

WORKING COLLABORATIVELY:

COMMUNITY LEGAL CENTRES AND PRO BONO PARTNERSHIPS

Community Legal Centres (CLCs) are independent, not-for-profit, community-based organisations that provide free legal and related services to the public, focusing on disadvantaged people and those with special needs. They offer creative, effective and targeted solutions to their clients' legal problems and, wherever possible, to the causes of those legal problems.

CLCs' Pro Bono Partners and their contributions

CLCs, both generalist Centres serving their local geographic community and the specialist, often state-wide, services that focus on a particular target group, such as women experiencing or at risk of violence, tenants, or welfare recipients; are adept at garnering pro bono support from lawyers from private law firms. The ability of CLCs to leverage such high levels of support through pro bono partnerships is a distinguishing feature of the sector. You'll read some of their diverse stories in this brochure.

You'll also read about some of the work performed by the pro bono partners of another type of special CLC – the public interest law clearing houses (PILCHs) – services that grew out of CLCs and have become stand-alone experts in obtaining pro bono support and strategically matching up private lawyers with clients who cannot obtain legal help elsewhere. One of these services, Justice Connect, which was formed when PILCH NSW merged with PILCH Victoria, works with thousands of lawyers, including 50 NSW and Victoria law firms and hundreds of barristers.

Who is a 'pro bono partner'?

National Association of Community Legal Centres (NACLC) defines a 'pro bono partner' as a professional 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.

National Children's and Youth Law Centre – Lawmail

The National Children's and Youth Law Centre (NCYLC) is a Community Legal Centre dedicated to working for and in support of Australia's children and young people, their rights and access to justice.

Established in 1993, the NCYLC uniquely provides all of its legal education and advice online – through its legal information website, Lawstuff, and its email legal advice service, Lawmail. The use of

technology makes legal services particularly accessible to young people, who prefer using mobile/online forms of communication, and those living in rural, regional and remote areas.

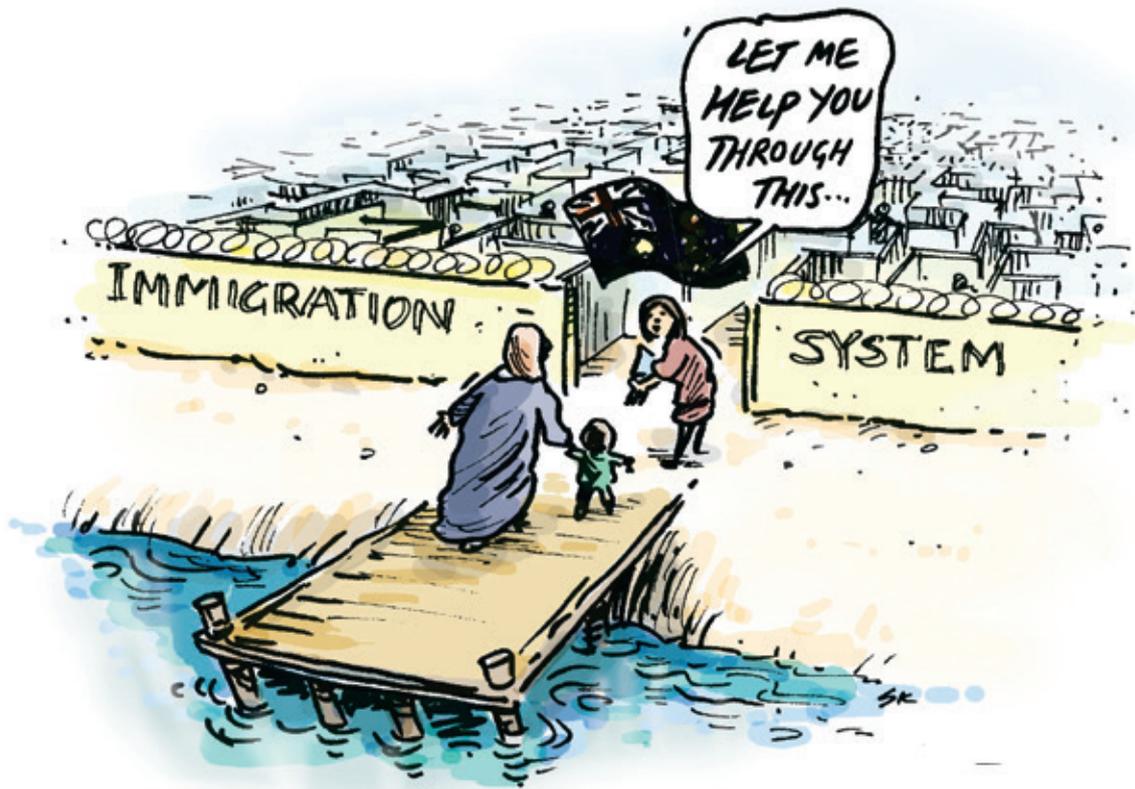
Lawmail is a free legal service for Australians under 18 and their advocates. Added to the Lawstuff website in October 1998, the Lawmail service is supplemented by occasional telephone advice and minor casework assistance. Supported by pro bono partners, coordinators and a secondee solicitor from King & Wood Malleasons, as well as volunteers from Telstra and ASIC, Lawmail responds to online legal queries covering topics such as family relationships, family violence and abuse, issues about leaving home, police powers and criminal law, school powers and the age of consent.

King & Wood Malleasons has provided particular assistance to NCYLC through the Lawmail system, hosting five to six "cyber volunteers" in their technology training room and coordinating a roster of around 80 volunteer lawyers from King & Wood Malleasons offices. King & Wood Malleasons has provided financial and other assistance to grow the Lawmail service, including funding a dedicated solicitor to work on it three days a week, as well as a secondee for six months full-time on a rotating basis. In 2010–11 King & Wood Malleasons provided an additional secondee to work with the NCYLC on the Child Rights NGO Report, prepared by the Child Rights Taskforce for the United Nations Committee on the Rights of the Child.

In the 2012–13 financial year, Lawmail responded to 934 requests for legal advice from across Australia, with 97% of these clients reporting in a client survey that they understood the advice provided and that they found it 'useful' or 'very useful'.

