

PUBLIC INTEREST ADVOCACY CENTRE



PIAC

ANNUAL REPORT

2011-2012

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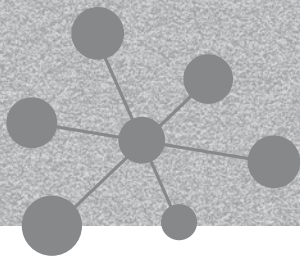
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working for a
fair & just
democratic society

empowering
citizens & consumers
communities

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Cover photo: Class action lead applicant,
Musa Konneh



The Public Interest Advocacy Centre (PIAC) works for a fair, just and democratic society. It empowers 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 is an independent, non-profit legal and policy centre. It was established in July 1982 as an initiative of the then 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 2011-12 financial year of 26, as well as professional placements, secondees and interns who all make a valuable contribution.

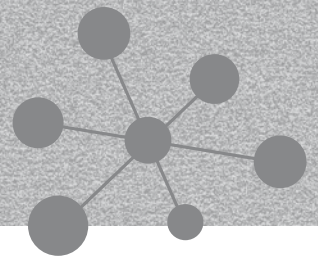
PIAC works co-operatively with other groups and individuals to achieve public interest outcomes. PIAC works predominantly with other public interest groups, community and consumer organisations, community legal centres, private law firms, academics, experts, industry and government. PIAC provides its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

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.

As the range of issues that require attention always exceeds capacity and resources, PIAC is selective in the issues it will pursue. In making that selection, PIAC asks the following questions:

- Is the issue to be addressed causing significant harm?
- Is the issue impacting on a disadvantaged sector of the community?
- Can PIAC make a significant impact in the short to medium term?
- Does PIAC have the capacity and resources to act effectively?
- Would PIAC be duplicating the efforts of others?
- Can PIAC work in alliance with others?
- Can legal, policy, communications and training strategies be integrated?



'Aspire to inspire before you expire'

(unknown)

Seeking to advance the public interest through litigation, law reform, legal education and broader advocacy strategies presents formidable challenges and constraints.

As the projects and cases handled by PIAC in the present year demonstrate, there is much to be proud of but more to be done.

I take this opportunity to acknowledge the commitment, resourcefulness and hard work of PIAC staff and volunteers. Under the dynamic leadership of CEO Ed Santow, PIAC continues to rise to the challenges and overcome the constraints. An enormous contribution was also made by my fellow Board members during the year. I particularly thank retiring Board member Ben Slade for the 8 years he has served on the Board and welcome new Directors Rebecca Gilsenan from Maurice Blackburn and Annmarie Lumsden from Legal Aid NSW.

Although fiercely independent, PIAC continues to work collaboratively with many and varied groups, individuals, institutions, and governments, especially the NSW Government. Staff provide independent advice, input and advocacy in a multitude of contexts with a view to redressing various dimensions of social disadvantage. This includes homelessness, indigenous disadvantage, access to health care and other areas of consumer law.

The Homeless Persons' Legal Service (HPLS) exemplifies the collaborative and strategic approach of PIAC.

HPLS involves the collaboration of PIAC, PILCH, community sector organisations such as St Vincent de Paul Society, Legal Aid NSW and 10 commercial law firms. PIAC has assisted in the training and supervision



of 350 commercial lawyers who provide pro bono legal assistance. Apart from providing much needed legal advice and representation to homeless persons, the project seeks to identify and remedy some of the systemic or root causes of homelessness, including unpaid debts for fines.

PIAC has played an instrumental role, in collaboration with the NSW Attorney General, in the development of the Work and Development Order (WDO) system, which enables disadvantaged people to work off debts arising from fines.

PIAC also established and manages the award-winning StreetCare program to facilitate consultation with people with experience of homelessness about issues that affect them. StreetCare members now provide input to the NSW Government in a range of forums, including the Premier's Council on Homelessness.

During the year PIAC moved to new premises in the old Sydney Law School building in Phillip Street and entered into a joint venture project with the Sydney University law school to provide clinical legal education opportunities and training for law students with a social justice commitment.

I acknowledge the assistance of Sydney University and the invaluable support of the former Dean, Professor Gillian Triggs.

Apart from its many achievements in the period under review in this Report, this year marks the 30th anniversary of the founding of PIAC. I trust that PIAC will continue to enjoy the support of the community, the profession and the NSW Government.

PROFESSOR PETER CASHMAN

I take this opportunity to acknowledge the commitment, resourcefulness and hard work of PIAC staff and volunteers. Under the dynamic leadership of CEO Ed Santow, PIAC continues to rise to the challenges and overcome the constraints.

This has been a year of major change at PIAC. We are excited to have entered a joint venture with Sydney Law School. It presents new opportunities for law students to learn about public interest in a clinical environment at PIAC, and also for research collaboration across the two organisations.



receives very generous financial support from donor organisations, especially Allens, IMF (Australia) Ltd and the Myer Foundation, as well as individuals. In-kind support comes from organisations including King & Wood Mallesons, the Law Society of NSW, Baker & McKenzie and TressCox Lawyers.

PIAC has moved into the old Sydney Law School building at 173-175 Phillip Street – just across the road from the Queen’s Square court complex. This takes PIAC into the heart of Sydney’s legal and government precinct. It also reflects PIAC’s strategy to take on more ambitious litigation in the higher and appellate courts, because this can enhance the organisation’s impact in promoting social justice.

Throughout all this change, PIAC has been able to make strong progress in achieving our strategic goals. We celebrate some significant victories in court, as well as our contribution to systemic change through evidence-based policy development and advocacy. At the same time, PIAC’s training program has expanded to provide greater opportunities for people in the community sector.

The achievements in this Annual Report are testament to the skill, creativity and dedication of PIAC staff. It is such a pleasure to work with a group of colleagues who embrace challenges with enthusiasm, good humour and a deep commitment to social justice. I am also very grateful to the many unpaid volunteers and student placements who have generously given of their own energy and expertise.

PIAC can only do good work thanks to core funding from the NSW Public Purpose Fund, and the Commonwealth and NSW Governments. PIAC also

All of this support is offered with the only condition that it be used to support PIAC’s work. We are exceptionally grateful, therefore, to the integrity and generosity of these supporters.

I thank PIAC’s board, whose members show extraordinary generosity to this organisation. With a broad range of expertise, and uniformly generous in their time and creativity, PIAC’s Directors contribute a great deal to the smooth operation and strategic direction of the organisation.

I am particularly grateful to PIAC’s Chair, Professor Peter Cashman, whose advice was critical especially in securing PIAC’s joint venture with Sydney Law School. I also pay tribute to Ben Slade, who recently retired from the Board after giving eight years of his energy, enthusiasm and (always strongly-held!) views. We are pleased, however, to welcome two highly-skilled new Directors in 2012-2013: Rebecca Gilsenan from Maurice Blackburn and Annmarie Lumsden from Legal Aid NSW.

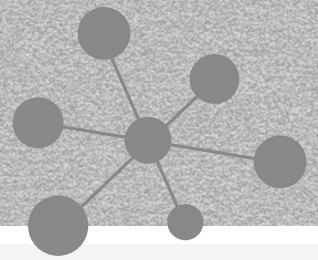
A handwritten signature in black ink that reads "Edward Santow". The signature is written in a cursive, flowing style.

EDWARD SANTOW
PIAC CHIEF EXECUTIVE OFFICER

PIAC has been able to make strong progress in achieving our strategic goals. We celebrate some significant victories in court, as well as our contribution to systemic change through evidence-based policy development and advocacy.

CORE STRATEGIES

Public interest litigation, policy development and campaigning, education and training



PUBLIC INTEREST LITIGATION

PIAC seeks to promote social justice and human rights by integrating its three central strategies: public interest litigation; policy development and campaigning; and, education and training. Litigation can be a powerful tool to achieve PIAC's strategic objectives. However, the organisation recognises that litigation should only be deployed where other, less adversarial approaches are inappropriate, or cannot achieve these objectives on their own.

PIAC uses public interest litigation especially to combat discrimination, unlawful detention and other human rights abuses.

In addition to more than 1200 clients that were assisted through the Homeless Persons' Legal Service, PIAC had 54 public interest litigation matters over the year. These matters covered issues including:

- false imprisonment
- discrimination
- Indigenous stolen wages
- freedom of information
- coronial Inquests
- racial vilification
- administrative law
- mental health detention.

In the area of disability discrimination, PIAC focussed on access to public transport. In October 2011, Julia Haraksin's disability discrimination claim against bus company Murrays Australia Ltd was heard in the Federal Court. PIAC is representing Ms Haraksin in this important first test of the *Disability Standards for Accessible Public Transport 2002* (Cth) in relation to coaches.

