

JusticeNet SA

Annual Report 2015



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President's Report

During the 2014/2015 year JusticeNet celebrated five years of service. The occasion presented a perfect opportunity to celebrate our achievements and thank the members of the JusticeNet family who have contributed to its success.

It was quite an experience to see the organisation, having gone from a few inspired colleagues around the dinner table five years ago, to a warehouse full of supporters at the Published Arthouse for the fifth birthday celebration.

Each year since JusticeNet's inception has seen expansion of the service; 2014/2015 was no exception. The Federal Court Self-Representation Service, having launched in June, moved up to full operation in the latter part of 2014. Demand for services has continued to grow as court users become more familiar with the service and the assistance that it can provide.

JusticeNet has run a similar service for self-represented litigants in the Supreme Court for the last two years as a stand-alone project. Funding for the first 12 month pilot expired in September 2014 and the management committee reluctantly made the decision to suspend operation of the service from 30 April 2015. Shortly thereafter, JusticeNet was thrilled to be chosen as the Charity

Partner for the 2015 Adelaide Mid-Winter Charity Ball, with the Ball's significant fundraising to be directed to the continuation of the Supreme Court service for another year. The Attorney-General's Department also stepped in to provide bridging funding to cover a gap in the funding timeline. An evaluation of the service in February 2015 confirmed that the value of the service in enhancing access to justice and in diverting unmeritorious matters from the court system. Sincere thanks are extended to all who have allowed this important work to continue.

The announcement of the Fund My Community (SA government) grant for the further expansion of the service to the District Court was also welcomed in 2015. The service, located in the Sir Samuel Way building, will now operate in both the Supreme and District Courts and will be open for longer hours. JusticeNet will now service a much greater portion of South Australian court users, assisting disadvantaged clients obtain access to justice and to contribute to the more efficient operation of the court system.

Demand for JusticeNet's core referral service continues to be steady. The court-based Self-representation Services provide a useful entry point for eligible clients to access legal representation through the pro bono referral scheme. Demand for assistance with refugee and migration matters continues to be high, particularly in light of the Commonwealth withdrawal of IAAAS funding for many asylum seekers who would otherwise have received funded help to prepare their visa applications. JusticeNet continues its close relationship with the re-invigorated Refugee Advocacy Service of South Australia (RASSA). A new project by RASSA aims to assist asylum seekers with pro bono assistance from migration agents to prepare visa applications. JusticeNet's focus will continue to be on judicial review work for those refused visas, primarily by the Refugee Review Tribunal. The Bar Readers have joined with the Crown Solicitor's Office in developing particular expertise in assisting with this kind of work.

Finally, most members would be aware of the upscaled Walk for Justice in 2015. Despite a somewhat drizzly morning, walkers were treated this year to a hot breakfast in the BankSA marquee in the middle of Victoria Square.

Amongst the many distinguished guests was none other than former Prime Minister Julia Gillard, who served up breakfast to our faithful walkers. Thanks to all, especially Kate Chapley, for the biggest and best Walk for Justice to date.

the organisation are the same now as when we opened our doors five years ago. Ours is an organisation with a disparate membership, staff base and many stakeholder groups. However, the themes that continued to emerge from the planning session had not changed. Access to justice matters, and our shared commitment to helping those who need it continues to bind the organisation together. Accordingly, arising from the new Strategic Plan, the four key objectives over the next three years are:

- Funding: Create a sustainable and diverse funding base from which to strengthen and enhance capacity.

- Consolidate and enhance internal capacity;
- Promote efficient and effective management; and
- Provide a rewarding and supportive work environment.

I am confident that the organisation is well placed to achieve these objectives.

Finally, I would like to thank once again the staff, committee members, members and supporters of JusticeNet. Particular thanks to Tim Graham for his ongoing success in a challenging and dynamic role. I would also like to record my specific thanks to two committee members who leave us in 2015



Notwithstanding all the growth and changes JusticeNet has undergone over the last five years, some things have not changed much at all. Staff and management committee members took part in a strategic planning process in early 2015, the first for several years, with the excellent and enthusiastic assistance of Marilyn McCarthy as facilitator. While many exciting ideas for the consolidation and improvement of the service were produced, the thing that made the greatest impression on me was that the values underpinning

- Services: Deliver quality pro bono services in the areas of unmet legal need for the benefit of people experiencing disadvantage and/or in the public interest.
- Relationships: Engage and maintain stakeholder interest, commitment and participation in ways that are mutually satisfying and beneficial.
- Governance and staff: Robust and effective structures and processes are implemented to:
 - Enable best practice service delivery;

– Melissa Ballantyne from the Environmental Defender's Office and Gabrielle Canny from the Legal Services Commission. Both have been huge assets to the committee and have brought valuable expertise and perspectives to the table. I thank them sincerely for their significant contributions to the organisation.

Paula Stirling
President

Finances

JusticeNet finished the financial year in a strong cash position, slightly up on the previous year. However, the financial statements show that expenditure for the financial year significantly exceeded our income, resulting in a deficit of \$25,368.

The deficit is principally explained by the fact that JusticeNet received a significant grant from the Department of Communities and Social Inclusion (\$75,000) for our State Courts Self-Representation Service late in the financial year.

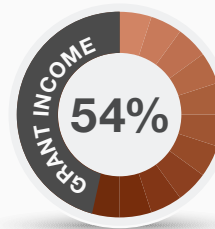
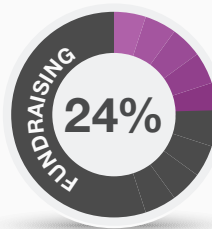
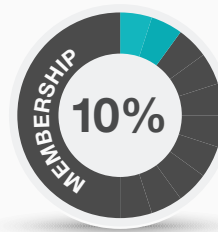
We also retained a modest amount of unspent grant funds for our Federal Courts Self-Representation Service. As 'tied' grant funds, these funds appear as liabilities in the financial statements ('grant funds received in advance'). They will be recognised as revenue in the 2015/16 year when the grant conditions are satisfied, i.e. when the funds are spent on the relevant services.

