

Respect respect

Pro bono report FY2021

A year of purpose

Hall & Wilcox's purpose is to enable our clients, our people and our communities to thrive. Our Pro Bono & Community practice continues to be a key contributor to this purpose.



15,400
pro bono hours



68% of our
lawyers participating



38.6 hours
per lawyer

Pro bono work allows our people to gain new and different skills to their day to day. They become better, more rounded lawyers as a result. Their clients, who would otherwise have been unable to access the legal system, have the opportunity to be heard. Ensuring greater access to justice strengthens the rule of law.

This year we did more pro bono work than ever before – over 15,400 hours – and beat the National Pro Bono Target. This report contains just some of the work done this year.

We are not, however, just a firm of lawyers. It was pleasing to launch HW Community Giving, providing an opportunity for all our people to use payroll giving to assist our 11 charity partners in our cause areas of domestic violence, disability, First Nations peoples and older persons. More often than not, charities are in a better position than lawyers to enable thriving communities and our people have been strong in providing financial support.

COVID made life for the students we assist through the Australian Business and Community Network (ABCN) difficult. We were able to pivot to online mentoring when necessary and continue our programs across the country.

This year we have also focused on the unfinished business of reconciliation. Through our Reconciliation Action Plan, we have begun the journey of learning the truth of our nation, awareness of our Aboriginal and Torres Strait Islander cultures and using our skills to provide opportunities for Aboriginal and Torres Strait Islander businesses. We have accepted the invitation to walk with Aboriginal and Torres Strait Islander people towards constitutional recognition through our support of the Uluru Statement from the Heart. We look forward to continuing the journey.

This year COVID provided challenges but we are immensely proud that our commitment to the community endured and produced our most successful year. We hope you enjoy reading about some of our work.

The team



Nathan Kennedy
Partner
Head of Pro Bono
& Community



Dan Poole
Lawyer



Ruby Lomi
Pro Bono & Community
Co-ordinator



Andrew Banks
Lawyer



Benjamin Wilson
Lawyer

Reconciliation Action Plan

Wirra Hub

Hall & Wilcox was successful in tendering for the provision of legal services to clients of Wirra Hub, a Perth-based Indigenous business and employment hub run by Wirrpanda Foundation, which supports Aboriginal and Torres Strait Islander people wanting to start, grow or sustain their businesses. Wirra Hub has identified 767 Indigenous-owned businesses in WA and currently provides services to 190 of those businesses.

Hall & Wilcox will consider on a case-by-case basis whether a Wirra Hub client is eligible for pro bono assistance, support from our *Frank* startup practice or Wirra Hub discounted rates. We will work closely with Wirra Hub to run training workshops and provide support to clients. The tender was prepared by Beau Willis, Jacqui Barrett, Jasmine Koh and Remi Kelly.

Red Dust cultural awareness training

Hall & Wilcox was grateful to receive cultural awareness training from Red Dust at the 'Yarn with Red Dust' webinar.

Red Dust delivers innovative health promotion programs and community development projects that focus on enriching the lives, health and futures of Indigenous youth and families in remote communities.

This was an invaluable educational session focussed on helping to establish a baseline understanding and awareness through dynamic conversation about country, mob, family and identity. Topics covered included welcome protocols, the impact of colonisation as well as what it means to walk side by side and contemporary issues facing all Australians.

Yalari Giving Day in November

Hall & Wilcox was honoured to join an army of volunteers that rallied together for Yalari's inaugural Giving Day. As a young Indigenous man living in the remote community of Murgon, Queensland, Yalari Founder Waverley Stanley experienced firsthand the power of education when he earned a scholarship to attend Toowoomba Grammar School.

Waverley founded Yalari in 2005 with the goal of empowering Indigenous children through quality education opportunities to bring about generational change. Yalari's scholarship program currently funds over 200 Indigenous children from regional, remote and rural areas to attend 20 partner boarding schools across Australia. Yalari also has a growing band of alumni who are studying at university, working, undertaking further training and/or raising families.

Like many not-for-profits, Yalari was hit hard by the pandemic. All fundraising events that Yalari relied on to fund the scholarships program were cancelled. The socially-distanced solution to make up the shortfall was Giving Day: a 12-hour telephone fundraising marathon. Hall & Wilcox staff from the Brisbane office worked in shifts to assist, calling old and new supporters of Yalari asking for donations.

