

Annual Report 2017

Access to Justice through Pro Bono: a snapshot of the 16/17 FY

Referral Services

People and organisations assisted: 717

Pro bono referrals: 142

Self-Representation Services

People assisted: 823

One-off assistance: 536

Ongoing assistance: 287

All services

Pro Bono hours 8454

Pro Bono value \$1,967,152

Pro Bono lawyers 339

Approximately 25% of South Australians experience serious legal problems each year that require the assistance of a lawyer. Yet many do not get the help they need to resolve serious civil law problems because they cannot afford it or because help is simply unavailable.

JusticeNet is the primary gateway for coordinated pro bono legal help in South Australia. It aims to close the justice gap by providing a pro bono safety net for those in genuine need of legal assistance. Our four legal services leverage the skills of some of South Australia's best lawyers from public and private practice to help disadvantaged clients, including those experiencing poverty, risk of homelessness, asylum seekers and those representing themselves in court.

Our work would not be possible without the support of our members, donors and funders. Please help us to continue to make an impact: www.justicenet.org.au/get-involved

Report from the President and Executive Director

It is a pleasure to report on a successful year at JusticeNet SA.

Particularly so, when considering that 12 months ago, as we were preparing last year's report, dark clouds of financial uncertainty loomed on the horizon. Despite tremendous support from our members, donors and funders over the nearly eight years since our launch, our organisation had been unable to secure a reliable source of revenue sufficient to cover our core operating costs. Come the end of 2016, JusticeNet faced a funding crisis.

Fortunately, at the eleventh hour, JusticeNet received a substantial grant from the Law Foundation of South Australia. The grant secured the immediate future of the organisation, and has enabled us to continue delivering vital legal services to our clients throughout the year.

We are deeply grateful for Law Foundation's support and the confidence it has shown in the organisation. The grant was an enormous morale boost for our hard-working team and was of great relief to our wonderful community of members and supporters.

The one-off grant is not a permanent solution, but it gave us some breathing space we needed to look ahead and invest in other partnerships and projects that we identified as crucial to the long-term prospects of the organisation.

JusticeNet worked hard during this year secure the long-term sustainability of JusticeNet SA. The results of our efforts are starting to show. For example, in early 2017 entered a new partnership with the Wyatt Benevolent Institution, one of South Australia's longest-running and most trusted philanthropic organisations. The 3-year partnership, which formally commences on 1 July 2017, will support JusticeNet's State Courts Self-Representation Service to improve the financial wellbeing and housing circumstances of our clients.

In June 2017, our Federal Courts Self-Representation Service (SA/NT) also received the welcome news of continued funding from the Commonwealth Attorney-General's Department until mid-2020. The funding decision followed the outcome of a nationwide evaluation of self-representation services operating in the Federal Courts across the country. The evaluation concluded that all self-representation service providers, such as a JusticeNet, *"are delivering a valuable service to self-represented litigants which fills a recognised gap in Australia's legal assistance services."*

Despite these gains, our key challenge remains: of all coordinated pro bono legal services (found in QLD, NSW, Victoria, SA and WA) only JusticeNet SA operates without recurrent financial support from State Government. At the time of writing this report, we are acutely conscious that a state election looms in March 2018. JusticeNet will be actively seeking from all parliamentary aspirants, a commitment to invest in a secure JusticeNet.

JusticeNet was conceived as a pro bono safety net for those who fall through the gaps in the civil justice system. Since then we have evolved significantly from a one-size-fits-all model of clearinghouse for coordinated pro bono legal assistance. We now deliver four discrete legal services based in three locations across the Adelaide CBD. The services enable us to provide legal assistance to more clients and give more lawyers opportunities to participate in pro bono legal work. At the same time, we have remained faithful to our central mission to respond to recognised gaps in the South Australian legal assistance system.

Our Pro Bono Referral Service and specialist Refugee and Asylum Seeker project have both helped more clients than ever before. The two services made 142 referrals between them during the past year, and provided one-off advice, referral and information to approximately 600 individuals. Our two Self-Representation Services have also experienced significant growth in client numbers, together providing legal services to 823 clients.

Central to our mission is fostering the pro bono culture in South Australia. Our work would not be possible with the generous pro bono contribution of our members and supporters from the local profession. There was no better demonstration of the strong pro bono culture in South Australia than the decision to host the 7th National Access to Justice and Pro Bono Conference in Adelaide in March 2017. The conference brought together over 400 delegates from across the country and around the world to discuss critical and current access to justice issues facing Australians as well as identifying the various challenges and opportunities associated with enhancing access to legal services and pro bono work.

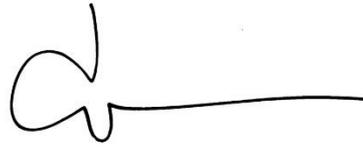
This past year began with the introduction of volunteer practising certificates in South Australia. This was a law reform for which JusticeNet had advocated long and loud. We understand the 23 volunteer practising certificates were granted during the past year. A modest number, but we are confident that in time, volunteer practicing certificates will create more opportunities for lawyers who wish to contribute to the pro bono effort. JusticeNet has had pleasure of working with several practitioners holding volunteer practising certificates over the past year, and we are currently working on the development of new projects that will enable us to provide more opportunities for lawyers holding volunteer practicing certificates to use their legal skills to help our clients.

