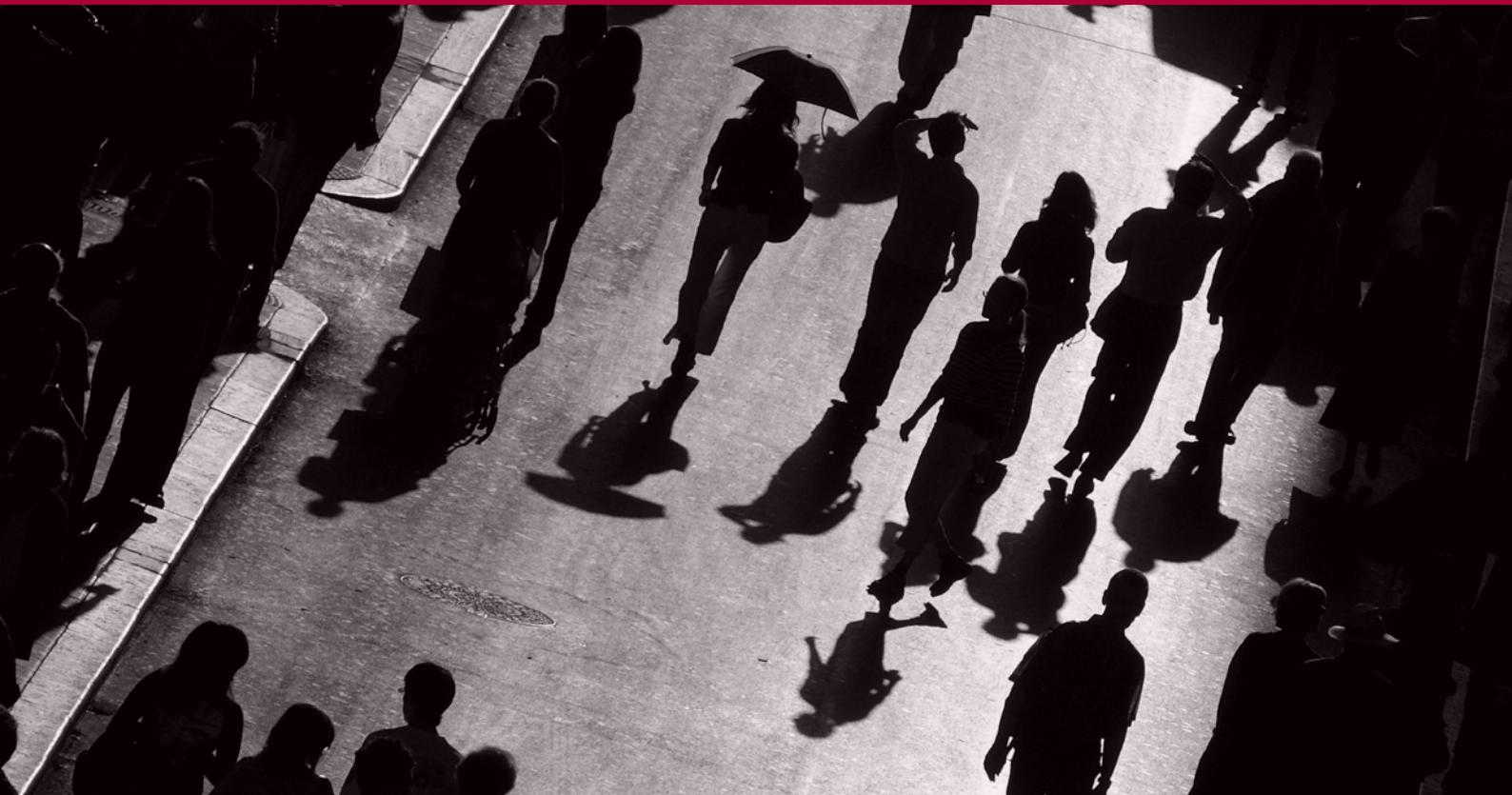


# PIAC ANNUAL REPORT

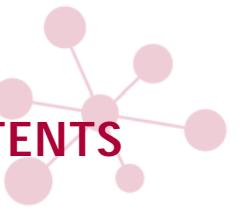


2006-2007



## PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2006-2007

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## CHAIR'S INTRODUCTION

As Chair of the Board of Directors of the Public Interest Advocacy Centre (PIAC), I feel honoured and humbled by the high regard in which our organisation is held both within the community sector and the wider society.

Clearly PIAC is recognised as a leader and innovator in researching, promoting and litigating public interest issues. We continue to play a prominent role in holding government and other decision-makers accountable while working for a fair, just and democratic society for all citizens.

This is not always easy to do.

These are challenging times for organisations such as PIAC. In an atmosphere where some Federal Government funding may be contingent on organisations complying with strict confidentiality and non-disclosure clauses, independence can be compromised. This is why it is vital that we continue to take courageous stands on public interest issues regardless of government backlash.

PIAC is also fortunate in attracting and keeping staff and Directors of the highest quality who bring experience and talent to our growing volume of work.

Farewell and thank you to Rodney Lewis, who retired as a Board member after 10 years. We welcome as a new Director Professor Larissa Behrendt, a passionate advocate and compelling voice on Indigenous issues who brings a great deal of insight and experience to PIAC.

During the year Emma Golledge resigned as the founding Co-ordinator of the Homeless Persons' Legal Service. Emma has worked tirelessly to secure ongoing funding, despite her own job insecurity during the six months when HPLS had no external funding. The Board thanks Emma for her wonderful contribution. We also thank Jemma Bailey for her excellent work on trade justice issues and wish her well in her new position.



Annette O'Neill, PIAC Chair (centre), Britta Bruce, PIAC Board Member and Geoff Mulherin, Director of the NSW Law and Justice Foundation at the launch of HPLS Clinic, Newtown Mission, February 2007.

Charmaine Smith, Solicitor in the Indigenous Justice Program, has also left PIAC. We appreciate her hard work and commitment in developing the Indigenous Justice Program. She provided fantastic legal support to many Aboriginal people in NSW, particularly through her work on Stolen Wages. She has helped to develop the very important Stolen Wages Referral Scheme, which will ensure that many more Aboriginal people in NSW have legal support when claiming recovery of their unpaid wages, benefits and entitlements.

Early in the year the Australian Fair Trade and Investment Network (AFTINet) officially moved into its own premises and will continue to campaign on trade issues, specifically the Australia-China Free Trade Agreement and developments in the World Trade Organisation. We certainly wish AFTINet well and thank Pat Ranald for her commitment to trade justice.

PIAC continues to expand into new and developing areas of public interest work. The NSW Charter Group was launched during the year with PIAC providing leadership and secretariat support. The Charter Group, which includes a number of

community organisations and individuals, will undertake public education and consultation to promote the view that the people of NSW should have an opportunity to engage with their government to achieve effective protection of human rights.

PIAC's training program continues to grow to meet demand. The pilot Law for Non-Lawyers course held at Parramatta in March was extremely successful. We plan to make it a regular part of the training calendar.

The depth and breadth of PIAC's work continue to grow. Part of PIAC's on-going challenge will be to remain flexible in responding to public interest issues as they emerge.

On behalf of the Board, I commend Robin Banks and the staff for continuing excellence, energy and vision. Thanks also to the many generous committed placements, secondees and *pro bono* lawyers who contribute to our efforts to make a real difference. It is an honour and pleasure to be part of this organisation.

ANNETTE O'NEILL  
CHAIR



# CHIEF EXECUTIVE OFFICER'S OVERVIEW

This year, 2006-07, has been a year of continued growth, success and challenges for PIAC. The scope of projects and the depth of work in all areas reflect the hard work, professionalism and commitment of PIAC's staff. The organisation continues to tackle difficult and challenging areas of public interest law with limited funding.

Developments and progress in all areas of its work places PIAC in a very strong position as a leader in the community sector advocating for systemic change to laws, policy and the legal system that are in the public interest.

Specifically, I am happy to report that PIAC has secured a three-year funding grant from the NSW Public Purpose Fund for the Homeless Persons' Legal Service (HPLS), a PIAC joint initiative with the Public Interest Law Clearing House. This enables the employment of two full-time staff to co-ordinate the HPLS clinics and its legal and policy work. I would also like to acknowledge the partners in HPLS, the community organisations that host and support the clinics and the law firms and legal organisations that provide the staff for the clinics and take on on-going casework. The success of this diverse partnership highlights PIAC's emphasis on access to justice to all members of society.

In the area of Government and Democracy, PIAC led the campaign with the Australian Privacy Foundation on the proposed

Health and Social Services Access Card. This campaign has led to the rejection of one of the Bills related to the Card by the Senate, as well as public calls for better disclosure of costs and implementation, and improved privacy and consumer protections.

In April this year, PIAC joined with NCOSS and others to launch the NSW Charter Group. This Group aims to promote community consultation on human rights with a view to NSW adopting a Carter of Human Rights. The launch attracted a capacity crowd at NSW Parliament House and featured speeches by the former NSW Attorney-General, the Hon Bob Debus, and Professor Larissa Behrendt and shows the level of interest in the Charter issue.

Another developing area of work is PIAC's Stolen Wages campaign. PIAC and PILCH have established the Stolen Wages Referral Scheme to ensure *pro bono* legal assistance for applicants to the NSW Aboriginal Trust Fund Repayment Scheme. In October last year, PIAC's Indigenous Justice Program Solicitor, Charmaine Smith, and PIAC Principal Solicitor, Simon Moran, gave evidence to the Senate Inquiry into Stolen Wages highlighting improvements that are needed to the NSW model to ensure effective schemes nationally.

Policy work also continues in the area of disability equality and accessible

transport. PIAC and the NSW Disability Discrimination Legal Centre have initiated a national action campaign on airline access. This campaign includes PIAC assisting with an action by the President of the Australian Federation of Disability Organisations, Maurice Corcoran, to seek an injunction against Virgin Blue for the proposed tightening of 'Independent Travel Criteria'. PIAC and the NSW DDLC are currently drawing on the domestic airline experiences of more than 100 people with disabilities to produce a report on airlines access that will, among other things, be submitted to the review of the *Disability Standards for Public Transport 2002* (Cth).

PIAC has also been able to expand its work in the area of training, offering a new course made available through funding by the Law and Justice Foundation of NSW. *Law for Non-Lawyers: an introduction to law and the legal system* attracted an overwhelming response to its pilot. The success of this course and others highlight the potential for growth in PIAC's training calendar.

As the new year unfolds, PIAC can look forward to expanding its work on the issues of water and energy; health, including the provision of legal services for people with mental illness; and transparency in political donations and lobbying.

The desire to address new areas of vital

public interest law has to be balanced by a major challenge to PIAC's on-going financial situation. Despite PIAC's objection, the Australian Taxation Office (ATO) has revoked PIAC's Deductible Gift Recipient (DGR) status on the grounds that PIAC does not qualify as a Public Benevolent Institution (PBI).

While the ATO acknowledged that 'PIAC is a non-profit organisation, that it is for the public benefit and that it provides relief without discrimination to every member of that section of the public, which it aims to benefit' the ATO questioned whether PIAC is 'predominantly for direct benevolent relief'.

The ATO ruled that PIAC's pursuit of other 'non-charitable and non-benevolent objects', such as law reform, that are not 'ancillary or incidental to its predominant object' means that it does not meet the requirements of a PBI.

The ATO decision has wide reaching implications for PIAC. In the short term it means that PIAC is having to explore cost-cutting initiatives. PIAC's Directors and I are adamant that any such cuts will not impact, as far as possible, on any of PIAC's on-going projects.

The loss of PIAC's PBI status affects PIAC's capacity to obtain grants from funders that require DGR status and means that staff, or prospective employees, cannot be offered fringe benefits tax exempt

salary packaging. Charities and non-profit organisations with PBI status are able to offer this to staff as a means of competing with salaries offered in the private sector and government. Without PBI status it will be difficult for PIAC to compete with other organisations in attracting the very best people to continue PIAC's work.

Essentially salary packaging has enabled PIAC, and other community organisations, to do more with less. Without it, costs will need to be cut and public interest projects may have to be put on hold.

In practical terms it has cost the organisation at least \$100,000 as PIAC's salary scales have had to be amended to reflect the loss of fringe benefit tax exempt status. The longer term impact on funding is yet to be determined. To date, PIAC has been able to manage the change without having to lose staff, but there has been a clear impact on staff through concern about long-term security and also on management and administrative resources. The work in responding to the ATO's determination and preparing materials for the objection has been onerous and PIAC has been more than ably supported and represented in this matter through *pro bono* legal expertise from Allens Arthur Robinson.

PIAC is determined to fight the ATO ruling and will seek to have the test for PBI status broadened to reflect

the direct and systemic benefit to low-income and disadvantaged groups that comes from effective systemic advocacy and law reform.

I would like to take this opportunity to particularly thank Heran Kim and Charles Armitage of Allens Arthur Robinson for their help and support throughout this process, and PIAC's Finance Manager, Madeleine Bennison, for her fantastic work to ensure PIAC was able to put forward the best possible case for retention of its PBI status.

Despite this significant challenge, I am confident that PIAC will continue to expand and grow into new areas of public interest law. I appreciate and acknowledge the full support of the Board of Directors and Chair, Annette O'Neill, and thank them for their continued faith in me and the staff of PIAC and commitment to the important work of PIAC.

