

PRO BONO LEGAL WORK A GUIDE FOR INDIVIDUAL LAWYERS



AUSTRALIAN
PRO BONO CENTRE

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A. WHO IS THIS GUIDE FOR?

This is a guide for lawyers who are interested in undertaking pro bono volunteer work in a personal capacity, outside of a formal program or through employment. Whether you are newly admitted to practice or are already an experienced solicitor or barrister, you can use your legal skills to make a valuable pro bono contribution.

There is a diverse range of exciting opportunities available, including at community legal centres, independent not-for-profit legal services, through State and Territory referral organisations and via global networks.

In addition, the shift to increased remote working means that there is a greater number of opportunities available for lawyers to donate pro bono expertise from wherever they may be located. Many organisations have adapted to providing advice remotely, e.g. via telephone/videoconferencing or email, enabling lawyers to volunteer without being present in the office.

You may wish to contribute pro bono time if you are:

- working part-time or reduced hours
- retired or nearing retirement
- on extended leave (parental, sabbatical, furlough)
- working full-time and wish to volunteer out of work hours.

1. INTRODUCTION

B. WHY DO PRO BONO LEGAL WORK?

Professional responsibility

Lawyers engage in pro bono legal work for a variety of reasons. These include a sense of professional responsibility and the ability to develop skills and expertise. The primary reason for undertaking pro bono legal work is the individual ethical professional obligation that each lawyer has to ensure equal access to justice. This is due to each lawyer's privileged position as a member of the profession that has the exclusive right to practise law. This is often referred to as the 'pro bono ethos' and was eloquently summarised by the Honourable Murray Gleeson in a speech delivered to the National Access to Justice and Pro Bono Conference in Melbourne on 11 August 2006:

The legal profession is a profession and not only a business; that its members have a duty to temper the pursuit of individual self-interest; and that they have a collective obligation to do their best to make legal services available to needy people. Collectively, this is a matter of duty, not generosity.

Personal satisfaction

Another benefit to undertaking pro bono work in a personal capacity is that you are able to explore a wide range of opportunities to match your interests and skills, leading to greater personal satisfaction in your work.

Pro bono work can provide lawyers with opportunities to step outside of their usual practice area. Do not be dissuaded from considering opportunities outside of your usual practice because you do not know all of the intricacies of the relevant law – the ability to think like a lawyer, apply your general legal skills and contribute enthusiastically is what is important.

Using your professional skills voluntarily for the betterment of society and to assist those in our community less fortunate than yourself also leads to immense personal satisfaction.

Professional development

In addition, pro bono legal work allows lawyers to develop their legal and managerial skills. Lawyers conducting pro bono matters may have greater control of a whole matter than they do when working on large commercial matters, including having an opportunity to develop strategy, make key decisions, and maintain an overview of the whole case. Some pro bono matters also offer opportunities for lawyers to develop their skills in areas beyond their normal practice area, as well as general advocacy, communication and interpersonal skills.



1. INTRODUCTION

C. HOW TO USE THIS GUIDE

This guide lists organisations which regularly seek volunteer lawyers and details some key considerations, including constraints and regulatory requirements, for those undertaking pro bono work in a personal capacity.

This guide is non-exhaustive and serves to highlight examples of opportunities available. Read through the guide for inspiration and for information on which organisations may be in need of your skills and expertise.

To contribute pro bono legal work in a way that is most meaningful to you, you should follow your passion and contact your favourite charities, not-for-profits, or other organisations, or the peak body for the sector that you are most interested in. These organisations may well need legal advice in specific areas or help from someone with general legal skills (e.g. legal research, company secretarial work, assistance navigating complex legal environments). However, please bear in mind that not all organisations have the capacity to take on volunteers. Before you approach an organisation, you should have an understanding of the business, operative, and cultural context in which they operate.



2. OPPORTUNITIES



JAVIER ALLEGUE / UNSPLASH

A. COMMUNITY LEGAL CENTRES

I. Community Legal Centres Australia (CLCs Australia)

Community Legal Centres Australia is the national peak body for the community legal sector, representing over 175 CLCs across Australia. The members of CLCs Australia are the State and Territory peak bodies for community legal centres in each jurisdiction.

The type of work that volunteers undertake may vary at each CLC. Some common tasks are:

- providing legal advice
- providing legal representation
- providing other legal assistance (e.g., drafting correspondence)
- drafting publications on a range of legal topics
- involvement in legal education for organisations and communities.

