



PRO BONO NEWS

Issue 14, March 2015

In this issue

[Executive Director's report](#)

[Walk for Justice](#)

[JusticeNet CPD Intensive](#)

[Pro Bono Success Stories](#)

[Refugee and Asylum Seeker Project Update](#)

[Supreme Court Self-Representation Service](#)

[Federal Court Self-Representation Service](#)

[Become a 'Friend of JusticeNet'](#)

[JusticeNet Members](#)

[Subscription and Feedback](#)

[What is JusticeNet SA?](#)

Executive Director's report

Welcome to the first edition of Pro Bono News for 2015. This year looks set to be a big year for JusticeNet SA and we look forward to working with you to improve access to justice.

Much has happened since the last edition of Pro Bono News. Our 5th birthday celebration in late October was a huge success. You can read about it in this month's edition of the Law Society Bulletin.

JusticeNet's Supreme Court Self-Representation Service has also reached a major milestone with completion of an independent evaluation by the South Australian Office of Crime Statistics and Research (OCSA). The OCSA report concluded that the Self-Representation Service is "a valuable addition to the very limited range of legal services available to assist disadvantaged litigants with civil matters, and litigants-in-person in the Supreme Court civil jurisdiction". You can read the report in full [here](#).

The service also received a big tick of approval from the Productivity Commission, which had this to say about Self-Representation Services in its Final Report on Access to Justice Arrangements released in December 2014:

"...unbundled legal services provided by SRSs can efficiently and effectively assist self-represented litigants where most needed, such as in complex disputes in formal settings like superior courts."

Going further, the Productivity Commission recommended that:

"Australian, State and Territory Governments should continue to facilitate and fund duty lawyers and self-representation services."

The challenge now is to secure the future of the service. JusticeNet has absorbed the cost of coordinating the service long after the initial funding for the pilot has ceased, but that can't go on forever. So we are actively pursuing funding opportunities and we will keep you posted. Anyone with ideas or friends in high places, you know where to contact us!

I should take this opportunity to again acknowledge the support of the Law Foundation of South Australia and IMF Bentham Ltd for funding the pilot service, the Hon. Chief Justice Kourakis, the Courts Administration Authority and Flinders University for supporting the service, and, of course, our wonderful participating law firms: Minter Ellison, Finlaysons, Fisher Jeffries, Cowell Clarke, and

most recently, HWL Ebsworth.

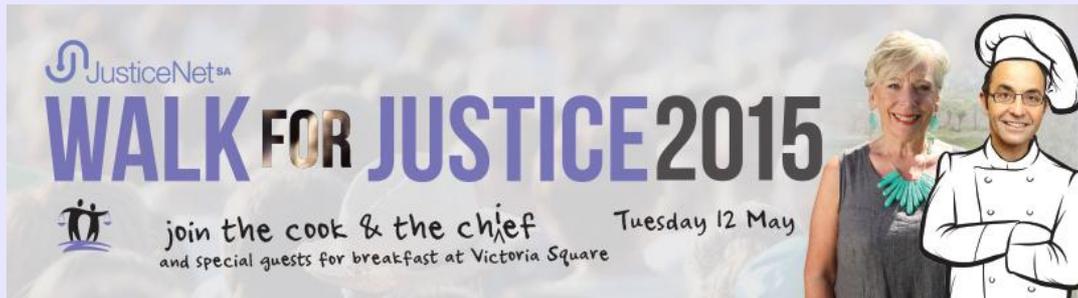
One last thing. JusticeNet has lodged a submission to the Adoption Act review being conducted by the Department for Education and Child Development. JusticeNet has recommended amendment of the Adoption Act to allow for the discharge of adoption orders in a wider range of circumstances, particularly in cases where an adopted child has been abused by adopters. You can read our submission [here](#).



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.

[Return to index](#)

Walk for Justice 2015



Who will win the Walk for Justice Cup in 2015?

Every year on the second Tuesday in May, members of the South Australian legal community take to the streets of Adelaide to raise funds for JusticeNet SA and to compete for the Walk for Justice Cup.

The Walk for Justice is a 5km sponsored walk that raises vital funds for JusticeNet SA at the same time as bringing Adelaide's legal community together to catch up with colleagues and share an invigorating walk from Adelaide Law School, around the Torrens and into Victoria Square.