The coming year sees PIAC celebrating the 25<sup>th</sup> anniversary of its establishment. This will be an important opportunity to not only reflect on its many and varied achievements in public interest law over that quarter century, but also to focus on what we can learn from those years and those achievements to guide us in the next 25 years.

**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 2006-07 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 or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and inform public debate;
- promote the development of law – both statutory and common – that reflects the public interest; and
- develop community organisations to pursue the interests of the communities they represent.

### PIAC Criteria

As demand for services often exceeds capacity and resources, PIAC must be selective in targeting the issues on which it will work and the cases 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, likely to affect disadvantaged sectors of the community.

The key questions asked by PIAC when selecting issues are:

- Is the issue to be addressed causing or does it have the potential to cause significant harm?
- Is the issue impacting or does it have the potential to impact on a disadvantaged sector of the community?
- Will work on the issue enhance the capacity of the community to engage in democratic processes?
- Can PIAC have 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?
- Can PIAC work in alliance with others?
- Can legal, policy, communications and training strategies be integrated?

## PIAC BOARD OF DIRECTORS

### Directors

|                            |   |
|----------------------------|---|
| Annette O'Neill            | Chair   |
| Ben Slade                  | Deputy Chair<br>Principal/Partner, Maurice Blackburn Cashman  |
| Larissa Behrendt           | Appointed November 2006<br>Professor of Law, University of Technology Sydney<br>Director, Jumbunna Indigenous House of Learning                       |
| Britta Bruce               | Management Consultant   |
| Alan Cameron AM            | Management Consultant   |
| The Hon Elizabeth Evatt AC | Retired as Chair on 28 October 2004<br>Continuing as a Director   |
| Bill Grant                 | Nominee of Legal Aid NSW<br>Chief Executive Officer, Legal Aid NSW  |
| Shauna Jarrett             | Nominee of the Law Society of NSW<br>Councillor of the Law Society of NSW   |
| Rodney Lewis               | Retired as Director October 2006<br>Partner, Dormers Legal<br>Author, Elder Law in Australia, 2005<br>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<br>Former Member for Hawkesbury and Speaker of the Legislative Assembly                                 |
| Merrilyn Walton            | Associate Professor in Ethical Practice, University of Sydney   |

## AIMS

- 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.

## KEY ACHIEVEMENTS

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- Three-year funding secured for the Homeless Persons' Legal Service to continue the effective response to the previously unmet legal needs of homeless people
- New Homeless Persons' Legal Service clinic opened in Newtown
- HPLS short-listed for *Pro Bono Partnership* at annual Justice Awards
- HPLS work on tenancy results in reduced negative impacts on homeless people
- PIAC intervention on litigation funding effective in improving access to legal processes
- Law for Non Lawyers course successfully piloted

## HOMELESS PERSONS' LEGAL SERVICE\*

PIAC and its key project partner in the Homeless Persons' Legal Service (HPLS), the Public Interest Law Clearing House (PILCH), celebrated the start of the year with news of a grant from the NSW Public Purpose Fund to fund the Homeless Persons' Legal Service (HPLS) for the next three years. This security has enabled the HPLS to expand significantly, and to focus on ensuring high quality and responsive service to its clients in the context of that growth.

Seven previously established clinics continued to operate with the assistance of PILCH members and participating welfare agencies and during the year two new clinics began operation.

In September 2006, a new clinic opened at Newtown Mission in partnership with the Newtown Neighbourhood Centre and DLA Phillips Fox. Around the same time lawyers from Minter Ellison began providing a clinic from the Women's and Girls' Emergency Centre. In December 2006, the clinic at Matthew Talbot Hostel increased its operations from fortnightly to weekly, doubling the number of clients attending.

Ongoing discussions with Legal Aid NSW led to improved access to legal services for HPLS clients through the streamlining of referrals to and telephone support from Legal Aid family law and criminal law experts. This resulted in HPLS being able to provide a more in-depth level of service in these areas.

Since its commencement in 2004 more than 1,400 clients have received legal services through HPLS clinics. An analysis shows that around 14% needed help with criminal matters, 13% with tenancy issues, and around 10% each with family law, *pro bono* or

\* For details of all of the partners that make HPLS possible please see the Appendix to this report.

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credit issues. Other key issues on which clients sought assistance have been victims compensation, guardianship and mental health, Centrelink benefits, employment, immigration, and wills and probate.



Newtown Mission HPLS clinic launch

During the year, HPLS continued its policy focus on reducing the impact of on-the-spot fines on homeless people. Meetings held with the NSW Ombudsman's Office, the State Debt Recovery Office and the NSW Attorney-General's Department have resulted in clients now being able to make part-payments, and plans are underway to introduce Centrepay deductions. Progress has also been made in negotiations with RailCorp, with HPLS having input into the training of RailCorp officers, and a direct contact being established with RailCorp management for referral of all fines-related matters.

A new focus for the HPLS in the coming year is to seek more input from homeless people about the work HPLS does. In May 2007, sessions were held at Edward Eagar Lodge and The Station to ask clients their views of the service. The induction program for all HPLS lawyers has been enhanced through the inclusion of a homeless person talking to the lawyers about his experience of homelessness.

HPLS has also achieved many great outcomes for individual clients. The following are just a couple (the names have been changed to protect the identity of these clients). Such positive outcomes can make a very real difference for a homeless person; they can mean the difference between continued homelessness and debt, and moving towards secure housing and a brighter future.

### **Restitution order reduced to nil**

Sammy was ordered to pay \$50,000 as restitution for a crime he committed that had resulted in a victims' compensation payment. As a result of representations by an HPLS lawyer about Sammy's mental illness at the time of the offence—and continuing—and his financial circumstances, the restitution order was reduced to nil.

### **Railway fines withdrawn**

An energy retailer was offering free electric light globes at Central Station. Helena was accused of lining up twice for the light bulbs, which she denied. The staff called security and asked her to leave. She became upset and was fined for offensive behaviour on railway land and not complying with a direction to leave railway land. Police then took her to a police station. On the basis of submissions by HPLS lawyers to the State Debt Recovery Office regarding the circumstances of the incident and Helena's own situation, RailCorp withdrew the penalty notices and instead issued Helena with cautions.



## ACCESS TO JUSTICE

### LITIGATION FUNDING AND ACCESS TO JUSTICE

Individuals and people with few resources will have improved access to the higher courts following a decision handed down by the High Court in August 2006, in a case in which PIAC represented the Australian Consumers Association as *amicus curiae*.

In *Campbell's Cash & Carry v Fostif* [2006] HCA 41, the plaintiff relied on a litigation funder to meet their costs of going to court. The litigation funder agreed to cover all the plaintiff's costs and indemnify the plaintiff against an adverse costs order in return for a percentage of any damages or settlement. The respondent argued that the involvement of the litigation funder was an abuse of process and did not comply with the representative proceedings requirement in the *Supreme Court Rules*.

PIAC represented the Australian Consumers Association (ACA), which was granted leave to appear as *amicus curiae* in relation to the claim of abuse of process. ACA argued that, rather than creating an abuse of process, litigation funders advance access to justice, but that it is necessary to ensure consumer safeguards are in place. On this point, a majority of the High Court decided that there is no 'overarching rule of public policy' that prohibits litigation funding.

This decision has significant implications for class actions and access to justice as it confirmed the legitimacy of litigation funding.

Meanwhile, PIAC and the ACA made a joint submission to the Standing Committee of Attorneys-General (SCAG) on the regulation of litigation funding in Australia. SCAG is currently considering the manner and form of this regulation.

PIAC supports regulatory mechanisms that will give certainty to litigation funders and the litigants that they fund and limit the potential for costly and prolonged litigation on the validity of the involvement of litigation funders in proceedings. To that end, PIAC welcomes regulation that recognises the legitimate role of litigation funders in proceedings, while at the same time preserving the rights of consumers who are the litigants in the proceedings.

### PRACTISING IN THE PUBLIC INTEREST (PIPI)

During the year, PIAC once again worked in partnership with the Public Interest Law Clearing House (PILCH), and the law faculties of Macquarie University and the University of Wollongong to conduct Practising in the Public Interest summer and winter schools

The two courses, offered as an elective to law students, were attended by 34 students. Student feedback continues to indicate that this course is a highlight for many, reminding them of the exciting potential of law when practising in the public interest. PILCH members, Phillips Fox and Blake Dawson Waldron hosted the two courses. A number of other PILCH members and government, private and community sector organisations also contributed through the hosting of students on placement during the course.\*

### LAW FOR NON-LAWYERS

Law for Non-Lawyers (LFNL) is an introduction to the law and the legal system for community sector workers and the general public. It was for many years run by Redfern Legal Centre

\* For details of all of these organisations see the Appendix to this report.

Publishing, but more recently has not been available. In 2006, PIAC was successful in obtaining a funding grant from the NSW Law and Justice Foundation to undertake a feasibility study on re-developing and running the course as a regular offering. With support from a steering committee drawn from a diverse range of organisations\*, PIAC concluded that redeveloping the course

The course introduces participants to the structure and history of Australian law and the legal system and then provides an overview of key areas of law, such as criminal and family law, administrative law and tenancy, as well as how to find out more about the law and making effective referrals. Participants also have an opportunity to visit a local court and LawAccess, the NSW Government's free telephone legal advice and referral service.



PIAC training co-ordinator, Carolyn Grenville runs the first Law For Non-Lawyers training course at Parramatta, April 2007.

was not only feasible but would be an important contribution to access to justice in NSW.

As a result, PIAC redeveloped the course and in April 2007, 41 people attended the pilot Law for Non Lawyers course held in Parramatta. Evaluations indicate that it was extremely well received and PIAC will now continue to run the course twice each year. PIAC is also looking at ways to make the course available across NSW and in customised form for specific organisations.

## PUBLIC INTEREST LAW CLEARING HOUSE (PILCH)

PILCH continues to be an important partner for PIAC in achieving improved access to justice. PILCH is managed by PIAC under a long-standing management agreement that involves PIAC employing staff specifically to work in the delivery of PILCH's programs and supporting that delivery through its own management, operational and administrative staff. An element of the relationship is the fact that the CEO of PIAC also holds the position of Director of PILCH.

An important resource for PILCH continues to be the support received from PILCH members through the secondment of lawyers for four-month placements. These secondees undertake a range of work including assessment and referral of requests for legal assistance and involvement in the development and delivery of projects, events and seminars.

The work and achievements of PILCH are reported in the separate PILCH Annual Report.

\* For details of those who were involved in the steering committee see the Appendix to this report.



# DETENTION

## AIMS

- 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.

## KEY ACHIEVEMENTS

- Unlawful detention of young people successfully challenged
- Systemic causes of unlawful and inappropriate detention identified
- Privatisation of the operations of immigration detention questioned
- PIAC challenges power to detain people with disabilities

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## CHILDREN IN DETENTION ADVOCACY PROJECT (CID<sup>N</sup>AP)

This project, launched in 2005, seeks to challenge the unlawful and unnecessary detention of children in the criminal justice system. A joint initiative of 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.

The Project recognises that the right to liberty is a fundamental human right and that children are a vulnerable group for whom arrest, detention and imprisonment should be a last resort and strictly according to law. It has identified systemic problems that result in young people being unlawfully or unnecessarily detained and aims to address these through litigation, advocacy and working with relevant community organisations and government agencies to find appropriate solutions.

Around 25 matters have so far been referred through the Project. A small number of these relate to the residence bail issue. This is where young people have been unable to meet bail conditions because the Department of Community

Services and/or Department of Juvenile Justice cannot find them suitable accommodation. This results in the young person remaining in detention.

A significant number of the cases relate to the detention of young people for alleged breach of bail conditions, despite those bail conditions having been deleted at the time of their arrest. It appears from the Project's work that these detentions continue to occur because the police computer system is not up-to-date with information from the courts that have varied or withdrawn bail conditions.

In one case, a young woman was arrested and detained for breach of a previous bail condition that had already been deleted at the time of her arrest. She spent a night in custody before the error was realised by the Children's Court and she was released.

In a claim led against RailCorp NSW and five transit officers, a teenage girl alleged false imprisonment and assault and battery. The client, who was 15 at the time and returning home from her first day as an apprentice hairdresser, was surrounded by five transit officers, grabbed around the neck, held in a 'head lock' and detained at the Railway Station after she was found to be travelling with an incorrect ticket.

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Claims by another young person of false imprisonment, malicious prosecution and battery were successfully settled. In a positive outcome, the terms of settlement allowed for the disclosure of information about the case for police training, and for policy purposes by PIAC, which represented the young person.

### **CID<sup>n</sup>AP Policy and Advocacy work**

PIAC lobbied the NSW Attorney-General and State Upper House MPs in a bid to prevent the Children (Detention Centres) Amendment Bill 2006 from being passed in late June 2006. The Bill (now an Act) increases the amount of time that children in juvenile detention can be held in isolation and detention and reduces their rights to have a say in their medical treatment.

It also paves the way for conditions in juvenile detention centres to become increasingly like those in adult prisons. PIAC has continued to highlight its concerns about the Act in the media, including radio interviews with ABC Radio News and Triple J.

