

PUBLIC INTEREST ADVOCACY CENTRE



# PIAC ANNUAL REPORT

2015-2016

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

empowering  
**citizens & consumers**  
communities

Generous support from individuals, foundations, law firms and others is vital for PIAC's ongoing success. Your contribution helps PIAC address emerging public interest issues and achieve practical outcomes that protect individual dignity and the basic rights of vulnerable people.

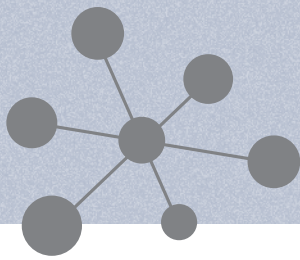
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Cover photo: Lena Lowe



**The Public Interest Advocacy Centre** (PIAC) is an independent, non-profit organisation, committed to social justice and addressing disadvantage. We provide legal assistance, policy advice and training to help people who have least access to economic, social and legal resources and opportunities.

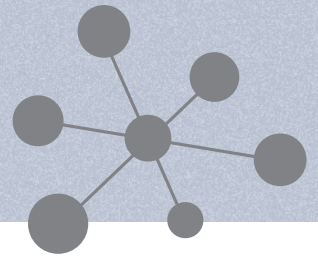
PIAC uses the law to achieve practical outcomes that protect the dignity and basic rights of vulnerable people. We promote equal access to justice by providing legal assistance free of charge through our in-house legal team and extensive network of pro-bono lawyers.

PIAC also draws on our specialised knowledge of particular client communities, gained through our legal assistance work, to recognise trends or patterns that indicate systemic problems or issues. We work with government, business, the community sector and other partners to achieve lasting change.

Since our establishment in 1982, PIAC has grown from a staff of four to a staff of 32 as well as secondees, professional placements, and interns who all make an essential contribution.

PIAC's office is on the land of the Gadigal people of the Eora nation. We pay our respects to Aboriginal and Torres Strait Islander elders past and present and stand with them in their fight for justice for their people.





**P** IAC exists to promote social justice in a practical and strategic way. We tackle difficult issues that have particular impact upon disadvantaged and marginalised people and bring to them a multi-faceted approach that achieves tangible and sustainable systemic change.

The 2015-16 year was exceptionally successful in the organisation living out its mission. Our work has had a particular focus on young people, Aboriginal people, people experiencing homelessness, prisoners and detainees, people with a disability and energy consumers. But it is the essence of our work that it has impact across demographic groups and benefits wide cross-sections of the community who are vulnerable and face disadvantage.

Another feature of PIAC's work, borne out by this report, is our ability to bring sustained effort to an issue. We recognise that some change comes incrementally and that difficult issues often demand long-term strategies.

To take just one example, for almost 20 years PIAC has worked with Aboriginal and Torres Strait Islander communities to address the ingrained injustice faced by the Stolen Generations. Our first options paper on reparations for the stolen generations was published in October 1997. In June this year, a NSW parliamentary committee recommended action, including counselling, reparations and a place for Aboriginal people to tell this tragic part of our history. The report secured unanimous political support - and PIAC's contribution to the inquiry was cited over 130 times.

Aboriginal and Torres Strait Islander people are still waiting for justice for the deep and inter-generational harm caused by policies of child removal. PIAC continues its work to ensure that the NSW Government turns this

latest report's fine words into practical action.

This year saw the departure of CEO Edward Santow after 6 years in the role, to take up the position of Australian

Human Rights Commissioner. On behalf of PIAC and its Board, I thank Ed for his exceptional contribution in leading the organisation. During this time PIAC has grown and responded to contemporary challenges, while maintaining the clear sense of purpose that has characterised it since its inception.

We are indeed fortunate that Ed has been replaced by Jonathon Hunyor, the former Principal Legal Officer of the North Australian Aboriginal Justice Agency. I look forward to working with him to build on PIAC's success. I also thank Deirdre Moor, our Manager of Policy and Programs, for filling the role of acting CEO prior to Jonathon's arrival.

I acknowledge the excellent work of my fellow directors who give their time, skills and expertise so generously. We are particularly pleased to welcome two new directors this year, Katherine McKernan and John Walker. Our thanks go to directors Julian Leeser and Katie Kiss for their contribution to PIAC.

Finally, I would especially like to thank all PIAC staff for their extraordinary commitment and hard work, as well as the broader PIAC community - including our partner organisations, funders, donors and volunteers - whose support makes it possible for us to deliver the results set out in this annual report.

RALPH PLINER  
CHAIR



This report details the diverse ways that PIAC works to realise its vision of a fair, just and democratic society. It is also a testament to the innovative, principled and tenacious way we go about our work, consistent with the values embodied in our strategic plan.

Early 2016 saw the finalisation of a class action PIAC ran jointly with Maurice Blackburn on behalf of young people unlawfully detained by the NSW Police because of problems with the police computer records system. PIAC was not only able to get justice for the individual young people involved in the case, but also to bring about systemic improvements and create an awareness of the problem to prevent future injustices. We continue to engage with police in relation to the arrest and detention of young people, as well as the use of force and strip-searches, to improve police policy and practice in this area.

Revelations in relation to the treatment of young Aboriginal people in detention in the Northern Territory have shone a new light on corrective services throughout Australia. This has long been an area of focus for PIAC, particularly in relation to the quality of health care provided to prisoners and detainees. We continue to pursue individual cases that highlight the system's failings as well as pushing for changes including the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). PIAC also continues to investigate the standards of health care provided to asylum seekers in detention.

Integrated casework and advocacy for homeless people remains one of PIAC's recognised strengths. For several years we have seen increasing numbers of people sleeping rough and relying on crisis accommodation in the city. The City of Sydney's annual snapshot of homelessness, Street Count, confirmed this disturbing trend. Our Homeless Persons' Legal Service continues to grow with generous support of our many pro bono

partners, and is always looking for ways to better meet demand. Our StreetCare advisory group gives homeless people a strong voice in policy development and will play a critical role in the coming year

in responding to the NSW Government's discussion paper on Homelessness.

Since 2015, PIAC's Energy + Water Consumers' Advocacy Program has been locked in a complex legal battle with electricity network businesses and the Australian Energy Regulator that will have a major impact on electricity pricing. At the time of writing, the revenue determination process is still unfinished, pending the outcome of a judicial review. The highly complex and technical nature of this process makes it critical that consumers, particularly disadvantaged consumers, have a strong and effective voice in the process. PIAC's ability to give consumers this voice in the NSW determination process (a first for a consumer organisation), has meant that PIAC is now being asked to play a role in the revenue determination process in other states.

PIAC's work for other disadvantaged and vulnerable groups is also ongoing in a range of areas, including disability discrimination - particularly in relation to insurance, accessible media and technology. We have also been successful in working to support transitional justice in Sri Lanka.

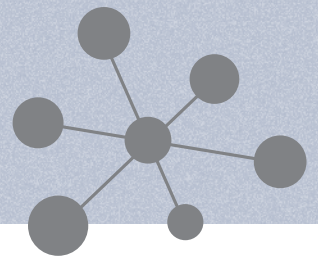
As the incoming CEO, I take this opportunity to recognise the exceptional contribution of outgoing CEO, Edward Santow. On behalf of all PIAC's staff, I congratulate Ed on his appointment as Australian Human Rights Commissioner and look forward to working with him and our many other supporters and partners to achieve social justice.

A handwritten signature in black ink, appearing to read 'Jonathon Hunyor'. The signature is fluid and cursive.

JONATHON HUNYOR  
CHIEF EXECUTIVE OFFICER

# CORE STRATEGIES

Public interest litigation, policy development and law reform, education and training



## LEGAL ASSISTANCE

PIAC employs three central strategies to promote human rights and social justice: legal assistance, policy and research and community engagement.

Strategic or public interest litigation has proved a powerful way for PIAC to protect the basic rights of disadvantaged people - at a broader, systemic level. However, we strive to use litigation only when other, less adversarial approaches are not viable, or are unlikely to be successful on their own.

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

PIAC has conducted 187 public interest matters during the past year. These matters covered issues including:

- Police accountability, particularly relating to bail monitoring, arrest as a last resort, unlawful stops and searches, unlawful strip searches and excessive use of force
- Consumer rights in the electricity pricing determination process
- A range of discrimination matters relating to mental illness and insurance
- Discrimination arising from the lack of accessible content on mainstream ABC television for people who are blind
- Unlawful detention under the Mental Health Act 2017 (NSW)

- Errors leading to sentenced inmates being detained too long

PIAC has also provided over 1400 legal advice services this year through the Homeless Persons' Legal Service (HPLS).

PIAC now has 16 HPLS clinics, which are managed with the pro bono assistance of over 460 commercial lawyers at welfare agencies across Sydney and in Newcastle.