According to NCYLC's Director, Matthew Keeley, "our partnerships with KWM, ASIC and Telstra are absolutely fundamental to our Lawmail practice. Approximately 50% of all advices provided nationally are drafted first in a King & Wood Malleasons office somewhere in Australia." ■





Pro bono lawyers advise asylum seekers

Established in 1987, the **Refugee Advice and Casework Service (RACS)** in Sydney provides a comprehensive specialist legal advice service to asylum seekers and refugees.

In 2012–13, RACS assisted over 1500 asylum seekers from a diverse range of countries, many of whom had fled persecution and human rights abuses. RACS seeks to ensure these asylum seekers gain access to equal and fair representation before the law, by providing comprehensive casework assistance, legal advice through face-to-face and telephone appointments, and coordinating referrals to/from other agencies.

RACS work has been invaluable supported by a range of pro-bono assistance, including the provision of secondees from King & Wood Mallesons, Allens and Norton Rose Fulbright.

For RACS clients refused Protection Visas by the Department of Immigration or at merits review, judicial review provides their last opportunity to seek protection in Australia. Pro-bono partners such as King & Wood Mallesons, Gilbert + Tobin and Allens all provide invaluable pro-bono assistance for RACS clients referred for judicial review.

RACS also continues to receive services and in-kind donations from a number of private firms and individuals who provide their services, facilities and/or goods free of charge to RACS. ■

Solicitor Emma Bathurst from King & Wood Mallesons was a secondee to RACS between February and August 2011. Although she had no particular background in refugee law, Emma had some exposure to immigration cases when previously working with the Federal Court. During her secondment, Emma performed a variety of tasks including preparing Protection Visa applications and statements of claim, accompanying clients to Departmental interviews and representing clients and making submissions at the Refugee Review Tribunal. Emma's time at RACS included 3-4 weeks on Christmas Island, assisting clients detained there. She also participated in RACS' wider community work – CLE and supervising evening advice for volunteers.

Since returning to King & Wood Mallesons, Emma continues to volunteer at RACS for a couple of hours once or twice a month, at RACS regular Monday night clinics, where she assists asylum seekers to get their claims in order. She also acts as King & Wood Mallesons' informal contact person with RACS, sometimes working on the judicial review cases taken up by the firm.

Emma says that *“volunteering for RACS is an invaluable experience. RACS provides an important service to some of the most vulnerable members of our community, assisting them to navigate their way through the complexities of Australia's immigration system.”*

A special pro bono partnership – Peninsula CLC and Russell Kennedy

Peninsula Community Legal Centre (PCLC) has been providing free legal services to Melbourne's outer south-eastern communities since 1977. In addition to its general services, the Centre operates Family Law, Child Support, Family Violence, Tenant and Consumer Advocacy and Rooming House Outreach Programs. The Centre, one of the largest CLCs in Australia, provided more than 7,000 advices to individuals in 2012–13.

Since late 2009 PCLC has had a successful and ongoing pro bono partnership with Russell Kennedy, an arrangement which in 2012–13 saw Russell Kennedy provide PCLC with 241.8 hours of pro bono support, and in-kind and financial support totalling \$67,385.75.

In addition to the provision of legal advice on leases and governance, sharing legal updates and client bulletins, and mentoring on client files and community legal education presentations, pro bono support included:

- \$4,000 client disbursement fund
- \$5,000 sponsorship of official opening of the Centre's Head Office and 35th Anniversary celebration
- CLC Staff Professional Development Day
- registrations at Better Boards Conference and Human Rights Dinner
- training for Centre staff on bullying and harassment
- sponsoring Russell Kennedy Staff Member of the Year Award
- donating gifts for the Centre's volunteers.

The PCLC says the \$4,000 disbursement fund has had a hugely significant impact on many of their clients "like tenants who are living in substandard accommodation and need to apply to VCAT for compensation or urgent repairs – but do not know the name or address for service of their landlord. For some of these tenants, the \$16.90 for a title search is prohibitive and their inability to pay can cause delays or jeopardise their proceedings."

In 2012-13 Russell Kennedy also provided pro bono support for the design and printing of two editions of the Centre's public newsletter Community Law News and 1,000 brochures promoting the Centre's Family Relationship Centre partnership to other organisations and the general public.

The Partnership has been positive for both parties. PCLC emphasised the importance of the partnership in enabling the Centre to direct their time and limited



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We gratefully acknowledge the financial assistance of:
Commonwealth
Attorney General's Department
Department of Justice (Vic)
Consumer Affairs Victoria
Victoria Legal Aid
City of Casey
City of Glen Eira
City of Kingston
Frankston City Council
Mornington Peninsula Shire

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Community Law News

December 2013

Issue 8

Tackling Family Violence

Family Violence is a key issue for our centre with parts of our catchment area having among the highest rates of family violence in Victoria.

According to our 2012-13 statistics on problem types dealt with by our centre, family violence ranked second highest. A recent report in the Age newspaper (28/11) states that:

"Record numbers of domestic violence order applications and an all-time high in breaches of orders are drowning the Magistrates Court and family violence services".

Our centre is committed to breaking the silence and addressing family violence in Australia. We offer specialist programs in Family Law and provide much-needed duty lawyer services at the Frankston Magistrates' Court and Dandenong Family Law Courts. We are also tackling this issue in partnership with other agencies and are currently piloting a range of initiatives with WAVSS, Good Shepherd and Peninsula Community Health aimed at reducing family violence incidents over the Christmas period.

- In November we piloted a workshop to a Men's Behaviour Change Group in Frankston about Family Violence Intervention Orders and the consequences of breaches. Feedback was positive and one of the attendees indicated that the workshop was "tough but necessary";
- We have recently provided a workshop on tenancy and family violence at a community worker Family Violence Forum in Hastings;
- We have also piloted a workshop and provided free legal advice at a Ladies Only Morning in Hastings. This forum provides women with an opportunity to find out more about Family Violence Intervention Orders and Police Safety Notices;
- We support the Hastings Respectful Relationships Group and endorse their "Say NO to Family Violence" message (see poster opposite);
- We have endorsed a joint submission to the Department of Justice's Defensive Homicide:



Proposals for Legislative Reform Consultation Paper (2013). The Department of Justice is proposing to abolish defensive homicide in family violence matters without introducing any other partial defence. The submission was prepared by the Domestic Violence Resource Centre Victoria, Monash University, the Victorian Women's Trust, and the Federation of Community Legal Centres and recommends that defensive homicide be retained in the interests of women who kill abusive intimate partners. Other states have partial defences such as diminished responsibility, excessive self-defence and provocation. Abolishing defensive homicide would leave Victoria women with no partial defence in the context of family violence.