The financials also reveal the continuing challenge in funding our core operating expenses and Pro Bono Referral Service /Refugee and Asylum Seeker Project. In the absence of government financial support, this aspect of our work continues thanks to the support of our members (membership fees), fee for service activities, fundraising and donations. We also benefit from generous in-kind support from our members and supporters.

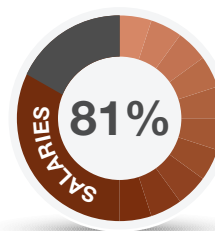
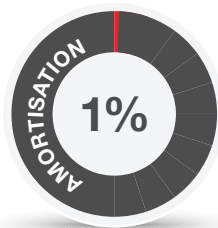
A copy of our audited financial reports can be found at www.justicenet.org.au/about-us/publications Special thanks to Edwards Marshall for auditing our financial reports pro bono.

Finances

INCOME 2014/15



EXPENSES 2014/15



Executive Director's Report

Pro bono is increasingly recognised as a small but strategically important contributor to access to justice.

There is a healthy and developing pro bono culture in South Australia and nationally. Nonetheless, it is important for us to be mindful that pro bono is a complement to government-funded legal assistance services; it is not a substitute for legal aid.

For that reason, six years after our launch - and notwithstanding the development of new program and services - JusticeNet's core mission remains unchanged: to provide legal help when no one else can.

That said, we also recognise that government plays an important role in facilitating and supporting pro bono initiatives. Indirectly, the pro bono work undertaken by our partners relies on the existence of an adequately funded legal assistance sector. Pro bono alone cannot possibly fill the gap in legal need in the community and coordinated pro bono has limited capacity in some areas: criminal law and family law, for example.

Pro bono works best as a partnership between government and the private legal sector. Our Federal Courts Self-Representation Services is a good illustration of this proposition. Commonwealth Government support underwrites the coordination of the service but pro bono lawyers add significant value, allowing it to effectively help more self-represented clients experiencing a wide-range of legal issues. In fact, a recent cost-benefit evaluation of the Federal Courts Self-Representation Service in Queensland commissioned by the Queensland Public Interest Law Clearing House demonstrated that the Queensland service saved government a little over \$2 for every dollar spent on the service. Importantly, the report did not consider the benefits and savings to the clients themselves and the wider community.

So while pro bono organisations such as JusticeNet can leverage a significant pro bono contribution, the administration of the pro bono effort requires financial investment. Or, to paraphrase an observation made by the Productivity Commission in its Report into

Access to Justice Arrangements released late last year: pro bono may be free but it is not without cost.

For that reason, JusticeNet is delighted to acknowledge the support of the South Australian Attorney General's Department (AGD) for our Self-Representation Service in the Supreme Court. What started as a modest pilot project in 2013 has borne fruit. Following the release of a positive evaluation of the service, the AGD gave JusticeNet \$15,000 to prevent the immediate suspension or even closure of the service. The support of the AGD, combined with a larger grant from the Department of Communities and Social Inclusion (through its Fund My Community program) and private donations, has enabled us not only to continue the Supreme Court service, but to realise our aim to expand the service into the District Court. While the AGD funds were one-off only, they were accompanied by an offer to work with JusticeNet and the courts to develop a sustainable funding model for the service. We look forward to working with our key stakeholders over the year ahead to achieve that goal.



All up, last year JusticeNet helped almost 200 individuals and another 15 charitable organisations with pro bono legal advice or representation across our services. Our Pro Bono Referral Service continued to link clients who have no other recourse to legal assistance with lawyers who act pro bono. The service helped clients like John who was facing bankruptcy. You can read about John's story in this report.

Our Refugee and Asylum Seeker Project had a very busy year. Our lawyers across public and private practice accepted 43 referrals. A recent review of referrals has revealed an incredibly high 75% success rate for RASP matters in the Federal courts. The Supreme Court Self-Representation Service opened 44 files in the last year. Our Federal Courts Self-Representation Service opened 52 files in its first full year of operation.

Our work on behalf of those who cannot afford legal assistance would not be possible without the community of pro bono lawyers in public and private practice that support us.

Every day we see the dedication, compassion and professionalism of the many pro bono lawyers who participate in our services. Pro bono clients should expect and receive the same quality of service as all other clients. In our experience, our members overwhelmingly meet, if not exceed, that standard. It was a pleasure to be able to recognise the contributions of our members and supporters and to celebrate our achievement together at JusticeNet's 5th Birthday celebration in 2014. You can read more about the party in this report.

Every year our list of acknowledgments is a long one, and this year is no exception. A complete list of acknowledgements is included in this report, but it is important to thank, in particular, our members, including law firms, corporate legal department, law schools, barrister's chambers, other Community Legal Centres and others. They provide us with vital financial support and are the lifeblood of our organisation. I am also very grateful for the support we receive from Commonwealth and State government.

It has been a privilege to have guided JusticeNet through its first six years of existence. The Management Committee continues to provide stable, effective governance and it is a delight to work with a committed team of staff, and a thriving community of lawyers who give of their time and knowledge for the benefit of our clients.

Thank you for your continued support. I look forward to working with you in 2016.

Tim Graham
Executive Director

Pro Bono Referral Service

The pro bono referral service continues to gather momentum; we received almost 700 enquiries for legal assistance over the last financial year.

696

Enquires

93

Pro bono referrals
(inc RASP)

91

Pro bono clients

180

People directly
assisted including
family members /
dependants

Whilst we cannot provide pro bono legal assistance to every caller, we often provide people with support and information about other, specialist services, such as financial counsellors, community mediation and, at times, crisis counselling support.