POLICY DEVELOPMENT AND CAMPAIGNING

PIAC's policy and law reform work is designed to promote system-wide solutions to problems within PIAC's core focus areas. The organisation aims to provide independent, non-partisan advocacy that is firmly rooted in evidence. That evidence is drawn especially from PIAC's experience in litigation, high-quality research, and from working with and consulting those directly affected by injustice.

PIAC's hypotheses for change are then road-tested with key stakeholders - including within government - to ensure that the solutions proposed are practical and workable. The overall aim is to produce a compelling blueprint for practical



PIAC client Greg Killeen (left) outside Federal Court.

reform that can be implemented by key decision makers.

In 2011-2012, PIAC's policy development and campaigning spanned a broad range of its activities. For instance, PIAC consulted with consumers about energy and water issues, especially consumers with a physical disability; researched clients' experiences of prisons and detention;

used freedom of information law to improve Australia's military accountability; and mapped available services for homeless people in order to identify gaps in service delivery.

PIAC made 41 submissions to government inquiries and regulatory bodies during the year. These included

EDUCATION & TRAINING

PIAC delivers education and training for not-for-profit organisations and individuals to improve advocacy on public interest issues.

Participants learn to take a rights-based approach to their advocacy and gain a working understanding of the law, the justice system, and alternative dispute resolution.

PIAC trained over 600 participants throughout the year. Courses offered included:

- Effective Advocacy Skills and Strategies
- Introduction to Advocacy and Campaigning
- Advocate for Clients
- Law for Non-Lawyers
- Electricity and Water: Helping your clients stay connected
- Media Skills Training
- Practical Human Rights

- Tenancy Law for Non-Lawyers.

PIAC also worked with organisations, such as Legal Aid NSW and the Tenants' Union, to promote a greater understanding of the law and how to negotiate a way through legal situations affecting disadvantaged people.

This year, as in previous years, PIAC, with its Homeless Persons' Legal Service, took the Homeless Law for Non-Lawyers training program to community workers in regional NSW, running workshops in Bega, Griffith, Wagga Wagga and Goulburn in partnership with Legal Aid NSW.

PIAC continues to teach law students about public interest and community law, especially through its renowned course, Practising in the Public Interest. PIAC works with a number of tertiary institutions, including Macquarie University and Wollongong University.

This year, PIAC also launched its inaugural Social Justice

CORE STRATEGIES

In November 2011, PIAC filed disability discrimination proceedings in the Federal Magistrates Court on behalf of Graeme Innes AM. Mr Innes's discrimination claim is against RailCorp for its alleged failure to provide regular, audible 'next stop' announcements on trains. Such announcements are essential for blind and vision-impaired travellers.

In 2011, PIAC and Maurice Blackburn launched a class action in the Supreme Court against the State of NSW in relation to children being arrested on out-of-date bail conditions. The lead applicant, 20-year-old Musa Konneh, was arrested and held overnight for allegedly breaching bail conditions that had been previously dispensed with.



Class action lead applicant, Musa Konneh (right).

in June 1996 to attend the Kanangra Centre on the mid-north NSW coast for assessment. Ms Darcy was then held at Kanangra, against her will, for over six years.

The matter was heard in the District Court in 2010 and the NSW Court of Appeal in December 2011. The Court of Appeal held that Ms Darcy's detention was lawfully justified by the tacit consent of the Public Guardian. Ms Darcy unsuccessfully sought special leave to appeal this decision in the High Court.

In January 2012, the NSW Court of Appeal dismissed an appeal by Joanne Darcy in relation to her claim of false imprisonment. PIAC has acted on Ms Darcy's behalf since 2007.

Ms Darcy, who has an intellectual disability, was ordered by a Magistrate

submissions relating to electricity pricing, marriage equality, human rights law reform, bail, healthcare rights and the Stolen Generations.

The Work and Development Orders (WDO) program illustrates PIAC's approach to policy development and campaigning. In 2006, PIAC conducted research into the impact of on-the-spot fines for people who are homeless or face other significant disadvantage. PIAC worked consultatively with other organisations in the community sector, with Legal Aid NSW and the NSW Government to promote reform that allows such people to 'work off' their fine debt, so that this debt no longer holds people in long-term poverty. Initially, a pilot WDO scheme was established. With further refinement – to which PIAC contributed – on 30 June 2012, the NSW Attorney General announced that the WDO program would be expanded and made permanent.

The WDO reform did not rely heavily on litigation. By contrast, PIAC's work in promoting accessible public transport shows the benefit of an approach that closely links litigation with law reform. For instance, a long campaign by PIAC client, Greg Killeen, to ensure wheelchair accessible taxis (WATs) were actually wheelchair accessible came to an end when new rules for WATs came into effect on 1 October 2011.

PIAC represented Mr Killeen in his disability discrimination proceedings against Transport NSW and two large taxi companies. After a successful court decision, PIAC also worked closely with the NSW Government to promote a common-sense amendment to the relevant Standards to ensure that WATs are genuinely accessible to wheelchair users. Mr Killeen described the campaign as 'simply a matter of justice. All I wanted was for wheelchair accessible taxis to be just that – wheelchair accessible.'

Clinical Summer Course, in partnership with Sydney University Law School. The four-day course was followed by a 12-day placement at PIAC.

Students were challenged to consider social justice and its role in their legal careers. They explored legal and non-legal strategies that may be used to achieve social justice outcomes for disadvantaged clients and the communities they represent

Leaders from Sydney's southwest culturally and linguistically diverse (CALD) communities gathered at the Cabra-Vale Diggers Club in May 2012 to participate in PIAC's advocacy and media skills training program.

By the end of the day, the 30 or so Spanish, Timorese,



Teaching and learning social justice.

Turkish, Indian, South American and Islamic community leaders had learnt some useful advocacy and campaign skills. The training helped these leaders identify ways in which they could advocate on behalf of their communities and campaign for human rights.

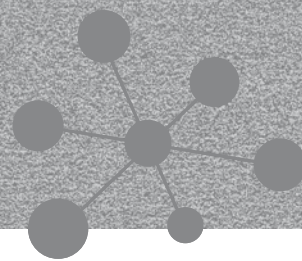
'It's inspiring to be amongst such passionate driven people. Thank you

for the opportunity to be involved,' said one participant. 'It has confirmed for me that I want to be more involved in advocacy,' said another.

PIAC's focus on education and training for not-for-profit organisations and community groups empowers individuals and the communities they represent.

SOCIAL JUSTICE

Responding to systemic injustice and unmet need among people who are homeless or are in detention.



HOMELESSNESS

The Homeless Persons' Legal Service (HPLS) provides free legal advice to people experiencing, or at risk of, homelessness. HPLS is a joint initiative of PIAC and the Public Interest Law Clearing House (PILCH) NSW. PIAC provides training and legal supervision to 350 lawyers at 10 commercial law firms and Legal Aid NSW in a free legal advice and assistance service.

Since it began in 2004, HPLS has helped almost 7,000 people who have attended the free HPLS legal clinics and received legal advice and assistance on issues such as guardianship, overcoming fine debt, personal injury, social security and tenancy.

The HPLS legal clinics are hosted by welfare agencies across Sydney. The clinics are staffed, pro bono, by lawyers from Allens, Baker & McKenzie, Corrs Chambers Westgarth, Norton Rose Australia, Dibbs Barker, HWL Ebsworth, Gilbert + Tobin, Henry Davis York, Legal Aid NSW, Minter Ellison and Thomsons Lawyers.

PIAC employs a Solicitor Advocate, Jeremy Rea, who has special expertise in representing people who are homeless. This year, the HPLS Solicitor Advocate defended homeless clients in the Local and District Courts in minor criminal matters, such as minor drug use, theft or offensive language.

PIAC thanks its HPLS partners for doing this work without any expectation of reward or gratitude.

Nearly three quarters of the Solicitor Advocate's clients report having a mental illness or drug and alcohol dependency, and almost half have spent time in jail. A very large proportion of these clients have suffered physical and emotional abuse.

By diverting homeless clients out of the justice system, the HPLS Solicitor Advocate is able to give many homeless people an opportunity to seek treatment, with the prospect of better outcomes for all.

HPLS hosted an event in mid-May 2012 to thank its partners and supporters. HPLS Senior Solicitor, Anastasia Coroneo, commended the HPLS pro bono lawyers for 'leaving no stone unturned.'

'Our clients' legal problems can be clouded by the effects of mental illness, addiction, abuse and trauma. It takes a fine balance of patience, compassion, legal knowledge, objectivity and a thick skin to do the work that



HPLS policy officer Lou Schetzer (front left) with StreetCare members Ken, Dale, AJ, Dave, Kevin, Tony, Mary and Veronica.

you do,' Ms Coroneo said.

'Often our clients thank us; sometimes they do not. We thank you for doing this work without any expectation of reward or gratitude.'

A fundamental aspect of HPLS's strategy is to draw lessons from the experience of the legal advice clinics, and consultation with people who are homeless, to derive solutions that address the root causes of homelessness. Leading that work is HPLS Policy Officer, Louis Schetzer.