For general information on volunteering at CLCs and listings of potential employment and volunteering opportunities please visit [Social Justice Opportunities](#) maintained by the Australian Pro Bono Centre (see section E below).

II. State and Territory Peak Bodies

To find information on the CLCs in your State visit your State's peak body CLC website. For those in the ACT and NT, where the peak body does not maintain a website, please visit the Law Society/ Government directories below:

- Australian Capital Territory – *see the ACT Law Society directory*
- New South Wales – *Community Legal Centres NSW*
- Northern Territory – *see the NT Government directory*
- Queensland – *Community Legal Centres Queensland*
- South Australia – *Community Legal Centres South Australia*
- Tasmania – *Community Legal Centres Tasmania*
- Victoria – *Federation of Community Legal Centres Victoria*
- Western Australia – *Community Legal WA*

III. Specialist Community Legal Centres

As well as generalist CLCs, there are a number of specialist CLC networks and offices across Australia.

If you are passionate about volunteering with a particular client group, the [CLCs Australia website](#) and State and Territory peak body websites listed at (ii) above include contact lists of specialist CLC networks/offices.

In addition, the Australian Pro Bono Centre maintains two resources that list organisations that work in specialist areas:

- [Social Justice Opportunities](#) (see section E below)
- [Justice Project: Pro Bono Tool](#) (see section F below)



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Some examples of areas of specialisation are:

- Aboriginal and Torres Strait Islanders (see section B below)
- Arts
- Asylum seekers, refugees and migrants
- Disability rights
- Environmental law and animal welfare
- Family law and domestic violence (see section B below)
- Financial rights and consumer credit
- People experiencing homelessness
- Human rights
- Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI+) community
- Mental health
- People living with HIV/AIDS
- Prisoners
- Rural, regional and remote Australians
- Seniors
- Social security and welfare rights
- Tenants
- Youth
- Women

B. ABORIGINAL & ISLANDER LEGAL SERVICES

I. National Aboriginal & Torres Strait Islander Legal Services (NATSILS)

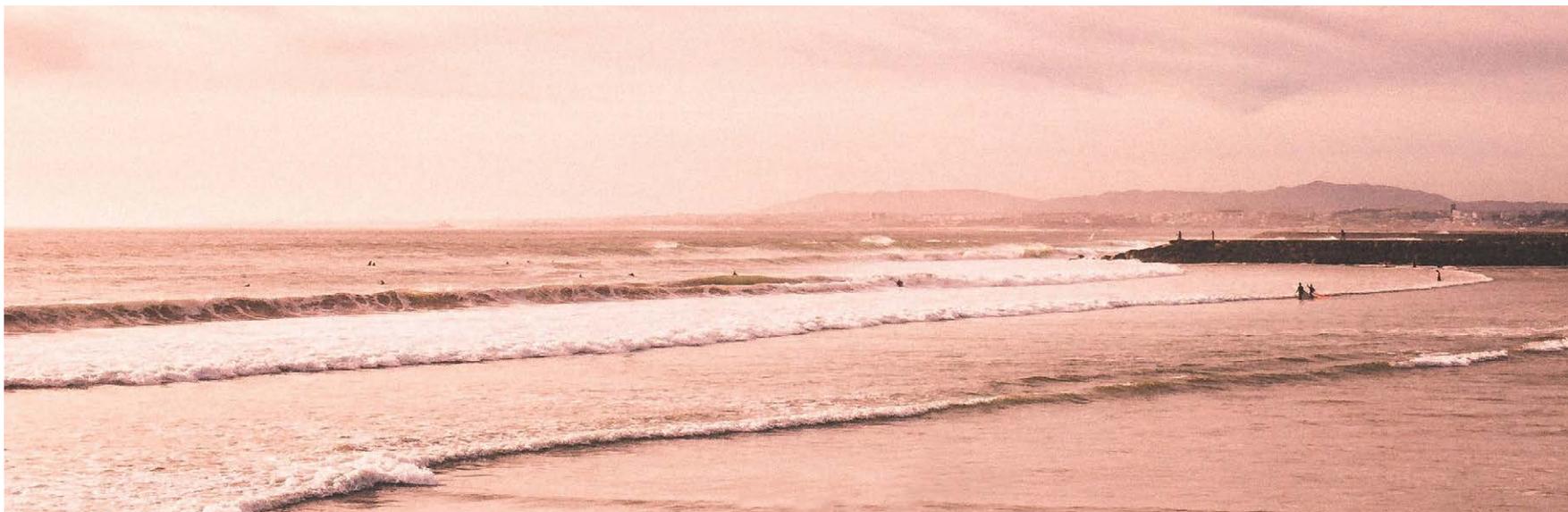
NATSILS is the peak body for Aboriginal and Torres Strait Islander Legal Services, representing services in each State and Territory across Australia. NATSILS provides legal advice, assistance, representation, community legal education, advocacy, law reform activities and prisoner through-care to Aboriginal and Torres Strait Islander peoples in contact with the justice system.

