
ANNUAL
REPORT

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ANNUAL REPORT

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2011 / 12

OUR YEAR

Our first and most important goal is to respond to the legal needs of our clients, including by connecting them with committed pro bono lawyers who can assist them. The second is to seek to improve laws and policies that cause or perpetuate the disadvantage our clients experience. In doing this, we rely on the evidence of our case work, supported by stories of our clients. Our third goal is to inspire and build the pro bono culture of Victorian lawyers, whether they are barristers, solicitors or in-house lawyers.

This year's annual report explains what each of our programs has done to meet these three goals. More clients than ever before have been assisted and more lawyers have joined with us in this work. We have also had some law reform successes.

This report is also honest about what has been hard – once again, we have found that the demand for our services outstrips the resources we have to respond. In response to this, we have worked to improve our programs, to be sure that we are making the most effective use of our pro bono resources.

We have implemented a new approach to monitoring and evaluating the outcomes of our work. It is based on identifying the change we are seeking through our work, and setting clear criteria for understanding whether we are achieving this. It has helped us keep our focus clearly on the areas where we can make the most impact.

We are also aware of changes in the wider legal landscape in which we operate. Many firms are operating in more than one state

The financial year which ended on 30 June 2012 marked another year of growth and change for PILCH Victoria. We have continued to clarify our role and purpose, working towards our three core goals.

... or are national and there has been a rapid influx of international firms partnering with local firms. Moves towards a national legal profession continue, albeit slowly. The pro bono culture of Australian lawyers continues to develop, with more firms getting involved and others having highly developed and longstanding practices.

We recognise that we need to change as our context is changing. In response to this, in May this year the boards of PILCH Victoria and PILCH NSW made an historic decision – that the two organisations would join together to form a new organisation, to develop and deploy pro bono legal services in this changing context. Work is well underway towards realising this vision.

Looking ahead, our big challenge for the next financial year is to fulfil the promise of the new PILCH organisation, while maintaining our existing work in the face of client need. We are confident that we will be able to achieve this. As always, we are sustained by the energy and commitment of our many partners, who have embraced the changes that are afoot.

... We are fortunate to have the staunch and longstanding support of key partners including the Law Institute of Victoria, the Victorian Bar and our members, including law firms, corporate legal departments, community legal centres and university law schools. Volunteers, including law students and professionals, and secondees from law firms bring energy and extra skills.

We also have many supporters in the philanthropic sector and in government who help fund our work. And we continue to be inspired and sustained by our staff. Every day they demonstrate the best features of the legal profession, using their talent to advance access to justice and a fair society.

Fiona McLeay
Executive Director

Mitzi Gilligan
President





ABOUT US

Dedicated to improving access to justice to help create a fairer society

We are an independent, not-for-profit organisation that is committed to improving access to justice for those who are disadvantaged or marginalised, and to protecting human rights.

We do this by facilitating pro bono legal services to Victorian individuals and organisations in need, and by addressing injustice through law reform, policy work and legal education.

We connect the most vulnerable in our community with lawyers who can provide free legal help.

We do this in collaboration with law firms, barristers and individual lawyers, as well as institutions like the Law Institute of Victoria, the Victorian Bar, community legal centres, Victoria Legal Aid, government and philanthropic organisations.

We also run three legal services targeted to specific client groups: the Homeless Persons' Legal Clinic, the Seniors Rights Legal Clinic and PilchConnect, our service for not-for-profit community organisations.

Through our work we find gaps and systemic failures in the legal system and use our casework as evidence to seek improvements to the legal system. This combined approach helps people to access justice and works to transform the underlying structures that cause injustice and inequality.

OUR THEORY OF CHANGE

We believe our work, driven by our passion and energy, contributes to broad social change goals of access to justice and a fairer society. By articulating a Theory of Change for our programs, we are able to connect our day to day work with our goals of access to justice and a fairer society. By setting measures to monitor our progress, we are better able to understand how our programs work, where improvements can be made and to report on program outcomes. We believe this is important for three reasons:

- We need to demonstrate our effectiveness and efficiency in a meaningful way, to supporters, our board and ourselves.
- We want to learn and share our learnings in our sector.
- We want to tell a compelling story about our programs to help gain greater support for our work and to show how legal services are critical to alleviating disadvantage.

THE QUESTIONS WE ASK OURSELVES:

1. ■ What is the change we want to see
2. ■ How will that change happen
3. ■ What is our unique contribution to bringing this change about
4. ■ How will we know if we have done this

OUR PROGRAMS

PRO BONO REFERRALS

PILCH is proud to manage the pro bono programs of the Law Institute of Victoria and the Victorian Bar as well as making public interest referrals to our members.

Most applicants to our referral service have complex legal problems and limited options for obtaining legal assistance.

As well as responding to requests for legal assistance, our referral service undertakes law reform and policy work and fosters pro bono capacity in the legal profession.

Our members' program is funded through fees and in-kind support from PILCH members and by grants from philanthropic organisations.

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

The Victorian Bar Pro Bono Scheme (VBPBS) is funded by the Victorian Bar through a special purpose grant from the Legal Services Board and is steered by the Victorian Bar Pro Bono Committee.

PILCHCONNECT

PilchConnect is a specialist service for not-for-profit community organisations. We 'help the helpers' by providing legal information, advice and training to Victorian community groups. We also do law reform and advocacy work aimed at improving the legal framework and reducing red tape for the not-for-profit sector. By assisting community organisations in these ways, we help them focus their time and energy on achieving their mission - whether that's supporting vulnerable people, delivering community services, enhancing diversity or bringing people together to pursue a common interest or cause.

HOMELESS PERSONS' LEGAL CLINIC

Our legal clinics, staffed by member firms, operate on a weekly basis at 9 outreach locations across metropolitan Melbourne and Geelong. The clinics provide advice and advocacy for people experiencing or at risk of homelessness. Legal services are provided by pro bono lawyers from PILCH's member law firms and supervised by specialist lawyers employed by PILCH.

In 2011-12 clinics were based at:

- The Big Issue (Clayton Utz)
- St Kilda Crisis Contact Centre (Freehills)
- Ozanam House (Minter Ellison)
- Flagstaff Crisis Accommodation (Minter Ellison)
- Homeground Services (Allens)
- Melbourne City Mission (King & Wood Mallesons)
- Hanover Southbank (DLA Piper Australia)
- VACRO(Corrs Chambers Westgarth)
- Northside Geelong(Harwood Andrews)

We receive core funding from the Commonwealth Community Legal Services Program and the Victorian Department of Justice (through Victoria Legal Aid, and for the Homeless Persons' Liaison Officer project).

THE HOMELESS PERSONS' LEGAL CLINIC TURNS 10

SENIORS RIGHTS LEGAL CLINIC

We are a partner in Seniors Rights Victoria (SRV), a community legal centre run jointly by the Council on the Ageing (COTA), PILCH, and the Loddon Campaspe and Eastern Community Legal Centres. PILCH operates the Seniors Rights Legal Clinic as part of SRV.

We provide free legal services to older people who are unable to afford legal help. Legal services are provided at four outreach clinics by pro bono lawyers from PILCH member law firms.

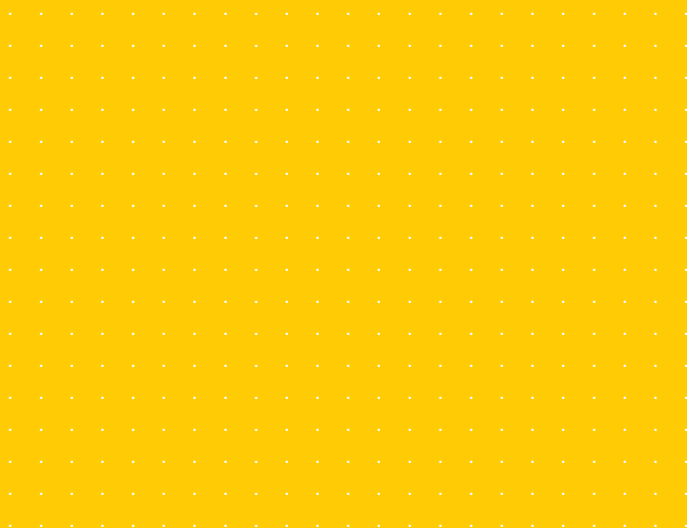
The clinics are located at hospitals and health centres throughout metropolitan Melbourne to ensure easy access for clients. In addition to legal services, we undertake law reform and advocacy to improve laws and policies that adversely impact the interests of older people and their access to justice. The SRLC operates with funding from Victoria Legal Aid and Senior Victorians Aged Care Branch (formerly the Office of Senior Victorians).

