



# TRANSITIONAL IMPACT REPORT FY19 Justice Connect

December 2019

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## Contents

1. Context and approach for impact .....	2
1.1. Who does Justice Connect reach? .....	2
2. Improved reach – Digital innovation and transformation .....	3
2.1. Online intake .....	3
2.2. Website redesign and search engine optimisation (SEO) .....	4
2.3. Pro bono portal .....	4
3. Lawyer skills and engagement .....	4
4. Access to help.....	5
4.1. Online enquiries .....	5
4.2. One-to-one contact enquiries and responses.....	5
4.3. Services provided by Justice Connect .....	7
5. Improved outcomes for people and community organisations .....	11
5.1. Improved ability to participate in the legal system .....	11
5.2. Improved ability to self-help .....	12
5.3. Positive legal outcomes.....	12
5.4. Improved wellbeing.....	13
5.5. Strong and effective community groups and not-for-profit organisations .....	13
5.6. Case stories – examples of impact .....	14
6. Better laws and policies .....	19
7. Looking forward .....	20
8. Method.....	20
8.1. Limitations.....	20
9. Appendix.....	21
Services delivered by Justice Connect.....	21

## 1. Context and approach for impact

Every year, 8.5 million Australians have a legal problem, but less than half access legal help. There are 600,000 not-for-profits, many of which can't get the help they need. This is the justice gap, and we work to help those in the gap through legal services and through advocacy for system-level change.

We've been thinking deeply about the connections between the different parts of our work and our justice footprint, and reflecting on the experiences of those navigating the legal system. There are clear links across our programs – we help people who are chasing stolen wages, older people facing abuse, and those who are struggling to pay the rent or experiencing homelessness.

This report points to what the LAW Survey tells us – the law can have a devastating impact on financial stability, family relationships, housing and health. Legal problems tend to cluster and compound. What could be a small legal matter can quickly snowball into bigger problems in someone's life. We're working to identify opportunities to intervene as early as possible and empower people with the right solutions.

This report reflects our increased focus on connecting our different areas of practice. To support this work, we've been tackling a number of data issues that touch on how we understand our work and the people and community organisations we assist. We've updated our theories of change and updated our monitoring and evaluation frameworks. We've developed an organisational narrative and started questioning the assumptions that lay behind our programs, we're implementing major new systems to capture our work and impact. And the work continues.

We're always thinking about the impact of our work and digging for evidence to build understanding and deliver insights. This work continues to develop and evolve our monitoring and evaluation approach.

### 1.1. Who does Justice Connect reach?

#### 1.1.1. People Experiencing Significant Disadvantage

In times of crisis, many people struggle to find legal help. They may not know where to find it in the first place. Justice Connect brings legal help to those people, where and when they need it.

People who most need a lawyer can also be the hardest to reach and the most vulnerable. Legal issues – like a single mother on Newstart facing eviction – can easily spiral out of control.

An eviction can lead to homelessness, which can lead to a lost job, poor mental health, substance dependency and worse. Preventing an eviction can stop someone's life from taking a turn for the worse. To reach these people, Justice Connect integrates with the services they already use.

That's why Justice Connect lawyers and social workers can be found in hospitals, outreach clinics and community services, and why the organisation is building online outreach strategies and a better legal internet.

#### 1.1.2. Missing Middle

Legal help is expensive, and free services are often limited to people on the very lowest income. Many people who don't meet the criteria for free legal help still need support. Justice Connect calls these people 'the missing middle': everyday people with everyday problems. They are not covered by other free services but still struggle to pay for the help they need.

Everyday legal problems can easily cause crises: affecting someone's home, family, career and livelihood. When debt escalates to bankruptcy or a home is built with defects and can't be lived in, people and families experience crisis. Crisis can lead to serious problems, from family breakdown to health issues. It harms people's mental health and affects their futures.

Justice Connect has redesigned legal services to stretch its reach, so more people can get help for free. Justice Connect uses its resources effectively to provide small amounts of tailored help to people in the

missing middle. Justice Connect provides self-help resources online, written in partnership with its pro bono experts. And Justice Connect provides one-off appointments to support people representing themselves in court.

### *1.1.3. Community Groups*

Community organisations should spend their time building better communities, not buried under complicated rules and regulations. Justice Connect give community groups the help they need so they can spend their time doing what they do best.

From your local Neighbourhood House or Landcare group all the way to major national charities, Australia's community organisations exist to build vibrant, connected communities.

Millions of workers and volunteers want to spend their time contributing to society. Unfortunately, many community groups are lost in a maze of regulations. Should they be an 'incorporated association' or a 'company limited by guarantee'? Are they allowed to raise money online? How much? What responsibility do they have to their volunteers?

These organisations should not be spending their time struggling with complex regulations. They should be spending time accomplishing their mission: providing food for the people sleeping rough, homework support for disadvantaged kids, or caring for their local environment.

Justice Connect helps not-for-profits and social enterprises get tools, training and advice that they need, so they can get on with helping build better communities for everyone. When Australia's community organisations are strong, so are our communities. Justice Connect helps the helpers, giving them a fair chance at building a better Australia.

## 2. Improved reach – Digital innovation and transformation

This financial year saw significant change to Justice Connect's service model and approach through digital innovation and digital transformation work.

### 2.1. Online intake

From August 2018, Justice Connect's programs commenced taking enquiries online via a program sorter and program-specific intake tools. The program sorter asks 8 key questions and helps people identify if a Justice Connect service may be able to assist them, and then program intake tools capture more detailed information and undertake more detailed eligibility screening.

Justice Connect's online tools have enabled the organisation to handle a far higher volume of initial enquiries without needing staff or help-seekers to spend time on the phone as previously required under the traditional telephone enquiry process. Help-seekers now obtain an indication of whether Justice Connect can assist them far more quickly, and at any time of night or day.

This year, online channels resulted in an extra 18,867 help-seekers investigating whether they were eligible for Justice Connect's services. Those that screened ineligible were provided with service recommendations based on their answers, while full submissions were made to programs for those that screened as possibly eligible. Submissions were reviewed by Justice Connect intake and triage teams and a decision about whether assistance could be provided and the type of assistance available, was made and communicated to the help-seeker.

Over the next financial year, Justice Connect will prioritise outreach activities in online settings to direct help-seekers that are likely to be eligible for assistance and that represent high priority client groups to an online form (in addition to our existing outreach approaches) so that they can check their eligibility and apply for assistance.

## 2.2. Website redesign and search engine optimisation (SEO)

At the start of the financial year, Justice Connect transitioned to a new website designed to improve the user experience of online information and services and make user journeys on the site clear and easy<sup>1</sup>.

A range of measures indicate that the new website is delivering on its aims:

- ✧ Overall web traffic on the Justice Connect site increased from 211,954 unique hits in FY18 to 279,828 unique hits in FY19.
- ✧ Hits to the help page increased from 9,200 in FY18 to 24,000 visits in FY19.

