

# PIAC ANNUAL REPORT

2009-2010



## PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2009-2010

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working for a  
**fair &  
just**  
**democratic society**

empowering  
**citizens &  
consumers**  
**communities**

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Cover: Tom Calma (left), Vavaa Mawuli, Adam Hill and Uncle Chicka Madden at the launch of *Restoring Identity*. Photo by David Otott.

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal and policy centre. PIAC seeks to promote a just and democratic society and to empower individuals and groups, particularly those who are disadvantaged and marginalised. Using legal, policy, communication and training initiatives, PIAC makes strategic interventions in public interest matters.

PIAC was established in July 1982 as an initiative of the Law Foundation of New South Wales with the support of the NSW Legal Aid Commission. Since that time it has grown from a staff of four to a paid staff at the end of the 2009-10 financial year of 32, as well as professional placements, secondees and interns who make a valuable contribution.

Whenever possible, PIAC works co-operatively with other groups and individuals to achieve public interest outcomes. Those PIAC works with include other public interest groups, community and consumer organisations, community legal centres, private law firms, professional associations, academics, experts, industry and unions. PIAC provides its services free or at minimal cost.

## WHAT PIAC DOES

PIAC aims to:

- expose & redress unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent & responsive government;
- encourage, influence & inform public debate on issues affecting legal and democratic rights;
- promote the development of law that reflects the public interest;
- develop and assist community organisations with a public interest focus to pursue the interests of the communities they represent;
- develop models to respond to systemic unmet need; and
- maintain an effective and sustainable organisation.

## PIAC'S PURPOSE

PIAC works for a fair, just & democratic society, empowering citizens, consumers & communities by taking strategic action on public interest issues.

## PIAC'S VISION

For a just, fair, inclusive and sustainable society.

## PIAC'S VALUES

### Justice

Achieving justice in the public interest

### Independence

Valuing independence, working with passion and courage

### Integrity

A strong ethical base, being accountable

### Excellence

Quality, professionalism with the highest standards, delivering results

### Fairness and equity

In PIAC's work and in the organisation



# CHAIR'S INTRODUCTION

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PIAC Chair, Shaunna Jarrett.

I have thoroughly enjoyed this year as Chair as PIAC continued to work for a fair, just and democratic society, taking strategic action on public interest issues in priority areas such as disability access, Indigenous justice, mental health, energy, and homelessness.

PIAC also continued to build capacity among organisations, communities and individuals through a comprehensive training program. Internally, PIAC consolidated its operations, remaining an effectively governed and sustainable organisation.

My role as Chair was really called into action as PIAC farewelled and welcomed two individuals who have been and will be critical to PIAC's success. PIAC said farewell to Robin Banks as Chief Executive Officer and announced the appointment of Edward Santow as its new CEO.

Edward comes to PIAC with a strong track record in human rights work, most recently as the Director of the Charter of Human Rights Project and Co-Director of the Terrorism and Law Project at the Gilbert + Tobin Centre of Public Law, at the University of New South Wales (UNSW).

Edward has also previously worked with the Australian Law Reform Commission and Mallesons Stephen Jacques. In 2004 he was appointed to a European Union-funded project investigating anti-discrimination legislation in Europe, North America and Australia. Edward commenced at PIAC on 11 October 2010 and I am sure his leadership will set the platform for PIAC's next decade.

In welcoming Edward, we sadly said goodbye to Robin Banks, who left PIAC in July 2010 to take up a position as Tasmania's Anti-Discrimination Commissioner. Robin made a very substantial

contribution to PIAC during her six-year tenure as CEO, achieving significant gains in priority areas such as access to justice, government and democracy, and human rights. I appreciated her firm and clear hand as CEO and PIAC wishes her every success in her new role.

I'd also like to acknowledge the significant contribution made throughout the year by the PIAC board: Britta Bruce whose stewardship of the finance committee has seen us become more secure in our financial planning and vision, Alan Cameron (who resigned on 26 October 2009), Peter Cashman, Alan Kirkland, Coralie Kenny (who was appointed on 18 February 2010), Alison Peters, Ralph Pliner (who was appointed on 8 July 2009), the Hon Kevin Rozzoli AM, Ben Slade, Merrilyn Walton, and David Weisbrot AM (who was appointed on 31 May 2010).

As always a very sincere thank you to all the staff of PIAC. Thank you especially to Deirdre Moor, who, as acting Chief Executive Officer, kept everything running smoothly at PIAC in-between Robin's departure and Edward's commencement; to the management team; to the legal staff, the policy developers, the trainers, and the project teams; and to the support team for their hard work, patience and productivity during the year.

Finally, allow me to draw to your attention PIAC plans to embark on a fundraising drive in the coming year. Generous support from individuals, foundations, law firms and others is vital for PIAC's ongoing success. In 2010 and beyond, PIAC will build on this level of support, seeking corporate and individual contributions to help PIAC address emerging public interest issues.

**SHAUNNA JARRETT**  
CHAIR

## THE PIAC BOARD

### Directors

Shauna Jarrett	Chair Assistant Group Secretary, University of Sydney
Ben Slade	Deputy Chair Principal, Maurice Blackburn
Britta Bruce	Management Consultant
Alan Cameron AM	Management Consultant Resigned 26 October 2009
Dr Peter Cashman	Professor of Law, University of Sydney
Coralie Kenny	Nominee of the Law Society of NSW General Counsel, Clearview Wealth Ltd Appointed 18 February 2010
Alan Kirkland	Chief Executive Officer, Legal Aid NSW
Alison Peters	Director, Council of Social Services of NSW (NCOSS)
Ralph Pliner	Consultant, Baker & McKenzie Appointed 8 July 2009
The Hon Kevin Rozzoli AM	Nominee of the NSW Law and Justice Foundation Former Member for Hawkesbury and Speaker of the Legislative Assembly
Dr Merrilyn Walton	Professor of Medical Education, University of Sydney
David Weisbrot AM	Professor of Law and Governance, Macquarie University Appointed 31 May 2010



# CHIEF EXECUTIVE OFFICER'S OVERVIEW

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The year ended with a significant change at PIAC, with Robin Banks announcing her resignation as Chief Executive Officer and the appointment of Edward Santow as PIAC's new CEO, commencing in October 2010.

I would like to take this opportunity to thank Robin for her extraordinary work and to welcome Edward to PIAC.

Robin joined PIAC in June 2004. During her six years as CEO, she enhanced PIAC's position as the country's leading public interest law organisation, with a particular focus on human rights, homelessness, Indigenous justice and health.

Robin joined PIAC in time to launch the Homeless Persons' Legal Service, a joint initiative of PIAC and the Public Interest Law Clearing House. The service now runs 10 weekly clinics to provide *pro bono* legal help for the homeless and those at risk of homelessness and works to ensure that the voices of homeless people are heard.

Under Robin's leadership, PIAC's Indigenous Justice Project pursued law reform and litigation, particularly in relation the Stolen Generations and Stolen Wages. PIAC assisted applicants to the NSW Aboriginal Trust Fund Repayment Scheme and in late 2005 these applicants received the first payments. This work continues, PIAC is still campaigning for fairness, with the Scheme scheduled to wind up in December 2010.

In its litigation, PIAC has continued to focus on cases that improve access for people with disability. The 2009 changes to Virgin Blue's Independent Travel Criteria were the result of a long-running campaign to remove discrimination against some passengers. In other current campaigns PIAC is testing the standards for wheelchair accessible taxis, and by representing a client who alleges discrimination by Murrays Australia Ltd, which operates a fleet that has no wheelchair accessible buses.

A major priority during Robin's time as CEO was increasing the protection of human rights in Australia. For several years, PIAC has promoted community awareness of human rights and had lobbied for community consultations at state, territory and federal level. PIAC stepped up its engagement when the Federal Attorney-General, The Hon Robert McClelland, announced on 10 December 2008 the National Human Rights Consultation, chaired by Father Frank Brennan AO. PIAC worked closely with a number of groups to provide information on the consultation and how to participate. Some of the most innovative events were theatre-based consultations with homeless people.

The Federal Attorney-General released the report of the National Human Rights Consultation on 8 October 2009. The Brennan report made a number of recommendations about improvements that should be made to provide better human rights protection in Australia and recommended the adoption of a Federal Human Rights Act.

PIAC welcomed the report's recommendations, noting that most of the people that PIAC spoke to during the consultation just wanted to be treated fairly, with dignity and respect, and that many people felt strongly that their human rights were not adequately protected at the moment in Australian law.

In April 2010 the Government responded to the Brennan report, deferring until 2014 further consideration of a Human Rights Act, as well as some of the more ambitious proposals for legislation to protect human rights. Instead, the Government set out a 'framework' that included a Parliamentary Committee to review legislation introduced into the Parliament and a community education program. PIAC will continue to provide human rights education, and to lobby the Government for enhanced human rights protection.

PIAC this year continued to focus its attention on access to justice issues, government and democracy, consumer rights and protections, and human rights.

The Energy and Water Consumers' Advocacy Program (EWCAP) continued to work throughout the 2009-10 year to identify systemic problems with energy and water service provision, develop and promote policies that benefit low-income and other disadvantaged households, and build partnerships with consumers, government, industry, and community organisations. A significant achievement was the requirement that Sydney Water develop a hardship policy as a condition of its operating licence renewal.

Throughout the year, PIAC delivered a suite of training programs, helping individuals and communities gain knowledge and skills to be effective advocates. This reflects PIAC's aim of enhancing the responsiveness and representativeness of Australian democracy. *Law for non-Lawyers* continues to be in demand and has been customised and delivered to specific interest groups.

A major area of work in PIAC's Indigenous Justice Program is focussed on the Aboriginal Trust Fund Repayment Scheme, scheduled to close in December 2010. PIAC throughout the year intensified its campaign to ensure Aboriginal people who have lodged claims can effectively exercise their rights under the Scheme and are able to access legal advice and representation. PIAC launched a Stolen Wages Helpline on 30 March 2010, providing free, confidential information and advice to claimants.

On the issue of mental health in prisons, PIAC convened several meetings of the Mental Health in Prisons Network during the year, including a lively discussion of the issue of smoking in prisons.

There were some important organisational achievements during the year, including the completion of two major communications projects. The new PIAC website was launched in June, providing an



PIAC acting Chief Executive Officer Deirdre Moor.

up-to-date online resource for stakeholders and staff. PIAC's *Style and Publications Guide* was also completed, giving clear guidelines to staff for the consistent use of PIAC's visual identity. Staff were also provided with in-house training in project management and in writing for the web. These projects were possible because of the generous support of a Commemorative Community Grant from The Myer Foundation and Sidney Myer Fund *Celebrating Our Partners* program.

I would like to extend a special acknowledgment and thank you to all PIAC clients for their willingness to take legal action in the public interest. I would also like to acknowledge and thank the many individuals and organisations—clients, students, barristers, private firms and companies, community organisations and government employees, departments and agencies—that work with PIAC on projects and campaigns.

Finally, I wish to thank all PIAC staff and Board members for contributing so much to the organisation's successes.

A handwritten signature in black ink, appearing to read 'Deirdre Moor'.

Deirdre Moor  
Acting Chief Executive Officer



# SPECIAL THANKS

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## **PIAC THANKS THE FOLLOWING FOR THEIR ASSISTANCE AND SUPPORT**

### **Homeless Persons' Legal Service partner organisations**

Public Interest Law Clearing House

### **HPLS Host agencies and community support organisations**

Edward Eagar Lodge

Matthew Talbot Hostel

Newtown Mission

Newtown Neighbourhood Centre

Norman Andrews House

Ozanam Learning Centre

Parramatta Mission

Salvation Army Streetlevel Mission

The Station

Vincentian House

Wayside Chapel

Women's and Girls' Emergency Centre

### **PILCH Members associated with HPLS**

Allens Arthur Robinson

Baker & McKenzie

Corrs Chambers Westgarth

Dibbs Barker

DLA Phillips Fox

Gilbert + Tobin

Henry Davis York

HWL Ebsworth

Legal Aid NSW

Minter Ellison

Norton Rose

Thomsons Lawyers

### **Barristers who provided advice and representation**

Dr Chris Birch SC

Kate Eastman

Geoffrey Kennett

Angela Ketas

Tom Molomby SC

Rachel Pepper (now Justice Pepper of the Land and Environment Court)

Anna Perigo

Dr Melissa Perry SC

Roger Rasmussen

Chris Ronalds SC

Brenda Tronson

Ragni Mathur

Reg Graycar



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**Barristers who provided advice and representation (continued)**

Jeremy Kirk	Simeon Beckett
Mark Polden	Alan Roberston SC
Miranda Nagy	Henry El-Hage
Patricia Lawson	Dymphna Hawkins
Simon Hamlyn-Harris	Louise Goodchild
Robert Reed	Ruth C A Higgins

**People (other than PIAC or PILCH staff) who have provided HPLS, Law for Non-Lawyers, Practising in the Public Interest or other training**

**People who provided training for HPLS**

Alex Kelly and Alice Linn, Consumer Credit Legal Centre  
Melissa Brunning and Ruth Nocka, Corrs Chambers Westgarth  
Grant Arbuthnot, Tenant's Union  
Josh Barr, Housing NSW  
Esther Cho, Guardianship Tribunal  
Mary Gibson, Office of the Protective Commissioner  
Ruth Pollard, Public Trustee  
Gary Smith, Public Guardian  
Prue Gregory and Erin Lynch, Macarthur Legal Centre  
Alice Finn and Sarah Barton, Legal Aid NSW  
Rhonda Hawkesford and Anne Parkes, Centrelink  
Shirley Southgate, Office of the Information Commissioner



## SPECIAL THANKS

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### **Law for Non-Lawyers**

Julie Foreman and Carl Freer, Tenants' Union of NSW

Michael Kozlowski and Bill Gerogiannis, Legal Aid NSW

Chris Grant and Meredith Osborne, Elizabeth Evatt Community Legal Centre

Edward Santow, Director, Charter of Human Rights Project, Gilbert + Tobin Centre of Public Law

Maree O'Halloran and Cass Wong, Welfare Rights Centre

Susan Winfield, Consumer Credit Legal Centre

Steve Frost, Horizons Community Legal Centre

Natascha Rohr, Womens' Legal Services NSW

Esther Cho, Legal Officer, NSW Guardianship Tribunal

Jnana Gumbert, Director, Stacks Goudkamp

Nicole Grgas, Hunter Tenants Advice and Advocacy Service

### **Practising in the Public Interest (July 2009 and February 2010)**

Anita Tang and Rory Alcock, Cancer Council NSW

Louise Pounder, NSW Department of Justice and Attorney General

Merrin Thompson and Rachel Callinan, NSW Legislative Council

Kevin Simpson, StreetCare

### **EWCAP Reference Group Members**

Charmaine Crowe, Combined Pensioners & Superannuants Association of NSW

Chris Riedy, Institute for Sustainable Futures, University of Technology Sydney

Dev Mukherjee, Council of Social Service of NSW

John McFarlane, National Seniors

Joyce Fu, Ethnic Communities Council NSW

Nathan Tyson, Indigenous consumer representative

Noel Hiffernan, Western Sydney Community Forum

Patricia Le Lievre, rural and regional consumer representative

Sean Ferns, Parks and Village Service



## **Indigenous Justice Program**

Stolen Wages Referral Scheme

Allens Arthur Robinson

Corrs Chambers Westgarth

Freehills

Gilbert + Tobin

Henry Davis York

HWL Ebsworth

Minter Ellison

Norton Rose

## **Other assistance and support**

Allens Arthur Robinson for continuing funding support for the Indigenous Justice Program and for printing the newsletter of the Indigenous Justice Program, *Talkin' Justice*.