At these clinics, lawyers assist clients with a range of legal problems including tenancy, credit and debt issues, social security, victims compensation, family law and fines.

PIAC employs an HPLS Solicitor Advocate. He provides specialist legal representation for people experiencing homelessness who are charged with minor criminal offences.

The Solicitor Advocate assists with overcoming some of the barriers homeless people face accessing legal services. These barriers include a lack of knowledge of how to navigate the legal system; the need for longer appointment times to obtain instructions; and the need for greater capacity to address multiple and complex inter-related legal and non-legal problems.

Since 2008 the Solicitor Advocate has provided almost 1000 advice and assistance services (including criminal case work).

PIAC worked with the Kowanyama Land and Sea Management office in Cape York to help build capacity for advocacy with community rangers.



## POLICY AND RESEARCH

Improving access to justice is not just about ensuring that all sectors of society can equally obtain legal information, assistance, advice and representation. It also involves using the practical experience gained through our legal work to identify where justice is being denied systemically and to propose reform.

Much of PIAC's policy work responds to government and independent inquiries proposing reform, or parliamentary committees considering draft legislation, in both the State and Federal jurisdictions. Because of our specialised knowledge of particular client communities, PIAC is well positioned to identify trends or patterns in legal problems that indicate a systemic issue.

These problems can be substantive, such as the disproportionate negative impact of a particular area of law or practice on an identified client community, or procedural, such as particular difficulties the client community has in accessing or interacting with legal services or the legal process.

In 2014-15, PIAC's policy work spanned a broad range of its focus areas. For example, we made a submission and provided oral evidence to the NSW Legislative Council Standing Committee's inquiry into reparations

for the Stolen Generations; a submission to the NSW Ombudsman's review of consorting laws; and numerous submissions in relation to energy and water regulation. PIAC's recommendations were cited or adopted in a number of reports.

PIAC also built on its relationships with other community legal centres and organisations in the sector to identify areas of common ground, as well as meeting with relevant stakeholders including parliamentarians at both federal and state level.

PIAC made 43 submissions to government and independent inquiries, parliamentary committees, law reform and regulatory bodies. These included submissions relating to:

- electricity pricing, regulation and affordability;
- human rights law reform;
- civil litigation reform;
- disability inclusion;
- housing law reform;
- access to justice for Aboriginal and Torres Strait Islanders;
- transitional justice; and
- police accountability.

## COMMUNITY ENGAGEMENT

PIAC provides 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 505 participants throughout the year. Courses included:

- Advocacy strategies/Advocacy skills
- Tenancy law for non-lawyers
- Advanced media skills
- Electricity & water: helping clients stay connected
- Advanced negotiation skills
- Consumer participation
- Tenancy and advocacy

PIAC teaches law students through the Practising in the Public Interest (PIPI) program. PIPI is a partnership between PIAC, Justice Connect and participating legal practices and invites the participation of universities

interested in providing their students with an elective in this area.

The program introduces later-year law students to advocacy in the public interest and exposes them to organisations that are directly involved in public interest and pro bono initiatives.

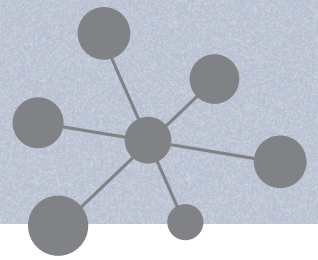
Universities that have recently participated in PIPI include Macquarie University, Western Sydney University and University of Wollongong. PIPI has now been accredited as part of the law degree in most of the participating universities.

PIAC also presented its fifth Social Justice Clinical Course, in partnership with Sydney Law School. Four days of teaching were followed by a 12-day placement with PIAC, which gave the students a hands-on experience of public interest legal practice.

This year, PIAC has actively worked in partnership with government and non-government organisations in NSW, Queensland and Tasmania to deliver training in the areas including health, refugees, Indigenous communities, homelessness, mental health and disability.

# SOCIAL JUSTICE

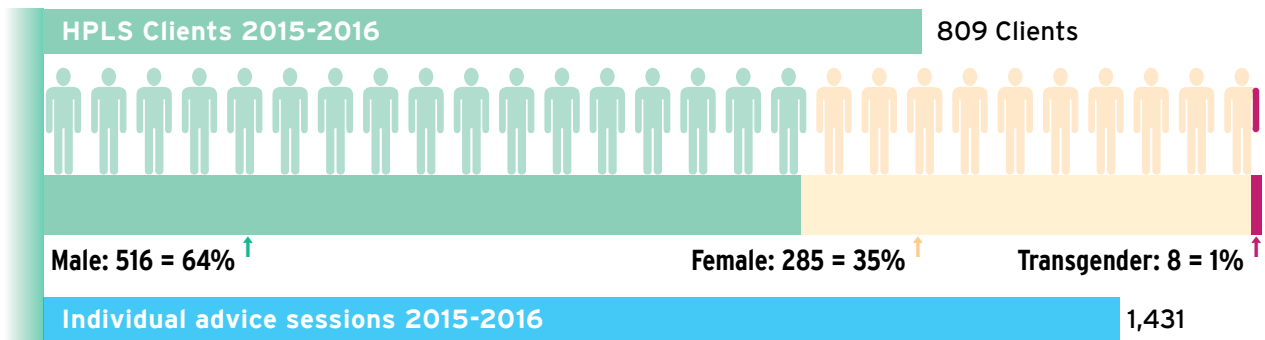
Addressing systemic injustice and unmet need among people who are homeless or are in detention



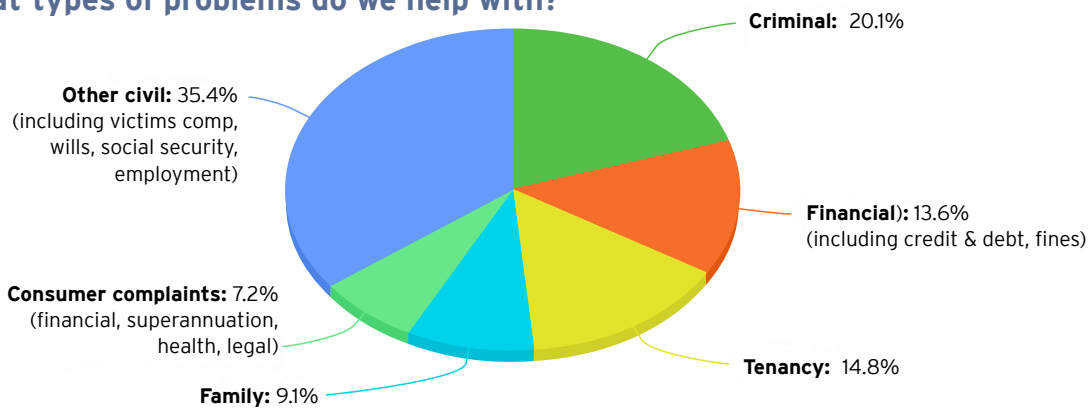
## HOMELESS PERSONS' LEGAL SERVICE



Homeless people in the City of Sydney (source: City of Sydney Street count)



What types of problems do we help with?





## STREETCARE

PIAC's homeless consumer advisory committee, StreetCare, is made up of ten people who have recent experience of homelessness. The members reflect the diversity of homelessness in NSW, and include men, women, Aboriginal people, young people, and representatives from inner Sydney, outer suburbs and rural and regional areas.

StreetCare enables HPLS to obtain direct input from homeless people into its policy advocacy. StreetCare also provides advice to government agencies on policies relating to homelessness and housing, as well as giving assistance on how best to consult with homeless people.

During 2015-16, StreetCare members met quarterly with senior officials of Housing NSW and conducted training with Centrelink staff to discuss the effectiveness and opportunities for improvement of service operations and outreach services for homeless people.

StreetCare Members also represented homeless people on the NSW Premier's Advisory Council on Homelessness, and the NSW Department of Family and Community Services expert panel evaluating the reforms of specialist homelessness services (Going Home Staying Home).

In 2015-16 the following people were committed StreetCare members: Mary Sullivan, Ken Hamilton, Daryl Smith, Adrian 'AJ' Janssen, Dave Jeffery, Penny Graham, Carol Carter, Peter Chester, Melissa Wolfshoerndl, Bianca Miller, Damien Sakey, Renae Spice.

## WOMEN AND HOMELESSNESS

During 2015-16 HPLS and StreetCare continued to undertake consumer consultations to identify the legal needs of women who have experienced homelessness.

A statistical analysis of the HPLS casework data revealed that women are three times more likely than men to present with credit/debt, tenancy or family law problems. In addition, women are more than twice as likely as men to present with multiple legal problems.

So far, 15 women have agreed to participate in the consultation interviews, which seek to explore the tendency for family, tenancy and credit/debt problems to cluster for homeless women.