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This newsletter was produced with pro bono support from Russell Kennedy



"Our partnership with Peninsula Community Legal Centre has been a wonderful experience for Russell Kennedy. It created opportunities to involve the whole of the firm in the pro bono program, and strengthened our pro bono culture."

– Victor Harcourt, Senior Principal, Russell Kennedy

resources towards providing more assistance to their clients, who are in desperate need of legal assistance. The relationship with Russell Kennedy complements the additional assistance PCLC receives from volunteers and other local firms. ■

Firms increase Prisoner's Legal Service capacity



PHOTO: PLS

Prisoners represent one of the most disadvantaged and socially marginalised groups in Australia, with extremely high levels of social and legal need. Often featuring a cross section of mental illness, addiction, homelessness, poverty and low levels of literacy and education, prisoners face considerable barriers in relation to accessing justice.

The **Prisoners' Legal Service Inc (PLS)** is a Community Legal Centre providing legal advice to incarcerated people and their families in Queensland. Operating a free telephone service and providing written advice to clients, PLS provides assistance to prisoners on matters including parole applications; inter- and intra-state transfer applications; disciplinary proceedings; complaints about treatment and conditions in Queensland prisons (including discrimination matters) and general advice and assistance regarding prison law and related matters when legal aid is unavailable.

PLS established the *Safe Way Home* program in 2007 to provide advice and assistance to prisoners transitioning from prison to the community. Based on an earlier program, the Gradual Release Assistance program, the *Safe Way Home* program aims to provide the basis for a safe, structured and supervised release back into the community. The program encourages prisoners to develop support networks and actively plan for their release through the development of relapse prevention plans and reintegration plans as part of their parole application process – helping to overcome potential obstacles on their path to reintegration.

While the *Safe Way Home* program receives funding

Staff of PLS and DLA Piper meet Aunty Carol Currie and the Attorney General at the launch of Safe Way Home Partnership

support from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) in Queensland and the Commonwealth Government's Community Legal Services Program (CLSP), PLS relies heavily on pro bono assistance to ensure it meets the needs of prisoners in Queensland.

PLS has partnered with Allens, DLA Piper and Minters through the *Safe Way Home* program, significantly increasing the number of clients able to be assisted. Through these pro bono partnerships, clients are referred to the law firm, whose lawyers then teleconference with the client to receive instructions to draft a parole application for the client.

The program particularly focuses its services on the most disadvantaged applicants, many of whom are illiterate, from non-English speaking backgrounds, identify as Aboriginal and Torres Strait Islander or have a disability.

As DLA Piper – which provides assistance to disadvantaged prisoners in Northern Queensland – have said, *“by providing pro bono legal support and knowledge, Safe Way Home enables more people in prison to receive safe plans for their release so that they can begin to rebuild their lives outside of custody.”*

PLS' Principal Solicitor, Matilda Alexander, acknowledges that without pro bono partnerships, PLS could not *“continue to meet the increasing needs of prisoners in Queensland.”* ■

Pro bono lawyers run employment discrimination case for people with a disability

The AED Legal Centre was established in 2008 by the Association of Employees with Disability Inc to provide legal advocacy to people with a disability in the areas of education and employment.

The Legal Australia-Wide Survey in 2012 found that respondents with a disability had odds of experiencing legal problems that were 2.2 times as high as those for other respondents. Further, some 61.0% of respondents with a disability were experiencing legal problems, as compared to 46.9% for other respondents. People with disabilities can also face many barriers in accessing employment, including ensuring that they are fairly paid for their work.

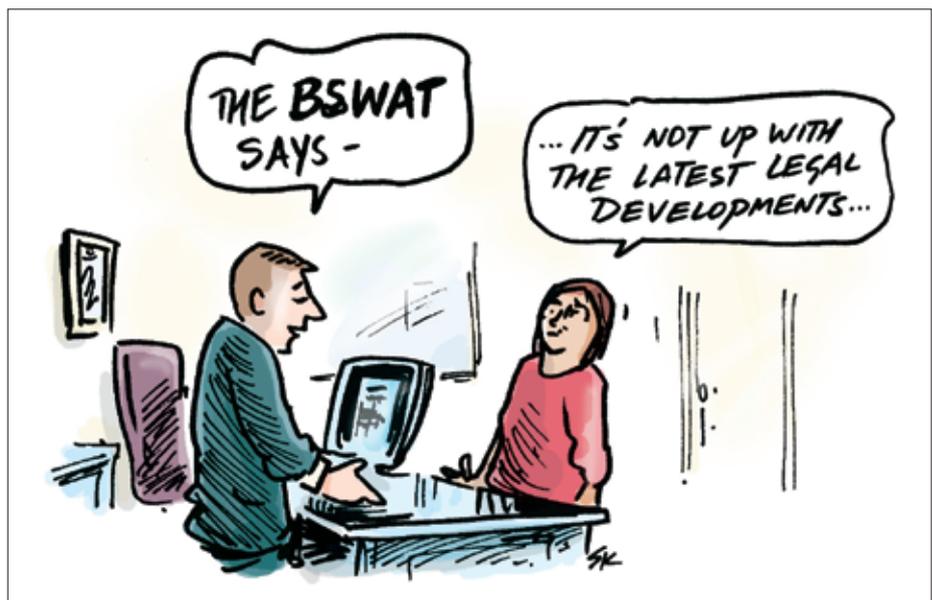
Since 2009 Kairsty Wilson, Legal Manager at the AED Legal Centre in Victoria, has led a team of pro bono lawyers in a protracted legal battle on behalf of people with a disability who have been subjected to years of underpayment under the Business Service Wage Assessment Tool (BSWAT), a mechanism used to determine pro-rata wages for people working at Australian Disability Enterprises (ADEs).

The case – which impacts on approximately 20,000 Australian workers with disabilities who work as gardeners and in packaging, manufacturing, laundry and cleaning – began in February 2009 when two men with intellectual and physical disabilities filed claims in the Federal Court alleging unlawful discrimination under the Disability Discrimination Act 1992.

