



Media Release

Centre misquoted in Senate Access to Justice Report

Whilst the Centre generally welcomes the recommendations contained in the Report of the Senate Legal and Constitutional Affairs References Committee on Access to Justice released yesterday, the Centre has been misquoted as suggesting that all classes of practising certificates should have a mandatory pro bono legal requirement.

This has led the Committee to making a recommendation that “state/territory governments and legal professional associations throughout Australia take such steps as are necessary to mandate a pro bono legal work requirement for all classes of practising certificate, including those issued to government employees”, a recommendation that the Centre does not support.

As the transcript of the evidence of Mr John Corker, Director of the Centre, given at committee hearings in Sydney shows, the Centre suggested that all classes of practising certificate should authorise the holder of that certificate to undertake pro bono legal work, not to make pro bono work a mandatory condition of the certificate.

The problem identified by the Centre is one faced by corporate and government lawyers in some jurisdictions who are not authorised to undertake pro bono legal work.

The Centre recently recommended legislative reform on this issue to the Task Force for the Legal Profession Project in a submission endorsed by ACLA, DLA Phillips Fox, PILCH (Vic) and others.

The Centre has always maintained that government and legal professional associations should not mandate that the private legal profession undertake pro bono legal work. To do so would be contrary to the important voluntarist ethic that motivates lawyers to undertake this work.

The Centre has written to the Committee to clarify its position.

The Senate Legal and Constitutional Affairs Committees’ Access to Justice report is available at http://www.aph.gov.au/senate/committee/legcon_ctte/access_to_justice/report/report.pdf

The transcript of Mr Corker’s evidence is available at <http://www.aph.gov.au/hansard/senate/commttee/S12430.pdf>

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