## HOMELESSNESS AWARENESS TRAINING

StreetCare and HPLS have been working with the Health, Education and Training Institute of NSW Health to develop e-learning training materials to assist health workers to identify and intervene early to help people at risk of homelessness. This project recognises that health workers can play a vital role in the reduction and prevention of homelessness, and also addresses common barriers homeless people experience when they try to access health services. The involvement of StreetCare members has ensured that consumer experiences are sensitively and realistically portrayed in the materials.

In 2015-16 StreetCare was involved in the development of training for staff in specialist homelessness services. The training explored the importance of consumer participation in service delivery. It assisted agencies to develop their own consumer participation strategy. StreetCare members participated in the delivery of five training sessions in Sydney, Newcastle and Wollongong. They spoke of their own experiences and involvement in consumer committees. Due to the popularity of this training, further training sessions will be conducted in the second half of 2016.

## NO FIXED ADDRESS - ART FROM THE STREETS

HPLS has compiled a striking collection of artworks by artists who have experienced homelessness, in a new publication, *No Fixed Address*.

The book is a record of the works exhibited at the 'No Fixed Address' exhibition, which marked the 10th birthday of HPLS. This vibrant event was opened by renowned actor, director and writer Leah Purcell on 18 November 2014. It featured over 40 artworks including paintings, prints, drawings and sculptures.

The works featured in the publication highlight the legal and human rights issues faced by people living on the streets. As well as tackling subjects like alienation, loss of country and hopelessness, they are a celebration of resilience and life in the inner city.

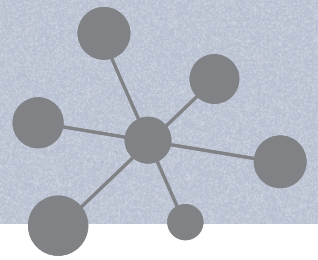
You can order a copy of *No Fixed Address* via PIAC's website [piac.asn.au](http://piac.asn.au). Proceeds from the sale of the book will support the work of the Homeless Persons' Legal Service.



Gwenda (Shame), Michael Lyons

# SOCIAL JUSTICE

Addressing systemic injustice and unmet need among people who are homeless or are in detention



## HPLS CONTINUES TO EXPAND

In 2015-16, HPLS continued to provide a broad range of legal services to people experiencing homelessness or at risk of becoming homeless.

A total of 460 lawyers provided assistance at 16 clinics across Sydney and in Newcastle. Since 2004, HPLS has helped 10,000 clients overall. Working in partnership with legal service providers that offer their time and expertise for free, HPLS provides advice or ongoing assistance in hundreds of cases per year at welfare agencies in Sydney and now in Newcastle. Solicitors assist clients with varied legal problems including tenancy, credit and debt issues, victims' compensation and fines.

Outside Sydney city, our regional practice continues to grow. In November 2015, we celebrated the formal launch of a new legal clinic in Newcastle East, which provides free legal advice to women experiencing, or at risk of, homelessness. The new clinic is a partnership between PIAC's HPLS, Jenny's Place, Burke & Mead and Hicksons Lawyers.

The new clinic at Jenny's Place is part of a project to expand the provision of pro bono legal assistance in New South Wales. Research by PIAC showed that there was a real need for family law assistance, particularly for women experiencing domestic violence, in the Newcastle area. To meet this need, the new service at Jenny's Place also offers family law advice. This is the first time we have advised on family law through HPLS.

In the past 12 months, other new clinics have continued to operate at Mt Druitt in western Sydney, in partnership with The Shed and Carroll & O'Dea, and at Matthew Talbot Centre in Wickham, Newcastle, in partnership with Moray & Agnew.

There were also some changes to our inner city clinics, with a new service opening at the Haymarket Centre in



From left: Lizzie McLaughlin (barrister, Hunter Street Chambers), James Bartley (Burke & Mead Lawyers), Belinda McDaid (St Vincent de Paul), Marcia Chapman (CEO, Jenny's Place), Sharon Claydon MP (Federal Member for Newcastle), John Kell (Hicksons Lawyers), Edward Santow (then PIAC CEO), Roslyn Cook (Senior Solicitor, PIAC), Mary Sullivan (StreetCare).

*Working in partnership with legal service providers that offer their time and expertise for free, HPLS provides advice or ongoing assistance in hundreds of cases per year at welfare agencies in Sydney and now in Newcastle.*

November 2015, staffed by lawyers from Minter Ellison. The Haymarket clinic has now become a steady practice. At the same time, we wrapped up operations at the Women and Girls Emergency Centre (WAGEC) in Redfern, following some structural changes to WAGEC. This year, we have also been attending the Woolloomooloo Integrated Services Hub (WISH) on a regular basis with the assistance of Moray & Agnew's Sydney office. We also worked with the Gender Centre in Annandale in the second half of 2015.

We are grateful for the contributions made by all of our volunteer lawyers, the agencies who host us, and the many firms and legal service providers that support our work through secondment arrangements and financial contributions. In the past 12 months, we have benefited from secondees from the Australian Government Solicitor (Zoey Irvin) and Minter Ellison (Rebekah Patterson and Libby Mulcahy). We also acknowledge the generous support of the Australian and NSW Government and NSW Public Purpose Fund.

### POLICING PROJECT

#### Suspect Target Management Plan

PIAC has continued to monitor the use of Suspect Target Management Plans (STMPs) by NSW police. The STMP is a policy aimed at reducing crime by targeting repeat offenders.

PIAC is concerned that individuals targeted under the policy may be subject to unwarranted harassment, surveillance and victimisation. The consequence is often a breakdown in the relationship between police and the young people concerned and a negative impact on the young person's wellbeing and confidence in the justice system.

In 2012 PIAC took up the case of a young man who was a long term STMP target. From March 2011 to September 2013, PIAC alleged that police searched him unlawfully on 61 occasions, and entered his property unlawfully on 91 occasions, causing significant distress and trauma. This case, which highlights the broad negative impact of these intensive policing practices, settled confidentially in early 2016.

#### Settlement approved in class action against NSW police

In February 2016 the Supreme Court approved a final settlement in the long-running class action conducted by PIAC and Maurice Blackburn on behalf of young people wrongfully arrested by the NSW Police. The settlement will see the young people affected share in a payment of more than \$1.85 million.

The class action commenced in 2011 after PIAC became aware that children and young people were being wrongfully detained, and in some cases imprisoned, as a result of inaccurate or out-of-date information on the NSW police computer system known as COPS (Computer Operational Policing System). This landmark case was brought in order to achieve justice for the victims and secure systemic change to prevent the further unlawful detention of young people.

One of our 14-year-old clients was arrested, handcuffed and strip-searched on three separate occasions over a two-week period. He was held in custody overnight each time.

PIAC has called on the NSW Government to fix any remaining problems with COPS so that no-one else is arrested based on incorrect information.

#### Improving police oversight

For many years, PIAC has called for an independent civilian oversight body to investigate critical incidents involving



Photo: Flickr/Kate Ausburn

police. In our experience, flaws in the current oversight mechanisms result in police not being adequately held to account when they have been involved in a critical incident - incidents leading to the death or serious injury of a member of the public.

As well as running contrary to principles of accountability, this has undermined community confidence in NSW policing. Late last year, the NSW Government announced support for a new watchdog, the Law Enforcement Conduct Commission (LECC), adopting recommendations from a review into police oversight by former NSW Shadow Attorney General Andrew Tink.

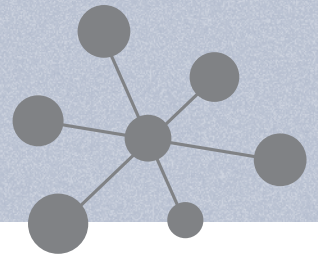
PIAC provided a detailed submission to the Tink Review based on our work advising and representing clients in relation to police complaints, civil actions and in coronial inquests. PIAC argued that any oversight body must be properly resourced, structurally independent and cognisant of the difficult circumstances in which police officers work.

Between January 2013 and August 2015, there were 62 critical incidents investigated by police. Two adverse findings were recorded against a police officer in one case, with the officer given counselling. No disciplinary action was recorded against police in any of the other cases. It is vital that the oversight powers of the new LECC be robust.

#### Inappropriate strip searches

Through our casework, PIAC has become aware of concerning incidences of strip searches being undertaken unlawfully by NSW police.

Our clients have reported being strip searched in circumstances where there was no power to strip search at all. In other cases, we have received reports of a range of highly invasive practices which breach the safeguards provided for in the relevant laws. This appears to



*Our clients have reported being strip searched in circumstances where there was no power to strip search at all. In other cases, we have received reports of a range of highly invasive practices which breach the safeguards provided for in the relevant laws. This appears to disproportionately impact Aboriginal women, both in urban and rural areas.*

disproportionately impact Aboriginal women, both in urban and rural areas.

