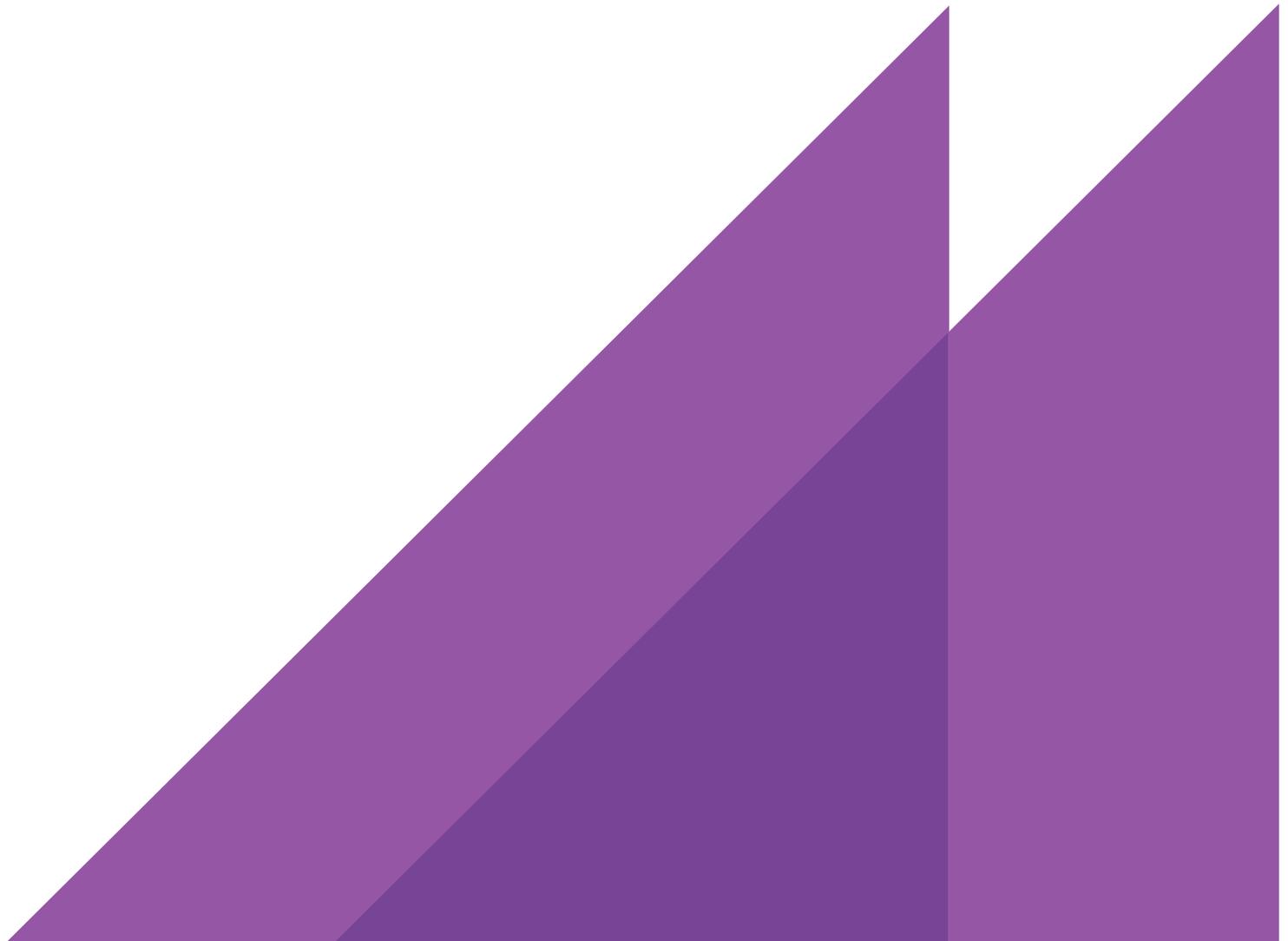


FINAL REPORT TO  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
24 JANUARY 2017

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# EVALUATION OF THE NOT-FOR-PROFIT LAW PROGRAM

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## EXECUTIVE SUMMARY

ACIL Allen Consulting has been engaged by the Department of Health and Human Services (the Department) to undertake the final evaluation of Justice Connect's Not-for-profit (NFP) Law Program (2012-13 to 2015-16).

### Justice Connect's Not-for-profit Law Program

Justice Connect is a non-government, NFP specialist legal service that utilises in-house expertise and pro bono resources of the private legal profession. Through the NFP Law Program it facilitates the delivery of free and low-cost legal advice to individuals and the Victorian NFP community sector on a range of legal and regulatory matters, and advocates on their behalf. The Victorian Government has provided funding over four years (2012-13 to 2015-16) to support the NFP Law Program.

### The evaluation

The purpose of the evaluation is to examine the effectiveness, efficiency and appropriateness of the NFP Law Program. The evaluation method involved a document review, data analysis, and consultations with key stakeholders, including Justice Connect staff, NFP peak bodies, and pro bono legal partners.

### Key findings

The evaluation found that the Not-for-profit Law Program has met the outcomes described in the funding agreement with DHHS, namely:

- **The NFP Law Program has a broad service offering** providing a suite of interconnected services to assist NFP organisations meet their legal requirements and to improve the legal environment in which NFP organisations operate. This broad service offering means that NFP organisations in Victoria (and elsewhere) are able to choose the most appropriate service to meet their needs, and access that service for low or no cost, and generally at time of their choosing.
- **The NFP Law Program is expanding pro bono services for NFP organisations** by playing an educating and triaging role. By providing commercial law firms with better informed NFP clients, member law firms have reported that they are more likely to provide pro bono services for NFP organisations as the consultation process is now more time-efficient and less costly.
- **The NFP Law Program is organisationally strong** comprising staff considered by NFP sector and legal stakeholders to have high levels of expertise in NFP law. The NFP Law Program has a strong culture of monitoring and evaluation which is likely increasing its impact. This focus on continuous improvement is contributing to the Program meeting the needs of NFP organisations,
- **The NFP Law Program has been important in a changing regulatory and NFP environment** as over the four year period 2012-13—2015-16, the NFP legal environment, and the NFP sector generally, has experienced significant change. The NFP Law Program has provided services and advice on both the new regulatory and legal obligations of NFP organisations and on the areas of emerging need such as social enterprise legal issues.
- **The NFP Law Program's services are widely valued and impactful**, and Victoria's NFP organisations have increasing access to quality specialist legal advice. There is evidence that NFP organisations have improved knowledge and understanding of applicable compliance requirements, and improved access to legal information and legal advice is likely to improve the ability of NFP organisations to attract and retain volunteers and paid staff including board or committee members.



# INTRODUCTION

## 1

## 1.1 Overview

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### 1.1.1 The evaluation

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ACIL Allen Consulting has been engaged by the Department of Health and Human Services (the Department) to undertake the final evaluation of Justice Connect's Not-for-profit (NFP) Law Program (2012-13 to 2015-16). The evaluation was conducted over the period November-December 2016.

The purpose of the evaluation was to examine the effectiveness, efficiency and appropriateness of the NFP Law Program. The outcomes of the evaluation will inform Department policy aimed at supporting community organisations.

### 1.1.2 The Not-for-profit Law Program and Justice Connect

---

The Not-For-Profit (NFP) Law Program is implemented by Justice Connect and supported by funding from the Victorian Government.

Justice Connect is a non-government, NFP specialist legal service that utilises in-house expertise and pro bono resources of the private legal profession. Through the NFP Law Program it facilitates the delivery of free and low-cost legal advice to individuals and the Victorian NFP community sector on a range of legal and regulatory matters, and advocates on their behalf.

The Victorian Government has provided funding over four years (2012-13 to 2015-16) to support the Program.

### 1.1.3 Mid-term evaluation

---

A mid-term evaluation of the NFP Law Program was undertaken by The Nucleus Group on behalf of the Victorian Government in 2014. The evaluation focused on the first two years of the Government's funding (2012-2013—2013-2014). The research questions for the mid-term evaluation are also included in the list of research questions for this evaluation (Appendix A).

The evaluation found that the NFP Law Program had 'met and in most cases exceeded' the targets that had been set by the Victorian Government in the funding agreement. The Program was found to have increased the NFP sector's access to quality specialist legal advice by expanding the pool of available pro bono lawyers, expanding the use of technology (including webinars), developing the Information Hub and developing training partnerships with peak community organisations, local government and other stakeholders in metropolitan and regional Victoria.

The evaluation report noted that while there was insufficient evidence available to determine if there has been a reduction in non-compliance, anecdotal evidence provided in consultations—including from Consumer Affairs Victoria—supported this view. This was also reflected in the 2013 and 2014 Compliance Surveys analysed for the evaluation, with associations expressing decreasing concerns in meeting their compliance obligations.

The report also notes that all stakeholders interviewed 'unequivocally supported the continuation of the NFP Law Program'.

## 1.2 Evaluation method

---

The objective of the evaluation was to determine the extent to which the NFP Law Program has achieved its objectives. The evaluation research questions are at Appendix A.

The evaluation method had three key components:

- a document review
- data analysis
- consultations

Each of these is discussed below.

### 1.2.1 Document review

The document review was used to establish the NFP Law Program's administrative and operational architecture, the activities that take place under the program, how it has developed over time, and how it is assisting non-profit capacity development.

The document analysis include a review of the following documents:

- the NFP Law Program's annual progress reports and Justice Connect's annual reports
- Justice Connect's *NFP Law Strategic Framework*
- the *Mid-Term Evaluation* of the NFP Law Program
- the evaluation of Not-for-profit Law's online resources for start-up community organisations
- *The economic contribution of Justice Connect's Not-for-profit Law Service* report.

#### **Data analysis**

The data analysis included an analysis of:

- data from NFP Law Program annual progress reports
- NFP Law Program website data
- surveys of NFP Law Program webinar participants
- the NFP Law Victoria Compliance Survey.

Data from the NFP Law Program's annual progress reports covers training and webinar sessions, enquires, telephone advice incidences, and referrals.

Website data is from 1 July 2014 to 8 November 2016 and includes user sessions per day, by jurisdiction, session duration and pages per session, and views per page. Website data prior to 1 July 2014 is not available due to the NFP Law Program introducing a new website back-end in July 2014.

All NFP Law Program webinar participants are asked to complete a survey—82 surveys were completed over the period 15 September 2014 to 13 November 2016. Webinars were first offered in 2014.

The Not-For-Profit Compliance Survey is undertaken to better understand the compliance challenges faced by Victorian not-for-profit organisations. The Survey has been undertaken since 2012 with the latest iteration in 2016. There have been 648 respondents across the five years of the Survey.

