

**Public  
Interest  
Advocacy  
Centre**



# **ANNUAL REPORT 2021**



**We build a fairer,  
stronger society by  
helping to change  
laws, policies and  
practices that  
cause injustice  
and inequality.**



We acknowledge and pay our respects to the Gadigal as the Traditional Owners of the land on which our office stands. We recognise that sovereignty over Gadigal land was never ceded and stand with First Nations people in their struggle for justice.



# THE PUBLIC INTEREST ADVOCACY CENTRE IS A LEADING SOCIAL JUSTICE LAW AND POLICY CENTRE.

We are an independent, non-profit organisation that works with people and communities who are marginalised and facing disadvantage.



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# HOW WE MAKE CHANGE

We tackle injustice and inequality by:



## Our purpose

We build a fairer, stronger society by helping to change laws, policies and practices that cause injustice and inequality.

## What we do

Our work combines

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change and public interest outcomes.

We actively seek to collaborate and partner in our work to maximise its impact.

## Our values

We work with compassion and respect.

We amplify the voices of people who are marginalised or excluded.

We are tenacious and courageous.

We are creative and open-minded.

We do everything with integrity and are committed to excellence.

# FROM OUR CHAIR AND CEO



**In early 2021 PIAC undertook a comprehensive strategic review. Perhaps unsurprisingly, this confirmed that relationships are critical to our success. We work to build a fairer, stronger society, and we don't do this alone.**

In setting a 2021-24 strategic plan, we therefore committed to being partners in achieving social justice, bringing our expertise in law and policy advocacy to the issues that matter to our clients and the organisations and communities with whom we work.

The social upheaval of the COVID-19 pandemic has also reminded us of the importance of relationships and community. At PIAC we have been especially grateful for ours. Our families and friends; our colleagues and supporters; our generous donors and the many that provide their skills pro bono to the cause. You share our passion and determination to tackle injustice and inequality.



Strong relationships will also be critical as we face the other deep global disruption caused by climate change. Its impacts are already being felt most keenly by those people experiencing disadvantage. Developing legal and policy responses that mitigate this disproportionate effect and help deliver a just transition to a zero-carbon energy society was another of the strong commitments in our 2021-24 strategy.

Thank you to PIAC's staff, directors, volunteers, donors, supporters, clients and partners in the community. We hope you share our pride in what we have achieved together, and we look forward to working with you in the year ahead.

**Rebecca Gilsenan**  
Chair

**Jonathon Hunyor**  
Chief Executive Officer



# Highlights from our work over the past year include:

Supporting the disability community to successfully oppose plans for mandatory independent assessments under the National Disability Insurance Scheme and establishing a working group to help drive long-term reform to the NDIS.

Challenging in the Federal Court Jetstar's refusal to allow wheelchair users to use their own wheelchairs to travel to the boarding gate.

Improving COVID-19 response measures for people in immigration detention and commencing a major test case to challenge the misuse of handcuffs on people in detention.

Developing a powerful tool for truth-telling about the impact of law and policy on First Nations people in Australia and supporting the call of the Uluru Statement from the Heart for a First Nations Voice in the Constitution.

Working with First Nations people and organisations to improve the child protection system, including through greater use of Aboriginal and Torres Strait Islander expertise in court proceedings.

Launching the Aboriginal and Torres Strait Islander Social Justice Graduate Program in partnership with The Shopfront Youth Legal Centre to support the career development of a First Nations lawyer with a commitment to social justice.

Coordinating the NSW campaign to raise the age of legal responsibility to 14.

Holding police accountable for unlawful arrests of people suspected of breaching bail and securing a NSW Select Committee recommendation to enshrine the principle of arrest and detention as a last resort.

Securing justice for care leavers who missed out on their right to victims' compensation.

Influencing the design of the future energy system to support a rapid energy transition that does not pass costs to consumers.

Launching a project aimed at delivering energy-efficient, healthy housing to mitigate against the impacts of extreme weather events and lower energy consumption.

Extending the reach of our legal services to people experiencing homelessness and highlighting the experiences with police of people sleeping rough.

Securing better support for households to address the economic impacts of the COVID-19 pandemic.

Supporting best-practice in remote human rights investigations with a comprehensive guide to interviewing witnesses.



# EQUALITY AND NON-DISCRIMINATION

Our discrimination law practice secures equal access for people with disability to services such as education, public transport, digital and emerging technologies and housing.

We bring our expertise to law reform processes to modernise and strengthen legal frameworks for non-discrimination and human rights protection.





## MAKING AIR TRAVEL MORE ACCESSIBLE

Bodhi Boele was preparing to fly from Sydney to Launceston in 2019 when Jetstar refused to allow them to use their customised electric wheelchair to travel from the check-in counter to the boarding gate. Instead, Bodhi was required to transfer to a manual chair supplied by Jetstar at the check-in counter.

Bodhi cannot independently use or sit safely in Jetstar's manual chairs and had to be strapped and held into a Jetstar chair and pushed to the boarding gate by their parents. This was unsafe, distressing and humiliating. Bodhi also had to be pushed through the airport in a Jetstar chair after disembarking the return flight at Sydney three days later.

Approximately 190,000 people in Australia use either a manual or electric wheelchair. Public transport operators and providers are required to ensure public transport is reasonably accessible to everyone. In this case our client says Jetstar should have allowed Bodhi to use their own wheelchair until the point of boarding and from disembarking and that Jetstar's failure to make this available is unlawful discrimination.

We expect the matter will be listed for hearing in the Federal Court in 2022.

Our client Bodhi Boele is one of approximately

# 190,000

people in Australia who use either a manual or electric wheelchair.



# Religious freedom bill a nightmare for employers

One Nation's Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 gets one thing right — the lack of protection for religious belief is a genuine gap in NSW anti-discrimination law.

But when it comes to the detail, the bill not only goes the wrong way about introducing these much-needed protections, it represents a serious threat to the rights of all people in NSW.

The problem arises because of the prioritisation of religious beliefs over the rights of others. Privileges would be provided to schools and charities and even some commercial businesses to discriminate against others, including people of minority faiths or those of no faith.

To see what this will mean in practice, we can look to one of the many examples provided in the

Alastair Lawrie



explanatory notes which One Nation state leader Mark Latham has urged us to read to obtain a "full understanding of what the bill is trying to achieve".

The notes provide: "A Satanist requests that a publisher print materials that promote the teachings of Satanism. A Jewish employee of the publisher requests that she not be required to facilitate the order..."

How would the bill resolve this issue? According to the notes, the employer cannot require the employee to undertake the task if another employee can do the work or "where alternative publishers are reasonably available to facilitate the order".

In other words, an employee can refuse to perform the core component of their role, solely on the basis of their personal religious beliefs, even if this means sending the job to a competitor.

This would allow employees to veto their employer's decisions, including what goods and services are offered and to whom.

And what of the customer? They are turned away by the publisher because their religious belief does not accord with that of the employee, which is surely the type of discrimination that should be prohibited under a genuine religious discrimination bill.

It's important also to get a sense of how far this would go. If this is how the bill is intended to operate, employees may refuse to provide goods or services to a wide range of people because of the employee's religious beliefs: not just to people from different

religions, or no religion, but to single parents, unmarried couples, women, people with disability and lesbian, gay, bisexual, transgender or intersex people, among others.

The customer has no way of knowing in advance whether a particular business will refuse to serve them. Based on the scenario set out in the explanatory notes, any business could turn away any customer based on the religious beliefs of an individual worker. That is a recipe for chaos.

And it will leave employers in an invidious position: either they compel their employee to perform the requirements of their job and risk the employee claiming discrimination on the basis of religious belief, or they refuse to provide goods and services to customers on the basis of who they are and guarantee not just loss of income, but risk a discrimination complaint from the customer.

In reality, many employers may end up doing the very thing a well-drafted religious discrimination bill should prevent: refuse to hire deeply religious people because of a fear they could cause serious damage to their business.

The bill's notes provide plenty of other examples of different ways in which One Nation is seeking to tip the scales of our anti-discrimination law in favour of religious individuals and organisations above the legitimate rights of others.

But this parable of the publisher alone should be sufficient for businesses to not just be alert, but seriously alarmed, about the unworkable nightmare that would be created if this legislation is allowed to pass.

Alastair Lawrie is the senior policy officer at the Public Interest Advocacy Centre.

## RELIGIOUS DISCRIMINATION BILLS

PIAC has continued to lead public policy debate around Religious Discrimination Bills, at State and Commonwealth levels.

In NSW, we exposed problems with One Nation's Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 in submissions and evidence to a Parliamentary inquiry. This was supported by an opinion piece published in the *Sydney Morning Herald* highlighting significant flaws in the Bill, as well as working with partner organisations on joint statements opposing the One Nation Bill, and targeted engagement with decision-makers.

We continue to monitor developments regarding a potential Commonwealth Religious Discrimination Bill, and met with the office of Attorney-General, Senator Michaelia Cash, to highlight the flaws and dangers of the exposure drafts released to date.

Our work is underpinned by a commitment to legal protection against discrimination on the basis of religious belief (including those who lack a religious belief), while ensuring that such protection does not undermine the rights of others to live their lives free from discrimination.

Credit: Keith Saunders



# MENTAL HEALTH AND INSURANCE

Our Mental Health and Insurance Project has been at the forefront of major changes to industry practices to ensure fairer treatment of people with mental health conditions.

In March this year, insurer TAL was found by the Federal Court to have breached its duty of utmost good faith in its treatment of a PIAC client, Sarah\*. The prosecution, brought by the Australian Securities and Investments Commission (ASIC), resulted from PIAC's submissions to the Banking & Financial Services Royal Commission and Sarah's willingness to have her mistreatment featured by the Royal Commission as a case study.

TAL initially paid Sarah's claim relating to cancer, but then cancelled her policy after obtaining her medical records and finding that she had visited a psychologist. TAL argued that this constituted evidence of an undisclosed mental illness, even though Sarah's psychologist confirmed that she had not received any diagnosis of mental illness.

The case highlights the poor handling of mental health by insurers and the need for greater accountability.

The Mental Health and Insurance Project has seen PIAC partner with Beyond Blue and Mental Health Australia to drive improved codes of practice for both general insurers and life insurers, organisational reviews into mental health issues by several insurers, and the establishment by the Financial Services Council of a biannual mental health roundtable. We have seen improvements, particularly in the travel insurance industry, with many insurers removing blanket mental health exclusions from policies.