For more information and volunteering opportunities see [NATSILS](#).

For information on your State/Territory legal service please see below.

II. State and Territory Services

- Australian Capital Territory / New South Wales – *Aboriginal Legal Service NSW/ACT*
- Northern Territory – *North Australian Aboriginal Justice Agency*
- Queensland – *Aboriginal and Torres Strait Islander Legal Service Queensland*
- South Australia – *Aboriginal Legal Rights Movement*
- Tasmania – *Tasmanian Aboriginal Legal Service*
- Victoria – *Victorian Aboriginal Legal Service Co-operative*
- Western Australia – *Aboriginal Legal Service of Western Australia*



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III. National Family Violence Prevention Legal Services (FVPLSs)

There are thirteen *Family Violence Prevention Legal Services across Australia*. FVPLSs provide specialist, culturally safe legal services and support to Aboriginal and Torres Strait Islander victims/survivors of family violence across Australia:

- New South Wales – *Binaal Billa Family Violence Prevention Legal Service, Many Rivers Family Violence Prevention Legal Service, Thiyama-li Family Violence Service Inc. NSW* and *Warra-Warra Family Violence Prevention Legal Service*
- Northern Territory – *Central Australian Aboriginal Family Legal Unit (Alice Springs HO)* and *Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service*
- Queensland – *Aboriginal Family Legal Service Southern Queensland* and *Queensland Indigenous Family Violence Legal Service*
- South Australia – *Family Violence Legal Service Aboriginal Corporation*
- Victoria – *Djirra*
- Western Australia – *Aboriginal Family Law Service Western Australia, Marninwarnitkura Family Violence Prevention Unit WA* and *Southern Aboriginal Corporation Family Violence Prevention Legal Service*
- Tri-State Region (NT/SA/WA) - *Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service*

C. REFERRAL ORGANISATIONS



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There are pro bono referral schemes and organisations in every State and Territory in Australia. Most law societies and bar associations run schemes and will provide advice on opportunities in their jurisdiction. Pro bono referral schemes and organisations assist individuals and not-for-profit organisations by referring legal matters to solicitors, law firms, in-house legal teams or barristers.

The following is a list of key pro bono referral schemes and organisations that have opportunities for individual lawyers.

- Australian Capital Territory - *ACT Law Society Pro Bono Clearing House & Legal Advice Bureau*
- New South Wales - *Law Society of New South Wales Pro Bono Scheme* and *New South Wales Bar Association Legal Assistance Referral Scheme*
- Northern Territory - *Northern Territory Pro Bono Clearing House*
- Queensland - *LawRight*
- South Australia - *Justice Net*
- Tasmania - *Law Society of Tasmania's Pro Bono Clearing House*
- Victoria - *Victorian Bar Pro Bono Scheme*
- Western Australia - *Law Access*

D. INDEPENDENT NOT-FOR-PROFIT LEGAL SERVICES

There are a number of not-for-profit legal organisations across Australia that specialise in a range of social justice issues. Some examples are:

- **National Justice Project** - The National Justice Project undertakes strategic litigation, advocacy and communication to advance social justice and human rights. Their legal work includes discrimination, detention, inquests and inquiries, and government and police accountability. Focus groups include children, refugees, and Aboriginal and Torres Strait Islander people.
- **Australian Lawyers for Human Rights** - Australian Lawyers for Human Rights is an association of legal professionals active in practising and promoting awareness of international human rights standards in Australia.
- **Diplomacy Training Program** - The Diplomacy Training Program is an independent NGO committed to advancing human rights and empowering civil society in the Asia Pacific region through education and training, and the building of skills and capacity in NGOs and for individual human rights defenders and community advocates.