The HPLS Policy Officer manages StreetCare, which is an HPLS initiative to glean the direct experience of people with experiences of homelessness on the issues of greatest importance to this group. StreetCare then provides advice to government agencies and others seeking information about practical, on-the-ground experience, as well as advice on how best to consult with homeless people.

StreetCare's nine members are currently, or have been, homeless. They are representative of the diverse experiences of homeless people in Sydney and the Hunter region.

In June, the Federal Minister for Housing and Homelessness, the Hon Brendan O'Connor MP, met with representatives from PIAC, HPLS and StreetCare to discuss the Federal Government's draft Homelessness Bill. Also at the meeting were representatives of law firm Corrs Chambers Westgarth, and Newtown Mission.

The meeting with the Minister was one way in which partnerships between non-government organisations, the corporate sector, and people with first-hand experience of homelessness can help governments work cooperatively with the community sector and those they are seeking to help to develop practical means of addressing problems associated with homelessness.

PRISONS & DETENTION

A key objective of PIAC's work in the area of prisons and detention is to ensure prisons are operated in accordance with human rights principles and standards.

The United Nations' Standard Minimum Rules for the Treatment of Prisoners apply to prisoners who have been placed in a custodial institution following a judicial decision, whether convicted or untried.

These rules establish what is generally accepted as being good practice in the treatment of prisoners.

During 2011-12, the Federal Government announced its intention to work with state and territory governments to continue to deliver corrective services in compliance with the UN Minimum Rules.

PIAC responded to this announcement, calling on the Government to review all correctional facilities in order to assess their compliance with the UN rules.

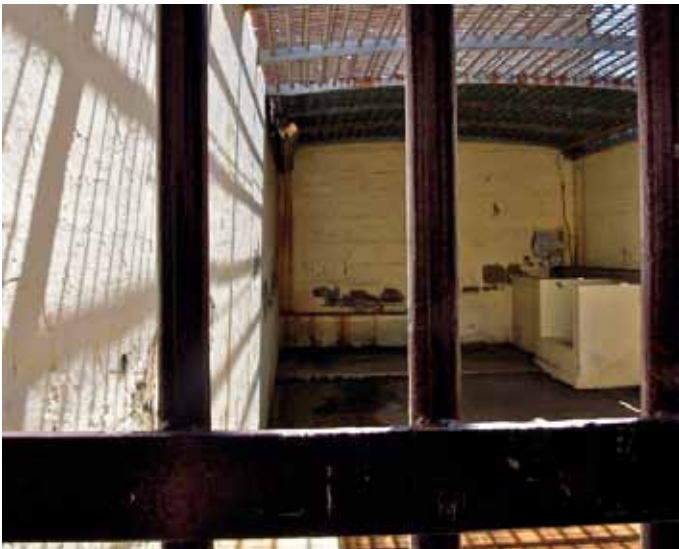


Photo: Flickr/Yeweni

For a number of years, PIAC has worked to ensure the Optional Protocol to the Convention Against Torture (OPCAT) is ratified and implemented by all Australian governments.

Australia signed the Convention Against Torture (CAT) in 1985 and ratified it in 1989. PIAC is now looking forward to the ratification of OPCAT in 2012 (see story page 13).

Exiting prisons project

In March 2012, the Homeless Persons' Legal Service (HPLS) and the homeless consumers' advisory group, StreetCare, began a new project focussed on the experiences of homeless people recently released from prison.

StreetCare members and HPLS staff visited agencies in Sydney and Parramatta to interview people who had recently left prison and who needed help from services that assist homeless people.

By interviewing people who have recently been released from prison, the project is investigating the difficulties faced by this group of people in securing stable accommodation.

The interviewees reflect on the nature and level of help and support they obtained when they were released from prison, and considers how effective this was.

Several studies have previously identified the links between homelessness and recidivism, and identified difficulties faced by people when they are released.

The NSW Government has also identified the need to assist people leaving custody by providing appropriate housing and support.

The HPLS project is ongoing. It will provide useful information to government agencies and other community organisations working in this area.

THE CHILDREN IN DETENTION ADVOCACY PROJECT

The Children in Detention Advocacy Project (CIDnAP) is a partnership between PIAC and Legal Aid NSW.

CIDnAP challenges the unlawful and unnecessary detention of young people and 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.

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

In 2011, PIAC and Maurice Blackburn launched a class action against the State of NSW in relation to children being arrested on incorrect or out-of-date bail information. The lead applicant in the case, Musa Konneh, was arrested at his house and held overnight for allegedly breaching bail conditions that had been previously dispensed with at court.

The launch of the class action has led to a large amount of media coverage on ABC television, Channel 10, in commercial and community radio, and in the *Sydney Morning Herald*.

EQUALITY

Combating discrimination and advancing Indigenous justice

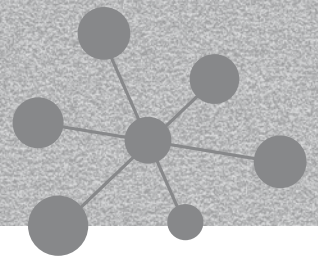


Photo: Flickr/ pizzodisevo

INDIGENOUS JUSTICE

PIAC is a strong advocate for justice for Indigenous Australians, with a focus on the Stolen Generations, Aboriginal Stolen Wages, policing and discrimination.

PIAC aims to identify systemic wrongs affecting Indigenous Australians and to advocate for the elimination and redress of those wrongs.

In 2011-12, PIAC investigated claims of false imprisonment on behalf of Indigenous young people and provided advice in relation to a racial vilification claim.

The primary focus of PIAC's Indigenous justice program throughout the year was the Aboriginal Trust Fund Repayment Scheme (ATFRS), established in 2004 to return stolen wages and other entitlements owed by the NSW Government to Aboriginal people.

For several decades, many Aboriginal people in NSW had their wages and other monies placed in trust by the NSW Government. This money was not returned. PIAC was a key player in working with the NSW Government to establish a scheme to repay these 'Stolen Wages'.

PIAC also engaged in systemic advocacy with the ATFRS and the NSW Government to improve accessibility, transparency and accountability for the ATFRS processes. Of particular concern to PIAC and ATFRS claimants was the money held in trust by the Child Welfare Department (CWD).

While the ATFRS repaid money that was held in accounts managed by the state Boards, CWD claimants could not receive any trust monies from the ATFRS because their trust monies were outside the scope of the repayment scheme.

PIAC worked with two clients who made unsuccessful claims to the ATFRS but who had considerable amounts of money remaining with the CWD. Community Services NSW repaid this money after submissions from PIAC.

PIAC will continue to lobby for transparent,

PIAC is especially grateful to the law firm, Allens, which generously provides funding to establish and run the Indigenous Justice Program.

This support is crucial to the success of PIAC's advocacy in this area.

accountable and accessible decisions in relation to the stolen wages of Aboriginal people.

PIAC has helped more than 200 people lodge their ATFRS. Following the closure of the ATFRS in June 2012, PIAC began working with Australians for Native Title and Reconciliation (ANTaR) to evaluate the scheme and to resolve outstanding issues. PIAC assisted the Aboriginal Legal Service in Western Australia to develop a pro bono legal assistance scheme in relation to WA's Stolen Wages Reparation Scheme.

Constitutional recognition of Aboriginal and Torres Strait Islander people was a significant issue in public debate during the year, with the Federal Government appointing an expert panel to explore options for constitutional reform. In September 2011, PIAC made a detailed submission to the expert panel, noting that discriminatory laws, practices and policies have contributed to and compounded Aboriginal and Torres Strait Islander disadvantage.

Drawing on Australia's international human rights law obligations and the experience of other comparable jurisdictions, PIAC recommended a number of constitutional reform measures aimed at achieving equality for, and ending discrimination against, Aboriginal and Torres Strait Islander Australians.

DISCRIMINATION

PIAC represented clients in two important disability discrimination cases during the year: Julia Haraksin's disability discrimination claim against bus company Murrays Australia Ltd, and Graham Innes's disability discrimination claim in response to the alleged failure by RailCorp NSW to provide audible 'next stop' announcement on trains. Both of these cases test the *Disability Standards for Accessible Public Transport*.

The *Haraksin v Murrays* case was heard in the Federal Court in October 2011 (see breakout), while disability discrimination proceedings on behalf of Graeme Innes were filed in the Federal Magistrates Court in November 2011.

Following an unsuccessful mediation in *Innes v Railcorp NSW* in February 2012, a detailed timetable for pleadings and submissions was agreed at a directions hearing in March 2012. The litigation funder, IMF (Australia) Ltd, agreed to indemnify Mr Innes should his case be unsuccessful. The case is still before the court.

In a separate matter, PIAC made a submission to the Australian Human Rights Commission opposing an application by Tasmanian bus company Redline for an exemption from the operation of the Disability Standards and *Disability Discrimination Act*. Redline's application remained unresolved during the reporting period.

