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PRO BONO NEWS

Issue 8, September 2012

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Executive Director's report

Welcome to the 8th Edition of Pro Bono News. It's been a busy time for JusticeNet these last few months. In fact, with the steadily increasing workload, we are recruiting a Referrals Lawyer to help us better coordinate our referral casework and free me up to concentrate on new projects and strategic direction. You can find out more details about the Referrals Lawyer position [here](#). Better get your skates on if you are interested, applications close 21 September!

Much has happened since our last newsletter. Two highlights would have to be our most successful ever Walk for Justice in May, and the establishment of a referral service for asylum seekers; the latter with generous assistance from the Sidney Myer Fund and the Sisters of Charity. We are collaborating with Refugee Advocacy Service of South Australia and others to improve access to justice for refugees and asylum seekers in South Australia. Click [here](#) to learn more about RASP, our Refugee and Asylum Seekers Project.

Tessa Colliver, JusticeNet's Business Development Manger completed her contract with JusticeNet in September. Tessa was employed with the assistance of a grant from Community Benefit SA, and she has been a fantastic help in improving our fundraising efforts. She is not going far though, Tessa will continue to assist JusticeNet with marketing and fundraising advice as a Fundraising Consultant.

Other staff changes include two new secondments. Claire Deegan and Michael La Vista from the Australian Government Solicitor (AGS), have joined Andrew Schatz on secondment to JusticeNet on a one-day per week rotating basis. We are very grateful for the ongoing support of the AGS.

We are also very excited about our inaugural wine tasting and auction event **Pro Bono Vino** to be held on Saturday 20 October 2012. [Click here](#) to find out more about this event which promises to be a lot of fun.

Pro Bono Vino

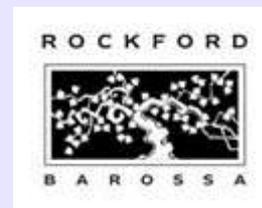
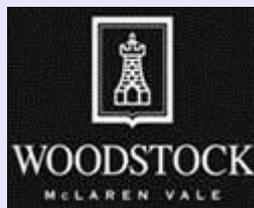
Tickets are now available for **Pro Bono Vino**, JusticeNet's inaugural fine wine-tasting and auction event. **Pro Bono Vino** will be held at GalleryOne at the Jam Factory from 6 pm on Saturday 20 October.

Register online at www.trybooking.com/BWPP or click [here](#) to download the flyer.



Pro Bono Vino will feature wine from some of South Australia best-known wineries, local produce courtesy of Two Brothers catering, live entertainment and guest speakers **Julian Burnside AO QC**, eminent human rights barrister and **Tim White**, wine writer for the Australian Financial Review.

Thank you to our members and supporters who have made some fantastic donations of wine and other auction items. Here are just some of the wineries supporting **Pro Bono Vino**:



JusticeNet Seminar Series

In July, JusticeNet held another successful instalment of our professional development program. Our thanks to the following presenters for donating their time to present three topical and well-received seminars:

- Justice Besanko - Efficiency in the Civil Justice System
- Susanna Khouri - Financial Products and Services – An overview of consumer rights and remedies
- Claire O'Connor - Human Rights and Refugees: Case Law Developments

We are currently finalising our program for the next seminars to be held in early November. Seminars will include **'The Hitchhikers Guide to Family Law'**, a practical workshop and Q & A session with Federal Magistrates Chris Mead and Peter Cole. Other seminars will be confirmed soon. 'Like us' on Facebook and keep up to date with upcoming events like our Professional Development Program.

Our thanks to **Flinders University** and **Try Booking** for their continued support of this event.



