

# ANNUAL IMPACT REPORT FY17/18

Justice Connect

September 2018

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EVALUATION FOR IMPACT

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## Foreword

Justice Connect has produced Impact Reports since 2015 that sought to demonstrate the organisation's impact and reflected the previous Justice Connect Strategy. This Impact Report will be the last to reflect the impact of the organisation from the perspective of the old strategy.

In 2017 Justice Connect undertook a review of the organisational strategy and finalised a new strategy in late 2017. In 2018, Justice Connect for the first time developed an Organisational Theory of Change that clearly articulates the organisation's vision for change and how it will contribute to that vision.

A new Vision:

**"Justice Connect believes in a fair and strong community - in which people have a fair chance at a better life, the community sector is strong and vibrant and legal and social systems are fairer and better."**

The law should be at the heart of fairer, stronger communities. But too often people get left behind, lost or alone in a complex, unfair system. We see life's problems spiral in our work every day. A lost job can mean missing rent, leading to stress, family violence and even homelessness.

It doesn't have to be that way. Justice Connect uses the law to build fairer and stronger communities. When it works, the law can keep a roof over someone's head. When it works, the law can make a not-for-profit better at helping their community thrive.

We're using the law to build fairer, stronger communities, where laws are better, community groups thrive and everyone has a fair chance at a better life.

Future impact reports will demonstrate Justice Connect's contribution to this vision.

# 1. How Justice Connect understands and demonstrates impact

This is Justice Connect's fourth annual impact report. The organisation has continued to use the methodology developed four years ago, informed by "best practice" in social impact reporting<sup>2</sup> and established principles from the field of impact evaluation, and has refined the approach to incorporate lessons learned and insights gained along the way.

The key elements of Justice Connect's approach to impact reporting are shown in **Error! Reference source not found..**

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<sup>2</sup> E.g. Centre for Social Impact's guide "The compass" <http://www.csi.edu.au/research/project/compass-your-guide-social-impact-measurement/>; United Way's "Seven Principles for Impact Reporting" <http://unitedway.com.au/2014/07/seven-principles-of-impact-reporting>; The Good Analyst's "Guidelines for how to measure and report social impact" <http://www.goodanalyst.com/resources-and-tools/impact-measurement-and-reporting/>



Figure 1: Key elements of Justice Connect's approach to measuring and reporting impact

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## 1.1. What impact and for whom

The term "impact" is used in this report 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 well-being, and the enhanced ability of not-for-profit community organisations to fulfil their missions.

## 1.2. Access to justice

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.

Justice Connect provides legal assistance in a range of ways, from general and specific legal information, capacity building programs and self-help tools, through to legal advice and/or representation via a lawyer-client relationship, seeing all methods along this spectrum as playing an important role in an accessible justice ecosystem.

The NSW Law and Justice Foundation's Access to Justice and Legal Needs Project<sup>3</sup> describes access to justice as "the ability of disadvantaged people to:

- obtain legal assistance
- participate effectively in the legal system through access to courts, tribunals and alternative dispute resolution
- obtain assistance from non-legal advocacy and support, and
- participate effectively in law reform processes."

Justice Connect assists individuals and organisations to access justice in each of these ways, though primarily via the first two. This is consistent with the aims of the Victorian Government's Department of Justice and Regulation "to ensure that the most disadvantaged and vulnerable in our community receive the support they need when engaging with the law and the justice system."<sup>4</sup>

## 1.3. Framing change – Theory of change

Justice Connect uses the Theory of Change (ToC) approach to describe, monitor and measure the changes it aims to bring about<sup>5</sup>. 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

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<sup>3</sup> Schetzer, L, Mullins, J & Buonamano, R 2003, Access to justice & legal needs, a project to identify legal needs, pathways and barriers for disadvantaged people in NSW. Background paper. Law and Justice Foundation of NSW, Sydney, 2002, <http://www.lawfoundation.net.au/report/background> - accessed on 1 November 2018.

<sup>4</sup> <https://engage.vic.gov.au/accesstojustice>

<sup>5</sup> Theory of Change is a method for planning and evaluating initiatives that has its roots in theory based approaches to program evaluation.

the ToC causal pathway. The ToC approach is used to support programs to track, describe, measure and better understand the changes they bring about.<sup>6</sup>

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 its clients. As shown in **Error! Reference source not found.**, these are: i) access to pro bono services; ii) pro bono capacity and commitment in the legal profession; iii) policy and law reform (see **Error! Reference source not found.**). Each program contributes to these three outcomes<sup>7</sup>.



Figure 2: Justice Connect's high level Theory of Change

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<sup>6</sup> This approach is suitable for programs of all levels of maturity. Established programs that can demonstrate their contribution to change at all stages along the change pathway can tell a compelling story of their contribution to social impacts, while newer programs that can show they have brought about changes early in the change pathway can convincingly show they are progressing toward creating impact because they have created the necessary preconditions.

<sup>7</sup> I.e. These outcomes also form part of a program's ToC, cascading upwards to contribute to the organisational goal of increasing access to justice.

## Looking ahead

Justice Connect undertook a strategy review process in 2017 and revisited the themes of 'access to justice' and 'pro bono' and structure of the organisation. The emerging themes of partnerships, outreach, research and evidence, system and structural change, learning, impact and design and innovation were identified. These themes are recognised as core to Justice Connect's new strategy, building on what it does well and creating an organisational framework to support more of it. An organisational level Theory of Change has now been developed and current program theories are being revisited to ensure alignment with the organisational Theory of Change.

### 1.4. Method – Data collection and analysis

This report was produced through the systematic analysis of purposefully collected data in order to critically assess and transparently share the main, planned impacts of the work of Justice Connect over the last financial year. There are two main sources of data:

- Quarterly reports prepared by each program for FY17/18
- Policy and Law Reform Annual Reflection Reports prepared by programs at the conclusion of the financial year.

Data in the quarterly reports is collected specifically to monitor progress against each program's ToC as well as contribution to shared organisational outcomes (see Figure 2) that contribute to access to justice. The use of common metrics enables quantitative data to be aggregated across programs.

Quarterly reports contain case stories which document the impacts that result when clients obtain access to justice. NVivo 11<sup>8</sup> was used to analyse the case stories, using a general inductive approach, whereby each was read at least twice and then coded by themes identified through last year's Annual Impact Report, as well as by new themes that emerged from this year's stories. Case studies were also given an overall impact rating using the same rating system used in previous years<sup>9</sup>.

Annual reflection by each program upon its policy and law reform goals, progress and achievements, enables both an organisation-wide "stocktake" of the year as well as documentation and sharing of insights to inform planning and strategies in subsequent years. This is the second year this process has been followed and again the results are shared by way of vignettes and a summary of key learnings about strategies for effecting policy and law reform.

Program managers reviewed a draft of this report to ensure accuracy of data and interpretation of reports. Feedback was incorporated into the final report.

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<sup>8</sup> Qualitative data analysis software.

<sup>9</sup> Each story was rated on three dimensions of impact: 1. Extent to which changes/implications for the client were described. 2. Evidence that the program contributed to the change (contribution or attribution). 3. Evidence that the change would not have occurred without the program (additionality). See Appendix C for further details.

## 1.5. Limitations

The caveats to be considered when reading this report remain consistent with last year. Importantly, it must be remembered that what is captured herein are the main impacts of the organisation and its programs. While examples are provided to give an indication of the diversity and richness of impacts achieved, the report remains a summary.

- Data was analysed from each program's quarterly report and annual policy and law reform reflection report without the collection of any additional data. The findings presented here are limited to what is contained in those documents and thus some unintended impacts (positive or negative) may not have been captured.
- As with last year, case stories prepared by each program are the key source of data for assessing and understanding the impacts the organisation has on clients. While some improvement has been observed in story quality, a story template was not used and so there remains considerable variability. Some stories lacked the following: sufficient detail about what the impact for the client was; clear account of the extent to which the program contributed to or caused the changes that ensued; weak explanation of additionality (i.e. "but for" the program, change would have been unlikely). It is the situation again that some stories demonstrate impact better than others, not for want of impact necessarily but for difference in writing quality, thus it is possible that the case stories for this year again under-describe actual impact.
- Procedures and tools used to collect feedback from clients vary across the organisation and the proportion of clients completing feedback surveys is low. Conclusions about the experience of the wider client population should therefore be drawn with some circumspection.
- Limited feedback was provided by pro bono lawyers on their experience of doing pro bono work with Justice Connect. Though there are processes in place among the various programs to collect this information – which is valuable for understanding and informing further improvements to the pro bono experience – there has been a decline in the numbers of lawyers responding. This challenge remains to be addressed.

## 2. Access to pro bono services

***Justice Connect aims to give people experiencing disadvantage, and the organisations who support them, access to timely, high quality pro bono legal services.***

## 2.1. Services provided

Justice Connect programs deliver a range of legal and non-legal pro bono services to clients. More than one type of service might be received by a client as part of a holistic response. For instance, a client might receive legal advice, social work support, be given legal information and be referred to a non-legal support service.

**i. Legal assistance** is provided to clients in three main ways across Justice Connect's programs. Legal assistance includes: i) one-off advice, ii) casework and iii) referral to a pro bono lawyer for representation and advice. Some clients need one-off advice, which is given by phone, appointment, clinic appointment, or face to face at court. Other clients need ongoing legal representation, and for them a legal casework file may be opened, which typically involves advice, negotiation and representation at courts and tribunals. Finally, legal assistance may be provided by way of referral to a pro bono solicitor or barrister. Legal assistance types i) and ii) are provided directly by or under the banner and oversight of a Justice Connect program, while for assistance under iii) matters are referred by a Justice Connect program and then run by the firm or barrister.

This year legal assistance was provided to **2,104** clients (1,638 people and 466 not-for-profit organisations) and included:

- **1,257** one-off advices to **1,062** clients
- **436** new legal casework files opened for 365 clients; 10% Koori clients<sup>10</sup>
- **954** referrals to pro bono lawyers

**ii. Legal information** includes a range of resources (e.g. fact sheets, videos) that help people understand the law, their legal issues, rights and responsibilities. Legal information is provided by Justice Connect to clients and the general public in a range of ways.

- **Direct** – legal information may be provided directly to clients (in person or by phone) by a lawyer or caseworker when an individual or representative of a not-for-profit organisation makes an enquiry or attends a consultation with Justice Connect or a Health Justice Partner. While most clients are given legal information along with legal advice, for some clients, legal information alone will meet their legal needs. This year, legal information alone (without advice) met the needs of **1,882** enquiries – **976** by individuals and **906** by representatives of not-for-profit organisations.
- **Online** – Justice Connect provides online resources that people can access without needing to make a legal enquiry with Justice Connect<sup>11</sup>. These resources received **481,498** unique page views over the year, primarily accounted for by visits to the Not-for-profit Law website<sup>12</sup> which received **459,079** page views (up 94,369; 25.9%). Ninety-nine new (or significantly updated) resources were added to the website this year, which now hosts approximately 322 resources<sup>13</sup>. Public Interest Law's online resources

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<sup>10</sup> Homeless Law accounts for the vast majority of files opened (404; 93%) and has continued this year to work to improve accessibility for Aboriginal and Torres Strait Islander clients, through targeted projects and partner relationships. For Homeless Law, 11% of open matters (43) were for Koori clients, on par with 13% last year.

<sup>11</sup> These include service fact sheets and info on how to obtain assistance from the service.

<sup>12</sup> The NFP Law website is accessed both organically by people running google searches, as well as in response to enquiries.

<sup>13</sup> Going forward, the program will streamline resources and remove duplication as part of a focus on quality and usability. The program expects to meet its target of consolidating resources down to 300 by 2019.

received **5,509** views (down 2,082; 27.4%), the Self Representation Service's resources received **11,283** views (up 3,234; 40.2%) and the new Domestic Building Legal Service's online resources received **5,627** views.

- **Legal secondary consultations** – under the Health Justice Partnership model, a health professional who recognises that a patient has a legal issue can consult a lawyer and then relay the relevant legal information (but not legal advice) to the patient. This year Seniors Law Health Justice Partnerships provided **424** legal secondary consultations in response to enquiries coming via health professionals<sup>14</sup>.

**iii. Training and legal education** on a range of common legal issues faced by not-for-profit community organisations and by clients who access Justice Connect's services, is provided in various formats. Across **181** sessions, training was delivered to **3,650** people - **2,240** representatives from not-for-profit organisations (in person and via webinar), and **1,410** individuals (including CLC staff, healthcare staff and workers and family violence and housing services).

**iv. Social work support**<sup>15</sup> is provided by the Homeless Persons' Liaison Officer and the Women's Homelessness Prevention Project Liaison Officer, to people experiencing or at risk of experiencing homelessness. These social workers – key members of Justice Connect's Homeless Law program – assist clients with issues including housing, mental and physical health, family violence, drug and alcohol issues and employment<sup>16</sup>. This year they assisted **156** clients: **104** clients were helped directly, while **52** were assisted via secondary consultations to pro bono lawyers or other workers to help them understand and assist clients with non-legal issues. Lawyers could then provide more holistic support that addressed both the legal and non-legal needs of clients. The Homeless Law program's social workers spent an estimated **1,680** hours<sup>17</sup> supporting clients in 2017/18.

**v. External referral** to a legal service outside of Justice Connect or to a non-legal community support service (e.g. financial counselling, mediation, and family violence support services) is offered in response to any enquiry as needed. Such referrals can be made in addition to the different types of assistance described above, as part of a holistic response. Or, if Justice Connect cannot provide direct legal assistance, referral to another service may be the main way of helping; **Error! Reference source not found.** shows that **1,695** enquiries (24.6%) were responded to in this way.

(See **Error! Reference source not found.** for details by program.)

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<sup>14</sup> While the primary purpose of secondary consultations under the HJP model is to provide legal assistance to patients, it is of note that there is also the benefit of further improving the capacity of health professionals to identify legal issues.

