

Comparison of Government Pro Bono Provisions

	Cth	Victoria	New South Wales	South Australia	Western Australia	Queensland
Is pro bono an enforceable condition of the tender arrangement?	<p>YES</p> <p>The amount and kind of past (and intended) pro bono work is taken into account in the Panel selection process. All legal services providers must sign up to the Target and use their best endeavours to meet (or exceed) the Target. If a default is not or cannot be remedied, the Panel Head Agreement may be terminated.</p>	<p>YES</p> <p>Delivery of Pro Bono Services or (if approved) payment in lieu is a condition of the Panel Deed. Failure to deliver may result in suspension from the Panel.</p>	<p>YES</p> <p>Endeavouring to meet the Target of at least 35 hours per lawyer per year is a condition of the Panel Deed. If a default is not or cannot be remedied, the Panel Deed may be terminated.</p>	<p>NO</p> <p>The arrangements are designed to encourage new and existing Panel firms to undertake pro bono legal services.</p>	<p>NO</p>	<p>YES</p> <p>Suppliers report on the number of hours of pro bono legal work performed per lawyer as reported to the Australian Pro Bono Centre. This requirement does not apply to small businesses or organisations who provide legal resources only.</p> <p>The Panel Manager will work with Suppliers to achieve their obligations</p>



						under the SOA as part of the performance management process. Failure to deliver may result in suspension or termination of the SOA.
Is the weighting attributed to pro bono discretionary?	–	NO	YES The weighting attributed to pro bono is discretionary.	–	NO	–
Is Pro Bono Work / are Pro Bono Services defined with reference to the Australian Pro Bono Centre’s definition?	YES Pro Bono Work has the meaning adopted by the Centre in its definition of “pro bono legal services”.	NO Pro Bono Services must fall within the meaning of Approved Causes, which is broader than the Centre’s definition of “pro bono legal services”.	YES Pro Bono Services has the meaning adopted by the Centre in its definition of “pro bono legal services”.	YES The Panel arrangements use the Centre’s definition of “pro bono legal services”.	YES The WA Pro Bono Legal Services Model adopts the Centre’s definition of “pro bono legal services”. However, the Model requires firms to commit to undertake pro bono work for “approved causes”, which has	NO Pro Bono work is not defined. Suppliers must report on their pro bono work under the National Pro Bono Target reporting framework.

					a different definition.	
Is Pro Bono Work / are Pro Bono Services measured on the basis of hours per lawyer per year?	YES	NO Pro Bono Services are measured by their financial value, based on the relevant lawyer's hourly rate under the Panel arrangements, or their normal hourly rate.	YES	YES	NO Each firm is required to commit to undertake pro bono work for "approved causes" in WA to the value of at least 10% of the value of the firm's Government legal work.	YES
Are firms required / encouraged to adopt the National Pro Bono Target?	YES Firms must be Target Signatories, and must use their best endeavours to meet or exceed the target of 35 hours per lawyer per year.	NO Firms must provide Pro Bono Services to the value of a pre-nominated percentage (but at least 10%) of the total fees paid to the firm under the Panel arrangements annually. Firms can seek approval to make a	YES Firms must endeavour to meet the Target of at least 35 hours per lawyer per year.	YES Firms and solicitors are encouraged to become Target signatories.	YES Firms are required to be a signatory to the Target.	YES Suppliers must be Target Signatories, and report on their pro bono activities. This requirement does not apply to small businesses or organisations who provide

		payment in lieu of Pro Bono Services.				legal resources only.
Can Pro Bono Work / Pro Bono Services performed in another jurisdiction be counted?	YES	YES Pro Bono Work performed elsewhere can be counted if the definition of Approved Causes is met and the work is performed by a lawyer based in Victoria.	YES Pro Bono Work performed within the meaning of the definition can be counted for the purposes of the New South Wales Panel.	—	NO Firms must commit to undertake pro bono work for “approved causes” in Western Australia.	YES All suppliers are required to provide a case study on pro bono work completed in Queensland during the prior year.
Does the law firm have any reporting obligations?	YES The firm needs to report annually, to the Attorney-General’s Department, 20 business days after the end of the preceding financial year.	YES The firm needs to keep records of the Pro Bono Services it has provided and must report on this annually to the Contract Manager by 31 December each year.	YES The firm needs to report to the Panel Contract Manager annually.	YES The firm must report annually to the Crown Solicitor’s Office.	YES Firms must report annually to the State Solicitor’s Office within 12 weeks of the completion of the financial year.	YES Suppliers report to the Panel Manager annually. Suppliers must comply with the Principal’s reporting requirements (does not apply to organisations who provide legal resources only).

