



PRO BONO NEWS

Issue 12, July 2014

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Executive Director's report

In late 2013 JusticeNet SA reached in principal agreement with the Commonwealth Attorney-General's Department for funding for a Self-Representation Service in the Federal Courts. Early in the new year we finalised the scope of the new project and on Monday, 2 June the Self-Representation Service SA/NT (Federal Courts) opened its doors. [Read more](#) about this important new expansion of pro bono legal services in South Australia.

As a result it seems that 2014 has flown by in something of a blur. What else have we been up to? Here's a selection:

- connecting pro bono lawyers with clients who fall through cracks in the system: read about some of the achievements of pro bono lawyers in [pro bono success stories](#);
- helping people representing themselves in the Supreme Court to resolve their legal problems: read an update on the [Self-Representation Service \(Supreme Court\)](#);
- we organised the largest annual gathering of lawyers in South Australia (so we like to think): read about the 7th annual [Walk for Justice](#);
- making a [submission](#) to the Productivity Commission Enquiry into Access to Justice Arrangements; and
- lobbying the State Government on the need for much-needed [adoption law reform](#) in South Australia.

JusticeNet was launched in July 2009. Over the past five years our dedicated pro bono lawyers have provided thousands of hours of free legal advice and assistance to hundreds of low-income and disadvantaged clients. On behalf of the staff, volunteers and Management Committee of JusticeNet, thank you to our generous supporters for giving of your time, energy and spirit to assist those who are in need. And what would a birthday be without a party? Read about our [birthday party planning](#).

Funding for our service is an ever-present concern for our service and we are grateful for the immense generosity of the profession in helping us come so far. So we were particularly please earlier in the year to receive a commitment from the State Government to

investigate public funding for JusticeNet's core service delivery:

"a re-elected Labor Government will explore the ability to provide funding to JusticeNet under s57A of the Legal Practitioners Act 1981. This will be in the context of a wider review into the distribution of the funds made available under sections 56 and 57A of the Act."



JusticeNet is on Facebook. 'Like' us and keep up to date with upcoming events and issues relevant to pro bono law in South Australia and nationally.

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Walk for Justice 2014

On Tuesday 13 May about 300 members of Adelaide's legal community came together to enjoy the early morning sunshine and tranquil waters of the River Torrens and 'Walk for Justice'.

This year's walkers raised over \$42,000 for JusticeNet's pro bono legal service - an extraordinary achievement that demonstrates the genuine commitment our members and supporters have for helping low-income and disadvantaged South Australians.

As has become tradition, the Walk was formally launched by the Attorney-General John Rau. The Attorney-General was joined by many other 'Walk for Justice Ambassadors', eminent members of the legal community who led walkers through the Botanic Gardens, along the Torrens and back through the city to enjoy hot coffee and pastries at the Adelaide Hilton.

This year the route was awash with purple, with many walkers wearing JusticeNet t-shirts to promote their support of JusticeNet and pro bono effort of our members and supporters.



After the walk we were delighted to have Chief Justice Kourakis on hand to present the Walk for Justice Cup to Lipman Karas as the highest fundraising team. Team Lipman Karas raised \$6,965 and took home the cup for the second year running. Katrina Bochner was presented with an iPad mini as the highest individual fundraiser. Katrina raised \$1,945.

JusticeNet is grateful for the support of all those who participated in this year's Walk for Justice and made it such a success. From humble beginnings in 2008, JusticeNet's Walk for Justice has grown to become arguably the largest annual gathering of the legal profession in South Australia. The funds raised are essential for us to continue connecting some of South Australia's most marginalised and disadvantaged to legal support that is not otherwise within their means.

Special thanks to those who have responded to our request for feedback on this year's Walk. Kate Chapley, JusticeNet's new Fundraising and Events Coordinator is already conceiving ways to make next year's walk bigger, better...and more fun.

We look forward to walking with you in 2015.

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Pro Bono Success Stories

Barrister **Joana Fuller** accepted a referral from JusticeNet to represent a client who was charged with three criminal offences in 2013 in relation to a motor vehicle accident which occurred in 2003. JusticeNet referred Bianca* for assistance as we were concerned the delay in service might prejudice her prospects of having a fair trial. Bianca receives a Disability Support Pension and could not afford to pay for legal assistance. As a result of Joana's assistance two of the three charges were withdrawn. Bianca pleaded guilty to one charge; however no penalty was imposed other than the court costs.

