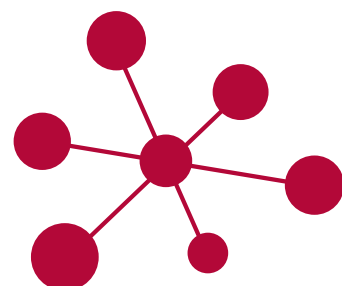
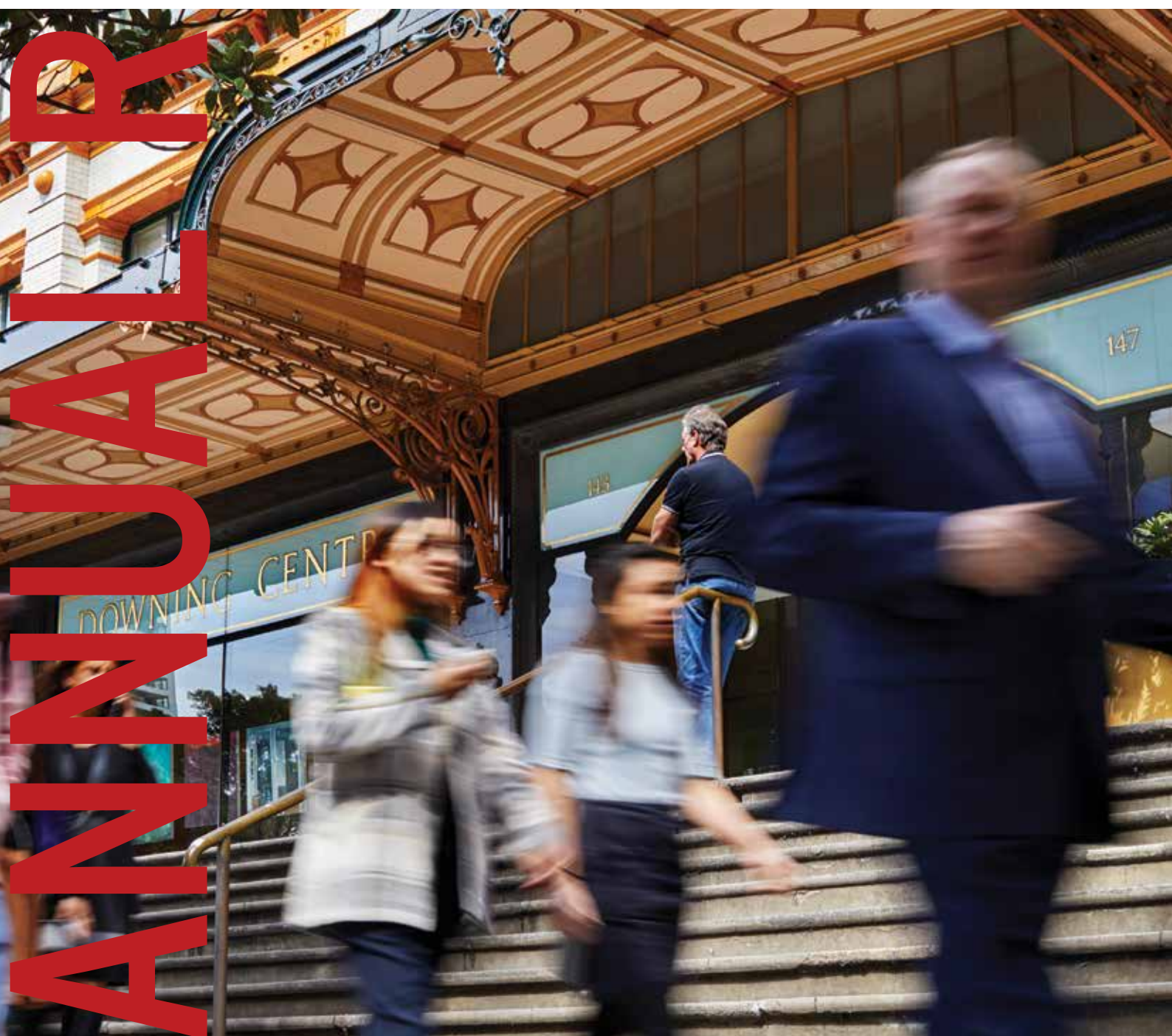


REPORT

2018-2019



public interest
ADVOCACY CENTRE





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Photo: Keith Saunders

PIAC: leading change

The Public Interest Advocacy Centre is a community legal centre that specialises in test cases and policy advocacy on social justice and human rights issues. We achieve outcomes for individuals, while creating sustainable, systemic change.

We combine:

- legal advice and representation
- research and policy development
- advocacy for reform to law and policy
- education and training

to act quickly on emerging public interest issues as well as to tackle problems that require long-term collaborative responses.

How we create change

We remove barriers to justice and fairness experienced by people who are vulnerable or facing disadvantage through four change strategies:

1. **Transparency:** we expose laws, policies and practices that are unfair or inconsistent with rights
2. **Accountability:** we challenge decision-makers on actions that are unlawful or unfair and help people facing disadvantage to access justice
3. **Solutions:** we lead and collaborate with others to develop laws, policies and practices that deliver fair outcomes
4. **Empowerment:** we empower people to initiate, inform and influence positive change and develop emerging leaders in social justice.

PIAC at a glance

111 public interest cases run on behalf of 107 individuals and organisations

Leveraged over \$3 million in *pro bono* legal assistance

Strategic litigation and casework

Changing the system through public interest test cases

- Disability discrimination
- Police accountability
- Discrimination and human rights
- Asylum Seeker Health Rights
- Mental Health and Insurance
- Indigenous Justice
- Government and the rule of law

HPLS helped 730 clients at 1145 advice sessions

Homeless Persons' Legal Service

Breaking the cycle of disadvantage for people experiencing homelessness

- Legal help at 16 outreach clinics, staffed by 557 *pro bono* lawyers
- StreetCare: Consumer-led advocacy and practical advice to government and service providers

63 submissions

42 public forums, workshops and conferences

378 meetings with government and industry

Energy and Water Consumers' Advocacy Program

A voice for energy and water consumers in NSW

- Research and policy development to promote affordability and sustainability
- Representing consumer interests in regulatory processes

28.1 full time equivalent staff at 30 June 2019 • In 2018-19: 12 practical legal training



Policy and law reform

Working with government, business and the community in the public interest

- An influential and authoritative voice in the media
- A respected stakeholder, making submissions of substance

88 publications and submissions

50,375 visits to the website

3097 subscribers to eBulletin

20 media releases reaching thousands of people

Facebook up 12%

Twitter up 14%

Training for social justice

Developing community capacity for effective public interest advocacy

- Social Justice and Practising in the Public Interest courses for University students
- Training for individuals, government and NGOs on advocacy, media skills and best-practice service delivery to vulnerable communities

Trained 134 people in public interest advocacy at 22 customised events

Transitional Justice

Supporting transitional justice: the Conflict Map and Archive Project (Sri Lanka)

- Collecting, preserving and analysing evidence of potential human rights and international humanitarian law abuses to promote truth, justice and accountability.

Major report released

Conflict map database expanded 6000 source documents

placements • 9 secondees • 15 volunteers and interns • 46 law students trained



From our Chair and CEO

Within the broad remit of 'public interest advocacy', PIAC's work is focused on making systemic change that improves the lives of people who are marginalised or facing disadvantage. This report sets out the practical, human impact we have been able to have in the past year.



Our work and achievements have included:

Making it easier for people who are blind or have low vision to use touch-screen banking technology.

Exposing and securing changes to policing practices that have seen children and young people – and too often Aboriginal young people – as young as 10, experiencing harassment in the name of 'proactive policing'.

Securing life-saving medication for people in immigration detention who have Hepatitis C, having been previously refused treatment.

Initiating a major change to the rules for the energy market, benefiting consumers and the community by helping to bring down prices and support a more efficient and sustainable energy system.

Helping to reduce the number of Aboriginal children removed from their family into out-of-home care, in partnership with the Aboriginal Legal Service NSW/ACT.

Driving further changes to the practices of travel and life insurance companies to stop discrimination against people with mental health conditions.

Helping people avoid eviction into homelessness and addressing legal problems that keep them out of stable housing as well as supporting people with lived experience of homelessness to be effective advocates for change.

