

PIAC ANNUAL REPORT

2005-2006



PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2005-2006

PIAC
Level 9, 299 Elizabeth St
Sydney NSW 2000
DX 643 Sydney
Phone: 61 2 8898 6500
Fax: 61 2 8898 6555
www.piac.asn.au

CONTENTS

Chair's Introduction	1
Chief Executive Officer's Overview	3
About PIAC	4
Access To Justice	6
Detention	10
Government & Democracy	12
Health	14
Human Rights	16
Indigenous Justice	20
Trade Justice	24
Utilities	28
Appendix	
PIAC membership of management, advisory and working bodies	32
PIAC & PILCH staff, volunteers and advisors	34
Publications	39

Working to achieve a just and civil society in a faster, more competitive world is even more necessary now than in 1982 when the Public Interest Advocacy Centre was founded.

PIAC identifies and responds to issues that are in the public interest, drawing on its broad policy base and the considerable skills of its staff, with the assistance of its various community and government partners, and its pro bono partners through the Public Interest Law Clearing House. In carrying out this work PIAC forges and fosters effective relationships with government, community, professional and other agencies. It is inclusive, rigorous and driven by a commitment to human rights and democratic process.

Annual reporting against strategic goals is daunting when description of action is easier than analysis of effect, or when projects are longer term. This report, of the second year of a three-year plan, seeks to show the range and complexity of PIAC's initiatives, actions and results. In its breadth of activities there are short-term campaigns, long-term projects, education programs that are adapted over time or to different audiences; legal challenges on behalf of individuals whose matter is of public interest, as well as research; or a combination of these elements.

For example, in the pursuit of justice for Indigenous Australians this year PIAC was the only CLC to provide advice and representation on stolen wages trust fund repayments in NSW. In the same area, PIAC also achieved favourable systemic as well as individual outcomes in a discrimination claim; an important damages award for a death in custody, and identified fundamental deficiencies in custodial procedure. At the same time an outreach strategy empowers and enables barriers—such as access to water in indigenous communities—to be identified and addressed.

This year PIAC has focused upon the treatment and the legal rights of people, particularly children and people with disabilities, in immigration detention, in the health system and in access to the justice system.

In the area of utilities, PIAC's well established initiative—the Utilities Consumer Advocacy Program (UCAP)—continued its monitoring of the pricing and affordability of services, as well as intervening in a test case related to the introduction of competition in wastewater, and successfully obtained redress for complainants for breaches of the Marketing Code of Conduct.

PIAC continued its training, representation and community education in trade justice, hosting and supporting the AFTINET coalition.

Because the field of public interest is broad and imprecise PIAC's task is challenging. As well as guiding the focus of PIAC, the Directors must ensure the organisation is sustainable, appropriate and relevant in this rapidly changing socio-political context.

Our resources are finite and dependent to a large extent upon grants. Awaiting responses to funding bids always reminds us of our fragility. It was therefore an enormous relief to gain a three-year funding guarantee from the Public Purpose Fund to continue the successful work of the Homeless Persons' Legal Centre. This initiative, in partnership with pro bono legal practitioners, has highlighted the particular disadvantages that homeless people suffer in accessing justice. This was demonstrated particularly in a study of the unfair effects of on-the-spot fines on homeless people.

PIAC routinely reflects upon its accountability. This year it established a strategic initiatives fund to enable response to specific, urgent but unfunded issues. ●●●

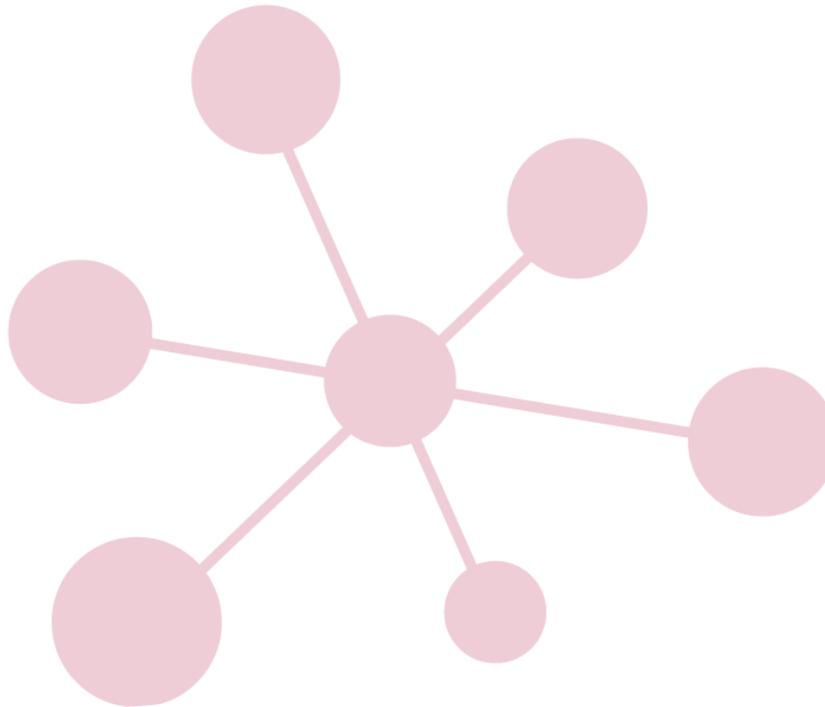


●●● This was the first year of occupation of our new, improved working environment for the staff who implement PIAC's vision with great skill. During the year several of them carried their PIAC experience into new fields. While we are sorry to have lost their contribution, we wish them every success.

At the close of the year the Directors met to examine PIAC's performance and envision its future. There was a consensus that PIAC must remain nimble and responsive in a changing world.

Thank you to CEO Robin Banks who manages PIAC's challenges so effectively, to PIAC's talented staff and our many partners in the private and public sectors. They, with a committed Board of Directors, make it a privilege to be part of PIAC - an idea worth maintaining.

ANNETTE O'NEILL
October 2006



The year 2005-06 was my second year in the role of Chief Executive Officer of PIAC and it was a year of challenges and rewards for us all.

The year saw PIAC finally being able to locate and move into office accommodation with enough space and amenity to enhance our capacity to work effectively. The new office space keeps PIAC in the CBD with easy access to government, the courts and many other agencies with which we work. Our first year in the new accommodation has been one of renewal for us all.

One aspect of that renewal has been a refocusing on health rights. This has been an important aspect of PIAC's work since it was established in 1982, and the employment in January 2006 of a staff member to focus on both policy and legal advocacy in this area means that PIAC again has been able to identify on key legal issues relating to health. In the first six months of this renewed focus, PIAC has identified mental illness and prisons as its immediate priority.

The year also saw a significant focus on national security issues with very significant changes proposed and implemented at both the Federal and NSW levels. PIAC has been active in challenging the extent of the police and executive powers being granted by the legislative changes and will continue to urge caution when responding to the threat of terrorism. PIAC's position on this has been that laws implemented to respond to terrorism threats must be consistent with fundamental human rights and with Australia's constitutional framework. Unfortunately, many of the legislative measures interfere with fundamental human rights and we were pleased to be able to contribute to the reviews of Australia's actions by the International Commission of Jurists Expert Panel and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

The year also saw the first year of operation of the Aboriginal Trust Fund Repayment Scheme. PIAC has played a central role in both the community call for a repayment scheme to be established, in the design of the scheme and in supporting claimants under the scheme. The work PIAC has done in this area would not have been possible without its close links to other groups in NSW including the Indigenous Law Centre, the NSW branch of Australians for Native Title and Reconciliation (ANTaR), and with people working on this important issue in other states, particularly Queensland.

PIAC continues to be the leading consumer advocacy group in the area of access to essential services and the current move to a national electricity market has certainly posed significant challenges. While this has been a major focus of PIAC's work in this area, it was exciting to be part of the Energy Futures Forum, looking at Australia's energy needs over the next fifty years. Balancing short and long-term issues in this and other areas has certainly kept us all on our toes.

For an organisation like PIAC it is important to focus on issues where we can make a difference to public debate and justice outcomes on key legal system public interest issues. It is often difficult to predict what will become a significant issue and this is a challenge that we continue to face. We aim to target our resources to achieve outcomes in the short to medium term, but at times must also focus on longer term issues, where achieving an outcome will take longer, but the potential impact is wide spread and central to social justice and democracy.

We are looking forward to another year of challenges, a year in which we will continue to work on a diversity of issues, always focusing on achieving a just and equitable civil society for all.

ROBIN BANKS
Chief Executive Officer

The Public Interest Advocacy Centre (PIAC) is an independent, non-profit legal and policy centre. PIAC seeks to promote a just and democratic society and to empower individuals and groups, particularly those who are disadvantaged and marginalised. Using legal, policy, communication and training initiatives, PIAC makes strategic interventions in public interest matters.

PIAC was established in July 1982 as an initiative of the Law Foundation of New South Wales with the support of the NSW Legal Aid Commission. Since that time it has grown from a staff of four to a paid staff at the end of the 2005-06 financial year of 21, four of whom work on a part-time basis. In addition to core staff, PIAC has a College of Law student on placement, a solicitor seconded to the Public Interest Law Clearing House (PILCH), a College of Law student on placement to PILCH and a student from the University of Sydney one day a week and, from time to time, additional secondees, consultants and volunteers.

Whenever possible, to achieve its aims PIAC works co-operatively with other public interest groups, community and consumer organisations, community legal centres, private law firms, professional associations, academics, experts, industry and unions. PIAC provides its services free or at minimal cost.

WHAT PIAC DOES

PIAC aims to:

- **expose unjust or unsafe practices, deficient laws and policies;**
- **seek redress in public interest matters for those who are marginalised or unrepresented;**
- **promote accountable, transparent and responsive governance;**
- **facilitate, influence and inform public debate on public interest matters;**
- **promote the development of case and statutory law that better reflects the public interest;**
- **enhance the capacity of community organisations to pursue the interests of the communities they represent;**
- **promote and develop the protection of human rights; and**
- **maintain a national profile and impact.**

PIAC Criteria

As demand for services often exceeds capacity and resources, PIAC must be selective in targeting the issues it will work on and matters or projects to be undertaken. PIAC gives priority to issues affecting identified groups within the general community where there is significant harm or adverse impacts being experienced by or likely to affect disadvantaged sectors of the community

The key questions asked by PIAC when selecting issues are:

- Is the issue consistent with PIAC's Charter and Strategic Plan?
- Can PIAC make a significant impact in the short to medium-term?
- Does PIAC have the capacity and resources to act effectively?
- Would PIAC be duplicating the efforts of others or can PIAC work in alliance with others?
- Can legal, policy, communication and training strategies be integrated?