<sup>15</sup> This is equivalent to "Non-legal support" in the 2016 Annual Impact Report.

<sup>16</sup> A snapshot of non-legal support provided to WHPP clients in Q4 shows that 17 women were provided 18 linkages to services, 18 provisions of brokerage (mainly for storage, removals and rental arrears), three VCAT support letters and three lots of food vouchers.

<sup>17</sup> See **Error! Reference source not found.** for further details.

## 2.2. Enquiries and responses

This year, Justice Connect received 6,902 enquiries and most (86%) were helped in some way: 61% of enquiries were assisted by one of Justice Connect's programs while 25% were outside the eligibility criteria or scope of support provided by the various programs and were referred to either a legal service external to Justice Connect or to a support service that assists with non-legal issues (e.g. employment, financial planning, alcohol or other drug issues, etc.). Approximately 9% of enquiries were withdrawn or contact was lost before assistance could be provided<sup>18</sup>, and approximately 5% could not be assisted in any way because they did not meet the organisation's guidelines (including conflict or capacity) or there was no other service they could be referred to.

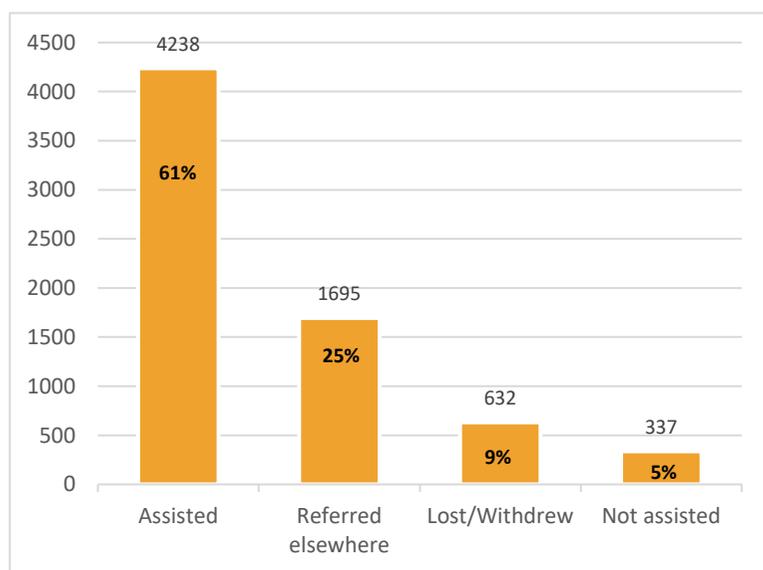


Figure 3: Main outcomes of enquiries received during FY17/18

## 2.3. Quality of services

### Quality assurance processes

Various processes are used across the different programs to ensure the quality of services delivered.

<sup>18</sup> Some programs counted number of clients while others counted number of enquiries. For the purposes of this estimate, one client is counted as one enquiry, however it is possible that lost or withdrawn clients may have had more than one enquiry. This figure therefore may slightly underestimate the total number of enquiries not assisted because they withdrew or contact was lost.

**Homeless Law** prepares detailed intake memoranda for pro bono lawyers to assist their understanding of complex client needs and backgrounds prior to initial client interviews and to provide direction and support to the pro bono lawyers in running the legal matters<sup>19</sup>. This year 347<sup>20</sup> memos were prepared for new clients and 92% of pro bono lawyers and graduates who completed the Annual Homeless Law Pro Bono Survey, reported that the memos were helpful. Homeless Law's in-house team further supports pro bono lawyers to deliver high quality work by providing guidance via phone and email in relation to the running their legal matters, including regarding negotiation, hearing preparation, human rights advocacy and managing complex clients. On average, 38.8 hours were spent each month providing support to pro bono lawyers<sup>21</sup>. In addition, the program delivered new training and resources for pro bono lawyers to keep them up to date with the extensive changes to Victoria's fines system. Homeless Law also continued to update and maintain its detailed online resource Homeless Law in Practice ([www.hlp.org.au](http://www.hlp.org.au)), a practice-based website containing checklists, precedents, and best practice tips for running Homeless Law files.

**Not-for-profit Law** has continued its practice of following up with clients whose matters have been referred to member firms, a minimum of three months after the referral is made. Not-for-profit Law also contacts the relevant firm if the client reports that suitable progress has not been made. For matters that have been finalised, clients are asked to complete an online feedback form (results reported below), and as and where appropriate, that feedback is shared constructively with the law firm involved to help improve their practices with pro bono clients. The program also collected feedback from participants in its training services and from clients involved in specific projects – including its Governance Health Check Project – as a way of tracking how well those projects were meeting their objectives (see below).

The **Self Representation Service** continued with the approach used for the last three years to ensure volunteer lawyers are adequately briefed before they attend appointments with SRS clients and all advice provided to clients is comprehensively reviewed and checked for quality. Justice Connect lawyers are onsite during appointments and provide supervision and guidance as needed. They conduct a pre-appointment discussion with volunteer lawyers about the brief and the client's circumstances, and a post-appointment debrief about the advice provided and suggested next steps for the client. Justice Connect lawyers check the file note prepared and follow up with the SRS pro bono lawyer to clarify any questions and provide feedback, and will also contact the client to clarify/correct the advice if

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<sup>19</sup> Each memo is prepared by a lawyer or secondee and signed off by the senior lawyer.

<sup>20</sup> The number of intake memos does not match the number of files opened (404) for two main reasons: (i) clients have criminal files (for which intake memos are not prepared because they are run by an in-house lawyer); and (ii) clients have intake memos prepared, but sometimes do not make it to their appointments (unless clients are able to be rebooked, this is lost time for the lawyer and supervising lawyer that prepared the memo).

<sup>21</sup> This is up from 32 hours in FY16/17. The figure is based on the annual snapshot of support to pro bono lawyers. In June 2018, the Homeless Law team of 5 lawyers, 1 graduate and 1 secondee (4 x full time; 1 x 0.8 EFT; 1 x 0.6 EFT; 1 x 0.4) had 81 contacts with pro bono lawyers, and recorded approximately 30 hours of support. Together with administrators and social workers, support was 38.8 hours. This does not include the time spent on intake (including memos) or direct client work.

necessary. Finally, in all cases, the Justice Connect lawyer completes a “post appointment review form” and in some cases, also sends a letter to the client confirming the advice in writing.

The **Domestic Building Legal Service** follows the same quality assurance processes adopted by the Self Representation Service, as explained above.

Both the **Self Representation Service** and the **Domestic Building Legal Service** help clients with litigation matters that traditionally, private lawyers would handle from start to finish. To ensure the quality of services delivered under this new model, called ‘unbundling’ or ‘limited scope representation’, Justice Connect lawyers also assess the characteristics of the case and the ability of the client and of the volunteer lawyer to work together in this context towards resolving the client’s dispute.

The **Seniors Law** program has a practice of following up with firms who have received a referral three months after the referral is made, and every three months after that. The program checks whether the matter is progressing appropriately. For matters finalised as part of the HJP with cohealth, clients were provided with an evaluation form to be completed in private and sent directly to an external evaluator.

**Public Interest Law** prepares detailed referral memos for pro bono lawyers and provides them with ongoing support to help enable the delivery of high quality legal assistance.

#### *Client feedback*

Collecting feedback from clients and measuring and understanding **client satisfaction** is another way that Justice Connect seeks to monitor and track the quality of the services it provides. At a minimum, each program obtains feedback through the process of documenting client stories. These stories provide many examples of clients who report deep gratitude for pro bono assistance and support that enabled them to obtain good legal and personal outcomes amongst others (see section **Error! Reference source not found.** below).

In addition, this year most Justice Connect programs – Domestic Building Legal Service, Homeless Law, Not-for-profit Law, Self Representation Service and Seniors Law – surveyed their clients at the conclusion of the service provided (e.g. after closure of a matter or after telephone advice) to obtain feedback about the quality of the service. Response rates ranged from 13% to 92% (see

Appendix C – Client feedback on Justice Connect programs for further detail). Feedback provided valuable insights to inform program development and improvement.

Most clients surveyed rated the service they received highly and indicated that it made a difference to their understanding of their legal issues, their confidence and the outcomes they achieved. Several clients offered constructive feedback about changes the program might make to further improve the services delivered. Examples of client feedback:

- **DBLS** clients who had an appointment with a lawyer rated their satisfaction out of five; average rating across all clients was 4.57/5 (91%). Clients also rated their confidence before and after their appointment. Average ratings rose 66% from 4.2/10 to 7/10.
- 93% of **Not-for-profit Law** client respondents strongly agreed or agreed that, "Accessing Not-for-profit Law's services improved my understanding of the relevant legal issues/topic"; and 92% strongly agreed or agreed that "Accessing Not-for-profit Law's services increased my confidence to deal with my organisation's legal issue/questions". Among Governance Health Check Project clients who completed feedback, 100% agreed that the health check improved their understanding and increased their confidence, 95% said that accessing the Governance Health Check saved them time and/or money and all were satisfied with the services they received.
- 100% of **Homeless Law** clients who gave feedback rated their overall experience as 'excellent' (90%) or 'good' (10%); 100% said they better understood their legal options as a result of Homeless Law's assistance; and 90% indicated they believed they achieved a better outcome than they otherwise would have, as a result of assistance.
- 98% of **Self Representation Service** clients surveyed strongly agreed or agreed that overall, they were satisfied with the assistance provided by the Service. Clients also rated their confidence before and after their appointment; average ratings rose 54% from 5.4/10 to 8.3/10.

*"I felt heard, I felt I had direction. [Justice Connect staff] treated me respectfully and with consideration to my lack of knowledge - I really appreciate[d] the follow up call from [a DBLS staff member] ... as she reminded me again of the things I need to follow up as per the email they sent me after the one hour. This free service was really worthwhile effort of getting documents and other personal information in return for the one hour." (DBLS client)*

*"I didn't have to pay the extreme amount of money that the landlord was asking. I went to court and felt incredibly supported. I felt like they were working together very well and they were so clear with me about what was happening. I was very vulnerable and they were very gentle with me and felt like I was in really good hands. The lawyers were outstanding." (Homeless Law client)*

*“We are generally fairly well placed governance-wise, but the health check has helped us identify a few areas that need tightening up, especially as a result of changes to the law in the past few years. Alerted us to a number of noncompliance issues, which may have been costly.” (Not-for-profit Law, Governance Health Check Project client)*

## 2.4. Trends and comparisons

### Enquiries

The financial year covered by this report saw a decrease of 10.4% in the number of **enquiries** received by Justice Connect (down from 7,708 to 6,902). While enquiries to Homeless Law and Seniors Law increased (by 20% and 26% respectively), and enquiries to Not-for-profit Law remained relatively constant (falling by just 3%), the number of enquiries received by all other programs fell in comparison to last year. The largest reduction in enquiries was experienced by Public Interest Law NSW and Victoria, who saw 26% and 53% fewer enquiries than last year<sup>22</sup>. This represents an overall reduction in enquiries to less than 60% of the total enquiries received by those programs last year (down from 2,208 to 1,275). For the Victorian program, the significant decrease in the number of enquiries was due to a shift in how enquiries are received – the program this year ceased taking calls directly from the public and focused on developing pathways from professional sources (i.e. agencies). This resulted in the conversion rate<sup>23</sup> more than doubling, rising from 38% last year to 79%. For the NSW program, the decrease in enquiries is understood to be the result of the organisation ceasing work in the Migration List at the Federal Court in Sydney during the second quarter.<sup>24</sup> The Self Representation Service also saw a fall in enquiries, down 17% from last year. This was partly due to the Migration List Assistance service in NSW ceasing operation in October 2017.

As shown in Figure 4, the overall outcomes of enquiries were similar to last year. Approximately nine out of ten enquiries both this year and last, were either assisted by one of Justice Connect’s programs or through Justice Connect making a referral to another legal service or to a support service that assists with non-legal issues. The percentage of enquiries not assisted remained steady at 5%, while the number of enquiries where contact with the client was lost or where the client withdrew before they were assisted, increased by half, up from 6% last year to 9%. All programs except for Seniors Law and Public Interest Law NSW saw a rise in the proportion of clients who withdrew or with whom they lost contact.

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<sup>22</sup> NSW enquiries fell from 861 to 636; Victorian enquiries fell from 1,347 to 639.

<sup>23</sup> The ‘conversion rate’ is the proportion of enquiries that result in a pro bono referral.

<sup>24</sup> Previously PIL NSW took a large volume of matters via the SRS work in the Migration List at the Federal Circuit Court in Sydney. This work, and therefore the high volume of these matters flowing to PIL, ended in October 2017.

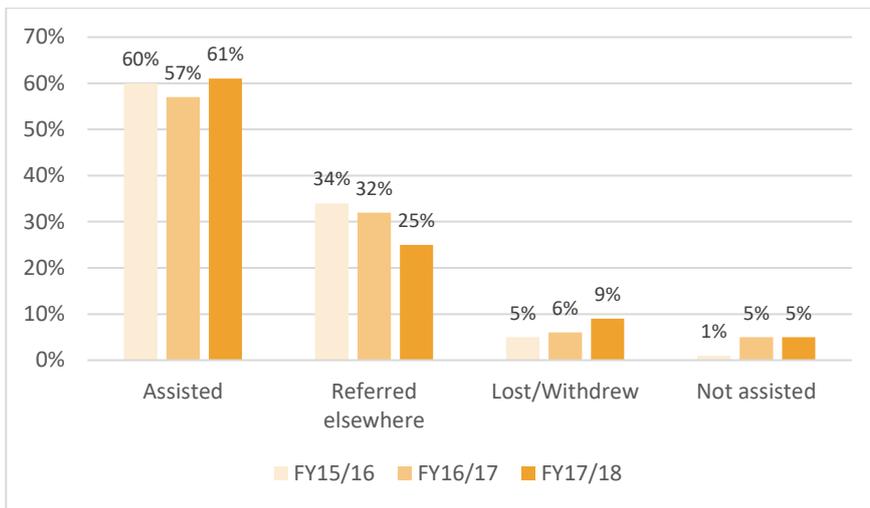


Figure 4: Main outcomes of enquiries received – comparison of the last three years

### Services

This year 15% fewer clients were provided direct legal assistance (i.e. advice, casework file or referral to pro bono lawyer) by Justice Connect, with the overall number falling from 2,475 to 2,104. This reflects the lower number of enquiries received this year; the proportion of enquiries that received direct legal assistance from Justice Connect remained at approximately one in three (i.e. 32% last year and 31% this year).