## 2.3. Pro bono portal

The pro bono portal aims to efficiently match help-seekers that would benefit from a pro bono referral to pro bono resources. Significantly, the Portal enables firms to maintain highly detailed profiles about the types of matters, areas of law and locations where they have pro bono resources available. Justice Connect staff create pro bono opportunities and tag these opportunities across a range of factors. The Portal is able to algorithmically suggest firms that are positioned to take on the matters. Staff can choose between sending matters directly to firms via the Portal or placing opportunities on the Opportunities Board. Firms can then proactively search for matters on the Opportunity Board enabling them to make use of latent pro bono capacity. Firms also receive a curated alert of matters that have been posted that match their preferences.

In the final quarter of FY19, Justice Connect piloted the new pro bono portal with 14 of its member firms. During that time, 80 pro bono referrals were made to participating firms. The pilot has offered an invaluable opportunity to better understand the needs and practices of member firms and to adapt the product to ensure it provides an optimal experience and drives impact. For the three-month pilot duration, Justice Connect collected feedback, prioritised issues, designed solutions, and delivered weekly product updates undertaken by an in-house development team. Changes have ranged from minor tweaks to the portal's visual design, to the implementation of significant new product features and processes. Justice Connect has since onboarded a further 35 member firms, with a total of 49 firms using the pro bono portal as at November 2019.

## 3. Lawyer skills and engagement

***Justice Connect supports Australian law firms and barristers to help people and organisations find legal solutions to their problems.***

Justice Connect programs deliver training to pro bono lawyers to support their capacity to provide high quality legal advice and representation to the clients that Justice Connect links them with for assistance.

- ✧ 1,484 training attendances by lawyers in FY19<sup>2</sup>

Justice Connect supports Australian law firms and barristers to help people and community groups with their legal needs. Members of the profession assist by accepting pro bono referrals from Justice Connect programs and/or providing pro bono legal services in specialist legal clinics run by Justice Connect. In FY19, through Justice Connect:

- ✧ 443 firms/barristers accepted a pro bono referral

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<sup>1</sup> Not-for-profit Law continues to run a separate website; the reflections in this section apply only to the Justice Connect website.

<sup>2</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 attendances; depending on the program, lawyers may attend one training session or a series of training (e.g. pro bono graduates and new lawyers attend at least five Homeless Law sessions).

- ✧ 880 lawyers provided clinic services, spending an estimated 19,833 hours on files
- ✧ A total of 41,905 hours of pro bono legal help was provided
- ✧ Approximately \$16,760,000.00 worth of pro bono legal help was provided

## 4. Access to help

***Justice Connect closes the justice gap by connecting people and community groups who need help with the lawyers and the legal help they need.***

### 4.1. Online enquiries

Justice Connect received 18,867 online enquiries during FY19 – 3,270 via the program sorter and 15,597 through program-specific intake tools.

Nine out of ten of these enquiries (93%; 17,522) were screened ineligible via the online enquiry process: 2,771 who used the new online program sorter to conduct a self-directed eligibility check were advised they were not eligible and 14,751 who used the program-specific tools were screened out as ineligible. Most help-seekers who were screened out online received suggestions for other services that may be able to assist them based on the information inputted. Common reasons for screening out included: area of law not an area where Justice Connect provides services, dispute resolution options available have not been explored yet, and income too high.

The 1,345 enquiries via online tools that were indicated as possibly eligible went on to have one-to-one contact with Justice Connect and are reflected in the figures in section 4.2 below.

### 4.2. One-to-one contact enquiries and responses

*Justice Connect received 7,033 enquiries that resulted in one-to-one contact with help-seekers during FY19. As shown in*

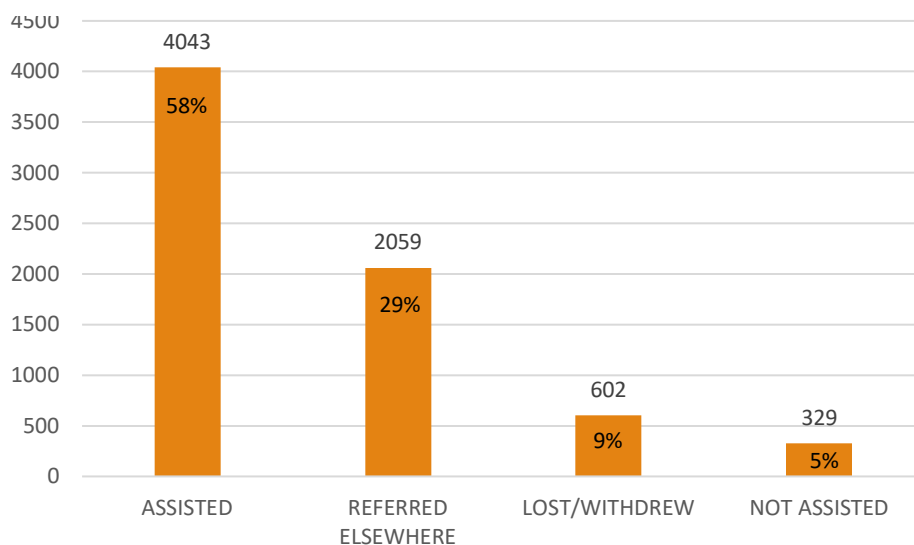


Figure 1, nearly 90% of these enquiries were helped in some way by Justice Connect: 58% were assisted by one of Justice Connect’s programs<sup>3</sup> and 29% were referred by Justice Connect to either an external legal service or to a support service that assists with non-legal issues, such as employment, AOD issues, etc.<sup>4</sup>

Approximately one in seven enquiries that resulted in one-to-one contact were not helped by Justice Connect: 9% of enquiries were withdrawn or contact was lost before assistance could be provided<sup>5</sup>, while 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 to which they could be referred (see

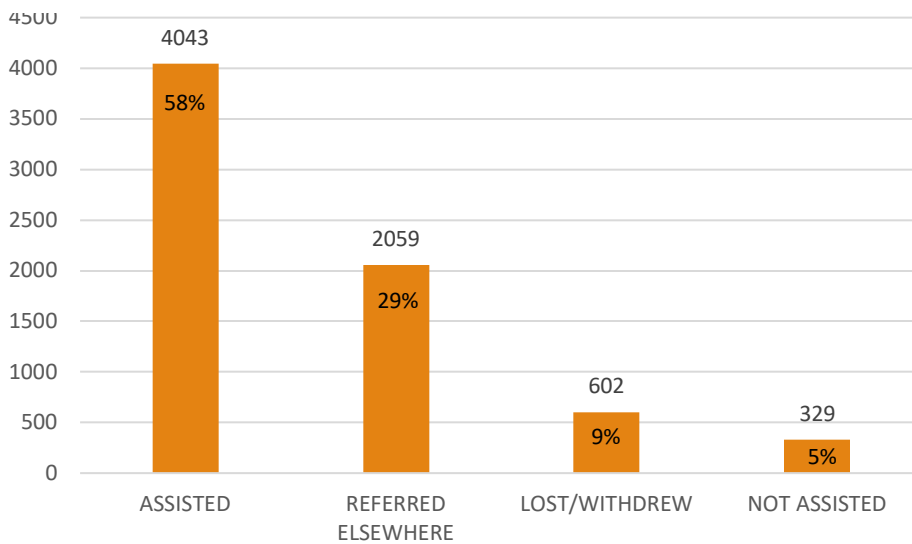


Figure 1).