In December 2012 the full Federal Court found that the BSWAT unlawfully discriminated against people with intellectual disabilities, a decision the Commonwealth Government sought to challenge in the High Court. However, in May 2013 the High Court refused the Commonwealth's application for special leave to appeal.

The Commonwealth then lodged an Application for a Temporary Exemption with the Australian Human Rights Commission (AHRC) so that the BSWAT could be used for a further three years. AED, with the support of Maurice Blackburn lawyers acting pro bono, lodged a submission to the AHRC arguing against the Temporary Exemption.

On 29 April 2014 the AHRC granted the Commonwealth and ADEs a Temporary Exemption for 12 months only – and subject to some conditions.



The Centre views the AHRC decision as a significant success, in that it foreshadows an end to the BSWAT, however the decision still allows employees with a disability to be paid very low and discriminatory wages for another year, with no guarantee of when, or even if, they will be paid lawful wages in the future.

The AED Legal Centre has lodged a representative action in the Federal Court on behalf of 10,500 employees with an intellectual disability who have been assessed under the BSWAT. This legal action is seeking to recover all underpayments for the affected workers.

Throughout this long journey the AED Legal Centre has been supported by a team of pro bono lawyers from Holding Redlich, Maurice Blackburn and the Victorian Bar.

Kairsty Wilson notes their invaluable contribution. *“Our team of pro bono lawyers has played an essential role in the pursuit of social justice as our clients are one of the most marginalised groups in our society and often do not have the financial resources to get access to the justice system.*

“Working with pro bono lawyers has also allowed the Centre to run this critical test case while maintaining our existing daily services.”

These lawyers' efforts have also been acknowledged by the profession. Work by Herman Borenstein SC, Dr Kris Hanscombe SC and Lachlan Armstrong – who collectively contributed thousands of hours on the case – was recognised by the Victorian Bar with the 2013 Public Interest/Justice Innovation Award for *“pro bono work which has a strong public interest element or has involved procedural substantive innovation in the law likely to enhance access to justice.”* ■



Working together to protect financial services consumers

The **Financial Rights Legal Centre** (formerly known as the Consumer Credit Legal Centre (NSW) Inc or CCLC) is a Community Legal Centre that specialises in helping consumers - especially those who are low income and otherwise marginalised or vulnerable - understand and enforce their financial rights. The Centre's workers provide free and independent financial counselling, legal advice and representation to individuals about a broad range of financial services and they advocate for law reform and government policy development that ensures fairness and protects the rights of consumers in these areas.

In the 2012/2013 financial year Financial Rights took over 20,000 calls for advice or assistance from consumers either in financial difficulty and/or having a dispute with a credit provider, deposit-taking institution, insurer or other related broker or service provider.

Over the past 18 months, Financial Rights – in cooperation with other consumer advocates, the credit industry and regulators – has observed with concern the growth of 'for profit financial difficulty businesses' utilising business models that take advantage of vulnerable and disadvantaged consumers, many of whom are already in considerable financial difficulty and have little understanding of their legal options.

These businesses offer a variety of services including debt consolidation, credit repair, budgeting services, bankruptcy services and debt agreement

administration – which currently fall outside Australia's consumer credit and financial services legislation.

According to Financial Rights, consumer detriment from these businesses is primarily financial – for example, people are charged significant fees, given poor advice, have their credit report impaired or are made bankrupt in circumstances where this was unnecessary and highly detrimental – but can also be non-financial in terms of health problems, mental illness and relationship breakdown arising from financial stress.

Financial Rights has recently partnered with Minter Ellison to analyse and collate case studies highlighting the predatory nature of these business practices. Under this arrangement, Minter Ellison has provided a pro bono senior associate with expertise in financial services 1-2 days per week to help Financial Rights analyse dozens of the Centre's past cases and document who was involved and what transpired.

According to Julia Davis, Financial Rights' Policy and Communications Officer, "without Minter Ellison's pro bono assistance we would not have the resources to do this important legal analysis into the consumer impact of new financial services in the market."

Financial Rights hopes that the casework analysis will provide a strong evidence base to convince legislators of the need for greater regulation of 'for profit financial difficulty businesses'. ■

Corrs secondees help Marrickville Legal Centre reach more young people

Marrickville Legal Centre (MLC), in Sydney's inner west, offers free legal information, advice and assistance to young people through its dedicated *Youth Legal Service*. Providing help to young people up to 24 years of age across NSW, the service advises on issues as varied as problems at home, employment law, fines, debts, school suspensions and expulsions, and minor criminal charges. The service also runs fortnightly youth legal outreach sessions at Bankstown Multicultural Youth Service, Belmore Youth Resource Centre, and Parramatta Children's Court.

Since 2007, MLC has been assisted each year by solicitors from Corrs Chambers Westgarth's Pro Bono Secondee Program.

In 2012–13 two Corrs secondees – Annabel Lee and Danielle Cutrupi – worked with MLC's Youth Legal Service, providing advice and taking carriage for significant case work.

Annabel Lee undertook a one day a week secondment for six months.

"Many of the young people assisted by the Youth Legal Service come from non-English speaking backgrounds, were homeless or in severe financial hardship, suffered mental illness or disability, or had experienced other difficulties in their lives. It was extremely rewarding to be able to assist these young people and provide a positive contribution to their lives."

"Many of the skills I developed at MLC are applicable to my work as a lawyer at Corrs. These skills include case management, client interviews and meetings, drafting submissions and applications on behalf of clients and dealing with various government organisations."

Danielle Cutrupi spent twelve months on secondment to MLC, one day a week.

"...The most rewarding part of my time at MLC was attributable to the clients I was able to help... To know that I was making a meaningful difference to a young person's life through the YLS made it all the more gratifying."



The MLC team at the 2014 Goodlife Festival: Liam McAuliffe, MLC solicitor, Sheethal Balakrishnan, 2014 Corrs secondee, Kate Duffy, MLC Youth solicitor

"...I have learnt essential legal skills ranging from case management to advocacy. I have also had the tutelage and continued support of exceptional and highly experienced senior lawyers."

