



FAQs - seeking legal assistance for small businesses

1. A small business needs some legal assistance - who can help?

A small business without the means to pay for a private lawyer can seek pro bono assistance from the John Curtin Law Clinic by applying on their [website](#). The Clinic can assist small businesses in WA with legal issues involving:

- disputes, including in relation to lease agreements, franchise agreements, contracts and consumer law matters; and
- advice for start-up not-for-profit organisations and businesses with a social enterprise focus.

The Clinic does not provide legal representation (such as appearing on behalf of a small business at a court or tribunal or sending correspondence on behalf of the small business to third parties on the Law Clinic's letterhead).

2. What if the Clinic is unable to assist?

The John Curtin Law Clinic relies primarily on student involvement and is not able to accept new clients outside of teaching periods. If the Law Clinic is unable to assist, Law Access may be able to help. Law Access is a service that connects eligible individuals and some organisations (for example, not-for-profit organisations) with lawyers who can provide legal assistance for free. More information is available on the Law Access [website](#).

3. When can Law Access assist with small business matters?

Law Access can only assist small businesses with legal matters in very limited circumstances, where the matter involves an individual who needs legal help or the matter raises an issue of broad public interest (and it satisfies our other eligibility criteria, including having no means to pay a private lawyer). The following are some examples where Law Access may potentially assist:

- where a sole trader has a leasing or contractual (including franchise) dispute; or
- where an individual has given a guarantee for their small business, which is the sole source of income for them and their dependents, and they are in or face significant financial hardship if the guarantee is called on by the relevant creditor; or
- where a larger business engages in unconscionable conduct or imposes unfair contract terms affecting a number of small businesses; or
- where a social enterprise, whose sole or primary purpose is to work in the interests of low income or disadvantaged members of the community or for the public good, requires pro bono legal assistance.

4. How do I ask for help from Law Access?

An application (either online or in hardcopy) needs to be submitted to Law Access with supporting documents. If the applicant has all of the relevant documents available, the online application will take approximately 20 minutes to complete. The application asks for detailed information about:

- the legal matter (so Law Access can understand the legal issue and who could potentially assist);
- personal details for the applicant (so that Law Access can contact the applicant and understand any personal circumstances that are affecting the applicant's ability to access legal help);
- financial circumstances (so that Law Access can check that the applicant does not have the means to pay for a private lawyer or is otherwise facing significant financial hardship); and
- any assistance already sought or received from other legal services (so that Law Access can understand what steps the applicant has already taken and check that they have tried to access all appropriate legal services).

If the applicant is an individual (but within a small business context) they should use the individual application form. If the applicant is a small business the applicant should email lawaccess@lawaccess.org.au so that we can send them a special hard copy form to obtain relevant details.

5. What happens after an application is submitted to Law Access?

Law Access will assess an application to see if the matter is eligible for assistance. If the matter is eligible, Law Access will advertise the matter to law firms who can consider the matter. Law Access cannot guarantee that eligible matters will be accepted by a law firm, as the lawyers take on the matters on a voluntary basis. If the matter is not eligible or Law Access cannot find a lawyer to assist, Law Access will write to the applicant to let them know.