This year has seen progress in another area of law reform championed by JusticeNet. In June of 2016, JusticeNet wrote to the Attorney-General recommending that Clause 25(2)(c)(ii) of Schedule 3 to the Legal Practitioners Act 1981 (SA) be repealed, so that conditional costs agreements could be used in South Australia in relation to proceedings under the Migration Act 1968 (Cth). (Which is relevant to JusticeNet because we recommend that pro bono lawyers use a form of conditional cost agreement that provides for costs to be recovered in the event of a successful outcome while not leaving the client out of pocket.) The Law Society of South Australia endorsed our submission and in early 2017 the Attorney-General announced his in-principle agreement with the recommended change. At the time of writing, JusticeNet understands that a Bill introduced by the SA Government has passed the lower house, and we are hopeful that Parliament will enact changes by the end of the 2017 calendar year, or early next. This change will bring South Australia in line with other Australian States and Territories and promote access to justice for asylum seekers living in South Australia.

Finally, we would like to acknowledge the contributions of those who make it all possible. Thank you to the hardworking and passionate staff at JusticeNet, and none more so that our long-serving Administration Assistant, Louise Young, who resigned in early 2017 to take up a position in the tertiary sector. We would also like to express our deep gratitude to retiring members of the management committee, Nick Linke, Alan Merritt and Simon Bourne for their many contributions over the life of JusticeNet. Finally, many thanks also to our hundreds of volunteer lawyers, law students and our volunteer Management Committee; and, of course, our members. Together, we have achieved many positive outcomes for our clients.

A handwritten signature in black ink, appearing to be 'PS' with a large loop at the end.

Paula Stirling
President

A handwritten signature in black ink, appearing to be 'TG' with a long horizontal line extending to the right.

Tim Graham
Executive Director

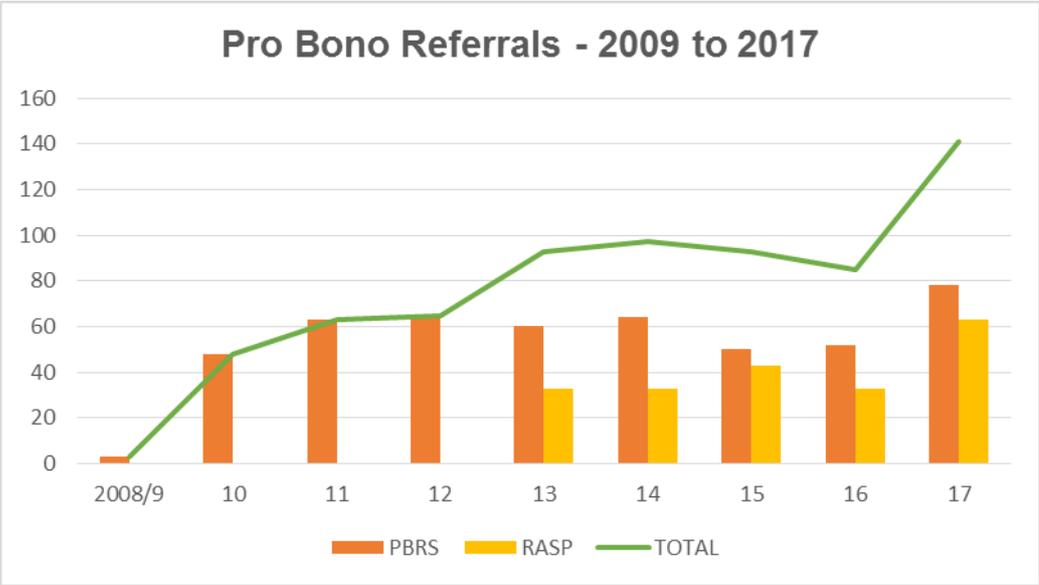
Pro Bono Referral Service

Pro Bono Referrals	78
People Assisted	582
Pro Bono Hours	4,444
Pro Bono Value	\$1,182,000
Pro Bono Lawyers	221

JusticeNet’s Pro Bono Referral Service (the PBRS) is designed to be a safety net for people with civil law problems who require legal representation or assistance but cannot get help from elsewhere. The PBRS connects clients with lawyers who agree to act on a pro bono basis. As pro bono is a finite resource, the PBRS has eligibility criteria (as do all our services). In summary, applicants must have a meritorious legal matter, be on a low-income and/or experiencing some other significant disadvantage, and must be unable to obtain the legal help they need from other sources. The PBRS also assists not-for-profit organisations that have charitable purposes. Referrals for community organisations comprise about 5% of total number of pro bono referrals made.