Referrals and Case Studies

We are grateful to the lawyers who generously donate their time and energy to assist JusticeNet clients. In 2012 we have experienced a steady increase in enquiries and application for assistance. Pro bono referrals have also increased; we have already referred 45 matters to the end of August. Here are some examples of recently finalised pro bono referrals:

Robert* applied for assistance from JusticeNet in 2011 when judgment was entered against him in bankruptcy proceedings. Robert had obtained a bank loan to fund a small business which was ultimately not viable. The remaining debt was sold to a third party. Robert attempted to pay back the money owed, but subsequently discovered the substantial late and administrative fees that were accruing. The third party issued proceedings against him in WA, despite his residence in Adelaide. As the single unemployed father of two daughters, he was unable to fund a lawyer privately. Gilchrist Connell generously offered its national resources to overcome these challenges. With this assistance, Robert successfully had the judgment set aside and was able to avoid bankruptcy and the repossession of his family home.

Andrew* sought pro bono assistance from JusticeNet concerning a dispute with his previous employer and a claim for

unpaid wages. Andrew filed a claim at the Magistrate's Court and with the assistance of Lamont Black Lawyers, he was able to negotiate the matter out of court and agree on a favourable settlement. With the assistance of JusticeNet and Lamont Black Lawyers, Andrew was able to avoid a trial and finalise his matter.

**Names have been changed to protect the privacy of clients.*

Other recent referrals include:

- Vanessa Lindsay of counsel has provided advice and assistance in two family law matters;
- Bourne Lawyers and Rachel Gray of counsel are assisting a client review a decision of the Department of Immigration and Citizenship in the Federal Magistrates Court;
- Hunt & Hunt are assisting a client with bankruptcy and related matters;
- Richard Mellows of counsel has provided advice in a family law matter;
- DMAW lawyers are assisting two elderly clients in a consumer credit matter; and
- Kelly & Co are helping a client in a matter involving misrepresentations relating to a property transaction.

We are always keen to increase participation in our pro bono referral service. If you or your firm is interested in registering with JusticeNet, or would like to become a member, please contact Tim Graham at tim.graham@justicenet.org.au. You can also find further information and membership forms on at www.justicenet.org.au.

Refugee and Asylum Seekers Project

In July 2012 JusticeNet launched a project to coordinate legal advice and representation for asylum seekers who may have a right to judicial review of decisions by the Department of Immigration and Citizenship (DIAC) regarding their claim for refugee status. While DIAC provides certain funding under the Immigration Advice and Application Assistance Scheme (IAAAS), asylum seekers do not have access to IAAAS funding to seek judicial review of DIAC decisions.

JusticeNet is working with the Refugee Advocacy Service of South Australia and other community organisations to address this legal need in a coordinated manner. Asylum seekers face numerous barriers to accessing justice. Many have experienced some form of detention and their capacity to obtain legal help is impeded by financial, linguistic, cultural or geographical barriers.

The rights of 'offshore' asylum seekers to seek judicial review was confirmed in the M61 decision of the High Court in 2010. The Court held that Refugee Status Assessments (RSAs) and Independent Merits Reviews (IMRs) conducted by DIAC staff or contractors were reviewable administrative decisions under Australian law.

In March of this year the Federal Government abandoned the use of IMRs for 'offshore' asylum seekers. This decision was no doubt influenced by the high success rate that asylum seekers were having in the Federal Magistrates Court. Pro bono clearinghouses interstate have reported an 80% success rate at the FMC, highlighting the deficiencies in the IMR system. The government has now adopted a single processing system, whereby asylum seekers, irrespective of their mode of arrival, have a right to merits review by the Refugee Review Tribunal on appeal.

JusticeNet acknowledges the generous assistance of the **Sidney Myer Fund** and the **Sisters of Charity** for their support for this important work.

Federal Disbursement Support Scheme

In July the Commonwealth Attorney-General's Department launched the **Disbursement Support Scheme**, which provides financial assistance to cover the costs of disbursements in certain Commonwealth civil law matters. The scheme comes about from the consolidation of a range of existing disbursement funding provisions.

The scheme is available to people involved in Commonwealth, non-criminal law matters. A means and merits tests applies, and the scheme is not available to those who are eligible for legal aid assistance or assistance from another Commonwealth legal financial assistance scheme. Total disbursement costs must be \$500 or more (GST included). Funding is not available for counsel fees or Court filing fees, and there are maximum allowable amounts for certain disbursement items.