One of PIAC's cases involves the unlawful execution of a search warrant by the police, which resulted in an Aboriginal woman being held in custody and strip searched in a highly invasive manner. The search was recorded with a video camera. The officer operating the video camera zoomed in on the woman's genitals at a number of points during the search. The woman, who is a victim of sexual and domestic abuse, was particularly distressed by the police officer's conduct. The search breached a number of statutory safeguards. The matter has settled.

## PRISONS

### Health care in prisons

PIAC's strategic litigation team has continued to focus on cases that highlight issues relating to the care provided to inmates in NSW prisons, particularly those with mental illness. These cases have raised serious concerns about overcrowding in prisons, the provision of appropriate healthcare and access to sharp implements.

In February 2016 PIAC represented the family of Michael Nolan at an inquest into his death in the Metropolitan Remand and Reception Centre in Sydney. Michael Nolan died as a result of self-inflicted razor blade wound to his wrist in January 2013. He had a long history of attempts at self-harm.

Given his medical history, a key issue considered by the inquest was whether his classification as 'low risk' of suicide was appropriate, and why he was given a razor. At the time he died, Mr Nolan was in a general reception wing in a room of his own, waiting to be transferred to a mental health step down cell. The cell was noisy with construction works underway next door, yet prison authorities still determined that this was the best available cell for this troubled person with complex mental health issues.

The Coroner ultimately determined that Mr Nolan's death was not the result of a failure of Justice Health or

Corrective Services policies or practices. However, PIAC is hopeful that the inquest into Mr Nolan's death will lead to further consideration by Corrective Services NSW of their policies in relation to razors, and the placement of inmates with mental health issues.

PIAC also represented a man who was seriously injured while in custody at the privately owned Parklea Correctional Centre. The inmate, who has schizophrenia, suffered serious brain and spinal injuries when he dived from a high wall into the ground during a psychotic episode. Despite Corrective Services and Justice Health knowing he required medication for his condition, he was denied his medication for 10 days, leading him to become increasingly paranoid and fearful. The case settled confidentially earlier this year. The case raised serious issues about the practices and procedures in relation to the treatment of inmates with mental illness.

In another matter that has highlighted the widespread problem of illicit drug use in prison, PIAC is representing the mother of a woman who died of an overdose at Emu Plains Correctional Centre. The case alleges serious failings on the part of Corrective Services to secure the prison from drug 'drops'.



Photo: Flickr/Brian Yap

### ENDING DISCRIMINATION: MENTAL ILLNESS AND INSURANCE

In the past twelve months, PIAC has continued to represent and provide advice to individuals who have experienced unlawful disability discrimination by insurance providers on the basis of a mental health condition.

In some cases, insurers have declined to offer insurance cover (such as income protection insurance, life insurance and travel insurance) following disclosure of a historical or current mental health condition or offered insurance policies that broadly exclude claims arising from any mental health symptom or condition, irrespective of the nature and severity of the applicant's mental health history.

PIAC has seen instances where the insurer has cancelled the policy following the applicant making a claim for benefits in relation to an illness or condition

that is unrelated to mental health or has imputed a historical mental health condition on the basis of symptoms identified from medical records, in the absence of a diagnosed mental health condition.

PIAC believes insurers should improve their assessment of the risks posed by applicants for insurance and that insurers should offer insurance that is commensurate with the real risk posed by the application for insurance and not on generalised or outdated understandings of mental health conditions.

PIAC, together with *beyondblue*, Mental Health Australia and Victoria Legal Aid, has called on insurers to improve their policies and practices in relation to mental health, and on governments to make a range of changes to discrimination laws to ensure people with a mental health history are treated fairly.

### AUDIO DESCRIPTION: IMPROVING ACCESS TO MEDIA

Australia lags behind many other countries in the provision of audio description on television.

Audio description is a second audio track that can be turned on and off. It describes the important visual elements of a television program - such as actions, scene changes, gestures and facial expressions - that a person who is blind or has low vision cannot see.

PIAC is representing Suzanne Hudson, who has 1% vision, in a disability discrimination case against the ABC. The case is expected to be heard in the Federal Circuit Court in December 2016.

The claim alleges that by failing to make its television broadcasting service accessible for people who are blind or have low vision, the ABC has engaged in unlawful discrimination, in breach of the Disability Discrimination Act 1992 (Cth).

The ABC commenced a 15 month audio description trial on iView in April 2015. While the iView trial was welcomed by the blind community, there remain significant barriers to people accessing the service. Around two-thirds of blind or low vision Australians do not have access to the ABC's iView service.

The technology and accessible content exists for audio description to be provided on television, and it was successfully trialled on the ABC's free to air television service in 2012. Permanent audio described content on the ABC's primary channel is long overdue. PIAC will continue to advocate for this important service over the coming year.

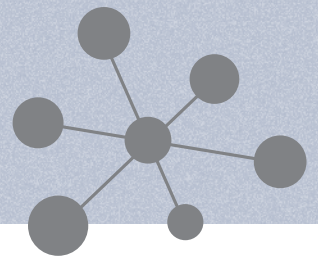


### SUPPORTING AUSLAN INTERPRETATION IN HEALTH CARE

PIAC is representing the partner of a profoundly deaf man who is taking legal action against Ramsay Health Care Ltd, the owners and operators of Westmead Private Hospital. The hospital refused to provide an Auslan interpreter to enable him to participate in antenatal classes and liaise with medical staff during the birth of their first child.

The couple, Kate and Anthony Hinton (above), eventually had their child at Westmead Public Hospital, where an interpreter was provided free of charge for the duration of the birth and in the immediate postnatal period.

Auslan interpretation services are already freely available in public hospitals and PIAC considers it is time that people who communicate using Auslan were guaranteed the same service in the private health system.



### INDIGENOUS JUSTICE PROGRAM

The Indigenous Justice Program (IJP), which is supported by Allens, has continued its focus on strategic litigation in relation to police powers, with the aim of reducing the over-representation of Aboriginal and Torres Strait Islander people in detention.

In 2015, the IJP's capacity was greatly expanded, with Allens' lawyers being seconded to PIAC to work on particular cases, involving claims and complaints against NSW police. Over 40 lawyers from Allens have been trained in police powers, intentional torts and Aboriginal cultural awareness and 15 matters have been taken up so far, with many more to follow. Current focus areas include unlawful arrests, the excessive use of force and unlawful strip searches.

PIAC lawyers also continued to focus on police accountability, with casework undertaken in the following areas:

- Arrest as a last resort
- Unlawful arrests under the Bail Act 2013 (NSW)
- Unlawful strip searches
- Unlawful move on directions
- Use of excessive force
- PIAC acknowledges the special contribution of Allens to the IJP, and we thank Allens for their commitment to this project

### Reparations for the Stolen Generations?

In late June a standing committee of the NSW Legislative Council tabled its report on reparations for the Stolen Generations, unanimously recommending a range of measures including the establishment of a reparations scheme. The report followed an inquiry by the committee, to which PIAC made a substantial submission and gave oral evidence. PIAC's submission was cited throughout the final report.

PIAC has advocated for a reparations scheme over many years. In cautiously welcoming the announcement, PIAC emphasised the need for the scheme to be established without any further delay.

In addition to our submissions, PIAC supported the work of the Committee by holding a submission-writing workshop and a well-attended community forum.

The forum brought together leaders in the Aboriginal Community, members of Parliament and the Stolen Generations. Held at NSW Parliament House, a panel debated key issues and addressed questions from an audience of more than 70 people.

PIAC thanks everyone who participated in the forum, especially members of the Stolen Generations



In June 2016 a standing committee of the NSW Legislative Council tabled a report recommending reparations for the Stolen Generations

and panellists including Linda Burney MP, then Shadow Minister for Aboriginal Affairs; Sarah Bassiuni, then PIAC Senior Solicitor; Matilda House, Chair, Stolen Generations Council NSW/ACT; Uncle Michael Welch, a survivor of Kinchela Boys home and advocate for the Stolen Generations; Isabel Reid, survivor of the Cootamundra Girls Home; and Jan Barham MLC, Chair of the parliamentary committee undertaking the inquiry. The discussion was moderated by then PIAC Board member, Katie Kiss.

### 'One Word' video project

Inspired by a US project that asked African-American boys and men about their interactions with the police, in 2015-16, PIAC produced two short videos that showcased the views of Aboriginal people, young and old, on two issues; policing and the Stolen Generations.

The first, 'One word: Police,' captures the immediate responses of a number of Aboriginal men and women to the word 'police'. The film reflects the diversity of attitudes and opinions held across Aboriginal communities, and provides an insight into the different and shared experiences of Aboriginal peoples.

The second video, 'Stolen Generations,' was launched during Reconciliation Week in order to highlight the broad impact that the forced removal of Aboriginal children continues to have on the Aboriginal communities, and call for a comprehensive reparations scheme in NSW.