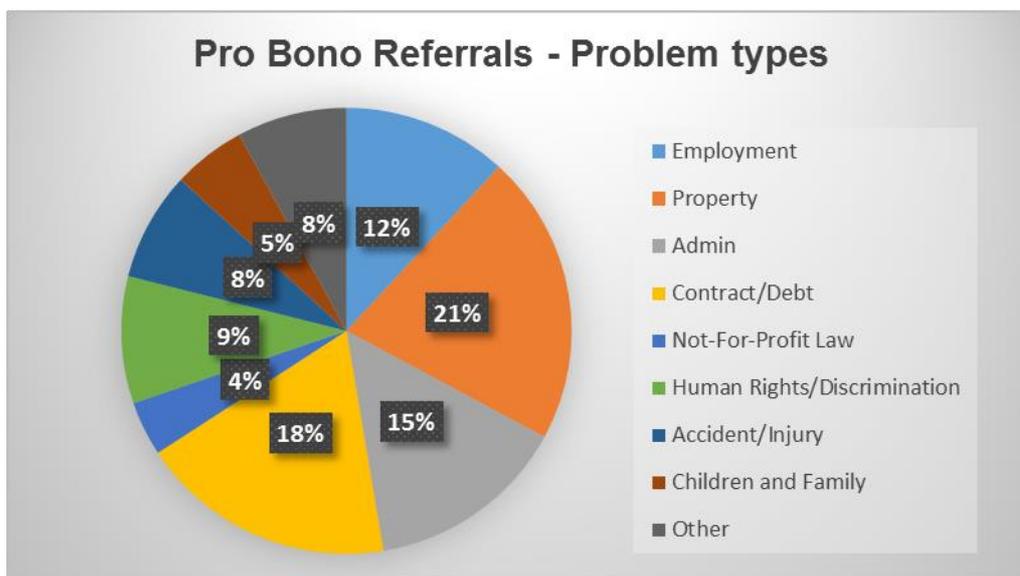
Over the past year, JusticeNet’s members and supporters accepted 78 referrals to assist vulnerable and disadvantaged clients in a wide range of civil law areas. The PBRS made more referrals this year than in any previous year since JusticeNet was established in 2009.

Figure 1



Referrals were made to barristers and solicitors across a wide range of legal practice areas, including debt, property disputes, defamation, employment disputes and child protection.

Figure 2



The PBRS received almost 650 enquiries over the course of the year, yet only 12% were referred for pro bono assistance. As a service of last resort, JusticeNet makes every effort to help those we cannot offer a pro bono referral: approximately 504 individuals and organisations were provided information, one-off advice and / or referral to other services that may be able to assist them. This includes people who are referred to one of JusticeNet's other services, most notably our Self-Representation Services.

The PBRS is coordinated by Elizabeth Boxall, JusticeNet's Referrals Solicitor. Elizabeth is supported by a significant number of volunteers who help staff our office and field the many telephone contacts we receive on a daily basis. The majority of volunteers who help in our office are law students or recent graduates. The introduction of volunteer practicing certificates in 2016 has opened up new possibilities for qualified lawyers to volunteer at JusticeNet. During the past year the PBRS has had the assistance of two lawyers who held volunteer practicing certificates.

During the year, lawyers from the Australian Government Solicitor worked at JusticeNet on secondment for one day per week. We are very grateful for this support which the Australian Government Solicitor has provided every year since 2009.

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 reports from lawyers working on referrals during the year indicated that they contribute an approximately 40 hours per referral. That is a significant commitment on top of very busy workloads and we are grateful for the assistance provided to so many disadvantaged people.

Funding

During the 2016/2017 financial year, the PBRS was supported by a grant from the Law Foundation of South Australia. JusticeNet also acknowledges the continuing support of the University of Adelaide Law School which provides accommodation for the PBRS and administrative staff.

Our Impact

This case study highlights the complex and challenging circumstances of some PBRs referrals.

John and Millicent

Millicent* is 91 year old woman who spent many years caring for John as his dementia worsened. After 70 years of marriage, Millicent eventually realised that she was no longer able to care for her husband. John's advanced dementia was causing him to become increasingly threatening and abusive towards her. So Millicent arranged for John to be moved to a secure care facility and placed under a guardianship order. An independent trustee was appointed to manage John's affairs and Millicent herself moved into an aged care facility.

John then made a new Will which disentitled Millicent to any of his estate. This threatened to have a serious financial impact on Millicent because all of the couple's assets - principally the family home - were held in John's name. The independent trustee responsible for managing John's affairs lodged a caveat over the family home with the intention of selling it to pay for John's care.

JusticeNet referred Millicent to counsel Christopher Brohier and solicitor Parambir Sekhon to represent Millicent on a pro bono basis. Counsel Vickianne West also provided Millicent with pro bono family law advice. They sought to negotiate a sensible resolution to this difficult situation with the independent trustee. Unfortunately, the negotiations stalled and Millicent was left with no option but to make an application to the Federal Circuit Court seeking a division of the couple's assets. The parties agreed on a settlement before trial. Millicent was very happy with the outcome and extremely grateful for the help of her pro bono legal team.