Unfortunately, significant change in life and income protection insurance has not followed. Mental health exclusion clauses on life insurance policies remain unreasonably broad, and potentially unlawful. We have called for ASIC to investigate these issues, including the ongoing problem of mental health discrimination in the underwriting of life insurance.

\* Name changed to protect privacy.

“

**IT'S CRITICAL THAT THERE ARE PUBLIC ACCOUNTABILITY MEASURES FOR INSURERS, SUCH AS ENFORCEABLE CODES OF CONDUCT, AND GREATER OVERSIGHT AT AN EARLIER STAGE FROM REGULATORS SUCH AS ASIC**

”

Michelle Cohen, Principal Solicitor

We work closely with Aboriginal and Torres Strait Islander people and organisations to tackle injustice in the child protection system, raise the age of criminal responsibility and address discrimination in the policing of Aboriginal young people.



# FIRST NATIONS JUSTICE



We gratefully acknowledge 20 years of generous financial support by Allens for PIAC's work on Aboriginal and Torres Strait Islander Justice.

PIAC's Indigenous Child Protection Project is supported by a generous grant from the B B & A Miller Foundation.



# IMPROVING OUTCOMES FOR CHILDREN AND FAMILIES IN THE CHILD PROTECTION SYSTEM

*Aboriginal Voices in Child Protection Decision-Making*, was a landmark event, convened in February by the Aboriginal Legal Service NSW/ACT, UTS Jumbunna Institute for Indigenous Education and Research, UTS Law, and PIAC.

In NSW, Aboriginal children and teens are almost 10 times more likely to be living in out-of-home care than non-Indigenous children, and less likely to be reunited with their parents.

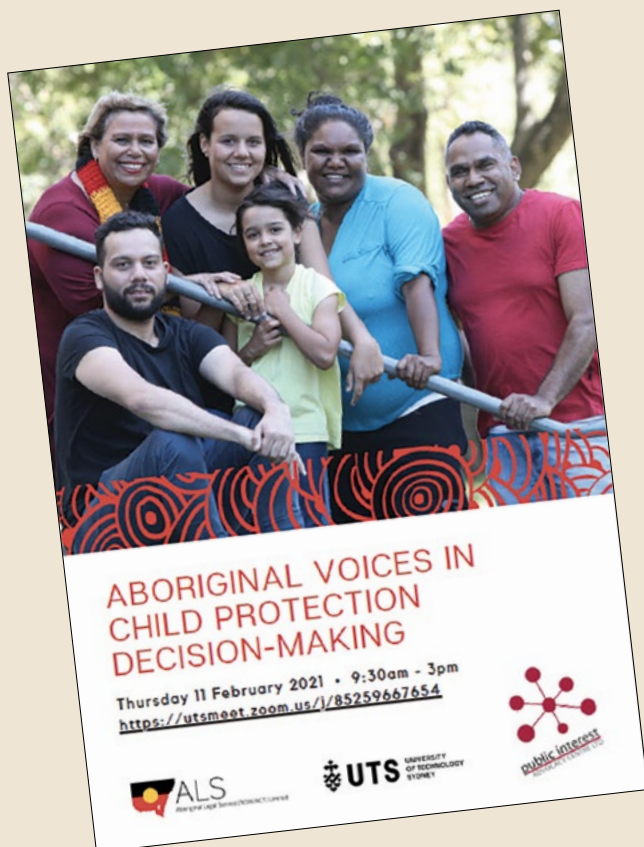
This workshop brought together experts across the child protection sector to find ways to make better use of Aboriginal and Torres Strait Islander expertise in court proceedings, to better protect children and keep them connected with community and culture.

A diverse group of child welfare practitioners including social workers, legal professionals,

psychologists, academics, and community advocates considered issues including the current push towards adoption and guardianship orders in the NSW child protection system; the intersections between out-of-home care, homelessness and domestic violence; and other structural and practice challenges that undermine the safety and wellbeing of Aboriginal children and young people.

The group called for Aboriginal and Torres Strait Islander expertise to be recognised, and for child protection systems to be transformed to reflect Aboriginal and Torres Strait Islander cultures and values.

We are also exploring potential legal claims to improve outcomes for children and families in the child protection system.



“  
**ABORIGINAL AND TORRES  
STRAIT ISLANDER  
PEOPLE AND COMMUNITY  
ORGANISATIONS HAVE THE  
ANSWERS ABOUT HOW BEST  
TO PROVIDE AND CARE FOR  
THEIR CHILDREN.**”

Jonathon Hunyor, PIAC CEO

## SUPPORTING A FIRST NATIONS VOICE

In January 2021 the Australian Government released the Interim Voice Report and invited the community to contribute to the design of a mechanism to ensure the views of Aboriginal and Torres Strait Islander peoples are heard directly by Parliament on issues that affect them.

This First Nations Voice is a key pillar of the Uluru Statement from the Heart, which sets out a vision for reconciliation developed by the First Nations National Constitutional Convention, following extensive

consultations with communities throughout Australia.

PIAC's submission to the co-design process called on the Commonwealth Government to honour its election commitment to hold a referendum on the Voice, and pass enabling legislation in the next term of parliament.

It also stressed the importance of enshrining the Voice in the Constitution rather than establishing it via legislation, to ensure its authority and independence.

## NEW ABORIGINAL SOCIAL JUSTICE GRADUATE PROGRAM

This year, we launched a new Aboriginal Social Justice Graduate Program, in partnership with The Shopfront Youth Legal Centre.

The new program, generously supported by the Matana Foundation for Young People and Herbert Smith Freehills, is designed to kick-start the career of an Aboriginal or Torres Strait Islander solicitor with a strong commitment to social justice.

The program runs over two years. Initially, the participant is supported to complete their Graduate Diploma

of Legal Practice, or equivalent qualification.

In the remaining part of the program, the graduate is employed as a full-time solicitor. They will support The Shopfront's work to provide legal services to homeless and disadvantaged young people in inner-Sydney, while working with PIAC on strategic litigation and policy advocacy.

PIAC and AbsecNSW met in June 2021 to discuss how we can work together to empower Aboriginal children, young people, families and communities impacted by the child protection system.





# KEEPING CHILDREN OUT OF PRISON

Across Australia, children as young as ten are arrested, charged and sent to jail. This is despite decades of medical, social and legal research highlighting the harm this causes to children and our community.

Aboriginal and Torres Strait Islander children continue to be disproportionately impacted, accounting for 65 per cent of children aged 10 to 13 in detention.

PIAC is coordinating the NSW campaign to raise the age to at least 14 years, working as part of a national campaign with Aboriginal community-controlled organisations, legal, civil society and medical groups.

Reasons to raise the age:

- **Removing a pathway to prison.**

Research shows that early engagement with police and juvenile detention increases the risk of entrenchment in the criminal justice system, including higher rates of adult imprisonment. Criminalising children causes crime.

- **Improved understanding of brain development.** Medical groups like the Royal Australasian College of Physicians support raising the age because levels of neurocognitive development in children aged 10-13 mean their behaviour should not be treated as criminal. Punitive responses, especially arrest and detention, also cause trauma that damages children's mental and emotional development.

- **Addressing systemic racism.**

Aboriginal and Torres Strait Islander children aged 10-13 are massively over-represented in the criminal justice system compared to non-Indigenous children. This is simply unacceptable and reflects systemic bias.

- **Disproportionate impact on other vulnerable children.**

Other groups that are over-represented include children with intellectual disability and mental illness, as well as children who have had contact with child protection authorities.

- **Meeting international standards.**

The United Nations Committee on the Rights of the Child considers 14 to be the absolute minimum age of criminal responsibility.




Credit: Unsplash/ Marcus Spiske

# 65%

of children aged 10 to 13 in detention are Aboriginal and Torres Strait Islander

# REDUCING HOMELESSNESS



Our Homeless Persons' Legal Service protects the rights of people experiencing homelessness and helps reduce homelessness by tackling legal and systemic barriers that prevent people from accessing and maintaining appropriate, secure housing.



We acknowledge the Community Legal Services Program funded jointly by the NSW and Commonwealth governments, the NSW Department of Communities and Justice (StreetCare), Ray Wilson and Plenary Group, Riverbush Pty Limited, MinterEillison, Allens, Carroll & O'Dea Lawyers, Corrs Chambers Westgarth, Hall & Wilcox, Macquarie Group, Moray & Agnew Lawyers and Norton Rose Fulbright for generously supporting PIAC's HPLS work.



## HOMELESS PERSONS' LEGAL SERVICE

The emergency response to the COVID-19 pandemic, which saw rough-sleepers temporarily housed in hotels, demonstrated that government can effectively end homelessness. Perhaps unsurprisingly, the key is increased investment in accessible social housing.

Housing issues remain the largest area (21%) of client inquiries to PIAC's Homeless Persons' Legal Service (HPLS) and as in past financial years, we continued to negotiate throughout the pandemic with housing providers and the Department of Communities and Justice to prevent vulnerable clients being evicted and becoming homeless.

Our next largest number of inquiries relates to addressing financial hardship, including by resolving fines, credit and debt issues, and assisting clients to access entitlements or compensation, such as victims compensation. Fines and credit and debt issues comprise nearly 20% of initial enquiries.

For much of the year we provided a phone-based service, but as restrictions eased in early 2021, we worked closely with our community partners to resume face-to-face clinics.

We assisted a diverse group of clients. By strengthening our relationship with The Shed in Mount Druitt, we provided support for more First Nations people. The percentage of our clients who identify as Aboriginal and Torres Strait Islander is now around 20%.

We continued to provide high levels of assistance for high-needs clients with criminal law issues. We have maintained a strong focus on assisting individuals with multiple complex problems who would have difficulty accessing mainstream legal services, and who often have serious concerns relating to mental health and substance abuse. 73% of our clients seeking assistance with criminal charges identify as having a disability, including mental illness, physical disability, intellectual disability or more than one disability.



# 73%

**of our clients seeking assistance with criminal charges identify as having a disability, including mental illness, physical disability, intellectual disability or more than one disability.**



## NEW OUTREACH SERVICE

In February 2021 we established a new Outreach Solicitor role with one-off Commonwealth funding for responses to the COVID-19 pandemic. The Outreach Solicitor has developed new pathways for clients to access our service, including at places like the Footpath Library in Martin Place. She has also provided direct assistance to people who would otherwise have difficulty accessing legal support because of health, social or economic and systemic disadvantage.

