

ANNUAL REPORT 2022

Public 
Interest
Advocacy
Centre



**Tackling injustice
and inequality.
Achieving social
justice.**

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 to tackle injustice and inequality.

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Throughout this report we share stories of our clients. Where we have changed the name to protect privacy, it is denoted with an asterisk (*).

FROM OUR CHAIR AND CEO



At our annual Social Justice Dinner in April 2022, we marked PIAC's 40th anniversary. It was a wonderful opportunity to reflect on the difference our work has made over these four decades. With a room of friends and supporters, we celebrated our successes and the many ways we have helped to build a fairer, stronger society by tackling injustice and inequality.

This report from our 40th year demonstrates all the hallmarks of our success: how we bring legal and policy expertise to partnerships and collaborations; our commitment to tackling big problems for which there are no quick or easy solutions; our creativity and the integrity we bring to everything we do.

For PIAC, working for social justice is about making practical change that improves the lives of people who are marginalised and experiencing disadvantage. That's what we look for when we measure our impact and we hope you can see it throughout this report.

Our 40th anniversary is also a chance to look ahead. We are clear-eyed about the challenges, including the profound impacts of climate change and the transformation it demands of our society, the consequences of accelerating inequality and the resurgence of populism and authoritarianism.

But we also see opportunities. There is increasing momentum behind recognising First Nations peoples through a Voice to Parliament and engaging in truth-telling that can promote healing. A new political landscape opens up possibilities for a just transition to a zero-carbon energy system and more humane treatment of asylum seekers. Community support continues to grow for raising the age of criminal responsibility, to get better outcomes for children and our community. And reform to strengthen the National Disability Insurance Scheme is back on the agenda.

PIAC's strength comes from our community. Our skilled and dedicated staff, directors and volunteers; the generosity of our many donors and supporters; the courage and resilience of our clients and partners in the community. We thank you as we embark on another year of work in the public interest.



Rebecca Gilsean
Chair



Jonathon Hunyor
CEO

PIAC MAKING HEADLINES

We influence debate, inform the public and hold decision-makers to account by putting our voice and the voices of clients and partners in the media.

Legal groups call for rejection of Religious Discrimination Bill in its entirety

‘I wanted my independence’:

How Connor took on the NDIS and won

Blind advocates allege NSW’s removal of online voting system is a breach of human rights

NSW Police Targeting First Nations Kids With System Of ‘Pro-Active’ Monitoring

Passenger kept from boarding after Jetstar’s refusal to assist with wheelchair makes discrimination complaint

‘Tough on borders’:

how Australia’s immigration detention system fails refugee and asylum seeker health

‘No child belongs in prison’:

128,000 signatures to raise the age in NSW and Victoria

‘It broke my mind’:

Former youth detainee sues after being held in solitary confinement

Power companies accused of engineering crisis for profit

Unfair COVID fines causing hardship and should not be enforced, advocates say

Calls for ASIC to investigate mental health discrimination in life insurance

Rising electricity prices pushing households to the wall

Law faces the truth on Indigenous impact

‘Inhuman’:

Legal, human rights experts slam laws allowing detention in Australia

Advocates say NSW anti-discrimination laws are failing vulnerable

HOW WE MAKE CHANGE

We tackle injustice and inequality by:

- **Exposing** laws, policies and practices that cause or entrench disadvantage;
- **Challenging** decision-makers over actions that are unlawful or unfair;
- **Identifying solutions** to deliver fair, practical outcomes;
- **Engaging** with the public and decision-makers to bring about change; and
- **Empowering** people to initiate, inform and influence positive change and become leaders in social justice.

OUR PURPOSE

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

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.

WHAT WE DO

Our work combines:

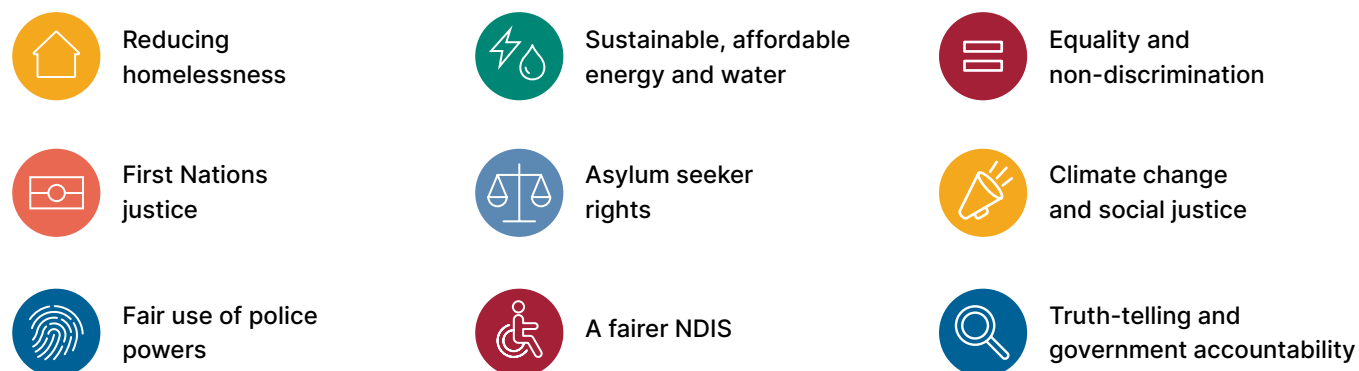
- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change and public interest outcomes.

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

OUR THEORY OF CHANGE



Our priority areas



EQUALITY AND NON-DISCRIMINATION

We have a leading discrimination law practice, with a focus on securing equal access for people with disability to services such as education, public transport, digital and emerging technologies and housing.

We use our expertise to advocate for law and policy reform, to modernise and strengthen non-discrimination and human rights protections.



THE RISE AND FALL OF THE RELIGIOUS DISCRIMINATION BILL

After years of debate and consultation, Australia remains without Commonwealth protection against religious discrimination, while LGBTQ students and teachers remain vulnerable to discrimination as a result of existing exemptions for religious schools.

The Morrison Government's Religious Discrimination Bill would have undermined Australia's anti-discrimination framework, causing harm to many in our community, including women, LGBTQ people, people with disability and people of minority faiths.

After the Bill was passed by the Lower House in February 2022, the Government chose not to debate it in the Senate because of amendments that would have protected LGBTQ students in religious schools against discrimination. The Bill's failure was a welcome outcome.

PIAC played a central role in informing public debate, providing clear and accessible advice on the proposed laws for community members and decision-makers, including churches and disability groups. We wrote to and briefed more than 100 politicians from across the Parliament, outlining key problems with the Bill and proposing solutions. We made submissions to the parliamentary inquiries into the Bill, appeared to give oral evidence and were cited extensively in the committees' subsequent reports.

We were also influential in the media, with an opinion piece published in *The Sydney Morning Herald*, and our views featured in *The Guardian* and the ABC's radio and online coverage. Our expertise was sought by journalists who contacted us for background, to help them understand the complex issues involved. PIAC was also able to influence the discussion on social media – particularly on Twitter.

The Albanese Government has committed to introducing a Religious Discrimination Bill of its own. PIAC will continue advocating on this issue, to ensure people of faith are protected against discrimination without causing harm to others.

'PIAC remains committed to legal protection against discrimination on the basis of religious belief – including for those without religious beliefs. But this this protection must not undermine the rights of others.'



Alastair Lawrie,
Director of Policy
and Advocacy



EQUAL ACCESS TO AIR TRAVEL

People with disability face widespread discrimination when trying to travel by air in Australia. PIAC is working with people with disability to improve airline and airport policies and practices, to remove barriers to travel.

PIAC is supporting people making complaints and collaborating with disability organisations, so every person can board their flight without discrimination.

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Passenger kept from boarding after Jetstar's refusal to assist with wheelchair makes discrimination complaint

Exclusive: Complaint lodged with human rights commission after man turned away at gate of Sydney airport flight

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📷 Tony Jones is taking Jetstar to the human rights commission, after being turned away from gate at Sydney airport because there wasn't anyone to help him onto the plane. Photograph: Carly Earl/The Guardian

A passenger with a disability has lodged a discrimination complaint after he was turned away at the gate when trying to board a Jetstar flight in Sydney.

Tony Jones, who suffered a spinal cord injury after falling off a balcony at the age of 18 and has since relied on a wheelchair, said he had contacted the airline to organise assistance in advance of his flight to Ballina in May last year.

But at Sydney airport the airline refused to help him transfer from his custom electric wheelchair into an "aisle chair" - a narrow wheelchair that Jetstar requires passengers to use to be taken to their seat on the plane.

Jonathon Hunyor @JonathonHunyor

'Air travel should be accessible to everyone': @tone6667. But 'airlines and airports continue to fail people with disability' says @erin_tm @PIACnews

Tony Jones @tone6667 · Aug 5

My complaint at AHRC. @SCIAust Passenger kept from boarding after Jetstar's refusal to assist with wheelchair makes discrimination complaint

Public Interest Advocacy Centre @PIACnews · Aug 5

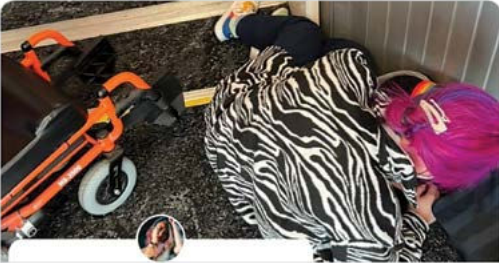
PIAC "Jones said he hoped his complaint would act as a test case to draw attention to the fact that "air travel should be accessible to everyone and when airlines have a policy, they need to honour it." #auslaw 1/

Graeme Innes the loose unit @GraemeInnes

Ok tweeps settle back for a long thread. The airline industry, including airports, have thumbed their noses at the Disability Discrimination Act and the Transport Standards for 20 years. I've had enough, and my inner lose unit is out of the box.

Geoff Trappett OAM @InclusionMoves

Shout out to all the journos grabbing this story with both hands and the #disabled people for sharing their experience. 'Airports and airlines on notice after people with disability speak out about humiliating treatment' @BeyondDSAPT abc.net.au/news/2022-05-1... via @ABCAustralia



abc.net.au
Model describes 'dehumanising' airport treatment after coming off wheelchair
After the former disability discrimination commissioner spoke out about his recent experience in Adelaide, more accounts have emerged of rough handling ...