Campbell Law accepted a referral of a matter in the Supreme Court possessions list. A bank was seeking possession of a property owned by two sisters which the bank alleged was subject to a mortgage. The sisters were not aware of the mortgage and had not applied for a loan. The sisters sought advice as to whether there were grounds to set aside the mortgage or otherwise defend the action for an order of possession. Campbell Law prepared the matter on the basis that it would be necessary to apply to have the matter removed from the possession list and placed in the trial list. The sisters filed a complaint with the Financial Ombudsman Service and Campbell Law submitted evidence and advocated on behalf of the sisters. The Financial Ombudsman Service

determined that there was insufficient evidence of the sisters consent to the mortgage and recommended the cancellation of the mortgage and return of the title. The Bank agreed to cancel the mortgage, return the title and file a notice of discontinuance in the Supreme Court.

JusticeNet referred Anthony* to **Johnston Withers** for representation in relation to alleged breaches of an intervention order. With their assistance the charges were dropped. Johnston Withers were able to demonstrate that Anthony* did not breach the order as the email which was the subject of the breach had not been written by Anthony. Furthermore, due to a serious medical condition he was incapable of writing an email at all. At the conclusion of the matter the Applicant's daughter wrote the following to JusticeNet: *'I wanted to thank you personally for your compassion and dedication to my father case. It's comforting to know that an organisation such as JusticeNet exists to help vulnerable and struggling members of our community.'*

Lisa* approached JusticeNet after she was banned from attending at grounds owned a prominent local sporting club after allegations of abusive behaviour against other employees. Lisa's employment required her to enter the club on a regular basis so the allegations were a serious matter. Lisa suffers from a mental illness and found it difficult to communicate with the club. WestSide Lawyers gave initial advice and sought to negotiate with the club but the club refused to compromise. WestSide approached JusticeNet for specialist advice on restraint of trade and procedural fairness issues amongst other things. JusticeNet obtained the assistance of counsel **Bernard O'Brien** of Torrens Chambers who provided advice to Westside Lawyers. A negotiated outcome was eventually reached that allowed Lisa to resume her regular activities at the Club and a substantial contribution was paid to Lisa's legal costs.

JusticeNet was approached by Simon*, who was seeking legal help after experiencing a serious breach of his privacy by a public organisation. Simon lived in a small community in rural South Australia and the actions of the organisation led to serious adverse impacts on Simon's mental health and quality of life, as well as on his financial situation. Simon was unable to afford legal representation and so JusticeNet referred him to **Johnston Withers** for pro bono assistance. Johnston Withers helped Simon negotiate a favourable settlement with the organisation.

*Names changed to protect privacy

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Refugee and Asylum Seeker Project Update

In 2014 JusticeNet has seen a decrease in the number of application's received by our Refugee and Asylum Seeker Project. The Government has not been processing applications for asylum for some time which has led to a smaller number of applicants requiring assistance in relation to negative Refugee Review Tribunal decisions. We have however, referred 15 matters to lawyers for assistance this year. The majority of these referrals have been accepted by solicitors at the Crown Solicitors Office under their pro bono program and we are grateful for their support.

There are currently judicial review applications either in court or about to be in court affecting ten asylum seekers. Five of these are unaccompanied children.

JusticeNet is also considering the need to refer a number of asylum seekers who have been transferred to mainland Australia from an island detention centre due to medical needs. The referrals will be to investigate possible legal remedies to ensure they are not transferred back to offshore detention while their medical needs are ongoing. We will also be working with lawyers to investigate legal action to have them transferred from detention centres to community detention where their needs may be better met.

JusticeNet is also aware of a number of people who have had bridging visas cancelled after being charged with criminal offences. These people have been detained and continued to be detained even where the charges have been dropped. JusticeNet will be seeking legal advice for appropriate applicants in relation to this issue.

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Supreme Court Self-Representation Service Update

The Supreme Court Self-Representation Service has been operating as a pilot project since September 2013. The service provides low-income and disadvantaged clients with unbundled legal services. The service has provided nearly 60 1-hour appointments in that time. We acknowledge the ongoing support of our participating law firms and thanks also to our most recent student volunteers from Flinders University: Alice Tester and Rebecca Plummer.

Here are some recent examples of assistance the service has provided:

- The service helped a client of non-English speaking background to negotiate with her home loan lender. She had fallen into arrears as a result of unexpected expenses arising from deaths in her family. She was helped to negotiate a hardship variation with her lender.
- A client sought assistance to prevent the repossession of the marital home pending the outcome of Family Court

proceedings. The service helped her to make an application to vary the possession orders to extend the time to deliver possession the property to the lender. The client has since been referred to a lawyer for legal advice after her ex-husband filed for bankruptcy.