By midday, party-poppers and confetti rained down in the call centre as donations reached the original goal of \$400,000. But the Yalari army powered on for the rest of day, finishing up on \$936,776.

'We were energised by our sheer competitiveness to outfundraise each other and motivated by the ultimate stakes: the money raised would help ensure 46 Indigenous children have the best possible education in 2021,' Georgia Gamble, Law Graduate, said.

'I was overwhelmed by the generosity of the public, especially during a time when so many were struggling financially...I guess that just speaks to how important Yalari's work is.'



Natasha Farr, Danielle Davis, Hannah Koppel and Georgia Gamble at Yalari Giving Day



Stacey Boulton and Danielle Davis at Yalari Giving Day

FUNDRAISING
TARGET



\$400,000

ACTUAL

\$936,776

Disability

Disability discrimination complaint to AHRC

Our client was a full-time employee of a government agency who temporarily converted to part-time employment to care for her children, with the intention of reverting to full-time work. In the interim, she acquired a brain injury and returned to work part-time on a rehabilitation plan.

When her youngest child reached school age, she attempted to revert to full-time work in accordance with her employment entitlements, yet her manager refused. She was eventually retired on invalidity grounds and began to draw an invalidity benefit calculated on part-time hours rather than full-time hours, representing a significant financial loss.

We helped the client make a complaint in the Australian Human Rights Commission (AHRC) alleging she had been a victim of direct discrimination and indirect discrimination in employment as she was refused the right to revert to full-time work in circumstances where she had previously been allowed to do so. She reached a financial settlement with the agency and thanked us for helping her take the matter further than she would ever have been able to on her own. She was represented by Jillian Howard and Remi Kelly.

The names and identifying details of our clients in the stories below have been changed to preserve their anonymity.

Refugees

Refugee Legal

Hall & Wilcox continued to provide support to Refugee Legal this year through the Refugee Legal Fast Track Clinic. Refugee Legal is a community legal centre based in Collingwood, assisting refugees both in Victoria and offshore detention with legal advice and representation with respect to their claims for protection.

The centre was experiencing increased demand for its services, after the Department of Home Affairs announced a 30 June 2021 deadline for expediting interviews for asylum seekers who arrived by boat, and who had not been interviewed by the Department since their first protection visa application – many over four years ago.

Our people assisted by taking clients' instructions and preparing their statements in support of their visa applications. They also assisted clients in completing their visa application forms, provided general information regarding clients' protection applications, conducted country information research, and helped with the general administration of the clinic, for example, by scheduling client's appointments.

Trevor Jones, Law Graduate, said:

'Many of the clients assisted described mental health concerns associated with traumatic experiences in their countries of origin.'

'I was struck by how grateful the clients were, with one client commenting that he would never forget our assistance.'

RACS

Hall & Wilcox continued our strong relationship with the Refugee Advice & Casework Service (RACS). RACS provides critical free legal advice, assistance and representation to financially disadvantaged and vulnerable people seeking asylum in Australia. RACS had also received an influx of people seeking support due to the 30 June 2021 deadline.

While on secondment with RACS, our people provided support to the organisation and clients by conducting country information research and outlining the risks our clients would face if they were to be returned to their country of origin. This research formed part of the evidence put before the Department in the clients' applications for protection visas in Australia. We also helped prepare clients for their interviews with the Department by reading back their initial statements which they had made on arrival to Australia as well as general advice about what to expect at their interviews.

Kevin Dorostkar also had the opportunity to utilise his language and cultural skills by interpreting and explaining documents which were in Farsi to RACS solicitors, quickly bridging the communication gap faced by many clients.

Ruby Lomi, Pro Bono & Community Coordinator, and Kevin Dorostkar, Law Graduate, agree that:

'By far, the standout during our time at RACS was just how much we learnt and developed. We had the opportunity to refine our writing and communication skills, develop further knowledge in administrative law and build an understanding of cross-cultural awareness. It was invaluable to be able to assist vulnerable clients during an especially stressful time and to help them feel prepared and supported.'



‘We assisted Amon to lodge a claim in the Fair Work Commission, and managed to negotiate compensation of \$47,500...’

Wage theft

Amon’s story

After fleeing their home in northern Africa in 2012, Amon and his wife secured refugee status in Australia and set up new lives for themselves in Melbourne. Their daughter was born a few years later, and Amon suddenly found himself as the sole breadwinner for his young family. Luckily, he managed to find himself a job at his local independent supermarket and was quickly promoted to Store Manager. This meant that he regularly worked 60-80 hour weeks but was happy enough to be able to put food on the table and pay his rent.