Earlier this year, PIAC resolved a major test case for Heike Fabig on behalf of her teenage child Bodhi Boele, to improve the experience of wheelchair users traveling with airlines.



Heike Fabig and Bodhi Boele

‘Air travel should be accessible to all. As well as the pleasures of travel, it allows us to develop and maintain friendships and family connections, employment, education, sport and feel fully included in society. I cannot thank PIAC’s solicitors enough for backing this case and helping us to highlight this issue.’

Heike Fabig

ENSURING MENTAL HEALTH IS NOT A BARRIER TO INSURANCE

In October 2021, PIAC released *Mental Health Discrimination in Insurance*, examining insurance industry practices and identifying what needs to change to ensure people with mental health conditions can get fair access to insurance.

Many Australians rely on life insurance to protect their financial security. However, anyone with a current or historical mental health condition – nearly half of all Australian adults – can face significant stigma and discrimination when applying for life insurance or trying to make a claim. Our report supports mental health sector advocates, researchers and consumer advocates to press for reform.

PIAC's advocacy has also been successful in influencing the updated Life Insurance Code of Practice, due to take effect on 1 July, 2023. Improvements include the removal of blanket mental health exclusions for new policies and a fairer approach to assessing applications.

'The new Code recognises the particular vulnerability of people with experience of mental illness and provides improved protections for those consumers. It's a step forward. The next step is greater transparency by insurers.'



**Michelle Cohen,
Principal Solicitor**

IMPROVING E-SCOOTER SAFETY

When the Tasmanian Government introduced an e-scooter trial, Disability Voices Tasmania (DVT) approached PIAC to help consider how to protect the rights of people with disability.

Accidents involving e-scooters and pedestrians are a particular concern for people with disability, for whom footpaths can already be hazardous. PIAC is supporting DVT to advocate for better safety measures, consistency with disability discrimination law, and effective public liability insurance.

NO ID, NO VOTE? NO WAY

PIAC successfully advocated with a coalition of NGOs against the Morrison Government's 'Voter Integrity Bill', which would have required people to show ID at the polling booth.

Australian elections have a very high level of integrity and there is no evidence of significant voting fraud. This measure would likely have prevented or discouraged Australians already marginalised and facing disadvantage from voting.

REFORMING THE OUTDATED NSW ANTI-DISCRIMINATION ACT

The *Anti-Discrimination Act 1977 (NSW)* ('ADA') was ground-breaking legislation in its day but has fallen behind best practice, community standards and expectations.

In August 2021, PIAC's *Leader to Laggard: The case for modernising the NSW Anti-Discrimination Act* set out the reform needed to ensure the rights of people in NSW to live free from discrimination are adequately protected.



Overdue changes include:

- protecting people who are bisexual, non-binary, gender diverse or intersex;
- prohibiting discrimination on the grounds of religious belief and activity;
- updating outmoded terminology;
- modernising the test for what constitutes discrimination;
- removing excessively broad exemptions for private education providers and religious organisations that allow discrimination on a wide range of attributes; and
- requiring employers to make reasonable adjustments for people with disability.

PIAC is working with a wide range of community organisations to collectively lobby for an ADA that effectively protects people against discrimination and promotes equality of opportunity, inclusion and participation in our society.

THE RIGHT TO A SECRET AND INDEPENDENT VOTE

The right to cast a secret, independent and verifiable vote has been undermined for blind and vision-impaired people in NSW, following the decommissioning of the iVote online voting platform without an adequate replacement for the NSW state election in March 2023.

PIAC is supporting Blind Citizens Australia, the national representative body for blind and vision-impaired people, to challenge the NSW Electoral Commissioner's decision through a discrimination complaint to the Australian Human Rights Commission. We seek to ensure people who are blind or vision impaired are involved in developing accessible voting options that meet their needs for future elections.

'Voting is a fundamental right that should be freely and equally accessible to all citizens. NSW had led the way with iVote. Its cancellation without an adequate replacement is a step backwards for eliminating discrimination.'



**Ellen Tilbury,
Senior Solicitor**

FIRST NATIONS JUSTICE

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.



We gratefully acknowledge generous financial support from Allens for PIAC's work on Aboriginal and Torres Strait Islander Justice, and the support of secondees from Moray & Agnew and the Australian Government Solicitor.

The PIAC/Shopfront Aboriginal Social Justice Graduate Program is supported by a generous grant from the Matana Foundation for Young People and Herbert Smith Freehills.

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

SUPPORTING FIRST NATIONS FAMILIES: ADVOCATING FOR SELF-DETERMINATION IN CHILD PROTECTION

Our Aboriginal Child Protection Project is focused on achieving the urgent implementation of all 126 recommendations from *Family is Culture* (FIC). This landmark, Aboriginal-led review released in 2019 provides a clear pathway for reform of the NSW child protection system. Its recommendations would ensure Aboriginal families are supported to stay together and children are connected to culture; and that self-determination and accountability to community are at the heart of child protection decision making.

PIAC works in coalition with AbSec, the Aboriginal Legal Service (NSW/ACT) (ALS) and the UTS Jumbunna Institute for Indigenous Education and Research to advocate for genuine reform and adoption of the FIC recommendations.

Implementation remains frustratingly slow, as the NSW Government refuses to co-develop an implementation plan with Aboriginal peak organisations or commit new funding. PIAC Solicitor Jonathan Hall Spence says, 'every year action is delayed, around 900 Aboriginal children are removed from their families and potentially exposed to lifelong trauma. Family is Culture provides the blueprint for a better system – we now need the NSW Government to follow-through, in genuine partnership with Aboriginal stakeholders.'

In February, we had a significant win when the NSW Government brought forward its timeline for implementation of 25 FIC legislative reform recommendations from 2024 to the end of 2022. These reforms will improve existing laws in line with some FIC recommendations.

The Government was pressured to review its timeline by the passing of a private members bill in the NSW Parliament Upper House, seeking to implement many of the FIC reforms. PIAC's work with the ALS and AbSec was crucial in ensuring the Bill addressed community concerns and received wide support from the NSW opposition and other upper house members.

'It is completely unacceptable that the rate at which government is removing Aboriginal children from their families and homes has continued to increase.'



Jonathon Hall Spence,
Senior Solicitor



TOWARDS TRUTH

Towards Truth is a pioneering project that tells the story of how laws and government policies have impacted Aboriginal and Torres Strait Islander people since 1788.

A collaboration between PIAC and the Indigenous Law Centre at the University of NSW, and with major support from pro bono partners, we are compiling and analysing government documents, scholarly materials and commentary to map the systematic dispossession and disempowerment of First Nations people.

The database is the first of its kind nationally and internationally. This year we have completed research on major themes including child removals, participation in democracy, languages, water rights and hunting and fishing. We have worked extensively with web designers and developers on the public website that we will launch in coming months.

Described by Professor Megan Davis as the 'engine-room of truth-telling', the website will allow First Nations people to understand the actions and experiences of their families and communities in the context of the law and policy of the day. Our work has started in NSW, with other jurisdictions to follow.

Daniela Gavshon, Program Director of Truth and Accountability at PIAC, says, 'In Towards Truth, PIAC has combined our long-standing commitment to First Nations justice with our decade of work supporting truth and accountability processes for large-scale, widespread human rights violations'.

As well as supporting future research, investigation and education, Towards Truth provides a foundational resource for truth-telling processes and a future Makarrata Commission to oversee treaty-making. It is one way in which PIAC has accepted the invitation of the Uluru Statement from the Heart to walk together 'in a movement of the Australian people for a better future'.

THE OZ

Facing the truth about Indigenous Australians

This is the most comprehensive truth-telling project in Australian history.

BY PAIGE TAYLOR
INDIGENOUS AFFAIRS CORRESPONDENT

MAY 17, 2022

The most comprehensive truth-telling project in Australian history is documenting every law and policy that has targeted or had a disproportionate impact - deliberate and accidental - on Indigenous people since 1788 commencing with NSW.

"Towards Truth" is the first attempt to chronicle in forensic, legal detail the story of how Australian governments and institutions have touched every aspect of the lives of Aboriginal and Torres Strait Islander people.

Pioneered by Professors Megan Davis and Gabrielle Appleby, two constitutional lawyers from UNSW Law involved in the Uluru Statement from the Heart, the Public Interest Advocacy Centre and the University of NSW's Indigenous Law Centre are creating the database and website to tell the story of how dispossession has occurred methodically under the rule of law.



We acknowledge the support of the Australian Communities Foundation, Clayton Utz Foundation, Harbour, Herbert Smith Freehills, Lander & Rogers, Macquarie Group Foundation, Maple-Brown Family Foundation, Maurice Blackburn, PwC, Robert and Jennifer Gavshon, and Sam and Barbara Linz.



Sally Treveton, Towards Truth Project Officer,
Daniela Gavshon, Truth and Accountability Program Director
and Corey Smith, Towards Truth Project Coordinator

‘Towards Truth will give the entire community an opportunity to reckon with our past and present, and to understand how law and policy can be both a positive tool and a destructive weapon.’

Daniela Gavshon,
Program Director, Truth and Accountability

RAISE THE AGE

On an average day, police arrest one or two Australian children as young as 10 and hold them in watchhouses or prisons, away from their families. The impact is profound. Medical, legal and child development experts agree that criminalising children causes lifelong harm to mental and emotional development, and prospects for the future.

The criminal justice system has a disproportionate impact on Aboriginal and Torres Strait Islander children, who make up a staggering two thirds of younger children in prison.

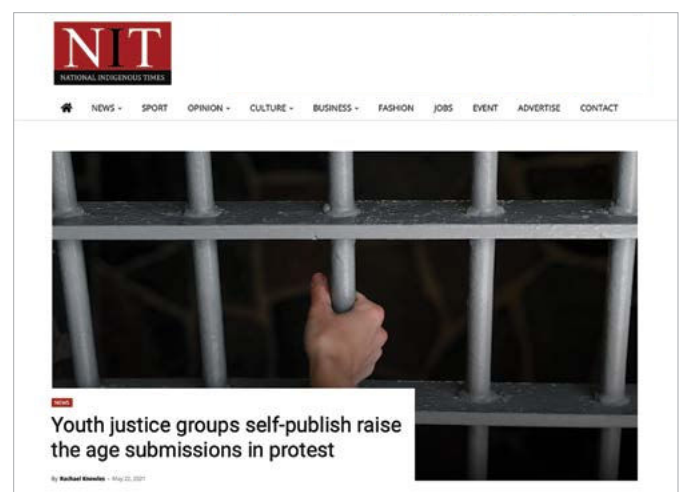
PIAC is playing a key coordinating role for NSW in a national campaign to raise the age of criminal responsibility to at least 14 years old. Our coalition partners include the Aboriginal Legal Service NSW/ACT, Just Reinvest, Change the Record, the Royal Australian College of Physicians, Weave Youth & Community Services, Deadly Connections and other legal, medical and social justice organisations.