Thomsons Legal for its printing of the *PIAC Bulletin*.

Julie Robb, Partner at Banki Haddock and Fiora for her pro bono assistance with preparing an agreement for PIAC and the Mental Health Co-ordinating Council for the *Mental Health Rights Manual*.

Ian Robertson, Partner, and Linda Luu, Solicitor, at Holding Redlich for their *pro bono* assistance with the Government Contracts project.

## **AIMS**

- To develop and pilot models for addressing unmet legal need.
- To explore and promote innovative ways of funding and progressing public interest law.
- To identify, challenge and prevent systemic barriers to justice.

## **KEY ACHIEVEMENTS**

- **Mental Health Legal Service Project delivers four pilot projects for improving access to legal services for people with mental illness.**
- **Law For Non-Lawyers course delivered as two public courses and as two customised courses for the Legal Aid Commission in regional NSW.**
- **Two members of Street Care appointed to the NSW Premier's Council on Homelessness.**
- **Stolen Wages Helpline launched to assist claimants to the Aboriginal Trust Fund Repayment Scheme.**

## **PUBLIC INTEREST LEGAL PRACTICE**

### **Public Interest Legal Practice**

PIAC continued to promote access to justice and the need for accountable, transparent and responsive government.

To advance this agenda, PIAC made submissions to the Federal Government and Parliament recommending policy and law reform to improve access to justice and promote better governance.

PIAC provided a submission in response to the Federal Attorney-General's report, *A Strategic Framework for Access to Justice in the Federal Civil Justice System*. The report was prepared by a taskforce established by the Federal Government to undertake a review of the federal civil justice system with a view to developing a more strategic and co-ordinated approach to access to justice issues.

PIAC argued that a significant number of the recommendations were expressed in such broad terms that they lacked meaningful or measurable content. PIAC suggested that as a starting point, the taskforce should review the extent to which earlier inquiries and reports into access for justice have been implemented and incorporate all outstanding recommendations into its report.

PIAC also argued that the report failed to expressly address key access to justice issues including the adequacy of funding for community legal centres and legal aid service providers. PIAC contended that these core issues needed to be addressed if significant improvements were to be made to access to justice in Australia.

PIAC also made a preliminary submission to the NSW Law Reform Commission inquiry into security for costs and associated orders. PIAC analysed the current rules in relation to costs in litigation in NSW courts, noting the usual rule that costs follow the event, that is, the losing party pays the winning party's legal costs. PIAC recommended that consideration be given to reforming costs

principles in order to facilitate access to justice. In particular, PIAC recommended that the costs rule should be reformed in public interest cases, with the introduction of legislation to create a presumption in favour of each party bearing their own legal costs in public interest proceedings. PIAC's submission examined how to define public interest and the nature and timing of public interest costs orders, as well as considering whether a general or public interest indemnity fund should be established as a method of removing costs barriers to public interest litigation.

PIAC continues to be actively involved in the NSW Legal Assistance Forum and the Women in Prison Advocacy Network. Through these groups, PIAC works in collaboration with other government

departments, community legal centres and legal aid organisations to improve access to justice for marginalised and vulnerable members of the community.

## **COMMUNITY LEGAL EDUCATION**

### **Practising in the Public Interest**

PIAC again worked in partnership throughout the year with the Public Interest Law Clearing House (PILCH) and the law faculties of Macquarie University, the University of Wollongong and the University of Sydney to conduct *Practising in the Public Interest* (PIPI) summer and winter schools. A total of 26 students from Macquarie, six students from Wollongong and three students from

Sydney completed the one-week intensive course. PILCH members, Deacons and Henry Davis York, each hosted a course.

Students at PIPI undertake three days of training and two days of placement. Students work in syndicates throughout the three training days to apply what they learn by developing an advocacy campaign around a case study on a public interest issue.

External presenters deliver the training, together with staff from PIAC and PILCH.

All students have the opportunity to attend placements at both a public organisation that practises law



Students at work ... Practising in the Public Interest.

in the public interest such as Legal Aid NSW and the Australian Human Rights Commission, and at a law firm with a public interest/*pro bono* practice (one day at each). PILCH members support PIPI by taking students on placement.

Evaluations from the students indicate that the course continues to stimulate and inspire students to consider a future in public interest law and social justice. The following comments are from Macquarie University and Wollongong University students who attended the PIPI Winter School in July 2009:

*Thoroughly enjoyed and learnt heaps, both on a practical level and understanding myself and the law.*

*I have been more excited about issues, ideas and causes this week than throughout my whole four and a half years of my uni course.*

*This has been a great course in all aspects. Best elective/unit ever.*

*'All was informative and useful, most useful were those parts that overlapped strongly with work / service areas.'*

*'Concise yet global explanation of aspects of legal system that I hear about, however have never had the opportunity to have structure and function explained.'*

*'Thanks for the effort put in to the day. Overall, it has been some of the most informative stuff I have heard. Thanks.'*

*'Very practical information that will be very useful in everyday.'*

*'This workshop met all my expectations, and was amazing, but I cannot think of improvements.'*

*Law for Non-Lawyers* is in demand and has great potential to be customised and delivered to specific interest groups. PIAC is partnering with Legal Aid NSW to pilot *Law for Non-Lawyers* courses for communities serviced by Legal Aid's Homeless Outreach Solicitors in the Hunter and Riverina regions. A series of workshops will be delivered in 2010/2011.

PIAC continues to deliver regular *Introduction to the Legal System* sessions to Legal Aid staff. This session was also delivered to 75 staff of the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) in early 2010.

## Law for Non-Lawyers

*Law for Non-Lawyers* represents an area of growth for PIAC's training program. *Law for Non-Lawyers* continues to be a regular part of the public training calendar, with two fully registered public courses running during the year with a total of 60 participants. The courses were held in Sydney.

PIAC presented two customised courses for Legal Aid NSW's Co-operative Legal Service Delivery (CLSD) project. These courses were presented in the Central Tablelands and Hunter regions of NSW, and further CLSD courses are planned for the next financial year. Comments received from participants in the first two CLSD courses include:

## PRISONS

PIAC supports the Women in Prison Advocacy Network (WIPAN) through membership of the WIPAN management committee. The activities PIAC staff assisted WIPAN with during the year include:

- holding a network meeting with stakeholder organisations to introduce WIPAN to the sector
- supporting WIPAN funding applications
- revising the WIPAN policy and procedure governance manual
- supporting the WIPAN policy officer
- researching post-release mentoring models
- assistance with WIPAN's strategic planning

## CHILDREN IN DETENTION ADVOCACY PROJECT

The Children in Detention Advocacy Project (CID<sup>a</sup>AP) is a partnership between PIAC, the Public Interest Law Clearing House (PILCH) and Legal Aid NSW. The aim of the project is to challenge the unlawful and unnecessary detention of young people.

The project provides legal representation on a *pro bono* or legal aid grant basis to minors who may have a cause of action arising from a false arrest, unlawful detention, malicious prosecution and/or the use of excessive force by police, transit authorities and private security companies.

The project also works with relevant organisations to identify and rectify the causes of such arrests.

Throughout the year, CID<sup>a</sup>AP worked to finalise cases underway and pursued policy and advocacy work to find appropriate solutions to systemic problems. The project partners meet regularly to discuss casework and policy.

## CID<sup>a</sup>AP cases

PIAC is currently working on a case in which a young Aboriginal girl was falsely imprisoned on two occasions by police, based on outdated bail information. PIAC will take action in the District Court in relation to this case.

## Systemic Issues

An updated edition of *Bail Me Out* was released in February 2010, following the research report's initial release by the Youth Justice Coalition in September 2009. The report examines 145 cases before the NSW Children's Court and includes recommendations for the NSW Government to ensure that detention for young offenders is used as a last resort. *Bail Me Out* identified two cases in two weeks at the Parramatta Children's Court in which young people were detained on the basis of incorrect information from the police computer system.

The CID<sup>a</sup>AP project is aware of many more cases of young people who were arrested on out-of-date bail conditions. This lack of administrative efficiency has a detrimental effect on young people in NSW. Young people are spending unnecessary time in custody, usually at least overnight, causing further disruption to school and family life, and increasing the chance of further offending through further exposure to the criminal justice system. PIAC is liaising with the NSW Ombudsman's office to identify ways in which this problem can be addressed.

## Complaints to the NSW Ombudsman

PIAC assisted an Indigenous woman to make a complaint to the NSW Ombudsman about her treatment by police in late 2009. That complaint led to a further investigation of the way in which police handle incidents in the complainant's community.

‘ *An updated edition of **Bail Me Out** was released in February 2010.* ’

PIAC assisted a young Indigenous boy to make a complaint to the NSW Ombudsman about his arrest on out-of-date bail conditions. The Ombudsman declined to investigate this matter due to the period of time that had elapsed since the arrest. However, the complaint formed the basis for further discussion with the Ombudsman on the issue of out-of-date information in the police computer system.

### Police complaints project

PIAC is concerned that the police complaints system in NSW is flawed. Concerns include a perception of bias due to police officers investigating other police officers in the same station or command and a perceived lack of accountability and transparency in investigations and outcomes. PIAC is working with CLC NSW and other organisations to make recommendations for reform. PIAC is also collecting case studies from current and former CLC clients about their experiences with the police complaints system to support these recommendations.

The position has significantly enhanced the capacity of the program to become involved in strategic casework and litigation in targeted areas, particularly in racial discrimination cases. It has also allowed the IJP to undertake more research and public policy development. PIAC is hoping to secure longer-term funding to establish the position permanently within the IJP.

The IJP continues to benefit from the support of volunteer students and interns from the Aurora Project and the Social Justice Program at the University of Sydney. Their contribution to the program allows the IJP to undertake more research and increase its level of assistance to stolen wages claimants around NSW.

IJP case highlights include assisting the mother of an Indigenous student to resolve a bullying complaint. The client complained that her daughter had been subjected to racist bullying by another student and that the school failed to implement its anti-bullying and anti-racism policies. The matter was referred to the Administrative Decisions Tribunal but was resolved at mediation prior to the hearing.

PIAC made submissions to the Federal Government and Parliament to advocate for improved access to justice and essential services for Indigenous Australians:

- A submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system. PIAC's submission recommended changes to the legislation governing the arrest and detention of children by offering alternatives to detention, such as bail diversionary programs.

*‘ The IJP continues to benefit from the support of volunteer students and interns. ’*

## INDIGENOUS JUSTICE

PIAC's Indigenous Justice Program (IJP) receives considerable support from the private law firm, Allens Arthur Robinson, through a funding grant that enables the IJP to employ a full-time senior solicitor. Allens Arthur Robinson also allocates its own staff resources to work with the IJP on many of its projects and provides invaluable support to the program's solicitors.

During the year, PIAC allocated additional resources to employ a second solicitor for 12 months. The position was created in response to the growth in demand for legal assistance resulting from the IJP's Stolen Wages project and the Children in Detention Advocacy Project. The position is currently funded through donations to PIAC's Public Justice Fund.



# Stolen Wages Claim

## NEED HELP?

PIAC's **Stolen Wages Helpline** is a free, confidential telephone information service.

We offer information and advice to people who have made claims to the Aboriginal Trust Fund Repayment Scheme for unpaid wages, child endowment of other trust money.

For **FREE** information & advice call  
**02 8898 6544**

The Stolen Wages Helpline operates on  
**Tuesday & Thursday: 9:00am - 5:00pm**  
**Friday: 10:00am - 1:00pm**

PIAC's Stolen Wages Helpline is coordinated by the Indigenous Justice Program of the Public Interest Advocacy Centre (PIAC).

Stolen Wages Helpline flyer distributed by PIAC's Indigenous Justice Program. PIAC thanks Allens Arthur Robinson for their financial support with printing the promotional material for the Stolen Wages Helpline.

The Inquiry lapsed when the 42nd Parliament was prorogued on 19 July 2010, before any report was issued.

- A submission to the Commonwealth Department on Health and Ageing on the development of the first ever National Men's Health Policy. PIAC's submission focused on improving health outcomes for Indigenous men and made recommendations about a holistic approach to healing. The National Male Health Policy recognised the importance of this approach for Indigenous men.

### Stolen Wages

PIAC started to campaign for the return of wages and other entitlements owed by the NSW Government to Aboriginal people in 2003. Results from that campaign include the establishment of the Aboriginal Trust Fund Repayment Scheme in 2004.

The NSW Government established the Scheme to repay Aboriginal people and their descendants wages, pensions, child endowment payments and other money held in trust fund accounts by state agencies and never repaid.

The Scheme is scheduled to close on 31 December 2010. During the year PIAC intensified its campaign to ensure Aboriginal people who have lodged claims can effectively exercise their rights under the Scheme and are able to access legal advice and representation.

PIAC's Indigenous Justice Program and the Public Interest Law Clearing House (PILCH) established a Stolen Wages Referral Scheme, drawing on the pro bono resources of seven PILCH member firms to provide legal advice and representation to hundreds of claimants.

The firms participating in the Stolen Wages Referral Scheme are: Allens Arthur Robinson, Freehills, Gilbert+Tobin, Minter Ellison

Lawyers, Norton Rose, Henry Davis York and HWL Ebsworth. In 2009-2010, Corrs Chambers Westgarth became the latest PILCH member firm to join the Stolen Wages Referral Scheme.

PIAC also works with the Legal Aid Commission, Clayton Utz, the Law Society of NSW and a number community legal centres to ensure adequate access to legal services for claimants, particularly in rural and regional areas.

PIAC understands there are 8,884 claimants registered with the Scheme and the majority of these claimants do not have legal representation or access to any legal advice or support during the claim process. Further, the Scheme is not sufficiently resourced by the NSW Government to be able to provide this assistance to claimants.

