

Submission to the Royal Commission into National Natural Disaster Arrangements

Justice Connect

May 2020

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Recommendations

Summary of recommendations

1. Coordination across governments is critical to effective disaster responses

We strongly recommend that state and federal governments commit to delivering coordinated, consistent, and coherent responses to disasters that put the needs of people and organisations experiencing disasters, or working to address disasters, front and centre.

2. A legal assistance sector disaster response framework should be in place in all jurisdictions

All jurisdictions should have a pre-planned disaster response framework for the legal assistance sector.

This framework should be as consistent and complementary across jurisdictions as possible, given the likelihood that disasters will cross state borders.

The framework should cover agreed approaches to:

- communication with individuals and affected communities and outreach strategies (which may need to vary depending on the nature of the disaster)
- division of responsibility for the legal response where clear (e.g. by demographic, issue area)
- coordination of pro bono resources
- requirements for regular review and updates to reflect the evolving service industry and the technology landscape
- strategies for engagement and connection to non-legal service providers and disaster responders to ensure that legal needs are identified and appropriately directed to services

The framework must also be sufficiently flexible to support a local, on-the-ground response and/or a digital-first response depending on the nature of the disaster and its impacts on service delivery.

3. Government funding must be quarantined for legal sector disaster response services and made quickly available when disasters occur

Government funding should be quarantined to support legal assistance sector responses to disaster. The process for applying the quarantined funding in a disaster response setting should be clear and transparent. To the extent that an agreed disaster response framework is put in place, quarantined funding should appropriately align with the roles that organisations are committed to playing in disaster response. In particular, roles that do not fall neatly into the direct delivery of units of legal assistance but that are critical to an effective response should be explicitly provided for, including:

- Work that raises public awareness of legal issues, preventative work and education and post-disaster outreach
- Cross-sector coordination work and liaison with non-legal service providers (e.g. crisis response centres)
- Coordinating and mobilising pro bono resources

4. ‘Disaster’ should be clearly defined so that frameworks and funding can be quickly applied

It is critical that more work is undertaken to define what constitutes a “disaster” to ensure that future issues experienced in Australia can, as far as possible, fall either clearly in or clearly out of disaster response frameworks. Any definition should be regularly reviewed and updated given the rapidly changing technological, environmental and geopolitical landscape.

5. Pro bono has played a significant role in disaster responses and further supportive infrastructure is required to extend potential benefits across the legal assistance sector

State and federal governments should acknowledge the extraordinary commitment of the legal profession to providing pro bono responses to disasters. Governments should also support sector-wide infrastructure proposed by Justice Connect that will support effective and efficient collaboration between the legal assistance sector and pro bono lawyers in a disaster response setting.

6. The legal assistance sector needs government support to speed up its digital transformation to facilitate scaled-up disaster responses and resilient services

We urge state and federal governments to support all areas of public legal services, including community legal centres, legal aid commissions, and courts and tribunals, to undertake digital transformation work. A digitally transformed sector will be better positioned to respond to disasters at scale, and will be better positioned to provide continuity of services during and post-disaster.

7. More legal support is required for not-for-profits to deliver more effective disaster preparedness planning and responses to disasters

Legal help for not-for-profits and volunteer-involving groups should be regarded as a vital component of the disaster response service ecosystem at a national level. There is a need for stronger government promotion, funding and endorsement of professional (including legal) support services that have the expertise to assist the community sector with disaster preparedness and recovery on a pro bono basis.

Background

About Justice Connect

Justice Connect believes in a fair and just world, where people have access to justice, rights are upheld, and unfair laws are challenged and changed. In a fair and just world, communities are supported to understand, engage with, and fully participate in our legal system. We work to ensure people and community organisations can access the right legal help at the right time, can avoid the negative impacts on their wellbeing or organisational health due to legal problems, and are empowered to thrive.

Our priority activities:

1. Building community awareness of the legal system, rights and responsibilities, and services available
2. Providing access to the legal help that people and community organisations need to participate in the legal system including by providing legal advice and representation, specialist multi-disciplinary programs, online self-help tools, online service access points, and preventative community education
3. Coordinating the pro bono efforts of 160 law firms leveraging 45,000 pro bono hours per year
4. Strategic service and product design: Working creatively and innovatively to design high impact, human-centred services and products, drawing on our partnerships with the private legal profession and our many community partners
5. System-level interventions and collaboration: Working within and across sectors, to design long-term system improvements and ecosystem function, advocating for improvements to law and policy, working towards fairer and more accessible systems to deliver on our vision of a fair and just society where the law works for good

Justice Connect has headquarters in both Melbourne and Sydney, with a range of outreach and court-based clinics. Justice Connect is the product of the 2013 merger of PILCH Victoria and PILCH NSW.