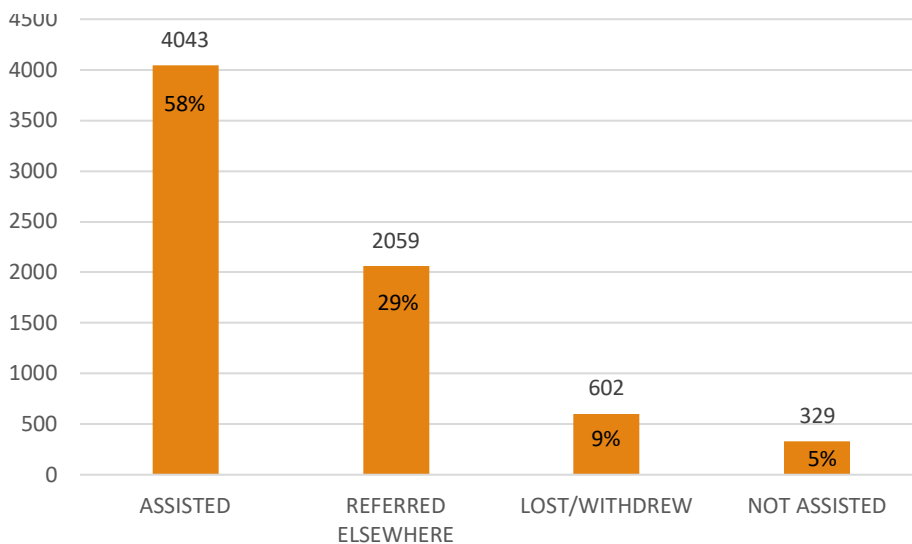


Figure 1: Outcomes of one-to-one contact enquiries received in FY19

<sup>3</sup> Legal assistance is provided to clients in three main ways across Justice Connect’s programs: i) one-off advice, ii) casework and iii) referral to a pro bono lawyer for representation and advice

<sup>4</sup> I.e. because they were outside the eligibility criteria or scope of support provided by Justice Connect’s programs.

<sup>5</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.

This section includes findings by client type. Client type has been determined on the basis of the Justice Connect program an enquiry was made to and/or assistance was provided by. While in reality the programs each assist more than one type of client, for the purposes of this analysis it has been assumed that each program assists only its main client cohort:

- Homeless Law, Seniors Law and Public Interest Law assist People Experiencing Significant Disadvantage
- Not-for-profit Law assists community groups, charities, not-for-profit organisations and social enterprises
- Court Programs (i.e. Domestic Building Legal Service and Self Representation Services) assist the Missing Middle

While this assumption is likely true in most instances, there will be exceptions. The following figures should therefore be considered estimates. Data collected in future will enable accurate disaggregation of client type using accurate demographic data. The limitations of this approach are acknowledged and explained in section 7.1.

The missing middle represent the largest group of clients that Justice Connect could not help, with one in five one-to-one contact enquiries from this group not assisted<sup>6</sup> (see Figure 2). The missing middle were most often helped via a referral elsewhere, rather than by a Justice Connect Program directly (see Figure 2).

In contrast, people experiencing significant disadvantage were most often assisted by Justice Connect directly and fewer than 1% of one-to-one contact enquiries from this group were not assisted. At the same time, this group of clients were more likely than other client groups to withdraw their request or for contact to be lost. More than a third of one-to-one contact enquiries from these clients were referred elsewhere for assistance.

Similarly, community groups were most often assisted by Justice Connect directly and fewer than 1% of one-to-one contact enquiries from this group were not assisted. None were referred elsewhere and approximately one in 15 (7%) withdrew their enquiry or contact with them was lost.

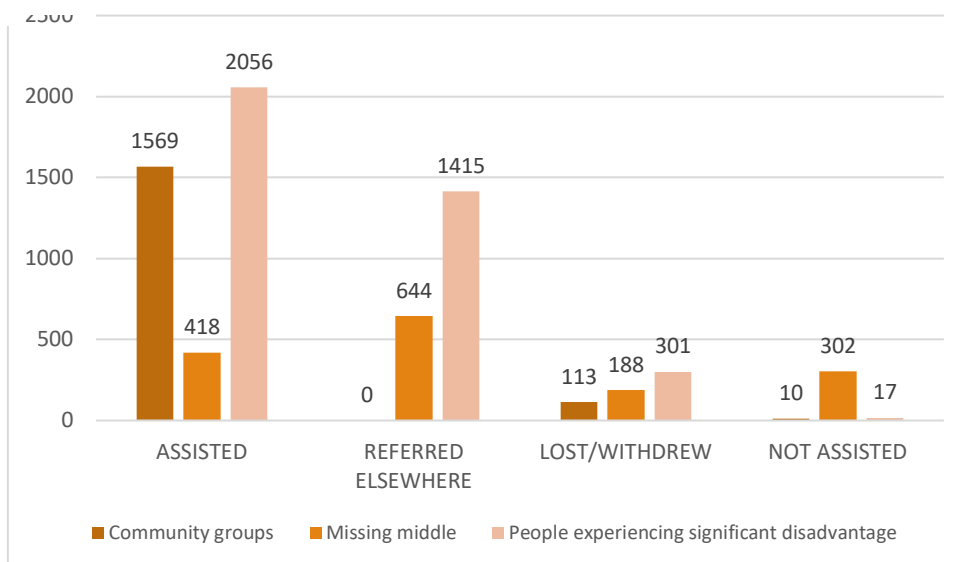


Figure 2: Outcomes of one-to-one contact enquiries received in FY19, by client type

<sup>6</sup> These matters could not be referred to any other service or they fell outside of Justice Connect’s guidelines (including conflict or capacity).



People experiencing significant disadvantage comprised just over half (54%) of the 7,033 one-to-one contact enquiries received and half of the 4,043 enquiries assisted by Justice Connect directly (i.e. via casework, advice or pro bono referral; see Figure 3 and Figure 4). Community groups made up almost one quarter of one-to-one contact enquiries (24%) and more than a third (39%) of those assisted, while the missing middle made up approximately one fifth (22%) of one-to-one contact enquiries and one tenth (11%) of those assisted. (See Figure 3 and Figure 4.)

