legal volunteer staff, including volunteer students, may also be rostered and work with employed CLC staff to provide telephone referrals to the public, arrange bookings for legal advice nights, prepare interview, briefing or file notes, conduct follow-up tasks on client matters such as preparing draft letters and conduct administrative tasks.

## WHAT ARE THE BENEFITS OF VOLUNTEERING?

Benefits reported by volunteers at CLCs include:

- Accelerated professional development and broadened career paths – development of invaluable skills because of the independent, client-focused and practical nature of CLC volunteer work; realization of a larger range of career options than previously considered and new insights what kind of lawyer they wanted to be.
- New legal skills and challenges – opportunities to work in different areas of law areas, and hence gain new skills and challenges.
- Genuine satisfaction from helping people solve their problems, from working in a team and from the knowledge that their volunteer contributions are part of the development of a fair and accessible legal system.
- Building networks and friendships – meeting like-minded individuals, broadening both personal friendships and professional networks.

**This information has been sourced from the CLC volunteers website [www.clcvolunteers.net.au](http://www.clcvolunteers.net.au)**

## CLC STAFFING AND VOLUNTEER STATISTICS FOR 2009/10

| STATE        | FT Sols    | FT Other   | Total FT Staff | PT Sols    | PT Other   | Total PT Staff | Vol Sols    | Vol Other   | Total Volunteers |
|--------------|------------|------------|----------------|------------|------------|----------------|-------------|-------------|------------------|
| QLD          | 51         | 61         | 112            | 51         | 95         | 146            | 523         | 293         | 816              |
| ACT          | 9          | 10         | 19             | 4          | 10         | 14             | 25          | 27          | 52               |
| NSW          | 115        | 137        | 252            | 49         | 175        | 224            | 743         | 397         | 1140             |
| NT           | 17         | 27         | 44             | 6          | 16         | 22             | 62          | 28          | 90               |
| SA           | 29         | 20         | 49             | 8          | 37         | 45             | 67          | 31          | 98               |
| TAS          | 10         | 4          | 14             | 9          | 11         | 20             | 35          | 47          | 82               |
| VIC          | 100        | 124        | 224            | 95         | 174        | 269            | 499         | 489         | 988              |
| WA           | 34         | 74         | 108            | 43         | 93         | 136            | 45          | 326         | 371              |
| <b>TOTAL</b> | <b>365</b> | <b>457</b> | <b>822</b>     | <b>265</b> | <b>592</b> | <b>875</b>     | <b>1999</b> | <b>1638</b> | <b>3637</b>      |

## SUNCOAST COMMUNITY LEGAL SERVICE REMINISCENCE – 25 YEARS IN CLCS

**By Ray Barber**

Was it 1984 or 1985? I am sure that a reliable source can be found to give a date to the founding of the Suncoast Community Legal Service. If you can remember the 1980's, as a lawyer, you must have skipped lunch! All I can recall is Bruce McDiarmid calling me to attend a founding meeting for the service – Dennis Callinan's idea.

We weren't lunching with each other in the 80's. So the first meeting and the committee meetings that followed were a good chance to catch up with busy colleagues. We had humble digs at the Cotton Tree Neighbourhood Centre in Third Avenue. We paid them rent.

There was an enjoyable official opening a long time after we opened. The then Governor of Queensland, Sir Walter Campbell QC, did the honours. I remember asking John Butler why he and Wally were such hale friends.

"I used to brief him when he was a junior" John said.

There was a small roster of like-minded solicitors. Each rostered solicitor handled whatever queries they were scheduled. The only concession to specialization was that you might ask your colleague in the next room to task your case.

The service started to outgrow its borrowed rooms. The committee, with the able assistance of Edna Birluson, got a grant to build some rooms on to the Neighbourhood Centre.

It was entertaining.

You might get to watch a Latin dance class as you were leaving. Or karate.

It took us out of the relative comfort and defined circumstances of our legal practices. Clients weren't necessarily as grateful or as polite as at work. Their cases were often remarkable compared to our day to day cases.

Most of all, we could tell that we were giving a satisfactory and economic first point of call to people wanting a legal diagnosis. We could also tell that we were creating significant work for the private profession. Back then, as now, the great majority of my referrals were to the profession.

There were no lurks or perks. (I really enjoy the lurks that the modern service has provided – CPD and sandwiches come to mind).

These days – different faces; different challenges; same dedication to public service.

But you should have been here in the 80's! There were some memorable lunches.

## VOLUNTEERING

By Phil Canning in  
a Community Legal Centre

*When Carolyn Grant from the Queensland Association of Independent Legal Services approached me to write about being a volunteer, I didn't have the slightest inkling that explaining something I've happily done at Caxton Legal Centre for some years would prove quite so difficult.*

Unfortunately, when I sat down to draft an outline I found myself answering the most fundamental question (Why do I volunteer?) with another question (I don't know, why do I?).

A thorough trawl through my memory banks failed to highlight anything that could have predisposed me to any form of community involvement. I'm one of those lawyers who came to the law after an earlier career and what seems like an eternity. During all of that period I never had any aspirations to volunteer myself for anything (probably a survival skill learned in the military). Nevertheless, I now do so every week with out hesitation. Why?

After some procrastination I sought inspiration from the Internet. I didn't get any, but I did discover that there is a diverse range of volunteer organisations in Australia involving a considerable part of the population. A 2001 report by the Australian Bureau of Statistics titled 'Voluntary Work, Australia', confirmed it.

It stated that the estimated number of volunteers aged 18 and over in 2000 was 32% of the civilian population (4,395,600 people in Australia). Of that, the rate of volunteer involvement in law/justice/political organisations was about 5%. Given the specialised nature of participation in community legal services, I realised that thousands of lawyers participate.

The report also highlighted the importance of voluntary work as a contribution to national life, especially meeting community needs and developing social networks and cohesion.

Now I have to admit that when I first volunteered as a student my motives were mostly selfish. I wanted to meet my needs, not the community's; I had in mind a cunning plan to develop networks that would unlock job opportunities for me.

Fortunately my views changed within a short time. It became apparent that there was a high demand for specialised services such as Caxton Legal Centre and it appears to me that the demand is growing as other organisations find it increasingly difficult to maintain service levels with decreased funding/income. I quickly found that many people, for whatever reason, simply don't want to deal with legal problems. For example, they seek advice on Monday night when they are due in court on serious criminal charges the next day; or present you with a copy of the summary judgement entered against them a month ago and ask if they should do anything about it.

In my experience, providing a service that encourages people to seek advice about how they should deal with their particular issue; or simply being able to outline their rights and obligations is ultimately far more cost-effective than having them ignore their problem and compound the issues.

## Balanced perspective

While some people may not agree (sorry, we're lawyers, so 50% won't agree), I believe the nature of our work has the potential to adversely impact on our interpersonal skills and affect how we deal with people. Volunteering gives me the opportunity to take myself out of my comfort zone and provides fresh challenges.

It helps me maintain a balanced perspective and reinforces my belief that most people only want to be treated with a bit of dignity and respect – essential to remember when dealing with people on a daily basis and in situations that can be stressful and confronting.

It also seems to be an effective way of changing people's perceptions about lawyers. I find most clients are genuinely appreciative of the service and surprised that so many practitioners are prepared to be involved. This has to be a good thing for all of us.

Conversely, some lawyers say that providing free legal advice is counter productive in that it is depriving someone of an income – if people want legal advice, they should pay for it. I have never been able to work that one out.

A large proportion of the work done by community legal centres such as Caxton Legal Centre is to provide advice and, in many cases, results in that person being referred to a lawyer (actually the person gets a referral list and she/ he can contact several lawyers, then choose the one they feel comfortable with). I don't understand how that could disadvantage anyone.

I realise that not everyone feels a need to participate in a community legal centre and that many people are already giving generously of their time in other voluntary organisations or through school activities.

However, if you have at any time harboured a desire to be involved in a community legal centre such as Caxton, my only advice would be to say 'do it!' It is rewarding and the positives outweigh the negatives.

Now if that hasn't convinced you, then I'll refer to an article that appeared in The Age newspaper on October 31, 2002. It was written by Sherrill Nixon and titled 'Happiness is being a volunteer'. Basically, it referred to a survey carried out by researchers from Deakin University, Australian National University, Sydney University and insurer Australian Unity.

The survey (Australian Unity Wellbeing Index survey) found volunteers were the most satisfied people in Australia. Sherrill Nixon wrote that "Volunteers say they are significantly happier with their work, work hours, community connectedness and spirituality than any other group".

I can't say that I feel more spiritual (still got the problem of my head rotating 360 degrees when I get upset because of a decision that is clearly wrong), but I can say that I'm happy with the experiences I've had. I've met many interesting people; had the privilege and opportunity of being involved with and learning from some wonderful, talented lawyers; and thoroughly enjoyed it all. Omm!

Local neighbourhood and community centres such as those in Nundah, Pine Rivers, Redcliffe, Bayside, Stanthorpe, Sunshine Coast and Mackay all provide (mostly evening) legal advice sessions through the volunteered time of local solicitors. Other specialist and generalist community legal centres also run advice sessions. For more information on volunteering at a community legal centre, please contact QAILS for a list of centres in Queensland.

*Pro Bono is an esteemed feature of the legal profession. Lawyers have a shared professional responsibility to help improve access to justice by providing pro bono legal assistance and many Australian lawyers take this responsibility very seriously and derive significant satisfaction from helping those who wouldn't otherwise obtain access to legal services. Much of this work is done for individuals who are disadvantaged or marginalised or for organisations that seek to assist people in such circumstances.*

*The most recent ABS survey of the legal profession indicated that Australian lawyers did a remarkable 955,400 hours of pro bono work in 07/08.*

**John Corker, Executive Director,  
National Pro Bono Resource Centre October 2010**

# community legal centre profiles

## ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN'S LEGAL AND ADVOCACY SERVICE ABORIGINAL CORPORATION

The Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service trading as ATSIWLAS aims to build 'a resilient community of Aboriginal and Torres Strait Islander Women – Strong in Spirit and Knowledge of Rights'. Membership of the Indigenous People's Organisation (IPO) allows for representation of clients' interests on an international level through the United Nations Indigenous Permanent Forum.

ATSIWLAS, was founded in 1995 by leading A&TSI women such as Ms Monica O'Callaghan (deceased), Ms E.Watson (deceased), Ms I.Tarrago, Prof. Boni Robertson, Ms S.Finn, and Ms C.Buchanan along with non-Indigenous members, Ms P.Godsell, Ms Z.Rathus, and Ms J.Clarkin.

