



IMPACT REPORT

2023

LAW ACCESS

Lawaccess.org.au

Law Access

Law Access is a not-for-profit organisation that facilitates the giving of pro bono (free or low fee) legal assistance by the Western Australian legal profession to those who cannot afford a lawyer.

We are a service of last resort for those who cannot get legal assistance from Legal Aid WA, a community legal centre or other legal services.

Law Access considers applications from not-for-profits and individuals in genuine need of legal assistance.

Genuine need is assessed by considering an applicant's financial circumstances, the merit in their case and whether resolving their issue may have a broader positive effect on vulnerable groups in the community.

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1. The Context

1.1 Unmet Legal Need in Western Australia

The Legal Assistance Strategy 2022-2025 released by the Department of Justice provides a roadmap for the provision of legal assistance services in Western Australia, including identifying Priority Areas of Law and Priority Client Groups.

Priority Client Groups

First Nations people	People in custody
Children and young people (up to 24 years)	People from regional, rural or remote areas
Older people	People who are culturally and linguistically diverse
People who have experienced family violence	People who identify as LGBTQIA+
People at risk of homelessness	People with a disability or mental illness
Women	

Priority Areas of Law

Family Law

- Where the safety or welfare of children are at risk
- Involving allegations of family violence
- Assisting people with property settlement matters if they are experiencing financial disadvantage or are at risk of homelessness

Criminal Law

- Where the defendant is a child
- Where the defendant is being charged with a criminal offence where a sentence of imprisonment is likely to apply
- Assisting persons being detained in custody

Civil Law

- Bankruptcy matters
- Child protection
- Consumer law
- Employment matters
- Extradition matters
- Human rights and anti-discrimination
- Insurance law
- Migration
- Social security law
- Tenancy matters

1.2 The Department's Action Plan

The Department of Justice's Action Plan contains 8 key actions to address legal need.

- Working towards self-determination and the provision of culturally safe services for Aboriginal people
- Developing a Workforce Planning and Development Strategy and Implementation Plan
- Developing legal assistance service provider roles which reflect a sector wide minimum level and standard of service
- Developing a Legal Assistance Services Commissioning Strategy and Implementation Plan
- Growing the quantitative evidence base for legal need
- Growing the qualitative evidence base for legal need
- Fostering collaboration
- Legal Assistance Strategy and Action Plan monitoring and evaluation