#### **Consultations**

Interviews were undertaken with five Justice Connect staff, three NFP sector peak bodies (Neighbourhood Houses Victoria, Governance Institute of Australia and the Victorian Alcohol & Drug Association) and three legal firm partners of Justice Connect (Clayton Utz, K&L Gates, and Herbert Smith Freehills).<sup>1</sup> The purpose of the interviews was to collect qualitative information on the appropriateness and effectiveness of the program.

<sup>1</sup> Interviews were sought with other stakeholders and peak bodies but were not able to be organised within the timelines of the evaluation.

## 1.3 Not-for-profit Law Program logic model and service model

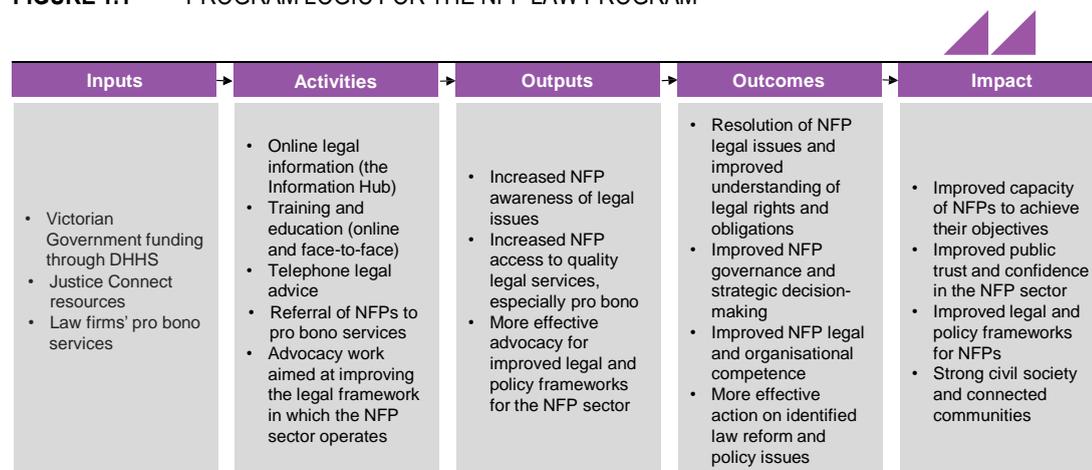
### 1.3.1 Logic model

The logic model for the NFP Law Program (Figure 1.1) sets out what the program is trying to achieve, how it aims to achieve this, and its intended impacts. The logic model is based on Justice Connect's NFP Law Strategic Framework.

The logic model has five components:

- Inputs: the resources needed to operate the program
- Activities: processes, tools, events, technology and actions integral to program implementation
- Outputs: direct products of program activities
- Outcomes: such as changes in awareness, knowledge, skills, and attitude behaviour
- Impact: longer-term outcomes such as wider economic, environmental and social impacts.

**FIGURE 1.1** PROGRAM LOGIC FOR THE NFP LAW PROGRAM



SOURCE: ACIL ALLEN, NFP LAW STRATEGIC FRAMEWORK

### 1.3.2 Service model

The NFP Law Program delivers four key services:

- Information provision—information on legal requirements relevant to NFP organisations through the online NFP Law Information Hub.
- Training and education—for NFP organisations and lawyers, face-to-face and online.
- Telephone advice—for NFP organisations on more straightforward legal matters.
- Referrals to pro bono services—referrals for NFP organisations to NFP Law Program partner law firms to receive pro bono legal advice in more complex matters.

The NFP Law Program also carries out:

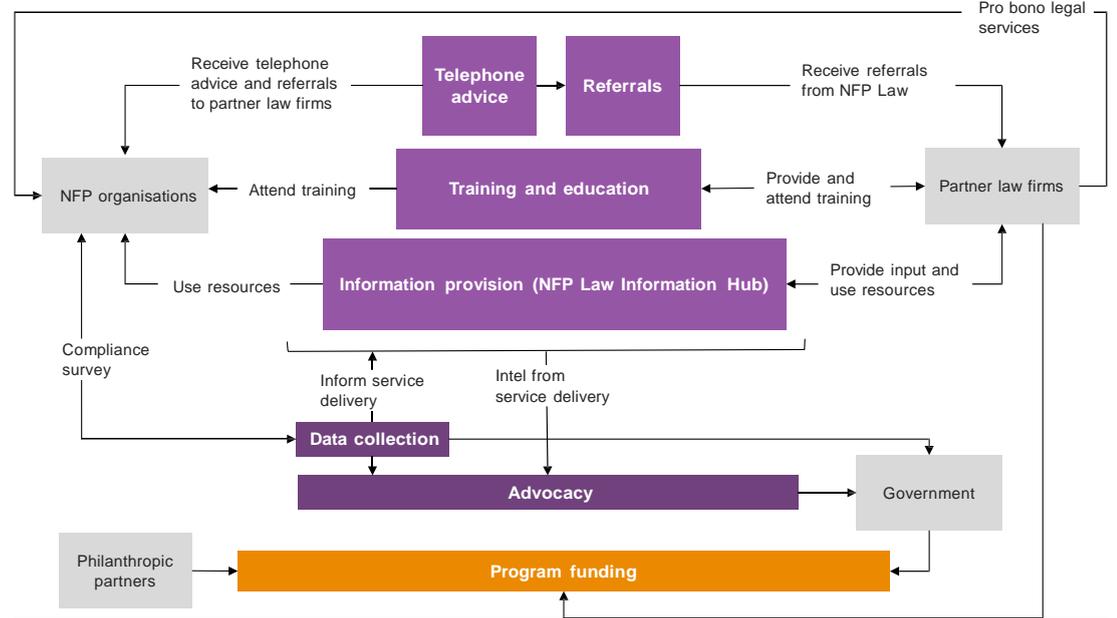
- Data collection—through the annual Compliance Survey.
- Advocacy—including writing submissions and representing the interests of the NFP sector in relevant forums, to improve the legal framework in which the NFP sector operates.

The NFP Law Program's key stakeholders and partners are:

- NFP organisations—the primary recipients for the Program's services, and participants in the Compliance Survey.
- Partner law firms—which provide input in to, and use, the Information Hub and training services; receive referrals from the Program; and pay membership fees which support the Program.
- Government—which provides funding and receives input on legal framework development.
- Philanthropic partners—which provide funding.

The interaction between the Program's services, activities and partners is set out in Figure 1.2

**FIGURE 1.2** NFP LAW PROGRAM SERVICE MODEL



SOURCE: ACIL ALLEN

## 1.4 The structure of this report

The remainder of this report is structured consistent with the NFP Law Program service model set out above:

- Chapter 2—Information provision, and training and education
- Chapter 3—Telephone advice, and referrals
- Chapter 4—Advocacy, and data collection
- Chapter 5—Overall impact and conclusion

The report also has two appendices:

- Appendix A—Evaluation research questions
- Appendix B—Additional Compliance Survey results

# INFORMATION PROVISION, AND TRAINING AND EDUCATION

## 2

### 2.1 Information provision

#### 2.1.1 Overview of the Information Hub

The NFP Law Program Information Hub ([www.nfplaw.org.au](http://www.nfplaw.org.au)) is an online repository of legal information for community organisations (see Figure 2.1 for a screenshot). The NFP Law Program provided the online information portal for the four years to the end of 2015-16 (the scope of this evaluation), and for a number of years prior. The web portal was renamed and launched as the Information Hub in July 2014.

The Information Hub is intended to help not-for-profits:

- be better equipped to prevent and manage legal issues
- better support volunteer workers and managers
- be better governed and more compliant
- need less pro bono help.

The Information Hub provides information on over 70 topics (for example, tax obligations, insurance and risk, contracts) under both state and federal jurisdictions through 220 resources (including six animated videos, recorded webinars and website tours).

From the homepage of the Hub, organisations can choose the jurisdiction in which they operate and navigate through to different topic areas, from incorporation to ending an organisation. The legal content has been generated by lawyers from NFP Law Program partner law firms and then subsequently tailored by the NFP Law team to ensure relevance to the not-for-profit sector.

FIGURE 2.1 SCREENSHOT OF INFORMATION HUB TOPICS



SOURCE: NFP LAW PROGRAM WEBSITE ([HTTP://WWW.NFPLAW.ORG.AU](http://www.nfplaw.org.au))

An example of the ongoing development of the Information Hub is the web application which was launched in June 2016. The application, aimed at start-up organisations, asks the user a series of questions, and based on the answers to these questions produces a bespoke, downloadable report providing relevant information.

### 2.1.2 Information Hub reach and user focus

Over 2015-16, the Information Hub averaged almost 10,000 user sessions<sup>2</sup> per month, and for the 28 months for which data are available, 240,000 user sessions took place. The number of user sessions on the Information Hub has experienced strong, if inconsistent, growth since July 2014 (Figure 2.2).

This strong growth indicates increased demand for Information Hub services, and indicates that NFP organisations and others are seeing value in the Information Hub. The considerable increase in user sessions in early 2016 may indicate a dividend from recent investment in the Information Hub to improve usability, and the Information Hub's expansion into new state and territory-specific resources.

**FIGURE 2.2** INFORMATION HUB USER SESSIONS PER MONTH, JULY 2014—OCTOBER 2016



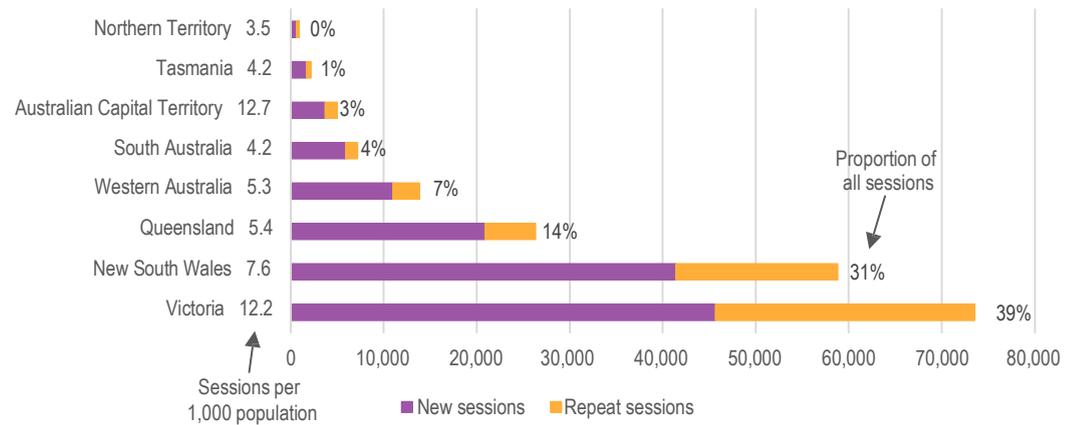
SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBSITE DATA

Between July 2014 and November 2016, around 40 per cent of user sessions were from Victoria, with 31 per cent from NSW (Figure 2.3). The ACT has the highest per capita number of user sessions on the Information Hub, with 12.7 sessions per 1,000 population, closely followed by Victoria with 12.2 sessions—this likely reflects the high number of NFP organisations in Canberra, and NFP Law Program's long history in Victoria.

