

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 1.2

Question No. 111

Senator Stott-Despoja asked the following question in writing:

I understand that the Attorney has approved an amendment to the Legal Services Directions to ensure that Commonwealth agencies do not discriminate against external legal services providers who perform pro bono legal work against the Commonwealth and that the OLSC proposes to issue a Guidance Note to accompany this amendment detailing the rationale and providing commentary on conflict of interest:

- a) Has the guidance note been issued? If so, please provide a copy.
- b) Detail any statistical or anecdotal evidence of discrimination against laws firms that have previously undertaken pro bono work against the Commonwealth.

The answer to the honourable senator's question is as follows:

- (a) Amendments to the *Legal Services Directions 2005* regarding the performance of pro bono legal work came into effect on 1 July 2008. The rationale to the amendment was explained in the Explanatory Statement and the amendments included commentary on conflict of interest. OLSC did not release a separate Guidance Note.
- (b) The National Pro Bono Resource Centre has consistently advocated for protocols to address concerns that law firms carrying out pro bono work against Governments might be penalised or prejudiced. The Centre has identified concerns held by private sector lawyers about the potential for repercussions if they undertook pro bono work against the Commonwealth in publications such as its consultation paper of March 2003.