Our Referrals Solicitor, Elizabeth Boxall is currently on maternity leave and Kiley Rogers is filling Elizabeth's role. Kiley originally hails from Adelaide and trained with Minter Ellison but has spent the last 13 years working in the UK, specialising in professional indemnity litigation.

The enquiries received by our referral service cover an incredibly broad range of matters, from debt, bankruptcy and mortgage repossession, to guardianship and administration orders, elder abuse claims, employment disputes and governance enquiries from not-for-profit organisations.

We continue to rely on the goodwill and hard work of law student volunteers to help staff our office and field the many telephone enquiries we receive on a daily basis. We have also introduced a new database to help us keep track of enquiries and undertake conflict checks.

We cannot thank enough the firms and barristers who have taken up pro bono referrals over the past year. We estimate that the referral service facilitates approximately 2000 hours of pro bono legal help annually.

In addition to our day-to-day referrals service, we continue to be involved in law reform on matters of relevance to our clients. In March of this year we made a submission to the Adoption Act Review Secretariat (the Department for Education and Child Development) on proposed amendments to the Adoption Act 1988 (SA). Our submission proposed that the grounds for discharging an adoption order should be widened, in line with other State Acts. Section 14 of the Act currently provides that an order can only be discharged on grounds of 'fraud, duress or other improper means'. This means that there is no way of discharging an order where, for example, a child has been abused by his or her adoptive parents. We proposed that the Act should be amended so that adoption orders can be discharged on 'exceptional grounds' which would enable people to seek a discharge where they have been abused by their adoptive parents. Many thanks to Elizabeth Boxall for her work preparing our submission.

JusticeNet also made a submission to LPEAC in support of the introduction of volunteer practising certificates. Volunteer practising certificates can make it easier for qualified lawyers to volunteer their time and skills for the benefit of financially disadvantaged clients. Research suggests that the introduction of free volunteer practising certificates increases the provision of pro bono legal services. The Productivity Commission recently recommended that all State and Territory governments should, where they have not already done so:

"introduce free practising certificates for retired or career break lawyers limited to the provision of pro bono services either through a community legal centre or a project approved by the National Pro Bono Resource Centre."

Hopefully, South Australia will join New South Wales, Victoria, Queensland and Western Australia in having a category of free practising certificates for practitioners to undertake pro bono legal work through a Community Legal Centre and otherwise on a pro bono basis.

Case Study 1

John sought help from JusticeNet when litigation threatened to push him into bankruptcy. John's situation provides an example of how JusticeNet's pro bono services work together to help people experiencing serious civil law issues (often occurring alongside other health or financial problems.) It is also a humorous illustration of just how far some of our lawyers will go to help their client! Here is John's story:

John and his partner moved from Adelaide to Queensland in late 2013. His partner was keen to move to warmer a climate and so they sold up their house and moved to Queensland leaving behind family and friends.

Unfortunately, life soon took an unexpected and fateful turn. After being in Queensland for only a matter of weeks, John's partner abruptly left him to join an organisation that is essentially spin-off of a well-known pseudo religious cult. At this point John's life began to unravel. He and his partner had invested their savings in a new business and with the end of the relationship the business venture quickly stalled and ultimately failed. John sold off business assets but was left

with a shortfall including some personal credit cards and a small debt to the ATO.

John started working casually as taxi driver to make ends meet and pay off the remainder of his debts. Just when he was starting to put things back together, his previous life came back to haunt him. In late-2014 he was served with a claim in defamation relating to an article concerning a previous employer he had allegedly published online. The plaintiff was based in South Australia and John found himself having to defend legal proceedings in the Supreme Court of South Australia.

John was already struggling financially and he could not afford legal assistance to defend the proceedings. The plaintiff was vigorously pursuing the claim and John faced the real prospect of bankruptcy. Fortunately, registry staff referred him to JusticeNet's Supreme Court Self-Representation Service. Over the next few months our volunteer solicitors helped John prepare his defence and comply with the discovery process.

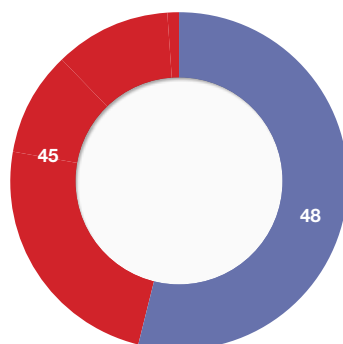
The action was eventually listed for a settlement conference. The Self-Representation Service staff considered that he had

strong grounds to defend the proceedings and transferred to matter to the pro bono referral service. Ralph Bonig from Finlaysons accepted a referral to represent John at the settlement conference.

Ralph went above and beyond what is normally expected of any pro bono lawyer. He had a nasty fall on the way to the conference, chipping his tooth and severely grazing his nose and forehead. Aware that John had borrowed money to attend the conference in person, Ralph persevered - bloodied and bruised - through 2.5 hours of negotiations. The matter has since settled (favourably for John) and Ralph's battle scars have healed nicely! We are immensely grateful to Ralph for his dedication to his pro bono work. Here is what John had to say:

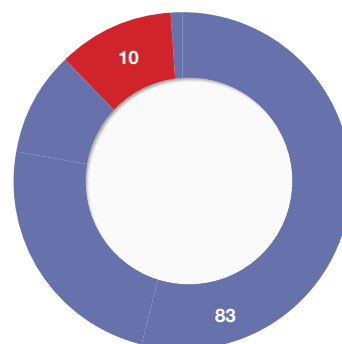
"Thank you for your champion effort on Friday. You went beyond your job by spending the afternoon for my case. You should have been at the doctors but I am extremely grateful that you stayed for the afternoon."