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E. SOCIAL JUSTICE OPPORTUNITIES

Social Justice Opportunities is a jobs and volunteer board for law students and junior-mid level lawyers (with up to 5 years' post-qualification experience) run by the Australian Pro Bono Centre. Social Justice Opportunities also provides a guide on volunteering and additional information and resources on social justice.

See *Social Justice Opportunities*.



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F. JUSTICE PROJECT: PRO BONO TOOL

As part of the Australian Pro Bono Centre's Sourcing Pro Bono Opportunities Initiative, the *Justice Project: Pro Bono Tool* builds on the Law Council of Australia's Justice Project Final Report (the Justice Project Report). The *Justice Project: Pro Bono Tool* aims to map pro bono opportunities to assist with the priority justice issues for the 13 client groups identified in the Justice Project Report.

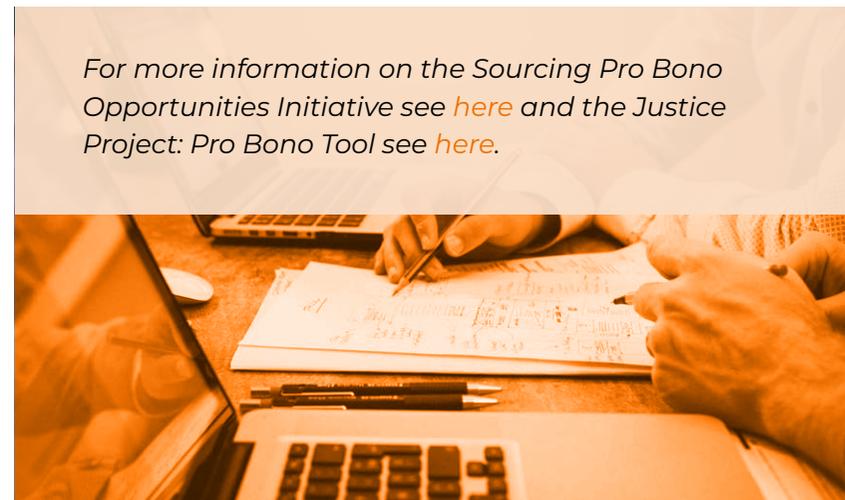
Resources have been prepared for an initial set of client groups and will be expanded to include all 13 client groups identified in the Justice Project Report:

- People with disability
- People experiencing economic disadvantage
- LGBTI+ people
- Prisoners and detainees
- Aboriginal and Torres Strait Islander people
- People who experience family violence
- People who have been trafficked and exploited
- Recent arrivals to Australia
- Children and young people
- Rural, regional and remote Australians
- Asylum seekers
- Older persons
- People who are homeless

The *Justice Project: Pro Bono Tool* is intended to provide pro bono providers with practical resources to source potential pro bono opportunities and form partnerships. Each mapping tool achieves this by listing:

- opportunities for pro bono legal support according to client groups identified in the Justice Project Report
- organisations (as well as initiatives within organisations) working on justice issues for each client group and their location
- the Justice Project Report recommendations these organisations are working on
- the type of services provided (direct legal services/policy reform)
- information about the availability of cultural competence or trauma informed training.

For more information on the Sourcing Pro Bono Opportunities Initiative see [here](#) and the Justice Project: Pro Bono Tool see [here](#).



G. PRO BONO GUIDE TO THE CLIMATE CRISIS

The Australian Pro Bono Centre has published a *Pro Bono Guide to the Climate Crisis* for lawyers who want to provide pro bono assistance to help address the impact of climate change.

The Guide is aimed at lawyers with a wide range of skills and experience and is not limited to those with knowledge of environmental or planning law. The Guide provides inspiration for a wide range of ways that lawyers can get involved in pro bono to help combat the climate crisis, including:

- running strategic climate litigation
- working on law reform activities
- providing legal advice, information and advocacy to those fighting climate change
- offering commercial legal advice to not-for-profit organisations and social enterprises
- providing community legal education
- conducting legal research about the intersection between human rights and climate change
- offering immigration legal advice to people displaced by the effects of climate change.

If you are interested and would like more information see the Australian Pro Bono Centre's Pro Bono Guide to the Climate Crisis [here](#).

H. GLOBAL OPPORTUNITIES

Public Interest Law Network (PILnet)

PILnet is a global NGO that creates opportunities for social change through use of the law. The organisation engages, empowers, and enables all lawyers to use their skills to help organised civil society become more resilient and more effective in helping the most vulnerable. Lawyers can undertake advice and advocacy, research, analysis and drafting, and training.

