At PILCH, we have a big vision – one of a world that is just and fair, where systems are more accessible and accountable, rights are respected and advanced, and laws are fairer. In this report, you can read about the contribution we’ve made in the 2012/13 financial year towards achieving our vision.

Our first and most important contribution is our response to the legal needs of our clients. In 2012/13 we continued to refine this response across all of our programs. We made changes to our client intake and were more focused in the delivery of our legal and referral services to ensure that pro bono effort is directed to ensure the best outcomes for clients. Overall, we helped over 900 individuals and 500 not-for-profit organisations by providing them with pro bono legal advice or representation.

We were involved in some law reform successes too. We salvaged a law that allows courts to make orders for offenders to donate to charities – a law that will now provide significant funds to the charitable sector.

This work wouldn’t be possible without the support of a strong and engaged community of pro bono lawyers. We are encouraged by the wonderful pro bono work that many hundreds of Victorian lawyers do each year. The compassion and professionalism they show inspires us in our work. We don’t take this ethos for granted. In 2012/13 we continued to champion collaborative pro bono, including delivering training and developing resources that support the work of pro bono barristers and lawyers. By doing this, we were able to increase their capacity to provide legal responses to disadvantage, including to asylum seekers and people experiencing homelessness.

The last year also brought with it exciting new opportunities for us to re-imagine our role within Australia’s legal landscape.

Twenty years ago, the establishment of PILCH played a key role in entrenching the concept of a structured and collaborative approach to pro bono work. Since that time, the profession and pro bono work has changed dramatically. In response to this changing landscape, and with the strong support of our members, PILCH NSW and PILCH Victoria merged on 1 July to create a new pro bono organisation, to be called Justice Connect. In the last year we have worked closely with our colleagues in NSW to build strong, lasting foundations for the new organisation, which will offer unified services across both States.
“The last year brought with it exciting new opportunities for us to re-imagine our role within Australia’s legal landscape.”

Planning for the integration was hard but satisfying work, and we expect more to come – we have already begun to roll out our established PilchConnect program in NSW and develop a common approach to referral of individual clients across both States. We will continue to harness the pro bono commitment of the private legal profession across both States to bring better client services, improved efficiency and greater impact. These are challenges we are looking forward to, and we are confident that the payoff will be worth it.

Of course, much of our capacity to work towards our big vision comes from the support of our many members and supporters. We want to say a big thank you to our long standing key partners, which include the Law Institute of Victoria, Victorian Bar and our members, including law firms, corporate legal departments, community legal centres and university law schools. We’re also grateful to have so many supporters in the philanthropic sector and in government.

PILCH also benefits from an accomplished and committed volunteer board. Over the last 12 months, the board has worked particularly hard and extremely effectively, helping to design and oversee the merger with PILCH NSW. It required energy and vision, and a willingness to be brave enough to take a long term view about what would be in the best interests of the organisation, and pro bono, in the future. They are to be commended for doing this, ensuring that the legacy of past board members carries on into Justice Connect.

Finally, it continues to be a privilege to work with a skilled and energetic staff. They bring an extraordinary combination of commitment and talent, which sustains our work and encourages so many others to partner with us.

We are excited about the potential of Justice Connect, as it combines the strength and passion of a diverse legal community across Victoria and New South Wales. Over the coming months we will provide new and effective ways to create access to justice through pro bono, working together in pursuit of our vision of a just and fair society.

Fiona McLeay
Executive Director

Mitzi Gilligan
President
ABOUT US

We exist 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

Our unique contribution to this vision is to partner with pro bono lawyers to develop and strengthen pro bono capacity and strategically match this with unmet legal need.

WHAT WE DO

- We deliver access to justice through pro bono legal services, to people experiencing disadvantage and the community organisations that support them.
- We build, support and engage a strong commitment to lawyers’ pro bono responsibility.
- We challenge and seek to change unjust and unfair laws and policies, using evidence from our casework and the stories of our clients to bring about reform.
At the core of our approach is the intake assessment of legal issues presented by people experiencing disadvantage and the community organisations that support them, and the referral to pro bono lawyers who will assist for free. We do this through a number of programs.

**PRO BONO REFERRALS**
Pro bono legal referrals to our member lawyers and the management of the pro bono programs of the Victorian Bar and the Law Institute of Victoria.

Most applicants have complex legal problems and limited options for obtaining legal assistance.

Our referrals to members are funded through fees and in-kind support from PILCH members, and by grants from philanthropic organisations.

The Law Institute of Victoria Legal Assistance Service (LIVLAS) is funded by the LIV through a special purpose grant from the Legal Services Board and is steered by the LIV’s Access to Justice Committee. The Victorian Bar Pro Bono Scheme (VBPBS) is funded by the Victorian Bar through a special purpose grant from the Legal Services Board and is steered by the Victorian Bar Pro Bono Committee.

**SENIORS RIGHTS LEGAL CLINIC**
Our specialist outreach service for older clients with a legal issue associated with ageing, including clients experiencing or at risk of elder abuse.

The SRLC receives core funding from Victoria Legal Aid and Seniors Programs and Participation Unit, Ageing and Aged Care Branch, Department of Health. In 2012/13 SRLC also received philanthropic support from the Ivor Ronald Evans Foundation Managed by Equity Trustees.

In 2012-13, Seniors Rights Legal Clinics were based at:
- Caulfield Hospital (Holding Redlich)
- Bundoora Extended Care Centre (Herbert Geer)
- Doutta Galla Community Health (Norton Rose)
- Western Region Community Health (Hall & Wilcox and Lander & Rogers)

**HOMELESS PERSONS’ LEGAL CLINIC**
Our specialist outreach service for clients experiencing or at risk of homelessness.

The HPLC receives core funding from the Commonwealth Community Legal Services Program and Department of Justice (administered by Victoria Legal Aid). HPLC receives additional funding from Department of Justice for the Homeless Persons’ Liaison Officer project.

In 2012-13, Homeless Persons’ Legal Clinics were based at:
- Central City Community Health Centre (Clayton Utz & DLA Piper)
- St Kilda Crisis Contact Centre (Herbert Smith Freehills)
- Ozanam House and Flagstaff Crisis Accommodation (Minter Ellison)
- Homeground Services (Allens Linklaters)
- Melbourne City Mission (King & Wood Mallesons)
- Hanover Southbank (DLA Piper)
- VACRO (Corrs Chambers Westgarth)
- Northside Geelong (Harwood Andrews)

**PILCHCONNECT**
Our specialist legal service for not-for-profit organisations provides a multifaceted response to meet the community sector’s legal needs.