What our clients say

"I just want to write a few lines to thank you for all the work that you have both done for me. As without your help I would surely have lost my house. Words are not enough but again thank you."

What our lawyers say

"I have been participating in the Referral Scheme as a solicitor for a number of years. Of course, it is important (and satisfying!) to contribute to the large and often unmet need for pro bono legal assistance in our community. But I particularly enjoy the variety of matters that the Referral Scheme enables me to work on – interesting matters that I would never get to do if I was depending on my firm's normal client base to bring the work through the door. It also enables me to broaden my professional networks and work with members of the profession I would not otherwise get to work with."

Simon Bourne, Bourne
Lawyers

Refugee and Asylum Seeker Project

Pro Bono Referrals	63
People Assisted	158
Pro Bono Hours	2,681
Pro Bono Value	\$758,694
Pro Bono Lawyers	60

In 2012 JusticeNet established the Refugee and Asylum Seeker Project (RASP) as a specialist pro bono referral service. The objective of the RASP is to meet the legal needs of asylum seekers living in South Australia, and it pursues that goal by fostering a network of pro bono lawyers that accept pro bono referrals. Since early 2016, Lara Proske, JusticeNet’s Migration Referrals Coordinator has been responsible for coordinating JusticeNet’s RASP.

The principal workload of RASP is to assist asylum seekers to meaningfully exercise their right to seek judicial review of migration decisions in the Federal Courts. As predicted in last year’s Annual Report, JusticeNet’s RASP has experienced a significant increase in demand for legal assistance from asylum seekers who are having their claim for protection assessed under the Australian Government’s ‘Fast Track Assessment’ process. This is the so-called ‘Legacy Caseload’ - asylum seekers who arrived in Australia without a valid visa between 13 August 2012 and 1 January 2014. As at 30 June 2017, there were approximately 1400 members of the Legacy Caseload living in South Australia who were yet to have their protection claim finally determined.

Over the last financial year JusticeNet’s RASP experienced more than twice the number of enquiries, and made almost twice the number of pro bono referrals, as compared to the previous financial year.

Table 1

	2015/2016	2016/2017
Enquiries	67	156
Referrals	33	64

The majority of referrals – approximately 77% - were for the purpose of obtaining legal advice or representation for Legacy Caseload asylum seekers who had received a negative decision from the Immigration Assessment Authority (a division of the Administrative Appeals Tribunal). The other 23% of referrals related to other migration decisions made by the Department of Immigration and Border Protection and the Migration & Refugee Division of the Administrative Appeals Tribunal.

To meet the legal needs of Legacy Caseload asylum seekers, Lara has worked with new and existing pro bono partners to expand the pro bono capacity of the RASP network. This has led to exciting new partnerships, including:

- Since early 2017, a team of lawyers at Lipman Karas have accepted JusticeNet referrals for legal advice as to whether JusticeNet clients have arguable grounds for judicial review of IAA decisions. This initiative has significantly expanded the pool of lawyers available to provide timely legal advice in this technical area of law. With limited support and resources from JusticeNet, the team at Lipman Karas have proved adept at adapting to this new area of law.

“We have a focus on Access to Justice, Indigenous Programs, Migrant and Refugee Support and the Arts. The partnership on the Refugee and Asylum Seeker Project with JusticeNet is a cause that fits perfectly with some of these key areas. We particularly seek out community initiatives that give our lawyers the opportunity to engage directly and to make a contribution that extends beyond financial assistance. The Project gives us that excellent opportunity to assist by applying our legal skills for a very worthy cause.”

Alice Rolls, Lipman Karas

- The Office of the Director of Public Prosecutions (ODPP) adopted an internal pro bono policy in June 2017. The policy permits ODPP lawyers who hold unrestricted practising certificates to perform 35 hours of pro bono legal work each year on JusticeNet referred matters, in their capacity as sole practitioners. JusticeNet’s partnership with the ODPP builds on JusticeNet’s long-running partnership with the Crown Solicitors Office. We hope that this initiative will in time substantially boost the number of public lawyers contributing towards access to justice for asylum seekers in South Australia.

Lara has also pursued the important work of engaging with services and individuals who support asylum seekers within the community, so as to promote awareness of the RASP and to facilitate timely referrals. Often, it is these services and individuals who are the first to know when an asylum seeker receives a negative migration decision. JusticeNet’s regular engagement has proven to be extremely valuable, with most of JusticeNet’s asylum seeker clients now being linked directly with JusticeNet’s RASP by either Status Resolution Support Services (such as Life Without Barriers, the Australian Migrant Resource Centre and the Red Cross), church groups, health professionals or asylum seeker advocates.

Lara has also maintained important relationships with other service providers that deliver migration and legal assistance to Legacy Caseload asylum seekers, both within South Australia and interstate. In addition to regular engagement with representatives from the Refugee Advocacy Service of South Australia (RASSA) and Mercy House of Welcome, Lara also participated in the Legacy Caseload Working Group’s (LCWG) inaugural meeting in May 2017. The LCWG brings together representatives from JusticeNet, RASSA, the Australian Refugee Association (ARA), Mercy House of Welcome, Playfair and Australian Migration Options (PACE providers in SA).