1. The Context continued

1.3 The Pro Bono Model in Western Australia

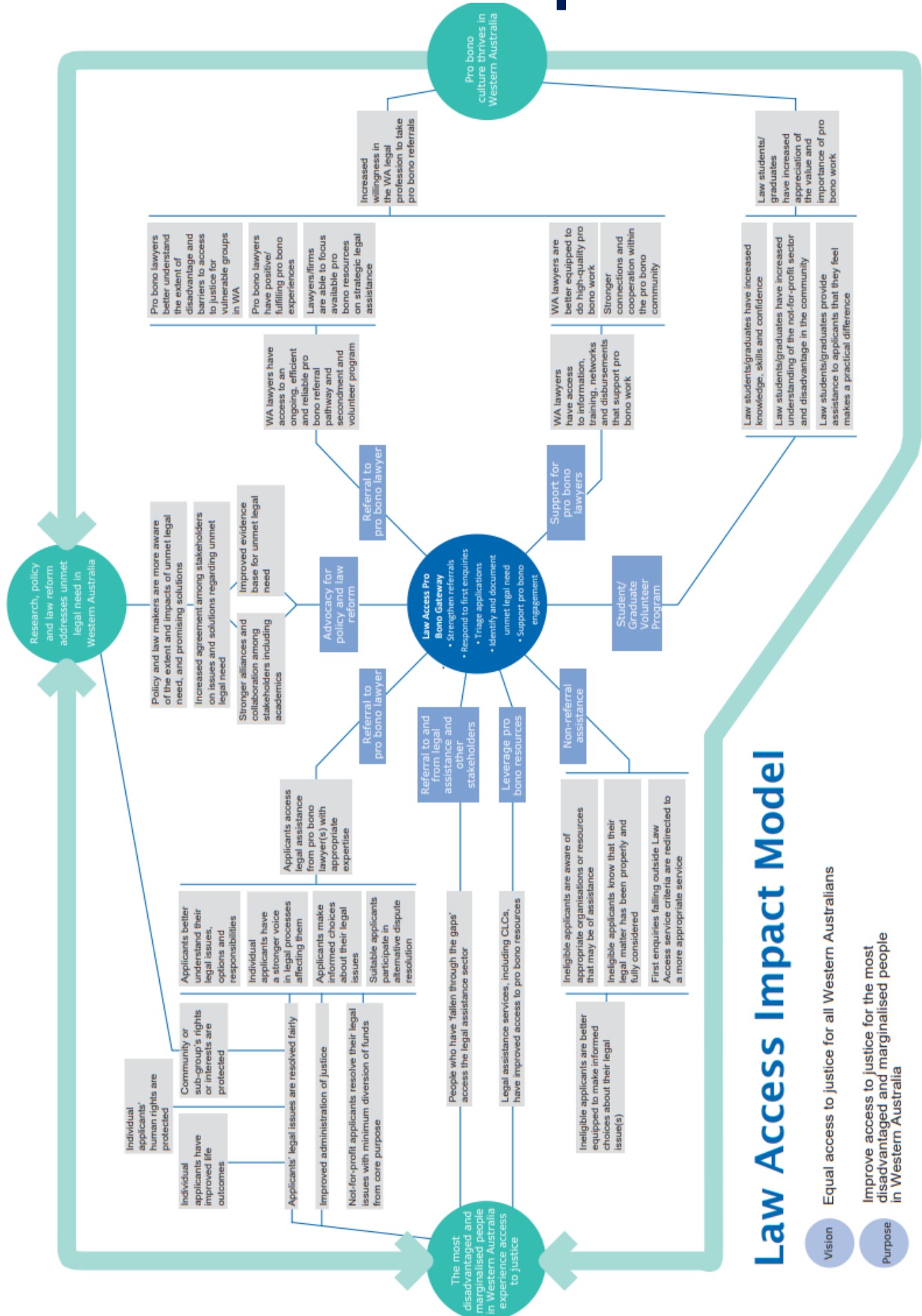
The Western Australian Government sought to encourage pro bono participation by requiring that law firms who provide legal services to government undertake pro bono work for Approved Causes to the value of at least 10% of the total value of each law firm's government contract(s).



1.4 The Referral Pathway



2. Law Access Impact Model



3. Our Impact

3.1 Who sought legal help



510
Inquiries

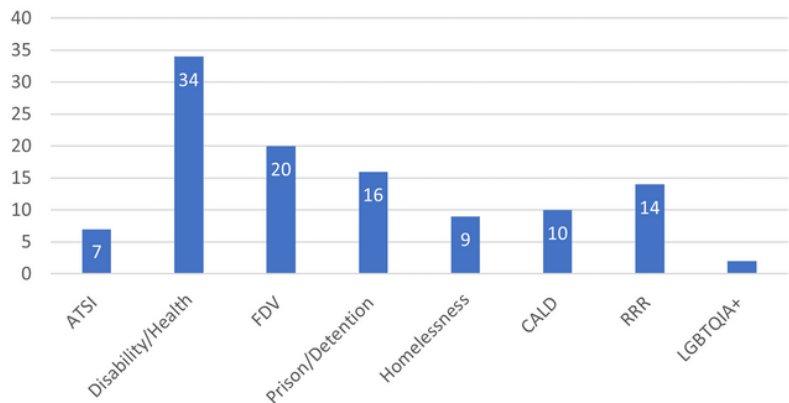


632
Applications

Law Access assisted individuals in genuine need of legal assistance with experience of the following categories of disadvantage:

- 7% ATSI
- 34% Disability/Mental Health/Serious Health issue
- 20% Experiencing/experienced FDV
- 16% Prison/Detention
- 9% Homeless/ At risk of homelessness
- 10% CALD (Culturally and linguistically diverse)
- 14% RRR (Regional, rural and remote)
- 2% LGBTQIA+

Applicant Demographics



34

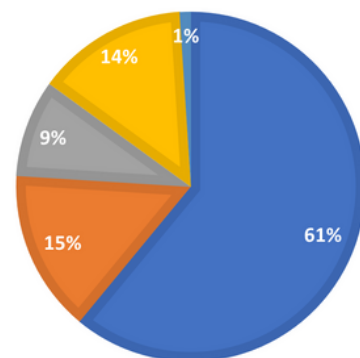
Applicants said they would be assisted by an interpreter

