

A JUST LIFE

The role for legal help in building fairer,
safer and healthier communities



ACKNOWLEDGEMENTS

Thank you to our clients for sharing their stories and insights about their experiences of life, the law and the justice system. Also to our many partners and funders across government, philanthropy and the health, legal and community sectors. It's a privilege to work alongside you.

Thank you to our fantastic secondee from MinterEllison, Dushan Stevic, who helped bring this report to life.

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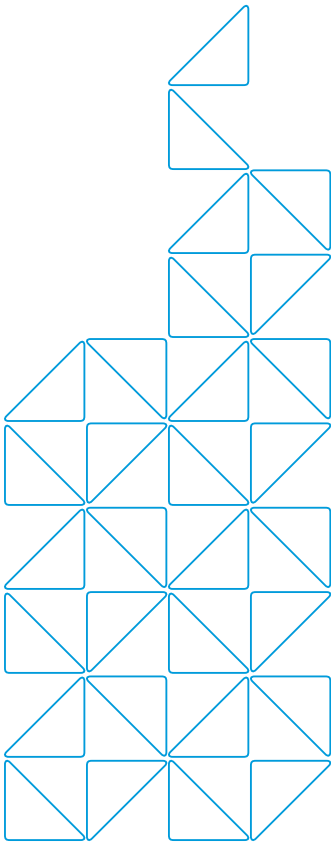
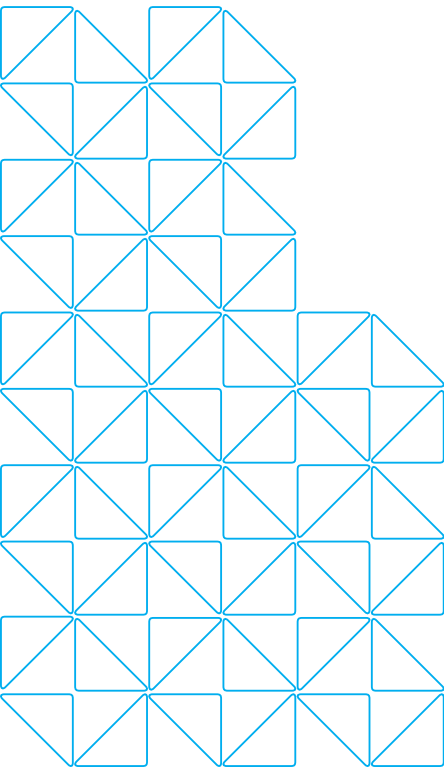
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EXECUTIVE SUMMARY

‘You helped me resolve a year’s worth of intimidation and dispute. You used the law to uphold the truth. You helped me, a 60 years old senior widow with high pressure and lots of sickness, finally access justice.’

— Jia, Justice Connect Seniors Law client

‘When you’re not in the right frame of mind, you let the system beat you; you become resigned to the idea, this is what happens, you get a notice to vacate and you have to go, not even knowing there’s a service or a support out there.’

— Maggie, Justice Connect Homeless Law client

Jia and Maggie’s comments highlight three key things:

- the negative impact of legal issues on a person’s health and wellbeing;
- the challenges spotting legal issues and knowing how, when and why to get legal help; and
- the power of the law — and legal help — to bring people’s rights to life, create options and prevent crises escalating.

These three insights recur throughout this report, which addresses the following themes:

1. The legal dimensions of life’s problems and the preventative role of the law.
2. Tailored and targeted models of legal help: identifying what works, for who and why.
3. Reaching our communities through partnerships.
4. Backing what works: laws, policies and systems informed by evidence.
5. The role for technology in improving access to justice.
6. The power of pro bono: its strengths and limitations.
7. Recognising — and investing in — innovation and impact.

Justice Connect works with people experiencing homelessness, victims of family violence, Aboriginal and Torres Strait Islander Australians, recently arrived migrants, asylum seekers, older people, people who are unemployed, people with a mental illness or disability, LGBTI Australians, transgender and gender-diverse young people and people who are or have been in prison. Many of the people we help are in more than one of these groups.

We also support the good governance of the charities and not-for-profits that work with people and their local communities.

As this video says, we work to reach our clients, to unlock

the power of thousands of Australia’s best lawyers, and to challenge and change laws and policies, so that people have a fair chance at a better life.



Click here to see Justice Connect’s work

Through this work we see that too many people are lost in the justice system, or locked out of it. We see that, at least in part, many of life’s problems have legal solutions.

This report highlights the stories of our clients and their experience of the justice system. It contains 12 client stories and 8 videos in the words of our clients, our staff and our colleagues in the legal and non-legal sectors.

These stories paint a picture of a legal system that puts itself out of reach for too many. For some, it makes legal rights invisible and for others it hits them harshly and heavily.

Importantly, however, these stories also highlight that, when working well, the law and legal help can prevent or minimise the impact of some of our most significant personal and social crises, including homelessness, bankruptcy, family violence and elder abuse, unemployment and imprisonment.

They remind us that the benefits of investing in effective, high impact and preventative legal services extend beyond the justice system and deep into the health and wellbeing of our communities.

Informed by our work and the insights of our clients, Justice Connect presents 15 priorities which, if embraced, will contribute to a justice system that promotes a fairer, safer and healthier community.

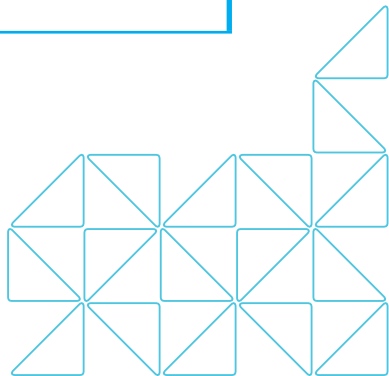
These are our priorities for what to value, embed and invest in. They are the ingredients that will make the most difference for the people we work with.

Top 15 priorities for a justice system that promotes a fairer, safer and healthier community

The legal dimensions of life’s problems and the preventative role of the law	1. Recognising the preventative role of the law and legal help. Legal help should not be left at the bottom of the cliff, only seen as relevant once people have already entered crisis through, for example, offending, family violence, family breakdown, homelessness or unemployment. Adequate and ongoing funding for legal services designed and proven to catch people before legal and life issues escalate to crisis point is a worthwhile investment for governments and should be prioritised. In addition to preventing the unacceptable levels of hardship for individuals and their families, this investment avoids the costs that government will otherwise ultimately bear through increased use of crisis-based health, homelessness, justice and welfare services.
	2. Communicating with and educating the whole community about the legal dimensions of life’s problems. The status quo whereby 50% of Australians have a legal problem, but only 16% seek legal help, should not be accepted as inevitable. ⁱ As a community, Australia needs to lead the way in promoting that life’s problems often — at least in part — have a legal dimension. We should aim to build widespread understanding of how, when and why to get legal help, including in relation to losing your home, debts and fines, family violence, losing your job or being mistreated at work, transitioning to another gender and fleeing your country for a safer life, for example. In addition to partnerships (including health justice partnerships and co-location of services), communication, education and relevant documentation (all of which can include digital strategies) should be designed to encourage people to seek legal help so they can understand their rights and options to realise them.
Tailored and targeted models of legal help: identifying what works, for who and why	3. Tailoring and targeting our models of legal help on a continuum. For some (possibly the majority) of the population, well-designed self-help tools, one-off advice or duty lawyer representation will be what is needed to help understand their legal issue and effectively navigate the legal system. But for others a more intensive level of legal and non-legal support will be needed to (a) identify that there is a legal issue and that help is available, and (b) support engagement with the legal process to resolve the issue. The justice system and legal assistance sector must be able to recognise and cater to the continuum of needs within the Australian community.
	4. Knowing how best to invest in models that meet the needs of people and communities. Where reform and innovation (such as digital technology and unbundled legal services discussed in parts 5 and 2) can drive efficient, effective, high volume legal help, this should be embraced. Equally, where more intensive models, including integration, health justice partnerships and ongoing legal representation are required to effectively meet the needs of particular people and communities, the social and financial benefits of investing in these models should be recognised. User-centred design and learning from our clients and partners from both inside and outside the legal assistance sector is crucial to choosing which model to invest in for whom.

ⁱ Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: legal need in Australia* (2012) xiv, xviii.

Reaching our communities through partnerships	<p>5. Partnering outside the legal and justice sector. Because the legal dimensions of life's problems so frequently go unnoticed, and because knowing when or how to seek legal help can be unclear, legal assistance can be most effective when provided in partnership with frontline non-legal experts. It is these services and professionals — across health, homelessness, and family violence — who are likely to hear that the person is dealing with money problems, housing worries, job issues, violence or abuse. It is these partners who are often best placed to spot that there could be a legal component to the person's problem and that access to legal advice and assistance might identify options that the person isn't aware of.</p>
	<p>6. Partnering inside the legal and justice sector. In addition to partnerships with experts outside the legal sector, partnerships within it — across community legal centres (including specialist and generalist services), legal aid commissions, Aboriginal and Torres Strait Islander Legal Services and courts and tribunals — build a network of knowledge and pathways that make sure legal issues are spotted and the person is linked with the most appropriate legal help at the earliest point. This boosts the potential for the law to play a preventative role, before issues escalate to crisis point and while the maximum number of options remain available for the clients.</p>
	<p>7. Investing in effective and sustained partnerships. There needs to be discrete investment in the establishment and ongoing management of integrated multi-disciplinary services. For example, funding and support is needed for: the development of governance and evaluation frameworks as well as training resources; building relationships and trust with colleagues and clients; gathering evidence; and promoting the service and establishing referral pathways. For many partnerships, physical presence is also a crucial ingredient (although, alone — without the investment of time, resources and energy — is not enough). Given the injection of shared resources required to establish effective partnerships — and the significant benefits these models have shown in terms of appropriately meeting people's legal and non-legal needs — long-term investment in these partnerships is required for sustained impact.</p>
Backing what works: laws, policies and systems informed by evidence	<p>8. Bringing government together. To genuinely foster integration, collaboration and partnerships across legal and non-legal sectors (including, for example, health, homelessness and family violence), funding and investment must also look beyond traditional siloes. In light of the health benefits delivered through the early resolution of legal issues — for example, addressing elder abuse, preventing homelessness or reducing stress and mental illness through resolving a debt or employment issue — funding should not be confined to justice portfolios within State, Territory and Federal Governments. Framing (and funding) legal assistance as a priority across some or all of health, homelessness, family violence and community wellbeing streams has the potential to foster the integration required to identify and address legal issues, before they spiral into costly personal and social problems. One practical way to do this could be to establish mechanisms (for example, specialist advisers) that seek to achieve true collaboration across government in relation to reform, service design and funding.</p>
	<p>9. Prioritising evidence in designing and reviewing laws, policies and systems. A clear, transparent process for analysing the justice implications — for individuals, not-for-profit organisations (including services working with affected clients) and the justice system — of laws and policies would be a welcome addition to Australia's decision-making framework. Such a process, which could include a Justice Impact Test, has the potential to:</p> <ul style="list-style-type: none"> • identify the flow-on effects of a particular change to law or policy, and the personal, systemic and financial costs that will stem from this change; • highlight when the law is a blunt instrument for responding to a problem that is in fact a health or social problem, and will be ineffective and costly for individuals and the community; and • help maximise the impact of the limited government funding by providing a framework for investing in what has the best chance of delivering a solution. <p>The process could also be used to review existing laws and policies identified as having a significant individual and systemic impact, and should be employed at local, State and Federal levels.</p>



The role for technology in improving access to justice	<p>10. Fostering a culture that encourages experimentation and innovation, including user-centred service design. Technology has an important role to play in improving access to justice in Australia by improving justice processes and increasing the reach and impact of services. We should not rely on blanket assumptions about who can and cannot benefit from technology, but instead should make clients, their needs and abilities the starting point for designing legal services, and, ideally, the legal system at large. It is important that bodies in the legal sector and the justice system have access to, and make use of, user-centred design practices. It is also important that legal sector bodies, which are traditionally risk averse, embrace a more experimental approach to designing and piloting service improvements and new solutions, including using technology.</p>
The power of pro bono: its strengths and limitations	<p>11. Investing in innovation and technology. Recognising the resourcing strain justice organisations are under, any reluctance to divert resources from meeting client needs to focus on innovation projects is understandable. Dedicated funding is needed to support technology innovation, including to fund dedicated staff time and technology and development costs. The return on investment for nimble technology-based innovation projects, including their reach and scalability, provides a compelling argument for investing in this progressive work.</p>
	<p>12. Maximising the impact of pro bono. Pro bono is not a resource without resourcing. To maximise the potential of pro bono, resourcing is required to: reach the right clients; triage and target their matters; build the skills and expertise of pro bono lawyers to work with different clients or in different areas of law; and convert the work of pro bono lawyers, and the insights gained from this work, into systemic change. The organisations that co-ordinate and maximise the impact of pro bono across Australia should be resourced to continue to promote and organise targeted, effective pro bono work. As we move toward a digital future, this should include investments in digital tools that facilitate efficient matching of pro bono with people or organisations with legal need.</p>
	<p>13. Setting consistent aspirational targets and government panel requirements. The Australian Pro Bono Centre's Aspirational Target of 35 pro bono hours per lawyer per year (Aspirational Target) should be embraced across Australian States and Territories to build further momentum for the contribution of the private legal profession. Consistently with the Commonwealth Government's pro bono requirements for legal services panel firms (i.e. law firms eligible for government contracts), all States and Territories should adopt the target of 35 pro bono hours per lawyer per year. This should include a mechanism for reporting and accountability for reaching or progressing toward this target. While there are more limited pro bono opportunities in some States and Territories in Australia and for some smaller, specialist firms, the Aspirational Target still serves an important function in encouraging firms and lawyers to establish a pro bono practice, even if it takes some years to advance toward the target. It also provides encouragement for firms to seek out opportunities in their local communities to undertake pro bono work.</p>
Recognising — and investing in — innovation and impact	<p>14. Remembering that pro bono is not a substitute for an adequately funded legal assistance sector. Pro bono cannot fill the growing justice gap between the need that can be met by community legal centres, legal aid commissions and Aboriginal and Torres Strait Islander Legal Services, and people who can afford to pay a private lawyer. Pro bono will rarely be able to provide criminal and family law help, and certainly not on the scale demanded. This will continue to be the domain of expert practitioners across legal aid, community legal centres and ATSILS. These services must be resourced to meet this need. Pro bono complements and can enhance these services, but it cannot — and should not be expected to — patch together an increasingly threadbare legal safety net that has been created by a failure to acknowledge the wide-reaching community benefits of investing in free legal services for low income Australians.</p>
	<p>15. Making sure there is a framework for sustaining and expanding proven programs. The legal assistance sector is constantly innovating and creating new ways of meeting the needs of our clients. We do this through embedding ourselves in our communities, listening to our clients, tracking trends in our casework and working closely with partners from across health, homelessness, family violence and legal sectors. Many of us seek philanthropic funding to set up innovative responses to legal need and generate an evidence base for systemic change. This funding for innovation provides the space and opportunity for programs to truly test their models, build the evidence of their impact and adapt where needed. Government should treat these programs as an opportunity. These programs should be on the policy, program and budgetary radar. Then, as they take shape and as their impact and effectiveness is reflected on and proven, there is an opportunity for long-term, sustainable funding to incorporate this work as a core component of the justice system and legal assistance sector. To do otherwise — to let these programs establish, thrive and then fall over or stall because of a lack of ongoing funding — is damaging for the legal assistance sector, the justice system and our clients.</p>

OUR WORK

Justice Connect aims to help build a world that is just and fair — where systems are more accessible and accountable, rights are respected and advanced and laws are fairer.

We provide free legal and social work support for people experiencing disadvantage and the community organisations that support them. For 25 years, Justice Connect has been working to improve legal and life outcomes for vulnerable people and community groups, through our specialist services and pro bono referral network of over 10,000 lawyers. As well as our direct client work, we conduct community education and undertake law and policy reform aimed at improving social justice outcomes.

Public Interest Law

The Public Interest Law team harnesses the skill and generosity of Australian lawyers who are prepared to address unmet legal need through the provision of pro bono legal help. Adopting the principle that access to justice is a public interest concern, we help people experiencing disadvantage as they face an almost endless variety of legal matters big and small. This broad practice has also given rise to the development of targeted programs, including:

- Self Representation Service that provides advice to people who are without legal representation in the Federal Court and Federal Circuit Courts in the ACT, NSW, Tasmania and Victoria in the areas of bankruptcy, fair work (employment), human rights/discrimination and judicial review.
- Stage 2 Access Program which is a free service to assist transgender and gender-diverse youth to access Stage 2 hormone treatment.
- Domestic Building Legal Service is designed to assist homeowners who are involved in, or who are considering commencing legal proceedings against a builder, and who are unable to afford a lawyer.

Legal Services

We provide specialist legal services targeting the needs of particular client groups:

- Seniors Law participates in four Health Justice Partnerships, where a lawyer is incorporated into a health care team that aims to improve legal and health outcomes for older clients by minimising the incidence and impact of elder abuse.

- Homeless Law operates a specialist outreach-based service for clients experiencing or at risk of homelessness, as well as the Women's Homelessness Prevention Project and a homelessness prevention project for Victorian prisoners. Through legal representation, combined with in-house social work support, and targeted evidence-based advocacy, Homeless Law works to prevent homelessness and reduce the negative impact of the law on people experiencing homelessness.

Not-for-profit Law

Not-for-profit Law is a specialist legal service that provides information, training, advice and pro bono referrals for not-for-profit community organisations.

By helping those involved in running not-for-profits and social enterprises to navigate the full range of legal issues that arise during the lifecycle of their organisation, Not-for-profit Law saves their time and resources, thereby allowing them to focus on achieving their missions (e.g. helping vulnerable people, environmental conservation, or working towards social cohesion).

Digital Innovation

In late 2016, Justice Connect commenced a digital innovation strategy, which centres on the development of our Legal Help Gateway. With initial funding from Google via its Impact Challenge, the Gateway will provide a technology-driven, efficient tool for matching people's unmet legal needs to pro bono lawyers with relevant expertise and to our digital self-help tools.

It will increase access to legal help and increase pro bono opportunities for lawyers, as well as improving our own efficiency. The potential of the Gateway will develop over the next several years.



PREVENTATIVE POWER

1 THE LEGAL DIMENSIONS OF LIFE'S PROBLEMS AND THE PREVENTATIVE ROLE OF THE LAW

Too often, the law — and legal help — are left at the bottom of the cliff. They are seen as tools or systems that are relevant once people have already entered crisis through, for example, offending, family violence, family breakdown, homelessness or unemployment. What is not widely recognised is the preventative power of well-designed and well-resourced legal assistance, and a system that supports early access to this assistance.

Through Justice Connect's work, we see the role the law can play in helping catch people before they slip into crisis; in empowering people to understand their rights and options, and to exercise those rights.

Tailored legal services, embedded in various ways with other services and professionals, can avoid legal issues escalating to crisis point. In doing so, they generate cost savings through the prevention of, for example, homelessness, protracted court proceedings, bankruptcy, elder abuse, unemployment or imprisonment, and the spiralling health, personal and social hardships that accompany these issues.

As a community, Australia needs to lead the way in recognising that life's problems often — at least in part — have a legal dimension. We need to recognise and promote the role free legal help has to play in some of life's greatest challenges.

These are a few of the personal and social crises that we see can be prevented or ameliorated through early access to free legal help (in cooperation with other experts, for example in health, family violence, housing and social work):

- losing your home through eviction or repossession;
- being made bankrupt;
- being physically or financially abused as you age;
- losing your job or being mistreated in your employment;
- being overwhelmed with fines or debts; and
- cycling through courts and prison, unable to find your feet.

On top of this, these are some of life's biggest decisions that can be supported by access to free legal help and — in many cases — are almost impossible without it:

- fleeing your country for a safer life;
- transitioning to another gender; and
- escaping or ending violence perpetrated by a partner or other family member.

The role of early access to free legal assistance focussed on preventing issues from escalating was articulated by Victoria's Access to Justice Review:

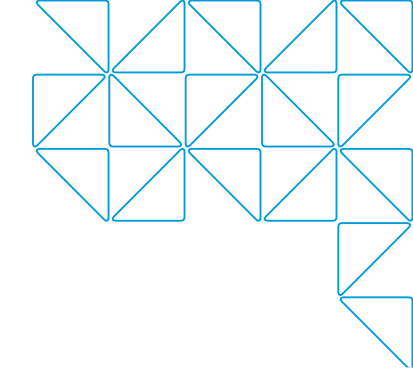
'Increasingly ... unresolved civil legal problems, such as those related to a community member's housing, mental health, employment or family, are recognised as having far reaching consequences for both the individuals involved and the state.'

'For individuals, unresolved legal problems can lead to diminishing health and restrict social and economic participation, as well as triggering further legal problems, including possible criminal legal issues. These consequences for individuals often generate costs which must be borne by the state, whether in the justice system or in other publicly funded systems.'

*'Just as government has a role in providing access to healthcare and education, it has a role in supporting all Victorians, especially the disadvantaged and vulnerable, to gain access to justice.'*¹

The below examples of Justice Connect's work highlight the preventative role early access to appropriate legal representation can play in preventing the spiralling of life's problems.





Preventing homelessness for women and children

In April 2014, after six months of detailed design and planning, Justice Connect Homeless Law commenced the Women's Homelessness Prevention Project (**WHPP**).

Each week, women who are at risk of homelessness are 'triaged' by the Homeless Law team and given appointments at a library in the City of Melbourne where they can bring their children. The women meet with pro bono lawyers from our partner law firm, Herbert Smith Freehills, who have been trained and briefed by Homeless Law's in-house team, and with Homeless Law's in-house social worker.

From this point, the lawyers provide legal representation (advice, negotiation, representation in VCAT) and the social worker supports women and links them with the services they need to help address underlying needs that contributed to the risk of homelessness.

When we say 'at risk of homelessness', most often, we mean that women have received a notice from their landlord (private, public or community) that they have to leave for a particular reason, for example, they have fallen two weeks behind in rent or it's suggested they have breached the tenancy agreement (which may be linked to the actions of a perpetrator of violence, children with disabilities, or mental illness).

Very often, these issues are seen as 'money problems' or 'relationship problems' or matters where women have no choice but to leave. However, the WHPP has highlighted the role legal representation, combined with social work support, can play in preventing avoidable evictions into homelessness of women and children.

Over a two year period:

- 102 women were provided with legal representation (including advice, negotiation with landlords and representation at VCAT) and intensive social work support (including links with family violence counselling, financial counselling, employment, housing and mental health services).
- These 102 women had a total of 157 children in their care who were also at risk of homelessness and the hardship and social dislocation that comes with it.

- 90% of the women had experienced family violence in the past 10 years. 84% of women reported that they were suffering from a mental illness, with anxiety and/or depression being most common.
- 51% of women assisted were living in private rental properties, 31% were in public housing, and 17% were living in community and transitional housing properties.
- 87% of women assisted were reliant on Centrelink as their primary source of income, with 29% in receipt of the Newstart Allowance, 22% in receipt of the Disability Support Pension, and a further 22% in receipt of a parenting payment.