Lara also participates in the monthly Legal Centres Teleconference chaired by the Kaldore Centre in NSW. This teleconference brings together legal centres from across Australia, who provide or coordinate legal services for asylum seekers. This forum facilitates the exchange of invaluable information in relation to law and policy as it relates to asylum seekers in Australia, including legislative change and opportunities for advocacy.

JusticeNet extends its thanks to the many lawyers in public and private practice who accepted referrals from the RASP over the past financial year.

Funding

During the 2016/2017 financial year, JusticeNet's RASP was supported by grants from:

- the Westpac Foundation
- the Broadley Trust
- the Minister for Communities and Social Inclusion
- the Circle of Friends.

Our Impact

Abdul's story

Abdul* applied to JusticeNet for pro bono assistance when he received a negative decision from the former Refugee Review Tribunal. One of JusticeNet's Bar Panel Members advised JusticeNet that there were arguable grounds for judicial review of the RRT's decision, and Abdul was referred for pro bono representation. The Federal Circuit Court of Australia dismissed Abdul's application, however, counsel was of the opinion there was merit to appeal. In late 2016, the Federal Court of Australia allowed Abdul's appeal, and the matter will now be determined according to law by the Migration & Refugee Division of the Administrative Appeals Tribunal. Pro bono legal assistance provided by Kaz Eaton, Dr Steven Churches and Bourne Lawyers in relation to Abdul's matter helped to guard against Abdul's wrongful removal from Australia, and uphold the rule of law.

What our lawyers say

"Performing pro bono work has given me the opportunity to achieve professionally satisfying success at court, building wider networks with counsel in matters with merit which would not have otherwise crossed my desk. I find it professionally satisfying to work on something which is demonstrably expanding access to justice."

Greg Finlayson

Self-Representation Services

JusticeNet’s Self-Representation Services help litigants-in-person who are experiencing disadvantage and who cannot access legal assistance elsewhere. JusticeNet operates two Self-Representation Services: one in the Federal Court and the Federal Circuit Court and the second in the Supreme and District Court of South Australia.

Litigation without representation can be challenging and stressful. Doing so without legal representation can lead to increased delays in court and an increased likelihood of poorer outcomes, especially in higher courts which require strict compliance with complex rules and procedures. Litigants-in-person also pose a challenge for courts, which strive to balance the fair treatment of litigants-in-person with the need to maintain impartiality.

JusticeNet’s Self-Representation Services use limited scope retainers to deliver legal services to litigants-in-person. Volunteer and staff lawyers provide clients with advice and practical legal task assistance throughout their dispute, but clients remain responsible for their own case. By maintaining regular engagement with clients at each stage of their legal matter the Self-Representation Services aim to support clients to make informed decisions and take appropriate steps to resolve their dispute. The Self-Representation Services are delivered from convenient locations in the court buildings.

State Courts Self-Representation Service

People Assisted	541
Pro Bono Hours	902
Pro Bono Value	\$260,812
Pro Bono Lawyers	36

JusticeNet’s State Courts Self-Representation Service (SCSRS) has operated in the District and Supreme Courts for almost two years. The SCSRS commenced as a pilot in the Supreme Court in 2013 and expanded to include the District Court in September 2015.

The principal objectives of the SCSRS are to ensure that litigants-in-person in the higher State Courts are assisted to understand their rights and responsibilities and their best course of action; to present their case in the best possible manner; and to resolve their dispute. To meet these objectives the SCSRS, amongst other things, encourages the early resolution of disputes, alternative dispute resolution and diversion from the courts for clients with unmeritorious cases.

This financial year the SCSRS helped 541 clients with information, referral, legal advice and/or task assistance. Table 2 shows a breakdown of the type of assistance provided.

Table 2

Type of clients	Number of clients
One-off assistance	385

Ongoing assistance	156
Total	541

SCSRS staff and volunteer solicitors provided 321 appointments during the reporting period. Many clients were granted more than one appointment. In most cases, appointments were of 1 hour duration, but in some cases longer.

The SCSRS assists 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.

The SCSRS has liaised with the Court Registrars and members of the judiciary to ensure the service can best meet the needs of litigants-in-person and maximise the assistance that they are able to access via the service. The primary referral source to the SCSRS continues to be the Court Registry and judicial officers.

The SCSRS is open 4 days each week and is staffed by Samara Bell, Coordinator/Senior Solicitor, and Joshua Schultz, Solicitor. Over the course of the year, Samara and Josh were assisted by approximately 36 lawyers from seven participating law firms, who collectively donated approximately 902 hours to assisting SCSRS clients. JusticeNet acknowledges the much valued support of the following law firms who participated in the SCSRS this year:

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

The SCSRS also acknowledges the team of volunteers that assisted with the day-to-day-running of the service, including law students and three solicitors holding voluntary practising certificates.