Our work responding to disasters and our investment in technology and innovation

When public health and natural disasters occur, existing legal problems are exacerbated and new legal needs emerge. Justice Connect regularly sees disadvantage compounded by disasters, and we have seen many cases of newly at-risk cohorts and communities impacted by disasters.

Justice Connect and its predecessors have played a central role in the legal response to disasters, including:

- 2009 Black Saturday bushfires in Victoria
- 2017 Bourke St Massacre in Melbourne
- 2019-2020 bushfires primarily in NSW and Victoria
- 2020 COVID-19 crisis, nationally

Our technology products have played a foundational role in our disaster response work, described further below.

Justice Connect's role and work in the response to the 2019-2020 bushfires

Our formal role in the legal response to the 2019-2020 bushfires

Justice Connect's main role was the responsibility for coordination of pro bono resources and provision of support for community organisations. Pro bono played a key role in the legal response to the bushfires in both Victoria and New South Wales. Our Not-for-profit Law team also played a critical role in supporting community organisations. While our role was established separately in each jurisdiction, following different processes, we ultimately played a consistent role across New South Wales and Victoria, outlined below.

New South Wales

In NSW, the formalised legal response to the bushfire crisis was crystallised in early January 2020 after Legal Aid NSW convened an ad hoc response group including CLCs NSW, specialist community legal centres, the Law Society of NSW, and Justice Connect. Work by various organisations was underway prior to the convening.

After a period in early January where the pro bono response to the bushfires had been fragmented, advocacy from pro bono providers and stakeholders resulted in agreement that Justice Connect should coordinate the pro bono response to the bushfires in NSW.

Key considerations leading to this outcome were:

- our existing experience coordinating pro bono in response to disasters in the past as well as an ongoing role in responding to the Victorian bushfires as a member of the Disaster Legal Help Victoria coalition
- our existing relationships with many firms in NSW
- our ability to efficiently process pro bono requests via our online platform, the Pro Bono Portal
- the desirability of a consistent process for firms who operate across both Victoria and NSW

In addition to agreeing to play a role as coordinator of pro bono, we delivered responses across our programs and services targeted to bushfire affected communities, in particular through our Not-for-profit Law Service.

Victoria

The legal response in Victoria was handled by Disaster Legal Help Victoria (DLHV), a formal partnership of Justice Connect, Victoria Legal Aid, Federation of Community Legal Centres, Law Institute of Victoria, and the Victorian Bar.

DLHV was formed following the devastating 2009 Black Saturday bushfires, in recognition of the importance of legal help to the long-term recovery of people and communities, and the need to ensure that the legal help response is coordinated and accessible, and can be rapidly deployed in response to disasters.

In January 2020, DLHV was formally activated in response to the bushfires in North Eastern and Eastern Victoria. Since that time, DLHV partners have been meeting weekly for several hours to ensure that the sector response is coordinated and appropriate. From March 2020, DLHV has also included the COVID-19 response as part of these meetings, with the DLHV plan formally activated in response to COVID-19 in April 2020.

Justice Connect's role under the DLHV framework is to coordinate the pro bono response of law practices across Victoria in response to disasters, and we played that role in relation to the 2020 bushfires in Victoria. As in NSW, we also delivered services to community groups through our Not-for-profit Law Service and other targeted services (for example, our Homeless Law service).

Leveraging digital infrastructure in the bushfire response

In both NSW and Victoria, all stakeholders agreed that frontline services (bushfire legal help phone lines and local community legal centres) would be primary entry points to legal assistance services for individuals. Justice Connect's focus was on identifying pro bono capacity, and matching unmet need with pro bono resources.

To support our role in the legal response to the bushfires, we established a suite of digital infrastructure, released by mid-January 2020 including:

- [Online expression of interest portals](#) for each state where lawyers and firms could register interest in participating in the pro bono response in Victoria or New South Wales. This ensured that we captured structured, usable data, and information that we needed to undertake due diligence before approving a firm to receive pro bono referrals
- Delivered a [tailored online referral tool](#) enabling front line services to refer people, community groups, and small businesses to Justice Connect so that Justice Connect could match these with pro bono lawyers
- Adapted and upgraded our award-winning [Pro Bono Portal](#) to enable its use at scale for bushfire pro bono referrals including by:
 - Adding a new category of pro bono firm - to enable firms that are not members of Justice Connect to access and engage with pro bono opportunities related to bushfires
 - Adding 'bushfire response' as a special interest area - to enable our member firms to actively express interest in taking on bushfire response opportunities
 - Creating automated weekly email alerts specific to our bushfire response that use algorithms to target available matters to firms that have relevant expertise and a location for that matter
- Created an online hub for law firms and sector peers to register to provide pro bono, information on the legal sector response to the bushfires, and guidance on where to send help-seekers to access assistance.