PIAC BOARD OF DIRECTORS

Annette O'Neill	Chair
Ben Slade	Deputy Chair Principal/Partner, Maurice Blackburn Cashman
Britta Bruce	Management Consultant
Alan Cameron AM	Management Consultant
The Hon Elizabeth Evatt AC	Retired as Chair on 28 October 2004 Continuing as a Director
Bill Grant	Nominee of the Legal Aid Commission of NSW Chief Executive Officer, Legal Aid Commission of NSW
Shauna Jarrett	Nominee of the Law Society of NSW Councillor of the Law Society of NSW
Rodney Lewis	Partner, Dormers Legal Author, Elder Law in Australia, 2005 NSW Branch, International Commission of Jurists
Gary Moore	Director, Community Services, Marrickville Council from June 2006, previously Director of the Council of Social Services of NSW
The Hon Kevin Rozzoli	Nominee of the NSW Law and Justice Foundation Former Member for Hawkesbury and Speaker of the Legislative Assembly
Merrilyn Walton	Associate Professor in Ethical Practice, University of Sydney

- To identify and address unmet legal need.
- To promote the development and funding of community legal centres and legal aid provision in Australia.
- To engage the private legal profession in *pro bono* and public interest work.
- To identify, challenge and prevent systemic barriers to justice.

THE HOMELESS PERSONS' LEGAL SERVICE

In 2005-2006, HPLS consolidated the work of the clinics, expanded the ambit of law reform and policy work and continued the search for ongoing funding security.

HPLS clinics operated in six community agencies and with the support of seven PILCH member firms.

HPLS developed the systemic work of the service, focusing on the high numbers of homeless people in thousands of dollars of debt due to unpaid fines. The culmination of consultations with clients and other agencies on the issue of fines was the publication of *Not Such a Fine Thing! Options for the Reform of the Management of Fines Matters in NSW*. The Report was based on the real life experiences of clients and how the fines system operated to further penalise marginalised and disadvantaged people. The Report was well received by Government decision makers the community sector and other lawyers. It received wide media coverage.

HPLS was also independently evaluated as part of the funding agreement with the Commonwealth under the National Homelessness Strategy. The evaluation included interviews

with all key stakeholders as well as analysis of HPLS data and outcomes. The Report supported the important role HPLS fulfilled in providing access to legal services to homeless people and recommended the continued ongoing funding of the Service.

An overwhelming preoccupation and focus for HPLS was the insecure funding base, with limited funds available this financial year from external sources. Despite the successful evaluation of HPLS the Service did not receive funding from the Commonwealth. In late 2005, the Service was able to continue only with the commitment of PIAC's own reserves to the project, which resulted in the loss of the policy position due to the financial burden to PIAC.

In June 2006, with PIAC's funding support all but exhausted, the NSW Public Purpose Fund approved a three-year grant of funding for the Service.

THE PUBLIC INTEREST LAW CLEARING HOUSE (PILCH)

PIAC and PILCH continue to work together under a management agreement that enables PILCH to run its operations through the provision by PIAC of staff and other services provided on a co-location basis. A key element of the relationship is the fact that the CEO of PIAC also holds the position of Director of PILCH.

The ability of PILCH to sustain and develop its activities and services is largely due to the support that it receives from its members

Staff resources for PILCH continue to benefit from the provision by PILCH member firms of solicitors on secondment. Secondees play a vital role in maintaining the operation and integrity of the referral scheme and we are grateful for their contribution.

A significant staff innovation this year has been the extension of the PIAC College of Law Placement program to enable a placement position to work in PILCH.

Assessment and referral scheme

The PILCH assessment and referral scheme remains as a core activity for PILCH. During the year PILCH members provided *pro bono* assistance to 104 individuals and non-profit organizations referred through the scheme

Projects

PILCH has maintained its involvement in three PIAC projects: the Homeless Persons' Legal Service (HPLS); the *Practising in the Public Interest* (PIPI) Course; and the Children in Detention Advocacy Project (CID^{AP}).

A major focus for PILCH this year has been the development of new projects to address systemic disadvantage. In early 2006 PILCH, the Consumer Credit Legal Centre and the Legal Aid Commission launched the Predatory Lending Project (PLP). The PLP aims to address the systemic issues that give rise to predatory lending practices that often result in vulnerable and disadvantaged borrowers losing their homes, through a casework, law reform and media strategy.

PILCH is currently researching and working on the development of two further projects. The first is a project that aims to provide *pro bono* advice on employment-related matters to workers with disabilities and their employers. The second project involves the establishment of a duty roster scheme to advise self-represented applicants on Freedom of Information, Privacy and Guardianship issues.

Review and development

Recognising that the environment in which *pro bono* work is done has changed significantly since PILCH commenced operations, considerable Board and staff resources were allocated during the year to planning the future direction for PILCH. A key aspect of this work has been considering opportunities for greater co-ordination between the PILCH referral scheme and the referral schemes of the Law Society and Bar Association. PIAC, as a key stakeholder in PILCH supports these developments and is keen to progress mechanisms that improve access to *pro bono* legal services in NSW.

In May 2006, PILCH was pleased to have the opportunity to meet with its member firm *pro bono* co-ordinators to discuss its areas of work and get feedback from some of the key people it works with.

PILCH has recently reviewed its criteria to provide a clearer definition of the circumstances in which it will assist individuals, non-profit organizations and engage in project work.

Seminar and publications

During the year, PILCH again held seminars on the impact of human rights law in the UK, and on fraud prevention for not-for-profit organisations. The latter seminar is part of PILCH's ongoing commitment to providing community legal education on key issues relevant to not-for-profit organisations in order to better manage their services.

In October 2005, the *PILCH Court and Tribunal Fee Waiver Manual* was launched by Justice Ruth McColl AO. This publication provides practical guidance on how to obtain fee waivers in all tribunals and courts in NSW and, as such, is an important tool in enhancing access to justice for economically disadvantaged people in NSW.

In January 2006 a record number of summer clerks attended the annual PILCH cocktail function for summer clerks, hosted by PILCH member PricewaterhouseCoopers Legal. The purpose of the summer clerk function is to encourage young lawyers to consider how they may become involved in public interest law.

Promoting awareness of the services offered

In March 2006, the PILCH Co-ordinator visited the remote communities of Dubbo, Bourke, Walgett, Lightning Ridge and Collarenebri to meet with Aboriginal community workers and representatives from the community legal sector, community organisations and private practitioners. It was not surprising to learn that these communities report that they struggle on a daily basis with issues of isolation and lack of representation.

PILCH is committed to strengthening its relationships with the community legal sector and during the year has visited a number of Sydney and regional community legal centres and Aboriginal legal services.

With the assistance of member firm Freehills, PILCH produced its first stand-alone newsletter in June 2006.

AMICUS CURIAE

PIAC has, for many years, sought to encourage the use of *amicus curiae* as a mechanism for enhancing access to justice. The role of *amicus* in providing information to a court that supplements that of the parties can be very important where key public interest issues are being determined and the parties have a narrower interest.

Challenging legal profession regulation

PIAC represented the NSW Combined Community Legal Centres Group Inc and Redfern Legal Centre as *amici curiae* in *APLA & Ors v NSW Legal Services Commissioner & the State of NSW*.

The Australian Plaintiff Lawyers' Association (APLA) challenged the validity of Part 14 of the *Legal Professions Regulation 2002* (NSW) (the Regulation) made under the *Legal Professions Act 1987* (NSW). This Part makes it an offence of professional misconduct for a legal practitioner to publish an advertisement—which is broadly defined—that has a connection with personal injury. The *amici* were concerned that the Regulation significantly impedes the work of its member community legal centres (CLCs) through preventing the solicitors working in CLCs from giving information to individuals about their rights. CLC solicitors provide legal advice and representation as well as community legal information and publications in a broad range of areas including discrimination, domestic violence, social security and victims' compensation matters. All of these areas may have a connection with personal injury as defined.

The High Court found that the Regulation did not impermissibly infringe the freedom of communication on political and governmental matters, or the requirements of Chapter III of the Constitution. In dissent, McHugh and Kirby JJ found that the Regulation did impermissibly infringe the latter.

The consequence of the decision for CLCs, which in the words of Justice Callinan 'provide useful legal services on a non-profit basis', is that they are bound by the Regulation and cannot publish information that relates to personal injury. As the *amici* pointed out in their affidavits in support of their application, the Regulation prohibits them from publishing information about civil liberties, discrimination, domestic violence, sexual assault, social security and victim's compensation. CLCs will now have to edit the information they provide and curb their services accordingly.

Access to justice through litigation funding schemes

PIAC represented the Australian Consumers Association (ACA) in an application to appear as *amicus curiae* in the hearing of *Campbells Cash and Carry Pty Ltd v Fostiff S514/2005* (and related matters S515-S520/2005) in the High Court of Australia. The matters, which were on appeal from the NSW Court of Appeal, raised the issue of whether litigation that involves a litigation funding agreement is capable of being an abuse of process and whether litigation funders are traffickers in litigation.

ACA argued that any decision of the court about the permissibility of litigation funding would affect the interests of consumers generally and that, as a well-established body representing the rights of consumers, it had special knowledge and expertise relevant to the issues before the Court. The Appellants opposed ACA's application to intervene as *amicus curiae*, arguing that ACA would be unable to assist the Court. Despite this, the Court granted leave to ACA to appear as *amicus curiae* for the purpose of making written submissions. ACA's submissions argued that litigation funding has an important role to play in improving access to justice by relieving the individual litigant of the immediate costs of litigation and shifting the risk of adverse costs orders.

PRACTISING IN THE PUBLIC INTEREST

During the year, PIAC worked in partnership PILCH, and the law faculties of Macquarie University and the University of Sydney to conduct *Practising in the Public Interest* summer and winter schools. A total of 32 students from these two universities completed the one-week course. PILCH member firms TressCocks and Swaab Attorneys hosted the two courses.

Other PILCH members supported PIP through the provision of presenters and taking on placement law students participating in the course.

Student evaluations indicate that the course has been effective in introducing them to the range of mechanisms used by public interest lawyers, the importance of having the skills to use all of these mechanisms, and to the range of opportunities available to work as a public interest lawyer in NSW.

Law for non-lawyers

For all of the 1990s, Redfern Legal Centre Publishing (RLCP) ran a community legal education program for people who wanted to develop a good understanding of the law and how the legal system works: *Law for Non-lawyers* (LFNL). RLCP was a community legal centre and publisher of *The Law Handbook*. PIAC's Training Co-ordinator, Carolyn Grenville, convened LFNL at RLCP for six years.

LFNL has not been presented since RLCP became part of UNSW Press, leaving a gap in the provision of this sort of targeted community legal education for interested individuals, and people working in areas such as community work, welfare work, social work, teaching, etc.

In March 2006, the Law and Justice Foundation of NSW made a grant to PIAC to undertake a research and development project to take a fresh look at the current need for the LFNL training and consider whether PIAC will be in a position to offer this training. Consultation with a reference group has been one of the key strategies for consulting with relevant stakeholders about the needs of the target audience. If PIAC goes ahead with the next stage of the project the training program will be developed and a pilot course run in March 2007.



DETENTION

- To ensure that any limits placed on an individual's freedom of movement are justifiable in an open and democratic society.
- To challenge inappropriate, unlawful or unjust detention.
- To ensure respect for and protection of the rights of people in detention.
- To ensure that when rights are breached there are appropriate mechanisms for remedy and redress.