In July 2011, PIAC, in collaboration with the Human Rights Law Centre, hosted a roundtable to discuss the proposed consolidation of Federal anti-discrimination laws.

In September, the Federal Attorney-General's Department issued a discussion paper on the proposed

consolidation of Federal anti-discrimination laws. In response, PIAC prepared a detailed submission after attending a stakeholder forum hosted by the Attorney-General's Department and the Australian Human Rights Commission. PIAC and law firm King & Wood Mallesons also hosted a forum on the consolidation of anti-discrimination laws to engage business interest in the issue.

In March and April 2012, PIAC Senior Solicitor Lizzie Simpson made submissions to the House of Representatives Social Policy and Legal Affairs Committee (SPLA) and the Senate Constitutional and Legislative Affairs Committee in respect of the three marriage equality bills. Ms Simpson also gave evidence at the SPLA hearing held at NSW Parliament on 12 April.



Graeme Innes (left) with PIAC Senior Solicitor, Anne Mainsbridge, and PIAC Chief Executive, Edward Santow.

JULIA HARAKSIN v MURRAYS AUSTRALIA LIMITED

The Federal Court heard a disability discrimination claim against Murrays Australia Limited in October 2011.

PIAC, acting on behalf of Ms Julia Haraksin (pictured), claimed Murrays was in breach of the national *Disability Standards for Accessible Public Transport*.



Ms Haraksin also claimed that Murrays directly and indirectly discriminated against her. Murrays operates buses and coaches throughout Australia. When Ms Haraksin tried to travel with Murrays in August 2009, none of Murrays' coaches and buses was wheelchair accessible.

From 23 October 2002, all new vehicles brought into use for a public transport service had to comply with the Disability Standards. From the end of 2007, at least 25% of existing vehicles must comply with the Disability Standards.

Ms Haraksin was not seeking financial compensation. Instead, she asked the Federal Court to order Murrays to modify the vehicles they own or operate so that they are wheelchair accessible and comply with the Disability Standards.

The court reserved its decision.



ACCESS TO INFORMATION

PIAC delivered the first phase of its military accountability campaign during the year 2011-12, using Freedom of Information law to access previously confidential Australian Defence Force (ADF) documents. The documents raised important questions about Australian military detention practices in Afghanistan and Iraq.

The documents obtained by PIAC revealed the Australian military deliberately tried to avoid its obligations under international law in relation to detainees caught by the ADF in Afghanistan and Iraq. The documents also revealed that the Australian Government had prior knowledge of illegal detention practices in Iraq, including at the notorious Abu Ghraib prison.

These illegal practices included participating in the concealment of prisoners from the International Committee of the Red Cross (ICRC) and obstructing the ICRC's access to prisoners. An Australian military lawyer advised on US interrogation techniques and concluded they were open to abuse.

The Australian Government failed to raise concerns about US breaches of international law with the United States. The Australian Government withheld important information from the Australian public relating to detainee mistreatment in Afghanistan and Iraq.

PIAC's military accountability campaign received substantial media coverage. On 4 and 5 July 2011, the *Sydney Morning Herald* and the *Age* newspapers published front-page reports about PIAC's work. ABC radio, TV and online channels also widely reported on the ADF documents, as did international media.

PIAC published the ADF documents on a micro-website at <http://military.piac.asn.au>. In addition to sourcing and publishing these documents, PIAC provided detailed analysis of their significance.

Key information about the conflicts in Iraq and Afghanistan continues to be withheld. For this reason, PIAC began phase two of its military accountability project, working with a coalition of organisations to call for a full independent inquiry into Australia's military detention practices. New FOI requests were lodged

to determine the extent to which the ADF has altered its policies and practices to ensure compliance with international law and the Geneva Conventions.

Police and health

In *Commissioner of Police v Eloss*, PIAC acted on behalf of a client who alleged he was assaulted by a police officer. PIAC appeared before the Appeal Panel of the Administrative Decisions Tribunal (ADT) after police refused PIAC's request for a copy of a police video of the alleged assault. The police successfully appealed an ADT decision to grant Mr Eloss a copy of the video. Despite this, the police subsequently agreed to provide Mr Eloss with a copy of the video. This was a surprisingly successful outcome.

PIAC represented another client in the ADT in relation to a decision of an area health service to deny the client access to medical reports about him. PIAC took this matter on to ensure that people have access to their own medical records. The case presented an opportunity to test the new *Government Information (Public Access) Act 2010* in the ADT. The matter was unresolved during the year.

Federal FOI law reform

In October 2011, the Office of the Australian Information Commissioner (OAIC) released a consultation paper about fees and charges under the *Freedom of Information Act*. PIAC made a submission to the OAIC, drawing on

PIAC's previous submissions to the Commonwealth Government in response to its exposure drafts of the *Freedom of Information Amendment (Reform) Bill 2009*.

PIAC Chief Executive, Edward Santow, was appointed to the Information Advisory Committee, which provides advice to the Commonwealth Government on FOI, privacy and related issues. Mr Santow attended the first meeting of this Committee in December.

The OAIC released its report about FOI fees in March 2012. PIAC expressed concern about the report's recommendation that an agency should be allowed to refuse an FOI request if it estimates that it would take more than 40 hours to process.



Australian soldiers board a Chinook helicopter in Afghanistan. Photo: ADF/Flickr

ACCOUNTABLE GOVERNMENT

In August 2011, the Court of Appeal considered an appeal by PIAC client Joanne Darcy. Ms Darcy has an intellectual disability and claimed that the State of NSW unlawfully detained her at the Kanangra Centre, near Newcastle, for over six years. The District Court had previously dismissed Ms Darcy's complaint on the basis that she had not been unlawfully or totally restrained at Kanangra.

Ms Darcy's case highlighted a fundamental problem that a person with an intellectual disability could be held against their will for such a long period - not because this was a sentence imposed by a court, nor because it was deemed necessary for therapeutic reasons. Instead, this case showed the failure of the state to provide appropriate care and housing for a vulnerable person.

The NSW Court of Appeal handed down its decision in this case on 21 December 2011. The Court dismissed the appeal but did not make an adverse costs order because

of the public interest in the appellant bringing the appeal. The Court found that Ms Darcy was detained at Kanangra but concluded that her stay there was lawfully justified by the tacit consent of Office of the Public Guardian.

In January 2012, PIAC lodged an application for special leave to appeal the Darcy decision in the High Court. PIAC sought special leave to appeal because it wanted to challenge the notion of a state authority tacitly consenting to an individual's detention, where that same state authority had expressly stated that it did not consent to this arrangement. The special leave application was subsequently refused.

In December 2011, the Federal Government released a National Human Rights Action Plan (NHRAP) Exposure Draft. The Exposure Draft provided an overview of the policies and programs the Australian Government intends to implement to improve the protection of human rights in Australia.

PIAC responded to the Government's request for submissions on this Exposure Draft. The PIAC submission commented on Indigenous rights, people with a disability, those at risk of or experiencing homelessness and those in prisons and detention.

PIAC and a number of other organisations wrote to the NSW Attorney General, calling on the NSW Government to participate in the NHRAP process. In the letter, PIAC called on the NSW Government to provide details of existing NSW-based policies that protect human rights. The letter also requested information about gaps in current protections. PIAC's letter to the NSW Attorney General was endorsed by 17 other organisations including GetUp!, the NSW Young Lawyers Human Rights Committee, the Federation of Ethnic Communities' Councils of Australia and the NSW Women's Refuge Movement.



Chris Birch SC, Barrister Kellie Edwards and Joanne Darcy's mother, Diane Aldridge.

THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

PIAC has played a key role in leading a coalition of Australian civil society organisations, urging Australia to ratify the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Once ratified, the treaty will prompt Australia to establish a regime for independent monitoring and inspection of places of detention in Australia (such as prisons, police stations, juvenile detention centres, immigration detention centres and secure mental health facilities).

OPCAT is designed to protect the basic rights of

people held in detention facilities. This mechanism provides a practical means of ensuring that protection.

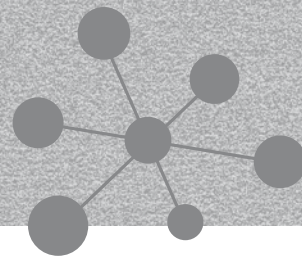
PIAC contributed to the Joint Standing Committee on Treaties analysis of OPCAT costs and benefits. Citing PIAC's submission, the Committee recommended that OPCAT be ratified.

PIAC is also providing advice on how OPCAT should be implemented.

In February 2012, Attorney-General Nicola Roxon said ratifying OPCAT would 'send a strong message both within Australia and internationally that Australia takes its human rights obligations seriously.'

CONSUMER RIGHTS

Exposing and redressing unjust practices and deficient laws, especially in health care and energy & water.