Unfortunately, in 2019, Amon was in a traffic accident on his way home from work, requiring a lengthy recovery and extensive physiotherapy. He quickly used up all of his sick leave, and after being away from work for a few months he got a call from his employer to say that if he wanted to come back to work, he had to accept a 50% reduction in his salary or accept a demotion to become a shelf stacker. Either way, he would earn a fraction of what he earned previously, and he simply wasn’t going to be able to make ends meet.

Around the same time, Amon realised that he had been underpaid about \$50,000 throughout his employment. He tried to plead with his employer to reconsider their decision to cut his salary or demote him, or at least to pay him his unpaid wages so that he could survive. His employer eventually stopped returning his calls.

We assisted Amon to lodge a claim in the Fair Work Commission, and managed to negotiate compensation of \$47,500, taxed as general damages, to reflect the totality of his loss. By this point, Amon had not worked for nearly a year and was severely indebted to his family. He was incredibly grateful for the support our lawyers were able to provide.

Homelessness

Stopping a retaliatory eviction

Working behind the scenes, we assisted a vulnerable tenant to resist a retaliatory eviction by her landlord, which was instigated in response to the tenant taking the landlord to the Tribunal to obtain an order for the pervasive mould in the property to be rectified.

In NSW, there is very little protection for tenants who are subjected to retaliatory evictions. The Tribunal has discretion to find that the eviction was retaliatory, but still evict the tenant. Still, we managed to assist the tenant to convince her landlord that proceeding to the full-day hearing was risky for them.

Two days before the hearing, they withdrew their eviction application, and agreed to provide our client with a new 12-month lease with an additional clause that she must be given 90 days’ notice of any further bid to evict her.

Debt Recovery

Naseem's story

Naseem got the shock of his life when the Sheriff knocked on his door one morning to start repossessing his assets, after he had apparently lost a Court case.

As it turned out, Naseem had previously been involved in a traffic accident while he was driving a taxi for his former employer and had caused damage to another vehicle. Naseem was told that his employer was insured and would 'sort it out', and that there was no need for him to worry.

Unfortunately, his employer had failed to maintain adequate insurance, and so the driver of the other vehicle issued court proceedings against Naseem to recover his losses. Unfortunately, Naseem's employer didn't tell him about the court proceedings, and instead instructed a suburban law firm to defend the proceedings without Naseem's knowledge or consent. That firm then failed to attend the court hearing, and default judgment of \$7,000 was handed down against Naseem.

Before coming to us, Naseem went to the Victorian Civil and Administrative Tribunal (VCAT) and successfully obtained an order requiring his employer to indemnify him for the debt he owed the other driver under the default judgment. However, his employer by that point had disappeared.

Hall & Wilcox were initially instructed to assist Naseem to enforce the VCAT judgment against his employer, but we quickly realised that we could instead pursue a claim against the suburban law firm in negligence. We were ultimately able to settle the matter and recover the \$7,000 that Naseem owed under the judgment debt to the other driver.

Sexual and gender diversity



Pride Centre

Hall & Wilcox is delighted to have advised the Victorian Pride Centre, which was officially opened on 11 July. The Pride Centre is Australia's first purpose-built centre for LGBTIQ+ people, the home to a range of community organisations and also provides dedicated spaces for art, culture, events and collaboration.

Hall & Wilcox has been the Pride Centre's primary pro bono legal provider since 2016, having worked with the team from the inception of the concept, throughout the design and build process, and on an ongoing basis.

The Hall & Wilcox team, led by Partner James Morvell, advised on corporate structuring, the funding process (through State Government grants, loans and benevolent funding), the design and construction phase, charity and tax structuring, leasing and sponsorship arrangements. Others in the cross-practice team included Partners Emily Kyriacou, Mark Inston, John O'Kane, Maurice Doria, Frank Hinoporos and Martin Ross, Senior Associates Vanessa Murphy (also the current Pride Centre company secretary) and Todd Bromwich and Lawyers Tammy Qu, Alexandra Berry and Michael Henderson.

The Pride Centre, which is located in Fitzroy St in St Kilda, Melbourne, was officially opened by Victorian Premier Daniel Andrews, Minister for Equality Martin Foley and City of Port Phillip Mayor Louise Crawford. Also in attendance was former High Court Justice Michael Kirby AC CMG, inaugural Pride Centre Chair Jude Munro AO and current Chair Hang Vo.

