

# PIAC ANNUAL REPORT

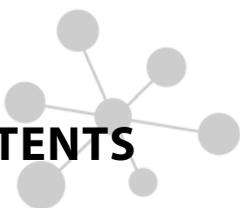
2007-2008



PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2007-2008

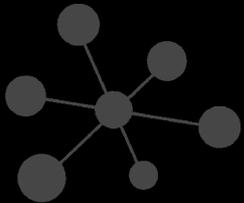
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# CHAIR'S INTRODUCTION

I had the honour of being elected to the position of Chair in November 2007, following in the footsteps of Annette O'Neill who had guided PIAC for four years with a considered and dedicated approach to the role, and I hope to be able to fill the position of Chair following her example.

PIAC celebrated its 25th anniversary in 2007; a remarkable milestone for the organisation. Reading over the commemorative publication, *Public Interest Advocacy Centre 25 Years: 1982-2007*, the history of PIAC reflects the history of the development of public interest law and advocacy both in New South Wales and Australia. The support of our many and various funders over the years has ensured that PIAC has continued to grow, to develop its well-recognised place in the legal sector, and to provide an important resource to the community as a whole.

While the next 25 years is a big picture, PIAC is looking to that future. We have to map out PIAC's direction in light of world-wide issues including the economic effects on consumers of the privatisation of energy and water resources, the introduction of carbon-trading schemes, changes in financial markets, an ageing population, the protection of people's human rights—no matter where they are placed in the community—and the costs of access to justice.

At the end of the 2007-08 financial year, PIAC is fully staffed. However, in recognition of the challenges to maintaining expertise and capacity to respond, PIAC has developed its strategic plan for the next three years with a view to increasing the depth of experience and expertise that it is able to dedicate to key areas of public interest work.

PIAC is a well respected and recognised contributor at all levels of government and continues to engage in public policy debate and to ensure that consumers across a diverse spectrum in the community are recognised in government policy development, including on issues such as accessible public transport and

airlines, homelessness, access to affordable energy resources for disadvantaged and low-income households, and election and political party funding.

I would like to thank all the staff, past and present, who have contributed to the remarkable and high standard of work undertaken in the various jurisdictions in which PIAC is conducting public interest litigation, policy and special project work. Sincere thanks go to our Chief Executive Officer, Robin Banks, for her ideas and passionate belief in public interest advocacy and rights.

I would also like to thank the legal profession that continues to support PIAC through *pro bono* legal services, especially Allens Arthur Robinson, which acted on PIAC's behalf in relation to the review of its charitable status and continues to provide vital funding support to the Indigenous Justice Program, all of the PILCH members that contribute to new and existing HPLS clinics and, members of the Bar who have so ably represented PIAC's clients in public interest matters.

Thank you also to the members of the PIAC Board, all of whom give generously of their time and considerable expertise from a wide range of fields. I take this opportunity to welcome our new directors, Alison Peters, Dr Peter Cashman and Matt Laffan, and acknowledge with thanks the work and dedication of those Directors who left the Board during this year, Professor Larissa Behrendt, Bill Grant and Gary Moore. They join a wonderful and impressive alumni of former PIAC staff and directors and I hope that they will continue to be involved in other ways in PIAC's work and development.



SHAUNA JARRETT  
CHAIR

## PIAC'S 25TH ANNIVERSARY CONFERENCE, 'WORKING FOR A FAIR, JUST AND DEMOCRATIC SOCIETY IN THE 21ST CENTURY', SYDNEY, 18 & 19 OCTOBER 2007



Dr Peter Cashman (left), PIAC out-going Chair Annette O'Neill (centre) and former PIAC Board Director, Professor Larissa Behrendt on the opening day of PIAC's 25 Year Conference, 18 October 2007. Professor Behrendt delivered the keynote address, 'The importance of civil society participation in Australian democracy'.



Professor Larissa Behrendt delivers her keynote address.