A legal information webportal hosts over 100 resources, legal training and education is delivered to community groups across Victoria, and PilchConnect lawyers provide legal advice over the phone as well as refer more complex legal issues to member law firms for pro bono assistance.

Throughout the year, PilchConnect received funding from the Victorian Government (administered by the Office for the Community Sector and Consumer Affairs Victoria), the Legal Services Board, Perpetual Trustees (H & L Hecht Trust and Rowe Family Foundation), The Trust Company (Fred P. Archer Charitable Trust), and Equity Trustees (Edith Kemp Memorial Trust Fund, Ivy H & Arthur A Thomas Trust, and Pam Alfred Lavey Trust).
ACCESS TO JUSTICE THROUGH PRO BONO

We deliver access to justice through pro bono legal services to people experiencing disadvantage and the community organisations that support them.

WHY DO WE DO IT?

We see the difference a legal remedy can make in peoples’ lives and the benefit to society as a whole when rights are respected and advanced. We want to ensure that people experiencing poverty, homelessness or any other forms of disadvantage - as well as the community organisations that support them - are not further disadvantaged by being denied access to justice.

Our unique contribution is collaboration: by working with pro bono lawyers to develop and strengthen pro bono capacity and strategically match this with unmet legal need, we avoid duplication, ease access for clients and deliver a holistic response to disadvantage.

HOW WELL HAVE WE DONE & WHAT’S NEXT?

Our desire to respond to every need is not workable - the access to justice ‘gap’ is just too large. With this in mind, over the last year we’ve refined our response to unmet legal need and focused our energies in areas where we can make big differences to the lives of people experiencing disadvantage, and to the wider community.

Our Homeless Persons’ and Seniors Rights Legal Clinics (HPLC & SRLC) refined their intake procedures, implementing a new case management system and reviewing their casework focus. HPLC focused its casework on two key areas: fines for public space offences and eviction prevention. Both are areas that disproportionately impact HPLC clients. People who are homeless are more likely to get fines because they are forced to carry out their private lives in public places, and less likely to be able to address the fines through payment or navigating the...
complex legal system. And in our current housing climate, evicting people who are experiencing disadvantage is likely to lead to homelessness.

SRLC renewed its original focus on legal issues associated with ageing, including preventing and responding to elder abuse – the sad but often unseen cases in which vulnerable older people are taken advantage of financially, psychologically or physically, often by a member of their own family. Other legal issues associated with ageing that SRLC assisted with include guardianship and administration, social security, grandparenting issues, making arrangements to live with family and issues relating to retirement villages.

Both HPLC and SRLC engaged in promotional and educational campaigns, reaching out to over 200 agencies within the community and health sectors, including our clinic host agencies. We’ve seen some really positive results: HPLC’s housing practice is going from strength to strength (a 40% increase in our tenancy cases compared to 2011/12). SRLC is now seeing a larger number of highly disadvantaged clients with complex legal issues. Our law firm members have shown a strong appetite for our renewed casework focus because they can see the direct impact that their help has on clients experiencing severe disadvantage. SRLC benefitted from a partnership with the Australian Government Solicitor who provided a full-time seconded lawyer. This effectively doubled our capacity to provide legal assistance to older clients. Lander & Rogers also provided invaluable administrative support to SRLC through an administrative secondment.

In February 2013, HPLC launched a new clinic at Central City Community Health, an innovative facility that brings together integrated health, housing and support services for people experiencing or at risk of homelessness. Central City’s inter-agency model has provided us the opportunity to coordinate holistic solutions to homelessness and more effectively resolve clients’ issues. Central City is currently our busiest clinic.

Our referral service undertook significant changes to its intake, assessment and referral processes, becoming a more efficient and effective service. The referral service faced a few challenges in 2012/13. Changes to VLA guidelines around funding for criminal and family law resulted in a significant increase in the number of requests we received in those practice areas. We have struggled to refer those matters, particularly the family law cases, which can often be complex and resource intensive. We conducted a law firm survey of family law practice to gauge the appetite and capacity for doing this work pro bono. The survey results indicated a low probability of successfully referring to most firms. Our response will be to continue to support community legal centres, who are also feeling the strain of increased requests for assistance, by facilitating pro bono referrals to barristers through the Victorian Bar Pro Bono Scheme. We will continue to pursue referrals to law firms for the most vulnerable clients.

We continued to receive a significant number of migration enquiries, and made the most referrals in this area. Our referral service worked closely with asylum seeker legal and social support providers, the Law Institute of Victoria, the Victorian Bar and our members to map legal need, build capacity, and secure representation and advice for asylum seekers.

In the next financial year, we look forward to further testing a project in Sydney for recently settled migrants, asylum seekers and refugees through MOSAIC (Migrant Outreach Services - Advice, Information and Community Education). This project was initiated with funding from the Law Justice Foundation of NSW. It builds on our

AT A GLANCE

- We answered 1,800 legal enquiries
- Helped more than 400 people through our referral service
- Provided advice and representation to 382 people experiencing or at risk of homelessness
- Provided advice and representation to 111 people with legal issues associated with ageing
- Provided 525 community organisations with telephone advice or pro bono referrals
- Ran 121 training sessions for 4519 attendees from community organisations
- Created 51 new legal resources (guides, fact sheets and webpages) for community organisations

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established clinic model and will provide clients in NSW with free legal assistance for civil issues such as housing, consumer complaints and social security.

Not-for-profit organisations were also supported throughout the year with PilchConnect helping community organisations navigate the maze of not-for-profit regulation and the Australian legal landscape more generally so that they can get on with what they do best – providing support to individuals or communities in need. Due to the high demand for legal assistance from the not-for-profit sector, we maximised limited pro bono resources by directing organisations to our online information webportal and regular training seminars as a first port of call. Where eligible, we also provided direct advice over the phone using in-house expertise. With this range of approaches to providing legal assistance, we ensured that pro bono referrals were reserved for complex matters and for those organisations who assist Victoria’s most disadvantaged community members. We also expanded our fee-for-service training program enabling training to be delivered to a broad range of organisations in both metropolitan and regional Victoria.