Releasing the landmark conflict mapping report 'Tides of Violence', extensively detailing potential human rights abuses, to provide a vital tool for transitional justice in Sri Lanka.

Developing a new project with the Indigenous Law Centre, 'Towards Truth', to support the truth-telling process called for in the Uluru Statement from the Heart.

Of course, these successes reflect the dedication of many people who share a commitment to our mission: our staff, directors, volunteers, donors, supporters and partners in the community; and the many clients who trust us to work with them and seek justice on their behalf.

We particularly recognise the exceptional contribution to PIAC's strategy and governance made by Ralph Pliner, who stood down this year after four years as Chair. We are very grateful to Ralph for his generous and collegiate leadership.

Thank you to everyone who has been a part of PIAC's work in this past year. We hope you share our pride in what we have been able to achieve together.

A handwritten signature in black ink, appearing to read 'R. Gilseken'.

REBECCA GILSEKEN
CHAIR

A handwritten signature in black ink, appearing to read 'J. Hunyor'.

JONATHON HUNYOR
CHIEF EXECUTIVE OFFICER

Equality

PIAC maintains one of Australia's leading practices in discrimination law, with a history of successful test cases and systemic change.



Making technology accessible

People who are blind or vision impaired will find it easier to use the Commonwealth Bank's touch-screen Albert EFTPOS machines, following legal action by PIAC.

In settling the case brought by PIAC clients Graeme Innes and Nadia Mattiazzo, the CBA agreed to introduce a range of changes to make the EFTPOS machines more accessible.

The CBA acknowledged our clients and other Australians who are blind or vision impaired have had difficulty using Albert's touchscreen technology to enter their PINs.

The CBA will upgrade the Albert's software to improve accessibility, and has agreed to provide additional training for merchants so that they can help customers use the new accessibility features.

Importantly, the CBA has endorsed the Australian Banking Association Accessibility Principles for Banking Services, which means that accessibility will be a key requirement of product development in future.

PIAC acknowledges the generous support of Grata Fund and Blind Citizens Australia for this case.

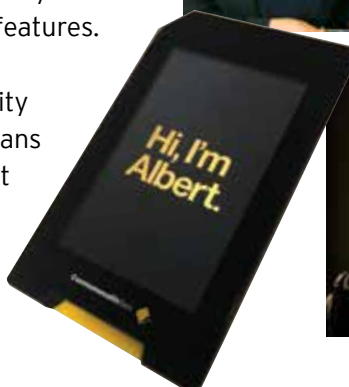
'New technology promises great benefits to consumers, but it has to be inclusive and accessible. This must be part of the design process from the beginning. We hope this case and the CBA's commitment to accessibility in future product development sends a strong message.'

- Principal Solicitor, Michelle Cohen



Principal solicitor Michelle Cohen, Graeme Innes.

Below: PIAC's client, Nadia Mattiazzo on the ABC's 7.30 program.





Senior Policy Officer, Alistair Lawrie

Tackling discrimination against LGBT students

PIAC is playing a leading role in national efforts to remove exceptions which allow religious schools to discriminate against lesbian, gay, bisexual and transgender (LGBT) students and teachers.

In late 2018, PIAC made submissions to multiple inquiries, gave evidence to Senate committees, provided briefings to Commonwealth parliamentarians and engaged in media commentary as acknowledged experts in the field.

This continued in early 2019, with another submission and Committee appearance on proposed legislation to end the ability of religious schools to lawfully discriminate on the basis of sexual orientation and gender identity under the Sex Discrimination Act 1984 (Cth).

Unfortunately, LGBT students are still not protected from discrimination. Instead, the Government has referred the issue to the Australian Law Reform Commission for a further review by April 2020.

PIAC will continue to push for all students and staff to enjoy the right to learn, and teach, free from discrimination on the basis of irrelevant attributes.

Ending mental health discrimination by insurers

This year we have made significant progress in our campaign to end discrimination by insurers in relation to mental health.

For years, the lawyers in our Mental Health and Insurance Project have worked with Beyond Blue and Mental Health Australia to help the many people affected by unfair insurance policies and practices in relation to mental health.

This year we represented people who, as a result of a current or previous mental health condition, were automatically refused cover, had claims declined, faced unreasonably broad mental health exclusions, or were required to pay additional premiums.

In 2018, PIAC was able to put these unfair and discriminatory practices under the spotlight of the Banking Royal Commission. Insurance company TAL was grilled over their treatment of one of our clients who made a claim for income protection while being treated for cancer. After trawling through our client's medical records, TAL alleged our client failed to disclose a mental health condition during the policy application process and cancelled the policy. This left our client without income protection at one of the most financially and emotionally vulnerable times in their life.

The Commission recommended closing the loophole that allowed insurers to cancel policies for innocent non-disclosure of a mental health history in circumstances where it is entirely unrelated to the illness that is the subject of an insurance claim.

The Commission's final report recommended enforceable codes of conduct for insurers, changes to insurer's powers to cancel a policy, the introduction of unfair contract terms, and sweeping cultural change. This represents an important step towards establishing a fairer system.

This year we also worked with the Victorian Equal Opportunity and Human Rights Commission on their inquiry into mental health discrimination by travel insurers. During this investigation several more insurance companies removed outdated and discriminatory blanket mental health exclusion clauses from travel insurance policies.

'PIAC's work has shown that unfair, discriminatory practices are widespread in the insurance industry, with devastating consequences for those who are impacted.'

- Laura Lombardo

Police Accountability

Our work challenges misuse of power, particularly in relation to Aboriginal and Torres Strait Islander people, young people and people who are homeless.

We improve the transparency of police practices, hold police to account for unlawful and improper use of their powers and discretion, and collaborate to improve unfair laws, policies and practices.



Under review: Suspect Targeting Management Plan

The Law Enforcement Conduct Commission is reviewing the Suspect Targeting Management Plan (STMP) for people under 18. This welcome scrutiny follows sustained advocacy by PIAC. NSW Police leadership has also reported a more cautious approach to the application of the STMP to young people.

'Targets' on the STMP are singled out by police for pro-active attention. Some are repeatedly detained and searched, and visited at home at all hours of the day. More than half of people subject to the STMP are Aboriginal.

We highlighted concerns about young people subject to the STMP in the 2017 report *Policing young people: a study of the suspect targeting management plan in NSW*. This report was written by PIAC's Camilla Pandolfini and Vicki Sentas from the University of New South Wales, and released on behalf of the Youth Justice Coalition.

Police have changed their practice in response to issues raised in the report and in the media. NSW Police Assistant Commissioner Cassar advised in May 2018 that he now reviews the placement of any children under 12 on the STMP and foreshadowed extending this to children aged 13 and 14. In April 2019 the Assistant Commissioner advised that he believes that since this policy has been in place, only one child under 12 has been placed on an STMP.

With Vicki Sentas, we continue to lead a coalition of legal organisations determined to stop children being subject to the STMP.





'Excessive checking by the police can leave people feeling humiliated, disempowered and disengaged with the justice system. It is particularly concerning where this is done without a court order,'

- PIAC CEO Jonathon Hunyor



L-R: PIAC Senior Solicitor, Anna Dawson, Nicolas Kirby, Gabrielle Bashir SC, Arizona Hart.

Challenging excessive and intrusive bail compliance checks by police

We are challenging the power of NSW Police to conduct excessive bail compliance checks at a person's home in the case *Dargin and Green v State of NSW*.

This practice, which has been reported by many clients of the Aboriginal Legal Service NSW/ACT, can leave people feeling humiliated, disempowered and disengaged with the justice system.

PIAC is representing two Aboriginal people who were subjected to repeated, intrusive home visits by police in 2014. One of them was on bail and living with his partner (our second client).

In a three-month period, police came to their home at night on at least 54 occasions without any suspicion that our client was in breach of his bail conditions. Crucially, NSW Police had not sought a court order to undertake these home visits. Our client did not breach his bail and the charges against him were ultimately dropped.

The District Court, in answering a preliminary legal question posed by the police, initially found that police officers cannot lawfully conduct bail compliance checks without an enforcement condition made by the court. The Court of Appeal, however, set aside that decision. It found the question was inappropriate to answer. The matter was sent back to the District Court to proceed to trial. It is expected to be heard in 2020.

The outcome of this case has the potential to have widespread ramifications for the rule of law and the scope of police powers to enter onto private land.