In 2011-12 clinics were based at:

- Caulfield Hospital (Holding Redlich)
- Bundoora Extended Care Centre (Herbert Geer)
- Doutta Galla Community Health (Norton Rose)
- Western Region Community Health (Hall & Wilcox and Lander & Rogers)

Photo: Timothy Herbert/PILCH





“For small services such as us, the probability of keeping ourselves updated with the myriad changes to legislation that occur regularly would not be possible without the support of services such as PilchConnect.”

CASE STUDY

Victoria’s equal opportunity laws aim to eliminate discrimination and promote equality in our community. In August 2011, changes were made to strengthen these laws.

In May 2012, Women’s Health Grampians contacted PilchConnect seeking legal help to obtain an exemption from the *Equal Opportunity Act 2010 (Vic)*. WHG is a not-for-profit community support organisation that promotes health and opportunities for women in the Grampians region. Their service prioritises support for women in positions of disadvantage or marginalisation. Due to the sensitivities and needs of its client base, WHG wanted to limit their membership, employment and service delivery to women. In light of changes in the Equal Opportunity

Act, WHG was uncertain about the exemption process and needed legal assistance to draft submissions in support of their application before the Victorian Civil and Administrative Tribunal.

PilchConnect facilitated pro bono assistance from Russell Kennedy Lawyers, with support from Eliza Holt of Counsel via the Victorian Bar Pro Bono Scheme. WHG was successful in getting their exemption. They remarked, “Without the skills and expertise of Russell Kennedy we would not have been successful in this process – your facilitation of this relationship was a key component”.

There are an emerging number of community groups seeking legal assistance in light of the changes to Victoria’s equal opportunity

laws. In a strategic response, PilchConnect engaged in a dialogue with the Victorian Equal Opportunity and Human Rights Commission. As a result, we organised a seminar for lawyers aimed at raising awareness of the impact of equal opportunity reforms on not-for-profit groups and the Commission ran free training for community groups. This collaborative approach empowered community organisations to better understand their obligations under the *Equal Opportunity Act*. It also increased the capacity of the pro bono legal community to assist organisations like WHG, and ultimately, to help the people in need those organisations support.

OUR GOALS

ADDRESSING LEGAL NEED

AT A GLANCE

- 84 asylum seekers referred for legal advice and assistance, with a 79 per cent success rate at the Federal Magistrates Court
- We took over 3,000 telephone enquiries
- More than 700 enquiries through our clinics
- Helped more than 500 people through our referral service
- Helped 425 people through the Homeless Persons' Legal Clinic
- Helped 154 people through the Seniors Rights Legal Clinic
- Referred 118 community organisations through PilchConnect and provided 379 telephone advices

WHY IS THIS IMPORTANT?

Access to justice is a fundamental human right and legal representation is a key component of achieving this. The legal system can often be confusing - sometimes people don't know where they can go for help, or assume they can't get help because they have no money. Sometimes they aren't even aware that they have a legal problem.

Disadvantage cuts across the Victorian community: people experiencing homelessness, people with disabilities, the elderly, those who don't have residency and many, many more. Our role is to connect the most vulnerable in our community with passionate lawyers who offer their services for free. We see the difference a legal remedy can make in people's lives and the benefit to society as a whole, and we believe that lack of money should not be an impediment to being heard, and to getting justice.

HOW HAVE WE DONE AND WHAT'S NEXT?

We are acutely aware of the barriers that people face in getting access to justice. To ensure we do our best to respond, we have evaluated our clinic programs and our referral practice to improve the service for clients and the quality of referrals we provide to our lawyers.

We aim to address our community's most pressing legal needs, focussing on areas of law where no other legal assistance is available. This includes small not-for-profit organisations that are dealing with complex laws about how their organisation should be run. Many areas of the law governing not-for-profits are more complex than those that for-profit businesses face. These organisations are often run on extremely limited resources, and the complexities of the law can regularly draw their focus away from their core mission.

Our service, PilchConnect, 'helps the helpers'. Its importance in providing free legal services to not-for-profits has been recognised by the state government, and demand is constantly increasing. Deloitte Access Economics evaluated the impact of the PilchConnect service, concluding that it contributed \$4.3m to the Victorian community via the 3,500 additional services our client organisations were able to provide. PilchConnect will continue to innovate and expand, conducting more free and fee-for-service training, and expanding into podcasts in the coming year.

A review of the Homeless Persons' Legal Clinic coincided with its 10 year anniversary. In the last ten years the HPLC has helped over 5,000 Victorians at risk of or experiencing homelessness. Our review of all open files in the HPLC showed that at least one quarter of clients have a severe mental health problem, one quarter have a substance abuse issue, and almost one in five have at least two overlapping, significant issues. These numbers confirmed what we see in the clinics every week - we are working with some of the most vulnerable people in Victoria who are disproportionately impacted by the law. Sometimes getting a fine can mean the difference between eating, getting healthcare or paying rent.

Because many clients of the HPLC are without housing, they are more likely to be fined because they are living in public spaces, but they are less likely to be able to pay. We are almost in a perfect storm of a housing crisis in Victoria - some of the highest rent prices in the world and a flat-lining vacancy rate means we have to do all we can to ensure people aren't evicted.

This year saw a few barriers thrown in our way. The Director of Housing v Sudi decision in September 2011 held that the Victorian Civil and Administrative Tribunal (VCAT) does not have jurisdiction to consider the *Charter of Human Rights and Responsibilities Act 2006* in any cases, including where people might be evicted. Previously we managed to prevent 42 people, including 21 children, from being evicted into homelessness using human rights arguments. The Sudi decision now means that human rights arguments have to be heard in the Supreme Court. This is not a realistic prospect for our clients, and as a result more people are at risk of being evicted and joining the other 38,000 people on the waiting list for public housing. We will be advocating that human rights should again be considered at VCAT when dealing with possible evictions.

We trialled clinics in Moe, where we represented people facing eviction at VCAT. Moe has high socio-economic disadvantage, and clients facing eviction have largely gone unrepresented. There have been some difficulties in our previous regional

work - primarily the problem of being geographically removed from the client. The Moe clinic attempted to avoid this problem by providing a duty lawyer service with no ongoing casework.

The Seniors Rights Legal Clinic has continued to see increased demand for its services. Elder abuse takes many forms. Many of the cases we see involve financial abuse - often where someone has taken advantage of an elderly member of the family.

Current estimates are that by 2050 people over the age of 65 will represent 23 per cent of the population compared with the 14 per cent now. The legal need will increase and we will be doing more work with co-located services at our clinics to raise awareness about elder abuse and our services.

We also trialled a regional clinic in Shepparton - 30 people were seen over two days and many expressed relief at having their issue resolved. While there is a clear need for pro bono legal services in the Shepparton area, we found that our clinic model is not the best way to deliver them - our experience shows that clients with complex matters that need ongoing casework would be better supported by more on-the-ground lawyers.



**PILCHCONNECT TRAINING
SESSION WITH THE KAYYO
OROMO WOMEN'S GROUP**

LAW REFORM

AT A GLANCE

Our work has contributed to:

- Retaining the *Charter of Human Rights and Responsibilities Act 2006*
- Securing a commitment from the Victorian Government to fix a quirk in the *Land Tax Act 2005* as a result of a tenant being sent a \$40,000 bill for their landlord's unpaid land tax
- The establishment of a national charity commission, the Australian Charities and Not-For-Profits Commission (ACNC)
- A rewrite of the *Associations Incorporation Act 1981* which better reflects the way 35,000 incorporated associations in Victoria operate
- The Victorian Law Reform Commission's report on the Guardianship Review
- Securing changes to Victorian corporate practicing certificates resulting in an additional 2,700 lawyers who can do pro bono work

WHY IS THIS IMPORTANT?

The law at its best provides speedy, fair and efficient resolutions to legal issues. At its worst it can create or perpetuate disadvantage.

It is important that we undertake law reform work to ensure that disadvantaged people are not disproportionately affected by what may otherwise be seen as fair laws. We have a unique insight into this based on our casework and the large number of clients we help. This means our advocacy work has a strong evidence base, and we use people's stories to show the impact that problems in the law have on real people. We also suggest solutions, so that we contribute to improving the law and reducing legal problems for our clients. This is a critical part of our model - rather than just helping people when they have a legal problem, we seek to address the systemic causes of injustice.

HOW HAVE WE DONE AND WHAT'S NEXT?

It has been challenging - there has been an enormous amount of policy and law reform work this year. However, this has been largely rewarding with our work contributing to important changes.