As a specialist CLC, registered in 1996, ATSIWLAS provides legal advice in the areas of family law, domestic and family violence, victims of crime, advocacy, and child welfare issues; general information; and assistance by way of information referrals.

ATSIWLAS has three program areas with seven staff in total. The Administration and Support Unit consists of the Executive Director (C.Wall), Administration/Office Support (B.Terkovits) and Bookkeeper (T.Drew). The Legal Unit consists of Principal Solicitor (K.Thomas) and part-time solicitor (C.Henderson). The A&TSI Family Violence Counselling and Court Support Unit has two staff – Court Support Officer, (D.West) and Family Support Officer, (K.Henaway).

ATSIWLAS has a new Management Committee process that provides stability with 9 Committee Members. There are three 3 year positions, three 2 year positions and three 1 year positions that allow for consistency on the Executive while preparing new members to skill up for future positions.

[www.atsiwl.org.au](http://www.atsiwl.org.au)

## ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN'S LEGAL SERVICES NORTH QUEENSLAND

The Aboriginal and Torres Strait Islander Women's Legal Services NQ Inc, (ATSIWLSNQ) began in 1998 as the Indigenous Women's Unit, formerly within the North Queensland Women's Legal Service Inc (NQWLS). ATSIWLSNQ has been incorporated since February 2006.

Core funding supports a solicitor/coordinator, community development worker (CDW) and part-time administrator. There is currently an additional part-time solicitor position until early 2011. The CDW maintains community networks throughout NQ to facilitate indigenous women's access to legal services.

The ATSIWLSNQ service region extends from Mackay to the Torres Strait, east to Palm Island and west to the NT border, providing 2 broad categories of service:

- Legal advice, assistance and representation;
- CLE and community development work.

Main areas of practice are family law, child protection, family violence, victim assistance and anti-discrimination law. Projects include CLE for homeless people, information about family dispute resolution and child support.

CLE targets the assessed needs of individual communities and remains a significant part of ATSIWLSNQ's work.

Other legal services are provided through:

- face to face appointments;
- telephone advice (free phone advice line);
- mail advice and information;
- legal representation for court and non-court processes.

Services are provided in a culturally-friendly environment. ATSIWLSNQ aims to promote indigenous women's knowledge of their rights, ownership of the legal issues and familiarity with legal processes, to assist women to confidently access the legal court and non-court processes.

Demand for ATSIWLSNQ's legal services has grown significantly since 2006 and a major challenge for the service is to find innovative and culturally appropriate ways to meet the increasing need for legal advice, information and representation.

[www.atsiwl.org.au](http://www.atsiwl.org.au)

## BAYSIDE COMMUNITY LEGAL SERVICE

The Bayside Community Legal Service has been operating since 1992.

For the first 14 years the service received sufficient funding to employ a part-time coordinator, with all other legal and non-legal services provided by volunteers.

Over the years the service has been fortunate to attract a range of solicitors, barristers, law students and others prepared to give up their time on Monday nights to provide volunteer advice and assistance to residents of the bayside area, including residents living on the Moreton Bay islands.

Following the receipt of funding through the LPITAF initiative the service was able to employ a part-time solicitor one day a week. This new approach showed immediate benefits, including access for clients seeking advice during the day, minimising travel at night particularly for those clients with children.

With the continuing support and assistance from Legal Aid Queensland the service employs a solicitor providing advice two days per week. The day time solicitor operates in two locations, Capalaba and Cleveland and the volunteer service at Capalaba operates each Monday night. This has resulted in an increased number of advices, referrals and legal education seminars being delivered during the last 12 months.

The service has been fortunate in continuing to attract legal and non-legal volunteers, with 10 legal and 7 non-legal volunteers on the roster.



Bayside CLC team



Cairns CLC

## CAIRNS COMMUNITY LEGAL CENTRE

The Cairns Community Legal Centre Inc (Centre) which commenced operations in approximately 1991, continued to operate the following 3 service programs during 2009/2010:

- Core (General) Service;
- Disability Discrimination Legal Service (DDLS); and
- Seniors Legal and Support Service (SLASS) – Pilot

During 2009/2010 the Centre also commenced operation of the:

- Family Relationship Centre (FRC) Project Service – Pilot
- Consumer Law Service (CLS) – Pilot

The Centre is pleased with recent announcements that the Centre's SLASS and FRC Project Service Pilots are to receive recurrent funding for the 3 year period 2010–2013; and that the Centre's CLS Pilot is to receive an additional year's funding for 2010–2011.

During 2009/2010 the Centre also completed various special projects. These projects have included an update of the Centre's Referral Manual comprising over 100 pages of referral information; an update and production of the Centre's community education materials (including approximately 15 power points across a variety of areas of law) and a visit by the Centre's DDLS to Cape communities. These special projects were funded by the Legal Practitioner's Interest on Trust Account Fund (LPITAF).

The ongoing success of the Centre is made possible by the dedicated team of staff and volunteers which during 2009/2010 included:

- 50 volunteers, including the Centre's management committee as well as approximately 20 volunteer advice solicitors and 21 student volunteers;
- 11 paid staff positions, including 3 administration workers, 1 finance worker, 1 social worker; 4 casework solicitor positions and the Centre's Principal Solicitor and Coordinator.

The Centre extends its thanks to all who have contributed to another successful year and looks forward to the year ahead.

[www.cclc.org.au](http://www.cclc.org.au)

## **COMMUNITY LEGAL CENTRES HAVE BEEN AT THE FOREFRONT OF COOPERATIVE SERVICE DELIVERY ARRANGEMENT FOR MANY YEARS.**

Federal Attorney General, Hon Robert McClelland, September 2009



### **CENTRAL QUEENSLAND COMMUNITY LEGAL CENTRE**

The Central Queensland Community Legal Centre Inc is a generalist service providing quality and timely legal advice, information, casework and referral to CQ residents in the areas of civil, family and minor criminal law. While our staff do not have the resources to attend courts or tribunals on behalf of clients, our motto is "to help clients help themselves" and we are able to assist clients with drafting correspondence and court documents and provide guidance and support throughout their legal matter. Staff of the Centre also regularly conduct, develop and participate in local networking, community education and law reform projects for local residents and community groups on important matters affecting the community.

The Centre is staffed by one full time administrator, one part time administrative assistant, two full time solicitors, and one part time contract solicitor conducting the new Family Relationship Centre and Legal Assistance Partnership trial project.

We are committed to improving access to justice and responding to unmet needs in the community by providing several outreach services to surrounding areas including Yeppoon, Emerald and Mt Morgan. We also provide a significant number of telephone advices to persons living in remote locations who are unable to access legal services. We provide a free call 1800 number to enable ease of access to our service.

The Centre also auspices the VOCAL service which provides support for victims of crime in the community.

[www.cqclc.org.au](http://www.cqclc.org.au)

### **CAXTON LEGAL CENTRE**

The 2009–10 year was eventful as Caxton Legal Centre continued to grow and develop as an organisation, with new programs emerging, relocation on the horizon and a service restructure taking place in the context of ever-present high levels of demand for service.

September 2009 brought the very welcome news of the funding for our Seniors Legal and Support Service (SLASS) becoming recurrent from 1 July 2010. This security enabled Caxton to enter a phase of planning and restructure, including a two day retreat in late March which was very productive. Major change to the organisational structure was in place by the end of June 2010, with the new positions of Principal Solicitor and Senior Social Worker filled by John Stannard and Vivenne Campion respectively. Samantha Fradd stepped up into the demanding role of Supervising Solicitor for SLASS.

Caxton prepares to move to new premises at 1 Manning Street, South Brisbane in October 2010, which will enable the Seniors' Legal and Support Service to come under the same roof as the generalist service for the first time.

In October 2009 Stephanie Ewart and Kirsty Thomas were recruited to fill the Family Law Duty Lawyer positions funded through the Federal Attorney General's Department. The Family Duty Lawyer service has been in operation at the Commonwealth Courts and has operated at capacity with more than 208 clients having received legal services, ranging from information and advice to court representation, during the first four months of operation.

Continuing demand for consumer law, debt and employment law advice was met by specialist programs including the development of an unfunded service providing employment law advice staffed by a new intake of volunteers. Another year of funding was provided by LPITAF to continue our popular Consumer Law Program in conjunction with QUT's Consumer Legal Advice Clinic. This student clinic is run in addition to our existing General and Family Law student programs with Griffith University.

As always a large vote of thanks must go to our wonderful volunteers and pro-bono solicitors and firms that have assisted us in providing services to our clients. Without their support, we wouldn't exist.

We look forward to the coming year in our new location, and settling into the changes.

[www.caxton.org.au](http://www.caxton.org.au)

## ENVIRONMENTAL DEFENDERS OFFICE (QLD)

The Environmental Defenders Office (Qld) Inc provides free legal advice and information to individuals and community groups who seek to protect the environment in the public interest.

They're not just protecting their own backyards – EDO clients are concerned about the impact on valuable agricultural land by Queensland's burgeoning coal seam gas industry; about the public health and environmental impacts of chemical spraying; the effects of industrial and feedlot runoff on our waterways; the loss of koala habitat, and much, much more.

This year, we celebrated with clients in the Mary Valley, when Environment Minister Peter Garrett refused the proposed Traveston Crossing Dam. A major public interest test case in the Federal court, (WBBCC v Burnett Water QUD 319 of 2009) aimed at protecting the ancient Queensland Lungfish, was finalised in February 2010. Judgement was reserved – and as at going to press, we are still waiting for a decision.

EDO Qld prepared law reform submissions on behalf of the community: from the Strategic Cropping Land Framework, to the Premier's Integrity and Accountability Green paper. We continue to provide free community legal education, including workshops to educate the community about the new Sustainable Planning Act 2009.

All this, with just a couple of lawyers and part-time office staff. The challenge for next year is to convince the State Government that Queenslanders deserve Legal Aid for public interest environmental litigation.

[www.edo.org.au/edoqld](http://www.edo.org.au/edoqld)

## ENVIRONMENTAL DEFENDERS OFFICE OF NORTHERN QUEENSLAND

EDO-NQ is a non-profit community legal centre specialising in public interest environmental law. We cover a large area from Sarina (south of Mackay) north to the Torres Strait and across the breadth of Queensland. We have a volunteer Management Committee and two legal staff with assistance from an office coordinator.