Supporting justice for survivors of domestic violence

We are advocating for a suite of legislative reforms to remove barriers to justice for individuals who have experienced domestic violence.

We have been particularly concerned about the arrest and detention of survivors of domestic violence who fail to appear in court, particularly when their failure to appear is a result of having been threatened.

Sarah (not her real name) is a survivor of domestic violence. After Sarah reported the abuse to the police, her ex-partner was charged with criminal offences and the police required her to appear as a witness in his criminal trial. Sarah was not charged with any criminal offences, and has no criminal history.

Sarah received threats from her ex-partner and did not appear at Court to give evidence. She told the officer who had charged him that she was afraid to attend court.

At the request of NSW Police, the court issued a warrant for Sarah's arrest. Upon finding out that a warrant had been issued, Sarah voluntarily went to a police station where she was arrested and placed in a police cell before being taken to a correctional centre. There she was strip searched and held overnight, before appearing in Court the next day.

This practice is deeply distressing for survivors of domestic violence and may discourage people from reporting domestic incidents to the police.

It is crucial that police support individuals experiencing domestic violence to give evidence in criminal matters. We are advocating for changes:

- to prevent questioning of people who make domestic violence complaints by a defendant who is self-represented;
- to change the power of courts to issue warrants in cases involving people who make domestic violence complaints to ensure it happens only in exceptional circumstances;
- to allow courts, when issuing a warrant, to make directions that a person arrested be released on bail; and
- to give police the power to grant bail to a person arrested on a warrant for failing to attend court in answer to a subpoena.

We also recommend that the NSW Government considers the introduction of specialist domestic violence courts.

Above: In June 2019 we convened a roundtable of key organisations including Womens' Legal Services NSW, DVNSW, Legal Aid NSW's DV Unit, Wirringa Baiya Aboriginal Womens Legal Centre, the Women's Domestic Violence Court Advocacy Program at Legal Aid NSW and Macarthur Women's Domestic Violence Court Advocacy Service. Participants gave us carefully considered, valuable feedback on our proposals as well as suggestions for broader reforms, based on their practical day to day experience in this work.

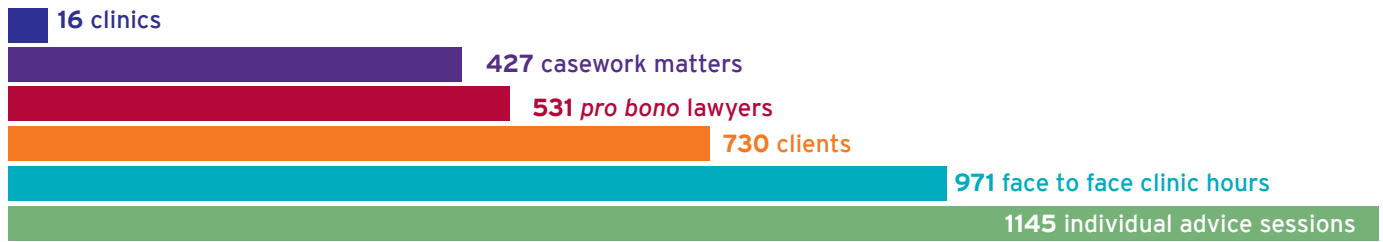


Reducing Homelessness

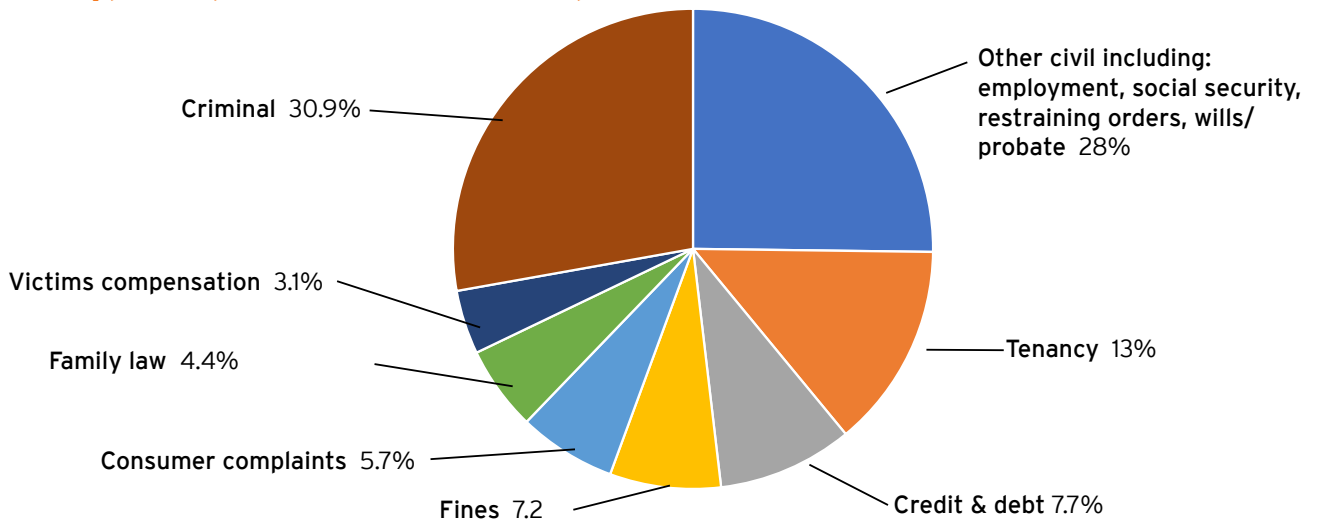
Our Homeless Persons' Legal Service protects the human rights of people experiencing homelessness and helps people resolve legal problems that stop them finding a secure, appropriate place to call home.

PIAC manages, trains and supervises pro bono lawyers from 15 leading legal practices to provide outreach legal clinics at specialist homeless services.

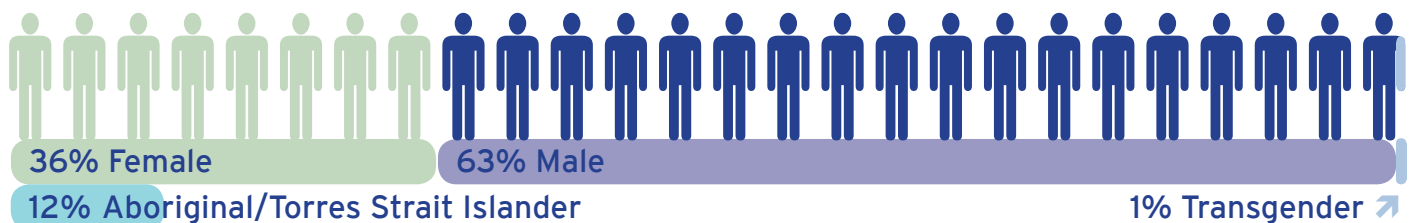
Homeless Persons' Legal Service 2018-19



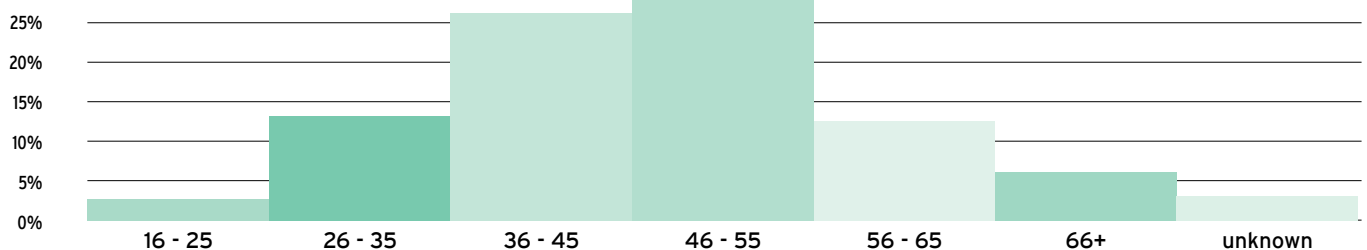
What type of problems did we help with?