MLC's Executive Officer, Catherine Dornan, emphasizes that "our partnership with Corrs has provided invaluable support and assistance in the advice and casework of the Youth Legal Service as well as contributing to significant law reform initiatives through the Youth Justice Coalition and providing community legal education. "The commitment displayed by the pro bono program has ensured that large numbers of young people have been able to access the advice and case work services of the Youth Legal Service, getting legal help when they need it most."

"The passion, enthusiasm and commitment demonstrated by the seconded solicitors when dealing with young disadvantaged clients has improved the young person's knowledge of the legal system, and the young person's ability to seek help in the future for legal problems." ■



Warmun artist Lena Nyadbi

PHOTO: D. EVERARD

Arts Law Centre – Artists in the Black – Adopt a Lawyer program

The Arts Law Centre of Australia (Arts Law) is Australia's independent national Community Legal Centre for the arts, providing free or low cost specialised legal advice, education and resources to Australian artists and arts organisations.

Arts Law has been providing legal services to the Aboriginal and Torres Strait Islander arts community since 1983. Recognising the high level of exploitation of Aboriginal and Torres Strait Islander artists, Arts Law established the *Artists in the Black (AITB)* service in 2004. AITB aims to provide culturally appropriate advice and information about the legal rights of Aboriginal and Torres Strait Islander artists, communities and arts organisations to ensure that they may gain financially from their artworks. Legal advice and information provided under AITB includes a wide range of arts related legal and business matters including Indigenous Cultural and Intellectual Property issues, contracts, copyright, business structures, defamation, insurance, employment and taxation. The AITB legal service now comprises between 15-20% of Arts Law's legal work.

In April 2013 Arts Law launched its new *Adopt a Lawyer* pro bono program to streamline the existing AITB



services. The program aims to partner Aboriginal and Torres Strait Islander Community Arts Centres with a single law firm for a three year partnership, creating one-on-one relationships between individual Art Centres and a single law firm. Both parties benefit from the arrangement, with participating lawyers developing a more detailed understanding of the Centre's operations. In addition to coordinating partnerships, Arts Law supports participating law firms by providing mentoring support and annual cultural awareness training and workshops.

One such partnership is between Warmun Art Centre in the eastern Kimberley region of Western Australia

and law firm Landers & Rogers, which has offices in Sydney and Melbourne, and a strong record of pro bono support for the work of the Arts Law Centre.

The Gija artists of Warmun are renowned for their use of natural ochre and pigments on canvas, which is integral to the contemporary expression of land and culture as identity. Pro bono partner Joanna Renkin is based in Melbourne and says the *Artists in the Black* partnership is a very special relationship for the firm and one which has proven to be both “a huge learning journey and a tremendous opportunity” for the lawyers. In providing advice on a range of governance and contractual issues, lawyers are developing a deeper understanding of Aboriginal culture, traditions and decision making processes.

In June 2014, four lawyers travelled to the community

to meet the Elders and artists, hoping to strengthen the relationship and learn more about the issues and challenges that face the Art Centre and its artists. Art Centre manager Adam Boyd is “very very happy” with the partnership and says that the ability just to run things by a lawyer without necessarily always getting detailed advice has been invaluable.

For both organisations, this partnership is not just about access to legal advice but also “about relationship building, two-way learning even at this level, and bridging the gap between Aboriginal and non-Indigenous Australians.”

A recent Commonwealth Government grant will enable Arts Law to continue its work supporting Indigenous artists and arts organisations through to 30 June 2015. ■

Pro bono statistics

In late 2013 NACLCLC undertook the first Census of CLCs around Australia.

Of the 148 CLCs that responded to a question about working with pro bono partners, 60.2% (92 CLCs) reported having a pro bono partnership and that together their pro bono partners provided a total of:

50,859 hours of pro bono assistance to the Centres and their clients over the 2012/13 financial year.

41,459 of those hours were from lawyers providing free legal services to the CLCs’ clients.

(These figures are in addition to the many hours of free legal services provided by CLCs’ volunteer lawyers and paralegals.)

Given that not all of the 200 or so Centres responded to the survey, or to this question, these figures represent only a portion of the pro bono hours contributed in the past year.

Of the 92 CLCs that responded to the question about having a pro bono partnership:

- **37.2%** (55 CLCs) benefited from lawyers providing direct service delivery to clients
- **33.1%** (49 CLCs) benefited from lawyers giving advice or assistance to the Centre, and
- **22.3%** (33 CLCs) benefited from specialist lawyers advising Centre lawyers adding specialist expertise to Centres legal services

CLCs and their clients also benefit from pro bono assistance outside of direct legal service delivery. Some CLCs receive pro bono design and printing services for community legal education brochures, information sheets and websites.

Of the 148 CLCs that responded to the pro bono question in the 2013 NACLCLC Census:

- **11.5%** (17 CLCs) received assistance with publications, including design and printing
- **8.8%** (13 CLCs) received assistance in governance and management
- **5.4%** (8 CLCs) received assistance with fundraising
- **4.7%** (7 CLCs) received assistance with legal practice management
- **4.7%** (7 CLCs) received assistance with marketing
- **4.1%** (6 CLCs) received administrative support

Homeless people's legal services boosted by pro bono lawyers

The Australian Bureau of Statistics records that on the night of the last Census, 9 August 2011, 105,237 people were homeless – either living in severely crowded dwellings, staying in improvised dwellings or supported accommodation for the homeless, or sleeping rough.

The national *Legal Australia-Wide Survey* in 2012 found that people who had lived in disadvantaged housing – as most homeless people have – during the previous 12 months had a higher prevalence of legal problems, more substantial legal problems, and experienced multiple legal problems at a higher rate than other respondents.

People experiencing, or at risk of homelessness have a range of legal needs. Often the legal needs of those at risk of homelessness arise from the very issues that are putting them at risk: family breakdown and domestic violence; eviction, housing-related debt or rent arrears; financial difficulties arising from credit or debt problems; or discrimination that adversely affects their ability to access and maintain employment or housing.

The legal issues faced by those already homeless are commonly linked to their homeless status. For example, many homeless people are victims of crime – their lack of secure housing making them vulnerable to mugging, stalking and sexual assault, or having their property stolen. They may face problems complying with social security requirements as a result of not receiving or responding to mail, or be subject to fines for public transport and street offences due to their high visibility to law enforcement officers.

