

# ACT Pro Bono Clearing House Eligibility Criteria

## Type of matter

The eligibility criteria consist of two parts:

The Pro Bono Clearing House (PBCH) will assist applicants in respect of two types of matters:

- a. “public interest” law matters that affect a significant number of people or that raise a matter of broad public concern, which should be addressed for the common good; and
- b. “private interest” law matters that have reasonable prospects of success.

## Eligibility threshold

For **individuals** the eligibility threshold will be satisfied in the case of an individual:

- a. For whom a lack of legal representation would result in a serious injustice or an otherwise significant detrimental outcome; and
- b. Who has been refused a grant of Legal Aid or whose matter is not one for which Legal Aid provides assistance; and
- c. Who is determined by the PBCH Panel to be of insufficient means to afford legal services at professional charging rates, on the basis that; and
  - i. the individual’s whose main income is a social security benefit; or
  - ii. the individual holds a health care card; or
  - iii. the individual’s annual gross income is \$47,196 or less (including the income of the individual’s married or de facto spouse with whom the individual lives) and the individual has assets totalling less than \$15,732 (excluding the person’s principal place of residence, one vehicle per adult in the individual’s household, home contents and personal effects). The annual gross income threshold is increased by \$8,390 for each of the individual’s dependent children; or
  - iv. the individual’s annual gross income combined with other members of a class action is \$47,196 or less; or
  - v. where the individual does not satisfy the tests in paragraphs (i), (ii), (iii) or (iv) in (2) (c) above, but who the PBCH Panel nevertheless considers that the individual should be assisted by the PBCH because the applicant’s financial or other circumstances prevent him or her being able to obtain the requisite legal assistance.

For **organisations** where the entity is a not-for-profit organisation or community group whose purpose(s) is primarily charitable and whom the assessment committee considered adequately demonstrates a financial need for pro bono legal assistance.

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The amounts for annual gross income, for permissible assets, and the allowance for each dependent child are to be reviewed and adjusted on annually on 1 July to take into account increases in the Consumer Price Index All Groups weighted average for the eight capital cities (“CPI”), as last published by the Australian Bureau of Statistics before that date, over CPI as last published before the previous 1 July.

## Matters to consider

The PBCH Panel will need to exercise an element of discretion in applying these criteria. Among other things, the PBCH Panel may take evidence of an applicant's necessary and significant expenditure into account in determining an applicant's eligibility for assistance. Examples of such expenditure may include large child support payments, rental payments, or child care fees.

When exercising its discretion to accept or reject an application for assistance, the PBCH Panel will apply the criteria set out above and consider the following factors:

1. Where the matter involves litigation:
  - a. whether the proposed litigation has reasonable prospects of success; and
  - b. would an ordinarily prudent self-funding litigant risk their own resources, including money, in these circumstances?
2. Where the matter does not involve litigation, the matter must have reasonable prospects of being achieved or completed (ie. the possible benefit to the applicant of obtaining pro bono assistance should be weighed against the likely costs of taking on the matter); and
3. Does the application warrant the allocation of scarce pro bono resources?

## The right to refuse an application

The PBCH maintains the right to refuse to process an application where:

- an applicant has already had an application referred by the PBCH with respect to the same matter;
- an applicant has had an application with respect to a different matter referred by the PBCH in the last 6 months; or
- an applicant has already obtained legal advice, particularly where the applicant refuses to provide that advice to the PBCH in their application.

The decision to refuse or accept an application in any of the circumstances above is at the discretion of the PBCH.