Over the coming months, we look forward to improving access to justice for people experiencing disadvantage and the community groups that support them by expanding PilchConnect and our referral service across NSW.

We are also excited to have a newly created Engagement and Development team. This small team will focus on strengthening our relationships, increasing our resources and developing, together with the wider team, innovative projects and programs.

39,000 Victorian incorporated associations were recently affected by an overhaul of their legislative framework. PilchConnect launched the Rules Review Project in 2013 to help these organisations review and update their rules. Since the Project’s April launch:

- 9210 visitors have read PilchConnect’s Rules Review web resources
- 445 organisations have downloaded our plain English ‘Simple Rules’
- 589 people have attended Rules Review training
- 51 incorporated associations have been referred to the 14 participating legal teams for assistance updating their rules, and 61 were given telephone advice by PilchConnect lawyers

Migrant support groups play a big role in our broader aim of creating a more cohesive, fair society. The volunteers who run these groups often face the same difficulties of any culturally and linguistically diverse communities when dealing with legal concepts in a new country. To assist CALD community groups with their questions about incorporating and running their organisation, PilchConnect delivered a suite of training workshops with the aid of a translator, using pictures and diagrams to help better explain otherwise complex legal concepts. This material was also incorporated into a plain-language resource book for use beyond the education sessions.

The past year saw the commencement of a new legal framework for Victorian incorporated associations (the most common legal structure for not-for-profit groups). New legal obligations came into force with complex transitional provisions, and many organisations were also required to review and update their rules to align with the reforms. PilchConnect received a significant increase in enquiries in the wake of these reforms. In response we developed a comprehensive suite of online resources and ran several workshops to help empower groups to review and change their own rules. We supported and trained lawyers across 13 member firms and Telstra to provide assistance to those groups most in need of help updating their rules. We also developed resources and delivered education sessions on the establishment of the new regulator for charities – the Australian Charities and Not-for-profits Commission.

RULES REVIEW PROJECT

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CARAVAN PARK RESIDENTS IN BALLAN CELEBRATE BEING ABLE TO KEEP THEIR HOMES
Richard grew up in country Victoria. His first job was as a share farmer, milking 450 cows a day. The hours were long, but the pay was pretty good and he enjoyed working with animals.

When Richard’s relationship with his partner broke down, he turned to drinking and drugs as a way of coping. This was the start of 10 years of homelessness when Richard moved all over the country, staying in crisis accommodation and rooming houses.

Richard lived for a few years in crisis accommodation in North Melbourne. He used to travel to a homelessness service in St Kilda every day to get a free meal, but sometimes he didn’t have the money for tram tickets: “I used to go there when it wasn’t my pay day because I was hungry”. Over five years, Richard received about $4500 of fines for not having a ticket on public transport.

He tried to pay off the fines and signed up for a payment plan to chip away at two of them. Unfortunately, when he lodged the paperwork for the payment plan it brought up all his previous unpaid fines, and it was overwhelming: “I had all these fines and I was thinking ‘I wonder if the Sheriff is going to turn up’. That’s what I was dreading … was I going to go inside again because of fines?”

Richard was determined to address the fines and he eventually sought help from the Homeless Persons’ Legal Clinic. His lawyer, Jacqui, helped him to put together an application for revocation of the fines based on his special circumstances. Jacqui arranged for Richard’s caseworker and doctor to write letters of support that addressed his long-term homelessness and his acquired brain injury, and the way these circumstances contributed to him getting the fines. In court, all of Richard’s fines were waived – he even received a reimbursement for the fines he’d already started paying off.

Richard thinks that if he hadn’t received assistance from HPLC, he would probably be in prison, slowly paying off the fines.

When asked what he would do if faced with fines again, Richard said he would go hungry and pay the fines – it just isn’t worth the stress. Now every fortnight, Richard puts $20 on his Myki. He is happy to have a clean slate, and focus his energy on other things. He recently received a certificate in animal care, and is hoping to do voluntary work at the RSPCA.
CHAMPIONING PRO BONO

We build, support and engage a strong commitment to lawyers’ pro bono responsibility

AT A GLANCE

- 38 members
- 964 participating barristers
- 74 participating LIVLAS practitioners
- 150 Seniors Rights Legal Clinic pro bono lawyers
- 400 Homeless Persons’ Legal Clinic pro bono lawyers

We provided training to:

- 120 HPLC lawyers
- 106 SRLC lawyers
- 300 lawyers who assist community organisations

WHY DO WE DO IT?

We collaborate with our members to promote an understanding amongst lawyers that we all share a responsibility to provide pro bono legal assistance to people experiencing disadvantage (and the groups that support them) who are unable to pay for legal help or get assistance from another source.

We aim to increase the capacity of the profession as a whole and improve the efficiency of pro bono legal work. We build and engage commitment to pro bono through support and training, specialist advice and partnership with other lawyers, and by contributing to public policy about access to justice and the role of pro bono.

HOW WELL HAVE WE DONE & WHAT’S NEXT?

Building excitement and motivation for pro bono work plays a big part in increasing the capacity of lawyers to provide legal responses to disadvantage. This year we’ve shared many stories about the remarkable pro bono work that is being done, to inspire others and demonstrate the ways in which they too can help. We communicated with our member firms through a quarterly Pro Bono Practice newsletter, and HPLC started a monthly newsletter for its pro bono lawyers: these are important tools for pro bono practitioners, as they share a best practice approach to pro bono, motivate lawyers with stories of successful client outcomes, and provide practical resources and advice about trends in emerging areas of legal need.

Last year, our member firms sought guidance from us about how they can best position themselves to recover legal costs when their pro bono client is successful at court. We convened a workshop for pro...
bono coordinators from our member firms where we shared a pro forma costs agreement and practitioners discussed the legal and practical aspects of costs recovery. The ability of firms acting pro bono to recover their costs from the other party is important from a public policy perspective because it removes the strategic and financial advantage that parties have when opposing a pro bono represented litigant. Firms are committed to reinvesting recovered costs in their pro bono programs, helping them to assist more clients more often.

This year our HPLC and SRLC firms welcomed new support for pro bono lawyers, including intake memos setting out key steps and resources for new matters. HPLC staff undertook a major review of the infringements chapter of homelesslaw.org.au, our online practice-based resource for lawyers and community advocates. This content will significantly increase the capacity of lawyers to efficiently and effectively run complex infringements matters.