At the two year mark, through the WHPP's combination of legal representation and intensive social work support, 83% of finalised matters were successfully resolved resulting in women maintaining safe and secure housing or resolving a tenancy legal issue (e.g. a housing debt) that was a barrier to accessing safe housing.²

This included directly preventing the eviction of 62 women and their families into homelessness. Using research from the Australian Housing and Urban Research Institute (**AHURI**), this would mean a cost saving of \$1,825,900 in health, justice and welfare costs.³

In 2012, Homeless Law increased our focus on the preventative role we can play and, since that time, prevented 539 clients and their families being evicted into homelessness.⁴ This can be estimated to generate cost savings of \$15.87 million in increased health, justice and welfare services costs that stem from homelessness.⁵

In addition to the financial and community costs avoided, Maggie's story highlights why this work is worthwhile investing in.

MAGGIE'S STORY

Maggie came to our Women's Homelessness Prevention Project in 2016, seeking help because she was facing eviction. Today, she is safely housed and studying. Her daughter is in year 12, after Maggie kept her in school through multiple periods of homelessness.

This is her story, in her own words.

In 2010 in Queensland I left a violent relationship of 23 years.

From my Centrelink I just had enough money for a one way ticket for my daughter Emily and I to fly to Melbourne. I had just enough money — \$68 — for a taxi from the airport to the hostel.

So I landed here with nothing. It was hard just trying to cope in a new environment with my daughter who was 11 at the time.

We were in the hostel for about two months, until we moved into transitional housing in 2012. Since then, my daughter and I have been homeless another three times, because of domestic violence.

Throughout all these stages of homelessness, if I'd known about Justice Connect and the supportive service it provides, I honestly feel, my bouts of homelessness would have been significantly reduced.

When you're not in the right frame of mind, you let the system beat you; you become resigned to the idea, this is what happens, you get a notice to vacate and you have to go, not even knowing there's a service or a support out there.

The way I've thought of my whole situation is like Justice Connect coming in with big open wings. You feel like you're down and then someone comes in scoops you up to protect you.

The wonderful lawyers made me feel safe at VCAT. I felt less vulnerable in this crisis.

Having wonderful support workers like Rachelle is a vital lifeline to people in my circumstances. She orchestrated all the things that can slip your mind when you're buried down in life itself. She provided the aftercare for Emily and me.

The goal for all of us — for most women — is just to have a normal home, but getting there is a struggle if you've been evicted. That's why support workers are so crucial.



From my experience with Justice Connect, I feel much lighter.

My new house is like a mansion, it's a townhouse, it's glorious, it's beautiful. I feel proud in a way that I can provide a place for Emily and she doesn't feel embarrassed now. She can bring friends round.

And I can ask friends up to have a cuppa with me.

The only thing that kept me sane and focussed was Emily's education. Throughout all the disruption Emily has a scholarship too.

As her mother, I feel it was important to keep that side of her life normal, so she could be a normal school girl for 7 or 8 hours of the day when she was there. Even though her personal life with me was disjointed.

In 2015 I was able to start university. This year I finish my degree in crime, justice and legal studies and Emily will finish year 12.

One of the things I say to Emily is, throughout your life people can put you down, but your education is the one thing people can't take away. It's your sense of self-worth and power.



CLICK HERE
TO SEE
MAGGIE'S
STORY

The WHPP keeps women and children in housing through a combination of legal representation and social work support.

In its first two years...

The WHPP assisted



How the WHPP helped



Benefits of the WHPP model

In a two year period, the WHPP has **directly prevented the eviction of 62 women** and their families into homelessness. Using research from the Australian Housing and Urban Research Institute, this would mean a cost saving of **\$1,825,900** in health, justice and welfare costs.

Health Justice Partnerships provide a safeguard against elder abuse

Justice Connect Seniors Law has established four health justice partnerships (**HJPs**) with community health centres and hospitals to help older people experiencing elder abuse.

An older person's experience of elder abuse, like other life problems, often involves interconnected health, social and legal issues.

For example, elder abuse might manifest as a health issue such as depression or chronic pain, or as a social issue such as homelessness. But the underlying cause might be legal such as a failed agreement with their family to provide care.

*'The [health justice partnership] model is built on an understanding that the social, economic, and political context of an individual's circumstances impacts upon their health, and that these social determinants of health often manifest in the form of legal needs or requirements.'*⁶

Resolving the underlying legal problem can be critical in order to improve clients' health and wellbeing. Incorporating a lawyer into a health care team ensures multi-disciplinary collaboration to identify and respond to legal problems that are negatively impacting the patient's health.

Lawyers from our Seniors Law team have been located at various sites, including not-for-profit community health organisation, cohealth, St Vincent's Hospital, Caulfield Hospital and St Joseph's Hospital up to four days a week since 2015.

As part of these HJPs, a lawyer delivers training to health professionals to support them in identifying legal issues their clients may have (for example, on the risks of 'assets for care' arrangements and powers of attorney).⁷

To reinforce and consolidate the training sessions, the lawyer is available to discuss de-identified matters, known as 'secondary consultations'.

A client may also be eligible for advice and casework from the lawyer or a referral to Justice Connect's network of pro bono lawyers for more complicated matters.

The HJP provides substantial opportunities for preventative intervention because:

- training sessions build the capacity and confidence of health professionals to identify often subtle legal issues and engage legal services;
- secondary consultations help to frame legal issues and provide immediate legal information to a health professional for their client, rather than waiting for a more obvious, and often more serious, legal issue to arise; and
- the provision of a client-centred service makes it easier for older people and their health care team to engage with legal services as and when they need it.

Reflections from health professionals demonstrated this improved capacity to address legal issues in practice:

'It is very validating for the client ... Just to know their situation is normal and quite empowering for us to know that you can actually respond in a positive way ... I reflect on past consultations now and think — that could have been elder abuse but I wouldn't have been so confident to address it and have an option.'

Importantly, as health professionals are able to identify more subtle legal issues, our health partners are starting to see more opportunities to provide legal help for older clients, like Kim, before any family conflict arises.

For example, clients can receive advice on their rights with respect to family living arrangements, family loans, property transactions and powers of attorney.

Timely access to legal help complements the work of health professionals, making their jobs easier and improving their capacity to address health and social issues. For example, Justice Connect's HJP partners have said:

'I couldn't work on [the client's] health issues with him because he could only focus on the conflict and potentially being homeless.'

'This [HJP] represents such a holistic view of patient care and that is really positive for our patient and actually makes our job easier.'

KIM'S STORY

HJP facilitates pro bono legal help to minimise risks of lending to son

Kim attended an organised activity group for older members of the Vietnamese community. She mentioned to cohealth's outreach worker that she had given some money to her son so he could start his business — she mortgaged her property to do this.

Having attended one of the training sessions delivered by the Justice Connect lawyer, the worker recognised the client would benefit from some independent legal advice and encouraged Kim to speak to the lawyer about it.

The lawyer met with Kim and arranged for a pro bono firm to advise on the legal risks of this arrangement and draft a formal loan agreement to reduce some of these risks.

By being better informed of the legal and financial risks of these arrangements, it is expected client would avoid a more complex and costly legal issue arising in the future.



TAILORED MODELS

TOP PRIORITIES: The legal dimensions of life’s problems and the preventative role of the law

1. Recognising the preventative role of the law and legal help.

Legal help should not be left at the bottom of the cliff, only seen as relevant once people have already entered crisis through, for example, offending, family violence, family breakdown, homelessness or unemployment.

Adequate and ongoing funding for legal services designed and proven to catch people before legal and life issues escalate to crisis point is a worthwhile investment for governments and should be prioritised.

In addition to preventing the unacceptable levels of hardship for individuals and their families, this investment avoids the costs that government will otherwise ultimately bear through increased use of crisis-based health, homelessness, justice and welfare services.

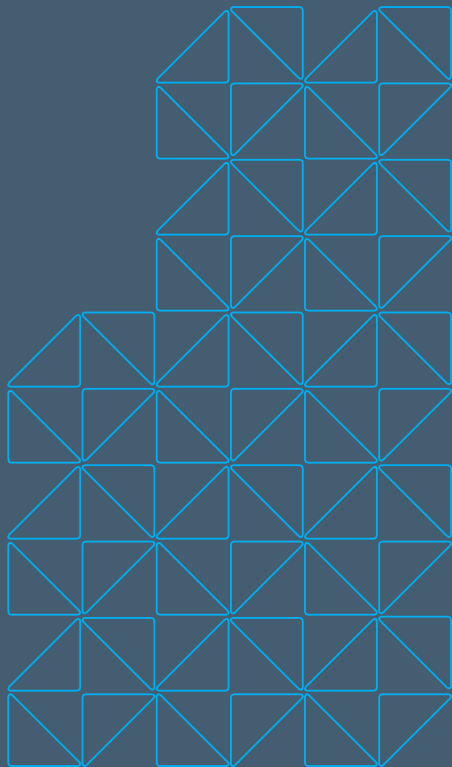
2. Communicating with and educating the whole community about the legal dimensions of life’s problems.

The status quo whereby 50% of Australians have a legal problem, but only 16% seek legal help, should not be accepted as inevitable.

As a community, Australia needs to lead the way in promoting that life’s problems often — at least in part — have a legal dimension.

We should aim to build widespread understanding of how, when and why to get legal help, including in relation to losing your home, debts and fines, family violence, losing your job or being mistreated at work, transitioning to another gender and fleeing your country for a safer life, for example.

In addition to partnerships (including health justice partnerships and co-location of services), communication, education and relevant documentation (all of which can include digital strategies) should be designed to encourage people to seek legal help so they can understand their rights and options to realise them.



2 TAILORED AND TARGETTED MODELS OF LEGAL HELP: IDENTIFYING WHAT WORKS, FOR WHO AND WHY

A justice system that is genuinely accessible and provides equality before the law requires models that are tailored to the diverse needs and capabilities of different people and communities.

Justice Connect's services sit on a continuum of intensity and integration, carefully designed to address the needs of the particular clients we are working with.

This part profiles two models of legal service provision, specifically targeted at appropriately meeting the needs of our clients, recognising differing levels of legal capability and resourcefulness.

In profiling these models, we seek to highlight the contemplation, consultation and partnership that should go into designing legal assistance programs that work. By way of example:

- The Self Representation Service (**SRS**) model provides assistance to individuals who are able to complete the tasks necessary to progress their proceedings with discrete advice and assistance provided by a lawyer. The model usually relies on a client already having accessed a court or tribunal where the service is located.

The benefits to these individuals and to the court system from 'unbundled' access to legal assistance are significant, including empowering an individual to enforce their own rights, and enabling proceedings to move more quickly through the court or tribunal. Importantly, where the SRS model identifies that a person has a higher level of need and/or a lower level of legal capability, they can receive more intensive ongoing assistance, such as pro bono legal representation.

- For clients of Justice Connect's Homeless Law and Seniors Law programs, a key barrier to accessing justice is a lack of awareness that their problem has a legal dimension or that legal help is available (and free).

Furthermore, once a legal problem is identified, the level of assistance required to enable a client to effectively engage in the legal process, and address both their legal issues and some of the factors that contributed to the legal issues arising, can be significantly higher, for example, ongoing legal representation combined with social work support through an in-house team or health justice partnership.⁸

It is crucial that the justice system and legal assistance services are set up to recognise these differences in client capability and cater to the continuum of needs.

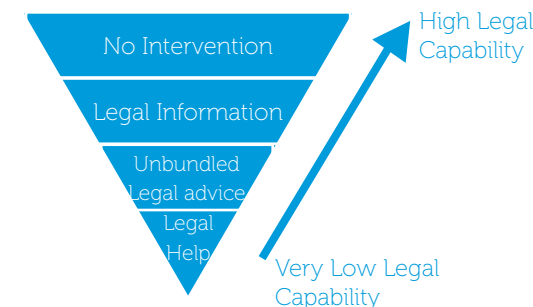
Innovations and reforms must be embraced both to generate efficiencies where possible and to create and sustain models that — while more resource intensive — effectively meet the needs of particular people and communities who will otherwise slip through the cracks.



'Unbundling' services to tailor advice and assistance: A self representation model (with room for representation where needed)

The SRS model is designed to assist people who cannot afford ongoing legal help and are unrepresented in court or tribunal proceedings. The SRS provides 'unbundled' assistance through pro bono lawyers, that is, discrete assistance and advice to better enable a self-represented person to understand their rights and responsibilities, consider the options for resolving their dispute, and where appropriate, to access courts and represent themselves before a court or tribunal.

Justice Connect operates an SRS in the Federal Court and Federal Circuit Court in Victoria, Tasmania, the Australian Capital Territory and New South Wales. This SRS assists people facing or initiating proceedings in bankruptcy, fair work (employment), human rights claims and judicial review of government decisions. The SRS model is also in operation at VCAT for homeowners with domestic building disputes. Depending on their level of legal capability, clients can access a range of assistance, including receiving advice about the prospects of their claim or defence, assistance drafting legal documents, advice about mediation and other appropriate dispute resolution mechanisms.



The model recognises that people with legal disputes have varying degrees of legal capability and require different levels of intervention and support, based on their needs, skills, and vulnerabilities. Prospective clients are triaged to determine the nature and urgency of their legal issue, their financial situation, what steps they have already taken to address their issue and services they have accessed, and other matters that affect their capacity to understand their circumstances and successfully advocate on their own. Depending on the person's legal capability they may be provided with:

- no intervention;
- legal information in fact sheets and over the phone;
- a one hour appointment with a pro bono lawyer;
- limited and direct brief to a barrister for mediation or court appearance;

- referral for assistance with tasks such as document drafting, or advice regarding the merits of their application; and/or
- referral for ongoing pro bono assistance and representation.

In 2016–17 the SRS provided 1,225 instances of legal information to 1,008 people. Twelve firms provided a total of 1,040 legal advices including 946 appointments provided to 844 clients across four States and Territories.

These clients include people experiencing homelessness, older Australians, people experiencing a physical and/or mental disability, people living in regional rural and remote areas of Eastern Australia, migrants and recent arrivals.

TESSA'S STORY

'Unbundled' advice and assistance helps vulnerable hospitality worker recover \$17,000 in unpaid wages.

Tessa worked long hours in a busy restaurant in Melbourne's CBD. She was highly vulnerable to exploitation — she spoke very limited English, was in Australia on a working visa and did not understand her legal rights.

She was paid \$12 per hour for the first few months of her employment. This rate was then increased to \$14 per hour, which was still well below the award she was entitled to. She worked for her employer for 10 months in total on a casual basis.

Her visa was due to expire in six weeks and she was concerned about being able to have her matter heard before she had to leave the country. When she came to the SRS, she believed she was owed \$13,000 in unpaid entitlements. She rejected an offer of \$3,000 by her former employer while the matter was being handled by the Fair Work Ombudsman.

The SRS provided Tessa with three appointments. During these appointments she was provided with advice about the merits of her claim, and advice about how to conduct her matter.

She also received assistance in drafting court documents, and writing a letter to the Federal Court Registry requesting that she be added to the Small Claims List prior to her visa expiring. With the assistance of the SRS, Tessa worked out that the quantum of her unpaid entitlements was actually just over \$20,000.

Tessa was granted an earlier hearing in the Court's Small Claims List and was successful in obtaining orders requiring the Respondent to pay the \$20,000 within 21 days. Since returning to her home country her former employer has paid her \$17,000. She is currently in contact with an Australian union in order to recover the remaining \$3,000.

An intensive, specialist level of legal and social work assistance for clients who are homeless or at risk

Through our work, Justice Connect Homeless Law sees that homelessness almost inevitably brings increased contact with the law, while simultaneously making it harder to navigate the justice system and to access legal assistance.

This is consistent with the findings of the Legal Australia-Wide Survey,⁹ which identified that legal need amongst homeless people is almost double that of the rest of the population: over 85% of homeless people had experienced at least one legal problem over a one-year period, compared to 49% of people living in non-disadvantaged housing;¹⁰ and 50.5% of those who identified as homeless experienced three or more legal issues, compared to only 15.7% of people in other types of housing.¹¹

Furthermore, the study confirmed that there are considerable barriers to people experiencing homelessness accessing legal services, including the need to prioritise more basic human needs such as food or accommodation. Accordingly, services assisting people experiencing homelessness require ‘a holistic or client-focused approach, involving an integrated response from legal and broader human services’.¹²

In 2010, funded by the Victorian Department of Justice and Regulation, Homeless Law increased our level of integration by adding a social worker to our team with a view to providing a genuinely holistic service that addresses both the legal and non-legal needs of our clients.

The type and intensity of the support provided by the Homeless Persons’ Liaison Officer (**HPLO**) vary according to client need and can include:

- assisting clients to access appropriate legal assistance, either through Homeless Law or other services, at the earliest possible point before legal issues escalate, pre-court and when they have the greatest chance of a successful outcome;
- supporting clients to attend court or VCAT, including arranging accommodation in a budget hotel prior to court, coaching clients to attend, arranging funds for transport to get them to court, accompanying clients to court and arranging food for the day;
- linking clients with long-term supports, including drug and alcohol counselling, mental health supports, family violence services, financial counselling, housing and homelessness services;
- obtaining supporting documentation for courts or tribunals, including letters from medical practitioners;
- supporting clients to sustain or access housing;
- providing periods of brief intense intervention to stabilise a client’s situation whilst linking with services; and
- liaising with services such as Centrelink, the Office of Housing and other current support providers to coordinate and collaborate for optimal outcomes.

The HPLO program aims to reduce the burden on the justice system presented by people cycling through courts and tribunals unassisted and unsupported.

Informed by the insights of Justice Connect’s HPLO and Homeless Law civil lawyers, and generously funded by the Portland House Foundation, in September 2015, Homeless Law started the ‘Courting Justice: Criminal Legal Representation for People Experiencing Homelessness’ project (**Courting Justice**). This involved the employment of a specialist criminal lawyer for the first time in Homeless Law’s 15 year history.

With the commencement of Courting Justice, Homeless Law can now provide civil and criminal legal representation, as well as social work support, in a way that improves the ability of highly vulnerable clients to access the justice system and to deal with the range of legal issues that accompany the experience of homelessness.¹³



In Homeless Law’s model, the reference to ‘civil lawyer’ in the above image, refers to four in-house expert civil lawyers, together with 504 pro bono lawyers from seven member law firms, who are able to provide ongoing legal representation, rather than one-off advice or duty lawyer representation.

Homeless Law’s, HPLO, Sarah McMahon, explains the benefits of the model:

‘Without the Courting Justice program, many of my clients would struggle to prepare for and attend court. Flexible and simple access to a lawyer, face-to-face, with the ability to meet before court builds trust and reduces their anxiety. Phone advice or duty lawyers might work for the bulk of people with criminal matters but more complex clients really benefit from a direct service and as a result attend court and sort out their legal issues more efficiently. In its first year of operation, it has been invaluable to my work with people experiencing homelessness.’¹⁴

Denise’s story highlights the benefits of a model of legal service provision targeted specifically at a vulnerable group of people with multiple intersecting legal and non-legal issues.



DENISE’S STORY

Mother facing eviction from public housing sustains tenancy and avoids prison

Denise had lived in her Office of Housing property with her three children for 17 years. Her youngest son was still in school in the local area. She had battled a heroin addiction and was on the methadone program.

She sought help from Homeless Law when she received a notice to vacate for ‘illegal use’ of the property.

Supported by Homeless Law’s in-house tenancy and criminal law experts, as well as pro bono counsel, the pro bono lawyers negotiated with the Office of Housing on the basis of Denise and her family’s rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and also questioned the legality of hearing an eviction matter based on criminal charges that had not yet been proven.

The Office of Housing would not negotiate, but at the hearing, the VCAT member indicated they would accept Homeless Law’s submissions that the notice to vacate was invalid. The Office of Housing withdrew the eviction notice.

Homeless Law continued negotiations to avoid the Office of Housing issuing a fresh notice, including on the basis that Denise was seeking support with her rehabilitation and mental health. The Homeless Law social worker assisted to obtain a psychologist’s report and supported Denise in attending her appointments.

The Homeless Law senior criminal lawyer represented Denise in relation to 23 charges, 10 of which were withdrawn. For the remaining 13 charges, recognising the mitigating material put forward by the criminal lawyer, Denise received a treatment focussed sentence, including a 15 month Community Corrections Order, as well as 50 hours of community work.

Denise avoided prison and she and her family have kept their housing, leaving her in a stronger position to keep her family together, continue her recovery from substance dependence, and find her feet again.

These integrated models create efficiencies within legal environments by addressing some of the underlying causes of clients’ contact with the justice system, thus reducing the emergence of new legal issues.

They acknowledge the significant interplay between legal and non-legal issues such as housing, financial stress, family/relationship concerns, family violence, substance addiction and mental health issues, which need to be addressed simultaneously in order to increase the potential for positive and sustainable outcomes for clients.

Courting JUSTICE : the first year of Justice Connect Homeless Law's criminal lawyer

we helped

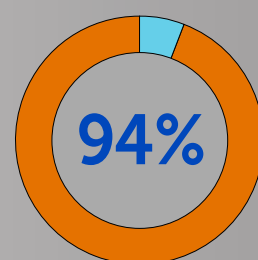
63 people with casework, advice or in-court representation



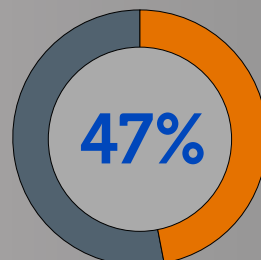
36 people with ongoing representation in one or more criminal matters



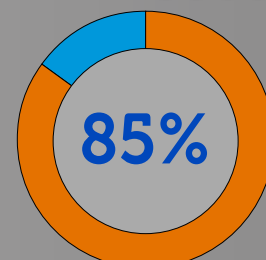
OF THESE:



also received civil legal help from Justice Connect Homeless Law



also received non-legal help from the Homeless Persons' Liaison Officer



would not have been eligible for Legal Aid funding for ongoing representation

OF OUR 36 ONGOING CLIENTS:



20 had **substance dependence** issues



25 had a **mental illness**



16 were **sleeping rough**

Justice Connect Homeless Law's criminal lawyer made 52 court appearances for clients in the Melbourne, Ringwood, Dandenong, Moorabbin, Geelong, and Broadmeadows Sunshine Magistrates' Courts.



justice connect
Homeless Law



TOP PRIORITIES: Tailored and targeted models of legal help: identifying what works, for who and why

3. Tailoring and targeting our models of legal help on a continuum.

For some (possibly the majority) of the population, well-designed self-help tools, one-off advice or duty lawyer representation will be what is needed to help understand their legal issue and effectively navigate the legal system.

But for others a more intensive level of legal and non-legal support will be needed to (a) identify that there is a legal issue and that help is available, and (b) support engagement with the legal process to resolve the issue.

The justice system and legal assistance sector must be able to recognise and cater to the continuum of needs within the Australian community.

4. Knowing how best to invest in models that meet the needs of people and communities.

Where reform and innovation (such as digital technology and unbundled legal services discussed in parts 5 and 2) can drive efficient, effective, high volume legal help, this should be embraced.

Equally, where more intensive models, including integration, health justice partnerships and ongoing legal representation are required to effectively meet the needs of particular people and communities, the social and financial benefits of investing in these models should be recognised.