HEALTH CARE

PIAC appeared in two coronial Inquests into deaths in custody. These Inquests received substantial media attention and raised issues about the quality of health care available to NSW prisoners.

PIAC represented members of the family of the late Mark Stephen Holcroft at an Inquest held in Wagga Wagga and Sydney in July 2011.

The Inquest into Mr Holcroft's death heard that he died of a heart attack while travelling in a prison van. Evidence presented at the Inquest indicated Mr Holcroft's death took between 30 minutes and an hour.

The Inquest also heard that inmates who were in the van with Mr Holcroft yelled and waved at the van's security cameras and banged on the sides of the van in order to alert the driver and guard to Mr Holcroft's condition. One of the guards told the inquest he heard the noise but assumed the commotion was because the inmates were getting bored. There was no working intercom in the prison van and guards did not discover Mr Holcroft's body until the van arrived at its destination some hours later.

Mr Holcroft was a minimum-security prisoner serving a seven-month sentence for drink driving.

On 12 August 2011, Deputy State Coroner McMahon delivered his findings, and made eight recommendations to the Commissioner of Corrective Services.

PIAC wrote to the NSW Minister for Justice requesting that he take the lead in implementing the Coroner's recommendations.

Corrective Services NSW responded to the Coroner's recommendations. It issued a 'Commissioner's instruction' to ensure inmates were given water, food, toilet and exercise stops during designated journeys. Corrective Services NSW also announced that inmates, who are transported for two hours or more, would be fed at the beginning of a journey, and if a trip is more than three hours, inmates would be given food again, and at each subsequent three-hour interval. Corrective Services NSW

said 39 transport vehicles had been fitted with two-way intercom systems.

PIAC also represented members of the family of the late Tut Nyal, a Sudanese refugee who died in custody in 2009. The NSW Deputy State Coroner found that Mr Nyal died as a result of actions Mr Nyal took to end his own life. Although the Coroner made no formal recommendations, the Inquest provided Mr Nyal's family with information about the manner and cause of his death and it allowed PIAC to raise issues about mental health assessments and care in NSW prisons.

The Western Australian Law Reform Commission issued a report, *Review of Coronial Practice in Western Australia*, in January 2012. PIAC made a submission to the Review, highlighting several issues in need of policy and law reform for all Australian coronial jurisdictions. The report included several issues and recommendations PIAC made in its submission.

Mental health

The treatment and detention of people with mental impairment remained an area of concern during the reporting period. As part of a continuing assessment, PIAC applied to Justice Health for the medical records of a man with a history of mental illness who attempted suicide in prison and who suffered permanent brain injury as a result.

PIAC also reviewed a client's allegations of being taken by force to a NSW country hospital and treated and sedated under the *Mental Health Act 2007*. PIAC sought advice on the prospects for success of civil claims for assault and battery and false imprisonment. The matter was unresolved during the reporting period.

In a submission to the NSW Joint Parliamentary Commission on the Health Care Complaints Commission, PIAC argued for more accessible local complaints services and an independent advocacy service.

In November, PIAC made a submission to the Legislative Council Standing Committee on Law and Justice, responding to the proposed consolidation of health professionals' disciplinary tribunals and the proposed amalgamation of the Mental Health Review Tribunal and the Guardianship Tribunal. PIAC saw positives in the proposed consolidation of disciplinary tribunals but did not support the proposed amalgamation of the Mental Health Review Tribunal and the Guardianship Tribunal. The matter was not resolved during the reporting period.

PIAC Solicitor Peter Dodd (left) with Christopher Holcroft after the NSW Deputy Coroner delivered his findings in the Mark Stephen Holcroft Inquest.



ENERGY & WATER

Through the Energy + Water Consumers' Advocacy Program (EWCAP), PIAC advocates for the interests of low-income residential users of electricity, gas and water utilities.

In addition to providing advice and input to various water and energy policy and regulatory processes, EWCAP's work this year has focused on three key objectives that aim for equity in access to energy and water.

PIAC is advocating for a strong safety net to minimise the risk of consumers being disconnected from essential services and for markets that work for a diverse range of consumers. PIAC is also working to facilitate an environment where consumers have a more influential voice on energy and water issues.

During the year, PIAC continued to engage with the Independent Pricing and Regulatory Tribunal (IPART) and the NSW Government to recommend adjustments to energy rebates and emergency assistance so they provide a level of assistance that more closely aligns with rising energy prices. As an example, PIAC demonstrated that some payments made under the Life Support Rebate have not increased since 2002 while electricity prices during that time have more than doubled. PIAC continues to explore opportunities for improvement in this area.

In a bid to remove barriers to access to energy rebates and emergency assistance, PIAC continues to lobby the NSW Government to expand the Energy Accounts Payment Assistance (EAPA) Scheme so that residents of retirement villages and residential parks can access this valuable emergency assistance. PIAC has also used submissions and other public processes to advocate for the expansion of eligibility criteria for NSW energy rebates so that people



Photo: Flickr/joyrex

who buy their energy from a non-retail supplier, such as a retirement village, are no longer prevented from obtaining this assistance where they are otherwise eligible.

Although no changes have yet been made to EAPA or energy rebate eligibility, the Minister for Energy did respond to PIAC's calls by convening an EAPA Advisory Group to investigate these and other related issues.

As a member of the group, PIAC contributed to the Group's report that is currently with the Minister for consideration.

In light of continually rising energy prices and the resultant media attention, PIAC used its profile to call for a review of customer assistance measures. PIAC is concerned that rural and regional consumers pay average annual bills that are approximately \$600 higher than their metropolitan counterparts. While prices vary across NSW the assistance offered is uniform – offering less value to those in rural and regional areas. PIAC has also noted the importance of understanding whether the assistance being provided is effectively targeted, especially given the rapid and sizeable price increases in the recent past.

PIAC's work in the community has revealed there is a fairly low level of knowledge of consumer protections and assistance related to energy and water. In response, PIAC developed Helping Clients Stay Connected, a training module that was delivered to community workers in Marrickville and Parramatta this year. The course is aimed at building the capacity of the community sector to advocate for their clients on energy and water matters by covering consumer rights, energy and water rebates/assistance, protection from disconnection and consumer rights under the Australian Consumer Law.

\$1 PRICE RISE FOR SOME SYDNEY WATER CUSTOMERS

'If only all price rises for essential services were like this!' That was the response from EWCAP's Carolyn Hodge to the Independent Pricing and Regulatory Tribunal (IPART) Draft Determination for water prices in Sydney. Sydney Water had previously applied for a price rise of approximately \$166 over the period 2012 to 2016.

However, the draft IPART determination recommended water prices for Sydney households should decrease, or rise at rates lower than other household items.

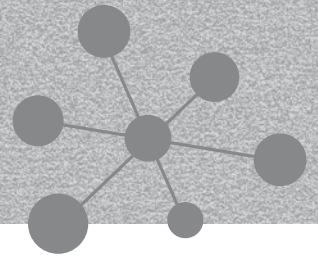
IPART also suggested that pensioners were likely to face an increased water cost of approximately \$1 for the period 2012 to 2016.

'This is welcome news,' said Ms Hodge, who is the senior policy officer for the Energy + Water Consumers' Advocacy Program.

'Consumers are increasingly looking for assistance to remain connected to essential services, so any news that essential service prices will remain reasonably steady is a relief,' Ms Hodge said.

PUBLICATIONS

PIAC published papers, journals, newsletters and submissions to government and regulatory bodies.



PIAC papers, journals, newsletters and submissions to government and regulatory bodies are available on the PIAC website.
Visit www.piac.asn.au/publications.

SOCIAL JUSTICE

The Holcroft inquest: prisoners deserve more human prison transportation

Indigenous Law Bulletin, March/April 2012.

NSW Law Reform Commission - Sentencing Question Papers 1-4.

A submission to the NSW Law Reform Commission's review of the *Crimes (Sentencing Procedure) Act 1999* (NSW), June 2012.

Review of the NSW Victims Compensation Scheme

A submission to the independent assessment of the NSW Victims Compensation Scheme, April 2012.

OPCAT - preventative, proactive and non-punitive

A submission to the Joint Standing Committee on Treaties National Interest Analysis, March 2012.

Restoring identity: stolen generations reparations in South Australia

A submission to the South Australian Parliament in response to the Stolen Generations Reparations Tribunal Bill 2010, December 2011.

Western Australia: an opportunity to take the lead on coronial law reform

A submission to the Western Australian Law Reform Commission's Review of Coronial Practice in Western Australia, August 2011.

Review of the Law of Bail in NSW

A submission to the New South Wales Law Reform Commission, July 2011.

Comments on the suspended sentences consultation paper

A submission to the NSW Sentencing Council, July 2011.

EQUALITY

The criminalisation of conduct: Indigenous youth in the criminal justice system

Indigenous Law Bulletin, January/February 2012.

