

PILCH Criteria

Criteria for Eligibility

Before a case or project is assessed for referral, compliance with the following criteria is required:

- the applicant must demonstrate an **entitlement to pro bono legal assistance** being either:
 - a non-profit organisation, or
 - unable or, to the satisfaction of the Clearing House, ineligible to obtain Legal Aid and of insufficient means to afford requisite legal services at the applicable professional charging rates; and
- the matter concerned is a **legal matter of public interest** in that it:
 - affects a significant number of people; or
 - raises matters of broad public concern; or
 - particularly impacts on disadvantaged or marginalised groups; and
 - requires a legal remedy or other legal assistance; and
 - requires addressing *pro bono publico* ('for the common good').

PILCH Management and Staff

Clearing House Members

Membership of the Clearing House includes over 65 law firms and barristers to whom matters can be referred. In addition the Clearing House is also able to call on the assistance of its associate members who include mediators and accountants.

PIAC operates the scheme with assistance from solicitors seconded from member firms.

Clearing House Board

The Clearing House is managed by a Board of Directors comprising representatives from member law firms and barristers, and nominees from the Public Interest Advocacy Centre (PIAC), the Law Society of NSW and the NSW Bar Association.

Clearing House Staff

Andrea Durbach	Clearing House Coordinator
Sandra Stevenson	Clearing House Solicitor
Madeleine Bennison	Clearing House Financial Manager
Launa Jabour	Clearing House Administrator

Contact Details

Public Interest Law Clearing House
Level 1, 46-48 York Street
Sydney NSW 2000 Australia
DX 643 Sydney
Tel: (02) 9299 7833 Fax: (02) 9299 7855

PILCH Charter

What is the Public Interest Law Clearing House?

The Public Interest Law Clearing House Inc (PILCH) was designed to respond to the growing incidence of unmet legal need within the wider community. The first of its kind in Australia, the Clearing House was an initiative of the Public Interest Advocacy Centre (PIAC), law firms, the Law Society of NSW, and more recently the NSW Bar Association.

The Clearing House acts as an assessment and referral service, referring requests for legal assistance to member firms and barristers who provide assistance on a no charge (*pro bono*) or reduced fee basis.

Underlying the establishment of the Clearing House is the commitment from lawyers that the provision of *pro bono* services is intrinsic to legal professional responsibility.

What services do Clearing House members offer?

- advice
- research
- legal representation
- submission drafting
- alternative dispute resolution

Members of the Clearing House also include accountancy firms who provide assistance on financial matters.

PILCH Aims

Aims and Objectives

- to identify matters of public interest which warrant legal assistance *pro bono publico* ("for the common good");
- to identify the legal needs of non-profit organisations;
- to match disadvantaged and under-represented individuals and groups who have a need for otherwise unavailable legal assistance with Clearing House member firms and barristers;
- to utilise the diverse skills and resources of private lawyers and other professionals in a broad range of public interest matters;
- to expand the participation of private lawyers in the law reform process;
- to seek the integration of *pro bono* work with legal practice;
- to encourage cooperation between private lawyers and public interest lawyers.

PILCH Procedures

Procedures

- completion of PILCH inquiry form;
- assessment of matter by Clearing House staff;
- if eligible, matter is referred to member firm or barrister;
- introductory meeting scheduled with member firm or barrister;
- monitoring of matter by Clearing House staff; and
- if matter does not meet eligibility criteria Clearing House staff assist to refer to an appropriate agency.

Costs

In most cases no legal fees are charged. However in certain circumstances, the member may act on a reduced fee basis, as agreed with the client. Where possible, clients will be requested to cover, or contribute towards, disbursements such as costs of experts, court fees, photocopying, facsimile and telephone charges.

Where matters proceed to litigation, a costs agreement is determined between the client and the member firm and barrister. This may include representation on a *pro bono* basis.