IMMIGRATION DETENTION AND PROCEDURES

The Right to Privacy in Detention

The fact that a person is in detention should not mean that he or she should lose fundamental human rights, such as the right to privacy. Certain practices engaged in by Department of Immigration and Multicultural Affairs (DIMA) and detention centre operators can impact adversely on the privacy and dignity of immigration detainees.

PIAC has become aware that DIMA has an arrangement to allow media to accompany DIMA officers on compliance operations, including 'raids' involving the

arrest of prohibited non-citizens. This practice is at odds with the stringent controls that DIMA places over the media and public scrutiny of immigration detention centres.

PIAC is currently acting for a detainee who was photographed by the media on one of these raids, whose identity was effectively disclosed in a subsequent newspaper article. A complaint has been lodged with the Federal Privacy Commissioner, alleging breaches of several of the Information Privacy Principles (IPPs) under the *Privacy Act 1988* (Cth).

Privatisation

During the year, PIAC supervised a University of Sydney law student writing a research paper about the effects of privatisation of the operations of immigration detention. This paper has formed the basis of a submission, which will be referred to the People's Inquiry into Immigration Detention and provided to Federal Members of Parliament to inform their deliberations.

CHILDREN IN DETENTION ADVOCACY PROJECT (CID^{AP})

This Project, which was launched in February 2005, seeks to challenge the unlawful and unnecessary detention of

children in the criminal justice system. A joint initiative of the PIAC, PILCH and Legal Aid NSW, the Project provides *pro bono* or legally aided services to people, who as minors, were allegedly unlawfully detained by law enforcement agencies or private security companies.

PIAC has continued to co-ordinate this Project throughout the year. The Project is now dealing with over 20 cases involving allegations such as false imprisonment, malicious prosecution and battery. Most of these cases have been referred by PILCH to member law firms and barristers. PIAC, Legal Aid NSW and Community Legal Centres are dealing with other matters. Information about the Project has been provided to a range of other agencies, resulting in a steady stream of referrals and requests for assistance.

Lawyers involved in the CID^{AP} Project have met regularly to discuss issues arising from current cases and to identify potential areas for policy and advocacy work. A number of systemic deficiencies within the criminal justice system administration have been identified as contributing to the unlawful and unnecessary detention of children. These include:

- Failure by relevant authorities to update records relating to bail conditions. This may result in minors being arrested for

allegedly breaching bail conditions, when, in fact, such bail conditions no longer exist.

- Defective record-keeping practices in relation to warrants, resulting in minors being arrested on the basis of warrants that have been recalled or are deficient in some other way. Frequently, the deficiencies are not detected until after a child has spent time in custody.
- Inappropriate bail conditions that require minors to reside as directed by Juvenile Justice or the DoCS. In many cases, these agencies are unable to find appropriate accommodation, meaning that children remain in detention.

Briefing papers have been developed on the use of Police Warrants and Police Dogs.

One case, which had been referred to PIAC on an urgent basis, was settled for a significant amount of compensation after proceedings for false imprisonment, malicious prosecution and battery had been filed in the District Court of New South Wales.

An increasing number of the cases are raising issues concerning inappropriate treatment of juvenile detainees, including allegations of abuse, neglect and breaches of human rights. This is of particular concern in the light of the

recently enacted *Children (Detention Centres) Amendment Act 2006*. This Act makes significant changes to what is permitted in respect of the detention of young people. Among other things, children may be segregated for an 'indefinite period of time', and may be held in isolation as a form of punishment for anywhere between 12 and 24 hours. The new legislation sanctions the use of attack dogs on young people in detention; and allows for medical treatment under certain circumstances without consent. These provisions will adversely affect vulnerable children.

In a letter to the Government and Members of Parliament, PIAC highlighted that the provisions breached the *Convention on the Rights of the Child* and other international children's rights standards, which require that young offenders be treated in a way that promotes a sense of dignity and worth and takes into account their specific circumstances, such as their age and cultural background. Although some Members spoke out against the proposed amendments (quoting PIAC extensively during the debate) the Bill was passed.

PIAC will continue to monitor the effect of the amendments and seek to ensure the maintenance of human rights standards in relation to the detention of children.

DETENTION AND DISABILITY

PIAC continues to identify cases that raise issues about the exercise of the power to detain people with disabilities and, through these cases, to seek changes in law and practice to ensure that the power to detain is exercised in the most limited circumstances.

PIAC is acting for a woman who alleges that she was wrongfully detained under the *Mental Health Act 1990* (NSW). She was detained on the basis that she posed a risk of harm to her own 'reputation'. However, in order to be detained under the Act, a person must have a mental illness and present a risk of serious harm to themselves or others. Damage to reputation was formerly a basis for detention under the Act, but it has since been removed and should no longer underpin a decision to detain.

In another case, PIAC is representing a woman with an intellectual disability in a false imprisonment case. The woman was institutionalised for six years as a result of the Department of Community Services failing to find her an appropriate community placement.

- To enhance the capacity of individuals and non-profit organisations to undertake advocacy and related activities in public interest issues.
- To promote governments that are responsive to the diversity within the Australian community.
- To enhance community awareness of and engagement in government.
- To promote and enhance transparency and accountability in the exercise of government power.

FREEDOM OF INFORMATION: TORTURE OPEN DOCUMENTS PROJECT

PIAC, working in coalition with American Civil Liberties Union in the US and bodies in the UK, lodged applications with both the Department of Defence and the Department of Foreign Affairs and Trade under the *Freedom of Information Act 1982* (Cth) for documents relating to the treatment and rendition of individuals after 11 September 2001. Of particular interest are documents dealing with detention by the US at military bases or detention facilities outside the US.

PIAC's application to the Department of Defence to have the fees waived, on the grounds that PIAC would suffer financial hardship and the applications were in the public interest, was rejected. PIAC sought internal review and also reduced the scope of the application. As a consequence, the fees were significantly reduced. It is likely that the Department will claim exemptions over the majority of the documents.

PIAC's application to the Department of Foreign Affairs and Trade was rejected on the grounds that the application 'would substantially and unreasonably divert the resources of the

agency'. PIAC lodged an internal review. PIAC's submissions were accepted and DFAT is now processing the application. Again, it is anticipated that the Department will make broad claims for exemptions.

Developing Community Advocacy Skills: *Work the System*

In February 2006, PIAC extended its Scope of Registration as a Registered Training Organisation to include two units of competency from the Community Services Training Package: *Undertake Systems Advocacy* and *Provide Advocacy and Representation*.

During 2005-2006, 51 people attended *Work the System: an introduction to advocacy*, and 74 people attended PIAC's *Effective Advocacy Skills & Strategies* course.

PIAC customises its training to meet the learning needs of particular organisations, and delivers training at convenient times and locations. During 2005-2006, PIAC delivered 21 in-house training courses, over 24 days, to the following organisations:

- STARTTS;
- Nature Conservation Council of NSW;
- Macarthur Multicultural Interagency;
- Bonnyrigg Residents' Group;
- Public Health Advocacy Conference;
- Blue Mountains Community Legal Centre;
- The Cancer Council NSW;
- Queensland Heart Foundation;
- Illawarra Forum – Indigenous workers;
- DIMIA settlement workers;
- Combined Community Legal Centres' Group (NSW);

- Carers' Respite Centre;
- Nirimba TAFE;
- Health Consumers Advocacy Conference;
- Cancer Council/CanTeen/Camp Quality youth camp;
- RYDON conference;
- Northern Beaches TAFE Conference.

Training partnerships

PIAC, in partnership with the Cancer Council NSW, trained the Cancer Council's consumer advocates to become active and effective advocates for improved health policies and systems. PIAC presented three two-day training courses in Wollongong, Coffs Harbour and Parramatta. PIAC and the Cancer Council also partnered to run an advocacy camp for young people from CanTeen and Camp Quality.

PIAC with the Blue Mountains' Community Legal Centre to present *Work the System* to a large group of Blue Mountains' community workers and activists.

INTEGRITY IN LOCAL GOVERNMENT ELECTIONS

In a test case on NSW electoral law, PIAC client, Cheryl Borzak, was successful in her application under section 329 of the *Local Government Act 1993* (NSW) to have Ashfield Councillor, Karin Cheung, dismissed from office as a consequence of an irregularity in the manner of her election. In its decision, *Borsak v Cheung* [2006] NSWADT 5, the Administrative Decisions Tribunal (ADT) found that residence in a municipality at the time of nomination is a fundamental requirement for election in that municipality. The ADT highlighted the need to read the nomination provisions of the *Local Government Act* in light of the *Commonwealth Electoral Act 1918* (Cth) (CEA) and *Parliamentary Electorates And*

Elections Act 1912 (NSW) (PPEA). It was of the view that these laws are interconnected and the practicalities of elections requires adherence to obligations contained in all three.

The ADT found that the CEA and PPEA make residence in the electorate one of the requirements to be entitled to vote, that is, to be an 'elector'. The *Local Government Act* bases eligibility for election on entitlement to be enrolled as an elector. As a consequence, the ADT found that the entitlement to nominate for election under the *Local Government Act* also requires residence in the municipality. Applying this interpretation to their finding that Ms Cheung was not resident in the Ashfield area at the time of her nomination or election as a local councillor, the Tribunal found that her election was irregular.

Cases of this sort are an important mechanism for ensuring the confidence of the community in the electoral processes of the State, a matter vital to the maintenance of a health democracy.

IMPACT OF GOVERNMENT CONTRACTING ON COMMUNITY ADVOCACY

PIAC, NCOSS and the University of Technology, Sydney, obtained an ARC Industry Partnership Grant to research the impact on community advocacy activities of government contracting arrangements. One of the key areas of investigation is how community service providers can maintain their ability to advocate for public policy changes while satisfying the requirements of government funding.

Several state governments have developed model agreements that seek to balance these issues. Research is under way into the implementation of these agreements with PIAC and NCOSS contributing their community sector expertise to the design and targeting of that research.

- To work towards making the health care system more accessible and transparent for health consumers.
- To assist in ensuring the delivery of appropriate quality of health care services for people in various institutional settings.
- To assist in ensuring appropriate care and treatment of people with mental illness that respects the dignity and rights of the individual.
- To assist in improving the interaction of the legal and health systems to ensure human and health rights are upheld.

MENTAL ILLNESS IN NSW PRISONS

The number of mentally ill people locked up in NSW prisons has become the focus of increased attention in the media and in other public forums. The fact that people with mental illness are over-represented in the criminal justice system is of increasing concern to human rights advocates, especially as the population of prisons increases, and as the 'community care' model for the management of mental illness has attracted increased criticism. PIAC has compiled information about the prevalence of mental illness in prisons, and the treatment of mentally ill people by the criminal justice system.

PIAC established a network of organisations and individuals to further consider some key issues relating to mental illness in NSW prisons. This network is growing steadily, and now has over 70 individual members. It is made up of psychiatrists, lawyers, carers, consumer groups, advocates, psychologists, nurses and others engaged in the sector.