The number of **advices** given fell by 26% across the organisation, mainly attributable to a significant reduction in the number of advices delivered by the Self Representation Service, which provides the most advices of all programs in Justice Connect. This year the Self Representation Service delivered approximately two thirds of the advices delivered last year (down from 1,130 to 672) while Homeless Law and Not-for-profit also delivered fewer advices (down by 21% and 9% respectively) than last year. Seniors Law was the only program that increased, almost doubling the number of advices it gave last year (up from 63 to 118).

The overall number of **case files** opened decreased by 14.5% since last year, down from 510 to 436. Homeless Law opened 404 new case files, 14% fewer than last year. It must be noted however that this is in part due to a revised strategy and an accompanying annual target of 400, as well as the program operating with reduced resources in both Q1 and Q2. Seniors Law opened eight fewer files than last year, representing a 21% fall. This year the team was able to quickly address discrete legal issues with advice and, for more complex matters, with a referral to a pro bono lawyer. This approach freed up the lawyers' time to build capacity and relationships with health partners.

Justice Connect made slightly more **referrals to pro bono** lawyers this year than last year, up 3% from 929 to 954. The Self Representation Service made more than four times as many referrals this year than last (up from 12 to 55) and Not-for-profit Law made nearly 40% more referrals on last year (up from 134 to 187). Referral numbers remained little changed on last year for the Public Interest Law services, despite enquiry numbers

dropping significantly, reflecting a large increase in the conversion rate for the Victorian program<sup>25</sup>. Similarly, the number of referrals to pro bono lawyers made by Seniors Law this year was little changed on last year (57 cf. 58).

There was a 10% increase across the organisation in the number of enquiries addressed through **legal information without advice** (up from 1,706 to 1,882). A sizeable portion of this growth is due to the introduction of the Domestic Building Legal Service which by design predominantly provides legal explanations to clients or refers them to resources.

The number of clients provided **social work assistance** through one of Homeless Law's in-house social workers was 27% fewer than last year; down from 143 to 104. This fall reflects the reduced operating capacity of the program during Q1 and Q2.

Some change is also observed in the proportions of enquiries requiring different types of responses.

- The proportion of enquiries **referred** to a pro bono lawyer increased from 12% to 14%, or from almost one in eight enquiries to approximately one in seven.
- More than one in four enquiries were given **legal information without advice**, compared with one in five last year (up from 22% to 27%).
- Slightly fewer enquiries were given **legal advice** than last year; 18% this year compared with 22%.
- The proportion of enquiries that resulted in a **case files** remained unchanged at approximately one in every 15 enquiries (7% last year and 6% this year).

Use of Justice Connect's online information resources continued to grow overall, increasing by more than 25% since last year<sup>26</sup>. The Not-for-profit website accounted for 95% of these page views, and this year received 459,079 page views; an increase of 94,369 (26%) on last year. (The five most visited pages were: governance, volunteers, before you start, legal structure and fundraising<sup>27</sup>.) Also contributing to this growth were views of the new website launched as part of the new Domestic Building Legal Service; 5,627 page views. Views of Self Representation Service online resources increased by 40.2%% from 8,049 to 11,283, while Public Interest Law online resources received 26.3% fewer page views than last year (down from 7,591 to 5,509). The reason for this fall in access is unknown, however the program has noted that there tends to be much variability in use of its online resources.

### *Client feedback*

There is again evidence that many clients were satisfied with the service they received and felt that assistance from Justice Connect gave them confidence, helped them better understand their legal issues and enabled them to achieve a better outcome than they otherwise would have. Feedback from clients does remain quite limited however and work remains to develop efficient ways of collecting meaningful feedback from more clients.

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<sup>25</sup> The conversion rate for the Victorian PIL program rose from 38% to 79%.

<sup>26</sup> Unique page views increased by 101,148; up from 380,350 to 481,498.

<sup>27</sup> This is largely consistent with last year when legal structure, governance and fundraising were also in the top five. This year the webpages for constitution and getting started were replaced by volunteers and before you start as part of the five most viewed pages.

### 3. Pro bono capacity and commitment

*Justice Connect aims to increase the number and the skills of lawyers who have capacity to address the particular needs of people experiencing disadvantage, and the organisations who support them, and who are committed and available to provide pro bono services.*

#### 3.1. Pro bono capacity

Each Justice Connect program delivers training to legal professionals to help enhance their capacity to provide high quality legal advice and representation to the clients that Justice Connect links them with for assistance. For example, Seniors Law ran four training sessions during FY17/18 for lawyers to whom they make pro bono referrals, including one session on the *Retirement Villages and Aged Care Act (Vic)*<sup>28</sup> and one on the *Medical Treatment Planning and Decisions Act 2016 (Vic)*<sup>29</sup>.

During FY17/18 training session attendance by legal professionals across all Justice Connect programs totalled 1,085<sup>30</sup>. Almost two thirds of attendances were to training delivered by Homeless Law.

As far as is practicable, the programs endeavour to collect feedback from the legal professionals who participate in their training. This information is used to inform training development and monitor the extent to which participants' needs and expectations are being met. As in previous years, the feedback collected from lawyers on the training delivered by Justice Connect programs indicates high levels of satisfaction<sup>31</sup>:

- Nearly all lawyers who attended training provided by the **Domestic Building Legal Service** rated it as 'excellent' or 'above average' (47% and 39% respectively) and 96% said the training increased their knowledge of the topics covered.
- Feedback received by **Homeless Law** on its induction training this year was positive, with 71% of participants rating it as 'excellent' and 25% rating it as 'very good'. This year saw the introduction of a tailored, practice-based case study across the induction modules which was well received. Feedback included that *"The combination of theory and case study made the content easy to follow"* and *"Going through Anika's case study and content from the work book are great"*.
- The **Self Representation Service** delivered training to pro bono lawyers in both NSW and Victoria, who all rated the content, the relevance and the training overall as either 'very good' or 'excellent'. Participants also reported that the training improved their understanding of practice issues associated with the Service and

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<sup>28</sup> Presented by lawyer Margaret Harrison of Signpost Aged Care service, hosted by Lander & Rogers.

<sup>29</sup> Presented by barrister Dr Elizabeth Brophy, hosted by Baker McKenzie.

<sup>30</sup> The individual number of lawyers who attended one or more training sessions with Justice Connect cannot be calculated from the data available but is less than the total figure; depending on the program, lawyers may attend one training session or a series of training (e.g. lawyers and graduates who attend Homeless Law training sessions attend at least five sessions, which counts as five attendances; there are three training sessions that lawyers volunteering with DBLS must complete before they can commence).

<sup>31</sup> No feedback was collected this year at the lawyer trainings delivered by PIL NSW or Not-for-profit Law.

their ability to respond to challenging clients; 86% and 89% rated their understanding and ability as 'excellent' after training, compared with 14% and 29% respectively, before training. There was feedback from trainees that a range of aspects of the training were useful, including example brief and documents, overviews of areas of law and discussion of processes and procedures.

- The four training sessions run by **Seniors Law** were rated highly by pro bono lawyers attending. All reported that the training improved their knowledge of legal issues associated with ageing and an average of 94% reported that the training gave them greater confidence in their capacity to respond to legal issues associated with ageing.

## 3.2. Pro bono commitment

Justice Connect builds and maintains strong partnerships with law firms and barristers, engaging them to assist people experiencing disadvantage (and the groups that support them) to access justice.

### 3.2.1. Participation

Justice Connect's key indicator of pro bono commitment is the number of lawyers and firms participating across the different programs. During FY17/18 involvement in Justice Connect programs was as follows:

- **Domestic Building Legal Service** received indication from 55 lawyers that they would like to volunteer with the Service, 32 of whom by the end of the financial year had completed the three required training sessions and signed a volunteer agreement. Pro bono referrals were accepted by 14 lawyers – 11 accepted referrals to prepare factsheets for the DBLS website and three accepted referrals to provide pro bono assistance to clients.
- **Homeless Law** worked with seven member firms, each with a team comprising file lawyers, supervising lawyers and team leaders. A total of 425 lawyers provided clinic services and ongoing legal representation to Homeless Law clients. In total, these teams undertook 20,059 hours of free legal work for Victorians who were homeless or at risk of homelessness.
- **Not-for-profit Law** had 48 member firms to whom it could make referrals during FY17/18, 38 of which accepted a referral.<sup>32</sup> Referral was also made to one corporate in-house legal team. Of the 38 firms who accepted a referral to provide legal advice to not-for-profit organisations, 14 also accepted a referral to complete an education piece (e.g. developing online resources or delivering training for not-for-profits).
- **Public Interest Law NSW** had 37 member firms to whom it could make referrals during the year. One or more referrals were accepted by 28 firms and by 28 barristers<sup>33</sup>.

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<sup>32</sup> Not-for-profit Law attempts to refer matters to all member firms that have an interest in not-for-profit law matters, however some firms are more difficult to place matters with due to their areas of expertise or their own internal pro bono eligibility criteria.

<sup>33</sup> In NSW, barristers do not register with Justice Connect as they do in Victoria. Instead, PIL NSW lawyers email clerks once expertise is confirmed within the chambers or they contact barristers directly. In this way there is no limit to the number of barristers from whom pro bono representation may be sought.

- **Public Interest Law Victoria** had 34 member firms, 102 LIVLAS firms and 1,311 barristers available to take referrals during the year. Of them, a total of 235 different firms or barristers accepted one or more referrals: 27 member firms, 17 LIVLAS firms and 191 VBPBS barristers.
- **Self-Representation Service** had between 173 and 245 lawyers enrolled to participate in the service across the year, with 184 as at the end of the financial year – 101 in NSW and 83 in Victoria. A total of 132 lawyers provided at least one clinic service appointment this year; 66 in NSW and 66 in Victoria. In addition, 25 lawyers accepted pro bono referrals where the Service had determined that clients required representation to pursue their matter.
- **Seniors Law** referred files to 16 different pro bono lawyers, including six firms and one barrister who accepted referrals for the first time this year<sup>34</sup>. Six lawyers also accepted referrals to assist with legal education; three lawyers delivered training to pro bono lawyers (e.g. see 3.1) and three lawyers prepared research or materials (e.g. factsheets) for the program.

### 3.2.2. The experience

Three programs this year surveyed the lawyers who provide them pro bono support: Domestic Building Legal Service, Homeless Law and Self Representation Service<sup>35</sup>.

Surveys were completed by 11% of lawyers volunteering with **DBLS**<sup>36</sup>. Among them, all but one (who gave a neutral response) reported that they were 'satisfied' or 'very satisfied' with their pro bono experience and all indicated an intention to continue volunteering next year. The main factor motivating participation in the service was the ability to use their particular legal expertise to assist in the pro bono space.

*"[I was motivated by] the ability to use my knowledge / area of expertise in volunteer work, and directly work with individuals in need."  
(DBLS volunteer lawyer)*

The main skills and experience that DBLS lawyers reported gaining from being involved in the service were: VCAT procedures, client interview skills, client management skills and interpersonal skills. Just over half of the volunteer lawyers who completed the survey said that the knowledge and experience gained through participating in DBLS assisted them in their general practise as a lawyer. Most felt that their involvement in DBLS had made a positive impact for the clients they had assisted (the remainder were unsure).

Nearly one quarter (23%) of **Homeless Law** lawyers<sup>37</sup> completed the annual Homeless Law Pro Bono Survey this year, providing feedback on their motivations, satisfaction and benefits experienced (amongst other things). Most (87%) reported that they believe their work has made a difference to the lives of their clients and all of the supervising lawyers who completed the survey said that they find their role supervising more junior lawyers to be satisfying. The top three motivations reported for doing Homeless Law work were:

<sup>34</sup> While the program can refer to any Justice Connect member firm or LIVLAS firm, referrals are mainly made to those who were previously involved in the clinics run by Seniors Law who have expertise and a particular interest in elder abuse work.

<sup>35</sup> The response rate for the SRS lawyer survey was too low to report meaningful quantitative results; qualitative data was not available.

<sup>36</sup> Seven out of 66.

<sup>37</sup> 97 Homeless Law lawyers and graduates.

using skills to address disadvantage, providing access to justice to vulnerable clients and increasing experience in running their own files and deciding strategy<sup>38</sup>. Lawyers also reported the skills and experiences that they gain from their involvement in the Homeless Law program: file management, client interview skills, client management skills, advocacy and appearance work<sup>39</sup>.

*"[Homeless Law is] one of the best examples anywhere of pro bono collaboration in the cause of vulnerable people...an absolute pleasure to work alongside you." (Pro bono manager, Partner firm)*

*"It has greatly assisted me with client management and strategic thinking skills, as well as helping me build an understanding of what is required to run a file from start to finish. Homeless Law has also provided me with a huge amount of confidence that I was previously lacking from not getting a lot of responsibility as a junior lawyer."  
(Homeless Law pro bono lawyer)*

*"It was very rewarding seeing the relief on the client's face when their eviction notice was set aside. The client was visibly stressed and it was great to see the weight lifted off his shoulders." (Homeless Law pro bono lawyer)*

All of the programs also record feedback provided to them by pro bono lawyers through feedback forms completed at closure<sup>40</sup> or received ad hoc (e.g. via email correspondence). This feedback similarly highlights that pro bono lawyers experience and value a sense of personal reward when helping disadvantaged clients obtain access to justice.