We have established new partnerships with a number of community services including: Canice's Kitchen (one of the biggest hubs for people experiencing homelessness, with 150 people per day attending), Lou's Place (a women's only service supporting women at risk of homelessness), C3 Church in Wentworth Park, Glebe (many long-term rough sleepers reside there, including non-residents with no access to government assistance) and Mob Outreach in Belmore Park and Redfern Park.







# THANK YOU HPLS

## 1,141

people homeless  
in Sydney Street Count



"Conducting pro bono work for HPLS is an incredibly rewarding and humbling experience. I am truly honoured that our clients feel safe and supported enough to share their vulnerable experiences with us. It is a real privilege to be entrusted with the task of advocating for them".

Sarah, HPLS Volunteer Solicitor

## 530

people assisted

"The HPLS clinic at Wayside Chapel has been instrumental in bringing access to justice to people who would otherwise go without legal advocacy and advice. The service is a crucial pathway to supporting vulnerable people to access high quality legal services and ensures there is an holistic and integrated approach to providing services for community that works with the person, and not just the problem".

George, Research and Development Manager, Wayside Chapel

"Undertaking work for HPLS, I've really enjoyed the opportunity to engage with vulnerable people at risk of or experiencing homelessness. Even if we can't help with their issue, sometimes a client just appreciates the chat and that we've tried to find other means of assistance for them".

Rosie, HPLS Volunteer Solicitor

## 519

open cases



"The Homeless Persons' Legal Service's clinic is an essential service for the St Vincent de Paul Society NSW's Ozanam Learning Centre. Community members experiencing exclusion are able to easily access legal assistance at this weekly drop-in clinic. Since HPLS commenced its partnership with the OLC in April, clinic participants have already had some great wins. Thank you, HPLS!"

Katie, St Vincent de Paul Society

## 446

legal advices



## 20%

Aboriginal or Torres  
Strait Islander clients

"Thanks everyone at HPLS. Your kind heartedness and active support and compassion and professionalism and your humanity, has renewed my hope and faith in people".

Former HPLS client



## Case study

# SEEKING SAFETY AND SHELTER

Aisha\* spoke very limited English, but one of our HPLS lawyers was able to speak to her in her language. She had physical disabilities, a history of depression and anxiety and was a survivor of domestic violence.

Aisha became homeless after separating from her husband, upon whom she had depended, both socially and financially. Her physical and mental health conditions prevented her from securing stable employment. When Aisha saw our lawyers, she was living in crisis accommodation, but had recently been assaulted by another resident there. She feared for her safety and was too anxious to return.

Our solicitors were able to secure alternate temporary accommodation so that Aisha wasn't forced to sleep rough. We then supported Aisha to obtain an AVO against the perpetrator of the assault and to apply for victims' compensation.

We helped Aisha to apply for public housing and helped her to engage with the Department of Communities and Justice about her application.

\* Name changed to protect privacy.

# POLICING PUBLIC SPACE: THE EXPERIENCES OF PEOPLE SLEEPING ROUGH

The over-policing of homelessness in public spaces has been identified by advocates and consumers alike as a significant contributor to the criminalisation of people experiencing homelessness.

Policies such as the NSW Government's 'Protocol for Homeless People in Public Places' emphasises the rights of homeless people and the need for police and others to treat people with respect, but in practice, many feel they are the subject of unfair or unwarranted police attention.

Our 'Policing Public Space' report with Homelessness NSW highlights

how negative interactions with police can be an important barrier to people enjoying their rights and engaging with services to secure housing and achieve their goals.

The report was launched in May 2021 at a public Zoom forum moderated by lead author, Madeleine Humphreys, and featuring panellists Rebecca Warfield (StreetCare), Samantha Sowerwine, (Justice Connect) and Professor Luke McNamara, Co-Director of the Centre for Crime, Law and Justice at UNSW.



## STREETCARE – EMPOWERING ADVOCATES WITH LIVED EXPERIENCE

StreetCare brings together people with lived experience of homelessness to influence meaningful change in homelessness and housing policy. Members are supported by PIAC to be effective advocates, as well as guiding PIAC's policy priorities and informing our approach to service delivery.

Over the past year, the COVID-19 public health crisis has created both challenges and opportunities for StreetCare. Despite restrictions on meeting face-to-face, the group has continued to work with government and the homelessness services sector to ensure people experiencing homelessness are provided with housing and appropriate support services during lockdowns and beyond.

StreetCare engaged directly with decision makers, providing input into the NSW Auditor-General's review of NSW Government's Homelessness Strategy and COVID-19 response to homelessness. The group has been asked to provide input into future performance audits including on the NSW Trustee and Guardian and the NSW Government's social housing strategy.

StreetCare made submissions into a review of the management of NSW Public Housing contracts; a

Departmental review into temporary accommodation following housing relocations; and a submission on the NSW Housing Strategy.

StreetCare advised NSW Health about trauma-informed and appropriate approaches to contact tracing and providing access to testing and vaccinations for transient people and communities. Members worked with the Department of Customer Service and were involved in the development of a new Act to regulate the boarding houses sector and other forms of shared accommodation. StreetCare also provided advice to the Australian Bureau of Statistics in the lead up to the census, helping to ensure people experiencing homelessness are counted in a way that is both accurate and respectful.

StreetCare members also contributed to the public awareness of homelessness issues. They wrote for Parity Magazine's lived experience edition and StreetCare member Rebecca appeared as a panellist at PIAC's Forum 'Policing Public Space: The experiences of people sleeping rough'.



## VALE AJ

Sadly, StreetCare lost a founding member this year with the passing of AJ. PIAC and StreetCare are indebted to AJ for his many years of work with us. AJ was a pioneer of lived-experience advocacy for people experiencing homelessness in Sydney and was known across the sector for his shrewd observations and keen eye for injustice.

We send our sincerest condolences to his family and friends, and all of those who knew him. We will seek to honour AJ's legacy by continuing to support and partner with people experiencing homelessness to advocate for justice.



## BUILDING CAPACITY TO DRIVE CHANGE: MEDIA TRAINING FOR CIVIL SOCIETY

PIAC's media training courses empower advocates in civil society to contribute effectively to public debate and influence change.

The courses cover the essentials of successfully facing the media, including practical interview skills, and can be tailored for particular groups. Training is delivered by PIAC Media and Communications Manager, Gemma Pearce and experienced radio presenter Tim Brunero.

This year we trained approximately 45 people, both in-person and online, including solicitors from community legal centres, disability advocates and staff and youth ambassadors from Aboriginal-led social justice organisations.

Feedback from participants is very strong: 100% of workshop evaluation respondents would recommend the course to a friend or colleague.

**“ THE TRAINING FAR EXCEEDED MY EXPECTATIONS; I ACTUALLY DIDN'T KNOW WHAT TO EXPECT AT THE START. THANK YOU FOR THE EXTREMELY VALUABLE TRAINING! ”**



Media skills workshop with Just Reinvest NSW.



# A FAIRER NDIS

We work with disability rights organisations to improve outcomes for people under the National Disability Insurance Scheme, by improving decision-making by the National Disability Insurance Agency and increasing transparency and accountability.





## COMMONWEALTH ABANDONS PLANS FOR MANDATORY INDEPENDENT ASSESSMENTS

This year, we joined the disability community in successfully opposing the Commonwealth Government's plan to introduce mandatory independent assessments for people on the National Disability Insurance Scheme (NDIS). We outlined our concerns about the lack of fairness, transparency and accountability in a detailed submission to the Parliamentary Joint Standing Committee on the NDIS and in the media.

Under the Government's proposed changes, important decisions about whether a person can access the NDIS and how much funding they receive were to be based on a mandatory assessment undertaken by a health practitioner not known to the person being assessed. This independent assessment could not be reviewed or appealed.

Following strong opposition from groups across the disability sector, civil society and State and Territory Ministers, in July 2021 the Government abandoned plans to introduce these assessments.

While this is welcome news, questions remain around what this means for the Government's reform agenda, including the timing and content of any NDIS Amendment Bill. We are working closely with disability advocacy groups to ensure that any proposed changes are fair and improve the system to better meet the needs of people with disability.



**'Forcing people to undergo independent assessments by strangers and giving them plans which disregard their individual goals defeats the entire purpose of the NDIS.'**

**Chadwick Wong, Senior Solicitor**

## NDIS SYSTEMIC ADVOCACY WORKING GROUP

As part of our work to improve the fairness of the NDIS, this year we established an NDIS Systemic Advocacy Working Group, comprised of membership from national peak disability representative organisations. The Working Group is chaired by Natalie Wade of Equality Lawyers, with PIAC acting as secretariat and providing legal and advocacy expertise.

The Working Group meets a need for greater capacity and resourcing in the disability sector to drive long-term, coordinated, systemic law and policy reform to the NDIS.

The Working Group held its first two meetings this year and we look forward to continuing our support for the disability community in driving NDIS reforms. We acknowledge and thank our Chair and members for their generous time and commitment to the Working Group.

# TRUTH TELLING AND GOVERNMENT ACCOUNTABILITY

We expose laws, policies and practices that are unfair or inconsistent with rights and collaborate with others to develop solutions that promote justice, democracy and accountability.







## TOWARDS TRUTH AND THE ULURU STATEMENT FROM THE HEART

The Towards Truth project is a ground-breaking partnership with the UNSW Indigenous Law Centre (ILC), that provides foundational support for the truth-telling called for in the Uluru Statement from the Heart.

The project maps legislation and policy that has impacted Indigenous people in Australia since 1788. From the dispossession of land, to education, child removals and the regulation of hunting and fishing, the actions of Australian governments and institutions have touched every aspect of the lives of First Nations people.

With Professor Megan Davis and the team at the ILC, we are creating a comprehensive database that will be converted into a publicly accessible website. Users will be able to search across different thematic areas to support their understanding of the complex web of regulations and policies that may have impacted them or their community.

The project receives significant pro bono assistance, with lawyers from partner firms undertaking detailed research and analysis. Priority themes in this financial year have

included Aboriginal land rights, water rights, forced relocations, child removal, recognition of Aboriginal customary law and participation in democracy.

Over the past year, we have developed relationships with the NSW Parliament and State Library of NSW to access documents for use in the database. We have also started discussions with the National Library of Australia and the NSW Department of Aboriginal Affairs about accessing their documents and archives. Our research methodology has been streamlined to ensure consistent and accurate analysis, including through consultations with, and external review by, subject matter experts and academics.

