

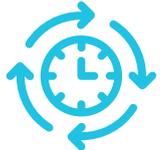
Respect respect

Pro bono report 2020



We enable our clients, our people and our communities to thrive by providing pro bono legal expertise, volunteering and financial support to organisations and people who need it.

It is our pleasure and privilege to present the annual report for the Pro Bono & Community practice for the 2020 calendar year.



11,685
pro bono hours



78% of our
lawyers participating



On target to exceed
35 hours
per lawyer

The 2020 calendar year has proven to be one of the most challenging in living memory. Many communities are grappling with the dual challenge of recovering from the devastating bushfire season and managing the ongoing COVID-19 pandemic. What we know is that the road to recovery will be long, and that it will be more important than ever to ensure that no one is left behind.

At Hall & Wilcox, these challenges have created new opportunities to provide assistance to the community through our Pro Bono & Community practice. We practise Smarter Law and support flexible working. Our culture, workplace practices, technology and systems enabled our national team to transition seamlessly to remote working, which meant our lawyers were well placed to continue assisting our pro bono clients.

In the 2019-20 financial year, the firm completed the most amount of pro bono work on record. Our lawyers delivered a total of 11,685 hours of high-quality pro bono legal services to assist some of the most vulnerable people in our community, with 78% of our lawyers participating. We have continued this momentum in the first half of the 2020-21 financial year to date, putting us in a good position to far exceed the National Pro Bono Target of 35 hours of pro bono work per lawyer by the end of this financial year.

In this report, we go beyond the numbers to shine a light on the impact some of our work is having in the community. We hope you enjoy the stories.



Nathan Kennedy
Partner
Head of Pro Bono
& Community



Dan Poole
Lawyer



Ruby Hunt
Legal Assistant

Elder abuse

Elder abuse issues can involve financial, physical, psychological, emotional and sexual abuse, or neglect, towards an older person. There has been a shift in attention towards elder abuse in Australia in recent years, and it has become a focus of our firm's Pro Bono & Community practice.

The names and identifying details of our clients in the stories below have been changed to preserve their anonymity.

Doris' story

The \$450,000 she paid represented Doris's entire life savings, and left her with a mere \$50.76 in her bank account.



Doris is an 85-year-old woman who came to us after being 'conned' by a real estate agent into paying \$450,000 for an interest in a 'granny flat' on a property being bought by him, where she was promised to be able to live rent-free. Doris paid the agreed amount and moved into the granny flat. The \$450,000 she paid represented Doris's entire life savings, and left her with a mere \$50.76 in her bank account. The real estate agent then denied her having an interest in the property and claimed she lived in the granny flat by his generosity alone.

We began acting for Doris in May 2017, and ended up issuing proceedings in the Supreme Court of New South Wales. Throughout the proceeding, the real estate agent began harassing Doris in an attempt to intimidate her into moving out of the property, which culminated in us filing an urgent interlocutory application to prevent the real estate agent from acting on his threat to remove our client from the property.

In March 2018, the real estate agent finally relented and agreed, six days before the hearing, to sign a document that required him to sell the property and return the money our client paid in relation to the granny flat. Unfortunately, the real estate agent reneged on the agreement and failed to sell the property within the five month period provided, which forced us to go back to the Supreme Court for assistance.

After another year in court, we finally succeeded in recovering \$440,000 of the \$450,000 paid to the real estate agent – an outcome our client was extremely happy with. Although it took almost three-and-a-half years, we were thrilled to have helped deliver justice for Doris.

Maurice's story

Another example of our pro bono assistance was when we helped Maurice. Maurice is one of the many older Australians subjected to elder abuse at the hands of their families each year, and was particularly vulnerable as he is elderly, vision-impaired and lives alone.

By the time Maurice approached us, he had been duped by his son into paying more than \$200,000 as 10 years' 'rent in advance' to his ex-wife, who owned the property he lived in. Maurice was concerned that he did not have a written lease or any evidence of the money he paid and was fearful at the prospect of needing to move into aged care before the term of the lease expiring and potentially losing his money. Before our involvement, Maurice's ex-wife had refused to provide him with a written lease. More recently, she had started making threats of evicting him.

We provided Maurice with legal advice on his rights, and managed to negotiate with Maurice's ex-wife to secure a written agreement to reflect the money Maurice had paid and which would also enable him to move out early (and obtain a refund, pro rata, of money he had paid) if he needed to move into aged care before the end of the 10-year period.



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Wage theft

‘Wage theft’ is a strategic priority area in our Pro Bono & Community practice and is a significant issue in Australia. It refers to the practice of an employer depriving employees of their legal workplace entitlements, like being paid minimum wage. Wage theft is particularly rife in certain industries such as cleaning and hospitality, and disproportionately affects migrant workers.