*"Undertaking Pro Bono work is an immensely satisfying part of being a lawyer. I am delighted that Justice Connect and [my firm] provide me with the opportunity to work with organisations and individuals... to provide access to justice, alleviate disadvantage and address unmet legal needs. It was a pleasure working with [the not-for-profit client] and we were absolutely delighted by the result!" (Not-for-profit Law pro bono lawyer)*

### 3.3. Trends and comparisons

During FY17/18, training session attendance by lawyers across the programs totalled 1,085. This was 11.4% lower than overall attendance last year (1,225). While attendance at training delivered by Seniors Law increased 30%<sup>41</sup> and the new Domestic Law Building

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<sup>38</sup> Reported by 80%, 77% and 63% respectively.

<sup>39</sup> Reported by 69%, 62%, 54% and 54% respectively.

<sup>40</sup> Historically this has been the main way that Not-for-profit Law gathers feedback however firms have stopped completing these forms. The program is exploring other ways to systematically collect meaningful feedback from pro bono lawyers that can inform program delivery.

<sup>41</sup> Up from 84 to 109.

Service brought an additional 143 attendances, Homeless Law, Not-for-profit Law and Self Representation Service saw lower attendance than last year (down 14 – 75%)<sup>42</sup>. Attendance at training delivered by Public Interest Law was on par with last year. The training delivered continues to be valued and rated highly by lawyers attending.

There was considerable variability in the number of lawyers engaging across Justice Connect, with some programs seeing an increase and others seeing a decrease. Within PIL Victoria, LIVLAS firm participation increased 8%, from 94 to 102, and the number of Barristers rose slightly (2%) from 1,284 to 1,311. Seniors Law made referrals to six new firms and one new barrister this year, while the number of firms participating in Not-for-profit Law remained substantially the same as last year (48). The number of lawyers participating in Homeless Law fell by 15.6% (from 504 to 425), reflecting the discontinuation of the Geelong clinic from Q2 onwards. Similarly, the Self Representation Service experienced a fall in the number of pro bono lawyers enrolled to participate, partly due to the Migration List ceasing operation in NSW and partly due to attrition over the previous 12 months<sup>43</sup>.

As with last year, annual surveys and ad hoc feedback collected from pro bono lawyers showed that lawyers gained great satisfaction from helping disadvantaged clients, assisting Justice Connect in its efforts to address unmet legal need in the community and having the opportunity to improve their own professional practice skills.

## 4. Policy and Law Reform

### 4.1. Main goals for FY17/18

Each Justice Connect program undertakes both proactive and reactive policy and law reform work in areas that impact their clients. This year, all programs had specific policy and law reform goals towards which they proactively worked. The main goals are summarised in Table 1.

### 4.2. Building organisational capacity

This year saw a large increase in Justice Connect's investment in building the capacity of program staff to undertake policy and law reform work. Organisation-wide training was delivered (in both Sydney and Melbourne) that focused on advocacy development and

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<sup>42</sup> Homeless Law down 14% (from 838 to 718); Not-for-profit Law down 75% (from 121 to 30); Self Representation Service down 66% (from 152 to 51).

<sup>43</sup> Last year 221 lawyers were enrolled, compared with 184 at the end of this financial year, however last year's recorded figure did not account for those who had ceased participating. In Q2 there was an audit for the first time in approximately 12 months which revealed that a number of lawyers had ceased participating in the service during that time (e.g. because they had changed firms). Thus, the fall in numbers did not occur solely from last year to this year, rather some of the attrition occurred during last year. Also, many Migration List lawyers were volunteering only for that work and not for the SRS generally; when that list ended, they stopped working for the service.

systems. Staff described the training as being of high quality and valuable for assisting programs to identify areas of focus for legal reform and for developing formal plans for systemic change where such areas are identified.

Members of the Homeless Law team attended training and development sessions aimed at building capacity to undertake high impact policy and law reform work. These included attendance at four conferences, two seminars and six training workshops on topics such as advocacy, evaluation, user-centred design and community engagement.<sup>44</sup> Not-for-profit Law further developed its law and policy reform framework and has integrated new practices that provide ongoing capacity building opportunities. For example, the program pairs less experienced with more experienced staff members to prepare submissions, so that the latter can provide guidance and mentoring. Also Not-for-profit Law has implemented a twitter roster to encourage all staff members to reflect on advocacy activities and think about different ways to influence others via social media. Seniors Law held a half day advocacy and strategy day and staff attended training on advocacy and brokering partnerships.

Table 1: Justice Connect's main policy and law reform goals for FY17/18

Goal	Program
i. To improve the legal sector and legal policy makers' understanding of help-seeker engagement in digital platforms	Digital Innovation
ii. To improve government commitment to digital transformation in legal services	
iii. To improve the help-seeker experience of looking for legal help through system improvements	
iv. To improve focus on funding future-focussed initiatives in access to justice by Government	
i. Improved access to justice for consumers with domestic building disputes <sup>45</sup>	Domestic Building Legal Service
i. To reduce the negative impact of laws regulating public space on people experiencing homelessness	Homeless Law
ii. To reform laws, policies and practices to prevent evictions into homelessness and reduce barriers to accessing housing	
i. To reform Australia's out-for-date, complex and inconsistent fundraising law regime by providing clearer protections for donors while reducing red tape for charities and other not-for-profits	Not-for-profit Law
ii. To work for improved legal structures for not-for-profit organisations and social enterprises	
iii. To respond to government reform proposals that impact Australia's not-for-profit sector to ensure the legal and policy frameworks the sector operates under are improved and streamlined, enabling not-	

<sup>44</sup> The team participated in a total of 62 training and development opportunities in 2017-18, noting that some sessions were attended by more than one team member.

<sup>45</sup> This is a general goal of the DBLS; more specific policy and law reform goals will be developed during FY18/19. During FY17/18, the first year of operation of the DBLS, the service has focused on positioning itself to enable effective advocacy in the future.

for-profits to better focus their time and energy on achieving their missions.	
i. To advocate for the removal of barriers to and improve access to justice.	Public Interest Law
ii. 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.	
i. To demonstrate and promote the effectiveness of the HJP model to prevent and respond to elder abuse	Seniors Law
ii. To promote the decision making of older people and improve the oversight of substitute decision makers	
iii. To understand and address some of the potential drivers of elder abuse	
iv. To promote the recognition of elder abuse as a form of family violence	
v. To understand and improve legal solutions to address elder abuse	

### 4.3. Organisational approach to policy and law reform

Justice Connect’s main strategies for influencing policy and law reform over the last few years have been threefold: identifying trends and systemic legal issues, strengthening relationships with partners/sector and decision makers, and raising awareness of systemic issues and ways they can be addressed (see Figure 5).

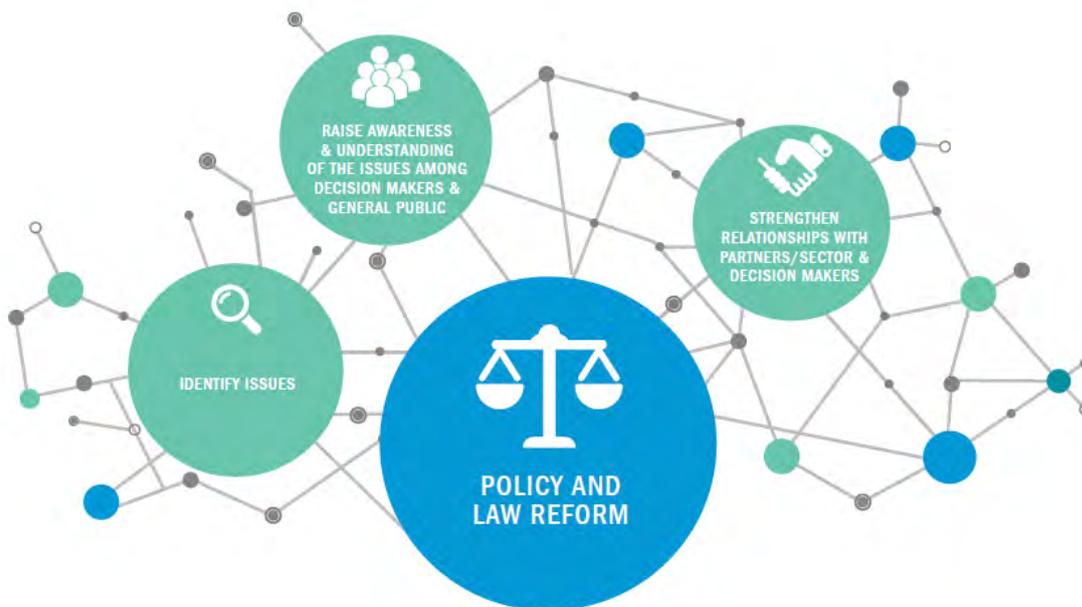


Figure 5: Justice Connect’s main strategies for influencing policy and law reform

### 4.3.1. Identify issues

All Justice Connect programs systematically identify and monitor trends and systemic legal issues that emerge through their enquiries and casework, and at least twice per year report and share with the other programs what has been observed. The programs document the observed impacts on their client group of unjust laws and procedures using a range of evidence, including case stories, consumer consultations, service delivery and outcome statistics, legislative analysis, review of judgments, and specific research. From this collated evidence, a range of materials (e.g. letters, campaigns, submissions, position papers etc.) are developed and used to raise awareness of the issues among decision makers and the public, to contribute to the conversation, and to influence decision makers to make recommended changes.

A range of issues have been identified and documented by the programs this year; examples include:

- **Domestic Building Legal Service** examined the feedback received from clients and enquirers and identified that there was a recurring issue with incorrect entities being listed as parties to disputes at DBDRV, negatively impacting the ability of those matters to be heard. DBLS also identified that the DBDRV was infrequently exercising its statutory power to issue dispute resolution orders where builders have failed to comply with records of agreement after conciliation. The Service then engaged with the DBDRV on both of these matters.
- **Not-for-profit Law** made submissions – to the Senate Select Inquiry into Charitable Fundraising in the 21<sup>st</sup> Century and to the Review of the Australian Charities and Not-for-profit Commission (ACNC) legislation – that were informed by casework and insights from working with small charities and not-for-profit groups. The Senate Inquiry submission presented an analysis of the relevant laws, shared the challenges faced by charities trying to fundraise in compliance with those laws and included examples and case stories (e.g. “In our experience... many hesitate to proceed if they think there is a chance they are not complying with the law. In this way the fundraising laws (for those who understand how they apply) act as a barrier to these groups using simple methods that could help them”<sup>46</sup>).
- **Seniors Law**, through its Health Justice Partnerships, has opportunities to try different therapeutic legal solutions to provide early intervention and is developing a greater understanding of these different legal solutions<sup>47</sup>. This year it also conducted a case review to identify the key drivers of an older person’s experience of elder abuse, and will use these findings to inform its advocacy priorities for the coming year.
- **Homeless Law** collects and analyses data to identify and understand systemic issues in a range of ways, including an annual snapshot review of its work on infringements matters, producing reports on special projects and developing new projects to deepen their understanding and find solutions. For example, the program developed a new collaborative advocacy project, Enforcement, Homelessness and Public Space which, amongst other things, consults people

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<sup>46</sup> <https://www.nfplaw.org.au/fundraising-reform-submissions>

<sup>47</sup> Justice Connect’s experience indicates numerous aspects of a HJP that contribute to better legal and health outcomes for older people, including: physical co-location of legal and health services, building staff capacity to identify patient’s legal issues through both professional development and ‘secondary consultations’ and coordination of a range of rapid therapeutic interventions.

experiencing homelessness about their experience of rough sleeping and the practices of enforcement agencies and police.

- **Digital innovation team**, identifies opportunities to advocate for system-level reform, including digital transformation of the legal system to benefit the help-seekers attempting to navigate that system. This year, the team undertook a large body of research to understand the experience of the legal system and Justice Connect itself, from the perspective of: help seekers; community lawyers; Justice Connect staff; pro bono lawyers; and sector partners.

### 4.3.2. Strengthen relationships with partners/sector and decision makers

#### *Partners/Sector*

Justice Connect undertakes much policy and law reform work in collaboration with key partners in the sector, seeing this as an effective way of maximising reach, credibility and influence. Collaboration occurs in a range of ways, including through collaborative projects, participation in working groups, advisory groups, network meetings and roundtables, and forming or joining ongoing or short-term<sup>48</sup> coalitions. In some instances Justice Connect is the lead agency, while in others, another organisation is a more natural lead and Justice Connect a smaller, but important contributor.

Strong relationships are essential to, and develop through, these ways of working. The programs have continued to build relationships and collaborate in a range of different ways with **stakeholders** in their respective sectors to prepare for and to undertake policy and law reform advocacy. Across the organisation, Justice Connect staff have been involved in approximately 20 different reference groups or advisory groups and more than a dozen different networks. Key highlights include:

- **Digital Innovation team** worked with 22 community legal centres, 40 law firms, over 200 lawyers, and 45 help-seekers to design the intake and referrals product components of the Gateway Project, aiming to improve the experience of seeking help with Justice Connect and matching help-seekers with pro bono lawyers. Several key partners assisted Justice Connect by allowing Justice Connect to undertake on-site user testing of digital tools.
- **Homeless Law** created two new projects, 'Launch Pad' and 'Dear Landlord', running planning days with project partners (including Launch Housing, Fitted for Work, Good Shepherd Australia New Zealand, City of Melbourne and City of Yarra). These projects build on the Women's Homelessness Prevention Project.
- **Not-for-profit Law** continued its work with the "#fixfundraising coalition" of peak sector and professional groups which includes the Australian Institute of Company Directors, ACOSS, Governance Institute of Australia, Community Council of Australia, CPA Australia, Chartered Accountants Australia & NZ, Philanthropy Australia, Fundraising Institute of Australia and the Public Fundraising Regulatory Association. Not-for-profit Law remains the media lead for the coalition and has become the public face of the campaign. The campaign support base has continued

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<sup>48</sup> Formed to undertake a specific activity or piece of work.

to grow, with over 240 organisations now included on the [#fixfundraising supporter's page](#).