Our referrer tool and Pro Bono Portal which were leveraged to provide the products described above were initially developed through Justice Connect's Gateway Project that received seed funding from Google.

Justice Connect's technology product suite has been recognised as exceptional for its inclusive approach to product design and development. The Gateway Project products have been awarded:

- A Gold Good Design Australia Award – Social Impact 2019
- The Victorian Premier's Design Award in Service Design 2019

Our Head of Innovation and Engagement, Kate Fazio, who leads our Gateway Project work, was awarded the Telstra Business Women's Award in the For Purpose and Social Enterprise Category (Vic) in 2020, recognising her leadership of our digital work.

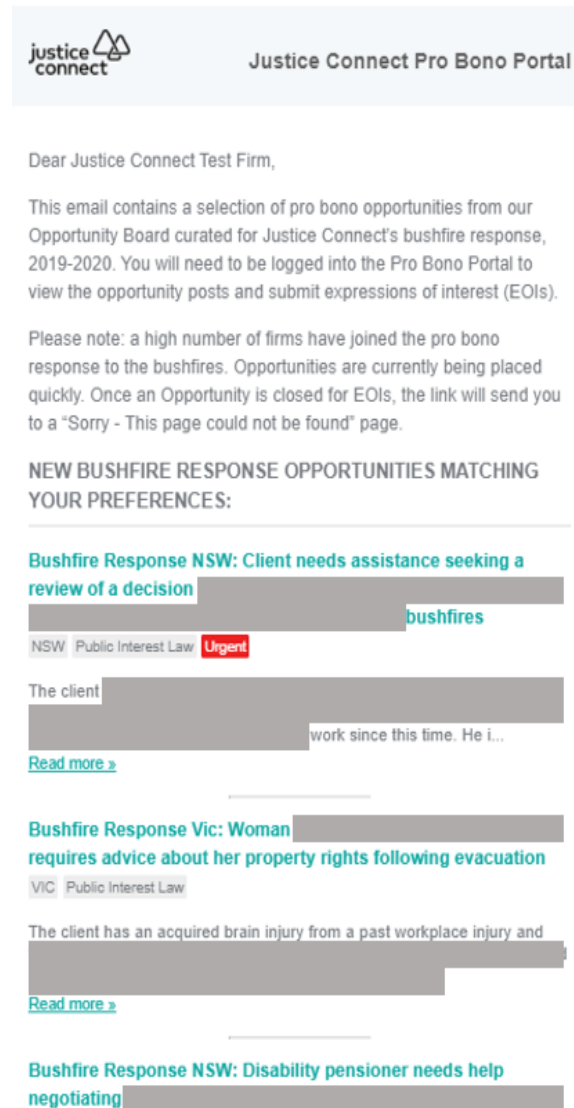


Figure 1: Example of automated weekly email alert

Figure 2: our online registration system for firms in NSW to express interest in participating in the pro bono response

Enabling local lawyers to provide pro bono to their communities

Law firms were quick to offer pro bono resources. Our online registration system ensured that Justice Connect could collect structured and useful data about firms offering assistance and undertake due diligence before onboarding the firm to the response.

By the end of January 2020, we had onboarded 68 new firms in NSW and 45 new firms in Victoria that volunteered to provide pro bono legal services to affected people in addition to the 51 firms that we already worked with across NSW and Victoria.

In matching matters with lawyers, we used algorithm-driven matching as well as geographical locations to make the best match possible. Where a local lawyer with expertise was available we connected help-seekers with these practitioners as a matter of priority. The map at Figure 3 shows the distribution of firms onboarded against the location of help-seekers referred to Justice Connect.

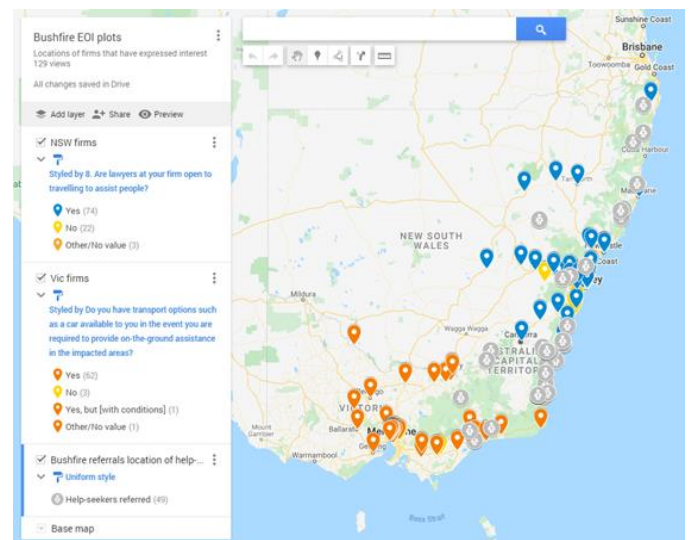


Figure 3: New firms onboarded (blue/orange) and bushfire help-seekers (grey)