What's sex got to do with it?

A submission to the Standing Committee on Legal & Constitutional Affairs Legislation Committee in response to its inquiry into the Marriage Equality Amendment Bill 2010, April 2012.

What's sex got to do with it?

A submission to the Standing Committee on Social Policy and Legal Affairs in response to its inquiry into the Marriage Equality Amendment Bill 2012 and the Marriage Amendment Bill 2012, March 2012.

Embracing equality

A submission to NSW Attorney General on the Consolidation of Commonwealth Anti-Discrimination Laws, March 2012.

Improving access to equality

A submission to the Attorney-General's Department on the Consolidation of Commonwealth Anti-Discrimination Laws, February 2012.

Towards a unified Equality Act: why this matters for business

Handout at joint seminar by the Public Interest Advocacy Centre and King & Wood Mallesons on the consolidation of anti-discrimination laws, December 2011.

Vote YES to end racial discrimination

A submission to the Panel on Constitutional Recognition of

Aboriginal and Torres Strait Islander Australians, September 2011

GOVERNMENT & DEMOCRACY

The Australian legal system

Revised edition, for the Legal Information Access Centre.
December 2011.

Where are the gaps?

A submission to the Federal Attorney-General's Department consultation on a new scheme for assistance with disbursements, May 2012.

Outsourcing Government

Community Service Delivery

A submission in response to the NSW Legislative Assembly Committee on Community Services inquiry into the devolution and outsourcing of Government service delivery, April 2012.

National Human Rights Action Plan Exposure Draft

A submission to the Australian Government in response to the Exposure Draft of the National Human Rights Action Plan, March 2012.

Review of NSW Government Procurement

A submission to the NSW Department of Finance and Services, February 2012.

NSW Tribunals: getting the balance right

A submission to the Legislative Council Standing Committee on Law and Justice Inquiry into opportunities to consolidate tribunals in NSW, November 2011.

Freeing up government information

A submission to the Office of the Australian Information Commissioner's review of charges under the Freedom of Information Act 1982, November 2011.

It's time

A submission in response to the Department of Prime Minister and Cabinet's Issue Paper, A Commonwealth statutory cause of action for serious invasion of privacy, November 2011.

Investing in the community

A submission to the NSW Government in response to the review of legal assistance services to the NSW community, October 2011.

National Human Rights Baseline Study

A submission to the Australian Government in response to the National Human Rights Baseline Study, August 2011.

ACT Government consultation on the inclusion of Economic, Social and Cultural Rights in the Human Rights Act 2004

A submission to the ACT Government consultation on including economic, social and cultural rights in the *Human Rights Act 2004*, August 2011.

A public interest approach to costs

A submission to the NSW Law Reform Commission inquiry into security for costs and associated orders, August 2011.

Statutory judicial review: keep it, expand it

A submission to the Administrative Review Council in response to its Consultation Paper, *Judicial Review in Australia*, July 2011.

CONSUMER RIGHTS

Meeting the continuing challenge of affordability

A submission to the Independent Pricing and Regulatory Tribunal's Draft Report, *Changes in regulated electricity retail prices from 1 July 2012*, May 2012.

A fair comparison

A submission to the Productivity Commission Inquiry, Electricity Network Regulation, April 2012.

National Electricity Amendment (Economic Regulation of Network Service Providers) Rule 2012

A submission to the Australian Energy Market Commission, April 2012.

Complementary modernisation: options to address the issue of affordability in the Energy White Paper

A submission to the Australian Government, March 2012.

Power to the people: energy supply and improving the governance of residential parks in NSW

A submission to Fair Trading NSW, February 2012.

Improving healthcare rights through better complaints systems and advocacy

A submission to the Joint Parliamentary Committee on the Health Care Complaints Commission, February 2012.

Comments on the Ten-Year Roadmap for National Mental Health Reform

A submission to the NSW Government in response to the Australian Government's Roadmap for Mental Health Reform, January 2012.

Solar feed-in tariffs: setting a fair and reasonable value for electricity generated by small scale photovoltaic (PV) units in NSW

A submission to the Independent Pricing and Regulatory Tribunal, January 2012.

Rule change proposal: economic regulation of Network Service Providers

A submission to the Australian Energy Market Commission, December 2011.

Review of Distribution Reliability Outcomes and Standards, NSW Workstream

A submission to the Australian Energy Market Commission.

Low Income Energy Efficiency Program: design options

A response to the Department of Climate Change and Energy Efficiency, October 2011.

Access to water

A submission to the Independent Pricing and Regulatory Tribunal, October 2011.

Solar feed-in tariffs

A submission to the Independent Pricing and Regulatory Tribunal, September 2011.

Regulating prices for consumers, with consumers

A submission to the Independent Pricing and Regulatory Tribunal, August 2011.

Maximising consumer benefits

A submission to the Australian Energy Market Commission Demand Side Participation Review, August 2011.

Review of the price structures for metropolitan water utilities

A submission to the Independent Pricing and Regulatory Tribunal, August 2011.

PIAC JOURNALS & NEWSLETTERS

PIAC Bulletin, Edition 34. Autumn 2012.

Street Rights, Edition 22. February 2012.

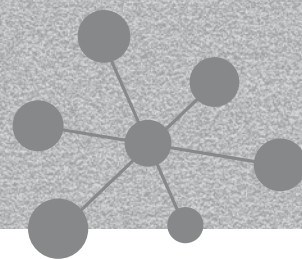
Street Rights, Edition 21. November 2011.

PIAC Bulletin, Edition 33, Spring 2012.

Street Rights, Special Edition. July 2011.

THANK YOU

PIAC thanks the following for their assistance and support:



Homeless Persons' Legal Service partner organisations

Public Interest Law Clearing House

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 that are partners with HPLS

Allens

Baker & McKenzie

Corrs Chambers Westgarth

Gilbert + Tobin

Henry Davis York

HWL Ebsworth

Legal Aid NSW

Minter Ellison

Norton Rose

Thomsons Lawyers

Barristers who provided advice and representation

Nick Beaumont

Dr Chris Birch SC

Kellie Edwards

Tanya Evers

Ben Fogarty

Rachel Francois

Geoffrey Gemmel

Louise Goodchild

Reg Graycar

Margaret Holz

Michael Lee

Ragni Mathur

Miranda Nagy

Darryl Rangiah SC

Brenda Tronson

Houda Younan

People who have contributed to PIAC and HPLS training

Grant Arbuthnot, Tenant's Union of NSW

Josh Barr, Housing NSW

Melissa Brunning and Ruth Nocka, Corrs Chambers Westgarth

Esther Cho, Guardianship Tribunal

Joana D'Orey Novo, Senior Policy and Education Officer, Australian Human Rights Commission

Alice Finn and Sarah Barton, Legal Aid NSW

Mary Gibson, Office of the Protective Commissioner

Prue Gregory and Erin Lynch, Macarthur Legal Centre

Stephen Kilkeary, Amy McGowan, Rhonda Hawkesford and Anne Parkes, Centrelink

Alex Kelly and Alice Linn, Consumer Credit Legal Centre

Ruth Pollard, Public Trustee

Gary Smith, Public Guardian

Shirley Southgate, Office of the Information Commissioner

Law for Non-Lawyers

Grant Arbuthnot, Tenants' Union of NSW

Jnana Gumbert, Stacks Goudkamp

Carolyn Jones, Women's Legal Services NSW

Ben Fogarty, Barrister, Denman Chambers

Tanya Mitchell, University of Sydney

Amie Meers, Welfare Rights Centre

Jill Quin and Philippa Scarf, Legal Information Access Centre

Steve Frost, Horizons Community Legal Centre

Emma Carmody, EDO NSW

Anna Nightingale and Lyn Larkins, Legal Aid NSW

Kevin Simpson, StreetCare

Dave Jeffery, StreetCare

Tony Tuhoro, StreetCare

Media Skills

Don Palmer

Lynette Simons

Practising in the Public Interest

Rory Alcock and Kelly Williams, Cancer Council NSW

Rachel Callinan and Merrin Thompson, NSW Legislative Council

Katrina Ironside and Eleanor Barker, PILCH

Jennifer Robinson, Bertha Philanthropies Services

Social Justice Clinical Summer Course

Jennifer Robinson, Bertha Philanthropies Services

Merrin Thompson and Rachel Simpson, NSW Legislative Council

Jamie Alford, Shopfront Youth Legal Centre

Ben Fogarty, Barrister, Denman Chambers

Indigenous Justice Program

Stolen Wages Referral Scheme

Allens

Corrs Chambers Westgarth

Freehills

Gilbert + Tobin

Henry Davis York

HWL Ebsworth

Minter Ellison

Norton Rose

EWCAP Reference Group Members

PIAC takes this opportunity to thank the following members of the EWCAP Reference Group for providing valuable feedback on policy directions over the year:

Antoine Mangion Combined Pensioners & Superannuants Association of NSW

Sean Ferns, Park and Village Service

Helen Scott, Ethnic Communities Council NSW

Patricia Le Lievre, rural and regional consumer representative

Dev Mukherjee, Council of Social Service of NSW (NCOSS)

Ruth Robinson, Physical Disability Council NSW

Gary Martin, Affiliated Residential Park Residents' Association (ARPR)

Judith Daley, Retirement Village Residents Association (RVRA)

PIAC also thanks staff and members of the Physical Disability Council NSW for their assistance in undertaking research into the electricity use of people with physical disability.

