

Annual Report 2016

Report from the President and Executive Director

This year JusticeNet SA continued to provide vital legal assistance services to many of our state's most disadvantaged, despite significant challenges of looming funding uncertainty and community legal sector upheaval. JusticeNet delivered the following 'pro bono powered' legal services during the past year:

- Pro Bono Referral Service
- Self-Representation Services in the Federal Courts and higher State Courts
- Refugee and Asylum Seeker project

Most services recorded increased client activity on the previous year, demonstrating the persistent high level of need for civil law help in South Australia. Overall, JusticeNet coordinated significantly increased pro bono legal assistance this year, including:

- **85 pro bono referrals (including RASP referrals);**
- **193 Self-Representation Service clients (who received 326 appointments for advice and task assistance).**

We estimate that, over the course of the year, up to 150 individual lawyers volunteered over 4,000 hours of pro bono legal work to those that needed it most.

In addition, the organisation provided help to about 800 others (including 271 service users who received drop-in assistance at the Self-Representation Services) who were variously provided with referrals, one-off advice and/or general legal information.

JusticeNet continued to step in where clients had no other recourse to legal help. The value of the service that JusticeNet provides was aptly described by Sarah (not her real name):

"I cannot recommend this service highly enough. I feel so fortunate to have received this help - I may have given up without it...I hope that this fantastic service continues to be available in perpetuity for all those who may need it".

New ways to deliver pro bono in 2016

JusticeNet underwent two major operational changes this year that significantly increased our capacity to deliver pro bono assistance to those in genuine need. First, JusticeNet expanded its successful Self-Representation Service into the District Court civil jurisdiction. JusticeNet had been operating an advice and legal task assistance service in the Supreme Court since 2013. Funds for the pilot were well and truly exhausted by early-2015. A grant from the South Australian Attorney-General's Department secured the continued operation of the service from April to August 2015. As charity partner for the Adelaide Mid-Winter Charity Ball we were recipients of a generous donation which ensured the service would continue for the balance of the financial year. In June 2015, JusticeNet also received a 12-month grant from the Department of Communities and Social Inclusion's Fund My Community program to expand the existing service into the District Court.



JusticeNet recruited experienced practitioner Samara Bell as Coordinator for the new service which opened to the public on September 7. The service has been very busy and popular with our lawyers: seven law firms, including several of Adelaide's largest, helped the service to provide 213 appointments to clients during the year.

The State Courts Self-Representation Service, along with its counterpart in the Federal Courts, is now an integral part of our pro bono program and an important complement to our Pro Bono Referral Service. It provides more opportunities for pro bono participation by catering to lawyers who cannot accept referrals to assist our clients. It also allows us to distribute finite pro bono resources more widely, increasing the overall reach and impact of our work. For many South Australians experiencing disadvantage, the practical assistance and guidance that the Self-Representation Services provide has helped them obtain just outcomes. Clients are increasingly referred between JusticeNet services so that they can access the type of assistance that is most suitable for their needs and most sustainable from an organisational perspective. Consistent with JusticeNet's leading role in assisting self-represented litigants in South Australia, in March 2016 JusticeNet made a submission to the Joint Rules Advisory Committee concerning ways to better support our courts and self-represented litigants that use them.

A second major development this year was the appointment of a part-time Coordinator for our Refugee and Asylum Seeker Project (RASP). Lara Proske, an experienced migration lawyer and migration agent joined JusticeNet in February 2016. The organisation aims to build on the initial financial support from the Law Foundation to meet the anticipated demand for legal assistance from 'Legacy Caseload' asylum seekers over the next 2-3 years. There are diverse arrangements for providing migration legal services to Legacy Caseload asylum seekers around Australia. At the time of this report JusticeNet's RASP is the primary source of free legal help for asylum seekers in South Australia wanting to exercise their judicial review rights.