We are asking governments to invest in solutions that are proven to work: building the capacity of families, supporting kids to stay in school, addressing family violence and housing instability, and identifying and responding to health and disability needs.

PIAC Solicitor and Gomeroi woman Emma Bastable spoke about the damage caused when such young children are arrested and charged on 2SER Radio's *Breakfast* show.

'We know that, nationwide, every year about 600 children aged 10 to 13 are put into jail, so that's about 400 Aboriginal kids,' Emma said. 'Children and communities will be safer, stronger, and healthier if children are supported to reach their full potential, and parents are given the opportunity to parent their children – rather than it being the responsibility of the criminal justice system.'

PIAC brought together the NSW raise the age coalition at regular meetings and public events, including the November 2021 launch of '*A Better Path*'. This report by the UNSW Centre for Crime, Law and Justice was commissioned by PIAC and investigated alternative pathways and programs that can support children who would otherwise be caught up in the system.



Why we need to raise the age

- Early exposure to the criminal justice system can entrench a child into the system and make them more, not less, likely to commit crime as an adult.
- Arrest and imprisonment cause trauma for children, damaging mental and emotional development: we need to stop harming children.
- Aboriginal and Torres Strait Islander children are vastly over-represented, accounting for 65% of younger children in prison. This reflects systemic bias.
- Children aged 10–13 have limited capacity for reflection before action. They cannot fully appreciate the nature of their actions, or the life-long consequences of being labelled a criminal.

A photograph showing the silhouettes of children on a swing set against a sunset sky. One child is swinging high in the air, while others are standing or sitting on the swings. The background features palm trees and a body of water under a colorful sky transitioning from orange to blue.

**KEEPING KIDS IN COMMUNITY,
WHERE THEY BELONG.**

FAIR USE OF POLICE POWERS AND RIGHTS IN DETENTION

We hold police accountable for misconduct and advocate for the rights of people in detention. We work to ensure fair treatment of marginalised groups such as young people, people with disability, Aboriginal and Torres Strait Islander people, people who are trans and gender diverse and people experiencing homelessness.



CHALLENGING SOLITARY CONFINEMENT OF CHILDREN

PIAC has filed a landmark test case in the Supreme Court challenging the use of solitary confinement of children as a form of punishment, on behalf of our client Daniel*.

In 2016, Daniel was held at Cobham Youth Justice Centre while awaiting a trial. He was placed on a 'Detainee Risk Management Plan' (DRMP) and held in solitary confinement in a locked cell for 25 days.

Daniel was only allowed out for half an hour a day, while handcuffed and ankle cuffed. He was punished for trying to communicate with other young people in the centre and was forced to eat his meals with his hands.

In a 2018 report, the Inspector of Custodial Services found solitary confinement is the most common punishment used in youth justice centres in NSW, despite there being no evidence it results in positive behavioural change.

Daniel's 'segregation' was dehumanising, with lasting harmful impacts. PIAC also argues it was unlawful under the *Children (Detention Centres) Act 1987* (NSW), because it went beyond protecting personal safety and amounted to punishment, which is expressly prohibited by the Act.

PIAC supported Daniel to tell his story in the *Sydney Morning Herald* to highlight the ongoing traumatic effects when children are subject to isolation in detention.

Daniel hopes his legal challenge can help other young people.

'What they did to me was wrong' he said. 'It took a huge toll on my mental health, and I never want that sort of thing to happen to another kid.'

'Locking children in a cell, in isolation, for days and days on end has serious and lasting effects on mental health.'




Grace Gooley,
Solicitor

The Sydney Morning Herald


National NSW Courts

'It broke my mind': Former youth detainee sues after being held in solitary confinement

 Georgina Mitchell
August 11, 2021 - 5:00am

When Daniel* was taken into custody for the first time at the age of 17, he had never experienced any mental health issues. He was on remand for more than a year as he waited to face trial, and by the time a jury found him not guilty he was "different in the head".

"It broke my head," Daniel said of juvenile detention. "It broke my mind."

A photograph showing a person in a grey hoodie and dark pants standing in a small, dimly lit room, looking out through a window. The room appears to be a cell or a small detention area.

Daniel* is suing the State of NSW after he was held in solitary confinement in juvenile detention. EDWANA PICKLES

Daniel is suing the State of NSW for false imprisonment, arguing in the NSW Supreme Court that a period he spent in solitary confinement was unlawful. He is also suing for assault and battery, for being handcuffed, ankle cuffed and strip-searched.

SCRUTINISING THE SUSPECT TARGETING MANAGEMENT PLAN

Documents obtained by PIAC have uncovered troubling flaws in the Suspect Targeting Management Plan (STMP) used by the NSW Police to proactively target people for attention. The secretive policy encourages police to use intrusive strategies, including personal searches and home visits at any hour of the day, with the stated aim of reducing repeat offending.

We have long advocated for more transparency around the STMP, including the release of information about how individuals are selected for targeting and the extent of discretionary powers available to police. This is essential given the STMP's disproportionate use against people experiencing disadvantage. For example, First Nations people are grossly overrepresented, comprising 57% of young people under the age of 18 and 64% of young people under the age of 16 on an STMP.

Documents revealed in April 2022 through NSW Parliamentary processes expose how the latest version of the STMP (STMP III) works in practice. These documents have previously been withheld by police and their release was a major breakthrough. They show that although 'targets' are meant to be selected based on the Crime Severity Index, police have broad discretion, leaving the process open to bias.

The policy also encourages police tactics that may be oppressive and unlawful. This includes increased bail checks and searches, and issuing Traffic Infringement and Defect Notices because 'restricting access to vehicles limits offending behaviour'.

Especially concerning is the manipulation of relationships with young people and their families for surveillance purposes. Police officers are encouraged to 'build rapport and trust with family members through attending and re-attending their homes ... [to] attempt to cultivate family members as sources'.

We successfully highlighted our concerns through media coverage in *The Guardian* and *Junkee* and have raised them directly with the Law Enforcement Conduct Commission as part of its investigation into the STMP.

'We've known for decades that exposing children to repeated, invasive interactions with police is harmful. We need to be diverting young people from the criminal justice system if we want better outcomes, not increasing their interaction with it.'



Camilla Pandolfini,
Principal Solicitor

NSW Police Targeting First Nations Kids With System Of 'Pro-Active' Monitoring

by CHARLES RUSHFORTH 4 JULY 2022



New South Wales Police are under fire again for a controversial monitoring program that disproportionately affects young First Nations people.

Like something out of *Minority Report*, the Suspect Target Management Plan (STMP) was developed by New South Wales Police as a system to identify young offenders for 'pro-active' monitoring.

HARASSMENT UNDER THE STMP

James* is a young Aboriginal man who was unlawfully stopped and searched 68 times over two years under the STMP. James was homeless, living between refuges and the homes of family members. Police harassed James in public spaces and in front of family and friends, leading to a breakdown of his relationships with the people trying to support him.

PIAC successfully settled James's case against police, securing compensation. The case shows how targeted police harassment and disregard for rules designed to protect individual rights can stigmatise young people under the STMP, and make it harder for them to access the support they need.



COVID FINES: UNFAIR AND UNLAWFUL

More than two years into the COVID-19 pandemic, thousands of people across NSW have been left with debt for unpaid fines relating to public health orders (PHOs). Most are now in the enforcement stage and Revenue NSW is starting to apply punitive sanctions including suspending drivers' licences.

During the winter 2021 lockdown when PHOs were changing frequently, sometimes daily, around 50,000 COVID-related fines were handed out across NSW. Nearly 3,000 were given to people under 18. Many were for minor breaches and could have been dealt with by way of a caution. It is now clear that a significant number were issued unlawfully.

PIAC was approached by colleagues working with the Dharriwaa Elders Group in Walgett, worried about the impact of PHO fines on people in remote NSW Aboriginal communities. PIAC responded by bringing together the Aboriginal Legal Service, Redfern Legal Centre, Legal Aid NSW and Community Legal Centres NSW to advocate for a systemic response to the problem of unpaid PHO fines.

We urged the NSW Government to review PHO fines, reduce the cost of fines, reduce the reliance on policing and fines to shape public behaviour, and convert all PHO fines issued to children to cautions. Writing to the Premier, we noted, 'The excessive use of fines against Aboriginal and Torres Strait Islander people and communities in NSW also has the potential to further entrench disadvantage and exacerbate negative relationships between Aboriginal communities and the police'.

We exposed these issues with high profile coverage in national and social media, including *The Sydney Morning Herald*, *The Guardian*, the ABC, SBS and the *Law Society Journal*.

While our recommendation to convert all PHO fines issued to children to cautions was not formally supported, Revenue NSW reviewed all outstanding debt and identified debt owed by children that was 'uneconomical to pursue'. This resulted in the majority of fines issued to children being written off.

Fined for sleeping rough through lockdown

Tom* is in his late 30s and has been sleeping rough for more than a decade after his release from prison and a relationship breakdown. Serious health issues affect his mobility and have required continuing hospital care. Tom had trouble getting Temporary Accommodation during lockdown as he had no credit and often lost his phone. He was forced to sleep rough, which led to several fines for breaching the stay-at-home order. PIAC successfully appealed two fines on the grounds that Tom was experiencing homelessness. We also helped Tom to successfully appeal when he was refused a place on the priority housing list, even though he was eligible. Tom was finally given a secure home in November 2021.

The Sydney Morning Herald

More than 7000 people challenge COVID-19 fines, but most fail

Carlin Fitzsimmons
December 3, 2021 - 5:00pm

More than 7000 people have applied to Revenue NSW to overturn a COVID-19 fine but only one in 10 finalised appeals were successful, as community legal centres warn the courts will be flooded with people contesting their fines next year.

Public Interest Advocacy Centre chief executive Jonathan Hunyor said the fines, which ranged from \$500 to \$5000 each, added up to \$44 million in total and were falling due while communities were still struggling.