For more information about PILnet and to join the network visit [PILnet](#).

International Lawyers Project (ILP)

ILP connects governments, NGOs, civil society groups, and grassroots organisations in need of legal support with legal experts across the world, with a goal to bring about economic justice. ILP seeks pro bono expertise in a variety of areas of law including anti-bribery and corruption, tax reform and media freedom.

For more information about ILP and to submit an expression of interest in volunteering visit [International Lawyers Project](#).

Thomson Reuters TrustLaw

TrustLaw is a global pro bono network that connects NGOs and social enterprises working to create social and environmental change with lawyers who provide them with free legal assistance. TrustLaw offers both advisory and research projects - lawyers can advise international and local organisations on their day-to-day legal needs and also work on larger, comparative research programs that focus on social or policy issues.

For more information about Thomson Reuters TrustLaw and to become a member visit [TrustLaw](#).



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3. ADDRESSING CONSTRAINTS AND REGULATORY REQUIREMENTS

A. PRACTISING CERTIFICATES

If the volunteer work you are doing requires you to engage in legal practice you will need to hold a valid practising certificate.

Each jurisdiction has its own rules concerning practising certificates and lawyers undertaking pro bono legal work should contact their relevant professional association in relation to any specific requirements or exemptions.

Low cost or no cost volunteer practising certificates are available in every jurisdiction in Australia. More detail on these practising certificates is available at Appendix A. If you are interested in obtaining one you should speak to the professional body in your State or Territory directly.

If you have a restricted practising certificate, this may limit the type of legal work you can do, as many organisations do not have the resources to supervise volunteer lawyers. You should speak to the organisation you wish to volunteer with directly to find out what opportunities are available to lawyers with restricted certificates.

For those organisations that do supervise volunteer lawyers, it may also be possible to volunteer without any form of practising certificate. For example, the work you might do at a CLC may not require you to 'engage in legal practice' so the lack of a practising certificate may not be a barrier to you volunteering.



B. CONTINUING PROFESSIONAL DEVELOPMENT



Holders of practising certificates in all States and Territories in Australia are required to comply with the Continuing Professional Development (CPD) requirements.

Lawyers are generally required to complete ten units of CPD per year. In the Australian Capital Territory, holders of a Volunteer Practising Certificate need complete only five units of CPD. Currently, holders of volunteer practising certificates in all other jurisdictions in Australia are required to complete the full 10 units, unless an exemption is granted.

All States and Territories in Australia except South Australia and Tasmania provide an exemption from CPD requirements where a holder of a practising certificate has been admitted to practice for 40 or more years. The criteria for eligibility for this exemption varies slightly between each State and Territory.

For more information on CPD requirements, or if you want to apply for an exemption, you should speak to the professional body in your State or Territory directly.

C. PROFESSIONAL INDEMNITY INSURANCE



Volunteers are often covered by the professional indemnity (PI) insurance of the organisation for which they are volunteering.

If the pro bono work you are undertaking is not covered by any PI insurance, you may be eligible to access the National Pro Bono Professional Indemnity Insurance Scheme run by the Australian Pro Bono Centre. The Scheme provides free PI insurance to lawyers and paralegals working on pro bono projects approved by the Australian Pro Bono Centre.

More information on the National Pro Bono Professional Indemnity Insurance Scheme is available [here](#).

D. MANAGING CONFLICTS



If you are an employee of a firm/organisation and you think there may be a risk of a conflict of interest, you should speak to your employer before engaging in any pro bono work. Conflicts of interest may be:

- legal conflicts — also known as direct conflicts; or
- commercial conflicts — also known as indirect conflicts.

For more information on conflicts of interest see the Australian Pro Bono Manual available [here](#) on the Australian Pro Bono Centre website.