Law Access received the following applications by matter type:

- 61% Civil
- 15% Family
- 9% Criminal
- 14% Immigration
- 1% Pro Bono Support

APPLICATION BY MATTER TYPE

■ Civil ■ Family ■ Criminal ■ Immigration ■ Pro Bono Support



3.2 Who We Assisted

Successful Applicants



127

Matters Referred to Lawyers



20

Meritorious matters not able to be placed

Ineligible Applicants

256

Matters unsuitable for referral

*The Application did not meet the eligibility requirements

Law Access referral process



90% of individual applicants and 100% of organisational applicants felt that:

- the application and referral process was easy to understand
- they were informed of the progress of their application
- the referral to their pro bono lawyer went smoothly



100% of organisations who referred people to Law Access said the application / referral process was easy to manage and they were satisfied with Law Access' processing of the application.

95% of individual applicants and 100% of organisational applicants said they were satisfied with the application and referral process.

Value of legal service provided



3794*

Estimated value of pro bono hours



\$2.65m*

Estimated value of pro bono \$

* Estimates are based on the pro bono lawyer survey results extrapolated to the number of lawyers who took referrals.

Making a difference for applicants

Over 80% of individual applicants said:

- their lawyer helped them understand their legal matter
- their lawyer helped them understand their options and responsibilities
- their lawyer treated them with respect
- having a lawyer helped them cope with their situation



85% of individual applicants said:

- their lawyer really listened to them

3.2 Who We Assisted cont.

Best thing about having lawyers assist

The issue I had when I started this process seemed to me to be hopeless but once hearing my pro-bono lawyer a weight has been lifted from my shoulders. Thank god for pro-bono lawyers who give their time to help those of us who are unable to get help elsewhere.

Relieved a lot of stress off me having someone who understood the law and able to deal directly with the respondent lawyers. Would of struggled without a lawyer representing me.

Case Stories

NDIS assistance for young child

Jackson McDonald accepted a Law Access referral to act for a family with a young child with severe disabilities (May 2022). The family sought a review of an NDIS funding decision, on the basis that it did not provide their child with sufficient funding to enable proper care. When they accepted the referral, the family had been dealing with AAT proceedings for more than a year. Jackson McDonald and pro bono barrister Cobey Taggart (referred in Dec 2022) helped the family negotiate an outcome with the NDIS which provided the family with sufficient funding to care for their daughter's high needs. Jackson McDonald partner Erica Thuijs said: "It was a real pleasure and a privilege to be able to help the family achieve such a life changing outcome and see the real impact that it will have on their daily life."



David Benson, Clayton Utz

Homelessness crisis averted for vulnerable applicant

SCALES (Community Legal Centre) referred the applicant to Law Access for urgent pro bono property law advice (January 2023). The applicant was on a disability support pension and was facing imminent eviction from her family home. The home had been purchased with funds contributed primarily by the applicant and their adult child but was registered in the adult child's name only. The adult child sought to evict the applicant as a "tenant" and had obtained enforcement orders after default judgment for failure to lodge a defence in Magistrates Court proceedings. The applicant needed to urgently assert their equitable interest in the property to avoid homelessness. Clayton Utz made an urgent ex-parte Supreme Court application to suspend enforcement of the eviction orders (which was successful) and then commenced substantive proceedings.

In a Supreme Court mediation (March 2023) Clayton Utz helped the applicant achieve a negotiated outcome that recognised the applicant's considerable financial interest and allowed the applicant to remain in the family home until an agreed property sale date.

I was so lucky Scales community legal were able to take my case and then assisted with the process of a pro bono lawyer. Scales were incredibly amazing. David and his team from Clayton Utz were exceptionally professional at all times and a credit to their firm. Without all this incredible talent I know I would have given up and accepted despairing emotional distress knowing homelessness was imminent. I could never have achieved this outcome without David and his team at Clayton Utz and the clear and concise communication between Scales and David.