We encourage readers who have accepted pro bono referrals in Commonwealth matters to consider the scheme if their clients cannot afford the cost of anticipated disbursements. For more information, including the scheme guidelines and application form, please visit www.ag.gov.au/Legalaid/Pages/Disbursementssupportscheme.aspx.

Position Vacant – Referrals Lawyer

We have identified a need for a Referrals Lawyer to coordinate the referral casework undertaken by JusticeNet and to assist the Executive Director to evaluate, improve and expand the operation of the referrals service.

If you are a qualified lawyer looking for a permanent part-time position, and you have a commitment to access to justice, then we would love to hear from you.

For more information about the vacancy, please visit: <http://www.seek.com.au/Job/referrals-lawyer/in/adelaide-adelaide/23077088>

Applications addressing the selection criteria and enclosing a current resume should be emailed to Louise Young at admin@justicenet.org.au by close of business **Friday, 21 September 2012**.

Essays in Advocacy

The Bar Smith Press and editors of *Essays in Advocacy* - the Hon. Justice Tom Gray, Martin Hinton QC, and David Caruso - will generously donate \$50 from the sale of *Essays In Advocacy* to JusticeNet SA.

You can order *Essays In Advocacy* online at <http://www.adelaide.edu.au/press/titles/advocacy>. If you are ordering online, enter the promotional code **PRO BONO** to ensure that \$50 from the sale price goes to JusticeNet.

You can also order by mail. [Click here](#) to download a mail order form and write the promotional code **PRO BONO** on your order form.

Walk for Justice 2012

The 5th Walk for Justice was held on Tuesday 15 May. The Walk was a big success and raised just over \$20,000 for JusticeNet. A huge thank you to all participants, sponsors and supporters for making this year's event our most successful ever!



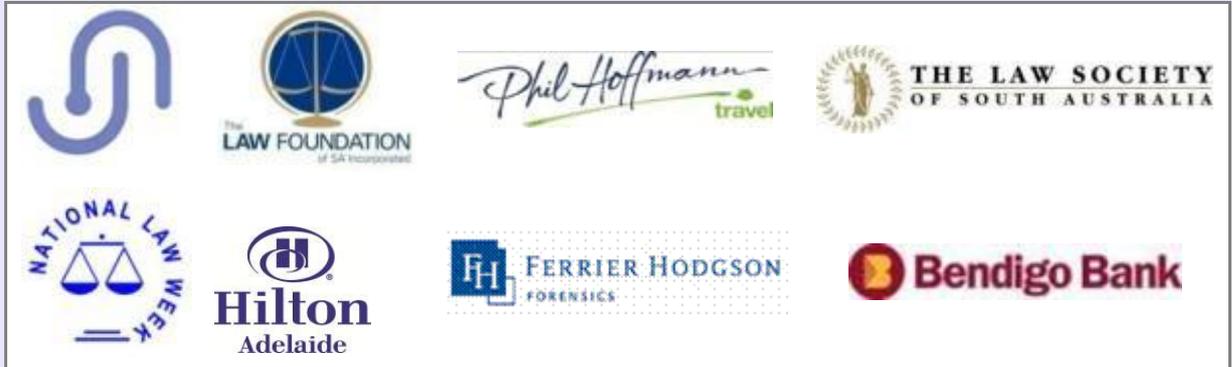
Around 300 walkers joined the Hon. John Doyle AC and SA Australian of the Year, the Hon. Robyn Layton AO QC, and other lead walkers, to celebrate the pro bono contribution made by the legal profession to addressing legal need in South Australia. This year we were blessed with our biggest contingent of lead walkers, including:

- Chief Justice of the Supreme Court, the Hon. John Doyle AC
- SA Australian of the Year 2012, the Hon. Robyn Layton QC
- National Spokesperson for Legal Affairs, Australian Greens, Senator Penny Wright
- Shadow Attorney General, the Hon. Stephen Wade MLC
- President of the Law Society of South Australia, Ralph Bönig
- President of the SA Bar Association, Mark Livesey QC
- Chief Magistrate of the Magistrates' Court, Elizabeth Bolton
- Dean of the University of Adelaide Law School, Professor John Williams
- Dean of the Flinders University Law School, Professor David Bamford
- Director of the Legal Services Commission, Hamish Gilmore
- Chief Court Reporter, The Advertiser, Sean Fewster

After the Walk everyone enjoyed a coffee and muffin at the Hilton, courtesy of the Law Society and the Hilton Adelaide.