Funding

The SCSRS gratefully acknowledges the following organisations for providing financial support during the 2016/2017 financial year:

- the Law Foundation of South Australia
- the Courts Administration Authority

Our Impact

The following two case studies (names changed to protect privacy), while both concerning appeals, involve very different clients and circumstances. They highlight the effectiveness of the Self-Representation Service model in helping litigants-in-person resolve their legal problems, by providing ongoing engagement and targeted 'legal task' assistance.

Henry's appeal

Henry*, who has autism spectrum disorder, came to the SCSRS determined to appeal against a decision by a government department. The SCSRS advised Henry that he had no realistic prospects of success and should not lodge the appeal. Notwithstanding the advice, Henry filed the appeal.

The SCSRS continued to support Henry, explaining to him in a way that he could understand, the appeal process and his alternative options. Henry's poor executive function meant that it took considerable time to ensure he attended appointments and stayed focused on resolving the dispute.

The perseverance of SCSRS staff and volunteers paid off. Following several appointments, Henry recognised that it was not in his best interests to continue to appeal and agreed to discontinue. The SCSRS assisted Henry to negotiate a discontinuance with no adverse costs order. The SCSRS also assisted Henry to obtain the relevant evidence so that he has better prospects of applying to the Government Department in the future.

Sam's appeal

Sam* was referred to the SCSRS because he wanted to review a minor civil decision of the Magistrate's Court to deny his claim for money owed for building a bluestone wall at a private home.

Sam is of Albanian background and has trouble with English (his second language). He felt overwhelmed during the Magistrates Court hearing and had not understood how to run his legal case. For example, during a directions hearing Sam and his wife thought they were told that she was not allowed to give evidence at the trial. As a result, she did not attend the trial. The Magistrate had found against Sam and awarded the Defendant his counterclaim.

The SCSRS helped Sam and his wife over a number of appointments to prepare his notice of appeal and written case, and prepare for the hearing (including how to present the case, give evidence, cross-examine and tender relevant documents). The District Court found in favour of Sam and the SCSRS thereafter assisted him to enforce judgment. Sam was delighted with the outcome and grateful for the assistance provided by the SCSRS and our volunteer firms:

"The Self-Representation Service is incredibly valuable and I learnt so much through the process. All of the information and support that you provided was underpinned by a very high-quality level of client care, and we cannot thank you and your team enough."

What our clients say

"Fast, reliable, friendly, excellent service from the staff and very professional in the way they help clients prepare/understand legal matters better, resulting in less anxiety and fear for client"

"In my situation, because I'm financially disadvantaged, my options for legal counsel in this particular case are few. Being able to consult with a lawyer gave a sense of empowerment - you don't have to fall through the cracks in the system, or be taken advantage of, simply because you don't have financial means. I don't think the benefit of this can be underestimated."

What the courts say

“The Higher Courts Civil Registry values the services provided by JusticeNet very highly, as registry staff are able to direct self-represented litigants to your staff for advice and assistance. From the Court’s perspective, it appears that litigants are better prepared, which improves the smoothness of in-court proceedings. Those litigants receiving your assistance in completing their forms also require less time and assistance at the Registry and this also aids the Court. Congratulations on your positive contribution to the community/administration of justice.”

Phil Hocking, Executive Director and Principal Registrar, Higher Courts

Federal Courts Self-Representation Service (SA/NT)

People Assisted **282**

Pro Bono Hours **428**

Pro Bono Value **\$140,932**

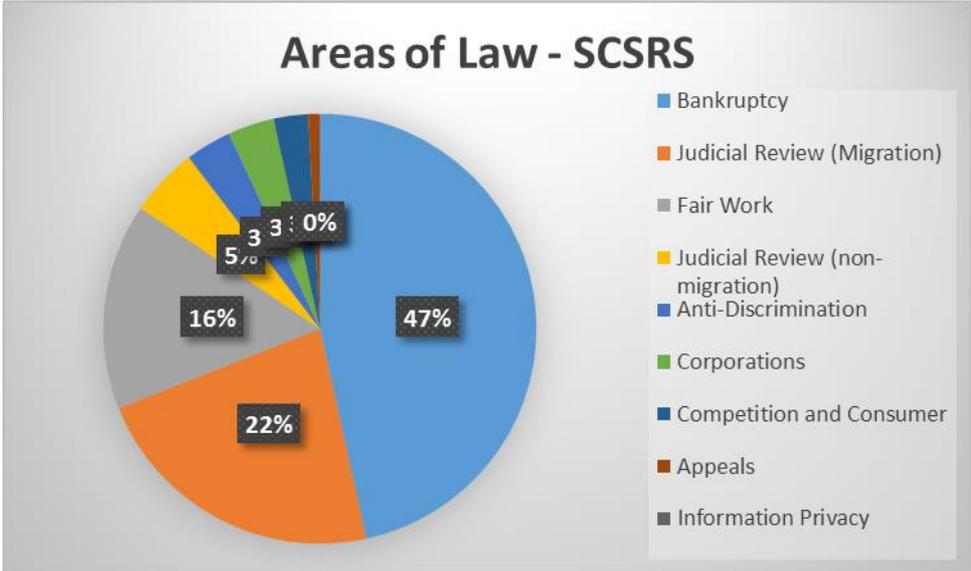
Pro Bono Lawyers **20**

The Federal Courts Self-Representation Service (FCSRS) experienced a marked increase in client numbers during the 2016/2017 financial year. The FCSRS helped a total of 282 people of the course of the year: 151 clients were provided with one-off advice, information or referral and a further 131 clients were provided with ongoing assistance over the course of their legal dispute.