PIAC met with Gillian Calvert, the NSW Commissioner for Children and Young People, and has written to the Department of Community Services (DoCS) about CID<sup>n</sup>AP. In particular, PIAC

has sought to raise concerns about the residence bail condition issue. This was also the focus of a meeting with the Juvenile Justice Advisory Council (JJAC), which advises the Minister for Juvenile Justice. Following this, JJAC wrote to the Minister requesting data regarding the number of residence bail condition cases where the condition could not be met, as well as other issues.

Solutions being discussed at these meetings include removing the potential for error and delay in the transfer of information from courts to police, improving funding to DoCS to ensure accommodation for young people granted conditional bail, and empowering magistrates to require a report from DoCS in relation to young people who have accommodation needs that must be addressed if bail is to be granted.

### **IMMIGRATION DETENTION**

Building on its extensive work in the area of immigration detention over the past few years, PIAC developed a submission to the People's Inquiry into Immigration Detention. This submission, published in July

2006, focused on issues relating to the privatisation of the operations of immigration detention.

PIAC examined the history of privatisation of immigration detention services in Australia; the track record of the current provider, Global Solutions Limited (Australia) Pty Ltd; the Detention Services Contract and Immigration Detention Standards; staffing and training issues; corporate responsibility and human rights issues; the performance linked fee; gaps in the regulation of the operations of immigration detention and the lack of transparency and accountability mechanisms.

### **OTHER DETENTION CASES**

PIAC continues to challenge inappropriate, unlawful or unjust detention in a range of other situations. Through this work PIAC seeks changes in law and practice to ensure that the power to detain is only exercised in the most limited circumstances.



## DETENTION

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In a matter arising from the Macquarie Fields riots, PIAC represents a client who has claimed damages for unlawful detention and malicious prosecution. PIAC's client was arrested and charged with riot and a ray during the riots, after his friend, having been involved in throwing rocks at police and being inebriated at the time, identified himself as our client.

Police failed to take a statement and to follow a number of required procedures in their dealings with PIAC's client. Police eventually withdrew the charges against the man after he had spent six weeks in custody. A Statement of Claim has been led to commence legal proceedings.

PIAC has also identified a case that raises issues about the exercise of the power to detain people with disabilities. PIAC acts for a young woman who has an intellectual disability and was ordered by a Local Court to spend an unspecified amount of time in a DoCS institution. While DoCS initially stated she was to remain there for only two months, she actually remained there—without authority—for more than six years.

Legal aid has been granted in this case and a Statement of Claim has been led in the District Court. At this stage the proceedings are in the preliminary stages.

## AIMS

- 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.

## KEY ACHIEVEMENTS

- PIAC campaign on privacy and consumer concerns results in delay to the Health and Social Services Access Card
- PIAC client, ACA, obtains document despite FOI block by Federal Treasury
- New advocacy training course in media skills added to PIAC's advocacy training schedule
- PIAC achieves renewal of national accreditation as a Registered Training Organisation

## HEALTH AND SOCIAL SERVICES ACCESS CARD

PIAC and the Australian Privacy Foundation have led a national campaign on the proposed Health and Social Services Access (Smart) Card, calling for strong privacy and consumer protections and full disclosure of the business case and costings. PIAC argued

that the public interest and the public benefit of introducing such a measure was yet to be established.

PIAC argued that the proposed registration of 16.5 million Australian adults would be a massive undertaking and that its costs and the time needed to implement and complete this task had been seriously underestimated or understated by the Federal Government. The cost associated with registering 32,000 people per day, which was the number quoted by the Government, would be enormous and failure to achieve this target would result in significant delays and additional costs in implementation.

Together, PIAC and the Australian Privacy Foundation drew together a network of relevant organisations, which included Liberty Victoria, NSW Council for Civil Liberties, NSW Welfare Rights Centre, Electronic Frontiers and the Access Card No Way Campaign.

In November 2006, PIAC hosted a forum in Sydney entitled, *Smart Card-just how smart is it?* This forum and the concerns highlighted by speakers became the basis for a program on the Access Card on ABC Radio National's *Background Briefing*. PIAC was also involved in presenting privacy and consumer concerns to a public forum in Melbourne in February 2007.

PIAC also made a submission to the Senate Inquiry into the Access Card Bill urging the Bill's rejection due to lack of clarity and certainty, and serious privacy and identity security concerns. In total, PIAC wrote four submissions to Federal Government processes in relation to the proposed Access Card and its accompanying legislation. A significant number of PIAC's concerns were reflected in reports of the various inquiries.

In March 2007, the Federal Government withdrew the Access Card Bill after serious concerns were raised by the Senate Committee.



## GOVERNMENT & DEMOCRACY

### IMPACT OF GOVERNMENT CONTRACTING ON COMMUNITY ADVOCACY

PIAC continued its partnership with the Council of Social Services of NSW (NCOSS) and the University of Technology, Sydney working under an ARC Industry Partnership Grant to research the impact of government contracting arrangements on community advocacy activities. In particular the project is looking at the impact of the NSW Government – NGO Compact *Working Together* and similar compacts on the strength of the advocacy capacity of the NGO sector.

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.

A range of NSW and Queensland community service providers have been interviewed as part of the project. The case studies examine different approaches to advocacy and relationships with government, and measure awareness of *Working Together*.

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### FREEDOM OF INFORMATION LAWS

In promoting and enhancing transparency and accountability in the exercise of government power, PIAC continues to focus on freedom of information laws.

PIAC acted for the Australian Consumers Association (ACA) in an application to the Administrative Appeals Tribunal (AAT) for a review of a decision by the Federal Treasury to deny access to documents under the *Freedom of Information Act 1982* (Cth) (the FOI Act). The document sought was a submission by the Australian Bankers' Association (ABA) to the Treasury in relation to banking exit and entry fees.

The ACA considered that the public had a right to know what position the banks were putting to Government on the issue. The Treasury denied access to the documents on the basis that disclosure could reasonably be expected to have an unreasonable adverse effect on the banks in respect of their affairs and to prejudice the future supply of information to the Commonwealth or the agency. In reaching this decision, Treasury relied on section 43 of the FOI Act.

The ABA released the document to the ACA prior to the hearing and the AAT Application was withdrawn.

### NEW AUSTRALIAN CITIZENSHIP TEST

PIAC made a submission to the Department of Immigration and Multicultural Affairs on the plan to introduce a compulsory Citizenship Test, including a formal English language test for persons seeking to become citizens.

PIAC argued that the introduction of a formal citizenship test would necessitate a re-interpretation of the notion of citizenship that has informed Australian law and policy since 1948. A formal test may make Australian citizenship an institution based not simply on political enfranchisement and mutual respect for the rule of law but one based also on language and personal beliefs.

PIAC was concerned that the proposed formal citizenship test could have the potential to be applied in a discriminatory way and be introduced without proper parliamentary scrutiny. It is possible that the kind of test under discussion could be introduced not through amendment to the relevant legislation, but through policy or regulation at the discretion of the Minister for Immigration and Multicultural Affairs

It is important to note that Australia already requires, under the *Australian Citizenship Act 1948* (Cth), that most applicants for citizenship have a basic understanding of English and an adequate knowledge of the responsibilities and privileges of being a citizen. The success of the system, with more than 3.5 million immigrants becoming citizens since 1949, is reflected in the decision to maintain the essence of the present provisions in the Australian Citizenship Bill 2005 (Cth).

## COMMUNITY ADVOCACY TRAINING

PIAC continued to run its successful nationally accredited training courses, *Work the System* and *Effective Advocacy Skills and Strategies*, to build the capacity of individuals and community groups to undertake advocacy on public interest issues.

*Work the System* outlines how 'the system' works and the ways in which individuals and organisations can participate in and influence decision-making processes at all levels of government. *Effective Advocacy Skills and Strategies* is a one-day course covering lobbying, negotiation and media skills that builds on *Work the System*.

A new course, *Advanced Media Skills Training*, was introduced this year and has been well received. This one-day workshop is run by experienced journalists and gives participants practical skills to engage with the media, write media releases and conduct radio, television and newspaper interviews.

A total of 133 people took part in the nine public courses offered this year.

PIAC also customises its training to meet the learning needs of particular organisations. During the year PIAC delivered 22 customised training days to the following organisations:

- VICRAN (network of disability advocacy workers in Victoria);
- Fair Field community leaders and workers (through Fair Field Council);
- Bankstown Youth Service;
- North Sydney Health Promotion (area health service);
- Western Sydney Community Forum;
- The Cancer Council of NSW;
- Illawarra Legal Centre;
- Ultimo TAFE;
- Nutrition Network;
- Physical Activity Network; and
- Network of Community Activities.

PIAC is a Registered Training Organisation under the Australian Quality Training Framework. In June, the NSW Vocational Education and Training Accreditation Board conducted a site audit prior to re-registration, resulting in five years re-registration with no areas of non-compliance.

## PARTNERSHIP WITH CANCER COUNCIL OF NSW

Since 2002, PIAC has been partnering with the Cancer Council NSW to train its health consumer advocates to become active and effective in seeking improved health policies and systems. This successful partnership continued throughout 2006-07 with PIAC presenting four two-day training courses in Sydney, the Central Coast and Tamworth.



## AIMS

- 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.

## KEY ACHIEVEMENTS

- Mental Health and Prisons Network established
- PIAC assists community organisations in developing submissions on forensic provisions
- PIAC raises privacy concerns about the trial of NSW electronic health records

## MENTAL HEALTH AND THE LAW

PIAC has recognised the interface between mental illness and the legal system as an important and current public interest issue. PIAC has focussed its work in this area on the amendments to the *Mental Health Act 1990* (NSW), including the review of the forensic provisions, and on mental illness and correctional services.

In relation to the review of the forensic provisions of the *Mental Health Act 1990* (NSW) and the *Mental Health (Criminal Procedure) Act 1990* (NSW), PIAC provided a detailed written submission to this review led by former Supreme Court Judge, the Hon Greg James QC. PIAC addressed all elements of the review, but the most important issue identified was the urgent need to remove executive discretion over recommendations about forensic patients made by the Mental Health Review Tribunal in NSW.

The status of forensic patients (principally those found not guilty on the grounds of mental illness) within the criminal justice system and the discretionary nature of the decision-making in respect of these patients is an ongoing issue of concern. Forensic patients become caught within the corrections system despite the fact that the law has recognised that they

were so unwell at the time of their offence as to not be capable of responsibility for their actions.

The regime of executive discretion in NSW creates a number of problems, most markedly the fact that people remain in the system well beyond the time that could be considered reasonable, or necessary. PIAC is aware of numerous examples of forensic patients who have been (and remain) mentally healthy without recourse to medication for a number of years, for whom the Mental Health Review Tribunal may have recommended release many times, and yet whose release is not allowed because of executive discretion. Such a result is unjust. This is an issue on which PIAC will continue to seek reform as a matter of urgency.

PIAC hosted several discussion groups with community and advocacy organisations working in the areas of mental health, disability and prisons to assist them to understand the implications of various proposals in the review discussion paper. These organisations welcomed this support as it enabled them to focus their submissions in areas in which they have particular expertise.

In November 2006, PIAC also made a submission on the exposure draft of the Mental Health Bill 2006, noting that, while the Bill was an improvement, the NSW Government had missed an opportunity to produce best-practice legislation for NSW.

## MENTAL HEALTH AND PRISONS NETWORK

In 2006, PIAC brought together over 100 individuals and organisations to establish the Mental Health and Prisons Network. The aim of the Network is to identify key issues in this area and develop strategies to respond both as a group and individually to those issues.

The Network has a number of priorities including:

- contributing to the review of the forensic provisions of the *Mental Health Act 1990* (NSW) with the ultimate aim of removing executive discretion over decisions of the Mental Health Review Tribunal (MHRT);
- exposing the use of prolonged segregation (solitary confinement) as a management strategy for people with mental illness within the NSW corrections system;

- improving treatment regimes for people with mental illness within the NSW corrections systems (including forensic patients and other inmates with a mental illness); and,
- removal of the seriously mentally ill out of the corrections system and into the health care system, and preventing those with serious mental illness entering the corrections system.

## ELECTRONIC HEALTH RECORDS: *HEALTHLINK* TRIALS

The emergence of electronic health records as a core part of the delivery of health services is a major development. PIAC believes that such an initiative should be sensitive to consumer needs and desires, particularly to ensure that stringent privacy protocols are in place and upheld.

The NSW Government began a trial of the NSW 'Healthlink' system, commencing at the end of March 2006. According to the Government's own information about the trial:

'Healthlink will automatically collect and store information from a consumer's consultations with different doctors, hospitals and health clinics and display them, online, in a single secure electronic record.'

This system will enable a range of healthcare professionals to access information about a patient from a variety of health-care providers. PIAC does not oppose the introduction of electronic health records, however, it is imperative that the express consent of patients be sought before their records are used as part of this trial. If a range of health-care professionals have access to information about a patient, a patient should have a right to know that this will be the case, and to be given the opportunity to 'opt in' to the trial rather than to 'opt out'.

Consumers in NSW have a right to know how confidential information in their health records will be used, stored, and who will access this information. It would be a serious breach of this right for the NSW Government to remove the choice of consumers about how their records are used.

<sup>1</sup> NSW Health, Healthlink (2006) <<http://www.health.nsw.gov.au/>>.