From humble beginnings eight years ago, the Walk for Justice has grown become a highly anticipated fixture in the South Australian legal calendar that is arguably the largest annual gathering of lawyers in South Australia. This year 500 walkers are expected to raise in excess of \$50,000.

The funds raised help JusticeNet SA connect some of the most disadvantaged in our community – including those experiencing disability, poverty, risk of homelessness and asylum seekers – with volunteer lawyers willing to help pro bono.

This year walkers will be rewarded with a fresh cooked recovery breakfast under the Bank SA marquee in Victoria Square. We are delighted that iconic South Australian Maggie Beer will oversee preparation of the breakfast. Maggie will be joined by our very own CJ 'Cookie' Kourakis and 'kitchen hands' from across Adelaide's legal and business community.

Registration for the Walk for Justice is free. JusticeNet just asks you to do your best to raise funds for this worthy cause.



Chief Justice Kourakis, Patrick Giam (Lipman Karas), Tim Graham (JusticeNet)



Walk for Justice 2014



Team Lipman Karas

The highest fundraising team will win the highly coveted Walk for Justice Cup. In 2015 there will also be prizes for the highest individual fundraiser, the highest fundraising University team and the highest fundraising Secondary School team.

Register for the Walk for Justice at <http://www.everydayhero.com.au/event/walkforjustice2015>. You can invite your colleagues to participate via the registration process, update your fundraising page with details of why you are participating and share your efforts via the link to Facebook.

If you would like further information about walking or sponsorship of the Walk for Justice please contact Kate Chapley on 8313 5005 or kate.chapley@justicenet.org.au.

Thank you to event sponsors:



[Return to index](#)

JusticeNet CPD Intensive

Thank you to everyone who came along to the CPD Intensive on 27 February. It was a very well attended event that raised over \$15,000 for JusticeNet.

The quality of the speakers was excellent and topics covered the mandatory units and three others. We would like to thank all the speakers, who generously donated their time and clearly invested many hours in preparation: Bernard O'Brien (Barrister), Tim Bryant (Barrister), Ruth Beach (Lawyer and Mediator), Anita King (Consultant, Andersons), Sallie Emmett (Consultant, SAE Consulting), Kirsty Stewart (Barrister), Rick Manuel (Barrister), Victoria Lecky (Lawyer, Sparke Helmore Lawyers)

We would also like to acknowledge the support of Flinders University, who hosted the seminars at their Victoria Square campus. A special thank you to Deborah Ankor for her assistance in the lead up to the seminar.

[Return to index](#)

Pro Bono Success Stories

The JusticeNet Referral Scheme had a busy year in 2014. We received 694 telephone enquiries and 166 written applications for assistance. We referred 101 matters to our members and supporters for pro bono assistance. Sixty five of these were from our general referral scheme and 36 of these were from our Refugee and Asylum Seeker Project.

Behind the scenes at JusticeNet a dedicated team of volunteers and secondees help our Referrals Lawyer Elizabeth Boxall run this service. Their contribution to the scheme is highly valued by JusticeNet. We would like to highlight some of the work they do in our 2015 Newsletters starting with our secondees from the Australian Government Solicitor.

Since 2009 The Australian Government Solicitor's Office has generously provided JusticeNet with secondees who assist the Referral Scheme one day a week. During 2014-2015 these secondees have been Claire Stokes, Kate Denton, Victoria Greenslade and James Gould. They assist by reviewing volunteers work and drafting complex documents.

The Australian Government Solicitor (AGS) is proud to support JusticeNet SA by providing lawyers on placement to assist the referrals team in assessing and (where appropriate) referring applications for pro bono legal assistance, and has provided this support since 2009. The Judiciary Act 1903 (Cth), under which AGS was established, somewhat limits the scope of the pro bono legal services it can provide directly to clients – however, JusticeNet's referrals service model provides an opportunity for AGS to make a meaningful contribution to improving access to justice to those members in the South Australian community who are most in need.

Currently, Claire Stokes and James Gould spend one day a week in the JusticeNet office assessing applications for

assistance, writing to applicants, settling work done by law student volunteers and preparing referral briefs. It is a great opportunity for Claire and James to get out of the office, be exposed to a range of different matters which they would not otherwise encounter and to use their legal experience and knowledge to assist in the coordination of pro bono legal assistance to low-income and disadvantaged South Australians. Claire and James report that they are loving their time at JusticeNet, and are grateful for the opportunity to contribute to such a worthy cause.