*PIAC gratefully acknowledges the generous financial support for the project from the Maple-Brown Family Foundation, PwC, Clayton Utz Foundation, Herbert Smith Freehills, Maurice Blackburn Lawyers, Harbour, Lander & Rogers, Robert & Jennifer Gavshon, Sam & Barbara Linz and the Australian Communities Foundation Fairer Futures Fund.*

## MARGINALISED GROUPS MOST AT RISK FROM DATA-SHARING PROPOSAL

In April 2021, we joined representatives from the Law Council of Australia, the NSW Council for Civil Liberties and the Australian Privacy Foundation in giving evidence before the Senate Finance and Public Administration Committee hearing, raising concerns about the lack of safeguards in a Commonwealth data sharing proposal.

Under the Data Availability and Transparency Bill, the Australian Government is proposing to allow public sector data, including personal information, to be shared with entities including some government agencies, businesses, non-government organisations or even individuals. This could include sensitive information, such as Centrelink records and health records.

PIAC's advocacy highlighted that the most marginalised groups, including people with a disability, First Nations people and asylum seekers, will be most at risk from the proposed law. These communities are more likely to access government services, such as income support and public health services, and be disproportionately involved in elements of the justice system.

The Senate Committee responded to these concerns with a joint recommendation that additional guidance regarding privacy protections should be considered by the Government.

PIAC remains of the view that significantly stronger oversight and confidence-building measures are needed before this legislation is fit to be passed.



Credit: Pexels/ Pixabay



# JUSTICE FOR CARE LEAVERS WHO MISSED OUT ON VICTIMS' COMPENSATION

We have been working with young people formerly in State care and who were victims of crime, to hold the NSW government accountable for failing to lodge victims' compensation claims on their behalf.

Because of a change to victims' compensation laws in June 2013, some victim-survivors may no longer be able to obtain compensation under current laws, or the compensation available to them may be much lower than under the old laws.

PIAC has assisted care leavers who may have missed out to obtain compensation. While securing just outcomes for our clients, we have also brokered a systemic response for other young people who may be affected. With the assistance of the Law Society of NSW we have set up a single point of contact for young people to seek advice and assistance to bring a claim.



Credit: Pexels/ Cottonbro

# GETTING JUSTICE FOR JORDAN

From a young age, Jordan was subject to repeated family violence. He was physically assaulted by his mother and stepfathers, as well as exposed to violence between his parents. After an especially traumatic incident when he was 12, he was removed from his mother's care and placed in the care of the State. As a result of the violence, Jordan suffered serious psychological and physical injuries. Many of the psychological injuries are ongoing. While in State care, Jordan continued to suffer violence from other children he lived with. The State knew Jordan was a victim of violence: this is why he was removed from his mother's

care. It had extensive records of violence against him and had even been involved in some of the court proceedings. But it failed to lodge victims' compensation claims for him. This would have provided significant compensation for Jordan and helped him when he turned 18.

We helped Jordan make a claim against the Department. The Department agreed to settle his claim for over \$100,000. This settlement was agreed to without having to go to court, minimising the risk of Jordan experiencing re-traumatisation as a result of the legal process.



Credit: Flickr/ Trokillinochchi

## MAPPING THE SRI LANKAN CIVIL WAR

The Conflict Mapping and Archive Project (CMAP) collects, analyses and preserves open source documentation regarding alleged violations of human rights and international humanitarian law that occurred during the Sri Lankan civil war.

Following the 2019 release of the report 'Tides of Violence: Mapping the Sri Lankan conflict from 1983 to 2009', the CMAP team collaborated with a Belgium-based NGO to develop an easily accessible and interactive website of its conflict mapping data. The website provides future truth and accountability practitioners with information on over 5,000 incidents, patterns of violence, investigative leads and gaps in reporting of human rights incidents.

The Truth and Accountability team continues to build on its existing knowledge and expertise of open source investigation in the Sri Lanka context to conduct further

research and analysis into alleged violations and patterns of violence. PIAC's research is at the forefront of digital human rights investigations employing the latest research methodologies and technological solutions to organise and preserve research findings. The team collaborates with stakeholders around the world to ensure that the existing vast amounts of information available in the public domain are analysed and organised so it can be efficiently accessed by truth and accountability processes.

### **Sri Lanka Project Advisory Group**

Brenda Hollis

Alexa Koenig

Alexander Mayer-Rieckh

Peter McCloskey

John Ralston

*PIAC acknowledges the generous support for this project from the United Nations.*



# REMOTE INVESTIGATIONS: A GUIDE TO INTERVIEWING WITNESSES

In mid-2021, the Truth and Accountability Program published *'Remote human rights investigations: a guide to interviewing witnesses when access is restricted.'* The guide was developed in response to increasing constraints on access to countries and territories where conflict, crises, and violations of human rights and international humanitarian law occur. Investigators are often unable to enter these countries for political, security, logistical and COVID-related reasons.

This is the first public guide to comprehensively address options for interviewing witnesses in restricted access contexts. It focuses on methods of remote interviewing and options for interviewing witnesses living outside the area under investigation (e.g. refugees and asylum seekers).

The guide reflects the insight of dozens of investigators with experience working for the

United Nations, non-government organisations and international courts; staff at the Office of the High Commissioner for Human Rights; and expert reviewers, including Australian Commissioners who have served on UN investigations. Their input enabled us to draw on examples from diverse contexts and ensure that the guide reflects best practice. PIAC has also worked with the Institute for International Criminal Investigation on their *Guidelines on Remote Interviewing*, which was published as a companion piece.

## Remote Interview Guidelines Expert Reference Group

The Hon Michael Kirby AC CMG

Melissa Parke

John Ralston

Mike Smith

*PIAC acknowledges the generous support for this project from the Australian Government.*



# FAIR USE OF POLICE POWERS

We hold police accountable for misconduct and work to ensure police discretion and powers are used fairly in relation to marginalised groups, such as young people, people with disability, Aboriginal and Torres Strait Islander people and people experiencing homelessness.





## REDUCING OVER- INCARCERATION: ARREST AS A LAST RESORT

PIAC's work targets practices that contribute to the over-policing of Aboriginal and Torres Strait Islander people, young people and those experiencing homelessness.

A particular focus is on decisions relating to breaches of bail, with PIAC representing a number of people wrongly arrested by police for allegedly not complying with bail conditions.

Too often, NSW Police have failed to consider the minor nature of breaches or alternatives to arrest. NSW Police have also arrested people where there has been no breach of bail at all and have failed to properly investigate reasons for an alleged breach of bail. As a result of these improper or unlawful arrests, we have represented clients falsely imprisoned for many hours, including overnight, only to be released again by the court.

In 2021 the NSW Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody adopted PIAC's recommendation that police powers legislation be clarified to enshrine the principle of 'arrest and detention as a last resort' for both adults and children. It is critical that the NSW Parliament now puts this into practice.



Credit: Keith Saunders



Camilla Pandolfini, Principal Solicitor

## SCRUTINISING THE SUSPECT TARGETING MANAGEMENT PLAN

**‘This oppressive policing practice is not transparent and has damaging effects on the relationship between the police and young people.’**

Camilla Pandolfini,  
Principal Solicitor

Since 2017, we have been highlighting serious problems with the NSW Police Suspect Targeting Management Plan (STMP) – a policy and practice that aims to reduce crime by singling-out individuals for pro-active attention.

A person subject to the STMP may be stopped and searched frequently by police and visited at home at any hour of the day. It is not known what standardised criteria, if any, NSW Police use to decide who is put on the STMP.

The impact of the STMP on the community is far-reaching. We know that in some cases, children as young as ten have been targeted under the STMP even though they have not been charged with any crimes. Worse still, some of these young children are known to police as victims of crime or are considered ‘at risk of harm’ by child protection authorities.

Exposing children to repeated, invasive interactions with police is well-known to have a serious negative impact on them and runs counter to efforts to divert young people from the damage caused by the criminal justice system.

In December 2020, NSW Police introduced the latest iteration of the

Suspect Target Management Plan – STMP III. Of increased concern, targets under 18 are being asked to sign nomination forms indicating their ‘consent’ to participate in STMP targeting. STMP III appears to continue the harmful policing strategies of the earlier iterations, including intrusive policing tactics which result in unreasonable surveillance of young people, and the use of the young person’s STMP status as a basis for stops and searches or home attendances in lieu of legislative frameworks.

Since February, we have been working with new clients to have them removed from STMP III and are using documents obtained for them to better understand how STMP III is being rolled out in the field.

Together with other social justice organisations, we are calling for:

- NSW police to stop using the STMP against children;
- Greater transparency and accountability around the use of the STMP;
- the NSW police to formally notify anyone placed on the STMP, explain their reasons and advise when the decision will be reviewed.



## WRONGFUL ARREST, STRIP SEARCH AND DETENTION

Tom was arrested when he was seen at a bus stop with his sister three minutes after his curfew started. Tom's bail conditions allowed him to be out after curfew with approval in writing by his father. At the time, he was on his way back home, and his father had approved him to be out after curfew with his

sister. Tom was strip-searched at the police station and again at a juvenile justice centre, where he was held overnight. He was released at court the following day, with the Magistrate finding that there had been no breach of his bail conditions.



Credit: Pexels/ Alex Fu

# EQUAL ACCESS TO HEALTH CARE FOR ASYLUM SEEKERS

Our Asylum Seeker Health Rights Project helps to secure access to health care for people in immigration detention at the same level as people living in the Australian community.



Our ASHRP work is made possible with the generous support of the Australian Communities Foundation (Williams Fund), The Fred P Archer Charitable Trust, The Ross Trust, Australian Communities Foundation Impact Fund, Planet Wheeler Foundation, River Capital Foundation and Modara Pines Charitable Foundation.





# COVID-19 IN DETENTION: REDUCING THE RISK OF AN OUTBREAK

A group complaint on behalf of PIAC clients has resulted in the Department of Home Affairs improving vulnerable detainee identification, disease outbreak management plans and safety procedures, and the Ombudsman recommending a reduction in the detention population.

On 7 May 2020, we filed a complaint with the Commonwealth Ombudsman for 14 detained asylum seekers in Australian facilities who feared that an outbreak of COVID-19 could prove catastrophic for the detained population, staff and the broader community.

We asked the Ombudsman to conduct urgent inspections of facilities and investigations into the circumstances of our clients (as well as all detainees), to examine the appropriateness of conditions and the adequacy of measures to mitigate and manage the dangers posed by COVID-19 to detainees and staff.

Four of our 14 clients have since been released from detention. The Ombudsman has committed to continually monitor the issue and meet regularly with PIAC to discuss issues arising. We are continuing to engage with the relevant agencies to prioritise vaccine roll out in immigration detention given the unique risks of this population.



