

PRO BONO LEGAL MODEL

Statement by Attorney General

MR J.R. QUIGLEY (Butler — Attorney General) [12.10 pm]: I am pleased to advise the house about the new pro bono requirements that will apply to all law firms that undertake legal work for government departments and agencies. The Western Australian pro bono legal model builds on the national approach, but is more specifically focused on targeting services to individuals who are disadvantaged. Under our model, law firms that undertake legal services for government must subscribe to the national pro bono target—a voluntary and aspirational target of at least 35 hours of pro bono services per lawyer per year. Reports are published annually nationally. In addition, law firms must undertake pro bono services in “approved causes” for at least 10 per cent of the value of their government legal work. “Approved causes” is defined to include the provision of legal services for individuals. Law firms will be required to report annually on the total fee charged to government and the types of pro bono services delivered for 10 per cent of the total fee. The pro bono requirement will take effect as of 1 July 2020.

The WA pro bono model, with its focus on individuals from disadvantaged and marginalised backgrounds, is at the forefront of procurement reforms and social justice. We are making sure that those in the greatest hardship—at times of real need—are assisted to secure access to justice. Increased funding to Law Access and the Community Legal Centre Association will mean that individual need for legal services will be triaged. Individuals can then be referred more quickly to the right provider.

Of course, law firms have been providing pro bono services for a very long time. It confirms that the legal profession is more than just a marketplace; it is a vocation for those who believe in justice. I acknowledge the many law firms that contributed to the development of the WA pro bono model. I would like to emphasise that pro bono legal services are an adjunct to, and never a substitute for, publicly funded legal aid. They supplement but do not replace the responsibilities of state and national governments to provide legal assistance.

People sometimes talk about access to justice as though there were a golden age when everyone would be represented by a lawyer. I do not believe this was ever true. Effective and sustainable results are achieved by agencies involved in the legal system working together, sharing resources and ideas. As the Premier observed, the issues that we are trying to solve are “not just the responsibility of one department, one portfolio or even government alone”. The complexities that shape disadvantage make it imperative that legal services to the marginalised are delivered through networks, on the ground, when we work in partnerships with not-for-profits and the corporate sector. I am pleased to commend the work of law firms, community legal centres and peak bodies involved in enhancing access to justice for all with the introduction of the WA pro bono model.