Assistance provided to help-seekers affected by bushfires to date: 2 January – 30 April 2020

As a result of the bushfires, the actual assistance provided by Justice Connect at the time of writing (noting that some matters are still pending placement) was as follows:

- Requests for assistance processed:
 - NSW 59 (31 individuals/families and 28 organisations/small businesses)
 - VIC 19 (9 individuals/families and 10 organisations/small businesses)
- People assisted by pro bono facilitated by Justice Connect
 - NSW 32
 - VIC 7
- legal assistance provided by our Not-for-profit Law program:
 - 20 community groups assisted with legal issues relating to the bushfires

All teams published online information related to the bushfires (e.g., content on what to do if you are involved in a court matter and are affected by bushfires)

Responses to Commission Questions and Recommendations

What worked well in the emergency response to the bushfires?

Based on the experience of Justice Connect and of our clients, we consider the following were positive areas of the emergency response:

- The legal sector as a whole showed a remarkable willingness to provide support in a disaster context. However, there were significant issues experienced in ensuring this response was channelled and coordinated, discussed further below.
- Justice Connect's technology infrastructure supported an unprecedented organised pro bono response. This included the ability to scale our response up and down according to need and ensuring, wherever possible, local people were assisted by local lawyers.
- Where help-seekers were identified and directed to legal help, stakeholders worked together to ensure the help-seeker was referred to the most appropriate legal service in a timely manner. This included making facilitated referrals via Justice Connect's online referrer tool.
- In Victoria, DLHV was able to gather relevant stakeholders and quickly activate a response to the public, including providing telephone lines, a website, Twitter profile, and tools for affected communities.
- Providing legal help to not-for-profits and social enterprises was an important part of Justice Connect's response to the bushfires. Justice Connect's expertise in not-for-profit legal issues, combined with the commercial expertise of its law firm members, meant Justice Connect was well placed to assist community organisations to respond effectively to the disaster context. Charities and other community groups faced unique legal challenges, including:
 - restrictions on use of donations raised for bushfire relief (and implications for charity/DGR status)
 - risks associated with volunteerism, and compliance with fundraising laws (particularly complex re online/social media campaigns), and
 - liability of small/informal groups forming quickly in the wake of local disaster or to support local people.

What didn't work well?

Based on the experience of Justice Connect and of our clients, we consider the following were areas of the emergency response that worked less well:

- As an organisation working across multiple key affected jurisdictions, the lack of coordination across state boundaries made delivering a response at scale across geographic regions unnecessarily complex. Our NGO clients also grappled with these challenges.
- The activation of legal sector disaster responses in Victoria and NSW displayed different issues.
- In Victoria, an existing legal sector disaster response coalition made activating a response quicker and easier in initial stages. However, the response has struggled to connect with people with legal issues on the ground, demonstrating the need for a strategic outreach program that is tailored to the specific disaster context (for example bushfire, pandemic, or other possible disaster).
- In NSW, the lack of an agreed framework for a legal sector response meant that the initial response was ad hoc. Once the response was formalised, a more systematic and coordinated response was able to be delivered, which appears to have worked well once in place.
- Funding for disaster response legal service delivery in both NSW and Victoria was unclear with respect to whether any additional funding existed, where it would come from, how it might be applied, which organisations would take on responsibility for submitting funding requests, and which organisations

would receive funding. Considerable uncertainty remains despite a recent Federal Government announcement of a funding injection for the legal assistance sector.

- There was limited preventative or preparatory legal help available to support people and communities to identify and address disaster-related legal risks prior to the bushfires. Several issues seen by Justice Connect could have been ameliorated by broad legal education and planning. Where preparatory work was undertaken, there is anecdotal evidence that communities were better able to respond to the disaster and prevent its worst impacts. Examples include appropriateness of insurance policies and contractual protections in disaster (force majeure) events, compliance with fundraising and legal requirements for donated funds, and volunteer liability training/support for not-for-profits.
- Identification of legal issues in the community by non-legal frontline services has been weak. We know that there are legal issues caused by disasters, but we are not seeing an efficient flow of referrals from broader disaster services to legal services. This has been compounded by the emergence of COVID-19, which resulted in the need to rapidly shift from on-the-ground assistance to remote assistance. This resulted in disruption to service delivery and confusion for help-seekers about where to go to get help.