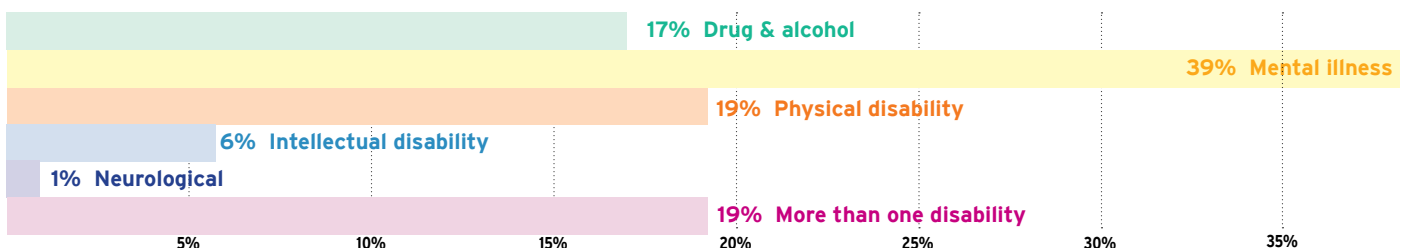
Our clients



Age



Health issues reported by our clients



Homeless Persons' Legal Service

- The Homeless Persons' Legal Service (HPLS) focuses on clients with complex needs and legal issues that compound their current homelessness or place them at risk of homelessness. This year, we assisted 730 clients with 1145 legal advices.
- We represented clients in 427 new cases, bringing our total caseload (including ongoing matters) to 1055 matters. Our casework has focused on the human rights of people experiencing homelessness, housing and tenancy matters, financial hardship and criminal legal problems.
- We work closely with the services that host our legal clinics and the broader homelessness sector to help our clients access the non-legal support they need, and to work towards solutions to the problems that keep people homeless.
- In September 2018 we established a new legal clinic at Raymond Terrace in partnership with Hall & Wilcox, Legal Aid NSW and the Salvation Army Community. The clinic has seen high demand from people experiencing severe disadvantage.
- Our network of pro bono partners continues to grow, with Hall & Wilcox and Hunt & Hunt joining HPLS this year. We now have teams from 15 legal services delivering pro bono advice and casework to some of the most vulnerable members of our community.
- We trained and supported 531 pro bono lawyers to attend legal clinics and provide legal support to our clients. We also welcomed full-time secondee lawyers from MinterEllison, Norton Rose Fulbright, and the Australian Government Solicitor, who significantly increased our capacity to assist clients with complex matters.

Photo: AHURI



Roslyn Cook, Managing Solicitor HPLS



HPLS Solicitors Jeremy Rea and Tim Ngui

Access to housing in the Hunter

We met 'Zoe'* during lunch. While Zoe was not formally seeking legal advice at the start of the conversation, it became clear that she had a number of legal issues and we decided to speak more privately.

Zoe had been sleeping in her car for almost five years, and was now sharing this limited space with her partner. She had a number of physical complaints and a history of poor mental health, both of which were exacerbated by her current living situation.

Zoe also said she had three children in care, and hoped to resume their custody once she had a stable place to live. Zoe thought that she was on the waiting list for public housing but understood that she might have to wait for a long time because she had a large family. We agreed to advocate for Zoe to be granted housing as a matter of urgent priority.

When we contacted the public housing provider we were informed that Zoe's application for housing had been closed three years earlier when she failed to respond to a notice posted to her last known address, and she was no longer on the waiting list. With this information, we were able to help Zoe have her application reopened and backdated, and we continue to advocate on her behalf.

* Name has been changed to protect the privacy of our client.

StreetCare

StreetCare is a diverse group of people with lived experience of homelessness. PIAC supports them to be active advocates and advisors to government and key service providers on systemic issues relating to homelessness and housing.

Our impact

- We are influential participants in the Premier's Advisory Council on Homelessness and contribute to the development of NSW Government policy on homelessness.
- We provide a strong voice for consumers in consultations with the NSW Department of Family and Community Services (now the Department of Communities and Justice) on projects and initiatives relating to housing and homelessness.
- This year, with the Australian Council of Social Services, we co-designed a best practice framework for working with consumers with a lived experience of homelessness.
- With Homelessness NSW, we researched the experiences of rough sleepers in their dealings with police, particularly in the Sydney CBD and Woolloomooloo.
- We actively participated in the Act to End Street Sleeping Collaboration, an initiative that brings together government and non-government organisations to tackle homelessness and the causes of homelessness.
- We provided strong feedback to the Department of Jobs and Small Business on the Job Active mutual obligation compliance framework and its effect on vulnerable consumers.

Research: the criminalisation of homelessness

This year, HPLS and Streetcare took part in a national study, The Criminalisation of Homelessness and Poverty in Australia, funded by the Australian Research Council. The study investigated concerns that police were being used to respond to issues that are a result of poverty and homelessness, resulting in increased contact with the criminal justice system.

The study explored the process of criminalisation through interviews with police, magistrates, services and individuals experiencing homelessness. PIAC's StreetCare Project Officer, Maddy Humphreys interviewed consumers at homelessness services in Sydney to understand their interactions with the police, the courts and the criminal justice system.

Some people reported being actively targeted by the police while they were sleeping on the streets, being threatened with move-on orders, and being unreasonably 'banned' from particular locations. Others told of approaching police for assistance, only to be ridiculed and physically or verbally assaulted. Some consumers were concerned about the arbitrary use of stop and search powers, particularly strip search powers, without any apparent legal cause.

The research report is expected to be released in 2020, and will provide a picture of the complexities of the criminalisation of homelessness in Australia, with recommendations for reform.



L-R: Roslyn Cook, Martin Jones, Carol Carter, Dave Jeffery, Amir Bodenstein, Adrian 'AJ' Jannson, Maddy Humphreys and Jonathon Hunyor.



Justice for Aboriginal and Torres Strait Islander People

PIAC works closely with Aboriginal and Torres Strait Islander people and organisations to provide access to justice and bring about systemic change in areas like discrimination and the policing of young people.

Through the Indigenous Child Protection Project (ICPP), we work in partnership with the Aboriginal Legal Service NSW/ACT to make change in the child protection system to get better outcomes for Aboriginal and Torres Strait Islander children and families.

PIAC actively supports the vision for reconciliation set out in the Uluru Statement from the Heart.

Photo: Flickr/Newtown Graffiti



Indigenous Child Protection Project

We are partnering with the Aboriginal Legal Service NSW/ACT (ALS) to deliver the Indigenous Child Protection Project. The project addresses the significant over-representation of Aboriginal and Torres Strait Islander children in out-of-home care in NSW.

Launched in November 2017, the project is working to get better results for Aboriginal and Torres Strait Islander children and families in the child protection system in NSW.

The first phase of the project combined casework with consultation with Aboriginal community organisations and the ALS Care and Protection team to develop a clear strategy for systemic change.

The project strategy addresses several key priority areas identified in the consultations, including:

- Early support for families - strengthening the obligation on the Department of Family and Community Services to support families prior to removing children.
- Permanency of culture - recognising connection to culture as integral to the wellbeing and best interests of Aboriginal children.
- Housing - improving consistency between housing and child protection policies to ensure that families at risk can access appropriate housing.

The project will achieve change in these areas through a combination of strategic litigation, policy development and advocacy for reform, delivered in partnership with the ALS.

Advocacy on amendments to child protection laws

In late 2018, the NSW Government amended child protection and adoption laws. There was strong opposition to the reforms by Aboriginal organisations, with major concerns including a lack of meaningful consultation on the changes and measures which might restrict the capacity of parents to seek restoration of their children. Drawing on the work of the project, PIAC and the ALS contributed significantly to advocacy around the reforms. This resulted in the NSW Government clarifying the purpose of the amendments in Parliament, in particular confirming that the reforms were intended to remove legal barriers to the reunification of Aboriginal children with their families. We have been able to rely on these statements to argue for reunification in subsequent litigation which will test the effect of the new amendments.

Ensuring access to safe housing

PIAC solicitors provided intensive support to a pregnant Aboriginal mother at risk of having her baby removed at birth due to homelessness, assisting her to secure accommodation and retain care of her child. The ALS estimates that unstable or insecure housing is an issue for roughly 50 per cent of Aboriginal families seeking legal advice for child protection matters. PIAC's ICPP solicitor has been collaborating with our Homeless Persons' Legal Service to improve advocacy for Aboriginal families whose housing insecurity is a child protection concern. For example, the ICPP and HPLS have also advocated for increased use of the Department of Family and Community Services' power to request prioritised access to housing services for families at risk.

Towards Truth: Uluru Statement from the Heart

We are proud to introduce a new, collaborative project that will provide practical, foundational support for the truth-telling process called for in the Uluru Statement from the Heart.