There are a high number of repeat sessions across some states, particularly in Victoria where 38 per cent of user sessions over the period from July 2014 to November 2016 were repeat sessions. This is likely indicating that users are returning to the Information Hub as they have found the website's resources helpful.

<sup>2</sup> In web statistics, a user session (sometimes referred to as a visit) is the presence of a user with a specific IP address who has not visited the site recently.

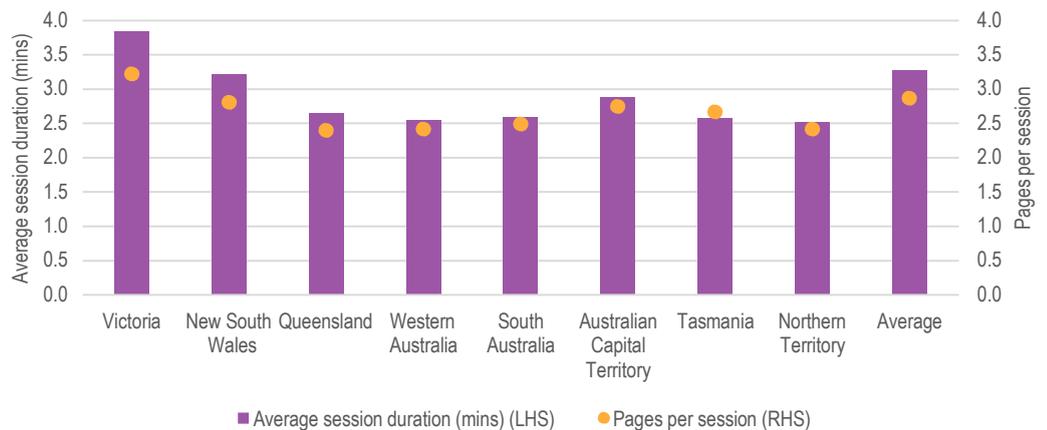
**FIGURE 2.3** SESSIONS BY JURISDICTION, JULY 2014—NOVEMBER 2016



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBSITE DATA

The average session length on the Information Hub is 3.28 minutes, during which visitors view an average of 2.87 pages (Figure 2.4). User sessions from Victoria exceeded the national average with regard to both session time and pages per session.

**FIGURE 2.4** SESSION DURATION AND PAGES PER SESSION, JULY 2014—NOVEMBER 2016

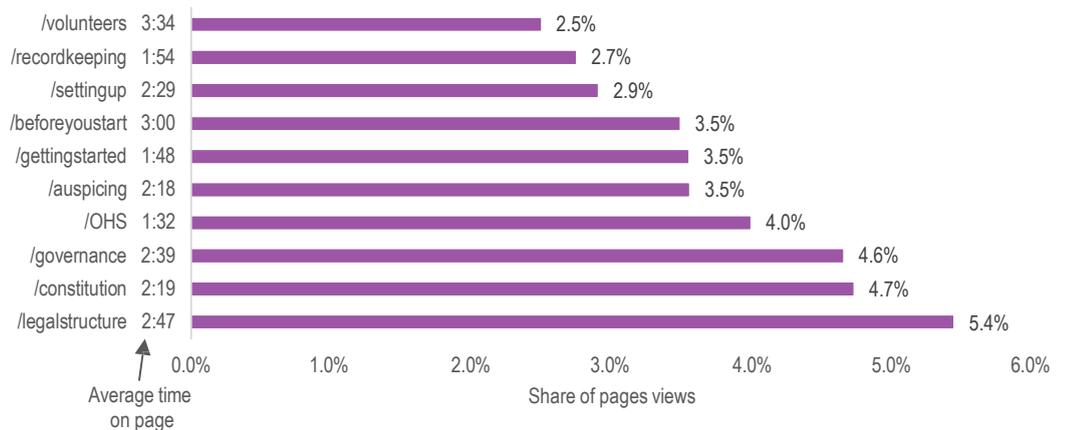


SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBSITE DATA

Website data for the Information Hub indicates the pages that are visited most often by users (Figure 2.5). Pages on complex legal concepts such as legal structure, constitution and governance have the highest share of pages views. The pages on ‘volunteers’ and ‘before you start’ have the highest average time on page among the top 10 Information Hub pages.

These data indicate that the Information Hub is providing value in the areas which would be expected, and assisting users with key information around NFP organisations’ legal obligations.

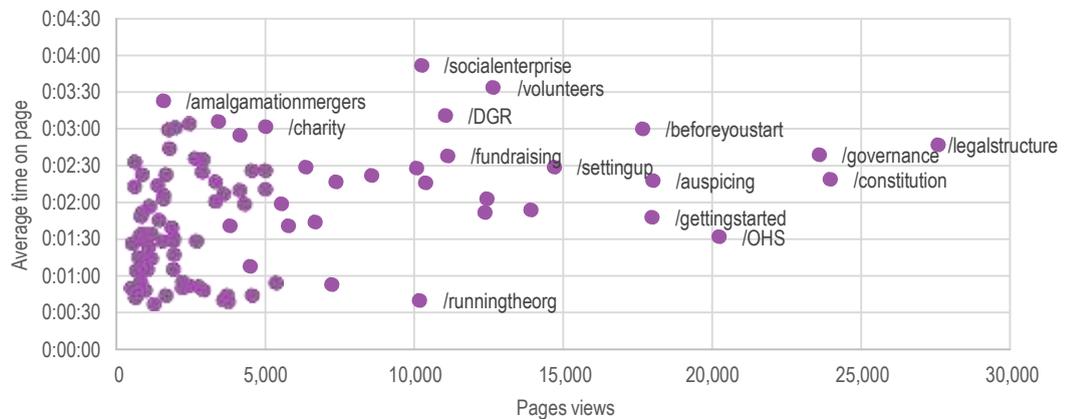
**FIGURE 2.5** TOP 10 INFORMATION HUB WEBPAGES, JULY 2014-NOVEMBER 2016



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBSITE DATA

This a correlation between the popularity of Information Hub pages, and how long users spend on the pages, although there are some pages which are relatively less popular but have a high average time spent on them (Figure 2.6). For example, users spend more than three minutes on average on the ‘social enterprise’ page and the ‘amalgamations/mergers’ page, possibility indicating that users accessing these sources are particularly engaged, and/or that these areas are particularly complex.

**FIGURE 2.6** TOP 100 INFORMATION HUB WEBPAGES, JULY 2014—NOVEMBER 2016



Note: Only selected data points are labelled due to space constraints.

SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBSITE DATA

### 2.1.3 Impact of the Information Hub

NFP Law conducted an evaluation of the Information Hub in 2015 which included two user testing surveys (July 2014 (n=48) and November 2014 (n=28)) and three activity-based focus groups in 2015 (n=37).

The surveys indicate that 75 per cent of participants found the new Information Hub to be a great improvement on the previous web portal, and that 97-100 per cent of respondents found the quality of information either ‘very good’ or ‘excellent’.

The activity-based focus groups involved three groups:

- Group 1, which attended a webinar on starting a not-for-profit, had access to the slides from the webinar and carried out web research.
- Group 2, which provided brief online searching tips, including two URLs for the Information Hub.
- Group 3, which carried out their own web research, undirected.

The three groups were provided with a fictional scenario about a start-up not-for-profit group that raised a number of legal issues, and asked to develop a short to mid-term plan to address the issues raised.

The evaluation found that Group 1 and 2 ‘formulated better plans, and showed a more sophisticated understanding of the issues involved, and where they could go to find more help.’ Participants that accessed the Information Hub reported that it was ‘easy to navigate, helpful, in plain language, and clear.’

The results from the Information Hub evaluation accord with the interviews carried out for this evaluation. Peak bodies reported their members use the Information Hub and the peak bodies are able to refer members to the Information Hub, and the NFP Law Program more generally, when they have a legal inquiry. The newer, more innovative part of the Information Hub, such as the videos, received particularly positive feedback from peak bodies. The impact of the Information Hub for one NFP organisation is discussed in Box 2.1.

#### **BOX 2.1** REACH FOUNDATION CASE STUDY

The Reach Foundation is a youth support service in Victoria and New South Wales. Reach’s mission is to build the resilience, confidence and self-efficacy of young people (aged 10-18) through youth-led workshops.

The CEO of Reach, Sarah Davies, regularly uses NFP Law’s Information Hub to help Reach build its capacity, noting:

*We refer everyone to the Not-for-profit Law website – it is the best place to go. The information and resources are of the highest quality so you can rely on them with confidence, and the generous sharing of resources saves so much time and duplication.*

Having access to NFP Law’s free online resources means that Reach are less reliant on individual law firms providing pro bono assistance, especially on basic legal information. Sarah Davies states:

*If we went to (our pro bono partner) with all our questions we’d use up our goodwill quickly...We only ask them to help with very specific and particular issues.*

The Information Hub has saved Reach time and helped reduce the organisations legal risks.

SOURCE: JUSTICE CONNECT ANNUAL REPORT 2013-14

Partner law firms also indicated that they find the Information Hub a valuable resource and use it to build the capacity of junior lawyers and to talk through legal issues with NFP organisations. The Information Hub often means that NFP organisations referred by NFP Law to partner law firms already have a basic understanding of legal concepts before they engage with a lawyer. This makes the consultation process more time-efficient for both lawyers and NFP organisations. In the words of one pro bono lawyer:

*‘The information hub gives NFP organisation basic information which frees up our time to provide more complex advice’ Partner law firm*

The Information Hub was shortlisted for the Australia and New Zealand Internet Awards (ANZIA) in 2014 and 2015 under the ‘Information’ category. The ANZIAS give recognition to organisations and individuals who deliver accessible, innovative and informative online resources to the wider community.

Deloitte Access Economics (DAE 2015) estimates the value of the Information Hub resources in 2014-15 as \$450,000, based on the value of the pro bono hours committed to producing them (this represents the market price that a NFP organisation would pay to have these fact sheets or guidelines produced for them).

## 2.2 Training and education

The NFP Law Program training and education services includes:

- Face-to-face training for NFP organisations and lawyers
- Webinars for NFP organisations and lawyers
- Face-to-face and webinar NFP law professional development for lawyers

### 2.2.1 Face-to-face training

The NFP Law Program facilitates and presents face-to-face training for NFP organisations and lawyers, covering topics such as volunteering law and privacy issues for not-for-profit organisations. The training sessions are held in both Victoria and NSW, and are delivered by NFP Law Program staff or lawyers from partner law firms.