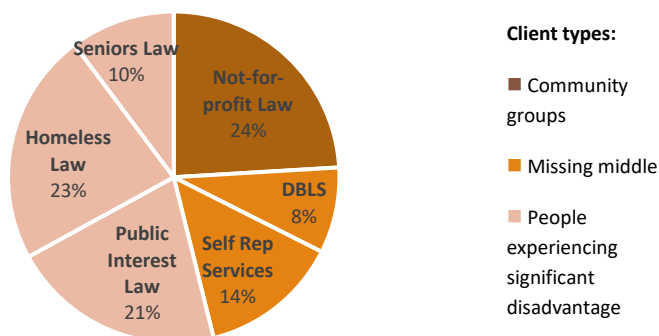


Figure 3: One-to-one contact enquiries received FY19, by Justice Connect program and client type

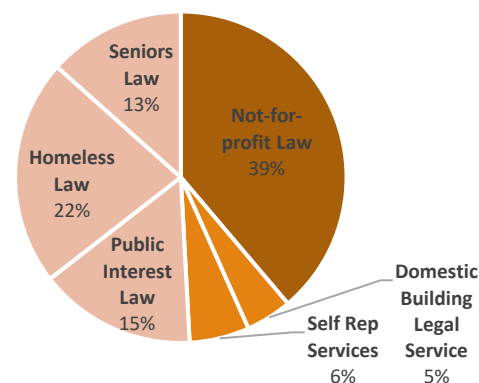


Figure 4: One-to-one contact enquiries assisted FY19, by Justice Connect program and client type

### 4.3. Services provided by Justice Connect

Justice Connect programs provide a range of services that connect people and community groups with the lawyers and legal help they need. The organisation aims to get the right help to the right people at the right time. This can look like brief, online information assistance, through to ongoing social work and legal representation, and some clients may receive more than one type of service. For instance, if needed a client might receive legal advice, social work support, be given legal information and be referred to a non-legal support service.

#### 4.3.1. Legal assistance

Legal assistance is the help provided by Justice Connect to clients. Depending on the client's needs, it may involve one-off advice, casework or referral to a pro bono lawyer. One-off advice is delivered by phone, appointment, clinic appointment or face to face at court, while casework is ongoing legal representation which typically involves advice, negotiation and representation at courts and tribunals. One-off advice and casework are provided directly by or under the banner and oversight of Justice Connect programs. Referral involves a member firm or individual practitioner taking on a matter and providing advice and representation to the client. Referred matters are run by the pro bono lawyer external to Justice Connect.

Justice Connect provided legal assistance to 1,615 clients (1,230 people and 385 individual community groups) in FY19:

- ✧ 979 one-off advices to 758 clients
- ✧ 524 new legal casework files opened for 443 clients; 11% of case files were for Koori clients
- ✧ 887 referrals to pro bono lawyers

One-off advices were provided mainly to missing middle clients and community groups. Casework was provided exclusively to people experiencing significant disadvantage and pro bono referrals were also mainly made for this group (See Figure 5).

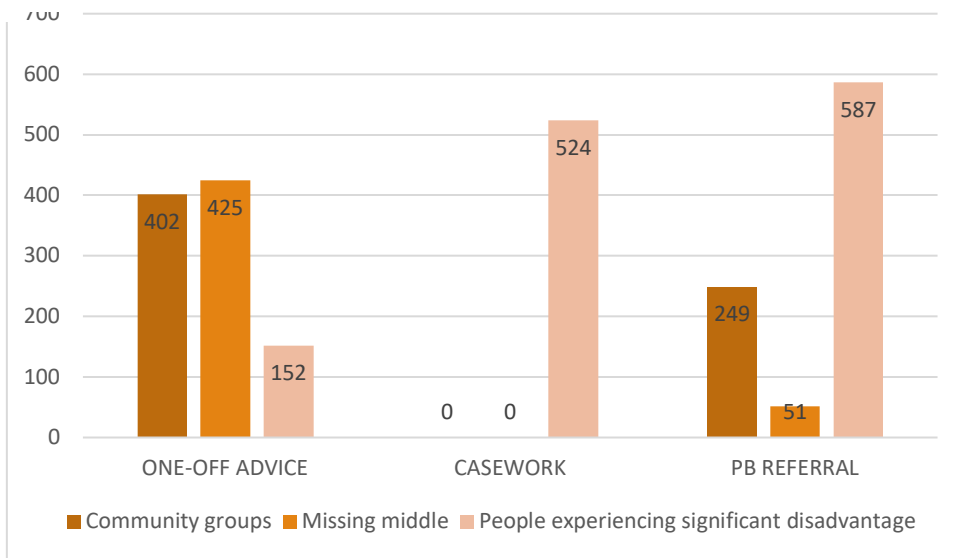


Figure 5: Type of legal assistance by client type, FY19

The proportion of clients in each group receiving different types of legal assistance are shown in (Figure 6). Community groups and missing middle clients mainly received one-off advice (62% and 89%) while people experiencing significant disadvantage were mainly assisted through pro bono referral (46%) and casework (41%).

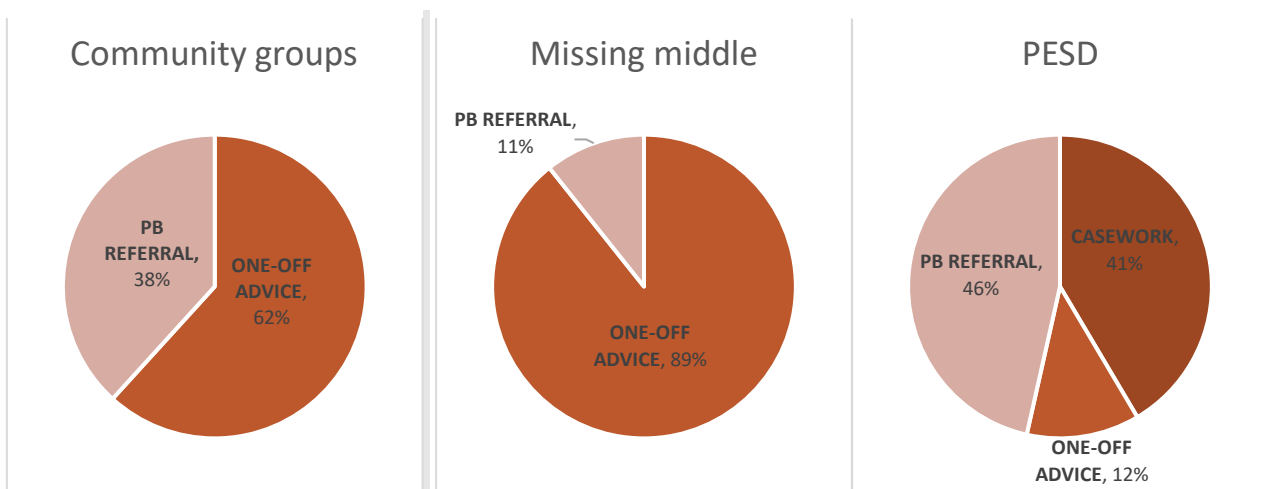


Figure 6: Client type and assistance received, FY19

#### 4.3.2. Legal information

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 in a range of ways by Justice Connect, to both the general public and to clients.

- **Direct**

Legal information is provided directly to clients (in person or by phone) by a lawyer or caseworker when an individual or representative of a community group or 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 1,925 enquiries – 1,057 by individuals and 868 by representatives of community groups or not-for-profit organisations.

- **Online**

Via two websites, Justice Connect provides online resources that people can access without making a legal enquiry to Justice Connect. The Justice Connect website<sup>7</sup> has information, tools and self-help resources for a range of people (including those representing themselves in court, LGBTIQ+ people, those with domestic building disputes, seniors, young people, employees and others) while the Not-for-profit Law website<sup>8</sup> provides for community groups and not-for-profit organisations. During FY19:

- The Justice Connect website received 279,828 unique page views, including 43,982 unique page hits on self-help resources.
- The Not-for-profit Law website received 430,857 unique page 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 553 legal secondary consultations in response to enquiries coming via health professionals.