What needs to change? Our recommendations

Better cross-jurisdiction consistency as disasters don't follow state boundaries

The bushfires of late 2019 and early 2020 crossed state borders, and highlighted the problems experienced by services operating across state borders. One example shown in the images below is fire maps. These demonstrate the absurdity of state boundaries in a disaster response, showing fire spread on a state by state basis, meaning that it was often impossible for the public to easily track a fire's behaviour if it crossed state boundaries.

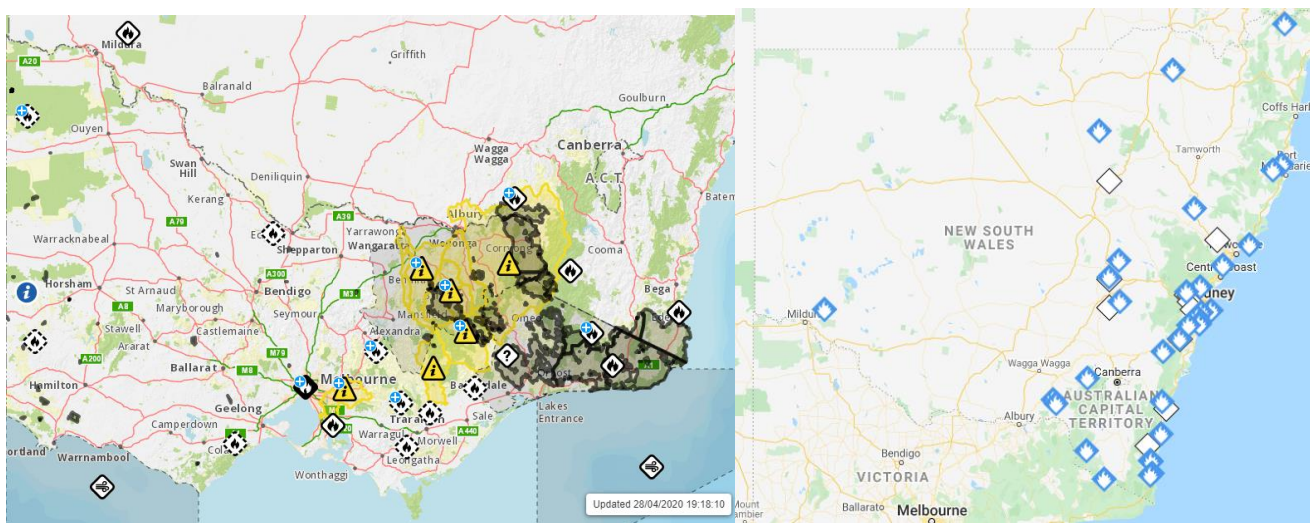


Figure 4: Examples of state-based fire maps

Approaches to providing disaster support in relation to the bushfires, including the legal sector response, were largely determined on a state by state basis after the bushfires, with different services available depending on which side of a state boundary a help-seeker fell.

As set out at Figure 3, in the section above, the help-seekers affected by fires and the firms offering pro bono services covered wide geographic regions, many of which cross state boundaries. In particular, many large law firms operate across states and territories, as do many larger charities and not-for-profit service providers.

We note that some similar issues have experienced in the state-based responses to COVID-19, although there appears to be more recognition from governments that consistency is beneficial.

There is a need for a framework for cross-jurisdictional coordination which allows all actors in the legal assistance, social, government, and other sectors to ensure that people and communities affected by

disasters receive consistent communication, and for those that reside near state boundaries, have clear pathways to the most appropriate assistance.



Recommendation 1: Coordination across governments is critical to effective disaster responses

We strongly recommend that state and federal governments commit to delivering coordinated, consistent, and coherent government responses to disasters that put the needs of people and organisations experiencing disasters, or working to address disasters, front and centre.

Importance of pre-agreed disaster response frameworks and funding

When disasters occur, there are a range of legal problems that inevitably follow. In the case of natural disasters, areas of law commonly engaged include:

- Insurance
- Tenancy and housing
- Employment law
- Credit, debt and bankruptcy
- Consumer law
- Family law
- Social security rights

Our experience of working across a range of disasters, including the 2009 Black Saturday bushfires, has shown that early acknowledgement of this pattern and appropriate preparedness to deliver a legal response to any disaster are important in delivering effective responses.

There are three key periods in which planning funding can add value in terms of both disaster preparation and resilience, and disaster response and recovery:

- Pre-disaster planning
- Immediate responses to disaster
- Longer term disaster recovery

Planning and preparedness needs to cover both a disaster response framework, and funding preparedness to support the rapid deployment of resources.

