

# **REPORT TO BENEFICIARIES 2011 – 2012**

## **Profile**

I have much pleasure in delivering the Annual Report of Law Foundation-Queensland.

Queensland Law Foundation Pty Ltd (QLF) is trustee for Law Foundation–Queensland (LF-Q), which by Court approval has received the assets previously held by Law Foundation Insurance Trust.

Pursuant to the Law Foundation-Queensland Trust, the following is the ninth annual report to beneficiaries setting out the activities and business affairs of that Trust for the 2011 – 2012 financial year. Included in this report are the Trust’s Annual Accounts and Auditor’s Report.

In these continued difficult times QLF is pleased to have been able to support its beneficiaries through the various grants it has made with the establishment of the Queensland wide video conferencing service, and also through the direct assistance both financial and/or otherwise, available through the Solicitor Assist Hotline Program, the Solicitor Assist Helping Hand Program and the Benevolent Fund; projects which were established to assist those in need.

As an additional means of assisting practitioners, the Foundation arranged for resilience sessions to form part of QLS Seminars which were being held in those regional areas which were experiencing hardship, due both to economic times, and extreme weather events.

These sessions enabled members to come together to learn from a member of the Board of the projects being offered by the Foundation by way of assistance, as well as to hear from a local seasoned member practitioner who had seen and experienced many changes in conditions during their times in practice.

The opportunity afforded to practitioners to network and socialise after the event was well received by those in attendance.

The Law Foundation-Queensland (LF-Q) trust was settled by the Honourable Chief Justice Paul de Jersey AC on the 15<sup>th</sup> November 2002, and the Board of the trustee company, Queensland Law Foundation Pty Ltd (QLF), comprises:

### **Mr Raoul Giudes,**

- Elected to Chair the Board from 29 August, 2001;
- Re-appointed a Director in December, 2005;
- Partner of Guides & Elliot;
- Member of QLS Professional Conduct Committee; and
- A QLS Past President.

### **Mr Justin O’Sullivan AM**

- Re-appointed a Director in December, 2005;
- Chair until 29 August 2001 when he retired as Chairman but continued as a Director;
- Partner of Justin F O’Sullivan & Edgar from 1951 to June 1988;

- Consultant to Justin O'Sullivan & Edgar from 1 July 1998 to 30 September 1999;
- Consultant to Laherty & O'Sullivan from November 1999 to 31 January, 2007; and
- A QLS Past President.
- Mr O'Sullivan was awarded an Australia Medal in the Queen's Birthday Honours List in 2008, for services to the profession and to the community.

#### **Mr Michael Meadows**

- Re-appointed a Director in December, 2005;
- Former senior partner of Flower & Hart and now a consultant to the firm of Middletons;
- Chair of QLS Professional Conduct Committee; and
- Director of Lexon Insurance Pte Ltd.

#### **The Honorable Mr Ian Berry MP**

- Re-appointed a Director in December, 2005;
- Principal of Ian Berry Solicitors at Ipswich;
- Past President of the Queensland Law Society Inc; and
- Elected as the parliamentary member for Ipswich at the Queensland State Elections held on the 24<sup>th</sup> March, 2012.

#### **Mr Glenn Ferguson**

- Re-appointed a Director in December, 2005;
- Partner of Ferguson Cannon Lawyers;
- Chair Of Workcover Queensland;
- Past President of Law Asia;
- Past President of the Law Council of Australia;
- Chair of the College of Law Queensland;
- Foundation Fellow of the Australian Academy of Law;
- Chair of Lexon Insurance Pte Ltd;
- Fellow of the Australian Institute of Company Directors; and
- A QLS Past President.

#### **Mr David Roberts**

- Re-appointed a Director in December, 2005;
- Consultant to the firm of Cooper, Grace & Ward.

#### **Mrs Joan Bennett**

- Re-appointed a Director in December, 2005;
- Member of the Legal Practitioners Admissions Board; and
- Consultant to Forbes Dowling Lawyers;

#### **MS Joanne Parisi**

- Appointed to the Board as the representative of the Queensland Law Society;
- Senior Associate in MacDonnells Law; and

- Councillor, Queensland Law Society.

## **Investment of Funds**

### **Summary of Performance since Inception in 2000**

- The overall account has increased 151.89% since inception which equates to an annual return (after fees) of 7.91%.
- Over the same period the Intech Growth/WHTM Growth Index has generated an annual return of 4.81% or 76.86% in total – these returns are before fees.
- The Australian share market has returned 6.21% per annum which equates to a total return of 106.14% over the same 12 year period.
- Thus, \$100 invested 12 years ago would now be \$249.31 in the Foundation account (after fees); \$175.72 in the median WHTM Growth Fund (pre fees) and \$206.05 from the Australian share market (pre fees).

### **Projects funded or approved in principle during the period**

The following funds have been made available to the beneficiaries of the trust in support of the named projects during the period 1 July 2011 – 30 June 2012.