- **Public Interest Law** continued to build on relationships with LGBTI parent/youth support organisations (e.g. Transcend, Parents of Gender-diverse children, Minus 18, The Gender Centre) and with the Gender Service team at the Royal Children's Hospital for its Stage 2 Access policy work. The program also continued to work closely with sector colleagues such as the Human Rights Law Centre.
- **Seniors Law** Health Justice Partnership lawyer was involved with a project on end-of-life planning for older LGBTI people in collaboration with COTA and Transgender Victoria (TGV). This project included a Law Week panel presentation with a range of experts and presenting at the launch of the booklet 'Safeguarding the end of the rainbow: an end of life planning resource for older LGBTI people'<sup>49</sup>.

### *Decision makers*

Justice Connect programs that work to challenge and change unjust laws invest time developing respected relationships with relevant government officials and decision makers. Meetings focus on the program's strategic priorities and enable them to engage in the reform process and inform conversations about change, as early as possible. Staff from Homeless Law, Not-for-profit Law and Seniors Law are the most active programs in this space and reported both regular and one-off meetings with a range of government agencies and decision makers including local councillors, statutory authorities (e.g. Public Transport Victoria, Victorian Electoral Commission), Police, Legal Aid and Government departments in ACT, NSW, South Australia, Victoria (e.g. Department of Health and Human Services, Department of Justice and Regulation). Homeless Law recorded 62 meetings with government officials this year and Seniors Law recorded 13.

### 4.3.3. Raise awareness and understanding of the issues

Programs use evidence from casework, analyses of legal enquiries and advice data, client feedback and legal research to inform communications and develop materials to raise awareness and understanding about unjust laws, policies or practices, and proposals for reform. These materials are shared in a wide variety of ways.

Across the organisation, programs prepared more than a dozen **submissions** in response to parliamentary inquiries, legislative reviews and discussion papers, etc., for consideration by **decision makers**. These covered a range of issues including public housing and Office of Housing debts, relationship between fines and incarceration for Aboriginal and Torres Strait Islanders, public drinking and homelessness, guardianship and charitable fundraising. (See **Error! Reference source not found.** for full list of submissions.) Content from several submissions was used or quoted in subsequent amendments or reports (see for example, Through the Roof in section **Error! Reference source not found.**). All programs also contributed to the report [A Just Life](#), which highlights client stories and presents 15 priorities for a justice system that "promotes a fairer, safer and healthier community."

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<sup>49</sup> The HJP lawyer gave an address outlining Justice Connect's work with LGBTI communities. The launch was attended by Minister Foley, Gerard Mansour, Commissioner for Senior Victorians; Ro Allen, Commissioner for Gender and Sexuality.

Programs also raised awareness and understanding of policy and law reform issues in their respective sectors by participating in more than 40 events across the year. Programs organised, or presented at, events including breakfasts and morning teas, community fora, information sessions, seminars and even a soccer tournament. Justice Connect staff also presented at more than half a dozen different conferences<sup>50</sup> and had articles published in two journals/periodicals.

This year saw social media continue to grow as an important avenue for Justice Connect to communicate about its advocacy and policy work to decision makers, sector stakeholders and the general public. Programs have run social media campaigns, such as Homeless Law during National Homelessness Week and twitter follower numbers have increased; Not-for-profit Law for example had a 10% increase in twitter followers and has been retweeted by some key influencers<sup>51</sup>.

Traditional mainstream media was also used by Justice Connect programs to raise awareness among the general public about laws and policies affecting their client groups. Staff participated in interviews for radio and newspaper, including The Guardian, The Age, Financial Review, ABC Radio National and 3RRR.

#### 4.4. Policy and law reform "wins"

There are various challenges to measuring the effectiveness of policy and law reform work – decision makers are influenced by multiple actors and factors and the relative importance of each can change quickly and may not even be known. A policy "win" however, along with sufficient cumulative evidence demonstrating plausible influence, enables a conclusion to be drawn that an important contribution to change has been made. Similarly, articulating a Theory of Change for how a program or project will influence policy and law reform, and tracking indicators of changes expected along the way ("milestones"), allows an organisation to give a credible account of their contribution to progress toward long-term change. The organisation's increased focus this year on developing staff capacity in policy and law reform has seen stronger documentation by programs of achievement of reform milestones and evidence of influence.

Justice Connect programs this year documented a range of "wins" along the policy and law reform spectrum, from successfully raising awareness and understanding of an issue, through to sought after legislative change occurring. The following are examples of some of the many important policy and law reform "wins" for Justice Connect in FY17/18. (For further "wins" see Justice Connect's Annual Report.)

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<sup>50</sup> Conferences included Brisbane Aged Care Conference, Health Justice Australia Conference, Homelessness NSW Conference, LGBTI Ageing & Aged Care Conference, 5<sup>th</sup> National Elder Abuse Conference and Victorian Healthcare Association Annual Conference.

<sup>51</sup> E.g. <https://twitter.com/DavidLockeAFCA> 14.4K followers

**GOAL:** To raise awareness of the benefits of reducing the default period for bankruptcy from three years to one year as per the *Bankruptcy Amendment (Enterprise Incentives) Bill*

**WIN:** Senate's Legal and Constitutional Affairs Committee report supports the Bill

In March 2018 Justice Connect's **Self Representation Service** was invited to appear before the Senate's Legal and Constitutional Affairs Committee in relation to the *Bankruptcy Amendment (Enterprise Incentives) Bill 2017*. As part of the National Innovation and Science Agenda, the aim of this law reform is to promote entrepreneurship and innovation and to reduce stigma associated with personal insolvency. Among other amendments, the Bill provides for an automatic discharge after one year of bankruptcy (rather than the current three year period). The reduction in the default period was the focus of Justice Connect's interest in the Bill. In our response to an earlier proposals paper, and in our submissions to the Committee at the public hearing in Sydney, Justice Connect advocated in favour of the reduction on the basis that the stigma associated with bankruptcy can lead our clients to avoid it at all costs, often by entering into payment plans or debt agreements that are beyond their capacity. Inevitable default regarding these arrangements leads them back into bankruptcy proceedings having wasted time and money in a futile bid to avoid bankruptcy. This process also leads to clients experiencing considerable unnecessary stress. Stigma also leads many of our clients to lodge a Notice of Opposition in an effort to resist bankruptcy in circumstances where they are insolvent and have no other grounds upon which to rely to oppose the bankruptcy. Using compelling client stories in support of our position, Justice Connect reasoned that reducing the default period of bankruptcy to one year, and thereby reducing the associated stigma, would reduce the number of people who oppose bankruptcy proceedings where they have no prospects of success. As a further consequence, the number of unmeritorious opposition applications would decrease, reducing the burden on the courts and petitioning creditors.

The report tabled by the Committee is supportive of the Bill subject to a recommendation that the Government consider suggestions from ASIC to amend the *Corporations Act 2001* (Cth) to ameliorate risk of the one year default period being made available to bankrupts for whom it is not desirable. The Bill remains before the Senate.

**GOAL:** To increase awareness of and appreciation for the need for legal services and systems to undergo reform to improve the user experience of these systems, to dispel myths about the use and uptake of digital by legal help-seekers, and to encourage user-centred digital transformation

**WIN:** Law Council of Australia's Justice Project Report includes recognition of potential of digital transformation and service delivery

Law Council of Australia's Justice Project background papers included some assumptions about the role of digital in legal services and the use of digital in the Australian population that are not borne out by research and data. The Law Council's progress report (March 2018) made little mention of the role of digital and emerging approaches in access to justice. Justice Connect's **Digital Innovation** team prepared a lengthy submission for the Law Council which included a section on digital transformation. After the release of the interim report, Justice Connect advocated for the Council to ensure that it addressed the issue of online services and the potential of system improvements in its final report, including through a humorous twitter campaign.

The final report released in August 2018 stated that "Technological innovation should be pursued in the delivery of legal services to clients experiencing disadvantage, including through dedicated funding streams and having regard to identified examples of what works in this area. At the same time, it should be recognised that digitally excluded groups may be left behind by technological innovation without due care being taken." (p.4-5).

The Law Council of Australia then invited Justice Connect to join its Legal Futures Steering Committee.

**GOAL:** To improve the Office of Housing's policies and processes for dealing with housing debts

**WIN:** Victorian Government accepted Ombudsman's reform recommendations and Homeless Law positioned to influence implementation of reforms

The Victorian Ombudsman conducted an investigation into the processes of Victoria's Department of Health and Human Services (DHHS) for calculating and pursuing debts against public housing tenants. Justice Connect **Homeless Law** made substantial contributions to the investigation, including oral interviews, working with clients to arrange for a detailed review of their housing files, and preparing the position paper, "[Through the Roof: Improving the Office of Housing's policies and processes for dealing with housing debts](#)" (**Through the Roof**).

Through the Roof contained 13 case studies and data from 52 Homeless Law clients who were provided with legal representation to address debts claimed by the Director of Housing. It showed that in 93% of finalised matters, the debts were reduced in part or full as a result of legal representation. The evidence painted a picture of significantly inflated compensation claims being pursued against highly vulnerable people, which – if defended – were almost always reduced.

Through the Roof was cited 29 times throughout 95 page Ombudsman's report and the systemic problems identified in the report mirrored Homeless Law's concerns. Homeless Law's influence is also directly acknowledged in a letter from the Victorian Minister for Housing which refers to the impact of Homeless Law's evidence-based work in relation to housing, homelessness and housing debts: *"I want to take this opportunity to thank Justice Connect for its critical role in representing the 52 clients outlined in the report ... I would also like to thank Justice Connect for its detailed work in drawing policy proposals from that representation role"*.

This work strengthened Homeless Law's relationship with the DDHS and led to establishment of the Bulk Debt Negotiation Project with DHHS. This project aims to: (a) effectively and efficiently resolve the public housing debts of 16 women in custody at Dame Phyllis Frost Centre, and (b) inform systemic improvements in how DHHS handles these matters. Homeless Law were also invited to join the Public Housing User Advisory Group, where they continue to provide regular written and verbal feedback to improve DHHS operational guidelines and tenancy management practices.

**GOAL:** To influence Government to exempt charitable companies from paying ASIC levies

**WIN:** Charitable companies made exempt from paying ASIC levies

In April 2018, the Federal Government introduced a new funding system for the Australian Securities and Investments Commission (ASIC). This system required all companies regulated by ASIC, including charitable companies registered with the ACNC, to pay a levy. **Not-for-profit Law** provided a submission to the *ASIC Supervisory Cost Recovery Levy Amendment (Enhancements) Regulations* in May 2018, outlining concerns relating to the unreasonable cost-recovery mechanism which imposes an unfair burden upon a subset of unlisted public companies, being ACNC registered charities. Not-for-profit Law submitted that charitable companies be exempt from the new levy. The program raised this in meetings with Treasury officials, with the Opposition Minister, and with others in the sector who also raised this with decision-makers (both Ministers and officials).

In July 2018 the Federal Government announced registered charities will be exempt from paying ASIC levies.

The Federal Opposition Minister for Charities and Not-for-profits tweeted, congratulating Not-for-profit Law on its work on this issue.

#### 4.5. Lessons learned – Effective strategies for policy and law reform

Homeless Law, Not-for-profit Law, Seniors Law and the Digital Innovation team each reflected upon their policy and law reform work during FY 17/18 and distilled insights to inform their advocacy strategy and approaches for FY 18/19. For example, Homeless Law this year concluded its large City of Melbourne campaign, from which it learned the following:

- Despite being resource intensive, reactive campaigns can be useful if consistent with long term advocacy goals;
- Allies, including non-traditional allies such as business are crucial, however there is often a tension in working with allies to dilute demands; effort is required to keep client human rights central;
- Success should not be measured only by whether the ultimate reform sought (e.g. a proposed law not going ahead) was achieved; the quality and depth of a campaign and its longer term impact on attitudes should also be measures of success;
- Community engagement has longer term benefits in terms of increased community awareness of systemic issues, the role for legal help and rights-based approaches;
- It is crucial to stay connected with clients before, during and after campaigns to monitor how other laws and policies (not the focus of the campaign) are impacting them; consumer engagement focus.

Seniors Law observed that in the context of significant sectoral reforms<sup>52</sup> along with growing interest in Health Justice Partnerships, there had been a large increase in the number of network and consultation meetings that staff were invited and/or interested to attend. The program noted that current levels of participation could not be sustained and a more targeted, strategic approach was needed. In FY 18/19 the program will therefore prioritise advocacy goals, map key relationships and rationalise attendance at various meetings.

The Digital Innovation team reflected that by June 2018, Justice Connect has grown its reputation as a thought leader in the role that digital can play in access to justice. This thought leadership role is reflected in regular invitations to speak at national and international conferences, to meet with Government and philanthropy to provide guidance on how they might best navigate the changing landscape, and through invitation to join the Law Council of Australia's Legal Futures Committee.

The programs also reflected upon which of their approaches and activities were the most effective for influencing policy and law reform. Four main factors were identified:

- i. Evidence from practice – the use of data, client perspectives and case studies remain key to Justice Connect's approach to highlighting systemic issues and developing credible and constructive recommendations. Basing its policy and law reform work on detailed evidence (e.g. from systemic file reviews, from monitoring and evaluation, from client consultation, etc.) enables the organisation to speak with authority, attracts media coverage and is highly valued by decision makers and other organisations.

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<sup>52</sup> In family violence, elder abuse and aged and health sectors, all of relevance to Seniors Law work.