User-centred design and learning from our clients and partners from both inside and outside the legal assistance sector is crucial to choosing which model to invest in for whom.

REACHING COMMUNITIES

3 REACHING OUR COMMUNITIES THROUGH PARTNERSHIPS

Because the legal dimensions of life's problems so frequently go unnoticed, and because knowing when or how to seek legal help can be unclear, legal assistance can be most effective when provided in partnership with frontline non-legal experts.

It is these services and professionals — across health, homelessness, family violence, for example — who are likely to hear that the person is dealing with money problems, housing worries, job issues, violence or abuse. It is these partners who are often best placed to spot that there could be a legal component to the person's problem and that access to legal advice and assistance might identify options that the person is not aware of.

In addition to partnerships with experts outside the legal sector, partnerships within it — across community legal centres (including specialist and generalist services), legal aid commissions, Aboriginal and Torres Strait Islander Legal Services and courts and tribunals — are crucial.

Through these partnerships, we can build a network of knowledge and pathways that make sure legal issues are spotted and the person is linked with the most appropriate legal help at the earliest point. This boosts the potential for the law to play a preventative role, before issues escalate to crisis point and while the maximum number of options remain available for our clients. We have discussed the

importance of this preventative role in part 1.

This part profiles four partnership-based projects that Justice Connect is part of and highlights the roles they play in:

- identifying, addressing and preventing elder abuse;
- helping transgender and gender-diverse young people and their families understand and navigate legal processes;
- assisting individuals to understand and participate in proceedings that are already before courts and tribunals, including in relation to employment, human rights, bankruptcy or building disputes; and
- spotting and addressing legal issues that cause or stem from homelessness, including evictions, fines and minor criminal offences.



Health Justice Partnerships: Better lives through better partnerships

Justice Connect Seniors Law has been able to reach disadvantaged clients who experience significant barriers to justice through our health justice partnerships (**HJPs**). For instance, since the establishment of the HJP with not-for-profit community health organisation, cohealth, 45% of clients identified as experiencing elder abuse and 46% belonged to a CALD community. Nearly 80% of surveyed clients had never visited a lawyer before.

Seniors Law has reached these communities through:

- Better collaboration between professions, which helps to build trust with clients. These relationships of trust are vital when working with clients experiencing elder abuse. They help reach particularly vulnerable individuals, who may not know that their problem has a legal solution, and may not feel comfortable speaking to lawyers in another geographic area, cultural group, or at all:

‘The approach is very crucial — how they [the lawyer] approach the person and the whole situation. If they’re too strong, the client may close up and say I don’t want to talk to you anymore. Or stop coming to the service altogether if they sense the approach is too rigid. It’s the human approach — how they approach things.’



- Better access to legal help for clients who may not have engaged legal services in the past. The HJP involves the consistent physical presence of the lawyer who can provide secondary consultations, streamlined referral pathways, timely triage, flexible meetings with clients and ongoing legal case management. This model has encouraged referrals to a specialist service for clients experiencing complex legal issues arising in the context of elder abuse. For some workers, accessibility and feeling the lawyer was ‘one of us’, was key:

‘[The lawyer] is a worker that works in a health centre. She’s a health worker... She’s part of us.’

- A timely and flexible service to respond to urgent need. This model avoids the ‘clunky’ processes that can be involved in accessing legal services, including long waits on the phone and needing to deal with different people with each contact. These can be barriers to seeking legal help:

‘If you say ‘you may hear from me in three days’, their mobile phone may be out of credit or switched off. Things escalate if the response is slow. This way [the lawyer] shows the client [their problem] can be resolved.’



Stage 2 Access: Partnering with LGBTI experts to provide legal help to transgender and gender-diverse young people

Australia is the only country in the world that requires court approval for cross-sex hormone therapy, commonly known as Stage 2 treatment, for transgender children.

In other jurisdictions, the child’s treating medical professionals, in conjunction with the parents and the child, make decisions about treatment.¹⁵

An estimated 1.2% of Australian adolescents identify as transgender, which translates to a significant number of people who will need legal assistance to navigate a complex legal process. Justice Connect’s Stage 2 Access Project assists transgender and gender-diverse young people in Australia to navigate the Family Court system in order to access Stage 2 treatment.

For many transgender and gender-diverse young people and their families, the concept of being involved with the justice system — finding a lawyer, paying for legal services, and appearing in court — is an unfamiliar one, and one that can be protracted and expensive.

It is overwhelming. As delays in receiving treatment can have serious negative consequences, the legal process brings stress and anxiety, and could exacerbate any existing mental health issues.

Before commencing the Stage 2 Access Project, Justice Connect staff underwent LGBTI sensitivity training and built new partnerships with key stakeholders working in this space, such as the Royal Children’s Hospital, Minus 18, Transcend, the Gender Centre, Inner City Legal Centre, and the Human Rights Law Centre.

Justice Connect undertook a comprehensive process of identifying key stakeholders, including health service providers and LGBTI youth/parent support groups, initially in Victoria, then in NSW and other states.

Justice Connect then worked hard on building trust and relationships with our stakeholders, and because of these relationships, we are much more effective at reaching out to transgender and gender-diverse young people to provide them with legal information and assistance.

In 2016–17, we helped 47 transgender and gender-diverse young people, compared to only 5 in the year before.

Stage 2 Access also provides legal information to young people and their parents, and we are in the process of co-developing a resource specifically targeted at transgender and gender-diverse young people with Minus 18, Australia’s largest youth-led organisation for LGBTI young people.



SCARLET'S STORY

Stage 2 Access: Power of pro bono delivering life-changing outcome

Being a teenager is hard work at the best of times. Imagine going through all of those challenges while living in the 'wrong' body, all the normal self-image issues facing adolescents amplified.

For young people like Scarlet, this is their reality. There are thousands of trans and gender-diverse young people in Australia, kids who have known since childhood that the body they were born into meant they were assigned a gender they never belonged to.

'Things are often harder for me than for my friends,' said Scarlet.

'Going out, or getting a job is quite daunting. To be around other people in clothes I'm probably not even really going to feel comfortable in for several hours a day — other kids don't need to think about it. I think that that's something that a lot of these stories don't really focus on, like, jobs and stuff, feeling safe at work,' she said.

'Through this whole process what we care most about is quality of life for our child. I think that's what every parent wants,' said Nigel, Scarlet's dad

For those who wish to transition to their chosen gender, there are two stages of treatment, inventively titled Stage 1 and Stage 2 hormone treatment.

Stage 1 involves 'puberty blockers'; drugs which prevent the onset of bodily changes that come with adulthood, such as boys' breaking voices and the development of breasts in girls.

Stage 2 is the application of 'cross-sex hormones' oestrogen or testosterone — which encourage the body to develop traits characteristic of the new gender.

Unfortunately, due to Australia's law, young people like Scarlet are required to receive the court's approval to access Stage 2 treatment, even when parents, child and medical practitioners all agree that it's right.

'The stress as a parent is kind of a loss of control. And for your child, going through adolescence is always complicated, but you don't have to go to court to confirm your identity,' said Madeleine, Scarlet's mum.

'The idea of going to court was a very confronting one. The choice is taken out of your hands, so imagine how that feels for a child going through this, for whom it's their own life and their own future that is being literally put on trial,' she said.

Seeing more and more families trying to deal with an unnecessarily stressful process, Justice Connect this year launched the Stage 2 Access Project.

By matching families with experienced and passionate pro bono lawyers, and by working with the Family Court to further streamline proceedings, we hope to take the trauma out of accessing necessary treatment.

Since the launch, we have seen a doubling in the number of people coming to us for help, as more families learn they can access this support.

'Working with Justice Connect has been fantastic. Right from the first phone call that I made to contact you we were just treated with a lot of respect and dignity. And that's something I care about a lot for ourselves and for our child,' said Madeleine.

Working alongside courts and tribunals

By the time a person's legal issue reaches a court or tribunal, it has often become more complex, and the person may have made other attempts to address the issue, often without legal advice.

The Self Representation Service (**SRS**) illustrates how models of assistance that are embedded in courts and tribunals can work effectively for vulnerable members of the community. The SRS model allows people to access targeted advice and assistance before a court matter which might help them to:

- feel empowered to appear in court and assert their rights;
- avoid bankruptcy;
- learn how they can apply to court to recover unpaid entitlements from a former employer; or
- better understand their lack of legal options, and move ahead with their life.

In 2011–12, the SRS model was piloted by QPILCH (now LawRight) in Queensland and, following an evaluation, the Commonwealth funded three other organisations, including Justice Connect, to operate the SRS in the Federal Court and Federal Circuit Court around the country.

The Justice Connect SRS operates out of the Federal Court buildings in Melbourne and Sydney three days a week to conduct drop-in intakes and hold scheduled appointments.

This physical presence allows people who are facing court proceedings to find the service while they are in the building, and greatly increases the quality and number of referrals from not only the registries, registrars and judges, but also other co-located services, such as the National Debt Helpline in Victoria in relation to bankruptcy matters.

In 2016–17, more than half of the enquiries received were a result of referrals from court registries, registrars or judges. Of the 1,764 enquiries received, 909 were court-referred. These referrals are highly effective in connecting people to appropriate assistance, with more than 72% of them resulting in the person referred getting legal advice.

The SRS also has strong relationships with other agencies that play a role in the resolution of disputes, such as the Fair Work Ombudsman and Fair Work Commission in employment matters. This ensures that the SRS is able to reach people who require legal help in a timely and joined-up way.

The success of this strong partnership with the Federal Court and Federal Circuit Court has led to a partnership between Justice Connect and VCAT.

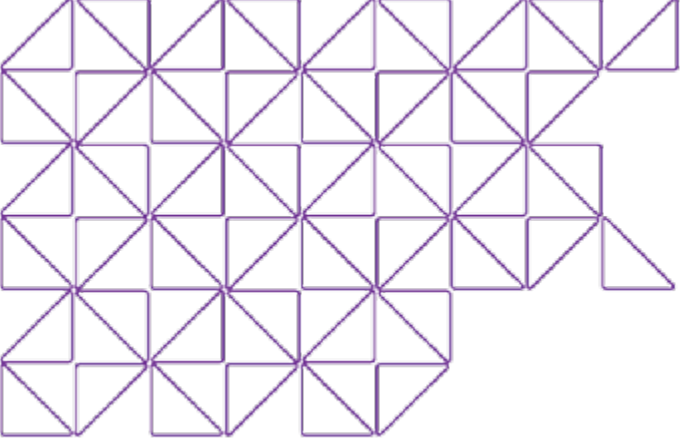
The SRS model is now also replicated at VCAT in the specialised area of domestic building disputes, through the Domestic Building Legal Service (**DBLS**). In addition to VCAT, DBLS has actively pursued partnerships with stakeholders in the Victorian domestic building space to target the service at people most in need, promote targeted referrals and make sure the service is visible in the sector.

This includes cooperation with Consumer Affairs Victoria, Domestic Building Dispute Resolution Victoria, the Victorian Building Authority, Master Builders Association of Victoria and Housing Industry Association.

VCAT has also engaged Justice Connect for nine months to develop a SRS model for self represented litigants across VCAT. This partnership has seen a Justice Connect project officer with previous experience with the SRS model embedded at VCAT.

The project officer has worked alongside staff and members at all levels to ensure that the model is appropriate for the jurisdiction. As part of this role, the project officer has provided advice and assistance to VCAT about the needs of vulnerable customers.

As VCAT continues to work internally to improve its customer service, the project officer has been consulted on a wide range of topics during the project, which provides the Tribunal administration with a different perspective on the needs of their customers. This close relationship has also ensured that the new SRS for VCAT is designed to be truly embedded within the Tribunal, ensuring customers who need assistance are referred by the Tribunal at the earliest opportunity, and that the new SRS is responsive to the needs of litigants in this jurisdiction.



Under one Roof: Improving access to justice for homeless clients through partnerships

When Justice Connect Homeless Law made a decision in 2012 to move toward a ‘triage’ model and appointment-based service for clients experiencing or at risk of homelessness, we were conscious of making sure this did not result in diminished accessibility for our clients, particularly those who were sleeping rough and less likely to make use of the telephone-based enquiries.

One component of the strategy to maintain accessibility was setting up two ‘co-locations’ of Homeless Law experts at partner services.

Through embedding Homeless Law staff — a social worker at cohealth’s Central City Community Health Service (**Central City**) and a lawyer at Launch Housing’s homelessness service — in the day-to-day operations of specialist homeless and health services, Homeless Law aimed to create clearer pathways into legal services for clients who would otherwise face significant barriers to navigating the legal system.

Central City Community Health Service

Homeless Law’s Homeless Persons’ Liaison Officer — an experienced social worker — works from Central City every Tuesday. The aim is to work closely with the various non-legal experts located at Central City (including homelessness and mental health workers, RDNS nurses, nutritionists, podiatrists and women’s health experts) to help spot legal issues and navigate access to appropriate legal services.

In 2014–15, our liaison officer made approximately 76 referrals to legal services through the co-location at Central City:

- 21 were provided with legal representation by Homeless Law;
- 5 received telephone advice from Homeless Law;
- 2 were referred to Justice Connect’s Seniors Law program;
- 10 were referred to Inner Melbourne Community Legal;
- 12 were referred to Victoria Legal Aid; and
- 26 were referred to other legal or court based services.

Of these people, all were experiencing or at risk of homelessness: 20 were sleeping rough; and 29 were reliant on the Disability Support Pension. All were highly vulnerable, and were unlikely to have accessed legal assistance or resolved their legal issues without the co-location of a social worker from a legal service at a specialist health service.

Launch Housing

In 2015, following on from the success of the co-location at Central City, Homeless Law established a second weekly co-location at Launch Housing (formerly HomeGround Services) in St Kilda. ‘Under One Roof’ increases:

- capacity of non-legal homelessness and health professionals to identify legal issues;
- visibility of Homeless Law within its partner agency; and
- access of people experiencing homelessness to the courts, legal advice and assistance.

In addition to working onsite one day per week, the Homeless Law lawyer also undertakes outreach with the Rough Sleepers Initiative. In relation to this co-location, Launch Housing Services Southern Manager, Andrew D’Arcy, said:

‘When you are facing eviction or already homeless, your capacity to take on ... complex legal issues ... is not great. Having access to a lawyer through ‘Under One Roof’ will break down those barriers and improve a person’s chance of getting justice.’

The co-located Homeless Law lawyer took 60 enquiries in the first 12 months of co-location: 30 clients received ongoing legal casework from Homeless Law; and 14 were referred to other legal services including Legal Aid, St Kilda Legal Service, Peninsula CLC, VALS and First Step Legal.

In a survey about the effectiveness of the co-location after 12 months, 88% of workers at Launch Housing who completed the survey indicated that the co-location had increased their understanding of the legal issues that affect their clients; 63% believed that the clients they referred via the co-location might not have otherwise been able to access legal services; and 100% thought their clients got better outcomes as a result of seeking legal assistance.¹⁶

RUBEN’S STORY

Man with a 20 year history of homelessness avoids eviction from public housing

Ruben is a vulnerable man who suffers from behavioural and mental health issues, and who has struggled with homelessness for over 20 years. This exacerbated his mental health issues which, according to his doctor, were partly a result of violence during his childhood. He also suffers from physical disabilities which have hampered his ability to work.

Ruben commenced living in an Office of Housing property in December 2013, and had frequent issues with his neighbours, including both being the target of and initiator of verbal and physical abuse.

As a result of this, Ruben was subject to breach of duty notices issued by the Office of Housing, and a compliance order issued by VCAT.

Ruben’s case worker approached the Homeless Law lawyer at Launch Housing on a co-location day to discuss accessing Homeless Law’s services to assist Ruben. The lawyer was able to triage the matter and book the client in for an appointment that week.

At the time that Homeless Law became involved, the Office of Housing had issued a notice to vacate against Ruben for a breach of the compliance order, and had sought a possession order.

The Homeless Law lawyers entered into negotiations with the Office of Housing to seek a withdrawal of the possession order application, and requested that they consider Ruben’s rights under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) on the basis that Ruben would again be made homeless if he was evicted.

During the lengthy negotiations, the lawyers relied on medical records from multiple doctors highlighting the mental and physical health issues that affect Ruben’s tenancy, the inconsistencies in relation to some of the allegations, and the concerns that homelessness would severely affect Ruben’s ability to control and stabilise his ongoing health conditions.

These negotiations also involved Ruben’s social worker, who was heavily involved in this matter, and discussions with his doctor, to ensure that Ruben had a plan to stay on a treatment plan and follow his doctor’s instructions.

With the assistance of Ruben’s caseworker from Launch Housing and doctors, the lawyers’ negotiations were ultimately successful, and the Office of Housing adjourned and subsequently withdrew the application for a possession order.

Ruben now remains at his Office of Housing property, and regularly sees his doctor and social worker, who are helping him with stabilising his medical issues.

Ruben’s story provides an insight into the benefits of embedded partnerships in improving access to legal services and generating better outcomes for highly marginalised members of the community.

Heather Holst, Deputy CEO at Launch Housing, summarised these benefits:

‘The benefit of having Homeless Law co-locate with us in St Kilda has been significant. People experiencing homelessness often face complex issues, including legal problems.

Where people may not have been able to access legal help previously, or even know there could be a legal solution, they can now easily obtain this assistance. This has resulted in much better outcomes for clients who are directly assisted as well as a better understanding by our staff of how Homeless Law can help people who are homeless.’¹⁷

BACKING WHAT WORKS

TOP PRIORITIES: Reaching our communities through partnerships

5. Partnering outside the legal and justice sector.

Because the legal dimensions of life's problems so frequently go unnoticed, and because knowing when or how to seek legal help can be unclear, legal assistance can be most effective when provided in partnership with frontline non-legal experts.

It is these services and professionals — across health, homelessness, and family violence — who are likely to hear that the person is dealing with money problems, housing worries, job issues, violence or abuse.

It is these partners who are often best placed to spot that there could be a legal component to the person's problem and that access to legal advice and assistance might identify options that the person isn't aware of.

6. Partnering inside the legal and justice sector.

In addition to partnerships with experts outside the legal sector, partnerships within it — across community legal centres (including specialist and generalist services), legal aid commissions, Aboriginal and Torres Strait Islander Legal Services and courts and tribunals — build a network of knowledge and pathways that make sure legal issues are spotted and the person is linked with the most appropriate legal help at the earliest point.

This boosts the potential for the law to play a preventative role, before issues escalate to crisis point and while the maximum number of options remain available for the clients.

7. Investing in effective and sustained partnerships.

There needs to be discrete investment in the establishment and ongoing management of integrated multi-disciplinary services.

For example, funding and support is needed for: the development of governance and evaluation frameworks as well as training resources; building relationships and trust with colleagues and clients; gathering evidence; and promoting the service and establishing referral pathways.

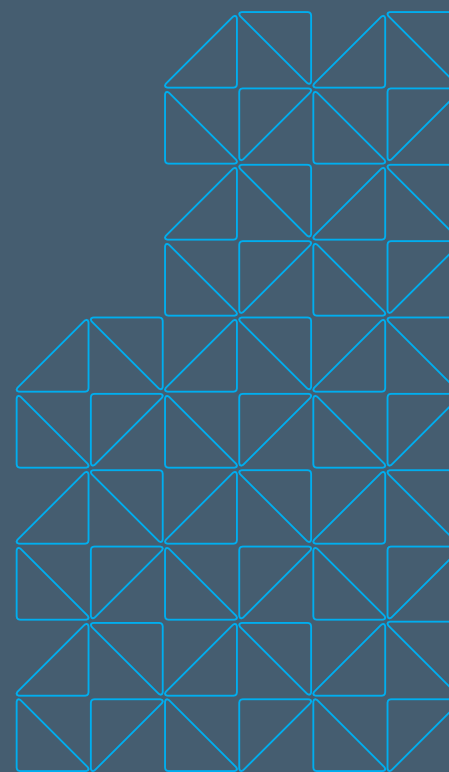
For many partnerships, physical presence is also a crucial ingredient (although, alone — without the investment of time, resources and energy — is not enough). Given the injection of shared resources required to establish effective partnerships — and the significant benefits these models have shown in terms of appropriately meeting people's legal and non-legal needs — long-term investment in these partnerships is required for sustained impact.

8. Bringing government together.

To genuinely foster integration, collaboration and partnerships across legal and non-legal sectors (including, for example, health, homelessness and family violence), funding and investment must also look beyond traditional siloes.

In light of the health benefits delivered through the early resolution of legal issues — for example, addressing elder abuse, preventing homelessness or reducing stress and mental illness through resolving a debt or employment issue — funding should not be confined to justice portfolios within State, Territory and Federal Governments.

Framing (and funding) legal assistance as a priority across some or all of health, homelessness, family violence and community wellbeing streams has the potential to foster the integration required to identify and address legal issues, before they spiral into costly personal and social problems. One practical way to do this could be to establish mechanisms (for example, specialist advisers) that seek to achieve true collaboration across government in relation to reform, service design and funding.



4 BACKING WHAT WORKS: LAWS, POLICIES AND SYSTEMS INFORMED BY EVIDENCE

Given our day-to-day exposure to the heavy impacts of the law and the barriers to accessing justice experienced by our clients, as well as to the wins and the successes when the law and the legal system work well, it is crucial that legal services play a role in informing systemic change.

Justice Connect identifies and monitors trends and systemic legal issues that emerge through our enquiries and casework.

We document the observed impacts on our clients of unjust laws, policies and systems and in a variety of ways – including proactive and reactive publications, meetings and correspondence with decision-makers, social media, media, client perspectives, working and advisory groups, coalitions and strategic litigation – we work to inform and influence change.

Change that is informed by our clients and the evidence of what works and what doesn't.

This part profiles three examples where significant costs are created for individuals or organisations, the legal system and the community because evidence hasn't informed legal and policy responses to social challenges.

These are our current priority goals for change and the programs working towards achieving those goals:

Goal	Program
To reduce the negative impact of laws regulating public space on people experiencing homelessness	Homeless Law
To reform laws, policies and practices to prevent evictions into homelessness and reduce barriers to accessing housing	
To reform Australia's out-of-date, complex and inconsistent fundraising law regime to provide clearer protections for donors and reduce red tape for charities and other not-for-profits (#fixfundraising)	Not-for-profit Law
To improve legal structures for not-for-profit organisations and social enterprises	
To ensure current and proposed legal and policy frameworks that Australia's not-for-profit sector operates under enable not-for-profits to focus their time and energy on achieving their missions	
For transgender and gender-diverse teenagers to be able to receive Stage 2 medical treatment (the use of testosterone or oestrogen to transition to the gender they identify with) without needing an order from the Family Court	Public Interest Law
For the Self Representation Service model to be replicated in state courts and tribunals in NSW and Victoria, funded by state governments	Self Representation Service
To demonstrate and promote the effectiveness of the Health Justice Partnership model to prevent and respond to elder abuse	Seniors Law
To promote the decision-making of older people and improve the oversight of substitute decision makers	



Legacy caseload: Deadline for asylum seeker claims requires all hands on deck from the legal profession

In 2012, the Federal Government introduced its 'No Advantage Policy', which prevents approximately 30,000 asylum seekers living in Australia from applying for a protection visa. These asylum seekers are referred to as the Legacy Caseload Asylum Seekers.