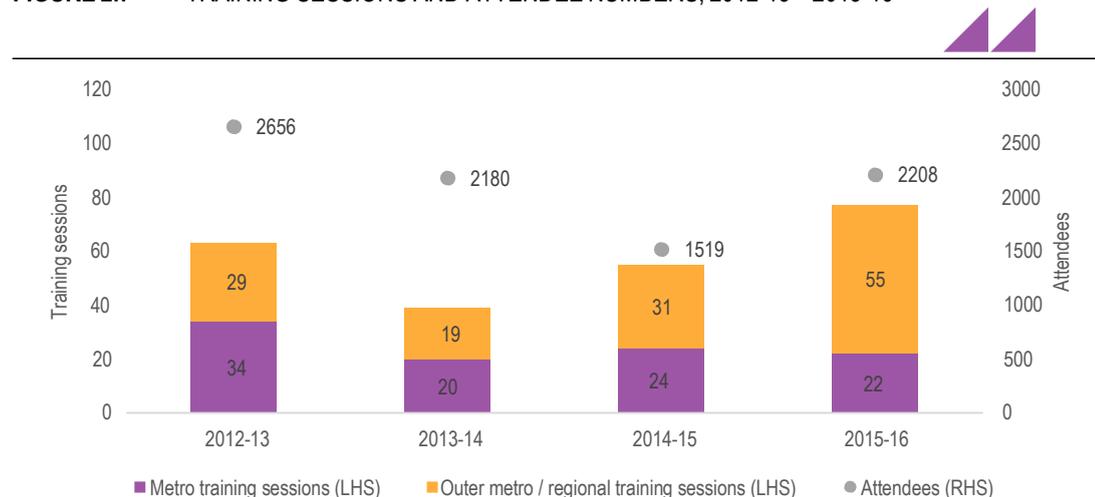
The topics for the 2016 seminar series were:

- ‘Working with Others: MOUs to Mergers’
- ‘Social Impact Investing for NFPs’
- ‘Fundraising and Events’
- ‘Tax Concessions for NFPs’
- ‘Volunteering Law: Unpaid Worker, Interns and Volunteers’
- ‘Regional Training Newcastle’
- ‘Social Media, Privacy and Cyber Resilience for NFPs’.

Over the four years from 2012-13 to 2015-16, the NFP Law Program has delivered face-to-face training to more than 8,500 people over 234 training sessions (Figure 2.7). An increasing number of training sessions have been delivered in outer metro and regional areas—this has grown from 46 per cent of training sessions in 2012-13 to 71 per cent in 2015-16.

This has been the result of a shift away from a CBD-based schedule of monthly seminars to an issue-based training program. This change has allowed greater participation by representatives located in regional areas and those who can only attend training outside of business hours. In the last year, training sessions were held in regional centres such as Geelong, Warrnambool, Casterton, Portland, Maldon, Phillip Island, Benalla, Rochester, Shepparton and Bairnsdale.

**FIGURE 2.7** TRAINING SESSIONS AND ATTENDEE NUMBERS, 2012-13—2015-16



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

Training run through the NFP Law Program generally involves only nominal fees to participants, to cover the facilitation costs borne by the organisation (i.e. the contribution of the participating lawyers is strictly pro bono). For half day seminars (three hours), the cost is \$50 for small organisations (up to 10

full-time employees) and \$100 for large organisations. Full day seminars cost small organisations \$100 and large organisations \$200.

### 2.2.2 Webinars

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The NFP Law Program piloted webinars in 2013-14, before delivering seven webinars in 2014-15 and 12 in 2015-16. The webinars were introduced to provide training to individuals and organisations who were unable attend face-to-face training, particularly those located in regional areas.

The 2016 webinars, usually around an hour long, covered the following topics:

- 'Getting Started'
- 'Auspicing'
- 'Employee, Contractor or Volunteer?'
- 'OH&S and Insurance Issues for NFPs'
- 'Working with Others'
- 'Social Enterprises'
- 'Discrimination, Sexual Harassment & Bullying: Protecting You and Your People'
- 'Tax Concessions for NFPs'
- 'Emerging Issues in Working with Volunteers'

Over the two years, 477 individuals have participated in the webinars, with an average of 25 participants per webinar. The NFP Law Program carries out surveys of webinar participants which indicates that 40 per cent of participants are from a rural or regional location. Eighty-four per cent of surveyed participants found it 'very easy' to set up for the webinar they attended.

### 2.2.3 Professional development for lawyers

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The NFP Law Program also delivered 16 professional development sessions for lawyers across the four years of 2012-13—2015-16 (including one five-day Masters course). The purpose of the professional development sessions is to enhance the capacity of lawyers to provide quality, tailored advice to NFP clients.

In 2015-16, the NFP Law Program ran four professional development sessions, which were attended by a total of 168 lawyers. These included:

- Introduction to Charity & NFP Law—70 participants
- Tax Webinar—23 participants
- Social Enterprise (CLE) Webinar—30 participants
- Introduction to Charity & Not-for-profit Law—45 participants

A professional development webinar was also introduced to allow more advanced, more time-poor lawyers to receive training.

### 2.2.4 Impact of education and training

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The NFP Law Program seeks feedback from all training participants. In 2015-16, 91 per cent of face-to-face training participants found the training to be very good or excellent. One participant said:

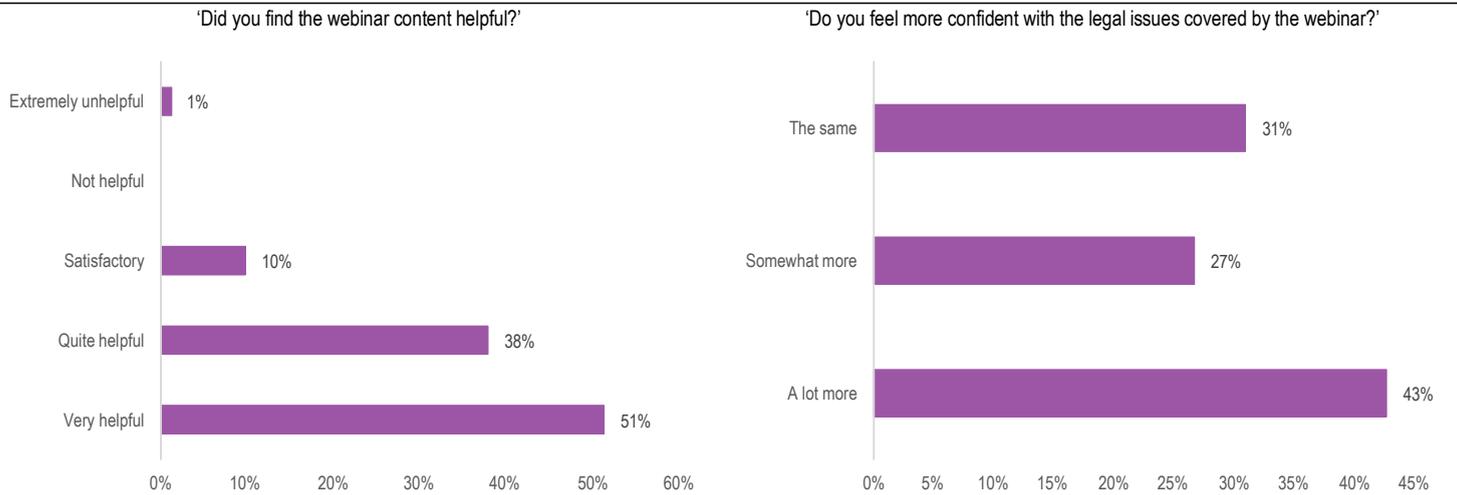
*'As a small NFP I find these sessions useful. I like that they are short and sharp and have never walked away without learning something new.'* Training participant, 2015

Webinar participants also report finding the training useful, with 89 per cent of respondents indicating that they found the webinar 'quite helpful' or 'very helpful' and 70 per cent of respondents saying they felt 'somewhat more' or 'a lot more' confident with the legal issues covered by the webinar (Figure 2.8)

These results are supported by qualitative feedback received through the webinar surveys, for example:

*'Absolutely the first-stop go-to place for setting up a NFP or charity. It clarified many things that I wasn't sure about and I feel considerably more confident in knowing what I want to do - and the process to do them. The material made sense and overcame a lot of the confusion I had after reading up the same things on the relevant pages of ASIC, ATO, ACNC etc: great work and many thanks.'* Getting Stared webinar attendee, 2016

**FIGURE 2.8** WEBINAR SURVEY RESULTS, 2014-15 AND 2015-16



Note: n=82; n=94

SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM WEBINAR SURVEY DATA

As part of this evaluation, training attendees and presenters were also interviewed. Attendees reported the training to be relevant and of a high quality. Professional development for regional lawyers was seen as having a significant impact as it allowed these lawyers to deliver legal services to NFP organisations in regional areas which may otherwise have struggled receive advice locally.

Deloitte Access Economics (DAE 2015) estimates the value of the NFP Law Program training in 2014-15 as \$107,000, based on the market rate of pro bono lawyers' time and market value of similar webinar sessions provided by other (for-profit) providers. DAE notes that 'the total value of training services presented here is likely to be an underestimate of the total value of all training services provided by NFP Law' due to an inability to observe or measure some pro bono value in the training.

## TELEPHONE ADVICE AND REFERRALS

### 3

### 3.1 Enquires and telephone advice

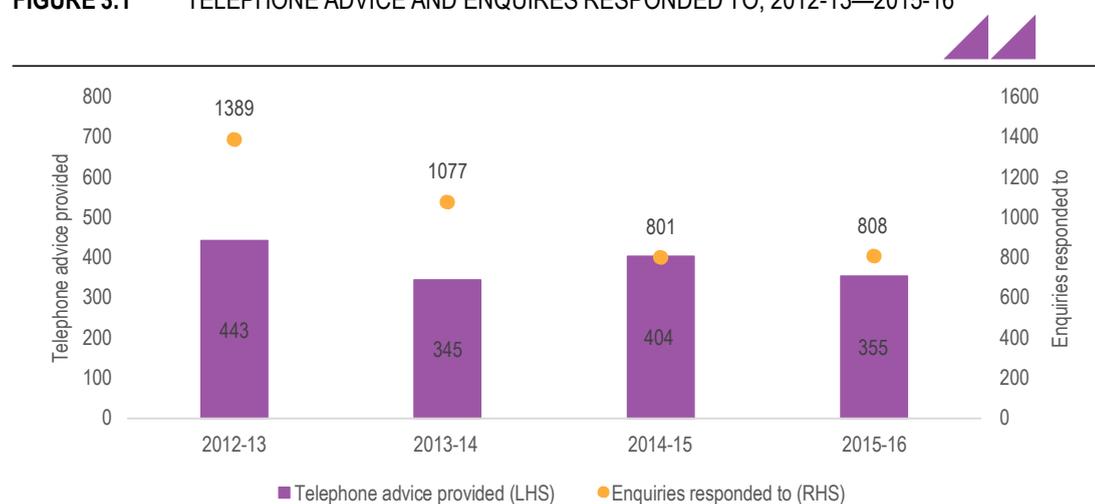
The NFP Law Program receives enquires from NFP organisations via telephone and through the Information Hub, and provides legal advice over the telephone through the Telephone Advice Service to a subset of these organisations. In 2016 a 'live chat' facility was introduced on the website.