#### *4.3.3. Training and legal education*

Training and legal education on a range of common legal issues faced by community groups and not-for-profit organisations, and by clients who access Justice Connect's services, is provided in various formats.

- ✧ 5,772 people were trained in FY19 across 263 sessions – 1,324 individuals (including CLC staff, healthcare staff and workers and family violence and housing services) and 4,448 representatives from community groups and not-for-profit organisations (in person and via webinar).

#### *4.3.4. Social work support*

The Homeless Persons' Liaison Officer and the Women's Homelessness Prevention Project Liaison Officer provide – social workers who are key members of Justice Connect's Homeless Law program – assist clients experiencing or at risk of experiencing homelessness, with issues including housing, mental and physical health, family violence, drug and alcohol issues and employment. In FY19:

- ✧ 190 clients were provided social work support – 142 clients were helped directly and 48 were assisted via secondary consultations to external legal and non-legal workers to help them understand the clients' legal issues, timeframes, risks and options.
- ✧ 1,920 hours (est.) were spent by the Homeless Law program's social workers supporting clients

#### *4.3.5. External referral*

Justice Connect programs offer referral to legal services outside of Justice Connect (e.g. LIV, CLCs, etc.) or to non-legal community support services (e.g. financial counselling, mediation, etc.) as needed. As part of a holistic response, external referrals can be made in addition to the different types of assistance described

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<sup>7</sup> <https://justiceconnect.org.au/>

<sup>8</sup> <https://www.nfplaw.org.au/>

above, or if a program cannot provide direct legal assistance, referral to another service may be the main way of helping.

- ✧ 2,059 enquiries were referred elsewhere (29% of enquiries received)

## 5. Improved outcomes for people and community organisations

Throughout the year, Justice Connect programs document a selection of client stories. These stories illustrate the effects that legal issues have on individuals and community organisations and a range of positive impacts achieved through legal help. In FY19, 52 case stories were documented. This section presents the main outcomes experienced by clients, as found through analysis of the case stories.

### 5.1. Improved ability to participate in the legal system

#### 5.1.1. Understanding rights, responsibilities and options

The most common outcome experienced by clients who received legal help was an improved understanding of their legal position and the legal options available to them. Clients were assisted to understand their rights (e.g. employment-related entitlements) and legal orders or reviews they might seek (e.g. special circumstances application).

Missing middle clients in particular were helped to better understand the merits of their claims, the processes and procedures involved in pursuing their legal matters (e.g. evidentiary requirements in VCAT) and the likely costs and outcomes of their planned course of action. This understanding empowered missing middle clients to make informed choices about their next steps.

*When he approached the Self Representation Service Mohammed was adamant about commencing proceedings in the Federal Court. However, after meeting with a pro bono lawyer, he recognised that he would struggle to evidence his claim, and that it was not worth the stress and time and risk of incurring legal costs. Mohammed provided feedback that he no longer intended to commence proceedings and thanked the Service for 'saving him time, energy and money.'*

#### 5.1.2. Pro bono representation to pursue rights

Some clients obtained help in the form of legal representation. For these clients, pro bono legal representatives undertook tasks such as preparing legal documents, gathering evidence, negotiating and appearing in formal legal settings (e.g. courts and tribunals). Most of these were clients experiencing significant disadvantage who were unable to take action to resolve their legal matters on their own, while others were clients whose matters were of such complexity or public interest that representation was deemed appropriate. Without pro bono representation, these clients are unlikely to have been able to pursue their legal rights.

### 5.2. Improved ability to self-help

Among the case stories were numerous examples of assistance through Justice Connect helping to increase the capacity of clients, particularly those self-representing, to resolve their legal matters themselves. Some clients were better prepared for their hearing after assistance (e.g. they understood and obtained the requisite documentation to support their claim; knew what orders they could ask for), while others were in a better position to achieve a satisfactory settlement (e.g. because they better understood strategies for

negotiating and/or what to include in a deed of settlement). With increased understanding of what to expect and how to prepare, many clients were also observed to feel greater confidence to effectively self-help.

### 5.3. Positive legal outcomes

#### 5.3.1. Settlement

Among this year's case stories, settlement was the most frequently documented legal outcome, especially among clients from the missing middle<sup>9</sup>. Clients succeeded in settling matters including building disputes, property entitlements, and employment-related claims before they proceeded to court or tribunal hearing. These clients achieved outcomes they were satisfied with and avoided the stress and financial costs of the matter progressing further.

#### 5.3.2. Debts and infringements

Another common legal outcome documented among case stories, particularly for clients experiencing significant disadvantage, was the reduction/waiver of debts or successful review of infringements. Legal representation in court resulted in infringements incurred by clients experiencing significant disadvantage being withdrawn (e.g. because of special circumstances such as homelessness or family violence). Several clients were facing debts that were significantly affecting their wellbeing; with legal representation these debts were reduced or waived entirely.

#### 5.3.3. Other

Other positive legal outcomes achieved by clients as a result of legal assistance through Justice Connect were many and varied. Outcomes included: withdrawal of criminal charges, adjournment, eviction proceedings withdrawn, visa granted, legal documents prepared (e.g. wills, powers of attorney, guardianship), etc. all of which helped improve clients' wellbeing.

### 5.4. Improved wellbeing

#### 5.4.1. Mental health and emotional wellbeing

One of the key outcomes observed among clients who received legal assistance was improved emotional wellbeing. This took a variety of forms. For many clients, especially those people experiencing significant disadvantage, legal issues were exacerbating existing mental health issues. Clients suffering anxiety, depression, PTSD, substance dependence and the like found their conditions worsening from the stress and practical challenges around pending evictions and criminal proceedings. This in turn made it more difficult for them to address their legal issues which contributed to further deterioration of mental health. Help to navigate and resolve their legal matters created a break to this vicious cycle and gave these clients space to focus on improving or stabilising their mental health.

For other clients, the mental health benefits lay in avoiding the stress associated with court proceedings. Legal assistance helped some clients to settle before court and thereby avoid the stress of litigation, while others were able to obtain representation for their matter.

*"If this service was not available to people like me, it could have spiralled my injury having to speak directly with the respondent."*

There were numerous instances of vulnerable clients achieving a sense of safety as a result of measures put in place with the help of pro bono legal assistance. Clients, especially those who had experienced family violence, were helped to obtain secure housing or IVOs for example, that enabled them to feel more safe and secure.

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<sup>9</sup> Missing middle clients are mainly pursuing civil matters, so settlement is a desirable outcome as it avoids the risks associated with going to hearing (i.e. costs and a negative legal outcome putting someone in a worse position; negative impacts on wellbeing).

Another commonly observed impact of legal assistance for clients was a feeling of relief, particularly, though not exclusively, when the legal matter was positively concluded. Clients were noted to be glad to not to have to think about the matter any further and to feel able to move on with their lives.

#### *5.4.2. Safe, secure housing*

Legal assistance, especially by Homeless Law, helped many clients achieve more safe and secure housing. Some clients were helped to have eviction proceedings withdrawn, thereby enabling them to stay in existing accommodation, while others were helped to obtain housing or a transfer to a new property.

