

NATIONAL PRO BONO RESOURCE CENTRE

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Welcome to the fourth edition for 2007 of the *eNewsletter* of the National Pro Bono Resource Centre (the Centre). The Centre is affiliated with the Faculty of Law at the University of New South Wales and is funded by the Attorney-General Departments of the Commonwealth, State and Territory governments. To access archived e-newsletters [click here](#).

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1 Older persons legal services roundtable

The Centre convened a roundtable discussion in Sydney on 2 May to consider the unmet legal needs of disadvantaged and marginalised older people – and how they might best be addressed. The Centre prepared a [background paper](#) which was distributed to participants beforehand.

The meeting was well attended by representatives from Community Legal Centres including the Aged Care Rights Service, Legal Aid Commission of NSW, LawAccess, the Combined Pensioners & Superannuants Association, the Older Persons' Tenancy Service, representatives from State and Commonwealth Departments with aged care responsibilities, State and Commonwealth Attorneys-Generals Departments, the Public Trustee, Guardianship Tribunal, Office of the Protective Commissioner, NCOSS, UWS law school (the only Australian law school teaching elder law), the Law and Justice Foundation, and others including the Secretary of the House of Representatives Legal and Constitutional Committee's current [Inquiry into Older People and the Law](#).

The roundtable gave participants the opportunity to share information on their services and/or policy initiatives and to identify areas of unmet legal need which included housing and tenancy, discrimination, powers of attorney, guardianship issues and financial abuse, wills and estates and issues around retirement and aged care services.

Barriers and challenges to service delivery were also canvassed - such as the need for face-to-face services, and the relative absence of expertise in areas of law where older people are likely to need assistance. A key issue was that the legal needs of older

people are rarely isolated from non-legal issues, and that older people often experience multiple and complex legal issues at the one time.

There was also discussion on ways in which services to this client-base could be improved. Strategies included training lawyers in specific legal issues relevant to older people, the provision of ‘culturally’ appropriate services, sharing resources and better coordination between existing services, a one-stop legal service or the co-location of legal services with other services likely to be used by older people (eg, health services), and better use and resourcing of outreach services in places frequented by older people.

Recent initiatives taken by the Victorian and Queensland government to address these issues were discussed. It was thought that government should have overall carriage of the issue moving forward because of its broad reach and significance noting that the House of Representatives Inquiry is expected to report later this year.

2 AGS takes lead on government lawyers and pro bono

The Australian Government Solicitor ([AGS](#)) is undertaking its first pro bono project. It has agreed to provide an AGS lawyer from the Canberra office to assist the [ACT Pro Bono Clearing House](#), a joint initiative of the ACT Law Society, the legal profession and Community Legal Centres. The AGS lawyer will work with the Clearing House for 6 hours a week for a period of 3 months assisting with the assessment of eligible applications for pro bono assistance and their referral to the Canberra network of pro bono providers. It is, as the AGS says ‘a great opportunity to ... develop legal skills in a different context, and to build links to the broader profession in the ACT’.

3 Law firms agree to help native title representative bodies

At a meeting held in Sydney on 3 May 2007, a group of firms (Allens Arthur Robinson, Arnold Bloch Leibler, Blake Dawson Waldron, Gilbert & Tobin, Holding Redlich, DLA Phillips Fox) met and agreed to accept requests for advice and to develop Fact Sheets on common issues affecting native title representative bodies. Firms agreed to pass requests around amongst themselves in order to manage conflicts and capacity issues. Requests will come through the [Aurora project](#), a collective name for a number of programs aimed at building the capacity of Indigenous organizations that provide native title services to Indigenous people across Australia and through the [Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies](#) in Canberra. Requests for advice will relate to corporate structuring, taxation, trusts and commercial arrangements. Other firms willing to assist should [contact John Corker](#) at the Centre.

4 Pro bono services in the Loddon Campaspe (LC) Region

Clayton Utz has provided funding for or a two year graduate solicitor position at [Loddon Campaspe Community Legal Centres \(LCCLC\)](#) with the “Clayton Utz Foundation Fellow”. The LCCLC has been working towards developing innovative, robust and sustainable pro bono services in their region by working collaboratively with local practitioners, local La Trobe University law students, and metropolitan-based top tier law firms which are committed to pro bono. The new fellowship will improve the capacity of LCCLC to work with local pro bono providers and is an

example of how cooperative regional pro bono can occur. LCCLC can be contacted on (03) 5444 4364.

5 Victorian Government Legal Services Report 2005/6

The Victorian Department of Justice has just released its [Government Legal Services \(GLS\) Annual Report 2005/2006](#). Under the GLS Panel Contract arrangements, private sector legal firms are appointed to a Panel entitling them to provide legal services to government clients. Panel firms must commit, amongst other things, to providing pro bono legal services equivalent in value to the nominated percentage of fees received (5-15%) and to comply with the Attorney-General's Guidelines for the delivery of pro bono legal services for an "approved cause" under the contract. The contractual pro bono obligation emphasises access to justice for disadvantaged people and/or pro bono legal work in the public interest. A review of these arrangements was conducted for Government by Beaton Consulting in 2006 but the report of this review has not yet been released.

In 2005/2006 Panel firms delivered pro bono legal services to the value of \$5.2million. GLS encourages firms to develop collaborative partnerships because they tend to be longer-lasting than ad hoc assistance and more likely to lead to strategic solutions to unmet legal needs. The three largest recipients of pro bono services under the Panel arrangements were the Homeless Persons' Legal Clinic (mainly by way of casework), the Public Interest Law Clearing House (secondments, casework, legal advice and policy law reform work) and Community & Specialist Legal Centres (including attendance at advice sessions, telephone back up, taking referrals).

As noted in the Report, the unique social justice features of the Panel contract arrangements demonstrate the innovative ways in which Governments can use their contractual weight to promote better social justice outcomes for citizens. The Centre encourages other jurisdictions to follow Victoria's lead.

6 Australian Solicitors 'Give More Than Take' – Study

A 2 year study carried out by Instinct and Reason for '**Include a Charity**', (the collaborative research and awareness campaign launched by the Australian Red Cross, Mission Australia, Heart Foundation and The Cancer Council Australia), suggests that solicitors are far more philanthropic and community minded than their stereotypical reputation suggests. The research involving interviews with 150 solicitors found that 75% of solicitors support the idea of leaving a bequest in their will compared to 51% of the general public. This trend of generosity by solicitors continues with one out of every two regularly donating to charity, more solicitors than the national average volunteering their time and 28% taking part in fundraising events. Source: [Pro Bono Australia 26 March 2007](#)

7 Baby boomer volunteers

What's the real story? According to many reports from CLCs and other welfare organisations, volunteers are hard to find and even harder to keep. But a new report by the US Corporation for National and Community Service, says the surge of baby boomers will increase volunteering by older adults by 50% by the year 2020 - and double the number of older adult volunteers by the year 2036. The study tracked volunteering among a large sample of boomers and found they want higher-skill assignments to keep them engaged. While they are volunteering at higher rates than

their predecessors, three out of every 10 who volunteer today leave their organisations each year. Those who volunteer 12 weeks or more annually are most likely to serve year after year. The report says the boomer wave signals one of the largest opportunities the Not for Profit sector has ever had to expand its pool of resources. Further details [here](#).

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<http://www.nationalprobono.org.au/publications/index.html>.

Please forward this newsletter to anyone else you think may be interested.

9 Centre contact details

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