**‘The almost 1500 women and men that the Government detains in our name are trapped in crowded, high-risk environments where the highly transmissible Delta strain poses a massive risk’.**

Lucy Geddes,  
Senior Solicitor

# CHALLENGING THE MISUSE OF HANDCUFFS IN MEDICAL APPOINTMENT TRANSFERS

We are conducting a landmark test case with pro bono support from Gilbert + Tobin to challenge the lawfulness of handcuffing people in immigration detention. The case is part of a broader campaign to combat the increasing excessive use of force in immigration detention.

Our client, Yasir\*, has a history of torture and childhood abuse and has been diagnosed with a number of mental health illnesses. Even though Yasir is severely retraumatised by the use of handcuffs, causing him to have seizures, the government has refused to follow medical recommendations to stop handcuffing him. Amongst other things, this has resulted in serious delays in him receiving medical treatment. We are challenging the

Department's power under the Migration Act to handcuff detainees and arguing that even if such power exists, using handcuffs on Yasir is a form of disability discrimination.

In tandem with litigation and advocacy in the media, we have engaged with key representative health bodies to support our calls for change. We have presented on the case to the Human Rights Committee of the NSW Law Society and to key torture and trauma counselling services, laying the foundation for future joint advocacy efforts with these groups.

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## Australia's use of handcuffs on asylum seekers inhumane and unlawful, lawyers say

**Exclusive: Landmark case in federal court to test handcuff use when transferring mentally ill detainees**



▲ Australia's handcuff use on asylum seekers has faced criticism from human rights lawyers. Photograph: ronstik/Alamy

**'I am running this case to try and help detained asylum seekers like me get access to healthcare without being forced to wear handcuffs. Restraints bring back brutal, retraumatising memories from my past which I already live with every day. I cannot attend medical appointments handcuffed because of the further damage it does to me.'**

Yasir\*, PIAC's client.

\*Name changed to protect the privacy of our client.



## SECURING ACCESS TO TREATMENT FOR ALL DETAINEES LIVING WITH HEPATITIS C

People in immigration detention who are living with hepatitis C are now receiving life-saving treatment as a result of PIAC's work.

Since 2017, we have advocated for the Department of Home Affairs to provide all people living with hepatitis C in immigration detention with curative medication, consistent with Australian community standards. We secured a major win in mid-2019, when the Department agreed to do this. However, our monitoring revealed that detainees living with hepatitis C were still not receiving treatment. Questions submitted to Senate Estimates revealed in March 2020 that 27

of 34 detainees being actively managed for hepatitis C were yet to commence medication and the average length of time to commence medication was 573 days.

We filed fresh litigation to address implementation roll-out and issued an urgent letter to the Department co-signed by Hepatitis Australia to call for access to treatment, copying the Ombudsman. This led the Ombudsman to launch an urgent investigation into the anti-viral treatment delays and has resulted in the Department taking action to provide treatment to more detainees.



Credit: Pexels/  
Polina Tankilovich

## SUPPORT FOR ASYLUM SEEKERS TRANSFERRED UNDER MEDEVAC LAWS

Asylum seekers brought to Australia from offshore detention needing health care continue to languish in immigration detention centres and hotels without receiving treatment. PIAC is part of the network of civil society organisations that is continuing to call out this failure and working to get people the help they need.

Many of our Medevac clients were detained for extensive periods in facilities and hotels in Melbourne and Brisbane and required treatment for a range of physical and mental health conditions. Between December 2020 and March 2021, seven of our clients were released on bridging visas. We secured new pro bono support, worked with the

Independent Doctors Network to obtain medical opinions, developed referral pathways and raised urgent systemic issues with relevant decision-makers and oversight bodies.

Recurring issues include delays in treating physical health conditions worsened by lengthy public waiting times, inadequate treatment for mental health conditions, refusals to provide or facilitate access to dental treatment, and deteriorating physical and mental health caused by prolonged detention in inhumane conditions.

# SUSTAINABLE, AFFORDABLE ENERGY AND WATER FOR HOUSEHOLDS

Our Energy and Water Consumers' Advocacy Program works for better regulatory and policy outcomes so people's needs are met by clean, resilient and efficient energy and water systems.

We ensure consumer protections and assistance limit disadvantage, and people can make meaningful choices in effective markets without experiencing detriment if they cannot participate.

Since 2017 we have pursued an ambitious reform agenda with the goal of lowering average household energy bills by 25% by 2025.



We acknowledge the NSW Department of Planning, Industry and Environment for funding EWCAP's work.



## SUPPORTING HOUSEHOLDS THROUGH THE PANDEMIC

PIAC's Energy & Water Consumers' Advocacy Program (EWCAP) has helped to alleviate pressures faced by NSW households because of the COVID-19 crisis.

As a member of the Australian Energy Regulator's (AER) Consumer Consultative Group and COVID-19 stakeholder group, EWCAP coordinated consumer and community advocacy to ensure the AER retained the stronger protections introduced at the beginning of the pandemic until the end of June 2021.

EWCAP's work also contributed to the AER extending key pandemic protections in response to NSW lockdowns in June. EWCAP's leadership and advocacy on the importance of better support from retailers and avoiding disconnection has helped ensure people will not face disconnection during the worst of the health crisis.



Credit: Flickr/ Indigo Skies Photography

## DESIGNING THE FUTURE ENERGY SYSTEM

EWCAP has been an influential contributor to the Energy Security Board's Post-2025 Market Design. EWCAP was a member of technical working groups for each focus area (often as the only voice for residential consumers), made detailed submissions and coordinated with other industry and consumer stakeholders on joint strategies.

The ESB accepted several of EWCAP's recommendations, including around consumer

protections and the need for more focus on consumers in assessing the impact of reform proposals. EWCAP also successfully highlighted the importance of fair cost allocation for new shared transmission infrastructure.

EWCAP also joined with innovative energy businesses and non-profits to strongly advocate against a proposal that seemed likely to prolong the life of coal generators and concentrate the market power of incumbent energy businesses.



Credit: Flickr  
Duncan Rawlinson

## COSTS OF THE ENERGY TRANSITION

An important part of a just transition for our energy system is that consumers should not be unfairly burdened with the costs of the new infrastructure required.

EWCAP was instrumental in preventing a rule change that would have allowed transmission businesses to unfairly pass cost and risk to consumers by recovering revenue for major transmission projects at an earlier stage. The proposal from two transmission businesses would have applied to all NSW transmission network investment under the Integrated System Plan (ISP), amounting to billions of dollars.

EWCAP has continued to call for fairer ways to fund areas

of combined transmission and large-scale renewable generation infrastructure known as Renewable Energy Zones (REZ).

As part of this work, EWCAP developed an approach that balances the risks and costs of investment in transmission between consumers, investors and government rather than just consumers. The model allows faster decarbonisation by encouraging efficient investment in renewable energy generation, while ensuring households are not shouldering all the risk and costs. The importance of the issue of cost allocation of new shared transmission infrastructure has been acknowledged by market bodies and the NSW Government.

## DECARBONISING THE ENERGY SYSTEM

EWCAP advocates for reforms that support the rapid decarbonisation of the energy system without passing costs on to consumers. Some key focus areas include:

- The integration of Distributed Energy Resources such as solar, batteries, and consumer demand into the energy system.
- Working to improve home energy efficiency, including minimum standards for rentals.
- Supporting households to transition from fossil gas to more affordable, efficient and renewable fuel sources.
- Preventing investment that would unnecessarily prolong the use of harmful, costly and inefficient fuels such as fossil gas, including policies put forward in the Federal Government's Gas-Fired Recovery.
- Altering cost-recovery for shared transmission infrastructure to ensure transmission infrastructure is built where and when it is needed.



## IMPROVING RETAILER ASSISTANCE

COVID-19 highlighted the important role energy retailers have in supporting the health and wellbeing of people and communities during crises. It also showed retailers need to do more if people are to get the help they need.

EWCAP led community and consumer groups in securing commitments from the peak body for energy retailers, the Australian Energy Council (AEC), to lift assistance above minimum regulatory compliance.

We collaborated with the AEC to develop principles and a guide to improve assistance across the sector, published in June 2021.

The guide focuses on building trust, genuine engagement, preventing debt build-up and avoiding disconnections for struggling consumers. It sets out examples for retailers to implement these principles, recognise the diverse challenges consumers face and the measures needed to support them.



## REDUCING HOUSEHOLD DISCONNECTIONS

EWCAP and members of its Reference Group of community and consumer organisations worked with NSW electricity distributors to reduce disconnections from energy for non-payment and improve assistance for people facing being cut off.

Some NSW distributors have commenced a pre-visit program involving visiting people at risk of being cut off, alerting them to the risk, and encouraging contact with

their retailer to avoid it. EWCAP has encouraged distributors to provide additional information about accessing assistance from retailers and other sources during the visits.

Essential Energy has committed to do this and will distribute an advice flyer as part of all pre-visits. Endeavour Energy and Ausgrid have also promised to adopt the flyer when they pilot the program across their networks later this year.

# CLIMATE CHANGE AND SOCIAL JUSTICE

We develop legal and policy responses to climate change to mitigate its disproportionate effect on groups already experiencing disadvantage, and ensure Australia's regulatory framework and policy settings deliver a just and fair transition to a zero-carbon energy system and society.





## BETTER HOUSING FOR CLIMATE JUSTICE

A secure, safe and healthy home is the foundation of wellbeing. In the face of climate change, housing that is more resilient to extreme weather conditions will be essential for equitable adaptation and a safe and prosperous community. Significant emission reductions can also be achieved through more energy efficient housing, helping to mitigate the impact of climate change.

Our 'Efficient, Healthy Housing for All' project proposes policies to improve dwellings' thermal performance and support low-income occupants to access more efficient fixtures and appliances.