The Decision Makers Panel: (Back L to R) Maureen Tangney (Deputy Director General, NSW Attorney General's Department), The Hon Meredith Burgmann (former President & Member, NSW Legislative Council), Quentin Dempster (ABC TV) (Front L to R) The Hon Paul Stein QC AM (NSW Law and Justice Foundation) and Louise Sylvan (Deputy Chair, Australian Competition and Consumer Commission)



Professor Richard A Slaughter



The 2020 Vision Panel at the 25 Year Conference: (Back L to R) Professor Larissa Behrendt (Director, Jumbunna Indigenous House of Learning, UTS), Professor Richard A Slaughter (Director, Foresight International), Fran Kelly (ABC Radio National), Michael Raper (Welfare Rights Centre NSW) (Front L to R) Professor Steven Leeder AO (Director, Australian Health Policy Institute and Co-Director, Menzies Centre for Public Health Policy), Meredith Turnbull (Executive Officer, Twenty10), Jeff Angel OAM (Executive Director, Total Environment Centre)

# CHIEF EXECUTIVE OFFICER'S OVERVIEW

This year has been a very significant one for PIAC and all those who have been involved in it over the years; it is the year in which PIAC celebrated its 25th anniversary. In reaching this milestone, PIAC joins a growing number of other Community Legal Centres that have shown that 'lawyering' can be done differently—more systemically and more inclusively—over a sustained period. And PIAC has, over those 25 years, grown and developed new ways of doing the work of public interest advocacy. We, as a staff and with the Board of Directors, continue to seek new ways to be more effective and to make a positive difference through the law.

## Challenges and changes

The year past has had its share of challenges and changes. The biggest of the challenges at an organisational level was the change to PIAC's tax status and we were extremely pleased when, through the great endeavours of our *pro bono* lawyers at Allens Arthur Robinson, Charles Armitage and Heran Kim, the Australian Taxation Office agreed to reinstate PIAC's Deductible Gift Recipient status.

The year also saw other organisational changes with a new management structure successfully implemented and the change of Chair of the PIAC Board, with Annette O'Neill stepping

down after four years of dedicated and fantastic service. We have had a number of staff changes and while it is always sad to farewell those who've been part of the PIAC team, it is also great to have new people adding their energy and skills to our work. I am constantly reinvigorated in my work through the energy and diversity of our staff; they bring such great skills and enthusiasm to what is challenging and often frustrating work.

The other challenge we face in the coming year is an enviable one: PIAC has been in its new offices since mid-2005 and we are already beginning to burst a little at the seams. The increases in project funding and in PIAC's capacity to benefit from dedicated student and graduate placements has led to increased staffing and, so, the need to better utilise our space has become more pressing.

## Achievements and successes

Along with the challenges come the successes and we have had those also. The achievement of funding to develop mental health legal assistance and capacity building pilots is an important development to be celebrated. We face the challenge in the coming six to twelve months of achieving funding to conduct the pilots effectively, to ensure their evaluation and, in the longer term, the sustainable implementation of models of legal service delivery for people with mental illness in NSW.

Another successful new aspect of PIAC's work has been the establishment of the position of Solicitor Advocate within the Homeless Persons' Legal Service. This position has greatly enhanced access to legal representation for homeless people in the local courts. We hope to achieve sufficient funding to ensure the continuation of that position and will also review the work being done to identify how court processes could be improved to enable more efficient and effective representation of this extremely disadvantaged community.

The year has also seen the growth of the Stolen Wages Referral Scheme and the need for even further growth in capacity is pressing. A key issue for PIAC is the pending deadline for the Aboriginal Trust Fund Repayment Scheme of 31 December 2008 and the need to ensure that as many potential claimants as possible are registered before that deadline. PIAC has advocated for an extension of that deadline and will continue to do so as there remains very poor awareness of the Repayment Scheme in the community.

A success in a different arena came with the decision of Her Honour Justice Bennett AO of the Federal Court to make an order under Order 62A of the *Federal Court Rules* for a cap on costs in *Corcoran v Virgin Blue Airlines Pty Ltd*. This was the first discrimination case in which such

a cost cap has been ordered and not only paves the way for PIAC's clients to proceed but provides an important precedent for public interest litigants.

It is always difficult to pick out which successes to highlight and I commend to you the body of this Annual Report to get a more complete picture of PIAC's work and achievements in 2007-08.

## The future

This year has been one of long-term planning as part of PIAC's three-year strategic planning cycle. We came to the end of one three-year plan at the close of the year, with the plan for 2008-11 in the final stages of bedding down. That process was kicked off in October 2007 through the PIAC 25th Anniversary Conference.

We used the Conference as a means of identifying the future issues and challenges to the public interest, drawing on a diverse range of views from around Australia. We also used the Conference as a means to look at what has worked in public interest advocacy and campaigning in Australia, learning from our own experiences and those of many others who work in the public interest. We thank all those who contributed to the success of the Conference as speakers, but also to all those who participated in the discussions stimulated by those presentations.