<p>To <b>QLS</b> to assist in the continued running expenses incurred by the QLS video conferencing network including:-</p> <ul style="list-style-type: none"> <li>• Licence fees, Telstra line and call charges, and internode charges;</li> <li>• the annual fees payable under the Management Services Agreement entered into with Integrated Vision;</li> <li>• Establishing an additional facility at Emerald.</li> </ul>	<p><b>\$262,661.00</b></p>
<p>To <b>Lawasia</b> to assist in the relocation of the Secretariat to Brisbane under the extended commitment of \$50,000.00 per year for 2 years commencing 1.1.12</p>	<p><b>\$50,000.00</b></p>
<p>To <b>QLS</b> in support of its Learning and Development Program</p>	<p><b>\$76,479.43</b></p>

To <b>QLS</b> in support of its Info Med Program	<b>\$55,995.50</b>
By way of assistance to practitioners from the <b>BENEVOLENT FUND</b> project operated by the Law Foundation-Queensland Trust for the benefit of QLS member practitioners.	<b>\$25,000.00</b>
By way of assistance to practitioners from the Solicitors' <b>HELPINGHAND</b> project established for the benefit of QLS member practitioners.	<b>\$27,943.00</b>
By way of assistance to practitioners from the Solicitors' <b>HOTLINE</b> project	<b>\$101,000.00</b>
By way of assistance to practitioners through the running of <b>RESILLIENCE SESSIONS</b> in those regions severely affected by economic hardship.	<b>\$2,909.00</b>

### **Video Conferencing**

LF-Q with QLS, has extended the video conferencing network which, it is hoped, will assist members in the conduct of their practice, as well as serve as a bridge for those living in the more isolated areas of the State, to the main body of the profession, and to the QLS itself.

The network is now located in the following areas:

1. Atherton;
2. Mt Isa;
3. Townsville;
4. Emerald;
5. Rockhampton;
6. Mackay;
7. Gladstone
8. Bundaberg;
9. Dalby;
10. Toowoomba;
11. Sunshine coast;
12. Brisbane;
13. Gold Coast;
14. Hervey Bay;
15. Gympie;
16. Ipswich;

17. Cannonvale;
18. Redcliffe;
19. Beenleigh; and
20. Surfers' Paradise.

Use of this facility has continued to rise with an additional facility having been established in the Emerald area.

Initially the system was established over an ISDN network and members were charged a user fee to cover Telstra call charges, but not line rental charges.

The Foundation has switched the network to Internet Protocol which enables the network to be offered **free of charge** to members save only the out of pocket charges which are made to the QLS.

Total expenditure on this project to date - **\$1,644,783.00 (ex GST)**  
(Including the amount of \$262,661.00 shown in the table above)

Expenses in support of the QLS video conferencing network are ongoing as there is a monthly charge for the provision of bandwidth to each site and to the central bridge.

Monthly expenses for the operation of the system are approximately **\$20,931.00 + GST**

### **Schemes to assist solicitors in need**

Over the last five years, the Directors of QLF have acknowledged the personal and practical difficulties experienced by a number of solicitors. These difficulties have come to light through the Queensland Law Society's Professional Standards Department and the profession's insurer, Lexon Pte Ltd.

Reports from these bodies indicate that some solicitors unfortunately continue to face health and/or personal difficulties, including serious illness of a family member etc. In consequence, these solicitors often encounter difficulties within their practices.

In co-operation with QLS, the Foundation has established programs to provide on the spot advice, as well hands on, in practice, assistance to the solicitor members of QLS, free of charge to the QLS member.

Confidentiality is assured, with the Solicitor Assist services being provided by practicing solicitors on a Solicitor/Client basis. Other service providers (eg accountants, practice managers etc) similarly operate under strict confidentiality arrangements.

The services provided by these programs are :-

#### **2. SOLICITORSHOTLINE**

The Hotline is a telephone advisory service which operates, so far as is practicable, 24/7.

It is manned by two (2) experienced practitioners who have each operated in private practice in Queensland for 30 years, and who fully understand the day to day difficulties which arise from running a practice while attending clients' needs.

This service, the QLF is very pleased to see, is being extensively used by solicitor practitioners in need of practical advice, or even just a “sounding board” for a sole practitioner.

## **2. SOLICITORSHELPINGHAND**

In the event that a phone call is not enough, and in-depth specialist advice is required, or if there is a need for support to address difficult issues arising in the course of practice, the Foundation has established the Solicitors’ Helping Hand Panel. This panel comprises experienced practitioners who are willing to assist in this role.

Their areas of expertise are varied and comprehensive and any practitioner seeking assistance is referred to a panel member, appropriate for the matter at hand.

As previously mentioned, confidentiality is assured as all advice is offered on a solicitor/client basis.

## **3. PRACTITIONERS’ BENEVOLENT FUND**

In addition to the **HELPLINE** and the **HELPINGHAND** projects, the Foundation has also established a Benevolent Fund to assist practitioner members of the QLS, their families and dependents in times of financial difficulty.

Assistance is provided:

- On a strictly confidential basis;
- Through a modest, but unsecured and interest free short term loan;
- To applicants approved by the Foundation.

Financial difficulty could arise from a range of circumstances, not necessarily from a practice related issue, example, serious illness or an accident.

It is hoped that this fund may be eligible to be granted DGR status by the ATO and thereby be available to receive bequests or donations from the QLS member community. Investigations into this prospect are currently being undertaken.

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