Copy get
sent to
Graham

Public Interest Law Clearing House

Incorporated

An initiative of law firms, the Public Interest Advocacy Centre and the Law Society of NSW

Our ref: H99/120/09/02/MD

Mr Peter Hamilton
1/50 Paterson Street
Byron Bay NSW 2481

1 September 1999

Dear Peter

Information on the Clearing House

We refer to your telephone conversation with Mathew Deighton on 31 August 1999 and enclose:

1. Information Brochure

Please note the criteria for eligibility under the Clearing House scheme set out in the brochure.

2. Standard Inquiry Form

Please complete this form in as much detail as possible and forward it to the Clearing House together with copies of any relevant documentation.

If you require any additional information, including any assistance in completing the inquiry form, please do not hesitate to contact Clearing House staff.

Yours sincerely
Public Interest Law Clearing House



Mathew Deighton

enc

• Telephone: (02) 9299 7833 • Facsimile: (02) 9299 7855 • DX 643 Sydney •
• Level 1, 46-48 York Street, Sydney NSW 2000 Australia • pilch@fl.asn.au •

Public Interest Law Clearing House Incorporated Inquiry Form

The Public Interest Law Clearing House (PILCH) is an initiative of the Public Interest Advocacy Centre (PIAC), the Law Society of NSW and a number of law firms. Matters which meet the PILCH criteria are referred to PILCH members for legal assistance. The criteria for assistance and list of members are set out in the PILCH information booklet. PILCH does not provide legal advice and is not responsible for the advice given by its members. PILCH acts as an agent for applicants only in assisting them to obtain legal representation from a member law firm or barrister.

1. **Category of client:** How would you describe the person or body seeking assistance?

- ☐ Private individual(s) GO TO Q3
- ☐ Non-profit organisation

2. **(For organisations only).**

Name of Organisation:

Number of members:

Is the organisation incorporated? YES/ NO

If incorporated, is the organisation:

- ☐ incorporated association
- ☐ company
- ☐ other - specify

Contact person within organisation:

Position within organisation:

3. **(For individual applicants).**

Name(s) of individual(s):

(For All applicants).

Address details:

.....

Phone no: Fax no:

4. **Urgency:** Do you require urgent assistance: YES/NO

What are the time constraints/ deadlines:

5. **Existing advisers:** Do you have existing relationships with other legal advisers or representatives? YES/NO

If yes, please provide the adviser's name and organisation:

6. **Previous Assistance:** If you have previously sought assistance with this problem, please list dates and the persons or bodies you approached for assistance.

.....

.....

7. **Assistance sought:** What sort of assistance do you think is needed to address this issue?

- | | |
|---|--|
| <input type="radio"/> Advice. | <input type="radio"/> Representation (eg lease negotiations, etc). |
| <input type="radio"/> Litigation (ie court action). | <input type="radio"/> Assistance drafting submissions. |
| <input type="radio"/> Assistance drafting contracts, incorporation documents etc. | <input type="radio"/> Other (please specify). |

8. **Financial information.**

- (a) If the applicant for assistance is an organisation:

What is the source of its funding? (eg, donations, grants, member contributions etc)

Who provides the funds?

Are there any restrictions on the use of your funds?

Is there a written funding agreement? (If so, please attach a copy)

- (b) If the applicant(s) for assistance is/are individuals:

What is his / her/ their income?

What are his/ her /their assets?

The Clearing House encourages those it assists under the referral scheme to contribute, if at all possible, to the costs that will be incurred by a PILCH member in dealing with the referral. Are you able to contribute towards the costs which may be incurred in servicing your inquiry? If so, please state the limit of your financial contribution.

9. **Legal Aid:** Have you ever applied for legal aid for this issue? The PILCH scheme is intended to assist organisations and individuals where legal aid is not available.

☐ Have not applied for Legal Aid. (Applicants must have correspondence from the Legal Aid Commission and been informed that legal aid is not available for this issue.)

☐ Have applied for Legal Aid, what was the result of the application for aid?

☐ Aid was granted;

☐ Aid was refused (please attach the letter from Legal Aid setting out why it was refused);

☐ Refusal is being appealed; or

☐ No decision yet.