Other assistance and support

PIAC is very grateful to the wide range of individuals and organisations who have provided donations this year. We give particular thanks to the following organisations for providing major support:

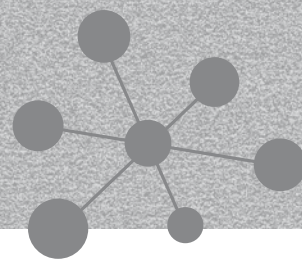
Allens for its generous funding support for the Indigenous Justice Program.

Baker & McKenzie for its pro bono secondment of Rebecca Silberberg IMF (Australia) Ltd

King & Wood Mallesons for its pro bono secondment partnership with PIAC – this year's secondees were Jessica Roth and Jessica Mah

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

Other organisations that have given significant donations this year include: Lander & Rogers and William Roberts Lawyers.



Brenda Bailey	Policy Officer
Laura Brown	Solicitor (to 30 May 2012)
Anastasia Coroneo	Senior Solicitor, HPLS (commenced 31 October 2011)
Kylie Coventry	Training Officer (commenced 5 December 2011)
Oliver Derum	Policy Officer - Energy & Water (commenced 12 December 2011)
Peter Dodd	Solicitor - Health Policy and Advocacy
Ben Fogarty	Senior Solicitor, HPLS (to 29 September 2011)
Alexis Goodstone	Principal Solicitor
Marion Grammer	Bookkeeper
Carolyn Grenville	Training Co-ordinator (to 17 February 2012)
Erin Halligan	Policy Officer - Energy & Water (to 25 November 2011)
Chris Hartley	Senior Policy Officer (18 July 2011 to 29 June 2012)
Carolyn Hodge	Policy Officer, EWCAP
Jane King	Manager, Finance & Administration
Karen Kwok	Administrator (to 17 February 2012)
Keren Lavelle	Media and Communications Officer (22 September to 23 December 2011)
Lena Lowe	Administrator - Training & Publications (commenced 23 April 2012)
Sarah Ludowici	Senior Training Officer (commenced 23 April 2012)
Anne Mainsbridge	Senior Solicitor (commenced 12 June 2012)
Vavaa Mawuli	Solicitor Indigenous Justice Program (to 8 June 2012)
Vivian Mercadal	Research and Policy Officer EWCAP (commenced 13 March 2012)
Sarah Mitchell	HPLS Administrator
Deirdre Moor	Manager, Policy & Programs
Gemma Namey	Solicitor (to 3 April 2012)
Dominic O'Grady	Senior Media and Communications Adviser
Scott Parker	Administrator
Melissa Pinzuti	Legal Secretary
Jeremy Rea	HPLS Solicitor Advocate
Edward Santow	CEO
Louis Schetzer	HPLS Policy Officer
Elizabeth Simpson	Senior Solicitor (parental leave from 18 June)
Sally Spence	Receptionist
Claire Stimpson	HPLS Administrator (to 15 July 2011)
Katarina Tomolova	Training Officer (to 20 December 2011)
Nancy Walker	Solicitor, Mental Health Legal Services Project (to 29 July 2011)
Elwyn Ward	Finance Officer

SECONDEES

Jessica Roth	Mallesons Stephen Jaques (15 August 2011 to 10 February 2012)
Jessica Mah	King & Wood Mallesons (3 February 2012 to 27 June 2012)
Rebecca Silberberg	Baker & McKenzie (from 28 May 2012)

COLLEGE OF LAW PLACEMENTS

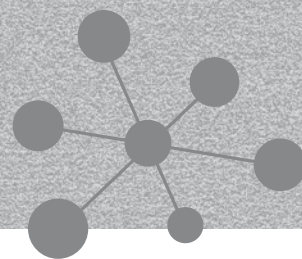
Liz Green	to 28 July 2011
Terri Anderson	to 29 August 2011
Felix Hang	to 29 August 2011
Carly Constatinides	17 August to 16 December 2011
Najiyah Khan	18 August 2011 to 21 March 2012
Jia-wei Zhu	18 August 2011 to 9 September 2011
Tom Warne	31 October to 2 December 2011
Siddarth Mylavarapu	1 November 2011 to 2 March 2012
Kate Gauld	8 November 2011 to 25 January 2012
Avleen Masawan	1 December 2011 to 22 March 2012
Kirri Piper	12 March to 24 May 2012
Denielle Brassil	13 March to 22 June 2012
Bethany Hender	2 April to 4 May 2012
Stephen Hampson	from 26 June 2012

PIAC DIRECTORS

Dr Peter Cashman	Chair Professor, Faculty of Law, University of Sydney
Ralph Pliner	Deputy Chair Consultant, Baker & McKenzie
Britta Bruce	Management Consultant
Rebecca Gilsenan	Principal, Maurice Blackburn
Coralie Kenny	Principal Legal Counsel, Suncorp Life
Alan Kirkland	Chief Executive Officer, Choice
Anmarie Lumsden	Executive Director (Strategic Policy, Planning and Management), Legal Aid NSW
Alison Peters	Director, Council of Social Services of NSW
The Hon Kevin Rozzoli AM	Nominee of the Law and Justice Foundation of NSW
Dr Merrilyn Walton	Associate Professor, Faculty of Medicine, University of Sydney
David Weisbrot AM	Professor of Legal Policy at the United States Studies Centre

FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd
ABN 77 002 773 524



DISCUSSION AND ANALYSIS OF THE SUMMARY FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

Information on Public Interest Advocacy Centre Limited Summary Financial Report

The summary financial report is an extract from the full financial report for the year ended 30 June 2012. The financial statements and disclosures in the summary financial report have been derived from the 2012 financial report of Public Interest Advocacy Centre Limited. The summary 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 summary financial report. The discussions and analysis is based on Public Interest Advocacy Centre Limited's financial statements and the information contained in the summary financial report has been derived from the full 2012 Financial Report of Public Interest Advocacy Centre Limited.

Statement of Comprehensive Income

The company's total revenue decreased by \$398,588 or approximately 14.1% to be \$2,421,276 for the year. The decrease in revenue is mainly due to a decrease in grants and other contributions.

The company's total expenditure for the year decreased by \$406,638 or approximately 14.5%. The decrease in expenditure is attributable to decreased employment costs and project and casework costs.

For the year ended 30 June 2012, the company recorded an overall operating surplus of \$24,450 as compared to an operating surplus in the prior year of \$16,400.

Statement of Financial Position

As a result of the small operating surplus, the overall net asset position of the company has increased by 3.8% to \$676,126. The company continues to hold high levels of cash reserves and maintains appropriate levels of working capital as at year end. Trade debtors decreased by \$23,848 and unexpended grants and other income in advance increased by \$4,629 as compared to last year. Provisions decreased by \$112,792 mainly because no provision for lease incentive or make good is now required. There are no other notable movements or issues relating to the company's financial position.

Statement of Cash Flows

The company has generated a cash outflow from operating activities being \$31,348 compared to a cash inflow of \$64,281 from the prior year. Minor purchases of additional plant and equipment were also noted during the year.

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF PUBLIC INTEREST ADVOCACY CENTRE

The accompanying summary financial report which comprises the statement of financial position as at 30 June 2012, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended and related notes and directors declaration, are derived from the audited financial report of the Public Interest Advocacy Centre Limited for the year ended 30 June 2012. We expressed an unmodified audit opinion on that financial report in our report dated 2 October 2012. The summary financial report does not contain all the disclosures required by the Australian Accounting Standards Reduced Disclosure Requirements, Interpretations and other authoritative pronouncements of the Australian Accounting Standards Board and the Corporations Act 2001. Reading the summary financial report, therefore is not a substitute for reading the audited financial report of the Public Interest Advocacy Centre Limited.

Directors' Responsibility for the Summary Financial Report

The directors are responsible for the preparation and presentation of the summary financial report in accordance with the basis of preparation as described in note 1 to the summary financial statements. 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 summary financial report based on our procedures, which were conducted in accordance with Auditing Standard ASA 810 Engagements to Report on Summary Financial Statements.

Auditor's Opinion

In our opinion, the summary financial report derived from the audited financial report of the Public Interest Advocacy Centre Limited for the year ended 30 June 2012 is consistent, in all material respects, with (or a fair summary of) that audited financial report, in accordance with the basis of preparation as described in note 1 to the summary financial statements.