A key success this year was the decision by the Victorian Government to retain the *Charter of Human Rights and Responsibilities Act 2006*. Charting the Right Course, our submission to the Scrutiny of Acts and Regulations Committee (SARC), contained five recommendations and 20 case studies of matters where the HPLC had used the Charter to advocate for clients. The case studies showed that the Charter had helped to prevent the eviction of 42 people, including 21 children, from social housing into homelessness. 3,834 submissions to SARC supported retaining the Charter. PILCH was mentioned in the Premier's media release as a key stakeholder in ongoing consultation around the Charter.

The Victorian Law Reform Commission (VLRC) also took on key recommendations from PILCH and Seniors Rights Victoria in its consultation on guardianship laws. Our key recommendations were to have a single piece of legislation instead of three, a register for powers of attorney, and improvements to the accountability of those holding power of attorney.



PILCH staff meet with the Hon. Robert McClelland MP. Photo: Tom Clarke/Human Rights Law Centre

Our submission was cited 62 times by the VLRC and the majority of our recommendations were reflected in VLRC's report. Baker & McKenzie was instrumental in the research phase and first draft of the submission. We are looking forward to seeing these improvements to the law realised in the coming year.

This year also saw the announcement of the Australian Charities and Not-for-Profits Commission (ACNC) which will become Australia's first independent regulator for charities. PilchConnect, standing with others in the sector, has been advocating for an independent regulator since its formation in 2008. In that time PilchConnect has

provided thirteen detailed submissions to various federal government enquiries into the not-for-profit (NFP) sector. Since the announcement of the ACNC in the 2011 Federal Budget we have engaged extensively with the government by advising on the ideal structure and scope of the ACNC, which is expected to begin operation in October 2012.

We will also be spending the next few months communicating about the impacts of this reform to the NFP sector.

The Federal Government has also indicated it wants to introduce a statutory definition of charity, which potentially will have a significant impact on our clients.

This is an important reform for us to contribute to. In Australia whether an organisation is charitable or not currently depends on the preamble to an English statute from 1601, - a piece of legislation that has for many years no longer applied in the UK. We need an updated definition of charity that encompasses modern social values, including recognition of work to improve human rights, preventative community services and social justice advocacy.

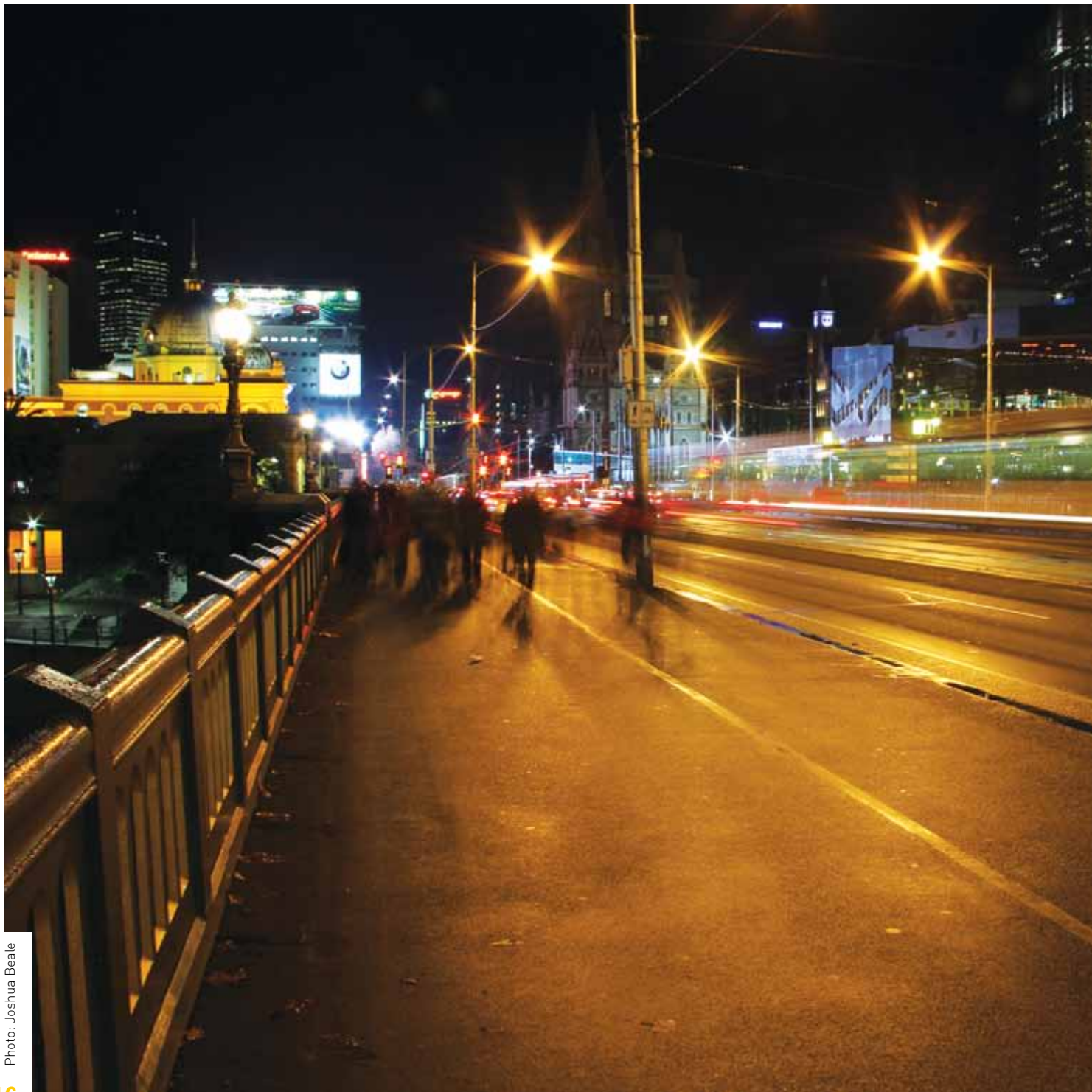


Photo: Joshua Beale

CASE STUDY

Scott's fines are waived

When he sought assistance from the Homeless Persons' Legal Clinic, Scott* was homeless and suffered from depression and anxiety, an acquired brain injury and long-term chronic alcohol dependence.

Scott had accrued over \$6000 of fines. Most of them were for being drunk in a public place. We assisted Scott to apply for revocation of the fines on the basis of his special circumstances.

We represented Scott at a hearing where the court ordered that the matter be adjourned without conviction subject to Scott undertaking to be of good behaviour, and that he continue to engage with drug and alcohol counselling.

During the period of the undertaking, Scott's relationship broke down, he became separated from his children and had to live in a rooming house. His grandmother, who he was very close to, also became unwell. These stresses hindered his recovery and he was issued with further fines for being drunk in public.

We represented Scott in court on three more occasions. Almost two years after he first sought assistance, Scott was able to show the court that his rehabilitation had been successful and he had been sober for over six months. He had not committed any further offences since the last hearing.

The infringements for being drunk in public were dismissed.

During his recovery, Scott was asked to articulate his goals. He said, "get my legal problems finalised" and "go to court and show that I am a decent person and not a burden on society". When we spoke with Scott recently, he said "I'm getting there; I've had slips like everyone else, but you've been a huge help".

* Name has been changed

"I'm getting there; I've had slips like everyone else, but you've been a huge help"
says Scott.

STRENGTHENING PRO BONO CULTURE

AT A GLANCE

- 2700 corporate in-house lawyers in Victoria can now do pro bono work
- Regional clinics held in Moe and Shepparton
- Training regional community legal centres and member firms in not-for-profit law
- Trained barristers and firms to help with increased demand from asylum seekers
- Improved the pro bono registration process for Law Institute members
- Celebrated our 10 year partnership with the Victorian Bar, as managers of their Pro Bono Scheme
- 33 member law firms
- 896 participating pro bono barristers
- 98 participating LIVLAS practitioners
- 400 HPLC lawyers and 150 SRLC lawyers

WHY IS THIS IMPORTANT?

Connecting people who need legal help with lawyers who can help them is a big part of the work we do – but we can't do what we do without a strong pro bono culture. At PILCH, our ability to help people with their legal problems relies on the willingness of Victorian lawyers to do this work with us. We work alongside barristers, solicitors, government and in-house lawyers to deepen their understanding of pro bono work, to develop pro bono programs and to train them in the specialist skills they may need to do the work.

HOW HAVE WE DONE AND WHAT'S NEXT?

This year has seen the continuation of our successful referral program as well as new approaches, as the legal need grows and changes. There is reason to be hopeful that more people and more organisations across the state will be able to get legal help as a result of work done in the last 12 months.