Delays in processing by the Department of Immigration and Border Protection have meant that only small numbers of Legacy Caseload clients had approached JusticeNet by 30 June. However, RASP has used the opportunity to strengthen the pro bono sector to meet the inevitable surge in demand over coming months: on latest figures we estimate that around 500 Legacy Caseload asylum seekers in South Australia will need assistance with judicial review alone.

Enhancing the capacity of the pro bono sector

During the last year, JusticeNet saw its efforts to promote initiatives to enhance the pro bono capacity of the local profession, bear fruit. In September 2015, the South Australian Government announced that it would encourage pro bono work in South Australia by amending the arrangements for purchasing legal services. Specifically, firms and solicitors who are on panels for providing legal services to government would be encouraged to report on the level of pro bono work undertaken in the previous financial year and their target for the coming year.

These reporting arrangements are just one of a range of mechanisms that foster pro bono in South Australia. Perhaps none is more important than the recent creation of practising certificates for volunteers. Following years of advocacy by JusticeNet and others, in November 2015 the LPEAC gazetted changes to the LPEAC rules to create a category of practising certificate "*which enables the practitioner to undertake legal practice ... as a volunteer for a community legal centre (as defined in the Act) or for an institution or project approved by the LPEAC*". Volunteer practising certificates were available from 1 July 2016. Unfortunately, South Australia chose not to follow every other state in offering free certificates for volunteers. Nonetheless, at one third of the cost of a regular certificate we anticipate that volunteer



practicing certificates will create more opportunities for lawyers to contribute to the pro bono effort. Particular thanks go to our Vice President Kerry Clark for her sustained efforts on this front and the advocacy of the Australian Pro Bono Centre.

It is also worth noting that in addition to national mechanisms for encouraging pro bono such as the National Pro Bono Aspirational Target, South Australia also has:

- the Law Society of South Australia's Pro Bono policy; and
- criteria for appointment of a barristers as Senior Counsel in South Australia now includes a requirement to demonstrate "*leadership by a proven practice of pro bono assistance to the community*".

We congratulate the local profession for its leadership and commitment to supporting pro bono in South Australia. In this context, it is more important than ever that there is a single organisation that can efficiently support, coordinate and foster the pro bono contribution of the South Australian legal profession for the benefit of those vulnerable or disadvantaged South Australians who would otherwise be excluded from effective and meaningful participation in our justice system.

External challenges: upheaval in the legal assistance sector

This year has also seen very significant external developments surrounding the funding and organisation of the legal assistance sector in South Australia. Following Commonwealth funding cuts already announced for legal assistance sector, the South Australian Attorney-General's Department conducted a review of community legal centres (CLCs). A final report was published in January 2016 and approved by state cabinet. The report proposed a major rationalisation of the sector and no new state funding over the life of the current National Partnership Agreement (2015 – 2020). While the final wash-up will not be known until after this Annual Report is released, funding cuts have already resulted in reduced CLC services and there is no doubt that the CLC sector will be further downsized in 2017. The report also proposed a new model of centralised legal triage in South Australia under the stewardship of the Legal Services Commission; a significant shift away from the traditional 'no wrong door' approach taken by the legal assistance sector nationally.

Given the impact that the restructured CLC sector will have on JusticeNet's mission, the Executive Director worked closely with key stakeholders to respond to the review in late 2015 and early 2016. The new model clearly poses significant risks for JusticeNet. Funding cuts and reduced services in the CLC sector means that JusticeNet faces increased numbers of clients seeking pro bono help. This alone will place enormous pressure on our limited resources. While the report recognised that a new system for triaging legal need would require the significant reallocation of existing funding, it did not give consideration to what impact the new system would have on coordinated pro bono in South Australia. Disappointingly, in failing to resolve the question of adequate resourcing for coordinated pro bono in South Australia, the review is a missed opportunity for implementing a truly coordinated scheme of civil legal assistance in South Australia.

JusticeNet will continue to work with stakeholders as the new CLC sector takes shape and the new triage model is implemented. However, at a time that demand on JusticeNet services is set to increase due to cuts to CLC funding and rationalisation of the sector, it is unfortunate that JusticeNet's financial security remains in limbo.