We thank the Kinchela Boys Home Aboriginal Corporation and WEAVE youth services for their help with the 'One Word' project. We also thank Ryan Sorensen for composing the score. We are especially grateful to the people who agreed to share their stories with us.

# ACCOUNTABLE GOVERNMENT

Promoting accountable and transparent government

## PIAC SUPPORTS SRI LANKA'S RECONCILIATION AND ACCOUNTABILITY PROCESS

The 2015-16 year was a momentous one for Sri Lanka, marking a crucial turning point in the push for truth, justice and accountability for the victims of the country's decades-long civil war, which ended in 2009.

The developments in 2015-16 in many ways stem from, and build upon, the work of PIAC and the international community in the previous years. In particular, in March 2014 the United Nations Human Rights Council (UNHRC) passed a resolution establishing an Office of the High Commissioner for Human Rights' Investigation on Sri Lanka (OISL).

Since 2012 PIAC has played a significant role collecting and analysing evidence of international crimes and human rights violations allegedly committed in the civil war. We were able to use this evidence, together with our knowledge of the conflict, to provide significant assistance to the OISL team during its 18-month investigation.

Consistent with PIAC's 2014 *Island of Impunity?* report, the OISL concluded that war crimes, crimes against humanity and other serious human rights violations were likely to have been committed by all parties to the conflict.

Days after the September 2015 release of the OISL report, the UNHRC adopted a landmark resolution on promoting reconciliation, accountability and human rights in Sri Lanka.

PIAC was pleased to play an important role in bringing about the UNHRC resolution. In addition to its key support to the OISL investigators, PIAC also attended the UNHRC session in September 2015 to brief key delegates and stakeholders on our work and push for a strong resolution.

By co-sponsoring the UNHRC resolution, the Sri Lankan Government committed to a comprehensive package of judicial and non-judicial measures to deal with the past. These included the establishment of a truth commission and a special 'hybrid' court to investigate alleged violations of international law and other human rights abuses.

Since the adoption of the UNHRC resolution, PIAC has worked in support of the complex efforts underway to ensure the reconciliation process is a success.

In January 2016, the Sri Lankan Government appointed a Consultation Task Force to ascertain the views of all stakeholders, and particularly victims, on the processes and mechanisms for reconciliation in Sri Lanka.

PIAC made a submission to the Task Force on the role of documentation in the transitional justice process and the key role that civil society can play in this area.

We also worked with the diaspora to enable their



ICEP's Alexandra Owens and Daniela Gavshon in Sri Lanka.

participation in the consultation process. Despite their distance, many victims and witnesses who now reside outside Sri Lanka - in Australia and elsewhere - have a critical stake in the country's transitional justice process. Crucially, these members of the diaspora also have unique needs in order to facilitate their participation in the transitional justice process, including by giving evidence to a special court.

PIAC became aware that many victims now living in Australia were either not aware of the consultation process or were reluctant to make a submission to the Task Force due to concerns for their safety. To support their participation we conducted one-on-one interviews with a group of people directly affected by the war and facilitated a submission on their behalf.

As consultations on the design of Sri Lanka's transitional justice mechanisms continue, PIAC is working closely with key stakeholders to support the process. Despite some important progress in implementing the UNHRC resolution, as the 2015-16 year drew to a close, concern was mounting about the Sri Lankan Government's commitment to the transitional justice process. We will continue to push for full implementation of the UNHRC resolution and work to ensure the Sri Lankan diaspora are included in the transition to a lasting peace.

# CONSUMER RIGHTS

## A better deal for water and energy consumers

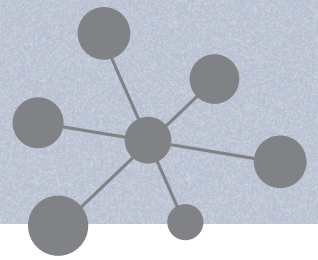


Photo: Flickr

### CONSUMER CHALLENGE TO ELECTRICITY PRICES

Since May 2015, PIAC has been representing consumers in a \$7.1 billion energy-pricing battle with 12 electricity network businesses and the Australian Energy Regulator (AER).

In NSW, electricity prices have risen dramatically in recent years. Since 2008, electricity prices have doubled, particularly affecting low-income households. Network charges make up around 50% of the average household electricity bill, so the outcome will have a major impact on consumers.

In April 2015, the AER made five-year revenue determinations for three NSW electricity networks (Ausgrid, Endeavour Energy and Essential Energy). For the first time in many years, the AER decided to cut the networks' revenue allowances, which resulted in a reduction in the average household bill by around \$100 per year (\$300 in regional areas).

While this decrease was welcome, PIAC believed that the determinations still allowed the networks to operate inefficiently when compared with other similar businesses, and keep electricity prices unnecessarily high.

That is why, in May 2015, PIAC launched a landmark legal challenge to the AER's decisions, calling for even greater price reductions. At the same time, the network businesses also challenged the AER's determination, arguing that they should be able to collect even more revenue.

The Australian Competition Tribunal held three weeks of hearings in September 2015, in which PIAC appeared as a consumer interest group. This was the first time that consumers had a voice in this forum. Prior to reforms to the National Electricity Law in 2013, only the electricity networks had contested the AER's determinations.

The Tribunal's decision, eventually handed down in

*In NSW electricity prices have risen dramatically in recent years. Since 2008, our electricity prices have doubled, particularly affecting low-income households.*

February 2016, was disappointing. It did not decide on some of PIAC's arguments, and instead it accepted the network businesses' position that they should be allowed to collect even more money from consumers, and directed the AER to remake its determinations.

In March 2016, the AER sought judicial review by the Federal Court of several aspects of the Tribunal's decisions. Continuing its advocacy on behalf of consumers, PIAC has applied to intervene in these proceedings, which will be heard by the Court in October 2016. PIAC hopes this long-running matter can be resolved quickly, so that consumers do not face a further prolonged period of uncertainty about electricity prices.

### ELECTRICITY PRICES IN SOUTH AUSTRALIA AND VICTORIA

Building its work in NSW, from October 2015, PIAC acted for the South Australian Council of Social Service (SACOSS) in a legal challenge to the AER's revenue decision for SA Power Networks (SAPN), which operates the electricity distribution network in South Australia.

SACOSS was not granted leave to appeal the AER decision, but SACOSS was able to participate in the Tribunal's community consultation, strengthening the voice of consumers in this important process.

The AER has since made determinations for the five Victorian electricity distribution networks, each of which has lodged its own challenges in the Tribunal. PIAC is assisting the Consumer Utilities Advocacy Centre (CUAC) to participate in the upcoming community consultations as a part of that process.

Despite the best efforts of policy makers, it seems that costly appeals by network businesses are now a routine part of the process of revenue determination. While consumers are now able to participate, the nature of the appeals by network businesses makes the revenue-setting process both expensive and inefficient. The solution to this may lie in allowing consumers and network businesses to negotiate and agree on a revenue amount, as occurs in New Zealand, Canada and the United States.



## A RENEWED FOCUS ON GAS

PIAC has recently extended its advocacy in the gas market. Last year EWCAP participated in a number of reviews conducted by the Australian Energy Market Commission (AEMC), including the East Coast Gas Market (ECGM) and the Victorian Declared Wholesale Gas Market (VDWGM). This included submissions on the Stage 2 Draft report on the ECGM, the Pipeline Frameworks Review and discussion papers on pipeline access and the wholesale gas market.

EWCAP has also held bilateral talks with Jemena and APA Group (two of the major pipeline owners), and the Australian Pipelines and Gas Association (APGA). These meetings were held to discuss APGA's proposal for the establishment of an industry council to implement the AEMC's recommendations on pipeline access. EWCAP put forward the view that if such a council was established, a consumer advocate should be a full member on the council.

At the residential end of the gas market, PIAC has been involved in a working group organised by the AEMC to identify methods of improving competition in the retail gas market. As a result of this process there was an extension of a gas rebate to customers who use bottled gas (LPG). The rebate is available from 1 July 2016.

## GOVERNANCE REVIEW

The National Electricity Market (NEM) has enabled consumers in the eastern states to purchase electricity from a wholesale market via a large interconnected grid stretching from northern Queensland to southern Tasmania and west to South Australia.

Last year EWCAP contributed to the review of governance arrangements in the NEM. PIAC's overarching conclusion was that the governance of Australian Energy Markets is fragmented, overly complex, not sufficiently focused on competition and lacking in meaningful consumer representation.



Photo: Flickr/Stephen Depolo



From left: EWCAP's Kristal Burry, Tina Jelenic and Jessica Mutton.

PIAC's view is that there is an urgent need to deregulate, consolidate and reduce complexity in order to enhance competition. PIAC argued that these changes must be accompanied by better consumer representation, as well as making the governance arrangements more democratic, transparent and accountable.