*After squatters were removed from the property, it was no longer habitable and given the history of violence, Marcos was fearful to return. Through further advocacy from the HPLO and Homeless Law's lawyers, we secured a transfer to a new OOH property for Marcos, allowing him to feel safe and secure for the first time in around 12 months.*

#### *5.4.3. Financial*

Many clients achieved a positive financial outcome as a result of legal assistance. These were many and varied and included being paid outstanding employment entitlements (e.g. pay in lieu of notice), recovering contributions to property, having debts waived, receiving compensation for discrimination, receiving family violence support brokerage and saving litigations costs by negotiating settlement.

### **5.5. Strong and effective community groups and not-for-profit organisations**

Not-for-profit Law helps community groups, charities and social enterprises improve their efficiency and effectiveness, enabling them to better focus their time and energy on achieving their mission.

#### *5.5.1. Community groups and not-for-profit organisations fulfil legal obligations*

Community groups were assisted through Justice Connect to better fulfil their legal obligations. Some organisations improved their governance, such as by updating their constitutions and committee procedures, while others received assistance that ensured their various initiatives (e.g. website activities, sponsorship and awards programs) were in line with their requirements and responsibilities as charitable organisations.

#### *5.5.2. Confidence in governance and operations*

All community group client responses expressed an enhanced sense of confidence in their work and decision making as a result of receiving legal assistance. Legal advice and resources accessed through the Not-for-profit Law website helped assure board and committee members that they were fulfilling their legal duties and acting in the best interests of the community group, as they intended to.

*"[We are] much more confident. [Legal advice] took all of that insecurity away – [the committee] knew what they were doing was right, the timeframe was right, and the wording was right." (Not-for-profit client)*

#### *5.5.3. Focus on mission*

Community organisations described that receiving pro bono legal assistance and having easy access to legal information helped reduce the resources expended on legal matters and allowed them to focus their time, energy and financial resources instead on fulfilling their missions (e.g. supporting vulnerable community members, gender equality, managing services to local Aboriginal communities, raising funds and awareness, etc.)

*"[Not-for-profit Law staff] has been very helpful, timely and clear in their communication. We especially appreciate the referral service for pro bono assistance, which saved us a lot of time, much needed to address other matters. The advice and support we received was fantastic." (Not-for-profit client)*

## 5.6. Case stories – examples of impact

To illustrate in more detail the types of impact experienced by Justice Connect clients, one case story has been selected from each program. Each chosen story has been included to give the reader a sense of the breadth and importance of outcomes (as described in sections 5.1 - 5.5) achieved for clients. Pseudonyms are used to protect the privacy of clients.

### *Joe and Sue's story*

### *Domestic Building Legal Service*

Joe and Sue are a couple in their fifties, both have significant health concerns and rely solely on their disability support pensions. In 2013, John and Sue purchased a house to live in. Over the next five years John and Sue noticed minor defects that progressed into significant damage. The problems ranged from insulation that wasn't installed, flooding gutters to defective wiring. Urgently wanting to resolve the issue, John and Sue attempted to negotiate with the builders, but they were ultimately unwilling to rectify defects. In 2017, John and Sue applied to DBDRV. As the limitation period was about to expire, DBDRV issued a certificate of conciliation almost immediately. From there, Joe and Sue filed an application at VCAT without really understanding of what was required of them. In their appointment with DBLS, a volunteer lawyer explained that an expert report would be essential in substantiating their claims, helped John and Sue understand VCAT procedures and provided advice about how to brief an expert appropriately. Joe and Sue were invited to apply for release of disbursement fund from the Service and received \$1,550 to assist with obtaining an expert report. John and Sue couldn't afford a private lawyer to help them with their VCAT proceedings, and also couldn't afford an expert report. We were able to provide Joe and Sue with the knowledge and the financial means to progress their matter. The VCAT proceeding is ongoing.

Ali is a 42-year-old man who experienced chronic homelessness for around six years, including couch surfing, living in crisis accommodation, rough sleeping in his car, and periods of incarceration. He also has long-standing drug & alcohol dependence issues, which he had tried to address through rehabilitation and by going on the methadone program.

Over the years, Ali had received a number of infringements for fare evasion and unlicensed driving directly related to his circumstances of homelessness. Ali had been trying to get back on track, having not received an infringement since 2016, but he was concerned about these older fines hanging over his head. When Ali connected with Homeless Law, he had 56 infringements totalling around \$20,000. Ali had previously sought help from Homeless Law with a tenancy issue, and he expressed trust in re-engaging with us.

The Homeless Law pro bono lawyers advised Ali about his rights and options, and then helped him to prepare a special circumstances revocation application, which included seeking medical evidence from his treating doctors, counsellors and support workers from his time in drug and alcohol rehabilitation, and medical reports from his time in prison. His infringements were revoked by the then Infringements Court, and the issuing agencies refer the matter to the Special Circumstances List at the Melbourne Magistrates' Court. Homeless Law's lawyers represented Ali at the Special Circumstances List hearing, where the Court ordered an adjourned undertaking to be of good behaviour for 12 months, with the condition that Ali continue to see his treating GPs and follow their therapeutic recommendations. Homeless Law recently assisted Ali to finalise his good behaviour undertaking, and he expressed genuine relief at no longer having the burden of \$20,000 in fines weighing him down. Ali is now able to prioritise his health and maintaining safe housing.



### *Warrnambool Community Garden's story*

### *Not-for-profit Law*

Warrnambool Community Garden was established in 2009 by a small group who wanted to create a space where members of the community could come together to grow food, share knowledge, learn and practice sustainable living. Since 2009, the space has grown to 60 garden plots, including communal gardens, herb and bushfood areas, chooks, shelters, and a wood fire pizza oven, as well as a community building called 'The Hub', which has been upgraded with a commercial kitchen and is used for cooking, meetings, workshops and gatherings. The Warrnambool Community Garden now has over 100 members – a diverse range of individuals and organisations – including people with a physical, mental or social/vocational disadvantage who come to the garden to learn about organic gardening and sustainable living. They also run a number of community workshops throughout the year and hold programs for school groups.

Warrnambool Community Garden initially sought the assistance of Not-for-profit Law with a dispute with one of their members. Their committee members had been spending a significant amount of time trying to resolve the issue themselves, a process which was both time consuming and emotionally burdensome. Following advice from Not-for-profit Law, they were able to make updates to their constitution to resolve the matter quickly. The template constitution on Not-for-profit Law's website made this process easy, as they were able to use this constitution and adapt it to suit their own circumstances. Committee members have continued to access the website whenever they require clarity on governance or legal issues and have found Not-for-profit Law's resources easy to use with a lot of relevant and useful information.

Additionally, committee members have attended training delivered by Not-for-profit Law on the issues of governance and managing risk. They also completed the governance health check project and have continued to seek assistance from Not-for-profit Law on issues or governance gaps uncovered during the health check.