"There's no means testing – a \$1000 fine issued for someone who may not be

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Unfair Covid fines causing hardship and should not be enforced, advocates say

A letter to the NSW finance minister says fines issued incorrectly have disproportionately hurt Indigenous Australians, homeless groups and people living with a disability

Download the free Guardian app: get our morning email briefing

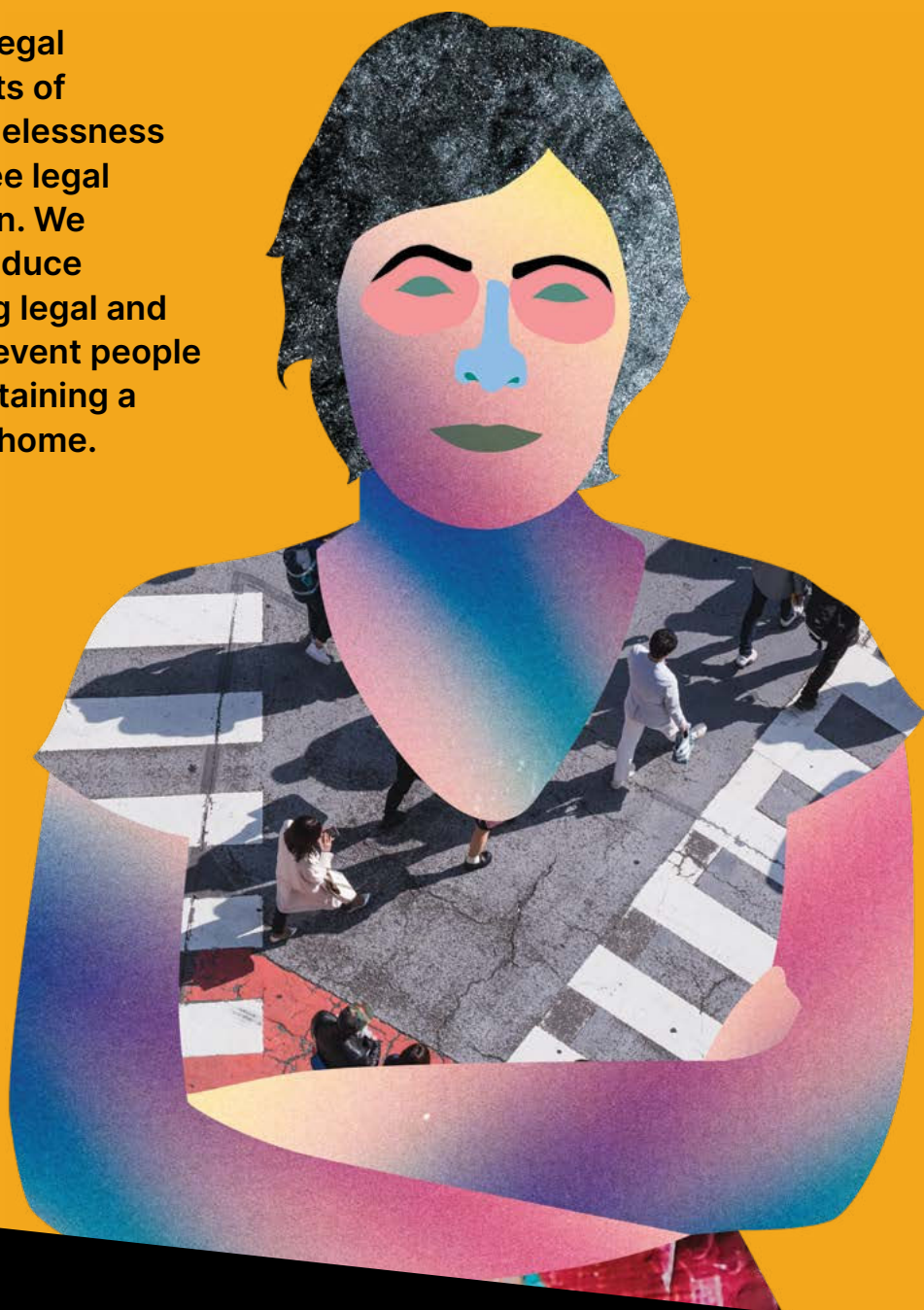
Christopher Knaus
@chris_knaus
Tue 7 Dec 2021 6:30 AEST



A letter to the NSW finance minister says fines issued incorrectly have disproportionately hurt Indigenous Australians, homeless groups and people living with a disability

REDUCING HOMELESSNESS

Our Homeless Persons' Legal Service protects the rights of people experiencing homelessness including by providing free legal advice and representation. We work collaboratively to reduce homelessness by tackling legal and systemic barriers that prevent people from accessing and maintaining a safe, secure and healthy home.



We acknowledge generous support for the Homeless Persons' Legal Service, including StreetCare, from the NSW and Commonwealth Governments' Community Legal Services Program, the NSW Department of Communities and Justice, the Public Purpose Fund NSW, Moray & Agnew Lawyers, MinterEllison, Hall & Willcox, Corrs Chambers Westgarth, Carroll & O'Dea Lawyers, Norton Rose Fulbright, Ray Wilson and Plenary Group.

We also thank The Fred P Archer Charitable Trust, The Palmdale Trust, The Myee Codrington Foundation for Homeless Women, George Pitt Wood Trust (NSW) and The Helen Elizabeth Pagan Trust for providing valuable pilot funding for our Women's Homelessness Prevention Service to commence in FY2022-23.

HOMELESS PERSONS' LEGAL SERVICE

Our Homeless Persons' Legal Service (HPLS) helped more than 600 people experiencing or at risk of homelessness with legal assistance, representation or referral in the 2021-22 financial year.

While Sydney's lockdown in late June 2021 forced the immediate suspension of face-to-face clinics, we worked creatively with our partner firms and frontline agencies to continue to offer quality legal services by phone and video conferencing.

To reach and support particularly vulnerable clients who might not otherwise receive help, our Outreach Team was back delivering face-to-face legal services by mid-July 2021.

New laws and police powers used through the pandemic have disproportionately impacted people accessing our services, with more warnings, more arrests and more matters in the courts. We provided critical support through the lockdown, seeing clients on the street and finding ways to access them when locked-down in custody.

Our clients are diverse, and many require specialised support due to complex needs, including concerns relating to mental health and substance abuse. HPLS works actively to reach clients who face challenges accessing mainstream legal services.

Since starting regular outreach at a specialist daytime refuge for women, the proportion of women accessing our service has increased from 32% to 40% in the past year.

'HPLS improves people's access to justice and saves lives. Through our work at The Shed, an Aboriginal Suicide Prevention Service, we see the impact when people are supported by high quality programs.'



Rick Welsh,
The Shed,
Western Sydney



Tim Ngui, HPLS Senior Solicitor



619

people assisted



535

legal matters resolved



20%

of clients are
Aboriginal or
Torres Strait
Islander



61%

of clients have
a disability



29%

of clients
aged over 55



Housing

**21% of help
provided**

We negotiated with housing providers to prevent vulnerable clients being evicted and becoming homeless.



Criminal law issues

**20% of help
provided**

We supported people facing criminal charges, with a focus on diversion from custody into therapeutic programs that deal with the causes of offending



Financial issues

**15% of help
provided**

We helped people facing financial hardship by resolving issues relating to fines, credit and debt



Compensation payments

**5% of help
provided**

We supported people to access victims of crime recognition payments

HOW WE HELP

We also support clients with a range of other legal issues including consumer and contract issues, social security, discrimination, employment, AVOs, guardianship, and complaints about government authorities.

Helping Zoe access compensation

Zoe* is a transgender woman at risk of homelessness with a long history of transphobic assaults. HPLS helped her compile evidence to support applications for victims of crime recognition payments through the NSW Victims Support Scheme. Zoe received payments related to three childhood incidents but a fourth application was refused. After an appeal by HPLS, Zoe received an additional payment and access to more than 80 hours of counselling support. She sees her counsellor twice a week and says the counselling has significantly improved her self-esteem and helped her overcome her trauma, giving her the confidence to look for a job and face life's challenges. The payments lifted her out of poverty, so she could focus on self-care and 'make a fresh start'.

A NEW SERVICE TO SUPPORT WOMEN FACING HOMELESSNESS

Women over 55 are the fastest-growing group experiencing homelessness in Australia

Domestic and family violence is the leading cause of homelessness amongst women in Australia

The Women's Homelessness Prevention Service (WHPS) has started operation on a pilot basis in late 2022, to provide a trauma-informed service focused on early intervention and preventing homelessness, particularly for those women experiencing domestic and family violence.

'There is a pressing need for specialist legal help to support women experiencing and at risk of homelessness. Our new Women's Homelessness Prevention Service will provide that direct support, while advocating for changes to the current system that is letting down the growing number of women needing safe and secure housing.'



**Kira Levin,
HPLS Managing Solicitor**

INADEQUATE SUPPORT FOR PEOPLE WITH DISABILITY

The Disability Support Pension (DSP) should enable people to live with dignity. But the system is failing many who need it. PIAC gave evidence to a Senate inquiry into the DSP, drawing from the experiences of our clients and StreetCare members to show how inadequate payments, delays in access and a complex and rigid assessment process are contributing to financial hardship and homelessness.

Ending Martin's 6-year wait for the DSP

Martin* lives with severe physical impairments as a result of war injuries. He suffers from severe trauma, chronic PTSD, anxiety and depression and is at risk of homelessness. Medical specialists have assessed he is permanently unable to do manual or clerical work. He does not speak any English, which makes it difficult to find work, or deal with administrative processes like obtaining medical evidence.

Martin's application for the DSP was rejected and he was unable to afford a medical report from his treating psychiatrist to support a review. Martin was forced onto NewStart for over 18 months, a much lower weekly payment than the DSP, causing him distress and severe financial hardship. With HPLS' support, Martin was finally able to gather the medical evidence he needed and receive the DSP. After more than six years, Martin's increased financial security is a critical step forward.

STREETCARE – EMPOWERING ADVOCATES WITH LIVED EXPERIENCE

StreetCare supports people with lived experience of homelessness to be effective advocates, influencing better outcomes for people experiencing or at risk of homelessness.

In this past year, Streetcare worked with the NSW Department of Communities and Justice (DCJ) to review the Protocol for Homeless People in Public Places and develop a DCJ district-based Homelessness strategy.