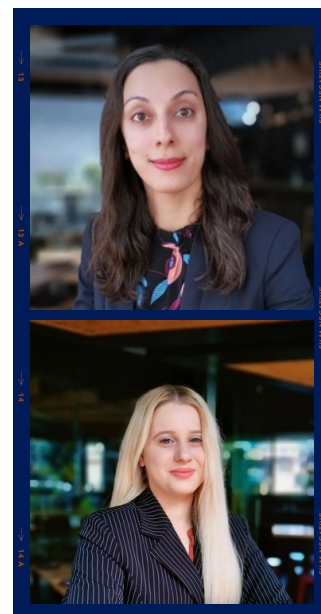
3.2 Who We Assisted cont.

Case Stories cont.

Victim of family violence and child with autism – allowed to stay in Australia

The applicant, whose English is very limited, had migrated to Australia with their partner and child. The partner was an Australian permanent resident and had applied for a partner visa for the applicant with their child as a dependent. However, before the application was processed, the applicant was forced to move to a refuge to escape domestic violence and obtain a Family Violence Restraining Order. The applicant was receiving assistance from Circle Green (Community Legal Centre) with their visa application. However, during the application process, the applicant's child was diagnosed with autism spectrum disorder. This necessitated an application to the Department of Home Affairs for a health waiver. Tang Law accepted the referral from Law Access to assist with that application (June 2022) while Circle Green continued to assist the applicant generally. After much hard work and a long wait, the applicant and their child received the health waiver and were granted permanent residency (August 2023).

Picture: Sophie Manera and Alexia Avdoulas from Tang Law



Picture: Shirley Feng, Civic Legal

Exploited migrant chef

The Applicant had been sponsored to immigrate to Australia by an employer in the hospitality industry. He spoke little English when he arrived in Western Australia. After working for over 10 years with the employer and suffering two injuries warranting workers' compensation, he left employment and commenced proceedings against his former employer. This was in the Industrial Magistrates Court for the underpayment of wages and leave entitlements still available during the limitation period to 2020, pursuant to the Fair Work Act 2009 (Cth) and the Long Service Leave Act 1958 (WA). Law Access referred the Applicant to Civic Legal for pro bono assistance in March 2022.

The matter was complex because the former employer gave inadequate disclosure, responded aggressively, made a nuisance offer, made strike-out applications, sought costs thrown away on amendments and made oppressive demands for disclosure. Further, the matter was expected to involve 14 witnesses (10 from the former employer), almost all of whom required interpreters / translators in Chinese or Japanese.

Civic Legal briefed Robert French as pro bono Counsel on referral from Law Access. In July 2023, Law Access, through the Law Access Disbursement Fund, granted disbursement funding to Civic Legal to obtain document translation assistance with respect to disclosure documents that contained Mandarin text. In the same month, the former employer agreed to adjourn its application for further disclosure from the Applicant and attended a pre-trial conference. A settlement was then negotiated. The success of the matter can be measured by the fact that the former employer consented to judgment for the entire sum claimed. Through the Law Access pro bono legal assistance scheme, this Applicant was able to successfully obtain a remedy for the wrongful withholding of wages and entitlements.

3.2 Who We Assisted cont.

Not-for-profit Organisations

One NFP applicant said:

We could not afford to engage a legal expert so we are most grateful to have received the advice we needed regarding insurance needs for our charity.

The Bush Blocks Guardians Inc. (BBG) is an incorporated association and not-for-profit conservation group and registered charity focused on the preservation of Western Australia's unique biological and cultural heritage, especially the Wheatbelt.

They formed urgently in 2021 with the model rules, to purchase land in Westonia. They needed a set of rules that were fit for purpose.

K & L Gates assisted with new rules for the organisation, suitable to applying for DGR status. Founding member, Peter Ewing said: *K & L Gates were very professional and communicative.*

Public Interest

Workplace Sexual Harassment: In FY2023, Law Access has been supporting Circle Green Community Legal with their Workplace Sexual Harassment project. We committed to providing CPD resources for lawyers, a direct referral pathway for applicants for pro bono legal assistance and to supporting Circle Green in their own work for the project (including pro bono legal assistance with terms of engagement for their lived experience panel).

Enablers and Barriers

Law Access maintains a disbursement fund to ensure that applicants can obtain legal assistance and representation without out-of-pocket expenses creating a barrier to access to justice. Applicants are required to demonstrate the need for the service and that they cannot afford to pay for it. In this financial year, Law Access approved reimbursements for expert reports, court and Landgate lodgement fees, a probate search, interpreters and translation.