We also aim to increase the expertise and capacity of pro bono and community lawyers by running regular training. With financial assistance from the Ivor Ronald Evans Foundation (managed by Equity Trustees), SRLC delivered new training programs for pro bono lawyers, community legal centres and host agencies.

Migration and refugee work was one of the busiest areas for our referral service in 2012/13. Stimulated by training we offered in partnership with the Asylum Seeker Resource Centre, new firms and barristers signed up for pro bono referrals in refugee law. The training provided a
valuable chance for us to explain the referral pathways, so it was pleasing to see the results of our work as new lawyers put their hands up to help.

PilchConnect continued to have a strong emphasis on the up-skilling of pro bono lawyers, offering professional development opportunities focussed on charity and not-for-profit law. Continuing legal education topics included introductions to charity and not-for-profit law and the pro bono referral process, and updates on regulatory changes affecting the sector including the role of the newly created Australian Charities and Not-for-profits Commission, and reforms to the regulatory framework for Victorian incorporated associations. Through these sessions we were able to significantly increase our capacity to refer matters to member firms and build their confidence to support the community sector through engaged pro bono.

Research shows that over 80% of people who have a legal problem will raise it with their doctor or health worker rather than with a lawyer. We are thrilled to be a leading organisation in the newly formed Advocacy-Health Alliance, where the skills and expertise of the health and legal sectors combine to address the underlying causes of disadvantage that cause poor health and lead to legal problems. Our SRLC program is one example of how legal services provided in collaboration with the health and community sector can lead to better legal and health outcomes. We see many opportunities for member firms to partner with us in this new and exciting model of service delivery.

An important first for us occurred this year: to build pro bono commitment in lawyers right from the commencement of their professional life, we established a practical legal training (PLT) program and welcomed new students to PILCH. PLT placements at PILCH allow students to see the practical application of pro bono by giving them a first hand look at how receiving legal assistance can have a positive impact on individuals’ lives. We have always supported and benefited from the valuable contribution of volunteers, and we are delighted that the PLT program continues that tradition in a new way that is firmly grounded in fostering a culture of pro bono in the profession.
WE HOSTED LAW STUDENTS ON PLACEMENT FROM THE UNIVERSITY OF MELBOURNE, LA TROBE UNIVERSITY AND MONASH UNIVERSITY
Sophie McNamara of Russell Kennedy became aware of the scarcity of legal assistance for unaccompanied humanitarian minors while she was a secondee at PILCH in 2010. UHMs are young people under the age of 18 years who have arrived in Australia without a parent or an adult relative. They have a right under law to apply for a ‘family reunion’ visa for their living parents and younger siblings but, as Sophie soon found out, the limitation periods for many of the young people were likely to expire before they could even find a lawyer to lodge their application. After weeks of making phone calls and writing emails asking lawyers to complete these applications, Sophie decided to learn how to do them herself.

Since returning to Russell Kennedy, Sophie has continued to champion work for UHMs. She is incredibly proud of the way her firm reacted when she explained to them about the lack of assistance for unaccompanied refugee children. They supported her becoming a migration agent, and they welcomed the creation of a ‘pro bono migration law practice’ at the firm.

In April 2013, we were elated to learn of Russell Kennedy’s first UHM success - a visa had been granted to reunite our clients with their mother and eight year old sister. Sophie has subsequently received visa grants for five other families to be reunited with their loved one in Australia. “Like many people, I decided to study law because I wanted to make a difference”, Sophie said. “It is hard to describe how happy we feel for our young clients and their families. Refugee law is often frustrating and heartbreaking, but we are sustained by the hope that all our clients will one day live in safety with the people they love.”
WHY DO WE DO IT?

Sometimes our work reveals laws and policies that cause or perpetuate disadvantage, or which are unduly complex. We challenge and seek to change this by advocating for law and policy reform, using evidence from the cases we are involved in, giving our clients a voice and using their stories to highlight the need for change.

HOW HAVE WE DONE AND WHAT’S NEXT?

Our law reform work proposes practical solutions to the problems we identify in our casework.

Fines and infringements provide a good example of the impact of laws on people experiencing disadvantage. On a daily basis, lawyers working with our HPLC program see how people experiencing homelessness are more likely to incur fines and less likely to be able to manage the complex infringements review process. In addition to volume infringements casework, media comment and submission work, HPLC has continued to work hard with partners in the Infringements Working Group, community legal services and Victoria Legal Aid to achieve change in this area over many years. Among the range of successes achieved by the coalition of interested advocates, this year Victoria Legal Aid demonstrated the impact of strategic litigation with the Taha decision, which has effectively increased safeguards for people experiencing disadvantage when they come before the courts. HPLC’s work on infringements reform will continue later this year when Senior Lawyer, Lucy Adams, undertakes a Churchill Fellowship to look at the negative impact of laws regulating public space on people experiencing homelessness overseas. Lucy will talk to advocates and decision makers to see what’s working and what’s not in an international context, with the aim of developing constructive, evidence-based recommendations for reform in Australia.

In our casework, we have been faced with the complex issue of working with clients who lack capacity to provide instructions. In 2012, Seniors Rights Legal Clinic Manager Lauren Adamson gave a paper on incapacity and access to the justice system at the World Congress on Adult Guardianship. We and other interested partners including the LIV, Office of the Public Advocate and Russell Kennedy are working to establish a coalition of stakeholders to consider the issues and whether law reform in Victoria is desirable.

SRLC and HPLC, with pro bono assistance from Holding Redlich, Dr Elizabeth Brophy and Christine Melis of counsel, prepared an
application to intervene in VCAT proceedings concerning the ability of a person under an administration order to retain pro bono lawyers. The administrator alleged that their role was to make all legal and financial decisions on behalf of the represented person and that as a result, the represented person could not retain pro bono legal assistance. After filing our affidavit and submissions, the administrator conceded that in certain circumstances a person under an administration order could retain pro bono legal assistance. This was a very important outcome for PILCH and our many clients under administration orders.

Last year saw the establishment of the Australian Charities and Not-for-profits Commission (ACNC), an independent regulator for the charitable sector. We welcomed this development and have advocated on behalf of our clients to ensure their needs are considered by the ACNC. At each level of our service we have worked to provide complimentary guidance to our clients about the reform process in a year that was defined by significant law reform for the not-for-profit sector. PilchConnect will continue to work constructively with regulators and policy makers, advocating for better regulation and the reduction of red tape so that community groups can focus less energy on compliance activities, and more on achieving their mission.

