



# LEGAL CENTRES

## Pro bono in Queensland – a collaborative approach

Simply, *pro bono* (*pro bono publico*) means *for the common good*. In New South Wales a *pro bono* scheme has been operating for approximately two years, under which community legal centres (CLCs) may refer public interest cases to large law firms, and also seek assistance through secondments from firms to centres. A similar scheme is well under way in Victoria and negotiations are currently being undertaken to establish a scheme in Queensland.

### Public interest law clearing house in NSW

There are 35 medium and large law firms participating in the New South Wales scheme. The associate membership has been extended to include accounting firms. Each firm outlays \$50 per partner, raising about \$40,000 a year to employ a coordinator to administer the scheme. This worker is currently located at the Public Interest Advocacy Centre (PIAC). PIAC established the Public Interest Law Clearing House (PILCH) as a mechanism to respond to the growing incidence of unmet legal need within the wider Australian Community. PILCH is largely modelled on New York Lawyers for Public Interest, a clearing house system working with New York firms in public interest areas.

The New South Wales PILCH committee is made up of representatives of the firms, the Law Society and community legal centres. It sets the policies and guidelines of the scheme. The coordinator assesses applications for assistance from CLCs and forwards appropriate requests to the firms. The first firm to accept the request usually undertakes the work on behalf of the Centre. The cases are legal matters that are of a public interest in that they:

- affect a significant number of people; or
- raise matters of broad public concern; or
- particularly impact on disadvantaged or marginalised groups and require a

legal remedy or other legal assistance, and

- require addressing *pro bono publico*.

### Pro bono matters – assistance to CLCs

About 30 matters are currently being dealt with by the member firms of PILCH on behalf of CLCs and community groups. Some firms have seconded solicitors to CLCs for specific projects and in some cases on an ongoing rotational basis. PIAC now has a permanent solicitor on the basis of quarterly secondments from different firms, while Marrickville Legal Centre has obtained a solicitor for a three-month period to undertake a specific project. The newly established National Children's and Youth Law Centre has also benefited from a three month secondment of a solicitor from Blake Waldron to undertake a legal education project. In addition Gadens Ridgeway assisted the Centre with the drafting of its Constitution, Memorandum and Articles of Association and organised its tax deductibility.

Freehill Hollingdale and Page solicitors had been involved in *pro bono* work for disadvantaged people for some time. In February 1992 they formalised this work by constituting their *pro bono* committee, because of concern about the deprivations of justice to homeless children that were contained in the findings of the National Inquiry into Homeless Children by the Human Rights and Equal Opportunity Commission. The firm now operates the Shopfront Youth Centre in Kings Cross, and a seconded litigation lawyer to Kingsford Legal Centre on a quarterly rotational basis.

The New South Wales PILCH *pro bono* scheme is considered very successful and has been highly commended by the three participating parties. The level of co-operation between the CLCs, law firms and Law Society reflects the level of acceptance that CLCs enjoy within the New South Wales legal framework. Perhaps this is in part due to the growing

sophistication of CLCs, but a change in attitudes in the legal profession cannot be overlooked. Centres pursue their aims, objectives and strategies alongside the more traditional activities of law firms, but both recognise that lawyers have an obligation to use all responsible legal strategies to advance the interests of their clients.

Whilst in the past many lawyers in private practice considered that only casework should be undertaken by CLCs, the use of other forums and different approaches such as law reform activities, community legal education, clinical legal education, advocacy and mediation is now becoming accepted.

That CLCs play an important role in the new legal structure was acknowledged by the Federal Minister for Justice, Duncan Kerr, in his recent letter to all CLCs in Australia, commending their valuable work. He said '... You only have to be aware of national radio and television to realise that community legal centres have been dealing with some significant issues'. The Minister listed a number of prominent cases and issues in Australia that exemplify the unique role of CLCs in law and policy work. The 1992-93 Annual Report of the National Legal Aid Advisory Committee also acknowledges that CLCs should '... give equal emphasis to the functions of providing direct legal services to clients and of developing pro-active strategies for minimising legal problems in the longer term'.

### Alternative strategies for under-resourced CLCs

Community legal centres are advocating the *pro bono* scheme not just because of a shortage of funds, but also because it is a responsible and creative way to establish a more reliable funding/resource base to support a full range of services. While the reality is that CLCs are short of money, this has always been so. Some CLCs are not poor, most are short of funds and all have insecure funding. Over the past two decades CLCs have struggled to consolidate funding bases to a realistic

level, and this struggle continues (see Butler, C., 'Community Legal Centres National Overview 1992', (1992) 17(6) *Alternative Law Journal*).