'We are excited to see such an iconic project come to life, and congratulate all involved,' James Morvell said.

'The words spoken by all dignitaries at the official opening left everyone in awe of what has been achieved and the personal commitment of so many people. It's certainly the most satisfying project in which I've been involved, and I couldn't be more proud of all my colleagues at Hall & Wilcox who have provided their support and assistance in many ways over this five year journey.'

Pride Centre Chair Hang Vo said at the official opening, 'Today is an important milestone for our community. As Australia's first purpose-built pride centre, this is where everyone can come together, honour the past, celebrate the present, and work towards a more inclusive future.'



The opening of The Victorian Pride Centre



Victorian Premier Daniel Andrews attended the opening

Access to Justice in our communities



MLC

Hall & Wilcox is proud to have a longstanding partnership with the Marrickville Legal Centre (MLC), a community legal centre based in the Inner-West of Sydney. MLC provides a range of accessible legal services to people experiencing social and economic disadvantage across much of NSW.

MLC covers a wide variety of legal areas including employment, debt, discrimination and victims' compensation. These services also include support for young people and those experiencing, or at risk of, domestic violence and homelessness. Hall & Wilcox has supported MLC in these efforts by providing our lawyers and expertise to assist on many matters and projects. For example, we regularly accept referrals of clients and our lawyers attend the evening advice clinic run by the centre. Hall & Wilcox also uses our national resources to develop new precedents and template legal documents for MLC.

Our firm is currently providing two pro bono lawyers to MLC on secondment. Dan Poole and Andrew Banks are respectively seconded to the Employment and Tenancy teams, directly supporting the centre and their clients. Nathan Kennedy, Partner and head of Pro Bono & Community at Hall & Wilcox, has been a volunteer solicitor with MLC for over 10 years.

Hall & Wilcox runs a Motor Vehicle Accident Clinic with MLC for uninsured and disadvantaged clients who have been in motor vehicle accidents involving property damage. These clients receive assistance from Hall & Wilcox lawyers in pursuing a claim for damages or defending a claim made against them by another party. This practice is headed by Leigh Parker, Partner in our General Insurance section and supported by a number of lawyers across the firm who regularly attend the clinic.

MLC also provides community legal education and development, often through their partnerships with other organisations. The Migrant Employment Legal Service is a collaboration between several Sydney based legal centres, including MLC. Over the last few months, they have been running a 'Train the Trainer' program of community legal education seminars. This program trains community leaders to recognise common legal issues in their communities and where they should direct their community members to seek assistance. Hall & Wilcox was thrilled to host and facilitate one of these seminars at our Sydney office.

We value our relationship with MLC and look forward to supporting them further in the future!



Andrew Banks and Nathan Kennedy welcoming community leaders to Hall & Wilcox



Community leaders from the Migrant Employment Legal Service attended Hall & Wilcox's Train the Trainer program



The Hall & Wilcox team at the MLC trivia night

LawRight

Hall & Wilcox provides secondees to LawRight, a community legal centre that aims to increase access to justice for vulnerable people through strategic partnerships with pro bono lawyers as well as community and health organisations.

Our secondees assist the Mental Health Review Tribunal team who advocates for clients subject to involuntary treatment orders under the *Mental Health Act 2016* (QLD). Our people also attend a clinic at the Mater hospital, to assist young patients with a range of civil law matters including guardianship, administration, debt and tenancy issues. Our secondees aid LawRight by making intake calls, meeting with clients and drafting letters to advise them of hearing outcomes and their appeal rights.

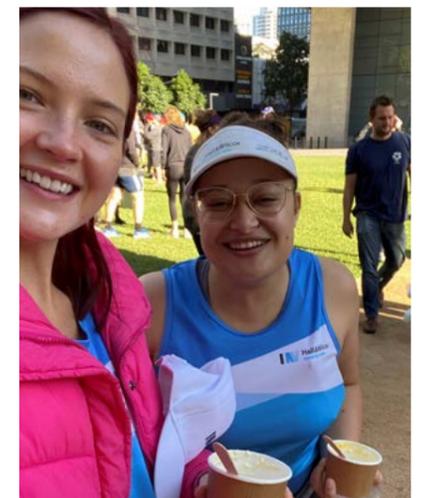
LawRight is also an active voice in law reform policy discussions. Our secondees assist them in this effort by conducting legal research and analysis, to identify how client interactions with the Mental Health Tribunal can be improved.