In response to this situation, PIAC launched a Stolen Wages Helpline on 30 March 2010. The Helpline is a free, confidential telephone information service that provides information and advice to claimants. The Helpline will ensure that more claimants receive advice and support during the claim process.

PIAC has continued to lead the campaign for a fairer and more transparent mechanism for repayment of wages and entitlements. PIAC is campaigning for improved access to historical government records for claimants. These records, when they are complete and reliable, often play a critical role in supporting claims for repayments.

However, claimants experience extreme difficulty in accessing these records in a timely manner. The Scheme has access to the relevant records but its policy is to provide access only to those records that it deems relevant to the claim. The Scheme argues it is too time consuming to provide a complete copy of the records to every stolen wages claimant, and doing so would impact on the overall functioning and efficiency of the Scheme.



Tom Calma, former Aboriginal and Torres Strait Islander Social Justice Commissioner at the launch of the second edition of PIAC's report, *Restoring Identity*. Photo: David Ottott.

The situation is unsatisfactory for those claimants who need all of the records in order to provide comprehensive evidence in support of a repayment. PIAC continues to lobby the Scheme to make complete copies of records available to all claimants.

PIAC wrote a submission to the Senate Legal and Constitutional Affairs Committee Inquiry into a review of government compensation payments. PIAC's submission examined the achievements and shortcomings of government schemes designed to provide financial redress to Indigenous people who were deprived of their wages and other entitlements and/or experienced harm as children in institutional care. The submission makes recommendations to ensure that the operation of such schemes affords procedural fairness to participants and adequately addresses Indigenous disadvantage flowing from past injustices. The Committee's report is yet to be released.

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## STOLEN GENERATIONS

PIAC's campaign in support of reparations for members of the Stolen Generations continued this year with the release of the second edition of its *Restoring Identity* report.

The report was launched on 20 November 2009 by Tom Calma, the then Aboriginal and Torres Strait Islander Social Justice Commissioner, at Tranby Aboriginal College. The event was well attended and was extensively covered by various media outlets.

First published in 2002, *Restoring Identity*, a report arising from a consultation project with Stolen Generations groups across Australia, addresses the failures of governments and churches to implement a reparations scheme for the Stolen Generations as recommended by the then Human Rights and Equal Opportunity Commission in *Bringing them home, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*.

*Restoring Identity* provides a framework for a National Stolen Generations Reparations Tribunal to acknowledge and address the harms caused to Indigenous people and communities as a result of forcible removal policies.

The tribunal would offer an alternative to litigation for members of the stolen generations and would have the functions and powers to:

- provide a forum for Indigenous people to tell their story of removal;
- provide reparations packages to individuals and groups;
- make recommendations about government and church practices on Indigenous child separation in the past and present.

The reparations packages would be designed to help people heal and move on with their lives. Compensation would be paid where there is evidence of legal wrongs, such as sexual and physical assault. PIAC envisages the tribunal could be implemented through initiatives by state and territory governments in partnership with Indigenous communities.

PIAC also wrote a submission to the Aboriginal and Torres Strait Islander Healing Foundation development team during a national consultation process in July 2009. The submission recommended that the Federal Government adopt the model for a reparations tribunal as outlined in *Restoring Identity*.

In December 2009, the Federal Government released its response to the Senate Standing Committee on Legal and Constitutional Affairs' report on the Stolen Generations Compensation Bill 2008. The response was disappointing. The Government reinforced its position that it will not provide compensation to members of the Stolen Generations. Further, the Government failed to respond comprehensively to many of the recommendations from the *Bringing them home* report in relation to reparations packages for members of the Stolen Generations.

Given that the current Federal Government has expressly rejected recommendations to provide compensation to members of the Stolen Generations, together with the poor response PIAC received from parliamentarians contacted in relation to *Restoring Identity*, PIAC will work with other stolen generations advocacy groups nationally in order to devise a new campaign strategy. The objective is to encourage governments, churches and other stakeholders to revisit the issue of reparations for members of the stolen generations and consider a collective approach that adequately acknowledges and addresses the experiences of the Stolen Generations.



### HOMELESS PERSONS' LEGAL SERVICE

The Homeless Persons' Legal Service\* (HPLS) continued to grow, opening a new clinic at Vincentian House on 14 January 2010. Vincentian House is a newly renovated St Vincent de Paul facility in Surry Hills that provides secure supported crisis accommodation and case management service for families and women. Lawyers from PILCH member, Thomsons Lawyers, staff the clinic.

The HPLS Solicitor Advocate has continued to provide a specialised service, representing over 100 people this year with minor criminal matters in local courts across Sydney.

PIAC continues to co-ordinate and supervise the HPLS clinics and the casework provided by partner legal practices through a joint initiative with the Public Interest Law Clearing House (PILCH). HPLS has assisted almost 4,000 clients since it began in 2004.

### Systemic Issues

HPLS continued to pursue innovative and effective law reform on key issues affecting homeless people.

In late 2009, HPLS began a project on homelessness and criminal record discrimination. This includes discrimination in the areas of employment, housing, accessing services and more. Currently, there are no legal protections against discrimination on the basis of criminal record in NSW. The project aims to reform the NSW *Anti-Discrimination Act 1977* to provide legal protection against discrimination on the basis of criminal record. To enable people experiencing homelessness to share their stories of discrimination on this basis, HPLS produced an Internet-based survey and conducted consultations throughout Sydney, Parramatta and Newcastle.

*Rough living: Surviving violence and homelessness* is a report commissioned by PIAC on rough sleepers' experience of violence and victimisation. In the report, Dr Catherine Robinson, a social researcher at the University of Technology, Sydney, adopted a 'life-history approach' that examined 12 individuals currently sleeping rough in the Sydney region and their experiences of violence both prior to and during their periods of homelessness. During the course of the research, the enduring impacts of childhood abuse and trauma became apparent.

The report highlighted the limited understanding that many agencies that work with homeless people have of trauma, and

**‘ In late 2009,  
HPLS began  
a project on  
homelessness and  
criminal record  
discrimination.’**

their limited understanding of how childhood physical, sexual and emotional abuse can shape and inform victim’s interactions into adulthood. The report also found that despite many rough sleepers being victims of random violent attacks from outside

the homeless community, few incidents are reported to the police.

In response to the findings in *Rough living*, PIAC, through the Homeless Persons’ Legal Service, has formed a working party to specifically address the lack of knowledge about trauma and trauma-informed service delivery.

The working party is hoping to develop a trauma-based training package and to assist with service design and delivery and practical on-site assistance for staff.

### **Work with consumers**

HPLS’ law reform work is based on the recognition of the human rights of people who are homeless, including their right to be involved in decision-making processes that directly impact upon them. HPLS supports a group of homeless advocates who work together as members of Street Care. Street Care provides advice to federal and state governments on issues relating to homelessness.

The results of HPLS and Street Care’s work are tangible. The Federal Government adopted consumer participation as a priority; two members of Street Care were appointed as consumer representatives on the NSW Premier’s Council on Homelessness; and the NSW Government established the NSW Consumer Forums as a way of encouraging consumer participation in government decisions.

The NSW Government contracted PIAC to manage consumer forums in 2010 in Coastal Sydney, Greater Western Sydney and the

Hunter region. HPLS established the Consumer Advisory Council, with 12 homeless or formerly homeless members from across each region, to provide advice and assistance with these forums. Reports from the forums are submitted directly to the NSW Premier’s Council on Homelessness.

In May 2009, HPLS began work with homeless agencies in the Hunter region to set up a Street Care group in the Hunter region.

*\* The Homeless Persons’ Legal Service (HPLS) is a joint initiative of the Public Interest Advocacy Centre and the Public Interest Law Clearing House (PILCH) NSW. PIAC receives funding from the NSW Attorney General, the Hon John Hatzistergos MLC, through the NSW Public Purpose Fund to operate the Service.*

### **MENTAL HEALTH LEGAL SERVICES PROJECT**

People with mental illness often have an invisible or diminished role in our community, not least when it comes to accessing justice. From an inability to find a lawyer when needed through to not knowing their legal rights, people with mental illness face significant and unacceptable barriers to justice.

Through the Mental Health Legal Services Project, PIAC is working to identify and remove these barriers and facilitate sustainable, systemic change. PIAC has developed four pilot projects and two training modules to promote and implement legal solutions for people with mental illness. The emphasis is on prevention, early intervention and working holistically and collaboratively within a social inclusion framework.

By the start of the financial year all the pilot projects were established, with funding from the NSW Public Purpose Fund, supplemented by a grant from the Commonwealth Attorney-General.



Some of the MHLSP team ... Sharny Chalmers (left) , Jamie Alford, Anne Mainsbridge, Robin Banks, Deirdre Moor and Nancy Walker.

### **The Shopfront Youth Legal Centre**

A social worker at the Shopfront Youth Legal Centre, Darlinghurst, provides case management and care co-ordination for Shopfront's homeless, mentally ill clients. Previously, Shopfront's lawyers lacked the resources to negotiate and co-ordinate non-legal essential services for their clients such as the housing, medical and employment support that are critical to achieving positive, sustainable outcomes.

*'Philip' is a former ward of the State and experiences severe psychosis, usually co-existing with drug and/or alcohol intoxication.*

*Philip's history of accommodation and mental health support was extremely disjointed. His condition was not clearly diagnosed and there appeared to be little co-ordination of the services and support he had received.*

*At the time of his referral Philip had recently moved into a boarding house. He had started attending a specialist high school for disadvantaged and at-risk young people and his only support came from the rector of the local Anglican Church.*

*Philip was referred to The Shopfront Youth Legal Centre after he was charged with assault. He had accrued some fines and he was*

on very stringent bail conditions that he was at risk of breaching due to his transience and mental health condition.

A Shopfront lawyer worked with the MHLSP social worker, Jamie Alford, to have Philip's bail conditions changed. Jamie referred Philip to the Early Psychosis Program for further assessment of his mental health condition and appropriate treatment options. Philip was also referred to a youth mental health program for ongoing mental health support.

*'Having the Mental Health Legal Services Project Social Worker, Jamie Alford, placed at Shopfront has really helped with improving the legal outcomes for our clients.'*

*Jamie has opened doors for referrals that we might find difficult or are unaware of, improved communications between mental health workers and lawyers and helped develop case plans that have led to good legal outcomes.'*

*Jamie's work illustrates the importance of teamwork and an integrated approach by mental health workers, lawyers and social workers in achieving results for our clients.'*

**Jane Sanders, Principal Solicitor, Shopfront Youth Legal Centre**

## **Multicultural Disability Advocacy Association**

At the Multicultural Disability Advocacy Association (MDAA), Harris Park, a solicitor works with advocates, increasing their knowledge about how the law works. The solicitor provides legal information, advice, referral and casework services for mentally ill clients, as people of non-English speaking backgrounds are particularly disadvantaged when it comes to having their legal needs met.

*'Having Nancy located at the MDAA has brought benefits to the client, the advocate and the organisation. The benefits have included increased access for MDAA clients to legal advice and services while simultaneously, decreasing the amount of time they spend and the stresses and costs associated with visiting multiple people in multiple locations.'*

*'Having the solicitor and advocate work together ensures a shared knowledge and understanding of the client's issues is developed. This enables us to give clients some consistency in the services we provide. Advocates have gained skills and knowledge of the way our legal system works by working closely with Nancy and being involved in the training that is provided as part of this project. As a result, MDAA has an enhanced capacity to assist clients.'*

**Joan Gennerly, MDAA Individual Advocate Team Leader**

## **NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors**

A solicitor at the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), Carramar, provides legal information, advice, advocacy, casework and referral services for refugee clients who have a mental illness and related complex needs. Culture, language and the traumatic backgrounds of these clients make them vulnerable to being the victims of crime or committing crime, while also limiting their capacity to protect their own legal rights. A key aim is to strengthen the working relationships between STARTTS and local community and pro bono legal services.



*'The Mental Health Legal Services Project has enabled STARTTS to assist a significant group of clients whose recovery from the impact of torture and refugee trauma was often delayed due to a variety of legal problems.*

*The first step towards recovery is the establishment of safety. Unresolved legal issues can put up barriers to this crucial element and the MHLSP has made it possible to lift this barrier and allow the STARTTS counsellors to continue facilitating the recovery process for their clients.*

*The MHLSP also ensures that a highly disadvantaged group such as survivors of torture and refugee trauma has access to justice.'*

**Jasmina Bajraktarevic,  
Community Services Coordinator at STARTTS**

### **Gamarada Men's Healing Program**

The Indigenous Access to Justice Worker at the Gamarada Men's Healing Program in Redfern provides Indigenous men with the opportunity to heal from trauma as the basis for working on their legal and other issues. The Access to Justice worker facilitates connections between these men, the Gamarada Program and legal, health and community services. This fulfils recommendations of the *Bringing them home* report on the best ways to break the nexus between Indigenous men and the criminal justice system.

*'I am a 36-year-old Aboriginal father who was addicted to gambling and alcohol since the age of 18.*

*I just thought alcohol and gambling were rewards I would give myself after work and in my spare time. Then the alcohol took control and my life became unmanageable.*

*It was after I was convicted for another alcohol-related offence that I knew I had hit rockbottom. I found a men's support group called Gamarada in October 2008 and that really started the healing process for me.*

*Throughout the past 18 months Gamarada has provided me with a healthy space where I could share my story and learn with other men. In return, they have rewarded me with the tools I need to live a healthy, happy, loving and honest lifestyle.'*

**Leo Wright, Gamarada participant**



Gamarada project leaders Ken Zulumovski (left), David Beaumont, David Leha ... Indigenous healing program. Photo: David Otott.





## Evaluating the Mental Health Legal Services Project

PIAC's commitment to a robust evaluation of the MHLSP is driven by a desire to capture the project outcomes and learn from this important initiative.

PIAC commissioned consulting group WestWood Spice to evaluate the four MHLPS pilot projects. WestWood Spice has worked alongside PIAC and the project team since May 2009 to design and implement an appropriate evaluation approach to reflect the complexity of the project.

The purpose of the evaluation is to determine the effectiveness of the pilot projects and their degree of success in meeting desired outcomes. The evaluation will develop a solid, consistent and reliable evidence base that can be used for policy, legal and other reform initiatives. Quantitative and qualitative data are collected as part of the evaluation, using an action research approach that is responsive to the evolving nature of the project.

## INQUESTS AND THE CORONER

PIAC continues to be involved in a number of coronial inquests that raise matters of public interest. The inquest into the death of Jason Szczepek highlights the need for reform of laws that restrict coroners from fully investigating the circumstances of a death. PIAC represented Jason Szczepek's mother, Marilyn Lewis, during the inquest into her son's death. The inquest findings, released in June 2010 in Sydney, note the difficulties mentally ill people such as Jason have in living a meaningful existence in a society that stigmatises mental illness.