The future for coordinated pro bono?

In October 2016, JusticeNet advised its members of the difficult financial situation that the organisation faces. South Australia is the only state with an independent pro bono clearing house that does not receive government funding for recurrent operational expenses. JusticeNet's budget is modest compared to interstate counterparts and is comprised of membership fees, project and one-off grants, donations and the organisation's own fundraising efforts. For over seven years the organisation has worked hard - and with considerable success - to provide services on this foundation, but the current funding base is not sustainable. At the time of writing, several of our projects do not have funding beyond early 2017. As members are aware, services will need to be scaled back considerably or stopped all together if a significant funding source does not become available before that time.

JusticeNet has lodged an application for funding with the Law Foundation which is due to be considered at the end of November 2016. The immediate future of coordinated pro bono in South Australia will be made clear within weeks of the release of this Annual Report when that application is decided.

Thank you

Our members and supporters are at the centre of what we do. We grateful for their continued support in helping us to deliver on our organisational objectives. With their support the organisation strives to develop pro bono services that provide quality and accessible civil law assistance to clients in need.

We would like to thank our member firms and barristers, donors, volunteers, staff and Management Committee. Your collective commitment to helping South Australia's disadvantaged is the key to JusticeNet's longevity in challenging times.

We are pleased to present the 2016 Annual Report to our members.

Paula Stirling
President

Tim Graham
Executive Director



Report from the Treasurer

JusticeNet SA delivered a small operating surplus (\$637) for the 2015/16 financial year. The organisation expanded significantly during the year on the back of substantial one-off funding for our State Courts Self-Representation Service and Refugee and Asylum Seeker Project, as follows:

Supreme Court Self-Representation Service

- \$14,861.27 from the Attorney-General's Department (received 6 May 2015)
- \$45,000 from the Adelaide Mid-Winter Charity Ball Committee
- \$75,000 from Community Benefit SA (received 10 June 2015)

Refugee and Asylum Seeker Project

- \$55,000 from the Law Foundation of South Australia

Some of this funding was received late in the previous financial year but recognised as revenue in this year as the grant conditions were satisfied.

To complete the picture, the Federal Court Self-Representation Service continued to be funded by a grant from the Commonwealth Attorney-General's Department. The current funding agreement ends on 30 June 2017.

The Pro Bono Referral Service was funded from diverse sources including our fundraising (in particular the enormously popular Walk for Justice and our CPD Intensive), member contributions and donations.

JusticeNet also received generous in-kind support from members and project partners, including accommodation, meeting rooms, lawyers on secondment, printing and mailing costs, seminar rooms, audit services, IT services and support. For this reason JusticeNet continues to keep its administrative overheads to modest levels (and lower than the previous year). Excluding fundraising expenses, overheads were only about 7% of operating expenses (about 15% including fundraising expenses) for the year.

With the benefit of increased revenue this year JusticeNet delivered more help to more clients than ever before. However, the expansion of pro bono services coordinated by JusticeNet has thrown the challenges of the organisation's insecure funding base into stark relief. Unlike all other mainland pro bono clearinghouses, JusticeNet has no recurrent state government funding. While the Federal Court Self-Representation Service is funded by the Commonwealth until 30 June 2017, all other services rely on one-off grants and our own fundraising. A comparison with other states demonstrates the fiscal challenge facing JusticeNet:

- The Queensland Public Interest Law Clearinghouse (QPILCH) has coordinated pro bono civil law services in Queensland since 2002. 71% of QPILCH's revenue last financial year came from public funding, most of that in the form of recurrent annual grants from the Legal Practitioner Interest on Trust Accounts Fund ('LPITAF').



- Law Access has coordinated pro bono legal services in Western Australia since 2013. Approximately half of its funding comes from a multi-year grant from the 'Public Purposes Trust' (which is funded principally by interest on solicitors trust accounts.)

This financial year, JusticeNet received \$8,000 from the South Australian Government which went toward the State Courts Self-Representation Service.