Research conducted by PIAC in 2002 found that Electronic Health Records schemes in Australia would benefit from privacy commissioners taking an active and public role in providing advice on privacy issues. This finding is of particular relevance to the current proposal and PIAC has argued that the NSW Privacy Commissioner should be engaged in its development and implementation.

### **SMOKING**

PIAC continues to build on its strong links with the Cancer Council NSW and Action on Smoking and Health (ASH) to ensure best practice in public health and anti-smoking initiatives.

In the past twelve months, work in this area has included making written and oral submissions to the NSW Parliamentary Joint Select Committee on Tobacco Smoking Inquiry into Tobacco Smoking in NSW, and providing legal advice to leading advocacy groups on the implications of recent changes to regulations on tobacco smoking in hotels and clubs.

PIAC has ongoing concerns that the law in NSW is unworkable, and that it potentially conflicts with federal anti-discrimination laws, and occupational health and safety standards.

One of the concerns that PIAC raised at the Inquiry into Tobacco Smoking in NSW was the influence that the pubs and clubs industry may be having on the regulation of tobacco smoking in NSW and a possible link to political donations.

PIAC also provided advice to a person who lodged a complaint with the Human Rights and Equal Opportunity Commission (HREOC) on the grounds of disability discrimination in respect of workplace second-hand smoke. The employee suffered from asthma and other respiratory problems as a result of long-term exposure to environmental tobacco smoke in the workplace. This matter has subsequently been settled for a considerable sum.

As a result of its work in this area and in the area of Government of Democracy, PIAC was invited to participate in a political finance forum at NSW Parliament House attended by parliamentarians, activists and academics in March 2007.

## AIMS

- 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.

## KEY ACHIEVEMENTS

- PIAC test case is the first to successfully challenge internet-based hate speech
- PIAC chosen by the Human Rights and Equal Opportunity Commission to lead UN Convention ratification workshop
- PIAC instrumental in establishment of NSW Charter Group to promote community awareness and consultation on human rights
- National campaign begins to improve access to airline travel for people with disabilities

## INTERNATIONAL HUMAN RIGHTS

PIAC has continued to work with a number of community groups across Australia on issues relating to UN human rights mechanisms and Australia's compliance with its obligations under international human rights treaties.

A key area of work this year has been on the final stages of the development of the UN *Convention on the Rights of Persons with Disabilities*. PIAC, in collaboration with the NSW Disability Discrimination Legal Centre and Australian Lawyers for Human

Rights, provided extensive comments to the Federal Attorney General's Department on the two drafts of the Chair's Text of the proposed Convention. In August 2006, PIAC's CEO attended the final ad hoc meeting of the working group in New York and was able to contribute to the development of several key lobbying documents on controversial aspects of the Draft.

PIAC welcomed the decision by the Federal Government to become a signatory to the Convention on 31 March 2007.

PIAC was contracted by the Human Rights and Equal Opportunity Commission to develop and deliver a two-day workshop on achieving ratification. This workshop, held in June 2007, brought together the peak disability organisations and disability advocacy groups from around Australia and set up a framework for future work on achieving ratification of the Convention.

## PROTECTING HUMAN RIGHTS IN AUSTRALIA

PIAC continues its project to achieve greater awareness of human rights in Australia. Having completed its national 'train-the-trainer' program in early 2006, PIAC's focus in the current year has shifted to taking up opportunities to promote mechanisms to achieve greater protection of human rights at all levels of government.

To this end, PIAC contributed to the consultation processes in Tasmania and Western Australia, through its training conducted in both jurisdictions and by approving the use of its *Protecting Human Rights in Australia* training materials by organisations in Western Australia. PIAC also made a submission to the *New Matilda* consultation on a federal charter of human rights.

PIAC has also continued to conduct human rights training courses for community legal centres and other groups.



## HUMAN RIGHTS

### The NSW Charter Group

PIAC is a founding member and convenor of the NSW Charter Group, which was launched by the former NSW Attorney General, the Hon Bob Debus, at NSW Parliament House on 16 April 2007. The group is calling on the NSW Government to undertake widespread community consultation about how human rights should be protected in NSW.

At the launch, constitutional law expert, Professor George Williams, and Indigenous lawyer, academic and member of the PIAC Board of Directors, Professor Larrissa Behrendt, presented their views on the need for greater protection of human rights. Both have recent experience of consulting with the community about the adequacy of human rights protection and how it should be improved.

The NSW Charter Group's key objective is to achieve a commitment from the NSW Government to consult with the community about:

- How best to protect and promote human rights in NSW.
- Whether or not NSW needs a charter of human rights.
- And what rights should be protected if a charter is adopted.

The Charter Group brings together community organisations, trade unions, church and faith groups, charities, lawyers, human rights groups and academics in the call for better human rights protection in NSW.

As part of its commitment to this Group, PIAC has continued to re-develop its training materials for use by the NSW Charter Group and to conduct train-the-trainer sessions for members of the Group and other interested community organisations and individuals.

### EQUALITY RIGHTS

#### Same-sex - Financial and Workplace Entitlements

In July 2006, PIAC gave evidence to the HREOC Inquiry into Same-Sex Financial and Workplace Entitlements. PIAC argued that by not conferring same-sex couples equal rights to financial and workplace entitlements as heterosexual couples, Australia was potentially in breach of its obligations under the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women*.

PIAC also noted that Australia was the only industrialised country that does not have formal protection of human rights at a federal level, which would provide protection against such discrimination and contribute to the achievement of equality for all Australians.

PIAC's recommendations included the passage of Federal legislation prohibiting discrimination on the basis of sexuality and an amendment of the *Sex Discrimination Act 1986* so that same-sex couples are protected from discrimination on the basis of marital status.

### DISABILITY

#### Flight Closed - National Report on Accessible Airline Travel

PIAC is working with the NSW Disability Discrimination Legal Centre to co-ordinate a national campaign on improving access to airline travel for people with disabilities. The aim of this work is to ensure effective input to the current review of the *Disability Standards for Public Transport 2002* (Cth).

To date, PIAC has been successful in gaining national media attention on several aspects of airline travel, showing how people with disabilities are experiencing a reduction in equitable access rather than improvements.



NSW Charter Group Launch, NSW Parliament, 16 April 2007

A key element of the national airline campaign strategy is to challenge Virgin Blue's 'Independent Travel Criteria' (ITC), which has the effect of preventing people with a range of disabilities from flying unless they are accompanied—at their own cost—by a carer.

Following complaints to the Human Rights and Equal Opportunity Commission, which resulted in minor but welcomed modifications and clarifications in respect of the ITC, PIAC, on behalf of Jackie Kay and Maurice Corcoran, led applications in the Federal Court. These applications seek a declaration that the Virgin Blue ITC is discriminatory and orders that it be discontinued and removed from Virgin Blue's website. These cases are

continuing. An important access to justice aspect of the cases is the application by PIAC for an order under Order 62A of the Federal Court Rules for a cap on the costs recoverable in the proceedings. This application is yet to be determined.

## DISABILITY AND RACE

### Qantas appeals finding of race and disability discrimination against ex-employee

In 2006, Federal Magistrate Raphael found in *Gama v Qantas Airways Ltd (No 2)* [2006] FMCA 1767, that Qantas had discriminated against Mr Gama, a former Qantas employee, on the basis of his race and his disability. Qantas has appealed that decision and PIAC is representing Mr Gama in the appeal.

The appeal concerns a number of issues, including whether or not the application of the principle set out in *Briginshaw v Briginshaw* (1938) 60 CLR 336 (the Briginshaw principle) is justified in racial discrimination matters.

The Briginshaw principle states that in civil matters that are considered to be 'serious' or have 'grave consequences' for the respondent, which currently includes discrimination matters, the evidence required to prove the case must be of a 'higher probative value' than in other civil matters.

PIAC considers that the application of the Briginshaw principle to discrimination matters such as Mr Gama's case—where there is usually very little overt or clear evidence of discriminatory conduct—makes it very hard for claimants in discrimination matters to succeed.



### DISABILITY - DISCRIMINATION IN EMPLOYMENT

PIAC obtained a favourable decision in relation to an injunction application in a disability discrimination case against RailCorp. RailCorp told PIAC's client, a Customer Service Attendant, that he needed to look for an alternative position because he failed a colour vision test. PIAC was successful in obtaining an injunction prohibiting RailCorp from moving its client from his current position until his disability discrimination complaint is determined by the Administrative Decisions Tribunal.

Injunctions are not used often in discrimination cases, but are a useful strategy to protect claimants.

### DISABILITY - DISCRIMINATION AND INSURANCE

PIAC has recently settled two matters involving clients with disabilities being refused insurance on the basis of those disabilities. It has been difficult to litigate these matters to their end as it is inevitably cheaper for insurance companies to make an offer of settlement than to defend the matter in court. However, PIAC has ensured that in at least one of these matters the issues can be publicly discussed in the hope of going some way to highlighting and eliminating systemic discrimination in insurance against people with disabilities.

### ANTI-TERRORISM LEGISLATION

PIAC has continued to raise concerns about the increasingly accepted wisdom that Australia is now in a 'new security landscape' by making a number of submissions, including to the Parliamentary Joint Committee on Intelligence and Security in July 2006.

Of major concern in new state and federal legislation is the blurring of the distinction between intelligence gathering and policing and the impact that this blurring has on the proper

conduct and effective prosecution of unlawful conduct related to terrorism.

PIAC CEO, Robin Banks, raised this issue and the benefits of human rights impact assessments in her speech responding to the keynote address of Australian Federal Police Commissioner Mick Keelty, at the AFR Counter Terrorism Summit in Melbourne in October 2006.

In its submission to the Parliamentary Joint Committee on Intelligence and Security on the Review of the Listing Provisions of the Criminal Code, PIAC has again called for changes to the listing regime. The listing regime sets out the mechanism for an organisation to be listed as a 'terrorist organisation'. PIAC is concerned that the significant criminal law consequences that flow from the listing of an organisation as a terrorist organisation be appropriately reflected in the procedures.

In its submission, PIAC referred to the recent report of the UN Special Rapporteur, Martin Sheinin, entitled, *Australia: a study on human rights compliance while countering terrorism*. PIAC noted Mr Sheinin's concerns about the application of a lower standard of proof for listing despite the serious criminal sanctions that flow from association with, or assistance to a listed terrorist organisation.

### HATE SPEECH

PIAC acted for Henry Collier, a longstanding member of the Gay and Lesbian Rights Lobby, in a homosexual vilification case against Mr John Sunol.

At first instance, the Administrative Decisions Tribunal found that Mr Sunol had posted vilifying comments on the internet in relation to homosexuals. The challenged comments included Mr Sunol's view of homosexuality as 'evil and corrupt'. The Tribunal

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found that epithets of this nature contained the necessary element of incitement to serious contempt or hatred, so as to satisfy the test for vilification required by section 49ZT(1) of the *Anti-Discrimination Act 1977* (NSW). The Appeal Panel upheld the decision on appeal.

This case is the first homosexual vilification decision in NSW relating to the posting of material on the internet, and is significant given the increasing volume of vilifying material on the internet. The Appeal Panel's decision provides guidance for considering what comments or actions amount to vilification.

## RIGHT TO PRIVACY

### Immigration raid results in breach of privacy

PIAC is acting for a client in relation to an alleged breach of her privacy. The then Department of Immigration Multicultural and Indigenous Affairs (DIMIA) allowed *Daily Telegraph* journalists to accompany DIMIA officers on a raid of a massage parlour where PIAC's client was working. An article was subsequently published that effectively identified the woman by referring to her nationality. As a result, PIAC's client suffered harassment and abuse from fellow detainees at Villawood Detention Centre and has been ostracised by her family and her community.

PIAC lodged a complaint with the Federal Privacy Commissioner. The complaint has been substantiated and a settlement offered to DIMIA.

PIAC had hoped to use the matter as a test case in relation to the establishment of a tort of invasion of privacy and a Statement of Claim was filed in the Supreme Court. However, quite understandably PIAC's client decided not to proceed due to the stress of litigation and the fear of the circumstances of her detention becoming public again.

### Government reviews of privacy law

PIAC has been involved on the advisory committee to the Australian Law Reform Commission's reference on reform of Australian privacy laws. Responding to the discussion papers on this reference and to those produced by the NSW Law Reform Commission on privacy will be a major focus for PIAC in the coming year.

### Health privacy and education

PIAC acted in a privacy matter in the NSW Court of Appeal in which the Department of Education was appealing against a finding that it has breached the *Privacy and Personal Information Protection Act 1998* (NSW) through an employee disclosing to a third party information that the employee obtained in the course of their duties.

The Department was successful on appeal, with a finding by the Court of Appeal that has a very real potential to significantly undermine the protection against disclosure of personal information: *Director General, Department of Education and Training v MT* [2006] NSWCA 270. The Court effectively held that the Department could not be held vicariously liable for the unauthorised misuse of personal information by a Department employee outside the work environment. PIAC has written to the NSW Attorney-General seeking an amendment to the Act as a matter of urgency. PIAC also raised this issue in a short submission to the NSW Law Reform Commission for consideration as an issue to be included in its forthcoming Privacy Issues paper.