Necessity for pre-agreed service frameworks, rapidly scalable responses

We participated in varied state-based responses to the bushfire crises. In Victoria, a clearer legal framework was in place which meant that the response could be activated quickly, and roles were relatively clear. In NSW, there was no pre-agreed framework to activate regarding the legal sector's response to disasters, which led to a longer period of confusion around roles and responsibilities in the response, and less clarity in public-facing communication in the initial periods of disaster response.

It is clear that a pre-agreed framework is valuable to enable quick activation of roles in response to a disaster. Pre-planning supports rapid responses when disasters occur, prevents duplication of effort or unnecessary work in response to disasters, and ensures the efficient connection of all relevant parties. We note that there should be openness to examining in the face of any disaster whether the pre-agreed response is the best response. However, its existence will nonetheless speed up planning.



Recommendation 2: a legal assistance sector disaster response framework should be in place in all jurisdictions

All jurisdictions should have a pre-planned disaster response framework for the legal assistance sector.

This framework should be as consistent and complementary across jurisdictions as possible, given the likelihood that disasters will cross state borders.

The framework should cover agreed approaches to:

- communication with individuals and affected communities and outreach strategies (which may need to vary depending on the nature of the disaster)
- division of responsibility for the legal response where clear (e.g. by demographic, issue area)
- coordination of pro bono resources
- requirements for regular review and updates to reflect the evolving service and the technology landscape
- strategies for engagement and connection to non-legal service providers and disaster responders to ensure that legal needs are identified and appropriately directed to services

The framework must also be sufficiently flexible to support a local, on-the-ground response or a digital-first response depending on the nature of the disaster and its impacts on service delivery.

Necessity for rapidly and strategically allocated disaster response funding for legal services

Once a disaster has occurred and agreed frameworks are activated, this will result in resource-strain in organisations playing a role in the response. If resource-strain goes unaddressed, this will result in either an inability to perform the agreed role in the framework or the diversion of resources from essential core business to support emergency responses.

Funding that is immediately available to support a rapid deployment of resources will reduce the flow-on impacts of disaster on other areas of society and the economy.

In the context of the 2019-20 bushfires, there was very little clarity available on funding that could flow to support legal services federally or at state levels. At Justice Connect, much like other organisations playing roles in the response, we immediately diverted a range of roles to facilitate our response. At any point in time we had up to 4 EFT staff working on the response to the bushfires. Resourcing for our response to COVID-19 has been even more significant, with early estimates of up to 8 EFT working on COVID-19 specific work.

We also know from our prior work responding to disasters that legal needs often arise both in the immediate aftermath of disasters and in the months and years after a disaster. Ongoing social and legal support to communities is essential for those communities to recover, and to ensure factors that led to harm are surfaced, understood, and mitigated to drive future disaster resilience.

The Federal Government has recently announced a funding package for the legal assistance sector, but there is still significant uncertainty around how this funding will be applied, the period the funding covers, and whether its allocation will align with the disaster response frameworks that were put in place.

If disaster funding does not align with pre-agreed disaster response frameworks, it will critically undermine the confidence with which participating organisations can carry out their pre-agreed role.

In any disaster, there will be costs associated with recovery and ongoing service-provision, and government disaster responses must be prepared for this with adequate long-term planning and funding to ensure recovery is meaningful, and in the case of legal services, rights and obligations can be understood and enforced where required.



Recommendation 3: Government funding must be quarantined for legal sector disaster response services and made quickly available when disasters occur

Government funding should be quarantined to support legal assistance sector responses to disaster. The process for applying the quarantined funding in a disaster response setting should be clear and transparent. To the extent that an agreed disaster response framework is put in place, quarantined funding should appropriately align with the roles that organisations are committed to playing in disaster response. In particular, roles that do not fall neatly into the direct delivery of units of legal assistance but that are critical to an effective response should be explicitly provided for including:

- Work that raises public awareness of legal issues, preventative work and education and post-disaster outreach
- Cross-sector coordination work and liaison with non-legal service providers (e.g. crisis response centres)
- Coordinating and mobilising pro bono resources

More clarity on disasters that are in-scope for disaster responses

A key issue that can impact on the effectiveness of disaster preparedness planning and response frameworks is the nebulous definitions of ‘disaster’ and ‘emergency’. While the bushfires fell squarely in the ambit of ‘disaster response’ it was far less clear whether or not the COVID-19 crisis met this criterion. There are many potential future scenarios that could fall in a grey zone, for example issues relating to access to natural resources and/or power, technological disruption (e.g. en masse hacking and related system failures), longer-term and extended climate disasters and weather events (e.g. extended droughts), impacts of overseas nuclear incidents, food shortages, and further health crises.

To the extent that the definition of disaster remains unclear, any investment in disaster planning and disaster resilience will be undermined by uncertainty.