10. **Area of law:** How would you describe the area of law which affects your issue? The matters listed below are appropriate for referral to a PILCH member, the matter must satisfy PILCH criteria.

Administrative/Privacy	<input type="radio"/>	Defamation/Contempt/Media	<input type="radio"/>	Immigration	<input type="radio"/>
Associations incorporation	<input type="radio"/>	Discrimination	<input type="radio"/>	International/Conventions	<input type="radio"/>
Commercial/Tax/Leases	<input type="radio"/>	Employment/Industrial	<input type="radio"/>	Legal aid/Legal system	<input type="radio"/>
Constitutional	<input type="radio"/>	Environment Plan	<input type="radio"/>	Professional regulation	<input type="radio"/>
Consumer/Trade Practices	<input type="radio"/>	Family/Children	<input type="radio"/>	Personal injury/Negligence	<input type="radio"/>
Criminal justice	<input type="radio"/>	Housing/Tenancy	<input type="radio"/>	Public utilities & Services	<input type="radio"/>
Social/Welfare	<input type="radio"/>	Other issues:	<input type="radio"/>	specify.....	

Attach additional pages if necessary to answer the following questions fully.

11. **Issues:** What is the nature of the issue or the problem for which you require assistance? Please note that the PILCH members can only assist with matters which require *legal* resolution. PILCH cannot assist where the matter requires a political solution, eg a change to the law, or a social/welfare solution.

.....

.....

.....

.....

.....

.....

12. **Chronology of events:** Please set out, in brief and in date order, a list of the main events connected with this issue. Please indicate for each item the (approximate) *date*, the *person/organisation* involved, and a brief summary of *what happened*.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

13. **Current Position:** What is the current position? In particular, if court proceedings have begun, what stage are they at? What is the date of the next significant event?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

14. **Public Interest Aspect:** Why do you think there is a public interest aspect to this issue as defined in the PILCH criteria set out in the information booklet? In other words, does it affect a significant number of people, not just you; does it raise matters of broad public concern; will it affect the rights of a particular group of people?

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

15. **Relevant Documents:** Please list any relevant documents, letters, files, reports, contacts etc. which you have or know about. Please include for each item the date, who wrote it, what it is, and whether you have it.

Date	Who wrote it	Document type (content) (please specify copy/original)	I have it/ enclosed
------	--------------	---	---------------------

Please return this form together with those documents which you believe are **strictly** relevant to your request (eg, employment contract, building agreement, Constitution, Rules of Association, statements of aims and objectives, etc). We do not require you to forward copies of all of the above documents to us at this stage, however the documents may assist us to determine that your matter is eligible for PILCH assistance and expedite the referral process. We will contact you if we require additional documents.

16. **Acknowledgment**

(For organisations only).

I acknowledge that I am authorised by
 (name) (name of organisation)
 to make this application.

(For All applicants).

I appoint PILCH as my agent for the purposes of assisting me to collate all of the facts necessary (1) to evaluate and identify a potential brief to a legal adviser; and (2) to enable PILCH to assess whether the information so provided and the issues upon which advice is to be sought comply with PILCH's guidelines for eligibility for access to a member law firm or barrister for legal advice.

I understand that PILCH will cease to be my agent if either (1) my application is declined by PILCH as not meeting PILCH's guidelines for eligibility; or (2) my application is accepted by a member law firm or barrister. If my application is referred to a member law firm or barrister, PILCH's role will only involve monitoring the progress of my matter for the purpose only of enabling PILCH to review how PILCH's referral program generally is operating, and not as my agent, and I authorise any member law firm or barrister to which my application is referred to report to PILCH for that purpose as to the progression of my matter on a confidential basis and without waiving any legal professional or other privilege.

I confirm that the information in this application is correct. I will inform PILCH if any change of circumstances makes the information in this application untrue.

..... Signed Print name Date
-----------------	---------------------	---------------

If you require any assistance in completing this form, or if you do not understand any part of the form, please do not hesitate to contact PILCH staff on (02) 9299 7833