Our service area includes two World Heritage Areas, the outstanding Great Barrier Reef and Wet Tropics WHA. Although our modest resources and large service area do not allow EDO-NQ to directly represent everyone seeking assistance we regularly provide support to individuals and groups working to protect North Queensland's unique environment. Our biggest challenge will be to identify and channel resources into the areas that provide the best outcomes for the protection of North Queensland's environment.

Highlights during the last financial year include:

- **Some success in the False Cape case;**
- **Submission to the Commonwealth for additional funding to support public interest environmental law matters;**
- **Publication of new fact sheets – Right to Information, Indigenous Cultural Heritage, Nature Conservation and State Development Projects;**
- **Input into Law reforms – Queensland Coastal Plan; Great Barrier Reef Protection, Wet Tropics Water Resource and SPA;**

During the upcoming year EDO-NQ looks forward to expanding the volunteer program and placement program for legal students and visiting regional areas to deliver workshops and provide advice.

[www.edo.org.au/edonq](http://www.edo.org.au/edonq)



## GOLD COAST LEGAL SERVICE

The Citizens Advice Bureau and Gold Coast Legal Service Inc. is the only funded community legal centre on the Gold Coast, servicing an area extending from Yatala in the north, Beaudesert in the west and Coolangatta/Tweed Heads in the south and providing a generalist service to its target community. The service provides assistance to some 3600 clients annually across a broad spectrum of areas, dominated by family law, consumer law and neighbourhood disputes, with other matters being dealt with including employment, credit and debt and other civil disputes.

Our service also has a fully trained and qualified in-house financial counsellor, assisting clients with personal debt-related matters, including assistance with bankruptcy where appropriate.

We have two full time and two part-time solicitors, a financial counsellor, office manager-paralegal, and several other employed support staff. Additionally we have a dedicated core of volunteer workers who work on our front desk providing administrative support to the solicitors, especially client screening and appointments and also providing community information as part of our Citizens Advice Bureau function.

[www.advicebureau.org.au](http://www.advicebureau.org.au)

## **GOONDIWINDI COMMUNITY LEGAL SERVICE**

Care Goondiwindi Assoc Inc continues to work with community members in both Northern NSW and South West QLD.

We maintain our strong connections with Legal Aid QLD, Rural Women's Outreach Legal Service and Maruma-li Marie Outreach Service. We also provide office space for visiting solicitors to enable them to maintain contact with their clients, and assist, when required, with admin support.

We continue to provide direct contact for our clients from our part time solicitor by offering Saturday morning appointments at our Centre, contact via telephone and e-mail responses after hours.

The Goondiwindi Community Legal Centre continues to enhance our existing service, and our staff also assists, when requested, with Legal Aid applications and also court support where necessary. We also support the recently formed Community Justice Group, with a coordinator soon to be appointed, who will be working from our Centre.

The Centre was fortunate to engage a prac student solicitor for several weeks earlier this year, which proved a major benefit to both the Centre and clients as there was legal support available on demand.

**[www.caregoondiwindi.org.au](http://www.caregoondiwindi.org.au)**

## **LESBIAN GAY BISEXUAL TRANS INTERSEX LEGAL SERVICE**

It has been an historic twelve months for the Lesbian Gay Bisexual Trans Intersex and Queer (LGBTIQ) communities of Queensland with the first specialist community legal centre in Australia incorporating on 11 July 2009.

The LGBTI Legal Service will provide free legal advice, information and referral to clients who self-identify from LGBTIQ communities, and the service will assist clients with any legal enquiry. The LGBTI Legal Service will open its doors to the LGBTIQ communities on 7 July 2010 and will operate from the Queensland Association for Healthy Communities (QAHC) premises in Teneriffe on Wednesday evenings from 6pm. Telephone advice will be available to regional clients.

Over the past twelve months the service has focused on establishing itself, working toward service provision from July 2010. The Service has over twenty lawyer and non-lawyer volunteers and gained QAILS membership in April 2010.

The LGBTI Legal Service Inc has been established by and continues to be overseen by a management committee of individuals representing the diverse communities under the LGBTIQ banner.

## **LOGAN LEGAL ADVICE CENTRE**

Logan Legal Advice Centre (LLAC) supported 730 clients during the 2009–2010 financial year and engaged in 877 advice activities and 843 information activities. Key presenting issues included family law (children, divorce and separation), civil law matters (debt, neighbour disputes, motor vehicle accidents, and consumer issues), as well as minor criminal law matters. Employed staff also engaged in two law reform activities and conducted three community legal education activities.

During 2009–2010 LLAC, in conjunction with South West Brisbane Community Legal Centre and Women's Legal Service, participated in a trial partnership with the Logan Family Relationship Centre (FRC) providing legal advice and information sessions to clients. This was part of the Government's commitment to improve outcomes for families experiencing relationship break-down by trialing similar partnerships across the FRC/CLC sector. This partnership in general was well received by the Family Relationship Centre and clients and has received on-going funding for a further two years. LLAC is excited about continued participation in this worthwhile partnership.

LLAC has also been engaged in a review of the resources provided by the service. In response to this review, the service has developed a new family law brochure for clients explaining aspects of family law that need to be considered in a way that is easily understood. Further brochures are planned for the 2010–2011 financial year.

**[www.llac.yfs.org.au](http://www.llac.yfs.org.au)**



NQWLS Cairns



Logan Youth Legal Service team



NQWLS Townsville



NQWLS

## LOGAN YOUTH LEGAL SERVICE

Logan Youth Legal Service (LYLS) provides advice, casework and advocacy services to young people aged between 10 and 17 years in Logan and the surrounding regions. The service also engages in community legal education and law reform activities. During the 2009–2010 year LYLS provided services to 290 clients, as well as engaging in 11 law reform activities relevant to young people in the Logan community and providing 40 community legal education activities to both community and professional groups.

Logan Youth Legal Service hosted the 2010 annual QAILS Conference for Queensland's Community Legal Centres at the Twin Waters Resort on the Sunshine Coast.

The advocacy and legal support engaged in by LYLS continues to occur within a holistic framework. This enables the service to see beyond the young person's behaviour and connect with them as an individual who is influenced by a range of circumstances that are often complex. Working with young people in this way gives the client a sense that the support of the service will be there regardless of the issue.

During the 2009–2010 period, the service saw an increasing number of young people in care referred to the service for advocacy and direct representative legal support. The service also saw an increase in members of Queensland Police Service and Child Safety Officers requesting representation for young people in the Logan community.

[www.yfs.org.au/legal](http://www.yfs.org.au/legal)

## MACKAY REGIONAL COMMUNITY LEGAL CENTRE

Mackay Regional Community Legal Centre Inc. has been funded since 2005. The Centre provides a generalist day time service with two legal advice evenings each month, provided by volunteers.

The Centre is funded for 1 full time solicitor and 1 administration assistant but has been able to allocate surplus funding to employ an additional full time solicitor to enhance service delivery.

With the assistance of a volunteer Registered Migration Agent, the Centre now assists eligible people with migration advice.

MRCLC, in collaboration with the Family Relationships Centre (FRC) and the Mackay office of Legal Aid Queensland has also been delivering Family Law Information Workshops to clients of the FRC. These workshops will also be delivered in the regional areas of the mining hinterland and the Whitsundays.

An ongoing challenge is retention of staff, particularly exacerbated by being a small regional office. Staff turnover impacts on service delivery particularly in providing a consistent and regular outreach service.

[www.mrclc.com.au](http://www.mrclc.com.au)

## NORTH QUEENSLAND WOMEN'S LEGAL SERVICE

North Queensland Women's Legal Service [NQWLS] is a community legal service provided by women for women with a service region that covers from Sarina in the south, west to the NT border and north to Cape York.

The Service comprises two separate offices in two regional centres over 400 kilometres apart.

The Townsville office has 1 full time solicitor, 1 part time solicitor, a part time coordinator and 2 part time administrators. The Cairns office is staffed by two part time solicitors and one part time administrator.

NQWLS provides advice to women in most areas of law although the focus is mainly on family law, family violence and child protection. Assistance is offered on a telephone advice line and by face to face appointments. This year we:

- continued with regular outreach clinics to Ayr, Charters Towers, Ingham, Atherton, Innisfail, Mareeba and Mossman/Port Douglas;
- distributed an innovative Property Settlement Workbook that will assist both clients and lawyers prepare and negotiate a property settlement;
- raised awareness of key legal issues impacting on our clients through a targetted communication strategy;
- continued to deliver community legal education sessions targeting women and organisations in rural and regional areas;
- continued to develop and maintained relationships with key stakeholders throughout North Queensland.

[www.nqwls.com.au](http://www.nqwls.com.au)



Nundah CLS staff at Nundah Festival 2010



Nundah Community Support  
Group Inc. premises

## NUNDAH COMMUNITY LEGAL SERVICE

The Nundah Community Support Group Inc operates the Nundah Community Legal Service as part of the broader Nundah Neighbourhood Centre. We provide all members of the community (especially those most disadvantaged and marginalised, including 'the working poor') access to justice through a free, quality, often "triage" and sometimes "last resort" legal service. We do this through a weekly Wednesday drop-in advice service staffed by dedicated volunteer lawyers and students together with an employed daytime senior solicitor who sees clients by appointment with sufficient time to provide more extensive generalist assistance.

As legal problems do not exist in isolation we take a holistic approach and provide effective information on, and practical referrals to, specialist legal and non-legal services. While a small service with limited resources, we maintain an active interest and involvement in community legal education [especially 'law' talks to school and university students] and law reform; peak organisations and the Australian Services Union, with a particular focus on human rights.

## PENINSULA COMMUNITY LEGAL SERVICE

Our Service is in a renewal stage with a change of personnel (both Ray Richardson and Ed Colwell have moved on) and a committee determined to see us meeting the demand for legal services that continues to grow in Redcliffe, Deception Bay and North Lakes.

Laurie McMahon was appointed the Responsible Solicitor in July 2009 and the service has busily provided an advice session once a week (Wednesday evenings) with the help of an expanded number of volunteer solicitors and provides day time appointments for more involved cases such as where assistance with documentation is required. Our outreach to Deception Bay is well patronised by residents in that area.

A recent innovation is the service's youth focus. The Legal Service is now well known to the local youth service providers and referrals are being developed from those sources. A further innovation is the appointment in recent times of a Community Development Officer, Ms Sharon Cahill, whose role is to investigate the unmet legal needs in the areas of youth, aged and mental health. We host a 'Youth and the Law' meeting on a regular basis including youth agencies, the court and police with the aim of improving service outcomes for young people in the region.