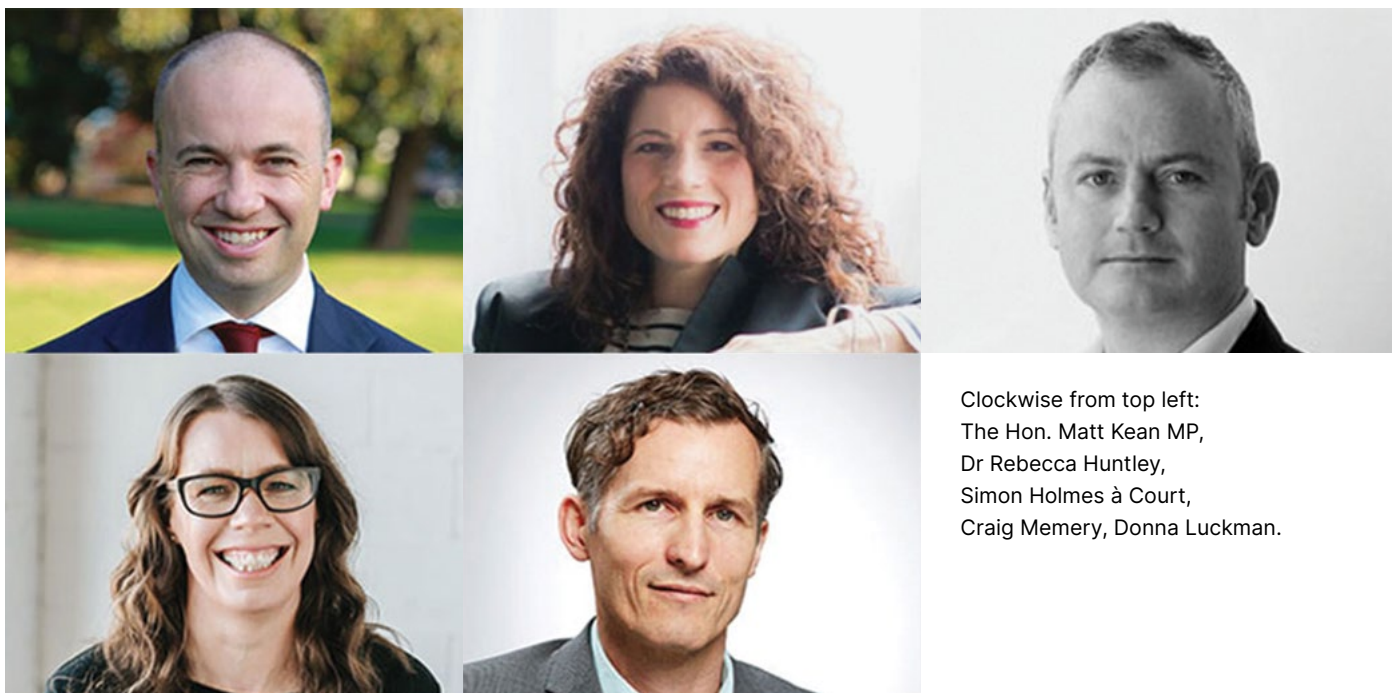
'Healthy Homes for Renters' is a national campaign for legally enforceable energy efficiency standards to make sure rental properties are safe and healthy. It builds on the commitment of COAG Energy Council to develop a national framework for minimum energy efficiency requirements for rental properties. PIAC's Energy and Water team is working with the Tenants Union of NSW to lead the campaign in NSW.

## CLIMATE CHANGE AND ENERGY FORUM

NSW has committed to a net zero emission target by 2050. In October 2020, we convened a special Zoom forum to discuss how we make this transition in our energy system in a way that promotes and protects social justice and human rights.

More than 150 people heard from The Hon. Matt Kean MP, NSW Minister for Energy and Environment

and renowned social researcher and author Dr Rebecca Huntley, in conversation with Donna Luckman (Coalition for Community Energy), Craig Memery (Head of PIAC's Energy and Water Consumers' Advocacy Program) and Simon Holmes à Court (Energy Transition Hub, Melbourne University).



Clockwise from top left:  
The Hon. Matt Kean MP,  
Dr Rebecca Huntley,  
Simon Holmes à Court,  
Craig Memery, Donna Luckman.

# ACTION FOR RECONCILIATION

In April 2020 we launched a new Reconciliation Action Plan that deepens our commitment to reconciliation in how we work across the organisation.







## HIGHLIGHTS

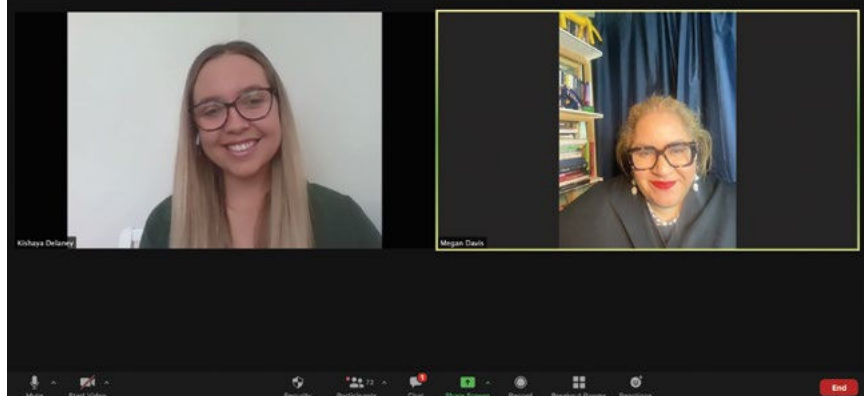
**'Instigating real change goes beyond reconciliation and recognition – it's about addressing overt and covert racism head on.'**

**Yvonne Weldon, Chair,  
Metropolitan Local Aboriginal  
Land Council**



- Establishing new identified positions, and significantly increasing the number of Aboriginal and Torres Strait Islander people working at PIAC. This financial year, we were proud to have six Aboriginal staff members, out of a total of approximately 40 staff.
- Introducing principles of engagement for working with Aboriginal and Torres Strait Islander clients and project partners, to support us to work in a way that is culturally competent and consistent with First Nations self-determination.
- Supporting staff engagement in consultations for the National Indigenous Voice Co-Design process, including by hosting a submissions workshop.
- Continuing to embed engagement with the RAP across PIAC, including in position descriptions and as a topic to be discussed in performance reviews.
- Holding events for staff and the broader community to promote cultural exchange and understanding, including panel discussions with community leaders including such as Professor Megan Davis and Yvonne Weldon, Reconciliation Book Club events, and a walking tour of Redfern.

RAP Committee Chair, Kishaya Delaney in conversation with Professor Megan Davis.



# BOARD



## **Rebecca Gilsenan – Chair**

Rebecca 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. Rebecca has run a number of ground-breaking public interest cases in relation to gene patents and refugee rights.



## **Sally Aurisch**

Appointed May 2020

Sally is the General Manager of Projects and Engagement for Blind Citizens Australia. She has extensive policy expertise, gained through roles with Ability Options and Break Thru People Solutions. Sally also brings lived experience of disability, namely vision impairment, to PIAC's Board.



## **Eileen Baldry AO, Deputy Chair**

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



## **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, Chairman of the Sydney Drug Education and Counselling Centre and a Director of the Community Restorative Centre.



## **Julie Foreman**

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





### **Penny Gerstle**

Appointed May 2020

Penny has advocated for asylum seekers and refugees for 25 years, holding positions at the Refugee Advice and Casework Service, and Australia for UNHCR. Penny is a Director of Participate Australia, and chairs the Sydney Committee for Human Rights Watch.



### **Peta Macgillivray**

Appointed May 2020

Peta is a Kalkadoon and South Sea Islander lawyer and criminology researcher and is currently the Youth Justice lead for Yuwaya Ngarra-li, a community-led partnership between the Dharriwaa Elders Group and UNSW. Peta is also a Director for the Community Restorative Centre, and the ALS NSW/ACT.



### **Kate Morgan SC**

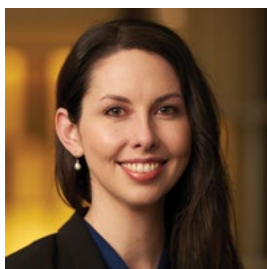
Appointed November 2019

Kate is a leading Sydney barrister who appears throughout numerous jurisdictions (civil and criminal) with a focus on regulatory matters. Her practice includes regulatory investigations and litigation, corporate and commercial litigation, class actions and general appellate matters.



### **John Walker**

John is a leader in the global litigation funding market. He is the Managing Director of Investor Claim Partner and ICP Capital. John has worked in litigation funding for more than 20 years after working in accounting and economics and practicing as a commercial litigator in Sydney.



### **Jade Tyrrell**

Appointed November 2019

Jade is a Senior Associate in Johnson Winter & Slattery's Dispute Resolution Practice Group. She has experience acting in complex and large-scale commercial litigation, underpayment class actions, employment-related disputes, and defamation proceedings. Jade is a Councillor of the Law Society of NSW and sits on the Law Society's Indigenous Issues Committee.

