

**Speech to Launch the QPILCH Civil Justice Fund
Ashurst, Level 38, Riverside Centre, 123 Eagle Street, Brisbane
Wednesday 18 March 2015**

***The Honourable Justice Margaret McMurdo AC
President, Court of Appeal***

Attorney, distinguished guests and friends of QPILCH.

I acknowledge the traditional owners, the Turrbal and Jagera people, and pay my respects to their elders past and present.

Thank you Lucy and Sue for reminding us of the critical work of QPILCH and for explaining the significance of the Civil Justice Fund and how it will operate as a perpetual fund to assist in QPILCH's wonderful work.

Thank you also to Ashurst for generously hosting this evening.

And thank you all for supporting this important initiative, the launch of QPILCH's CJF, an acronym which I hope will soon become second nature to you.

The high esteem the Queensland community, particularly the legal profession, has for QPILCH is demonstrated by its broad base of supporters including:

- The Federal and State governments;
- Highly respected legal firms;
- Individual members of the legal profession;
- Community legal centres;
- The Bar Association of Queensland;
- The Queensland Law Society;
- The Queensland Association of Independent Legal Services; and

- The Law Schools of UQ, Griffith and Bond.

QPILCH appropriately recognises that Queensland is the most decentralised state in Australia with the opening last year of its North Queensland office in Townsville.

QPILCH's concern to provide equal access to the civil justice system for the most disadvantaged Queenslanders is reflected in its:

- Referrals Service;
- Self-Represented Services;
- Homeless Person's Legal Clinic;
- Refugee Civil Law Clinic;
- Mental Health Law Practice; and
- LegalPod, an organisation supporting young people transferring from state care to adult independence at the vulnerable age of 18 years.

Apart from the QPILCH Annual Lecture, the QPILCH Annual Walk and the famous QPILCH red wine evening (or should that be infamous?) all of which have become unmissable events in the Queensland legal professional calendar, my principal contact with QPILCH is through its Self-Represented Service (Court of Appeal) (the SRSCA).

Self-represented litigants provide a challenge in the Court of Appeal. In the last financial year, 109 civil appeals involving self-represented litigants were finalised (39.64% of all finalised civil appeals). In the civil cases in which judgment was delivered that reporting year, 45 matters (18.6% of all civil cases) involved a self-represented litigant. Little wonder the judges of appeal, despite their best efforts, have been concerned as to whether the disadvantage of self-representation could lead to a miscarriage of justice in some cases.

These concerns led QPILCH to establish the SRSCA, which last financial year received 27 applications for assistance. Fourteen concerned potential appeals and 13 concerned current appeals.

Of the current appeals, 10 involved appellants and three involved respondents. Two cases were assessed as having arguable merit. The remaining 11 litigants were advised that their matters had poor prospects of success. Four accepted advice to discontinue their appeals. Four continued their appeals but were ultimately unsuccessful. The outcome of the other three matters is unknown.

Of the 14 potential appeals, one was assessed as having arguable merit. The remaining 13 applicants were advised that their matters had poor prospects of success and that they should not commence an appeal. Of those, nine accepted that advice and did not commence an appeal. One commenced an appeal which was later dismissed. One commenced an appeal which was later discontinued with SRSCA's assistance. The remaining two were yet to be finalised at the time I prepared last year's annual report.

Under the supervision of solicitor, Iain McCowie and then paralegal, Stephen Grace, the SRSCA is viewed by other Australian jurisdictions as a model to be emulated. It assists not only the litigants, but also appeals registry and court staff, the judges and, indirectly, the broader community. It gives the Court of Appeal judges great comfort to know that the SRSCA allows self-represented civil litigants the opportunity to obtain considered legal advice. The SRSCA is playing a critical role in ensuring access to civil justice for vulnerable Queenslanders.

You will now understand why I was delighted to accept QPILCH's invitation to become patron of the CJF and why I enthusiastically commend it to you.

You may work in an under-funded, struggling suburban community legal service. You may work in a superbly appointed successful commercial firm at the smart end of Brisbane town, such as Ashurst. But whatever your position in the legal profession, I am confident all present are united in your concern to assist the CJF to protect and promote the civil legal rights of Queensland's most socially disadvantaged, thereby contributing to a strong and cohesive community.

Recurring government cutbacks over many decades mean that legal aid in civil matters has virtually become an impossible dream. And, as Lucy explained, the LPITAF funding on

which QPILCH presently relies is fast diminishing. By giving to the CJF (and all donations over \$2 are tax-deductible) and by encouraging your clients to consider a bequest to the CJF in their will, you will ensure that the dream of quality access to civil justice for Queensland's most vulnerable becomes a reality. It really is the gift that keeps on giving to Queenslanders forever.

I hope that you will work to ensure the CJF captures the imagination of big picture Queensland philanthropists. They can be reassured that the absence of administrative costs means that every cent of their donations will go to the vital work of the CJF, a sub-fund of the highly respected and innovative Queensland Community Foundation.

I also hope that young legal practitioners will be inspired to develop a CJF-focussed culture within their workplaces. If your busy practices and other commitments mean you are unable to directly assist QPILCH with pro bono work, you can raise funds for the CJF. That Melbourne Cup in-house lunch or that special monthly morning tea could become an awareness and fund raiser for the CJF. In contributing to the CJF you will not only be benefitting a worthy, tax deductible, charitable cause. You will be helping our wonderful legal profession and the community it serves. And you will also benefit personally by feeling more satisfied in your professional lives.

In launching the CJF I want to do more than talk the talk. I am honoured to make the first donation to the CJF, following its welcome seed funding from Legal Aid Queensland and The Public Trustee.

If you are able, I encourage you to join me in empowering the CJF and QPILCH to protect and promote the civil legal rights of Queensland's most vulnerable by helping the legal profession build a more cohesive and caring Queensland community.



Donations

I would like to make a donation to QCF to the

Civil Justice Fund

Attached is my cheque or money order (*payable to Queensland Community Foundation*)

I require a tax deductible receipt for this donation

yes no

Please send receipt to:

Your title (Mr/Mrs/Ms/Miss/Dr) _____

Your surname: _____

Your given names: _____

Your address: _____

State _____ Postcode _____

Phone number _____

Email address _____

Please complete the form and post to:

Queensland Community Foundation, GPO Box 450, BRISBANE QLD 4001

Telephone: 07 3360 3854

www.qcf.org.au