Our region includes a large Pacific Islander community and maintains a first peoples' population and contact is being developed with those communities identifying unmet legal needs with respect to both.

We are conscious that more needs to be done and we aim to take advantage of the opportunities that we have in supporting our region.

## PINE RIVERS COMMUNITY LEGAL SERVICE

The Pine Rivers Community Legal Service (PRCLS) operates under the auspice of the Pine Rivers Neighbourhood Centre (PRNC) Inc and is considered an integral part of the Neighbourhood Centre's mission of enabling and encouraging individuals and families to take informed control of their own lives so that together we can enrich the community.

PRCLS is thriving in 2010. We provide free generalist legal advice, casework, informal referral and community education to the community in Pine Rivers and surrounding areas targeting socially and economically disadvantaged members of our community. Casework is offered by preparing free Wills and Enduring Powers of Attorney.

In 2010 we have been fortunate to partner with Family Relationship Centres (FRC) at Strathpine and Chermide. These highly successful partnerships provide one to one advice on site increasing the accessibility of a free legal service to separating parents, particularly in the mediation service. To date feedback is exceptionally positive from both partner agencies and clients. PRCLS provides 1 ½ days legal advice at each of the Family Relationship Centre sites.

PRCLS operates on a full-time basis from Monday to Friday. A walk-in service operates on Thursday evening, staffed by volunteer solicitors. An Outreach service is provided at Albany Creek Library every second Tuesday morning.

A partnership with Legal Aid Caboolture through the Caboolture Region Legal Aid Forum (CRLAF) has resulted in an outreach service being offered on Bribie Island every second month.

PRCLS employs three permanent part time solicitors, a part time legal support worker and around 4 daytime volunteer administration workers. On Thursday nights we roster 2-3 volunteer solicitors of a pool of 15 volunteer solicitors as well as approximately six volunteer administrative support workers.

PRCLS operates in an integrated fashion with the Neighbourhood Centre, offering referrals to many other services such as counselling, family support and home stay. This ensures a holistic response for our community.

[www.prnc.org.au](http://www.prnc.org.au)

## PRISONERS' LEGAL SERVICE

Prisoners' Legal Service (PLS) offers free legal advice, information, assistance, and referrals to Queensland prisoners and their families on matters relating to their imprisonment. (Presently there are more than 5,500 prisoners in correctional centres throughout the State and thousands more on parole or other forms of community corrections supervision). The Service also maintains a watching brief over prisons administration and law reform in Queensland in so far as these affect prisoners and the public interest.

PLS continues to respond to prisoner enquiries by mail and directly by phone twice a week on the prisoner advice lines that run directly out of all prisons across Queensland. The Gradual Release Assistance Programme (GRAP) solicitors assist prisoners with their parole applications, particularly those with literacy and mental health issues. This involves, among other things, liaising with prisoners and drafting prisoners' parole applications, and assisting prisoners in obtaining judicial review of parole orders.

Most recently PLS has implemented a Financial Counselling Program (FCP) which provides assistance to prisoners and their families who are experiencing personal and financial difficulties. The Financial Counsellor together with the Community Resource Officer assists prisoners and their families to make informed decisions regarding the best course of action to resolve their financial difficulties and/or to gain an improved ability to manage their financial affairs. The FCP engages in casework, advocacy, referral and community education activities.

PLS continues to rely on volunteers to assist in the provision of legal advice and is committed to providing opportunities for students to acquire knowledge and practical experience in social justice issues, human rights law and prison law. We are currently engaging a number of students who are participating in an administrative law legal clinic and student placement programs from QUT, UQ, Bond and Griffith Law Schools.

[www.plsqld.com](http://www.plsqld.com)

*WHEN THE RIGHTS OF **ANY**  
**PERSON** IN AUSTRALIA ARE DENIED,  
WE ARE ALL DIMINISHED.*

Hon Catherine Branson QC, President, Australian Human Rights Commission.

## QUEENSLAND ADVOCACY INCORPORATED

Queensland Advocacy Incorporated (QAI) is an independent, community-based systems advocacy and legal advocacy organisation for people with disability in Queensland.

QAI's mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability. QAI does this by engaging in systems advocacy work – through campaigns directed to attitudinal, law and policy change, and by supporting the development of a range of advocacy initiatives.

QAI also provides individual legal advocacy in support of persons whose disability is at the centre of their legal issue. Our legal services include:

### Human Rights Legal Service

HRLS provides a specialist legal advice service to people with disability on a wide range of matters statewide – in particular we specialise in the provision of legal advice to people with intellectual and cognitive impairments. We are the only source of specialist legal advice for this sector of the Queensland community.

### Mental Health Legal Service

The Mental Health Legal Service (MHLS) is a specialist legal service dedicated to providing free legal assistance in relation to mental health law in Queensland. The treatment and protection of people who have mental illness in Queensland is governed by the Mental Health Act 2000 (Qld).

The focus of the service is to provide advice and representation to people who have matters before the Mental Health Review Tribunal.

### Justice Support Program

The main role of the individual advocacy worker in the Justice Support Program is to respond to the needs of individual people with mental illness, cognitive impairment, acquired brain injury and intellectual disability in the Justice and related systems.

The advocate provides individual advocacy to marshal legal and community services to support the person with a disability at risk. The focus of our advocacy provides the best possible opportunity for the person to remain in the community and to prevent any further entrenchment into the criminal Justice system.

[www.qai.org.au](http://www.qai.org.au)

## QUEENSLAND PUBLIC INTEREST LAW CLEARING HOUSE

QPILCH is a not-for-profit community-based legal organisation that coordinates the provision of pro bono legal services in Queensland by acting as both a legal referral and a direct service agency.

QPILCH provides direct legal services in particular areas, currently:

- **Homeless Persons' Legal Clinic** – over 250 volunteer lawyers now participate in the HPLC. Over \$1.8 million worth of free legal services were provided in the last financial year.
- **Refugee Civil Legal Clinic** – has achieved great results for its refugee clients in civil law matters, including debt matters where volunteer lawyers negotiate with creditors to assist clients manage their debts.
- **Administrative Law Clinic** – a joint project of QPILCH and Bond University, the Clinic is now in its 6th year of operation, continuing to provide free legal services to people seeking assistance challenging government decisions.

- **Self Representation Service** (District and Supreme Courts and Queensland Court of Appeal) – assisted 139 self represented parties in the District and Supreme Courts and the Queensland Court of Appeal in the last financial year.
- **Self Representation Service (QCAT)** – commenced in January 2010, the Service assists self represented parties in a variety of matters, including guardianship, child protection, anti-discrimination, and appeals.
- **Mental Health Law Clinic** (in partnership with Queensland Advocacy Inc.) – university students participated in a two week outreach clinic at the mental health inpatient unit at the PA Hospital. Students continue to assist clients with mental illness in civil law matters under the supervision of a QPILCH solicitor.

In conjunction with the Queensland University of Technology, QPILCH launched the Intellectual Property and Technology Law Clinic in 2010. The Clinic provides a free advice service for Queenslanders working in the arts and technology sectors, a pro bono referral service and an elective unit for QUT students.

This past year has also seen QPILCH organise several events – the 3rd annual Walk for Justice, the Public Interest Address delivered by The Honourable Chief Justice Keane, and the inaugural Red Wine for Justice, raising over \$25,000 toward the QPILCH disbursement fund which is primarily used to fund outlays in pro bono matters.

[www.qpilch.org.au](http://www.qpilch.org.au)

## REFUGEE AND IMMIGRATION LEGAL SERVICE

The Refugee and Immigration Legal Service (RAILS) has continued to provide migration advice and representation to migrant and refugee clients with low income and / or who are disadvantaged due to their language skills, regional location, or inability to deal with the legal system due to lack of knowledge, etc.

Towards the beginning of this financial year, RAILS undertook an evaluation of its structure and services as a result of implementing the QIRC pay equity decision and a need to rationalise services, which has affected many non government organisations.

The evaluation led to a re-structure of the agency in order to maintain financial viability. The new staffing levels include a part time Director, Principal Solicitor, 4 caseworker/legal positions, community legal education coordinator, and 2 administrative/finance positions.

The other key challenge facing RAILS relates to the demand for our services in the areas of refugee family reunion and our capacity to meet the level of demand and provide the services needed. This year saw a marked reduction in the types of cases RAILS could take on and our casework guidelines have been tightened to assisting unaccompanied minors wanting to sponsor their families, and orphan relative visa applications.

RAILS staff also continue to represent clients with onshore protection visa applications, family violence provisions, and Ministerial Intervention cases.

Community legal education has been an area of expansion as RAILS has continued to receive funding from several sources. In particular, we have been successful in obtaining further funding to work with new and emerging communities from Africa.

**[www.rails.org.au](http://www.rails.org.au)**

## ROMA COMMUNITY LEGAL SERVICE

Roma Community Legal Service Inc. was established in 1987 by a group of interested persons from Toowoomba and Roma, and was run by a part time Coordinator from a very small room in the Roma Neighbourhood Centre. The service later moved to a slightly larger room donated by the Roma Town Council and then onto its current premises. The Centre is not-for-profit and holds Charitable Status. Roma CLC services an area estimated to be three times the size of Victoria (475,000 sq km). The staff and the Management Committee are very grateful to the funders for their contribution to the success of this much needed service which empowers our community and enables access to justice in the bush.

Advice, information and referral is provided in criminal, family and civil law matters in addition to the community legal education and community support work of the Centre. Court support and representation in the local court keep staff very busy. The Centre operates a child contact and supervision centre which is also very well utilised and sought out by many stakeholders including those from Brisbane, Toowoomba and Hervey Bay.

Service Manager Madonna Price recently received an award from the State Attorney General for services to community.

A new initiative for the service is the establishment of a weekly Justice of the Peace service.

**[www.romalegal.net](http://www.romalegal.net)**



*Madonna Price receiving award  
from QLD Attorney General*



## **SOUTH WEST BRISBANE COMMUNITY LEGAL CENTRE**

The South West Brisbane Community Legal Centre was established in 1986 by local residents, in response to what they perceived as a need for more comprehensive access to legal advice in the Inala area. Initially the Centre was run entirely by volunteers. Some funding was obtained in 1987 and the Centre became incorporated as the Community of Inala Legal Service that same year.

The Centre provides free legal advice, casework, legal information and referrals, community legal education, law reform and support for matters relating to child safety, to socially and economically disadvantaged people in Inala and the surrounding area.