A key part of strengthening pro bono culture is to increase the number of lawyers doing pro bono work to address unmet legal need in the community. Until recently Victoria's corporate in-house lawyers could not do the same work that their New South Wales and Queensland counterparts could – that is, they couldn't provide legal advice outside their place of work. We worked in collaboration with DLA Piper Australia, the Australian Corporate Lawyers Association and the National Pro Bono Resource Centre to have the Victorian Government bring Victoria in line with other states. As a result 2,700 more lawyers are now able to engage in pro bono legal practice outside their workplace. The next step is to work with these lawyers and their employers on how best we can support them to get their pro bono practice up and running.

IN VICTORIA

People in regional Victoria often miss out on legal services that people in metropolitan areas take for granted. To help address this legal need we have been training community legal centres in areas of the law that affect not-for-profits, so they can help small community organisations in their local area. This, coupled with our PilchConnect telephone advice service and online information portal, means that many more organisations will be able to focus on their core mission instead of trying to navigate the complexities of the law.

Our relationships with our member firms, the Law Institute of Victoria and the Victorian Bar enabled us to quickly mobilise pro bono resources, particularly after the decision affecting asylum seekers in the case known as M61. The High Court's decision meant that for the first time, asylum seekers who had been refused a permanent visa had the right to judicial review.

Suddenly, hundreds of asylum seekers had a clear legal right, but no way of exercising it without legal help. In the 18 months to 31 December 2011, 643 asylum seekers were rejected in their visa application. 65 per cent

of these people applied for judicial review. Of the 84 matters we referred there was a 79 per cent success rate at the Federal Magistrates Court. We also provided training to 60 barristers and solicitors in migration law, greatly increasing the pro bono capacity in this area of law.

We have a tradition of being able to mobilise pro bono resources – it happened with the Tampa in 2001, the bushfires in 2009 and again with the M61 decision. We are a part of a fantastic pro bono community – one that responds to legal need often and well.



CASE STUDY

A new home for the Karami family

The Karamis, a family of four, arrived in Australia by boat in 2010. They boarded their boat in Indonesia after fleeing from Iran.

"Our life in Iran was not really easy. There was so much trouble everywhere. Anywhere we would go [the militia] would not leave you alone", says Hassan.

When Hassan resisted the invitation to join the militia he became a target and was injured in a hit and run. He sustained brain damage and was in a coma for a month.

Following this he was arrested and endured physical abuse. This time he was threatened – he was told if he didn't join the militia his family would be killed one by one in front of him.

With this they fled, giving up their documentation to get out of Iran.

The family made three claims for asylum. Each claim was rejected as the reviewer did not accept that they were Faili Kurds or had been persecuted. Mohammed recalls, "...the thought of [going back to Iran] was so stressful and so fearful... it would take the sleep away; it would take the appetite away."

PILCH referred the case to Daniel Bongiorno of Counsel and Maddocks who provided compelling evidence that the original finding was incorrect on the basis that the Karami's half-brother, a Faili Kurd, had been granted protection ten years earlier on this basis. The reviewer was aware that the family had a half-brother in Australia, but had ignored this evidence.

"Our life in Iran was not really easy. There was so much trouble everywhere. Anywhere we would go the militia would not leave you alone"
says Hassan.

The Karami family was elated when they heard they had been recommended for protection visas.

Mohammed says, "When I heard, I could not wait to get home and tell everyone about it...I wanted to see the reaction of my family members, especially my sister when I would tell them about it."

*Names have been changed



WE PARTNERED WITH
THE BIG ISSUE'S STREET
SOCCER TO RUN THE
3RD ANNUAL STREET
SOCCER TOURNAMENT.

OUR YEAR



Walkers set off in the 2012 Walk for Justice. Photo: Timothy Herbert/PILCH

IT WAS A BUSY YEAR BUT WITH THE HELP OF OUR MANY COMMITTED SUPPORTERS WE ACHIEVED A LOT. WE THOUGHT WE'D SHARE SOME OF IT WITH YOU.

THIS YEAR WE...

HELPED PEOPLE AND COMMUNITY ORGANISATIONS

We took over 3,000 telephone enquiries and had more than 700 enquires through our clinics. We were able to help over 1,100 individuals and over 500 community organisations access free legal advice. Thirty-seven training seminars or presentations were given by PilchConnect staff to 1,400 participants from community organisations.

REMEMBERED TAMPA

Almost ten years to the day from when the MV Tampa rescued 433 asylum seekers in the Indian Ocean, we packed out the State Library with people wanting to hear about the legal interventions that followed, and the current state of Australian laws and debate on refugees and asylum seekers.

LEARNT A FEW THINGS ABOUT PILCHCONNECT

Research conducted by Deloitte Access Economics estimated that Victorian community organisations delivered an extra 3,500 client services because we helped them with legal issues, and concluded our service added \$4.3 million to the local economy.

TOLD STORIES BACKED WITH EVIDENCE

The Victorian Government decided to retain the *Victorian Charter of Human Rights and Responsibilities Act 2006*. The Premier publicly mentioned he would continue to work with us on the Charter. Our submission was backed with 20 case studies telling the stories of the 42 people we helped to avoid eviction using the Charter.

INVITED OUR SUPPORTERS TO DINE WITH SOME AMAZING ADVOCATES

PILCH and our colleagues at the Human Rights Law Centre hosted our Annual Human Rights Dinner with guest speaker Les Malezer, co-chair elect of the National Congress of Australia's First Peoples. Over 300 people gathered to celebrate access to justice, human rights and pro bono lawyers.

CELEBRATED 10 YEARS OF HELPING PEOPLE EXPERIENCING HOMELESSNESS

The Homeless Persons' Legal Clinic celebrated its 10th year of providing free legal advice and advocacy to people who are homeless, or at risk of homelessness. The HPLC has assisted over 5,000 people since 2001.

WELCOMED NEWS THAT AUSTRALIA IS GETTING A CHARITY REGULATOR

PilchConnect has been advocating for an independent regulator for charities since its formation in 2008. This year saw the announcement of the Australian Charities and Not-for-Profits Commission taskforce, which will become Australia's first independent regulator for charities.

WALKED FOR JUSTICE

Hundreds of people got out of bed early and joined us for our annual Walk for Justice, raising over \$17,000 to help disadvantaged Victorians access free legal services.

WENT TO MOE AND SHEPPARTON

We ran regional clinics in Moe for the first time, an area with high socio-economic disadvantage, representing people facing eviction at VCAT. We also ran a clinic in Shepparton helping over 30 older people.

HELPED CORPORATE IN-HOUSE LAWYERS TO HELP OTHERS

2700 more lawyers are now able to engage in pro bono legal practice outside their workplace after our advocacy and with help from DLA Piper Australia, the Australian Corporate Lawyers Association and the National Pro Bono Resource Centre.

WELCOMED NEW MEMBER FIRMS

Moore Legal and David Harvey Migration joined the 32 existing firms and became full members

PLAYED SOCCER

We partnered with the Big Issue's Street Soccer to run the 3rd annual street soccer tournament. Fiercely contested as always, Clayton Utz were victorious over last year's title holders Allens.

RESPONDED TO AN URGENT NEED

Following the M61 High Court decision, asylum seekers who had been rejected for a permanent visa for the first time had the right to judicial review. Between April 2011 and April 2012, we referred 84 asylum seekers for legal advice and assistance, with a 79 percent success rate at the Federal Magistrates Court.

LOOKED BEYOND VICTORIA

The boards of PILCH Victoria and PILCH NSW made an historic decision to join together to form a new organisation, to develop and deploy pro bono legal services in a changing legal landscape.



THE RT HON MALCOLM FRASER
AC CH GCL PC, DAVID MANNE,
KATE DURHAM, ADAM FLETCHER
AND JULIAN BURNSIDE AO QC AT
THE 2012 HUMAN RIGHTS DINNER



Photo: Jeremy Porter/PILCH

“I’m looking forward to relocating and putting this behind me. My solicitor (Jeremy) was fantastic and did all he could to assist me, and without his support I would not have a home now”
says Kylie.

CASE STUDY

Kylie avoids homelessness

When Kylie contacted the Homeless Persons’ Legal Clinic for help, she was just two weeks away from being made homeless.

Early in 2012, Kylie and her son began to be subjected to frequent verbal abuse by her neighbours, including on the basis of her son’s disability. On occasion, Kylie responded by yelling back at them. Following a complaint by neighbours, VCAT made an order requiring Kylie not to abuse them. When it was alleged that she broke this order, Kylie was issued a Notice to Vacate. She had just 14 days to find a new home.

It was then that her case worker referred her to PILCH because, as Kylie said, “...we could not find a solution with Office of Housing and I was facing eviction.”

At the VCAT hearing, her HPLC lawyer from Freehills challenged the eviction notice, as it did not make clear to Kylie why she was being evicted. VCAT dismissed the notice but another one was soon issued.