Therefore, despite a very successful year helping clients in real need, the implications of JusticeNet's precarious funding base loom large and have been noted by the auditors in this year's financial reports. A copy of our audited financial reports can be found at www.justicenet.org.au. Our sincere thanks to Nexia Edwards Marshall for auditing our financial reports pro bono.

Despite serious funding challenges, the support of our members and supporters remains strong. On behalf of the management committee, I offer my sincere thanks to our many and diverse funders and donors, particular those who have come forward in recent months, who are determined that JusticeNet will continue to channel the goodwill and generosity of hundreds of pro bono lawyers for years to come.

Nick Linke
Treasurer



Pro Bono Referral Service

The Pro Bono Referral Service helps those who would otherwise fall through the cracks in the legal assistance system. The referral service improves access to justice by connecting clients on low-incomes and experiencing disadvantage with lawyers who act for free.

Our members and supporters accept referrals to assist clients in a wide range of predominately civil law matters. **This year the Referral Service made 52 referrals across a wide range of areas including debt, property disputes, defamation, employment disputes and environmental law.**

Where a person does not meet the eligibility criteria for pro bono legal assistance we refer them to the appropriate legal service and/or provide people with support and information about other specialist services, such as financial counsellors, community mediation and, at times, crisis counselling support. While this is a time consuming part of our work at the Referral Scheme as we often try to make warm referrals, particularly to legal services, to ensure that people receive the help they urgently need.

669 people contacted the service this year. Of those ineligible for pro bono referral, most (approximately 600) were provided information, advice and / or referral to other services that may be able to assist them (including other JusticeNet services). JusticeNet was unable to provide any form of substantial assistance in relation to the small number of enquiries.

One significant trend emerged over the past year. The service observed an increase in the number of applications relating to the financial abuse of elders. The majority of these applicants were referred to us by advocates working for aged rights services. We believe that the increase in this type of application is due to a greater awareness in community of the growing problem of financial abuse of older Australians and the help offered by JusticeNet.

The Referral Service continues to rely on the goodwill and hard work of volunteers to help staff our office and field the many telephone contacts we receive on a daily basis. The majority of volunteers are law students or recent graduates. However, the introduction of volunteer practicing certificates in 2016 will open up new ways for qualified lawyers to volunteer at JusticeNet. Looking ahead, we are keen to implement new arrangements that will allow us to better utilise lawyers with volunteer practicing certificates to increase the capacity of the Service.

The Referral Service continues to be managed by our Referrals Lawyer Elizabeth Boxall. Elizabeth was on maternity leave from April 2015 – May 2016. Kiley Rogers covered Elizabeth's role while she was away. We would like to thank Kiley for her hard work over that time.

We would also like to thank the firms and barristers who have taken up pro bono referrals over the past year. A review of the Matter Closure Reports that we have received from lawyers over the past four years indicates that our pro bono lawyers spend on average 39 hours per referral, By exceeding the 35 hour National Pro Bono Aspirational Target, our South Australian lawyers are at the forefront of the pro bono effort nationally. This is a significant commitment on top of very busy legal practices and we are very grateful for the assistance given to so many disadvantaged people.



What our lawyers say

“Working with JusticeNet and taking on referrals has been really meaningful and worthwhile. We have been able to help people who might not have otherwise had access to legal assistance, and it’s a great way to give something back to the community. We look forward to continuing our work with JusticeNet!”

- **a JusticeNet member firm**

Help for Harry: homeless, unemployed man wins redress against illegal eviction

In 1996 Harry (not his real name), entered into a verbal agreement with a landlord to occupy and reside at a property in the Adelaide foothills. The landlord agreed that 2-3 months’ notice to vacate would be given to Harry if the landlord wished to end the arrangement. For 17 years (from 1996 - 2013) Harry made the property his home. While he did not pay rent, he paid bills associated with the property and maintained and improved the land.