The initiative is a partnership between PIAC and the Indigenous Law Centre (ILC) at the University of New South Wales. It will leverage PIAC's technical and legal expertise and extensive pro bono network to support the work of the ILC which, led by Professor Megan Davis, has played a leading role in the work that led to the Uluru Statement.

Towards Truth aims to support the future work of a Makarrata Commission that will oversee truth-telling, by:

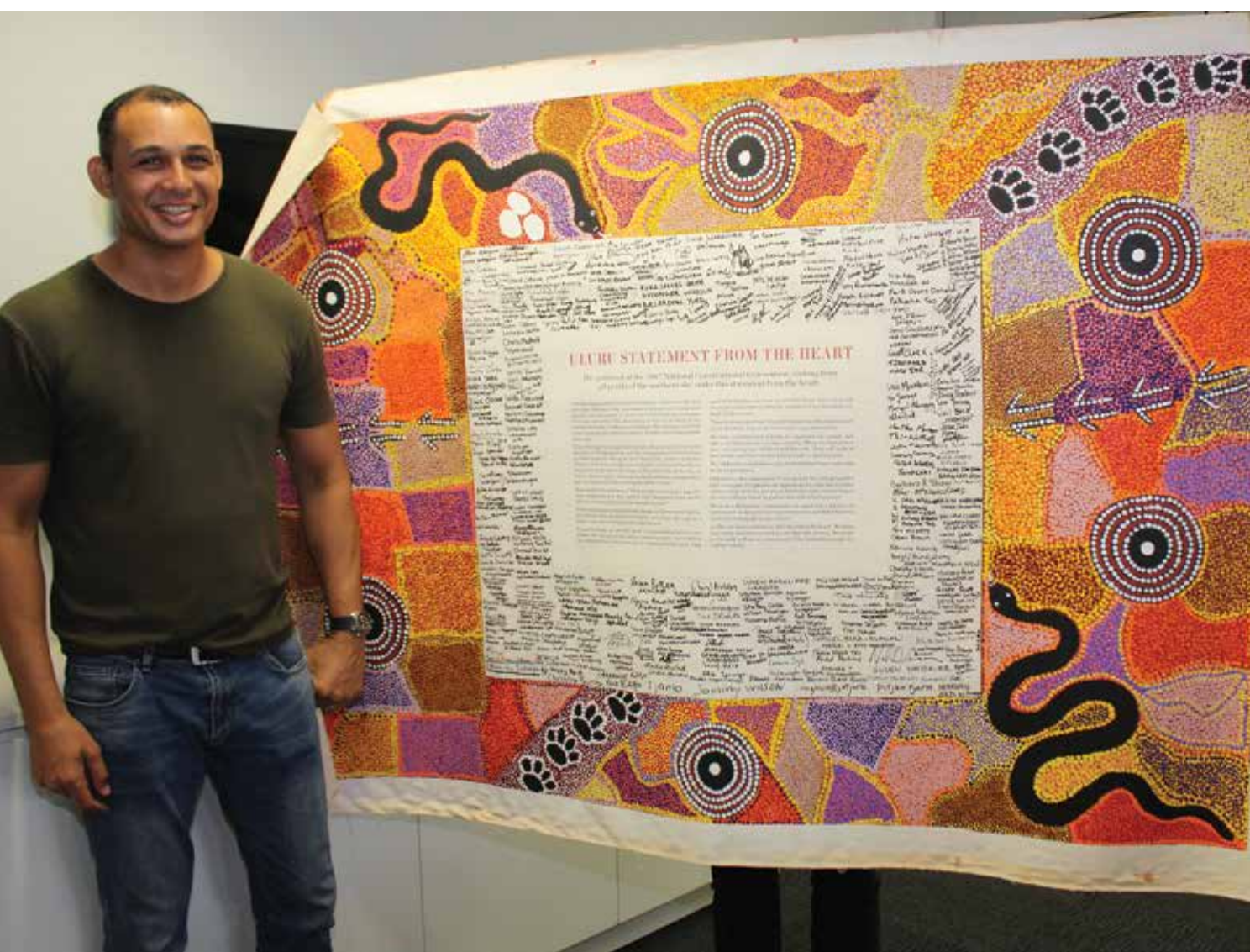
1. Mapping the different forms of truth-telling that have taken place in communities across Australia and compiling them into a searchable, publicly accessible database by location, time, subject-matter and form.
2. Developing a publicly accessible database that allows searching across States and Territories to understand what laws and policies were in place affecting Aboriginal and Torres Strait Islander peoples at any particular period, which might start with specific subject matter such as child removal or stolen wages.

Towards Truth is a long-term project with an initial twelve-month pilot phase to be delivered in 2019-20.

'We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.'

- Uluru Statement from the Heart

Below: Thomas Mayor and the Uluru Statement from the Heart.





Asylum Seeker Health Rights

The Asylum Seeker Health Rights Project is working to secure humane standards of medical and mental health care for asylum seekers in Australia's onshore immigration detention centres.

The conditions in our detention centres have been described as a 'legislative vacuum' by the Federal Court. Basic human rights, including rights of access to essential health care are unregulated and unprotected in legislation, leading to abuse and mistreatment.

Through test cases and policy advocacy, PIAC is working to change the system.



Senior Solicitor Mary Falanagan

Major breakthrough: Hepatitis C treatment secured

Asylum seekers with hepatitis C in onshore detention now have access to curative medication following advocacy by our Asylum Seeker Health Rights Project.

For years, asylum seekers in immigration detention were routinely denied access to life saving hepatitis C medication that was readily available in the community. Under a new government policy, all people in onshore immigration detention now have access to hepatitis C medication.

This major breakthrough follows successful litigation, a mass complaint to the Commonwealth Ombudsman and consistent advocacy, including through our 2018 report *In Poor Health: Health care in Australian immigration detention*.

About our case

Last year, PIAC launched legal action seeking antiviral drugs and compensation for Sami* who was repeatedly denied access to treatment while held in immigration detention.

Sami is a 50-year old asylum seeker who arrived in Australia in November 2013. He was transferred from an offshore facility to an immigration detention centre in Western Australia for medical care, but he never received it despite remaining in immigration detention for four years. We successfully settled the case for Sami, ensuring he both received the curative medication he needed and was compensated for the harm he suffered.

Through the case, PIAC also exposed repeated failures by the Commonwealth government to act on specialist recommendations, a failure to ensure continuity of health care when our client was transferred between facilities and misrepresentations about our client's medical care needs to oversight bodies.

The Commonwealth government now provides the antiviral medication to all immigration detainees living with hepatitis C.