PIAC aims to focus on a number of factors relating to this issue, such as the prevalence of mental illness in prisons, the quality of treatment currently available for the mentally ill in prisons, and the status of 'forensic patients', or those found not guilty on the grounds of mental illness within the corrections system.

PIAC hopes to contribute to the push to divert the acutely mentally ill out of prisons, and into more appropriate care, and to help prevent the mentally ill from being imprisoned in the first place. PIAC also hopes to contribute to improving the quality of care and treatment provided for people suffering from mental health problems whilst in prison.

Death in Custody – The treatment of the mentally ill in prison

PIAC represented the family of Scott Simpson at the coronial inquest into his death whilst in custody at Long Bay prison in 2004. Mr Simpson was severely mentally ill at the time of his death, and in need of urgent psychiatric treatment and hospitalisation. Mr Simpson did not receive the urgent medical attention that he required, and committed suicide. The Deputy State Coroner, Dorrell Pinch, made some important and far-reaching findings in relation to Mr Simpson's death. She found that Justice Health failed to ensure that Mr Simpson receive the treatment he needed to prevent the deterioration of his mental health. Mr Simpson was held in solitary confinement, or 'segregation' for the final 26 months of his life. Solitary confinement is used throughout the NSW corrections system as a tool to manage the inmate population. The Coroner recommended that the Department of Corrective Services should adopt a policy to limit the use of segregation, and that inmates diagnosed with a mental illness should be placed in segregation only in exceptional circumstances and for a limited period. This was a very important finding for human rights advocates concerned by the solitary confinement of mentally ill prisoners in the corrections system.

Lock 'Them' Up – Mental Illness and Disability Aren't Crimes Conference

Carol Berry attended the *Lock 'Them Up* conference in Queensland on behalf of PIAC in mid May 2006. The conference was organised by *Sisters Inside*, a prominent advocacy group led by Debbie Kilroy, who advocates for women in prison in Queensland. The conference featured a range of high-profile speakers, who provided some disturbing insights into the treatment of intellectually disabled and mentally ill people who come into contact with the criminal justice system. The conference highlighted for PIAC the fact that advocacy around these issues is quite advanced in Queensland, and that more could be done to highlight the plight of mentally ill and intellectually disabled people in NSW. PIAC has commenced some advocacy work as outlined above around the issue of mental illness and the criminal justice system, and has also engaged in the work of the Intellectual Disability and Criminal Justice Coalition in NSW in order to assist in promoting the rights of people with an intellectual disability or a mental illness within the criminal justice system.

Review of the Mental Health Act 1990 – Forensic Provisions

A review of the *Mental Health Act 1990* is currently being completed by the legal branch of the Department of Health. PIAC has a strong interest in this review, particularly in regard to the fact that in NSW the Minister for Health still has executive decision-making power over the recommendations of the Mental Health Review Tribunal (MHRT), which sets NSW apart from decision-making arrangements in other jurisdictions. PIAC has been informed that the provisions of the *Mental Health Act 1990* which relate to this area of the law have been forwarded to former Supreme Court Judge, Mr Greg James, who is currently

the president of the Mental Health Review Tribunal. PIAC has met with Justice James to discuss the parameters of the review he will be conducting, and PIAC has promised to make a submission outlining our concerns with how mental illness is dealt with by the justice system in NSW, particularly the status of people found not guilty on the grounds of mental illness. People who are found not guilty on the grounds of mental illness are often detained indefinitely, principally because the decision-making powers are vested with the Minister for Health. PIAC considers this a major concern from a human rights perspective.

RIGHT TO HEALTH Visit to Australia by the UN Special Rapporteur on the Right to Health

The UN Special Rapporteur on the Right to Health, Professor Paul Hunt, visited Australia in early May 2006. Professor Hunt's visit was sponsored by the Diplomacy Training Program. PIAC hosted a meeting between Professor Hunt and representatives of various Community Legal Centres, ACOSS, NCOSS, the Mental Health Coordinating Council (MHCC) and various other advocacy groups around access to adequate health care by a range of disadvantaged groups in NSW. The meeting was very positive and informative, and Professor Hunt provided helpful feedback as to how advocates can best utilise the mechanisms of the UN to achieve health outcomes for disadvantaged groups. Throughout his visit Professor Hunt focussed on the plight of Indigenous peoples throughout the world including lower standards of general health amongst Indigenous populations, both of which are dramatically reflected in Australia.

- To promote the use of human rights mechanisms.
- To promote community awareness of human rights.
- To extend protection in Australia of internationally recognised human rights

PROTECTING HUMAN RIGHTS IN AUSTRALIA

PIAC's *Protecting Human Rights in Australia Project* finalised its second stage and progressed well into its third stage this year, with advocacy on Charters of Rights at all levels of government in Australia. The first stage, which involved the development of a community education kit, was completed in June 2004. A grant from the NSW Law and Justice Foundation enabled PIAC to have the kit translated into three community languages: Arabic, Chinese and Vietnamese. This work was completed this year and the translated materials are now available in electronic format on the PIAC website. The kit will be publicised to key community language groups with the aim of linking their websites to the translated kits.

The second stage of the campaign, the use of the kit to train community trainers in every State and Territory, was completed in May 2006. PIAC trained 30-40 community trainers from a wide range of community organizations in each State and Territory.

The third stage of the project is the advocacy campaign to promote human rights compliance initiatives at the local government level and to support state and territory initiatives for comprehensive protection of human rights. PIAC's training of community groups helped to stimulate participation in the community consultation process for the Victorian Charter of Rights, and for a similar process that will take place in Tasmania.

In NSW, PIAC and the NSW Council for Civil Liberties hosted an open forum of organisations and individuals interested in supporting a Charter of Rights for NSW and out of that meeting a voluntary working group was formed (called the NSW Charter Group) to advocate, lobby and support moves towards a NSW Charter of Rights.

At the local level PIAC welcomed council resolutions from Sydney City Council and Leichhardt Council to adopt local level Charters of Rights for their residents. PIAC will be working closely with both Councils

to develop a project plan for holding community consultations and adopting a local Charter of Rights for the respective councils. PIAC strongly believes that by engaging government and communities at a local level, it will begin to create a more sustainable culture of rights and an understanding of the value of human rights that will then lend support to the protection of human rights at a state, territory and federal level.

EQUALITY RIGHTS Equality opportunity in employment

PIAC is acting in a series of discrimination cases against RailCorporation NSW in relation to the treatment of employees and job applicants with disability. In all of these cases, RailCorporation NSW has relied on health standards resulting from the Waterfall Inquiry stipulating health requirements for all employees. PIAC will argue that the health requirements are not necessary for the work carried out by the employees, or have been inappropriately applied to the applicant's disability. By running these cases, PIAC hopes to improve the policies and procedures of RailCorp NSW in relation to employees and job applicants with disability.

PIAC acted for two Qantas flight attendants who found that the rostering system contained in the Enterprise Bargaining Agreement meant that they were often placed on reserve and required to work unpredictable hours at short notice, making it difficult for them to fulfil their family responsibilities. On behalf of the flight attendants, PIAC intervened into the certification of the Enterprise Bargaining Agreement by the Australian Industrial Relations Commission, requesting that the Commission refuse to certify the agreement on the basis that it was discriminatory, under section 160LU of the *Workplace Relations Act 1996*. Although the flight attendants were unsuccessful in their application at first instance, it is the first time this provision has been tested. The flight attendants have appealed the decision to the Full Bench of the Industrial Relations Commission.

Access to public transport right

PIAC is undertaking two activities in support of the right of access to public transport for people with disabilities in Australia. Both involve consideration of the *Disability Standards for Public Transport 2002* (Cth) (the Standards), which is to be reviewed in 2007.

The first is a case in which PIAC is representing the applicant in the first ever court proceedings dealing with the Standards. These proceedings in the Federal Court were commenced by Access for All Alliance (Hervey Bay) Inc against Hervey Bay City Council. The Alliance alleges that in developing the infrastructure for some 20 bus stops in its local government area, the City Council failed to comply with its obligations under the Standards. The City Council is currently challenging the constitutionality of the Standards as well as the right of the Alliance to 'prosecute' a breach of Standards. This case is important, as it will establish the correct approach to interpretation of the Standards made under Federal anti-discrimination law. The Alliance has *pro bono* representation from Kate Eastman of Counsel.

The second is work being undertaken by PIAC on access to airline travel for people with disabilities. PIAC is working to establish a national coalition of disability organisations to identify both the good and bad of the airline travel experience for people with disabilities. Included in this work is the collection of case studies from people with disabilities and carers. The initial national video-linked meeting of disability advocates identified a number of continuing problems for people with

disabilities seeking equitable access to affordable airline travel within Australia.

PIAC is also acting for Maurice Corcoran, who in June made a complaint to the Human Rights and Equal Opportunity Commission about a newly announced policy of Virgin Blue to require people with disabilities to have someone attend the airport with them to assist them in and out of their allocated seat, and to require people to travel with an assistant, at their own cost, if they required assistance with their seat belt, emergency oxygen, life jacket or disembarking in an emergency. In his complaint, Mr Corcoran asked HREOC to seek an injunction to prevent these policies being implemented. HREOC successfully negotiated for the removal of the proposal to require a person to have someone attend the airport with them to assist them with embarkation and disembarkation in normal circumstances. However, the case has continued in respect of the other policy requirements and no formal application for an injunction was made by HREOC in respect of this aspect of the policy.

The right to family

PIAC has continued to act for a gay couple in a discrimination case in the Administrative Decisions Tribunal. The couple sought to become foster parents through a church based foster care agency, however, their application was denied on the basis of their homosexuality. The case raises questions about the interpretation of the exemptions in the *Anti-Discrimination Act 1977* (NSW) in relation to religious organizations.

Protection from vilification

PIAC acted for Henry Collier, a long-standing member of the Gay and Lesbian Rights Lobby in a case concerning the publication of vilifying material on the internet. At first instance, the Administrative Decisions Tribunal found some of the material to be vilifying of homosexuals, and ordered that it be removed. The decision has been appealed. The case is significant in that it is the first case in NSW to deal with regulating vilification on the internet and raised issues in relation to how to appropriately monitor such material.

Right to privacy and census data

The Australian Bureau of Statistics (ABS) responded positively to submissions from PIAC and other community organisations about the privacy implications of its proposals for significant changes to the use of census data from the 2006 Census. The original proposals would have produced more detailed data for research but raised serious privacy concerns about data matching and possible identification of individuals.

PIAC's submission emphasised the need to maintain public confidence in the Census by protecting privacy. PIAC pointed to selective survey methods used in the UK and other countries that limit these concerns. The ABS has responded by abandoning the proposals for comprehensive census data matching and adopting a selective survey proposal based on the UK model. This will produce more detailed data than is currently possible, but with better privacy protection. This was a significant victory for privacy rights and maintaining public confidence in the Census.

PIAC's submissions to the ABS in July 2005 are on the PIAC website.