Streetcare members used their collective experiences to guide volunteers participating in the statewide Street Count, highlighting that while data is vital to creating solutions to address homelessness, rough sleepers must be treated as people and not statistics.

Collaborative work with NSW Health, St Vincent's Hospital and Palliative Care NSW expanded Streetcare's sphere of influence, with members adding a trauma-informed approach and the voice of lived experience to new forums.

StreetCare member Bonnie spoke at an Australian Federation of Disability Organisations (AFDO) Roundtable, which included members of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Bonnie's compelling testimony relayed her experience of applying for the Disability Support Pension and highlighted how the current application and eligibility processes, as well as payment levels, entrench poverty and homelessness.

We continue to expand StreetCare and strengthen the diversity of representatives. We have welcomed two new advocates to the team, finalised an Aboriginal Engagement Strategy, gained an LGBTQI member representative and look forward to continuing to strengthen the impact of our work.

'The value of including people with lived experience in policy and practice is becoming more broadly recognised. Not only is StreetCare's expertise increasingly in demand by law- and policy-makers, but we are also supporting other organisations in the sector to develop and deliver their own Lived Experience Frameworks.'



**Charmaine Jones,
StreetCare Project Officer**



StreetCare members Talie, Tony and Anna at the Sydney Homeless Memorial Service

SUSTAINABLE, AFFORDABLE ENERGY AND WATER

Our Energy and Water Consumers' Advocacy Program works for better regulation and policy, so everyone can access clean, reliable and efficient energy and water systems. We empower people to make meaningful choices in effective markets by improving consumer protections and limiting disadvantage.



EXPLAINING AND FIXING ENERGY MARKET FAILURE

In June 2022, a perfect storm of supply constraints and opportunistic behaviour by gas and coal generators led to an ‘energy crisis’, requiring the Australian Energy Market Operator to suspend the National Electricity Market.

PIAC provided informed commentary across all forms of media, to aid public understanding of the crisis and its causes and support confidence in AEMO’s actions. We countered misinformation, such as blaming of renewable energy, and highlighted the need for enduring structural reforms rather than knee-jerk reactions.

In his role on the Australian Energy Market Commission’s Reliability Panel, EWCAP’s Senior Energy Advisor Craig Memery promoted long term solutions to modernise energy market design and operations, and only making changes to market price settings that would increase household energy costs as a last resort, stop-gap measure.

EWCAP campaigned collaboratively for effective and future-focused alternatives to traditional capacity markets, improved regulatory scrutiny and accountability of generators, and other measures to smooth the transition from fossil fuels to renewable energy.

‘Transforming the energy system isn’t negotiable, but how we go about it is. Regulatory and cost-recovery frameworks need fundamental change. Through the lens of public interest, the solutions are clear: protect the most vulnerable, and avoid exposing people to costs from which they don’t benefit or risks they can’t control.’



Craig Memery,
Senior Advisor, Energy

TAPPING INTO COMMUNITIES FOR WATER REFORM

Our Energy and Water Consumers’ Advocacy Program (EWCAP) remains the only consistent consumer and community voice in critical water policy, planning, regulation and pricing processes. Our comprehensive approach responds to climate change, supports community interests and seeks to ensure equal access to reliable, sustainable and efficient water services.

Our role in the review of NSW water regulation led to the Independent Pricing and Regulatory Tribunal (IPART) proposing significant reforms to ensure regulation is shaped by community engagement and addresses the community’s long-term needs.





PUTTING COMMUNITIES AT THE FOREFRONT OF DISTRIBUTOR DECISIONS

The three electricity distribution businesses operating in NSW – Ausgrid, Endeavour Energy and Essential Energy – are central to ensuring a more efficient and affordable energy system. They will play a leading role in the state’s energy transition and in building community resilience in the face of climate change, by underpinning essential services and emergency response capabilities.

PIAC has engaged with these businesses proactively and pragmatically as they prepared their 2024–29 revenue proposals for the Australian Energy Regulator (AER). These proposals ultimately determine the price we pay for power and how costs are shared in the community.



Energy and Water Program Director Douglas McCloskey at a consultation with the Taree community; image courtesy of Essential Energy

Our input was instrumental in the development of a robust, transparent framework for resilience-related decisions at Ausgrid. This framework can guide investment decisions that respond to climate change while sustaining community affordability and enabling resilient responses to crisis. It is the first of its kind in the National Energy Market.

‘Our advocacy has shaped the community engagement practices of the three NSW energy distribution networks. We have been the community voice on customer panels, pricing groups and technical sub groups, and have ensured meaningful engagement on equity and pricing issues, at a time of increased cost of living pressure.’



Douglas McCloskey,
Program Director, Energy
and Water Consumers’
Advocacy Project

NEW RULES TO SUPPORT PEOPLE EXPERIENCING DOMESTIC AND FAMILY VIOLENCE

PIAC has been instrumental in ensuring energy retailers improve their response to people affected by family violence, under new rules developed by the Australian Energy Market Commission.

PIAC brought together community partners and engaged directly with community service providers, to ensure the experiences of victim-survivors were heard.

Under the draft rules, retailers will be required to:

- consider the impact of debt recovery and disconnection on victim-survivors before taking action;
 - have systems in place to protect the security of the accounts of victim-survivors and ensure they only have to disclose their situation once;
 - provide information about family violence support services to victim-survivors; and
 - have staff competent to assist victim-survivors.
- Retailers will not be allowed to ask for evidence of family violence as a precondition to providing supports and protections.

'Our successful collaborative advocacy resulted in a draft set of rules that recognise the responsibility of energy retailers to provide assistance and protections to people affected by family violence.'



Thea Bray,
Energy and Water
Senior Policy Officer

ADDRESSING CONSUMER VULNERABILITY THROUGH COVID-19 AND BEYOND

Households in NSW have faced many financial pressures this year, with the pandemic, flooding, energy crises and sharp increases in the cost of living.

EWCAP's work, including through the Australian Energy Regulator (AER) Consumer Consultative Group, has kept the focus on the impact of rising prices on consumers and the need for longer term support. We joined a targeted stakeholder discussion exploring 'potential game-changers' for providing assistance to people experiencing payment difficulty and presented practical recommendations for more effective support.

Other work to address vulnerability and disadvantage has included:

- shaping the development of a Financial Hardship Policy Framework, which will be used across all NSW Government services;
- continued implementation of 'knock before disconnection' initiatives;
- advocating for reforms to embedded networks (which can include caravan parks, retirement homes and apartment blocks) to secure equitable access to affordable energy and assistance for payment difficulty;
- successful advocacy that improved energy bill information through the Better Bills Guideline; and
- examining harm caused by the use of unregulated credit products for essential services, in collaboration with the Australian Communications Consumer Action Network.

A JUST TRANSITION TO NET ZERO

We work to minimise the disproportionate effect of climate change on people and communities already experiencing disadvantage, and ensure Australia's regulations and policies deliver a just and fair transition to a net zero-carbon energy system and society.



A FAIR AND FAST TRANSITION TO CLEAN ENERGY

PIAC is helping to accelerate the transition away from fossil fuels and ensure the billions of dollars in investment it requires are directed to providing affordable sustainable energy that is available to everyone.

Our Energy and Water Consumers' Advocacy Program (EWCAP) plays an integral role in holding the NSW Government to its promise to deliver a cheap, clean and reliable network through implementation of its Electricity Infrastructure Roadmap. Our advocacy has focused on limiting the financial burden on households and ensuring the costs of transition are shared more fairly by all users.

In mid-2022, the Government revealed details of its plans for the first Renewable Energy Zone (REZ) in Central-West Orana, in regional NSW. A REZ locates wind and solar power generation with the infrastructure needed for storage and transmission. The plan drew heavily on PIAC's recommendations that, if implemented more widely, could save NSW households tens of millions of dollars every year.

TURNING OFF THE GAS

PIAC is at the forefront of community efforts to shift away from gas with a fast and fair transition to electrification.

Our strategies include pushing for rental and building standards that require electrification, recommending a fairer sharing of network costs to facilitate the decommissioning of gas networks, and advocating for policies and programs that prioritise helping financially vulnerable people to move away from gas.

A shift to electricity will reduce costs for households paying for both electricity and gas connections, provide opportunity to benefit from renewable technologies and more efficient appliances, and remove dangerous gas emissions from homes.

IMPROVING ACCESS TO EFFICIENT AND HEALTHY HOUSING

Fair access to energy-efficient housing is an important means of addressing disadvantage, improving energy affordability and supporting urgently needed action on climate change.

PIAC works collaboratively with the community, industry and consumer groups to improve housing standards, including by:

- advocating for better construction standards in NSW and nationally to boost efficiency and make housing zero carbon ready;
- supporting development of a national framework for disclosure of the energy efficiency standard of housing on the market. We are pushing for mandatory disclosure to both prospective buyers and prospective tenants;
- shaping the development of a national framework for minimum energy efficiency standards for rental housing; and
- advocating for policies to improve the health and wellbeing of low-income households by providing access to more energy efficient homes, fixtures, and appliances.



A FAIRER NDIS

We work with disability rights organisations to improve outcomes for people under the National Disability Insurance Scheme (NDIS). Our work increases transparency and accountability, drives policy change and improves decision-making by the National Disability Insurance Agency (NDIA).





The NDIS has not been living up to its promise. The NDIA's policies and practices have made the system inaccessible and unresponsive. People have been denied the support they need or have had to fight a hostile bureaucracy to get the care and access to which they are entitled.

Our work for *A Fairer NDIS* tackles these issues at a systemic level. It is informed by the lived experience of people with disability and their carers, and the priorities of our partners in the disability sector.

In 2021 we established the NDIS Systemic Advocacy Working Group, bringing together national peak disability organisations to advocate collectively and strategically for meaningful reform. An important part of PIAC's role is

to provide legal, policy and advocacy expertise, identify and analyse emerging systemic NDIS issues and support an effective sector response to reform proposals.

We have:

- helped defeat legislative proposals that would have undermined the NDIS, including 'debt clawback' provisions, and changes to the method for funding supports;
- secured changes to NDIA guidelines and policies;
- run successful test cases challenging the NDIA's policies and practices; and
- influenced decision-makers through targeted advocacy, including submissions to government inquiries, appearances before government committees and direct engagement with Members of Parliament.

