

# Memorandum to the Productivity Commission: Access to Justice Arrangements Inquiry

From National Association of Community Legal Centres Inc

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## **NACLC surveys of volunteer and pro bono contributions**

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In order to collect data on the contributions of volunteers and pro bono workers to community legal centres, NACLC conducted a CLC-wide survey in both the 2011/12 and 2012/13 financial year.

In June 2012, NACLC undertook the first volunteer and pro bono survey, which saw 106 CLCs respond ('the NACLC Volunteer and Pro Bono Survey').

Following this survey, NACLC asked a series of follow-up questions as one part of a new, national, annual sector-wide census ('the NACLC Census'). Late responses are still being collected for the NACLC Census, so this report contains figures from the first and largest tranche of responses.

Figures from both these surveys are used in this report.

This report also uses some case studies that were featured in the *Working collaboratively: community legal centres and volunteers*. We encourage you to refer to this publication, and the *Working collaboratively: community legal centres and pro bono* publications. Both were published in 2012.

## **Distinction between volunteers and pro bono partner**

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NACLC acknowledges that the definitions and usage of the terms 'volunteer' and 'pro bono partner' are contestable and far from universally accepted, a point also acknowledged by the National Pro Bono Resource Centre in their Productivity Commission submission.<sup>1</sup> For example, the two categories are sometimes collapsed into 'pro bono'.

NACLC believes that there is an important distinction between volunteers and pro bono workers in CLCs at least. In the context of CLCs, we regard a volunteer as a person who has, as an individual, made a personal choice and commitment to provide their skills and experience to a CLC or, more commonly, to CLC their clients,

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<sup>1</sup> National Pro Bono Resource Centre 2013, *Submission to the Productivity Commission: Access to Justice Arrangements*, <[http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0005/129722/sub073-access-justice.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0005/129722/sub073-access-justice.pdf)>.

free of charge and from their own personal time. The relationship is between the individual lawyer/law student (for example) and the CLC.

We regard a pro bono partner as a person or firm that, as a business, has formally committed to allocating resources and making a contribution to a CLC and/or their clients, free of charge. Hence, the relationship is essentially between a business and a CLC, and the pro bono contributions usually occur in an organised and systematic way that might be formalised in an agreement. There is often (but not always) a benefit to the law firm as a business, from undertaking pro bono work.

## **Volunteer usage**

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Within CLCs, there is a high usage of volunteers. Of the 121 CLCs who responded to a question about volunteer usage in the NACLC Census, 88% (106 CLCs) indicated that volunteers were used, while 12% (15 CLCs) did not have volunteers.

From the NACLC Volunteer and Pro Bono Survey, CLCs that did not utilise volunteers commonly reported that the reasons were a lack of time or resources to provide adequate supervision, and a lack of desk/office space. For those CLCs that are engaging volunteers, these factors still limit the extent to which volunteers can be utilised. There are also some CLCs in regional, rural or remote areas where volunteers are not available.

As will be discussed later, in order for volunteers to work effectively with clients, quality induction, training and ongoing supervision is required to equip the volunteers with the necessary skills, experience, knowledge and cultural competencies.

### **CLCs lacking the resources to utilise volunteers**

While there are many stories about volunteers building capacity and enabling CLCs to provide much-needed services to clients and engage in community legal education and law reform, there are also CLCs that have to meet service demand without volunteer contributions. For example, North West Community Legal Centre in Tasmania cannot use volunteers, as the small number of employed staff does not have the time to provide adequate supervision and training to volunteers.

Among the 1 part-time and 2 full-time lawyers, the CLC provides legal advice to up to 40 clients per week and conducts outreach legal services, sometimes requiring a 3 hour round trip, to clients who cannot travel to the centre for an appointment.

“We would like to have volunteers and they would certainly allow us to reach more clients and advocate for changes in the law, but we’re stretched to capacity and simply do not have the time to provide the necessary supervision and training to volunteers to make them effective and responsive to the needs of the community”, said Kirsten Abercromby, who is one of the two funded full-time solicitors. (2012)

## **Type of volunteers, work undertaken and hours contributed**

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While the majority of volunteers are lawyers or law students, CLCs also benefit from the time and expertise of volunteer social workers, social work students, administrative assistants, migration agents, community legal educators and volunteers supporting the governance and management functions of CLCs.

The diversity of volunteers reflects the commitment of CLCs to provide a holistic, multi-disciplinary approach to client service delivery; an approach that seeks to address unmet legal need as well as respond to interconnected social factors such as homelessness. With the use of volunteer community legal educators, CLCs are also working on the ground with communities to identify and address legal needs and promote early intervention and prevention strategies.

Beyond service delivery, CLCs also utilise volunteers, such as administrative assistants, bookkeepers and IT technicians, to increase the operational capacity of CLCs by, for example, answering phones or entering data that records client numbers, demographics and problem types.