Each year JusticeNet receives applications each year from Community Legal Centres who require counsel opinions on complex legal issues . Some recent referrals to assist Community Legal Centres have included:

Rose-Marie Reed from Elliot Johnston Chambers provided the Southern Community Justice Centre with advice on the appropriate jurisdiction to hear a dispute about property at the end of a relationship. The Applicant and Respondent to the Family Circuit Court application had filed significantly different evidence about when their relationship ended. Rose-Marie's clear advice enabled the Southern Community Justice Centre to advise their client on best strategy to resolve the jurisdictional issue.

Christopher Brohier from Elizabeth Mews also advised the Southern Community Justice Centre on what recourse their client might have to recover a debt. Their client entered into a written loan agreement with his brother in 2012. The brother agreed to repay the loan in full within a year. The brother failed to disclose that he had been declared bankrupt a year before entering into the agreement. Christopher's advice assisted the Southern Community Justice Centre and their client make decisions about what further action to take to recover the money.

Other success stories include:

Solicitor **Stephen Kenny** from **Camatta Lempens** and counsel **Larissa Detmold** accepted referrals to represent a 17 year old Indigenous client in a burial dispute matter. The client's father passed away in early December 2013. A dispute then arose between family members about the appropriate place to bury the deceased. Attempts to end the dispute by mediation were unsuccessful. In order to resolve the matter the Minister for the Department of Communities and Social Inclusion made an application to the Supreme Court for a decision to be made about burial arrangements. With assistance from Stephen Kenny and Larissa Detmold, the client was successful in obtaining an order to have the deceased buried in Port Augusta. The other party to the dispute received pro bono assistance from the Aboriginal Legal Rights Movement. In his judgment Justice Nicholson expressed his gratitude for the pro bono assistance that had been given to both parties to the dispute.

Kris Hanna from Kris Hanna & Associates accepted a referral to assist a not-for-profit art gallery by reviewing their lease and signing a certified exclusionary clause document to comply with s 20K of the *Retail and Commercial Lease Act 1995*. The organisation was very grateful for the assistance Kris provided and commented that the assistance 'made a big difference'.

*Names changed to protect privacy

[Return to index](#)

Refugee and Asylum Seeker Project Update

The Refugee and Asylum Seeker Project continues to be very busy. We sometimes struggle to find barristers and solicitors who are willing to accept referrals to provide us with advice on the merits of reviewing negative immigration decisions. If you are in a position to accept referrals in this area please contact Elizabeth at referrals@justicenet.org.au.

During 2014 lawyers at the Crown Solicitor's Office accepted the majority of referrals in this area. They successfully represented a number of clients who made applications to judicially review immigration decisions refusing them refugee status.

In December 2014 **James Swanson**, solicitor and **Mike Wait** acting as counsel, both from the Crown Solicitor's Office successfully represented a Sri Lankan man. Their client claimed fear of persecution as a Tamil who was at risk of serious harm from the Sri Lankan Army and Criminal Investigation Department as his father had been accused of helping the liberation tigers of Tamil Eelam. In his judgment Judge Simpson found that the Refugee Review Tribunal had failed to afford the applicant natural justice as the Tribunal did not allow the applicant reasonable time to put further information before it. Alternatively, he characterised this error as a constructive failure to undertake the core function of the Tribunal, namely the conducting of a review. As a result their client's matter has been remitted back to the Refugee Review Tribunal for further consideration. The migration agent who assisted the client with his first application to the Refugee Review Tribunal has kindly agreed to represent him again, this time on a pro bono basis.

[Return to index](#)

Supreme Court Self-Representation Service Update

JusticeNet's Supreme Court Service has now been operating in the Supreme Court for over 12 months. The service has recently been evaluated by the Office for Crime Statistics and Research with an overwhelmingly positive result. The report concluded that

the service is “a valuable addition to the very limited range of legal services available to assist disadvantaged litigants with civil matters, and litigants-in-person in the Supreme Court civil jurisdiction”. You can read the report in full [here](#).