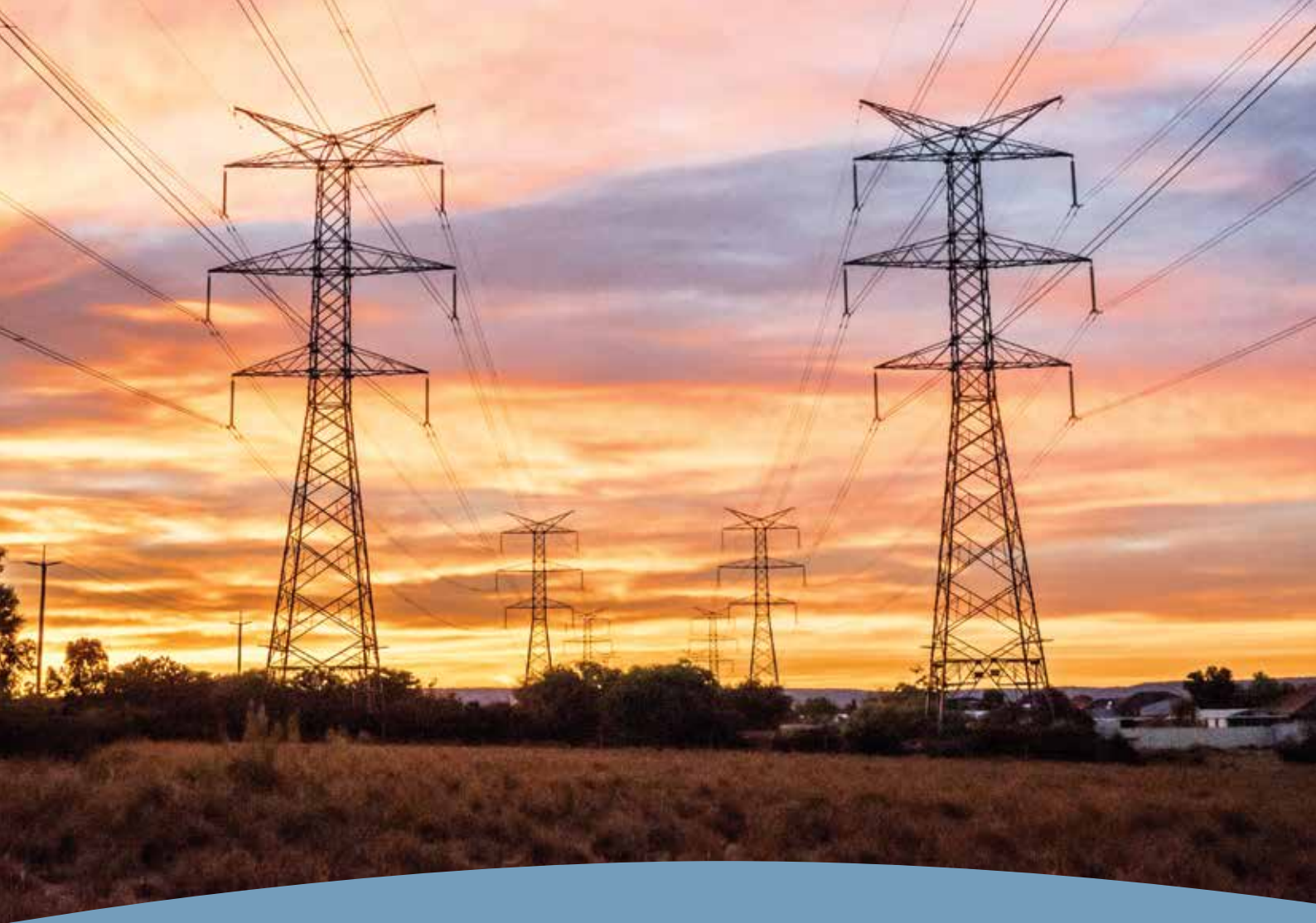
* Name has been changed to protect the privacy of our client.

Changing the system

This change benefits not just those people in immigration detention already diagnosed with hepatitis C (there were 147 new cases diagnosed in 2017-18 alone), but also staff and other detainees who as a result face less risk of onward transmission of the disease. The change also helps Australia meet its commitment to eliminate Hepatitis C by 2030.



Senior Solicitor Jane Leibowitz



Affordable energy and water

Our Energy and Water Consumers' Advocacy Program (EWCAP) works to improve access to affordable and sustainable energy and water for all New South Wales households.

The team engages with community organisations, other advocates, state and federal governments, rule-makers, regulators, ombudsmen, industry stakeholders and the public, and receives policy input from a community-based reference group.

Demand response: changing the rules of the energy market

EWCAP has been a leading advocate for allowing demand response into the wholesale energy market. Demand response reduces reliance on expensive generation sources by allowing energy users to be paid to voluntarily reduce their energy use when the supply-demand balance is tight.

PIAC, together with the Australia Institute and Total Environment Centre, lodged a proposal to the Australian Energy Market Commission (the Commission) in August 2018 to change the energy market rules to allow a new kind of energy market participant – a demand response service provider – to compete against generators in the wholesale market and provide demand response to consumers.

Our proposal for a Wholesale Demand Response Mechanism was widely supported, including by the South Australian Government, the Australian Competition and Consumer Commission (ACCC), large and small energy users, and other key stakeholders. However, it received push back from energy generators in the form of a counter proposal from their peak body the, Australian Energy Council, that, if successful, would have protected its members' interests and limited demand response.

Following the joint request, EWCAP worked hard to ensure the Commission decided in the best interests of consumers, participating in technical working groups and advisory panels, speaking at public forums, making individual and joint submissions to the Commission's consultation on the matter, and engaging with the media to argue the benefits of a rule change.

The Commission consulted widely on the proposals, and in July 2019 announced a Draft Determination largely supporting our proposal.

This decision represents a fundamental change to the energy market, shifting power from big retailers and generators to energy users, and supporting the development of a low cost, reliable, low-carbon energy system.

Under the Wholesale Demand Response Mechanism users involved receive a direct financial benefit, but all consumers benefit from downward pressure on wholesale prices.

In its draft decision, the Commission restricts participation in demand response to commercial and industrial users until new consumer protections are established, and defers its introduction until July 2022. In the coming months, as the Commission finalises its decision, EWCAP will work with it to ensure the mechanism is implemented as early as possible and to develop a plan to ensure all consumers, including households, can participate when the mechanism is introduced.

The introduction of a wholesale demand response mechanism represents a huge win for all consumers and comes after years of hard work by all the organisations involved.



Photo: Flickr/Alex Proimos

POWERLESS AGAINST BILL SHOCK

EXPOSURE
CONSUMER STORY

Electricity disconnections are a reality for many households. The independent group surveyed more than 1000 Australians and found that 20 per cent of households had experienced a disconnection in the last 12 months. The report also found that 10 per cent of households had experienced a disconnection in the last 12 months.

Joanne
Single mother with two children, had a disconnection in the middle of Christmas. "It was a hands up in the air experience. There was absolutely nothing I could do about it."

Susan
Single mother who suffers from chronic illness. "I stay awake sometimes until 11 o'clock at night so I can do two loads of washing so I can hang them out. Or sometimes I'll get up earlier so I can do my washing in those times and someone else can't get ahead."

Kerry and Frank Crowley
Astronauts' retirement with a house in the city. "The last three years I've had to take \$30,000 out of my super each year. Just to get out of debt."

Anyu
April 30, she chose to pay her bill. "It was always difficult - no one was sympathetic, no one could I don't take their kind of stuff very well."

Paula
Single mother of three living in a council house. "I'm thinking - what am I going to do? It's just embarrassing, you've got to tell all these strangers why you can't live."

Price of loyalty on energy
SOPHIE ELISHWORTH
POWER consumers are being punished for their loyalty. Many loyal customers believe they are getting a raw deal for staying with their energy provider. A study of 4000 Australians also found that many households are struggling to pay their bills. The report also found that 10 per cent of households had experienced a disconnection in the last 12 months.

Close to the edge
When my wife was very ill I had a lot of bills to pay. We had a bill for electricity that we couldn't pay and the disconnection was imminent.

Close to the edge

In November 2018, the Energy and Water Consumers' Advocacy Program published *Close to the edge*, the fourth report in its Cut Off research series exploring the impact of utility disconnections and restrictions for NSW households.

The report examines the factors that contribute to household disconnection from electricity and gas, and restriction from water, and the steps that lead to disconnection or restriction.

For the first time it also examines 'near misses', where households received a notification of disconnection but the disconnection didn't go ahead, and where households in considerable debt were seriously worried about disconnection or restriction.

The report found disconnecting people from utilities because they cannot afford to pay their bills hurts households that are already struggling, worsens the hardship experienced by people already living with multiple forms of disadvantage, and is not an effective way of making people pay on time in the future.

'People have told us they are choosing between bills and rent, going without heating, cooling and showers to use less energy, and live in fear of their next bill,' said Craig Memery, EWCAP team leader.

The research provided a strong evidence base for EWCAP's engagement with the Australian Energy Regulator's consultation on the design of a new Customer Hardship Policy Guideline for energy retailers. The Guideline sets out how retailers should treat customers experiencing hardship and provides important protection for vulnerable energy consumers. Insights from the report were used to support EWCAP's advocacy for a more prescriptive approach to regulating the minimum requirements for energy retailers assisting customers having difficulties paying their bills. The AER adopted a number of EWCAP's recommended changes in its final guidelines.

The report also drew public attention to the importance of maintaining access to energy and water services and the failure of current policies to support vulnerable consumers.

The research is an important tool for monitoring outcomes for vulnerable utilities' consumers over time, with the first Cut Off report published in 2005.

'People have told us they are choosing between bills and rent, going without heating, cooling and showers to use less energy, and live in fear of their next bill,'

- Craig Memery, EWCAP team leader.

Behind the Meter Code

Consumer protections for many new energy products and services are inadequate and fail to recognise the essential nature of new and emerging energy services.