PIONEERING ADVOCACY TOOL TO DRIVE CHANGE

In an area of significant legal complexity, one of PIAC's goals is to empower disability advocates with practical resources to drive NDIS reform. With 16 major NDIS inquiries in recent years, keeping track of the recommendations made and whether they have been implemented is essential to holding government accountable.

PIAC has developed the NDIS Recommendations Tracker with pro bono support from Gilbert + Tobin. The tracker is an online, publicly available resource that allows advocates to efficiently and effectively track the status of more than 300 inquiry recommendations.

For example, users can identify all recommendations made relating to Administrative Appeals Tribunal reviews of NDIA decisions, then see the source of each recommendation, the government's response, and what action has been taken.

With over 430 people accessing the Recommendations Tracker in its first 6 months and strong positive feedback from advocates, the tool will help the disability community hold the government to account and push for change.

HOUSING DELAYED AND DENIED

Extensive delays, protracted review processes and poor-quality decisions by the NDIA have prevented many people in need of Specialist Disability Accommodation (SDA) from getting the housing they need to live independently. This was the finding of *Housing Delayed and Denied*, released in April 2022 by PIAC and the Summer Foundation's Housing Hub.

The report analysed 172 cases and found the agency:

- makes regular and significant errors in dealing with participants and their requests;
- is failing to meet obligations to participants when reviewing funding decisions;
- makes decisions that are unfair, opaque and delayed; and
- often ignores the needs and circumstances of participants.

Our report also showed that when people challenged decisions before the Administrative Appeals Tribunal (AAT), the dispute was almost always resolved in their favour, with the NDIA almost always conceding and settling cases when facing a hearing and decision.

PIAC and the Summer Foundation are working with the Federal Government to address these issues and implement our report's 12 practical recommendations. We are two of nearly 150 organisations backing the 'Down to 10 Days' campaign, which advocates for faster, fairer, and more accurate decisions on housing and other supports for NDIS participants.

'The NDIS was established to ensure people with disability have access to the same opportunities as other Australians. They should not have to wait for weeks or months, and argue with the government and its lawyers, simply to get housing that meets their needs.'



Mitchell Skipsey,
Senior Solicitor

The Sydney Morning Herald

'I wanted my independence': How Connor took on the NDIS and won

Janet Taylorfield
April 30, 2022 - 5:15am Save Share A A 33 View all comments

The 19-year-old, who has Friedreich's ataxia, a progressive neuromuscular disorder, had initially been told by the agency he could only receive funding to live in a group home.

A photograph of a young man, Connor Brookhouse, sitting in a wheelchair, wearing a green t-shirt and blue jeans. He is looking directly at the camera. Standing behind him is an older woman, Sofie Mont, wearing a striped shirt and dark pants, with her hand on his shoulder. They are in a simple room with a grey wall and a doorway in the background.

Connor Brookhouse and his mother Sofie Mont. JAMILA TODERAS

"I wanted my independence. A lot of the time people with disabilities are kind of shoved in the same house and it doesn't really matter what disability they have," Brookhouse said.

With thanks to the Summer Foundation for its generous support of our Specialist Disability Accommodation project.

Securing a home for Gregory

Gregory* is in his early 60s and was admitted to hospital at the end of 2019 with a sudden and very severe illness. After a lengthy period of treatment, Gregory was ready to be discharged at the start of 2021. However, his illness had left him with a serious and ongoing physical disability that meant he could not move back to his previous home.

Gregory prepared and submitted a detailed SDA application in March 2021. To meet his assessed needs, he requested single-occupancy SDA, with shared onsite support. Gregory was nervous about sharing a home as he felt shared living would make it difficult to continue his rehabilitation and maintain his music hobby. He also needed a private space where he could spend quality time with his partner and adult children, whose homes were not accessible to him.

Gregory waited six months in hospital while the NDIA considered his plan and request for internal review, before finally refusing his application.

Gregory appealed to the AAT, where he faced further months of delay. During that time, he moved from hospital into temporary transitional accommodation, but this was still unsuitable for his needs. Several months after his first grandson's birth, Gregory had only been able to meet him briefly once – outside, on his daughter's front lawn.

With representation from PIAC, Gregory won his case at the AAT and has moved into his SDA home. Gregory's NDIS plan now provides him with the funding he needs to live alone and have the freedom to spend time with his family and pursue his hobbies.

EXPLAINERS TO HELP NAVIGATE THE NDIS LANDSCAPE

Policy, law and processes related to the NDIS can be complex and confusing. To empower disability advocates and help people with disability keep up to date with changes, PIAC developed a range of plain English 'explainers'. These covered proposed reforms to introduce independent assessments and personalised budgets, the original intentions of the NDIS, and the Participant Service Guarantee Bill.

Published on PIAC's website and widely shared, our explainers have been referenced in submissions by disability advocates and NDIS participants, and cited by media. Applauded for explaining complex proposed legislation in a simple and clear way, the explainers have generated considerable web traffic, with almost 9,000 views through the year.



'EAC received many, many emails from grateful NDIS participants, families, workers and advocates after reading the PIAC explainers which were kindly republished with permission on the EAC website – reaching new people with information we did not have the capacity to provide. Our entire community is incredibly grateful.'

Every Australian Counts

TRUTH AND ACCOUNTABILITY

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



MAPPING HUMAN RIGHTS VIOLATIONS IN SRI LANKA

PIAC has launched a landmark interactive conflict map, detailing thousands of reported human rights violations committed during the Sri Lankan civil war between 1983 and 2009.

Recent political and economic crises in Sri Lanka have highlighted the continued lack of accountability at the highest levels of government. Our work helps victims and advocates demand accountability. It provides crucial foundational support for commitments made at the United Nations Human Rights Council (UNHRC) to address the instability, violence and suffering caused by the war.

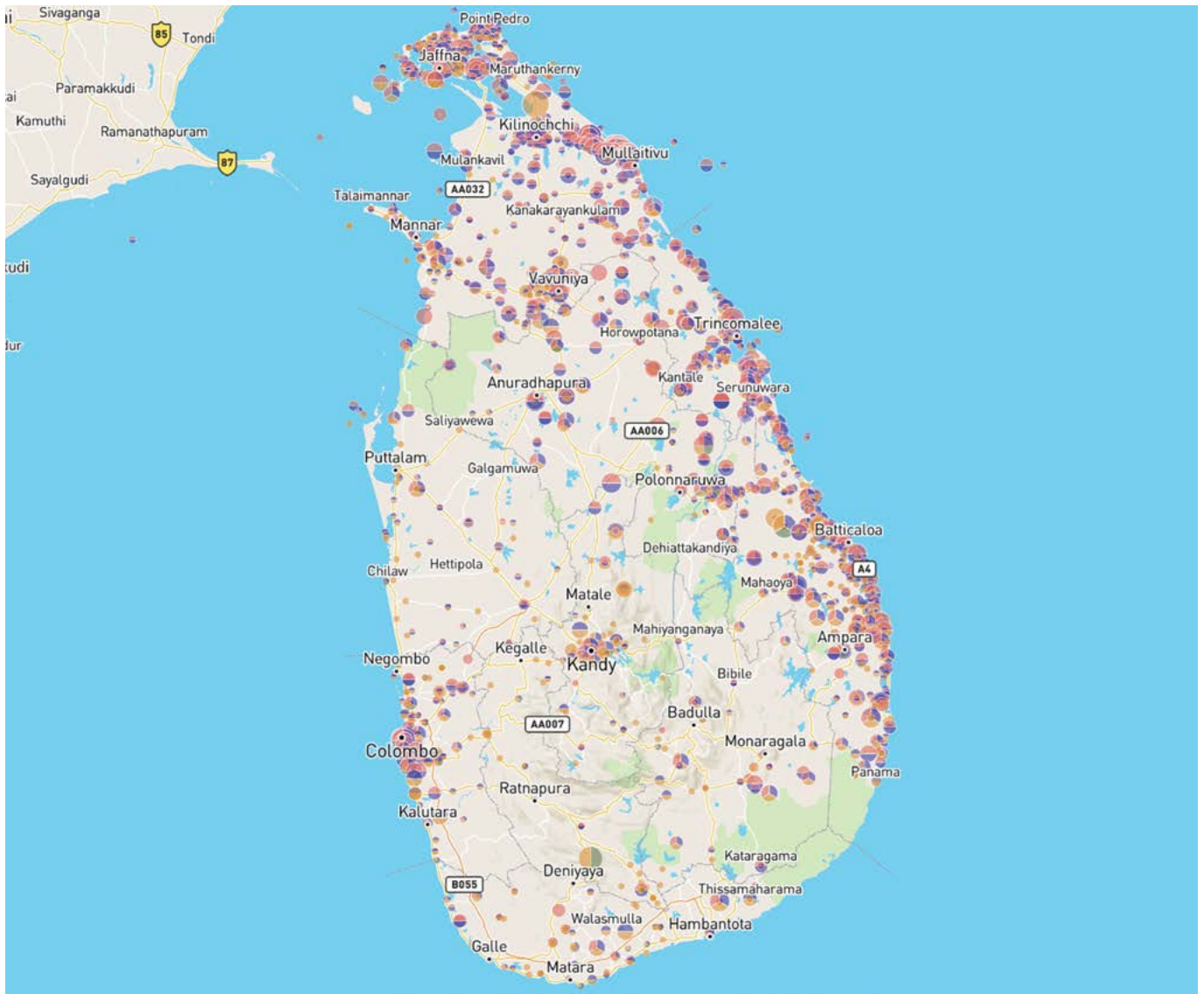
The conflict map is the culmination of more than ten years of work by PIAC and our partners to support truth and accountability in Sri Lanka.

Our work started in response to a request to assist witnesses to the atrocities to give first-person accounts in formal witness statements after fleeing to Australia.

This led to the landmark 2014 report *Island of Impunity?*, which prompted the United Nations Office of the High Commissioner for Human Rights (OHCHR) to launch a formal investigation. PIAC worked closely with the OHCHR team, supporting their investigations by connecting them with witnesses, taking testimony, and sharing analysis.

Last year, in resolution 46/1 (2021) the UNHRC established the Sri Lanka accountability project, 'to collect, consolidate, analyse, and preserve information and evidence relating to gross violations of human rights and serious violations of international humanitarian law in Sri Lanka'.

PIAC's work provides a solid foundation for the UNHRC's project and we are proud of our unique contribution to truth and accountability for Sri Lanka. We have supported the collective efforts of a global community and built capacity in civil society to pursue accountability.