The service would like to thank our most recent student volunteer from Flinders University, Betty Campbell. Here are some recent examples of assistance the service has provided:

- The service was approached by the mother of a client whose house was to be repossessed by the sheriff in a matter of days. Due to personal issues, the client was suffering from a nervous breakdown and was in no fit state to leave his home. The service assisted the client to draft an application and affidavit seeking a stay of the execution of the warrant of possession. The other side eventually consented to a stay without the client having to file the application.
- The service assisted a client who was seeking to appeal the decision of the Magistrates Court in relation to a speeding offence. The service helped the client draft a notice of appeal and affidavit. The client’s appeal was successful and the matter was remitted back to the Magistrates Court the client wrote to the service saying:

‘I would just like to thank you and your team for your time and effort involved with my supreme court appeal. I am quite sure that without your assistance I would not have received such a favourable outcome.’

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, Cowell Clarke and HWL Ebsworth.

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.

[Return to index](#)

Self-Representation Service SA / NT (Federal Courts)

The service has been running in the Federal Court for nine months. We have recently included migration to the areas in which we can assist. JusticeNet’s Refugee and Asylum Seeker Project will continue to assist with any refugee related matters while the Self-Representation Service will focus on appeals from the Migration Review Tribunal. The service also welcomes Angela Hastings who has taken up the position of Senior Solicitor and joined our team at the end of January 2015.

The service would like to thank our student volunteers: Ruth Olive and Raffaele Piccolo. We would also like thank Alex Reilly who is assisting the service with the migration matters. Here are some recent examples of assistance the service has provided.

- The service has been approached by a client seeking to appeal a decision of the Federal Circuit Court in relation to a migration matter. The client had been denied a skilled visa on the basis that she did not meet the English requirements. The service advised that the client that there was no jurisdictional error on which she could appealed and the costs risks of continuing. The client decided to file a Notice of Discontinuance which was drafted by the service.
- We assisted a client who had been served with a bankruptcy notice. The client did not dispute the existence of the debt and after advice from the service, the client agreed to negotiate a settlement and payment plan with the other party. The service drafted a deed of settlement on behalf of the client. The matter is ongoing.
- A client requested assistance from the service in regards to a fair work issue. After being dismissed from her job as she was suffering from a temporary illness, the client commenced a general protections claim against her previous employer. The client was advised to request a court order mediation. The service then referred the client on for pro bono representation at the mediation. The mediation was unfortunately unsuccessful and the service understands that the client is continuing with the court proceedings.

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: Minter Ellison, Finlaysons, Fisher Jeffries and Cowell Clarke. We would like to welcome Clayton Utz and HWL Ebsworth who have recently joined the service.

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

[Return to index](#)

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 a significant source of income, they cover less than 50% of our annual operating costs, and we don't receive government funding for operational costs.

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

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.

[Return to index](#)

JusticeNet Members

We welcome our new corporate members:

**Hutt Street Law
Ombudsman SA**

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, Environmental Defenders Office, Finlaysons, Fisher Jeffries, Flinders Law School, DW Fox Tucker Lawyers, Gilchrist Connell, Hanson Chambers, HWL Ebsworth, Johnston Withers, Kelly & Co, Lipman Karas, Minter Ellison Lawyers, O'Toole 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 SC, Paramjit Budwal, Peter Cannell, Gabrielle Canny, Kerry Clark, Jane Cox, Larissa Detmold, Samuel Doyle SC, Carrie Eames, Phillip Foreman, Rachel Garland, Tim Graham, Rachel Gray, James Hartnett, Jenny Hirst, Chad Jacobi, Andrew Jantke, Clare Jobson, Peter Kassapidis, Manjit Kaur, 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, Joseph Maniscalco, Alan Merritt, Michael Mills, Carolyn Mitchell, Neville Morcombe QC, Geoffrey Muecke, Leah Mundy, The Hon Margaret Nyland, Claire O'Connor, Karen O'Keefe, Mark Parnell, Harry Patsouris, Kim Pedler, Megan Philpot, Rebecca Plummer, Jocelyn Redden, Ian Robertson SC, Emily Rutherford, Rick Sarre, Catherine Sarre, Carolyn Scholefield, Nerissa Schwarz, Paula Stirling, George Stathopoulos, Edward Stratton-Smith, Tania Sulan, Anna Tallis, Ian Thomas, Elise Thomson, Natalie Wade, Mike Wait, Gillian Walker, Helen Ward, Noëla Washyn, Belinda Wells, Jonathan Wells QC, Penny Wright, Kate Wycherley

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

[Return to index](#)

Subscription and Feedback

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[Return to index](#)

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.

[Return to index](#)