Yet people who are homeless or at risk of homelessness face considerable barriers in accessing the legal assistance they require, not least finding a free service that feels safe and accessible. For many, these barriers to legal assistance can become a vicious cycle, with the non resolution of legal issues prolonging homelessness.

The first homeless people's legal service was established in Victoria in 2001, an assortment of services focused on addressing the unique and multifaceted needs of homeless people have opened around Australia. While the services vary from state to state, most are arranged on a service delivery model that provides clients with regular face-to-face legal services with lawyers at accessible and familiar locations, such as crisis accommodation or community centres, or outside in places where homeless people feel comfortable meeting.

These services are able to provide many more outreach services because of the pro bono contributions of the legal profession.

IN NEW SOUTH WALES, the Homeless Persons' Legal



HPLC in Toowoomba

Service (HPLS) commenced operation in May 2004. The service is part of the Public Interest Advocacy Centre and receives funding from the NSW Public Purpose Fund and the NSW and Australian Governments.

With weekly clinics in central Sydney, Newtown, Redfern and Parramatta, HPLS provides free legal assistance and representation to people who are homeless or at risk of homelessness. Areas of law covered include criminal charges, tenancy arrangements, debt and credit issues and social security problems.

The clinics are staffed by lawyers acting pro bono, drawn from more than 370 practitioners from NSW Legal Aid and participating law firms. Firms providing lawyers on a pro bono basis through the clinics include Allens, Baker & McKenzie, Corrs Chambers Westgarth, Norton Rose Fulbright, HWL Ebsworth, Maddocks, Gilbert + Tobin, Henry Davis York, Legal Aid NSW, Minter Ellison and Thomson Geers.

PIAC CEO Edward Santow has estimated that this pro bono contribution to the HPLS from commercial firms and Legal Aid NSW amounted to **approximately \$1.95million in free legal services in 2012–13, helping HPLS to provide advice to more than 1300 clients in 2013 alone.**

Benefits for clients and lawyers

Daniel Hobbs, a solicitor with the law firm Corrs Chambers Westgarth in Sydney, has worked pro bono with HPLS for about two and a half years and has found his involvement both professionally and personally rewarding. *“Legal advice and representation is something that everyone should be able to access; HPLS clients are often among those who need legal assistance most, yet often have the most restricted access to it,”* Daniel said.

Dominic Woolrych from Minter Ellison Lawyers recently undertook a six month secondment with HPLS and said *“PIAC has given me the opportunity and platform to use my legal skills to help disadvantaged and homeless clients and given me a greater understanding and respect for all aspects of the Australian legal system.”*

IN SOUTH AUSTRALIA, the Housing Legal Clinic (HLC) was established by the Welfare Rights Centre SA in July 2006 with funding from the Department of Housing. Like the HPLS, it provides pro bono legal advice to people who are homeless, or at risk of becoming homeless, through clinics at seven homelessness services located in Adelaide and suburbs. In addition to the traditional face to face clinics, the HLC – recognising that people living in remote and rural South Australia also need assistance at times – have developed the City to Country legal clinics where their lawyers use Skype to talk with clients in remote and rural areas. The clients attend various emergency service providers in regional towns to be linked in with the lawyers.

The Welfare Rights Centre coordinates the law firms participating pro bono in the HLC, including Minter Ellison, Donaldson Walsh, Kain C+C, Fisher Jeffries, Swan Family Lawyers, Day Lawyers, Pangallo and Associates and several independent lawyers, with criminal and family law assistance provided by Michael Dadds and Associates, George Mancini, Swan Family Lawyers and Johnston Withers.

The HLC Coordinator Amanda Tsoundarou estimates that in the clinic’s eight years of operation, **approximately \$4 million worth of pro bono services** have been contributed by the participating law firms, **with more than 4000 clients** using the service in that time.

IN WESTERN AUSTRALIA, Street Law Centre WA Inc (Street Law) operates a holistic, free legal service aimed at closing the gap in the provision of legal services to people who are homeless or at risk of homelessness in Western Australia.

Launched in 2011 as Western Australia’s first specialised service for homeless people, Street Law’s funding from the Western Australian and Australian Governments is augmented by pro bono assistance from private firms. Volunteer lawyers for the service are drawn from Allens, Ashurst Australia, Corrs Chambers Westgarth and King & Wood Mallesons.

Street Law estimates that pro bono contributions for 2013–2014 amounted to **approximately \$360,000**, the majority of which related to the secondment of junior lawyers **to assist with the Centre’s weekly legal clinics and research work**. The remainder of this amount came from a variety of other assistance including external legal assistance for Street Law’s clients whose matters fell outside of the Centre’s capacity, specific legal research tasks on request, the production of community legal education materials and the provision



PHOTO: HPLC

HPLC at West End Community House

of physical space for the purpose of conducting meetings and training workshops.

IN QUEENSLAND, the Homeless Persons’ Legal Clinic (HPLC) was established by the Queensland Public Interest Law Clearing House Incorporated (QPILCH) in December 2002.

The HPLC currently provides free legal representation and advice to Queenslanders experiencing or at risk of homelessness through **19 outreach legal clinics** in Brisbane, Toowoomba, Townsville and Cairns. The HPLC offers pro bono advice, casework and representation, including areas such as consumer debt, tenancy, fines, mental health law and employment law. The HPLC also makes active referrals in relation to family and criminal law matters.

With a small core staff, the HPLC operates in collaboration with a number of law firms and community agencies across Queensland. QPILCH trains, supervises and coordinates the pro bono resources of **22 firms and over 400 lawyers in support of the HPLC**. In 2012–13, partner firms contributed **more than \$2.6 million in pro bono services and support** through the HPLC, leveraging government funding tenfold.

Since inception, the HPLC has addressed the multiple legal issues of **over 4500 new clients** and has delivered pro bono assistance valued at **approximately \$14 million**.

HPLC Coordinator, Cameron Lavery, notes that this generous contribution has also enabled the HPLC to develop unique diagnostic tools and clinic structures, including the Legal Health Check and remote phone-based clinics.