SWBCLC covers a wide service area undertaking weekly outreach services to Goodna Neighbourhood House and the Booval Community Centre. We continue with weekly visits to the Ganyjuu Support Service at Logan for Child Safety matters, and provide a home visit service to disabled, frail and/or elderly clients.

The Centre currently employs 5 permanent solicitors, working a mixture of full-time and part-time hours and 3 support staff who perform a myriad of tasks including financial administration, reception, paralegal, data entry and general administration duties.

Recurrent funding from LPITAF funds the Youth Criminal Law program with two part-time solicitors and one part-time paralegal/admin assistant employed in the area and achieving extremely positive outcomes for young people in our catchment area.

Further LPITAF project funding will ensure the continuation of our successful Child Safety duty lawyer service at Beenleigh during 2010/11.

The Centre is in the process of upgrading and redeveloping our website.

**[www.communitylegal.org.au](http://www.communitylegal.org.au)**

## **STANTHORPE COMMUNITY LEGAL SERVICE**

Stanthorpe Community Legal Service provides free legal advice and referral in matters of civil, family and criminal law. The service is based at the Granite Belt Neighbourhood Centre and operates each fortnight on a Friday between 9:30am and 4:00pm by appointment. The service receives no ongoing government funds.

From March 2009 to August 2009 the Care Goondiwindi Association which operates the Goondiwindi Legal Service, offered to provide for a solicitor to staff a weekly clinic in Stanthorpe. This arrangement allowed Community Development Services Inc (the auspice organisation for SCLS) time to plan and work on what resulted in a successful application for project funds through LPITAF to continue the service to the Stanthorpe community for 2009/2010.

The Stanthorpe Community Legal Service employed one solicitor for 6hrs each fortnight and an Administration Officer for 18 hours per fortnight to take appointments and maintain records. The program has been extremely successful and we have been able to provide a consistent, reliable and accessible service to the community until the funding ceased at the end of June 2010. At the time of writing no further funds have been made available and we are disappointed that this valuable service supporting access to justice for our local community will be unable to continue. It is especially of concern given that we have been building the service profile over the year. It is unclear whether we will be able to access outreach from Care Goondiwindi again but this is not a permanent solution.

We continue to host a monthly clinic from the Rural Women's Outreach Legal Centre and Legal Aid provides access through its telephone advice service.



## SUNCOAST COMMUNITY LEGAL SERVICE

Suncoast Community Legal Service Inc has been providing legal advice and referral services on the Sunshine Coast since 1984 when a group of local lawyers set up a service at the local neighbourhood centre.

Since 2007, the Service has operated its own office premises in Maroochydore and employs a Coordinator, Principal Solicitor and small administrative team.

For the past two years, SCLS has focussed on increasing access to justice in other areas of the region through the establishment of regular outreach in local community and neighbourhood centres. We currently offer appointments for general and family law matters in our central office at Maroochydore as well as Noosaville, Caloundra, Pomona, Nambour, Landsborough and Maleny.

This expansion of services across the Sunshine Coast and Hinterland has doubled volunteer numbers and the number of appointments available to clients. Clients can book an appointment at a location closer to home and lawyers are able to volunteer in their local communities.

In house 'limited assistance' services are provided by the Principal Solicitor on referral.

Community Legal Education seminars on a range of topics are held regularly in libraries across the region and also by request from schools and community groups.

[www.suncoastcommunitylegal.org](http://www.suncoastcommunitylegal.org)

## TAYLOR STREET COMMUNITY LEGAL SERVICE

Initially funded in 2004, Taylor Street Community Legal Service (TSCLS) now operates a generalist CLC providing legal advice and assistance from twelve outreach venues across the Fraser Coast, Bundaberg, North Burnett and Gympie local government regions (an area of some 52,382 square kilometres).

As well as the many volunteers who support our outreach locations, 36 in the role of solicitor and 35 volunteer receptionists providing administration support, the Service employs a coordinator and Principal Solicitor. Additionally the Seniors Legal and Support Service employs a solicitor, support worker and administrative assistant.

Recent new initiatives include Divorce workshops held each month in Hervey Bay, Bundaberg and Gympie.

## TENANTS UNION OF QUEENSLAND

The Tenants' Union of Queensland [TUQ] provides services for and represents the interests of residential tenants in Queensland. We work to improve the rights of all people who rent their home including tenants in private rental, public rental, community housing, caravan parks and boarding houses.

The TUQ advises approximately 7,000 tenants annually through our 3 locations in Brisbane, Hervey Bay and Cairns, providing telephone advice as well as limited face to face assistance. Approximately 40 legal cases are opened annually, with the TUQ also resourcing the network of local and regional tenancy advice services (TAAS). The TUQ trains these advocates in tenancy and related law and provides community education resources to services for distribution to tenants.

This year has seen the culmination of a range of tenancy related reforms lobbied for by the TUQ. The TUQ developed new training and community education tools and trained advocates in line with the new Residential Tenancies and Rooming Accommodation Act 2008 which commenced on July 1, 2009. Additionally, in preparation for a new and improved system of dealing with tenancy disputes through the Queensland Civil and Administrative Tribunal (QCAT), the TUQ developed training which it delivered state-wide.

[www.tuq.org.au](http://www.tuq.org.au)





Townsville CLC team



TASC Ipswich opening



WLS

## THE ADVOCACY AND SUPPORT CENTRE

The Advocacy and Support Centre (TASC) was established in 1982 as the Toowoomba Community Legal Service. Since its inception it has grown from a small community legal centre to a large centre providing legal services in Toowoomba and Ipswich, the Darling Downs and South West Queensland.

The Centre provides generalist legal and support services, a Disability Law Project for people in the criminal justice system with mental health issues and a Seniors Legal and Support Service, all of which operate from both Ipswich and Toowoomba.

The Centre also provides services to women in rural and remote regions.

TASC provides disability advocacy services which enable a holistic approach to client's problems, and a community development service.

The challenges for the future include meeting client demand with the number of people falling into the gaps ever increasing.

In 2009 one of our employees, Sue Gordon received the Minister's Lifelong Achievement Award for services to people with disabilities. Sue has also been instrumental in developing a Youth Court project for schools which will be instigated in this coming year.

TASC received recurrent funding to provide services in partnership with Family Relationship Centres, and to establish a Family Law Clinical Placement Project in partnership with the University of Southern Queensland (USQ) at the Toowoomba and Springfield Campuses.

TASC currently has a total of 33 staff, with 4 working from the Ipswich office. We have 7 solicitors, 7 advocates, a community development worker, 2 social workers, 2 senior managers, 14 finance and administration staff, and a consultant. We have an active volunteer student placement program with students from USQ volunteering regularly, volunteer solicitors who provide advice at our Legal Advice Clinic and law graduates from ANU completing their Practical Legal Training placement with TASC.

The special projects worked on during the past year include our Youth Court initiative, Student Volunteer Project, extending the Queensland Criminal Justice Centre to look at court support for people with mental health issues, and developing a mental health text as a guide for lawyers.

[www.tascinc.org.au](http://www.tascinc.org.au)

## TOWNSVILLE COMMUNITY LEGAL SERVICE

Townsville Community Legal Service (TCLS) was funded in 1992. It is a combination of a generalist and specialist CLC. Beyond the General Legal Services, the specialist services include the Financial Counselling Service, Welfare Rights Service, Seniors Legal and Support Service and the Immigration Law Service.

TCLS currently employs 8 staff – 3 solicitors, 2 social workers, 1 administrative worker, 1 paralegal and the Centre coordinator. An evening advice service is provided each Thursday evening by a roster of approximately 30 volunteers from local private law firms. Other volunteers support TCLS in its work, as administrative volunteers and management committee members. TCLS also provides a Clinical Legal Studies Program in the second semester each year for up to 16 final year law students.

Like many CLCs, pressure is again building with the operating costs of the centre exceeding the levels of recurrent funding. This is the main challenge TCLS faces at present.

Heads up for next year: TCLS is planning to celebrate its 21st 'birthday' in August 2011 – and all past and present CLC people are invited. It's a wonderful time of year to visit North Queensland and we hope to see some of you here for the celebrations.

[www.tcls.org.au](http://www.tcls.org.au)

*I PAY TRIBUTE TO THE **DEDICATION** OF ALL THOSE  
WHO CONTRIBUTE TO COMMUNITY LEGAL CENTRES  
OR WHO UNDERTAKE **LEGAL AID WORK**.*

Federal Attorney General, Hon Robert McClelland, May 2008

## WELFARE RIGHTS CENTRE

The Welfare Rights Centre has a core staff of 6 people who provide specialist legal and advocacy services throughout Queensland. Our focus areas are Centrelink/Social Security law and a more limited service is offered on Disability Discrimination matters.

Over the past 12 months we have tightened our services in two ways. Firstly, we have focused on providing our more intensive services towards people who are considered vulnerable, and secondly we have committed to offering broader advocacy services which bring about an earlier outcome for the client. This means we are negotiating more with Centrelink and employment services to reach an outcome for the client rather than allowing the dispute to progress to a tribunal or court. As a result we are investing in developing a website so people who are able to self advocate will be directed to this site which will include information in plain English.

We are piloting outreach services in homelessness centres and having great success assisting homeless people onto payments that may provide them greater capacity to afford accommodation. This work has highlighted the significant problems that people with mental health issues experience accessing welfare and employment support services.

We have recently engaged a specialist mental health worker and are working collaboratively with Centrelink and specialist mental health services and GPs to identify some practical solutions.

[www.wrcqld.org.au](http://www.wrcqld.org.au)

## WOMEN'S LEGAL SERVICE

This year has seen us achieve a number of goals aimed at enhancing our work with women proceeding through the legal system.

The introduction of a dedicated Rural Regional and Remote (RRR) '1800' phone line is an important addition to our services, however, at this stage resource constraints mean that this phone line is only offered one morning each week.

Our FRC partnerships with Logan and Mt Gravatt FRC's are undertaken in partnership with South West Brisbane Community Legal Centre and Logan Legal Advice Centre and Caxton Legal Centre. These partnerships include outreach advices at the FRC and have strengthened the opportunities for collaboration and, in the future we hope will afford the greater opportunities for 'mutual' training and cross pollination of knowledge and experience.

As always our systems advocacy, law reform, CLE and community development, has been an important feature of our work. Our systems advocacy activities are grounded in the experiences of the clients we assist and we continue to strive to have their voices heard through this important work.