After the Conference, that task of managing and driving the planning process was very capably led by Deirdre Moor and we had the benefit of expert input from Margaret Scott at WestwoodSpice. Staff and Directors were involved in a range of processes that led to the development of the 2008-11 plan and will continue to be involved in the evolution of that plan as new issues emerge, campaigns are completed—with successful outcomes we hope—and priorities shift.

## Thanks

The successes of 2007-08 were made possible through the funding that PIAC receives and the work of the staff (paid and unpaid) and the Board of Directors. PIAC's capacity to make a difference is strongly underpinned by the ongoing funding it receives from a number of sources: the NSW Public Purpose Fund; the Commonwealth State Community Legal Services Program; the NSW Department of Water and Energy; and Allens Arthur Robinson. This enables PIAC to attract other income: through its very successful training program headed by PIAC's dedicated and talented Training Co-ordinator Carolyn Grenville; through costs awards and grants of legal aid to the legal work headed by the steady hand of PIAC's Principal Solicitor Alexis Goodstone and, during her absence

on maternity leave, Natasha Case; and through one-off grants project funding in a range of areas of work.

The task of managing all that income and PIAC's internal resourcing demands is successfully undertaken by PIAC's Manager, Finance and Administration, Jane King and the amazing administrative support team at PIAC. PIAC's new Manager, Policy and Programs, Deirdre Moor has very ably taken on the task of planning and co-ordinating the various strategies PIAC seeks to implement to achieve public interest outcomes through its numerous projects.

PIAC's work and achievements would not be possible without the contribution of all of the fantastic staff and of the supportive and challenging Board of Directors. I look forward to the year ahead with the PIAC team at full strength and new and exciting challenges to be met.

This year has seen the start of the second 25 years of public interest advocacy by the Centre and I believe that this report demonstrates that PIAC has shown that it is more than capable of meeting the challenge.



**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 2007-08 financial year of 28, as well as professional placements, secondees and interns who make a valuable contribution.

Whenever possible, PIAC works co-operatively with other groups and individuals to achieve public interest outcomes. Those PIAC works with include 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 & redress unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent & responsive government;
- encourage, influence & inform public debate on issues affecting legal and democratic rights;
- promote the development of law that reflects the public interest;
- develop and assist community organisations with a public interest focus to pursue the interests of the communities they represent;
- develop models to respond to systemic unmet need; and
- maintain an effective and sustainable organisation.

### PIAC Criteria

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

being experienced by or likely to affect disadvantaged sectors of the community

The key questions asked by PIAC when selecting issues are:

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

## THE PIAC BOARD

### Directors

Shauna Jarrett

Chair from November 2007  
Nominee of the Law Society of NSW until November 2007

Annette O'Neill

Retired as Chair in November 2007  
Continuing as Director

Ben Slade

Deputy Chair  
Principal/Partner, Maurice Blackburn

Professor Larissa Behrendt

Director of Jumbunna Indigenous House of Learning, University of Technology, Sydney  
Retired as a Director in November 2007

Britta Bruce

Management Consultant

Alan Cameron AM

Management Consultant

Dr Peter Cashman

Associate Professor of Law, University of Sydney  
Appointed as a Director in November 2007

The Hon Elizabeth Evatt AC

Commissioner of the International Commission of Jurists and  
Honorary Visiting Professor at the University of NSW Law School.

Bill Grant OAM

Nominee of Legal Aid NSW  
Chief Executive Officer, Legal Aid NSW  
Retired as a Director in November 2007

Matt Laffan

Office of the Director of Public Prosecutions  
Nominee of the Law Society of NSW  
Appointed as a Director in May 2008

Gary Moore

Director, Community Services, Marrickville Council  
Retired as a Director in November 2007

Alison Peters

Director, Council of Social Services of NSW (NCOSS)  
Appointed as a Director in February 2008

The Hon Kevin Rozzoli AM

Nominee of the NSW Law and Justice Foundation  
Former Member for Hawkesbury and Speaker of the Legislative Assembly

Merrilyn Walton

Associate Professor in Ethical Practice, University of Sydney

## 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

- PIAC celebrates 25 years of advocating in the public interest with conference and commemorative publication
- Homeless Persons' Legal Service expands with two new free legal clinics
- Partnership with Legal Aid NSW achieves outreach services to homeless people in regional NSW
- Launch of Mental Health Legal Service project to address the unmet legal needs of people with mental illness
- New position of Solicitor Advocate improves outcomes for homeless defendants
- PIAC works with LIAC to produce plain-English guide to the Australian Legal System

## PIAC CELEBRATES 25 YEARS

### Working for a fair, just and democratic society in the 21st Century: Conference

In October 2007, PIAC held a two-day conference to celebrate the 25th anniversary of its establishment. The conference, 'Working for a fair, just and democratic society in the 21st century', brought together past and present members of PIAC staff and board, academics, community workers, advocates, and government employees. The focus of the conference was learning from the past to plan for the future.