Recommendation 4: ‘Disaster’ should be clearly defined so that frameworks and funding can be quickly applied

It is critical that more work is undertaken to define ‘disaster’ to ensure that future issues experienced in Australia can, as far as possible, fall either clearly in or clearly out of disaster response frameworks. Any definition should be regularly reviewed and updated given the rapidly changing technological, environmental, and geopolitical landscape

Digital infrastructure critical to ability to scale-up services and provide services continuity in post-disaster settings

Over many years, Justice Connect has invested in digital infrastructure to enable us to provide legal services effectively, efficiently, and at scale anywhere in Australia. This digital transformation has equipped us with the necessary tools to work with our sector peers to respond quickly to disasters. Our ability to onboard over 110 new law firms to our technology systems, including undertaking due diligence, within only weeks of the bushfire crises in January 2020, illustrates the potential that technology holds to support rapid scale-up of services.

The compounding disasters of the bushfires followed by COVID-19 have exposed weaknesses in the design of the legal assistance sector. Those who have undergone a digital transformation have been able to respond rapidly to emerging need and changed models of service delivery to include remote and online services, while others have been slower or unable to respond.

All legal assistance services require additional funding and support to enable meaningful digital transformation. This will enhance the legal assistance sector's capacity to respond to disasters quickly, efficiently and at scale, improve the resilience of legal service design, and ensure that service models are not reliant on only face-to-face service delivery models.



Recommendation 5: Legal assistance sector needs government support to speed up its digital transformation to facilitate scaled-up disaster responses and resilient services

We urge state and federal governments to support all areas of public legal services, including community legal centres, legal aid commissions and courts and tribunals, to undertake digital transformation work. A digitally transformed sector will be better positioned to respond to disasters at scale, and will be better positioned to provide continuity of services despite disasters.

Pro bono lawyers play an important role in crisis response, but their efforts are only effective if pro bono capacity is efficiently matched with demand for assistance

Pro bono has played a critical role in the response to many Australian disasters over the last two decades. As illustrated in the sections above, legal communities in NSW and Victoria demonstrated an extraordinary pro bono commitment. This commitment was effectively harnessed by Justice Connect through our Pro Bono Portal, our team, and our relationships. The pro bono response was so profound that the capacity of pro bono lawyers significantly out-measured the number of referrals being made to pro bono.

The ability to efficiently identify, manage, and harness pro bono capacity was supported by our technology infrastructure, as set out in the Background section of this document.

Due to the nature of disasters, the people impacted often are irregular users of free legal assistance services, including small businesses and farmers. The legal issues raised by disasters also often fall outside of the expertise of community legal centres and legal aid commissions. This presents a particular opportunity to leverage pro bono capacity to meet significant demand for assistance.

We have undertaken work to scope out potential enhancements to our Pro Bono Portal that would support more efficient connections of pro bono with unmet need across the entire legal assistance sector in Australia. Much of this work predates the most recent disasters, although recent disasters have resulted in clearer recognition of the significant capacity of pro bono to assist in disaster responses, and has resulted in a reinvigoration of conversations around enhancing our Pro Bono Portal.

Ensuring pro bono capacity is matched with demand

Our Pro Bono Portal is a digital tool that matches pro bono capacity with demand for legal help. We propose to implement an adaptation to our Pro Bono Portal that will give community legal centres as well as legal aid commissions direct access to our extensive pro bono network (over 160 firms across Australia) rather than requiring legal assistance organisations to send referrals of help-seekers to Justice Connect to

