

## **PilchConnect pro-bono referral guidelines - existing organisations**

For existing not-for-profit community organisations (whether incorporated or not), eligibility for assistance from PilchConnect depends on the **type of organisation** seeking assistance and the **nature of the legal matter**.

### **1. What types of organisations can PilchConnect assist?**

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#### **1.1. The organisation must be a not-for-profit community organisation**

An organisation requesting the legal assistance of PilchConnect must be not-for-profit. This means that the organisation's constituent documents (for example, its rules or constitution) must state that it does not distribute income amongst its members either during the group's lifespan or upon winding up.

#### **1.2. The organisation must be based predominately in Victoria**

PilchConnect is a Victorian-based service. As the law which applies to community organisations differs between States and Territories, PilchConnect will give priority to those organisations operating from within Victoria. Where an organisation is national, with a Victorian branch, the legal issue in question must have a sufficient link to Victoria, or have a flow-on benefit for other Victorian community organisations.

#### **1.3. The organisation must have exhausted all other avenues for assistance**

Generally, PilchConnect can only assist an organisation where it has exhausted all other avenues for legal assistance. Before seeking legal assistance through PilchConnect, groups should consider whether their matter can be resolved by approaching a peak representative body for support, a specialised legal information centre (for example the Arts Law Centre or Environment Defenders Office), or a lawyer that they have a relationship with. PilchConnect has listed many peak bodies on its website at [www.pilch.org.au/more\\_help/](http://www.pilch.org.au/more_help/).

#### **1.4. The organisation must serve the public interest**

To qualify for PilchConnect assistance, a not-for-profit organisation must have public interest objectives. Generally, this means that the organisation's goals and objectives are to serve the broader community, rather than just its membership base. In assessing this criterion, we will have particular regard to those community organisations that assist individuals (including members) considered to be disadvantaged or marginalised within our community.

#### **1.5. The organisation must be unable to afford, or have difficulty in affording or accessing legal assistance**

PilchConnect seeks to ensure that community organisations are not forced to divert their limited funds to obtain legal advice where that money is better allocated to advancing the objectives of the group. Accordingly, PilchConnect will give priority to smaller organisations that rely heavily on volunteers as opposed to those groups that might otherwise have the resources to afford or access legal assistance.

We will, however, consider assisting larger not-for-profit groups and peak representative bodies that might otherwise not meet this criteria where the legal issue is of significant public interest, and where the matter is such that it has a broad flow-on benefit for other community-based organisations in the sector. This will be assessed on a case-by-case basis by PilchConnect staff.

In general, PilchConnect will be **unable** to assist the following groups (unless their matter is of significant public interest):

- ▶ Sporting organisations
- ▶ Overseas aid operations
- ▶ Statutory bodies
- ▶ Trade unions
- ▶ Political associations
- ▶ Privately controlled foundations
- ▶ Religious organisations
- ▶ Residential action groups
- ▶ Corporate foundations

## 2. What kind of legal matters can PilchConnect assist with?

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### 2.1. Matters with sufficient legal merit

PilchConnect will only assist where there is an identifiable legal issue, and where that issue has sufficient legal merit. Generally, PilchConnect will not assist with matters that could otherwise be adequately resolved through non-legal methods such as dispute resolution or mediation. This will often include internal disputes or disagreements amongst board members.

### 2.2. Matters related to the organisation's compliance obligations and ability to achieve its objectives

PilchConnect is focussed on assisting not-for-profit community organisations advance their objectives by guiding them through the range of legislative requirements. PilchConnect therefore prioritises referral matters relating to the governance of the organisation and delivery of its services. For example, PilchConnect will generally accept legal matters that focus on a not-for-profit group's constitution, available tax concessions, property issues, reporting obligations and fundraising options (see below).

In general, PilchConnect will be **unable** to assist with the following types of matters (unless they raise a matter of significant public interest):

- ▶ Internal disputes
- ▶ Business ventures
- ▶ Complex litigation
- ▶ Second opinions

PILCH also manages other legal assistance schemes that assist individuals and matters of significant public interest – this may be relevant for clients or members of your organisation. Contact PilchConnect on (03) 8636 4444 if you wish to discuss the eligibility of your legal inquiry further.