We are assisting pro bono clients with these claims right around Australia through our partnerships with Fitzroy Legal Service in Victoria, Marrickville Legal Centre in Sydney and LawRight in Queensland.

Sneha’s story

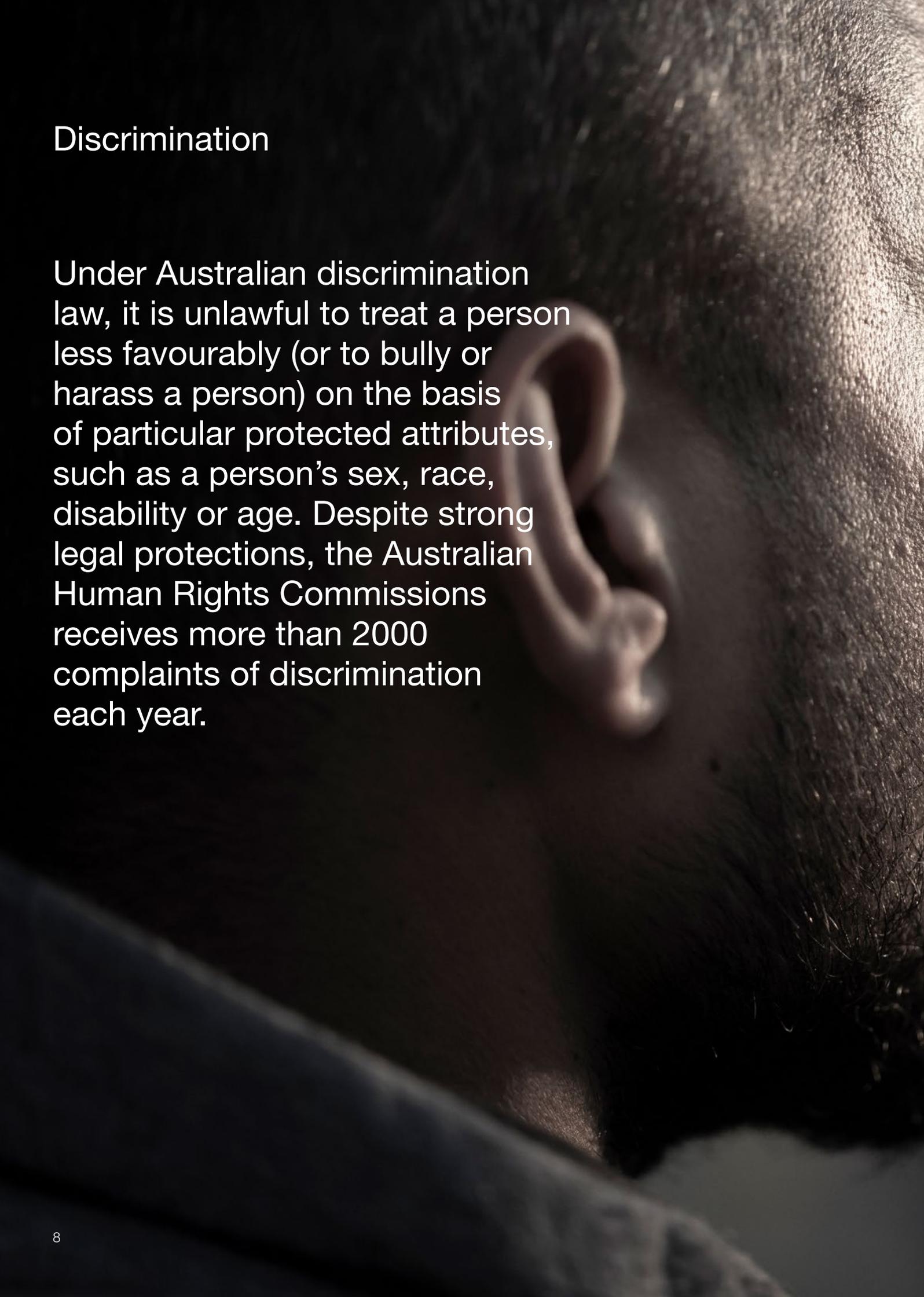
Sneha was a vulnerable worker, and a single mother who spoke English as a second language. Sneha worked in a tourism business in Queensland for 17 months in 2014 and 2015 and, while working, received less than minimum wage despite having demanding responsibilities that involved effectively running all parts of the business and being ‘on call’ 24 hours a day.