Robyn Layton gave a rousing speech, urging those present to becoming a member or [Friend of JusticeNet](#) to ensure the long term future of this vital service. Congratulations to this year's top fundraisers on a fantastic effort:

- Team - Fisher Jeffries
- Individual - Cristal Opacic
- Student - Rachel Rodda



Become a 'Friend of JusticeNet'

JusticeNet plays a vital role in facilitating access to justice for low-income and disadvantaged clients. 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 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:

- Your donation is 100% tax deductible (a receipt will be emailed to you monthly and at the end of the financial year)
- You only need sign up once to make an ongoing contribution
- As administrative costs are minimal, more of your donation can go directly to JusticeNet's service provision
- Reduced JusticeNet membership fee (50% discount)
- Priority booking for future JusticeNet events
- Public recognition of your support (unless you advise us otherwise).

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

JusticeNet Members

JusticeNet acknowledges the ongoing support of our existing members:

Corporate members: Aged Rights Advocacy Service, am legal, Ashurst Australia, Bourne Lawyers, Campbell Law, Central Community Legal Services, Cowell Clarke, DMAW Lawyers, Donaldson Walsh, Environmental Defenders Office, Fisher Jeffries, Fox Tucker Lawyers, Gilchrist Connell, Griffins Lawyers, Hanson Chambers, Hunt & Hunt, Johnston Withers, Kain Corporate and Commercial Lawyers, Kelly & Co, Lipman Karas, Mellor Olsson, Piper Alderman, Riverland Community Legal Service, SANTOS, South East Community Legal Service Incorporated, Southern Community Justice Centre, Sparke Helmore, UniSA Law School, Wallmans Lawyers

Individual members: Martin Anders, Alan Merritt, Anthony Kuppe, Arlene Macdonald, Aussie De Silva, Barry Beazley, Carolyn Mitchell, Christopher Brohier, Claire O'Connor, David Bleby QC, David Crocker, Domenic Lipari, Edward Stratton-Smith, Emily Rutherford, Gabrielle Canny, Geoffrey Muecke, George Stathopoulos, Gillian Walker, Gregory Holland, Harry Patsouris, Ian Robertson, SC John Shortt-Smith, Jonathan Wells QC, Kerry Kovacs, Kerry Clark, Kym Teh, Louise Young, Lucas Arnold, Manjit Kaur, Margaret Kelly, Margaret Nyland, Mark Livesey QC, Mark Pickhaver, Martin Anders, Melissa Ballantyne, Michael Margarey, Michael Mills, Neville Morcombe QC, Nicholas Linke, Noëla Washyn, Paula Stirling, Peter Cannell, Philip McNamara QC Phillip Foreman, Rick Sarre, Robert Lawton, Robyn Layton AO QC, Samuel Doyle, Stephen Kenny, Tim Graham, Robert Lunn, Sen. Penny Wright, Joseph Carney, Barry Beazley, Cathrynne Lester.

Friends of JusticeNet Honour Roll

Robyn Layton QC AO
 Kieren Chester
 Tessa Colliver
 Tim Graham
 George Karzis
 Nick Linke
 Shaun Mercer
 Alex Reilly
 Ganesh Repal
 Paula Stirling

JusticeNet also acknowledges the support of the Law Foundation of South Australia, the University of Adelaide, the Law Society of South Australia, the Legal Services Commission, the South Australian Bar Association, and IMF (Australia) Ltd.

We would also like to thank **Comunet Pty Ltd** for their support as our Principal Technology Partner.

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

Subscription and Feedback

To subscribe or unsubscribe to Pro Bono News or for more information about any item in this newsletter, please send an e-mail to admin@justicenet.org.au or contact us by phone (08) 8313 5005.

What is JusticeNet?

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 (free of charge). 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.