Overall, the assistance provided by Not-for-profit Law to Warrnambool Community Garden has helped their committee members build confidence to address legal and governance issues effectively and efficiently. Committee members now have a greater level of knowledge of the relevant policies and processes, and also know where to go to access Not-for-profit Law's resources and training if they require further advice. Not-for-profit Law's assistance has led to more strategic recruitment of committee members designed to bring certain expertise to the organisation, for example a committee member who has worked in Occupational Health and Safety and risk management previously was recruited to bring their expertise in a needed area. All of this knowledge will be beneficial as Warrnambool Community Garden continues to grow and develop in the future.

### *Alexander's story*

### *Public Interest Law*

Alexander\* suffers from PTSD, depression and anxiety. As part of Alexander's ongoing management of his conditions, he has a psychiatric assistance dog, Archie, who accompanies Alexander wherever he goes.

In December 2018, Alexander entered a retail store in Melbourne, Victoria. He was accompanied by Archie, who was wearing a bright yellow jacket labelled with "assistance dog". After browsing the store for a short period of time, a member of staff approached Alexander and asked him to leave Archie outside as animals were not allowed inside the store. Even after Alexander produced Archie's assistance dog ID card, the staff were reluctant to allow Archie to remain in the store.

Alexander eventually paid for his items and quickly left the store in order to call his psychologist and take medication in order to prevent a panic attack. The incident caused Alexander great embarrassment and he was worried that the event would exacerbate his condition to the point where he would be forced to be admitted into hospital for further treatment.

Shortly after the incident, Alexander contacted the Australian Human Rights Commission and made a discrimination complaint against the retail store. The store eventually offered Alexander an apology and a \$500 gift card. Unsurprisingly, Alexander did not accept this offer.

A telephone conference was scheduled, and Alexander contacted Justice Connect for assistance. We assessed Alexander's matter and determined that a firm would likely be able to help Alexander obtain a better result.

'If this service was not available to people like me, it could have spiralled my injury having to speak directly with the respondent'

We referred the matter for representation and with the help of a Justice Connect firm to represent him, Alexander was able to secure a much better outcome. Due to the representation he received from Carroll O'Dea, Alexander was able to secure a successful outcome. Carroll O'Dea's assistance led to Alexander obtaining more than 10 times the amount originally offered along with a formal apology.

At the conclusion of the matter, the lawyers remarked that providing pro bono representation was a "great experience, great result for a lovely man".

### *Sally's story*

### *Self Representation Service*

Sally had just finished a TAFE course and was looking for some work experience when she contacted a recruiter. Sally paid the recruiter a fee to be placed on an unpaid "internship" with a host company, working at a factory. Sally worked full time and noted that she was doing the same work as paid employees at the factory, but without any pay. Sally then contacted the Fair Work Ombudsman to discuss her case. She was informed that there were tight restrictions around unpaid internships, which did not seem to have been followed in Sally's case, so she should be treated and paid as an employee. Sally expressed her concerns to the recruiter and company and asked to be paid for wages that she had earned and travel expenses.

When Sally received a proposed Deed of Settlement from the company and recruiter, she approached the Federal SRS for advice about the Deed and the pros and cons of litigation.

She was considering legal action as the Deed of Settlement was not offering the full amount she asked for. The Service reviewed the Deed and advised that it was a very good offer, in light of what she might recover through litigation. The volunteer lawyer also drafted a letter to the company to negotiate amendments to the Deed, in order to protect Sally. The outcome was that Sally received majority of the amount she requested, and the terms of the Deed were more favourable.

Equipped with legal advice and a draft letter proposing amendments to the Deed, Sally was able to understand her legal position and negotiate a fairer settlement. Sally received a settlement sum that she was happy with and avoided the stress and risks of litigation in the Federal Circuit Court.

Jeannette is an 80-year-old woman who was admitted to hospital with a badly infected wound on her foot, a consequence of her diabetes. She lives at home with her only son, Cameron, her husband having died last year. Following her husband's death, she has discovered they are actually in severe debt - something he managed to keep hidden from her while he was alive - meaning she now has to sell their house and consider her future living arrangements. Cameron, who Jeannette acknowledges probably has some undiagnosed mental health issues, is making her life increasingly difficult. While his behaviour towards her has always been problematic, it has deteriorated drastically since his father's death: he is extremely verbally abusive, demeaning, and belittling towards her, blaming her for their current financial predicament and essentially everything that has ever gone wrong in his life. He can be very aggressive, and Jeannette admits she is sometimes afraid that one day the verbal abuse might become physical. His behaviour has already had health implications for her: Jeannette had previously been approved for community nursing to go into her home to treat the wound on her foot, however due to Cameron's aggression the nurses refused to attend the property. A direct consequence of her son's behaviour therefore is that her toe now has to be amputated.

Cameron is putting extreme pressure on Jeannette to appoint him as her attorney. He has not had a job for many years and does not seem to have a rational understanding of her financial situation, however Jeannette is worn out by his abuse and is contemplating caving into the pressure. She discloses the stress she is under to the hospital social worker, who immediately asks her if she would like to get some free legal advice about her situation from the lawyer based at the hospital, and she agrees.

The HJP lawyer saw Jeannette at her bedside on the ward over a number of advice sessions, during which time they talked about her situation and the lawyer got a clearer picture of her needs, including the need to put some robust substitute decision-making arrangements in place for her. She acknowledges that Cameron would not make a great attorney, however she confesses that in order to placate him and demonstrate her trust in him, she is thinking about appointing him as her guardian. The lawyer strongly advises against this course, pointing to the fact that she has lost her toe as evidence that her son might not be capable of making decisions that are in her interests, including in relation to services and healthcare that she might need in the future. Jeannette sees the sense in this, and ultimately decides to appoint her very loyal and financial savvy sister as her attorney, and her very trusted sister-in-law as her guardian. With these arrangements in place and having galvanised the support of her family around her, Jeannette feels much stronger about facing the future and about resisting ongoing abuse from her son.

## 6. Better laws and policies

Justice Connect has committed to increasing its reach and impact through developing and delivering an organisation-wide advocacy strategy. In FY19, Justice Connect mapped out how to build an advocacy program across the organisation.

The starting point was establishing regular Strategic Casework Meetings for nominated frontline staff to attend and share public interest cases and issues arising through legal service delivery. The meetings provide a space for strategic discussion and to see the intersections between legal and systems issues across the programs of Justice Connect.

The Strategic Casework meetings are building the evidence base from which Justice Connect's advocacy strategy, priorities and workplan will be determined. In FY19, preliminary work was completed in building these frameworks – especially through designing the CRM.

## 7. Method

This Transitional Impact Report was designed and written through collaboration between Justice Connect and an evaluation consultant; Justice Connect staff wrote sections 1, 6 and 7, the evaluation consultant produced sections 3 – 5 and 8 and section 2 was co-written.

The evaluation consultant was provided data drawn from the quarterly reports prepared by Justice Connect programs throughout the year. Quarterly reports include data that track program activities, enquiries received, responses to enquiries (e.g. type of legal assistance provided) and client stories that provide examples of program impact.

The evaluation consultant aggregated the quantitative data<sup>10</sup> across programs and produced a summary of the demand for and supply of help by Justice Connect, and work done by the organisation to improve the skills and engagement of lawyers.