Enquires that do not receive legal advice are directed to appropriate resources on the Information Hub or referred to a more appropriate source of assistance.<sup>3</sup> The NFP Law Program maintains contact with these other agencies to ensure outbound referrals are appropriate.

The Telephone Advice Service is intended to help organisations with smaller one-off matters, and complements the NFP Law Program Pro Bono Referral Service, which is an avenue for organisations to receive comprehensive and in-depth legal support through a pro bono lawyer (discussed in section 3.2). A case study of Neighbourhood Houses Victoria's use of both of these services is provided in Box 3.1.

Over the period from 2012-13 to 2015-16, the NFP Law Program provided 1,547 instances of telephone advice, which were spread relatively evenly across the four years (Figure 3.1). The number of enquires to the NFP Law Program fell over the period from 2012-13 to 2014-15, which is likely due to the expansion and promotion of online resources on the Information Hub reducing the need for NFP organisations to make an enquiry to the NFP Law Program. This is supported by the fact that the share of enquires requiring telephone advice has risen from 32 per cent in 2012-13 to an average of 47 per cent over 2014-15 to 2015-16.

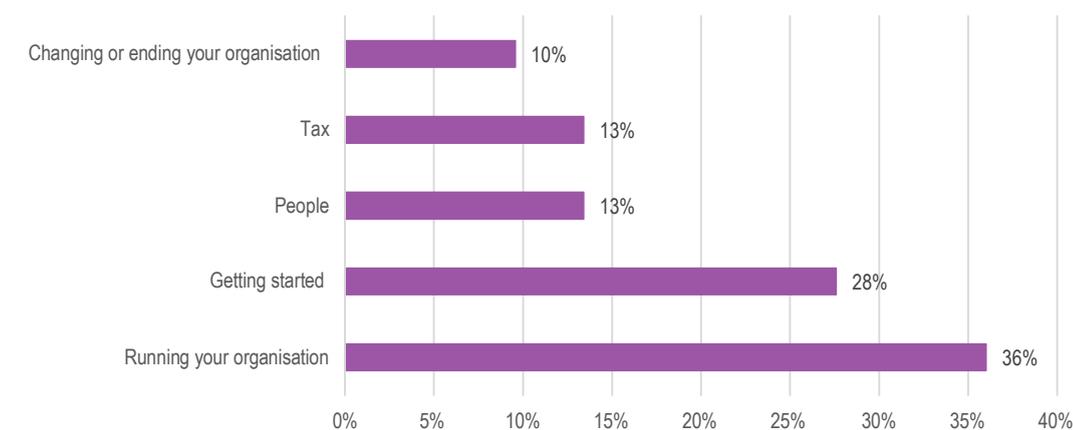
**FIGURE 3.1** TELEPHONE ADVICE AND ENQUIRES RESPONDED TO, 2012-13—2015-16



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

In 2015-16, telephone advice was provided to 355 eligible organisations, mostly on matters relating to the running of the organisation and getting started (Figure 3.2).

<sup>3</sup> This could include Consumer Affairs Victoria (CAV), the Australian Charities and Not-for-profits Commission (ACNC) and other relevant NFP sector-based support services.

**FIGURE 3.2** TELEPHONE ADVICE AREAS 2015-16

SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

### BOX 3.1 NEIGHBOURHOOD HOUSES VICTORIA CASE STUDY

Neighbourhood Houses Victoria (NHVic) is the peak body for approximately 400 Victorian Neighbourhood Houses across the state. NHVic undertakes advocacy and research for its members, provides training and provides advice on policy and legislative changes.

NHVic uses the NFP Law Program's service in a variety of ways, including referring members to the Information Hub and the telephone advice line. On a number of occasions when NHVic identifies common themes or topics in its members' questions, the NFP Law Program has subsequently run relevant sessions at the NHVic annual conference, free of charge. As well as directing its members to the NFP Law Program service, NHVic has used the referral service itself for advice regarding relocation of its office and related lease negotiations. NHVic reports that this advice was valuable and delivered in a way that made implementation of the decision making around the advice uncomplicated and clear.

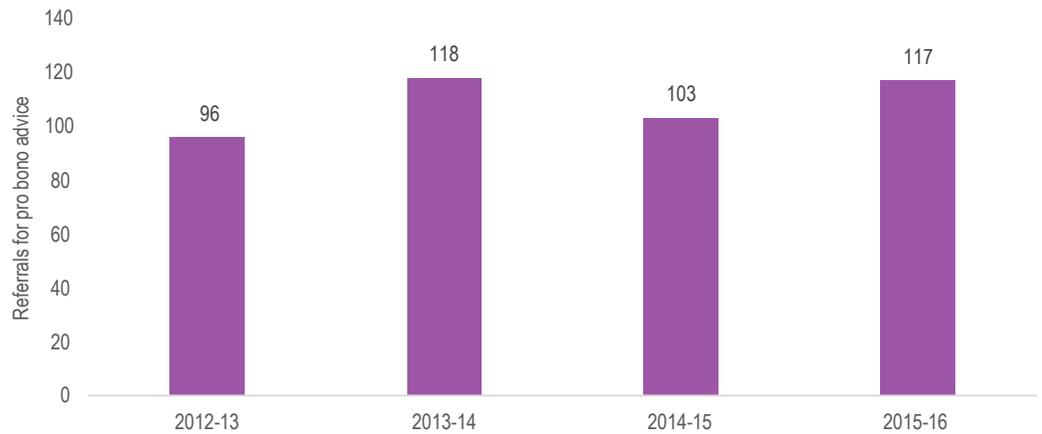
One of the key themes from the consultation with NHVic was that the resources and advice provided through the NFP Law Program were well designed and provided background on relevant issues in a clear and easily accessible way. NHVic found NFP Law Program staff to be capable and approachable, and noted that the resources helped NHVic members understand the reasons and rationale behind certain legal requirements, which in turn helped to build a basis for appropriate action to be taken and contributed to the ongoing development of a 'culture of compliance'.

SOURCE: ACIL ALLEN

## 3.2 Referrals

The NFP Law Program Referral Service connects not-for-profit organisations with pro bono lawyers from member law firms in Victoria and New South Wales. Over 2012-13—2015-16, the NFP Law Program provided 434 referrals at a relatively steady level per year (Figure 3.3).

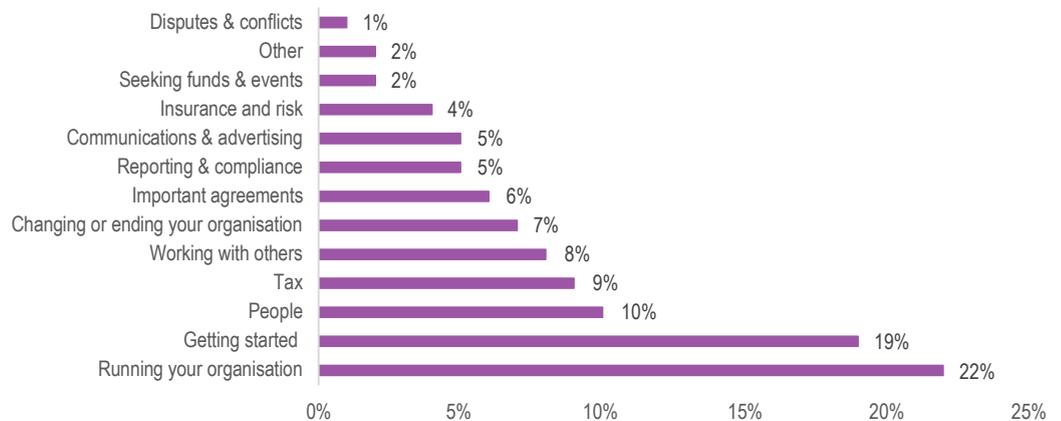
**FIGURE 3.3** REFERRALS FOR LEGAL ADVICE, 2012-13—2015-16



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

Using 2015-16 as an example, NFP organisations referred by the NFP Law Program to pro bono lawyers are often seeking advice on matters relating to the running of the organisation (for example, directors’ roles and responsibilities) and getting started (for example, developing organisational legal frameworks and documents) (Figure 3.4). An example of a referral issue and outcome for Gateways Support Services, a not-for-profit organisation that supports people with disabilities and autism, is provided in Box 3.2.

**FIGURE 3.4** REFERRAL AREAS 2015-16



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

**BOX 3.2** GATEWAYS SUPPORT SERVICES CASE STUDY

Gateways Support Services is a specialist not-for profit that supports over 1,300 Victorian children and adults with autism and disabilities. Recently, the organisation planned to host a film festival in 2015 to better inform the Geelong community about the abilities, aspirations and barriers affecting people with disabilities, and to promote Gateways.

Gateways needed permission to use submitted films for promotional purposes but they did not have the resources to draft the required legal documentation. Gateways then contacted Justice Connect NFP Law for assistance, who then referred Gateways to Holding Redlich Lawyers.

The law firm advised Gateways on the legal process, helped draft the terms and conditions of the submissions and made sure Gateways had permission to use the submitted films. As a result, Gateways had the legal infrastructure to host the 2015 festival, which will also be beneficial in planning future festivals. The inaugural GAFFAS (The Gateways Film Festival of Amazing Shorts) was held in December 2015.

Toni Wilson, Gateways' volunteer coordinator reported, '[as a] not-for-profit organisation the support of services like yours enables us to access a level of support we could not otherwise do'.

SOURCE: JUSTICE CONNECT ANNUAL REPORT 2014-15

### 3.3 Impact of telephone advice and referrals

The NFP Law Program has received positive feedback from NFP organisations that have received telephone advice and a referral to a law firm for pro bono services (see Box 3.3 for a detailed case study). For example:

*'Without this assistance, the financial burden of merging our NFP service would have been financially detrimental to the provision of our service.'* NFP organisation, 2015

*'Our organisation is incredibly grateful and [we] are very much aware that this difficult matter and excellent resolution could not have been achieved without help. Thank you... for supporting us even though the matter was complex and lengthy. It meant a lot to a small organisation that would not have had the funds to represent itself.'* NFP organisation, 2014

This is consistent with feedback provided in interviews for this evaluation. Telephone advice and referrals were seen as vital for small to medium-sized NFP organisations which would otherwise be unable to afford legal advice. Peak bodies commented on the accessibility provided by the Telephone Advice Service, and the appropriateness of the referrals they and their members received.