- ii. Coalitions and collaboration – working on policy and law reform with other organisations was identified again this year as vitally important for effectiveness. This approach produced campaigns supported across sectors and informed by the expertise of a range of different organisations. The importance of working with key peak and expert bodies was noted, and the value of working with non-traditional allies (e.g. Victoria Police, businesses in the CBD) was identified this year as an effective approach for Homeless Law.
- iii. Relationships with decision makers – developing and maintaining strong relationships with decision makers enabled policy and law reform conversations to be entered at early stages and also resulted in the advice and input of Justice Connect staff being actively sought by decision makers on various issues (e.g. Not-for-profit Law was approached directly on several occasions for its views and those of the not-for-profit sector on important matters that governments were considering; the Digital Innovation team were also approached numerous times to provide briefings to policy makers).
- iv. Proactive approach – programs noted good results when they undertook policy and law reform work to address issues that they themselves identified through their work with clients. Initiating meetings with decision makers to inform them of problematic laws, and developing position papers, projects, campaigns, etc. to promote issues and particular solutions were often well received.

The strategies identified by Justice Connect programs this year as most effective, are again consistent with political science theories about how policy change occurs, particularly Coalition Theory and Power Politics Theory and with the tactical approaches of Agenda-setting Theory and Diffusion of Innovations Theory<sup>53</sup>.

## 5. Access to justice – What are the impacts?

Justice Connect continues to document examples of the impacts of its programs on clients by recording case stories throughout the year. Each program identifies several matters each quarter to illustrate the outcomes (legal and non-legal) realised for their clients and includes a write up of these in quarterly reports (generally once the matter has concluded). Client consent to use the case story is always obtained.

This section presents the analysis case of stories prepared across all six programs during FY17/18.

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<sup>53</sup> Stachowiak, S. (2013) "Pathways for change: 10 theories to inform advocacy and policy change efforts. ([http://orsimpact.com/wp-content/uploads/2013/11/Center\\_Pathways\\_FINAL.pdf](http://orsimpact.com/wp-content/uploads/2013/11/Center_Pathways_FINAL.pdf)) Coalition Theory proposes that coordinated activity by coalitions of individuals/groups with shared policy beliefs leads to policy change, while according to Power Politics Theory, power is held by small numbers of people and successful advocacy depends upon having relationships with those few and being considered credible by them. Agenda-setting theory proposes that media is key to influence as it determines what issues the public have awareness of and consider the most important agenda items. Diffusion of Innovation Theory refers to a change process that involves developing clear solutions, making their advantages clear and communicating widely.

## 5.1. Assessing the evidence of impact – Case stories

This year, 65 case stories were documented across the six programs. Following the same method used in the last three Annual Impact Reports, the stories were each analysed for themes and rated for the level of impact evidence presented. Ratings were obtained by assessing each case story on three dimensions – amount of change, contribution/attribution and additionality<sup>54</sup>. Case stories that provided the most compelling examples of program impact received a rating of six and the least compelling were rated zero.

Ratings were on par with last year<sup>55</sup>:

- 5.4 = average impact rating out of six
- 48% of case stories rated 6/6 (Very high impact)
- 65% of case stories reported outcomes that were only possible through the program's assistance

## 5.2. Types of impact for clients

As in previous years, the wide range of impacts experienced by clients who obtained access to quality legal assistance through Justice Connect fell into some core categories. Five of these were the same as previous years, with one category dropping away in importance this year<sup>56</sup>. The types of impacts reported in the case stories, listed in order of frequency were:

- i. Positive personal outcomes
- ii. Better experience of the legal system
- iii. Improved ability to make informed choices
- iv. Good legal outcome
- v. Improved not-for-profit operational capacity
- vi. Improved not-for-profit organisational competence
- vii. Reduced organisational exposure to risk

### 5.2.1. Positive personal outcomes

More than three quarters of this year's case stories (50 out of 65) described positive personal outcomes for the client(s) assisted, the most frequently reported being that the client was happy with the legal outcome and/or happy with the pro bono support provided to them. Clients were especially grateful for assistance provided at critical junctures in their matters.

*"I have been looking for representation for years without success and feel to have it at this critical moment was of enormous value. Thank*

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<sup>54</sup> See Appendix C for details of assessment and scoring system.

<sup>55</sup> See Appendix D for comparison with previous year's ratings.

<sup>56</sup> Reduced organisational exposure to risk.

*you again and do keep up the good work in assisting lost souls caught up in the legal system." (Self Representation Service client)*

Pro bono assistance was also reported to reduce client stress. For some clients pro bono legal help provided a level of clarity and certainty about the future that alleviated their stress and worry. Other clients were already experiencing stress from other sources (e.g. health, Family Law, disability, etc.) such that assistance with their legal matter helped to avoid exacerbating existing stress, especially when coupled with complementary support such as provided by the Homeless Law social workers. Several client stories showed that pro bono assistance could circumvent the stress and sense of disadvantage experienced by clients where the other party had legal representation.

Another positive personal impact brought about through legal assistance – mainly from DBLS and Self Representation Service – was an increase in the client's confidence to pursue a legal remedy. Numerous stories showed how the provision of information, advice and tools (e.g. sample documents) helped clients feel assured about what to do and how to do it and helped them feel more positive about progressing their matter.

Other positive personal outcomes, reported in at least five case stories, included: an improvement to the individual's financial situation or security (e.g. by receiving unpaid wages or having a loan repaid, avoiding bankruptcy, etc.); housing retained or stabilised; health benefits (e.g. resolving legal issues enables people to focus more on their mental, physical and other health issues such as AOD); and improved personal safety (e.g. through orders and agreements to prevent abuse).

### 5.2.2. Better experience of the legal system

Nearly three quarters of case stories (47 out of 65) provided examples of pro bono assistance helping clients have a better experience of the legal system than they otherwise would have. For the vast majority of these clients (30 out of 47), assistance enabled them to pursue their legal rights in instances where cost, complexity or personal circumstances (e.g. health) were otherwise a barrier to doing so – many clients were able to have a solicitor or barrister represent them, while others were given the information and resources they needed to be able to pursue their matter themselves. Others were provided additional supports, such as help to prepare for a VCAT hearing in the instance of clients of DBLS, while Homeless Law clients received social work support in combination with legal assistance. Numerous case stories described how assistance with housing, Centrelink, mental health and AOD issues enabled clients to engage better with the legal system and vice versa.

*"The advice provided will ensure my application is made correctly and will not need to be resubmitted." (Self Representation Service client)*

### 5.2.3. Improved ability to make informed choices

Just over half of the case stories documented this year (37 out of 65) showed how access to pro bono assistance gave clients a clearer understanding of their rights, their legal issues, their options, and the processes and procedures involved in pursuing their legal

matter. While all programs provided clients with information that better equipped them to make informed choices, this was particularly the case with Justice Connects self-representation services, Domestic Building Legal Service and the Self Representation Service, which by design aim to give clients information to help them decide how to proceed with matters they are pursuing without representation. DBLS provided many clients with information and advice about VCAT requirements and procedures, while SRS most commonly gave merits advice and procedural advice to clients. Clients across the programs were also given advice about their rights (e.g. right to appeal a decision about refugee status and resettlement) and about the likely costs and outcomes of their present course of action which helped them decide what to do next.

*The clients told DBLS that after their appointment they better understood the legal processes and procedures at VCAT and felt more confident in pursuing their claim. They believe the advice they received will help their matter go through VCAT because they now better understand their rights.*

#### 5.2.4. Good legal outcomes

Just over half of the case stories (34 out of 65) described a good legal outcome for the client assisted by one of Justice Connect's programs. As with last year, settlement of a claim was the most commonly reported positive legal outcome. Most of the settlements documented this year were negotiated by a pro bono lawyer, however there were also instances of clients acting on advice received from Justice Connect to negotiate their own settlement. These clients were able to achieve a satisfactory result without the need for a court hearing.

Other legal outcomes, reported in at least three case stories, were: successful appeal (including two successful appeals against decisions by the Refugee Status Review Tribunal), avoiding eviction for clients at risk of homelessness<sup>57</sup>, and getting charges withdrawn where extenuating circumstances existed. There were single instances of at

##### **Evictions into homelessness avoided**

In FY17/18, Homeless Law prevented 111 clients and their families from being evicted into homelessness. The program estimates that this generates cost savings of over \$3 million through avoiding increased health, justice and welfare service costs.

##### **Homeless Law's Annual Infringements Snapshot**

This process provides insight into the impacts of Homeless Laws infringements work for its clients who are facing fines. The analysis of 20 infringements matters closed this year shows that these clients were facing \$166,610 in total fines when they sought help from Homeless Law. All were experiencing homelessness at the time they incurred the fines, with 65% sleeping rough (including in their cars). Twenty five percent of the fines were dismissed unconditionally at the Magistrates' Court or withdrawn by an enforcement agency, and 50% of the fines are subject to a current enforcement review application based on special circumstances.

<sup>57</sup> In FY17/18, Homeless Law prevented 111 clients and their families from being evicted into homelessness. The program estimates that this generates cost savings of over \$3 million through avoiding increased health, justice and welfare service costs.

least a dozen other positive legal outcomes, ranging from obtaining a caveat through to obtaining bail.

#### 5.2.5. Improved not-for-profit operational capacity

Six of the seven case stories prepared by Not-for-profit Law this financial year were examples of pro bono legal assistance improving the operational capacity of not-for-profit organisations. The capacity of organisations to deliver outcomes for the community was increased in a range of ways. Three organisations were assisted with applications to obtain Deductible Gift Recipient endorsement, which entitles them to grants and other sources of funding not available to them without it. With funding opportunities increased, this in turn enables those organisations to continue delivering community services with greater certainty and/or to expand their services. One organisation also noted that it enabled them to offer staff salary packaging benefits which they expect will help them retain and attract staff in a competitive environment.

Several not-for-profit organisations noted how important pro bono assistance was for enabling them to continue to direct their scarce resources to service delivery rather than having to reduce core operations to pay legal fees.

*"Justice Connect has set us up for success and ensured our limited funds can be focused on supporting our community. I am enormously grateful for this service. If we were not able to access it we would have struggled to afford legal assistance and I would have needed to spend significantly greater time finding out where to go, even potentially taking an approach risking our chances of success." (Not-for-profit Law client)*

#### 5.2.6. Improved not-for-profit organisational competence

Five of the seven Not-for-profit Law case stories were examples of the service supporting not-for-profit organisations to have better policies and procedures, and better legal literacy and documentation. There were examples of pro bono assistance helping make an organisation's policies and procedures clearer and more comprehensive, thereby providing greater protection to staff; in one instance this led to improved staff relations.

*"Thanks to what we learned at NFP Law Training, we're more confident in what we're doing, can deliver our services better and volunteers feel happier, safer and valued." (Not-for-profit Law client)*

### ***Governance Health Checks***

During FY17/18, NFP Law provided legal health checks (with a focus on governance issues) to **70** not-for-profit organisations in Victoria. Participating organisations completed an online questionnaire designed to pinpoint areas of improvement. The questionnaire covered a broad range of topics, including governing documents, legal structure, regulatory requirements, reporting and record keeping, holding meetings, charity status, tax concessions and meeting legal duties.

NFP Law lawyers reviewed the participants' circumstances, taking into consideration the organisation's legal status (i.e. structure, charity endorsement, tax concession), and developed detailed, specific recommendations. These recommendations were delivered via teleconference with representatives of the organisation – typically the CEO and board members. This was followed up with an email containing the recommendations, suggested next steps and relevant Not-for-profit Law resources and other sources.

Questions asked before and after the health check showed that participation improved an organisation's level of confidence and knowledge in all relevant topics and feedback from participants was tremendously positive. E.g.

*“Given that we are a very small and new organisation, and lack legal expertise, the health check provides us with invaluable information/advice about meeting our legal requirements. It affirms some steps we are already taking but identified some areas for us to act in to ensure we are operating lawfully.”*

There were two examples of not-for-profit organisations being provided pro bono assistance for legal matters that they had been unable to address themselves. This enhanced their understanding of their legal issues and helped bring protracted legal issues to a close. Another case story described how pro bono assistance with the drafting of hire agreements positioned the organisation to develop as a social enterprise.

### 5.3. Case stories – Examples of impact

To illustrate in more detail the types of impact experienced by Justice Connect clients from obtaining access to justice, one case story has been selected from each program. Each chosen story received a high impact rating (6 out of 6) and has been included to give the reader a sense of the breadth and importance of outcomes achieved for clients. Pseudonyms are used to protect the privacy of clients.

#### *Tony and Sofia's story*

#### *Domestic Building Legal Service*

Tony and Sofia are a retired couple in their seventies. Their only income is the aged pension, and having used their available financial resources to help their intellectually disabled adult son, they have no savings or superannuation.

In 2013, Tony and Sofia bought a home to live in for their retirement. About 3 months after moving in, they noticed cracks were starting to appear in the home's plaster ceiling. Initially, the builder was happy to come back and fix the cracks; however, the cracks kept coming back.

Tony eventually decided to hire another builder to investigate the problem. This second builder thought the cracks were caused by structural movement in the house, and that a water leak under the house had probably caused the movement. The builder thought that if Tony and Sofia didn't fix the leak, the problem could cause the home to become uninhabitable.

In 2017, Tony and Sofia took their dispute to DBDRV. The builder refused to settle the matter, alleging that any structural movement in the home was caused by landscaping work done around the property.

DBDRV issued Tony and Sofia with a certificate of conciliation, and gave them our number. When Tony and Sofia called us, it was clear that they didn't know what to do next, or how to respond to the builder's arguments raised at DBDRV.

At their appointment, we helped Tony and Sofia understand the VCAT process, and gave them pointers on how to engage with a building expert to counter the builder's arguments. After the appointment, Tony and Sofia hired a structural engineer, who found that the storm water pipes under their house were crushed. It was the expert's view that the crushed pipes had caused water to collect under their house.