Health privacy in education

In a landmark privacy decision, PIAC assisted a student from a state school to establish that the Department of Education had breached her right to privacy and that it has a duty to ensure that information that it possesses relating to students is accurate and current. PIAC's client claimed that the Department had breached her rights under the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIPA) because a teacher at her school had accessed and disclosed (to a local sporting club where she played sport) information about her health. The teacher was also a coach at the club. PIAC's client had been successful at first instance and the Department appealed.

On appeal, the Administrative Decisions Tribunal Appeal Panel held, in *Director General, Department of Education and Training v MT* (GD) [2005] NSWADTAP 7 (<http://www.austlii.edu.au/au/cases/nsw/NSWADTAP/2005/77.html>), that the Department disclosed information relating to the student's health and that the disclosure was not 'necessary to prevent serious or imminent threat to the life or health of the individual concerned'. The Appeal Panel also found that, under section 16 of the PPIPA, the Department had breached its obligations

by use of information that it had not ensured was current. Section 16 requires that information should not be disclosed without the agency first ensuring that the 'the information is relevant, accurate, up to date, complete and not misleading'. Significantly, the Appeal Panel found that this section is in effect a 'data quality standard' and was of fundamental importance to the scheme established by PPIPA. This finding could have major ramifications throughout government agencies.

The right to health

PIAC is acting in a sex discrimination case against the Hospitals Contribution Fund of Australia Pty Ltd ('HCF') in the NSW Administrative Decisions Tribunal. PIAC's client, Paula Strong is a single mother who is arguing that HCF's policy of charging single parent families the same premium for health insurance as two parent families is discriminatory on the basis of marital status. The majority of Australian health insurers charge single parent families the same premiums as two parent families, and, should HCF's policy be found to be discriminatory, it is expected that there

will be a change in the policies of other health insurers so that single parents will pay less for health insurance than two parent families.

The case was heard in the Administrative Decisions Tribunal over three days and involved complex evidence regarding the reasonableness of the HCF policy, including the effect of reinsurance. Whilst the decision has been reserved, the Minister for Health recently announced a change to reinsurance ratios, so that single parent families are treated the same as singles for the purpose of reinsurance. This change will certainly make it easier for health funds in future to charge single parent families lower premiums than two parent families. It is believed that Ms Strong's case was influential in achieving this policy change.

Kate Eastman is Counsel for Ms Strong.

ANTI-TERRORISM LEGISLATION

PIAC has continued to raise its concern about the increasingly accepted wisdom that Australia is now in a 'new security landscape'. Certainly the Federal Government has relied on the logic that the world is a different place after 11 September 2001 to justify increasingly concerning curtailment of fundamental

human rights of Australians. PIAC continued consistently voicing concerns with anti-terrorism legislation through significant reviews conducted during 2005. These included:

- Australian Law Reform Commission's review of sedition offences;
- Parliamentary Joint Committee on Intelligence and Security's review of selected terrorism legislation
- Security Legislation Review Committee (Sheller Inquiry)
- Expert Jurists' Panel of International Commission of Jurists

Throughout all of these reviews PIAC has fundamentally argued that the prevailing logic that there has been 'fundamental shift' to a 'new security environment' in no way justifies the introduction of measures that are inconsistent with the Rule of Law, the Australian *Constitution* and Australia's international human rights obligations. This is not to say that there is no terrorist threat, but that this threat does not mark a brave new world that would justify the laws that the Federal Government has pursued.

- **To identify systemic wrongs by the state and its agents affecting Indigenous Australians and to advocate for the elimination of those wrongs.**
- **To enhance access to remedies for wrongs committed against Indigenous Australians by the state and its agencies.**
- **To improve access to essential services by Indigenous communities.**
- **To strengthen the capacity of Indigenous Australians to engage in public policy making and advocacy.**

The past year has seen an increase in the profile of PIAC's Indigenous Justice Project due to the publication of an Indigenous Justice Project newsletter, new postcard-sized fridge magnets, and our continued involvement in the area of 'stolen wages'.

In addition, PIAC continues to provide advice and representation to Indigenous people with discrimination complaints. In the past year we resolved a matter against the NSW Police Service in the Federal Magistrates Court of Australia and a race discrimination complaint against a major retail outlet at the NSW Anti-Discrimination Board on favourable terms for our clients. In our settlements we seek to include not only compensation for the claimant but also systemic outcomes, which in both of these cases, involved discrimination training for both respondents.

Newly acquired matters include:

- An Aboriginal woman with a claim of racial vilification against a National Party MP for public remarks about Aboriginal people.
- A family with a race discrimination claim against the NSW Police Service and the NSW Department of Housing in Dubbo for unlawful discrimination in colluding to remove Aboriginal families from the town of Dubbo.

ABORIGINAL TRUST FUND REPAYMENT SCHEME

In the past year the number of direct stolen wages claimants represented by PIAC has increased to 45 and the number of descendant claimants has risen to 148. PIAC continues to be the only community legal centre, providing advice and representation to stolen wages claimants.

While the Aboriginal Trust Fund Repayment Scheme commenced operation officially on 1 July 2005, there were considerable delays associated with the printing of claim forms, which did not become available to claimants until September 2005 and the release of its operational guidelines, *Guidelines for the Administration of the NSW Aboriginal Trust Fund Repayment Scheme*, which were not available until February 2006.

The Scheme is currently accepting claim forms from direct living claimants and at this stage it is not processing (or accepting) descendant claim forms.

Given PIAC's increasingly limited capacity and resources to continue to act for all claimants we have collaborated with four PILCH member firms including Allens Arthur Robinson, Gilbert + Tobin, Freehills and Ebsworth & Ebsworth to establish a referral scheme which will enable solicitors from these firms to provide legal assistance to claimants on a pro-bono basis.

Stolen Wages Referral Scheme

PIAC presented an information session to invited solicitors outlining the history of PIAC's involvement in stolen wages and the work required for conduct of a stolen wages file. The second stage of the process was conducted in collaboration with Tranby Aboriginal College and involved cultural awareness training. At the close of the year we are allocating files to PILCH member firms to commence the process.

Solicitors are encouraged to send brief monthly email updates to PIAC for information and monitoring of the progress of the Scheme.

POLICING & CORRECTIONS

PIAC continues to work with Indigenous communities and clients to achieve changes to policing and correctional practice as it pertains to Aboriginal and Torres Strait Islander people. PIAC has been particularly focusing on improving the way in which the criminal justice system interacts with Indigenous people.

In May 2006, Simon Moran and Charmaine Smith made submissions to a Parliamentary Inquiry: *Ten year review of the police oversight system in New South Wales*. The inquiry was established on 29 March 2006 to inquire into the system of police oversight in New South Wales.

Our clients' experiences formed the basis of our submission, which was that the current system of police oversight in NSW is in need of substantial legislative reform. We submitted that the legislative scheme for the making of complaints against police officers, which is set out in Part 8 of the *Police Act 1990* (NSW), is fundamentally flawed as the current system is ostensibly one of self-regulation.

Our recommendations included:

- expanding the Ombudsman's powers to monitor investigations;
- ensuring that independent police officers, not associated with the station or local area command that is the subject of the investigation, undertake the investigation of complaints; and
- providing complainants with a detailed written report into the investigation of their complaints and outcome.

Simon Moran and Charmaine Smith appeared as witnesses before the parliamentary committee on 28 June 2006.

PIAC client, Mrs Veronica Appleton, was successful in the District Court of NSW in her claim for damages arising from the death of her son in Cessnock Correctional Centre on 3 March 2000.

Mrs Appleton's son was a nineteen-year-old Aboriginal man. He committed suicide only hours after his release from the Acute Crisis Management Unit of Cessnock Correctional Centre. He had a long history of self-harm but had been released from the Unit into a cell on his own. The cell had a bed that was held up by milk crates and there were obvious hanging points. Mrs Appleton was told of her son's death and shown his body quite soon after his death. When Mrs Appleton saw her son's body, it was in the prison, outside the cell in which he hung himself.



INDIGENOUS JUSTICE

Judge Quirk stated in her decision:

The defendant breached its duty of care in not taking further precautions to prevent self-harm by [Mrs Appleton's son] after his discharge from the Acute Crisis Management Unit and in particular placing him in a cell with easy and immediate access to a hanging point by movable milk crates. By placing Trent in a cell with movable milk crates supporting his bed, the defendant provided him with the opportunity to kill himself. I also find that not monitoring him or assessing him in some fashion and placing him in a cell alone amounted to breaches of its duty.

Mrs Appleton also established that she suffered a recognisable psychiatric injury, and not merely a normal grief reaction, as a result of her son's death. After weighing up the medical evidence, Judge Quirk decided that Mrs Appleton suffered post traumatic stress disorder as a consequence of her son's death, which was itself a result of the State's negligence.

The circumstances of this case demonstrate fundamental deficiencies in custodial procedures including poor standard of cells, inadequate training of correctional staff and an unreliable system of communication between staff members about inmates that are at high risk of suicide.

ACCESS TO WATER IN RURAL AND INDIGENOUS COMMUNITIES

In February 2005, PIAC had made a brief submission on the National Indigenous Consumer Strategy Consultation Document that noted that access to utilities and the issue of disconnections was one that could usefully be added to the National Indigenous Consumer Strategy under Housing.

The resulting document, *Taking Action, Gaining Trust: A National Indigenous Consumer Strategy – Action Plan 2005-2010*, added access to utilities as a new issue under National Priority 3: Housing, paraphrasing PIAC's submission in its 'Consultation Feedback Highlights'.

The Plan requires State and Territory Governments to encourage utility providers to 'explore *capacity to pay* issues when they enforce debts; and to explore other payment options for consumers'.

REFERENCE GROUP

PIAC has now established an Indigenous Justice Project reference group to provide views and advice on the type of legal services the Indigenous Justice Project should provide, and comment upon relevant systemic civil law issues and policy direction. The members of the group comprise:

Mr Tom Calma – Aboriginal & Torres Strait Islander Social Justice Commissioner;

Ms Melissa Stubbings – Aboriginal Legal Access Service Co-ordinator, Hawkesbury Nepean Community Legal Centre;

Ms Christine Robinson – Coordinator, Warringa Baiya Aboriginal Women’s Legal Service; and

Mr Trevor Christian – Chief Executive Officer, Aboriginal Legal Services (NSW/ACT) Ltd.

COMMUNITY LIAISON

In March 2006 PIAC, with the Arts Law Centre of Australia and the Public Interest Law Clearing House, held a series of lunchtime information sessions for community members in Dubbo, Bourke and Walgett. The aim of the trip was to meet with local Aboriginal people, give information on the work of the Indigenous Justice Project and about stolen wages.

The meetings took place at local Aboriginal community organisations. We were thrilled to have high numbers of people attending each of our meetings, held in comfortable and culturally appropriate places. We established good networks with local Aboriginal organisations including community centres, legal services, elders’ groups and health centres. Since our trip west, we have seen a noticeable increase in the number of telephone enquiries from Indigenous people and organisations.