**BOX 3.3** THORBURY WOMEN'S NEIGHBOURHOOD HOUSE CASE STUDY

The Thornbury Women's Neighbourhood House (TWNH) provided education, training, microfinance, leisure activities and childcare services to women and their families. In 2015, TWNH were challenged by the changing needs of the community and high operating costs. The organisation had to decide between ending the organisation and merging with a similar organisation, namely Preston Neighbourhood House (PNH).

PNH agreed to taking over the management of TWNH, such that TWNH would be a separate legal entity and PNH would manage both organisations. TWNH contacted NFP Law for urgent advice regarding this complex legal process, which differed from a typical merger as the focus was on keeping TWNH a separate legal entity.

NFP Law referred TWNH to Lander and Rogers law firm, which advised the organisation on the transfer of assets, licences and insurances, and voluntary cancellation of TWNH as an incorporated association.

The referral process led to a positive outcome. In November 2016, the Preston and Thornbury Neighbourhood Houses were re-launched under the new name 'The Bridge'. 'The Bridge' provides community services to everyone in the community (childcare, education, health and social activities), covering demographics and services TWNH could not previously reach.

*SOURCE: JUSTICE CONNECT 2015-16 ANNUAL REPORT*

Law firms reported that the referral service provided by the NFP Law Program was highly valued, and meant that law firms received referrals of NFP organisations that required higher level, bespoke legal advice (see Box 3.4 for a case study). The telephone advice provided by the NFP Law Program, and the Information Hub, resulted in NFP organisations being better informed of the relevant legal basics, relative to NFP organisations that approached the law firms directly. This led to improved efficiencies in the pro bono services of the relevant law firms preserving pro bono legal hours by allowing NFP organisations to access basic information before receiving legal advice on more discrete, complex matters. And because of this law firms were more likely to devote lawyer time to pro bono work.

Deloitte Access Economics (DAE 2015) estimates that in 2014-15, the NFP Law Program provided \$197,304 worth of telephone advice and \$2,037,365 in pro bono legal advice was provided to NFP organisations as a result of the NFP Law Program referral service.

**BOX 3.4** CLAYTON UTZ CASE STUDY

Clayton Utz is a commercial law firm that participates in Justice Connect's NFP Law Program. The firm provides pro bono services to NFP organisations through the Program's referral service, participates in the Program's training sessions (as attendees and presenters) and generates material for the Information Hub.

Clayton Utz noted that without the NFP Law Program there would be fewer sources from which NFPs could clarify basic legal concepts and from which pro bono lawyers could further develop their skills to assist NFP organisations. The Clayton Utz pro bono coordinator reported that the NFP Law Program reliably and efficiently closes the information gap where legal resources are scarce.

Due to the Information Hub, NFP organisations that approach Clayton Utz have a better understanding of basic legal matters, which conserves the time of both the lawyers and NFP organisations. Additionally, the firm's junior lawyers feel a sense of satisfaction when generating online content for the NFP Law Information Hub. The Clayton Utz pro bono coordinator stressed that the Program is especially invaluable in a complex legal climate, where most NFP organisations have obligations with several regulators in a multi-level compliance system.

*SOURCE: ACIL ALLEN*

## ADVOCACY AND DATA COLLECTION

## 4

### 4.1 Advocacy

The NFP Law Program carries out policy and advocacy work to improve the legal framework for community organisations and support legal and regulatory reform. The Program's policy and law reform objectives include:

- better regulation for not-for-profits: promoting efficiency and effectiveness in the regulatory approach to the not-for-profit sector
- improved legal structures: advocating for an improved approach to available legal structures for NFP organisations and social enterprises in Australia
- simplified tax concessions: addressing complexity and inaccessibility within the current application of tax concessions for the not-for-profit sector
- oversight of reforms affecting not-for-profits: ensuring that policy development has adequate regard to the potential impact on the not-for-profit sector.

Policy and advocacy activities are undertaken by NFP Law Program staff with specialist input from partner law firms when required. The absence of a dedicated staff member to drive policy and advocacy campaigns is noted as a challenge for this component of the service, as is the difficulty in measuring the impact of advocacy work in general.

#### 4.1.1 Key campaigns

Key advocacy campaigns that have been undertaken since 2012 include the:

- current Fix Fundraising campaign
- 'Save the ACNC' campaign
- campaign regarding the development and amendment of the Associations Incorporation Reform Act 2012 (Vic).

The NFP Law Program is part of a coalition currently undertaking a campaign pushing for harmonisation and simplification of the various fundraising laws across Australia.<sup>4</sup> A joint submission was made to the Australian Consumer Law Review in May 2016 with input from Norman O'Bryan SC AM, and the coalition submitted a response to the Review's Interim Report in December 2016.

Additionally, the coalition was one of only eight parties invited by the NSW Government to submit on a discussion paper about repealing the NSW Fundraising Act. The Fix Fundraising campaign also involves social media activity, including collation of a public list of campaign supporters, a Twitter campaign (#fixfundraising), and the collection of 'fundraising stories' via the NFP Law Program website. Governance Institute of Australia, one of the coalition partners, was consulted as part of the evaluation (Box 4.1).

The NFP Law Program has also provided input over a number of years into the development and subsequent amendment of the Associations Incorporation Reform Act 2012 (Vic). Since 2009, the NFP Law Program has provided eight submissions and responses to this development process, which staff noted has had an impact on the resulting legislation.

<sup>4</sup> Other coalition partners are: Australian Council of Social Service (ACOSS), Governance Institute of Australia, CPA Australia, Australian Institute of Company Directors (AICD), Chartered Accountants Australia and New Zealand (CAANZ), Philanthropy Australia, and Community Council for Australia (CCA).

**BOX 4.1** GOVERNANCE INSTITUTE OF AUSTRALIA CASE STUDY

Governance Institute of Australia is a not-for-profit membership organisation focused on improving governance practice in Australia. It provides education and training in corporate governance and risk management, produces a range of publications and other knowledge resources—including guidance tailored for NFP organisations—and undertakes research and advocacy.

In early 2016, the NFP Law Program contacted Governance Institute regarding the issue of fundraising regulation inconsistencies and the need for reform in the area. The NFP Law Program recognised the need for a broad, multi-organisational approach to the issue, and contacted Governance Institute as a first step in developing this approach. Governance Institute in turn proposed collaborating with the accounting peak bodies, CPA Australia and Chartered Accountants Australia New Zealand. The Fix Fundraising coalition, as it became known, now includes eight national organisations.

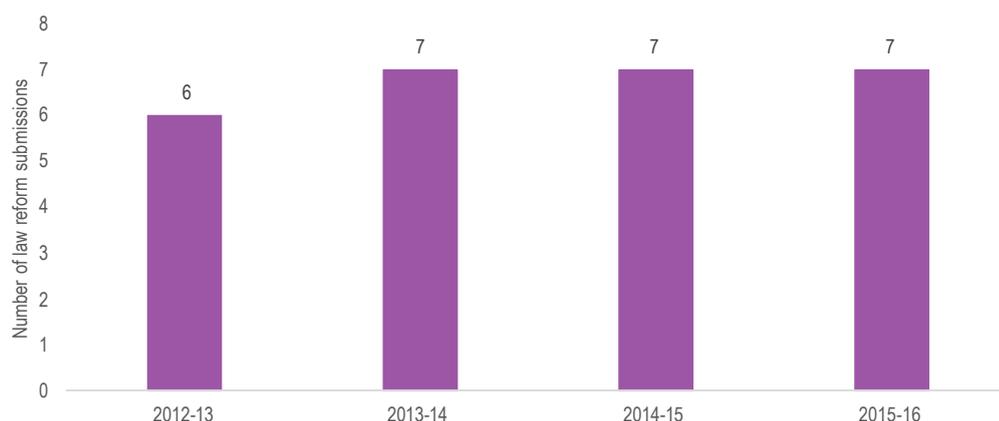
As discussed above, one of the avenues of the coalition's advocacy is the Australian Consumer Law Review. Although this review is still underway, feedback received indicates that without the coalition, the issue of fundraising reform would not have been raised in the interim report (as it was not initially listed as an issue for consultation). The coalition was also invited to meet with the Review Secretariat. Governance Institute spoke highly of the NFP Law Program in the consultation and noted that the Program took a practical and sensible approach to advocacy.

SOURCE: ACIL ALLEN

**4.1.2 Submissions**

Proposed legislative and regulatory changes that will affect the NFP sector are monitored on an ongoing basis and the NFP Law Program responds with policy submissions where required. The number of submissions provided each year has been relatively steady since 2012, averaging around seven annually (Figure 4.1). The breadth of policy submissions in previous years is similar to 2015-16, covering state-based and federal legislation and policy on a wide range of issues such as tax and privacy reform, protection for unpaid work participants, and governance of community organisations.

**FIGURE 4.1** NUMBER OF SUBMISSIONS PER YEAR, 2012-13—2015-16



SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS

In 2015-16, nine submissions were made to various Governments and agencies—five for New South Wales specifically, one for Victoria, and three at a national level (Table 4.1). The submissions cover a range of topics and legal areas from sector-specific responses to submissions on national accounting standards.

**TABLE 4.1** POLICY SUBMISSIONS, 2015-16

Submission	Government / Agency	Date of submission
Submission to 'Review of the Lotteries and Art Unions Act 1901: Discussion paper' on the review of the Act	Liquor & Gaming NSW	2 September 2016
Submission on the 'Regulatory Impact Statement for the proposed Associations Incorporation Regulation 2016 (NSW)'	NSW Fair Trading	1 August 2016
Submission to 'Charitable Fundraising Review, Discussion Paper – July 2016'	New South Wales Government	15 July 2016
Comments on the draft Commissioner's 'Interpretation Statement: Public Benevolent Institutions' (CIS 2016/03)	Australian Charities and Not-for-profits Commission (ACNC)	1 June 2016
Submission to the 'Australian Consumer Law Review Issues Paper'	Consumer Affairs Australia and New Zealand	27 May 2016
Submission regarding 'Exposure Draft 270'	Australian Accounting Standards Board	29 April 2016
Submission in response to the 'Working with Children Regulations 2016 – Regulatory Impact Statement'	Victorian Department of Justice & Regulation	22 January 2016
Submission to 'Targeted Earlier Intervention Programs – sector consultation paper' on the future of the targeted earlier intervention programs in NSW	NSW Department of Family and Community Services	16 October 2015
Submission in relation to 'Statutory review of the Associations Incorporation Act 2009 (NSW)'	NSW Fair Trading	7 September 2015

SOURCE: ACIL ALLEN ANALYSIS OF NFP LAW PROGRAM ANNUAL PROGRESS REPORTS AND JUSTICE CONNECT WEBSITE

### 4.1.3 Other forms of advocacy

Staff from the NFP Law Program also participate in various high-level meetings and conferences to represent the sector and advocate for improvements to the legal operating environment. For example, Justice Connect now sits on the Australian Tax Office's Not-for-profit Stewardship Group. In 2015-16, the NFP Law Program also contributed to various events and discussions, such as:

- participation in VCOSS Peaks and Statewide Networks meetings (bi-monthly)
- participation in a panel discussion on US and Australian Charity Law and Political Advocacy hosted by Melbourne Law School
- presentation to the National Volunteering Conference
- presentation to the Connecting Up Conference
- presentation to the Victorian Labor caucus' justice committee on legal issues/services for Victorian NFPs
- discussions with Consumer Affairs Victoria staff in relation to reform of fundraising laws and review of Australian Consumer Law
- discussion with Federal Treasury in relation to Post-Implementation Review of the Charities Act 2013
- participation in ACNC Professional User Group meetings
- co-option to the Victorian Government's Human Services and Health Partnership Implementation Committee (HSHPIC) Services Agreement Working Group.