This significant increase of client numbers was likely due to a range of a factors, but most principally, due to the strategies implemented by the FCSRS to improve its accessibility to litigants-in-person. FCSRS staff worked closely with the registry staff to ensure that litigants-in-person were referred to the service. They also commenced attending the regular civil lists (migration, bankruptcy and corporations).

The FCSRS assists clients with matters commenced or contemplated, in the general federal law jurisdiction including bankruptcy, Fair Work, migration (excluding refugees and asylum seekers, who are assisted by JusticeNet’s Refugee and Asylum Seeker Project), appeals, judicial review, anti-discrimination, competition and consumer law. Compared with previous years, the FCSRS has experienced a significant increase in requests for legal help from those facing bankruptcy. Almost 50% of clients were provided with ongoing assistance with bankruptcy law.

Figure 3



During 2016/17, the FCSRS participated in a national evaluation of Self-Representation Services conducted by the Commonwealth Attorney-General's Department. In line with recommendations from the evaluation, the Department announced renewed three-year funding for the FCSRS (to mid-2020) in June 2017.

The FCSRS is staffed by Angie Hastings (Coordinator / Senior Solicitor) and Joshua Schultz (Solicitor). Angie and Josh are generously supported by nine participating law firms:

- Minter Ellison
- Finlaysons,
- Fisher Jeffries
- Cowell Clarke
- Clayton Utz (Sydney office)
- DMAW Lawyers
- O'Toole Lawyers
- McDonald Steed McGrath
- Piper Alderman

Approximately 20 lawyers from the nine participating law firms provided about 430 hours of pro bono legal help over the course of the year. JusticeNet extends its sincere gratitude to those lawyers and law firms.

Funding

The FCSRS was funded by the Commonwealth Attorney-General's Department in 2016/17.

Our Impact

The following case studies illustrate the effectiveness of the FCSRS at helping litigants-in-person to present their case and resolve their dispute:

Simon

Simon (not his real name) sought assistance from the FCSRS to challenge a creditor's petition that had been served on him. Simon had been unaware that potential bankruptcy proceedings were afoot as he said that he had never received the bankruptcy notice that must precede the filing of a creditor's petition. The FCSRS volunteer solicitors assisted Simon by drafting a Notice of Opposition to the Petition and affidavit based on the grounds that Simon had not been served with the bankruptcy notice. During the course of proceedings it came to light that Simon had been served with the bankruptcy notice when he attended the creditor's premises to sign a direct debit request to pay the debt the subject of the bankruptcy proceedings. Simon had sufficient means to pay the remainder of the debt in full and was able to finalise all outstanding matters with the creditor. The creditor's petition was dismissed and the Registrar took the unusual step of ordering costs in favour of Simon.

John

John contacted the FCSRS after he had filed his own Fair Work claim in the Federal Circuit Court. John claimed that he was dismissed after he made certain complaints to management and because he took sick leave. John's claim was poorly drafted and did not clearly articulate his allegations. John also considered that he had underpayments claim, although he had not made a formal underpayments claim. The FCSRS supported John through the pre-trial process, including eight appointments as well as telephone calls and emails. The employer

eventually made a very favourable offer to resolve both the general protections claim and the potential underpayments claim. Acting on the advice of the FCSRS, John accepted the employer's offer and discontinued his Fair Work claim.

What our clients say

"I found that JusticeNet were always there for me when I called and asked questions, whether it be to clarify some points or ask about the Court process. I felt I was dealing with non-judgemental staff, (which really helped me pursue what I felt was unjust). To be assisted with documentation, meeting with a lawyer helped me through the whole process. I think if I didn't have the help, I may have given up due to lack of legal knowledge needed to argue my case and not knowing court procedures. I even feel that I would not have won the case if it wasn't for the help from JusticeNet."

What our lawyers say

"Success isn't always measured by the result but rather by the journey (I appreciate it is a cliché but clichés are clichés precisely because they are popular). One of the SRS clients was suicidal as a result of receiving a Creditor's Petition. It became painfully apparent that he had no option but to go bankrupt. However, after many sessions with him we were able to allay his biggest fears and he finally felt relief at having a very large debt lifted off his shoulders. Most importantly he didn't become yet another disturbing suicide statistic".

