

## Pro Bono Legal Assistance for Non Profits

Andrea Durbach

### Introducing PIAC

PIAC is an independent and non-profit legal and policy centre located in Sydney. Its charter is:

*To undertake strategic legal and policy interventions in public interest matters in order to foster a fair, just and democratic society and empower citizens, consumers and communities*

#### PIAC strategies

- legal services
- policy interventions
- communication and training

#### PIAC's selection criteria

- Is the issue consistent with PIAC's Charter and Strategic Plan?
- Can PIAC make a significant impact in the short of medium term?
- Does PIAC have the capacity and resources to act effectively?
- Would PIAC duplicate the efforts of others or can we work in alliance with others?
- Can legal, policy, communication and training strategies be integrated?

#### PIAC priority areas 2000-2003

- access to justice
- governmental system
- community services and public health
- utilities
- impact of economic policy

## Public Interest Law Clearing House

### What is the Public Interest Law Clearing House?

- designed to respond to the growing incidence of unmet legal need within the wider community
- initiative of the Public Interest Advocacy Centre (PIAC), law firms, the Law Society of NSW, and more recently, the NSW Bar Association

### Who are members?

- law firms
- barristers / chambers
- accountancy firms
- mediators

### Commitment of members

- pro bono services seen as intrinsic to legal professional responsibility
- quality assessments and referrals undertaken
- services provided on a no charge (pro bono) or reduced fee basis.

### Eligibility criteria

- demonstrate **entitlement to pro bono legal assistance:**
  - a non-profit organisation, or
  - unable/ineligible to obtain legal aid
  - of insufficient means to afford requisite legal services at the applicable professional charging rates
- **legal matter of public interest:**
  - affects a significant number of people; or
  - raises matters of broad public concern; or
  - particularly impacts on disadvantaged or marginalised groups; and
  - requires a legal remedy or other legal assistance; and
  - requires addressing *pro bono publico* ('for the common good').

### Services provided by PILCH members

- **to applicants for assistance**
  - advice
  - research
  - legal representation
  - submission drafting
  - alternative dispute resolution
- **to PILCH operations**
  - secondees
  - forums for functions and seminars
  - funding for projects
  - assistance to develop publications
  - support for fundraising initiatives

## **Examples of NGO issues**

- **transactional**
  - choosing the right structure
  - funding agreements
  - fundraising
  - governance / director's duties
  - taxation and tax status
- **dispute-based**
  - workplace issues
  - equity and access
  - commercial contracts
  - leasing
  - defamation
  - insurance
  - discrimination
  - privacy

## **Community impact on service providers**

- links with community inform pro bono delivery
- enhanced awareness and understanding of need
- innovative approaches to resolution developed
- structures, practices and policies shaped to meet need
- creating mutual benefits

## **Other service providers**

- Community Legal Centres - specialist and general
- NSW Law Society Community Assistance Department and Bar Association Pro Bono Scheme
- Private profession initiatives
- NSW Legal Resource and Referral Centre (Legal Helpline)
- Pro Bono Australia [probono@probonoaustralia.com.au](mailto:probono@probonoaustralia.com.au)

## **Redefining pro bono**

- a shift from charitable to challenging
- focus on quality not access
- aligning law and justice

**Andrea Durbach**

Andrea Durbach is Director of the Public Interest Advocacy Centre (PIAC), an independent, non-profit legal and policy centre located in Sydney. She is also Coordinator of the Public Interest Law Clearing House (PILCH), a joint project of PIAC and private law firms and barristers which facilitates the conduct of public interest legal work on a no charge (pro bono) or reduced fee basis.

Born and educated in South Africa, where she practised primarily as a political trial lawyer and human rights advocate for seven years before settling in Australia, Andrea joined PIAC in 1991 as Assistant Director, was appointed head of PIAC's legal practice in 1994 and took up her current position as Director in 1997.

Andrea is a part-time commissioner of the New South Wales Law Reform Commission, a part-time judicial member of the Administrative Decisions Tribunal (Legal Services Division), Vice-Chairperson of the Human Rights Council of Australia and a member of the Federal Attorney General's National Pro Bono Taskforce.