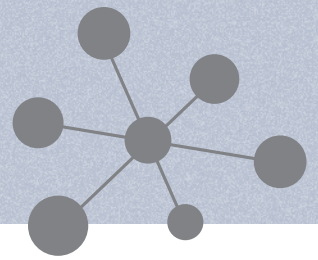
The COAG Energy Council responded to the NEM Governance Report and recommended that a new full time commissioner be appointed to the AEMC with specific responsibility for stakeholder consultation and engagement. In this context, PIAC thinks it is essential for a consumer commissioner to be appointed to both the AER and the AEMC.

## TRAINING THE COMMUNITY SECTOR

PIAC and the Energy and Water Ombudsman of New South Wales (EWON) have partnered to deliver specialist training for community welfare workers. The training is designed to help community workers understand the energy and water industries and how they can assist clients to stay connected.

Organisations that participated in 2015-16 include: The Physical Disability Council of NSW, Neighbour Connections, Castle Personnel, Paraquid NSW, and several organisations that form part of the NSW Neighbour Aid and Social Support Association (NASSA) Forum.

Feedback from participants indicates that it raised awareness of retailer responsibilities and clients' rights in relation to disconnection and life support; who to contact when errors occurred; and how to access rebates and concessions.



## Social Justice Clinical Summer Course

In February 2016, 16 Law students from Sydney University undertook a clinical placement at PIAC as part of the Social Justice Clinical Summer Course (SJCSC).

The course, which is provided in collaboration with Sydney University, gives final year law students the opportunity to gain on the job experience with real world

cases and participate in a structured seminar program dealing with social justice issues and public interest law.

The course consists of four days of seminars and 12 days of clinical placement (or internship). Students engaged in tasks in legal research, writing, comparative analysis and advocacy strategy preparation.



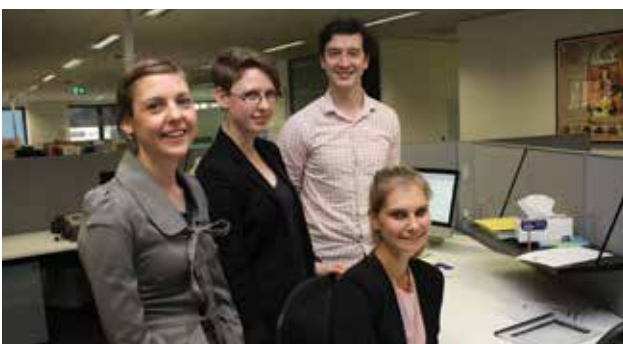
## Practising in the Public Interest Summer and Winter Law Schools

The Practising in the Public Interest (PIPI) program is a partnership between PIAC, Justice Connect and participating legal practices. It takes place twice per year, in July and February.

The program introduces later-year law students to advocacy in the public interest and exposes them to

organisations that are directly involved in public interest and pro bono initiatives.

Universities that participated in 2015-16 include University of Sydney, Macquarie University, Western Sydney University and University of Wollongong. PIPI is an accredited part of law degrees at these universities.



## Practical Legal Training Placements

In 2015-16, PIAC engaged ten law students to undertake their practical legal training placements within our general litigation practice.

Working in a voluntary capacity, they provided vital support to PIAC's work. Students assist by responding to telephone enquiries from members of the public seeking legal advice and assisting PIAC staff with dynamic and interesting litigation and casework, outreach projects and policy work.

## Thanks for your support

PIAC relies on the support of many organisations and individuals to continue our vital work. We are very grateful to the many supporters and donors who stand with us to work for a fairer community where vulnerable people can access justice and basic rights are protected.

This year, PIAC raised over \$300,000 from donations and income derived from PIAC's major fundraising events. The annual Social Justice Dinner was held on 25 February 2016. The entertaining evening was artfully hosted by Julian Morrow. Sarah Ferguson gave an impassioned keynote address, highlighting the crucial, symbiotic relationship between public interest lawyering, free press and a healthy democracy. PIAC is thankful to Minter Ellison and the Macquarie Group Foundation for their generous sponsorship.

PIAC would also like to acknowledge the support of the Sydney Grammar School for generously hosting a vibrant discussion on the theme, 'are rights are truly for everyone?' Sarah Ferguson facilitated a panel discussion with Nicholas Cowdery AM QC, Graeme Innes AM and Edward Santow. PIAC warmly thanks all of the speakers who gave their time at PIAC's fundraising events.

In the coming year, PIAC will be focused on strengthening our donor program by continuing to grow our community committed to achieving social justice. We are looking forward to expanding relationships with the philanthropic sector on strategically aligned projects.



Our Social Justice Dinner, hosted by Julian Morrow from The Chaser, brought together more than 250 PIAC Supporters.



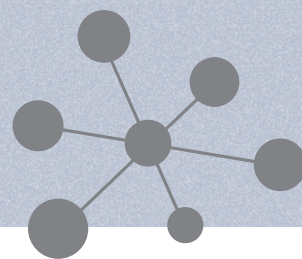
From left: Sarah Ferguson, Emily Mitchell, Vavaa Mawuli.



From left: Oscar McLaren, Nina Abbey, Rebecca Gilsean, Merrilyn Walton, Alexis Goodstone, Camilla Pandolfini, Claire Chaffey, Jane Southward.

# THANK YOU

We acknowledge and thank all PIAC clients for their willingness to take legal action in the public interest



We would also like to thank the many individuals and organisations - donors, barristers, private law firms, companies, community organisations, government bodies and students - that work with PIAC to achieve social justice. We are very grateful for your support.

## Major project supporters

### Indigenous Justice Program

Allens

### EWCAP

Energy Consumers Australia

### HPLS

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Penny Crossley, Sydney University

Julia Davis and Drew Macrae, Financial Rights Legal Centre

Jo De Silva, SACOSS

Gavin Dufty, St Vincent De Paul Society

Bev Hughes, Darach Energy Consulting

Ian Israelsohn, Martin Stern and Benji Lee, Jemena

Douglas McCloskey and Mike Bailey, NCOSS

Iain Maitland and Helen Scott, Ethnic Communities' Council

Bruce Mountain, CME

Selena Ovens, Physical Disability Council of NSW

Leo Paterson Ross, Tenants Union of New South Wales

Marc Rerceretnam, St. Vincent De Paul Society

Rosemary Sinclair and Energy Consumers Australia staff

Sam Turnbull, The Salvation Army

Paul Versteeg, Combined Pensioners and Superannuants' Association

Joy Webster, Good Shepherd Microfinance

Janine Young, Narelle Brown, Rory Campbell and Chris Dodds, Energy and Water Ombudsman NSW

Kevin Young, Kelly Climo and Catherine Rolston, Sydney Water

## Training

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Robyn Bradey

Marlene Brueton, Katie Healey, Law Society of New South Wales

Stephen Etkind, Henry Davis York

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Dave Jeffery, Mary Sullivan, Daryl Smith and Penny Graham, StreetCare  
Alicia Jillard, Women's Legal Services NSW

Anna Lyons and Rebecca McMahon, Justice Connect

Margot Morris, Intellectual Disability Rights Service Inc

Carly Maxwell and Rachel Simpson, NSW Legislative Assembly

Teresa McMichael, NSW Legislative Council

Adrienne Michael, Financial Rights Legal Centre

Meredith Osbourne, Legal Aid

Goldele Rayment, Milk Crate Theatre

Don Palmer, Malpa

Jane Sanders, Shopfront Youth Legal Centre

Scott Xavier Higgins

## Indigenous Justice Program

Kate Bleasel, Aboriginal Legal Service

Sasha Da Silva, Aboriginal Legal Service

Felicity Huntington, Anti Discrimination Board

Danielle McGrath, Aboriginal Legal Service

Tiffany McComsey, Kinchela Boys Home Aboriginal Corporation

Kate Munro, WEAVE Youth and Community Services

Col Skinner, Aboriginal Legal Service

Rick Welsh, The Shed

## International Crimes Evidence Project

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Our Sri Lankan civil society partners  
and community contacts

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Wayside Chapel  
Women and Girls' Emergency Centre

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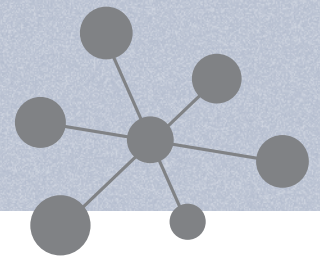
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## **Barristers who provided advice and representation**

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Visit [www.piac.asn.au/publications](http://www.piac.asn.au/publications).