"Another rewarding aspect of volunteering with SRS is that you are able to "translate" what is often to the respondents a foreign language uttered in the court. One such litigant was horrified to hear that he was going to be the subject of a sequestration order which he associated with being imprisoned"

Susan O'Toole, O'Toole Lawyers

What the courts say

"JusticeNet provides a valuable service to the Court at all levels. Client service officers often refer prospective litigants to JusticeNet for assistance prior to filing a matter, as well during proceedings. It provides great comfort to staff knowing that independent, free legal advice is readily available. Registrars also often refer litigants to JusticeNet, and I do so with appreciation for the quality of advice provided and the level of empathy with which that advice is provided."

Nicola Colbran, Federal Court and Federal Circuit Court District Registrar

JusticeNet people

Management Committee

Paula Stirling (President), Senior Solicitor, Crown Solicitor's Office
Kerry Clark (Vice-President), Barrister, Murray Chambers
Carolyn Mitchell (Secretary), Consultant, Cowell Clarke
Nicholas Linke (Treasurer), Partner, Fisher Jeffries
Karen Lehmann, Deputy Director, Legal Services Commission of SA (resigned 23/02/2017)
Alan Merritt, Solicitor, Central Community Legal Service
Jayne Stinson, Social Justice Reporter, Channel 7 (resigned 06/06/2017)
Simon Bourne, Solicitor, Bourne Lawyers

Staff

Executive Director, Tim Graham
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Migration Solicitor, Lara Proske
Senior Solicitor & Coordinator (State Courts), Samara Bell
Senior Solicitor & Coordinator (Federal Courts), Angie Hastings
Solicitor (Federal Courts), Joshua Schultz (July 2016)
Administration Officer, Louise Young (November 2009 to April 2017)
Office Coordinator, Carly Thomson (Commenced May 2017)

Secondees

Molly Scanlon, Australian Government Solicitor
Vanda Mastrovito, Australian Government Solicitor

Thanks

We sincerely thank the many individuals who have supported our work by donating their time, skill and passion to helping our clients, including:

- barristers and solicitors who accepted pro bono referrals;
- lawyers who have participated in our Self-Representation Services;
- law students and other volunteers with our services.

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Individual Donors

We sincerely thank the many of donors who generously support our work, including through our Walk for Justice.

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The University of Adelaide Law School
Australian Pro Bono Centre
Justice Connect
Law Right (previously the Queensland Public Interest Law Clearing House)
Law Access WA

Report from the Treasurer

After weathering a financial emergency during the latter half of 2016, JusticeNet saw out the financial year with a modest operating deficit (\$28,307). Of course, this result would have been considerably worse if not for a substantial grant which JusticeNet received from the Law Foundation of South Australia in December 2016.

Despite last year being particularly challenging financially, it is my view, that our achievements during the second half of the financial year give reason to be optimistic about JusticeNet's future. JusticeNet secured significant funding commitments towards three of its four services, including two multi-year commitments:

- a three-year partnership with the Wyatt Benevolent Institution to part-fund our State Courts Self-Representation Service;
- a three-year agreement with the Commonwealth Attorney-General's Department to fund the Federal Courts Self-Representation Service (SA/NT);
- three project grants for our Refugee and Asylum Seekers Project, two from philanthropic organisations (Westpac Foundation and the Broadley Trust) and the third from the SA Department of Communities and Social Inclusion.

These successes come on top of the above-mentioned Law Foundation grant, which was a contribution toward our core operating costs, the Pro Bono Referral Service and the State Courts Self-Representation Service. I would like to add my thanks to the abovementioned organisations which made grants to JusticeNet during the past year.

A substantial portion of JusticeNet's total grant income for the past financial year was received late in the financial year. JusticeNet's audited financial statements disclose that as at 30 June, the organisation's liabilities included nearly \$115,000 of grants received in advance. This explains why JusticeNet has an improved cash balance position compared to the previous financial year, despite recording an annual operational deficit.

JusticeNet also received generous in-kind support from members and project partners, through the provision of accommodation, meeting rooms, lawyers on secondment, printing and mailing costs, seminar rooms, audit services, IT services and support. Particular thanks must go to the University of Adelaide Law School which provides accommodation for JusticeNet in the Ligertwood Building.

Despite our success in attracting multi-year financial support for two of our services, JusticeNet's greatest financial risk remains the same: the absence of stable funding for our core operating expenses and Pro Bono Referral Service. As in previous years, those essential costs were funded from diverse sources including our fundraising events (in particular, the popular Walk for Justice and our CPD Intensive), member contributions and donations.

In this regard, JusticeNet remains unique among independent pro bono legal services. Unlike our interstate equivalents, we receive no recurrent state government funding to cover our core administrative costs. Hence, despite a successful year of fundraising and service delivery, the Management Committee remains cognisant of the real financial challenges that lay ahead.

It is gratifying to note that the support of our members and supporters remains strong. On behalf of the management committee, I acknowledge the generosity of all of our members, funders and donors who have invested so much into the organisation over the past year.

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 on a pro bono basis.

A handwritten signature in black ink, appearing to read 'N. Linke', written in a cursive style.

Nick Linke
Treasurer