Kylie was in no position to afford private housing. Not only did she face possible eviction into homelessness, her son had recently attempted suicide. Kylie was concerned that she could no longer adequately care for her son if she was forced out onto the streets.

Attempts to negotiate a solution with the Office of Housing proved difficult. After repeated attempts, a solution finally emerged - a housing worker at the Office of Housing offered to transfer Kylie to new

housing, away from the neighbours who were abusing her and her son.

“I’m looking forward to relocating and putting this behind me,” Kylie said. “My solicitor (Jeremy) was fantastic and did all he could to assist me, and without his support I would not have a home now.”

Kylie has avoided being forced into emergency accommodation and can again provide the care her son needs. Of the legal help she received, Kylie said, “PILCH were always prepared to go the extra mile and explain things I did not understand, and support me through the court process. Without their assistance I know I would have been homeless.”

PUBLIC INTEREST REFERRALS

The significant proportion of Stolen Generations referrals reflects our commitment to assist this client group to receive advice on the prospects of making a claim against the State for their removal and abuse in care. We have also made referrals for the community organisations that support this vulnerable group, including a referral for research on compensation schemes. The large number of immigration referrals was predominantly for judicial review of refugee status determinations for offshore asylum seekers, many of which resulted in a withdrawal by the Minister.

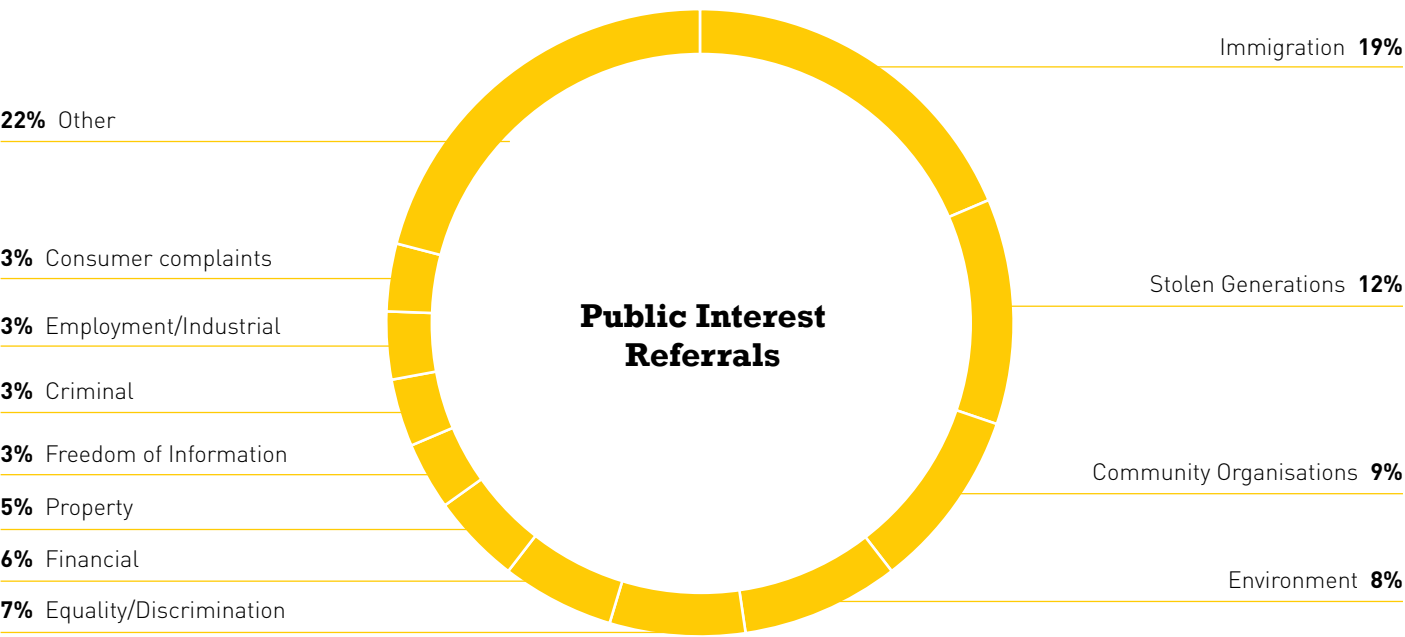
LAW INSTITUTE OF VICTORIA LEGAL ASSISTANCE SCHEME REFERRALS

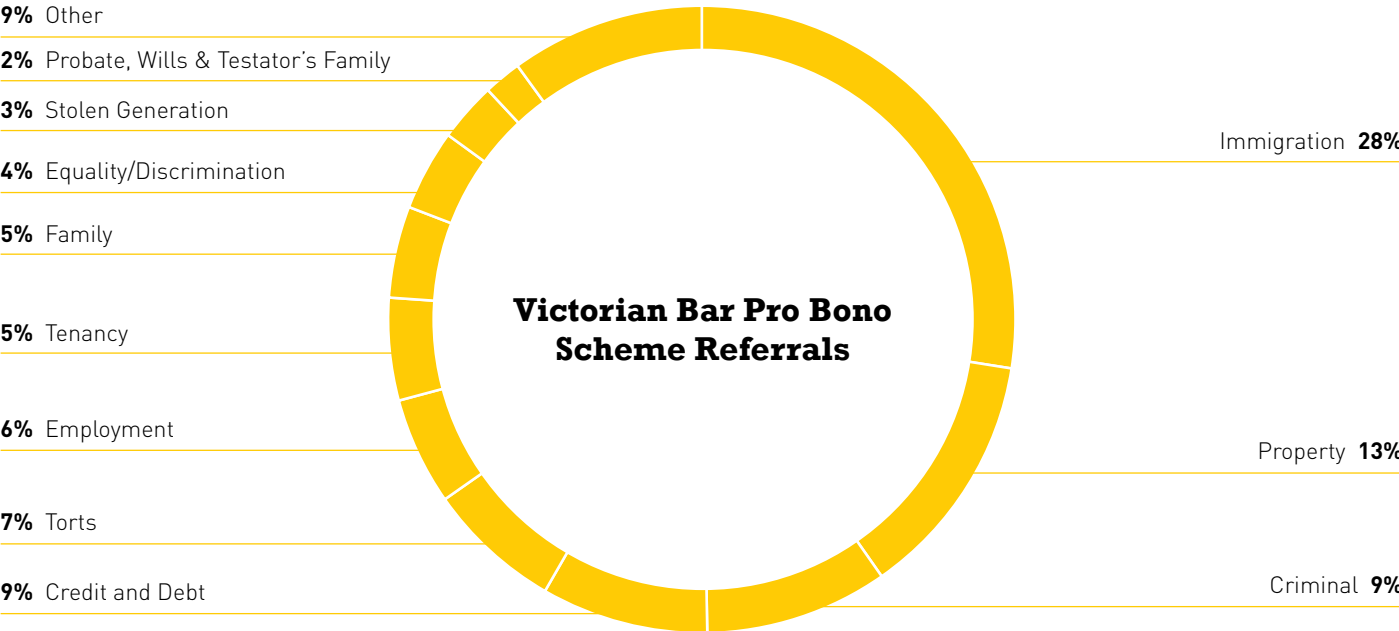
This financial year LIVLAS saw an increase in credit and debt matters . 24 per cent of the program’s referrals were in this area of law, and more often than not the matters involved challenging bankruptcy proceedings. In many cases the provision of pro bono legal assistance made the difference between a person keeping their family home or facing homelessness.

VICTORIAN BAR PRO BONO SCHEME REFERRALS

The increase in the number of immigration referrals is linked to asylum seekers exercising their judicial review rights following a High Court decision. We have helped many asylum seekers obtain protection visas.

Most of our property law referrals were for clients subjected to elder abuse. As a result of our assistance many clients have regained financial independence.