- A client sought assistance from the service to pursue an appeal to the Full Court of the Supreme Court. The service provided her with advice that her prospects were very low. The client said she was determined to proceed and the service initially offered her procedural advice and limited drafting assistance with the documentation necessary to advance her appeal. After the service provided further advice about her limited prospects of success the client elected to withdraw her appeal.

The Self-Representation Service is made possible by the generous support of the Flinders University, the Law Foundation of South Australia, IMF (Australia) Ltd and our participating firms: Minter Ellison, Fisher Jeffries, Finlaysons, Gilchrist Connell, Cowell Clarke and Lawson Smith.

Please contact Tim Graham at tim.graham@justicenet.org.au or on (08) 8313 5005 if your firm is interested in participating in the service.

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Self-Representation Service SA / NT (Federal Courts)

JusticeNet's Self-Representation Service has expanded to the Federal Court and Federal Circuit Court. The new pro bono legal service helps clients with existing or prospective general federal law proceedings in the Adelaide and Darwin registries of the Federal and Federal Circuit Court. It will provide ongoing assistance to clients who cannot afford private legal assistance. The new service commenced on 2 June 2014.

Location: Level 7, Commonwealth Law Courts Building
Hours: Monday, Tuesday and Thursday - 10am to 5pm.

Clients are given 1 hour appointments, either in person or over the phone, with solicitors who provide advice and legal task assistance. Appointments can be provided throughout the course of a client's matter. The service does not represent clients but helps them to:

- understand the law and court procedures;
- draft documents and court forms;
- present their case in the best possible manner; and
- pursue appropriate alternative dispute resolution and discontinue proceedings that have no merit.

For information see the JusticeNet website: <http://justicenet.org.au/srs.html>

The expansion of our Self-Representation Service has been possible by funding from the Commonwealth Attorney-General's Department and the support of our participating law firms.

JusticeNet welcomes referrals to the Self-Representation Service. The contact details for the Service are as follows:

Email: srs@justicenet.org.au
Telephone: 1800 283 661
Post: GPO Box 11024, Adelaide SA 5001

If your firm is interested in being involved in the new service, please contact Tim Graham at tim.graham@justicenet.org.au

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JusticeNet Lobbies SA Government to Change Adoption Act 1988

In 2013 JusticeNet was contacted by a woman wishing to discharge her adoption order as she was severely abused by her adopters as a child. The woman had recently given evidence to a Commissioner at the Royal Commission into Institutional Responses to Child Sexual Abuse and the Commissioner had encouraged her to investigate making such an application.

After looking into this issue JusticeNet discovered that at present it is not possible to discharge an adoption order in such circumstances. This is inconsistent with most States and Territories. Section 14 of the *Adoption Act 1988* (the 'Act') currently limits the grounds on which an order can be discharged to 'fraud, duress or other improper means'. Most other Australian jurisdictions contain a further ground to allow for the discharge of the order where there are 'exceptional circumstances'.

JusticeNet believes the Act should be amended to allow for the discharge of adoption orders in exceptional circumstances. Such an amendment would be timely as there is likely to be a number of people in South Australia who are giving or are proposing to give, evidence at the Royal Commission who may be considering this issue.

JusticeNet wrote to all major political parties in early 2014 recommending this amendment be made. JusticeNet volunteer Raffaele Piccolo also wrote an article which was published in the Law Society Bulletin in May 2014 advocating for the law to be amended.

JusticeNet welcomes the Government's recent announcement that there will be a review into the Adoption Act this year and that consideration will be given to amending the Act to strip abusive adoptive parents of their rights to the child. JusticeNet looks forward to commenting on the proposed changes later this year.

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Submission to Productivity Commission Enquiry

Following the release of a Draft Report in April, JusticeNet made a submission to the Productivity Commission's Enquiry into Access to Justice Arrangements. The Commission's draft report had considered the effectiveness of existing measures to assist litigants-in-person. Considerable attention was given in the report to the Self-Representation Services run by JusticeNet's sister organisation, the Queensland Public Interest Law Clearing House. The draft report noted that *"unbundled legal services can efficiently assist self-represented litigants where most needed, such as in complex disputes in formal settings, like superior courts."*

JusticeNet's submission was an opportunity to inform the Commission about the effectiveness of our Supreme Court Self-Representation Service pilot in improving access to civil justice for litigants-in-person. A copy of the [submission](#) is available from our website.