Our Asylum Seeker Rights Project works to ensure humane treatment in Australia's immigration detention system, with access to health care and respect for human rights. We advocate for an end to the degrading and unnecessary detention of asylum seekers and refugees.



ASYLUM SEEKER RIGHTS



We gratefully acknowledge generous financial support from the Ross Trust, Australian Communities Foundation – Williams Fund, Igniting Change, Collier Charitable Fund, Modara Pines Charitable Foundation, Planet Wheeler Foundation, Perpetual, River Capital Foundation, Spotlight Foundation and Vincent Fairfax Family Foundation for this work, and the support of a secondee from Johnson Winter & Slattery.

ACCESS TO HEALTHCARE FOR PEOPLE SEEKING ASYLUM

Asylum seekers and refugees transferred from detention facilities on Nauru and Manus Island to Australia in 2019 for urgent medical attention are still having difficulty accessing treatment. Many have spent more than two years confined to immigration detention centres and hotels in harsher living conditions than they experienced offshore.

The 'Medevac' regime was designed to ensure that decisions about transferring people to Australia for medical care were made by medical professionals through a streamlined process. More than 190 asylum seekers and refugees were brought to Australia under the Medevac regime in 2019. However, PIAC's casework revealed a concerning number of people experienced serious problems in accessing essential care.

From dozens of referrals, we acted for 13 people in the Medevac cohort suffering from a raft of health issues, including severe gum disease, heart disease and serious mental health conditions. Working closely with medical professionals to assess clients' experiences and medical records, we have identified specific policies and patterns of practice that breach the rights of asylum seekers in detention and require systemic change.

Our December 2021 report *Healthcare denied: Medevac and the long wait for essential medical treatment in Australian immigration detention*, exposed the Commonwealth's failure to provide basic medical care for people in Australian immigration detention facilities. We made 10 recommendations for reform, starting with the immediate transfer of remaining members of the Medevac cohort out of closed immigration detention centres into the community. As of April 2022, nearly all had been released.

 Just In Top Stories

Medevac asylum seekers forced to wait years for medical treatment, report finds

A new report says that one asylum seeker's knee was inoperable by the time he arrived in Australia under the Medevac legislation.

Asylum seekers and refugees transferred to Australia under the Medevac legislation have been waiting more than two years to receive medical treatment for multiple chronic and serious health conditions, according to a [new report](#).

The report titled 'Healthcare denied: Medevac and the long wait for essential medical treatment in Australian immigration detention' found the federal government had not provided members of the Medevac cohort with timely or adequate health care, with indefinite detention causing their health to deteriorate further.

Now repealed, the Medevac legislation allowed refugees and asylum seekers to be transferred from offshore detention centres to Australia for medical treatment. This transferral needed to be approved by two independent doctors and the Home Affairs minister, who could refuse if they deemed it unnecessary or a security risk.

The research was published by the Public Interest Advocacy Centre (PIAC) and drew upon evidence uncovered through the organisation's casework with 13 Medevac asylum seekers.



Healthcare denied was launched in an online forum with (clockwise from top right) clinical psychologist Guy Coffey; former Socceroo and refugee advocate Craig Foster; and Thanush Selvarasa, a Sri Lankan refugee brought to Australia after being detained on Manus Island for seven years; chaired by the report's lead author, PIAC Senior Solicitor Lucy Geddes.

Securing dental treatment for Zahid

Zahid Hussain was detained by Australia for eight years after fleeing Pakistan. Zahid has a long history of severe and painful gum disease, including diagnosis with gingival recession disorder as early as 2015.

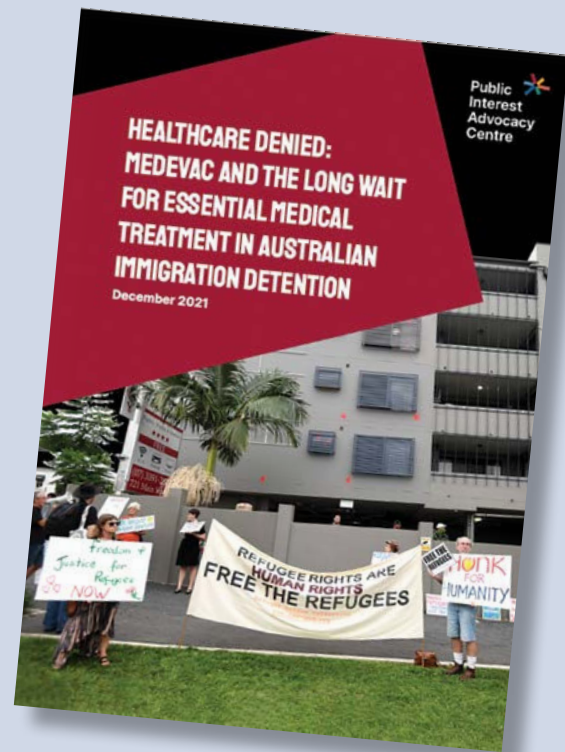
The 33-year-old was transferred to Australia from Papua New Guinea under the Medevac regime in November 2019 for the express purpose of obtaining dental treatment. After arriving in Australia, he was detained in hotels in Brisbane and Melbourne.

Zahid's first dental examination was on 18 March 2020. The dentist recommended he be referred to both a periodontist and orthodontic specialist. No treatment was provided, and Zahid's condition worsened.

Two years later, after advocacy by PIAC, the Government finally agreed to fund Zahid's treatment plan and an appointment with a periodontist specialist was booked for May 2022.

On 1 April 2022, after being detained for 870 days without treatment, Zahid was released into the community on a bridging visa. Following his release, funding for his periodontic treatment was suddenly withdrawn. The contracted healthcare provider, International Health and Medical Services (IHMS), advised this was because he was no longer in detention.

Further advocacy from PIAC led to IHMS reversing its decision and reinstating its funding for treatment. On 22 May, more than three years after his evacuation from Manus for medical reasons, Zahid was finally able to begin treatment.





ENDING ARBITRARY DETENTION OF ASYLUM SEEKERS

PIAC supported the Ending Indefinite and Arbitrary Immigration Detention Bill 2021 (Cth) introduced by Independent MP Andrew Wilkie, aiming to abolish arbitrary and indefinite detention. PIAC coordinated advocacy colleagues in the sector to influence the public debate and our collective call for an end to arbitrary and indefinite detention was widely circulated through online and social media.

ACTION FOR RECONCILIATION

In 2022 we refreshed our Reconciliation Action Plan (RAP) to deepen our commitment to reconciliation in how we work across the organisation. Now in its 5th year, our RAP guides us to work more effectively with Aboriginal and Torres Strait Islander people and organisations, and on issues that impact First Nations communities.



HIGHLIGHTS

Increasing the number of Aboriginal and Torres Strait Islander people working at PIAC and establishing new First Nations identified positions. This financial year, we were proud to have eight First Nations staff members out of approximately 44 staff.

Engaging staff in a cultural awareness session with Tyson Yunkaporta, member of the Apalech Clan in far north Queensland and Senior Lecturer in Indigenous Knowledges at Deakin University. The session explored Indigenous thinking, covering some of the themes and ideas from Tyson's ground-breaking book *Sand Talk*.

Promoting cultural exchange, deepening understanding and igniting conversation through Reconciliation Book Club events. Staff have explored novels, poetry and documentaries, including:

- *Another Day in the Colony* by Chelsea Watego
- *After Story* by Larissa Behrendt
- *Incarceration Nation* directed by Dean Gibson
- *Kindred* by Kirli Saunders



PIAC staff at the Ngalya Ball
Photo by Cassandra Hannagan

'Through our RAP we recognise and embrace our responsibility to work proactively towards reconciliation as part of our work as a social justice law and policy centre. This includes actively supporting all three elements of the Uluru Statement: Voice, Treaty and Truth.'



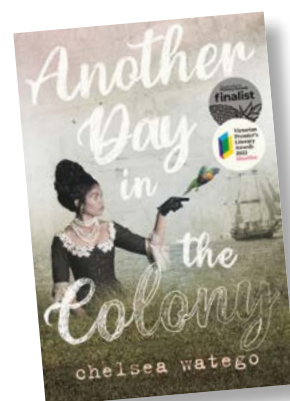
Emma Bastable,
PIAC Solicitor, Gomeroi
woman and Chair of the
RAP working group

Recognising PIAC's office is located on Gadigal land in our email signatures, address and templates.

Embedding engagement with the RAP across PIAC and involving staff in implementation, with a commitment of support built-in to position descriptions and discussed in performance reviews.



Tyson Yunkaporta
Photo by James Henry



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of Queensland Press

BOARD



Rebecca Gilsenan – Chair

Appointed May 2012

Rebecca Gilsenan is a Principal Lawyer in Maurice Blackburn's class actions department. 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.



Eileen Baldry AO, Deputy Chair

Appointed February 2015

Professor Baldry is one of the country'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.



Penny Gerstle

Appointed May 2020

Penny Gerstle has advocated for asylum seekers and refugees for over 30 years, holding honorary and voluntary positions at organisations including the Refugee Advice and Casework Service, and Australia for UNHCR's Women's Steering Committee on Maternal Health. Penny has been Co-Chair of Human Rights Watch Australia (Sydney Committee) since April 2018, a Director of Participate Australia since 2015 and joined the Board of Mahboba's Promise this year. She holds Masters degrees from the University of Sydney in Japanese, in International Law and in Development and Global Health Studies, and worked at the Australian Human Rights Commission in the Disability Discrimination and Race Discrimination Teams.



John Walker

Appointed February 2016

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 came to litigation funding more than twenty years ago after working in accounting and economics and practicing as a commercial litigator in Sydney.



Kate Morgan SC

Appointed November 2019

Kate Morgan 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. Before being called to the Bar, Kate practiced as an attorney in New York State, and as a solicitor at Mallesons Stephen Jacques and the Commonwealth Director of Public Prosecutions.



Bob Debus AM

Appointed November 2016

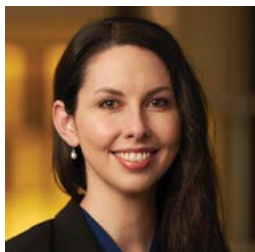
Bob Debus was a member of NSW Parliament (1981-1988 and 1995-2007) and Federal Parliament (2007-2010). In the NSW Parliament, he served as Minister for Corrective Services (1995-2001), Minister for Emergency Services (1995-2003), Minister for Environment (1999-2007), Minister for Arts (2005-2007) and Attorney General (2000-2007). In the Commonwealth Parliament he held the position of Minister for Home Affairs. Before becoming a parliamentarian, Bob worked as a solicitor, editor and journalist.