Jason died by suicide in May 2006 after being discharged against his wishes from Sutherland Hospital's psychiatric unit. He had attempted to commit suicide at least once before, but despite his deteriorating mental condition he was not readmitted to hospital.

Jason's death highlights the need for alternative forms of hospitalisation for people who are in an acute phase of their mental illness. It also highlights the need for coroners to be given the power to investigate all the circumstances of an individual's death and make recommendations when appropriate.

PIAC continues to be actively engaged in pursuing coronial law reform. In a submission to the Senate Community Affairs Committee Inquiry into suicide in Australia, PIAC highlighted the important role that coroners play in suicide prevention both in terms of their scrutiny of deaths by suicide and through making recommendations so that deaths can be prevented.

PIAC argued that that coronial legislation in Australia should provide coroners with broad powers to make findings and recommendations, including defects in any system that has contributed to a death being investigated; reasonable precautions that could have been taken to prevent the death; and, other factors that are relevant to the circumstances of the death.

PIAC also argued that governments in all Australian jurisdictions should be required to respond to the recommendations of coroners within three months, and that government responses to recommendations by coroners about deaths in custody, as well the recommendations themselves, should be tabled in the relevant state or territory parliament or assembly.

PIAC called for adequate legal aid for the representation of families of the deceased at inquests and the setting up and funding of a National Coroners Information Clearing House. The submission addressed the problem of delays in inquests and called for increased recognition of the therapeutic role that coroners and inquests perform for families and friends of those who take their own life.

While the Committee's report made reference to PIAC's submissions it did not take up PIAC's specific recommendations.

## AIMS

- To enhance the capacity of individuals and non-profit organisations to undertake advocacy and related activities on public interest issues.
- To promote government responsiveness to Australian community diversity.
- To enhance community awareness of and engagement in government.
- To promote and enhance transparency and accountability in the exercise of government power.

## KEY ACHIEVEMENTS

- Delivery of 24 customised training courses and seven public training programs.
- PIAC casework draws on new Freedom of Information legislation.
- Continued advocacy for fairness and equity in electoral processes.

## TOWARDS GOVERNMENT 2.0

PIAC has a long-standing interest in open government and is a supporter of citizens' active participation in democratic processes. For over a decade, PIAC has provided public and customised training courses in how to 'work the system' and advocate effectively, empowering community members with the knowledge and skills to participate in and influence society's governance.

PIAC took the opportunity to contribute to the discussion about Government 2.0 and its implementation in Australia. PIAC strongly supports the program's aims of making government information more accessible and useable, and making government more consultative, participatory and transparent. PIAC urged the implementation of Government 2.0 in a way that balances open government and freedom of information with privacy, while providing maximum access for people with a disability or other particular needs.

## GOVERNMENT AND THE THIRD (COMMUNITY) SECTOR

Throughout the year PIAC continued to advocate for reform of the legal and administrative framework for governance of the community sector. The not-for-profit

sector in Australia is large and diverse, and is increasingly important to governments and communities as a key provider of community services and representation of collective interests.

Over the past 15 years there have been many major Commonwealth inquiries into charities and not-for-profit organisations. There have also been numerous academic research papers, journal articles and books and major reports by state governments. Very few of the recommendations of these inquiries and reports have been implemented. They represent a valuable body of knowledge and a considerable commitment of resources, both from government and the not-for-profit sector.

PIAC is particularly concerned that the uncertainty about advocacy activity by not-for-profit organisations is positively resolved, and welcomed the Federal Government's commitment to removing 'gag' clauses in funding contracts. While directly assisting those in hardship is important, PIAC's experience indicates that addressing the underlying systemic issues, through lobbying and law reform, is essential. PIAC's new funding contract under the Commonwealth and State Community Legal Centres Program specifically allows advocacy activity.

## The National Compact

In September 2009, PIAC responded to the Federal Government's discussion paper, *National Compact Consultation Paper*, released by the Hon Ursula Stephens, then Parliamentary Secretary for Social Inclusion and the Voluntary Sector. PIAC is supportive of a national compact between government and the third sector because of its potential to recognise the importance of the not-for-profit sector in the community. It needs, however, to be adequately resourced and backed up by a firm commitment to its implementation.

PIAC argued that the national compact would fail if government does not address key issues such as funding and respect for the independence of the non-government sector. Successful implementation will depend on strong governance structures and the allocation of resources to fully implement the commitments set out in the document.

The Federal Government released the National Compact in March 2010. PIAC will continue to monitor its implementation, and contribute to the discussion on how to progress new relationships between the Government and the Third Sector.

## A Question of Balance

PIAC submitted the report, *A Question of Balance: principles, contracts and the government-not-for-profit relationship*, to the Productivity Commission inquiry into the contribution of the not-for-profit sector and provided further material to the Commission, when requested. The report was a joint project with the Whitlam Institute and the Social Justice and Social Change Research Centre at the University of Western Sydney. The Productivity Commission Research Report was released in February 2010, and supported the report's call for a set of core principles to underpin all government service agreements and contracts in the human services area.

## ELECTORAL REFORM

PIAC has continued to advocate for fairness and equity in electoral processes.

In November 2009 PIAC made a submission to the Federal Government's second Green Paper on electoral reform, commenting on electoral enrolment, voting systems and polling. PIAC recommended a secret ballot for all adult Australian citizens through legislative reform and the application of new technology for enrolments and casting a ballot. To support the reforms, PIAC advocated a civic education program

to ensure that the community, particularly young people and those granted citizenship, are familiar with Australian government and electoral systems.

PIAC also made a submission to the NSW Joint Standing Committee on Electoral Matters inquiry into a model of public funding for political parties to apply at state and local government elections. This followed the NSW Government announcement of support for the introduction of a public funding model, in line with a recommendation from the Legislative Council Select Committee on Electoral and Political Party Funding report released in June 2008.

The inquiry was seeking detailed comments on how a scheme should work. Building on submissions PIAC made to recent Commonwealth inquiries into electoral reform, PIAC argued that reforms to electoral funding were essential. However, to be effective it was also necessary to limit expenditure on campaigns, regardless of the source of funding.

PIAC argued that reforms should be based on governing principles and include all aspects of political financing mechanisms. The principles include equal representation;

‘ PIAC advocated a civic education program. ’



Election day in Islington ... PIAC continues to work on electoral reform. Photo: Flickr/marj\_k.

equal opportunity for citizens and parties to participate in political life; and elected members being free to work in the public interest. Elected members, to be free to work in the public interest, must be unencumbered by undue influence, conflict of interest or corrupt practice.

PIAC argued that spiraling costs of political activity, reliance on large corporate donations by the major parties, the purchase of access to political representatives, relaxing of disclosure provisions and inadequate independent scrutiny of political financial arrangements made for an unequal and unaccountable political playing field, threatening the fundamental representative role of parties

and independent members of parliament.

In PIAC's view, a lack of transparency and the perception of conflict of interest and corrupt practice created distrust in the community and loss of confidence in Australian democratic systems. PIAC also noted that care needed to be taken that regulatory systems are reasonably easy to understand and comply with, in order to avoid the regulations themselves becoming a barrier to participation.

The Committee's report, released in March 2010 recommended significant changes, including two of PIAC's key recommendations: a cap on donations to politicians parties and candidates; and a

cap on expenditure for political parties, candidates and groups contesting State elections.

In May 2010 the Victorian Electoral Matters Committee conducted an inquiry into the functions and administration of voting centres. PIAC reviewed the Victorian Electoral Commission report on the 2006 election and recommended that Victoria continue joint voting centres and make significant improvements in providing voting centres that are wheelchair accessible. The expansion of electronic voting was also supported.

PIAC also supported the Electoral Matters Committee recommendations to improve access for non-English speaking voters, greater access to pre-polling and mobile voting centres and improved access to voting centres.

PIAC recommended amendment to legislation restricting prisoners from voting and referred the Committee to the Federal Electoral Matters Committee and the evidence it published supporting automatic enrolment of electors and allowing electors to enrol and vote on election day. The Committee report was tabled on 24 June 2010, recommending the continuation of joint voting centres. PIAC's suggestions regarding the voting rights of prisoners and automatic enrolment were not taken up.

## LOBBYING, TRANSPARENCY AND ACCOUNTABILITY

PIAC made submissions in response to the Independent Commission Against Corruption's Issues Paper on the nature and Management of Lobbying in NSW and the NSW Legislative Council Privileges Committee's review of the Council's Code of Conduct. Both submissions focused on recommendations, which would strengthen the independence of members.

Because lobbying is an important and influential aspect of a healthy participatory democracy, PIAC argued that it must be governed by high standards and be accountable, ethical and fair in terms of access to and influence on decision makers.

In PIAC's view, responsibility for ensuring such high standards lies with the lobbyists as well as all public office holders.

PIAC recommended the introduction of regulations for all Members of both Houses of the Parliament, their staff and third parties to require public reporting of activities, establishment of a Parliamentary Standards Officer and inclusion of sanctions.

PIAC's submission on the Code of Conduct recommended a Parliamentary Standards Commissioner and regulations to prevent Members of Parliament from undertaking lobbying activities for 18 months after

leaving office. The submission also recommended that all members of parliament be banned from participating in party fundraisers.

The Committee is yet to report.

## ADVOCACY SKILLS TRAINING

The Vocational Education and Training sector is ever changing and several important initiatives have provided challenges over the past year. As a Registered Training Organisation (RTO), PIAC has reporting obligations under the Australian Quality Training Framework against three quality indicators to demonstrate continuous improvement: learner engagement, employer satisfaction and competency completion.

In addition, PIAC was required to complete its transition to the new Community Services Training package by early 2010. This involved mapping PIAC training and assessment against the updated units of competence on PIAC's Scope of Registration, and reviewing PIAC's assessment strategy.

A new version of the Australian Quality Training Framework was released at the end of this financial year. This framework provides an updated national set of standards that RTOs must meet. This will provide new challenges for the year ahead.

## Work the System & Effective Advocacy Skills and Strategies

PIAC's advocacy training aims to assist individuals and communities gain knowledge and skills to be effective advocates. This reflects PIAC's aim of enhancing the responsiveness and representativeness of Australian democracy.

Training is also one way that PIAC can facilitate closer relationships with the community sector, from where the majority of PIAC training participants come. Most of PIAC's training is now customised and presented in-house to groups and organisations. Numbers of people attending public courses have been down over the past year on previous years' attendance.

*Work the System* public courses were presented twice during the year with a total of 28 participants. *Effective Advocacy Skills and Strategies* public courses were also held twice during the year, with 31 participants.

*Work the System* was reviewed during the later part of the year, with a view to piloting a revised program in the new financial year.

PIAC is grateful to the Learning and Development unit of the Legal Aid Commission of NSW for making their training rooms available for PIAC training during the year.



### Advanced Media Skills

PIAC continued to offer Advanced Media Skills Training by experienced journalists Lynette Simons and Don Palmer. This course covers radio and television interview skills and writing media releases. It continues to be very well received, although numbers are down on the previous year, with three courses training 22 participants, including some PIAC staff members.

### Customised training

PIAC customises its training for organisations, groups and networks. PIAC increased both the number of courses and the number of training days compared to the previous year.

During the year, PIAC delivered 24 in-house training courses, over 29.5 days. This was slightly higher than last year. These courses were delivered to the following organisations:

- The Cancer Council of NSW Consumer Advocacy Training (four courses, including a pilot for Indigenous Consumer Advocates)
- The Cancer Council of NSW MP Liaison Program
- Northern Beaches TAFE
- Cancer Council South Australia Consumer Advocacy Training

- Deafness Forum Australia
- Australian Women's Coalition (nine courses in NSW, Victoria, South Australia, ACT, Queensland)
- Create (two courses)
- Tenants Union of NSW (two courses for the TAAP Network)
- Heart Foundation
- Gay and Lesbian Rights Lobby
- Department of Immigration for Settlement Workers.

### Training partnerships

Since 2002, PIAC has partnered with the Cancer Council NSW and Cancer Voices NSW to train health consumer advocates to become active and effective advocates for improved health policies and systems. PIAC presented four two-day training courses in Sydney and the Hunter region, including one pilot course, customised for Indigenous consumer advocates. PIAC also worked with the Cancer Council to train consumer advocates who are part of the new MP (Member of Parliament) Liaison Program. Both these courses involved extensive course design and development.

In 2009, PIAC partnered with the Australian Women's Coalition to present nine Effective Advocacy Skills and Strategies workshops to their 18 member organisations and associates in five capital cities around

Australia. Feedback about these workshops includes the following:

*On behalf of the AWC executive and members I wish to extend our sincere thanks to you for designing and delivering the AWC's program of national Advocacy Training Workshops in December 2009. At the AWC General Meeting, delegates from our 18 member organisations expressed appreciation for this professional development opportunity and were unanimous in their praise of your abilities as a trainer.*

### FREEDOM OF INFORMATION

Reforms to Commonwealth and NSW Freedom of Information (FOI) legislation, begun in 2008, continued this year, with PIAC actively involved in consultations surrounding FOI reform.

In January 2010, PIAC made a submission and gave evidence to the Senate Finance and Public Administration Committee on the Freedom of Information Amendments (Reform) Bill 2009 and the Information Commissioner Bill 2009. PIAC had previously commented on the exposure draft bills in 2009. PIAC raised concerns about the scope and breadth of exemptions that remained in the bills,

exemptions, which would allow some agencies, such as defence and security agencies, to refuse to disclose information.

The Commonwealth FOI reforms were finalised in May 2010, with Federal Parliament passing the *Freedom of Information Amendment (Reform) Act 2010* (Cth) and the *Australian Information Commissioner Act 2010* (Cth). The majority of the measures will commence on 1 November 2010, including the new Office of the Australian Information Commissioner. The remaining measures will commence in 2011.

FOI reforms continued at the NSW level, with the NSW Government conducting community consultation on the *Government Information (Public Access) Bill 2009* and the *Government Information (Information Commissioner) Bill 2009*. In October 2009, PIAC made a submission to the NSW Law Reform Commission on the administration of the proposed FOI laws.

The NSW FOI Reforms culminated in the passing of the *Government Information (Public Access) Act 2009* (NSW) and *Government Information (Information Commissioner) Act 2009* (NSW) which replaced the *Freedom of Information Act 1989* (NSW). Many of PIAC's recommendations were incorporated into the new legislation.

The legislation aims to provide greater access to government information, including requiring government agencies to proactively release information. A new statutory office, the Office of the Information Commissioner, was created with responsibility for administering and monitoring the new FOI regime.