After the appointment, Tony told us that he felt a lot more confident, particularly in relation to obtaining an expert report. He also said:

*"For those of us with limited skills, taking on someone with deep pockets and legal teams is a problem. The advice we received will help, but appearing at VCAT will be frightening on our own."*

Armed with an expert report, Tony and Sofia tried once more to resolve the dispute with the builder, but the builder continued to deny liability. At that point, we decided Tony and Sofia would clearly benefit from a full referral for ongoing representation. With Tony and Sofia's consent, we referred the matter to a partner firm for pro bono representation.

### *Sally's story*

### *Homeless Law*

Sally is a single mother in her mid-thirties. She was referred to the Homeless Person's Liaison Officer (HPLO) from a rooming house visiting program. She presented as timid and uncertain and she was overwhelmed at the volume of issues she was facing including eviction from the rooming house, criminal matters, family violence and confusion regarding the care of her children.

Released from prison six months earlier, Sally had been homeless since that time. Treated for mental health issues whilst incarcerated she had been released with a small amount of medication but had struggled to find a regular GP and to prioritise her medication and mental health when housing was so difficult to maintain. Sally had received intermittent assistance from services but since being placed in a rooming house was not provided with any case work or assistance to find more suitable accommodation. She was struggling to bring things together on her own and away from the area of Melbourne she is most familiar with. She was still trying to make twice weekly access with her children whilst looking for work, an obligation with her Newstart, maintaining rent of \$340.00 per fortnight (nearly 55 per cent of her income) and managing her health and mental health issues.

The HPLO was able to refer Sally to the Homeless Law criminal lawyer for assistance with the minor criminal matter. She got initial information from Homeless Law regarding her tenancy issue and on the day, the HPLO supported her at VCAT and a warm referral was made to VLA who assisted her to retain her room on the basis of a payment plan. The HPLO engaged with Child Protection to assist Sally to confirm the arrangements in relation to her children. She had tried previously but was unsuccessful and felt defeated. Despite the case being closed, they agreed to release the last relevant documents to Sally to clarify their position. The HPLO obtained the latest orders from the Court and worked to get Sally advice regarding the outcome.

The HPLO supported Sally to make a call to the AOD intake and complete an assessment. She has started to work towards addressing her drug issues. An appointment was made at the local health service to start getting back on her mental health medication and to build a supportive relationship with a General Practitioner.

The HPLO assisted Sally with some material aid to alleviate some of the financial stress she has been under. The rooming house visiting service has agreed to allocate her a worker to assist with housing issues. In the meantime, the HPLO followed up with the Office of Housing regarding applications and past offers as well as speaking to Launch Housing who supported her and put applications in with providers whilst she was in their crisis accommodation.

While she is establishing the necessary support relationships and resolving her legal issues, the HPLO will continue to assist Sally with relevant non-legal issues, legal referrals and court support.

### *Hasan's story*

### *Nauru Network, Public Interest Law*

In the first win for Justice Connect's Nauru Network, an asylum seeker client detained on Nauru and refused refugee status has had his application for protection remitted to the Refugee Status Review Tribunal for redetermination. Hasan\* attempted to flee to Australia by boat and was initially detained on Christmas Island before being transferred to Nauru under the Australian's government offshore processing policy. Hasan applied for refugee status on the basis that he had suffered harm in his country of origin because he was a member of an ethnic minority, and that his ethnicity was also the reason that local authorities were unwilling to protect him.

Hasan's application was refused by the Nauruan Secretary for Justice and Border Control. The Tribunal affirmed the refusal and in doing so relied on information published online stating that the authorities in Hasan's country of origin were now inclusive of all ethnicities. As such, the Tribunal found that Hasan did not have a well-founded fear of persecution because the authorities would now be willing to protect him. Hasan's appeal to the Supreme Court of Nauru was unsuccessful.

Hasan's last option was to appeal to the High Court of Australia, but this is no easy feat given that there is a strict 14-day deadline, no High Court registry on Nauru, and no lawyers there who could help at this stage of his claim. However, Justice Connect's Nauru Network coordinated a pro bono team of barristers (including a QC) and a law firm to help Hasan's appeal. The High Court determined that Hasan had been denied procedural fairness because the Tribunal relied on the online information without bringing it to his attention or giving him the opportunity to respond to it. As such, the High Court quashed the Tribunal's decision and ordered that Hasan's case be sent back to the Tribunal for reconsideration according to law.

### Eliza's story

### Self Representation Service

Eliza, a migrant and working mother, worked in the hospitality sector, and was paid just \$12 an hour for her work. She initially approached the Service for advice about making a claim for unpaid entitlements in the Federal Circuit Court. She spoke English as another language and was very confused by the Australian legal system. She was concerned that she would never be able to prove that she was being underpaid, as her employer had issued payslips listing an inaccurate rate of pay.

The Service assisted her to identify the correct Respondent for her matter, calculate how much she was owed, and to draft her court forms.

After she filed and served her court documents she was contacted by her former employer about settling the case out of court. She was given a draft deed to consider. The Service was able to provide Eliza with urgent advice about critical amendments to the deed.

However, without a lawyer representing her, Eliza felt pressured to accept the Respondent's demands, which included that she withdraw her court claim before she received her unpaid wages.

The Service identified that Eliza needed support to negotiate about her interests in the settlement, and referred the matter to a member firm, where she received assistance from an employment partner. The partner assisted Eliza to enforce the deed and receive payment in full.

The client called the Service to express her gratitude, saying,

*"I just wanted to say I am really thankful for having you guys ... helping me. From the bottom of my heart, thank you so much to everyone."*

### Agnes' story

### HJP, Seniors Law

Agnes had been seeing a counsellor. In these sessions Agnes reported patterns of emotional and social abuse and denigration perpetrated by her son. Many of his tactics mirror those used by her abusive ex-husband.

Recently, Agnes' son asked her to get a mortgage to help him enter the property market. While she was happy to leave her property to him in her will, she didn't want to do anything in the meantime that would allow the bank to sell it. When Agnes refused, her son accused her of "blocking him from buying his home". While it was difficult to say "no" at first, she felt better about asserting herself after the work she had done with her counsellor.

In light of these discussions, Agnes started thinking about making arrangements for the future. She wanted to remain living in the property for as long as possible. She also wanted to make sure her son was involved, but was concerned he might make decisions that were good for him, but not good for her.

Agnes and her son went to see a person from the Financial Information Service at Centrelink to discuss how she might pay for her future care. Her son suggested they could build a unit on her property, where he could live with his wife and new-born child. He could care for her, as needed. Agnes, feeling a bit baffled and apprehensive, left the meeting with a 17-page document detailing the different options available to her. Conveniently, the part on granny-flat arrangements had been highlighted. Agnes' counsellor recognised she had a legal problem and suggested she speak to one of our lawyers. Initially, Agnes was reluctant – she didn't want to jeopardise her relationship with her son. But she trusted her counsellor, who assured her she could trust us.

When Agnes had her first legal appointment she was thinking about appointing her son under an enduring power of attorney. We outlined her options, explained what the role entailed, emphasising her right to choose who she wants. After this advice, she decided to appoint her nephew, who she believed was better equipped to understand what she wanted and manage her finances. However, Agnes wanted her nephew to consult with her son and obtain financial advice to see if she could pay for her care, while also leaving some money for her son.

We arranged an expert pro bono lawyer to draft enduring powers of attorney for Agnes appointing her nephew, with the appropriate restrictions. They also advised her on the significant legal and financial risks of entering into a granny-flat arrangement and what things need to be considered before deciding it was appropriate for her.

## 6. Conclusions and Recommendations

This is Justice Connect's fourth Annual Impact Report. It summarises how access to justice was provided for a variety of clients who otherwise would not have it, and the wide range of meaningful differences this made to their lives (or for not-for-profit organisations, to their capacity to serve their clients). It also details how the organisation influenced pro bono capacity and policy and law reform to create impact for clients.

This year saw policy and law reform work continue to grow in both commitment and sophistication, with a large increase in Justice Connect's investment in staff capacity building in this space. Programs again achieved many important "wins" working on campaigns informed by evidence from client work, in coalition with a range of other organisations.

Justice Connect launched its new strategy in November 2017 and the year is also significant as one of much internal change (e.g. restructure, new programs). In this context, to continue strengthening programs and their ability to provide access to justice to people experiencing disadvantage and the community organisations that support them, it is recommended that Justice Connect consider the following recommendations:

- i. The common organisation-wide performance measures used to track and understand impact need to be reviewed and revised to properly fit and reflect Justice Connect's new strategy and the various changes that have occurred over the last four years to how the programs work.
- ii. The process for documenting case stories remains to be revised. A draft template has been produced and it is recommended that work on this continue so that impact stories can be more accurately reported across all programs and in alignment with the new strategy. Under a revised approach it is recommended that client and pro bono lawyer perspectives be included in the case story write up. It is also recommended that the impact scoring system be revisited and either adapted or discontinued to remain in line with how the organisation thinks about impact. It may be appropriate to adopt the Most Significant Change method as recommended last year. This approach would provide for selection of one significant story per program for inclusion in the annual impact report that reflects the values and changes most important to each program<sup>58</sup>.
- iii. With policy and law reform work continuing to grow, it is timely for the organisation to consider how best to report impact in this space. The increasingly strategic policy and law reform work being undertaken may have outgrown the current reporting approach. It is recommended that the organisation consider how reporting could be strengthened to more meaningfully and/or comprehensively document impact.

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<sup>58</sup> The MSC process involves a series of discussions and votes to choose "the most significant" story from among many. The approach surfaces people's values about what they think is important (e.g. one story might be chosen as "the most significant" because it was about changing a discriminatory law that affected many people, while another might be chosen as most significant because of the lifelong changes it meant for one family). MSC could be a useful exercise for the organisation to understand how well aligned staff values are with program objectives as described in the organisation's strategy and each program's theory of change.

- iv. An approach to collecting both quantitative and qualitative feedback from clients that is consistent across the organisation remains to be developed. It is recommended that the set of standard questions developed and now used by Not-for-profit Law to collect client feedback, be considered for use across all programs. In this way the organisation can progress toward the goal of developing a set of core questions used organisation wide, along with a pool of optional questions for use as needed by individual programs. This will allow programs to collect data that can be compared across years to test for change and it will allow Justice Connect to understand and describe as an organisation the experience of clients on targeted, priority variables. Furthermore, multiple data collection methods should be devised to ensure feedback mechanisms suit different types of clients and capture both positive and negative client experiences.
- v. It has become increasingly challenging to collect feedback from lawyers on their experience of doing pro bono work through Justice Connect. This information is needed for the organisation to maintain strong partnerships with law firms and barristers, to develop new partnerships and to contribute to building a justice movement. To understand pro bono lawyers' experience and motivations, the following are recommended:
  - o Develop a set of standard survey questions for collecting feedback from lawyers on legal professional training delivered by the organisation. These should be used by all programs, in addition to program specific questions, to allow better reflection on training as a whole and to allow comparisons across programs.
  - o It is recommended that Justice Connect trial an annual or twice-yearly survey of all pro bono lawyers participating in the different programs to better understand their experiences, motivations and recommendations for improvement. The survey would be conducted by Justice Connect rather than individual programs and would be designed to gather information about attitudes toward pro bono work generally, as well as specific feedback about participation in individual programs. It may be necessary to employ differing approaches to invite participation in the survey to different cohorts of lawyers, however the same survey should be used regardless. In this way the organisation can deepen its understanding of lawyers' motivations to participate in pro bono work and simultaneously collect feedback that will allow programs to improve their operations and enhance the experience and commitment of participating lawyers.

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## 8. Appendices

### Appendix A - About Justice Connect

At Justice Connect we use the law to create fairer, stronger communities, where laws are better, community groups thrive and everyone has a fair chance at a better life.

The legal system is complicated, expensive and inaccessible. If the system doesn't work for everyone, it works for no one. It holds our community back, and stands in the way of this vision. We can't call ourselves a fair community if we evict people into homelessness. We are not a fair community if we allow elder abuse, or if we stand by as people are ripped off at work.

Helping people alone isn't enough. A strong society needs strong community groups behind it - groups that bring people together, and look out for them when they are vulnerable. But too often they're held back by the same complicated, expensive legal system.

#### What Justice Connect does

That's why we've spent 25 years connecting people and groups who need help with the lawyers who help them.

We open up the legal system for those locked out of it, and shine a light for those lost inside. We make the complicated simple, reach out to people who need us, and find new ways to provide free help.

When the law works, a disability support group isn't navigating complicated regulations, it's providing quality care to those who need it. When the law works, it can fight an unfair eviction, and win back stolen wages. It can help people in times of extreme vulnerability, or simply those who could never afford a lawyer.

By helping people and groups find legal solutions to their real-life problems, we help unlock an inaccessible system.

By giving them the information they need, we help them navigate a complex system.

And by challenging and changing unfair laws, we aim to prevent people's problems occurring in the first place. By helping one person get justice, we help them live a better life. By changing the law, we help everyone like them.

Underpinning and powering all this is a network of community groups, social services and our community of 10,000 of Australia's best lawyers.

## How Justice Connect does it

During FY17/18, Justice Connect delivered its services through three program streams:

- i. **Public Interest Law and Self Representation Services.** In FY17/18, this stream comprised four programs: **Public Interest Law (Victoria and NSW)** facilitates referrals of individuals experiencing disadvantage to pro bono member lawyers in Victoria and NSW and manages the pro bono programs of the Law Institute of Victoria and Victorian Bar; the **Self Representation Service** provides advice to people who are without legal representation in the Federal Court and Federal Circuit Courts in the ACT, New South Wales, Tasmania and Victoria; the **Domestic Building Legal Service** assists homeowners who are involved in, or who are considering commencing legal proceedings against a builder, and who are unable to afford a lawyer.
- ii. **Legal Services** comprises a number of programs and projects that target particular client groups: **Seniors Law** participates in four Health Justice Partnerships (three in Melbourne and one in Sydney), whereby 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 clinic service for clients experiencing or at risk of homelessness, as well as various projects that target specific client groups<sup>59</sup>. 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.
- iii. **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).