### 4.1.1 Impact of advocacy

In general, measuring the impact of advocacy work is difficult. For example the NFP Law Program, along with other organisations, advocated against the closure of the ACNC in 2014 and subsequent years. In March 2016, the Commonwealth Government announced its decision to retain the ACNC. While it is likely that the NFP Law Program's efforts contributed to this decision, its precise contribution to this outcome is not clear.

A number of stakeholders expressed strong support for the current Fix Fundraising campaign, in particular the NFP Law Program's role in establishing the campaign coalition, and they considered the NFP Law Program to be playing an important role as an advocate and 'voice' for the sector. They noted that without the NFP Law Program, there would be a gap in this area.

That the NFP Law Program is asked to participate in high level meetings and roundtables is another indication that its advocacy work is valued and the links NFP Law Program staff have with state and federal government and regulators increases the Program's impact.

NFP Law Program staff reported that parts of the Associations Incorporation Reform Act 2012 indicate the impact of the NFP Law Program, particularly as some specific NFP Law Program suggestions were incorporated in the final legislation.

The NFP Law Program is aiming to better estimate the impact of its advocacy in the future by refining its monitoring and evaluation framework to include 'issues based' advocacy measurement.

## 4.2 Data collection

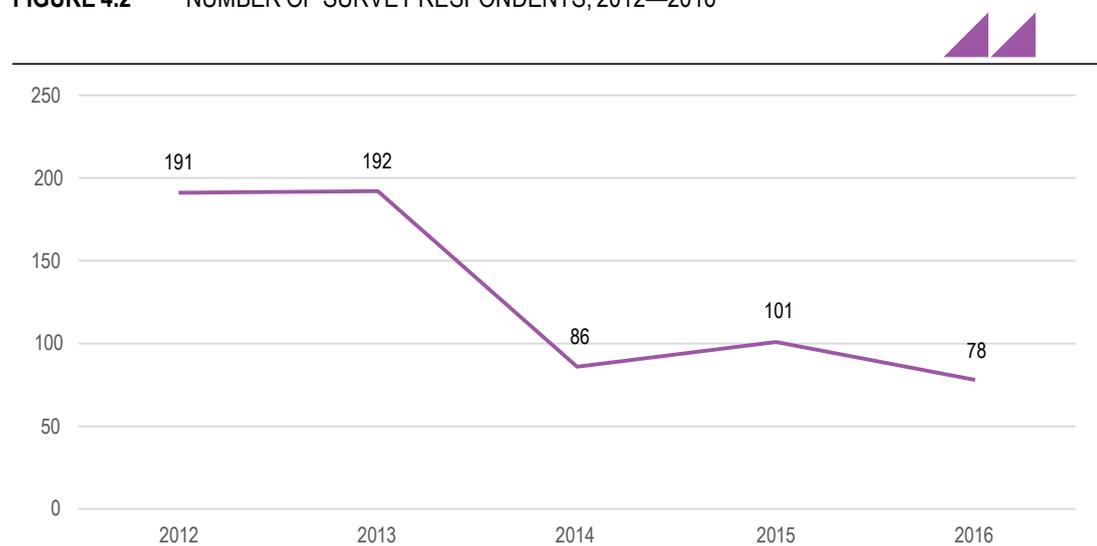
### 4.2.1 Overview of the Compliance Survey

The primary data collection activity of the NFP Law Program is the Not-For-Profit Compliance Survey. The Survey is undertaken to better understand the compliance challenges faced by Victorian not-for-profit organisations.

The data collected gives the NFP Law Program and government bodies (for example, CAV) insight on how to implement strategies to better support Victorian community organisations. It does not attempt to 'assess actual levels of compliance, but rather seeks to identify areas of concern, and opportunities for improved support' (Compliance Survey report 2015).

The Survey has been undertaken since 2012 with the latest iteration being the 2016 Compliance Survey. There were 648 respondents across the five years, with the number of respondents fluctuating year-to-year with the highest number in 2012 and the lowest number in 2016 (Figure 4.2).

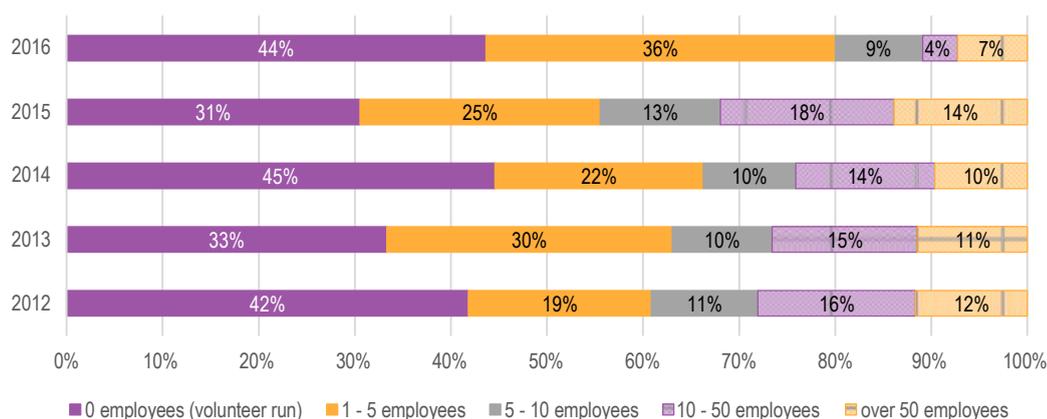
**FIGURE 4.2** NUMBER OF SURVEY RESPONDENTS, 2012—2016



SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

Around 42 per cent of participating organisations are run by volunteers (that is, with no paid employees) (Figure 4.3) and only 12 per cent have more than 50 employees. This sample is appropriate as most of the organisations assisted by the NFP Law Program are smaller NFP organisations.

**FIGURE 4.3 ORGANISATION SIZE, 2012—2016**



SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

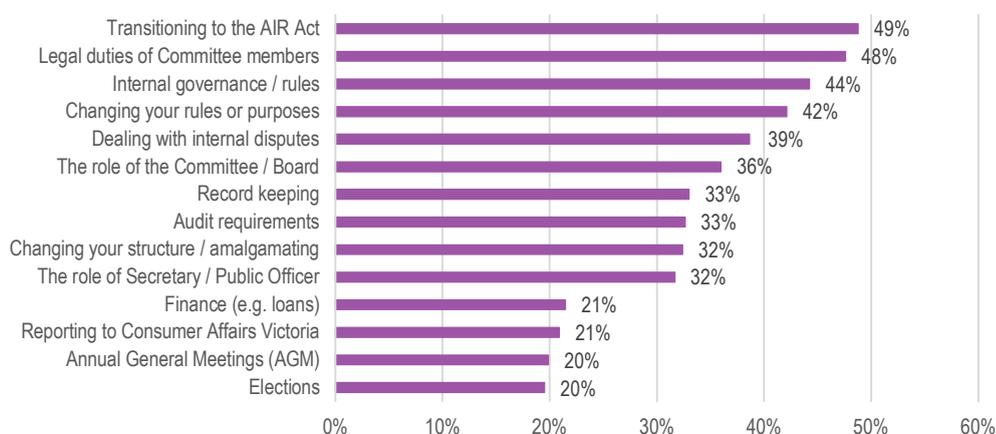
**4.2.2 Compliance Survey results**

Figure 4.4 shows the general compliance areas incorporated associations find most challenging for the period 2012-16. Respondents were asked ‘As an incorporated association, what compliance areas do you find challenging to comply with?’ Over half of the respondents answered ‘challenging’ or ‘extremely challenging’ to each of these top five areas:

- ‘transitioning to the Association Incorporation Reform Act 2012 (AIR ACT)’
- ‘legal duties of Committee Members’
- ‘internal governance / rules’
- ‘changing your rules of purposes’
- ‘dealing with internal disputes’.

The most common reasons underlying general compliance challenges. The two most reported reasons were ‘hard to keep up with changes to the law’ and ‘not enough time/energy’ (further data on this question are in Appendix B).

**FIGURE 4.4 CHALLENGING COMPLIANCE AREAS (GENERAL), 2012—2016**



Note: ‘Extremely challenging’ and ‘challenging’ responses, averages of 2012-2016 data. AIR Act = Associations Incorporation Reform Act  
 SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

Figure 4.5 shows the fundraising compliance areas organisations find most challenging for the period 2012-16. Respondents were asked ‘As an organisation that fundraises in Victoria, what areas do you find challenging to comply with?’ The top five areas were:

- ‘knowing what fundraising laws apply’
- ‘registration and reporting’
- ‘exemption from fundraising registration’
- ‘information disclosure requirements’
- ‘face to face fundraising’.

The most common reasons underlying fundraising compliance challenges were ‘hard to keep up with changes to the law’, ‘not enough time/energy’, ‘don’t understand legal obligations’ and ‘difficulty finding tools to manage legal problems’ (further data on this question are in Appendix B).

**FIGURE 4.5** CHALLENGING COMPLIANCE AREAS (FUNDRAISING), 2012—2016



Note: 'Extremely challenging' and 'Challenging' responses

SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

### 4.2.3 Impact of the Compliance Survey

The primary impact of the Compliance Survey is in improving the targeting of the NFP Law Program's information provision and training services. Program staff report that training topics and internet resource topics are chosen based on regulatory changes, telephone advice and the Compliance Survey.

The Compliance Survey received higher numbers of responses in 2012 and 2013 than over 2014-2016. The NFP Law Program is conscious of this, and theorises that this may be due to NFP organisations being over-surveyed. Other methods could be considered to improve survey response rates (such as a combined online and telephone survey; paid advertisements; inducements for responders), although the likely improved responses rates would have to be evaluated against any additional costs of these methods.



## OVERALL IMPACT AND CONCLUSION

# 5

### 5.1 The NFP Law Program has a broad service offering

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As set out in the preceding chapters, the NFP Law Program provides a suite of interconnected services to assist NFP organisations meet their legal requirements and to improve the legal environment in which NFP organisations operate.