PIAC used FOI law in its casework throughout the year. One example of this is an FOI request made to the NSW Minister for Fair Trading for a report prepared by the Energy & Water Ombudsman NSW on water usage charges paid by public housing tenants in NSW.

PIAC continued its involvement in an FOI matter relating to the Department of Defence's detention, handling, transfer and rendition of people, including prisoners of war, in Iraq and Afghanistan. The project began in 2005, when PIAC made an FOI request to the Department of Defence and the Department of Foreign Affairs and Trade for all information regarding the rendition of detainees. PIAC appealed to the Administrative Appeals Tribunal in relation to the Department of Defence's failure to provide adequate reasons or information in response to PIAC's request. In the past year numerous documents have been released to PIAC in relation to this matter.



Freedom of Information reforms continued this year. Photo: flickr/williamli

## AIMS

- **To ensure that consumers, particularly low income and vulnerable consumers, have access to fair treatment in identified priority areas.**
- **To redress obstacles to the fair treatment of consumers in identified priority areas.**
- **To encourage the active participation of organisations and individuals committed to ensuring that all people have access to fair treatment as consumers.**

## KEY ACHIEVEMENTS

- **Mental Health Rights Manual updated and expanded; online and in print.**
- **Successfully advocated for a Sydney Water hardship policy.**

## ENSURING EFFECTIVE CONSUMER VOICES

In response to an Issues Paper released on 8 May 2009 by the Hon Chris Bowen, then Assistant Treasurer and Minister for Competition Policy and Consumer Affairs, PIAC proposed a consumer advocacy model that would provide structured evidence-based input into legislative and policy reforms.

PIAC proposed new institutional frameworks and funding arrangements based on the principles that:

- the interests of consumers should direct all decisions about research, policy and law reform within the framework;
- consumer input is incorporated at all stages of policy development, legislative reform and implementation; and
- membership or lack of membership of the peak consumer body should not prevent access to public consultation processes undertaken by the statutory authority and its committees.

PIAC's submission proposed an integrated consumer advocacy framework, which acknowledged consumer advice and advocacy networks built by the community sector over many decades; state and territory responsibilities; and the Australian Government. It recommended the framework form the foundation on which the Australian Government leads consumer policy, research and advocacy.

PIAC argued that establishing a national institution could result in improved consumer welfare, including: fairer and more efficient markets, better-informed and confident consumers, and a quicker response to market failures where vulnerable groups have been disadvantaged.



## HEALTH

### Independent national mental health consumer organisation

PIAC provided a response to the national scoping project 'Consumers Speak: seeking a national voice' to provide input into the establishment of a new peak national mental health consumer organisation.

PIAC endorsed the proposed focus of the organisation, as 'a socially inclusive human rights approach to mental health consumer issues', however, PIAC expressed concern about the suggested name of the organisation, its role in relation to existing mental health consumer organisations, potential conflict of interest problems and the need to have stronger mechanisms to preserve the independence of the organisation.

### Mental Health Rights Manual

The Mental Health Co-ordinating Council (MHCC) contracted PIAC to update their online Rights Manual for NSW consumers with mental illness and their carers.

PIAC re-wrote the manual, considerably expanding the topics previously dealt with and updating existing content so that it include recent changes under the *Mental Health Act 2007*. The updated manual is a 130,000 word online resource for consumers, written in plain English. PIAC also wrote a smaller, pocket-sized guide for consumers. PIAC looks forward to the launch of the manual and pocket guide in the second half of 2010.

### Mental Health In Prisons

PIAC has convened several meetings of the Mental Health in Prisons Network during the past 12 months, discussing issues that relate to the over-representation of people with mental illness in NSW prisons.

The Network held a forum in November 2009 discussing the issue of smoking in NSW prisons. In particular, the forum discussed the effects of policies on smoking in institutions on NSW prisoners who have a mental illness and smoke. Jon O'Brien from the NSW Cancer Council and Brett Collins from Prisoners Action gave presentations and led a lively discussion on the issue.

In May and June 2010 the Network held two meetings to discuss the NSW Law Reform Commission (NSWLRC) reference 'People with cognitive and mental health impairments in the criminal justice system' and the discussion papers on this reference released earlier in 2010.

The Law Reform Commissioner in charge of the reference, Professor Hilary Astor, addressed the second meeting on 25 June 2010, outlining the how the NSWLRC intends to deal with the terms of reference and the issues raised in the discussion papers.



National registration ... PIAC continued its advocacy regarding national registration of health professionals. Photo: Flickr/bidgee



### **Health Practitioner Regulation National Law**

PIAC continued its advocacy regarding the national registration of health professionals. PIAC commented on the exposure draft of the Health Practitioner Regulation National Law 2009 (the draft Bill) which sets out the legal framework for the new National Registration and Accreditation Scheme for the Health Professions, scheduled to begin on 1 July 2010.

PIAC raised concerns about the lack of consultation with the general public, consumer groups and other stakeholders about all of the details of the draft Bill and the national registration of health professionals generally.

PIAC identified positive aspects of the draft Bill, such as the acceptance of verbal complaints and the requirement for written reasons when a complaint is rejected. PIAC also raised concerns including the lack of reference to the positive benefits of an open complaints process in the objectives and guiding principles clause of the draft Bill; the failure of the draft Bill to provide for consumer initiated merit reviews and the lack of openness and transparency of Professional Standards Panels. PIAC argued that the draft Bill should refer to and utilise the Australian Charter of Healthcare Rights.

The national regulation of health professionals and allied workers is now in force. After intense lobbying by PIAC and concerned consumer organisations, the new arrangements maintain the Health Care Complaints Commission as the independent body that deals with the assessment, investigation and prosecution of all health care complaints in NSW. This arrangement is reflected in the Health Practitioner National Law (NSW).

PIAC will continue to lobby for stronger NSW and national laws to regulate the advertising and promotion of medical services and for the national Charter of Healthcare Rights to be enforceable under NSW and Commonwealth legislation.

### **Aged Care Complaints Investigation Scheme**

In August 2009 PIAC made a submission to the review of the Aged Care Investigation Scheme (CIS). PIAC measured the scheme against principles of best practice in complaint handling and found significant areas for improvement. PIAC's analysis considered the circumstances of aged care residents and their family carers who are in a difficult situation when making complaints. Because the resident is in the full time care of the organisation that is the subject of the complaint, family carers and residents naturally fear retribution. This requires the CIS to be more flexible when accepting complaints and reviews of decisions. The areas for improvement include: transparency and accountability, reporting and review procedures and separating powers of the CIS from the Department of Health and Ageing. The report of the Independent review included many of the changes that PIAC recommended. As yet, they have not been adopted by the Commonwealth Government.

### **Substitute decision-making**

In September 2009, PIAC made a submission to the NSW Legislative Council Standing Committee on Social Issues Inquiry into substitute decision-making for people lacking capacity. The focus of the inquiry was on amendments to the NSW *Trustee and Guardian Act 2009*. PIAC recommended amendments to the Act and related legislation governing the ordering and review of all guardianship and estate management orders. PIAC argued for changes that enable:

- review processes that are accessible for people with episodic health conditions, or conditions that may change over time, to regain control of their affairs;
- only those areas of a person's life where substitute decision-making is required be transferred to a guardian for decision;

- substitute decision makers to provide support for the person under guardianship to manage their own affairs and be involved in decision making wherever possible;
- competent management of estates by private and public managers.

The Committee reported in February 2010. It noted that it based its recommendations on the principles of the United Nations Convention on the Rights of Persons with Disabilities. Many of PIAC's recommendations were supported.

## GAMBLING

PIAC made a submission to a Productivity Commission inquiry into gambling in April 2009. PIAC focused its recommendations on consumers and their families where gambling is a problem. PIAC supported a review of the funding of prevention and treatment



Gambling inquiry ... PIAC made a submission to a Productivity Commission inquiry into gambling. Photo: Flickr/cobalt

services for problem gamblers and recommended changes to regulations to allow a separate cause of action for individual problem gamblers affected by a failure by a gambling venue to comply with its statutory obligations.

The Productivity Commission released the draft report of the inquiry in October 2009. Many of the Productivity Commission's draft recommendations reflected PIAC's position. Taken as a whole, implementation of the Commission's draft recommendations would greatly improve protection for gamblers.

However, in PIAC's view the draft recommendations paid inadequate attention to the special-needs groups such as Aboriginal and Torres Strait Islander communities, young people, people facing multiple disadvantage, people with intellectual or psychiatric disability and low-income groups. PIAC's response to the draft recommendations focused on the Commission's request for comment on how a statutory cause of action could be implemented. The final report was released on 23 June 2010. It did not recommend a statutory cause of action.

## ENERGY AND WATER

The Energy and Water Consumers' Advocacy Program (EWCAP) continued to work throughout the year to identify systemic problems with energy and water service provision, develop and promote policies that benefit low-income and other disadvantaged households, and build partnerships with consumers, government, industry, and community organisations.

### Consumer Assistance Policy

In response to consumer concerns about electricity price increases at the beginning of the financial year, the NSW Government released a draft package of consumer protections called the *Consumer Assistance Policy*. PIAC prepared submissions and met



## CONSUMER RIGHTS & PROTECTION

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with the Minister for Energy, Shadow Minister for Industry, and Industry & Investment NSW staff to strongly support funding for financial counselling, the introduction of a medical cooling rebate, an obligation on retailers to offer customers two payment plans, and an appliance replacement scheme.

PIAC advocated for and welcomed the rollout of most of these programs over the course of the year.

### **Consumer engagement on water reform**

PIAC co-convened *Water Reform – A Consumer Forum* with the Australian Council of Social Services and the Consumer Utilities Advocacy Network to bring together representatives of the Department of Environment, Water, Heritage and the Arts, the National Water Commission, water consumers, environmental groups and the water industry to discuss the impacts of national water reforms on consumers and the environment. Thereafter, PIAC met with departmental representatives to promote the need for improved outcomes for consumers from the national water reform process.

### **Electricity price determination**

PIAC prepared submissions to the Independent Pricing and Regulatory Tribunal (IPART) electricity price determination that raised concerns about further price increases and advocated measures to assist households experiencing hardship. In response to representations by PIAC and other consumer advocates, IPART recommended that the NSW Government expand eligibility for the energy rebate, index the rebate to energy price increases, introduce requirements for retailers to publish information on their tariffs, and provide a price comparator service. The NSW Government responded favourably to these recommendations.

### **National Energy Customer Framework**

In late 2009 the Ministerial Energy Council released the final draft of the National Energy Customer Framework, the regulatory

package that transfers responsibility for energy distribution and retail functions such as billing, contracts, and disconnections to the national level. Working closely with colleagues across the nation, PIAC commissioned expert legal advice about the objective of the legislation; prepared submissions to the Ministerial Council on Energy and the Australian Energy Regulator; met with ministers, shadow ministers and departmental staff; and participated in a public demonstration to advocate for a framework that best meets the needs of NSW consumers.

### **Improved protections for metropolitan water customers**

PIAC participated in the five-yearly review of the Sydney Water operating licence and customer contract. Consistent with PIAC's policy position and advocacy, the licence and contract were amended to oblige Sydney Water to develop and implement a hardship policy to protect customers experiencing difficulty paying their water bills. Following the review, PIAC met with Sydney Water to secure additional benefits for consumers including a commitment to strengthen the objective of their hardship program, broaden indicators of hardship, and renegotiate unsuccessful payment plans.

PIAC also met with Hunter Water to discuss their customer contract. As a result, Hunter Water agreed to include information on disconnection and flow-restriction notices and concessions and rebates in the customer contract.

### **Future of energy consumer advocacy**

Together with the Consumer Utilities Advocacy Centre, the Consumer Action Legal Centre and Queensland University of Technology Centre for Consumer Credit Law, PIAC received funding from the Consumer Advocacy Panel to conduct a review of how consumer advocacy can best serve Australian energy consumers in the future. The report will be released in late 2010.

## AIMS

- To promote the use of human rights mechanisms.
- To promote community awareness of human rights.
- To extend protection in Australia of internationally-recognised human rights.
- To promote the equal enjoyment of rights.
- To promote improved privacy protection.

## KEY ACHIEVEMENTS

- Taxi companies challenged over accessibility for wheelchair users.
- Civil rights championed in 'unlawful detention' hearing.
- Adoption and same-sex discrimination: appeal upheld.

## HUMAN RIGHTS

The Federal Attorney-General released the report of the National Human Rights Consultation headed by Father Frank Brennan AO (the Brennan report) on 8 October 2009. The Brennan report made a number of recommendations about improvements that should be made to provide better human rights protection in Australia. In particular, the Brennan report recommended the adoption of a Federal Human Rights Act.

PIAC supported the recommendations and work of the Brennan committee but was concerned that its recommendations, if implemented, would leave economic, social and cultural rights unenforceable and vulnerable to being breached by public authorities.

In April 2010 the Government responded to the Brennan report, deferring until 2014 further consideration of most of the proposals for new legislation to protect human rights. Instead, the Government set out a 'framework' that included a Parliamentary Committee to review legislation introduced into the Parliament and a community education program.

PIAC has continued to provide human rights education throughout the year. PIAC delivered human rights training for the deaf community in April 2010

and undertook an assessment of human rights training needs for specific market segments. PIAC reviewed the training course 'Protecting Human Rights in Australia' to ensure that it caters for specific target groups in the community sector and provides practical information about the application of existing laws.

PIAC also provided a submission in support of a private member's bill introduced by the Greens Senator Sarah Hanson Young, the Marriage Equality Amendment Bill 2009. PIAC's submission emphasised that same sex couples do not fully enjoy protection and fulfilment of their human right to equality before the law and that the passage of the bill would recognise and protect the right of same-sex couples to marry. The bill was rejected by the Senate in February 2010.

## EQUALITY

### Disability and Migration

In 2009, the Federal Joint Standing Committee on Migration conducted an Inquiry into the Migration Treatment of Disability. The Mental Health Legal Services Project solicitors wrote a joint submission to the Inquiry on behalf of the PIAC and the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS).

This joint submission, *Valuing people with disability in Australia's migration program*, argued strongly that the Health Requirement, which focuses on the cost of disability to the Australian community, is unjust and at odds with Australia's social inclusion policies and its obligations under the United Nations Convention of the Rights of Persons with Disabilities.

In addition, the submission pointed out that the Health Requirement discriminates against people with disabilities and their families, particularly those who are refugees applying offshore.

Because many refugees are fleeing situations of violence and war, it is not uncommon for them to be physically injured (for example, through the effects of landmines or torture) or to be suffering mental illness as a result of their traumatic experiences. Many refugees also suffer poor physical and mental health because of the conditions in refugee camps and years of having little or no access to health care. As a result of these factors, the Health Requirement can be a significant barrier to their prospects of resettlement in Australia.