The funding system has always created great obstacles for centres. First, it is difficult to be sophisticated in operating when the resources are not available to promote administrative efficiency. Large firms and government have little difficulty in obtaining the resources that are needed for their activities, while centres have trouble obtaining even the most basic equipment. Secondly, while government and the private profession have considered that centres should be more administratively efficient and spend more time on casework, the reality is that staff spend a considerable amount of time writing submissions just to raise the basic level of funding, and must argue year after year that the work

that CLCs undertake is justifiable.

After investing time in building a rapport with a particular person from a funding body who is responsible for grant-approving, and convincing them of the value of CLCs and their important relationship to the legal aid system, that person leaves. The process must begin again with their replacement. Centre staff fully understand that funding must be justified, but centres are called upon year after year to explain the most basic and fundamental activities.

### A Queensland scheme

Recent meetings with eight large Brisbane firms were heartening due to their receptiveness to the *pro bono* concept. These meetings have demonstrated that times are changing in Queensland. The profession's bastions

have begun to accept and acknowledge the role that CLCs play in the broader legal framework. While most Centres have always had lawyers from private practice on their management committees, it seems that only now is the worth of CLCs being fully acknowledged by the private profession in Queensland.

The firms agreed to attend a meeting early this year to discuss future directions. Hopefully this will lead to the introduction of a *pro bono* scheme in Queensland. A scheme with collaborative participation by the parties has the potential to benefit community legal centres, firms and most importantly, the community at large.

**Tony Woodyatt  
Gwenn Murray**

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## AIDS legal centre opens

The AIDS epidemic has led to the need for legal centres in Australia which specifically address issues affecting people with HIV/AIDS. HALC, the HIV/AIDS Legal Centre, has recently opened in St Kilda, Victoria. Although the centre is currently operated on a purely voluntary basis, it is modelled on the HALC which operates in Sydney and is part of the Australian Federation of AIDS Organisations (AFAO) National Legal Project.

Ian Grubb, a member of the centre's steering committee, explained that approximately two years ago there was a meeting of legal groups interested in helping people with HIV/AIDS. Although enthusiasm for this initial legal group fluctuated, several of its members formed the HIV/AIDS Working Party of the Victorian Federation of Community Legal Centres and the Victorian AIDS Council/Gay Men's Health Centre Legal Working Group. The working party identified three main reasons for the establishment of HALC.

First there was a need for a centre which addressed the specific legal needs of people with HIV/AIDS. The fact that very few solicitors have expertise in this area has meant that prospective clients have not known where to go for help with issues directly bearing on their HIV/AIDS status, such as discrimination and superannuation.

Second, one of the main benefits of creating a centre which deals specifically with HIV/AIDS, would be the potential

for test cases. The centre would collect case materials and relevant contacts for solicitors and their clients to facilitate actions in matters such as discrimination.

The third reason for establishing HALC was to improve the informal referral basis which was already in place. It was envisaged that the preference of some people with HIV/AIDS to see gay and HIV-sensitive solicitors would be catered for.

The internal volunteer network of the Victorian Aids Council (VAC) advertised for solicitors interested in becoming a part of HALC. Ian Grubb says this was an opportunity that a lot of people had been waiting for. The solicitors and community volunteers who responded to the advertisement underwent a five-week training course which was predominantly based on community legal centre theory. Clients see a solicitor and a community volunteer. The solicitor directly addresses legal problems, and the community volunteer acts as an intermediary to translate legal jargon and identify related non-legal problems. The course advocated a holistic approach to a client's problem: dealing for example with social difficulties such as housing, finances and family.

There are currently 25 solicitors and five community volunteers working at HALC. The areas of law dealt with by the centre include traditional common law areas such as family, criminal, property, wills and powers of attorney, as well as issues particularly relating to people with

HIV/AIDS, such as discrimination, transmission issues and superannuation.

Ian Grubb emphasised that the centre is not a gay legal service. The clients attending must be affected by HIV/AIDS or be the family or friends of a person affected. In spite of this the legal centre deals with legal issues which have nothing to do with a client's HIV/AIDS status, for example, motor vehicle accidents.

HALC currently has three funding applications pending. An application has been made to the VAC for the cost of an administrative assistant for the centre and to the Legal Aid Commission of Victoria and the AIDS Trust of Australia for funding for staff generally. The VAC donated \$1500 as a seeding grant for the setting up of the centre. Volunteers and staff of VAC's Community Health Program have run various fund-raising ventures to keep the centre afloat. The fact that the centre is staffed totally by volunteers has impeded the speed with which it has taken off.

HALC is open from 7 p.m. to 9 p.m. on Wednesday evenings, and is currently located at the Positive Living Centre, 46 Acland Street, St Kilda. It is anticipated that in April the HALC will move to 6 Claremont Street, South Yarra, together with a number of disparate VAC offices. Queries may be directed to Ian Grubb on (03) 525 4455.

**Heather Gallagher**

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