In September 2013 Harry’s life was turned upside down. Police officers arrived at the premises and informed Harry that he was occupying the premises without permission of the owner. He was made to leave immediately. Harry, who was unemployed, was unable to take his belongings due to lack of resources.

A few days later the landlord arranged for the demolition of dwellings that Harry had built on the land. The landlord allowed Harry only 10 minutes to remove his belongings from the buildings. He was able to take a suitcase with some of his art work and personal papers but the remainder of his belongings, valued by Harry at about \$40,000, were destroyed during the demolition. The police were present but did not stop the demolition as the landlord told them Harry was not a tenant.

As a result of his eviction Harry became homeless. Despite his dire circumstances, Harry successfully represented himself at the Residential Tenancies Tribunal. The Tribunal found he was a tenant under section 3 of the Residential Tenancies Act 1995 and awarded him \$10,000 compensation, the maximum amount allowed in the jurisdiction.

The landlord then made an application to the Tribunal to have the order set aside on the basis that the Applicant was not a tenant. The application was dismissed and the landlord appealed to the District Court at which time Harry approached JusticeNet for help. Ralph Bonig from Finlaysons accepted the referral to act for Harry. In June 2016, nearly two years after the landlord appealed the decisions, judgment was delivered in Harry’s favour.



Refugee and Asylum Seeker Project

JusticeNet's Refugee and Asylum Seeker Project (RASP) was established in 2012 to provide a pro bono response to the legal needs of highly disadvantaged asylum seekers resident in South Australia. It was noted in last year's Annual Report that *"the demands of this project have stretched the capacity of our referral team and pro bono networks"*. For that reason, JusticeNet was delighted that the Law Foundation of South Australia recognised the instrumental role played by JusticeNet in meeting the legal needs of asylum seekers – and, in particular, 'Legacy Caseload' asylum seekers - and funded a part-time RASP Coordinator for 12 months. Lara Proske, an experienced migration solicitor and registered migration agent, was employed as JusticeNet's RASP's Coordinator in early 2016.

This year RASP received 67 enquiries and made 33 referrals for pro bono legal assistance.

Demand for pro bono assistance in relation to judicial review of migration decisions is set to rise dramatically this year, now that the protection claims of 'Legacy Caseload' asylum seekers are being processed under the Commonwealth Government's 'Fast Track Assessment' process. RASP made its first referrals for the Legacy Caseload in June 2016. Having a RASP Coordinator has meant JusticeNet can invest in growing the pro bono capacity of the RASP and improving our collaboration with stakeholders.

This year JusticeNet has built on our relationship with government lawyers and the Crown Solicitor's Office in particular. We have developed a new model for coordinating the delivery of pro bono legal services for RASP clients that will make it easier and more efficient for government and in-house lawyers to participate in RASP. Once that model is successfully implemented in coming months for RASP referrals to CSO lawyers, it is hoped it will be rolled-out more widely.

The RASP Coordinator has also worked closely with Lipman Karas to develop a pro bono project that involves a team of lawyers at the firm undertaking merit assessments for RASP matters. The project will commence within weeks of the release of this report. The RASP Coordinator has developed a training package to support the Lipman Karas pro bono project that will be available to other groups of lawyers willing to collaborate with RASP.

The RASP Coordinator actively engaged with case coordinators at the South Australian migration support services, namely the Australian Red Cross, Life Without Barriers and the Migrant Resource Centre. Through that engagement, more clients are being warm referred to JusticeNet's RASP. This has helped asylum seekers to connect with JusticeNet, and to do so within the time-frame prescribed for filing a judicial review application. Working with case coordinators has also helped JusticeNet to process applications for pro bono assistance more efficiently.

JusticeNet expects that 500 or more Legacy Caseload asylum seekers will be eligible for judicial review in coming 12-24 months. In light of these significant numbers, JusticeNet has adapted an information resource for legacy caseload asylum seekers that includes a step-by-step guide on how to file a judicial review application. This will enable asylum seekers to preserve the opportunity to have a negative decision judicially reviewed, while they await access to pro bono assistance. (Our thanks to Law Access WA for making available their resource).