Pro Bono referrals



by type of referral

- referrals made to barristers
- referrals made to firms/solicitors



by type of client

- organisation assisted
- individuals assisted

Case Study 2

Jenny gets help to defend against a sham contract

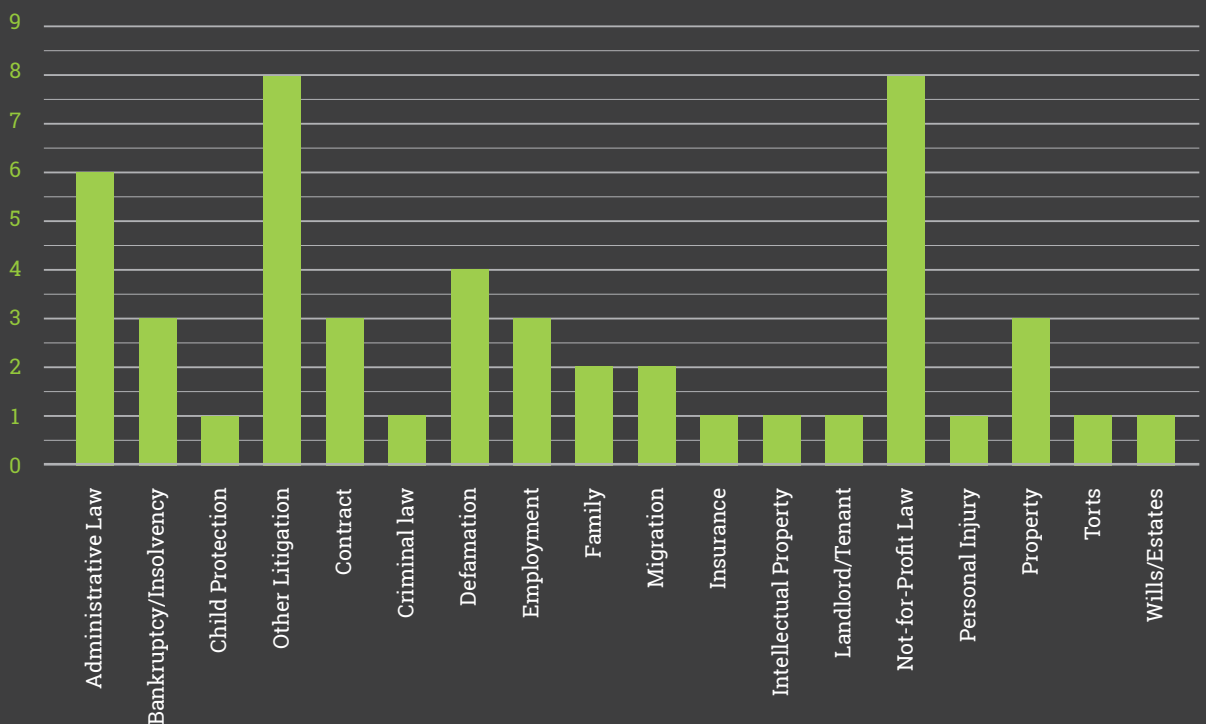
Jenny was referred to JusticeNet by the Young Workers Legal Service (YWLS). The YWLS had offered to help Jenny recover unpaid wages for administrative services she provided to a small business in the Adelaide CBD. Jenny had worked at the business for approximately 6 months in 2013. She endured very difficult working conditions and eventually left when it became clear the business was not a success. The business owner responded to the efforts of the YWLS by threatening legal proceedings against Jenny. The business owner alleged Jenny had entered into a partnership agreement and was liable for 20% of the debts of the failed business. The YWLS could not represent Jenny due to limited resources and so referred her to JusticeNet.

Sparke Helmore Lawyers accepted a referral from JusticeNet to help Jenny. Shortly thereafter, the business owner lodged a claim for \$13,500 against Jenny in the Magistrates Court Minor Civil Division. At the time she was served with the claim, Jenny was 22 years of age and was working casually a waitress.

Luke Holland and Daria McLachlan from Sparke Helmore Lawyers acted for Jenny throughout her matter. Although they could not appear for her in court (being a Minor Civil Matter), they spent approximately 70 hours advising and assisting Jenny with every aspect of her defence including discovery, submissions, strategy and preparation for court appearances. In particular, the claim against her was lacking in particulars and evidence and, with the help of her lawyers, Jenny was able to put the Plaintiff to proof of her claims.

Despite the flimsy evidence, the business owner was determined to pursue the matter to trial. The matter was heard in August 2015 and Luke and Daria arranged for an experienced law clerk to accompany Jenny. The Magistrate dismissed the case brought against Jenny in its entirety.

Pro Bono referrals (excl. RASP)



Refugee and Asylum Seeker Project

Our Refugee and Asylum Seeker Project recorded a high number of referrals this year; 45% of all referrals were RASP referrals.

43

Pro bono referrals

A big thanks again to the solicitors from the Crown Solicitor's Office for their ongoing support for our RASP clients. The Crown Solicitor's Office provided 406 hours of pro bono legal assistance in the past year. The majority of these hours were for RASP clients. Many thanks also to our members and supporters in private practice for continuing to accept many RASP referrals.

The demands of this program have stretched the capacity of our referral team and our pro bono networks. RASP matters tend to be more time consuming than most other referrals due to a range of factors. Nonetheless, the work is tremendously rewarding. We recently conducted a review of all RASP matters referred for pro bono representation in the Federal Courts. Since RASP was established in mid-2012 we have obtained pro bono representation for 45 judicial review applicants.

To date, 23 applicants have had their matters finalised and 17 - nearly 75% - have had favorable decisions.

A lot can be read into this quite astounding result, not least of which is the hard work and professionalism of the lawyers who run these matters on a pro bono basis.