Around Australia, additional specialist legal services for homeless people include Homeless Law in Victoria, operated by Justice Connect and the Street Law Service in the Australian Capital Territory (both of which work closely with pro bono lawyers) and the Homelessness Legal Service operated by the Darwin Community Legal Service in the Northern Territory. ■

A long and enduring partnership – Youthlaw and Ashurst

Youthlaw is a state-wide free Community Legal Centre for young people under 25 years of age in Victoria. Co-located with Frontyard Youth Services in Melbourne's CBD, Youthlaw provides young people with legal services, advocacy, law reform and preventative education programs. Youthlaw's services include a drop-in legal clinic run weekday afternoons from Frontyard.

Established in 2001 as a partnership between Ashurst (then Blake Dawson Waldron), North Melbourne Community Legal Centre and the Victorian Federation of Community Legal Centres, Youthlaw aimed to fill an identified gap in the delivery of legal services to young people in Victoria.



PHOTO: YOUTHLAW

Legal intensive training for community workers held at Ashurst

Youthlaw and Ashurst have enjoyed a special and longstanding association since that time, with Ashurst providing pro bono support to the service in a variety of ways. Youthlaw is part of Ashurst's pro bono program, with lawyers providing pro bono assistance to Youthlaw on a case by case basis, and all of Ashurst's graduates are offered the opportunity to attend Youthlaw for a day. Ashurst has also provided funding support and hosted Youthlaw legal training sessions, Board meetings and AGM.

Ashurst particularly supports Youthlaw's work by providing a full time lawyer, seconded to the service on a rolling 6 month basis.

Ariel Couchman, Youthlaw's Director, appreciates the pro bono support provided by Ashurst – particularly that offered by the lawyers seconded to the service. *"This pro bono support is much more than legal services – it also allows both parties to exchange our experiences, perspectives, knowledge and skills. At the end of the day we have built long lasting relationships and a shared passion for the importance of law throughout society and in both our worlds."* ■



PHOTO: YOUTHLAW

**Adele Llewellyn –
Lawyer, Ashurst**

Adele Llewellyn is an Intellectual Property lawyer at Ashurst's Melbourne office, who has recently completed a 6 month full time secondment at Youthlaw.

"During my 6 month secondment at Youthlaw, I was given the opportunity to be fully immersed in the life of Youthlaw and the broader community legal sector. It was incredibly rewarding and eye-opening to work with young people, many of whom were disengaged and vulnerable. I found it very exciting and challenging to be able to provide legal assistance on a range of issues which were completely new to me, such as fines, crime, debt and victims of crime compensation, and to assist young people with their legal issues so that they could concentrate on other more pressing concerns which clients in crisis often faced.

"The Youthlaw staff also really inspired me with their passion and commitment to advocating for the rights of young people. The lawyers at Youthlaw work within the confines of incredibly limited funding and resources but I was constantly amazed by the compassion they showed to clients and the willingness to help young people and to advocate for change, despite having limited resources. The lawyers at Youthlaw have a wealth of experience and were always exceedingly generous with their time. Working with this group of talented people was definitely a highlight of my secondment experience.

"My secondment at Youthlaw was an experience I will never forget and I am grateful to have been given the opportunity to have this experience through Ashurst and Youthlaw's pro bono partnership."

Ashurst partnership increases NAAJA's capacity to provide legal services in remote locations



Servicing remote communities means using all kinds of transport: NAAJA secondee Brianna Bell (standing) and colleague Sara Lane head back from Kalkarindji Community by road

PHOTO: NAAJA

Some other legal assistance providers have entered into valuable pro bono partnerships too. One example is the long standing relationship between North Australian Aboriginal Justice Agency (NAAJA) and Ashurst.

NAAJA delivers a range of innovative, high quality, culturally proficient legal services to Aboriginal people and the community in the Top End of the Northern Territory. Now the biggest legal service in the Northern Territory, NAAJA has a core legal practice in criminal, civil and family law.

A key focus of NAAJA's work is to assist Aboriginal people and communities to engage with the legal system. With offices in Darwin, Katherine and Nhulunbuy, NAAJA in 2012/2013 provided advice and representation to 15,000 Aboriginal people for civil, criminal and family matters.

NAAJA has had a longstanding relationship with Ashurst (formerly Black Dawson), who since 2005 has seconded on a rotating basis a civil lawyer for six months full-time to the NAAJA Katherine Office.

The secondees travel to very remote areas such as Barunga, Lajamanu, Kalkarindji, Njukurr and Timber Creek. These "bush trips" are for periods of one to four days at a time, once or twice a month. During these trips the secondees undertake traditional clinic work, providing one-off legal advice, as well as taking the opportunity to take instructions from clients with ongoing matters.

During their secondment the solicitors deal with whatever matters arise within NAAJA's general civil practice, including compensation work arising from motor accidents, victims compensation, false imprisonment, assault and standard personal injury matters; child protection matters; coronial inquests;

adult guardianship matters; discrimination and employment law matters. Many of the matters relate to complaints about government services and departments and service providers such as hospitals, schools, police and prison officers.

The current Ashurst secondee, solicitor Brianna Bell, suggests that *"the benefit really works both ways. NAAJA gets an additional lawyer to help meet the legal needs of their clients, and we (the secondees) have an opportunity to truly enrich both our personal and professional lives. Professionally, it exposes us to a different type of practice, and helps to improve a vast range of our 'soft skills' like clarity of communication, advocacy, file management, and navigating difficult situations. Personally, it is a fabulous opportunity to connect with other like-minded individuals, learn a lot about Aboriginal culture and history, and see some incredible parts of the country. My time here has been an experience that I will never forget."*

As one of the only civil service providers in the Katherine region, the secondment arrangement with Ashurst increases the capacity of NAAJA to provide legal services in remote locations.

"The scale of unmet legal need for Aboriginal people in the Top End is vast and the extra capacity we get through a secondee in our civil team makes a big difference to the help we can offer clients" says Jonathon Hunyor, NAAJA's Principal Legal Officer.

The placement also provides an opportunity to transfer the secondee's professional skills and knowledge to NAAJA staff. Jonathon Hunyor says *"both lawyers and support staff benefit from working with someone who has the professional skills and experience that come from working in a commercial law firm."* ■

Pro bono giving brings rewards



PHOTO: MINTER ELLISON

Noelia Boscana – Senior Associate, Minter Ellison, receiving her certificate for 10 years of service to pro bono from Mitzi Gilligan – Chair Justice Connect with Anton Hermann – Director, Pro Bono and Community Investment Minter Ellison

Motivated by the desire to “give people a voice and access to the law where they would otherwise have none”, Noelia Boscana started working with Homeless Law, a service operated by Justice Connect (formerly the Public Interest Law Clearing House) in Victoria, when she started as a graduate lawyer at Minter Ellison. Now a Senior Associate at Minter Ellison, Noelia has been involved with the Homeless Law service for more than 10 years.