During the year closer relationships were forged with interstate organisations including Law Institute Victoria (LIV), Legal Aid Victoria and JusticeConnect. Through that engagement, JusticeNet has obtained access to materials and resources that will help JusticeNet to better



support its members and supporters. In addition, the LIV is developing online seminars regarding judicial review of migration decisions, which will be made available to JusticeNet's RASP.

Looking ahead, 2016/2017 will present challenges for RASP, including the need to further strengthen the pro bono capacity of RASP so that legal needs of Legacy Caseload Asylum Seekers can be met, and securing ongoing funding for the RASP Coordinator.



Self-Representation Services

JusticeNet operates Self-Representation Services in the Federal Court and the Federal Circuit Court and the Supreme and District Court of South Australia. The Self-Representation Services helps clients who are experiencing disadvantage and who cannot access legal assistance elsewhere.

Attending court without representation can be challenging and stressful. Litigants-in-person are known to experience increased delays in court and a higher likelihood of poorer outcomes, especially in higher courts, with their stricter rules and formal procedures. Litigants-in-person also create challenges for courts trying to balance fair treatment of litigants with the need to maintain impartiality and ensure that the court process is as efficient as possible.

The Self-Representation Service uses an innovative approach to improving access to justice by delivering 'unbundled' legal services to clients. Clients are provided with strategic advice and practical 'legal task' assistance during 1 hour appointments at the service offices in the courts. Appointments are conducted by volunteer lawyers and the service solicitor. The latter also brief volunteers and provide follow up assistance as required. Clients obtain practical help at each stage of their dispute, in addition to legal advice and information about court process and procedure. Through ongoing engagement with clients - who nonetheless remain responsible for their own case - the service supports clients to make informed decisions about their matter and take appropriate steps to resolve their dispute.

The Self-Representation Service has a track record of helping clients to take appropriate steps in their proceeding and to discourage unnecessary litigation. The Productivity Commission has recently found that that, *"Unbundled services can efficiently and effectively assist self-represented litigants where most needed, such as in complex disputes in formal settings like superior courts..."*.

JusticeNet's Self-Representation Service in the higher State Courts was the first Self-Representation Service to be established in Australia following the original Self-Representation Service pioneered by Queensland in 2007.

State Courts Self-Representation Service

On 7 September 2015 JusticeNet opened its expanded State Courts Self-Representation Service (SCSRS). The Service provides legal advice and 'task assistance' to people experiencing disadvantage who cannot obtain legal representation in the District or Supreme Court of South Australia.

The expanded SCSRS grew out of the success that JusticeNet's pilot Self-Representation Service had in helping litigants-in-person in the Supreme Court since 2013. An independent evaluation of the pilot concluded that it was *"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."*

This year the SCSRS:

- **provided 213 appointments to 135 clients**
- **helped 310 overall service users with information, referral, legal advice and/or task assistance.**

The SCSRS provides targeted help to litigants-in-person in all matters falling within the civil jurisdiction of the higher State Courts including appeals, property disputes, debt and



mortgagee repossession matters, equal opportunity tribunal matters, defamation proceedings, and estate matters including family inheritance provision claims. Specifically, the SCSRS assists litigants-in-person to:

- better understand the relevant law and court processes and procedures;
- better understand the strength and weaknesses of their own case, the risks involved and the alternative options available for resolving it;
- improve their compliance with court rules and procedures;
- prepare court documents that are relevant, accurate and compliant with court rules;
- present their case in the best possible manner;
- relieve the stress of litigation by providing problem solving advice and support;
- be better informed of appropriate non-legal support services;
- resolve their case in a timely manner, without unnecessary delays.