In light of our stretched RASP resources, we are particularly conscious of the impending spike in demand that will accompany the Australian Government's introduction of a Fast Track Assessment process for asylum seekers who arrived in Australia between August 2012 and December 2014, and who have, until recently, been prevented from lodging a claim. We expect to start receiving applications from the approximately 2000 asylum seekers resident in South Australia (perhaps 25,000 nationally) within months.

We are also in the process of undertaking a review of our RASP program. We are working towards a new approach that will increase our capacity to respond to priority need in this area. Subject to funding, we are optimistic that big things will happen with RASP over the year ahead.

Case Study

A recent RASP referral highlights the broader public interest of JusticeNet's work in this area. Recent amendments to the Migration Act have seen the introduction of draconian, and as yet untested, laws that allow for the seizure of allegedly 'bogus' documents from applicants seeking protection from persecution or serious harm in this country.

JusticeNet was contacted by a migration agent who asked us to assist Haleem*, an Afghani asylum seeker, whose identity document was seized by the Department of Immigration and Border Protection (DIBP).

Section 487ZJ of the Migration Act was introduced as part of the 'Foreign Fighters' Bill, 2014 (Counter Terrorism Legislation Amendment) and came into effect in April this year.

Haleem has applied for asylum in Australia. During the assessment of his application he was asked to provide his original identity document. Shortly after he duly complied, he received a notice from the DIBP stating that the document has been seized under section 487ZJ(1) because:

- "based on an assessment of the document and other available information, it is reasonably suspected that the document is a 'bogus document' as defined in subsection 5(1) of the Act, being a document that has been fraudulently altered; and
- the document is therefore deemed to be forfeited to the Commonwealth under subsection 487ZL(2) of the Act."

Notably, the notice does not explain (i) what type of assessment had been undertaken on the document; (ii) what "other available information" is relied upon in reaching the decision; or (iii) the nature of the allegedly fraudulent alterations.

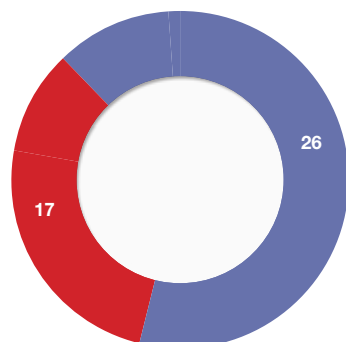
The decision is said to be exempt from a freedom of information request on the basis that the method of fraud detection may facilitate future attempts at fraud. Haleem's only options (according to the seizure notice) are to apply to recover the document or seek a declaration that it is not forfeited.

Clearly Haleem faces considerable barriers to challenging the finding that the document is 'bogus'. We have obtained invaluable assistance from leading and junior counsel who have provided an opinion on the options available to the client. Bourne Lawyers have now agreed to act.

To our knowledge, this section of the Act is yet to be tested and, if we are correct, then this matter has the potential to serve as a test case which may affect asylum seekers in Australia who may be faced with similar seizure notices.

**Not his real name.*

RASP referrals



by type of referral

- representation
- advice given on merits

Supreme Court Self-Representation Service

44

Files opened

The Self-Representation Service provides advice and legal assistance to disadvantaged South Australians representing themselves in the civil jurisdiction of the Supreme Court. The service does not represent clients; they are responsible for the conduct of their matter at all times. Clients are provided with appointments at our office located in the Sir Samuel Way Building conducted by service or volunteer lawyers.

JusticeNet's Supreme Court Self-Representation Service was initially funded by a Law Foundation grant for a 12 month pilot operating only 1 day per week. The Office for Crime Statistics and Research evaluated the project. Over the period of the evaluation, the service opened 76 files and

provided 90 appointments.

The evaluation 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 find the report on our website.

In early 2015 the service faced closure unless new funding could be sourced. In March, JusticeNet and the service were selected as Charity Partner for the 2015 Adelaide Mid-Winter Charity Ball, but we would not receive the funds raised until August 2015 at the earliest. Fortunately, the Attorney-General's Department generously provided JusticeNet with funds to keep the service

open in the interim. We take this opportunity to acknowledge the support of the Attorney General's Department, the Supreme Court and the Mid-Winter Ball organising committee, participants and donors. We look forward to working with Attorney-General's Department and the courts on developing a sustainable funding model for the service going forward.

Of course, the service would not be possible without the generous support of our participating firms: Cowell Clarke, Finlaysons, Fisher Jeffries, HWL Ebsworth, and MinterEllison.

Self-Representation Service in the District Court

In other big news, JusticeNet has received a grant from the Department of Community and Social Inclusion to extend the scope of the Self-Representation Service to the civil jurisdiction of the District Court. The combined service has been re-named the **State Courts Self-Representations Service**. The new service commenced 7 September 2015 and is now open from Monday to Thursday (closed on Fridays).

Case Study

The following case studies highlight the range of assistance provided by the State Courts Self-Representation Service:

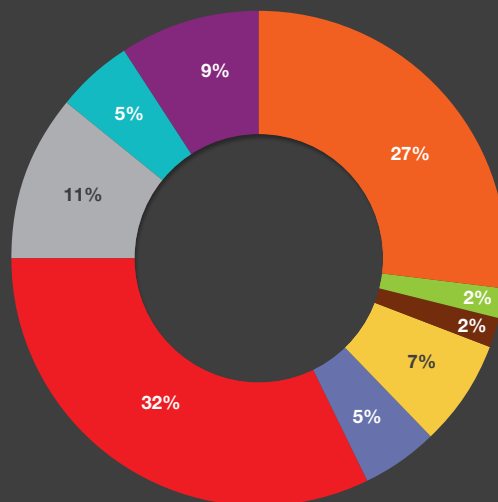
- Almost a third of our clients with Supreme Court matters come to us seeking help to with mortgagee repossession proceedings. The Service recently assisted a client to draft correspondence to his lender highlighting procedural irregularities and substantive issues regarding the proceedings. This led to the proceedings being stayed while the Financial Ombudsman Service considers the matter.
- Another client requested assistance from the service in regards to a lengthy dispute concerning a franchise agreement. Before approaching the service, the client had already lodged two statements of claim which were struck out. The service helped him draft a third statement of claim that was accepted by the court. The client was very pleased with the assistance the service provided, stating:

"The service was very good particularly in view of the large workload the service needs to cover. They were prompt and concise. Yes it was of great assistance to me because I do not have the legal knowledge required to be in the Supreme Court. The service taught me a lot.