In late 2012 PilchConnect made its first Court application – a new step in its advocacy program for the charitable sector. PilchConnect was granted leave to make submissions and provide expert evidence as amicus curiae (‘friend of the Court’) in a Supreme Court appeal that had potential for significant financial impacts on the charitable sector. In the appeal, Melbourne City Council (MCC) argued that courts could not lawfully order that offenders make a payment to
a charity or the Court Fund (known as the ‘poor box’) as part of their sentence – a common sentencing practice. The Supreme Court accepted MCC’s arguments, and PilchConnect then campaigned for the Attorney General to legislate to reinstate the long-standing practice. In April 2013, Victorian Parliament passed changes to the Sentencing Act 1991 (Vic) which, in line with our recommendations, reinstated Courts’ powers to order offender payments to charities in appropriate circumstances.

Last year we briefly reported on a renting couple who came to PILCH for assistance after finding themselves chased for a $38,400 land tax debt. Our casework highlighted an anomaly in the law that could mean renters are unfairly pursued for their landlord’s tax debts. Following media coverage of the case, this year the government amended the law, closing the legal loophole and ensuring that renters no longer need to worry about being liable for their landlord’s unpaid debts.

For a number of years we have advocated for the increased power and willingness of courts to make orders that protect public interest litigants from adverse cost orders in appropriate cases (called protective costs orders, or PCO). We have done this by advocating for law reform, and by referring and supporting numerous PCO applications through the courts. Legislation passed in the last financial year provided a new legislative framework for PCO. Two PCO applications that we referred have since been heard in the Supreme Court, with one achieving the first contested PCO in Victoria. This represents a substantial success for public interest litigants and for our PCO campaign.

It hasn’t all been good news. In January 2013 we appeared before the Senate Legal and Constitutional Affairs Legislation Committee to give evidence on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012. We relayed to the Senate stories that our clients had told us about how they had been discriminated against because of their homelessness. We also made recommendations to clarify how the Bill applies to the not-for-profit sector. In March, the Federal Government announced that the progress of the Bill would be delayed. This decision is extremely disappointing for us and for a range of community organisations who have been committed to developing more effective, efficient and accessible protections against discrimination. Australia’s legislative framework for protecting against discrimination will continue to be unclear and inconsistent in the absence of consolidated laws.
PILCHCONNECT TRAINING SESSION ON INCORPORATED ASSOCIATIONS, WYNDHAM
Gresha became a ward of the state when she was twelve. She grew up living on the streets, moving in and out of different housing including foster homes, temporary housing and crisis accommodation.

She now has a ten-year-old son and lives in public housing in the suburbs of Melbourne. After years of homelessness, at first, Gresha was really happy to receive her offer of public housing. However, the move was a difficult one. The housing she was offered was on the other side of town, far from her son’s school and her community supports. It was also in a very rough area which has tested her mental health, and she doesn’t feel secure: “You have a fear that your stuff will get broken into, you’re never really safe”.

Gresha passionately believes that when placing people in public housing, the government needs to think about safety and security, as well as individual needs and circumstances. This is particularly important when children are involved. Without that, she says there’s a real risk that people with a history of homelessness will be homeless once again.

Gresha had been living in her public housing property for two years when she found a card from the police in her front door stating that she was going to be evicted. She panicked: “All I could imagine was all my stuff being put on the lawn and everyone laughing at me.” Gresha was being evicted because she was approximately $1000 behind in her rent.

The eviction came as a surprise. She’d had a rough time in the previous few weeks and her mind had been on other things. Her son had recently been removed from her care and this left her severely depressed. As a result, Gresha hadn’t answered her door or picked up her mail for a number of weeks. This meant that she had no knowledge that the legal process to evict her from her home was almost complete.

Gresha contacted our Homeless Persons’ Legal Clinic asking for help to prevent her eviction. Gresha knew she was facing homelessness. She also knew that without a home, there was no chance that she would regain custody of her son.

Gresha’s HPLC lawyers, Peter and James, made an urgent application and the tenancy matter was reopened at the Tribunal. She was assisted to apply for a rent adjustment, which meant that the amount she owed was significantly reduced. In the end, lawyers were able to support Gresha to reach an agreement with the Office of Housing to pay off her outstanding rent. Gresha has recently been advised that she has paid off all her arrears.

While they were working with Gresha to save her tenancy, her lawyers identified a number of non-legal issues that Gresha also needed help with. The HPLC’s Homeless Persons’ Liaison Officer, Sarah, was able to step in and support Gresha to make links with housing support, drug and alcohol and mental health services, Centrelink and Child Protection. Gresha is extremely grateful for the assistance she received from the HPLC. She is especially grateful to have been supported by Sarah through the court process and with her other issues.

Gresha still doesn’t feel secure in her current housing – if she could afford it she would love to move into private rental in a safer area: “I want to give my son the life he deserves”. For now, she is trying to get on with life and is working to maintain her tenancy in the hope that she will soon regain custody of her son.
OUR YEAR
JUSTICE EDWIN CAMERON AT THE 2013 HUMAN RIGHTS DINNER
THIS YEAR WE...

JOINED WITH PILCH NSW TO STRENGTHEN OUR VISION OF A FAIRER SOCIETY
On 1 July, PILCH VIC and PILCH NSW joined together to combine our experience and partnerships to form a new organisation - to be called Justice Connect. The members of both PILCHs gave their enthusiastic support to this integration and encouraged us to renew our efforts towards improving access to justice for people experiencing disadvantage, using the pro bono work of lawyers in Victoria and NSW.

WELCOMED NEW PRO BONO LAWYERS
We were pleased to welcome 6 new law firms to the LIV Legal Assistance Service and 41 new readers from the Victorian Bar. We also welcomed 7 new members to PILCH: Justitia Lawyers & Consultants, Lewis Holdway Lawyers, Glavas Lau Lawyers, Shine Lawyers, Maurice Blackburn Lawyers, Fragomen (Australia), and Australian Catholic University’s Faculty of Law.

WALKED FOR JUSTICE
In May 2013, the legal community joined together to Walk for Justice through the streets of Adelaide, Sydney, Newcastle, Melbourne, Brisbane and Townsville. In Victoria and NSW, the Walk raised over $40K for PILCH. Attorney-General Mark Dreyfus QC took the opportunity to reflect on the important contributions of those in the legal profession who undertake pro bono work: “I am filled with admiration for the hardworking lawyers and advocates who give their time, effort and passion to improving our legal institutions and serving our community. As a nation we don’t thank you enough.”