The Joint Standing Committee's report, *Enabling Australia*, was handed down in June 2010. The report makes several references to the PIAC/STARTTS submission.

It also makes 18 recommendations for change, a number of which are consistent with recommendations made by PIAC and STARTTS. These include:

- The adoption of a more contemporary Health Requirement for prospective and temporary migration entrants under the *Migration Act 1958* (Cth);
- Consideration of the social and economic contributions to Australia of a prospective migrant or a prospective migrant's family in the overall assessment of a visa;
- Creation of a priority visa category for refugees who have sustained a disability or condition as a result of being a victim or torture or trauma.
- Changes to the assessment criteria, processes and waiver options of the Health Requirement.
- Review of the *Disability Discrimination Act 1992* (Cth) ("the DDA") with particular reference to the section 52 (which currently exempts the application of the DDA to the *Migration Act 1958* (Cth) and the *Migration Regulations 1994* (Cth).

PIAC urges Australia's new Federal Government will implement the Committee's recommendations.

### **Sexuality discrimination by religious bodies**

In 2002, Wesley Mission refused to accept an application from a same-sex couple, OV & OW, to become foster carers on the grounds of the couple's sexuality. OV & OW complained to the Anti-Discrimination Board and Wesley Mission defended the claim by relying on the religious bodies exception in the *Anti-Discrimination Act 1976* (NSW).

The Administrative Decisions Tribunal upheld OV & OW's complaint and found that Wesley Mission was not entitled to rely upon the religious bodies exception. Wesley Mission appealed to the Administrative Decisions Tribunal Appeal Panel. The Attorney General intervened in support of Wesley Mission's appeal. The Appeal Panel decided that the Tribunal had erred and remitted OV & OW's complaint to the Tribunal for further determination.

OV & OW appealed from the Appeal Panel's decision to the Court of Appeal. Wesley Mission also cross-appealed. The appeals were heard on 28 April 2010 and the Court of Appeal handed down its decision on 6 July 2010. The Court of Appeal upheld OV & OW's appeal and dismissed Wesley Mission's cross-appeal. The matter has been remitted to the Administrative Decisions Tribunal for further determination.

## **DISABILITY STANDARDS FOR ACCESSIBLE PUBLIC TRANSPORT**

### **Wheelchair accessible taxis**

PIAC's submission to the NSW Legislative Council Select Committee on the NSW Taxi Industry drew on its long history of involvement in disability discrimination litigation around the issue of the accessibility of transport for wheelchair users. PIAC's submission also referred to its recent work on the five-year review of the *Disability Standards for Accessible Public Transport*.

PIAC argued that the NSW Transport Department had permitted certain companies within the taxi industry to operate in a way that was not compliant with the Public Transport Standards, resulting in a number of specially licensed taxis being inaccessible to many people with physical disability. PIAC's submission made a number of recommendations about how these issues could be resolved to achieve systemic reform of the Wheelchair Accessible Taxi industry in NSW.

PIAC is acting for Gregory Killeen, who has quadriplegia, in his claim against the NSW Department of Transport and Infrastructure, and two taxi companies. Mr Killeen alleges that the companies are operating wheelchair accessible taxis (WATS) that do not comply with

the *Disability Standards for Accessible Public Transport 2002* (Cth), and that the Department is licensing these taxis as wheelchair accessible.

Mr Killeen says that many WATs are too small for some wheelchair users. The case challenges the interpretation of the Standards and will be the first time the Court has considered the scope and enforceability of the Standards. The complaint is currently before the Federal Court.

### **Accessible public transport**

PIAC is representing Julie Haraksin in her disability discrimination claim against Murrays Australia Limited. Ms Haraksin, who has brittle bone disease and uses a wheelchair, attempted to book a return ticket on a Murrays bus to Canberra to attend a work conference. She was informed that Murrays have no wheelchair accessible buses.

The case is a claim for direct and indirect discrimination and also alleges the *Disability Standards for Accessible Public Transport 2002* (Cth) have been breached. The case will consider the availability of the defence of unjustifiable hardship under the *Standards* and the *Disability Discrimination Act 1992* (Cth). The complaint is currently before the Federal Court.

### **Accessible airlines**

PIAC is representing Peter Yeo in his disability discrimination claim against Qantas Airways Ltd. Mr Yeo, who has quadriplegia, alleges that the airline discriminated against him by requiring him to travel with a carer, and pay for a second fare for his carer on a domestic Qantas flight. In addition, Mr Yeo is challenging a Qantas requirement that he pay an additional charge for booking his flight over the phone rather than the on the Internet.

The case considers the *Anti-Discrimination Act 1991* (Qld) and its applicability to airlines, and seeks to cause Qantas to change its policy in relation to fares for carers. The complaint is currently before the Queensland Civil and Administrative Tribunal.

PIAC also represented applicants in a disability discrimination complaint against Virgin Blue in *Corcoran v Virgin Blue* and *Ferguson v Virgin Blue*.

Until late 2009, Virgin Blue's Independent Travel Criteria stated that people who could not fasten their seatbelt, put on an oxygen mask or put on a lifejacket without assistance had to travel with a paying companion. This policy discriminated against some people with disabilities, making air travel prohibitively expensive.

The complaints were successfully resolved in September 2009 after Mr Corcoran, Mr Ferguson and Virgin Blue entered into an in-principle agreement.

Virgin Blue amended its Independent Travel Criteria so that Mr Corcoran, Mr Ferguson and other people with a disability could travel without having to pay for a travelling companion. The new Independent Travel Criteria is enshrined in orders made by the Federal Court with the consent of the parties. The change came into effect on 10 September 2009.

## **PRIVACY**

### **Healthcare identifiers and privacy**

In its submission in January 2010 to the Federal Department of Health and Ageing (DoHA), PIAC argued that the Exposure Draft Healthcare Identifiers Bill 2010 (Cth) (the Bill) provided insufficient detail and certainty around core elements of the proposed Healthcare Identifiers Service to progress to legislation.

PIAC noted its concern that the Bill was developed outside the framework of reforms to health privacy rights and procedures under the *Privacy Act 1988* (Cth) and failed to properly recognise and protect the right to privacy of health consumers. In particular, PIAC noted the

Bill failed to impose strong information security requirements and failed to hold the service operator liable for breaches of privacy.

PIAC raised concerns about the range of matters to be dealt with through regulations, including matters at the core of the Healthcare Identifiers Service, and the failure to provide clarity around consumer interaction with the Service. These concerns included whether or not individuals would be permitted to know their Healthcare Identifier.

Following tabling of the Healthcare Identifiers Bill 2010 and Healthcare Identifiers (Consequential Amendments) Bill 2010, PIAC made a submission to the Senate Community Affairs Legislation Committee's inquiry into these tabled Bills.

The Senate initially failed to pass the Bill. Opposition and cross-bench Senators cited the privacy concerns raised by PIAC and other consumer organisations as a major reason for opposing the passage of the Bill.

Both Houses eventually passed the Bill on 24 June 2010 after Government amendments were introduced, including additional measures to protect privacy.

## **CIVIL AND POLITICAL RIGHTS**

### **Unlawful detention of woman with a disability**

PIAC is acting on behalf of Joanne Darcy, a woman with an intellectual disability who is claiming compensation from the State of NSW for unlawfully detaining her at the Kanangra Centre, near Newcastle, for over six years.

Ordinarily, only a court has the power to order a person to be detained. This case asks whether Ms Darcy was detained lawfully, even though no Court ordered any detention. Ms Darcy's case raises questions about the power of the State over personal liberty. The UN has recognised freedom from arbitrary detention as a fundamental human right in the Universal Declaration of Human Rights. The recognition and protection of this right is central to our legal and political system, and the effectiveness of our democracy.

### **Law reform proposals**

PIAC has made submissions to the Federal and NSW Governments on law reform proposals impacting on civil and political rights.

In August 2009 PIAC made a submission on the National Security Legislation Monitor Bill 2009 to the Senate Standing Committee on Finance and Public Administration.





PIAC's Natasha Case (left) with Diane Aldridge ... representing Joanne Darcy.

PIAC expressed its support for the creation of an independent reviewer or 'National Security Monitor'. PIAC argued that the creation of the Monitor is the first step towards ensuring that existing anti-terrorism legislation complies with Australia's international human rights obligations and improving the transparency and accountability of Australia's counter-terrorism measures.

However, PIAC argued that the Monitor would be a lone body charged with the daunting task of reviewing and providing

reports as to whether Australia's anti-terrorism legislation is effective, necessary and consistent with human rights.

PIAC recommended that Australia enact Commonwealth human rights legislation that would provide an accessible and clear framework within which the Monitor would work.

In October, PIAC made a submission to the NSW Attorney General on the review of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) and *Terrorism (Police Powers) Act 2002* (NSW).

PIAC criticised the NSW Government's extension of 'emergency' police powers, initially enacted because of terrorism, to non-terrorism related policing of 'organised crime' and bikies. PIAC was also critical of the fact that, while terrorism-related police powers are the subject of scrutiny by the Ombudsman, non-terrorism related powers are not.

PIAC also made a submission in response to the Federal Attorney-General's National Security Legislation Discussion Paper. PIAC congratulated the Government on responding to criticism of National Security Legislation made by numerous reports on that legislation and its implementation.

However, PIAC expressed serious concerns about the direction that the Government was proposing to take on some issues and its failure to adequately address other issues.



# PUBLICATIONS

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## **The adequacy of human rights protection and impact of gaps**

(1 July 2009)

A paper presented to the National Human Rights Consultation Hearings in Canberra.

## **A question of balance: principles, contracts and the government-not-for-profit relationship**

(July 2009)

PIAC, the Social Justice & Social Change Research Centre and the Whitlam Institute examined the contractual relationship between governments and not-for-profit organisations.

## **Putting healthcare rights to work: The Health Practitioner Regulation National Law (2009), a step closer to best practice in healthcare complaints**

(17 July 2009)

PIAC responded to the draft Health Practitioner Regulation National Law 2009.

## **Ensuring effective consumer voices: proposed consultation and research framework**

(20 July 2009)

PIAC proposed an integrated consumer advocacy framework as the foundation on which the Federal Government leads consumer policy, research and advocacy.

## **Keeping connected: PIAC submission on the Customer Assistance Policy**

(31 July 2009)

PIAC endorsed the roll out of the Customer Assistance Policy but advocated that this package alone was insufficient to lower the rate of electricity disconnections.

## **Access to energy: Response to IPART's Issues paper on the review of regulated retail tariffs and charges for electricity 2010 – 2013**

(5 August 2009)

PIAC highlighted concerns about competition levels in NSW electricity retail markets in light of the NSW Government proposal to privatise electricity assets.

## **A step in the human rights direction: Submission on the National Security Legislation Monitor Bill 2009**

(7 August 2009)

PIAC expressed its support for the creation of an independent reviewer or 'National Security Monitor' but noted that the Monitor will be a lone body charged with daunting tasks.

## **Healthcare identifiers and privacy: discussion paper on proposals for legislative support**

(13 August 2009)

This submission expressed PIAC's concerns about the failure to release completed Privacy Impact Statements. PIAC also expresses concern about other policy processes referred to in the discussion paper.

## **More than just a roof over our heads! Submission to the House of Representatives Standing Committee on Family, Community, Housing and Youth Inquiry into homelessness legislation**

(18 August 2009)

In this submission, the Homeless Persons' Legal Service (HPLS) expressed its support for the Federal Government's commitment to develop new legislation aimed at reducing homelessness in Australia.

## **Balancing information, privacy and accessibility: some comments on Towards Government 2.0**

(24 August 2009)

PIAC expressed strong support for making government more consultative, participatory and transparent.

## **Inquiry into the Marriage Equality Amendment Bill 2009 (Cth)**

(26 August 2009)

PIAC supported Senator Hanson-Young's private member's bill, the Marriage Equality Amendment Bill 2009, recognising the right of same-sex couples to marry.

## **Considering non-custodial sentencing options: response to the NSW Sentencing Council's review of the use of non-conviction orders and good behaviour bonds**

(27 August 2009)

PIAC rejected the notion that non-conviction orders and good behaviour bonds are over used.

**Getting the balance right: response to the NSW Law Reform Commission's Privacy and Access to Personal Information: Points for Discussion** (28 August 2009)

PIAC argued in favour of access to information being dealt with under the *Privacy and Personal Information Protection Act 1998* (NSW).

**Protecting free speech: submission to the Alice Springs Town Council in relation to the draft Alice Springs (Management of Public Places) By-laws 2009** (28 August 2009)

This submission argued that the proposed by-law unreasonably infringes on the right to freedom of speech.

**Consumer protection: a submission to the review of the Aged Care Complaints Investigation Scheme** (31 August 2009)

This submission examined the Aged Care Investigation Scheme (CIS) against principles of best practice in complaint handling and finds significant areas of improvement.

**Bail me out: NSW young offenders and bail** (September 2009)

This research report released by the Youth Justice Coalition examined how police monitoring of minor bail breaches creates a revolving door for young people in the court system.

**Least restrictive practices: submission to the NSW Legislative Council Standing Committee on Social Issues Inquiry into substitute decision-making for people lacking capacity**

(18 September 2009)

This submission recommended amendments to legislation governing the ordering and review of guardianship and estate management orders.

**Online electricity prices: a supplementary submission to IPART's issues paper on the review of regulated retail tariffs and charges for electricity, 2010-2013** (28 September 2009)

PIAC informed IPART that retailer websites often fail to adequately inform consumers of the price they would pay if they accepted

the advertised electricity offer and urged IPART to recommend improvements to the availability and presentation of information about prices.

**Smart Meter Customer Protection and Safety Review - Draft Policy Paper One** (30 September 2009)

PIAC joined other consumer energy advocates in arguing that a number of amendments will be required to the proposed National Energy Customer Framework to ensure that consumers experience the benefits of smart meters.

**Having a voice and making a difference! Regional replication of Street Care** (October 2009)

PIAC established Street Care as the first advisory group made up entirely of homeless people. The model may be replicated beyond Sydney to ensure the voices of regional homeless are heard.

**Submission to the NSW Attorney General on the review of the Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) and Terrorism (Police Powers) Act 2002 (NSW)** (20 October 2009)

PIAC expressed concerns about the NSW Government's extension of emergency police powers to use in the policing of organised crime.

**Access to personal information [and privacy law in NSW]: supplementary submission to the NSW Law Reform Commission on the administration of privacy and access to government information legislation** (21 October 2009)

PIAC urged the establishment of an Information Advisory Committee to provide regular advice to the Information Commissioner.