Internally this year a significant challenge has been planning for the impact of the wage increases under the Queensland Community Services and Crisis Assistance Award (QCSCA). To date we have staved off a reduction in services, however, along with other CLC's the coming year will bring some difficult decisions and, without a significant injection of funding to meet increased wages, a likely reduction in access to justice.

[www.wlsq.org.au](http://www.wlsq.org.au)

## YOUTH ADVOCACY CENTRE

Youth Advocacy Centre (YAC) is a community legal and welfare centre for young people between the ages of 10 and 16 years inclusively. The geographical area which the Centre services is largely the Brisbane metropolitan area, with some occasional assistance to young people in other areas of the State. The nature of the Centre's work ranges from advocacy, court support, legal advice, representation, education, counselling, family mediation, and support for young people around issues such as accommodation, education and income. The Centre participates in law and policy reform activities. YAC also auspices the Youth Bail Accommodation Support Service (YBASS).

YAC believes that the local community should be assisted to take responsibility for its own young people at risk and their families.

YAC employs 11 people, including full-time Director, 2 solicitors, youth support advocate, family support advocate, 2 YBASS coordinators, and part-time community legal education officer, 2 administration workers and a finance officer.

This year YAC published and launched the 3rd edition of the youth worker manual "Laying Down the Criminal Law", a scenario based publication which connects the law with situations commonly experienced by anyone who might work with young people.

[www.yac.net.au](http://www.yac.net.au)

# funding of clcs

*Queensland CLCs receive funding from a number of sources: notably the Commonwealth Community Legal Services Program (CCLSP); and Queensland sources, comprising funds from the State Community Legal Service Program (SCLSP), Legal Aid Queensland and the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) which is administered by the Department of Justice and Attorney General (DJAG).*

Of QAILS' thirty-four (34) member organisations, twenty-six (26) community legal centres receive funding from the CCLSP. Those 26 centres receive a total of \$4,226,269 from the Commonwealth CLSP.

Twenty five (25) QAILS members receive a total of \$1,732,956 from State Government consolidated revenue.

Thirty two (32) QAILS members share \$4,683,350 funding which is administered by the State and funded from Legal Practitioners Interest on Trust Account Funds (LPITAF). The QAILS Secretariat is also funded from this source.

QAILS continues to lobby the Commonwealth and State governments to fund member organisations not currently funded under the Community Legal Services Program.

In 2005 member centres not funded by the CLSP Program totalled six. By 2009/10 of that original group, the number has reduced to one. Unfortunately the Arts Law Centre of Queensland closed its doors to the Queensland Community when funds could not be sourced to maintain the Centre. However, QPILCH, QAI and Mackay Regional Community Legal Centre are all now recurrently funded. The Stanthorpe Community Legal Centre has received limited project funding and we will continue to work with this Centre on recurrent funding.

Many of the Centres we once called "poorly funded" (receiving less than \$50,000 in recurrent CLSP) now receive funding for at least one full time equivalent worker, including on costs and operating costs.

## ADMINISTRATION OF THE COMMUNITY LEGAL SERVICES PROGRAM

### Commonwealth Funding

The Commonwealth Community Legal Services Program (CCLSP) is a dedicated program within the Attorney General's Department which supports and funds community legal services as part of the Commonwealth's contribution to legal aid in Australia.

The Commonwealth Government considers community legal centres a key component of Australia's legal aid system, providing a distinctive form of service that complements services provided by Legal Aid Commissions and the private legal profession.

The CCLSP provides funding for generalist as well as specialist community legal services. Those CLCs in receipt of funding for generalist community legal services provide assistance on a broad range of legal matters.

In recognition that there are some areas of law, as well as elements of the community, that benefit from specialist legal services, the Commonwealth also provides funding for specialist services in a range of areas. These sub-programs include:

- Child Support Scheme Legal Services Program
- Disability Discrimination Act Legal Services
- Commonwealth Community Environmental Legal Program
- Welfare Rights Services
- Women's Legal Services
- Youth Legal Services
- Clinical Legal Education Program
- Indigenous Women's Outreach Project
- Rural Women's Outreach Lawyer Services

Legal Aid Queensland is responsible for the administration of the Commonwealth funding program in Queensland.

## State Funding

Legal Aid Queensland is responsible for the administration of the State Community Legal Services Program (SCLSP) and is, on most occasions, the ultimate decision-maker in terms of the way in which State funding is allocated to Queensland CLCs (subject to approval from the State Attorney General).

## Funding from Other Sources

Increasingly, CLCs are funded from a range of sources. The Queensland Department of Communities committed \$1.9 million in 2006/07 to five CLCs for the provision of pilot projects delivering elder law services. The success of the pilot projects has seen these services receive recurrent funding as of 2009. The Department of Communities now provides funding for legal services in two programs: the Seniors Advocacy and Information Legal Service (SAILS) and the Seniors Legal and Support Services (SLASS).

The Department of Communities also funds a number of CLCs for the delivery of community support programs, including social work services.

## Historical Funding of Centres

The growth in community legal centre numbers has been steady and relatively consistent since 1980/81 and has grown to 34.

Successive reviews of the Community Legal Service Program have confirmed that the program is under resourced.

There have been some increases in funding over recent years, however, these increases have predominantly paid for new centres or programs/services, and some CPI increases. Funding increases have not tended to address the viability of existing centres.

Salaries make up more than 70% of centre costs and all centres struggle to maintain staff numbers, staff conditions and service levels. Services attempt to absorb increasing operating costs – for example, insurance, occupational health and safety requirements, rents, travel for outreach services, information and communication technology related costs. The implementation of new Award wage levels will place further pressure on community legal centres.

The NSW Review of community legal centres finalised in 2007, confirmed that centres cannot sustain their current levels of service and meet emerging service gaps without an increase in funding. The Review identified that this problem is the result of environmental pressures from within the justice system and cost of living increases in recent years, which have challenged the ability of CLCs to meet ongoing demand. Environmental pressures include significant changes in legislation and an increase in complexity of clients' legal needs.

The NSW Review also concluded that any increases in funding will ultimately save money in other areas of the justice system, and reduce other socio-economic costs to individuals and the community. Without significant increases in CLSP funding, from both Commonwealth and State Governments, disadvantaged Queenslanders' access to justice will be severely compromised – greater numbers of litigants will appear before the courts and tribunals without proper legal assistance and advice, and community awareness of legal rights and responsibilities will diminish.

The Queensland Review of CLCs, conducted in 1997, confirmed that the community legal centre strategic service delivery model, which is substantially supplemented by volunteers, is a unique and highly effective system.

As in previous years we send out the call that the current adhoc approach to funding community legal services in Qld must cease. A long-term, focussed, strategic approach, which identifies the unmet legal need of disadvantaged Queenslanders, in consultation with all key stakeholders, is required.

Until such time as this strategic analysis is undertaken the sector continues to be funded, in many cases, dependent upon the loudest voice and existing capacity. This state of play challenges a strong, cohesive, unified sector.

We look forward to working towards the goal of access to justice for all with our justice sector colleagues.

## Funding Outlook 2010/11

The past year has again resulted in some real successes in terms of funding increases; however the issues highlighted in years past and noted again in the 2010 QAILS State Funding Submission remain.

The sector must continue to lobby for a strategic approach to unmet legal need and realistic funding benchmarks, in order to make the most of the investment in CLCs to date, to achieve access to justice for disadvantaged Queenslanders, and ensure the viability of Centres into the future.

It is critical that QAILS and its member community legal centres are consulted with regard to new CLC funding in Queensland. Consultation with those at the 'coal-face' will support us to work towards maintaining the viability of the CLC sector to ensure continued responsive, quality legal and support services to Queenslanders in need.

# gails members at work

## LEGAL SYSTEMS REFORM

*This year Women's Legal Service has undertaken legal reform and legal systems reform activities on a mix of state and federal issues. Many of these activities have seen us collaborating with other services including, Women's Legal Services Australia (WLSA), sexual assault services and domestic violence services and the Domestic Violence Death Reviews Action Group (DVDRAAG).*

*A number of these activities are outlined below:*

- *Reforms relating to the subpoena of sexual assault counselling notes*
- *Responses to domestic and family violence*

## REFORMS RELATING TO THE SUBPOENA OF SEXUAL ASSAULT COUNSELLING NOTES

Queensland is the only State or Territory in Australia that has not introduced legislation to provide some level of protection against counselling notes being subpoenaed in criminal sexual assault trials. Legislation protecting against the subpoenaing of counselling notes is important because the common law does not provide adequate legal protection for sexual assault victims from having their counselling notes subpoenaed and the information in the notes used to inform the defence lawyer's cross-examination of them.

The policy debate around the need for the protection of counselling notes involves two diametrically opposed views. The legal view favours access to counselling notes because of the belief in the right of the accused person to a fair trial and the need to be able to legitimately use all relevant available information to appropriately defend the accused.

The therapeutic perspective argues that defence lawyers should not have access to a complainant's counselling notes or records and there should be legislation to protect access to the notes/records. It is argued that, counselling notes are irrelevant to the trial because the primary purpose of counselling is therapeutic and not investigative and the notes can not therefore help in finding out the 'truth' of what really happened.

That the effectiveness of sexual assault counselling is impaired without the assurance of confidentiality, in particular:

- for victims, knowing that the perpetrator has access to their files can further traumatise victims and increase their sense of powerlessness;
- some victims may refuse to report the crime or be a witness or may not seek counselling assistance if they know that the accused may have access to their notes;
- counsellors are continuously placed in a dilemma about complying with their ethical duty of confidentiality towards their client and legal obligation to comply with the law.

A balance between these competing policy perspectives has been attempted in the jurisdictions that have enacted legislative protection.

Our work on this issue this year has focused on seeking legislative protection in Queensland and providing input into the National Model Laws on this issue.

Our law reform activities in this area have been supported by community legal education activities aimed at assisting services to respond appropriately when served with a subpoena to produce their notes in Criminal or Family Law proceedings. It is hoped that important law reform in this area will significantly reduce the frequency of and impact that subpoena's have on services and the women to whom they provide counselling and support.

## RESPONSES TO DOMESTIC AND FAMILY VIOLENCE

### Review of the Domestic and Family Violence Protection Act 1989 (DFVPA)

Women's Legal Service commend Government for initiating a review of the Domestic and Family Violence Protection Act.

The review of the legislation afforded Women's Legal Service an opportunity to comment both on the legislation as well as on the importance of systems which can 'make or break' the effective implementation of good legislation and can be used to genuinely enhance the safety of victims of violence.