- As expected, the service is already being kept busy with District Court matters. JusticeNet received a referral (on the first day of trial) from a Judge hearing a 4 day trial involving a self-represented defendant. JusticeNet had previously been unable to assist this particular client via our pro bono referral service. The case revolved around an alleged agreement made regarding monies provided to the defendant to renovate and subdivide a property bequeathed to her around the time a domestic relationship commenced between the parties. The plaintiff alleged that he was to share equally in the profits. The defendant

maintained it was gifted to her out of love and affection and it was never intended that he be joint proprietor or otherwise have an interest in the proceeds. The defence asserted that the defendant was subjected to sexual assault by the plaintiff approximately two months into the relationship, following which the parties resided at the same premises but not in a domestic relationship. The property has since been sold and the defendant returned to her ex-partner more money than he had originally given to her. Notwithstanding, the plaintiff asserted that he was entitled to interest and a share of the profits. The service assisted the defendant throughout the trial with information as to the court process generally and particular matters such as leading evidence, cross and re-examination, making oral applications, and tendering documents. The service was also able to help the litigant prepare written submissions addressing the issues relevant to her case. Judgment has been reserved.

Supreme Court Self-Representation Service



by type of dispute

- Appeals
- Corporations, Business and Commercial Disputes
- Defamation
- Disputes with Lawyers
- JR & Admin
- Mortgage Repossession
- Other
- Other Property Disputes
- Wills & Estates

Federal Courts Self-Representation Service SA/NT

JusticeNet's Self-Representation Service in the Adelaide and Darwin Registries of the Federal Court and Federal Circuit Court has had a busy first year of operation.

52

Files opened

The service has opened 52 files and provided 58 appointments to clients. The service continues to assist clients with legal matters in the general federal law jurisdiction including bankruptcy, fair work, anti-discrimination, information privacy, competition and consumer law, judicial review, migration and appeals.

The service appointed Angela Hastings to the role of Senior Solicitor and Coordinator in January 2015. She is ably assisted by Claire Benn, Solicitor, who has been with the service since its commencement.

The service is grateful for continued funding from the Commonwealth Attorney General's Department and the support of our participating law firms: MinterEllison, Finlaysons, Fisher Jeffries, Cowell Clarke, Clayton Utz (in Darwin and Sydney), DMAW Lawyers, O'Toole Lawyers and McDonald Steed McGrath.

Here are some recent examples of assistance the service has provided; they highlight the role of the service in helping self-represented litigants to present their case, but also to facilitate to early resolution of matters and discourage unnecessary litigation:

A client resident in Brisbane who had been served with a Creditor's Petition filed in the Adelaide Registry of the Federal Court sought help from the service to move the proceedings from Adelaide to Brisbane and to stay the action until his claim for damages brought in the District Court of Queensland had been concluded. The client suffers from autism and is vision impaired, making a video-link to the Brisbane Registry problematic. His application was refused at first instance and the client sought a review. A Sydney Judge heard the review and decided to move the proceedings to Sydney despite the fact that the action had no other connection to Sydney. The service assisted the client to appeal the decision. The appeal was heard by a Brisbane Judge who found in favour of the client. He based his decision largely on the affidavit prepared by the service.

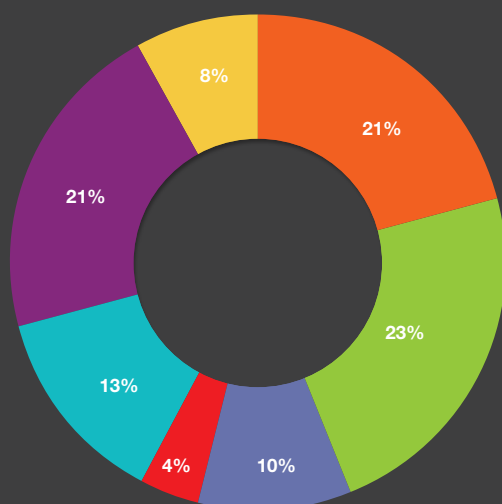


A client approached the service to bring a claim against his former employer under the Fair Work Act 2009 alleging dismissal in contravention of a general protection. The client suffered a major psychiatric episode while away from work and was missing from home for 3 days. Once he had been located he underwent medical treatment including a barrage of medical tests to ascertain his condition. Once he had received medical treatment he was in a fit state to notify his employer of the situation and was assured

that the employer wanted him to recover before returning to work. When the client went to Centrelink to obtain some interim payments before he was able to return to work, the client's employment was terminated. Following an unsuccessful conciliation in the Fair Work Commission, the client sought assistance to bring a claim in the Federal Circuit Court. The service assisted the client to prepare, file and serve a claim. The service further assisted the client to prepare for mediation. The client was successful at mediation and received a settlement sum from the employer.

A client sought assistance from the service in respect of an appeal that she had filed in the Federal Court seeking judicial review of a decision of the Migration Review Tribunal. The client was seeking a review of an aspect of her case that was not before the Migration Review Tribunal. The service advised her that she did not have grounds for judicial review if she sought to argue an aspect of her case which was separate from the issue that was before the Migration Review Tribunal. On the advice of the service the client discontinued her appeal, avoiding the risk of an adverse costs order.