**Express human rights compliance needed: submission in response to the Federal Attorney-General's National Security Legislation Discussion Paper** (23 October 2009)

PIAC provided a response to the Federal Attorney-General's proposed changes to the *Criminal Code 1995* (Cth) dealing with sedition and the definition of a terrorist act.



## PUBLICATIONS

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**Valuing people with disability in Australia's migration program. Joint submission to the Federal Parliamentary Joint Standing Committee on Migration's Inquiry into the Migration Treatment of People with Disability** (6 November 2009)

This submission examined the impact of Australian migration laws and policies on people with disabilities.

**Representative Proceedings in NSW: adoption of new procedures. PIAC response to paper prepared by The Honourable Justice Basten of the NSW Supreme Court**

(18 November 2009)

PIAC's responded to a paper prepared by the Hon Justice Basten proposing the adoption of class action procedures in the Supreme Court of NSW.

**Re: RACGP Review of Standards for General Practices [Joint submission to the Royal College of General Practitioners' Review of Standards for General Practice]** (24 November 2009)

PIAC joined with a number of other organisations to endorse this submission, focussing on the issue of adjustable-height examination beds in GP surgeries.

**Accessing democracy: Submission to the Australian Government in response to the Electoral Reform Green Paper - Strengthening Australia's Democracy**

(27 November 2009)

This submission dealt with electoral enrolment, voting systems and polling. It recommends implementing a secret ballot for all adult Australian citizens.

**Licence to bill: Submission to IPART Review of the Operating Licence for Sydney Water Corporation**

(27 November 2009)

PIAC expressed concern about the potential impact of the proposed plan-based licensing framework and contended that requirements

relating to the code of practice on debt and disconnection, the Customer Council, customer service indicators, and customer contract must all be amended.

**Augmenting the role of the Coroner to enhance suicide prevention: Submission to Senate Community Affairs Committee Inquiry into suicide in Australia** (27 November 2009)

PIAC submitted that the Coroners in Australia's states and territories play a vital role in suicide prevention.

**Improving access through translating principles into practice: Submission in response to the Attorney-General's report, A Strategic Framework for Access to Justice in the Federal Civil Justice System** (30 November 2009)

PIAC supported many of the recommendations put forward in the Attorney-General's report, particularly the recommendations about public interest litigation, representative proceedings and administrative law.

**Energy efficiency and customer bills: response to the Ministerial Council on Energy's Energy Bill Benchmarking Consultation Regulatory Impact Statement**

(1 December 2009)

PIAC highlighted the likely high costs of establishing and running a comprehensive bill benchmarking regime, and raised concern about whether this is a cost efficient means of reducing emissions. PIAC recommended the exploration of alternative programs.

**Improving the response to customer hardship: submission to Industry & Investment NSW customer hardship regulatory amendments** (9 December 2009)

PIAC considered the draft regulation amendments enhanced the consumer protection framework available to NSW energy consumers but also contended that they did not represent the optimal response to customer hardship and sought further amendments.

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**High and dry: submission to the National Water Initiative pricing principles** (18 December 2009)

PIAC expressed concern that the draft water pricing principles did not recognise the right to water nor consider affordability. PIAC also questioned the implied reliance upon consumer protection mechanisms and commented on options for urban water use charges.

**A better future for Australia's Indigenous young people: submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs' Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system**

(22 December 2009)

This submission examined the international context in relation to children and detention, with PIAC suggesting the greater use of international standards for arrest and detention.

**Reducing the risk for consumers: submission to the Productivity Commission in response to its Gambling: Draft Report** (22 December 2009)

PIAC submitted that implementation of the Commission's draft recommendations would greatly improve protection for gamblers, particularly problem gamblers.

**Gas price regulation: Response to IPART's review of regulated retail tariffs and charges for gas 2010-2013: Gas - Issues Paper** (23 December 2009)

PIAC highlighted the role of gas supply as an essential service and alerted IPART to the likely impacts of tariff rises on low-income and vulnerable households.

**Homeless not houseless: submission to NSW Fair Trading on the draft Residential Tenancies Bill 2009** (23 December 2009)

PIAC highlighted the impact of the draft bill on those experiencing homelessness.

**Not yet ready for exposure: response to the Exposure Draft Healthcare Identifiers Bill 2010** (15 January 2010)

PIAC argued that the Exposure Draft Healthcare Identifiers Bill 2010 (Cth) provides insufficient detail and certainty around core elements of the proposed Healthcare Identifiers Service.

**Taxis for all: submission to the NSW Legislative Council's Select Committee on the NSW Taxi Industry** (22 January 2010)

PIAC argued that NSW Transport Department has permitted taxi networks and co-operatives to operate in a way that is not compliant with the Public Transport Standards, resulting in a number of specially licensed taxis being inaccessible to many people with physical disability.

**Supplementary submission to the NSW Legislative Council's Select Committee on the NSW Taxi Industry**

(22 February 2010)

This supplementary submission responded to questions raised during a public hearing into the NSW Legislative Council's Select Committee's Inquiry on the NSW Taxi Industry in February 2010.

**Public funding: preserving democracy. Submission to the NSW Joint Standing Committee on Electoral Matters inquiry into public funding of election campaigns** (27 January 2010)

Building on submissions PIAC made to Commonwealth inquiries into electoral reform, PIAC submitted that reforms to electoral funding were essential. However, to be effective it is also necessary to limit expenditure on campaigns, regardless of the source of funding.

**Freedom of information repackaged: submission to the Senate Finance and Public Administration Committee on the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009** (29 January 2010)

PIAC supported amendments to freedom of information legislation but contended that the reforms did not go far enough.

**Access to energy II: response to IPART's Draft Report and Draft Determination on the review of regulated tariffs and charges for electricity 2010-2013** (2 February 2010)

PIAC raised concerns about the unprecedented price increases outlined in the draft determination and uncertainty about the level of competition in the NSW retail market. PIAC also recommended measures that would assist households with these risks.

**Undermining the second chance: submission to the National Legal Profession Reform Taskforce** (26 February 2010)

This submission examined PIAC's concerns about section 17 of the *Legal Profession Act 2004* (NSW). PIAC opposes discrimination on the basis of prior criminal record on principle.

**Answers to Questions on Notice from public hearing on 15 February 2010 in relation to the Freedom of Information Amendment (Reform) Bill 2009** (5 March 2010)

This supplementary submission to the Commonwealth Senate Standing Committee on Finance and Public Administration commented on amendments to freedom of information legislation.

**A public interest approach to costs: preliminary submission to the NSW Law Reform Commission inquiry into security for costs and associated orders** (5 March 2010)

PIAC analysed the rules in relation to costs in litigation in NSW courts and recommended reforms to facilitate access to justice.

**Healthcare identifiers and consumer privacy protection: submission to the Senate Community Affairs Legislation Committee's Inquiry into Healthcare Identifiers Bill 2010 and Healthcare Identifiers (Consequential Amendments) Bill 2010** (9 March 2010)

PIAC argues that the Healthcare Identifiers Bill 2010 (Cth) provides insufficient detail and certainty around core elements of the proposed Healthcare Identifiers Service.

**Protecting consumers? Response to the Ministerial Council on Energy Second Exposure Draft of the National Energy Customer Framework** (11 March 2010)

PIAC submitted that the proposed legislative package represented a reduction in the protections currently available to NSW households. PIAC worked closely with members of the National Consumers' Roundtable on Energy to produce a detailed response to the proposed package.

**How to level a playing field: response to the Australian Energy Market Commission's Review of the Effectiveness of Competition in the Electricity Market in ACT** (12 April 2010)

PIAC identified problems associated with the approach taken by the AEMC in that there was no definitive set of criteria or benchmarks to guide the AEMC in its analysis of whether there is effective competition. The submission also referred to the possible impact of the *Human Rights Act 2004* (ACT) on pricing decisions of energy retailers, in the absence of price regulation.

**Quality? Please assure us! Comments on the national quality framework discussion paper** (22 April 2010)

The Homeless Persons' Legal Service response to the Housing Ministers' Conference discussion paper welcomed recognition of the need for a national framework that delivers ongoing improvement of services to people experiencing homelessness.

**Turning up the heat on consumers: response to the Australian Energy Regulator draft decision, Jemena Gas Networks Ltd's access arrangement proposal for the period 1 July 2010 to 30 June 2015** (27 April 2010)

PIAC recommended that the forecast capital expenditure and revenue requirements be rigorously assessed and also recommended that the implications for retail consumers of the AER final decision are clearly detailed in the decision.



**Transparent pricing: submission in response to the Issues**

**paper: AER Retail Pricing Information Guidelines** (4 May 2010)

PIAC argued that without access to adequate and transparent pricing information, energy retail markets will fail to provide beneficial outcomes for consumers.

**Improving democracy: inquiry into voting centres in Victoria**

(28 May 2010)

PIAC recommended amending legislation that restricts prisoners from voting.

**Developing National Hardship Indicators** (4 June 2010)

PIAC contributed to the recommendations made in the Queensland Council of Social Service submission through the Energy Retailer Performance Reporting Project.

**A fairer system: submission to the Senate Legal and Constitutional Affairs Committee Inquiry into a review of Government compensation payments** (9 June 2010)

This submission examined the achievements and shortcomings of government redress schemes for Indigenous Australians.

**Lobbying, transparency and accountability in NSW: submission to the Independent Commission Against Corruption** (23 June 2010)

PIAC recommended the introduction of regulations for all Members of both Houses of the Parliament, their staff and third parties to require public reporting of activities, establishment of a Parliamentary Standards Officer and inclusion of sanctions.

**Proposed vulnerable payment recipient measure** (25 June 2010)

The Homeless Persons' Legal Service responded to the Department of Families, Housing, Community Services and Indigenous Affairs call for submissions into models of income management for vulnerable welfare recipients. HPLS expressed concern that all people who are homeless would be subject to compulsory income management.



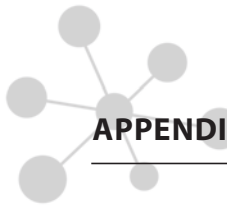
# APPENDICES

## PIAC'S REPRESENTATION ON EXTERNAL BODIES

Organisation	Committee	PIAC rep
AGL	Customer Council	Joel Pringle
Australian Competition and Consumer Commission	Consumer Consultative Committee	Robin Banks
Australian Communications Consumer Action Network	Independent Grants panel	Robin Banks
Australian Energy Regulator	Customer Consultative Group	Mark Ludbrooke
Cancer Council of NSW	Regional Advisory Committee - Central and Southern Sydney	Carolyn Grenville
Commonwealth Attorney-General's Department	Human Rights NGO Forum	Robin Banks
Community Legal Centres NSW	Board of Directors	Natasha Case
	Law Reform and Policy Sub-committee	Natasha Case
	State Conference Organising Committee	Robin Banks
Community Restorative Centre	Committee of Management	Chris Hartley
Community Trainers and Assessors Group		Carolyn Grenville
Department of Infrastructure, Transport, Regional Development and Local Government	Aviation Access Working Group	Robin Banks
Energy Water Ombudsman NSW	Council member appointed by EWON Board	Mark Ludbrooke
	Finance Sub-Committee	Mark Ludbrooke
Gilbert and Tobin Centre for Public Law	Advisory Committee	Robin Banks
Industry and Investment NSW	Energy Accounts Payment Assistance Working Group	Mark Ludbrooke & Joel Pringle



	Consumer Representative Consultative Committee	Mark Ludbrooke, Joel Pringle, Lou Schetzer
Homelessness Community Alliance		Julie Hourigan Ruse
Justice Health	Consumer and Community Group	Peter Dodd
National Association of Community Legal Centres <sup>1</sup>	Australian Disability Rights Network	Robin Banks
National Consumers Roundtable on Energy		Mark Ludbrooke, Joel Pringle, Lou Schetzer
National Pro Bono Resource Centre	Board of Management	Robin Banks
NSW Council of Social Service	Forum of Non-Government Agencies	Deirdre Moor
	Health Policy Advisory Group	Peter Dodd
NSW Department of Corrective Services	Women's Advisory Council	Robin Banks
NSW Department of Environment, Climate Change and Water	Climate Change Advisory Committee	Mark Ludbrooke
	Low-Income Household Refit Program Stakeholder Advisory Group	Mark Ludbrooke
	Water Industry Competition Act Retailer of Last Resort Working Group	Mark Ludbrooke
NSW Users & AIDS Association (NUAA)	Policy & Advocacy Advisory Committee	Peter Dodd
NSW Legal Assistance Forum		Robin Banks
	Prisoners Working Group	Robin Banks
	Prisoner's Civil and Family Law Needs Sub-Working Group	Robin Banks



## APPENDICES

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	Working Group on Access to Justice for Culturally and Linguistically Diverse Communities	Anne Mainsbridge and Nancy Walker
Office of the Privacy Commissioner	Privacy Advisory Committee	Robin Banks
Public Interest Law Clearing House	Board of Management	Gabrielle Trainor and Peter Cashman
Queensland Council of Social Service	Energy Retailer Performance Reporting Project	Joel Pringle
Sydney Water	Corporate Customer Council	Mark Ludbrooke
University of Sydney	Law School Foundation	Robin Banks
University of Western Sydney	Social Justice and Social Change Advisory Committee	Robin Banks
Women in Prison Advocacy Network	Board of Directors	Brenda Bailey

## PIAC Staff

Robin Banks

Chief Executive Officer

Jane King

Manager, Finance & Administration

Alexis Goodstone

Principal Solicitor (3.5 days per week, Parental Leave from 14 June 2010)

Deirdre Moor

Manager, Policy & Programs

Jamie Alford

Social Worker, Mental Health Legal Services Project Pilot with Shopfront Youth Legal Centre

Brenda Bailey

Senior Policy Officer

Laura Brown

Solicitor (commenced 9 November 2009)

Natasha Case

Senior Solicitor

Sharny Chalmers

Project Co-ordinator, Mental Health Legal Services Project (commenced 18 January 2010)

Peter Dodd

Solicitor – Health Policy and Advocacy

Marion Grammer

Bookkeeper (2 days per week)

Carolyn Grenville

Training Co-ordinator (4 days per week)

Chris Hartley

HPLS Policy Officer

Mark Holden

Solicitor (to 2 July 2009)

Julie Hourigan Ruse

HPLS Co-ordinator

Stephen Kilkeary

Project Co-ordinator, Mental Health Legal Services Project (to 23 December 2009)

Karen Kwok

Administrator

Tracey Lam

Administrator (to 23 October 2009)

Mark Ludbrooke

Senior Policy Officer, Energy + Water Consumers' Advocacy Program

Anne Mainsbridge

Solicitor, Mental Health Legal Services Project Pilot with NSW Service for the treatment and rehabilitation of torture and trauma survivors (STARTTS)

Vavaa Mawuli

Senior Solicitor, Indigenous Justice Program, Acting Principal Solicitor (from 14 June 2010)

Amy McGowan

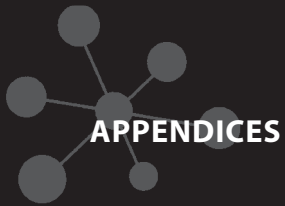
Community Development and Training Officer, Mental Health Legal Services Project (to 27 August 2009)

Jason Mumbulla

Computer Systems Administrator (1 day per week)

Gemma Namey

Solicitor (from 15 March 2010)



## APPENDICES

Ka Ki Ng  
Dominic O'Grady  
Scott Parker  
Melissa Pinzuti  
Joel Pringle  
Jeremy Rae  
Louis Schetzer  
  
Elizabeth Simpson  
Sally Spence  
Nancy Walker  
  
Elwyn Ward  
Ken Zumulovski

Receptionist (to 16 October 2009, then Administrator)  
Media and Communications Officer (3 days per week, commenced 10 August 2009)  
Administrator  
Legal Secretary (3 days per week)  
Policy Officer, Energy + Water Consumers' Advocacy Program (2 days per week from 17 May 2010)  
HPLS Solicitor Advocate  
Research and Policy Officer, Energy + Water Consumers' Advocacy Program (3 days per week, commenced 16 November 2009)  
Solicitor ( Parental leave from 22 March 2010)  
Receptionist (3.5 days per week, commenced 19 October 2009)  
Solicitor, Mental Health Legal Services Project Pilot with Multicultural Disability Advocacy Association (MDAA) (from 3 August 2009)  
Finance Officer  
Indigenous Men's Access to Justice Worker, Mental Health Legal Services Project Pilot with Gamarada



Some of the PIAC staff.