HAD DINNER WITH JUSTICE EDWIN CAMERON
Along with our friends at the Human Rights Law Centre, we hosted the Annual Human Rights Dinner with guest speaker Justice Edwin Cameron of the Constitutional Court of South Africa. The dinner raised over $50,000 for PILCH and the Human Rights Law Centre.

HELPED FORGE AN ALLIANCE OF DOCTORS AND LAWYERS
Advocacy-health alliances, a model which acknowledges that vulnerable clients have complex and overlapping needs that manifest in both legal and medical issues, are in their infancy in Australia. We co-hosted a series of advocacy-health alliance events with international experts from the UK and US with the aim of strengthening networks between relevant stakeholders and identifying actions to be taken to advance these alliances in Australia.
CELEBRATED PRO BONO BARRISTERS
We supported the promotion and preparation of the annual Victorian Bar Pro Bono Awards, which recognise the important pro bono contribution of members of the Victorian Bar through PILCH as well as the Duty Barristers’ Scheme and broader engagement by barristers in the community. Recipients included barristers who had worked on matters for asylum seekers, native title and the landmark High Court case that led the way for fair pay for approximately 20,000 workers with disabilities.

SPENT EVENINGS WITH DAN MORI, JULIAN BURNSIDE AND FRIENDS OF PILCH
We hosted special Friends of PILCH events with guest speakers. Former US military lawyer Dan Mori (now with Shine Lawyers’ Social Justice team) joined us to reflect on the ‘war on terror’, from Military Commissions to the mainstreaming of targeted killing. Eminent human rights advocate Julian Burnside AO QC joined us to discuss the proposed consolidation of Federal anti-discrimination laws and the tensions between free speech and freedom from discrimination. We run special events for Friends of PILCH throughout the year.

LEARNED FROM US PRO BONO ORGANISATIONS
PilchConnect’s Nathan MacDonald undertook a study trip to the United States, visiting 20 different pro bono organisations across 11 states with the aim of observing and learning from organisations that have extensive experience advising and facilitating pro bono support for community organisations. Observations, learnings and ideas from the trip are being integrated into both PILCH and PilchConnect’s service delivery.

“I AM FILLED WITH ADMIRATION FOR THE HARDWORKING LAWYERS AND ADVOCATES WHO GIVE THEIR TIME, EFFORT AND PASSION TO IMPROVING OUR LEGAL INSTITUTIONS AND SERVING OUR COMMUNITY. AS A NATION WE DON’T THANK YOU ENOUGH.”
ATTORNEY-GENERAL MARK DREYFUS
Pro bono helps a not-for-profit go from struggling, to surviving, to thriving

Essendon Adult Day Centre (EADC) provides a range of out-of-home activities such as sing-a-longs, guest speakers, craft and exercise classes, designed to enhance the quality of life for people with high-needs such as memory impairment or acquired brain injury. EADC provides an important community service by helping their clients to remain independent and develop friendships in a supportive and caring environment.

Twenty years after first opening its doors, the volunteer management committee of EADC found itself struggling to maintain compliance with a growing level of regulation and reporting. The organisation acknowledged that with their limited infrastructure and resources, the service was increasingly unable to meet these regulatory obligations, and as a result their long term viability was under threat.

In order for the organisation to survive, EADC decided that they needed to merge with a larger organisation to increase their capacity to comply with regulatory obligations. Following a consideration of potential partners and a process of due diligence, EADC agreed to formally integrate its service with Doutta Galla Community Health, a larger organisation that aligned with EADC’s own values. This process turned out to be more difficult than initially imagined. EADC’s Program Manager Dianne Morel told us, “At first we thought it would be a straightforward process of communicating with the appropriate regulator and funders, however we hit a massive brick wall and needed help.”

Regulators and funding departments were unable to provide EADC with practical guidance on how to undertake the merger, and it was made clear that costs could well exceed $20,000 – money that EADC did not have as their funding model was tied strictly to service delivery, rather than legal or financial support. “We had nowhere to go to get access to free advice, and could not afford to pay a lawyer. That’s when someone mentioned PilchConnect to me.”

PilchConnect brokered a referral to Ashurst Lawyers, who agreed to support EADC through the merger process free of charge. The process turned out to be full of hurdles, but with Ashurst’s support and advocacy along the way, EADC was eventually able to complete its merger with Doutta Galla, bringing new life to EADC’s operations, allowing them to expand their activities through additional funding, greater organisational support and increased credibility. Without the amalgamation (and pro bono support throughout this process), EADC is adamant that it would have had to close its doors, denying its many clients the ability to participate in future programs.

“With all the hurdles that came up, we are sure that without a lawyer to guide us through the maze we would most likely not have got there”, Dianne said.
MEMBER REFERRALS
This year much of our public interest referral practice including assisting victims of a predatory share buying scheme which targeted elderly people offering to buy their shares below market value. The migration matters involved judicial review applications on behalf of asylum seekers. In support of pro bono legal practice, we also referred the drafting of a conditional costs agreement and shared it with member firms.

LAW INSTITUTE OF VICTORIA LEGAL ASSISTANCE SERVICE REFERRALS
A high proportion of referrals were in migration matters, in particular for unaccompanied humanitarian minors and cancellations of visas on character grounds. There was an overall reduction in referrals for credit/debt and property matters from the previous year. Of those matters that we did refer, many families faced financial hardship and without pro bono intervention homelessness would not have been avoided.

VICTORIAN BAR PRO BONO SCHEME REFERRALS
The Victorian Bar continued to respond to unmet legal need in migration matters, providing merits advice in judicial review. In response to changes to VLA guidelines, the Bar accepted a significant number of referrals for family and criminal law matters. The Bar referrals support the work of Community Legal Centres in responding to unmet legal need in these areas.
HOMELESS PERSONS’ LEGAL CLINIC ADVICE AND REPRESENTATION

In 2012/13, the HPLC implemented its Public Space Offences Strategy in order to focus our infringements work. This gave us the opportunity to expand our tenancy practice and assist vulnerable clients to avoid eviction and prevent homelessness.

Our new focus is reflected in our casework statistics, which indicate a 11% drop in infringements work as a proportion of total HPLC work, and a 19% increase in our tenancy work.

