NATIONAL PRO BONO TARGET

Summary of Key Changes to Apply from 1 July 2018

From 1 July 2018 the following changes will apply to the Target. For a full description of the changes to be made to the Target and other issues considered in the Target review, please refer to the *National Pro Bono Aspirational Target: The Target at Ten Years – Final Report*.

▪ Target name change

The name of the Target will be retitled from "National Pro Bono Aspirational Target" to "National Pro Bono Target". This reflects the fact that a target is, by its very nature, "aspirational" and that the Target will remain so. Dropping the word "aspirational" also assists in framing the Target as an industry standard for the practice of pro bono in Australia and is aimed at further encouraging meaningful engagement by Target signatories.

▪ "Pro bono legal services" definition to include work for social enterprises under certain circumstances, and release of new guidance notes

From 1 July 2018 the Centre will both amend clause 1(c) of the definition of "pro bono legal services" and publish supporting Guidance Notes on amended clause 1(c).

The revised clause 1(c) will recognise within the definition of "pro bono legal services" the giving of legal assistance for free or for a substantially reduced fee to charities, other not-for-profit organisations or social enterprises 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.

Including social enterprises in the definition is responsive to the fact that firms are acting on a pro bono basis for an increasing number of organisations that use their revenue and/or enterprise model to assist vulnerable and disadvantaged members of the community and that social enterprises are an increasingly common structure being used for an organisation to pursue social, humanitarian, cultural or environmental goals.

- ▪ **Release of new guidance notes and new reporting requirements in relation to "substantially reduced fee" work**

  The Centre intends to retain work done for a "substantially reduced fee" in the definition of "pro bono legal services" with the following additional requirements:

  (a) commencing with the reporting period 1 July 2018 to 30 June 2019 inclusive, the Centre will request Target signatories to report separately on (i) pro bono legal services provided for no fee; and (ii) pro bono legal services provided for a "substantially reduced fee";

  (b) for pro bono legal services provided for a "substantially reduced fee", hours reported to the Centre should only count on a pro rata basis based on the degree of fee reduction; and

  (c) the Centre will only count "substantially reduced fee" hours reported against the Target if those fees have been reduced by at least 50% of what the legal service provider would otherwise charge for the work.

  Points (b) and (c) above are further explained in the revised Guidance Notes. The additional notes aim to provide guidance about the meaning of the term "substantially reduced fee" and clarify the approach to be taken to counting and reporting this work for the purposes of the Target.

Pro bono growth under the Target will also be supported by the Centre as follows:

- ▪ **Active support to signatories not reaching the target**

  The Centre will adopt administrative changes in the way it works with some signatories on a case-by-case basis to provide more active support to signatories that are not reaching the target and to help them build a framework for reaching the target within a set timeframe.

- ▪ **Integrating Target into government tender arrangements**

  The Centre will continue to advocate and work with governments to assist them to integrate the Target into their legal services tender arrangements and therefore encourage further pro bono growth.

The Centre wishes to thank the Target signatory community for its commitment to pro bono through being a Target signatory and all Target signatories that participated in the tenth anniversary review process.