Participating Firms

A sincere thanks to the law firms and lawyers participating in the SCSRS:

- Cowell Clarke
- Finlaysons
- Fisher Jeffries
- HWL Ebsworth
- Minter Ellison
- DMAW Lawyers
- Gilchrist Connell

Funding

This year the Service was funded by the:

- Department for Communities and Social Inclusion (SA)
- 2015 Adelaide Mid-Winter Ball committee
- Attorney-General's Department (SA)

What our clients say:

The SCSRS helped a single mother defend an appeal by her ex-landlord against an award of compensation made by the Residential Tenancies Tribunal (the Tribunal) in her favour. The SRS assisted with drafting affidavits, an outline of argument and provided advice as to the process for the appeal, and presentation of her case. The appeal was dismissed and client was awarded an increase in the modest compensation originally ordered by the Tribunal. The client was empowered by her experience, stating,

"I cannot recommend this service highly enough. I feel so fortunate to have received this help - I may have given up without it...I hope that this fantastic service continues to be available in perpetuity for all those who may need it".

What the courts say:

I congratulate JusticeNet SA on making available this important service to disadvantaged South Australians. It is the experience of the courts that the service - and the volunteer lawyers that support it – ensures that civil litigants-in-person in the higher courts are better



informed and prepared, and better able to present their case. The service is of demonstrable benefit to its clients, the courts and the wider community.

- **the Hon. Chief Justice, Chris Kourakis**

What our pro bono lawyers say:

“Participation in JusticeNet’s Self-Representation Service has enabled my firm to commit to providing regular pro-bono assistance to individuals that otherwise do not have access to legal representation. Volunteering for the Service is rewarding and also a great opportunity for lawyers to develop skills in providing practical advice to clients.”

- **a volunteer lawyer**

Federal Courts Self-Representation Service SA/NT

JusticeNet’s Federal Courts Self-Representation Service SA/NT (FCSRS) has continued to build its profile in the general federal law jurisdiction, primarily in the areas of bankruptcy, Fair Work, migration, judicial review (non-migration), and appeals.

This year the service:

- **provided 113 appointments to 54 clients**
- **helped 117 overall service users with information, referral, legal advice and/or task assistance.**

The FCSRS is particularly pleased to report on the increases in the number of people accessing the service in the 2015/2016 financial year, demonstrating the increased profile of the service in SA and NT.

The primary referral source to the service continues to be the Federal Courts (the Registry and the judicial officers), however the other referral sources are quite varied and include the Legal Services Commission, other Community Legal Centres, Members of Parliament, the other Services operated by JusticeNet and government departments and agencies.

This year the FCSRS has focussed on working with the Federal Courts to ensure that as many self-represented litigants have access to the service. The service has met regularly with the District Registrar and Deputy District Registrar of the Federal Courts to ensure the service meets the legal needs of self-represented litigants.

The service has also taken a pro-active role in improving referral pathways to the service by attending the regular bankruptcy and migration lists to assist self-represented litigants on-the-spot if necessary. The service has also been in discussions with the District Registrar to introduce a service to provide representation for clients at mediations on a limited retainer basis.

Participating Firms

A sincere thanks to the law firms participating in the FCSRS:

- Minter Ellison
- Finlaysons
- Fisher Jeffries
- Cowell Clarke



- Clayton Utz (Sydney)
- DMAW Lawyers
- O'Toole Lawyers
- McDonald Steed McGrath.

Funding

JusticeNet is grateful for funding from the Commonwealth Attorney-General's Department.

How the service helped John (not his real name)

John had a long-running dispute with his former landlord arising from the client's eviction from a commercial property in 1999. He had attempted to dispute his eviction in the District Court of South Australia, but was unable to pay security for costs as ordered by the District Court. His claim was eventually dismissed for want of prosecution as he was unable to pay the security. The landlord then obtained a sequestration order against him arising from the first set of costs awarded by the District Court. John tried unsuccessfully to appeal the sequestration order.

At the same time he tried to appeal the decisions in the District Court to award security for costs and to strike out his action. His appeals were unsuccessful and the landlord filed an *allocatur* in relation to costs. He unsuccessfully attempted to dispute the *allocatur* and the District Court judge who heard the appeal made some interesting comments in his judgment. He stated "...I am left with a sense of unease at the overall passage of these matters" and that "*the defendant [landlord] has abused the process of this court in its earlier carriage of the two cases against him [the client], and is doing so again now*". The judge quashed the *allocatur* pending the client's appeal to the Supreme Court in relation to the District Court decision.