**HOMELESS PERSONS' LEGAL CLINIC
ADVICE AND REPRESENTATION**

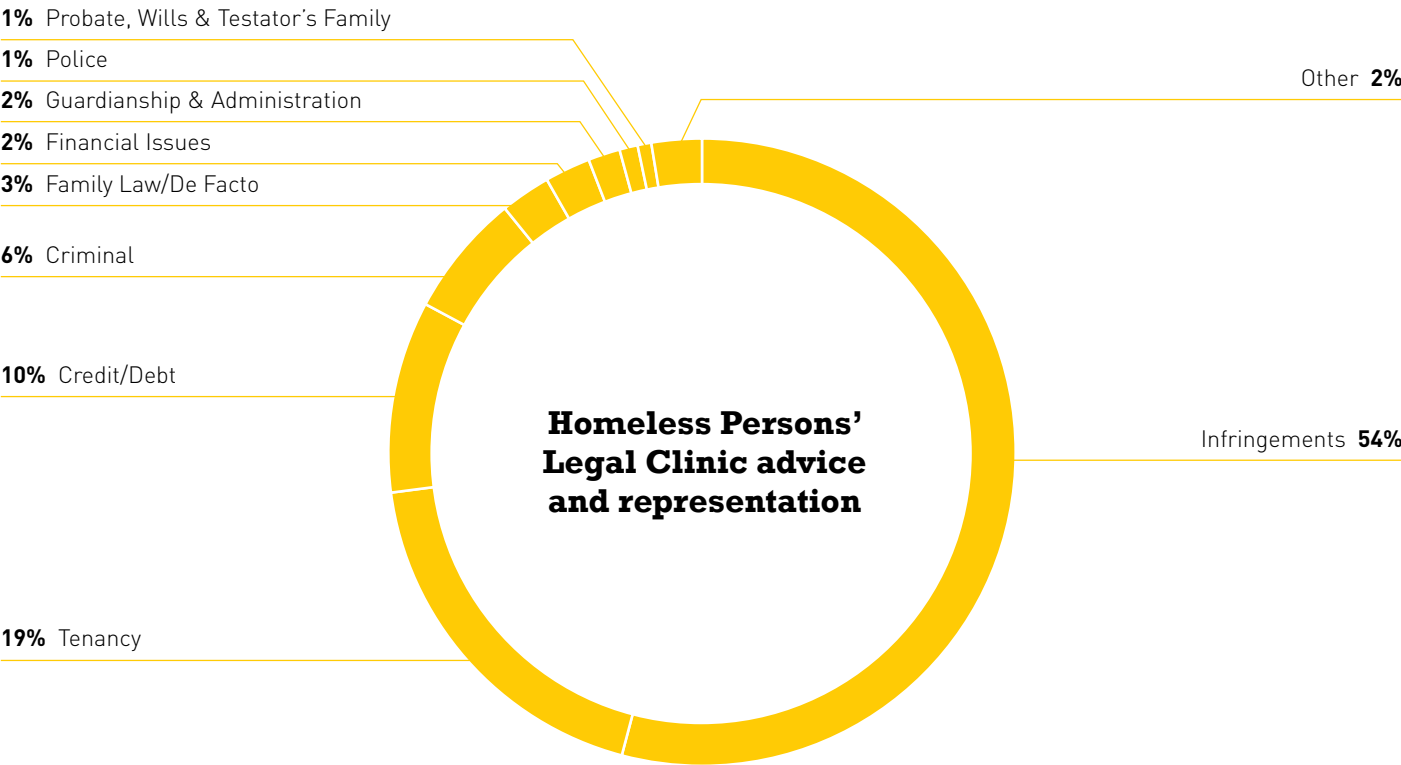
Infringements continued to make up over 50 per cent of the Clinic's work. Legal assistance can mean the difference between a person facing imprisonment and having their fines waived based on their special circumstances. However, we recognise that other areas of law also cause significant problems for our clients, especially tenancy law. We have changed our service guidelines to do more of this work in the future.

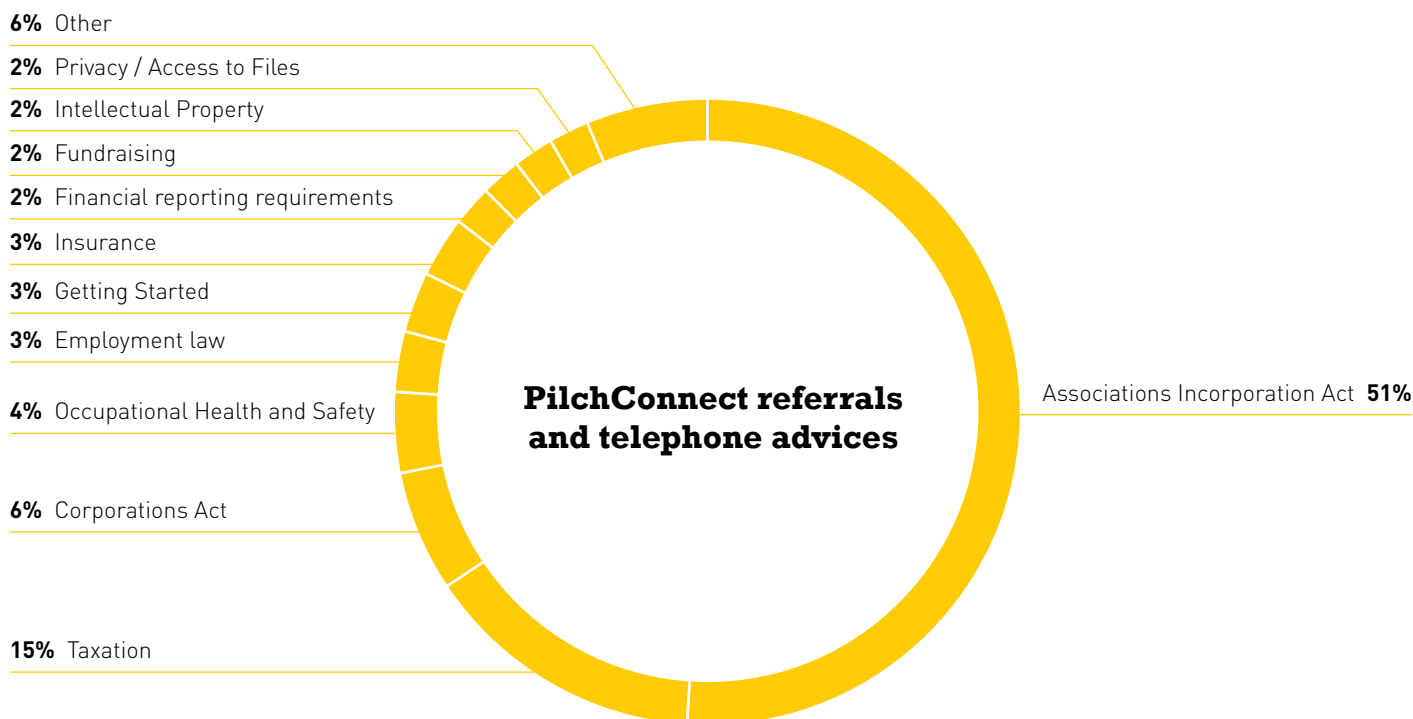
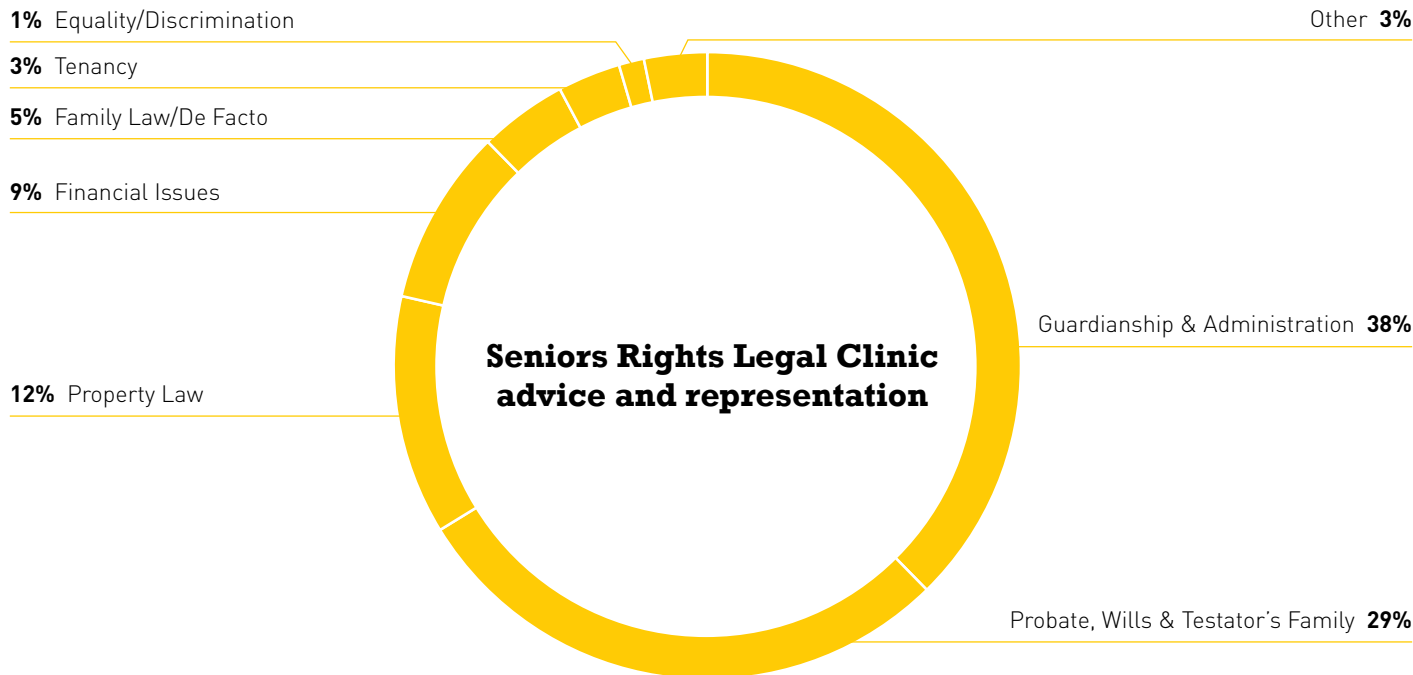
**SENIORS RIGHTS LEGAL CLINIC
ADVICE AND REPRESENTATION**