Andrea Durbach

Appointed November 2021

Andrea Durbach is Emeritus Professor of Law at UNSW where she was Director of the Australian Human Rights Centre (now Institute). She practised in South Africa as a political trial lawyer representing victims and opponents of apartheid laws before moving to Sydney in 1989, working initially in private practice. She joined PIAC in 1991, becoming Executive Director in 1997. Andrea has held senior positions in the human rights field, including Deputy Australian Sex Discrimination Commissioner. A Foundation Fellow of the Australian Academy of Law, in 2013 she was awarded the Australian Human Rights Commission Human Rights Law Award for her promotion and advancement of human rights in Australia.



Jade Tyrrell

Appointed November 2019

Jade Tyrrell 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. In addition to her commercial work, Jade has a strong interest in supporting pro bono projects and assists with matters referred through Johnson Winter & Slattery's pro bono program.

Jade is a Councillor of the Law Society of New South Wales and sits on the Law Society's Indigenous Issues Committee.



Ian Farmer

Appointed May 2017

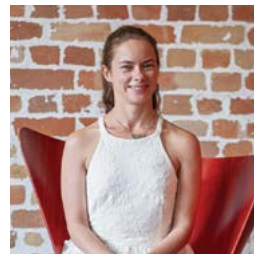
Ian Farmer is Chairman of Lifeline Northern Beaches and the Sydney Drug Education and Counselling Centre, and a Director of CRC Ltd. Ian has over 30 years' experience as a practicing accountant and advisor, including 20 years as a Partner with PwC in a range of client serving and leadership roles.



Kirsten Gray

Appointed February 2022

Kirsten Gray is a Muruwari/Yuwaalaraay woman, mother and lawyer. She started her career representing parents in child protection matters and has gone on to work extensively in Indigenous policy and human rights. Kirsten has served numerous Aboriginal and Torres Strait Islander Social Justice Commissioners at the Australian Human Rights Commission and has contributed to Indigenous human rights advocacy both nationally and internationally. Kirsten served as a senior policy officer on the Royal Commission into the Detention and Protection of Children in the Northern Territory and supported the Queensland Treaty Working Group in the development of the Path to Treaty report.



Sally Aurisch

Appointed May 2020

Sally Aurisch is a not-for-profit, community, and disability sector leader with more than 15 years' experience in policy development, program design and delivery, community engagement, and advocacy.

A vision impaired leader herself, Sally is passionate about access and inclusion. She regularly writes or presents on the topics of disability leadership and accessible education and employment, as well as disability, sex and gender.

Sally is currently the Chief Executive Officer of Blind Citizens Australia and a student and Peer Assisted Study Session Leader at University of New England.

STAFF

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Relationships and Events Coordinator

Anna Livsey
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Energy and Water Consumers'
Advocacy Program

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Aryana Cascao

Celeste Bird

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Strategic Litigation & Homeless
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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, NSW Department of Communities and Justice and the Community Legal Centres Program funded jointly by the NSW and Commonwealth Governments.

We are grateful to the following people and organisations who also make our work possible.

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Jane Marquard
Ralph Pliner
Ann Sloan
Phillipa Sawyer
Jade Tyrrell

We are very grateful to Nathan Moran for sharing his passionate Welcome to Country, special guest speaker Tony McAvoy SC, MC Kate Wild, Keith Saunders Photography and to our board and committee members, family and friends for their generous contributions to our silent auction.

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

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In honour of Nagwa Armanios
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PIAC supporters at the Social Justice Dinner 2022

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.

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Clayton Utz
Gilbert + Tobin
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PIAC supporters at the Social Justice Dinner 2022



Community Partners

Aboriginal Legal Service NSW/ACT	Good Shepherd Microfinance	Tenants Union NSW
AbSec	Healthy Homes for Renters Coalition	The Gender Centre
ACCAN	Inclusion Australia	Total Environment Centre
ACON	Graeme Innes	Geoff Trappett
ACOSS	IPART	Uniting Church of Australia Assembly
Australian Discrimination Law Experts Group	Just Equal Australia	Uniting Communities South Australia
Australian Federation of Disability Organisations	Just Reinvest	Uniting Network
Better Renting	Justice Reform Initiative	Victoria Legal Aid
Beyond Blue	Legal Aid NSW	Vinnies NSW
Blind Citizen's Australia	NCOSS	Natalie Wade, Equality Lawyers
Children and Young People with Disability Australia	NSW Gay & Lesbian Rights Lobby	Women's Electoral Lobby
Combined Pensioners & Superannuants	NSW Parliament Library	
Consumer Actions Law Centre	Darren O'Donovan, La Trobe University	
Consumer Policy Research Centre	People with Disability Australia	
Disability Advocacy Network Australia	Physical Disability Council NSW	
Energy and Water Ombudsman NSW	QCOSS	
Equality Australia	Queensland Advocacy for Inclusion	
Ethnic Community Council NSW	RENEW	
Financial Counsellors Association NSW	Rights Information Advocacy Centre	
Financial Rights Legal Centre	SACOSS	
First Peoples Disability Network	Vicki Sentas, UNSW	
	Specialist Disability Accommodation Alliance	
	State Library of NSW	
	Sydney Alliance	

FINANCIAL PERFORMANCE

PIAC remains in a strong financial position that allows us to maintain our core work and respond to emerging challenges.

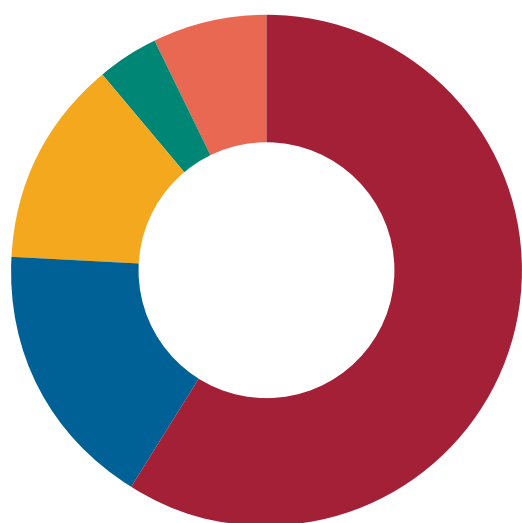
Following two years of surpluses, PIAC recorded a modest deficit in 2021-22. This was a result of a purposeful decision to increase investment in our programs and our capacity to measure our impact and raise sustainable future funding.

The audited financial result for the 2021-22 financial year is a deficit of \$259,709, which is 4.9% of our annual income of \$5,344,951.

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

At 30 June 2022, we maintained healthy net assets and retained earnings of \$3,049,527.

Income 2022



Grants	59%
Philanthropic	17%
Donations and events	13%
Fee for service	4%
Other income	7%

Funding sources:

Grants: \$3,165,876

Includes grants from the Commonwealth and NSW Governments and the NSW Public Purpose Fund

Philanthropic: \$919,921

Income from philanthropic trusts and foundations

Donations and events: \$695,730

Income from donations, fundraising appeals and events

Fee for service: \$200,192

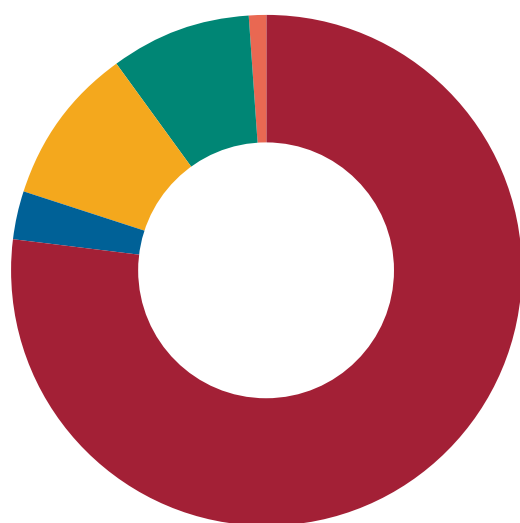
Income from legal casework

Other income: \$363,232

Miscellaneous income

Total: \$5,344,951

Expenses 2022



Employees	77%
Consultancy	3%
Depreciation and amortisation expense	10%
Administration	9%
Other	1%

Program costs:

Employees: \$4,307,076

Includes staff salaries and related costs

Consultancy: \$165,515

Includes the cost of experts assisting with program delivery

Depreciation and amortisation expense: \$569,441

Includes occupancy costs

Administration: \$483,970

Operating expenses associated with administration including finance, IT, office costs and telecommunications

Other: \$78,658

Miscellaneous costs

Total: \$5,604,660

PIAC's full financial statements are available on request and at the Australian Charities Register on the Australian Charities and Not-for-Profits Commission website: www.acnc.gov.au.

HELP BUILD A FAIRER, STRONGER SOCIETY

PIAC's work shows that real change
can happen. Please join us.



With your support we can sustain our work
and respond to urgent emerging issues.

With your help we can:

- provide specialist legal help for women facing homelessness;
- campaign to raise the age of criminal responsibility from 10 to 14 years old to prevent children becoming entrenched in the criminal justice system;
- help make the NDIS fairer and more effective, giving choice and control to people with disability;
- reduce the number of Aboriginal children being removed from their families;
- accelerate transition to a zero-carbon energy system while ensuring equal access to affordable, sustainable energy and water; and
- build legal protection of human rights – including long overdue discrimination law reform.



DEFEND JUSTICE AND EQUALITY WITH PIAC

Donations make it possible for us to do work that changes laws, policies and practices that are unlawful or unfair.

Every gift, large or small, helps change the lives of people and communities who are marginalised and disadvantaged.



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Send to:

PIAC

Level 5, 175 Liverpool St

Sydney NSW 2001 Australia

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Donations left to charities in wills are easy to arrange and not just for wealthy people – all bequests, large or small, help ensure a fairer future society.

Find out more about [donating to PIAC](#)

If you would like help to make a donation or more information, please call us on +61 2 8898 6500. PIAC is an independent non-profit charitable institution endorsed as a Deductible Gift Recipient (DGR). Donations of \$2 or more are tax deductible in Australia.

PIAC 2022 Annual Report



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