After trying to recover the money she was owed from her former employer for around five years, and despite initially being unable to find a lawyer willing to assist her pro bono, Sneha decided to self-represent and issued proceedings herself in the Federal Circuit Court, seeking \$20,000.

Before the first court date, we were referred Sneha’s case and agreed to assist. We quickly realised that she was owed more than double the \$20,000 she was claiming, and assisted Sneha to amend her claim to reflect its true value, and to include her boss (a director of the company) as a party to the court proceedings.

After conducting negotiations with the employer, we managed to settle the matter and obtain compensation of \$40,000 for Sneha, which was a significant sum for her.

Discrimination



Under Australian discrimination law, it is unlawful to treat a person less favourably (or to bully or harass a person) on the basis of particular protected attributes, such as a person's sex, race, disability or age. Despite strong legal protections, the Australian Human Rights Commissions receives more than 2000 complaints of discrimination each year.



Carim's story

Carim came to us after experiencing racial discrimination throughout his employment. He was a refugee who had recently come to Australia with his wife and young children after escaping conflict in the Middle East. Carim spoke minimal English and knew no one in Australia. Despite the odds, he managed to secure a job at a large company to support his family.

Carim was enjoying his work and the opportunity to participate in his workplace until one of his colleagues commenced an insidious pattern of discriminatory behaviour. Like many incidents of discrimination, it began with some subtlety – for example, intrusive questions about our client's race, religion and refugee status. However, left unchecked, that behaviour quickly escalated. The colleague's intrusive questions developed into inappropriate comments, and those comments became increasingly brazen. The situation continued to progress over the course of several months, until it reached a stage at which our client was being humiliated daily with explicit reference to his race, religion and refugee status. Carim's job was his family's only source of income, so he tolerated the abuse to avoid any potential conflict that might threaten his employment. However, a culture of hatred against him developed within the workplace, which culminated in his abrupt dismissal.

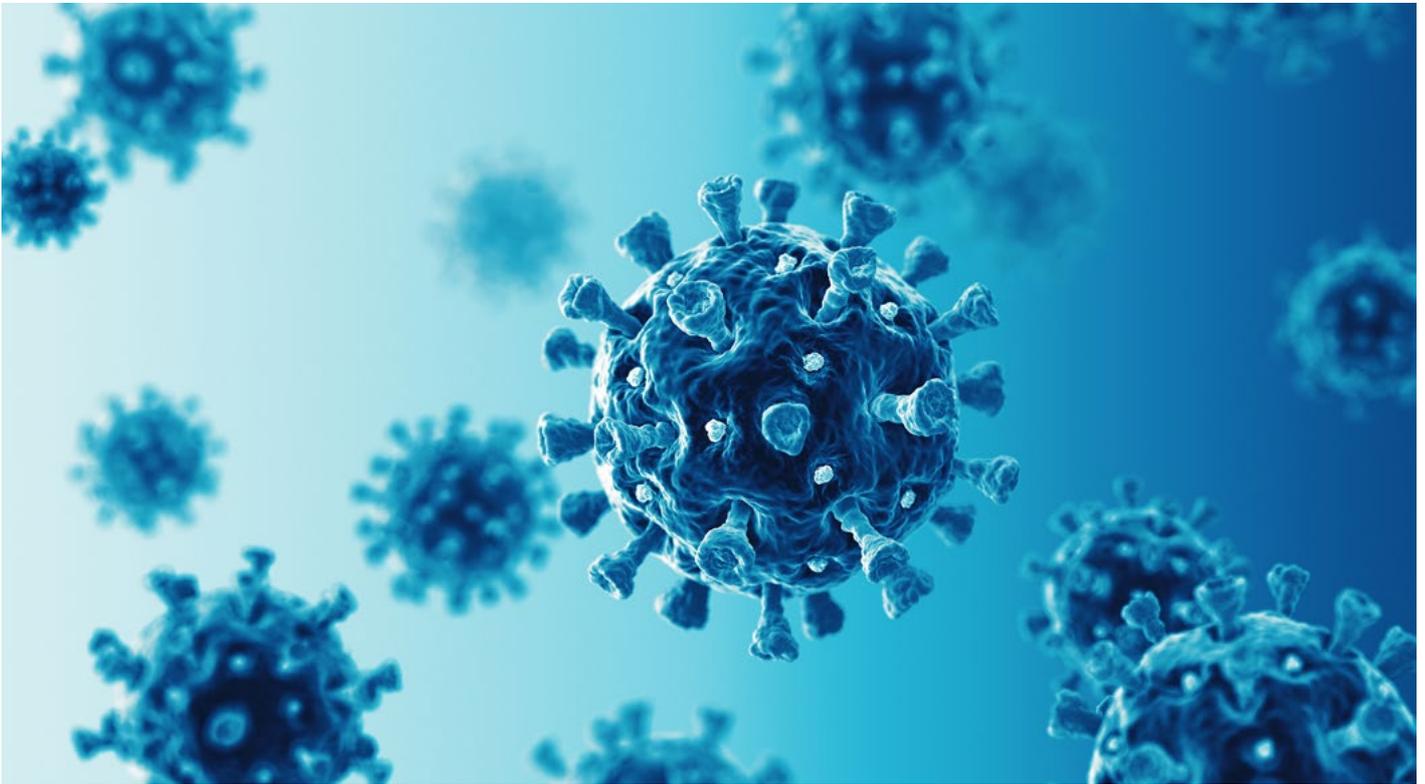
We were engaged to represent the client after he had filed a complaint with the Victorian Equal Opportunity and Human Rights Commission, and was outside of the strict time limits to bring an unfair dismissal or general protections claim. We were able to resolve the dispute for roughly five times more than the other side's initial 'final offer', while avoiding legal proceedings.