This year the SRLC saw a significant decrease in the number of wills and probate matters as a result of a change to our service guidelines to no longer provide assistance in this area. We also saw an increase in guardianship and administration, and powers of attorney files. SRLC lawyers also provided assistance in relation to a significant number of property matters in which clients sought to recover funds that had been transferred to family members in return for a promise of care. The provision of legal assistance to these clients not only assisted in the recovery of funds, it also assisted to restore their dignity.

**PILCHCONNECT REFERRALS AND
TELEPHONE ADVICES**

The growth in 'regulatory compliance' advices provided to not-for-profit (NFPs) community organisations is a result of significant legislative reforms to the sector contained in the Associations Incorporation Reform Act 2012 (Vic) and through the implementation of the Australian Charities and Not-for-Profits Commission. The service received and responded to a large number of inquiries from NFPs seeking to better understand how these reforms will impact on their regulatory and compliance obligations.

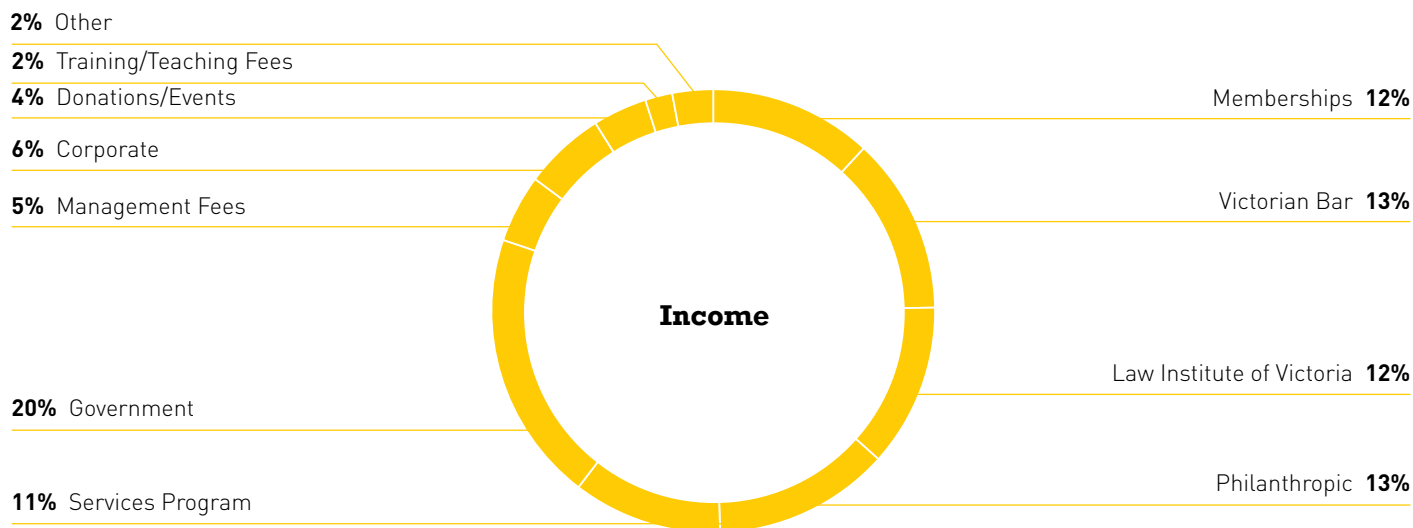






WHO
WE ARE





OUR PEOPLE

We seek to create a committed, adaptable and innovative workplace culture. Our staff value the opportunity to make a difference to people's lives, now and for the future. They also value the exposure to diverse and challenging work, their compassionate, intelligent and hard working colleagues, and the support for flexible working arrangements and professional development.

The number of staff increased slightly this year and the average paid hours worked per staff member increased by 10 per cent. The rate of staff turnover was down to 13 per cent (from 20 per cent the previous year and 30 per cent the year before that).

We invested more in professional development in 11/12 than in previous years, both in terms of internal promotions to more senior roles and the provision of leadership development, staff management and professional development programs.

STAFF

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

SECONDEES

In 2011-12 we received invaluable secondees support from Allens, the Australian Government Solicitor, Corrs Chambers Westgarth, Freehills, Minter Ellison and Telstra. The secondment program greatly assists PILCH and provides a valuable experience to participating firms and practitioners.

VOLUNTEERS

The contribution made by volunteers is very important to the operation of PILCH. In 2011-12, we were assisted by a diversity of professional volunteers as well as students from university law schools, the Leo Cussen Institute and fellows sponsored by PILCH member firms. We extend our thanks to all of the talented and committed volunteers who made such a difference to our effectiveness this year.

BOARD

We are governed by an independent volunteer Board of up to 14 members whose commitment to the organisation is one of the underpinnings of our success.

The purpose of the Board is to promote and protect the interests and objectives of PILCH. The key responsibilities of the Board are strategy, risk management, compliance and accountability (including the appointment and performance of the Executive Director).

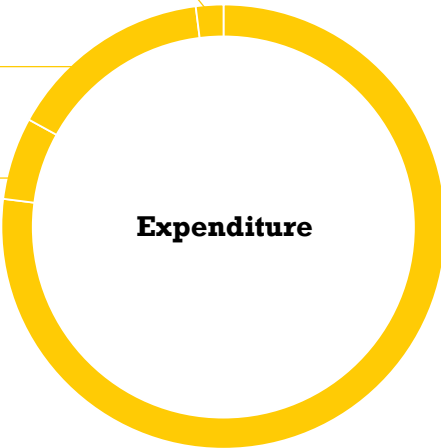
The Board has established a number of sub-committees including Finance & Audit, Risk Management, Governance and Integration.

The members of the Board for 2011-12 were

2% Depreciation

15% Administration

6% Occupancy



Staff **77%**

- Mitzi Gilligan: President
- Geoff Rush: Deputy President
- Stephen Sawyer: Treasurer
- Celia Tonkin: Secretary
(Appointed 17 November 2011)
- Amanda Jones
- David Hillard
- David Krasnostein
(Appointed 17 November 2011)
- Gary Cazalet
- Jo Renkin
- Malcolm Cooke
- Stuart Webb
- Ted Hill
- Will Alstergren
- Will Irving
- Carmel Mulhern
(Alternative for Will Irving)
- Sally Nicholes
(Alternative for Stephen Sawyer)
- Nicole Rich (Retired 17 November 2011)
- Robert Jamieson
(Retired 17 November 2011)
- Val Gostencnik
(Retired 17 November 2011)

OUR FINANCES

We finished the 2011-12 year in a healthy financial position. Thanks to a persistent and creative approach to fundraising we were again able to strengthen our capacity to deliver on program goals by increasing our income from a diversity of sources, including grants, donations, memberships and fee for service activities. Our expenditure was contained within the limits of our income and we finished the year with a surplus of \$222,555.

We continued to receive funding from state and federal government grants, corporate donors, philanthropic organisations, memberships, and fundraising events. We also received a range of very generous in-kind support from our members including secondment of professional staff, volunteer engagement and donation of resources and facilities.

CORPORATE STRUCTURE

We are a Victorian not-for-profit incorporated association. We are a public benevolent institution, endorsed by the Australian Taxation Office as a deductible gift recipient organisation. A copy of our rules is available at www.pilch.org.au/about.