Talkin’ Justice Postcards

In September 2005, PIAC engaged the services of an Aboriginal graphic design artist to design a new product to promote the services of PIAC’s Indigenous Justice Project within Aboriginal communities in NSW.

PIAC considered that the key elements for the product should be that it:

- be clear, easy to understand and use familiar words;

- be easy to read, using large font as eye and sight problems are the most commonly reported conditions among Indigenous peoples (29%) – *ABS 4715.0 Aboriginal and Torres Strait Islander Health Report*;
- use a culturally appropriate title that connects with the audience and relates to the work of the Indigenous Justice Project, which is not exclusive to one particular language or traditional group;
- use colours or images that evoke a cultural connection and identity immediately; colours whose origins are with the traditional ochre pigments that have associations for indigenous people, ie, ochres, yellow, reds, browns, black, white, pigments from the earth.

The product that has been developed is entitled *Talkin’ Justice*. It is postcard sized with a fridge magnet on the back and information about the range of services offered and how to contact PIAC.

Talkin’ Justice Newsletter

During our trip west we received repeated requests for updates and ongoing regular contact with communities about our services. Since our return we have published a newsletter that we propose to publish on a biannual basis. The first edition of the newsletter has been distributed to our existing client base and all Aboriginal community organisations within New South Wales.

- **To make Australian and International trade processes and rules democratic, accountable and transparent.**
- **To make Australian trade policy consistent with international standards for human rights, workers' rights and environmental protection in its impact both in Australia and other countries.**
- **To enable informed public participation in trade debates.**
- **To prevent trade agreements from undermining the central role of democratic governments in determining domestic social policy.**

AUSTRALIAN FAIR TRADE AND INVESTMENT NETWORK (AFTINET)

PIAC hosted and supported—under a funding agreement to provide key staff, resources and infrastructure—the Australian Fair Trade and Investment Network (AFTINET). AFTINET is a national network of organisations and individuals concerned about trade justice. AFTINET

has trebled its membership over the past five years to over 90 community organisations.

THE AUSTRALIA-USA FREE TRADE AGREEMENT (AUSFTA)

PIAC and AFTINET led the community campaign against the AUSFTA. We undertook this campaign because the Government of the USA identified important Australian health, cultural and social policies as barriers to trade, and sought to change them through trade negotiations. PIAC advocated that such policies are important social policies and should be determined by parliaments in the public interest, not signed away in trade agreements.

The AUSFTA came into force on 1 January 2005. Trade figures in January 2006 revealed that promised trade benefits for Australia have not yet emerged. Australia's trade deficit with the US has in fact increased. At the same time the US government asked for changes to Australian intellectual property law that would have given greater rights to

pharmaceutical companies to extend patents and to charge higher prices for medicines. PIAC and other community groups' opposition to this received extensive media publicity and helped to influence the government not to agree to the US request.

Although community campaigning limited the impact of the AUSFTA on social policies, the agreement made some changes to Australian patent law to increase the legal rights of pharmaceutical companies which could result in higher prices for medicines in the future. The AUSFTA also made negative changes to copyright law, with impacts for public libraries and internet service providers, and to Australian content rules for future media. Significantly, the AUSFTA potentially restricts the ability of governments at all levels to regulate some essential services, such as water, electricity and aged care.

In the past year, PIAC has worked with health academics and community organisations to monitor and publicise the emerging impacts of the AUSFTA in order to review, amend or, in the longer term, seek withdrawal from the agreement.

PIAC also made a submission to the Government's Review Committee on supply of blood products. The AUSFTA required the Federal Government to review Australia's policy of self-sufficiency in blood products and to recommend to State governments that supply of blood products be opened to competitive tendering by US companies. PIAC and other community groups, including the Red Cross, made submissions to the review urging the retention of voluntary blood collection and national self-sufficiency in blood products on both health and national security grounds. The Review will report early in 2007.

PIAC and AFTINET organised a seminar in April 2006 entitled, 'One year on: Pulling back the curtain on the AUSFTA', on the emerging impacts of the AUSFTA and the continuing campaign. The seminar was attended by leading Australian academics, policy workers and campaigners, who shared information and research on the emerging social and environmental impacts of the AUSFTA and provided a forum to discuss future campaigning opportunities.

PIAC is undertaking two Freedom of Information inquiries on the AUSFTA. First, PIAC is trying to obtain information on the Joint US-Australia Medicines Working

Group, established under the AUSFTA, which met in January 2006. There is little public information on this group, and the extent of its influence on Australian policy formation is unclear. Secondly, PIAC is seeking information about the decision of the Pharmaceutical Benefits Advisory Committee, regarding the rise in the price of the drug Lipitor, which could form a precedent for other price rises. These FOI inquiries are ongoing.

THE WORLD TRADE ORGANISATION AND THE GENERAL AGREEMENT ON TRADE IN SERVICES (GATS)

PIAC is seeking more democratic and transparent process in the GATS negotiations and to protect the central role of Australian governments at all levels in regulating essential services.

The Australian Government and other Governments are under pressure to include essential services, like health, education, water, postal and audio-visual services in GATS. PIAC lobbied for the Australian Government to keep previous commitments not to include such services.

PIAC and AFTINET researched and wrote a detailed submission outlining our concerns to the Department of Foreign Affairs and Trade in October 2005 and have also met several times with senior representatives from DFAT to express our concerns about the negotiations.

PIAC has produced and distributed two publications outlining our concerns and have held public forums to raise public debate about the direction of the negotiations. PIAC wrote to all MPs outlining our concerns and had face-to-face lobbying meetings with a number of Opposition and minor party MPs.

In December, PIAC and AFTINET representatives attended the WTO Ministerial Meeting in Hong Kong in December 2005. PIAC directly lobbied Australian negotiators and received media coverage, including an opinion piece in the *Sydney Morning Herald*. A public report-back forum following the Ministerial Meeting was well attended.

After extensive community education and lobbying over the past year, we received assurances from DFAT in June 2006 that there will be no further commitments in the key sectors of water, health, education, energy and audio-visual services. PIAC also lobbied against Australian Government support for a 'necessity test' for government regulation of services in the GATS agreement. Such a test would reduce the ability of governments at all levels to regulate essential services in the public interest.

AUSTRALIA-CHINA FREE TRADE AGREEMENT

Australia is currently negotiating a free trade agreement with China. PIAC and AFTINET advocated that there should not be a preferential trade agreement without commitments by both Governments to abide by United Nations and International Labour Organisation standards on labour rights and the environment. In China's export processing industries there are frequent reports of poor environmental regulation and failures to comply with China's own labour laws and international

labour standards. Workers often work 14 to 16 hour days, six or seven days a week in poor health and safety conditions. We are also concerned about the social impact in Australia of such a free trade agreement, which could result in job losses in regional areas with already high unemployment.

PIAC has written to all Members of Parliament and has met with key Opposition and minor party politicians to raise these concerns, and received media coverage.

PIAC made submissions to and appeared before the Senate Foreign Affairs, Defence and Trade Inquiry on Australia's relationship with China that was held in 2005. The Inquiry Report acknowledged that there are serious human rights and labour rights violations in China and recommended that the Government should raise these concerns in trade negotiations. This was significant because the committee had a majority of Government members.

In the past year, PIAC has developed closer links with academics and members of civil society in China. PIAC was represented at the WTO Ministerial Meeting in Hong Kong in December 2005 and took the opportunity to forge and develop relationships with a number of academics, individuals and organisations working on human rights issues in China.

PIAC and AFTINET have planned and secured funding for a speaking tour of Chinese labour and environment activists in 2006 – 2007.

OTHER BILATERAL AND REGIONAL TRADE AGREEMENTS

The Australian Government is negotiating agreements with Malaysia, ASEAN, and the United Arab Emirates. PIAC is monitoring these agreements and advocates that multilateral negotiations offer more potential than bilateral trade negotiations to mitigate power inequalities.

In October 2005, AFTINET organised a 2-day conference with AID/WATCH, *Piecing the puzzle on the trade and aid jigsaw in the Pacific*. Australia is a signatory to the Pacific Agreement on Closer Economic Relations (PACER). Civil society groups in the Pacific warn that PACER will lock



Pacific Islands into an unjust trade regime that forces open Pacific economies to suppliers of goods, services and investment. The conference was attended by over 30 organisations and individuals across the trade, aid and development sector, including unions, environment groups, trade and aid campaigners, and academics. A network has been formed out of this meeting to help strengthen research and campaigns in the Pacific.

PIAC was also commissioned to do a research project for Greenpeace on the impact of regional trade agreements on energy use, human rights and the environment in the Asia-Pacific.

LIAISON AND PUBLICATIONS

PIAC and AFTINET addressed a wide range of community forums and conferences on trade justice issues.

Community forums and conferences addressed included those organised by the Asia Pacific Research Network, the Adelaide Festival of Ideas, the Advance Australia Fair Conference in Melbourne, the National Union of Students Conference in Brisbane, the Australian

Services Union, the Sydney Social Forum, the North Shore Peace and Democracy Group, and a public debate on Free and Fairer Trade, organised by World Vision and the University of Adelaide.

PIAC staff also wrote articles for external publications, including the *Journal of Australian Political Economy*, *New Internationalist*, *AID/WATCH Bulletin*, *Germinate* and the *Asia Pacific Research Network Journal*.

PIAC and AFTINET received regular coverage of trade justice issues in *The Australian*, *The Sydney Morning Herald*, *The Age*, *The Australian Financial Review*, the *Brisbane Courier Mail*, and extended our reach to *The Western Australian*, *The Adelaide Advertiser* and *The Melbourne Herald*. We also did interviews on ABC Radio National, and SBS radio and television as well as commercial and community radio and television.

During the year, PIAC made the following submissions and produced the following publications on issues relating to Trade Justice:

- *WTO: No deal is better than a bad deal*, AFTINET publication, June 2006

- Submission to the Review Committee on Blood Fractionation, April 2006
- Submission to the AUSFTA Review Committee, February 2006

Whose trade organisation? The World Trade Organisation in crisis in Hong Kong, AFTINET publication, December 2005

- Submission to the Department of Foreign Affairs and Trade on the World Trade Organisation Doha Round, October 2005
- Submission to the Parliamentary Joint Committee on Corporations and Financial Services on Corporate responsibility, September 2005

These submissions and publications produced by PIAC are available on PIAC's website at :

<http://www.piac.asn.au/publications/>

and also on the AFTINET website at :

<http://www.aftinet.org.au>.

- **To advocate for the interests of residential users of electricity, gas and water utilities;**
- **To ensure publicly- and privately-owned utilities are accessible, responsive, accountable and sustainable.**
- **To enable consumer participation and debate in relation to utilities.**

PIAC's Utility Consumers' Advocacy Program (UCAP) retained its place as a consumer advocacy body that is unique in Australia. After more than seven years of operation UCAP continues to address three essential services—electricity, gas and water—with its mandate to represent household consumers in NSW and an emphasis on the interests of low-income and disadvantaged groups. The capacity provided by PIAC for the project to combine advocacy, policy development, research and legal strategies has enabled UCAP to maintain its role as a key stakeholder in these industries.