Meg Macri, one of our law graduates, views her secondment as a highlight of her career so far.



Ryan Thomson, Georgia Gamble and Meg Macri attending the Queensland Legal Walk

'The secondment opened my eyes to the important role CLCs play in closing the justice gap. The team at LawRight is truly passionate about advocating for their client's human rights and work hard to support very vulnerable people in the community. The secondment was invaluable opportunity to be involved in an inspiring organisation.' – Meg Macri



Georgia Gamble and Danielle Davies fundraising for LawRight

Thriving communities

All of our offices are committed to giving back to our communities by doing work for the public good. Our people have a strong history of making a difference through community initiatives. So many of our staff have been involved in raising funds, hosting local events, volunteering their time and representing our firm in the community.

We have continued to support ABCN, with staff participating in programs across Sydney, Brisbane and Melbourne. Despite the need to run some programs virtually we still participated in Bright Sparks, Aspirations, Accelerate, GOALS, InterAct, Focus, Interview to Impress and Future Thinkers. Participating in ABCN allows staff to expose students from disadvantaged schools to new career opportunities and improve their educational outcomes.

One of our mentors who participated in the Focus program said:

'I learned so much from the girls I mentored, and I feel as though I genuinely made a difference to the students. It has also left a positive mark on me to know that our future is in such good hands.'

Our partnership with the Mother's Day Classic entered its sixth year. The Mother's Day Classic local allowed for smaller events across Australia, bringing back the community atmosphere seen at physical Mother's Day Classic events in the past. We raised a phenomenal \$7,118 for breast cancer research this year.

We launched our workplace giving platform, HW Community Giving in April 2021. In the first three months since launching, we raised \$24,020 and had a participation rate of 6.4%. HW Community Giving allows staff to get involved in payroll giving, make one-off donations and support colleagues who are taking part in challenges for important causes. Regular payroll giving allows staff to support one of our eleven charity partners in the areas of older persons, mental health, disability, domestic violence, homelessness, children and young people, and cancer research, as well as addressing issues facing our First Nation's peoples.

We have supported our colleagues participating in different fundraising opportunities, such as Michael Tran who did the Push Up challenge for mental health and a cohort of Property & Projects people who took part in the Property Industry Foundation 30-Day Challenge and raised \$2,456 for youth homelessness. As part of the platform launch, we ran a Reconciliation Week campaign for Red Dust, an organisation that delivers innovative health promotion programs and community development projects to Indigenous communities and donated a total of \$6,122. HW Community Giving is an important part of our Firm and we look forward to it continuing to grow and make a greater impact.

WE RAISED 
\$7,118 for breast cancer research

AT THE MOTHERS DAY CLASSIC

WE DONATED TO RED DUST –
\$6,122 

THROUGH HW COMMUNITY GIVING
WE WERE ABLE TO RAISE
\$24,020

OUR PEOPLE TOOK PART IN THE
PROPERTY INDUSTRY FOUNDATION
30-DAY CHALLENGE AND RAISED
\$2,456 
FOR YOUTH HOMELESSNESS

Hall & Wilcox
Workplace Giving
Charity Partners



Guide Dogs.



Pro bono lawyer of the year – Anthony Hallal



2020-2021 was a strong year for pro bono at the firm. For the first time, we exceeded the National Target of 35 hours of pro bono work per lawyer. We look forward to continuing to exceed this target with the support of all our people.

Each year, Hall & Wilcox recognises the person at the firm who has made the largest contribution to pro bono work. Over the last year, that person was Anthony Hallal, Employment & Human Rights Lawyer. We are grateful for Anthony's support. Assistance from lawyers like him is vital for the ongoing success of the practice.

Anthony said:

'I am delighted to be Hall & Wilcox's Pro Bono Lawyer of the Year, and I am very grateful to have my pro bono contribution recognised in this way.'

'Much of my work at Hall & Wilcox, including my pro bono work, focuses on Australian and international human rights law, modern slavery, discrimination, and employment. I was also recently seconded on a pro bono basis to the Australian Human Rights Commission where I worked with the Disability Rights team to prepare submissions to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.'

'Hall & Wilcox's pro bono practice is one of its many strengths. Clients, lawyers, and the firm all benefit from pro bono work. The Pro Bono & Community team are genuinely committed to promoting access to justice, and in doing so they set an example for the entire legal industry.'

'I am very proud to work at a firm that makes such a significant and meaningful pro bono contribution.'