The Minister for Immigration began to exercise his discretion to allow some asylum seekers to apply for protection in 2015, and it was not until late 2016 when all asylum seekers were able to apply for protection. In May 2017, the Minister imposed a deadline that all asylum seekers were required to submit their applications for relevant protection visas by 1 October 2017.

Previously, the government funded the Immigration Advice and Application Assistance Scheme (**IAAAS**) which provided legal assistance to asylum seekers to apply for protection visas. However, in 2014, the government discontinued IAAAS funding, which meant that the Legacy Caseload Asylum Seekers were left without legal assistance to navigate the complex visa application process. The application form that they were required to complete contained 87 questions in English. Without legal assistance the Legacy Caseload Asylum Seekers were not able to properly articulate their protection claim, and many would have missed out on protection that they are entitled to.

The government sought to remedy the situation by funding the Primary Application Information Service, however, it was only available to about 20% of all Legacy Caseload Asylum Seekers. This meant that approximately 24,000 Legacy Caseload Asylum Seekers living in Australia would be without legal assistance.

The situation called for an injection of funding rather than a removal of funding, and it resulted in an unprecedented crisis in access to legal assistance.

Response of the legal assistance sector

The legal assistance sector stepped up and reconfigured its service delivery model to meet this unprecedented challenge. In Victoria, philanthropic and State government funding supported organisations including the Asylum Seeker Resource Centre (**ASRC**) and Refugee Legal to provide legal assistance to the Legacy Caseload Asylum Seekers, and Justice Connect to coordinate pro bono lawyers from 14 law firms to staff ASRC and Refugee Legal's legal clinics.

In addition to direct legal assistance, the Law Institute of Victoria convened the Legacy Caseload Working Group (**Working Group**) in 2015 as another response to the crisis. The Working Group includes Victoria Legal Aid, Justice Connect, ASRC, Refugee Legal, private law firms, and non-legal organisations such as Red Cross and Life Without Barriers. The Working Group is a forum for organisations to share information and to discuss strategies to resolve various issues. The Working Group was awarded the Access to Justice Award in the 2017 Victorian Legal Awards.

The work has continued after the application lodgement deadline of 1 October 2017. ASRC and Refugee Legal will be providing legal assistance to the Legacy Caseload Asylum Seekers with Department interviews and submissions to the Department. This will be followed by merits and judicial review should the asylum seekers' applications not be successful.

Judicial review

Justice Connect has long advocated for adequate funding to assist those seeking asylum with legal assistance to navigate the judicial review process.

In the absence of specific funding for judicial review from the Federal Government, assistance in this area is dependent on the guidelines of individual State and Territory legal aid commissions or community legal centres.

Due to limited resources of legal aid commissions and community legal centres, every year, hundreds of asylum seekers approach Justice Connect for assistance after they have been turned away from other services.

The decision of the Government to not provide funding for judicial review creates a gap in assess to justice. Asylum seekers typically have no means to pay for a private lawyer, and for many, they have no ability to present their case in courts in a meaningful manner.

The consequences are that some asylum seekers will miss out on having their incorrect decision overturned, and be deported back to where they were fleeing persecution.

The lack of funding for judicial review also has an impact on the courts. As more and more asylum seekers are left to navigate the judicial review process on their own, the courts will need to deal with an increase in applications from unrepresented litigants.

In the last five years, the number of migration filings at the Federal Circuit Court has grown nearly three-fold. As the Legacy Caseload Asylum Seekers are slowly joining the judicial review process, the number is expected to continue to increase. We understand that currently, the Federal Circuit Court’s Melbourne registry is listing hearings two to three years in the future.

Justice Connect has sought to help address the unmet legal need by coordinating a response with pro bono lawyers. Collaborating with barristers from both the Victorian and NSW Bar and with leading law firms, we provide asylum seekers who are unrepresented with the legal assistance they need to navigate the judicial review process.

This involves connecting them to pro bono counsel to get advice on the merits of their applications, and if meritorious, to pro bono lawyers to represent them in the Federal Circuit Court proceedings.

In addition to this merits referral, in NSW, the Self Representation Service piloted providing procedural assistance to asylum seekers in the Migration List on their first court dates, using pro bono lawyers. Protection visa judicial review applicants were provided with information and advice about the nature of judicial review and the powers of the Court, and the process of settling consent orders with the lawyers for the Minister. This assistance ran from October 2016 to the end of September 2017, and has ended due to a lack of funding. The work is currently being evaluated.

ASYLUM SEEKERS ON NAURU

Another example of a decision that the Government made that had a significant impact on the courts and legal services is in relation to asylum seekers on Nauru.

After July 2013, asylum seekers arriving in Australia by boat are subject to Australian Government policy where they are sent to Nauru and Manus Island in Papua New Guinea for processing.

The Government announced that the asylum seekers will never be settled in Australia.

Asylum seekers in Nauru will be required to undergo the Nauruan refugee determination process where they would need to first apply to the Nauruan Secretary for Justice and Border Control, and in the event of a negative assessment, they would have the opportunity to seek merits and judicial review of the decision. This process is broadly similar to the Australian process.

After the Supreme Court of Nauru, asylum seekers have a right to appeal the decisions to the High Court of Australia.

These appeals to the High Court are as of right and do not require special leave, and as of 6 October 2017, 12 appeals have been filed in the last nine months. Given the volume of matters that the High Court hears, these matters have a significant impact on the High Court.

At the end of 2016, of the 1200 Refugee Status Determination decisions that had been handed down in Nauru, 983 were positive and 217 were negative.

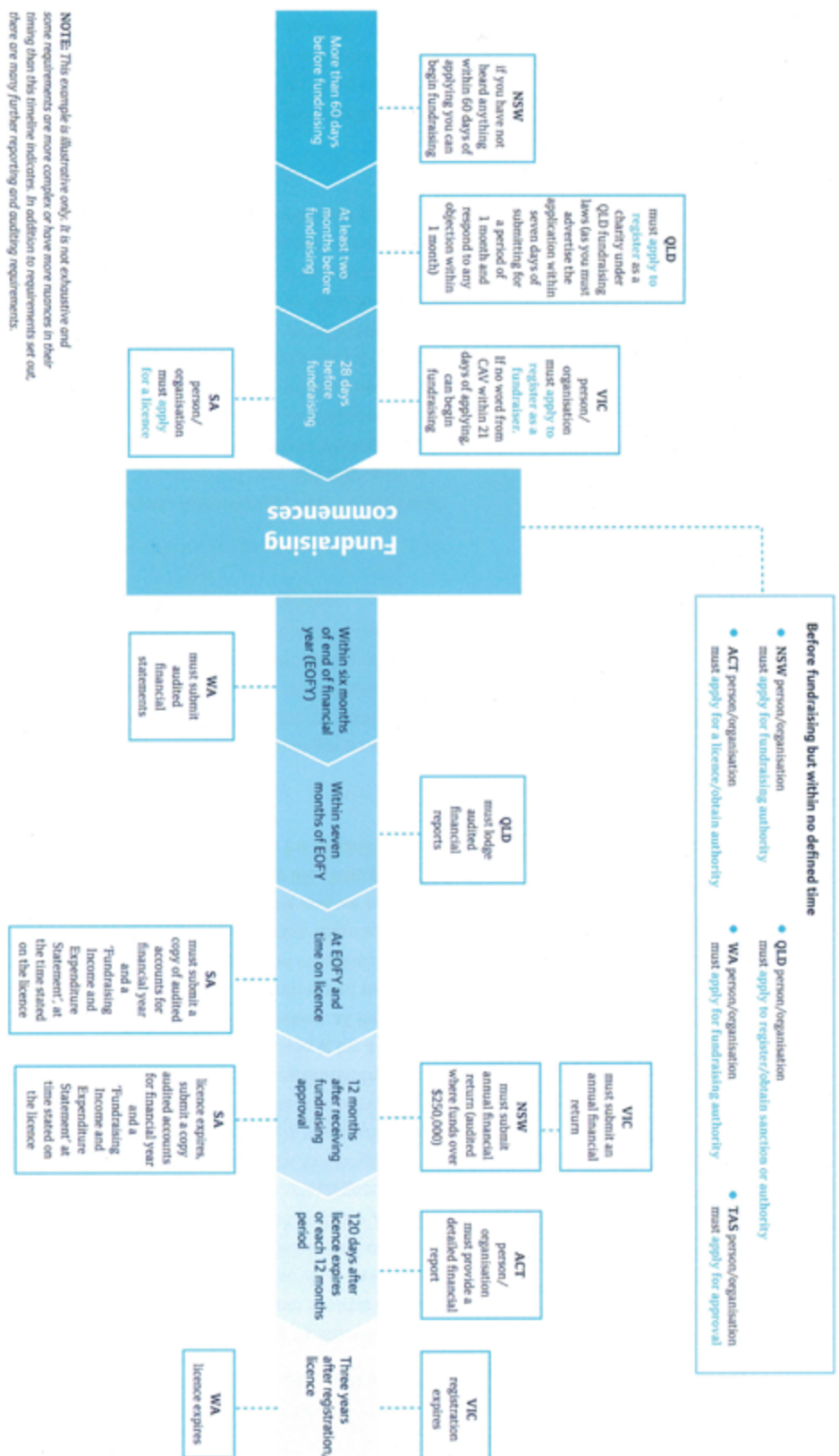
With the 217 potential matters slowly making their way through the Supreme Court of Nauru, we are expecting to see more asylum seekers who need legal assistance at the High Court in coming years.

The obstacles facing these asylum seekers on Nauru, the world’s smallest island nation, are numerous. A lack of access to lawyers and no High Court registry on Nauru means that they are entirely reliant on Australian lawyers for help.

Justice Connect is coordinating the response and has built a coalition of pro bono lawyers from Victoria and NSW to help these asylum seekers. In the course of this work, the coalition aims to help shape the jurisprudence of refugee determination in Nauru.



Case study timeline



These organisations are dealing with laws that are out of date and not fit-for-purpose — they deal with wishing wells and the length of handles on collection boxes, but not online fundraising, crowdfunding and websites. Furthermore, regulators have publicly stated that there is little specific compliance and enforcement because there is ‘in general not any evidence of mischief’, and ‘the majority of breaches are found to be minor and unintentional mistakes and where non compliance has occurred it has been the result of the complexity and different requirements of the law’.¹⁹

The cost of this is estimated to be up to \$150 million annually. Reports show the waste is more than \$15.08 million for charities — charities make up only 10% of the whole not-for-profit sector.²⁰ The wastage is a massive loss in productivity involved for the thousands of charities who are an extremely important part of the Australian economy — the sector employs over 1.1 million Australians generating over \$134 billion in annual revenue, including more than \$11 billion from individual giving.

#fixfundraising: Fixing the fundraising regulations that are wasting millions

Justice Connect’s Not-for-profit Law provides Australia’s only specialist legal service for community organisations.¹⁸ There are an estimated 600,000 of these groups. Many small to medium groups are unable to access legal help; they have no resources to pay for, or find the time for such help.

Through our work, we know that these organisations are burdened by the regulatory fundraising regimes across Australia. These regimes are inconsistent, create unnecessary complexity and inefficiencies for not-for-profit

community organisations. Given that smaller charities and other not-for-profits rely on donations to fund more than one third of their work that supports the wellbeing of Australian communities, the impact of these regulations is significant.

This example and the ‘compliance flowchart’ highlight the complex burden placed on Australian not-for-profit organisations seeking to fundraise across States and Territories.

COMMON SCENARIO — ‘RIDING 4 RESOURCES’

Riding 4 Resources (**R4R**) is a not-for-profit that has tax concession charity (**TCC**) and deductible gift recipient (**DGR**) status. R4R aims to improve the school resources that are provided to disadvantaged students.

For example, R4R provides text books and school uniforms, as well as funds guest speakers, excursions and improvements to school property that are all aimed at improving access to education and enriching the educational experience of disadvantaged students. R4R has two staff members.

R4R conducts fundraising by organising bike-riding events and races. Participants pay to be part of an event, and are asked to contribute further funds through seeking sponsorship of their ride through family and friends.

Traditionally, R4R has only hosted events and fundraised in Victoria, and only worked with Victorian schools. In 2016, they are expanding their service to assist schools in NSW and ACT as well as Victoria.

To support this expansion, they plan to host their biggest event yet, a 14 day bike trail ride from Melbourne to Canberra. Riders can join the ride at various starting points in Victoria, NSW and ACT, and funds raised by riders from different States and Territories will be directed to programs

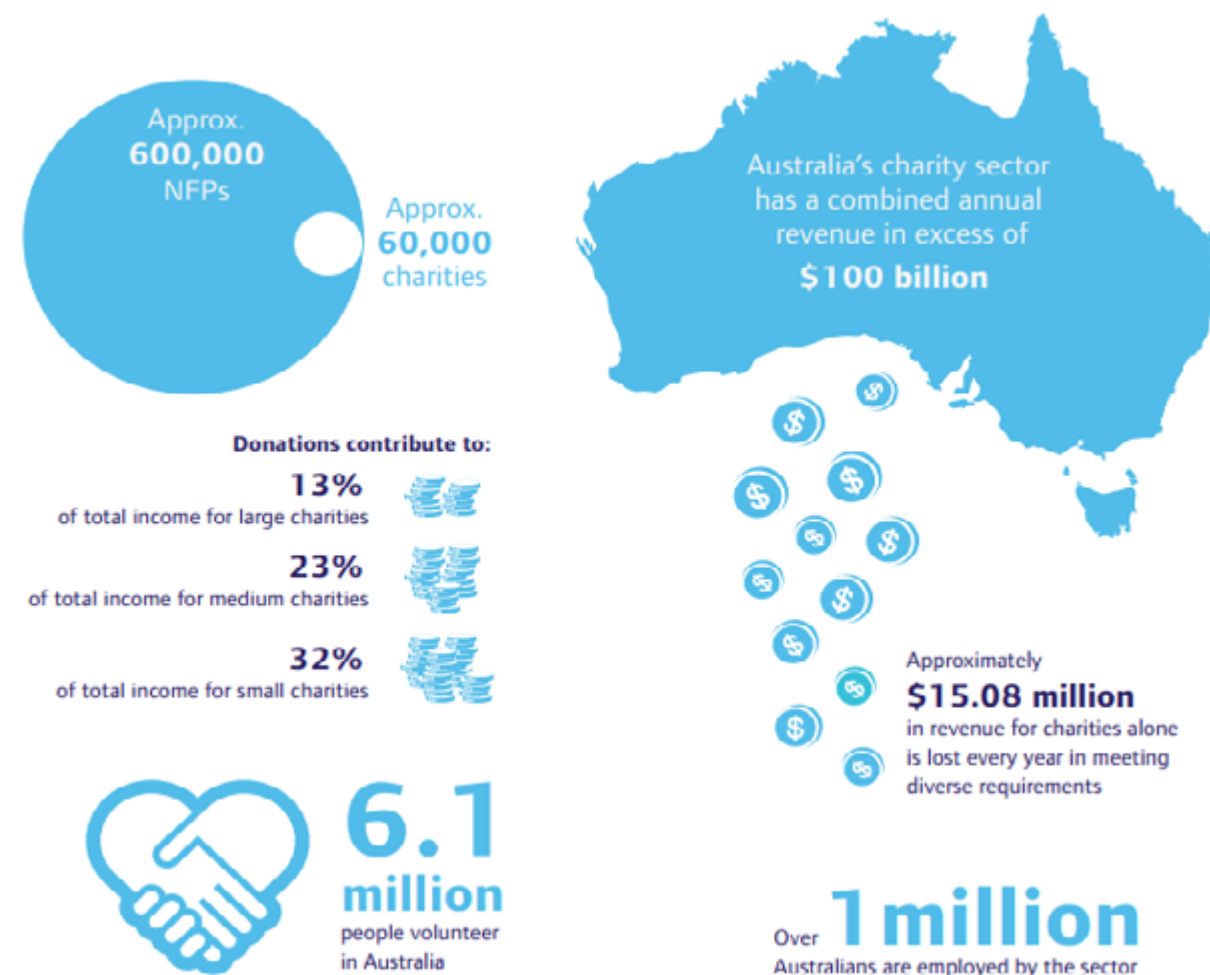
in the jurisdiction in which a particular rider resides.

In addition to the new cross-border fundraising event, the newly appointed marketing manager has created the website www.r4r.com.au and has recruited ambassadors in each State and Territory to promote the event and attract donations.

People who visit the site can find out information about R4R’s purpose and activities, as well as their upcoming events. People can also make donations to R4R directly through the website.

As a result of these activities, R4R is likely to be considered to be fundraising in Victoria, NSW and ACT, and may even receive funds from people in every State and Territory in Australia. R4R understands that through its expanded activities, it now needs to consider fundraising laws outside of Victoria.

As the funding regulation is so complex and confusing, they ended up engaging a lawyer to provide them with advice about their compliance obligations. In addition to more detailed advice, the lawyer provides R4R with the timeline depicted on the following page.



[CLICK HERE TO SEE THE PROBLEM](#)

The solution advocated by Not-for-profit Law provides for one nationally consistent and fit-for-purpose regulatory framework: by clarifying and improving the Australian Consumer Law (ACL); repealing the burdensome State and Territory laws; and supported by the sector, regulators and self-regulatory bodies working together to provide a single, voluntary code of conduct to cover all types of fundraisers and all types of fundraising activities.

Not-for-profit Law has formed a coalition of other sector bodies²¹ calling on governments to fix the problem: a problem that has been documented extensively by multiple government and independent enquiries dating back to 1995.

This work continues to be supported by an increasing number of not-for-profits, their professional advisers and other bodies: more than 200 organisations and individuals representing more than 1000 charities, more than 85 legal centres and more than 3,750,000 individuals across Australia.

[CLICK HERE TO SEE THE SOLUTION](#)

This call for reform — and the solution to the problem — is in the above video, featuring many prominent Australians.

To date, this work has led to formal advice from the government that the ACL does indeed apply: 'in many cases the activities of fundraisers in seeking donations are captured by general provisions of the ACL';²² and that there is a lack of guidance on the application of the ACL to fundraising.

Furthermore, regulator guidance will be developed to clarify the current application of the ACL in 2017 and further work undertaken in 2018–19 to assess the effectiveness of that guidance and any relevant regulatory actions, and whether any future reforms are needed to enable the sector to work more effectively to the benefit of the Australian community.

The costs of enforcement-based approaches to homelessness and constructive alternatives

Since Homeless Law was established in 2001, addressing fines, infringements and charges for 'public space offences' has been one of the top two most common legal issues homeless Victorians have sought our assistance with.

Each year, Homeless Law provides legal assistance to approximately 100 people who have received fines or charges for 'public space offences', including having an open container of liquor in public, begging, being drunk in a public place, littering, and conduct on public transport (for example, not paying to travel, smoking on the platform or having your feet on the seat).

We know through this work that homelessness makes it:

- more likely that you will receive fines or charges for public space offences because you are carrying out your private life in a public place; and
- extremely difficult to deal with fines or charges either through payment or navigating the unwieldy legal process. By way of example, an infringement for being drunk in a public place is over \$600, which is 220% of your weekly income if you are reliant on the Newstart Allowance.

Grant's story is one of hundreds that highlight the impact of imposing financial penalties or charges for conduct directly related to homelessness, increasing the strain people are already under and failing to address the underlying causes of offending.

GRANT'S STORY

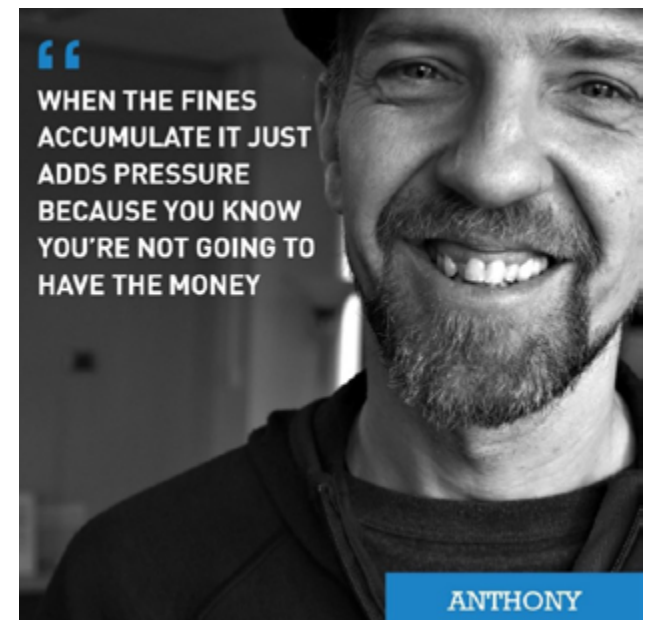
Fines not the answer for chronically homeless man with mental health concerns and substance dependence issues

Grant had around 50 fines for 'public space offences' that he had accrued during decades of chronic homelessness, including significant periods of sleeping rough and seeking refuge in a variety of squats.

When he first came to Homeless Law, Grant's crippling fines debt was over \$18,000. Grant has various mental health concerns, including depression and 'chronic suicidality', and a long history of substance dependence issues. He is reliant on the disability support pension and had no realistic prospects of being able to repay the \$18,000 in fines debt.

After gathering the necessary supporting evidence, Homeless Law assisted Grant to apply for his fines to be revoked on the basis of his special circumstances (i.e. the link between his homelessness, substance dependence and mental illness and his offending). Eventually, after protracted legal proceedings, the fines were dismissed and Grant could prioritise his wellbeing, recovery and transition into secure housing with supports.

Grant's matter highlights the way in which people experiencing homelessness can be issued with overwhelming numbers of fines during periods of homelessness, deteriorating mental health and/or escalating substance use.



In addition to doing nothing to aid recovery or engagement with services, the fines system places a burden on legal and community services that assist clients to deal with their fines and charges and causes congestion in the courts.²³

To hear first-hand what it is like to be fined or moved on when you are homeless and living your life in the public eye, listen to, watch and read the insights of Anthony, Emma, Darren, Julia, Richard and Hamish who shared their stories as part of Homeless Law's project, 'In the Public Eye: Personal Stories of Homelessness and Fines'.²⁴

[CLICK HERE TO SEE THEIR STORIES](#)

The evidence of the impacts of what is sometimes called the 'criminalisation' of homelessness on individuals and the legal system has been recognised both locally and internationally.²⁵ By way of example, US Federal Government body, the United States Interagency Council on Homelessness, said in 2012:

*... there is ample evidence that alternatives to criminalization policies can adequately balance the needs of all parties. Community residents, government agencies, businesses, and men and women who are experiencing homelessness are better served by solutions that do not marginalize people experiencing homelessness, but rather strike at the core factors contributing to homelessness.*²⁶

Despite this, in times of pressure, including in the face of increasing homelessness and intensely negative media attention, governments continue to be tempted to resort to tougher laws to respond to homelessness.

Most recently, the City of Melbourne started heading down this path but, in a win for evidence informed responses that should be commended, opted not to pursue the legislative change after 10 months of negotiation and collaboration regarding alternatives.