## Disclosure of the identity of children involved in criminal proceedings

In PIAC's submission to the NSW Law Reform Commission on privacy issues referred to above, the main issue raised was disclosure by the media of information allowing for the identification of juveniles involved in criminal proceedings. Such disclosures are a breach of legislation and can, in certain circumstances, amount to a contempt of court. The issue has arisen through the Children in Detention Advocacy Project.

## PIAC CEO JOINS PRIVACY ADVISORY COMMITTEE

In November 2006, PIAC CEO Robin Banks, was appointed by the Federal Attorney-General, the Hon Philip Ruddock, to the Privacy Advisory Committee. The Committee is established under section 82 of the *Privacy Act 1988* (Cth).

The Committee performs a strategic advisory role to the Federal Privacy Commissioner, Karen Curtis, and her office.

PIAC acted for Dr Nitschke and his co-author, Dr Fiona Stewart, in their attempts to have their book classified by the Office of Film and Literature Classification (OFLC). The OFLC gave the book a Category 1 Restricted classification, meaning that the book was not suitable for minors.

The Federal Attorney-General and the NSW Right to Life Association subsequently appealed this decision to the Classification Review Board, which decided to refuse classification of the publication, meaning that it had to be removed from shelves.

PIAC considers the action by the Federal Government to ban this publication is contrary to important human rights such as freedom of speech, and the right to information relevant to fundamental decisions, such as end-of-life options.

## FREEDOM OF SPEECH AND A RIGHT TO INFORMATION

### *The Peaceful Pill Handbook*

In September 2006, Dr Philip Nitschke had 45 copies of his most recent publication, *The Peaceful Pill Handbook*, seized by Australian Customs when he was re-entering Australia from the United States of America. The book was subsequently declared a prohibited import under Customs regulations. *The Peaceful Pill Handbook* provides a range of end-of-life options for the terminally ill, and discusses what options are the most peaceful.

## AIMS

- 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.

## KEY ACHIEVEMENTS

- PIAC leads advocacy efforts for stolen wages claimants
- Stolen Wages Referral Scheme draws on pro bono support of law firms
- Leading American Indian activist addresses community forum on Stolen Wages

- Race discrimination complaint against police settled with systemic training promised

## INDIGENOUS JUSTICE PROGRAM

PIAC's work on Indigenous Justice issues is undertaken through its Indigenous Justice Program. The Program has been and continues to be generously supported by Allens Arthur Robinson, which not only funds the position of the full-time IJP Solicitor, and has taken on the task of printing the IJP newsletter, *Talkin' Justice*, but is also involved in some of the work of the program and provides invaluable support to the solicitor.

The work of the Indigenous Justice Program is supported and guided by a Reference Group (see the Appendix for information about those who have been involved in the Reference Group this year).

## STOLEN WAGES

### NSW Aboriginal Trust Fund Repayment Scheme (ATFRS)

The Aboriginal Trust Fund Repayment Scheme was established last year by the NSW Government to repay Indigenous people the monies—including wages,

allowances and pensions—that were withheld by the Aborigines Protection Board and the Aborigines Welfare Board between 1900 and 1969.

The Scheme is accepting claims from direct claimants and has indicated that it will only begin dealing with descendant claims once all direct claims have been dealt with. PIAC has been acting for a number of clients in their claims including challenging interim assessments of the Scheme. PIAC has been successful in achieving significant increases in payments for clients it has represented to the Aboriginal Trust Fund Repayment Scheme Panel.

### Stolen Wages Victory

In one matter, the assessment being challenged was based upon incomplete archival records.

Much of PIAC's concern about the claims process to date has stemmed from the requirement that the Scheme rely heavily on written financial records. This has the potential to be seriously detrimental to Aboriginal claimants. The State of NSW was responsible through a number of agencies for keeping these records and failed to maintain the records in a complete, comprehensive and accurate manner. The people for whom the monies were held in trust had no control over



either the collection or disbursement of monies or over the maintenance of these records.

At the hearing, the claimant was invited to provide oral evidence about her recollection of her financial and other circumstances to supplement the information contained within the records. The claimant's evidence was that she did not receive the cheque payments that were documented in the various records as she was not residing at a fixed address and was naive with respect to banking and financial matters. (It is important to note that there is no record of whether or not such cheques had been cashed, simply that cheques were drawn.)

The Panel took into account the oral evidence of the claimant and exercised their authority under section 8 of the Scheme's Guidelines to review the evidence and make a recommendation for a substantially higher amount.

PIAC was pleased that the Panel placed due weight on the oral evidence of the claimant during the review process.

### **Stolen Wages Referral Scheme**

PIAC's Indigenous Justice Program has been contacted by 46 direct and several hundred descendant claimants. As PIAC's resources are limited and there is no

funding available for advocacy support for claimants, a collaboration with PILCH and four of its member firms: Allens Arthur Robinson, Ebsworth & Ebsworth, Freehills and Gilbert + Tobin has resulted in the establishment of the Stolen Wages Referral Scheme to provide legal assistance to stolen wages claimants on a *pro bono* basis. PILCH member Clayton Utz, has also joined the scheme.

Solicitors from each of these firms have participated in an information session and cultural awareness training presented in conjunction with Tranby Aboriginal College. PIAC is thrilled with the enthusiasm and additional legal capacity and expertise that is now available to stolen wages claimants and acknowledges the generous assistance provided by these firms.

To date, 27 direct claimant clients have been referred to participating firms. A regular meeting of PIAC, PILCH and the participating firms has been established, providing a forum to identify and discuss issues arising on current files and to share information and experience. Issues of particular concern include:

- ATFRS referring to payments as 'compensation' rather than *ex gratia* payments;
- the treatment of non-trust fund entitlements such as pocket money that were not paid to claimants;
- the 2008 administrative review of ATFRS; and
- the problems posed by the Panel's failure to provide oral or written reasons for its decisions.

PIAC's submission to the Senate Inquiry into Stolen Wages (see below) and previous campaign materials and submissions will form the framework for PIAC's submissions to the administrative review of ATFRS, which is scheduled for 2008. The Referral Scheme forum is already preparing background material for the submission.

### **Senate Inquiry into Indigenous Stolen Wages**

PIAC, in its submission to the Senate Legal and Constitutional Affairs Committee Inquiry into Indigenous Stolen Wages in October 2006, stated that the limits on the scope of the NSW Scheme will mean that it will not result in the repayment of all the debts owed to Aboriginal people by the State of NSW. Firstly, the (effectively) three-and-a-half-year limit on

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the Scheme's operation is of concern and PIAC hopes that, if there are indications that the Scheme requires further time to deal effectively with all the claims, the NSW Government will respond favourably to this.

Beyond the issue of the time limit on the Scheme's operation, there are issues stemming from the requirement that the Scheme rely heavily on written financial records. This has the potential to be seriously detrimental to Aboriginal claimants as the records are incomplete and inadequate because of failures by the State. Aboriginal people will inevitably be disadvantaged as a consequence of the failure of those entrusted with the responsibility for their welfare and financial affairs.

Other limits on the Scheme include the exclusion from consideration of monies owed to the beneficiary, for example as an employee, that were not paid into trust, and the apparent lack of scope for the Scheme to deal with monies that were supposed to be paid direct to the beneficiary by their employer, such as 'pocket money' that were simply not paid. Further, the Scheme does not compensate Aboriginal people for the exploitation of their labour through the much lower



Indigenous Justice Program Solicitor Charmaine Smith speaking at the Stolen Wages Public Forum, Redfern Community Centre in October, 2006

wages paid to Aboriginal people than to non-Aboriginal people throughout the relevant period.

### **Community Forum: Dr Eloise Cobell**

In October 2006, PIAC and Australians for Native Title and Reconciliation (ANTaR) hosted a Community Forum on Stolen Wages at the Redfern Community Centre. The keynote speaker was Dr Eloise Cobell, an American Indian woman and member of the Blackfeet Nation.

Dr Cobell is the lead plaintiff in the largest ever class action that is being brought against the Government of the United States of America. The lawsuit, entitled *Cobell v Norton*, was filed in 1996 on behalf of 500,000 American Indians and relates to the misappropriation of Indian trust fund monies.

In 1887, the US Government divided up 90 million acres of Indian reservation land into allotments and set up trust accounts to collect money from leases it granted to oil, timber and other corporations. The Government and privately owned companies have become wealthy off the resources of this land while Indian landowners have been paid sporadically and received substantially less than what is owed.

In a moving speech, Dr Cobell spoke of the incredible courage it took to make the decision to launch her multi-billion dollar lawsuit against the US Government.

Dr Cobell acknowledged in her speech that while the circumstances of the trust fund accounts were different in the USA and Australia, the same abuses of power existed and governments in both countries have failed dismally in their role as trustees.

### **Complaints about Police**

Following on from its May 2006 submission to the Ten Year Review of the Police Oversight System in NSW, PIAC continues to work with Indigenous communities and clients to achieve changes to policing and correctional practice in relation to Aboriginal and Torres Strait Islander people.

### **Race Discrimination Complaint**

A race discrimination complaint brought by an Aboriginal client against the NSW Police Service was resolved in the Federal Magistrates Court of Australia on favourable terms for PIAC's client. In settlements PIAC seeks to include not only compensation for the claimant but also systemic outcomes. In this case cultural awareness training for the police station was part of the settlement terms.

### **Tortious claim against Police**

An Aboriginal couple, who were arrested and charged with assaulting an officer in the execution of his duty, and hindering/resisting police, were imprisoned for several hours and refused medical attention at the police station despite being injured.

When the matter went to trial, PIAC's clients entered pleas of not guilty and the Magistrate made a finding of 'no case to answer' because the prosecution evidence was so weak. The Magistrate also made a number of adverse comments about the excessive use of force by the police involved in the incident.

PIAC has been instructed to commence proceedings against the police for false arrest, assault, battery and false imprisonment on behalf of both clients.

## AIMS

- 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.

## KEY ACHIEVEMENTS

- Australia-US Free Trade Agreement (AUSFTA) scrutinised
- FOI application lodged in relation to the decisions of the Medicines Working Group and the Pharmaceutical Benefits Advisory Committee
- Plans that future blood product services be competitively tendered under the rules of the AUSFTA questioned
- PIAC raises issue of labour rights in Australia-China Free Trade Agreement

## AUSTRALIAN FAIR TRADE AND INVESTMENT NETWORK (AFTINET)

PIAC continued to host AFTINET under a partnership agreement until November 2006, when after six years at PIAC, AFTINET moved to new premises in Ultimo.

AFTINET is a national network of 90 organisations and individuals concerned about trade justice. It developed in response to widespread concern that current trade policy gives priority to the flow of goods, services, investment and finance at the expense of local development, protection of the environment, workplace and other human rights.

### Australia-USA Free Trade Agreement (AUSFTA)

The AUSFTA was signed by Australia in 2004 despite concerns that it could result in higher medicine prices, less Australian content in new media, higher copyright costs, reductions in quarantine protection and manufacturing job losses.

PIAC and AFTINET argued that such policies are important social policies and should be determined by parliaments in the public interest, not signed away in trade agreements.

AFTINET has continued to monitor and publicise the impacts of the agreement in these areas.

### Impacts on the Pharmaceutical Benefits Scheme

PIAC is acting for AFTINET in two freedom of information (FOI) applications to the Federal Department of Health and Ageing about changes to health policy and procedures following the signing of the AUSFTA.

The purpose of the first FOI application is to promote transparency around the decisions of the Medicines Working Group, which was formed under the AUSFTA. The Group is made up of bureaucrats from both the USA and Australia, who



discuss issues relating to Australia's health policy, such as the Pharmaceutical Benefits Scheme (PBS). PIAC hopes to secure the minutes of their meetings through this FOI process. The release of these documents will assist in ensuring that decision-making around the pricing of pharmaceuticals, and other important health policy matters in Australia, remain transparent and in the public interest.

The second application related to a decision of the Pharmaceutical Benefits Advisory Committee (PBAC) to remove Lipitor—the world's best selling drug, manufactured by Pfizer from the therapeutic group of statins. The Federal government buys drugs in bulk for the PBS and introduced a policy whereby the price that it would pay for drugs in the same therapeutic groups would be reduced by 15% when a generic version of these drugs becomes available.

The policy was designed to bring major savings in the cost of the PBS. Soon after the policy was instituted, Pfizer applied to have Lipitor removed from the same therapeutic class as the other statins. As a consequence it would avoid the price reduction.

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The PBAC decided that Lipitor should be removed on the grounds that it was more expensive. The medical community has some difficulty with the decision and the reasons for the PBAC's decision are unclear. PIAC believes the decision is a problematic precedent and will cost the Federal Government \$350 million over four years.

PIAC argued that the applications are in the public interest and so the normal FOI charges should be waived. The Department disagreed.

There is little law in the area of fee waiver, so these matters are likely to be of substantial jurisprudential benefit. In addition, PIAC believes that the Department of Health is using this provision irresponsibly in refusing to grant the waiver.

### Blood Plasma Fractionation Review

PIAC appeared before the Blood Plasma Fractionation Review being conducted by the Federal Department of Health. Currently blood is collected from volunteer donors by Australian Red Cross and is processed in Australia by CSL, whose performance is benchmarked internationally.

The National Blood Authority Committee of Inquiry recommended that Australia's blood products continue to be collected from volunteer donors and supplied through a central entity in Australia for national security and health reasons, as this would ensure that there is continued national capacity to supply medically safe products.