Several Justice Connect programs have undergone some small changes in the last financial year, including the addition of some new service offerings and strategic focus areas:

- o Advocacy and Law Reform is a key strategic focus area for Justice Connect. Challenging and changing unfair laws and systems can improve access to justice and reduce the unnecessary burden of the legal system on people's lives. The organisation delivered training to all staff to improve staff capability and build organisational capacity to undertake this work.
- o Justice Connect has a newly configured Innovation and Engagement team, which includes the digital innovation project team, as well as communications and fundraising. The digital innovation team continues to work on a range of innovation projects designed to improve the way that Justice Connect works internally and the way that the organisation leverages its resources and scales its reach via digital

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<sup>59</sup> These include women, Koori clients, Victorian prisoners and people sleeping rough, clients with criminal legal issues and clients in regional Victoria.

channels. The team also contributes to law reform and policy debate on system design in the legal sector, and the role that technology can play in improving access to justice.

- o Homeless Law have created a number of new projects, including 'Launch Pad' and 'Dear Landlord' building on the Women's Homelessness Prevention Project (including project partners Launch Housing, Fitted for Work, Good Shepherd Australia New Zealand, City of Melbourne and City of Yarra). The 'Closing the Revolving Door' project, working to reduce homelessness for Victorian prisoners, was also launched. Other tailored projects include the 'Rooming House Eviction Prevention' project to prevent the impending eviction of 13 rooming house residents as well as the 'Bulk Debt Negotiation' project with Department of Health and Human Services (DHHS) to resolve outstanding housing debts for women in prison. The Homeless Law Geelong clinic is currently on hold with a view to creating a more localised approach to meeting legal need.
- o Domestic Building Legal Service (DBLS) commenced to provide legal assistance to vulnerable home owners involved in a dispute with their builder. The DBLS established strong partnerships with volunteer lawyers and developed the referral pathway from the Domestic Building Dispute Resolution Victoria to DBLS for homeowners unable to resolve their dispute at conciliation and need to go to the Victorian Civil and Administrative Tribunal.
- o Seniors Law completed a one-year pilot HJP with Caulfield Hospital in Melbourne in Q2. However, funding has since been secured to re-establish this HJP in the 18/19 financial year. In Sydney, our HJP with St Vincent's Health Network Sydney (SVHNS) commenced in September. This HJP, our first in NSW, was launched at St Joseph's Hospital in Auburn, a small, sub-acute hospital of SVHNS in Sydney's west, with a view to expanding it to other sites in FY18/19.

## Appendix B – Pro bono legal services delivered by Justice Connect FY17/18

ACCESS TO PRO BONO LEGAL SERVICES		PERFORMANCE MEASURE	Domestic Building Legal Service	Homeless Law	Not-for-profit Law	Public Interest Law NSW	Public Interest Law Victoria	Self Rep Service	Seniors Law	TOTAL	
Enquiries		# enquiries received	379	1,448	1,693	636	639	1,461	646	<b>6,902</b>	
Responses to enquiries	Legal assistance – One-off advices	# advices given to clients	24	40	403	NA	NA	672	118	<b>1,257</b>	
		# clients given advice	22	33	369	NA	NA	559	79	<b>1,062</b>	
	Legal assistance – Ongoing casework (By in-house lawyers and clinics)	# new files opened	NA	404	NA	NA	NA	NA	32	<b>436</b>	
		Total # hours spent on files by in-house lawyers	NA	358.8	NA	NA	NA	NA	30	<b>582.8</b>	
	Legal assistance – Referrals to pro bono lawyers	# referrals – Advice and Representation	3	NA	187	153	499	55	57	<b>954</b>	
	Legal information, no advice <sup>60</sup>	# enquiries given legal information only	315	42	906	NA	NA	162	457	<b>1,882</b>	
	Non-legal assistance <sup>61</sup> (Homeless Law only)	# clients given direct non-legal assistance	NA	104	NA	NA	NA	NA	NA	NA	<b>104</b>
		# secondary consultations	NA	52	NA	NA	NA	NA	NA	NA	<b>52</b>
		Total # hours spent on direct non-legal assistance	NA	1,680 <sup>62</sup>	NA	NA	NA	NA	NA	NA	<b>1,680</b>
	External referral – legal or non-legal <sup>63</sup>	# Enquiries referred elsewhere	0	721	0	298	100	347	229	<b>1,695</b>	
Not assisted	# enquiries not assisted in any way	4	16	0	69	9	239	0	<b>337</b>		
Lost contact or Client withdrew	# clients lost / withdrawn before assisted	13	151	125	75	61	207	0	<b>632</b>		
Training and legal education for community members and not-for-profit organisations		# people/NFPs attending	32	582	2,240	100	NA	NA	696	<b>3,650</b>	
		# sessions run	2	18	109	2	NA	NA	50	<b>181</b>	

<sup>60</sup> Referred to resources or receives explanation from Justice Connect.

<sup>61</sup> Direct non-legal support by social workers employed by Justice Connect.

<sup>62</sup> Based on two in-house social workers estimating time spent on files for clients they are working with directly over a 1 week period.

<sup>63</sup> Legal – a service outside of Justice Connect, e.g. LIV, CLC, etc. Non-legal – a support service that assists with non-legal issues, e.g. employment, financial planning, AOD, etc.

ACCESS TO PRO BONO LEGAL SERVICES	PERFORMANCE MEASURE	Domestic Building Legal Service	Homeless Law	Not-for-profit Law	Public Interest Law NSW	Public Interest Law Victoria	Self Rep Service	Seniors Law	TOTAL
Online information resources	# visits to JC online resources	5,627	NA	459,079	5,509	0	11,283	NA	<b>481,498</b>

## Appendix C – Client feedback on Justice Connect programs<sup>64</sup>

### *Domestic Building Legal Service*

Feedback was collected for 22 of the 24 appointments provided in FY2017/2018. The feedback related to 20 clients with defects disputes, and two clients who required assistance with payments disputes. The feedback was overwhelmingly positive in relation to appointments conducted by both Justice Connect lawyers, and the volunteer lawyers who assisted with the program. Indeed:

- 82% of clients reported that they were more confident about conducting their matters after receiving their appointments;
- 86% of clients reported that they better understood the law and legal processes applicable to their situations;
- 91% of clients reported that the advice and information they were provided with was easy to understand; and
- Overall, 91% of clients reported that they were satisfied with the assistance provided by the Service.

Unsurprisingly, clients that received negative merits advice tended to report that they feel less confident in the conduct of their matter after the appointment. We note that the way we record client feedback currently conflates this data with feedback collected from clients with meritorious claims, and may explain the decreased margin of increasing confidence seen in data – from 100% in Q1, down to 37% in Q4. We consider the decrease in confidence for clients that received negative merits advice an indicator that the appointment was successful in achieving its goals.

### *Homeless Law*

Homeless Law conducted its client feedback survey in Q2. Normally it is a biennial survey, also conducted in Q4, however this year the program is participating in an independent consumer feedback process through the Federation of Community Legal Centres, so to avoid over-burdening clients, did not complete the in-house client feedback surveys during Q4.

Over the six month period 1 July 2017 – 30 December 2017, there were a total of 96 closed matters from whom consumer feedback could be sought. A total of 13 clients were successfully contacted. The main reason for being unable to survey eligible clients was phone disconnection (approximately 30%), no answer and client not wanting to participate in the survey.

Key findings:

- 90% of respondents indicated they got a better outcome than they otherwise would have, as a result of Homeless Law's assistance.
- All clients rated their overall experience as good (10%) or excellent (90%). Two clients surveyed received non legal support and reported that it was excellent.
- 100% of respondents felt that their lawyer helped them to better understand their options regarding their legal issue.
- 100% said the lawyers communicated very well whilst the legal matter was in progress

### *Not-for-profit Law*

This year Not-for-profit Law continued to use the same set of questions about satisfaction, understanding and confidence, across all services. These are included in the [NFP Law client feedback form](#), a link to which is sent to telephone advice clients at the conclusion of the

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<sup>64</sup> Data for Seniors Law client surveys was unavailable at the time of this report.

telephone advice (where that client is subsequently contacted by email) and to organisations referred for pro bono assistance after the matter is completed<sup>65</sup>. Thirty-six clients completed feedback this year.

Key findings:

- 83.3% Strongly agree, "I am satisfied with the service I accessed from Not-for-profit Law"
- 82.4% Strongly agree, "Accessing Not-for-profit Law's services improved my understanding of the relevant legal issues/topic"
- 83.3% Strongly agree, "Accessing Not-for-profit Law's services increased my confidence to deal with my organisation's legal issue/questions"
- 83.3% Strongly agree, "Accessing Not-for-profit Law's service saved me time and/or money"

### *Self Representation Service*

The Service provides feedback surveys to clients who attend appointments wherever practical. The Service received 113 responses in the period, giving a response rate of approximately 23%.<sup>66</sup> Ninety-eight per cent of respondents strongly agreed or agreed with the statement that, overall, they were satisfied with the assistance provided by the Service. Clients also rated their confidence before and after their appointment. Average ratings rose 54% from 5.4/10 to 8.3/10. The Service attributes some of the reported decrease in confidence to the fact that the Service had outlined the weaknesses of a client's proposed claim and had advised them not to pursue it. In that regard, the Service considers such decreases in confidence to be positive outcomes from the appointments, and an example of effectively dissuading clients with unmeritorious claims from pursuing them, or persuading client's to attempt to negotiate with the other party or otherwise consider their position before commencing legal action. For example, clients were asked to detail their intentions regarding their legal matter before and after the appointment. According to the surveys, prior to the appointment 59 people intended to commence or respond to court proceedings. After the appointment 11 of those clients intended to negotiate with the other party, two were unsure as to what to do, and five no longer intended to commence proceedings, or where proceedings were on foot, intended to withdraw or discontinue them.

## Appendix D – Case story scoring

Quarterly reports for FY15/16 contained 65 case stories. These were reviewed, analysed for emerging themes, and rated according to the level of impact the story demonstrated. Impact ratings were obtained by asking three questions for each case story, and giving each answer a score:

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<sup>65</sup> Responses are rarely received from referral clients whose matters close up to a year after they originally contacted Not-for-profit Law.

<sup>66</sup> Response rate is calculated by reference to the number of appointments provided, and does not include urgent advices provided by in-house Service lawyers, or pro bono referrals, as clients were not surveyed after these forms of service delivery.

- i. How much change was described? (None = 0, Some = 1, Many = 2).
- ii. Is there evidence that the program contributed to the impact? (None = 0, Some evidence of contribution = 1, Evidence that change is wholly attributable to the program = 2).
- iii. Is there evidence of additionality? (None/Unclear = 0; Some/Change would have been unlikely without the program = 1; Strong/The result would not have been achieved without the program = 2).<sup>67</sup>

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

## Appendix E – Comparison of case story ratings FY15 – 18

	FY18	FY17	FY16	FY15
<b>Average impact rating out of 6</b>	5.4	5.3	5.2	4.6
<b>% of stories rated 6/6</b>	48%	46%	45%	29%
<b>% of stories that reported outcomes that were only possible through the program's assistance</b>	65%	65%	65%	53%

## Appendix F – List of submissions made by Justice Connect programs FY17/18

PROGRAM	SUBMISSION
ALL	<ul style="list-style-type: none"> <li>• <a href="#">A Just Life</a> - highlights the stories of Justice Connect clients and their experience of the justice system, and the insights that the lawyers who work with these problems and the system day-in, day-out bring. It contains 12 client stories and eight videos of the people Justice Connect helps, staff and colleagues in the legal and non-legal sectors, in their own words.</li> </ul>
Homeless	<ul style="list-style-type: none"> <li>• Joint submission with the Victorian Aboriginal Legal Service on fines as part of the ALRC inquiry into Aboriginal and Torres Strait Islander incarceration rates.</li> <li>• Joint submission with Sacred Heart Mission on public drinking and homelessness in the City of Port Phillip.</li> <li>• Response to the Government's Options Paper for reform of the <i>Residential Tenancies Act</i>.</li> <li>• Detailed submission to the Parliamentary Inquiry, <b><i>Making Public Housing Count</i></b>, around the Public Housing Renewal Program (PHRP).</li> <li>• Further written and verbal feedback to Victorian Ombudsman regarding OOH debts.</li> </ul>
Seniors	<ul style="list-style-type: none"> <li>• Submission in response to the Law Council of Australia's, Older Persons Consultation Paper 'possible priorities for discussion'.</li> </ul>

<sup>67</sup> Because Justice Connect programs are specifically designed to address an identified unmet legal need, it is the case that most clients would not have been able to obtain assistance through any other service or by any other means access and therefore most case stories score 1 or above on this impact measure.

	<ul style="list-style-type: none"> <li>• NSW HJP made its first law reform submission to the NSW Law Reform Commission's Review of the Guardianship Act 1987 (NSW).</li> </ul>
Digital	<ul style="list-style-type: none"> <li>• Submission to the Federal <i>Digital Economy Strategy</i> consultation November 2017</li> <li>• Submission to the Law Council of Australia Justice Project October 2017</li> </ul>
NFP	<ul style="list-style-type: none"> <li>• Submission, and upon request a Supplementary Submission, to the Australian Charities &amp; Not-for-profits (ACNC) Review Panel, (April 2018) that focused entirely on fundraising.</li> <li>• Submission on the <i>Electoral Amendment (Electoral Funding and Disclosure Reform) Bill 2017</i> along with the <i>Foreign Influence Transparency Scheme Bill 2017</i> which also crossed over with donations/ fundraising issues.</li> <li>• Submission on Tax Deductible Gift Recipient Reform Opportunities Discussion Paper. August 2017.</li> <li>• Submission into A.C.T. Government red tape reductions</li> </ul>