## **Accountable Government**

Submission to the Standing Committee on Law and Justice Inquiry into remedies for the serious invasion of privacy in NSW, September 2015

Submission to the Australian Law Reform Commission, Traditional Rights and Freedoms - Encroachments by Commonwealth Laws Interim Report, September 2015

Submission to the Australian Human Rights Commission religious freedom roundtable, October 2015

Submission as part of consultation for the Open Government Partnership and Australia's National Action Plan 2016, March 2016

Submission to Sri Lanka's Consultation Task Force on Reconciliation Mechanisms on behalf of 16 victims and witnesses, May 2016

### ***OPCAT and youth in custody.***

Submission to the Australian Human Rights Commission re the monitoring of the special needs and interests of children and young people in justice detention centres under the OPCAT, May 2016

Submission to Sri Lanka's Consultation Task Force on Reconciliation Mechanisms on the role of documentation in Sri Lanka's transitional justice process, April 2016

## **Consumer Rights**

Submission in response to the Australian Energy Market Commission's (AEMC) draft determination on the Demand Management Incentive Scheme Rule 2015, July 2015

Submission to the National Electricity Amendment (Embedded Generation) Rule 2015, July 2015

***Solar feed-in tariffs in NSW: Setting a fair price for prosumers.*** Submission to the Independent Pricing and Regulatory Tribunal's (IPART) draft report on solar feed-in tariffs in NSW, September 2015

***Complexity, cost and uncertainty.*** Submission to the Multiple Trading Relationships (MTRs) rule change consultation paper 2015, September 2015

***A fair price for all residents. Submission to IPART's price determination for Hunter Water,*** October 2015

***Who benefits from regulatory reform?*** Submission in response to Sydney Water's price determination for 2016-2020, October 2015

Submission to AEMC Strategic Priorities for Energy Market Development, October 2015

***Batteries and electricity network service providers in Australia: regulatory implications,*** October 2015

Response to issues paper for Energy Consumers Australia grants review, October 2015

Submission on the proposed tariff structure statements from the three NSW distribution networks, November 2015

Response to AEMC's energy storage discussion paper, November 2015

***Striking a just balance: regulating alternative energy sellers in an evolving market.*** Submission re the Australian Energy Regulator's (AER) revised Draft Exempt Selling Guideline version 4, November 2015

***Improved transparency just one piece of the puzzle.*** Response to a rule change proposal from the Council of Australian Governments (COAG) Energy Council, November 2015

***A low risk of high cost.*** Response to the AEMC options paper National Electricity Amendment (Retailer-Distributor Credit Support Requirements) Rule 2015, November 2015

***Complexity, cost and uncertainty.*** Submission to the Multiple Trading Relationships (MTRs) rule change consultation paper 2015, December 2015

Submission to AER re Ergon Energy Application for ring-fencing waiver, December 2015

### ***Prices, profits and priorities.***

Response to the AEMC approach paper for the third annual review of energy retail competition in National Electricity Market (NEM) states and territories, December 2015

### ***Competition: A Market Failure?***

Response to the IPART Review of regulated retail prices and charges for gas from 1 July, December 2015

**Advancing allocative efficiency.**

Submission in response to the rule-change proposal on local generation network credits, February 2016

**Ch-ch-changes in the east coast gas market.**

Submission in response to the AEMC Stage 2 Draft Report for the East Coast Wholesale Gas Market and Pipeline Frameworks Review and Draft Report: Review of the Victorian Declared Wholesale Gas Market, February 2016

**Governing metering installations.**

Submission in relation to the NSW Government proposal to streamline the NSW regulatory frameworks governing metering installations, February 2016

**Transformation of the gas transmission system.**

Response to the AEMC's pipeline access discussion paper, March 2016

**Future-orientated design.** Response to the AEMC's wholesale gas market discussion paper, March 2016

**The price is right?** Response to IPART Draft Determinations for both Sydney Water and Hunter Water, Apr 2016

**Incapacitated by debt: supporting capacity to pay.** Submission to AER's Sustainable Payment Plan Framework, April 2016

**Keepin' it real: the value of actual meter reads.** Submission in response to the AEMC's Draft Rule Determination on the National Electricity Amendment (Meter Read and Billing Frequency) Rule 2016, May 2016

**Review of Rate of Return Guideline.** Response to AER proposal for changes to the National Electricity



Rules and National Gas Rules regarding the review process of the Rate of Return Guideline, May 2016

**Reflecting the long-term interest of consumers in tariff designs.**

Response to AER's issues paper, June 2016

**Faster: Enabling efficient customer transfers in the electricity market through estimated reads.** Submission to the AEMC's Consultation Paper for the National Electricity Amendment Rule 2016, June 2016

Submission to IPART's review of regulated retail prices and charges for gas from 1 July 2016, June 2016

**Incapacitated by debt: supporting capacity to pay.** Submission responding to the AER's Sustainable Payment Plans Framework, June 2016

**Making the switch: addressing the accuracy of customer transfers.** Response to the AEMC consultation paper on the Transfer Accuracy Rule Change Request submitted by the COAG Energy Council, June 2016

Submission to the AER re review of minimum disconnection amount, 20 June 2016

Response to Transmission connection and planning arrangement, June 2016

**Social Justice**

Submission to the Review of the National Disability Advocacy Framework, July 2015

Submission to General Purpose Standing Committee No. 3, Inquiry into reparations for the Stolen Generations, October 2015

Briefing for SA MPs on the Stolen Generations (Compensation) Bill 2014, October 2015

Submission to the Queensland Government consultation on the new Stolen Wages Reparations Scheme, November 2015

Submission to the NSW Sentencing Council's Review of Intensive Corrections Orders, December 2015.

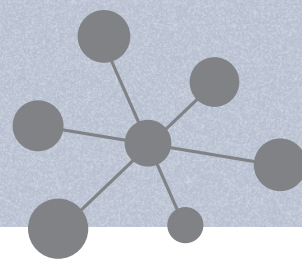
**Re-leased: improving standards for tenants.** Response to the NSW Government's review of *Residential Tenancies Act 2010*, January 2016

Submission to the Senate Standing Committee on Economics: Inquiry into the Scrutiny of Financial Advice, April 2016

**Newsletters**

*PIAC Bulletin* [41] Spring 2015

*PIAC Bulletin* [42] Autumn 2016



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Timothy Ngui	Solicitor, HPLS
Alexandra Owens	Senior Legal Officer
Camilla Pandolfini	Senior Solicitor
Scott Parker	Administrator, IT Systems
Gemma Pearce	Media and Communications Manager
Melissa Pinzuti	Legal Secretary
Fatima Rauf	Legal Secretary
Jeremy Rea	Solicitor Advocate, HPLS
Edward Santow	CEO
Louis Schetzer	Senior Policy Officer

Sally Spence	Receptionist
Ellen Tilbury	Senior Solicitor
Elwyn Ward	Finance Officer

## Practical Legal Training Placements

Sarah Abdou
Charlie Brown
Lachlan Daly
Sophie Glover
Lewis Hamilton
Amira Makki
Jessica de Maria-Ryall
Alison Reglar
Sarah Shin
Davor Tocakovic
Abbey Wightley

## Secondees

Stephen Etkind	Henry Davis York
Leanne Ho	Henry Davis York
Zoey Irvin	Australian Government Solicitor
Benji Jacobs	Minter Ellison
Louie Liu	Norton Rose Fulbright
Libby Mulcahy	Minter Ellison
Rebekah Patterson	Minter Ellison
David Turner	Norton Rose Fulbright



Ralph Pliner	Chair, Company director
Rebecca Gilsenan	Deputy Chair, Principal, Maurice Blackburn
Eileen Baldry	Professor of Criminology, Social Sciences, University of NSW
Peter Cashman	Professor, Faculty of Law, University of Sydney
Coralie Kenny	Senior Lawyer, Suncorp Life
Alan Kirkland	Chief Executive Officer, Choice
Katie Kiss	Senior Manager, PricewaterhouseCoopers Indigenous Consulting (resigned November 2015)
Julian Leeser	Director Government, Policy and Strategy at the Australian Catholic University (resigned February 2016)
Matthew Quinn	Company director
Katherine McKernan	Chief Executive Officer, Homelessness NSW
Kevin Rozzoli AM	Member of the NSW Parliament 1973-2003
John Walker	Company director

## NEW BOARD MEMBERS 2015



### **Katherine McKernan**

Katherine joined Homelessness NSW as the Chief Executive Officer in February 2015. Katherine has experience in working to prevent and reduce homelessness in NSW through having worked on the NSW Homelessness Action Plan and the National Partnership Agreement on Homelessness NSW Implementation Plan as well as overseeing service delivery models such as Staying Home Leaving Violence and Way2Home (and earlier models of this). She also has experience in working more broadly with the NGO sector and has experience in social policy areas such as mental health, preventing violence against women and disability.



### **John Walker**

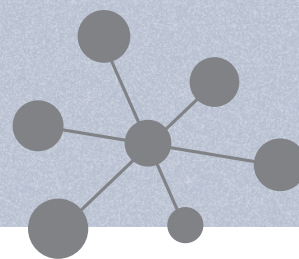
John obtained a Bachelor of Commerce degree from Melbourne University in 1981, with qualifications as an accountant and economist. He then practiced accountancy with Deloitte Haskins and Sells (as it then was) prior to completing a Bachelor of Laws degree at Sydney University in 1986. Between 1987 and 1998, John practiced as a commercial litigator in Sydney.