UCAP continued to be funded by the NSW Department of Energy, Utilities and Sustainability (DEUS).

The strong focus of UCAP on the interests of low-income and disadvantaged households was evidenced by its concerted work in relation to pricing determinations by the independent regulator, disconnections in the energy industry and proposals to introduce competition in the water industry in metropolitan Sydney. In addition UCAP commissioned two research reports, which examined the impact on household consumers of changes to pricing for water in rural areas and changes to the regulation of the energy industry.

PRICE REFORM AND AFFORDABILITY

The capacity for household consumers to maintain their access to these essential services continued to be a major focus of UCAP's work. The publication in the previous year of a major research report into the impact of utility disconnection was followed early this year by the release of new figures on disconnections for the NSW electricity industry. In response to a sharp rise in disconnections the then Minister for Utilities, the Hon. Carl Scully, established a working party to recommend steps the Government could take to reduce disconnections for non-payment when consumers are facing financial hardship.

Both the research report and the recommendations derived from it were provided to the working party. These emphasised the role of the energy retailers in providing assistance to consumers in financial hardship with the aim of both avoiding the need for disconnections and ensuring customers were able to pay their energy bills. The final report of the working group made recommendations that largely echoed the PIAC proposals and this was provided to the Government in January 2006. PIAC remains hopeful the Government will formally announce it is taking up these recommendations early in 2006-2007.

Financial hardship was an issue also in the water industry with the independent regulator releasing its decision on prices for three metropolitan water agencies. The move to an inclining block tariff by Sydney Water was a cause for considerable concern around the likely impact on larger households. PIAC cited research (both our own and that undertaken by the regulator) to emphasise the point that household size rather than lifestyle is a major determinant in residential water consumption for low-income families. PIAC also took the view that measures other than price will be more effective in restraining demand for water. This was based on actual Sydney Water data around mandatory water

restrictions and the advice of the regulator's own consultant.

The impact of price rises for water was a greater problem on the NSW Central Coast with the regulator eventually approving very large price increases. Some residents in that region are among the most disadvantaged in NSW. In addition, average water use in the Central Coast has been falling as consumers have responded to drought conditions in the region. In these circumstances such large increases simply penalise households.

PIAC also published a research report it had commissioned on the social impact of new pricing practices for local government water agencies, which had been introduced by the NSW Government in 2004.

WATER INDUSTRY

NSW appears to be leading the way for Australia with the introduction of competition in its water and wastewater industry. PIAC intervened in a matter before the Australian Competition Tribunal in which a private company was seeking access to the existing Sydney Water sewerage system. Their stated goal is to bring competition in household sewerage services and produce recycled water for re-sale to large users.

PIAC was concerned with the potential implications for the public interest and our submission to the Tribunal focussed on areas such as the current postage stamp pricing and the costs likely to be incurred by consumers with the introduction of competition. Our submission drew on experiences with retail competition in energy. While the Tribunal granted the application from the private company PIAC was pleased the decision also highlighted a number of our concerns with the expectation these will be addressed in future negotiations between the Sydney Water and the new entrant.

Alongside these negotiations the NSW Government has moved to introduce a new set of arrangements for the entry of new providers of water and wastewater services to the Sydney metropolitan area. These arrangements will include access undertakings with the incumbent Sydney Water. One aim of this initiative is to create opportunities for recycling of water. Again, PIAC has been active in presenting its concerns with the proposal to the Government. Chief among these has been the appropriate method for setting prices for these services and price protection for residents where a private monopoly has responsibility for the service.

NATIONAL ENERGY REFORM

The introduction of a new national approach to regulation of the energy industry also continued to dominate the work of UCAP. The Ministerial Council on Energy released a set of major proposals in November 2005. These covered a range of areas such as pricing, consumer protection and licencing obligations on utility companies.

With the Ministers focussed on reducing the burden of regulation on the energy providers PIAC and other community groups were left to ask whether the interests of energy consumers were being taken into account. PIAC had previously commissioned a major research report on the role of licencing for utility businesses, which also analysed some 'best practice' approaches of protecting consumers in relation to essential services. This report was widely circulated and appears to have helped in altering some of the proposed changes.



The pace of reform appeared to increase during the year with a number of other proposals and consultations often overlapping. The pricing of energy transmission, access to infrastructure and planning for future energy needs all have the potential to have major impacts on the prices for electricity and gas paid by household consumers. Towards the end of the year it appeared governments and their officials were beginning to understand that consumers need to be consulted on these issues.

RETAIL COMPETITION

Although retail competition (described as 'consumer choice of retailer') is more than five years old in NSW there were a number of issues still to be resolved. Among these were the arrangements for when consumers move from their existing residence or into new premises without the energy supplier being notified. When this issue was raised this year it also gave an opportunity for proposals to come forward to make it easier for energy retailers to market their products and sign-up customers.

The issues identified by PIAC centred on the public interest with some consumers able to benefit from retail competition but others remaining vulnerable to being coaxed into inappropriate and expensive contracts. PIAC participated in an industry working party convened by the regulator and also liaised with DEUS as the relevant agency of the State Government. With the move to national regulation it has been suggested the arrangements in relation to, for example, tele-marketing, will be standardised and this would negate much of the recent work done in NSW. Nonetheless, the same public interest concerns will remain.

A clearer set of issues arises from ongoing problems with the Marketing Code of Conduct applied to all energy retailers in NSW. PIAC has been concerned that the level of complaints against retailers breaching their obligations has not been decreasing. We are aware anecdotally of a number of practices by marketers, which the industry has failed to eradicate.

However, early 2006 saw a sudden spike in the level of complaints and breaches of the Code. It transpired that a single retailer who had entered the NSW market had caused the increase. PIAC took the view that the Code should be so well established by now that even a new entrant has no excuses for not meeting their obligations. We approached the regulator with our concerns and asked that it not only take action against this retailer but also publicise both the breaches they had caused and the penalties imposed.

PIAC was pleased that the regulator took the breaches very seriously and also responded favourably to our request that it handle the matter as publicly as possible. Ultimately the retailer was required to undertake a number of steps to rectify their breaches as well as return all the customers signed during this period to their original supplier. These conditions and the name of the errant retailer were published on the website of the regulator – the Independent Pricing and Regulatory Tribunal (IPART).

COMMUNITY ENGAGEMENT

UCAP is greatly assisted in its policy development and advocacy by the members of its Reference Group. Funding provided by DEUS for specific representation of rural and Indigenous communities has continued to enhance the work of UCAP.

The Reference Group was comprised of representatives of:

- NSW Council of Social Service;
- Australian Consumers Association;
- Bourke Family Support Service;
- Rural Women's Network;
- Park and Village Service;
- Combined Pensioners and Superannuants Association;
- Tenants' Union; and
- Institute for Sustainable Futures (UTS).



APPENDICES

PIAC MEMBERSHIP OF MANAGEMENT, ADVISORY AND WORKING BODIES

Attorney-General's Human Rights NGO Forum	Robin Banks
Australian Competition and Consumer Commission: Consumer Consultative Committee	Jim Wellsmore
Australian Fair Trade and Investment Network: Working Group	Pat Ranald
Community Services and Health Industry Training Advisory Board	Carolyn Grenville
Community Trainers and Assessors Group	Carolyn Grenville
Department of Energy Utilities and Sustainability: Energy Accounts Payment Assistance Working Group	Elissa Freeman
Department of Foreign Affairs and Trade Human Rights Consultation Forum on International Human Rights Issues	Pat Ranald
Department of Infrastructure, Planning and Natural Resources: Demand Management Planning Stakeholder Reference Group	Jim Wellsmore
Energy Water Ombudsman NSW: <ul style="list-style-type: none"> • Council member appointed by the Minister • Finance Committee 	Jim Wellsmore Jim Wellsmore
Independent Pricing and Regulatory Tribunal: Energy Industry Consultative Group	Jim Wellsmore
LawAccess NSW: Operations Committee	Sandra Stevenson
Law Society of NSW: Human Rights Committee (until December 2005)	Robin Banks

<p>Legal Aid Commission:</p> <ul style="list-style-type: none"> • Commissioner, representing community legal centres • Civil Law Sub-committee • Community Funding Sub-committee • Co-operative Legal Service Delivery Model Steering Committee: PILCH representative 	<p>Simon Moran</p> <p>Simon Moran</p> <p>Simon Moran</p> <p>Sandra Stevenson</p>
<p>National Association of Community Legal Centres: National Human Rights Network</p>	<p>Jane Stratton and Jo Shulman</p>
<p>National Children's and Youth Law Centre: Board</p>	<p>Simon Moran</p>
<p>National Pro Bono Resource Centre:</p> <ul style="list-style-type: none"> • Principal Solicitor • Board of Management 	<p>Simon Moran</p> <p>Andrea Durbach then Robin Banks</p>
<p>NSW Attorney General's Quarter Way to Equal Taskforce</p>	<p>Robin Banks</p>
<p>NSW Combined Community Legal Centres' Group:</p> <ul style="list-style-type: none"> • Management Committee • Legal Aid Commission Sub-committee • Employment and Discrimination Sub-Group 	<p>Simon Moran</p> <p>Simon Moran</p> <p>Anne Mainsbridge</p>
<p>NSW Legal Referral Forum: PILCH representative</p>	<p>Sandra Stevenson</p>
<p>Office of Fair Trading 2004 Fair Trading Awards: Judge</p>	<p>Carolyn Grenville</p>
<p>Public Interest Law Clearing House: Board</p>	<p>Shauna Jarrett</p> <p>Michelle Jones</p>
<p>Temporary Protection Visa Legal Working Group: PILCH representative</p>	<p>Sandra Stevenson</p>
<p>University of Sydney Law Faculty Advisory Board</p>	<p>Robin Banks</p>



APPENDICES

PIAC STAFF

Robin Banks	Chief Executive Officer
Madeleine Bennison	Financial Manager
Jane King	Centre Co-ordinator
Simon Moran	Principal Solicitor
Pat Ranald	Principal Policy Officer
Jemma Bailey	Trade Justice Campaigner (4 days/week)
Carol Berry	Solicitor Health Policy and Advocacy (commenced December 2005)
Alexis Goodstone	Senior Solicitor (on maternity leave from August 2005)
Marion Grammer	Bookkeeper (2 days/week)
Elissa Freeman	Policy Officer (UCAP)
Emma Golledge	HPLS Co-ordinator
Carolyn Grenville	Training Co-ordinator (4 days/week)
Anne Mainsbridge	Acting Senior Solicitor
Jason Mumbulla	Computer Systems Administrator (1 day/week)
Melissa Pinzuti	Legal Secretary
Vijaya Ratnam-Raman	Policy Officer (commenced February 2006)
Fabiola Rofael	Receptionist
Joanne Shulman	Solicitor (commenced August 2005)
Charmaine Smith	Solicitor, Indigenous Justice Program
Jim Wellsmore	Senior Policy Officer (UCAP)
Ellena Galtos	HPLS Policy Officer (position ended December 2005) (2.5 days/week)
Sarah Mitchell	Administrative Officer (resigned November 2005)
Katharine Slattery	Policy Administrative Officer (resigned December 2005)
Jane Stratton	Policy Officer (resigned February 2006)