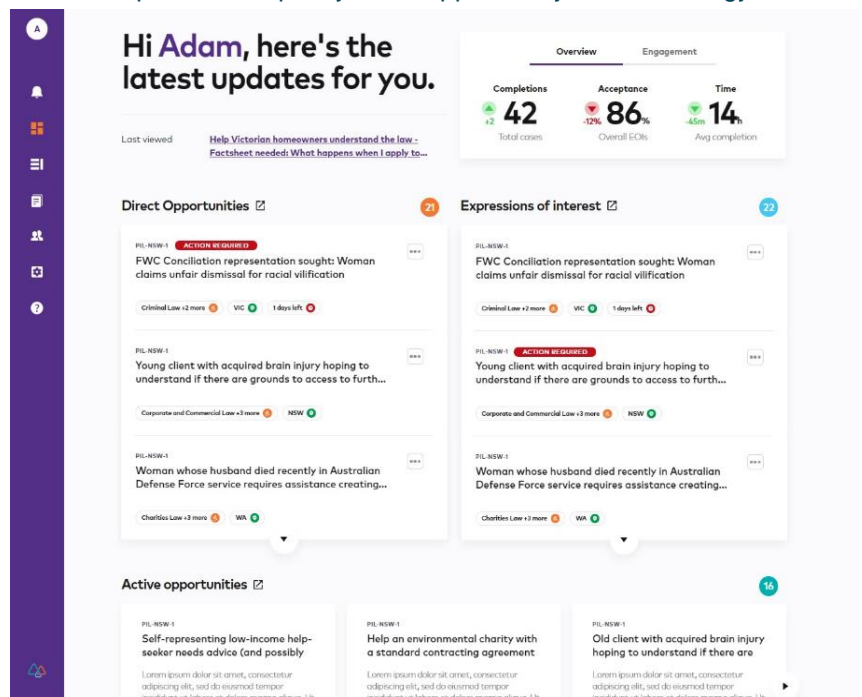


Figure 5: Justice Connect's Pro Bono Portal

be processed and then placed by Justice Connect with pro bono firms. Both CLCs and law firms are extremely supportive of this proposal.

We note that in the context of COVID-19 following the bushfire disasters, and the continuing potential for pro bono to play a significant role in response to both the bushfire disasters and the COVID-19 crisis, we have still not been able to secure the modest funding for this work (\$120,000). We believe the difficulty that we have faced in accessing this modest funding for a high-impact solution speaks to a bigger issue around the structures in place for both funding of legal services and funding of disaster response services.



Recommendation 6: Pro bono has played a significant role in disaster responses and further support is required to extend the potential benefits across the legal assistance sector

State and federal governments should acknowledge the extraordinary commitment of the legal profession to providing pro bono responses to disasters, and should fund sector-wide infrastructure proposed by Justice Connect that will support effective and efficient collaboration between the legal assistance sector and pro bono lawyers in a disaster response setting.

Disasters increase pressure on community organisations, and legal support for groups is essential for disaster response and disaster resilience

The bushfires highlighted the vital role of charities and other not-for-profits as public service providers, community builders and frontline responders – they are the lifeblood of local communities, especially in regional and rural areas. Their critical role in disaster settings was evident in the extraordinary quantum of publicly donated funds flowing to the sector, as well as in governments' reliance on charities to distribute aid and support local communities on the ground, and spikes in volunteerism resulting from the disaster context.

The bushfires also shone a light on the importance of good governance and legal compliance of community groups. With millions of dollars flowing to charities and other not-for-profits, there was heightened public scrutiny of how funds were being raised, used and distributed for bushfire relief. Scammers seeking to profiteer from the disaster created further public concerns about the legitimacy of charitable fundraising, and structures for accountability and transparency in the use of public funds.

In this context, the need for tailored legal and governance support for charities and not-for-profits – particularly for small groups reliant on volunteers – was apparent. Many community organisations receiving public support (and the expectations that accompanied it) in the wake of the bushfires were local, volunteer-run organisations with limited access to legal and other professional advisory services to navigate the complex not-for-profit regulatory environment. For some groups, they are at risk of folding; other groups start up and need help to manage the transition (and risks) as they move from a small Facebook group to an incorporated group; and yet others that have run happily as a small group can be suddenly thrust into managing large sums of funding and donations (for example, various wildlife rescue groups) with the attendant governance issues that rapid, unplanned growth brings.

There is significant legal risk involved in the rapid escalation of demand and support (donations) for small volunteer-run groups in response to a crisis, as demonstrated in this [case study](#) of an organisation we assisted at Justice Connect. While not bushfire-related, this case study shows what can go wrong when online fundraising “goes ballistic” and demand for services rapidly increases, and the ways in which accessible legal and governance support can help small organisations manage a crisis effectively.



Figure 6: Members of a not-for-profit organisation assisted by Justice Connect, Welcome to Eltham. View text version of case study [here](#).

Justice Connect operates Australia's only dedicated community legal help service for the not-for-profit sector. As a national program, we have been well placed to support community and volunteer-involving organisations with legal advice and educational resources in response to the bushfires – including self-help tools that support organisations to address issues without the need for individual legal advice. However we know there is more need out there than what we're seeing – and we've experienced barriers to reaching organisations that could have benefitted from our assistance due to a lack of capacity for outreach to local community networks, particularly in regional and rural areas. The development of more coordinated networks of legal and other support services, especially those that can service regional communities, would assist in ensuring that those who need our services know about them and feel confident and equipped to access pro bono legal support.



Recommendation 7: More legal support is required for not-for-profits to deliver more effective disaster preparedness planning and responses to disasters

Legal help for not-for-profits and volunteer-involving groups should be regarded as a vital component of the disaster response service ecosystem at a national level

There is a need for stronger government promotion, funding, and endorsement of professional (including legal) support services that have the expertise to assist the community sector with disaster preparedness and recovery on a pro bono basis.

Further information

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