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JusticeNet is turning five!

On **Friday 26 September** JusticeNet will be throwing a party to celebrate 5 years of facilitating access to justice! It will be a free event and an opportunity to thank our members and supporters for the thousands of hours you have donated, collectively, to help those in our community who otherwise would fall through the cracks in the civil justice system. We are planning a relaxed event after work with 'pop-up' food trucks, live music and a few surprises... Stay tuned for more.

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Become a 'Friend of JusticeNet'

JusticeNet plays a vital role in facilitating access to justice for low-income and disadvantaged South Australians. While membership subscriptions are currently our most significant source of income, they cover less than 50% of our annual operating costs, and we don't receive recurrent government funding.

As a Friend of JusticeNet you can help ensure the long-term future of our service for as little as \$10 per month. Benefits of becoming a Friend of JusticeNet include:

- Complimentary registration for one JusticeNet CPD seminar per year.
- Reduced JusticeNet membership fee (50% discount).
- Public recognition of your support (unless you advise us otherwise).
- Your donation is 100% tax deductible.

[Click here to join Friends of JusticeNet using the secure online facility of GiveNow.com.au](#)

Current Friends of JusticeNet:

Heath Barklay, Grace and Matilda Bawden, Katrina Bochner, Kieren Chester, Tim Graham, George Karzis, Robyn Layton, Christopher Legoe, Nicholas Linke, Shaun Mercer, Geoff Muecke, Alex Reilly and Paula Stirling.

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JusticeNet Members

JusticeNet acknowledges the ongoing support of our members:

Corporate members: Adelaide Law School, Aged Rights Advocacy Service, Ashurst Australia, Beach Energy Limited, Bourne

Lawyers, Budwal Lawyers, Campbell Law, Central Community Legal Services, Cowell Clarke, DMAW Lawyers, Donaldson Walsh, Environmental Defenders Office, Finlaysons, Fisher Jeffries, Flinders Law School, Fox Tucker Lawyers, Gilchrist Connell, Hunt & Hunt, Johnston Withers, Kelly & Co, Lawson Smith Lawyers, Lipman Karas, Mellor Olsson, Minter Ellison Lawyers, Piper Alderman, Riverland Community Legal Service, Ruth Beach Lawyer & Mediator, SANTOS, South East Community Legal Service, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers

Individual members: Warwick Ambrose, Lucas Arnold, Melissa Ballantyne, The Hon Barry Beazley, The Hon David Bleby QC, Elizabeth Boxall, Darren Blight, Paramjit Budwal, Peter Cannell, Gabrielle Canny, Kerry Clark, Jane Cox, Samuel Doyle SC, Carrie Eames, Phillip Foreman, Rachel Garland, Tim Graham, Rachel Gray, Chad Jacobi, Andrew Jantke, Margaret Kelly, Lisette Knobel, Robert Lawton, The Hon Robyn Layton QC, The Hon Christopher Legoe QC, Cathrynne Lester, Nicholas Linke, Mark Livesey QC, Philip McNamara QC, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, Geoffrey Muecke, The Hon Margaret Nyland, Claire O'Connor, Mark Parnell, Harry Patsouris, Megan Philpot, Jocelyn Redden, Ian Robertson SC, Emily Rutherford, Rick Sarre, Catherine Sarre, Carolyn Scholefield, Nerissa Schwarz, Paula Stirling, George Stathopoulos, Edward Stratton-Smith, Tania Sulan, Ian Thomas, Elise Thomson, Mike Wait, Gillian Walker, Helen Ward, Noëla Washyn, Penny Wright, Kate Wycherley

JusticeNet also acknowledges the support of The Law Foundation of South Australia, the University of Adelaide, the Law Society of South Australia, the South Australian Bar Association, Bentham IMF Limited and Australian Government Solicitor.

For more information about membership of JusticeNet go to: <http://justicenet.org.au/members.html>.

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Subscription and Feedback

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What is JusticeNet SA?

JusticeNet is an independent not-for-profit organisation that coordinates pro bono legal assistance in South Australia. JusticeNet matches individuals who do not have the means to afford a lawyer, and cannot otherwise obtain the requisite legal assistance elsewhere, with lawyers who are willing to act pro bono. We also assist not-for-profit and community groups.

For more details of our referral service and eligibility criteria, see the JusticeNet website at www.justicenet.org.au.

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