PILCH STAFF

Robin Banks	Director
Sandra Stevenson	Co-ordinator
Madeleine Bennison	Financial Manager
Melissa Pinzuti	Legal Secretary

CONSULTANTS AND TEMPORARY STAFF

Alex Price-Randall	Administrator (commenced December 2005)
Christine Johnson	Librarian (commenced October 2005)
WestWoodspice	HPLS Evaluation

PLACEMENTS, SECONDEES AND VOLUNTEERS

College of Law Placements

Sarah Bassiuoni	PIAC (June to October 2005)
Sophie McWilliam	PIAC (October 2005 to February 2006)
Che Huy Chhour	PILCH (October 2005 to February 2006)
Courtenay Mitchell	PIAC (February to June 2006)
Dane Clapson	PILCH (February to June 2006)

Student Placements and Volunteers

Ya'el Frish	University of NSW Placement (August to November 2005))
Thalia Anthony	University of Sydney Placement (August to November 2005)
Alice Grey	University of Sydney Placement (March to June 2006)

PILCH Secondees

Alex Newton	Malleson Stephen Jaques (June to September 2005)
Susannah Taylor	Deacons (October 2005 to January 2006)
Kate Cust	Allens Arthur Robinson (February 2006 to May 2006)
Esther Bedggood	Minter Ellison (commenced May 2006)
Tess McSpedden	Minter Ellison (commenced on project placement in April 2006)

HPLS Secondee

Louise Ebeling Phillips Fox (December 2005 to February 2006)

PIAC THANKS THE FOLLOWING FOR THEIR ASSISTANCE AND SUPPORT

Barristers who provided advice and representation

David Buchanan SC

Chris Ronalds SC

Simeon Beckett

Kate Eastman

Kate Guilfoyle

James Hmelnitsky

Dominique Hogan-Doran

Claire Howell

Rachel Pepper

Nye Perram

Dr Sarah Pritchard

Elizabeth Raper

Dr Kathy Sant

Amanda Tibbey

William Walsh

36

People who have provided HPLS or other training

Meghan Magnusson Pro Bono Co-ordinator, Ebsworth & Ebsworth, who presented the *pro bono* session at the July 2005 Practising in the Public Interest Course

Georgina Perry Pro Bono Co-ordinator, Allens Arthur Robinson, who presented the *pro bono* session at the February 2006 Practising in the Public Interest Course

Simon Rice Macquarie University, who presented the International Human Rights Law session at the February 2006 Practising in the Public Interest Course

Kylie Nomchong of counsel, who provided training for the CID^{NSW}AP project

Organisations that have provided training and meeting facilities

Tress Cox which hosted the July 2005 Practising in the Public Interest Course

Swaab Attorneys which hosted the February 2006 Practising in the Public Interest Course

Allens Arthur Robinson Baker & McKenzie, Blake Dawson Waldron, Clayton Utz, Freehills, Gilbert + Tobin, the Human Rights & Equal Opportunity Commission, Legal Aid NSW, Mallesons Stephen Jaques, Maurice Blackburn Cashman, and the Sydney Regional Aboriginal Corporation Legal Service for hosting students undertaking placements for the Practising in the Public Interest Courses

People and organisations involved in PIAC reference groups

UCAP Reference Group members

Dev Mukherjee, Council of Social Services NSW (NCOSS)

Sean Ferns, Park and Village Service

Chris Riedy, Institute for Sustainable Futures

Alison So, Australian Consumers' Association (ACA)

Charles Britton, Australian Consumers' Association (ACA)

Jack Mullins, Combined Pensioners & Superannuants Association of NSW

Patricia Le Lievre, Rural Women's Network

Patty Morris, Bourke Family Support Service

Chris Martin, Tenants Union of NSW

Law for Non-Lawyers Reference Group members

Andrew Dalton

Lauren Finestone, LawAccess NSW

Simon Rice, Division of Law, Macquarie University

Simone Montgomery, Tenants Union of NSW

Brian Smith, Local Community Services Association

Sue Scott, Law and Justice Foundation of NSW

Sue Walden, Legal Information Access Centre (LIAC)

Michelle Burrell, NCOSS

Trish Bramble, Parramatta Mission

Anita Anderson, Legal Aid NSW

Jillian Chapman, Illawarra Legal Centre Inc

People and Organisations that have provided other assistance

Victoria Holthouse and her partners at Allens Arthur Robinson who assisted with the lease negotiations for PIAC's new premises

Charles Armitage and his partners at Allens Arthur Robinson who are assisting with the review of PIAC's taxation status by the Australian Taxation Office

Catherine Capelin, Minter Ellison, who has assisted the CID^NAP project in relation to District Court procedure.

PILCH THANKS THE FOLLOWING FOR THEIR ASSISTANCE AND SUPPORT

Mallesons Stephen Jacques, Allens Arthur Robinson and Gilbert + Tobin, which all hosted PILCH Board meetings during the year.

Phillips Fox, which hosted the National PILCHs teleconference.

Middeltons Lawyers, which hosted the PILCH meeting with firm *pro bono* co-ordinators.

PricewaterhouseCoopers Legal, which hosted the PILCH Summer Clerks Function (staff: Sophie Cockayne and Kim Ralston)

Cassandra Michie, PricewaterhouseCoopers and the PricewaterhouseCoopers Foundation, which provided the speaker and venue for the Fraud Prevention Seminar

NCOSS, which provided free promotion of the PILCH Fraud Seminar through its newsletter

Minter Ellison, which assisted through the publishing and launch of the *Fee Waiver Manual*

Freehills, which assisted through the printing of the *PILCH News and Views*

Mallesons Stephen Jaques, which assisted with the review and amendment of PILCH's rules

Ebsworth & Ebsworth, which assisted through the provision of advice on referral mechanisms and the protection of client legal privilege

Minter Ellison, which assisted through the provision of on-line survey facilities

Ebsworth & Ebsworth, - donation of furniture

Allens Arthur Robinson - donation of furniture

PUBLICATIONS BY AREA OF WORK

PIAC

- PIAC Bulletin No 23, 30 June 2006
- PIAC Bulletin No 22, 30 November 2005
- PIAC Annual Report 2004-2005, 25 November 2005

Utilities

- Water Industry Review: Submission to consultation paper on introducing a dynamic and competitive metropolitan water industry, 30 June 2006
- Well Connected No 28, 30 June 2006
- Everyone's a winner?: price protection in retail energy competition, 30 April 2006
- Financial hardship and the social responsibility of energy retailers, 30 April 2006
- Well Connected No 27, 31 March 2006
- Paying for what?: the impact of utility tariff structures, 1 March 2006
- Public consultation on energy regulation, 13 January 2006
- Expert panel on network pricing, 23 December 2005
- Regulation and Consumer Benefit: Compliance in the National Energy Market, 8 December 2005
- NSW Water Pricing Guidelines and Country Town Communities, 5 December 2005
- Well Connected No 26, 5 December 2005
- Submission to the Review of Metropolitan Water Agency Prices from 1 July 2006, 17 November 2005
- Review of decision-making in gas and electricity, 7 November 2005

- Comments on IPART draft metropolitan water determination, 18 July 2005
- Well Connected No 25, 18 July 2005

Trade Justice

- A submission on the arrangements for plasma fractionation under the AUSFTA, 14 April 2006
- Submission to the Department of Foreign Affairs on the Doha Round Negotiations, 30 October 2005

Health

- Prisoners and reproductive health services, 28 July 2006
- Health and social services access card, 28 July 2006
- Submission to the NSW Parliament Joint Select Committee on Tobacco Smoking, 21 April 2006

Human Rights

- Submission to the Human Rights and Equal Opportunity Commission National Inquiry into Same-Sex Discrimination, 26 June 2006
- Vietnamese Translation of Protecting Human Rights in Australia, 23 June 2006
- Arabic Translation of Protecting Human Rights in Australia, 21 February 2006
- Submission to the Security Legislation Review Committee, 31 January 2006
- Chinese Translation of Protecting Human Rights in Australia, 12 January 2006
- Terrorism: state of fear - in fear of the state, 14 December 2005
- Comments to the Federal Attorney-General's Department on the Chair's Text to the Draft Disability Rights Convention, 2 December 2005

Submission to NSW Parliamentarians on the Terrorism (Police Powers) Amendment Bill 2005, 25 November 2005
Response to questions on notice submitted to the Senate Legal & Constitutional Committee on the Anti-Terrorism Bill, 21 November 2005

Submission to the Senate Legal and Constitutional Legislation Committee on the Anti-Terrorism Bill, 11 November 2005

Briefing paper. Local government charters for social justice / human rights, 30 October 2005

Anti-Terrorism Bill 2005 (Cth): The failure to provide judicial oversight, 24 October 2005

Laws for Insecurity? A Report on the Federal Government's Proposed Counter-Terrorism Measures, 23 September 2005

What are human rights?, 13 September 2005

Statutory Review – Security Legislation Amendment (Terrorism) Act 2002 (Cth), 10 September 2005

Submission to Human Rights Consultation Committee, Victoria, on a proposed Charter of Rights, 17 August 2005

Submission to the Parliamentary Joint Committee on ASIO, ASIS & DSD on the relisting of Hizballah External Security Organisation, HAMAS' Izz al-Din al-Qassam Brigades; Lashkar-e-Tayyiba, and the Palestinian Islamic Jihad, 29 July 2005

Submission to the Parliamentary Joint Committee on ASIO, ASIS and DSD – (Supplementary) to the review of Division 3, Part III of the ASIO Act 1979 Cth – questioning and detention powers, 4 July 2005

Indigenous Justice

Talkin' justice Issue 1, 30 June 2006

Submission to the Ten Year Review of the Police Oversight System in NSW, 15 May 2006

Government and Democracy

Public participation or urging disaffection, 18 April 2006

Comments on the draft ALP policy platform, 31 March 2006

The public interest in effective regulation, 01 February 2006

Submission to the Inquiry into Corporate Responsibility on Corporations, 30 September 2005

Further Submission to the Australian Bureau of Statistics on its Census Enhancement Proposal, 22 July 2005

Access to Justice

Not such a Fine Thing! Options for reform of the management of fines matters in NSW, 4 April 2006

What is Public Interest Law? 7 February 2006

The Future of PI, 30 November 2005

Court and Tribunal Fee Waiver Manual, 31 October 2005

Submission on proposed regulation of litigation funding entities, 4 October 2005

Joint submission by PIAC and the ACA on the abolition of advocates' immunity from civil suit, 19 September 2005



PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2005-2006

PIAC
Level 9, 299 Elizabeth St
Sydney NSW 2000
DX 643 Sydney
Phone: 61 2 8898 6500
Fax: 61 2 8898 6555
www.piac.asn.au