# STAFF

## Employees

### **Alastair Lawrie**

Policy Manager

### **Ann Sloan**

Relationships and Events Coordinator

### **Anna Dawson**

Senior Solicitor, Strategic Litigation

### **Anna Livsey**

Policy & Communications Officer,  
EWCAP

### **Annie Barker**

Executive Assistant

### **Brooke Greenwood**

Senior Solicitor, Strategic Litigation

### **Camilla Pandolfini**

Principal Solicitor

### **Chadwick Wong**

Senior Solicitor, Strategic Litigation

### **Charmaine Jones**

Project Officer, HPLS

### **Corey Smith**

Research Assistant, Truth and  
Accountability

### **Craig Memery**

Program Director, Energy and Water

### **Daniela Gavshon**

Program Director, Truth and  
Accountability

### **Daniela Taylor**

Administrator, HPLS

### **Deirdre Moor**

Deputy CEO

### **Douglas McCloskey**

Policy Officer, EWCAP

### **Ellen Tilbury**

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### **Emily Rice**

Legal Officer, Truth and  
Accountability

### **Emma Bastable**

Solicitor, Strategic Litigation

### **Erin Turner Manners**

Senior Solicitor, Strategic Litigation

### **Erol Gorur**

Technology Officer, Truth and  
Accountability

### **Gemma Pearce**

Media and Communications Manager

### **Gudrun Dewey**

Senior Solicitor, Strategic Litigation

### **Jane Leibowitz**

Senior Solicitor, Strategic Litigation

### **Jason O'Neill**

Research Assistant, Truth and  
Accountability

### **Jeremy Rea**

Solicitor Advocate, HPLS

### **Jonathan Hall Spence**

Senior Solicitor, Strategic Litigation

### **Jonathon Hunyor**

Chief Executive Officer

### **Julie Kuk**

Legal Secretary

### **Kira Levin**

Managing Solicitor, HPLS

### **Kishaya Delaney**

Project Officer, Truth and  
Accountability

### **Laura Russell**

Solicitor, Aboriginal Social Justice  
Graduate Program

### **Lena Lowe**

Administrator, Publications

### **Madeleine Humphreys**

Project Officer, HPLS

### **Mary Flanagan**

Senior Legal Officer, Truth and  
Accountability

### **Melissa Pinzuti**

Legal Secretary

### **Michelle Cohen**

Principal Solicitor

### **Miyuru Ediriweera**

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### **Sally Treveton**

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Accountability

### **Scott Parker**

Operations Manager

### **Tara Imrie**

Outreach Solicitor, HPLS

### **Thea Bray**

Policy Officer, EWCAP

### **Thomas Chailloux**

Policy Officer, HPLS

### **Timothy Ngui**

Solicitor, HPLS

### **Verity Smith**

Solicitor, Strategic Litigation

## PLT Placements

### **Adam Rifai**

### **Ashley Agar**

### **Lily Whiting**

### **Lucy Zhou**

### **Megan Bingham**

### **Shahnaz Khalil**

### **Shelby Sewak**

### **Sylvie Houston**



## Legal Secondees

**Alana Galasso**

MinterEllison, HPLS

**Caroline De Paoli**

Clayton Utz,  
Truth and Accountability

**Danielle La Malfa**

Clayton Utz,  
Truth and Accountability

**Gail Brennan**

Australian Government Solicitor

**Georgia Roy**

HSF, Truth and Accountability

**Lauren McLean**

MinterEllison, HPLS

**Natalie Lesco**

HSF, Truth and Accountability

**Patrick Cross**

HSF, Truth and Accountability

**Sarah Feyen**

MinterEllison, HPLS

**Tom Burns**

Johnson Winter & Slattery,  
Strategic Litigation

**Cheryl Strangio**

Strategic Litigation

**Ellis Silove**

Truth and Accountability

**Elsie Cheung**

Truth and Accountability

**Emmaline Clark**

Truth and Accountability

**Gabrielle Platt**

Media and Communications

**Grey Maszkowski**

Truth and Accountability

**Hope Landsem**

Truth and Accountability

**Isabel Munro**

Truth and Accountability

**Isabella Corbo**

Truth and Accountability

**Jake Widjaya**

Truth and Accountability

**Jax Rousselot**

Truth and Accountability

**Joshua Cabungcal**

Strategic Litigation

**Kenisha Koh**

Truth and Accountability

**Matt Higgins**

Truth and Accountability

**Michelle Ke**

Truth and Accountability

**Monica Dalton**

Strategic Litigation

**Natalia Brkic**

Truth and Accountability

**Nicholas Rice**

Truth and Accountability

**Rachel Mannion**

Truth and Accountability

**Rohan Simpson**

Strategic Litigation

**Sarah Fellay**

Truth and Accountability

**Sarah Fior**

Strategic Litigation

**Siobhan Deacon**

Truth and Accountability

**Stephanie Kerr**

Strategic Litigation

**Tara Ohrtman**

Truth and Accountability

**Tegan Evans**

Aurora Intern

**Zoe Torrey**

Truth and Accountability

## Interns

**Angel McGrory**

Aurora Intern

**Ann Wen**

Truth and Accountability

**Annabel Anderson**

Truth and Accountability

**Ben Kaufman**

Truth and Accountability

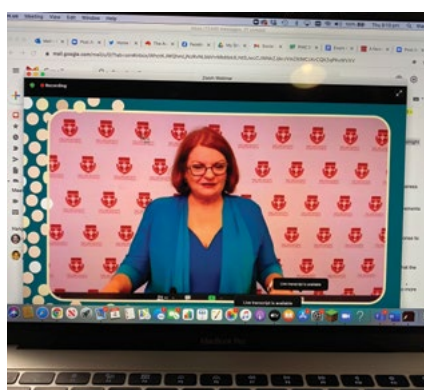
**Charlotte Brady**

Truth and Accountability





# SOCIAL JUSTICE DINNER (REIMAGINED)



Social Justice Dinner 2021: Over 200 people gathered in satellite events across the country to celebrate a shared commitment to social justice and human rights, and tuned in for an interactive program of speeches and presentations.



# OUR SUPPORTERS

The Public Interest  
Advocacy Centre gratefully  
acknowledges our partners  
in justice who share our  
passion and determination  
to tackle injustice and  
inequality.





# THANK YOU

Core funding for PIAC's work is provided by the Public Purpose Fund NSW, NSW Department of Planning, Industry and Environment (Energy and Water Consumers' Advocacy Program), Community Legal Centres Program funded jointly by the NSW and Commonwealth governments (Homeless Persons' Legal Service) and the NSW Department of Communities and Justice (StreetCare).

We thank the following organisations and individuals who also make our work possible.

## Principal Partners

Allens  
Australian Communities Foundation,  
Williams Fund  
B B & A Miller Foundation  
Herbert Smith Freehills  
Karen Loblay AM & Matana  
Foundation for Young People

## Major Supporters

Australian Communities Foundation  
Impact Fund  
Carroll & O'Dea Lawyers  
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Therese Cochrane  
Corrs Chambers Westgarth  
Heather and Malcolm Crompton  
Dusseldorp Forum  
Jennifer and Robert Gavshon  
Hall & Wilcox  
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Lander & Rogers Lawyers  
Sam and Barbara Linz  
Macquarie Group  
Maple-Brown Family Foundation  
Maurice Blackburn Lawyers  
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Norton Rose Fulbright  
Annette Olle  
PwC  
Planet Wheeler Foundation  
Riverbush Pty Limited  
The Fred P Archer Charitable Trust  
The Ross Trust  
Angus and Emma White  
Ray Wilson, Plenary Group

## Adverse Costs Funding Partners

CASL Management Pty Ltd  
Grata Fund  
Investor Claim Partner Pty Ltd  
Litigation Capital Management  
Limited  
Litigation Lending Services Limited  
Omni Bridgeway Limited  
Therium Capital Management  
(Australia) Pty Ltd  
Woodsford Litigation Funding  
Limited

## Social Justice Dinner 2021

### Major Sponsors

The Law Society of New  
South Wales  
MinterEllison

### Supporting Sponsors

Lawcover  
Macquarie Group

### PIAC Fundraising Committee

Wendy Brooks  
Therese Cochrane  
Penny Gerstle  
Jane Marquard  
Ralph Pliner  
Philippa Sawyer  
Jade Tyrrell  
John Walker (Chair)

We are very grateful to Yvonne Weldon for sharing her generous Welcome to Country, special guest speaker Rosemary Kayess, MC Julian Morrow, and the Giant Dwarf team for producing our reimaged event.

# 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.

## PIAC Partners

### Ambassadors

Wendy and Rod Brooks  
& Wendy Brooks & Partners  
Jane and Andrew Clifford  
& JAAM Foundation  
Justin Gleeson SC  
Penny and Gary Gerstle  
& Hand Up Foundation  
Michael and Judy Herring  
Modara Pines  
Charitable Foundation  
Julia Pincus and Ian Learmonth  
Ralph Pliner  
River Capital Foundation  
David Robb  
John Sheahan QC  
John and Mary Walker  
Rachel and Justin Yerbury

### Social Justice Defenders

In honour of Nagwa Armanios  
David and Marcia Atchison  
Australian Communities Foundation  
Impact Fund  
Baker McKenzie  
Robin Banks and Michael Small  
Belinda Bible  
Dr Peter Cashman  
Chipkin Family  
Phillip Cornwell  
Frances, Craig, Josie  
and Eve Dreyer  
Joanna Elliott and David Ryan  
The Hon Elizabeth Evatt AC  
Ian Farmer  
Oliver Frankel and Avril Alba  
Stephen Free SC  
Oliver Gayner  
Lisa George & Paul Hunyor  
Rebecca Gilsenan  
and Grant Marjoribanks  
Jacki Goodridge  
Julie Hamblin and  
Professor Martin Krygier AM  
The Honourable Justice  
David Hammerschlag  
Verity Hodgkinson and  
Bruce Hodgkinson AM SC  
Alex and Roslyn Hunyor

Ross Illingworth &  
Kingfisher Capital Partners  
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Richard Lancaster SC  
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Dr Roger Livsey  
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The Hon Sir Anthony Mason  
AC KBE GBM QC  
Fiona and Angus McLeay  
Colin Neave AM  
Nick O'Neill  
Alison and Alex Peters  
Lee Santow  
Edward Santow  
Dr Philippa Sawyer  
Christopher Saxon  
Professor Richard Scolyer AO  
Emile and Caroline Sherman  
Speaking Out Agency  
Alida Stanley and Harley Wright  
Matt Stubbs  
Stephen Walmsley SC  
Mark Zihrul



## **Friends**

Blake Ayshford  
Jenny Barga  
Clr Phil Bradley  
Sean Brennan and Kate Temby  
Alexis Cahalan  
Joanne and Martin Cunningham  
Sue Dowe  
Philip Durack SC  
Professor Michael Field AM  
Patricia and Geoffrey Gemmell  
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HWL Ebsworth Lawyers  
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MQ Student Diversity and Inclusion  
Professor Les McCrimmon  
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Christine Newman  
and David Brewster

Craig Reucassel  
and Keisha Hopgood  
Andrew Salgo  
The Hon Terry Sheahan AO  
Liz Stephenson  
Stephanie Smee and Paul Schoff  
C Tey  
Rob Thomas  
Jenny Gage Traill  
and Michael Traill  
Jade Tyrrell  
Sally and Norman Zylberberg

## **In-kind Support**

Thank you to our many friends and family who have provided in-kind support, especially towards the 2021 Social Justice Dinner. PIAC is incredibly grateful for your generosity.

## **Make a Donation**

To discuss making a donation towards PIAC's work, including workplace giving or a gift in your will or living trust, please contact Hilary Blackman on 0413 334 632 or [hblackman@piac.asn.au](mailto:hblackman@piac.asn.au).  
[piac.asn.au/donate](https://piac.asn.au/donate)

# THANK YOU

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.