Despite this, the Australia-US Free Trade Agreement committed the Commonwealth to conducting a review of blood services and recommending to the states and territories that future services be competitively tendered under the rules of the AUSFTA. This would give equal access to US companies to tender on a lowest-cost basis. The winning tender might be based in the US, and might use blood purchased from rather than donated by individuals.

PIAC, AFTINET, the Red Cross and other health and community groups argued that competitive tendering might lower Australian fractionation standards and increase the risk of infectious diseases being transmitted through blood products.

PIAC welcomed the March 2000 announcement by the Federal Government that the processing of blood products would remain in Australia.

## 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 human rights, labour rights and the environment.

PIAC and AFTINET used evidence from the Senate Inquiry into Australia's relationship with China to lobby the Australian Government to raise the issue of labour rights in the annual Australia-China Human Rights dialogue held in July 2006. This was the first time both Governments had agreed to discuss labour rights in the dialogue in the context of trade negotiations.

PIAC also met with representatives of the Chinese Government, along with unions and women's organisations, the ACTU, the Australian Human Rights Council, the National Council of Women and the Committee on Human Rights Education. The Australian organisations raised questions about the lack of implementation of Chinese labour laws in respect of wages and working conditions, especially in export processing industries, and the pressure on working conditions through the process of Chinese companies bidding for contracts from transnational investors, and the lowest bids being accepted. The lack of legal protection of workers' rights to form unions other than those officially recognised by the Chinese Government was also raised. There were specific questions about what steps the Government was taking to address these issues.

International pressure on these issues appears to have had some impact, as there seemed to be more acknowledgment of all of these issues than previously by the Chinese representatives.

## World Trade Organisation (WTO) and the General Agreement on Trade in Services (GATS)

PIAC sought more democratic and transparent processes in the GATS negotiations and protection of 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 has continued to lobby the Australian Government to honour previous commitments not to include such services.

As part of this campaign, PIAC lobbied against Australian Government support for a stricter 'necessity test' to be applied in the GATS agreement to government regulation of services. Such a test would require that regulation in areas like qualification and licensing of essential services such as water, electricity or health, be 'least trade restrictive'. This test could apply to wide areas of national, state and local government regulations and would undermine the central role of governments in regulating in the public interest. Australian state and local governments were not consulted. Not even the USA or the European Union supported the test, which was also opposed by most developing countries.

PIAC and many community groups, as well as state and local governments, expressed their opposition to the 'necessity test' to the Australian government, and exposed the issue to public debate in the media.

In July 2006, the WTO announced that negotiations had been suspended. Many commentators agree that the USA and the EU failed to make convincing offers on reductions in unfair agricultural subsidies, and made unreasonable demands on developing countries for large reductions on tariffs on industrial goods without taking into account their development needs.



# UTILITIES

## AIMS

- 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.

## KEY ACHIEVEMENTS

- Conference leads community discussion on sustainability and consumer protection
- PIAC contributes to national Energy Futures Forum report
- PIAC and the Total Environment Centre succeed in having non-accredited 'green' energy contracts withdrawn from market
- Energy consumers gain added protection against disconnection

- PIAC achieves improved process and transparency in Gas determination

## UTILITY CONSUMERS' ADVOCACY PROGRAM

PIAC's Utility Consumers' Advocacy Program (UCAP) retained its place as a consumer advocacy body that is unique in Australia. After more than eight years of operation, UCAP continues to address three essential services—electricity, gas and water—with its mandate to represent household consumers in NSW with an emphasis on the interests of low-income and disadvantaged groups.

UCAP continued to be funded by the NSW Department of Energy, Utilities and Sustainability (DEUS) and to work with consumer groups, industry and government to achieve improvements in consumer protections. PIAC's work on utilities continues to be guided by the UCAP Reference Group, which meets quarterly (see the Appendix for those who have contributed their time and thinking as members of this reference group).

A core aspect of UCAP's work relates to engaging with the Independent Pricing and Regulatory Tribunal's (IPART) various

energy and water price determinations, including its reviews of recycled water pricing, retail gas pricing, and retail electricity pricing.

## UCAP CONFERENCE: *DELIVERING SUSTAINABILITY*

UCAP held a major conference in October 2006 that brought together community representatives, environmental groups, the energy and water industries and the NSW Government to examine the long-term sustainability and affordability of energy and water.

Apart from affordability of these essential services, perhaps the most significant issue under discussion was climate change and the greenhouse gas emissions associated with the use of electricity and gas. Reducing these emissions is a major challenge for the supply industry and has the potential to be expensive for consumers.

While the conference was not designed to produce immediate outcomes, it did result in possible initiatives to be followed up in coming months. Most importantly, it succeeded in encouraging all stakeholders in the energy and water industries to take a broader approach to planning for and protecting the future.

## **ENERGY FUTURES FORUM**

A major report on energy and climate change, *The heat is on: the future of energy in Australia*, has been released by the CSIRO and its Energy Futures Forum. PIAC was a participant in the Forum along with a range of representatives from the community sector, environmental groups and major industry players.

Launched on 5 December 2006, the report describes a number of scenarios for the future of energy in Australia and the key technological, social and environmental challenges these will create. The report represents more than two years of work by the CSIRO and Forum members. It also contains the results of new modelling approaches and a discussion of the costs and benefits to Australia of addressing climate change.

## **ELECTRICITY**

### **Regulated Retail Electricity Tariffs**

In response to the IPART review of regulated retail electricity tariffs UCAP liaised with the Minister for Energy, the Department of Energy, Utilities and Sustainability (DEUS), and IPART to stress the impacts on customers of price changes; the inappropriateness of

a move to weaken price protection; the likely benefits and costs to household consumers of greater competition in the NSW energy market; and to raise concerns that the terms of reference for the IPART review omitted the consideration of customer impacts.

UCAP expressed concern at the methodology rather than the size of the price increases because they were not based on a rise in wholesale electricity costs, but rather on a desire to facilitate competition in the market. UCAP argued that the approach proposed means price increases for people on regulated standard contracts will be used to subsidise those on market contracts.

IPART also introduced very generous cost allowances for the standard retailers. The Tribunal justified its decision on a belief that competition in NSW is effective enough to protect consumers from excessive prices.

### **Owen Inquiry Into Electricity Privatisation**

In May 2007, the NSW Government appointed Professor Tony Owen to undertake an inquiry into the feasibility of privatising and deregulating the

electricity sector in the State. PIAC has an ongoing interest in this issue as there is evidence that, as companies try to maximise their returns to shareholders, privatisation can lead to both retail price increases and cost-cutting. This can result in negative impacts for low-income consumers.

PIAC met with Professor Owen to discuss issues raised by the terms of reference for the Inquiry. PIAC's subsequent submission to the Inquiry concentrated on the following issues:

- how effective current demand management and energy efficiency policies are;
- that investor interests do not necessarily align with consumer interests, who ultimately pay for investments; and,
- that the Inquiry should not consider the question of removing retail price regulations, nor whether the Government should privatise the retail sector of the NSW energy industry.

## Legal Challenge to Green Energy Claims

On behalf of its client, the Total Environment Centre (TEC), PIAC made a formal complaint to the Australian Competition and Consumer Commission on the claims made by two energy retailers in relation to 'green' or 'renewable' energy contracts. The complaint focuses on the possibly 'misleading and deceptive' claims being made by the retailers. The complaint challenged whether these 'green' or 'renewable' energy contracts were utilising properly accredited generators and included the costs of 'tradeable' certificates.

PIAC's purpose in supporting this complaint is to ensure that consumer participation in managing their energy demand is maximised and concerned consumers are not misled by attractive claims of sustainability. While the complaint remains current, the action has led to the removal of the products in question, and other retailers refraining from presenting products in a similar fashion.

## CONSUMER HARSHIP AND ACCESS TO SERVICES

Under continued pressure from UCAP, the Minister for Energy Utilities endorsed the recommendations of the Disconnection Working Group to amend the *Electricity Supply (General) Regulation 2001* (NSW) to provide greater consumer protections. The Regulation now prohibits electricity consumers from being disconnected without first being offered payment assistance.

In conjunction with Sydney Water, UCAP worked to enable consumers to access Centrepay as a tool to manage their bill payments. These reforms will significantly reduce the burden on consumers suffering hardship while maintaining their access to a water supply.

UCAP continued working on promoting access to utility services for all NSW consumers. For example, in March 2007 UCAP participated in the NSW Inter-agency report into water and sewerage services in remote Aboriginal communities, highlighting that many consumers in remote parts of NSW do not have adequate access to essential services.

## SMART METERS

Since the announcement in February 2006 from the Council of Australian Governments (COAG) that there would be a rollout of Smart meters, PIAC has participated in the Smart Meter Working Group (SMWG) convened by the Federal Department of Industry, Tourism and Resources. PIAC has been determined to ensure that the roll-out will be conditional on a substantial cost-benefit analysis being conducted.

Whilst smart meters provide an opportunity to greatly enhance the role of consumers in demand management, PIAC has sought to ensure that the technological functionality be subject to strong consumer protections and that the cost-benefit analysis includes realistic information on consumer benefits.

## NATIONAL REGULATORY ARRANGEMENTS

UCAP was heavily involved with the various processes involved in establishing a national regulatory framework for energy industries, particularly through the Ministerial Council on Energy's (MCE) Retail Policy Working Group (RPWG). PIAC became a member of the Stakeholder Reference Group, established by the RPWG, and worked on a series

of consultation papers dealing with the new national rules for 'non-economic' regulation of energy distribution and retail (on issues including consumer access to supply, retailer licence conditions, and contracts and marketing practices). At this stage, the RPWG process will continue throughout 2007 and 2008.

As a delegate to the National Consumer Roundtable, UCAP presented its concerns regarding national issues affecting energy consumers to the Department of Industry, Tourism and Resources, the Adviser to the Minister for Industry, Tourism and Resources, and the Shadow Minister for Resources and Energy.

## **WATER INDUSTRY**

In the water industry, the NSW Government initiated legislative changes to allow the introduction of third-party access regimes to water and wastewater services. This will permit private companies to use the existing infrastructure to deliver services to customers.

UCAP made submissions to the Government insisting that health and safety policies not be weakened in any way. UCAP also raised concerns of the inadequacy of using one piece of

legislation, the *Water Industry Competition Act 2006* (NSW) to regulate both potable and non-potable water services.

UCAP was involved in the IPART consultation to change licence-reporting mechanisms. UCAP argued that if less detailed obligations or a risk-based approach to the auditing of licences for Sydney Water and Hunter Water are to be introduced the regulator must maintain an oversight role.

## **GAS**

UCAP objected when IPART released its determination without a planned public hearing and without evidence to support key aspects of the determination. At UCAP's insistence this approach was reversed with a hearing being held and IPART's final determination providing more evidence to support its decision.



# PUBLICATIONS

## PIAC

*PIAC Bulletin*, No 24, December 2006

*PIAC Bulletin*, No 25, May 2007

*PIAC Annual Report 2005-2006*

PIAC E-bulletin, Nos 164 to 174

## ACCESS TO JUSTICE

### **Are the rights of people whose capacity is in question being adequately promoted and protected? (July 2006)**

In this submission to the NSW Attorney General's Department, PIAC supports the development of improvements in understanding around capacity. In recognition that all members of the community may at some point have their capacity affected or questioned, PIAC recommends the development of clear legal definitions as well as processes for determining capacity, and for implementing formal substitute or supported decision-making where capacity is absent or limited.

### **Litigation funding - consumer protection and access to justice (September 2006)**

In this submission to Standing Committee of Attorneys-General on Litigation Funding in Australia, PIAC and Australian Consumers Association support appropriate regulation of and permission for litigation funding. Litigation funders agree to pay for the costs of litigants' legal representation in return for a percentage of any damages that the litigant receives and also indemnify the litigant against the expense of any adverse costs award. This paper addresses the need for litigation funding in Australia and examines the regulatory requirements that would enable its expansion, while ensuring that consumers of legal services are not exploited.

### ***StreetRights NSW (November 2006)***

Edition 4 of the newsletter of the Homeless Persons' Legal Service focuses on rights on the street and issues such as begging and busking, and offensive language.

### ***Putting the justice into social justice! Comments on the Draft Redfern-Waterloo Human Services Plan Phase Two (November 2006)***

The Draft Plan raises various issues confronting homeless people in the Redfern-Waterloo area. PIAC advocates, in this response, that the legal needs of homeless people should be explicitly addressed as a matter of social justice.

### ***StreetRights NSW (February 2007)***

Edition 5 of the newsletter of the Homeless Persons' Legal Service focuses on assistance to victims of crime, getting assistance from Legal Aid NSW in family and criminal law, and enrolling to vote.

### ***Comments on the City of Sydney Homelessness Strategy 2007 – 2010 (February 2007)***

PIAC's comments emphasise the benefits of co-ordination between the diverse organisations that provide services to people who are homeless or at risk of homelessness and sees the City of Sydney as particularly well placed to take a lead in such co-ordination. Further, PIAC recommends that the City of Sydney retain sufficient flexibility in its response to homelessness and work with the Federal and NSW Governments to ensure co-ordinated responses on public space regulation, the regulation of boarding houses, and the development of affordable housing stock.