NVivo 11<sup>11</sup> was used by the evaluation consultant to analyse 52 client stories and identify the types of impacts experienced by Justice Connect's clients as a result of the help they received. Each story was read at least twice, and then coded using the new narratives as an organising framework, along with any emerging themes. Impacts characteristically experienced by each of Justice Connect's three main target client groups – the missing middle, community groups and people experiencing significant disadvantage – were identified.

Program managers reviewed a draft of this report and feedback was incorporated into the final version.

### 7.1. Limitations

Financial year 2019 represents a transition year for Justice Connect. The organisation developed a new model for understanding and effecting impact, requiring metrics and data collection systems to be updated accordingly. While this work is in progress, Justice Connect programs documented and monitored their work under the existing impact reporting system. This report shares the data collected that is relevant to the new impact model. For this purpose, it is assumed that each program assists one particular client cohort:

- Homeless Law, Seniors Law and Public Interest Law assist People Experiencing Significant Disadvantage
- Not-for-profit Law assists community groups and not-for-profit organisations
- Court Programs (i.e. Domestic Building Legal Service and Self Representation Services) assist the Missing Middle

While it is expected that the above assumptions are largely true, in some instances the divide will not be so clear. For example, some Court Programs clients may be experiencing significant disadvantage; some clients of Seniors Law may be considered part of the Missing Middle. Data collected under the revised system will provide better information about the demographics of clients and people making contact, giving the organisation a more nuanced understanding of those who seek and receive help.

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<sup>10</sup> The use of common metrics across programs enables quantitative data to be aggregated.

<sup>11</sup> Qualitative data analysis software.

## 8. Appendix

### Services delivered by Justice Connect

ACCESS TO PRO BONO LEGAL SERVICES		PERFORMANCE MEASURE	Domestic Building Legal Service	Homeless Law	Not-for-profit Law	Public Interest Law	Self Rep Services	Seniors Law	TOTAL
Enquiries		# enquiries received	589	1,599	1,692	1,470	963	720	<b>7,033</b>
Responses to enquiries	Legal assistance – One-off advices	# advices given to clients	147	45	402	NA	278	107	<b>979</b>
		# clients given advice	140	41	294	NA	212	71	<b>758</b>
	Legal assistance – Ongoing casework (By in-house lawyers and clinics)	# new files opened	NA	470	NA	NA	NA	54	<b>524</b>
		# unique client casefiles	NA	396	NA	NA	NA	47	<b>443</b>
		Total # hours spent on files by in-house lawyers	NA	540 <sup>12</sup>	NA	NA	NA	378 <sup>13</sup>	<b>918</b>
		Total # hours spent on files by PB clinic lawyers	236	19,129	NA	NA	468	NA	<b>19,833</b>
	Legal assistance – Referrals to pro bono lawyers	# referrals – Advice and Representation	10	NA	249	558	41	29	<b>887</b>
	Legal information, no advice	# enquiries given legal information only	345	69	868 <sup>14</sup>	NA	130	513 <sup>15</sup>	<b>1,925</b>
	Non-legal assistance <sup>16</sup> (Homeless Law only)	# clients given direct non-legal assistance	NA	142	NA	NA	NA	NA	<b>142</b>
		# secondary consultations	NA	48 <sup>17</sup>	NA	NA	NA	NA	<b>48</b>
		Total # hours spent on direct non-legal assistance	NA	1,920 <sup>18</sup>	NA	NA	NA	NA	<b>1,920</b>
	External referral – legal or non-legal <sup>19</sup>	# enquiries referred elsewhere	349	647	NA	606	295	162 <sup>20</sup>	<b>2,059</b>
	Not assisted	# enquiries not assisted in any way	40	16	10	0	262	1	<b>329</b>
Lost contact or Client withdrew	# clients lost / withdrawn before assisted	18	42	113	244	170	15	<b>602</b>	
		# unique clients assisted (via advice, casework or referral)	98	396	385	376	240	120	<b>1615</b>

<sup>12</sup> For June 2019, Homeless Law recorded the calls & emails to/from our pro bono lawyers to our in-house team for one month, seeking to identify trends in their support needs. During this time the team recorded approximately 45 hours of support.

<sup>13</sup> Based on estimate of 7 hours per casework file (includes minor casework files), which is an average figure based on the experience of the file lawyers.

<sup>14</sup> This includes organisations that were "referred elsewhere". NFP Law does not separate these statistics, as they almost always send clients not eligible for advice to NFP Law's legal information resources and external pathways.

<sup>15</sup> Includes matters where a help-seeker received legal information only, and secondary consults where a worker received information and the matter is not known to have progressed to direct legal assistance.

<sup>16</sup> Direct non-legal support by social workers employed by Justice Connect.

<sup>17</sup> This captures the information provided by Homeless Law lawyers (i.e. in-house lawyers) to external legal and non-legal workers regarding their clients' legal issues, timeframes, risks and options.

<sup>18</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: 25 hours for the HPLO and 15 for the WHPPLO (multiplied by 48 working weeks).

<sup>19</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.)

<sup>20</sup> These enquiries generally received a secondary consult by the HJP lawyer or legal information before being referred externally.

ACCESS TO PRO BONO LEGAL SERVICES	PERFORMANCE MEASURE	Domestic Building Legal Service	Homeless Law	Not-for-profit Law	Public Interest Law	Self Rep Services	Seniors Law	TOTAL
Training and legal education for community members and not-for-profit organisations	# people/NFPs attending	NA	421	4,448	45	NA	858	<b>5,772</b>
	# sessions run	NA	21	196	2	NA	44	<b>263</b>

PRO BONO CAPACITY & COMMITMENT	PERFORMANCE MEASURE	Domestic Building Legal Service	Homeless Law	Not-for-profit Law	Public Interest Law	Self Rep Services	Seniors Law	TOTAL
Capacity	# pro bono lawyers trained	117 <sup>21</sup>	1,106 <sup>22</sup>	78	96	44 <sup>23</sup>	43	<b>1,484</b>
Commitment	# firms/barristers who accepted a pro bono referral	6	NA	25	387	12	13 <sup>26</sup>	<b>443</b>
	# lawyers providing clinic services	61	456 <sup>24</sup>	NA	NA	363	NA	<b>880</b>
	# clinic hours provided by PB lawyers	59	461 <sup>25</sup>	NA	NA	117	NA	<b>637</b>

<sup>21</sup> The Service did not provide training sessions specific to DBLS, rather Introduction to Court Programs training sessions were provided for lawyers volunteering with DBLS or SRS; 117 volunteer lawyers attended.

<sup>22</sup> This figure reflects the number of lawyers and graduates who attended training sessions. Most pro bono graduates and new lawyers attend at least five Homeless Law sessions; attendance is counted five times.

<sup>23</sup> This figure is the number of lawyers trained specifically to work with SRS. These lawyers also attended the general Introduction to Court Programs training (see footnote 14).

<sup>24</sup> This figure is calculated once a year, in Q4, based on numbers provided by our pro bono firms.

<sup>25</sup> This figure is based on the number of appointments booked for the year and their duration. The average clinic capacity with our pro bono lawyers was 9.2 hours per week.

<sup>26</sup> Several firms accepted more than one referral.