\$11,887.30 plus GST	Total disbursement support to pro bono applicants
\$3,561.14 plus GST	Disbursement support for interpreters and translation
\$5,855.00 plus GST	Disbursement support for expert reports

Making a difference to the administration of justice

75% of lawyers agreed that their pro bono work contributed to the administration of justice

Making a difference to the legal assistance sector

23 people who had "fallen through the gaps" were referred to legal assistance providers

3.3 Pro Bono Culture

Pro Bono Lawyers

Referrals

134

Lawyers took a pro bono referral



32

of those lawyers took multiple referrals

Why lawyers recommend Law Access as the preferred pathway:

"Everything you need to assist is generally provided in a neat little package and form."

"It gives some assurance that the referral has either legal or social merit in providing assistance."



The process for taking a referral was efficient.



The referral had clearly defined scope/boundaries.



Would take another referral from Law Access.

Other Support



CIC Training Platform

This online training module for pro bono and CLC lawyers was produced in collaboration with CLWA (Albany CLC) and Lander & Rogers. It was launched at the CLWA conference in November.

It aims to enhance the capability of pro bono lawyers (and CLC lawyers) to assist potentially vulnerable clients with Criminal Injuries Compensation Claims.

This year Law Access up-graded their web-forms for applicants, warm referrers and lawyers. The form upgrade was accompanied by the creation of informational videos on how to apply to, refer to, and do pro bono work with, Law Access.



As well as new informational videos for lawyers, we also created a suite of resources on trauma-informed practice. Many thanks to our UWA students, Women's Legal Service WA and Sophie Taylor (RUAH) for their contributions.

Pro bono lawyers can also now access the Legal Aid WA Lawyers Hub through a Law Access account.

3.3 Pro Bono Culture Cont.

The Experience of Pro Bono Lawyers

Impact of referrals



Over 90% of lawyers said:

My work on this referral helped me fulfil my professional obligation to give back to the community.

"We are the gatekeepers to the legal justice system and should assist those who otherwise cannot afford to open the gate." - Greg Mohen.



Impact of other support



Access to the Law Access Disbursements Fund allows lawyers to volunteer their time without facing the additional burden of out-of-pocket costs incurred for their clients.

"The Law Access disbursement fund and its streamlined process in applying is also a major bonus." - William Edyvane.

Willingness to do and promote pro bono



100% of pro bono lawyers said:

- They would recommend to other lawyers that they undertake pro bono work.
- They intend to do further pro bono work.

"It is an important way of giving back in circumstances in which we benefit significantly from being members of the profession."



National Access to Justice and Pro Bono Conference

The National Access to Justice and Pro Bono Conference reconvened in Brisbane in 2023 after a Covid interruption.

The conference was an excellent opportunity to meet with our colleagues from other States and Territories, and to explore issues that may challenge us all in coming years as well as examining the role that pro bono can play in ensuring access to justice.



3.3 Pro Bono Culture cont.

Students, Graduates, Volunteers



13

student and graduate
interns



25

legal and admin
secondees



8

student / legal / admin
volunteers



1500

hours (not included in pro
bono lawyer hours)



1225

hours (not included in pro
bono lawyer hours)



605

hours (not included in pro
bono lawyer hours)

The Experience of Students and Secondees

100% of secondees and volunteer lawyers said their work at Law Access:



- helped them fulfil their professional obligation to give back to the community
- helped them better understand the realities faced by disadvantaged Western Australians seeking access to justice
- provided them with a deeper understanding of the not-for-profit sector in WA

I have valued most my increased understanding of the importance of pro-bono work in assisting the Western Australian community. As I assessed applications, I came to understand that some people's cases may fall outside the scope of Legal Aid and CLCs and that the role of private lawyers in providing pro-bono advice is essential in bridging this gap.

Education and Careers



Law Access participated in many events with students and graduates during the year to promote pro bono culture in WA.

We partnered with universities and students in academic programs on real world problems, internships and Careers Fairs.

We also presented at an event hosted by The Law Society's Young Lawyers Committee.



The passion for access to justice within the student and graduate community bodes well for the future of pro bono work through the next generation of young professionals.

3.3 Pro Bono Culture cont.

Law Access Reward and Recognition

We express our sincere thanks to our pro bono lawyers and other supporters through the Reward and Recognition Project, providing Certificates of Appreciation.