### ***Comments on the City of Sydney Drug and Alcohol Strategy 2007 - 2010 (April 2007)***

Homeless people have a high incidence of drug, alcohol and mental health problems. Because they live in public spaces they

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are also vulnerable to crimes of violence inflicted by intoxicated people. The City of Sydney, through its Draft Drug and Alcohol Strategy 2007-2010, aims to address the problems of drug and alcohol use in the City of Sydney LGA. PIAC, in its submission to the City of Sydney, calls on the City to include the welfare of homeless people when developing policy and undertaking actions on drug and alcohol issues.

### ***StreetRights NSW (May 2007)***

Edition 6 of the newsletter of the Homeless Persons' Legal Service focuses on Centrelink decisions and Child Support processes.

## **DETENTION**

### ***Immigration detention in Australia: the loss of decency and humanity (July 2006)***

In this submission to the People's Inquiry into Immigration Detention, PIAC examines the history of privatisation of immigration detention services in Australia; the track record of the current provider; the Detention Services Contract and Immigration Detention Standards; staffing and training issues; corporate responsibility and human rights issues; the performance-linked fee; gaps in the regulation of the operations of immigration detention and lack of transparency and accountability mechanisms.

### ***Prisoners and reproductive health services (July 2006)***

PIAC sets out in this document its opposition to a NSW Bill that would remove the provision of reproductive health care services to certain prisoners. PIAC's key concern is that the Bill reduces the protection of the right to access health care and health care procedures.

## **GOVERNMENT AND DEMOCRACY**

### ***Health and social services access card (July 2006)***

PIAC, in this submission to the Federal Government's Taskforce consultation on the proposed 'Smart Card', expresses its view that, from a public interest perspective, there is not convincing evidence that the proposed Health and Social Services Access Card will sufficiently benefit consumers compared with the projected level of expenditure that is proposed for the introduction of the Card.

### ***Health and social services access card: comment on exposure draft of Human Services (Enhanced Services Delivery) Bill 2007 (January 2007)***

In this submission, PIAC raises concerns about the introduction of the proposed Access Card, in particular in relation to the lack of detail about mechanisms to ensure the protection of privacy and identity of all Australians who are issued with the access card

### ***Submission to the Senate Standing Committee on Finance and Public Administration: Inquiry into the access card bill: Human Services (Enhanced service Delivery) Bill 2007 (February 2007)***

In this submission to the Senate Inquiry, PIAC calls for the Senate to reject the Bill on the basis that the proposal is too unclear and there is too much being left to either later legislation or executive decision-making. PIAC identifies serious privacy protection and identity security concerns with the Bill. Further, PIAC identifies that this Bill has the very real potential to significantly change the relationship between government and the people and must, as a result, be treated with due caution.



## PUBLICATIONS

### **The Health Access Card: how much access and for whom? (February 2007)**

In this short paper presented to Liberty: the Victorian Council of Civil Liberty's Public Forum on the Federal Government's Health and Social Services Access card, PIAC focuses on the problems of rushing through such significant changes to the nature of government relations with its citizens and identifies some key concerns with Health Services (Enhanced Services Delivery) Bill 2007.

### **Voluntary medical and emergency information: Submission to Access Card Consumer and Privacy Taskforce (March 2007)**

The Taskforce's discussion paper examined the potential for the 'personal' area of the chip on the proposed Human Services Access Card to be used by the cardholder for emergency medical information. PIAC calls for caution as there are already existing, well-understood mechanisms for communicating emergency medical information that do not rely on technology. PIAC raises concerns about the costs of such a system and the very real potential that these costs would be borne directly by cardholders.

### **Health and Social Services Access card: Discussion paper 3 – Registration (April 2007)**

PIAC, in this submission to the Access Card Consumer and Privacy Taskforce, commends the Taskforce on identifying key issues apparent in the proposed Access Card registration process. PIAC notes the lack of community understanding of the extent and impact of the proposed implementation of an Access Card; and the failure of the Federal Government to comply with its own commitments in terms of developing a service charter, and a Regulation Impact Statement in respect of such sweeping changes to the right of individuals to access government health and human services.

PIAC calls for the proposal to mandate only the collection of that information and identification data that is strictly necessary under current health and human services systems.

## **HEALTH**

### **Submission to the Review of the *Mental Health Act 1990*. Comment on the exposure draft of the Mental Health Bill 2006 (November 2006)**

In this submission, PIAC comments on the NSW Government's exposure draft of the Mental Health Bill 2006.

### **Time for change: Response to the Consultation Paper: review of the forensic provisions of the *Mental Health Act 1990* and the *Mental Health (Criminal Procedure) Act 1990* (March 2007)**

In this submission, PIAC outlines its views on the changes to the law that are required in this area. PIAC primarily focuses on the need to remove executive discretion over recommendations of the Mental Health Review Tribunal in relation to forensic patients, as well as outlining a number of changes that PIAC believes are required in order to improve the quality of treatment of forensic patients in NSW.

## **HUMAN RIGHTS**

### **Towards comprehensive human rights protection (July 2006)**

In this submission to *New Matilda* on its draft Human Rights Bill, PIAC commends *New Matilda* on its work to develop a Federal Human Right Bill and on its campaign to seek community engagement with this process. Overall, PIAC supports the content and framing of the Bill, but proposes expanding the protection in the area of social, economic and cultural rights.

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PIAC also supports a more robust role for the judiciary in dealing with incompatible legislation and more clarity in respect of the provisions that provide for limiting human rights protection in certain circumstances.

### **Comments to the Federal Attorney-General's Department on the Draft International Convention on the Rights of Persons with Disabilities (July 2006)**

PIAC, the NSW Disability Discrimination Legal Centre and Australian Lawyers for Human Rights joined forces to prepare this submission, which focuses on the definitions of disability and 'reasonable adjustment' in draft Article 2, on Articles 12 and 17 dealing with the right to recognition before the law, capacity and compulsory treatment, and on the monitoring mechanisms to be included in the final treaty. Together, the three organisations support a comprehensive regime to monitor and report on compliance with the Convention.

### **Discrimination against People in Same-Sex Relationships: financial and work-related entitlements and benefits (June 2006)**

In this submission to the Human Rights and Equal Opportunity Commission Inquiry, PIAC focuses on where Australia sits globally in relation to discrimination against same-sex couples in the areas of financial and workplace entitlements.

### **Review of the listing provisions of the criminal code: submission to the Parliamentary Joint Committee on Intelligence and Security (February 2007)**

In this submission to the Parliamentary Joint Committee, PIAC again calls for changes to the listing regime. The listing regime sets out the mechanism for an organisation to be listed as a 'terrorist organisation'. PIAC is concerned that the significant

criminal law consequences that flow from the listing of an organisation as a terrorist organisation be appropriately reflected in the procedures. PIAC refers, in its submission, to the recent report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, to the UN Human Rights Council on his study of Australia in terms of human rights compliance while countering terrorism.

### **Order 62A of the Federal Court rules: An untapped resource for unlawful discrimination cases (June 2007)**

This paper explores cost capping in the Federal Court and its potential use as a tool in public interest litigation.

## **INDIGENOUS JUSTICE**

### **Stolen Wages: Unsettled Debt (September 2006)**

In this submission to the Senate Stolen Wages Inquiry, PIAC focuses on the general elements of the injustice of stolen wages, the process of repayment undertaken by the NSW Government and the potential for an action to recover compensation for those beyond the jurisdiction of the NSW scheme.

### **Talkin' Justice (December 2006)**

Issue 2 of the newsletter of PIAC's Indigenous Justice Program focuses on PIAC's submission to and appearance before the Senate Inquiry into Stolen Wages, the visit to Australia of Dr Eloise Cobell, the differences between the NSW and Queensland stolen wages schemes, the publishing of the Guide to Legal Services for Aboriginal People in NSW and the ACT, and outcomes achieved by PIAC in a stolen wages matter and a discrimination complaint.

### TRADE JUSTICE

#### **Submission to the Department of Foreign Affairs and Trade on the Feasibility Study into a Possible Free Trade Agreement between Australia and Mexico (July 2006)**

PIAC and AFTINET, in this submission, look at proposed Australia-Mexico FTA and raise a number of concerns about the lack of democratic transparency in the negotiations and the potential of the agreement to undermine standards on human rights, labour rights and the Government's ability to regulate in the public interest.

### UTILITIES

#### **Submission to IPART's Draft Determination on Recycled Water Prices (August 2006)**

Ongoing drought, changing community attitudes and a revamped industry structure are driving metropolitan water agencies in NSW to invest in recycled water schemes for residential customers. PIAC, in this submission, argues for strong price regulation to protect captive customers from price discrimination by monopoly water agencies and ensure the equitable and affordable delivery of essential water services.

#### **Submission to Energy Reform Implementation Group (August 2006)**

The Energy Reform Implementation Group (ERIG) has been established by the Council of Australian Governments to consider the need for further reforms in the national energy market. PIAC argues that the economic reforms being considered by the ERIG must be designed so as to benefit the community. PIAC, in this submission, presents the case for public policy objectives to be considered in parallel to the promotion of competition and economic efficiency.

#### **Submission to the Independent Pricing and Regulatory Tribunal on the Review of Regulated Retail Tariffs for Electricity (October 2006)**

PIAC's submission to the Independent Pricing and Regulatory Tribunal for its review of regulated electricity prices for 'small' users from July 2007 to July 2010.

#### ***Well Connected (November 2006)***

Issue no 29 of the newsletter of the Utility Consumers' Advocacy Program focuses on sustainability issues, proposed competition in the water industry, the national proposed national reforms on consumer protection in the energy market, and new spending on water supply.

#### **Response to the IPART Draft Determination on Electricity Pricing (May 2007)**

PIAC, in this submission to the Independent Pricing and Regulatory Tribunal on the Tribunal's Draft Determination on Electricity Prices, focuses on the centrality of consumers and the essential nature of electricity services being regulated in the price determination process.

#### **More power to providers in electricity price rise (May 2007)**

Opinion piece published in the *Sydney Morning Herald* on 18 May 2007.

#### ***Well Connected (June 2007)***

Issue no 30 of the newsletter of the Utility Consumers' Advocacy Program focuses on a seminar presented by Allen Asher, CEO of UK Energywatch, the roll-out of smart metres, electricity price increases and the Owen inquiry.



## APPENDICES

### PIAC MEMBERSHIP OF MANAGEMENT, ADVISORY AND WORKING BODIES

|   |                                   |
|---|-----------------------------------|
| Attorney-General's Human Rights NGO Forum   | Robin Banks                       |
| Australian Competition and Consumer Commission:<br>Consumer Consultative Committee                                      | Jim Wellsmore then<br>Robin Banks |
| Australian Fair Trade and Investment Network: Working Group   | Pat Ranald                        |
| Australian Law Reform Commission Privacy Reference Advisory Committee   | Robin Banks                       |
| Community Services and Health Industry Training Advisory Board  | Carolyn Grenville                 |
| Community Trainers and Assessors Group  | Carolyn Grenville                 |
| Department of Energy Utilities and Sustainability:<br>Energy Accounts Payment Assistance Working Group                  | Elissa Freeman                    |
| Department of Foreign Affairs and Trade Human Rights<br>Consultation Forum on International Human Rights Issues         | Pat Ranald                        |
| Department of Infrastructure, Planning and Natural Resources:<br>Demand Management Planning Stakeholder Reference Group | Jim Wellsmore                     |
| Energy & Water Ombudsman NSW:<br>Council member appointed by the Minister<br>Finance Committee                          | Jim Wellsmore<br>Jim Wellsmore    |
| Gilbert + Tobin Centre of Public Law Advisory Committee   | Robin Banks                       |
| Independent Pricing and Regulatory Tribunal:<br>Energy Industry Consultative Group                                      | Jim Wellsmore                     |
| LawAccess NSW:<br>Operations Committee  | Sandra Stevenson                  |



## APPENDICES

|   |   |
|---|---|
| Legal Aid NSW:  |   |
| Commissioner, representing community legal centres  | Simon Moran   |
| Civil Law Sub-committee   | Simon Moran   |
| Community Funding Sub-committee   | Simon Moran   |
| Co-operative Legal Service Delivery Model Steering Committee:<br>PILCH representative   | Sandra Stevenson  |
| National Association of Community Legal Centres:<br>National Human Rights Network   | Jo Shulman  |
| National Children's and Youth Law Centre: Board   | Simon Moran   |
| NSW Legal Assistance Forum<br>Aboriginal Legal Services Working Group   | Robin Banks<br>Charmaine Smith<br>and<br>Sandra Stevenson |
| Conicts Working Group   | Robin Banks   |
| Mental Illness and Access to Legal Services Working Group   | Robin Banks (Chair)<br>and Carol Berry                    |
| 44<br>National Pro Bono Resource Centre Board of Management   | Robin Banks   |
| NSW Combined Community Legal Centres' Group:<br>Management Committee  | Simon Moran   |
| Legal Aid Commission Sub-committee  | Simon Moran   |
| Employment and Discrimination Sub-Group   | Anne Mainsbridge  |
| NSW Legal Referral Forum: PILCH representative  | Sandra Stevenson  |
| Oce of Fair Trading 2006 Fair Trading Awards: Judge   | Carolyn Grenville   |
| Privacy Advisory Committee to the Oce of the Privacy Commissioner<br>appointed by the Federal Attorney General in November 2006 | Robin Banks   |
| Public Interest Law Clearing House Board  | Shauna Jarrett  |
| University of Sydney Law Faculty Advisory Board   | Robin Banks   |