In our submission we asserted that the Government commitment and policy, legislative and systems responses must be based on a gendered-analysis of domestic violence which establishes that in the main, victims of domestic violence are women, and the offenders are men.

A gendered analysis of domestic violence and consistent consequences for domestic violence should operate across jurisdictions, including the domestic violence, child protection and family law systems. This is an important underpinning of a more coordinated system.

Important systems reform should ensure that very careful consideration is given to claims of 'mutual conflict' and that the 'predominant aggressor' can be identified. Application of predominant aggressor principles would discourage the tendency in the existing system to 'equalise the violence'. In each matter the context and pattern of the violence should be examined, along with the history of the violence, identifying which client has been exerting power and control over the other, and which client is fearful of the other.

Factors to take into account would include prior real or implied threats, the existence of control/coercion, the existence of defensive injuries, the relative size/weight of the parties, the available evidence and witnesses, criminal history, and identifying who would be most at risk if left without legal protection.

Women's voices are currently lost or ignored in responses to domestic violence. A genuine commitment to identifying the predominant aggressor, improving responses to domestic violence and improving real safety will require our systems to listen to the voices of the women who are victims of violence.

### The Domestic Violence Death Review Action Group (DVEDRAG).

Tragically, domestic violence takes a significant toll in human lives each year in Queensland. In 2003, 19 adults and 9 children lost their lives as a result of domestic violence. In response to growing concern about the number of lives being lost as a result of domestic violence, DVEDRAG commenced in 2004 and is a coalition of agencies working together towards systems reforms that will prevent deaths.

Domestic homicides are not random acts and often follow a history of abuse and violence. Many domestic homicides have predictive elements to them. Victims and/or perpetrators may have intersected with any number of agencies and systems prior to the homicide, with varying degrees of success.

Domestic Violence Death Review Boards have been successful overseas in highlighting system shortcomings and promoting improvements to the systems responding to domestic violence. Over the past 6 years DVEDRAG has been working towards the establishment of a Domestic Violence Death Review Board in Queensland.

(We're in there for the long haul!)

As part of this campaign this year we developed a media kit and organised a media breakfast in July 2009 at the Parliamentary Annex. Quentin Dempster raised issues for the media in his speech and, with his media interviewing skills, when he chaired the panel he was able to ask very relevant and challenging questions of the speakers and the audience.

In response to our lobbying, death review processes have been established in other states, but as yet Queensland has not committed to the establishment of a death review process that is in line with best practice internationally.

In June 2009, the Queensland Government formed a committee to make recommendations, including recommendations on the establishment of processes for Domestic Violence Death Reviews in Queensland. DVEDRAG has continued to engage with the government in order to promote a model which is most effective. Recent innovations in New South Wales make that State the Australian leaders in relation to domestic violence death reviews. The process established in New South Wales is the closest we have come to best practice here in Australia and warrants serious consideration to inform future directions in Queensland. The report of the Queensland committee has been delayed since their original due date of March 2010 and we are awaiting this outcome. We remain hopeful that the New South Wales model will inform the Queensland approach.

In the meantime, another year has passed and more women and children have died this year as a result of domestic violence.

**Reform cannot come soon enough.**

**Women's Legal Service**

# SEEKING JUSTICE

## ADVOCACY AND REPRESENTATION

*The youth lawyers at South West Brisbane Community Legal Centre provide advice and representation to persons under the age of 18, and advocate about issues important to their client base.*

In June 2010 we were approached by Helen Donaldson, who was seeking justice in relation to the death of her son Andrew Borgen.

Tragically, Andrew died after being struck by a car while handcuffed by police on a main road.

Ms Donaldson had sought representation for some time but had been unable to find a private lawyer that would take her case.

After examining the large amount of material provided by the coroner and a significant amount of relevant case law, we agreed with Ms Donaldson that it was arguable that the Police should be charged with manslaughter over the death of her son.

Due to the importance of policy lessons that the case held about the use of force by police when dealing with juveniles, we agreed to represent the interests of Ms Donaldson at the hearing, instructing Ms Debra Wardle of counsel.

The hearing lasted a very full week and the parties made written submissions.

The coroner found that the actions of the two officers were "a substantial and significant cause" of the death and that the death was the result of a "terrible error of judgement on the part of the officers."

The coroner made recommendations about the addition of reflective material to the police uniform and made some important comments about the appropriate use of force by police:

"When they came upon Mr Borgen, they spent no time considering the most appropriate means of addressing the threat they assumed he posed but leapt into action with little regard to the consequences...I do not accept that on every occasion an armed man is reported to police, officers should respond as if the subject is likely to kill and maim indiscriminately unless immediately apprehended."

The coroner formed a "reasonable suspicion" that the two police officers had committed an offence of unlawful killing and has referred the information to the DPP for consideration of whether manslaughter charges will be laid against the officers.

He found that the driver of the vehicle bore no responsibility for the death.

Changes have already been made to Police training as a result of the incident.

**<http://www.courts.qld.gov.au/borgen-aj-20100716.pdf>**

## YOUTH ADVOCACY CENTRE AND LAW REFORM

*Queensland is the only state or territory in Australia to treat 17 year olds as adults in the criminal justice system.*

Youth Community Legal Services (Youth Advocacy Centre, Logan Youth Legal Service, and South West Brisbane Community Legal Service) have waged an ongoing law reform campaign about the treatment of 17 year olds in Queensland. The Queensland law contravenes international human rights (UN Convention of the Rights of the Child); is inconsistent with other laws related to adulthood (marriage, purchase of alcohol, voting, and the child protection system); and defies a number of public reports condemning the status quo (Qld Anti-Discrimination Commissioner, Australian Law Reform Commission, successive Presidents of the Queensland Children's Court).

Since 1992, when the Juvenile Justice Act 1992 (Qld) was passed, there was always a stated intention of the Queensland government to proclaim section 6 at a later date, thereby defining a child as under 18 years of age. The then Minister, Anne Warner stated to the Queensland Parliament:

"It is the intention of this Government, as it was of the previous Government, to deal with 17 year old children within the juvenile, rather than adult, justice system, as per the 1988 Kennedy report into prisons. This is consistent with the age of majority and avoids such children being exposed to the effects of adults in prisons, thereby increasing their chances of remaining in the system and becoming recidivists. This change will occur at an appropriate time in the future."

Queensland has waited 18 years and is still waiting for that appropriate time.

The differential treatment of 17 year olds from their younger counterparts is best illustrated by the following case study:

"Alex", aged 17, is arrested by police for questioning about a robbery and taken to the police station. Alex's parents are not advised. Alex is interviewed by the police without anyone present.

Alex is arrested and charged and then transported to the watch-house where he is finger-printed and DNA taken. The watch house keeper denies Alex bail and he is held in an adult watch house overnight. Alex's alleged co-accused are all under 16, are given Notices to Attend at court and granted bail. Alex is taken to court. Alex's matter is mentioned on the same day as over 80 other matters on the arrest court list.

Alex is remanded in custody as he is already on bail for "possession of tainted property" and therefore in a "show cause" situation where the onus is on Alex to show why he should be released. Alex is remanded in adult jail for 2 months whilst a Brief of Evidence is prepared.

Alex is named in a media report about the incident. Alex waits at the adult watch house until he can be transferred to the adult remand centre. As the "boys yard" at the centre for 17 year old is at capacity, Alex is accommodated in the mainstream of the adult gaol until a cell is free in "boys yard". Alex has one hour of visits per week. When Alex's parents attempt to book a visit they are advised a friend of Alex has already booked a visit that week and so they are unable to see their son. Alex has an allocation of one pair of underwear and two pairs of socks until his family are able to provide his own. Alex is required to pay for all calls to his family and is unable to call his parents until he gets some money.

Alex has a mention of an old juvenile matter in North Queensland. He is transported to North Queensland although his attendance is not required at court. His parents attend at the prison for a visit and are told their son is not at the prison but unable to obtain any information as to the reason for his move.

After three months (and a further adjournment for the Brief of Evidence to be prepared) Alex is granted bail. At the committal hearing three months later Alex is discharged.

Youth community legal services and their sector colleagues continue to lobby the Queensland Government to urgently address this significant human rights issue in this State.

**Youth Advocacy Centre**

## PARTNERSHIPS: A CO-COUNSEL MODEL

*The Gleneagles on the River Retirement Village (Gleneagles) is located on the Brisbane River, New Farm. In January 2008 the owner and operator TDD Moray No 2 Pty Ltd (TDD) purchased Gleneagles from The Churches of Christ Care. Gleneagles is comprised of 2 high rise towers, Falcon House and Peregrine House and a community hall.*

At the time TDD purchased Gleneagles there were approximately 40 residents spread over 96 units in both towers. In November and December 2008 TDD moved all but one of the retirement village residents who were living in Falcon House to units in Peregrine House. The residents of Gleneagles ranged in age from 63 to 92 years old and had been living at Gleneagles for periods of between 25 and 5 years.

All residents entered into contracts granting a licence to occupy their units at Gleneagles with the Churches of Christ Care for an indefinite period of time. These licences could only be terminated on very narrow grounds.

On 1 and 2 April 2009 residents received notice from the TDD purporting to terminate their residence contracts and requiring them to vacate Gleneagles by 10 July 2009. In these notices TDD stated that they believed the residents were incapable of living independently and that as such the building was a risk to the 'life safety of the residents'.

In early April 2009 the Seniors Legal and Support Service (SLASS) at Caxton Legal Centre Inc were contacted by local State Member of Parliament, Grace Grace about the situation at Gleneagles.

Caxton began work on the matter immediately by assisting the 32 residents to lodge an application with the Commercial and Consumer Tribunal (CCT) disputing the validity of the notices to vacate.

Caxton Legal Centre obtained the assistance of Minter Ellison Lawyers to help run the matter. Minter Ellison agreed to assist on a pro bono basis.

Minter Ellison agreed to assume the conduct of the application in the CCT. They were the solicitors on the record and the contact point for TDD's solicitors. Minter Ellison had a Senior Associate and two solicitors in their litigation team work on this matter. They dedicated approximately 675 pro bono hours to the matter.

Caxton Legal Centre were the day to day contact for the clients. Caxton Legal Centre had one solicitor work full time on this matter for approximately three months and other solicitors from the Centre also provided assistance in taking instructions and drafting material as it was required.

Senior and junior counsel were engaged on a reduced fee basis.

The legal practitioners involved met by telephone each morning to discuss the distribution of work for each day. The lawyers usually spoke again each evening by telephone to discuss the outcome of the days work and to also plan for the following day. There was also constant email contact during the day, with lawyers exchanging material and information that they had obtained.