APPENDIX A - VOLUNTEER PRACTISING CERTIFICATES

STATE	BODY IN CHARGE OF PRACTISING CERTIFICATE	VOLUNTEER PRACTISING CERTIFICATES?	FEE FOR VOLUNTEER PRACTISING CERTIFICATE?	DETAILS OF VOLUNTEER PRACTISING CERTIFICATE	CONTACT DETAILS
ACT	The Law Society of the ACT	Yes	No	Volunteer Practising Certificates are available to lawyers who will be undertaking specified pro bono legal work. Holders of volunteer practising certificates must still arrange appropriate professional indemnity insurance, and they may only undertake work of a pro bono nature. See here for more information.	E: mail@actlawsociety.asn.au T: (02) 6274 0300
NSW	Law Society of NSW	Yes	No	The holder of a Volunteer Practising Certificate is authorised to engage in legal practice both as a volunteer at a community legal service and otherwise on a pro bono basis only. See here for more information.	E: registry@lawsociety.com.au T: 02 9926 0156
NT	Law Society Northern Territory	Yes	Yes - \$121	Restricted Volunteer Lawyer certificates are available to practitioners who engage in supervised legal practise as a volunteer in a complying community legal centre. See here for more information.	E: lawsoc@lawsocietynt.asn.au T: 08 8981 5104
QLD	Queensland Law Society	Yes	No	Volunteer Practising Certificates are available to solicitors who are not employed but who volunteer at a community legal centre. See here for more information.	E: records@qls.com.au T: 1300 367 757
SA	The Law Society of South Australia	Yes	Yes	A 'Category D' Volunteer Practising Certificate enables the practitioner to undertake legal practice in the manner they are otherwise entitled to, but only as a volunteer for a community legal centre, or for an institution or project approved by LPEAC, and where the practitioner is covered by professional indemnity insurance (being a restricted practising certificate while the practitioner is undertaking supervised practice) and as a volunteer legal practitioner. See here for more information.	E: email@lawsocietysa.asn.au T: (08) 8229 0200
TAS	The Law Society of Tasmania	Yes	No	A Volunteer Practitioner Certificate entitles the practitioner to engage in legal practice only as a volunteer at a complying community legal centre. See here for more information.	E: info@lst.org.au T: (03) 6234 4133
VIC	Victorian Legal Services Board	Yes	No	The holder of a Volunteer Practising Certificate must only engage in legal practice as a volunteer at a community legal centre or otherwise undertake pro bono work the liability for which is covered by appropriate professional indemnity insurance. See here for more information.	Enquiry form: https://lsbc.vic.gov.au/lawyers/lawyer-enquiry-form T: 03 9679 8000
WA	Law Society of Western Australia, Legal Practice Board of Western Australia	No, but 'volunteer or pro bono only' condition imposed on Local Practising Certificate.	No	Holders of a Local Practising Certificate can request a 'volunteer or pro bono only' condition be imposed. This practising certificate is issued free of fees on condition that the holder is only engaged in the provision of legal services on a not-for-profit basis and does not charge any person nor seek to recover a fee from any person (subject to two exemptions). See here for more information.	E: info@lawsocietywa.asn.au T: (08) 6211 3599

This table sets out general information on the availability of volunteer practising certificates in each State and Territory. The information represents the Centre's knowledge as at August 2020. The table provides a summary only – please contact the professional body in your State or Territory directly if you have any queries or would like to obtain a practising certificate.

ACKNOWLEDGEMENTS

The Australian Pro Bono Centre (Centre) wishes to thank all of those who generously contributed to the development of this guide.

In particular, the Centre wishes to thank Chloe O'Brien for her invaluable support to the Centre by managing the compilation of this guide. Chloe volunteered for the Centre in 2020 in a personal capacity while on furlough leave from law firm Simmons & Simmons in London. Her work goes to the very essence of the guide.

The Centre also wishes to thank the following staff/former staff and board members at the Centre who contributed their time to the guide:

- Gabriela Christian-Hare, *Chief Executive Officer*
- Jessica Hatherall, *Head of Policy and Strategy*
- Phillip Cornwell, *Chair*
- John Corker, *former Chief Executive Officer*
- Sally Embelton, *Senior Policy & Project Officer*
- Anna Jacobs, *Policy & Project Officer (on secondment from Australian Government Solicitor)*
- Rachel Zehner, *Operations & Communications Manager*

ACKNOWLEDGEMENT OF COUNTRY

The Australian Pro Bono Centre acknowledges the traditional custodians of the land on which it works, the Bedegal people of the Eora Nation. We pay our respects to the Elders – past, present and emerging – and the youth who are working towards a brighter tomorrow.



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The Australian Pro Bono Centre is grateful for the funding support it receives from the governments of the Commonwealth and all Australian States and Territories. It is also grateful for the in-kind support it receives from Australian Government Solicitor, HWL Ebsworth, volunteers, and the Faculty of Law at UNSW Sydney (which includes the use of the Faculty's premises and facilities, and support from student interns).



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