<p>What matters need to be reported?</p>	<ul style="list-style-type: none"> • total number of pro bono hours • pro bono hours per lawyer per year. 	<ul style="list-style-type: none"> • pro bono hours per lawyer per year performed by lawyers holding a Victorian practising certificate • number of pro bono matters and dates on which services provided <ul style="list-style-type: none"> • Approved Cause/s for which Pro Bono Services were provided • name and level of lawyer/s providing Pro Bono Services <ul style="list-style-type: none"> • value of Pro Bono Services. 	<ul style="list-style-type: none"> • total number of pro bono hours • pro bono hours per lawyer per year <ul style="list-style-type: none"> • whether a Target signatory <ul style="list-style-type: none"> • type of activities • internal aspirational target. 	<ul style="list-style-type: none"> • amount of pro bono hours per lawyer per year <ul style="list-style-type: none"> • whether a Target signatory <ul style="list-style-type: none"> • internal aspirational target for the following year. 	<ul style="list-style-type: none"> • confirmation the firm is a signatory to the Target. • total amount of legal fees charged by the firm to the WA Government. <ul style="list-style-type: none"> • total hours of pro bono legal services (on approved causes AND under the Australian Pro Bono Centre’s National Pro Bono Target). <ul style="list-style-type: none"> • total dollar amount and hours of pro bono legal services provided by the firm for “approved causes”. • whether the total dollar amount of pro bono legal services on approved causes is at least 10% of the total 	<ul style="list-style-type: none"> • confirmation of Supplier meeting the National Pro bono Target. Suppliers report on number of hours of pro bono legal work performed per lawyer as reported under the Target(does not apply to small businesses) <ul style="list-style-type: none"> • case study on pro bono work completed in Queensland during the prior year
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					<p>amount of legal fees charged by the firm to the WA Government.</p> <ul style="list-style-type: none"> • number of FTE lawyers. • hours of pro bono legal services on approved causes per lawyer. • internal pro bono legal services hours per lawyer target (if any). • brief overview of pro bono activities. 	
Does the government report on Pro Bono Work / Pro Bono Services provided as part of the tender arrangements?	YES	<p>YES</p> <p>The results are reported annually as part of the Department of Justice's <i>Victorian Government Legal Services Panel Annual Report</i>. In addition, the relevant agency must provide</p>	<p>YES</p> <p>The results are reported annually in the <i>NSW Government Legal Services Panel Annual Report</i>.</p>	NO	<p>YES</p> <p>The Attorney General will table reports in Parliament annually. Reports will also be published by the State Solicitor's Office.</p>	NO

		reports to the firm half yearly and annually on the firm's Pro Bono Amount.				
Is there any formal conflicts protocol?	YES Firms may act against the Commonwealth in pro bono matters where there is no conflict of interest (and to do so would not raise a conflict of interest).	YES The Panel Deed acknowledges it is appropriate for Panel firms to act against the State in pro bono matters where there is no conflict of interest: clause 22.2 of the Panel Deed.	YES The Panel Deed acknowledges it is appropriate for Panel firms to act against the State in pro bono matters where there is no conflict of interest: clause 22.2 of the Panel Deed.	NO	YES A Pro Bono Coordinator located at the State Solicitor's Office will manage conflicts of interest that may arise for law firms undertaking pro bono legal services where the Government is the counter-party. Firms can provide pro bono services against the State as long as it does not give rise to a legal conflict of interest. Departments and agencies cannot discriminate	YES Suppliers must comply with the Principal's conflict of interest policy including seeking consent prior to acting against the State.

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