Although it doesn't make up for the discrimination he endured, Carim was extremely happy with the outcome. Not only did he receive a settlement that substantially exceeded his expectations, but we were also able to show the client and his family (including his young children) that racism and hatred are contrary to the values recognised in Australian law.

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Grata Fund + Hall & Wilcox: COVID-19 Law Monitor project



In response to the COVID-19 pandemic, our Federal and State Governments quickly implemented legal changes that had a wide impact on all of us. While the swiftly imposed restrictions did assist with the suppression of the virus, the rapid changes and differences between places resulted in much confusion as to what the rules were at any given time. And of particular concern was the prospect that the measures taken might infringe upon citizens' human rights.

To help with this, Hall & Wilcox partnered with the Grata Fund to develop the COVID-19 Law Monitor. The Grata Fund is a human rights focused organisation that do great work in a range of areas, such as by funding strategic public interest litigation and working with other human rights groups to help people understand their rights.

The COVID-19 Law Monitor was developed for individuals, social justice organisations and journalists to track the frequently changing COVID-19 measures introduced by Governments that impact on civil liberties and freedoms. Throughout 2020, Hall & Wilcox has provided the Grata Fund with a breakdown of all the relevant rules in each State and Territory on a daily basis.

Hall & Wilcox also assisted with the preparation of Grata Fund's report 'In Democracy We Trust' and a factsheet on the human rights implications of the COVIDSafe app.

We used our expertise as a national firm to bring together a team from across the country to contribute to this project, including: Dan Poole, Anthony Hallal, Tamara Charlwood, Ben McIver, Andrew Banks, Lily Whiting, Rhea Karunakar, Jessica Liu, Georgia Macri, Aerin Hines, Benjamin Wilson, Kirtika Kayarat, Isabella Jackson and Katelyn Cant.

Supporting the Local Aboriginal Land Councils

This year, Hall & Wilcox continued our commitment to helping Local Aboriginal Land Councils through the Justice Connect Local Aboriginal Land Council (LALC) service.

In one example, we provided critical assistance to a LALC in relation to advice on the exit of a Head Lease Agreement, taking into consideration the mismanagement of the LALC's properties under the lease and corresponding sub-lease.

By providing high quality, specialist legal assistance to LALCs, Hall & Wilcox is helping place LALCs in a strong position to participate in economic development initiatives to achieve economic self-reliance and realise the full aspirations of Aboriginal land rights and the Aboriginal peoples of NSW.

Wills clinics for Indigenous Australians

In October, Hall & Wilcox worked in partnership with Shoalcoast Community Legal Centre to run a Wills drafting clinic for Aboriginal communities. In previous years, our lawyers travelled to Nowra to assist locals with drafting their Wills. This year, due to COVID-19, our team met virtually with clients from all across the South Coast of NSW.

One of our clients had lost most of her belongings, including her home, in the bushfires that ravaged the South Coast last summer. This experience led her and her family to formalise their Will. While she did not have much left, having a Will was important to her so as to acknowledge the assistance her children had given her throughout her life. She wanted to gift back what had been given to her, seeing these possessions as only being borrowed. This included precious Aboriginal dolls that her daughters and granddaughters had gifted to her over the years.

Hall & Wilcox contributes to clinics such as this as we recognise that having a clearly drafted Will is essential to minimise the chances of future disagreements and family disharmony during an already challenging grieving period. We also value the opportunity to hear the stories of our clients and to continue to learn about the cultural background of Indigenous Australians. We look forward to participating in the clinic again next year.