Federal Court Self-Representation Service



by type of dispute

- Fairwork
- Bankruptcy
- Judicial Review
- Competition & Consumer
- Appeals
- Migration
- Corporations

JusticeNet turns Five

JusticeNet turned 5 on 2 July 2014. It was the perfect opportunity to celebrate our achievements and to thank our members and supporters for their continuing support.

The party was held at the Published Arthouse on 26 October. It was not your typical after work function; guests were greeted with popcorn, live music and entertainment, canapes the size of hamburgers (actually, they were hamburgers), a flash mob, and the reliably caustic wit of MCs Ward and Durkin. The fabled DJ Linke even came out of retirement and finished the night off with some seriously old-school tunes (from the 90's).

Such was the din of members and supporters enjoying the fun and post-work cleansers that little could be heard of the formal speeches, but we are reliably informed that Paula

Stirling (JusticeNet President) and Tim Graham (Executive Director and trainee drinks waiter) made some stirring remarks to rally the troops and thanked the very generous sponsors, whose contributions covered the cost of the event:

- Lion
- Byrne Vineyards
- Spartan Electrical
- Phil Hoffmann Travel
- Suntrix
- Signature Develr
- Data Mobilit
- Benthar





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SERVICE



**JAZZ
BAND**
ON ARRIVAL



**ROAMING
ENTERTAINMENT**



**FOOD
TRUCKS**



**FRTZ
WAITER**



**DJ
LINKE**




The Walk for Justice

The 2015 Walk for Justice outgrew its traditional finishing venue and moved out into Victoria Square under a huge BankSA marquee - and what a success it was!

This year the Walk for Justice exceeded all expectations. Approximately 500 people (including over 50 teams) raised more than \$53,000 and braved the cold and rain to walk from the Adelaide University to Victoria Square.

The highlight of this year's Walk was the post-walk breakfast in Victoria Square. Walkers were rewarded with a sumptuous breakfast (and respite from the drizzle!) under the BankSA marquee. Walkers were personally served by our fantastic 'Breakfast Club', including former Prime Minister Julia Gillard, iconic South Australian Maggie Beer and the Hon. Chief Justice Chris Kourakis QC.

The Walk celebrates the important pro bono contribution of the legal profession and the money raised will enable JusticeNet to continue its work to facilitate access to justice for low-income and disadvantaged members of community. Several prizes were awarded this year for our tremendous fundraisers:

- **Lipman Karas**, the highest fundraising team for the third year walking and winners of the Walk for Justice Cup. Lipman Karas raised an incredible \$8,269;
- **Bec Welling** from Cowell Clarke won a \$750 voucher (thanks to Phil Hoffman Travel) as the highest fundraising individual. Bec raised \$3,770.20 – an amazing effort!
- The inaugural Walk for Justice University Shield was presented to the highest fundraising University team, **the Flinders Law Students' Association and the Flinders Criminal Justice Student Association** (who raised \$4,578.29 and came third overall – well done!)
- **Tanella Puccio** from Flinders won lunch for four, donated by the Austral, as the highest individual fundraising University student.
- **Glenunga International High School** was the highest fundraising Secondary School, and they won 20 movie passes donated by Hoyts Australia for their efforts (\$320).

A big thank you to all of the participants in the 2015 Walk for Justice and to our major sponsors and prize donors:

- The Law Society of South Australia
- Taylor & Holmes Fine Food Catering
- Bank SA
- Ferrier Hodgson
- Data Mobility Voice
- Adelaide Central Market
- Wavals Party Hire
- Coffee Central
- Channel 7
- The Maggie Beer Foundation
- Phil Hoffmann Travel
- The Austral Hotel
- Hoyts Australia

JusticeNet is now working to make 2016 bigger and better again. To be amongst the first to know, put Tuesday 10 May in your diary now and like JusticeNet's facebook page: (<https://www.facebook.com/JusticeNetSA>).



Acknowledgements

JusticeNet extends a special thank you to the following organisations and individuals for their support in the past year:

- The Supreme Court and District Court of SA
- The Federal Court of Australia, Adelaide and Darwin registry
- The Hon George Brandis QC, Commonwealth Attorney-General
- The Hon John Rau, Attorney-General of South Australia
- The Crown Solicitors' Office
- Australian Government Solicitor
- IMF Bentham Australia Ltd
- The Law Society of South Australia
- The South Australian Bar Association
- The Legal Services Commission
- The University of Adelaide
- Robyn Layton AO QC
- Chief Justice Kourakis QC
- Justice Connect
- The Queensland Public Interest Law Clearing House (QPILCH)
- National Pro Bono Resource Centre
- Edwards Marshall
- Refugee Advocacy Service of South Australia
- South Australian Council of Social Services
- Adelaide Mid Winter Charity Ball Organising Committee
- Friends of JusticeNet
- All of the participants in the 2015 Walk for Justice, and in particular our Ambassadors/Breakfast Club:
 - The Hon Julia Gillard
 - The Hon Chief Justice Chris Kourakis QC
 - The Hon Chief Judge Geoff Muecke
 - The Hon Justice Greg Parker
 - The Hon Judge Cole
 - The Hon Justice Gray
 - Elizabeth Bolton, Chief Magistrate
 - The Hon John Rau MP
 - The Hon Tony Piccolo MP
 - Mark Parnell MLC, Leader of the SA Greens
 - Vickie Chapman MP, Member for Bragg
 - Wayne Lines, SA Ombudsman
 - Adam Kimber SC, Director of Public Prosecutions
 - Rick Persse, Chief Executive, Attorney General's Department
 - Michael Evans QC, Crown Solicitor
 - Anne Gale, Commissioner, Equal Opportunity Commission
 - Michael O'Connell, Commissioner for Victims' Rights
 - Gabrielle Canny, Director, Legal Services Commission of SA
 - John Brayley, Public Advocate
 - Rocky Perrotta, President, The Law Society of South Australia
- Andrew Harris, President, South Australian Bar Association
- John Williams, Dean of Law, Adelaide Law School
- Kim Economides, Dean of Law, Flinders Law School
- The Honourable Robyn Layton QC AO
- Maggie Beer
- Matt Janssen, Head of Retail Lending, BankSA
- Jayne Stinson, Political Reporter, Channel 7
- Sean Fewster, Chief Court Reporter, News Limited
- Chris Hill, Senior Account Executive, Telstra
- Matt Simpson, Lipman Karas
- Despina Anagnostou, Hutt Street Law
- The Law Foundation of South Australia
- South Australian Attorney-General's Department
- South Australian Office of Crime Statistics & Research
- South Australia Council of Community Legal Services
- Sponsors and prize donors for Walk for Justice 2015
- Barristers of the JusticeNet Bar Panel
- Commonwealth Attorney-General's Department
- MinterEllison Foundation
- Our Members

