

2 July 2018

Hon John Quigley MLA
Attorney General
5th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Dear Attorney General

PRO BONO LEGAL WORK REQUIREMENT FOR GOVERNMENT TENDERS

I write to gauge your support to consider introducing a requirement in Western Australia that lawyers tendering for government work be required, as part of that process, to commit to undertaking a certain nominated value of pro bono community legal work.

I understand this requirement has been implemented in New South Wales, Victoria, South Australia and at the Commonwealth level, however the Western Australian government does not currently have any pro bono legal service tender arrangements to encourage lawyers to engage in pro bono legal work.

As regards this, the Law Society prefers the Victorian model, set out in the Victorian Government Services Panel Deed of Standing Offer for the Provision of Legal Services. In this model, where, when tendering to be a panel firm, the applicant must commit to undertake pro bono legal work of a nominated value, being at least 10% of the aggregate amount paid to the firm under its panel arrangements. The firm may also elect to make a payment to pro bono causes in lieu of undertaking actual pro bono work. Failure to meet that contractual condition may be enforced by suspension from the Panel.

The Law Society is of the view that such a requirement would assist to harness latent pro bono capacity in the profession to address chronic unmet legal need within the community.

If you would like to discuss the above further, please do not hesitate to contact me.

Yours sincerely



Hayley Cormann
President