The broad service offering of the NFP Law Program is one of its greatest strengths. The Information Hub provides detailed and increasing tailored legal information to all NFP organisations and individuals to be accessed any time. For NFP organisations and individuals that need more detailed information, or information in a different form, the training sessions and webinars provide an interactive and in depth opportunity to learn about relevant legal issues.

For NFP organisations requiring more tailored legal assistance, NFP Law Program receives enquires by phone and through the Information Hub. Around half of these receive formal legal advice from NFP Law Program lawyers, while the other half are referred to the Information Hub or other information or support services.

A smaller subset of enquires received by NFP Law Program are referred to partner law firms for detailed pro bono advice. The NFP organisations receiving these services require in-depth complex legal advice on specific matters.

This broad service offering means that NFP organisations in Victoria (and elsewhere) are able to choose the most appropriate service to meet their needs, and access that service for low or no cost, and generally at time of their choosing. As a result, the reach and potential impact of the NFP Law Program is maximised.

### 5.2 The NFP Law Program is expanding pro bono services for NFP organisations

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The broad service mix of the NFP Law Program means that by the time a NFP organisation is referred to a commercial law firm's pro bono service, the NFP organisation has a more nuanced understanding of the legal issues it needs addressed. The service mix also means that only the more complex legal issues are referred to commercial law firms' pro bono services.

The ability of the NFP Law Program to play this educating and triaging role provides commercial law firms with better informed NFP clients with complex issues which require specialist advice. Member law firms have stated in consultations that engaging with better informed NFP clients raises the profile of pro bono work within their firm. A more time-efficient process (due to clients' awareness of basic legal knowledge through the NFP Law Program) increases the likelihood of commercial law firms taking on pro bono work. It also means law firms can better focus their resources on providing pro bono services, rather than recruiting and triaging pro bono work.

### 5.3 The NFP Law Program is organisationally strong

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Multiple stakeholders noted that the NFP Law Program and Justice Connect has a strong reputation in the legal sector and in the NFP sector. A key component of this is NFP Law Program staff who are considered to have high levels of expertise in NFP law. The Program is likely able to attract strong staff members due to good organisational leadership, flexible working conditions, and work that is interesting and diverse.

The NFP Law Program has a strong culture of monitoring and evaluation which is likely increasing its impact. The Program carries out testing and evaluations of its services, including the Information Hub (discussed in Chapter 2) and a forthcoming evaluation of its training programs. The Program is also looking to improve the measurement of advocacy impact. This focus on continuous improvement is contributing to the Program meeting the needs of NFP organisations,

## 5.4 The NFP Law Program has been important in a changing regulatory and NFP environment

Over the four year period 2012-13—2015-16, the NFP legal environment, and the NFP sector generally, has experienced significant change.

In Victoria, a new legislative framework for incorporated associations was introduced in November 2012, which included a new act (the Associations Incorporation Reform Act 2012), new regulations (the Associations Incorporation Reform Regulations 2012) and new model rules for incorporated associations. Nationally, the ACNC was introduced in December 2012, introducing a national charities regulator with new reporting and regulatory requirements for NFPs.

For the NFP sector generally, there were changes to government funding models for community service organisations, and emerging trends such as strong growth in social enterprises.

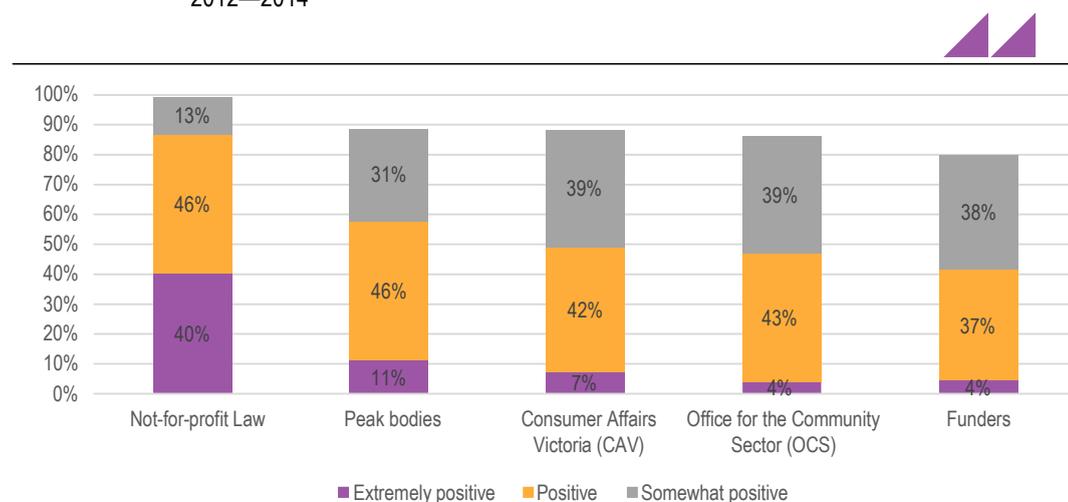
In this environment, the NFP Law Program has provided services and advice on both the new regulatory and legal obligations of NFP organisations and on the areas of emerging need such as social enterprise legal issues.

## 5.5 The NFP Law Program's services are widely valued and impactful

As detailed in Chapters 2-4, the NFP Law Program has achieved positive impacts across its service offerings. Victoria's NFP organisations have increasing access to quality specialist legal advice through the NFP Law Program and there is evidence that NFP organisations have improved knowledge and understanding of applicable compliance requirements.

Compliance Survey respondents indicate that the NFP Law Program leads other compliance support services in regard to both accessibility and satisfaction levels (Figure 5.1). Across 2012-2014, 99 per cent of those organisations that used the NFP Law Program had a positive experience, including 40 per cent which had an 'extremely positive' experience.

**FIGURE 5.1** 'WHAT ARE YOUR EXPERIENCES SEEKING HELP WITH COMPLIANCE FROM...?', 2012—2014



Note: n= 280; n=175; n=263; n=51; n=139

SOURCE: COMPLIANCE SURVEY

Stakeholders reported that the NFP Law Program helps NFP organisations to know what they do not know about their regulatory requirements and that it helps NFP organisations to manage their risks.

Peak bodies interviewed for this evaluation and feedback received by the NFP Law Program indicates that improved access to legal information and legal advice is likely to improve the ability of NFP organisations to attract and retain volunteers and paid staff including board or committee members.

It is also likely to expand NFP community organisations' capacity to attract external sources of funding, particularly as the NFP Law Program supports some organisations to receive deductible gift recipient (DGR) status.

## REFERENCES

Deloitte Access Economics (DAE) 2015, *The economic contribution of Justice Connect's Not-for-profit Law Service*, Deloitte.

# APPENDICES

# EVALUATION RESEARCH QUESTIONS

A

The research questions for the evaluation are provided in Table A.1.

**TABLE A.1** EVALUATION RESEARCH QUESTIONS

Heading
<b>Implementation</b>
1. Have Victoria's NFP community organisations obtained increased access to quality specialist legal advice?
2. To what extent has the Justice Connect NFP Law Program leveraged private funding of an average of \$420,000 per annum to support and further develop the Justice Connect service?
3. To what extent is the Justice Connect NFP Law Program self-funded post Program completion?
4. To what extent has the Justice Connect NFP Law Program improved and expanded data collection that supports greater regulatory compliance and a quantification of Justice Connect service benefits to NFP community organisations?
<b>Effectiveness</b>
<b>Value to NFPs</b>
5. To what extent do Justice Connect activities, including legal training services, web portal resources and <i>Associations Incorporation Reform Act</i> training deliver demonstrable value to NFP community organisations?
<b>Compliance and risk</b>
6. What evidence is there of a reduction in non-compliance with Victorian laws and regulations for incorporated associations and NFP community organisations?
7. To what extent has the Justice Connect NFP Law Program improved knowledge and understanding within the NFP community sector of applicable compliance requirements?
8. To what extent has the Justice Connect NFP Law Program led to a reduction in the commercial and legal risks for NFP community?
9. Has the Justice Connect NFP Law Program enabled the NFP sector to improve their operational capacity, particularly in regards to reducing their commercial and legal risks?
<b>Broader impact</b>
10. To what extent has the Justice Connect NFP Law Program improved ability of NFP community organisations to attract and retain volunteers and paid staff, including board or committee members?
11. To what extent has the Justice Connect NFP Law Program led to greater capacity of NFP community organisations to attract external sources of funding and reallocate internal resources to improve efficiencies?

SOURCE: ACIL ALLEN CONSULTING

# ADDITIONAL COMPLIANCE SURVEY RESULTS

B

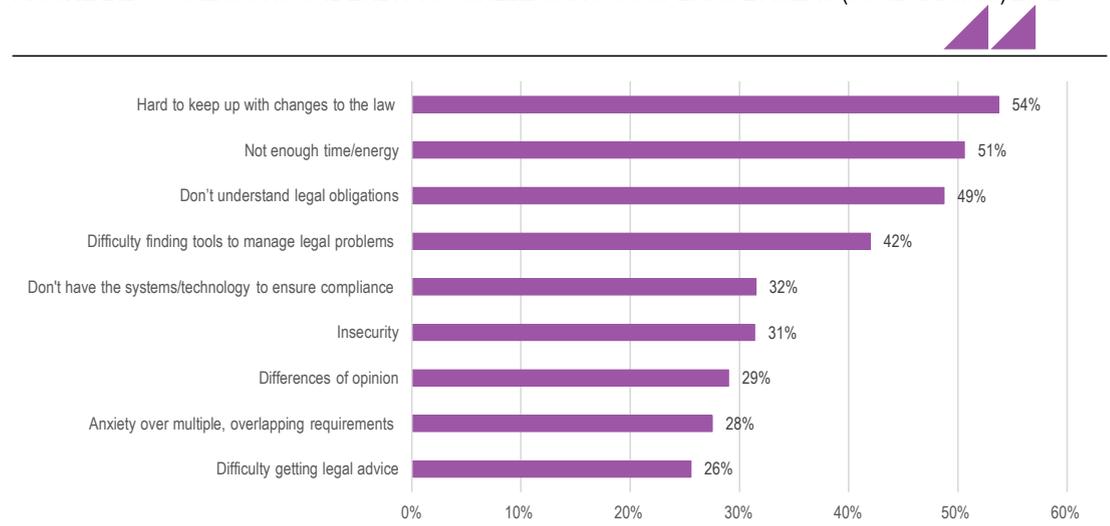
Additional Compliance Survey results are presented in Figure B.1 and Figure B.2 below.

**FIGURE B.1 REASONS UNDERLYING CHALLENGING COMPLIANCE (GENERAL) 2012-16**



SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

**FIGURE B.2 REASONS UNDERLYING CHALLENGING COMPLIANCE AREAS (FUNDRAISING) 2012-16**



SOURCE: ACIL ALLEN ANALYSIS OF NOT-FOR-PROFIT LAW COMPLIANCE SURVEY DATA

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