In 1998, John incorporated Insolvency Management Fund Pty Ltd and in 2001, was a founding director of IMF Australia Ltd, now IMF Bentham Ltd, a public company listed on the Australian Securities Exchange (ASX).

John remains on the board of Bentham Europe and has founded a new company, Investor Claim Partner Pty Ltd to assist investors on the ASX recover funds lost as a result of breaches of the Corporations Act.

# FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd  
ABN 77 002 773 524



## EXTRACT FROM FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2016

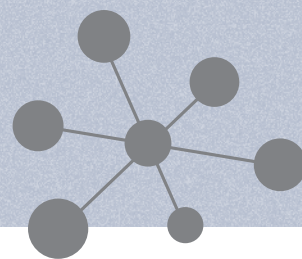
PIAC's full financial statements are available on request, and are also available from the Australian Charities Register, on the Australian Charities and Not-for-Profits Commission website, [www.acnc.gov.au](http://www.acnc.gov.au)

## STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME FOR THE YEAR ENDED 30 JUNE 2016

	2016	2015
	\$	\$
REVENUE FROM ORDINARY OPERATIONS	4,712,574	2,992,402
REVENUE FROM ABNORMAL ITEMS	575,000	
	<hr/> 5,287,574	<hr/> 2,992,402
<b>LESS: EXPENSES</b>		
Depreciation and amortisation expense	(111,926)	(25,673)
Employee benefits expense	(2,567,673)	(2,255,724)
Rent	(494,568)	(224,332)
Project and casework expenses	(820,167)	(412,460)
Administration expenses	(240,086)	(114,994)
	<hr/> (4,234,420)	<hr/> (3,033,183)
<b>SURPLUS/ (DEFICIT) BEFORE INCOME TAX EXPENSE</b>	1,053,154	(40,781)
<b>OTHER COMPREHENSIVE INCOME FOR THE YEAR</b>	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<hr/> 1,053,154	<hr/> (40,781)

## STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2016

	2016	2015
	\$	\$
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	2,389,186	1,699,512
Receivables	722,893	952,402
Other assets	44,571	28,145
<b>TOTAL CURRENT ASSETS</b>	<b>3,156,650</b>	<b>2,680,059</b>
<b>NON CURRENT ASSETS</b>		
Other financial assets	174,418	57,090
Property, plant and equipment	271,492	38,129
<b>TOTAL NON CURRENT ASSETS</b>	<b>445,910</b>	<b>95,219</b>
<b>TOTAL ASSETS</b>	<b>3,602,560</b>	<b>2,775,278</b>
<b>CURRENT LIABILITIES</b>		
Payables	289,580	255,782
Provisions	247,138	383,104
Other liabilities	750,771	1,025,494
<b>TOTAL CURRENT LIABILITIES</b>	<b>1,287,489</b>	<b>1,664,380</b>
<b>NON CURRENT LIABILITIES</b>		
Provisions	93,520	12,943
Other liabilities	70,442	-
<b>TOTAL NON CURRENT LIABILITIES</b>	<b>163,962</b>	<b>12,943</b>
<b>TOTAL LIABILITIES</b>	<b>1,451,451</b>	<b>1,677,323</b>
<b>NET ASSETS</b>	<b>2,151,109</b>	<b>1,097,955</b>
<b>EQUITY</b>		
Reserves	265,460	257,750
Retained surplus	1,885,649	840,205
<b>TOTAL EQUITY</b>	<b>2,151,109</b>	<b>1,097,955</b>



## STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30 JUNE 2016

	Reserves \$	Retained surplus \$	Total equity \$
<b>BALANCE AS AT 1 JULY 2014</b>	248,100	890,636	1,138,736
SURPLUS/(DEFICIT) FOR THE YEAR	-	(40,781)	(40,781)
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>	-	(40,781)	(40,781)
TRANSFERS	9,650	(9,650)	-
<b>BALANCE AS AT 1 JULY 2015</b>	257,750	840,205	1,097,955
SURPLUS FOR THE YEAR	-	1,053,154	1,053,154
<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>	-	1,053,154	1,053,154
TRANSFERS	7,710	(7,710)	-
<b>BALANCE AS AT 30 JUNE 2016</b>	265,460	1,885,649	2,151,109

## STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30 JUNE 2016

	2016 \$	2015 \$
<b>Cash flow from operating activities</b>		
Receipts from government, customers and donations	5,063,204	3,204,335
Receipts from abnormal revenue	575,000	-
Payments to suppliers and employees	(4,715,258)	(3,278,045)
Interest received	40,025	42,602
<b>NET CASH PROVIDED BY / (USED IN) OPERATING ACTIVITIES</b>	962,971	(31,108)
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>		
Proceeds from sale of property, plant and equipment	419	802
Payment for property, plant and equipment	(273,716)	(14,041)
<b>NET CASH PROVIDED BY / (USED IN) INVESTING ACTIVITIES</b>	(273,297)	(13,239)
<b>RECONCILIATION OF CASH</b>		
Cash at beginning of the financial year	1,699,512	1,743,859
Net increase / (decrease) in cash held	689,674	(44,347)
<b>CASH AT END OF FINANCIAL YEAR</b>	2,389,186	1,699,512

## NOTE: REVENUE AND OTHER INCOME

### OPERATING ACTIVITIES

Casework	1,195,270	291,870
Training workshops, seminars and conferences	174,952	85,533
Sale of publications	-	9
Interest income	40,037	44,417
Sundry income	13,658	6,215
	<hr/> 1,423,917	<hr/> 428,044
Donations	237,161	215,803
Grants	2,736,934	2,236,685
Functions	75,423	111,017
Furniture donated	41,312	-
	<hr/> 3,090,830	<hr/> 2,563,505
Rental income	197,827	-
	<hr/> 3,288,657	<hr/> 2,563,505

### OTHER INCOME

Profit on sale/revaluation of non current assets	-	853
	<hr/> 4,712,574	<hr/> 2,992,402
Revenue from abnormal activities		
<b>RECEIPT FOR EARLY TERMINATION OF A PROPERTY LEASE</b>	<b>575,000</b>	<b>-</b>

Revenue includes two substantial one off receipts that relate to expenditure in other years.

The first was a receipt of \$575,000 as compensation for the early termination of a property lease in Phillip Street, Sydney. The receipt is to offset the increased cost of occupancy during the eight year term of the lease at the new office premises in Liverpool Street, Sydney.

The second was casework income of \$464,969 from the settlement of the long running legal action on behalf of children who had been illegally detained by NSW Police. The class action commenced in 2011 and involved work over five years.

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

We have audited the accompanying financial report of Public Interest Advocacy Centre Ltd, which comprises the statement of financial position as at 30 June 2016, the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration.

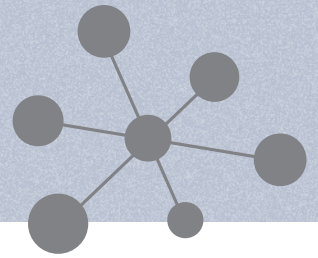
### Directors Responsibility for the Financial Report

The directors of the company are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards-Reduced Disclosure Requirements and the *Australian Charities and Not for profits Commission Act 2012* and for such internal control as the

# FINANCIAL STATEMENTS

Public Interest Advocacy Centre Ltd

ABN 77 002 773 524



directors determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

## Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. Those standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the company's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

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 *Australian Charities and Not for profits Commission Act 2012*.

## Opinion

In our opinion, the financial report of Public Interest Advocacy Centre Ltd is in accordance with the *Australian Charities and Not for profits Commission Act 2012*, including:

- (a) giving a true and fair view of the company's financial position as at 30 June 2016 and of its performance for the year ended on that date; and
- (b) complying with Australian Accounting Standards-Reduced Disclosure Requirements and the *Australian Charities and Not for profits Commission Regulations 2013*.

Report in Accordance with Section 24 of the *Charitable Fundraising Act 1991*.

## In our opinion:

- (a) the financial statements of the Public Interest Advocacy Centre Limited show a true and fair view of the financial results of charitable and fundraising activities for the year ended 30 June 2016;
- (b) the financial statements and associated records of the Public Interest Advocacy Centre Limited have been properly kept during the year in accordance with the Charitable Fundraising Act 1991;
- (c) money received as a result of charitable and fundraising activities conducted during the year has been properly accounted for and applied in accordance with the Act; and
- (d) there are reasonable grounds to believe the Public Interest Advocacy Centre Limited will be able to pay its debts as and when they fall due.

Mark Godlewski  
Partner,  
18 October 2016

PITCHER PARTNERS  
SYDNEY

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