In the meantime, the landlord sought to again bankrupt John in relation to costs orders that had been made over 3 years earlier, and in doing so sought to prevent him from prosecuting his action in the Supreme Court (in relation to which he would need the consent of the trustee in bankruptcy to proceed with if he was made bankrupt). John was significantly disadvantaged by his lack of education, having filed long rambling incoherent documents in the court. The service helped John to draft affidavits explaining the history of the matter; along with an application to dismiss the Creditor's Petition on the grounds that it was an abuse of process as it was being used for a collateral purpose (to thwart the Supreme Court appeal) and not as a bona fide debt collection process.

The service felt that John had a good case to oppose the Creditor's Petition and so tried to refer the argument for pro bono representation. The referral was accepted, but at the last minute the pro bono lawyer was unable to appear. She prepared the submissions largely based on the very detailed memorandum and research prepared by the service and the client prepared to represent himself at the hearing of his application. Fortunately, prior to the hearing, and after having received the client's submissions, the landlord withdrew the Creditor's Petition. John is pursuing his Supreme Court appeal.

What the courts say:

JusticeNet provide valuable legal assistance to people who would otherwise have none. JusticeNet helps litigants in person better prepare for their Court attendances and this assists the Court, and the other parties to the proceeding, in understanding what matters are actually in dispute. This is a benefit to all parties involved and assists with the efficient disposition of matters before the Court.

- **Nick Parkyn, Deputy District Registrar, Federal Court Adelaide Registry**



Walk for Justice 2016

On 17 May the largest ever turnout - almost 600 walkers - enjoyed near perfect weather for the 2016 Walk for Justice. We are grateful to the walkers who raised over \$49,000 to support the work of JusticeNet SA to facilitate access to justice for low-income and disadvantaged members of the South Australian community.

The post-walk breakfast was again a highlight. Walkers were treated to a delicious breakfast served by our tireless 'Breakfast Club', including:

- The Hon Chief Justice Chris Kourakis QC
- Vickie Chapman MP, Shadow Attorney General and State Member for Bragg
- Senator Nick Xenophon, Independent Senator for South Australia
- Deputy Lord Mayor Megan Hender, Adelaide City Council
- Melvin Mansell, Editorial Director SA, WA, NT & TAS News Ltd

Our thanks also to our Ambassadors for the 2016 Walk for Justice.

This year prizes were awarded to:

- Highest Fundraising Team - **Lipman Karas**
- Highest Fundraising Individual - **Kasia Dziadosz-Findlay**
- Highest Fundraising University Team - **Flinders Law Students' Association**
- Highest Fundraising University Student - **Nick Salagaras**
- Highest Secondary School Fundraising Team - **Glenunga International High School**

Walk for Justice Sponsors

The Walk for Justice would not be possible for our generous corporate sponsors.

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Kerry Clark (Vice-President), Barrister, Murray Chambers
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Nicholas Linke (Treasurer), Partner, Fisher Jeffries
Karen Lehmann, Deputy Director, Legal Services Commission of South Australia
Alan Merritt, Solicitor, Central Community Legal Service
Jayne Stinson, Social Justice Reporter, Channel 7
Simon Bourne, Solicitor, Bourne Lawyers

Staff

Executive Director, Tim Graham
Referral Solicitor, Elizabeth Boxall (returned from maternity leave May 2016)
Referral Coordinator/Solicitor, Kiley Rogers (maternity leave position to May 2016)
Migration Solicitor, Lara Proske
Senior Solicitor & Coordinator (State Courts), Samara Bell
Senior Solicitor & Coordinator (Federal Courts), Angie Hastings
Solicitor (Federal Courts), Claire Benn (to June 2016)
Fundraising and Events Coordinator, Kate Chapley (to October 2015)
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