SENIORS RIGHTS LEGAL CLINIC ADVICE AND REPRESENTATION

The most common form of elder abuse we continue to see is financial. This is reflected in our statistics which show an increase in property law, consumer credit and debt recovery matters. These types of matters require significant advocacy and often require litigation. We also broadened our focus to other legal issues associated with ageing including guardianship and administration and social security.

PILCHCONNECT REFERRALS AND TELEPHONE ADVICES

Governance continues to be a key area of assistance for not-for-profit organisations. This year saw a large number of requests to PilchConnect as we assisted incorporated associations in understanding the impact of the new Associations Incorporation Reform Act 2012 (Vic) on their regulatory and compliance obligations. We also helped a significant number of community organisations to understand and access charitable tax concessions – an area that continues to confuse and overwhelm many in the not-for-profit sector.
Seniors Rights Legal Clinic
advice and representation

PilchConnect referrals
and telephone advices

5% Other
3% Tenancy
23% Property Law
5% Probate, Wills & Testator’s Family
9% Taxation
8% Starting an NFP
3% Property
6% Other
2% Intellectual Property/IT
5% Insurance
33% Governance (Rules/Legislation)

Contract Law 3%
Family Law/De Facto 2%
Consumer Credit & Other Financial Issues 5%
Debt Recovery 7%
Social Security/Welfare 3%
Guardianship & Administration 8%
Powers of Attorney 36%
Compliance with Incorporation Legislation 23%
Contract 5%
Employment, OHS & Discrimination 4%
Financial Management 2%
WHO
WE ARE
OUR PEOPLE
PILCH’s path to success is through the passionate commitment of our staff. We strive to hold ourselves to the highest standards of professional practice, driven by practical outcomes for our clients.

We recognise our part in a network of people and organisations in the legal assistance sector. We seek to be generous in collaboration, sharing what we know and engaging with all our stakeholders and partners.

This feeds into a key defining commitment of staff – to respond creatively to the opportunities that present themselves, in line with our strategy.

Leadership, sustainability and effectiveness are the guiding principles for our individual and collective behaviour.

During the course of the year we engaged more closely with our colleagues at PILCH NSW as we prepared for the merger of our two organisations. It was very pleasing to discover that not only was there a strong values match between the two organisations, but that our vision for PILCH was a shared one, as was our propensity for finding mission and meaning in our work and having a positive impact on our community and society as a whole.

STAFF
A list of our current staff can be found at www.pilch.org.au/staff.

SECONDEES
In 2012/13 we received invaluable secondee support from Allens, the Australian Government Solicitor, Clayton Utz, Corrs Chambers Westgarth and Norton Rose Fulbright. The secondee program greatly assists PILCH and provides a valuable experience to participating firms and practitioners.

VOLUNTEERS
The contribution made by volunteers is crucial to the operation of PILCH. We are assisted by a diversity of professional volunteers as well as students from university law schools, the Leo Cussen Institute, fellows sponsored by PILCH member firms and law graduates undertaking their practical legal training. We extend our thanks to all of the talented and committed volunteers who made such a difference to our effectiveness this year.

BOARD
We are governed by an independent volunteer Board whose commitment to the organisation is crucial to our success. The purpose of the Board is to promote and protect the interests and objectives of PILCH.

In carrying out their responsibilities and exercising their powers, Board members ensure they act honestly, fairly and diligently, in accordance with the law in serving the interests of PILCH and, where appropriate, the reasonable expectations of PILCH’s stakeholders. The key responsibilities of
the Board are strategy, risk management, compliance and accountability (including the appointment and performance of the Executive Director).

Board members were active in a number of sub-committees in 2012/13, including Finance & Audit, Risk Management, Governance and Integration. The members of the Board for 2012/13 were:

- Mitzi Gilligan: President
- Geoff Rush: Deputy President
- Stephen Sawer: Treasurer
- Celia Tonkin: Secretary
- Amanda Jones
- David Hillard
- David Krasnostein
- Gary Cazalet
- Jo Renkin
- Malcolm Cooke
- Stuart Webb
- Ted Hill
- Will Alstergren
- Carmel Mulhern
- Sally Nicholes

(Alternative for Stephen Sawer)
- Tom Danos
(Alternative for Will Alstergren)
- Will Irving
  (Retired 15 November 2012)

Planning for the integration with PILCH NSW presented a unique opportunity to visit the governance structure of PILCH to ensure that the governance model adopted for the merged organisation best serves and supports the organisation in the achievement of its objectives into the future. At its AGM on 15 November 2012, members of PILCH Victoria voted to change the structure of PILCH Victoria from an association incorporated in Victoria to a company limited by guarantee. In addition, the members adopted a new constitution with a smaller number of Directors (seven Directors, with a cap in the constitution of nine) with the intention that among the Directors there is a mix of skills, backgrounds, experience, age, gender and perspectives, in line with the needs of the organisation.

**OUR FINANCES**

We finished the 2012/13 year in a healthy financial position. Thanks to the impact we are able to demonstrate, and a creative and persistent approach to fundraising, we continued to strengthen our capacity to deliver on our strategy by increasing our income from a diversity of sources including grants, donations, memberships and fee for service activities. Our expenditure was well contained within the limits of our income and we finished the year with a surplus of $106,570.

We continued to receive funding from state and federal government grants, memberships, philanthropic organisations, corporates, fee for service programs and fundraising events. We also received a range of very generous in-kind support from our members including secondment of professional staff, volunteer engagement and donation of resources and facilities.
GOVERNANCE
Until 30 June 2013, PILCH was a Victorian not-for-profit incorporated association. As of 1 July 2013 we will be a company limited by guarantee. We are a public benevolent institution, endorsed by the Australian Taxation Office as a deductible gift recipient organisation. Our accounts are independently audited. A copy of our Constitution is available at www.pilch.org.au/about.

A copy of our audited, annual financial report can be found at www.pilch.org.au/financials.