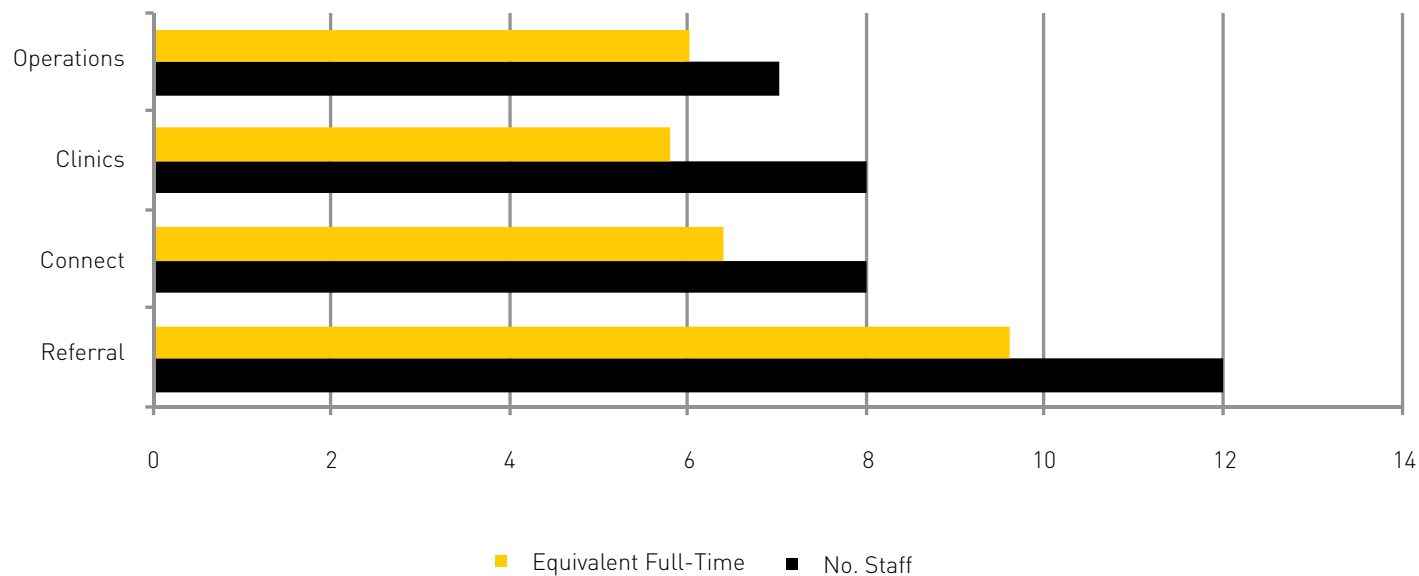
We are a membership organisation and our members are primarily from the private legal profession in Victoria. They include 33 law firms, the Law Institute of Victoria, the Victorian Bar, corporate legal departments, university law schools, associate members and Victorian community legal centres.

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

STAFF

	June 2012	June 2011
Total no. staff	35	33
No. on extended unpaid leave ¹	1	2
No. of appointments	9	8
No. of promotions	13	6
Avg. length of service (yrs)	2.34	2.29
Staff turnover	13%	20%

¹Includes Parental Leave, Long Service Leave and Leave of Absence



ACKNOWLEDGEMENTS

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

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

- Australian Centre for Philanthropy and NonProfit Studies (Queensland University of Technology)
- Australian Corporate Lawyers Association
- Australian Government Solicitor
- Barristers of the Victorian Bar Pro Bono Scheme
- Clayton Utz Foundation
- Commonwealth Attorney General's Department
- Commonwealth Community Legal Services Program
- Council on the Ageing Victoria
- Department of Health, Seniors Participation Program
- Department of Justice Victoria
- Dog and Bone
- Eastern Community Legal Centre
- Edith Kemp Memorial Trust, Ivy H and Arthur A Thomas and Pam & Alfred Lavey Trust, administered by Equity Trustees
- Evolve Research and Consulting
- Federation of Community Legal Centres Victoria
- H&L Hecht Trust managed by Perpetual Trust
- Helen McPherson Smith Trust
- Innovative Knowledge Development
- International Commission of Jurists
- Julian Burnside AO QC
- JusticeNet SA
- Law Institute of Victoria and LIV Access to Justice Committee
- LIV Legal Assistance Scheme member firms
- Legal Services Board Grant Program
- Loddon Campaspe Community Legal Centre
- National Association of Community Legal Centres
- National Pro Bono Resource Centre
- PILCH NSW
- Portland House Foundation
- QPILCH
- Reichstein Foundation
- R E Ross Trust
- Seniors Rights Victoria
- State of Victoria represented by the Department of Planning and Community Development
- Telstra
- The Trust Company as trustee for the Fred P Archer Charitable Trust
- The Myer Foundation
- The Trust Company Limited
- Transport Accident Commission
- Victorian Aboriginal Legal Service
- Victoria Law Foundation
- Victoria Legal Aid
- Victorian Attorney General's Department
- Victorian Bar and Victorian Bar Pro Bono Committee
- Victorian Community Legal Centres
- Victorian Council of Social Service
- Volunteering Victoria
- Will Fowles
- William Buckland Foundation
- Worklogic

MEMBERS

LAW FIRMS

- Allens
- Andrew George Solicitors
- Arnold Bloch Leibler
- Arnold Dallas McPherson
- Ashurst
- Baker & McKenzie
- Clayton Utz
- Corrs Chambers Westgarth
- The Office of David Grace QC
- David Harvey Migration Law
- DLA Piper Australia
- Francis Abourizk Lightowlers
- Freehills
- Gilbert + Tobin
- Hall & Wilcox
- Harwood Andrews
- Herbert Geer
- Holding Redlich
- HWL Ebsworth Lawyers
- King & Wood Mallesons
- Lander & Rogers
- Maddocks
- Macarthur Argyle Esmond
- Meridian Lawyers
- Middletons
- Minter Ellison
- Moores Legal
- Nicholes Family Lawyers
- Norton Rose
- Rigby Cooke
- Robinson Gill
- Russell Kennedy
- Sparke Helmore
- TressCox

CORPORATE LEGAL DEPARTMENTS

- National Australia Bank Ltd, Legal Department
- Transport Accident Commission
- PACT Group
- The Trust Company

UNIVERSITIES

- Deakin University, School of Law
- La Trobe University, School of Law
- Monash University, Law School
- University of Melbourne, Law School
- Victoria University, Faculty of Business & Law

PROFESSIONAL ORGANISATIONS

- Law Institute of Victoria
- Victorian Bar

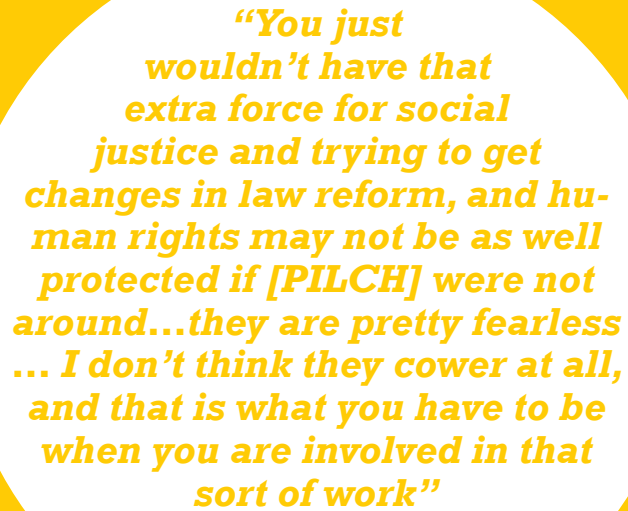
ASSOCIATE MEMBERS

- Paul Ronfeldt

COMMUNITY LEGAL CENTRES

- Aboriginal Family Violence Prevention and Legal Service
- Barwon Community Legal Service
- Brimbank Melton Community Legal Centre
- Casey Cardinia Community Legal Service
- Central Highlands Community Legal Centre
- Consumer Law Centre Victoria
- Darebin Community Legal Centre
- Environment Defenders' Office (Vic)

- Eastern Community Legal Centre
- Essendon Community Legal Centre
- Federation of Community Legal Centres (Vic)
- Fitzroy Legal Service
- Flemington-Kensington Legal Centre
- Gippsland Community Legal Service
- JobWatch Inc
- Loddon Campaspe Community Legal Centre
- Melbourne University Student Union Legal Service
- Mental Health Legal Centre
- Monash Oakleigh Community Legal Centre
- Moreland Community Legal Centre
- Peninsula Community Legal Centre
- Southport Community Legal Centre
- Springvale Monash Legal Service
- SRC Legal Service, La Trobe University
- Tenants Union of Victoria
- Victorian Aboriginal Legal Service
- West Heidelberg Community Legal Centre
- Western Suburbs Legal Service
- Women's Legal Service



***“You just
wouldn’t have that
extra force for social
justice and trying to get
changes in law reform, and hu-
man rights may not be as well
protected if [PILCH] were not
around...they are pretty fearless
... I don’t think they cower at all,
and that is what you have to be
when you are involved in that
sort of work”***

PILCH client.

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