MELBOURNE NARROWLY AVOIDS CRIMINALISING HOMELESSNESS

As many of us were easing ourselves into the new year this January 2017, the media began to explode with stories about people sleeping outside Flinders Street Station. There was relentless negative media coverage, including the depressingly titled front page, 'Grand Slum', referring to the Australian Open and to people sleeping rough.

Melbourne's Lord Mayor was initially strong in his position, saying he had seen cities around the world that bundled people up and shipped them out, and that this was not the kind of city Melbourne wanted to be.

Disappointingly, after further media pressure, his position changed and it was announced that the Council was proposing tougher local laws to respond to rough sleeping in Melbourne.

The changes proposed broadening the existing ban on camping (and 'camping' was not defined, so would include sleeping with a sleeping bag or swag) and creating a new prohibition on leaving items unattended.

People would potentially have been fined \$250 or charged for either of these offences. People's unattended items could also be confiscated and they would have to pay a fee to get them back.

Homeless Law acted quickly because every day we see the harsh and ineffective impact of using fines, charges and move-on powers to tackle homelessness.

Informed by the evidence from our work and the insights of our clients, we worked with our partners across the legal, housing, homelessness and faith-based sectors to try to prevent Melbourne going down a path that was doomed to fail.

The United Nations raised their human rights concerns with the proposed laws on two occasions;²⁷ over 2500 people and organisations contributed to the Council's consultation and 84% opposed the proposed changes;²⁸ and a coalition of 54 leading organisations presented Council with a framework for responding effectively to homelessness in Melbourne.²⁹

We wanted to highlight the risks of these laws, but we also wanted to give the Council constructive solutions and assure them that there is another, better way forward.

In a welcome development, after adjourning the decision three times for further consideration, the Lord Mayor, together with the Chief Commissioner of Victoria Police and the Acting Minister for Housing, announced in late September 2017 that the Council and Victoria Police had confirmed a formal operating protocol to address rough sleeping and that consideration of the proposed amendments to the Activities Local Law would be suspended 'pending further assessment of the protocol over the next six months'.³⁰

The City of Melbourne stated:

'The protocol and our ongoing work to address homelessness means we can act quickly to protect public safety and amenity, while also ensuring that the most vulnerable people in the city have access to the services they need.'

Referring to a 'unique partnership' between the State Government, Victoria Police, the City of Melbourne and service agencies, the Lord Mayor stated:

'This partnership has meant that more than 160 people sleeping rough in the CBD have taken up temporary or permanent accommodation since January this year. The outreach teams are working with around 50 rough sleepers per month.'

The Victorian Government's Acting Minister for Housing, Minister Hennessy, reiterated:

'The Victorian Government is delivering \$800 million in housing and homelessness support including \$119 million dedicated towards homelessness and rough sleeping.'

*'A collaborative approach on this issue is fundamental, which is why I am here today to support the City of Melbourne and Victoria Police.'*³¹

While aspects of the announcement still have a focus on enforcement, ultimately, this decision is a recognition that a response grounded in services and housing is what is required to effectively address rough sleeping in Victoria. It is a decision by the City of Melbourne to reclaim its role as a leader in well-thought-out, compassionate, evidence informed and effective responses to homelessness.

and notoriously costly and ineffective path of criminalising homelessness.

Fifty four organisations from the housing, homelessness, justice and faith-based communities came together to propose an alternative framework for responding to rough sleeping in the city.

It shows that, through collaboration and a reflection on the evidence, cities can avoid going down the well-worn



CLICK HERE TO HEAR ABOUT THE ALTERNATIVE FRAMEWORK

A snapshot of the Proposed Framework for Responding Effectively to Homelessness in the City Of Melbourne:

- 1. **More lockers and storage for rough sleepers.** This would reduce belongings being kept on the streets and prevent people's documents and possessions being destroyed.
- 2. **Clear guidance about belongings.** Like Sydney's 'two bags and a swag' guidance, clear communication from Council about amounts of belongings could help to strike a balance between the needs of homeless people and the need for streets to be accessible.
- 3. **More safe spaces at night.** Programs offering a safe alternative to sleeping rough could be expanded and further integrated with support services that help people find permanent ways out of homelessness.
- 4. **Daily Support Teams.** Council's team of specialist homeless outreach workers can form a direct partnership with external homelessness support agencies to connect with people sleeping rough and coordinate effective responses.
- 5. **Collaboration between businesses, homeless services and people who've experienced homelessness.** Training for CBD workers who are likely to encounter homelessness will support them to give informed responses and referrals to appropriate services.
- 6. **Involve people experiencing homelessness in solutions.** Engaging and consulting with people experiencing homelessness will help to inform effective, practical solutions.
- 7. **Do what works elsewhere (and avoid what doesn't).** Council could adopt successful approaches such as those taken by Utah, which reduced rough sleeping by 91% using the Housing First model. In contrast, Los Angeles had some of the toughest laws against homelessness in the world, while simultaneously having the highest concentration of homelessness as the United States.
- 8. **Help the public understand the causes of homelessness.** Helping the public understand that homelessness is due to systemic failures, not individual choices will lead to better informed responses across the community at large.
- 9. **Prevention.** The Council could continue to support services and legal frameworks that prevent avoidable evictions into homelessness.
- 10. **Housing with support.** Lack of access to long-term housing with support continues to be the greatest barrier reducing rough sleeping. While it is not Council's role to tackle this single-handedly, Council's response to homelessness must recognise this and Council must continue to be a leader and advocate for ongoing investment in affordable housing. Progress is being made, with 6,000 new social housing properties being delivered over the next five years by the Victorian Government, but those homes are a long way off hitting the ground, and will only skim the top off the 33,000 people waiting for public housing in Victoria. As the Framework states:

"if access to affordable and appropriate housing was available and there was capacity to provide the flexible support people with more complex needs require to remain housed we could reduce the numbers of people sleeping rough to a very small group at any given time"





Victoria has had other successes in terms of evidence informed amendments to our mechanisms for responding to homelessness and public space, particularly the fines and infringements system.

These include:

- legislative reform to recognise homelessness as a 'special circumstance' in the *Infringements Act 2006* (Vic);
- further reform of the fines and infringements system via the *Fines Reform Act 2014* (Vic) and the *Fines Reform and Infringements Acts Amendment Act 2016* (Vic), including to introduce 'work and development permits', improved mechanisms for responding to fines stemming from family violence and for people to 'call in fines' while in prison, and stronger safeguards against imprisonment for unpaid fines;³² and
- a significant review of public transport ticketing,³³ with reports being published by both the Victorian Government and the Victorian Ombudsman in May 2016,³⁴ highlighting the punitive impact of public transport ticketing on vulnerable Victorians and the need for a preventative approach to achieve 'a system that balances financial return with fairness, enforcement with equity'.³⁵

In other areas, embracing the evidence is slow and we continue to rely on the law to try to tackle complex health and social problems.

A key example of this is the criminalisation of begging. In 2016, Homeless Law joined with six other leading agencies to launch 'Asking for Change: Calling for a More Effective Response to Begging in Victoria'.

As part of this work, Homeless Law consulted with 30 people begging in Melbourne, and of these people, 77% identified as homeless, 87% identified as having a mental illness and over one-third had experienced childhood trauma and abuse.³⁶

With reference to evidence gathered over a 15 year period, the position paper states that through using the justice system to respond to begging, we:

- impose a significant burden on police and the courts;
- cause highly vulnerable people to be caught up in the justice system as a result of homelessness and poverty; and
- fail to reduce the number of people who beg.

Informed by the evidence, consumer perspectives and direct work with people who have begged, the position paper sets out seven steps that — if embraced by specialist homelessness and health services, Victoria Police, local councils, local businesses and the Victorian Government — will help Victoria move toward a fairer, more sensible and more effective approach to begging and the acute hardship that underpins it.

asking for change

Calling for a more effective response to begging in Victoria



1. Accept that the current response is not working.
2. Acknowledge that the vast majority of people who beg are experiencing high levels of vulnerability, including one or more of homelessness, mental illness, substance dependence, family violence, trauma and poverty.
3. Commit to effectively tackling the underlying causes of begging by investing in a service-based response to begging, which focusses on access to housing and support (while not everyone who begs is experiencing homelessness, the significant majority are and access to housing with support is a critical component of an effective response to begging).⁴
4. Repeal the offence of begging aims to prevent reliance on a costly and ineffective enforcement-based response to begging.
5. Resist the temptation to implement or encourage responses that focus on a minority of people begging aggressively — this small number of people can be dealt with by existing justice mechanisms (e.g. using threatening words in a public place).⁵
6. Present evidence-based messages to the public on begging and its causes to provide leadership rather than fuel knee-jerk reactions.
7. Evaluate the effectiveness of the new response, compared to the well-worn path of cycling people through our courts.

Victoria can do better than an old fashioned law and a dated response to homelessness and poverty.

Let's genuinely address the underlying causes of begging: poverty and homelessness.

Let's strengthen what works: long-term housing and access to services.

It's time for change.

Watch our video and share:

justiceconnect.org.au/askingforchange

#askingforchange

cohealth
cohealth.org.au

justice
connect
Homeless Law

STREETSMART
ACTION AGAINST HOMELESSNESS

chp
council
to homeless
persons

Launch
HOUSING

IT'S TIME TO END
HOMELESSNESS

melbourne
city mission

VCSS
Victorian Council
of Social Service





TOP PRIORITY: Backing what works: laws, policies and systems informed by evidence

9. Prioritising evidence in designing and reviewing laws, policies and systems.

A clear, transparent process for analysing the justice implications — for individuals, not-for-profit organisations (including services working with affected clients) and the justice system — of laws and policies would be a welcome addition to Australia’s decision-making framework. Such a process, which could include a Justice Impact Test, has the potential to:

- identify the flow-on effects of a particular change to law or policy, and the personal, systemic and financial costs that will stem from this change;
- highlight when the law is a blunt instrument for responding to a problem that is in fact a health or social problem, and will be ineffective and costly for individuals and the community; and

- help maximise the impact of the limited government funding by providing a framework for investing in what has the best chance of delivering a solution.

The process could also be used to review existing laws and policies identified as having a significant individual and systemic impact, and should be employed at local, State and Federal levels.

TECHNOLOGY AND JUSTICE

5 THE ROLE FOR TECHNOLOGY IN IMPROVING ACCESS TO JUSTICE

Technology has an important role to play in improving access to justice in Australia by improving justice processes and increasing the reach and impact of services.

Digital technology is increasingly influencing nearly every aspect of our daily life. Designing justice solutions with technology in mind is critical — failing to do so is akin to persisting in designing road and transport infrastructure for horses when cars were growing in popularity, or designing for candles when houses were increasingly linked to electricity. As the recently released 2017 *Digital Inclusion Index* found:

*'Australians are spending more time — and are doing more — online. Since 2014, when data was first collected, Australia's overall digital inclusion score has improved by 3.8 points, from 52.7 to 56.5. In 2016–2017 alone, Australia's score rose by 2.0 points, from 54.5 to 56.5. Scores for every state and territory also increased over this period.'*³⁷

Justice Connect considers there are three key roles for technology innovation in improving access to justice:

- process innovation both within and between justice organisations;
- technology-facilitated dispute resolution;³⁸ and
- service delivery innovation, where technology supports the delivery of legal assistance and connected services to clients.

This is consistent with overseas approaches to the role that technology can play in facilitating access to justice.³⁹

Process innovation

Many justice organisations, courts, legal practices and community legal centres are operating with systems and technology that have fallen behind community expectations.⁴⁰

Out of date infrastructure and business processes constrain efficiency, service quality, scalability, the ability to communicate, share and analyse information, and consequently also the ability to assess work and impact.

Justice Connect has acknowledged that we can make improvements to our systems and technology to improve services and increase impact.

We have committed to streamlining our processes and improving and integrating our systems so that our staff can spend their time doing the work where they add the most value: spending time with clients, assisting vulnerable people, engaging in policy and law reform work, building relationships and working with key partners and stakeholders.

Our Legal Help Gateway project is the culmination of our work in this area.



CLICK HERE
TO HEAR
ABOUT THE
GATEWAY





Access to justice through digital technology

For client-facing technology solutions, it is often said that people experiencing vulnerability cannot engage digitally. These blanket views can hinder progress in increasing access to justice.

Although there is evidence of a correlation between markers of vulnerability and marginalisation, and markers of a lower likelihood to be digitally engaged,⁴¹ our experience shows that there are many people within vulnerable cohorts (including people experiencing homelessness, recently arrived migrants, and self-represented litigants), who are active and competent users of technology.

Many vulnerable clients also have support people (such as friends, family or case workers) who assist them to engage with digital services.

Digital engagement across Australia has rapidly increased over recent years, including among some marginalised and vulnerable groups.⁴²

In the first half of this year, Justice Connect carried out user-centred research for our Legal Help Gateway Project with our clients, including people experiencing homelessness, people experiencing mental health problems, people recently released from prison, and long term unemployed people.

These clients consistently expressed frustration at the lack of information available about legal services online, that different services were not 'joined up', that there was no system level view available to them, that for most services, they could not apply online, and that many services as well as legal processes required in-person attendance, during business hours, to engage in and progress matters.

Comments from clients included:

'[Finding what I needed online] was a big problem for me. So I just called the [Justice Connect] number.'

'I'm very visual, I would have used the online form.'

'You want the first [web] page to have pretty much everything, all the categories of everything that you represent.'

'I think the personal service is very important, but I would be open to it [digital services].'

'A lot of people, I guess, don't realise that there's an alternative to legal aid.'

'[clearer service information and online application processes] might help a lot of people actually that I know, that Justice Connect actually do exist and they can actually, they could be helped.'

'I wasn't sure what section to click. I didn't know. It was just really jumbled. So I wasn't sure if that website was for lawyers trying to connect to Justice Connect, not for the public trying to connect to Justice Connect.'

Our internal research also shows that using online and digital approaches is more efficient for many of our processes. For example, intake and triage that involves a client initially completing an online application takes half the time to process compared to a purely phone-based intake.

Therefore, if we can increase the number of people that we are assisting through digital channels, then we will free-up time to assist more people.

Of course, there are individuals and groups within the community who do not have access to, or are unable to engage with, online systems and materials and more intensive, integrated models of legal assistance will always need to be available for these groups and people.

Importantly, however, if we can service some help-seekers via improved digital channels, this frees up capacity which can be directed to provide additional intensive support to those vulnerable clients who cannot use online or self-help options.

Every person who participated in our research supported Justice Connect's efforts to make services more accessible online. Even those who thought they would probably prefer to use a phone service or who would benefit from an onsite co-location, health justice partnership or integrated service, thought that having online entry points and resources was critical for any modern service.

The examples profiled in this part highlight the role for digital technology in increasing the reach of legal services, including to regional areas, as well as in complementing other legal services such as legal advice and unbundled legal help with online self-help options.



Not-for-profit Law’s online legal information resources: 300,000 hits per year

Justice Connect’s Not-for-profit Law service has a tiered delivery model, as shown in the diagram on the next page.

Justice Connect has a track record of delivering assistance at different levels of intensity and scale. The online legal information resources on Not-for-profit Law’s website (www.nfplaw.org.au) can help an infinite number of community organisations across Australia.

This is complemented by training (also accessible to any organisation in any location through webinar training services) and through Not-for-profit Law’s provision of telephone legal advice and pro bono referrals for eligible community organisations with more complex legal needs.

The tiered service model has enabled Not-for-profit Law to scale rapidly from a single jurisdiction service to a national service while maintaining a small staff profile, supported by pro bono work from law firms. The Not-for-profit Law website receives nearly 300,000 unique page hits per year.

The site has been evaluated three times,⁴³ with findings indicating significant utility, positive user experience and cost effectiveness, and overall value. The Not-for-profit Law website has twice been a finalist for the Australia and New Zealand Internet Awards (2014 and 2015), and is a finalist in the 2017 global PILnet pro bono awards.

In recent years, the Not-for-profit Law service addressed evaluation findings by focussing on interactive digital information resources that empower not-for-profit organisation clients to distil relevant packets of information tailored to their needs.

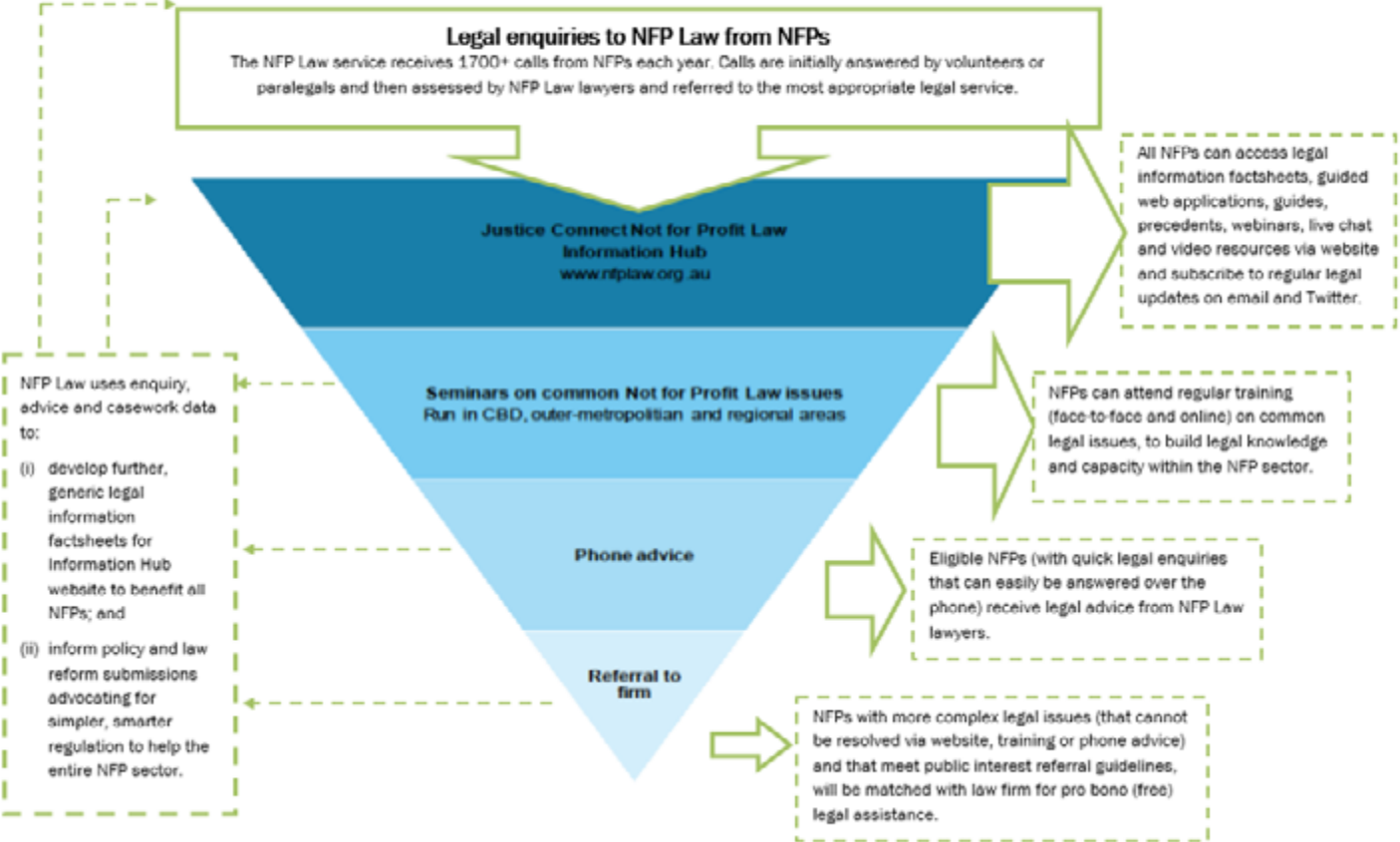
The service has participated in the Melbourne Law School and Neota Logic ‘Law Apps’ program twice, publishing two interactive web applications that provide tailored information in specific complex areas of law (one for tax concessions options for not-for-profit organisations,⁴⁴ the other a decision support framework to aid community organisations that are starting up to choose the legal structure that best suits their needs).⁴⁵

These online resources have been well received by users, with evaluations finding the applications reduce the complexity of an area of law, reduce the amount of reading that is required to cover all relevant material, and significantly reduce the time spent reading and distilling relevant information relating to a legal issue.

Justice Connect staff have observed that clients who have used the applications prior to engaging in a conversation about their legal issue with a Not-for-profit Law lawyer have increased legal capacity and literacy, and are better enabled to provide clear instructions that allow the service to quickly assist them:

‘Providing legal advice to a not-for-profit group which is ‘getting started’ can be very time consuming as there are many issues that these groups need to consider and make decisions on. Having a client complete the Getting Started Framework prior to providing legal advice is really helpful because it allows me to review the client’s feedback and focus on their pain points – the things they are undecided on or confused about, and need tailored legal advice that applies specifically to their group in order to move forward with the process.’

— Justice Connect Not-for-profit Law lawyer, 2016



Self Representation Service:
Combining online resources with
unbundled legal services

Following from the success of the Not-for-profit Law model, and using knowledge from various self-help approaches trialled overseas (for example the Californian legal self-help centres),⁴⁶ Justice Connect’s Self Representation Service increasingly focusses on supplementing its unbundled advice service with online self-help resources.⁴⁷

Feedback from both clients and lawyers is that an appointment can be more valuably spent when the client has had time to learn about and reflect on their legal problem prior to seeing a lawyer.

The client can be provided with guidance and advice during the appointment, and given further self-help resources to progress their matter.

Clients are often provided with subsequent appointments (the average number of appointments is 2) to keep progressing their matter through its different stages. In this way, the value that a client can gain from a few hours with a lawyer can be greatly enhanced when supported by self-help resources.

Knowledge generation and sharing
about user-centred service design

There is much research and evidence on best-practice service design. It is only relatively recently that legal and justice organisations have started to use these design approaches that put the human and key user experience at the centre of decision-making.⁴⁸

Our experience at Justice Connect shows that user-centred design practice delivers better services, trust, and stronger relationships, and inspires staff and internal stakeholders to embrace change.

Lawyers are rarely trained to develop and deliver user-centred services, with legal training focussed on rules, principles and processes. It is crucial that organisations and bodies in the legal sector and the justice system have access to, and make use of, user-centred design practices.

As legal design thinker, Margaret Hagan, succinctly summarises:

‘What the law is — and what our legal system is — is not what is written in the books. It is what is experienced by the people who use the system — as litigants, as criminal defendants, as lay people who are trying to get legal help.’⁴⁹

Clients, their needs and abilities should be the starting point for designing legal services, and, ideally, the legal system at large.

Justice Connect Legal Help Gateway
— early data

After 12 months of intensive research, Justice Connect has designed and commenced building an end-to-end digital solution to streamline our processes, improve our accessibility for clients as well as referrers (for example, staff at community legal centres or case workers), and improve the way Justice Connect is connected into other justice organisations and service-providers. This is our contribution to a better linked-up and accessible justice system. This ongoing work is supported by grants from Google.org, the Myer Foundation, Perpetual Trustees and the Victorian Department of Justice and Regulation.