This constant contact was necessary given the large group of clients and also the speed at which the matter progressed.

Caxton Legal Centre social workers assisted in the matter. Social workers attended all group meetings with the clients and also provided support to individual clients throughout the matter. Caxton's social workers also assisted some clients with finding housing at the conclusion of the matter.

Caxton Legal Centre, with assistance from our clients and other members of the local community organised a concert to raise funds to put towards counsels' fees and other disbursements. The clients also received a large amount in donations from the local community specifically for this matter.

All money raised was held in trust by Minter Ellison.

The tribunal ordered that the parties attempt to mediate the matter. The mediation took place over two days and was largely unsuccessful. After the mediation was deemed to be unsuccessful the tribunal set the matter down for hearing on 1, 2 and 3 July 2009, acknowledging that a decision had to be handed down prior to 10 July 2009. On the 30 June 2009 TDD sought an urgent adjournment of the hearing. The tribunal adjourned the hearing and set it down for a 5 day hearing beginning on 13 July 2009.

On Thursday 9 July 2009 TDD made a range of settlement offers to all 23 remaining residents at Gleneagles. On Friday 10 July 2009 all residents and TDD agreed to settle the matter out of court.

## Conclusion

The co-counsel model used in this matter worked very well for a number of reasons. We were able to harness the expertise and resources of a top tier firm whilst still maintaining control of client management. Minter Ellison was certainly better equipped to manage litigation of this nature and Caxton was better placed to manage a client group of this nature.

The particular lawyers involved in this matter also probably played a large role in the effectiveness of the model. Both senior and junior counsel, have had a long history of involvement with community legal centres and this helped greatly in managing the clients. Minter Ellison's solicitors also approached the matter in a very collaborative way.

## Caxton Legal Centre



## ADVOCACY AND SUPPORT

*Our client, the father of the “Subject Child”, came to us 6 months after a 2 year order giving custody of the child to the Chief Executive of the Department of Communities (Child Safety – “The Department”) was granted at the conclusion of Child Protection proceedings in the Magistrates Court. Both our client and the mother were represented, through a grant of Aid from Legal Aid Queensland, and a ‘Separate Child Representative’ had been appointed for the child by the Court.*

At the time of the proceedings the child was 8 months old.

The client was extremely frustrated by the Court process, his previous representation and the quagmire of issues he now found himself wading through, unsupported.

The Department’s application was initiated as a result of Domestic Violence between our client and his now former partner. They were both granted Protection Orders over each other. As the subject child was present during incidents of DV the Department was notified. Further, the mother of the subject child was known to the Department in relation to other children not in her care.

Our client sought our assistance when the previous Case Plan was due for review in accordance with the legislation. The client had a number of concerns regarding the existing Case Plan and failure by the Department to fulfil the goals of that plan.

We assisted the client by attending the Case Plan review. The client’s concerns were well founded. The Department officers had been tardy in dealing with the case and had failed to assist either parent to address the concerns that had led to their intervention and subsequent Order. When assessing the previous Case Plan in the review process it became apparent that the demands by the Department upon the parents were never going to be addressed unless the Department provided appropriate referrals to Department-funded agencies.

Those agencies advised the parents that without referrals they would need to meet the costs of the programs themselves. Our client had made several attempts to address these issues in the preceding six months only to have his requests ignored.

We then ensured that the new Case Plan reflected the efforts of our client to address the concerns of the Department, with no recognition of his considerable efforts having been entered into the Case Plan record.

Despite the principal goal of the Case Plan being reunification of the child with the father, the Department still treated the client in an offhand manner and failed to assist him as per the stated goals of the new Case Plan.

We requested an interim Case Plan review meeting to address concerns. Although reluctant, the Department agreed to a meeting, which then provided the turning point for the client.

The interim review of the Case Plan saw the Department staff commit themselves to positive support for our client. Undertakings were given to provide referrals and feedback to the client on a regular basis. In actual fact, nothing changed. The Department continually failed to return calls to the client; when they did they were short and not client focussed and more often than not dismissive.

We had another meeting with the Department to address the client’s concerns. Our client was extremely motivated and undertook many programs to address the Department’s concerns. Finally the Department officers acknowledged he was extremely motivated, and provided he met stated goals, a progressive contact regime between him and the child was included in the plan.

Again the process became frustrated by the inaction of the Department Officers to fulfil the Case Plan’s goals of progressive contact. The contact accorded to our client was not significantly different to the contact he had after the granting of the Order.

One concerning difference was the exclusion of the child from contact with other members of the fathers family despite no known concerns being present.

A second formal Case Plan review was held in accordance with the legislation. We again assisted the client. Quite clearly Department staff was uncomfortable with the client being assisted by a solicitor. It is uncommon for this to occur as Legal Aid funding is not available for these meetings and the majority of clients are economically disadvantaged. This is despite the fact that the failure to meet Case Plan requirements is commonly the Department's trigger to make a further Application at the expiry of the existing Order.

It was our client's realistic intention to be reunified with his child prior to the expiration of the existing Order thus obviating the need for a further Custody Order Application by the Department. From the outset of the Case Plan meeting it became quite clear that the Department had once again failed the client in not meeting their obligations under the prior Case Plan. We strongly asserted the client's right to be dealt with in a clear and transparent manner and accorded the right to protest at the failings of the Department. We provided a detailed list of concerns highlighting the failings of Department staff. We reinforced the client's right to be dealt with fairly and that the Department's failures may eventually become the main topic of any future proceedings for a further Order over the Subject Child.

If the Department manages its files in such a relaxed fashion that at the cessation of an Order, nothing appears to have been achieved by the parents to address the initial concerns of the Department, then the Department can seek a further Order, either for the parents to meet the goals of the plan or for the purpose of developing a reunification plan with one or both parents.

Given that it was the Department's stated intention to reunify the Subject Child with our client, it was clearly evident that this was never going to occur at the mundane pace set by the Department.

The latest Case Plan is reflective of our client's concerns. It clearly and concisely sets out many of the duties and responsibilities to be followed by the Department Officers, within a specified time frame. This would never have been required but for the tardy approach taken by Department staff.

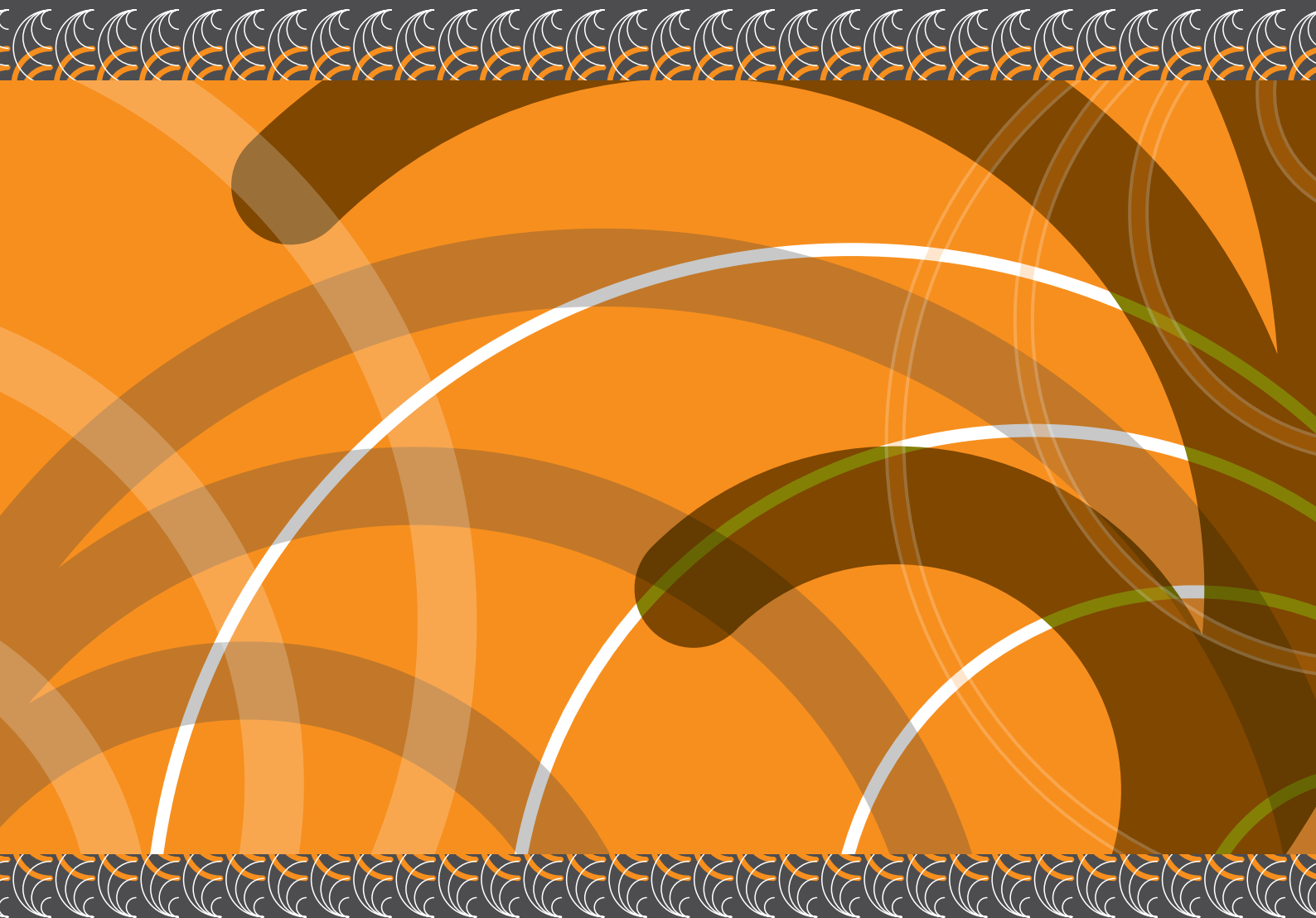
Our client is now in a much better position. Many of the onerous requirements of the Department have been removed from the Case Plan. Should the Department fail to meet its Case Plan stated obligations then our client will have a sound case to put before a court that no further Order is warranted.

Many parents are in the same boat as our client. Without legal advocacy they go through the process unassisted and at the end of a short term Order it appears they have done nothing to address the concerns of the Department. Children can then become the subject of long term care by the Department thus unnecessarily institutionalising them, and with the possibility of reunification becoming little more than a dream.

**South West Brisbane Community  
Legal Centre**







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