JusticeNet People

Management Committee

The JusticeNet Management Committee is crucial to the success and good governance of JusticeNet. The Management Committee comprises:

- **Paula Stirling** (President), Solicitor, Crown Solicitors Office
 - **Kerry Clark** (Deputy President), Barrister, Murray Chambers
 - **Nick Linke** (Treasurer), Partner, Fisher Jeffries
 - **Carolyn Mitchell** (Secretary), Consultant, Cowell Clarke
 - **Melissa Ballantyne**, Solicitor, Environmental Defenders Office
 - **Karen Lehmann**, Deputy Director, Legal Services Commission
 - **Alan Merritt**, Solicitor, Central Community Legal Service
 - **Jonathan Wells QC**, Barrister, Hanson Chambers
- **Kate Chapley**, Fundraising and Events Coordinator
 - **Louise Young**, Administration Officer

Staff

Our staff members for 2014/15 were:

- **Tim Graham**, Executive Director
 - **Kiley Rogers**, Referrals Coordinator
 - **Elizabeth Boxall**, Referrals Solicitor
 - **Kate Denton**, Coordinator / Senior Solicitor, Self-Representation Service
 - **Angela Hastings**, Coordinator / Senior Solicitor, Self-Representation Service
 - **Claire Benn**, Solicitor, Self-Representation Service
- Antonella Rodriguez
 - Ashleigh Jones
 - Betty Campbell
 - Brittany Duregon
 - Caitlin Clarke
 - Chloe Fragos
 - Domenica Scuteri
 - Elizabeth Carroll-Shaw
 - Esther Pearson
 - Esther Phipps
 - Fleur Wylie
 - Grace Smyth-Bolland
 - Hannah Grist
 - Harry Wall
 - Ingo Block
 - Jacqui McCann
 - Jake Collins
 - Joshua Schultz
 - Kate Strachan
 - Maria Harris
 - Melissa Jones
 - Olivia Tolley
 - Raffaele Piccolo
 - Robert Yeomans
 - Ruth Olive

- Sam Graham
- Stephanie Campbell

Secondees

The Australian Government Solicitor provided a lawyer on secondment to JusticeNet 1 day per week throughout 2014/15. We offer our thanks to the Australian Government Solicitor and the following lawyers who worked at JusticeNet over the past year:

- Claire Deegan
- Victoria Greenslade

JusticeNet Members

JusticeNet gratefully acknowledges the ongoing support of our corporate and individual members. Our members in 2014/15 were:

Law Firms/Sole Practitioners

am legal
Ashurst Australia
Bourne Lawyers
Budwal Lawyers
Campbell Law
Cowell Clarke
DMAW Lawyers
DW Fox Tucker Lawyers
Finlaysons
Fisher Jeffries
Gilchrist Connell
Hutt Street Law
HWL Ebsworth
Lawson Smith Lawyers
Lipman Karas
Minter Ellison Lawyers
O'Toole Lawyers
Piper Alderman
Ruth Beach Lawyer & Mediator
Sparke Helmore
Wallmans Lawyers

Chambers

Hanson Chambers

Law Schools

University of Adelaide Law School
University of South Australia
Law School
Flinders University Law School

Other Corporate Members

Aged Rights Advocacy Service
Central Community Legal Services
Environmental Defenders Office
SANTOS

Riverland Community Legal
Service
Beach Energy Limited
Southern Community Justice
Centre
South East Community Legal
Service Inc

Individuals

Warwick Ambrose
Lucas Arnold
Melissa Ballantyne
Barry Beazley
The Hon David Bleby QC
Elizabeth Boxall
Peter Cannell
Gabrielle Canny
Kerry Clark
Jane Cox
Larissa Detmold
Phillip Foreman
Rachel Garland
Tim Graham
Rachael Gray
Joseph Harding
James Hartnett
Jenny Hirst
Chad Jacobi
Andrew Jantke
Clare Jobson
Irene Kaiafas
Peter Kassapidis
Manjit Kaur
Margaret Kelly
Lisette Knobel
Karen Lehmann
Cathrynne Lester

Nicholas Linke
Mark Livesey QC
Joseph Maniscalco
Alan Merritt
Michael Mills
Carolyn Mitchell
Neville Morcombe QC
The Hon Judge Geoffrey Muecke
Leah Mundy
The Hon Justice Margaret Nyland
Claire O'Connor
Karen O'Keefe
Mark Parnell
Harry Patsouris
Kim Pedler
Rebecca Plummer
Jocelyn Redden
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Rick Sarre
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Carolyn Scholefield
Nerissa Schwarz
George Stathopoulos
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Ian Thomas
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Natalie Wade
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