To address this, EWCAP is exploring legal and regulatory options to deliver appropriate consumer protections in the new energy market. One aspect of this work is the Behind the Meter Code, a voluntary industry code for providers of behind the meter products and services such as solar PV, battery, home energy management systems and stand-alone power systems.

EWCAP is a member of the industry working group developing the Code with public stakeholder consultation and forums.

The draft Code has been submitted to the ACCC for review and further consultation. It is an important step towards creating an energy system that serves all consumers and reflects the essentiality of energy services.



L-R: Craig Memery, Miyuru Ediriweera, Anna Livsey, Douglas McCloskey.

Energy efficiency

Home energy efficiency is one of the most effective ways to save energy and money, and improve comfort.

In February 2019 the COAG Energy Council agreed to the Trajectory for Low Energy Buildings, a national plan that sets a trajectory towards zero energy (and carbon) ready buildings for Australia.

During the consultation for the Trajectory, EWCAP worked with other community and consumer groups to recommend a comprehensive set of measures to improve the energy efficiency of residential buildings. We also advocated for a commitment to include existing residential buildings as well a strong trajectory for new residential buildings.

EWCAP is now participating in the first stages of consultation on a trajectory for low energy existing homes.

Planning expertise

The National Energy Market (NEM) is in a period of rapid transformation, which needs careful planning and management.

During the year EWCAP has provided a strong consumer voice in the many processes considering the design, planning and operation of the future energy system and markets.

EWCAP is working closely with the Energy Security Board (ESB) on the design of the future energy market. In June we led other advocacy groups in a joint submission to the ESB's consultation on converting the Integrated System Plan (ISP) into action. We also contributed to the ESB's Post 2025 Market Design consultation.

EWCAP is also participating in the Australian Energy Market Commission's review into the coordination of energy infrastructure investment. As part of this review, we developed a framework to embed consumers' interests into transmission and generation investment decisions. We developed and presented a model for funding speculative transmission investment that fairly shared risk and cost between consumers and businesses.

Both the Commission's review into coordination of generation and transmission investment and the ESB's consultations on actioning the ISP and post 2025 market design will be instrumental in achieving optimal design of the future energy system.

Supporting transitional justice in Sri Lanka

The Sri Lanka Conflict Mapping and Archive Project (CMAP) collects, analyses and preserves open source documentation in relation to the Sri Lankan civil war and uses it to develop tools that will be useful for the Sri Lankan transitional justice process.



Tides of violence: landmark report supporting transitional justice

In May 2019, PIAC released a landmark conflict mapping report, providing a systematic overview of potential human rights violations during the Sri Lankan civil war.

A conflict map is a report that provides a detailed inventory and analysis of the types of violations, scale of alleged violations, potential patterns of abuses, potential victims and perpetrators, and identifies possible evidentiary leads or sources relating to a conflict. It is a first step in supporting research and investigations for a truth commission, reparations body, and judicial mechanism. The report is intended as both an investigative tool and a contribution to the historical record of the conflict.

Tides of violence: mapping the Sri Lankan conflict from 1983 to 2009 provides a detailed account of the conflict as it was recorded in publicly available documents including news articles, UN reports and documents, government reports and NGO reports and papers.

The report is the first major report on the conflict that spans this timeframe and it reinforces the ongoing need for a meaningful transitional justice process to address the instability, violence and suffering caused by the war. It also serves as an example of the tangible support civil society can provide to this process.





Daniela Gavshon, Project Director, Transitional Justice.

Sharing the database in Sri Lanka and Geneva

To support Sri Lankan truth and justice initiatives, in February 2019 the CMAP team travelled to Colombo to brief a number of diplomatic missions on *Tides of violence*, and the Conflict Mapping and Archive Project.

While in Colombo, our team also shared the CMAP database, which now contains over 5000 incidents, with the Sri Lankan Office on Missing Persons, so that it can be used for local research and investigations work, including in relation to missing persons cases. The team later travelled to Geneva to brief diplomatic missions to the United Nations, staff from the United Nations Office of the High Commissioner for Human Rights, as well as civil society representatives. The team also met with specialists in international investigations, documentation and human rights technology solutions.

Information overload?

Human rights documentation projects collectively produce information much faster than it can be processed or analysed. Primary records of events in the form of news articles, press releases, reports, videos and photographs proliferate across mass media platforms. This data is a vital source of information for transitional justice mechanisms, but they are often time-bound, under-resourced institutions that simply do not have capacity to sift through the plethora of content.

The CMAP project offers one solution to this problem. By gathering and digesting close to 6,000 online and archived documents into a detailed database, it has laid the investigative groundwork for future transitional justice mechanisms in Sri Lanka.

The project has been resource-intensive. Researchers, including a number of student interns and pro bono lawyers, took 18 months to locate, analyse and extract relevant information from open source documentation. The project has successfully processed a large amount of content with only modest technology. This has led PIAC to explore exciting technological possibilities that could help make transitional justice work more efficient and data-driven.

In 2018, members of the CMAP team contributed an article on this topic to the *International Journal of Transitional Justice*, *Information Overload: 'How Technology Can Help Convert Raw Data into Rich Information for Transitional Justice Processes'*, and in 2019 Program Director - Transitional Justice, Daniela Gavshon, published a piece, 'How new technology can help advocates pursue transitional justice', to the Oxford University Press Blog.



L-R: Jonathon Hunyor (PIAC CEO), Daniela Gavshon (PIAC Transitional Justice Program Director), Lal Wickrematunge (Sri Lankan Consul General), Pramuditha Manusinghe (Sri Lankan Consul), Chris Sidoti (International Human Rights Expert).

2019 Social Justice Dinner

More than 380 guests joined us at our sixth Social Justice Dinner on 7 March.

The night was a great success, celebrating PIAC's work and the contribution of our many partners and supporters.

Guests were entertained by MC Craig Reucassel and treated to an inspiring speech by Virginia Trioli, reflecting on PIAC's work in 'the struggle to adjust the world to include all of us'.

The dinner is our major annual fundraising event. We are very grateful to everyone who came along, donated generously and bid so enthusiastically in our silent auction. We particularly thank our Major Sponsors, The Law Society of NSW, Macquarie Group and MinterEllison, Supporting Sponsors Allen & Overy and Lawcover and all our Corporate Table Sponsors and table hosts.



Top: Sarah Ferguson (PIAC Director) addressing dinner guests.

Row 2: Deirdre Moor (PIAC Deputy CEO) and Cliff Shen (Accounting for Good). Andy Ward, Gabrielle Bashir SC, The Hon Justice Anthony Payne and Kristina Stern SC.

Row 3: Jonathon Hunyor (PIAC CEO), Virginia Trioli (Guest Speaker), Craig Reucassel (Master of Ceremonies). PIAC Directors, Ralph Pliner and Sarah Ferguson. Julie Foreman (PIAC Director), The Hon Elizabeth Evatt AC and Professor Eileen Baldry (PIAC Director).

Training for social justice

For many years PIAC has run workshops to build capacity in the community for effective advocacy on public interest issues and to introduce law students to social justice legal practice.

In June 2019 we made the difficult decision to cease our formal training program. Funding constraints have made the program unsustainable. We will continue to train and mentor law students via the practical legal training program, volunteer placements and customised training.

During the year 134 people attended a range of public courses including:

- Tenancy Law for Non-Lawyers

- Advocacy Strategies
- Advocacy Skills
- Advanced Negotiation Skills
- Human Rights Law

and 12 customised in-house training sessions were developed and delivered for community organisations and government.

We also continued our partnerships with the Law Schools at Macquarie University, Western Sydney University, the University of Wollongong and University of Sydney. Through this program 46 law students learned about the challenges of creating change through the law and gained practical experience developing legal and analytical skills.

► Board



Rebecca Gilsenan

Chair from 29 November 2018

Rebecca Gilsenan is a Principal Lawyer at Maurice Blackburn. She has extensive experience in running complex and novel litigation, including class actions in the areas of price fixing, failed investment schemes, product liability and securities. She has also run a number of ground-breaking public interest cases in relation to gene patents and refugee rights.



Ralph Pliner

Chair until 29 November 2018

Ralph Pliner served as an International Partner of Baker McKenzie from 1983 to 2004. He has extensive experience as a company director in the insurance, technology and energy industries. Previously Ralph worked as a lecturer in law at Melbourne University and a financial journalist with The Financial Mail in Johannesburg.