CLCs also have volunteer management committees (or boards) – please note that the **contributions from these management committee members are not included in the statistics below.**

Of the 106 CLCs that responded to a question in the NACLC Census about the types of volunteers they used, the following volunteer numbers were reported **per week**:

<b>1,969</b>	Lawyers
<b>1,004</b>	Law Students
<b>207</b>	Administrative Assistant
<b>19</b>	Community Legal Educators
<b>14</b>	Social Work Students
<b>13</b>	Migration Agents
<b>1</b>	Counsellors – Family Violence
<b>134</b>	Other
<b>3,361</b>	<b>TOTAL</b>

‘Other’ includes individuals providing IT support, bookkeeping and students undertaking practical legal training (PLT) placements (a pre-requisite to admission as a lawyer).

In the NACLC Census, CLCs reported their volunteers as providing the following number of hours **per week**:

<b>8,707</b>	Law Students
<b>5,935</b>	Lawyers
<b>1,447</b>	Administrative Assistant
<b>120</b>	Social Work Students
<b>97</b>	Migration Agents
<b>30</b>	Community Legal Educators
<b>8</b>	Counsellors – Family Violence
<b>486</b>	Other
<b>16,830</b>	<b>TOTAL</b>

In summary, at the 106 centres that responded to the Census and utilised volunteers:

**3,361 volunteers were contributing 16,830 hours per week to increase the capacity of CLCs to provide equitable and accessible legal services and advocacy.**

In response to a question about what types of work their volunteers undertook, centres reported the 3 most common types of work for their volunteers were: direct legal service delivery (79% of CLCs had volunteers involved in providing legal services), administrative support (67% of CLCs) and law reform and policy advocacy (48% of CLCs). These results from the NACLC Census 2013 corroborate findings from the NACLC Volunteer and Pro Bono Survey in 2012.

<b>Work type</b>	<b>No of CLCs</b>	<b>Percentage of CLCs*</b>
Involvement in direct legal service delivery	81	79%
Administrative Support	69	67%
Law Reform and Policy	49	48%
Community Legal Education	41	40%
Involvement in other direct service delivery	19	18%
Migration Services	7	7%
Accounting/Bookkeeping	3	3%
Other	19	18%

\* Please note: a significant number of CLCs selected multiple categories. All decimals have been rounded up or down to the nearest whole number.

## Pro bono partnerships

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From the 106 CLCs that responded to the NACLC Volunteer and Pro Bono Survey in June 2012, the following percentages were recorded:

Work type	Percentage of CLCs that had pro bono assistance with this type of work**
Lawyers providing direct legal services to CLC clients	83%
Lawyers providing advice to the centre itself	70%
Specialist lawyers advising centre lawyers	55%
Publications, including design and printing	27%
Governance and management	23%
Venue and catering	19%
Administrative support	16%
Fundraising	13%

\*\* Please note: a significant number of CLCs selected multiple categories. All decimals have been rounded up or down to the nearest whole number.

This survey also found that:

**56,939 hours were contributed in one year by pro bono partnerships**

In the NACLC Census 2013, 119 CLCs responded to a question about pro bono partnerships, with 60% or 71 of those CLCs reporting that their organisation had a pro bono partnership in the 12/13 financial year. The definition used for 'pro bono' was the one explained above, distinguishing it from volunteers.

## Supervising and training volunteers and pro bono workers

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In the NACLIC Volunteer and Pro Bono Survey, CLCs were surveyed about the resources that are invested in training volunteers and building their skills.

**Across the 106 CLCs that responded to this survey, 1,071 hours were spent supervising volunteers and pro bono workers per week.**

This supervision refer to checking all legal advices, providing feedback to aid professional development, and providing supplementary advice, where necessary.

The 106 CLCs reported the following hours **per year**:

<b>8,674</b>	providing general induction and training
<b>2,276</b>	providing additional training for direct legal service delivery, particularly for lawyers and law students
<b>1,396</b>	providing additional specialist training for non-direct legal service delivery, such as social work and court support

### Valuing and resourcing volunteers through training

Recognising the importance of providing high quality training, both within its own CLC and across the sector, Peninsula Community Legal Centre in Victoria developed the 'Valuing Volunteers Training Kit' to assist CLCs with recruiting, inducting, training and coordinating volunteers. This unmet need for a comprehensive resource was funded by the Victoria Law Foundation, with significant in-kind support from the Chisholm Institute of TAFE.

Following the success of the kit in Victoria, and with funding from the Australian Government Attorney-General's Department, the kit was adapted nationally along with a series of 'train-the-trainer' workshops.

"Providing a high standard of training to volunteers not only helps them to engage with and assist clients, but demonstrates that their role is important and valued by the organisation", said Helen Constatas, Chief Executive Officer of Peninsula CLC.

Like many CLCs, Peninsula CLC continues to utilise the kit to train its volunteers. Peninsula currently has 128 lawyer and paralegal volunteers, who enable the organisation to operate up to 8 additional free legal advice sessions per week and assist over 1,600 clients a year. (2012)