STAFF

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<thead>
<tr>
<th></th>
<th>June 13</th>
<th>June 12</th>
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<tbody>
<tr>
<td>Total no. staff</td>
<td>34</td>
<td>35</td>
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<tr>
<td>EFT</td>
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<td>28</td>
</tr>
<tr>
<td>Rate of Turnover</td>
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<td>13%</td>
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<tr>
<td>No. of external appointments: permanent</td>
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<td>4</td>
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<tr>
<td>No of external appointments: fixed term</td>
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<tr>
<td>No. of internal promotions</td>
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<td>13</td>
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<tr>
<td>No. on extended unpaid leave(^1)</td>
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<td>1</td>
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<tr>
<td>Female / Male Ratio</td>
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<td>100% female</td>
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<td>2.3</td>
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<tr>
<td>Period of longest service (yrs)</td>
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</table>

\(^1\)Includes Parental Leave, Long Service Leave and Leave of Absence
Julie and her husband Murat migrated from Turkey to Australia in the early 70s. Julie had it pretty tough - throughout her life, she has suffered from severe domestic violence, has survived cancer, and now, at age 66, is suffering from a number of other illnesses.

Julie was very distressed when she contacted the Seniors Rights Legal Clinic. Murat had just passed away and the memories of him in the house haunted her so much that she could not stand living there anymore. The house had also just been burgled and Julie did not feel safe there. She told us, “every time I walk around the house, I see him walking around too. I can’t go in his bedroom. I just feel uncomfortable.” Julie wanted nothing more than to sell the house and move somewhere new.

Julie was unable to sell the house because her son, Isa, had lodged a caveat on the title to the house. Isa disputed the validity of his father’s Will, saying that his father’s intention was to leave his share of the house to him rather than to his mother, Julie.

Julie came to us requesting assistance to remove the caveat over the house. We referred the matter first to SRLC lawyers from Holding Redlich. They gave Julie preliminary advice about how to transfer the title to the house from hers and Murat’s names into her name only, as a sole proprietor. Julie was then referred to Maddocks Lawyers, who helped Julie obtain an order requiring the Land Titles Office to remove the caveat registered on the title by Isa. Julie was extremely pleased with this result. She said the lawyers were “all very nice and helpful. I love them very much. They are very good people”.

Julie has since sold her house and has been living with her daughter while she looks for a home of her own. Without the help of the SRLC and Maddocks Lawyers, Julie says that she would not have been able to sell the house. She would have had to live with her daughter, and she says that her independence would have been compromised.

“Maybe I wouldn’t have lived too long if I could not sell the house, because I would have been under that much stress... I am very appreciative of what they have done for me. It would have been too expensive for me to get other lawyers.”

Julie is positive about her future. She said, “I will be happy when I buy my own house. I don’t know how much longer I have to live so I just want to be happy in my own home.”

* All names have been changed
We occupy a unique place between the private, community and government sectors and place great importance on these relationships. Much of our capacity to pursue and achieve public interest goals derives from the culture and community of goodwill that we have fostered over many years with lawyers, governments, professional legal associations and community groups.

In particular, we would like to acknowledge the support and contribution of:

- Australian Government Solicitor
- Barristers of the Victorian Bar Pro Bono Scheme
- Clayton Utz Foundation
- Col Duthie
- Commonwealth Attorney General’s Department
- Consumer Affairs Victoria
- Council on the Ageing Victoria
- Department of Justice Victoria
- Department of Planning and Community Development Victoria
- Dog and Bone Consulting
- Edith Kemp Memorial Trust Fund, Ivy H & Arthur A Thomas and Pam & Alfred Lavey Trust as administered by Equity Trustees
- Federation of Community Legal Centres Victoria
- Fred P. Archer Charitable Trust as administered by The Trust Company
- Friends of PILCH
- H & L Hecht Trust and Rowe Family Foundation, managed by Perpetual Trustees
- Helen Macpherson Smith Trust
- The Ian Potter Foundation
- IKD – Innovative Knowledge Development
- Ivor Ronald Evans Foundation Managed by Equity Trustees
- JusticeNet SA
- Law Institute of Victoria and LIV Access to Justice Committee
- LIV Legal Assistance Service member firms
- Legal Services Board of Victoria
- Lord Mayor’s Charitable Foundation
- The Myer Foundation
- National Pro Bono Resource Centre
- Office for the Community Sector
- Perpetual Trustees
- Portland House Foundation
- QPILCH
- Seniors Rights Victoria
- Transport Accident Commission
- The Trust Company Limited
- Victoria Law Foundation
- Victoria Legal Aid
- Victorian Attorney General’s Department
- Victorian Bar and Victorian Bar Pro Bono Committee
- Victorian Community Legal Centres
- Workhealth
- Worklogic
MEMBERS

LAW FIRMS
- Allens
- Arnold Bloch Leibler
- Arnold Dallas McPherson
- Ashurst
- Baker & McKenzie
- Clayton Utz
- Corrs Chambers Westgarth
- DLA Piper Australia
- Doogue O’Brien George
- Fragomen (Australia) Pty Ltd
- Francis Abourizk Lightowlers
- Gilbert + Tobin
- Glavas Lau Lawyers
- Hall & Wilcox
- Harwood Andrews
- Herbert Geer
- Herbert Smith Freehills
- Holding Redlich
- HWL Ebsworth Lawyers
- Justitia Lawyers and Consultants
- K&L Gates
- King & Wood Mallesons
- Lander & Rogers
- Lewis Holdway
- Maddocks
- Maurice Blackburn Lawyers
- Meridian Lawyers
- Minter Ellison
- Moores Legal
- Nicholes Family Lawyers
- Norton Rose Fulbright Australia
- Rigby Cooke
- Robinson Gill
- Russell Kennedy
- Shine Lawyers
- Sparke Helmore
- The Office of David Grace QC
- TressCox Lawyers

CORPORATE LEGAL DEPARTMENTS
- National Australia Bank
- Transport Accident Commission

PROFESSIONAL ORGANISATIONS
- Law Institute of Victoria
- Victorian Bar

ASSOCIATE MEMBERS
- Paul Ronfeldt

COMMUNITY LEGAL CENTRES
- Aboriginal Family Violence Prevention & Legal Service (Vic)
- Barwon Community Legal Service
- Casey Cardinia Community Legal Service
- Central Highlands Community Legal Centre
- Consumer Action Law Centre
- Darebin Community Legal Centre
- Eastern Community Legal Centre
- Environment Defenders Office
- Federation of Community Legal Centres
- Fitzroy Legal Service
- Flemington-Kensington Legal Centre
- Gippsland Community Legal Service
- Job Watch Inc.

UNIVERSITIES
- Australian Catholic University
- Deakin University
- Monash University
- La Trobe University
- University of Melbourne
- Victoria University