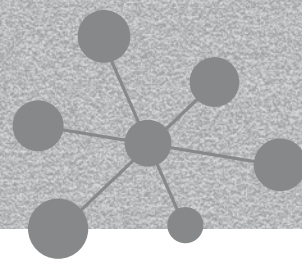


Mark Godlewski
Partner
PITCHER PARTNERS
Sydney, NSW

2 October 2012

FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd
ABN 77 002 773 524



STATEMENT OF COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2012

	Note	2012 \$	2011 \$
REVENUE	2	2,421,276	2,819,864
LESS: EXPENSES			
Depreciation and amortisation expense		(57,338)	(54,565)
Employee benefits expense		(1,730,110)	(2,050,801)
Rent		(265,445)	(252,588)
Project and casework expenses		(171,357)	(298,404)
Other operating expenses		(172,576)	(147,106)
		(2,396,826)	(2,803,464)
SURPLUS		24,450	16,400
Other comprehensive income		-	-
TOTAL COMPREHENSIVE INCOME		24,450	16,400

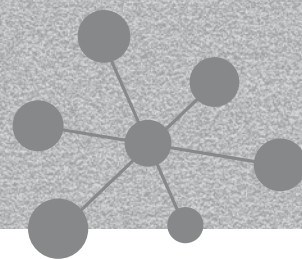
FINANCIAL STATEMENTS

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2012

	2012	2011
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	1,031,798	1,068,427
Receivables	27,770	51,791
Other assets	7,269	35,790
TOTAL CURRENT ASSETS	1,066,837	1,156,008
NON CURRENT ASSETS		
Other financial assets	57,090	84,394
Property, plant and equipment	71,114	95,866
TOTAL NON CURRENT ASSETS	128,204	180,260
TOTAL ASSETS	1,195,041	1,336,268
CURRENT LIABILITIES		
Payables	454,523	507,408
Provisions	44,009	142,813
TOTAL CURRENT LIABILITIES	498,532	650,221
NON CURRENT LIABILITIES		
Provisions	20,383	34,371
TOTAL NON CURRENT LIABILITIES	20,383	34,371
TOTAL LIABILITIES	518,915	684,592
NET ASSETS	676,126	651,676
EQUITY		
Reserves	159,371	195,732
Retained surplus	516,755	455,944
TOTAL EQUITY	676,126	651,676

FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd
ABN 77 002 773 524



STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2012

	Reserves	Retained surplus	Total equity
	\$	\$	\$
Balance as at 1 July 2010	238,967	396,309	635,276
Surplus for the year	-	16,400	16,400
TOTAL COMPREHENSIVE INCOME FOR THE YEAR	-	16,400	16,400
Transfers	(43,235)	43,235	-
BALANCE AS AT 30 JUNE 2011	195,732	455,944	651,676
BALANCE AS AT 1 JULY 2011	195,732	455,944	651,676
Surplus for the year		24,450	24,450
TOTAL COMPREHENSIVE INCOME FOR THE YEAR	-	24,450	24,450
Transfers	(36,361)	36,361	-
BALANCE AS AT 30 JUNE 2012	159,371	516,755	676,126

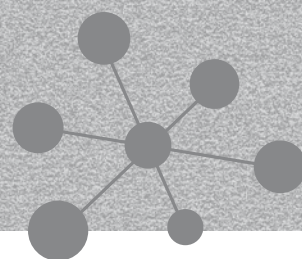
FINANCIAL STATEMENTS

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011
	\$	\$
CASH FLOW FROM OPERATING ACTIVITIES		
Receipts from government, customers and donations	2,606,612	2,989,263
Payments to suppliers and employees	(2,710,770)	(3,001,502)
Interest received	72,810	76,520
NET CASH PROVIDED BY / (USED IN) OPERATING ACTIVITIES	(31,348)	64,281
CASH FLOW FROM INVESTING ACTIVITIES		
Proceeds from sale of property, plant and equipment	16,763	2,319
Payment for property, plant and equipment	(49,348)	(43,913)
NET CASH PROVIDED BY / (USED IN) INVESTING ACTIVITIES	(32,585)	(41,594)
CASH FLOW FROM FINANCING ACTIVITIES		
Proceeds from security deposit	27,304	-
NET CASH PROVIDED BY FINANCING ACTIVITIES	27,304	-
RECONCILIATION OF CASH		
Cash at beginning of the financial year	1,068,427	1,045,740
Net increase / (decrease) in cash held	(36,629)	22,687
CASH AT END OF FINANCIAL YEAR	1,031,798	1,068,427

FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd
ABN 77 002 773 524



NOTES TO FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011
	\$	\$

NOTE 1: BASIS OF PREPARATION OF THE SUMMARY FINANCIAL REPORT

The summary financial report is an extract of the full financial report for the year ended 30 June 2012.

The financial statements, specific disclosures and other information included in the summary financial report are derived from, and are consistent with, the full financial report of the Public Interest Advocacy Centre Limited. The summary financial report cannot be expected to provide as detailed an understanding of the financial performance, financial position and financing and investing activities of the 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: REVENUE

OPERATING ACTIVITIES

Grants and other contributions	1,991,345	2,486,956
Casework	171,221	92,594
Training workshops, seminars and conferences	106,934	142,566
Sale of publications	5,001	2,899
Interest income	65,437	72,637
Other	80,920	19,894
	<hr/>	<hr/>
	2,420,858	2,817,546

OTHER INCOME

Gain on sales of assets	418	2,318
	<hr/>	<hr/>
	2,421,276	2,819,864

NOTE 3: REVENUE FROM CHARITABLE AND FUNDRAISING ACTIVITIES

During the year, the company did not conduct any fundraising appeals or receive any significant donations which are subject to the specific reporting requirements of the Charitable Fundraising Act (1991).

NOTE 4: KEY MANAGEMENT PERSONNEL COMPENSATION

COMPENSATION RECEIVED BY KEY MANAGEMENT PERSONNEL OF THE COMPANY

- short term employee benefits	100,398	90,924
- long term employee benefits	-	10,045
- post-employment benefits	9,036	9,033
	<hr/>	<hr/>
	109,434	109,402

FINANCIAL STATEMENTS

NOTES TO FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

NOTE 4: KEY MANAGEMENT PERSONNEL COMPENSATION (CONTINUED)

The names of directors who have held office during the year are:

Name	Appointment / resignation details
Ms Britta Bruce	
Dr Peter Cashman	
Ms Rebecca Gilsenan	Appointed 17 May 2012
Ms Coralie Kenny	
Mr Alan Kirkland	
Ms Annmarie Lumsden	Appointed 17 May 2012
Ms Alison Peters	
Mr Ralph Pliner	
The Hon. Kevin Rozzoli AM	
Mr Ben Slade	Resigned 21 May 2012
Dr Merrilyn Walton	
Mr David Weisbrot	

MANAGEMENT – CHIEF EXECUTIVE OFFICER

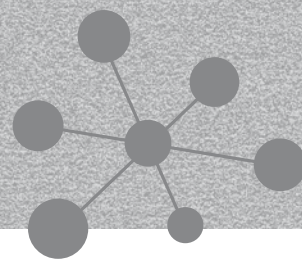
Mr Edward Santow

NOTE 5: RELATED PARTY TRANSACTIONS

Transactions between related parties are on normal commercial terms and conditions no more favourable than those available to other persons unless otherwise stated.

Legal Aid NSW

Mr Alan Kirkland, board member since 27 August 2008 has been the Chief Executive Officer of Legal Aid NSW, which administered funding to PIAC during the current financial year of \$1,456,000 (2011: \$1,552,291). Mr Kirkland resigned from this position at Legal Aid NSW 16 September 2011.



NOTES TO FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

	2012	2011
	\$	\$
NOTE 6: CAPITAL AND LEASING COMMITMENTS		
(a) Operating lease commitments		
Non cancellable operating leases contracted for but not capitalised in the financial statements:		
Payable		
- not later than one year	207,600	240,772
- later than one year and not later than five years	846,091	-
	1,053,691	240,772

The property lease commitment is a non cancellable operating lease contracted for but not capitalised in the financial statements with a five-year term.

NOTE 7: EVENTS SUBSEQUENT TO REPORTING DATE

There has been no matter or circumstance, which has arisen since 30 June 2012 that has significantly affected or may significantly affect:

- (a) the operations, in financial years subsequent to 30 June 2012, of the company, or
- (b) the results of those operations, or
- (c) the state of affairs, in financial years subsequent to 30 June 2012, of the company.

DIRECTORS' DECLARATION

The directors of the company declare that the summary financial statements and notes for the financial year ended 30 June 2012, as set out on pages 22 - 28:

- (a) is an extract from the full financial report for the year ended 30 June 2012 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.

David Weisbrot
Director

Dated this second day of October 2012

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