# PIAC Sta

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|                     |   |
|---------------------|---|
| Robin Banks         | Chief Executive Officer   |
| Jane King           | Centre Co-ordinator   |
| Simon Moran         | Principal Solicitor (Resigned November 2006)  |
| Alexis Goodstone    | Principal Solicitor (Acting from November 2006,<br>Appointed January 2007, previously Senior Solicitor) |
| Madeleine Bennison  | Finance Manager (on unpaid leave from March 2007)   |
| Deirdre Moor        | Acting Finance Manager (from March 2007)  |
| Brenda Bailey       | Policy Officer (Commenced March 2007)   |
| Jemma Bailey        | Policy Officer - Trade Justice (Resigned August 2006)   |
| Elisabeth Baraka    | HPLS Co-ordinator (Commenced August 2006)   |
| Carol Berry         | Solicitor – Health Policy and Advocacy  |
| Natasha Case        | Senior Solicitor (Commenced April 2007)   |
| Jessica Cruise      | Solicitor (Commenced January 2007)  |
| Elissa Freeman      | Acting Senior Policy Officer (UCAP) (from February 2007,<br>previously Policy Officer (UCAP))           |
| Emma Golledge       | HPLS Co-ordinator (Resigned September 2006)   |
| Marion Grammer      | Bookkeeper (2 days/week)  |
| Carolyn Grenville   | Training Co-ordinator (4 days/week)   |
| Karen Kwok          | Administrator (Commenced July 2006)   |
| Anne Mainsbridge    | Solicitor (Resigned September 2006)   |
| Jason Mumbulla      | Computer Systems Administrator (1 day/week)   |
| Hugh O'Neill        | Policy Officer (UCAP) (Commenced March 2007)  |
| Scott Parker        | Administrator (Commenced April 2007)  |
| Melissa Pinzuti     | Legal Secretary   |
| Vijaya Ratnam-Raman | Policy Officer (Resigned January 2007)  |
| Fabiola Rafael      | Administrative Assistant (Resigned September 2006)  |
| Jo Shulman          | Solicitor (Maternity Leave Locum concluded August 2006)   |
| David Skidmore      | HPLS Policy Officer (Commenced September 2006)  |
| Charmaine Smith     | Solicitor, Indigenous Justice Program (Resigned April 2007)   |
| Jim Wellsmore       | Senior Policy Officer (UCAP) (Resigned February 2007)   |



## APPENDICES

### PILCH STAFF

|                    |   |
|--------------------|---|
| Robin Banks        | Director (part-time for PILCH)  |
| Sandra Stevenson   | Co-ordinator  |
| Madeleine Bennison | Finance Manager (on unpaid leave from March 2007) (part-time for PILCH) |
| Deirdre Moor       | Acting Finance Manager (from March 2007) (part-time for PILCH)          |
| Melissa Pinzuti    | Legal Secretary (part-time for PILCH)                                   |

### CONSULTANTS AND TEMPORARY STAFF

|                             |                       |
|-----------------------------|-----------------------|
| Christine Johnson           | Librarian (part time) |
| Lynette Simons & Don Palmer | Media Training        |

### PLACEMENTS, SECONDEES AND VOLUNTEERS

|            |   |
|------------|---|
| Julie Grix | Legal Aid secondee to PIAC (September to December 2006) |
|------------|---|

#### College of Law Placements

|                           |                                       |
|---------------------------|---------------------------------------|
| Hugh Bennett              | PIAC (November 2006 to March 2007)    |
| James Docherty            | PILCH (November to December 2006)     |
| Julia Emerton             | PIAC (July to November 2006)          |
| Chris Hartley             | PIAC (December 2006 to March 2007)    |
| Christine Higgins         | PIAC (commenced April 2007)           |
| Melinda Hunt              | PILCH (October 2006 to February 2007) |
| Allanah Kjellgren         | PILCH (July to November 2006)         |
| Sarah Sharples            | PILCH (commenced March 2007)          |
| Professor Bernard Stewart | PIAC (commenced May 2007)             |

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#### Secondees to PIAC for PILCH

|                 |  |
|-----------------|--|
| Esther Bedggood | Minter Ellison (June to September 2006)  |
| Tim Grave       | Freehills (October 2006 to January 2007) |
| Tess McSpedden  | Minters (ongoing)                        |
| Olivia Venuto   | Freehills (January to April 2007)        |
| Helen Wu        | DLA Phillips Fox (commenced April 2007)  |

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## **Student placements**

|                |   |
|----------------|---|
| Hugh Bennett   | University of Technology, Sydney Placement to PIAC<br>(August to November 2006) |
| Gemma Connell  | University of Sydney Placement to PIAC (March to June 2007)                     |
| Tarah Barzanji | University of Sydney Placement to PILCH (March to June 2007)                    |

## **PIAC THANKS THE FOLLOWING FOR THEIR ASSISTANCE AND SUPPORT**

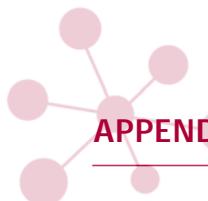
### **Homeless Persons' Legal Service partner organisations**

#### **Host agencies and community support organisations**

Edward Eagar Lodge  
Matthew Talbot Hostel  
Newtown Mission  
Newtown Neighbourhood Centre  
Parramatta Mission  
Streetlevel Mission  
The Station  
Women's & Girl's Emergency Centre

#### **PILCH Members**

Allens Arthur Robinson  
Baker & McKenzie  
Clayton Utz  
DLA Phillips Fox  
Ebsworth & Ebsworth  
Gilbert + Tobin  
Henry Davis York  
Minter Ellison



## APPENDICES

### Barristers who provided advice and representation

Paul Menzies QC  
David Buchanan SC  
Dr Chris Birch SC  
Stephen Gageler SC  
Tom Molomby SC  
Chris Ronalds SC  
Nye Perram SC

|                     |                       |                 |
|---------------------|-----------------------|-----------------|
| Margaret Allars     | Louise Goodchild      | Elizabeth Raper |
| Simeon Beckett      | Phillipa Gormley      | Roger Rasmussen |
| Elizabeth Cheeseman | Dominique Hogan-Doran | Kate Richardson |
| Kate Eastman        | Jeremy Kirk           | David Robertson |
| Kellie Edwards      | Kylie Nomchong        | Dr Kathy Sant   |
| James Emmett        | Rachel Pepper         | Penny Thew      |
| Richard Evans       | Dr Sarah Pritchard    | Michael Windsor |

### People (other than PIAC or PILCH sta ) who have provided HPLS, Law for Non-Lawyers, Practising in the Public Interest or other training

#### Homeless Persons' Legal Service

|                     |  |
|---------------------|--|
| Dianne Anagnos      | Welfare Rights Centre                    |
| Grant Arbuthnot     | Tenants' Union of NSW                    |
| Christopher Bennett | Legal Aid NSW                            |
| Trish Bramble       | Parramatta Mission                       |
| Esther Cho          | NSW Guardianship Tribunal                |
| Sue Cripps          | Homeless NSW                             |
| Pip Davis           | Hawkesbury Nepean Community Legal Centre |

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|                |                                 |
|----------------|---------------------------------|
| Joel DeFreitas | Newtown Neighbourhood Centre    |
| Steve Frost    | Horizons Community Legal Centre |
| Natalie Ross   | Inner City Legal Centre         |
| Jane Sanders   | Shopfront Youth Legal Service   |

**Law for Non-Lawyers (April 2007)**

|                   |  |
|-------------------|--|
| Grant Arbuthnot   | Tenants' Union of NSW                  |
| Sara Blazey       | Elizabeth Evatt Community Legal Centre |
| Melissa Coad      | Welfare Rights Centre                  |
| Sarah Condie      | Legal Information Access Centre        |
| Donna Evans       | Parramatta Court                       |
| Lauren Finestone  | LawAccess                              |
| Andrew Haesler    | Public Defender's Office               |
| Katherine Lane    | Consumer Credit Legal Centre           |
| Simone Montgomery | Tenants' Union of NSW                  |
| Simon Rice        | Macquarie University                   |

**Practising in the Public Interest (July 2006 and February 2007)**

|                  |                            |
|------------------|----------------------------|
| Jemma Bailey     | Office of Lee Rhiannon MLC |
| Anne Cregan      | Blake Dawson Waldron       |
| Meagan Lawson    | The Cancer Council of NSW  |
| Nicholas Patrick | Phillips Fox               |

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**Organisations that have provided training and meeting facilities**

|                        |  |
|------------------------|--|
| Allens Arthur Robinson | HPLS Training, January 2007                      |
| Baker & McKenzie       | HPLS Training, February 2007                     |
| Blake Dawson Waldron   | Practising in the Public Interest, February 2007 |
| Clayton Utz            | HPLS Training, March 2007                        |
| Ebsworth and Ebsworth  | HPLS Training, April 2007                        |
| Gilbert + Tobin        | HPLS Training, May 2007                          |



## APPENDICES

|                  |  |
|------------------|--|
| Henry Davis York | HPLS Training, June 2007                             |
| Phillips Fox     | Practising in the Public Interest, July 2006         |
|                  | HPLS Training, October and November 2006, March 2007 |

### **Organisations (other than PIAC and PILCH) that have provided placements for students undertaking Practising in the Public Interest**

Aboriginal Legal Service (NSW/ACT), February 2007  
Aboriginal Trust Fund Repayment Scheme, February 2007  
Allens Arthur Robinson, July 2006 and February 2007  
Attorney-General's Department of NSW, July 2006  
Blake Dawson Waldron, July 2006 and February 2007  
Clayton Utz, July 2006 and February 2007  
DLA Phillips Fox, February 2007  
Environmental Defender's Office, February 2007  
Freehills, July 2006 and February 2007  
Gilbert + Tobin, July 2006 and February 2007  
Human Rights and Equal Opportunity Commission, July 2006  
Law and Justice Foundation of NSW, February 2007  
Legal Aid NSW, July 2006 and February 2007  
Mallesons Stephen Jacques, February 2007  
Maurice Blackburn Cashman, July 2006  
Minter Ellison Lawyers, February 2007  
Sydney Regional Aboriginal Corporation Legal Service, July 2006  
Women's Legal Services, February 2007

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### **UCAP Reference Group Members**

|                 |  |
|-----------------|--|
| Patty Morris    | Bourke Family Support Services                   |
| Jack Mullins    | Combined Pensioner and Superannuants Association |
| Bernie Mortimer | Combined Pensioner and Superannuants Association |
| Adam Bates      | Combined Pensioner and Superannuants Association |
| Dev Mukherjee   | Council of Social Services of NSW (NCOSS)        |
| Dinesh Wadiwel  | Council of Social Services of NSW (NCOSS)        |
| Dr Chris Reidy  | Institute for Sustainable Futures                |
| Sean Ferns      | Parks and Village Service                        |
| Pat Le Lievre   | Rural Women's Network                            |
| Chris Martin    | Tenants' Union of NSW                            |
| Jacqui Nissim   | Tenants' Union of NSW                            |
| Noel Hernan     | Western Sydney Community Forum                   |

### **Law for Non-Lawyers Reference Group Members**

|                   |   |
|-------------------|---|
| Anita Anderson    | Legal Aid NSW                             |
| Trish Bramble     | Parramatta Mission                        |
| Michelle Burrell  | Council of Social Services of NSW (NCOSS) |
| Andrew Dalton     | Formerly Redfern Legal Centre Publishing  |
| Lauren Finestone  | LawAccess NSW                             |
| Simone Montgomery | Tenants Union of NSW                      |
| Odessa O'Brien    | Local Community Services Association      |
| Simon Rice        | Division of Law, Macquarie University     |
| Sue Scott         | Law and Justice Foundation of NSW         |
| Sue Walden        | Legal Information Access Centre (LIAC)    |



## APPENDICES

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### Indigenous Justice Program Reference Group Members

|                    |  |
|--------------------|--|
| Tom Calma          | Aboriginal and Torres Strait Islander Social<br>Justice Commissioner |
| Trevor Christian   | Aboriginal Legal Service (NSW/ACT)                                   |
| David Robb         | Allens Arthur Robinson   |
| Melissa Stubbings  | Hawkesbury Nepean Community Legal Centre                             |
| Christine Robinson | Warringa Baiya Aboriginal Women's Legal Service                      |

### Other assistance and support

Allens Arthur Robinson for its continuing funding support of the Indigenous Justice Program and for printing the newsletter of the Indigenous Justice Program, *Talkin' Justice*

Charles Armitage, Partner, and Heran Kim, Senior Associates, Allens Arthur Robinson, and the partners of Allens Arthur Robinson for their *pro bono* assistance for the review of PIAC's taxation status by the Australian Taxation Office

Myles Bastick and the partners of Freehills for their *pro bono* assistance for the development of PIAC's Enterprise Agreement

Freehills for its printing of the Newsletter of PILCH and the PILCH Annual Report

Thomsons Legal for its printing of the *PIAC Bulletin*

Legal Aid NSW for making its training rooms available for hire.

## PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2006-2007

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