Thank you Drinks

Our Thank You Drinks event was held on 28 November 2022 and was generously hosted by MinterEllison.

A special thank you was presented to Dominique Hansen (former CEO).

The Law Access Pro Bono Lawyer of the Year was awarded to Anthony Quahe of Civic Legal.



3.3 Pro Bono Culture cont.

2023 Walk for Justice – the most successful yet!



822 registered participants

Over \$170,000 raised



Walk for Justice Sponsors

Principal Supporter

**McCusker
Charitable
Foundation**

Gold Sponsor



Corporate Sponsors

MinterEllison



PiperAlderman

University Sponsors



School of
Business & Law



Prize Winners for 2022

Top Individual Fundraiser
Mintie Tantiprasut

Top Team Fundraiser
Lavan Legal

Top University Team
Curtin Student
Law Society



3.4 Research, Policy, Reform and Innovation

Family Law Project

The Pilot Family Law Project is exploring unbundled legal services (or limited scope legal services) as a way to build the capacity of Community Legal Centres and address unmet legal need while balancing the capacity of private practitioners and firms to assist in family law matters.

A Steering Committee was formed and developed the service model to be piloted by regional CLCs. We thank the committee for their work and are excited that the pilot will be commencing soon.

Law Access has received a Perpetual Impact Philanthropy grant to expand the pilot in collaboration with Women's Legal Service WA. The funding will allow creation of resources for CLCs, applicants and pro bono lawyers to facilitate the roll-out of the service model.



Whole of Sector Review

Law Access plays an integral part in the legal assistance sector, providing a last resort solution for those who fall through the gaps. The referral of vulnerable people to pro bono practitioners also facilitates the leveraging of public funds through the generosity of the profession.

There are currently review processes underway at both a State and Federal level: The National Legal Assistance Partnership and the WA Legal Assistance Strategy and Action Plan. Law Access has been participating in these and hopes they result in long-term commitments to sufficient funding for the legal assistance sector as well as reforms that will improve outcomes for clients.

Work into the new financial year will include a Workforce Planning process, a Commissioning Strategy and development of service standards. We are currently funded to 30 June 2025.

Wills Clinics

Law Access identified this project as a priority under the new WA Pro Bono Model. Aboriginal Family Legal Services (AFLS) worked with Jackson McDonald to develop resources for lawyers assisting Indigenous Australians with wills.

On 15-19 August 2022, a clinic was run in the Pilbara with the assistance of Pilbara Community Legal Service, again working with AFLS and lawyers from Gilbert + Tobin.

A Wills clinic was held in the East Kimberley on 12-16 June 2023, with support from pro bono firm Barry Nilsson, AFLS, Kimberley Community Legal Services, Legal Aid, Aboriginal Interpreting WA and the Department of Justice.

Into the new financial year, we will continue to look for innovative ways to address this unmet need.



4. Looking Ahead

This year, Law Access embarked upon a campaign of *accessibility*. We restructured our application forms and created a series of resources for applicants to explain how to apply to Law Access and what we do with applications for legal assistance. We then added audio to our web-forms to address literacy concerns as well as having our videos translated into other languages.

We also paid particular attention in FY2023 to trauma-informed practice and providing training and support for lawyers in this area. We hope to embed client-centred practice and trauma-awareness into the future of pro bono work in WA.

In this next financial year, we turn particular attention to *cultural engagement*.

Law Access will pursue a First Nations Action Plan and a CALD Strategy:

- To ensure that Law Access is providing an accessible and supportive service and effectively engaging with First Nations and CALD communities, and
- To assist pro bono lawyers develop cultural competence in their practice.

We will be expanding the resources available to applicants in other languages, as well as providing resources for pro bono lawyers to promote cultural competence.

The year ahead will see a re-shaping of the delivery of legal assistance services. Pro Bono work is a vital piece of the puzzle, and we continue to work with the Department of Justice and our legal assistance colleagues to plan for future legal needs in our community.

All the contributors and supporters who are recognised in this publication are vital to our work. We will continue to strengthen these important relationships in the year to come.

We hope the legal profession will continue to value pro bono work as both an important community service and as an integral part of the culture of the profession.

Alana Dowley
Chief Executive Officer



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