We estimate that across our services, the time taken to run intake and triage for a client will be reduced by 20 minutes if intake is completed online. We also estimate that placing clients into appointments with our programs and arranging pro bono referrals will be made significantly more time efficient with improved processes. By 2020, we estimate that the Gateway will be able to free up 210 hours per week in staff time to direct to more high impact work.

Through these efficiencies, we will help more clients and involve more pro bono lawyers in our work.

Dedicated technology and innovation
funding

Justice organisations are chronically underfunded, and struggle to meet the demands placed upon them with limited resources.⁵⁰ They are therefore understandably reluctant to divert resources from meeting client needs to funding innovation projects with uncertain outcomes. To enable such projects, dedicated funding is needed.

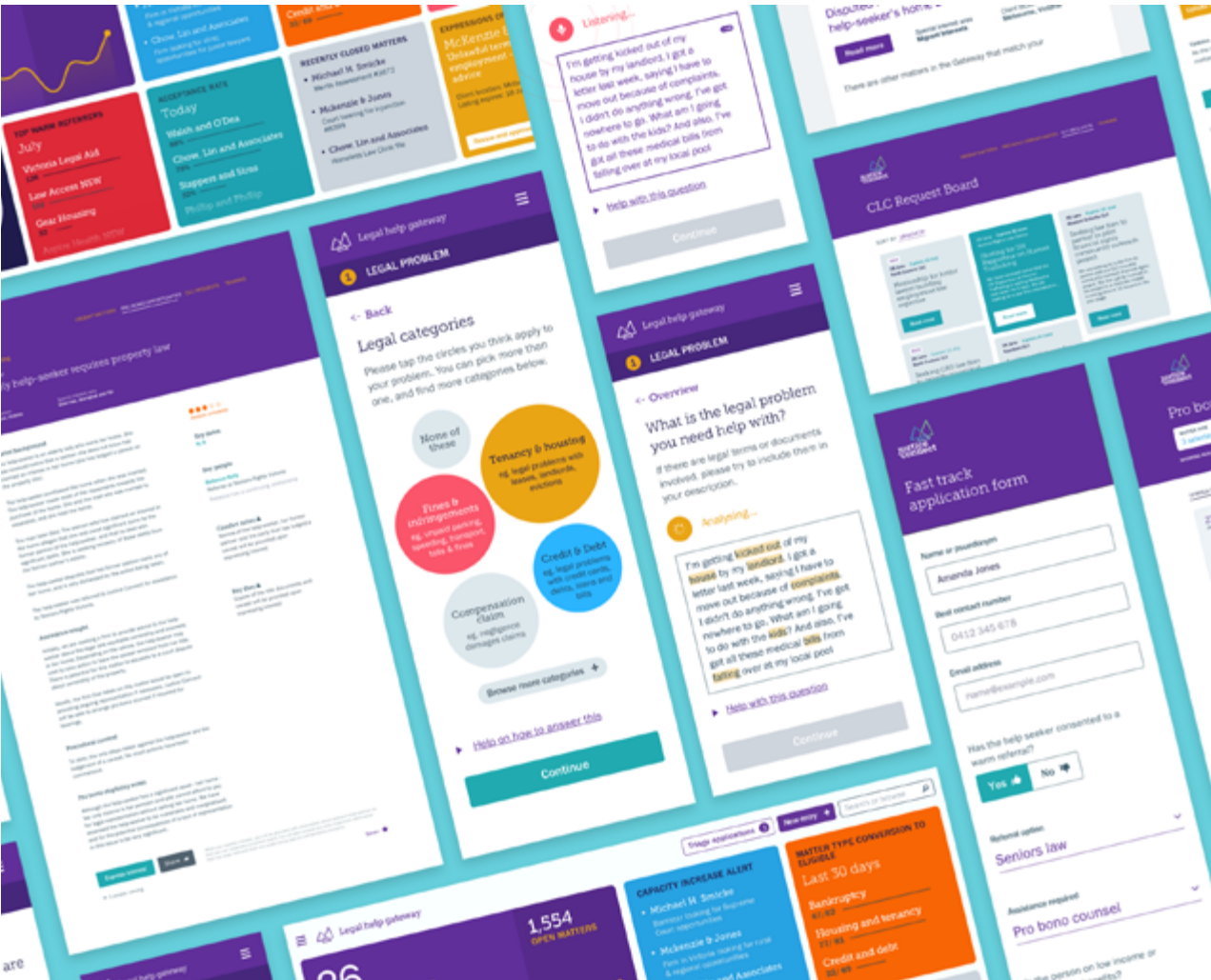
Our experience shows that to deliver sustainable digital work, and to move an organisation forward in this respect, staff resources need to be freed to prioritise this work.

Having staff dedicated to digital projects and user-centred design (and not pressured with juggling the needs of clients and casework with the needs of longer term projects) has been the key to Justice Connect’s progress.

However, there are very few grants available to fund technology-focussed innovation initiatives for legal organisations, and even fewer that will cover the staff costs associated with such work.

Funders often indicate that they would prefer to fund direct service provision, or that they aren’t convinced that the relevant technology or project is an appropriate investment.

Further, Government funding of legal services is not structured to easily accommodate funding technology initiatives. The overall lack of funding available to apply to technology initiatives contributes to a cycle of justice organisations falling further behind in digital competency and meeting the expectations of the community.



USA TECHNOLOGY INITIATIVES

Grant Scheme for legal services

In the United States, the Technology Initiatives Grant Scheme provides significant grants annually to legal aid organisations to support technology projects based on the premise that:

‘[t]echnology can and must play a vital role in transforming service delivery so that all poor people in the United States with an essential civil legal need obtain some form of effective assistance.’⁵¹

The goals of the Scheme are to support work to:

- ‘effectively and efficiently provide high quality legal assistance to low-income persons and to promote access to the judicial system through legal information, advice, and representation;

- improve service delivery, quality of legal work, and management and administration of grantees; and
- develop, test, and replicate innovative strategies that can enable grantees and state justice communities to improve clients’ access to high quality legal assistance through an integrated and well managed technology system.⁵²

In 2017, the Scheme distributed US\$4 million of grants with a median grant of about US\$72,000. Funded projects ranged from complex websites providing resources and live-chat functionalities to applications to support pro bono lawyers, and automated document solutions.⁵³

A community of practice has evolved over the Grant Scheme, with an annual conference held, and practitioners building their digital literacy.



Australia would benefit from a similarly focussed granting scheme to support the transition of legal and justice organisations to the digital sphere, for the benefit of help-seekers across Australia.

Justice Connect has had relative success attracting grant funding for technology initiatives and delivering high impact projects, yet we have first-hand experience of struggling to find funding for technology initiatives, even those with robust business cases.

LEGAL HELP GATEWAY PROJECT:
THE QUEST FOR FUNDING

Justice Connect’s Legal Help Gateway Project received seed funding through Google.org’s Google Impact Challenge, recognising its position at the forefront of technology innovation in the justice sector and broader not-for-profit sector in Australia. With significant user-research and a technology architecture and roadmap created, Justice Connect undertook an extensive fundraising campaign to raise further funds to support the build-out of this cornerstone project. This resulted in raising further support of \$550,000 from private philanthropic organisations (the Myer Foundation and Perpetual Trustees).

So far, only 3.6% of the funds received are from government (\$30,000 from the Victorian Department of Justice and Regulation). We estimate that the project will deliver over \$20 million dollars’ worth of extra pro bono work into the Australian legal assistance sector within three years, which represents a direct saving for government. Government funds directed to this project would generate a significant return on investment.



TOP PRIORITIES: The role for technology in improving access to justice

10. Fostering a culture that encourages experimentation and innovation, including user-centred service design.

Technology has an important role to play in improving access to justice in Australia by improving justice processes and increasing the reach and impact of services.

We should not rely on blanket assumptions about who can and cannot benefit from technology, but instead should make clients, their needs and abilities the starting point for designing legal services, and, ideally, the legal system at large.

It is important that bodies in the legal sector and the justice system have access to, and make use of, user-centred design practices. It is also important that legal sector bodies, which are traditionally risk averse, embrace a more experimental approach to designing and piloting service improvements and new solutions, including using technology.

11. Investing in innovation and technology.

Recognising the resourcing strain justice organisations are under, any reluctance to divert resources from meeting client needs to focus on innovation projects is understandable.

Dedicated funding is needed to support technology innovation, including to fund dedicated staff time and technology and development costs.

The return on investment for nimble technology-based innovation projects, including their reach and scalability, provides a compelling argument for investing in this progressive work.

POWER OF PRO BONO



6 THE POWER OF PRO BONO: ITS STRENGTHS AND LIMITATIONS

Almost 25 years ago, a small group of passionate and creative lawyers saw an opportunity to advance the public interest by engaging more lawyers in pro bono work.

They established Australia's first pro bono clearing house (**PILCH**) in New South Wales. Two years later, a group of law firms and public interest lawyers adapted the model for Victoria.

From humble beginnings, the vision of those founders has helped build a thriving pro bono culture among Australian lawyers today. Since 2013, the PILCHs have become Justice Connect, which plays a leading role in harnessing that commitment to the cause of justice.

In the 2016–17 financial year, that commitment translated into over 30,000 hours of pro bono work unlocked through Justice Connect; and help provided in response to 6,882 requests from people and community organisations, as well as 80 submissions, working groups and collaborative projects to challenge and change unfair laws, policies and practices.⁵⁴

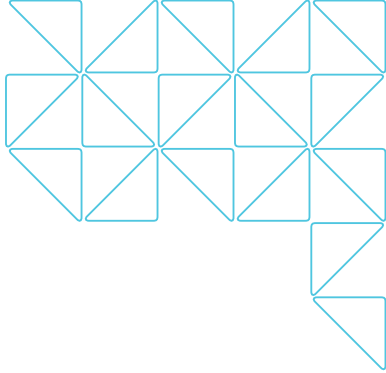
Recent figures released by the Australian Pro Bono Centre, reflecting on the ten-year life of the National Pro Bono Aspirational Target of 35 hours per lawyer per year, found that since 2007 Australian lawyers have reported doing over 2.86 million hours of pro bono legal work, helping disadvantaged people and the organisations that support them.⁵⁵

It reported that, in 2016–17, 11,795 Australian lawyers provided a total of 420,195 hours of pro bono legal services, which equates to 233 lawyers working pro bono full-time for one year.⁵⁶

The incredible contribution of the profession is to be celebrated and commended.

This part profiles seven models of pro bono legal service provision that are targeted and high impact. It reflects on the ingredients that maximise the power of pro bono to reach the right clients and provide the most appropriate and effective service.

Importantly, it also reminds us what pro bono will never be: which is a substitute for an adequately funded legal assistance sector made up of well-resourced, sustainable and strong community legal centres, legal aid commissions and Aboriginal and Torres Strait Islander Legal Services.



Pro bono lawyers and counsel and ‘unbundled’ legal help

The Self Representation Service (**SRS**) highlights the way in which pro bono resources can be deployed to help a greater number of people experiencing disadvantage with their legal problems.

It shows how pro bono can complement other aspects of the legal assistance sector by capitalising on the skills and engagement of firms in particular areas of law, for particular matter types and particular client groups.

The SRS utilises the in-house employment law practices, insolvency practices and litigation experience of the private profession to provide targeted advice to vulnerable people. In 2016–17, the SRS had 221 lawyers enrolled to participate in the service (152 in NSW/ACT and 69 in Victoria/Tasmania).

The unbundled nature of the SRS maximises the effectiveness and efficiency of this expertise, leveraging the interest and involvement of firms in manageable, discrete tasks and appointments to maximise the number of clients that can receive assistance, with the most vulnerable receiving the most intensive support.

The SRS model, reliant as it is on pro bono resources, is designed to be responsive to existing and emerging legal needs. The current SRS provides assistance for types and stages of disputes for which there are few if any free legal services available.



KAT'S STORY

Woman with an ABI recoups \$15,000 from her former employer

Kat was excited when she began full time work in the manufacturing industry after being unemployed for some time. She was especially relieved that her new employer was so accommodating of her disability, an acquired brain injury.

Her supervisors would modify her daily tasks and provide workplace support to ensure that her injury was not a barrier to her ongoing employment.

After working for her employer for about 18 months, Kat suspected she might not have been paid correctly so she contacted the Fair Work Ombudsman who conducted an investigation and found that Kat was being underpaid.

Kat felt disappointed and surprised that things quickly went downhill at her workplace after her complaint. From that point her employer became less accommodating of her disability and on more than one occasion she was not provided with support and expected to complete tasks her employer knew were not within her capabilities. After 3 months of this, she was called into a meeting with her managers and was handed a letter informing her that her employment was terminated, effective immediately.

Kat believed it was clear that her employment was terminated due to her having made a complaint about her underpayment. Her employer stated that her termination was because of her disability getting in the way of her ability to do the job.

Kat filed a General Protection claim, but the matter could not be resolved at the Fair Work Commission. A certificate was issued, and Kat had 14 days to file a court application.

During this time Kat and her partner were in unstable housing and were at serious risk of homelessness and so she missed the deadline to file her claim in court.

Kat then contacted the SRS to prepare an application to file a claim out of time. With the assistance of a lawyer, Kat was able to draft an application to the court outlining why she should be granted leave to file out of time. This application was successful and Kat's claim was able to proceed.

The SRS was able to refer Kat to a barrister who assisted her pro bono at a Federal Circuit Court mediation. Armed with expert employment advice and with the negotiating power of a barrister, she was able to settle the matter for \$15,000.

The Domestic Building Legal Service: Matching emerging needs with pro bono expertise

The Domestic Building Legal Service (**DBLS**) is an example of how pro bono services can be tailored to effectively respond to growing areas of unmet legal need.

Like the SRS model, DBLS helps eligible homeowners navigate the dispute resolution process, after the dispute has been to Domestic Building Dispute Resolution Victoria (**DBDRV**), by providing unbundled legal help with the assistance of pro bono lawyers.

DBLS unlocks the power of pro bono by identifying members of the legal profession who want to contribute, but face obstacles such as time constraints or the fact that their expertise may not necessarily align with the types of assistance traditionally offered by the community legal sector.

In this context, DBLS offers construction lawyers the opportunity to participate in meaningful pro bono work that utilises their particular area of expertise.

The existence of a specialised SRS draws upon the great potential of untapped pro bono resources in a niche area of law.

The hope is that starting with ‘unbundled’ and discrete assistance will also build pro bono capacity and strengthen pathways for referrals to construction law teams for full representation of vulnerable clients who are most in need.

Pro bono as part of a Health Justice Partnership tackling elder abuse

Justice Connect’s specialist Health Justice Partnership (**HJP**), running from a community health centre, helped Maya identify that she had a legal issue and, through partnership with pro bono, to get the specialist, comprehensive legal representation she needed to resolve her complex legal problem.

Maya’s story highlights the complex legal issues that can result from an experience of elder abuse, and how a HJP, combined with pro bono, can overcome barriers to older people accessing justice.

Without this combination, Maya would have fallen through the ‘justice gap’ between community legal centres, legal aid commissions and the private sector.

Most community legal centres and legal aid would not have the resources or specialist expertise to assist with the particular legal issues she had, which required interstate representation, and Maya was unable to afford a private lawyer.

Through Justice Connect’s network of pro bono lawyers, flexibility and collaboration between health and legal professionals, access to interpreters and supportive family members, Maya was able to overcome barriers to getting justice.

In 2016–17, Seniors Law made 58 referrals to eight different firms and one barrister for advice and representation for clients experiencing or at risk of elder abuse.

Pro bono lawyers reported that the HJP model assisted in the delivery of targeted and appropriate pro bono through the thorough triage process the HJP lawyer is able to go through with potential clients.

This enables the firm to place the matter with an appropriate lawyer from the start, while being able to access the support of the health workers to ensure the client is supported while accessing legal help.

Programs such as HJPs help to ensure that the power of pro bono is applied to those most in need of pro bono help.

Harnessing the power of pro bono to help the helpers

Our Not-for-profit Law service leverages the power of pro bono to support community organisations in multiple ways. Pro bono lawyers provide us with support to develop and update Not-for-profit Law’s legal information resources, providing all 600,000 community groups across Australia with access to our library of 280+ free legal information resources.

Pro bono lawyers also contribute specialist expertise to the development of training for community organisations, and provide more intensive support and specialist legal advice to eligible community organisations through pro bono referrals.

Not-for-profit Law had 53 member firms who were able to take a referral during 2016–17 and 34 accepted a referral, as did five corporate in-house legal teams (this followed a project in 2015–16 in which Not-for-profit Law sought to expand the pool of pro bono lawyers supporting vulnerable people and community organisations by harnessing in-house counsel, which led to 10 in-house legal teams establishing pro bono legal programs including ANZ, Bendigo Bank, Westpac, Telstra, Vicinity Centres and HP).

Eighteen firms accepted a referral to complete an education piece (for example, developing online resources or delivering training for not-for-profits).

The value of Not-for-profit Law’s work was analysed by Deloitte Access Economics (**Deloitte**) who conducted an analysis of the economic contribution of Not-for-profit Law in the 2014–15 financial year. Using a methodology underpinned by principles of ‘conservatism, transparency and flexibility’, and excluding Not-for-profit Law’s policy and law reform work, Deloitte calculated that Not-for-profit Law leveraged \$2 million worth of pro bono legal advice and estimated that:

- Not-for-profit Law made an estimated \$10 million contribution to the economy, comprising about \$5 million in direct benefits as well as significant spill over benefits to assisted not-for-profits and those they support; and
- as a result of efficiency gains attributable to Not-for-profit Law’s assistance in FY 2014–15, 8,000 additional client services would be able to be provided by not-for-profit organisations over the next three years. That means 8,000 more people would be helped to find housing, supported with drug and alcohol issues, or supported with palliative care.

This case study highlights the benefits to organisations and individuals through Not-for-profit Law’s pro bono partnerships.

MAYA’S STORY

Older woman experiencing elder abuse regains financial independence

Maya speaks minimal English, has impaired hearing, and no formal education. She has become reliant on her daughter, Gabby, who promised to look after her.

One day Gabby asked Maya for money to buy a car, so she could drive her to appointments. Maya obliged. Later that week, Gabby arrived with the new purchase and asked Maya if she wanted to go for a spin.

They did — Maya was driven to an aged care facility and left on a bench outside. Maya hasn’t seen Gabby since. While at the facility, an independent financial manager took over Maya’s affairs. She didn’t like the facility — she couldn’t eat the food or communicate with staff.

Maya’s sister, Veda, only recently found out about Maya’s situation. They agreed Maya would move to Victoria where Veda lives.

However, the financial manager was unresponsive to Maya’s requests for ongoing assistance. Veda didn’t know how she could help her sister.

Veda attends craft group run by a health service. One month a lawyer attended to speak about rights for older people. Afterwards, Veda told the lawyer about Maya’s situation.

Within days, the lawyer met with Maya at her aged care facility and subsequently at the health service.

She said she wanted to have Veda manage her affairs.

Using Justice Connect’s network of pro bono lawyers, Maya applied to an interstate tribunal for Veda to be her new financial manager.

The partners arranged onsite interpreters and rooms at the health service for Maya to communicate with her lawyers and attend hearings. Outreach staff helped Veda collate evidence.

The pro bono lawyers prepared the application and appeared before the tribunal, while Maya attended by telephone. After many hearings, Veda was appointed Maya’s financial manager.

With Veda’s assistance, Maya is now empowered to manage her own affairs.



NSW FAMILY VIOLENCE AND HOMELESSNESS SERVICE ASSISTED TO RESPOND TO A SUBPOENA

The client, a registered charity established to support the recovery of victims of domestic and family violence and homelessness in NSW, provides a range of programs and services to clients with vulnerabilities and the community sector that supports those clients.

The organisation was served with a subpoena to produce information about a client and was required to respond to the subpoena within 14 days. The subpoena was filed in a federal court jurisdiction by an ex-partner of the organisation's client. The organisation was concerned that complying with the subpoena would cost valuable staff time and damage their relationship with their client as the production of client files might reveal sensitive information and break the client's trust and confidence in the organisation.

The organisation approached Not-for-profit Law for advice on whether they could object to the subpoena, and if not, whether they could request that the documents produced could remain sealed for the privacy of their client and only be viewed by the court.

Not-for-profit Law was able to facilitate an urgent referral to a Justice Connect member firm for pro bono advice and assistance to help the organisation respond to the subpoena. While the firm's NSW litigation team were at capacity, a partner from an interstate office was able to take the matter on quickly given the federal jurisdiction.

The member firm was able to assist the organisation to draft an objection to the subpoena which was filed and later granted by the court.

The firm's assistance saved the organisation time and money as they may have otherwise been required to pay for legal advice and spend a large amount of time gathering and reviewing client information. Also, had they not achieved this outcome, the organisation may have jeopardised their ability to continue to confidentially support their client's recovery journey. It was also a positive outcome for the service's client, who was recovering from family violence.

The case manager from the service said:

'The primary concern for us was to protect our relationship with the client and to not become a tool for the ex-partner to exert further power and control over our client. Not-for-profit Law were very helpful in us achieving both of these outcomes.'

Pro bono outside traditional areas of work: 20,000 hours of pro bono legal help for homeless Victorians

A lack of experience of commercial lawyers in the areas of law where clients need assistance does not have to be an insurmountable barrier to pro bono involvement.

In Justice Connect's experience, well-designed and managed, and adequately resourced, pro bono programs can leverage considerable legal expertise from the private sector. Pro bono lawyers can be skilled up and supported to provide targeted and tailored legal services to vulnerable clients who would otherwise face significant barriers to accessing legal help that met their needs.

In 2016–17, Homeless Law worked with our seven long-term member firms, each with a team comprising file lawyers, supervising lawyers and team leaders — 504 pro bono lawyers in total — to provide ongoing legal representation to Homeless Law clients. In total, these teams undertook 21,622 hours of free legal work for Victorians who were homeless or at risk of homelessness.

Some insights into the experiences of the pro bono lawyers include:

'I find the work incredibly important and fulfilling, albeit challenging at times given the issues facing our clients.'

'I have found the work I did in Homeless Law to be the most impactful both on my development as a practitioner and for the client.'

'Great program, especially the link between case work and advocacy for systemic change.'

'Brilliant program, very well structured and well run.'