Noelia and a colleague coordinate one of Homeless Law’s seven weekly services for people who are homeless or at risk of becoming homeless, providing them with legal information, advice and representation. The service focuses on civil legal issues, including fines for situations caused by or conduct directly related to homelessness, and challenging or negotiating fine defaults and other debts or administration orders. More recently, Homeless Law’s work has shifted to a greater focus on tenancy matters preventing evictions into homelessness.

Noelia and her colleagues coordinate up to 80 Minter Ellison lawyers in the firm’s Homeless Law pro bono program. With Homeless Law staff, Noelia trains new graduates and runs at least one file herself in order to keep in touch with clients’ legal needs.

Noelia is acutely aware of how a lawyer’s involvement can help progress a matter or solve a problem “sometimes it’s as simple as writing a letter for clients that ensures a situation is handled much more seriously.”

Noelia continues to view her involvement with the service as a great opportunity to help vulnerable people, and notes that the appreciation from clients is “amazing”.

“Some of the most rewarding moments of my career have come from my involvement with the Homeless Law service – it’s given me huge personal satisfaction to know I’ve made a difference,” says Noelia.

Justice Connect’s CEO, Fiona McLeay said “Noelia’s long standing involvement brings us incredible expertise and she is an inspiring role model for access to justice through pro bono.” ■



Award winning pro bono partnership leads to better support and access to justice for victims

An innovative partnership between **Women's Legal Services NSW (WLS)**, the NSW Office of the Director of Public Prosecutions, law firms Ashurst (formerly Blake Dawson), Clayton Utz and Herbert Smith Freehills, and the NSW Bar Association led to important law reform in New South Wales in the protection of the confidentiality of sexual assault victims' counselling records during the criminal trial process.

These partners were behind the *Sexual Assault Communications Privilege (SACP) Pilot Project*, which operated in the Downing Centre courts in Sydney for a year from February 2009.

The pilot was initiated by WLS – a specialist Community Legal Centre providing free services to women in NSW in relation to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice – in response to WLS' concerns that existing laws to protect counselling records in sexual assault cases were not operating as intended.

While a legal protection existed to protect a sexual assault victim from having their confidential records disclosed in court proceedings, the protections were not fulfilling their potential to protect victims involved in criminal trials. The failure of the legislation and legal processes to protect sexual assault victims' private information, including GP records and psychologists' notes, from being revealed in court cases, left victims feeling violated and re-traumatised. More broadly, there was a concern that the inadequacy of protections was discouraging sexual assault victims from seeking help and even reporting sexual assaults.

WLS coordinated the project and provided training, with the NSW Rape Crisis Centre as a specialist guest presenter, to law firms and to participating barristers from the NSW Bar Association. Client referrals were generally initiated by the DPP to the firms and WLS. Pro bono barristers were engaged through the Bar Association or by solicitors.

Over the course of a year, the SACP partners provided free legal assistance to more than 90 victims of sexual assault who were claiming the sexual assault communications privilege before the District and Local Courts in the Downing Centre. The intention behind the SACP pilot was to investigate the legal issues involved, highlight the unmet legal need, and examine the impact of representation in asserting the privilege. WLS analysed the data from the case work which showed that the privilege was upheld in 91% of matters where there was legal representation.

According to Janet Loughman, Principal Solicitor of WLS, having the law firms involved – with their resources and litigation experience – significantly increased the capacity of the CLC to service a larger pool of clients. *“the energy, litigation experience and resources of the firms and pro bono barristers were invaluable. This, combined with the DPP's willingness to innovate and the NSW Attorney General Department's willingness to listen, made it possible to create genuine legal reform and access to justice for sexual assault victims.”*

In 2011 the NSW Government strengthened laws protecting the confidentiality of sexual assault victims' counselling records in a number of ways, creating more



PHOTO: PHILIPPE FLATT, IMAGE TECHNIQUE

certainty for complainants and victims seeking to protect their confidential records from use in criminal court proceedings. The NSW Government also provided \$4.4 million over four years for an independent statewide service, the *Sexual Assault Communications Privilege Service*, to assist victims in protecting the confidentiality of their records.

David Hillard, Pro Bono Partner at Clayton Utz said in December 2010 on behalf of the SACP Project partners. *“These reforms have been secured through the perfect example of a pro bono project - an identified legal access problem has been tackled collaboratively, reformed through legislation, and with the State now picking up responsibility for future representation of victims. Our organisations started this project to highlight why SACP was not working properly, to get those problems fixed, and to ensure that government-funded services were available for victims to assert their rights. It is so pleasing to see collaboration between private lawyers working pro bono, the community legal sector and the DPP, bring real change to this issue.”*

SACP partners with their 2011 Pro Bono Partnership Award at the Law and Justice Foundation’s 2011 Justice Awards. Left to right: Heather Sare (NSW Bar Association), Alicia Jillard (Women’s Legal Services NSW), Janet Loughman (Women’s Legal Services NSW), Johanna Pheils (NSW ODPP), Angela Wood (Blake Dawson – now Ashurst), Larissa Cook (Clayton Utz), Danielle Carr (Freehills)

Pro Bono Counsel and Executive Director, Freehills Foundation, Annette Bain said, *“this pilot project was an example of an effective collaboration between private law firms, the Bar, the DPP and a Community Legal Centre, leading to law reform and in turn government funding of a specialist unit within Legal Aid to continue this work.”*

The SACP partners were awarded the 2011 Pro Bono Partnership Award at the Law and Justice Foundation’s 2011 Justice Awards for this work. WLS works collaboratively with the Legal Aid SACP Unit and continues to provide advice and assistance to organisations responding to subpoenas in criminal law matters. ■

ALL ILLUSTRATIONS PROVIDED BY SIMON KNEEBONE



NACLC acknowledges the traditional owners of the lands across Australia and particularly the Gadigal people of the Eora Nation, traditional owners of the land on which the NACLC office is situated. We pay deep respect to Elders past and present.

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