Eileen Baldry

Professor Baldry is one of Australia's leading academics in the field of criminology. In 2017 she was appointed Deputy Vice-Chancellor Equity, Diversity and Inclusion, at University of New South Wales. Eileen regularly chairs government committees and working groups, and appears as a witness in commission and government inquiries in relation to social justice issues.



Bob Debus AM

Bob Debus served as a member of NSW Parliament and Federal Parliament for over 22 years. Before becoming a parliamentarian, Bob worked as a solicitor, editor and journalist.



Avani Dias

Appointed 13 June 2019

Avani is a cross-media reporter for triple j's youth current affairs program, Hack. Avani has worked across the ABC as a reporter on TV, radio, and online in Sydney, Darwin, and western NSW.



Ian Farmer

Ian has over 30 years experience as a practising accountant and advisor, including 20 years as a Partner with PwC. Ian is Chairman of Lifeline Northern Beaches, where he is a telephone crisis supporter, and a Director and Treasurer of CRC Ltd and the Sydney Drug Education and Counselling Centre.



Sarah Ferguson

Sarah Ferguson is a Walkley Award-winning investigative journalist, writer and presenter at the ABC.



Julie Foreman

Julie is the Executive Officer of the Tenants' Union. Julie has worked in the areas of human rights, community education and community management for over 25 years.



Damian Griffis

Damian Griffis is a Worimi man and a leading advocate for the human rights of Aboriginal and Torres Strait Islander people with disability. Damian has been a central figure in the establishment of both the Aboriginal Disability Network NSW and First Peoples' Disability Network.



John Walker

John Walker is recognised as a leader in the emerging global litigation funding market. He is the Managing Director of Investor Claim Partner Pty Ltd and ICP Capital Pty Ltd. John has worked in litigation funding for more than twenty years after working in accounting and economics and practicing as a commercial litigator in Sydney.



Juliana Warner

Appointed 29 November 2018

Juliana is the Sydney Office Managing Partner of Herbert Smith Freehills and the Junior Vice president of the NSW Law Society. She has been involved in many leading cases, and represented clients in mediation, arbitration, investigations, inquiries and cross-border matters.

Coralie Kenny, resigned 29 November 2018

► Staff

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Malik Anne
Megan Bingham

Bronwyn Curran
Aidan Hammerschmid
Arizona Hart
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Supri Nooney
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Pooja Saini
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Thank you

The Public Interest Advocacy Centre gratefully acknowledges our partners and donors who are passionate about social justice. Your expertise, commitment and financial support have helped PIAC to drive changes to laws, policies and practices that cause or entrench disadvantage.

► Thank you

The generous support provided by our partners, sponsors and donors has enabled PIAC to remove barriers to justice and create systemic change for people who are vulnerable and facing disadvantage. PIAC is incredibly grateful for your commitment to our work.



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In-kind Support

Thank you to our many friends and family who have provided in-kind support, especially towards the 2019 Social Justice Dinner and other events throughout the year. PIAC is incredibly grateful for your generosity. We especially thank Sydney Grammar School for hosting our annual public forum.

To discuss making a donation towards PIAC's work please contact Ann Sloan, Relationships & Events Coordinator on (02) 8898 6523 or asloan@piac.asn.au.

► Thank you

The Public Interest Advocacy Centre gratefully acknowledges our PIAC Partners for making an essential contribution to PIAC's sustainability and strength through leadership and regular giving. In addition to those listed below, we also acknowledge PIAC's supporters who wish to remain anonymous.

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PIAC is driven by partnerships and a commitment to strengthening the community. The passion for social justice shared by our pro bono partners, barristers and community partners is vital to PIAC's success and we gratefully acknowledge your generous support.



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Vincentian House
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Wayside Chapel Mob Lunch
Wayside Chapel
Woolloomooloo Integrated Services Hub

► Finances

The audited financial result for the 2018-19 financial year is a deficit of \$80,140.

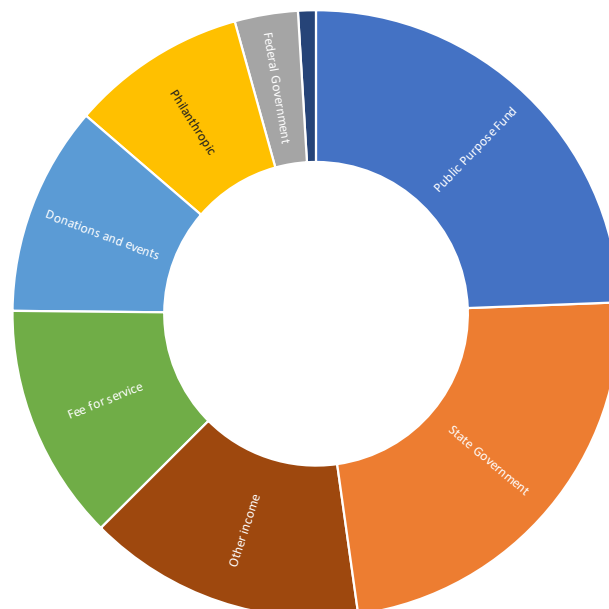
At 30 June 2019 we maintain healthy net assets and retained earnings of \$1,551,548.

We have continued to diversify our funding sources and increase the number of funding partners seeing our income grow on 2017-18 by 11% to \$4,143,589. In 2018-19 we received funding from state and federal governments, philanthropic trusts and foundations, corporates, fees for services we provided and fundraising appeals and events. We also received a range of very generous in-kind support from our pro bono partners, helping making our work possible including secondment of staff, volunteer engagement and donation of resources and facilities.

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

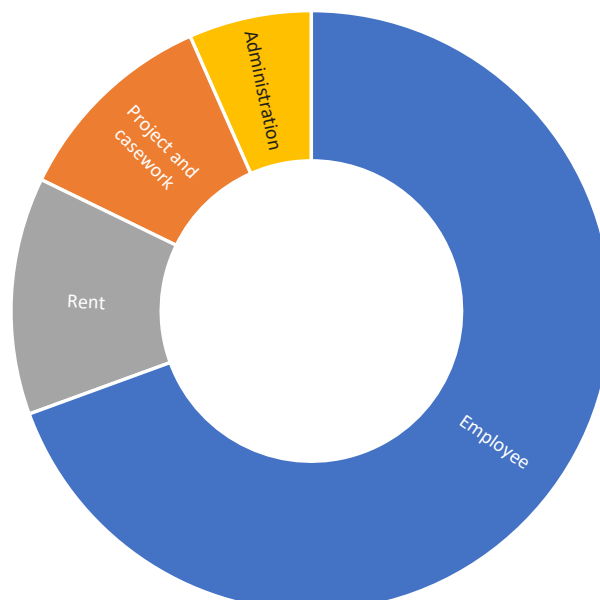
Income

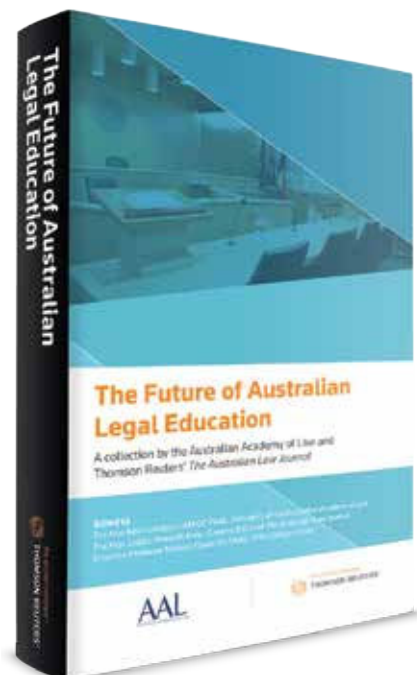
- Public Purpose Fund
- State Government
- Federal Government
- Philanthropic
- Donations and events
- Fee for service
- Investment income
- Other income



Expenses

- Employee
- Project and casework
- Rent
- Administration





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General Editor of *The Australian Law Journal*
- Emeritus Professor Michael Coper AO FAAL,
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THE FUTURE OF AUSTRALIAN LEGAL EDUCATION

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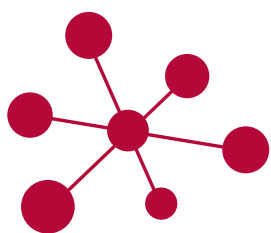
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