## PLACEMENTS

### Professional Experience Program Placements

Rachel Holt	9 June 2009 to 19 February 2010
Nipa Diwan	12 June to 9 October 2009
Mark Zhrul	26 October 2009 to 6 April 2010
Katherine Allsop	18 November 2009 to 9 April 2010
Vin Tuan Tran	22 February 2010 to 9 April 2010
Richard Brittain	22 February 2010 to 10 May 2010
Mikalie Nash	From 20 April 2010
Melanie Montalban	From 17 May 2010
Katherine Boyle	From 18 May 2010

### Student Placements

Anthony Hall	Aurora Intern (22 June to 22 July 2009)
Emily Christie	Aurora Intern (23 June to 24 July 2009)
Lauren Finemore	Social Work Placement with the Mental Health Legal Services Project (6 April to 11 August 2009)
Tony Nokolic	Aurora Intern (9 November to 18 December 2009)
Samantha Gray	University of Sydney Social Science Placement
Sadhana Abayasekara	University of Sydney Social Justice Program
Rose Khalilzadeh	University of Sydney Social Justice Program
May Samali	University of Sydney Social Justice Program
Humyara Mahbub	University of Sydney Social Justice Program
Wendy Green	University of Sydney Social Justice Program
Adrian Wong	University of NSW Public Interest Intern

## **PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524**

### **DISCUSSION AND ANALYSIS OF THE FINANCIAL STATEMENTS**

#### **FOR THE YEAR ENDED 30 JUNE 2010**

##### **Information on Public Interest Advocacy Centre Limited Concise Financial Report**

The concise financial report is an extract from the full financial report for the year ended 30 June 2010. The financial statements and disclosures in the concise financial report have been derived from the 2010 financial report of Public Interest Advocacy Centre Limited. The concise financial report cannot be expected to provide as detailed an understanding of the financial performance, financial position and financing and investing activities of Public Interest Advocacy Centre Limited as the full financial report. A copy of the full financial report and auditor's report will be provided to any member, free of charge, upon request.

The discussion and analysis is provided to assist members in understanding the concise financial report. The discussions and analysis is based on Public Interest Advocacy Centre Limited's financial statements and the information contained in the concise financial report has been derived from the full 2010 Financial Report of Public Interest Advocacy Centre Limited.

##### **Statement of Comprehensive Income**

The company's revenue remained consistent to the prior year with a slight increase of \$14,738 to be \$2,788,035 for the year. While the management agreement with the Public Interest Law Clearing House Limited (PILCH) concluded at 30 June 2009, the company obtained additional grant funding for four Mental Health Pilot Projects, which offset the loss of the management fee income.

The company's total expenditure increased slightly by \$78,465 or approximately 2.8%. The increase in expenditure is attributable to increased employment costs as well as increased project costs associated with the four Mental Health Pilot Projects. While the company no longer employs PILCH staff an additional four staff were hired in relation to the Mental Health Pilot Projects and two part time staff in relation to the EWCAP grant.

For the year ended 30 June 2010, the company recorded an overall operating loss of \$28,309 as compared to an operating profit in the prior year of \$35,418.

##### **Statement of Financial Position**

As a result of the small operating loss, the overall net asset position of the company has declined by 4% to \$635,276. The company continues to hold high levels of cash reserves which to a large extent are offset by the corresponding amount of unexpended grants. The company maintained appropriate and consistent levels of working capital at year end. Trade debtors increased by \$180,467 as compared to last year to due a one off grant payment that was received subsequent to reporting date. There are no other notable movements or issues relating to the company's financial position.

##### **Statement of Cash Flows**

The company has generated a negative cash flow from operating activities being \$263,429 compared to a cash inflow of \$131,432 from the prior year. This result is largely attributable to a timing difference whereby there were increased project payments during the year where the associated grant funding had been received in the prior year as well as the large increase in the trade debtors, relating to one grant payment not received until after reporting date. Minor purchases of additional plant and equipment were also noted during the year.



### **INDEPENDENT AUDIT REPORT TO THE MEMBERS OF PUBLIC INTEREST ADVOCACY CENTRE LIMITED ABN 77 002 773 524**

#### **Report on the concise financial report**

The accompanying concise financial report of Public Interest Advocacy Centre Limited (the company) comprises the statement of financial position as at 30 June 2010, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended and related notes, derived from the audited financial report of Public Interest Advocacy Centre Limited for the year ended 30 June 2010, and the discussion and analysis. The concise financial report does not contain all the disclosures required by the Australian Accounting Standards.

#### **Directors' responsibility for the concise financial report**

The directors are responsible for the preparation and presentation of the concise financial report in accordance with Accounting Standard AASB 1039: *Concise Financial Reports* (including Australian Accounting Interpretations), statutory and other requirements. This responsibility includes establishing and maintaining internal controls relevant to the preparation of the concise financial report, selecting and applying the appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

#### **Auditor's responsibility**

Our responsibility is to express an opinion on the concise financial report based on our audit procedures. We have conducted an independent audit, in accordance with Australian Auditing Standards, of the financial report of Public Interest Advocacy

Centre Limited for the year ended 30 June 2010. Our audit report on the financial report for the year was signed on 23 September 2010 and was not subject to any modification. Australian Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report for the year is free from material misstatement.

Our procedures in respect of the concise financial report included testing that the information in the concise financial report is derived from, and is consistent with, the financial report for the year, and examination on a test basis, of evidence supporting the amounts, discussion and analysis, and other disclosures which were not directly derived from the financial report for the year. These procedures have been undertaken to form an opinion whether, in all material respects, the concise financial report complies with Accounting Standard AASB 1039: *Concise Financial Reports* and whether the discussion and analysis complies with the requirements laid down in AASB 1039.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### **Independence**

In conducting our audit, we have complied with the independence requirements of the *Corporations Act 2001*. We confirm that the independence declaration required by the *Corporations Act 2001*, provided to the directors of Public Interest Advocacy Centre Limited on 23 September 2010, would be in the same terms if provided to the directors as at the date of this auditor's report.



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### **Auditor's Opinion**

In our opinion, the concise financial report including the discussion and analysis of Public Interest Advocacy Centre Limited for the year ended 30 June 2010 complies with Accounting Standard AASB 1039: *Concise Financial Reports*.



**Mark Driessen**  
**Partner**  
**WalterTurnbull**

**Sydney, NSW**  
**23 September 2010**

### **PUBLIC INTEREST ADVOCACY CENTRE LTD**

**ABN 77 002 773 524**

### **DIRECTORS' DECLARATION**

The directors of Public Interest Advocacy Centre Limited declare that the concise financial report of the company for the financial year ended 30 June 2010:

- (a) complies with Accounting Standard AASB 1039: Concise Financial Reports; and
- (b) is an extract from the full financial report for the year ended 30 June 2010 and has been derived from and is consistent with the full financial report of Public Interest Advocacy Centre Limited.

This declaration is made in accordance with a resolution of the Board of Directors.



**Shauna Jarrett**  
**Chair**

**Sydney, NSW**  
**23 September 2010**



## FINANCIAL STATEMENTS

### PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524

### STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2010

	NOTE	2010 \$	2009 \$
Revenue	3	2,787,308	2,773,297
Other income		727	-
Employee benefits expense		(2,103,352)	(2,059,313)
Depreciation and amortisation expense		(55,714)	(51,539)
Rent		(233,359)	(218,982)
Project and casework expenses		(301,766)	(265,418)
Other operating expenses		(122,153)	(142,627)
Profit / (loss) before income tax		(28,309)	35,418
Income tax expense		-	-
Profit / (loss) before income tax		(28,309)	35,418
Other comprehensive income, net of tax		-	-
Total comprehensive income for the year		(28,309)	35,418

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The accompanying notes form part of these concise financial statements.

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2010

	2010 \$	2009 \$
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	1,045,740	1,331,003
Trade and other receivables	340,390	159,923
Other current assets	33,127	30,341
<b>TOTAL CURRENT ASSETS</b>	<b>1,419,257</b>	<b>1,521,267</b>
<b>NON-CURRENT ASSETS</b>		
Financial assets	84,394	84,394
Property, plant and equipment	106,518	139,671
<b>TOTAL NON-CURRENT ASSETS</b>	<b>190,912</b>	<b>224,065</b>
<b>TOTAL ASSETS</b>	<b>1,610,169</b>	<b>1,745,332</b>
<b>CURRENT LIABILITIES</b>		
Trade and other payables	787,792	866,493
Short-term provisions	108,821	85,038
<b>TOTAL CURRENT LIABILITIES</b>	<b>896,613</b>	<b>951,531</b>
<b>NON-CURRENT LIABILITIES</b>		
Long-term provisions	78,280	130,216
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>78,280</b>	<b>130,216</b>
<b>TOTAL LIABILITIES</b>	<b>974,893</b>	<b>1,081,747</b>
<b>NET ASSETS</b>	<b>635,276</b>	<b>663,585</b>
<b>EQUITY</b>		
Reserves	238,967	270,995
Retained earnings	396,309	392,590
<b>TOTAL EQUITY</b>	<b>635,276</b>	<b>663,585</b>

The accompanying notes form part of these concise financial statements.



## FINANCIAL STATEMENTS

### PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524

### STATEMENT OF CHANGES IN EQUITY FOR YEAR ENDED 30 JUNE 2010

	RETAINED EARNINGS \$	RESERVES \$	TOTAL \$
<b>Balance at 1 July 2008</b>	360,222	267,945	628,167
Profit attributable to members	35,418	-	35,418
Total other comprehensive income for the year	-	-	-
Transfers (to) / from reserves	(3,050)	3,050	-
<b>Balance at 30 June 2009</b>	392,590	270,995	663,585
(Loss) attributable to members	(28,309)	-	(28,309)
Total other comprehensive income for the year	-	-	-
Transfers (to) / from reserves	32,028	(32,028)	-
<b>Balance at 30 June 2010</b>	396,309	238,967	635,276

The accompanying notes form part of these concise financial statements.

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### PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524

### STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2010

	NOTE	2010 \$	2009 \$
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>			
Receipts from government, customers and donations		2,731,585	2,987,118
Payments to suppliers and employees		(3,043,124)	(2,928,541)
Interest received		48,110	72,855
<b>Net cash (used in) / provided by operating activities</b>		<b>(263,429)</b>	<b>131,432</b>

<b>CASH FLOW FROM INVESTING ACTIVITIES</b>		
Purchase of property, plant and equipment	(22,561)	(16,774)
Proceeds from sale of property, plant and equipment	727	-
<b>Net cash (used in) investing activities</b>	<b>(22,561)</b>	<b>(16,774)</b>
Net increase (decrease) in cash held	(285,263)	114,658
Cash at the beginning of the financial year	1,331,003	1,216,345
<b>Cash at the end of the financial year</b>	<b>1,045,740</b>	<b>1,331,003</b>

The accompanying notes form part of these concise financial statements.

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524**

**NOTES TO THE CONCISE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2010**

**Note 1: Basis of Preparation of the Concise  
Financial Report**

The concise financial report is an extract of the full financial report for the year ended 30 June 2010. The concise financial report has been prepared in accordance with the Accounting Standard AASB 1039: *Concise Financial Reports* and the *Corporations Act 2001*.

The financial statements, specific disclosures and other information included in the concise financial report are derived from, and are consistent with, the full financial report of Public Interest Advocacy Centre Limited. The concise financial report

cannot be expected to provide as detailed an understanding of the financial performance, financial position and financing and investing activities of Public Interest Advocacy Centre Limited as the full financial report. A copy of the full financial report and auditor's report will be sent to any member, free of charge, upon request.

The presentation currency used in the concise financial report is Australian dollars.

**Note 2: Members Guarantee**

The company is incorporated under the *Corporations Act 2001* and is limited by guarantee. If the company is wound up, the constitution states that each member of the company is required to contribute a maximum of \$20 each towards meeting any outstanding obligations of the company. At 30 June 2010 the number of members was 33. (2009 – 32 members).



## FINANCIAL STATEMENTS

	2010 \$	2009 \$
<b>Note 3: Revenue and Other Income</b>		
Operating activities:		
- Grants and other contributions	2,451,718	2,474,366
- Casework	79,053	47,121
- Casework disbursements recovered	28,616	6,188
- Training workshops, seminars and conferences	146,088	164,198
- Sale of publications	7,150	4,121
- Interest income	53,048	68,065
- Other	21,635	9,238
<b>Total Revenue</b>	<b>2,787,308</b>	<b>2,773,297</b>
Other income:		
- Gain on sale of assets	727	-
<b>Total Revenue and Other Income</b>	<b>2,788,035</b>	<b>2,773,297</b>

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### Note 4: Events Subsequent to Reporting Date

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the company, the results of those operations, or the state of affairs of the company in future financial years.





**PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2009-2010**

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