Ten key elements of Homeless Law's model for working with our pro bono teams are:

- 1. Multi-disciplinary in-house team.** Homeless Law's two social workers provide support to pro bono lawyers to assist them to provide holistic assistance to vulnerable clients with complex circumstances. This support includes training and capacity building, secondary consultations and direct work with clients alongside pro bono lawyers.
- 2. Compulsory induction training.** All new pro bono lawyers receive 10 hours of training on key areas of law, client management skills and risk management. Training is also available online and further masterclasses are run throughout the year.
- 3. Targeted areas of law.** Homeless Law assists with the civil legal issues where our model can have the greatest impact: tenancy and eviction prevention; fines and infringements related to homelessness; credit and debt; and guardianship and administration. Because the range of legal issues Homeless Law assists with is limited, pro bono lawyers build expertise in these areas.
- 4. Triage and intake memos.** All matters are 'triaged' by expert Homeless Law paralegals before being booked in. At the outset of a matter, pro bono lawyers are provided with an intake memo setting out the legal issue, timeframes, relevant law, scope of assistance, suggested steps and key resources.
- 5. Homeless Law staff lawyer guidance.** In addition to the intake memos, training, and direct advice and casework, Homeless Law's in-house legal experts (four civil lawyers and one criminal lawyer) provide regular guidance to pro bono lawyers by phone, email or in person.
- 6. Clear pro bono team structure and policies and procedures.** We have clear policies and checklists for attending clinics, running files, using PIMS (our online file management system) and dealing with challenging clients. Secondment agreements between pro bono lawyers and Homeless Law setting out responsibilities are in place, including matter debriefs with in-firm supervising lawyers and file lawyers after the clinic (to discuss matter strategy, risks, timeframes and key resources) and sign-off requirements.
- 7. Online resource.** 'Homeless Law in Practice' (www.hlp.org.au) provides practice-based guidance to pro bono lawyers, including template correspondence and submissions.
- 8. Online case management database.** All files are electronic and maintained on an online file management database, viewable by the Homeless Law in-house team, as well as pro bono lawyers and supervisors.
- 9. Regular file review.** Files are reviewed by in-firm nominated people and Homeless Law staff lawyers (using the online file management database, which includes all file notes and key documents).
- 10. Using evidence to inform and influence systemic change.** Through our integrated model, incorporating multi-disciplinary in-house expertise and pro bono, Homeless Law also uses the evidence from our casework and the insights of our clients to inform and influence systemic change.

Through this model — which combines Homeless Law staff experts (both legal and social work) with the energy and intellect of pro bono lawyers — since 2001, over 8,000 highly vulnerable Victorians experiencing or at risk of homelessness have received ongoing legal representation aimed at preventing homelessness or addressing the legal issues that too often accompany an experience of homelessness.



Pro bono, housing and human rights:
Reform through casework

In Victoria, in addition to their rights and responsibilities under the *Residential Tenancies Act 1997* (Vic), public and community landlords are also required to comply with the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (**Charter**) when making decisions.

Section 38 requires public authorities to act compatibly with, and give proper consideration to, human rights under the Charter.

The rights that are most relevant to clients facing eviction into homelessness are the rights not to have your home or privacy unlawfully or arbitrarily interfered with and the right to protection of families and children.

Together with our pro bono lawyers, Justice Connect Homeless Law has worked to make sure the Charter has become an effective tool for preventing avoidable evictions into homelessness for vulnerable Victorians and their families.

Equipped with expert training and resources, including a masterclass in human rights advocacy, pro bono lawyers use the Charter to engage in human rights based negotiations, advocacy and — when needed — litigation.

Homeless Law’s contribution to two reviews of the Charter by the Victorian Government identified that Justice Connect had used the human rights protections in the Charter to help prevent the eviction of 79 people, including 42 children.⁵⁷

This is human rights in action, brought to life by the representation of pro bono lawyers in partnership with Homeless Law’s expert staff.

Throughout 2013–15, Homeless Law pro bono lawyers from Clayton Utz and pro bono counsel ran the landmark case in human rights and housing, *Burgess v Director of Housing* [2014] VSC 648,⁵⁸ which reminded the State about the obligations it has as a public authority providing housing to vulnerable tenants.

It required government to make sure evictions of vulnerable tenants take place as a last resort, after careful consideration of the likelihood of homelessness, the impact on the tenant and their family and any alternatives to eviction.

It prompted a review of policies and practices and some recognition of the need for training, guidance and oversight to prevent evictions in contravention of human rights.

Jacqueline’s story highlights the role for pro bono lawyers in upholding the rights of Victorians facing homelessness, and in ensuring the accountability of public authorities.

JACQUELINE’S STORY

Victim of family violence in community housing forced to litigate in the Supreme Court to avoid eviction

Jacqueline is an Aboriginal woman with an acquired brain injury who lived in a community housing property for a number of years.

Her son, who has a severe mental illness, attended the property and caused physical damage.

During this incident, Jacqueline hid in the bathroom and called police as she already had an Intervention Order against her son.

The following day, Jacqueline received an immediate notice to vacate due to the damage, which the landlord issued without speaking to any of Jacqueline’s support workers.

Despite attempts by these workers to avoid the loss of the tenancy, the landlord proceeded with an application to the Victorian Civil and Administrative Tribunal for possession.

Jacqueline attended the hearing without legal representation, and a possession order was made. Just days before police were due to remove her from the property, Jacqueline saw lawyers through Justice Connect Homeless Law.

The Homeless Law lawyers entered urgent negotiations with Jacqueline’s landlord, including in relation to their obligations under the Charter. Despite this, the landlord indicated they would proceed with the eviction.

The Homeless Law staff and pro bono lawyers then worked intensively with pro bono counsel to lodge an urgent injunction application in the Supreme Court, arguing that the landlord had failed to give proper consideration to Jacqueline’s human rights in reaching its decision to evict her.

Shortly after these proceedings were commenced, Jacqueline’s landlord agreed to cancel the eviction, and offered Jacqueline alternative housing in a new location, with no liability for any of the damage caused by her son.

Jacqueline has now relocated to a new social housing property which has better security that improves her safety.

Through the Roof: Pro bono legal casework converted into systemic change on public housing debts

Throughout 15 years of assisting clients to navigate Victoria’s public housing system, Homeless Law gathered extensive insights about the operation of the Office of Housing’s policies, practices and procedures and their impact on vulnerable Victorians.

When the Victorian Ombudsman launched an own motion inquiry into Office of Housing debt practices, Homeless Law worked with our pro bono lawyers to analyse these matters and formulate recommendations that aim to make sure that vulnerable Victorians are not inappropriately pursued for housing debts in ways that prolong homelessness and impose significant personal and financial hardship.

Homeless Law’s detailed position paper, *Through the Roof: Improving the Office of Housing’s Policies and Processes for Dealing with Housing Debts*, contains 13 case studies and data from 52 Homeless Law clients who were given legal representation by pro bono lawyers to address debts to the Office of Housing.⁵⁹

Our review of our files showed that in 93% of finalised matters, the debts were reduced in part or full as a result of pro bono legal representation.

Thirty-five of our clients were experiencing homelessness at the time they sought assistance with the debt.

The evidence painted a picture of significantly inflated compensation claims being pursued against highly vulnerable people, which — if defended — are almost always reduced.

The Department of Health and Human Services has been receptive to Homeless Law’s recommendations, including through initiating bi-monthly meetings, running human rights and model litigant training and trialling Homeless Law’s proposed checklist for dealing with housing debts.



52 Homeless Law clients were being pursued by OOH for debts



TOP PRIORITIES: The power of pro bono: its strengths and limitations

12. Maximising the impact of pro bono.

Pro bono is not a resource without resourcing. To maximise the potential of pro bono, resourcing is required to: reach the right clients; triage and target their matters; build the skills and expertise of pro bono lawyers to work with different clients or in different areas of law; and convert the work of pro bono lawyers, and the insights gained from this work, into systemic change.

The organisations that co-ordinate and maximise the impact of pro bono across Australia should be resourced to continue to promote and organise targeted, effective pro bono work.

13. Setting consistent aspirational targets and government panel requirements.

The Australian Pro Bono Centre’s Aspirational Target of 35 pro bono hours per lawyer per year (**Aspirational Target**) should be embraced across Australian States and Territories to build further momentum for the contribution of the private legal profession.

Consistently with the Commonwealth Government’s pro bono requirements for legal services panel firms (i.e. law firms eligible for government contracts), all States and Territories should adopt the target of 35 pro bono hours per lawyer per year.

This should include a mechanism for reporting and accountability for reaching or progressing toward this target. While there are more limited pro bono opportunities in some States and Territories in Australia and for some smaller, specialist firms, the Aspirational Target still serves an important function in encouraging firms and lawyers to establish a pro bono practice, even if it takes some years to advance toward the target.

It also provides encouragement for firms to seek out opportunities in their local communities to undertake pro bono work.

14. Remembering that pro bono is not a substitute for an adequately funded legal assistance sector.

Pro bono cannot fill the growing justice gap between the need that can be met by community legal centres, legal aid commissions and Aboriginal and Torres Strait Islander Legal Services, and people who can afford to pay a private lawyer. Pro bono will rarely be able to provide criminal and family law help, and certainly not on the scale demanded.

This will continue to be the domain of expert practitioners across legal aid, community legal centres and ATSILS. These services must be resourced to meet this need. Pro bono complements and can enhance these services, but it cannot — and should not be expected to — patch together an increasingly threadbare legal safety net that has been created by a failure to acknowledge the wide-reaching community benefits of investing in free legal services for low income Australians.

INNOVATION AND IMPACT

7 RECOGNISING — AND INVESTING IN — INNOVATION AND IMPACT

The legal assistance sector is constantly innovating and creating new ways of meeting the needs of our clients and bringing about change to laws, policies and systems.

A central part of Justice Connect's work is articulating the change we're trying to achieve, and measuring and evaluating our impact and movement toward bringing about this change.

We are open to re-designing our programs when they are not delivering the outcomes and impact we are aiming for. We are also experienced in working with funders, including philanthropic trusts and foundations, to design, develop and implement new models for delivering access to justice for our clients.

By way of example, in our 25 year history, models and programs that Justice Connect has been part of designing and implementing include:

- the Homeless Law and Not-for-profit Law programs;
- Health Justice Partnerships targeted at elder abuse and issues related to ageing;
- the Women's Homelessness Prevention Project, which combines legal representation and social work support to prevent eviction of women and children into homelessness; and
- the Debt and Tenancy Legal Help for Prisoners Project.

Homeless Law, Not-for-profit Law and one of Seniors Law's Health Justice Partnerships are now recipients of long-term government funding.

The other programs however, are yet to secure ongoing, government funding, despite significant philanthropic investment and pro bono leveraged, together with robust evaluation of impact.

Across the legal assistance sector, to embrace innovation and prevent successful programs falling over because of an inability to secure ongoing funding, it is vital that government has a mechanism for forward-planning to invest in innovative programs and service models if they are shown to be successful.

Key ingredients for recognising and funding innovation and impact are:

- focussing on impact;
- fostering innovation and adaptation; and
- funding what works.

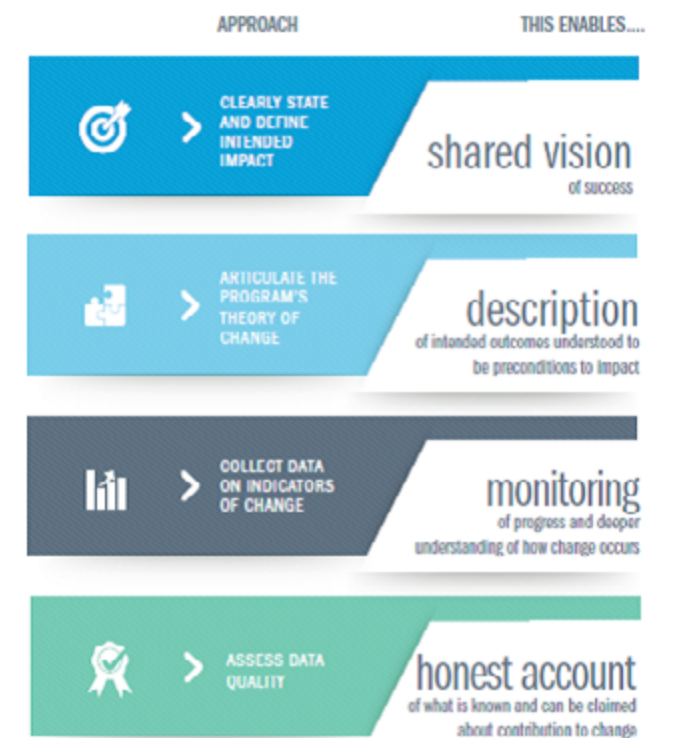
Focussing on impact

Well-designed legal assistance programs focus on the impact of their interventions. Measuring the number of enquiries, clients or advices does not provide a real understanding of the impact of those interventions and it is important that evaluation of programs looks beyond this.

For the last three financial years, Justice Connect has prepared an 'annual impact report', informed by best practice in social impact reporting and established principles from the field of impact evaluation.⁶⁰

Our approach has been refined to incorporate lessons learned and insights gained along the way.⁶¹

The key elements of Justice Connect's approach to impact reporting are shown below.



Impact: A theory of change

Justice Connect uses the Theory of Change (ToC) approach to describe, monitor and measure the changes it aims to bring about. Each program has a ToC map that articulates its intended impact, the long-, medium- and short-term changes that are preconditions to that impact, along with the causal linkages between those changes.

Each program also has a monitoring and evaluation (M&E) framework that guides regular and systematic collection of data to monitor and demonstrate progress towards achievement of key changes along the ToC causal pathway. The ToC approach is used to support programs to track, describe, measure and better understand the changes they bring about.⁶²

In addition, the organisation has a high level ToC comprising three outcomes that the organisation believes are essential for bringing about access to justice and in turn, impact for our clients:



We have defined 'impact' in our organisational reporting to refer to the differences in people's lives and civil society that occur as a result of obtaining access to justice. It includes the realisation of people's rights, improvements in their mental, physical and economic wellbeing, and the enhanced ability of not-for-profit community organisations to fulfil their missions.

For Justice Connect, access to justice means access to timely, high quality and effective legal assistance, which allows a client — an individual or an organisation — to understand their legal position, make decisions based on this understanding and where possible, achieve an outcome which is fair and just in all the circumstances.

Impact: Analysing client stories

In the 2016–17 financial year, across Justice Connect's six programs, 52 case stories were documented. As in the previous two years, a thematic analysis of the stories was conducted and each received a rating for the level of impact evidence it presented.

Ratings were obtained by assessing each case story on three dimensions — amount of change, contribution/attribution and additionality.

Case stories that provided the most compelling examples of program impact received a rating of six and the least compelling were rated zero.⁶³

Each year, Justice Connect conducts an audit of our impact, with a zero to six rating, six being a very high, positive impact on the client's life.

2017 results

Average impact 5.3



46% of stories rated 6/6



65% 
of case stories reported outcomes that were only possible with Justice Connect's help

	FY17	FY16	FY15
Average impact rating out of 6	5.3	5.2	4.6
% of stories rated 6/6	46%	45%	29%
% of stories that reported outcomes that were only possible through the program's assistance	65%	65%	53%

FAIRER AND BETTER LIVES

Justice Connect's impact in 2016-17

When Justice Connect speaks of "impact" we mean the differences in people's lives and civil society that result from them gaining access to justice. Impact includes the realisation of people's rights, improvements in their mental, physical and economic well-being, and the freeing up the not-for-profit community to fulfil its missions.

Client satisfaction

Justice Connect collects feedback from clients at the conclusion of the service provided. Overwhelmingly, ratings and comments were positive, along with constructive feedback regarding some areas clients felt could be improved. For example:

92%

of Self Representation Service clients were satisfied with the Service.

89%

of Homeless Law clients indicated they got a better outcome than they otherwise would have, as a result of Homeless Law's assistance.

82%

of Not-for-profit Law client respondents strongly agreed that "Accessing Not-for-profit Law's services improved my understanding of the relevant legal issues."

Client impacts

Each year, Justice Connect conducts an audit of our impact, with a zero to six rating, six being a very high, positive impact on the client's life. Across the six program this year, 52 case stories were documented.



Average impact rating of 5.3 out of 6



46% of case stories rated 6/6 (Very high impact)

65% 

65% of case stories reported outcomes that were only possible through the program's assistance

Justice Connect's full Annual Impact Report can be found at justiceconnect.org.au/2017impactreport

Preventing and addressing elder abuse: Monitoring impact, adjusting our service and sustaining the innovative, effective service model

Monitoring impact

Justice Connect Seniors Law was established in 2008. The Seniors Law program assists older people who can't afford to pay a lawyer in relation to elder abuse and other legal issues associated with ageing.

At its inception, Seniors Law did this by offering a fortnightly roster of appointments with pro bono lawyers at four health services in partnership with Seniors Rights Victoria.

On assessment of the number of clients seen, Seniors Law was successful, and was helping older people with their legal issues. However, a focus on the impact of the assistance being provided against the service's Theory of Change provided a different picture.

While Seniors Law was assisting many clients with wills and enduring powers of attorney, few older people at risk of, or experiencing, elder abuse accessed the service.

We sought philanthropic funding to provide professional development to more than 500 health and community professionals to build their capacity to identify elder abuse and other legal issues and refer to the service. Despite feedback following the sessions that attendees felt more confident to identify elder abuse, we did not see a significant increase in the number of referrals of elder abuse matters.

As a result, we undertook a review of the clinic model and available literature. Evidence was emerging from the US about the effectiveness of the medical-legal partnership model in addressing the underlying social determinants of health, and data from the Legal Australia-Wide Survey indicated that people experiencing legal problems were more likely to talk to a doctor than a lawyer about their problem.⁶⁴

As a result of this review, it was clear a new approach was needed to meet the needs of older people experiencing or at risk of elder abuse.

Innovating to meet legal need

Based on the emerging data from the US on the success of the medical-legal partnership model, and the emerging interest in Australia, Seniors Law started to work with one of its clinic health partners, cohealth. The Legal Services Board of Victoria was interested in this model, and committed to a major grant round in 2014 to encourage innovation in the health justice space.

The cohealth Health Justice Partnership (**HJP**) was funded as part of this grant round to test the HJP model to address elder abuse.

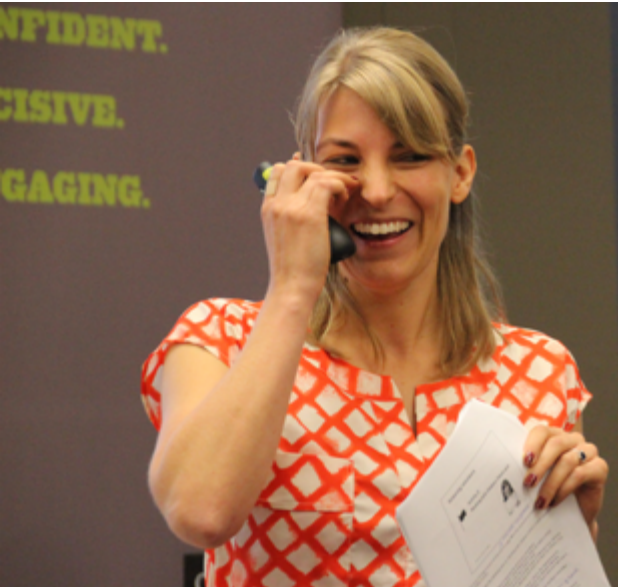
One of the objectives of the HJP is to test the effectiveness of the model and share evidence of the impact of the work. The HJP is being evaluated by Associate Professor Virginia Lewis, La Trobe University.

After more than two years of operation, the HJP has proven to be a highly effective model for reaching older people at risk of, or experiencing, elder abuse. The partners have seen evidence of:

- improved capacity to address elder abuse;
- better access to legal help for clients and health workers who may not have engaged with legal services previously;
- better collaboration between professions, which helps to build trust with clients;
- a timely and flexible service able to respond to urgent need;
- more targeted legal services to reach disadvantaged clients including older people at risk of experiencing elder abuse; and
- sustainability by focussing pro bono resources.



CLICK HERE TO HEAR ABOUT HJPs



JIA'S STORY

Older woman with limited English being chased by debt collectors; health improves after legal help

Jia is a woman in her 60s who is from China. Her sole income is the age pension. She has little support after her husband passed away, and her understanding of English is limited.

Jia was being chased relentlessly by mail, text messages and phone calls. She didn't understand why. She asked the callers to use an interpreter but they wouldn't.

This harassment was having a significant impact on Jia's health: it exacerbated her anxiety and depression, with phone calls leaving her angry and upset; it aggravated her hypertension — contributing to 3 admissions to emergency in the past — as well as her asthma.

A social worker from an outreach team who speaks Mandarin helped discover that Jia was being chased by debt collectors for a utilities bill from a transitional property she had been living in where the electricity hadn't been turned off when she left.

With Jia's permission, the social worker contacted the HJP lawyer for assistance.

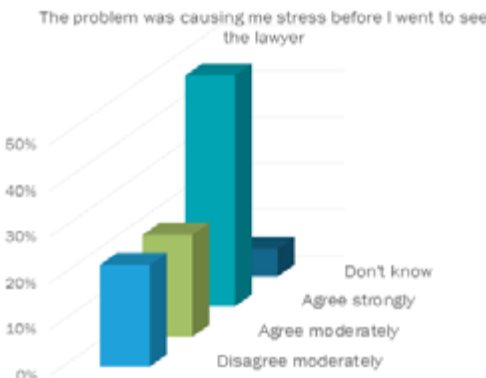
The lawyer was able to stop the debt collectors from contacting Jia. She was very relieved to know that if they did contact her she could tell them to 'call my lawyer'.

Jia and the lawyer discussed options. Jia said she was 'not afraid of them anymore' and was now ready to try to get the debt waived. After some further help from the lawyer the debt was waived.

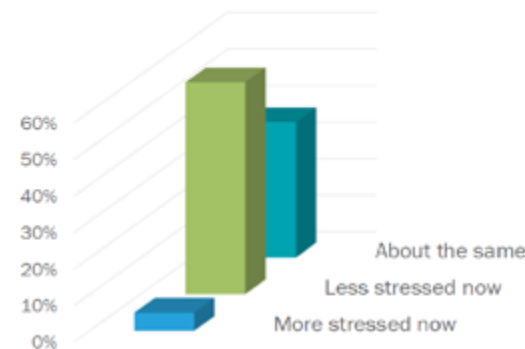
Jia wrote:

'You helped me resolve a year's worth of intimidation and dispute. You used the law to uphold the truth. You helped me, a 60 years old senior widow with high pressure and lots of sickness, finally access justice.'

As illustrated by the following graphs, clients of the cohealth HJP have also reported a reduction in stress as a result of seeking legal help.



As a result of the help you received from the lawyer, do you feel more stressed, less stressed or about the same?



Seniors Law and cohealth have shared the findings of this successful project widely,⁶⁵ generating interest in, and support for, the model.

Despite this, the partnership is yet to secure ongoing funding.

The cohealth HJP is one of 9 HJPs funded through the Legal Services Board Major Grant round in 2014. These programs have had built-in impact evaluation and have contributed to a growing body of evidence regarding the impact of these partnerships.⁶⁶

There is growing interest in the successes of these innovative, effective models of legal service provision, it is critical that there is a strategy for capitalising on this innovation, sustaining this work and embedding it as a core feature of the legal assistance sector.

Closing the Revolving Door: The impact of legal representation to prevent homelessness for Victorian prisoners

The project

In July 2014, with funding from The Ian Potter Foundation and support from Corrs Chambers Westgarth and G4S, Justice Connect Homeless Law commenced the Debt and Tenancy Legal Help for Prisoners Project (**the Project**). The Project is an innovative, collaborative legal service that aims to prevent homelessness and promote successful reintegration of prisoners by sustaining tenancies and resolving debt.