## Pro Bono Partners

Allens  
Ashurst  
Australian Government Solicitor  
Burke Mead Lawyers  
Carroll & O'Dea Lawyers  
Clayton Utz  
Corrs Chambers Westgarth  
Gilbert + Tobin  
Hall & Wilcox  
Herbert Smith Freehills  
Hunt & Hunt Lawyers  
HWL Ebsworth Lawyers  
Johnson Winter & Slattery  
King & Wood Mallesons  
Lander & Rogers Lawyers  
Macquarie Group  
Maddocks  
Maurice Blackburn Lawyers  
MinterEllison  
Moray & Agnew Lawyers  
Norton Rose Fulbright  
PwC  
Thomson Geer  
Wotton + Kearney

## Barristers

Larissa Andelman  
Gabrielle Bashir SC  
Anish Bhasin  
Paul Blackett SC  
Madeleine Bridgett  
Matthew Cobb-Clark  
Kate Cuthbertson  
Kellie Edwards  
Talia Epstein  
Ben Fogarty  
Miles Foran  
Geoffrey Gemmell  
Corrie Goodhand  
Felicity Graham  
Charles Gregory  
Patrick Griffin SC  
Min Guo  
Jim Hartley  
Sue Kluss  
Renae Kumar  
Gillian Mahony  
Nancy Mikhael  
Claire Palmer  
Chris Ronalds AO SC  
Michael Seck  
Diana Tang  
Brenda Tronson  
Geoffrey Watson SC

## Community Partners

Robyn Brady, Mental Health  
Accredited Social Worker  
Chris Hartley  
Graeme Innes  
Deb Michaels  
Dr Darren O'Donovan, La Trobe  
University  
Professor Simon Rice, University of  
Sydney  
Penny Ryan  
Dr Vicki Sentas, UNSW  
Natalie Wade, Equality Lawyers  
180 Consulting UNSW  
Aboriginal Legal Service NSW/ACT  
AbSec  
ACON  
Asylum Seeker Resource Centre  
Australian Council of Social Service  
Australian Discrimination Law  
Experts Group  
Australian Federation of Disability  
Organisations  
Better Renting  
Beyond Blue  
C3 Church Camperdown  
Canice's Kitchen  
Children and Young People with  
Disability Australia  
CLC NSW  
Combined Pensioners and  
Superannuants Association NSW



Consumer Action Law Centre	Matthew Talbot Hostel	The Jumbunna Institute
Council of the Aging	Mental Health Australia	The Kirby Institute, UNSW
Disability Advocacy Network Australia	Mission Australia Centre	The Shed
Edward Eagar Lodge	National Ethnic Disability Alliance	The Shopfront Youth Legal Centre
Energy and Water Ombudsman NSW	National Justice Project	The Station Ltd
Equality Australia	NEAMI National	Total Environment Centre
Ethnic Communities Council of NSW	Newtown Mission	Uniting Communities SA
Every Australian Counts	NSW Council of Social Service	UTS Law School
Financial Counsellors Association of NSW	Ozanam Learning Centre	Victoria Legal Aid
Financial Rights Legal Centre	Parramatta Mission	Vincentian House
First Peoples Disability Network	People with Disability Australia	Wayside Chapel
Footpath Library	Physical Disability Council of NSW	Wayside Chapel Mob Lunch
Hepatitis Australia	Pro Print Group	Wayside Chapel Norman Andrew House
Homelessness NSW	Queensland Council of Social Service	Wurringa Baiya
Human Rights Law Centre	Refugee Advice and Casework Service	Women With Disabilities Australia
Immigration detention advocates across the country	Refugee Council of Australia	Women's Legal Service NSW
Inclusion Australia	Refugee Legal	Woolloomooloo integrated Services Hub (WISH)
Independent Doctors Network	Salvation Army	
Independent Pricing and Regulatory Tribunal	Salvation Army Raymond Terrace Hope Centre	
Indigenous Law Centre, UNSW	SANE	
Jenny's Place – Newcastle	SNAICC	
Just Reinvest	Soul Café – Newcastle	
Kaldor Centre for International Refugee Law, UNSW	Spinal Cord Injuries Australia	
Legal Aid NSW	St. Vincent de Paul Society of NSW	
Legal Aid Parramatta	Sydney Alliance	
Lou's Place	Tenants Union of NSW	
	The Australia Institute	
	The Haymarket Centre	

# FINANCES

Public Interest Advocacy Centre ABN 77 002 773 524

The audited financial result for the 2020-21 financial year is a surplus of \$907,947 representing 15.6% of our annual income. Approximately 43% of the surplus (\$387,543) is comprised of grants for expenditure in specific projects in subsequent financial years, but which revised accounting standards (AASB 1058) require to be reflected in this year's income.

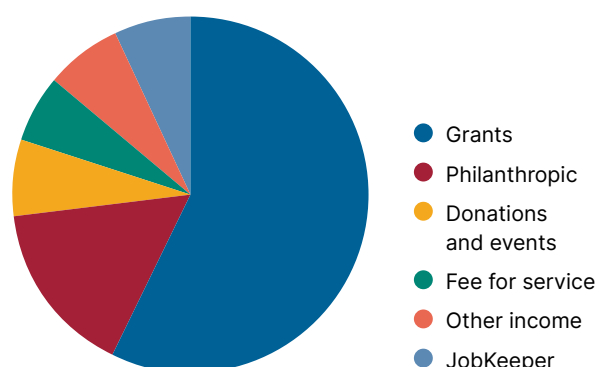
This result exceeded our budget expectations, with PIAC's income withstanding the anticipated downturn from the COVID-19 pandemic after an initial decrease, and additional generosity from donors resulting in continued growth in our fundraising income. PIAC was eligible for, and received, government stimulus under the JobKeeper scheme. This provided much-needed certainty and allowed us to extend a number of staff contracts where we would otherwise have been unable to do so. The surplus from this financial year will be spent on staffing in this and future years, with a manageable deficit anticipated for 2021-22.

We continue to receive a range of generous in-kind support from our pro bono partners including secondment of staff, volunteer engagement and donation of resources and facilities.

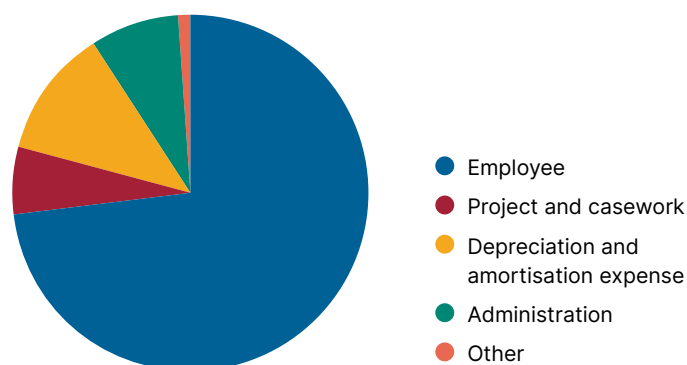
At 30 June 2021 we maintain healthy net assets and retained earnings of \$3,309,236. This places PIAC in a strong financial position and will enable us to continue to develop new projects and areas of work.

*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)*

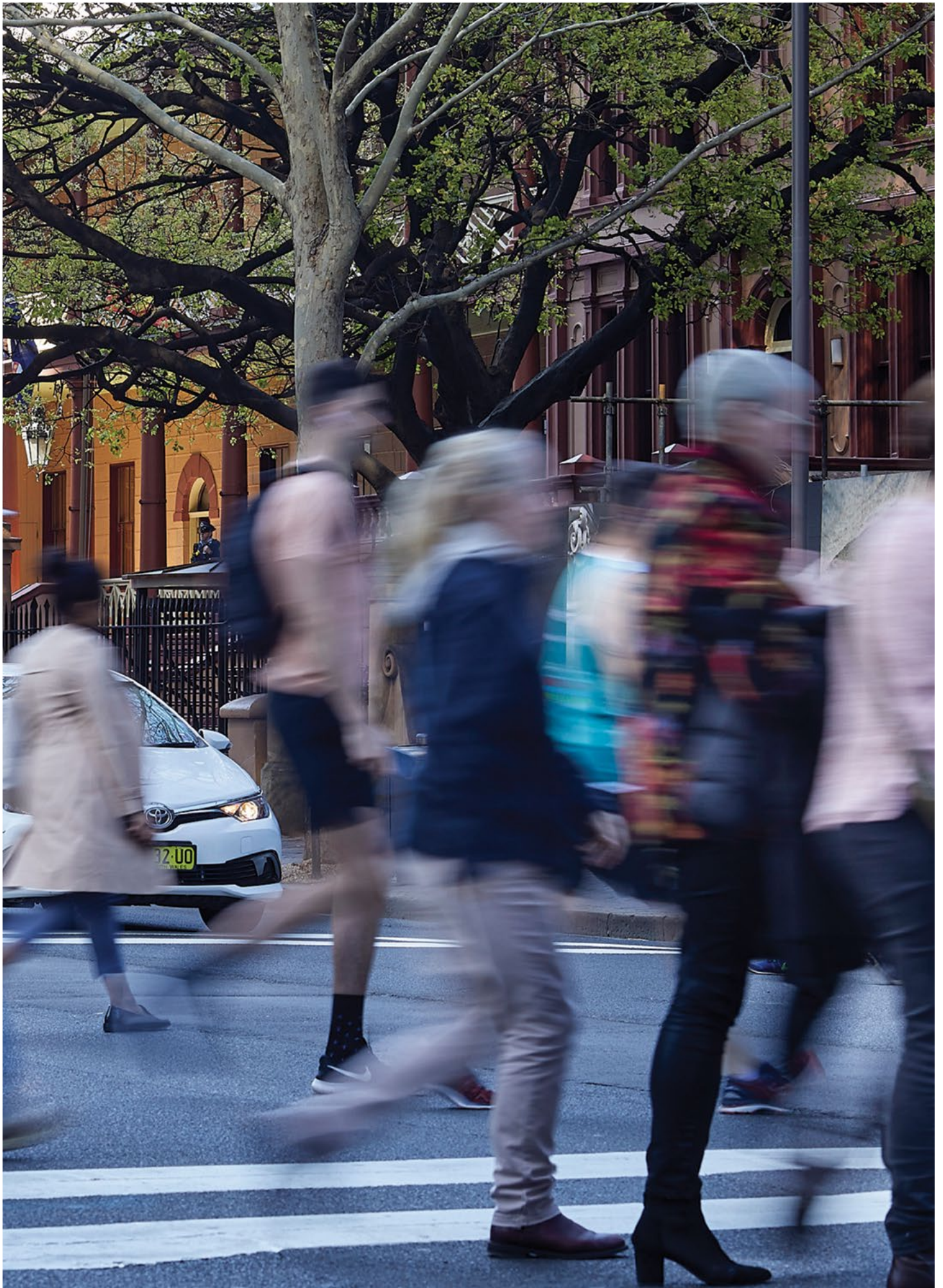
**Income 2021**



**Expenses 2021**











Credit: Keith Saunders





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