The Project’s eviction prevention work is underpinned by research showing the links between homelessness, imprisonment and re-offending: 35% of prisoners are homeless prior to entry into prison and, upon release, the rate of homelessness increases to 43%.⁶⁷ Furthermore, research demonstrates that ex-prisoners are more than twice as likely to return to prison within nine months of release if they are homeless.⁶⁸

With recent figures showing that Victoria’s recidivism rate is at an all-time high, with 44.9% of released prisoners re-entering prison,⁶⁹ and knowing that incarceration costs approximately \$105,787 per person per year,⁷⁰ sustaining tenancies and improving chances of successful reintegration is an important component of tackling Victoria’s costly imprisonment rate.

The impact

In the Project’s first two years, Homeless Law provided legal assistance to 228 prisoners, including 107 seen at initial appointments at Port Phillip Prison and 121 at other Victorian prisons or seen outside the monthly clinic.

In two years since the start of the Project, Homeless Law’s service delivery to clients in prison increased by 1300%.⁷¹ The expansion of Homeless Law’s work in Victorian prisons is a direct result of the Project, including our new relationships and visibility with workers and organisations operating in Victorian prisons.

117 of our clients in the first two years had tenancy matters and were referred to Homeless Law by housing workers and caseworkers from seven Victorian prisons: Port Phillip Prison, the Metropolitan Remand Centre, Dhurringile Prison, Hopkins Correctional Centre, Marngoneet Correctional Centre, Barwon Prison and Dame Phyllis Frost Centre.

In a two year period, we prevented 43 evictions into homelessness and had over \$30,500 in debts to the Office of Housing waived.

The personal, social and financial benefits of making sure prisoners can exit prison into housing are highlighted by Geoffrey’s story and by the Project infographic.

GEOFFREY’S STORY

First time prisoner avoids eviction through access to legal representation

Geoffrey is a 28 year old man who had lived in an Office of Housing property for seven years before entering prison. Geoffrey suffered from a mental illness and had no family supports.

After being incarcerated, Geoffrey had a six month temporary absence approved by the Office of Housing which enabled him to pay the reduced rate of \$15 per week for the first six months of his sentence.

After his temporary absence expired, he fell into rental arrears due to the Office of Housing charging full market rent.

He was issued with a notice to vacate and faced the immense stress of facing a Victorian Civil and Administrative Tribunal hearing while he was incarcerated.

The stress was compounded by not being able to securely remove his personal belongings if he was ultimately evicted.

Geoffrey was referred to Homeless Law by a Housing Pathways worker. Homeless Law successfully negotiated with the Office of Housing to extend the temporary absence on the basis of exceptional circumstances, which enabled Geoffrey’s rental arrears to be resolved through applying the appropriate rental rebate under the Temporary Absence Policy.

The notice to vacate was withdrawn and upon his recent release, Geoffrey was able to return to his home.

Geoffrey’s release into a stable home has allowed him to prioritise his ongoing mental health recovery and plan for his future.

Adapting for greatest impact

The initial model for the Project involved monthly clinics at Port Phillip Prison and a focus on fines, consumer debts and tenancy. Using an impact evaluation framework, analysing two years of outcomes from providing targeted legal representation to Victorian prisoners in relation to debt, tenancy and infringements, Homeless Law has identified that our highest impact work is providing legal representation to Victorian prisoners to sustain tenancies and address housing debts to prevent people exiting prison into homelessness.

There are no other legal services in Victoria that provide expert tenancy legal representation to Victorian prisoners. Unlike a duty lawyer or advice-based model of assistance, which provide one-off advice or representation only, the Project’s provision of ongoing legal case work increases the potential: for legal matters to be resolved through negotiation and human rights advocacy; to avoid the need for hearings at the Victorian Civil and Administrative Tribunal; and to obtain successful outcomes for our clients.

Referring to the impact of the Project, Dr Alberto Furlan, Senior Program Manager from the Project’s founding funder, The Ian Potter Foundation, said:

‘This project was truly exemplary of the Foundation’s funding principle and priorities around prevention and sustainability.

Highly preventative in nature, the project allowed 43 inmates to exit the cycle of homelessness. Given their circumstances it would have been almost inevitable that they would homeless once exiting prison.

In terms of future sustainability, the project also clearly provided evidence for very substantial cost savings for the health, justice and welfare systems.

*... We are very much looking forward to seeing the project thrive and receive ongoing support from Victorian state government’.*⁷²



Securing sustainable funding (and what happens when we can't)

In 2014, following the successful pilot of a Self Representation Service in the Queensland registry by LawRight (formerly QPILCH), the federal Attorney General's Department committed to funding the expansion of Federal Court Self Representation Services across Australia in 2014.⁷³

Justice Connect was funded to run the program in New South Wales, Victoria, Tasmania and the Australian Capital Territory.

In 2017, following an assessment of impact and effectiveness, this funding was continued, which is a welcome example of government funding innovation and — crucially — continuation when impact and effectiveness is demonstrated.

Importantly, however, the funding is not indexed to acknowledge that the costs of running programs do not remain static over time. Any successful funding model must be adjusted to reflect increases to operating costs to ensure sustainability and success.

In contrast to the continuation of the SRS, after three years of running its successful migrant outreach program MOSAIC, Justice Connect was forced to stop the outreach aspect of this service in 2016.

MOSAIC, a legal outreach service in NSW that assisted refugees, asylum seekers and other migrants with civil legal issues, was a popular and well-respected service with demonstrated impact, which met a significant legal need in a vulnerable cohort.

In three years it had expanded to offer weekly services from five different outreach locations around Sydney, in addition to providing a dedicated telephone advice service for regional and remote clients in NSW. In 2016, however, the inability to secure funding meant the program had to cease its outreach work.

Initially Justice Connect continued to assist this client group through a modified MOSAIC in the form of a significantly pared-back referral service outreach, however in 2017 even this model could no longer be supported due to the funding environment. Justice Connect continues to assist recently arrived migrants through its Public Interest Law team, however the high impact outreach model utilised so successfully by MOSAIC is no longer run.



TOP PRIORITY: Recognising — and investing in — innovation and impact

15. Making sure there is a framework for sustaining and expanding proven programs.

The legal assistance sector is constantly innovating and creating new ways of meeting the needs of our clients.

We do this through embedding ourselves in our communities, listening to our clients, tracking trends in our casework and working closely with partners from across health, homelessness, family violence and legal sectors.

Many of us seek philanthropic funding to set up innovative responses to legal need and generate an evidence base for systemic change.

This funding for innovation provides the space and opportunity for programs to truly test their models, build the evidence of their impact and adapt where needed.

Government should treat these programs as an opportunity. These programs should be on the policy, program and budgetary radar.

Then, as they take shape and as their impact and effectiveness is reflected on and proven, there is an opportunity for long-term, sustainable funding to incorporate this work as a core component of the justice system and legal assistance sector.

To do otherwise — to let these programs establish, thrive and then fall over or stall because of a lack of ongoing funding — is damaging for the legal assistance sector, the justice system and our clients.

ENDNOTES

Part 1: Preventative power

1. Victoria State Government, *Access to Justice Review: Summary Report* (August 2016) 4 (available at: <https://myviews.justice.vic.gov.au/accesstojustice>). See also Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014) 30, which recommended additional funding from Commonwealth and State and Territory Governments for civil legal assistance services of approximately \$200 million per year (recommendation 21.4) and summarised the benefits of this as: ‘*Improving access to legal assistance for civil matters will often prevent legal problems from escalating, reducing costs to the justice system and the community*’ (at 38).
2. Justice Connect Homeless Law, *Twelve Months of Keeping Women and Children Housed* (September 2015) (available at: <http://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/twelve-months-keeping-women-and-children-housed>); Justice Connect Homeless Law, *Keeping Women and Children Housed: Women’s Homelessness Prevention Project, Two years, ten client stories and ten calls for change* (March 2017) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/preventing-womens-homelessness-ten-calls-for-change>).
3. Kaylene Zaretsky et al, *The cost of homelessness and the net benefit of homelessness programs: a national study, AHURI Final Report No 205* (2013) 4. This study identified that people experiencing homelessness had higher interaction with health, justice and welfare systems than people with stable housing and estimated that an individual experiencing homelessness represents an annual cost to government services that is \$29,450 higher than for the rest of the Australian population. Of this increased cost, \$14,507 related to health services, \$5,906 related to justice services, and \$6,620 related to receipt of welfare payments
4. ‘Evictions into homelessness avoided’ includes where:
 - the eviction was clearly prevented (successful outcome at VCAT, notice to vacate withdrawn or a landlord agreeing not to execute a warrant after a possession order);
 - the tenancy ended but we were able to postpone the warrant or otherwise obtain more time for the client, allowing them to secure alternative housing, avoiding them being evicted into homelessness; and
 - the client left the property of their own accord into other housing but had attended a clinic and received advice and advocacy in the lead up.

‘Evictions into homelessness avoided’ does not include:

- where more time was obtained but the client was not able to secure alternative housing; or
 - clients who relinquish tenancies (including tenants wanting to avoid a ban and incarcerated tenants).
5. Zaretsky et al, above n 3.
 6. Health Justice Partnership Network, *Health Justice Partnerships* (May 2015) citing Elizabeth Tobin Tyler et al (eds) *Poverty, Health and Law, Readings and Cases for Medical-Legal Partnership* (2011) 74 (available at: <https://www.justiceconnect.org.au/our-programs/seniors-law/get-help/health-justice-partnerships/starting-hjp>).
 7. An example of an assets for care arrangement is where an older person transfers assets to a family member in return for a promise of care and accommodation for the rest of the older person’s life.

Part 2: Tailored models

8. See Justice Connect, *Access to Justice Review: Submission to Victorian Department of Justice* (2016) (available at: https://engage.vic.gov.au/application/files/3414/8609/4219/Submission_63_-_Justice_Connect.pdf) for a more detailed discussion of Justice Connect’s service models, particularly Homeless Law and Seniors Law’s Health Justice Partnerships.
9. Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: legal need in Australia* (2012). The LAW Survey is the largest survey of legal need undertaken in Australia.
10. Christine Coumarelos and Julie People, Law and Justice Foundation of NSW, *Home is where the heart of legal need is: A working paper on homelessness, disadvantaged housing and the experience of legal problems* (April 2013) 2.
11. Ibid.
12. Ibid 3.
13. The Homeless Law criminal law service created by Courting Justice is a secondary service for new and existing Homeless Law clients. A person is eligible for assistance where they are receiving, or will be receiving, assistance from Homeless Law in relation to a civil legal issue within Homeless Law’s areas of practice (tenancy and eviction prevention, infringements, guardianship and administration or credit/debt). Alternatively, they may be eligible if they are receiving assistance from Homeless Law’s in-house social workers, the HPLO or WHPPLO. Casework is generally limited to matters that are not eligible for a grant of legal assistance from VLA. This includes Magistrates’ Court matters where there is no risk

of imprisonment and appeals of non-custodial sentences to the County Court.

14. See Justice Connect Homeless Law, *Courting Justice: Criminal Legal Representation for People Experiencing Homelessness (12 Month Snapshot)* (2016).

Part 3: Reaching communities

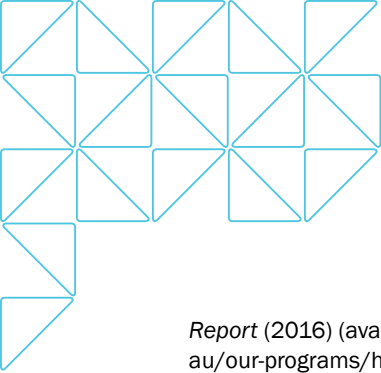
15. Fiona Kelly, *Assessing the impact of the Family Court approval process* (2016) Australian Journal of Family Law 30.
16. See Justice Connect Homeless Law, *Under One Roof: Embedding legal services to make justice accessible for homeless clients* (2016) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/holistic-legal-services/under-one-roof-embedding-legal-services-make-justice-accessible-for-homeless-clients>).
17. Ibid 7.

Part 4: Backing what works

18. Victoria State Government, *Access to Justice Review: Summary Report* (August 2016) 4 (available at: <https://myviews.justice.vic.gov.au/accesstojustice>); Productivity Commission, *Contribution of the Not-for-Profit Sector* (2014) (available at: <https://www.pc.gov.au/inquiries/completed/not-for-profit/report>).
19. New South Wales State Government, *Charitable Fundraising Review, Discussion Paper* (July 2016).
20. Australian Charities and Not-for-profits Commission, *Cutting Red Tape* (2014) (available at: <http://acnc.gov.au/ACNC/Publications/Reports/CuttingRedTape.aspx>).
21. The Australian Institute of Directors, the Governance Institute of Australia, the Australian Council of Social Services, Chartered Accountants Australia and New Zealand, the Community Council of Australia, CPA Australia, Philanthropy Australia, the Fundraising Institute of Australia and the Public Fundraising Regulatory Association.
22. Commonwealth of Australia, *Australian Consumer Law Review, Interim Report* (October 2016) 15 (available at: <https://cdn.tspace.gov.au/uploads/sites/86/2016/12/ACL-Review-Interim-Report.pdf>).
23. See, eg, Justice Connect, *What’s the Cost? Infringements System Review* (November 2013) (available at: <http://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/infringements-and-public-space-offences/infringements-public-space-and-homelessness>); Justice Connect, *Fair’s Fare: Improving access to public transport for Victorians experiencing homelessness* (March 2016) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/infringements-and-public-space-offences/fair%E2%80%99s-fare-public-transport-and-homelessness>).

homelessness).

24. Justice Connect, *In the Public Eye — personal stories of homelessness and fines* (August 2013) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/infringements-and-public-space-offences/public-eye-personal-stories-homelessness-and-fines>).
25. See, eg, Lucy Adams, Justice Connect, The Winston Churchill Memorial Trust of Australia, *In the public eye: Addressing the negative impact of laws regulating public space on people experiencing homelessness* (April 2014) 42 (available at: <https://www.justiceconnect.org.au/sites/default/files/In%20the%20Public%20Eye%20-%20Churchill%20Report.pdf>). This report is informed by visits to nine international cities and consultations with over 60 experts about the challenges of regulating public space and responding effectively to homelessness.
26. United States Interagency Council on Homelessness, *Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness* (2012) 2 (available at: https://www.usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf).
27. See Leilani Farha, *Proposed ‘Homeless Ban’ in Australia cause for concern — UN Expert* (13 March 2017) (available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21357&LangID=E>); United Nations Committee on Economic, Social and Cultural Rights, *Concluding observations on the fifth periodic report of Australia* (11 July 2017) [41] (available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.spx?symbolno=E%2fC.12%2fAUS%2fCO%2f5&Lang=en).
28. City of Melbourne, *Summary of outcomes: Community consultation and stakeholder engagement activities, Proposed Activities (Public Amenity and Security) Local Law 2017* (30 March 2017) (available at: https://participate.melbourne.vic.gov.au/application/files/4614/9077/2231/Summary_of_outcomes_report.pdf).
29. See Justice Connect, *10 things that Melbourne could do instead of making it illegal to sleep rough* (available at: <https://www.justiceconnect.org.au/CBDhomelessnessframework>).
30. See City of Melbourne, *Activities Local Law 2009: Council announces new homelessness protocol* (available at: <http://www.melbourne.vic.gov.au/about-council/governance-transparency/acts-local-laws/Pages/activities-local-law-2009.aspx>).
31. City of Melbourne, *A new protocol to address rough sleeping in the city* (available at: <http://www.melbourne.vic.gov.au/news-and-media/Pages/A-new-protocol-to-address-rough-sleeping-in-the-city.aspx>).
32. See, eg, Justice Connect Homeless Law, *Debt and Tenancy Legal Help for Prisoners Project: 12 Month*



Report (2016) (available at: www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/closing-revolving-door). See particularly, s 161A of the *Infringements Act 2006* (Vic) and s 52 of the *Fines Reform and Infringements Acts Amendment Act 2016* (Vic).

33. See, eg, Justice Connect Homeless Law, *Fair's Fare: Improving access to public transport for Victorians experiencing homelessness* (March 2016) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/infringements-and-public-space-offences/fair%E2%80%99s-fare-public-transport-and-homelessness>).

34. See State Government of Victoria, *Report of the Review into Public Transport, Ticketing Compliance and Enforcement* (May 2016) (available at: http://economicdevelopment.vic.gov.au/__data/assets/pdf_file/0020/1307036/Report-of-the-review-into-public-transport-ticketing-compliance-and-enforcement.pdf); Victorian Ombudsman, *Investigation into public transport fare evasion enforcement* (May 2016) (available at: <https://www.ombudsman.vic.gov.au/getattachment/b3ef3775-ecd3-42e5-8acd-40f43769f521//publications/parliamentary-reports/investigation-into-public-transport-fare-evasion-e.aspx>).

35. Victorian Ombudsman, above n 34.

36. Justice Connect, *Asking for Change: Calling for a More Effective Response to Begging in Victoria* (2016) (available at: <https://www.justiceconnect.org.au/askingforchange>).

Part 5: Technology and justice

37. J Thomas, J Barraket, C Wilson, S Ewing, T MacDonald, J Tucker and E Rennie, RMIT University, *Measuring Australia's Digital Divide: The Australian Digital Inclusion Index 2017*, (2017) 5.

38. This is largely a subset of process innovation. We are not commenting on this in detail in this report.

39. See, eg, Legal Service Corporation, *Report of the Summit on the Use of Technology to Expand Access to Justice* (2013) (available at: <https://www.lsc.gov/media-center/publications/report-summit-use-technology-expand-access-justice>).

40. See, eg, Victoria State Government, *Access to Justice Review Summary Report* (August 2016), 9.

41. Thomas et al, above n 37.

42. Thomas et al, above n 37, 6. For example, considering data for the 2014–17 period, it was concluded that: '*Indigenous Australians also have low digital inclusion (49.5, or 7.0 points below the national average). However, their ADII score has improved by 4.5 points over four years (outpacing the national average gain of 3.8).*'

43. See, eg, Justice Connect, *Information Hub evaluation shows NFP Law's resources highly effective* (December 2015) (available at: <https://www.nfplaw.org.au/information-hub-evaluation-shows-nfp-laws-resources-highly-effective>).

44. See Justice Connect, *Tax Concessions Guide* (available at: <https://applications-au.neotalogic.com/a/taxconcessionsguide-dev>).

45. See Justice Connect, *Getting started* (available at: <https://www.nfplaw.org.au/gettingstarted>).

46. See, eg, Californian Courts, *Self-Help Centers* (available at: <http://www.courts.ca.gov/selfhelp-selfhelpcenters.htm>).

47. See Justice Connect, *Fact sheets* (available at: <https://www.justiceconnect.org.au/our-programs/self-representation/fact-sheets>).

48. See, eg, Code for Australia programs in legal organisations such as Victoria Legal Aid and the Magistrates' Court Family Violence Intervention Order (available at: <https://familyviolence.courts.vic.gov.au/applicant>).

49. Margaret Hagan, *Law by Design* (available at: <http://www.lawbydesign.co/en/home/>).

50. See, eg, Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014) 30, which recommended additional funding from Commonwealth and State and Territory Governments for civil legal assistance services of approximately \$200 million per year (recommendation 21.4).

51. See Legal Services Corporation, *Technology Initiative Grant Program* (available at: <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/tig>).

52. Ibid.

53. See Legal Services Corporation, *Technology Initiative Grant Highlights and Impact* (available at: <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/technology-initiative-grant-program/technology>).

Part 6: Power of pro bono

54. See Fiona McLeay, *Justice Connect, 25 years of access to justice, Annual Report 2016–17* (available at: <https://www.justiceconnect.org.au/about-us/annual-reports>).

55. Australian Pro Bono Centre, *10th Annual Performance Report of the National Pro Bono Aspirational Target* (October 2017) (available at: <http://www.probonocentre.org.au/wp-content/uploads/2017/09/Aspirational-Target-2017-V11-FINAL.pdf>).

56. Ibid.

57. See Justice Connect, *Charting a Stronger Course: Submission to the Eight Year Charter Review* (2015) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/charting-stronger-course-homeless-law-submission-eight-year-charter-review>).

58. *Burgess v Director of Housing* [2014] VSC 648 (17 December 2014). See also Lucy Adams, Supreme Court of Victoria finds Director of Housing failed to consider human rights when deciding to evict mother and son (December 2014) (available at: <https://www.hrlc.org.au/human-rights-case-summaries/supreme-court-of-victoria-finds-director-of-housing-failed-to-consider-human-rights-when-deciding-to-evict-mother-and-son>).

59. Justice Connect, *Through the Roof: Improving the Office of Housing's Policies and Processes for Dealing with Housing Debts* (2016) (available at: <https://www.justiceconnect.org.au/our-programs/homeless-law/law-and-policy-reform/preventing-evictions-and-sustaining-tenancies/through-roof>).

Part 7: Innovation and impact

60. See, eg, United Way, *Seven Principles for Impact Reporting* (available at: <http://unitedway.com.au/2014/07/seven-principles-of-impact-reporting>); The Good Analyst, *Guidelines for how to measure and report social impact* (available at: <http://www.goodanalyst.com/resources-and-tools/impact-measurement-and-reporting/>).

61. Evaluation Consultant, Emma Pritchard, has been engaged to assist with preparing each of these reports (available at: <https://www.justiceconnect.org.au/about-us/annual-reports>).

62. See Emma Pritchard, *Impact Report FY 16/17: Justice Connect* (2017) (available at: <https://www.justiceconnect.org.au/about-us/annual-reports>).

63. Ibid.

64. Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana and Stephanie Ramsey, Law and Justice Foundation of NSW, *Legal Australia-Wide Survey: legal need in Australia* (2012) 113.

65. See, eg, Justice Connect, *Health Justice Partnerships* (2016) (available at: <https://www.justiceconnect.org.au/our-programs/seniors-law/get-help/health-justice-partnerships>).

66. See, eg, Health Justice Australia, *The value of health justice partnerships* (September 2017) (available at: <https://www.healthjustice.org.au/2017/09/04/1287/>).

67. Australian Institute of Health and Welfare, *The Health of Australia's Prisoners* (2012) 26–8.

68. Eileen Baldry et al, *Ex-Prisoners, Homelessness and the State in Australia*, (2006) 39 *The Australian and New Zealand Journal of Criminology* 20, 24. This study of ex-prisoners and homelessness in Victoria and NSW found that ex-prisoners are more than twice as likely to return to prison within nine months of release if they are homeless.

69. Victorian Ombudsman, *Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria* (September 2015) (available at: <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>).

70. Based on The Council of Australian Governments' calculation that the real net operating expenditure per prisoner per day in Victoria in 2015–16 was \$289.83, (see: Department of Justice and Regulation, *Corrections Statistics* (2016) (available at: <http://www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/corrections+statistics+quick+reference>).

71. Homeless Law provided legal assistance to 7 clients in prison during the year prior to the Project's commencement (1 August 2013–31 July 2014).

72. Dr Alberto Furlan, *The Ian Potter Foundation, Preventing Homelessness for Victorian Prisoners* (2014–15) (available at: <http://www.ianpotter.org.au/our-stories/case-studies/preventing-homelessness-for-victorian-prisoners/>).

73. See Justice Connect, *New legal Service provides support for those going it alone* (June 2014) (available at: <https://www.justiceconnect.org.au/get-help/self-representation-service/news-and-client-stories/new-legal-service-provides-support-for-those-going-it-alone>).



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