The first day of the conference began with a keynote address from PIAC Board Member, Professor Larissa Behrendt. The rest of the day focused on identifying emerging and future public interest issues then examining key public interest campaigns of the last decade to identify what has worked and what has not. The second day built on the first, looking at key public interest strategies that have been used in the past—such as litigation, activism and communications—and emerging strategies, particularly the use of the Internet and related technologies.

PIAC has since used much of what came out of the conference in developing its new three-year plan.

### Commemorative publication and dinner

As a lasting record of the 25th anniversary, PIAC published a book on its work over those 25 years. The book, *Public Interest Advocacy Centre – 25 Years: 1982-2007*, was launched at a celebratory dinner held on Thursday 18 October 2007 attended by PIAC friends and 'family'. The evening was hosted by Deputy Chair of the PIAC Board, Ben Slade, and was an opportunity for staff from '80s, '90s and '00s to briefly present their reflections on PIAC's past and present achievements.

## HOMELESS PERSONS' LEGAL SERVICE (HPLS)\*

PIAC continues to co-ordinate and supervise the clinics and the delivery of legal services provided by its joint project with the Public Interest Law Clearing House (PILCH), the Homeless Persons' Legal Service (HPLS). As at June 2008, over 2,000 clients had been assisted since HPLS began in May 2004, with over 700 client records for the current year. PIAC estimates that HPLS lawyers have provided more than 15,000 hours of pro bono legal assistance from May 2004 to June 2008.

The year also saw the launch of two new legal clinics, and a new partnership with Legal Aid NSW.

Given the need to seek appropriate clinic locations outside of the inner city, it was a very positive development when PILCH member, Corrs Chambers Westgarth, took up the opportunity to staff a clinic at Norman Andrews House in Bondi Beach. Norman Andrews House is the only drop-in centre for homeless people in the Waverley Local Government Area. The new clinic began on 24 July 2007 and has been operating every Tuesday from 12:30 pm to 1:30 pm. The clinic was officially launched by the NSW Attorney General, the Hon John Hatzistergos MP, on 30 October 2007.

Another new clinic began in mid-August 2007 at Wayside Chapel in Potts Point, with PILCH member, Deacons, providing the lawyers. Operating in an area with a high concentration of homeless people, this clinic has been very popular especially for women, who have made up one third of clients to date. The clinic operates every Monday from 10:00 am to 12:00 noon. We were delighted that the Attorney General was again available to formally launch the clinic on 25 February 2008.

HPLS continued to improve client service through specialised referral pathways for homeless people needing to access services

provided by Legal Aid NSW. This closer relationship with Legal Aid NSW also resulted in a new partnership. From 1 July 2007, lawyers from Legal Aid's Parramatta office provided the legal services at the HPLS clinic at Parramatta Mission. Flowing from this, HPLS worked collaboratively on Legal Aid's separate new initiative to employ full-time lawyers to provide outreach legal services to homeless people in Nowra, Coffs Harbour, Wollongong, Penrith and Kempsey.

HPLS's expertise was also drawn upon by NSW Court Services—within the NSW Attorney General's Department—in a pilot outreach program. This six-month pilot saw court staff attending most of the HPLS clinic locations to provide information to clients about court processes.

### New HPLS Solicitor Advocate

For the first time, from January 2008, the HPLS staff team had three full-time members. In addition to the Co-ordinator and Policy Officer, a new position of Solicitor Advocate was created to undertake criminal cases in the Local Court for clients who would be unable to effectively access legal representation from any other source because of their personal circumstances.

The Solicitor Advocate's representation of clients in court made the process of criminal law referrals from the HPLS clinics much more effective. Not only has it meant that clients have a lawyer for their day in court, they also have a lawyer they have met before their court date, a lawyer who has obtained medical and other reports beforehand so that, for example, an application for diversion under section 32 of the *Mental Health (Criminal Procedure) Act 1990* (NSW) could be made on the first appearance.

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

Further, for those clients who are required to do something following court-like pay a fine or attend the Magistrates Early Referral into Treatment (MERIT) program—the Solicitor Advocate has been available to go with the clients to the relevant locations to ensure the follow-up occurs. He has also contacted clients between court attendances to ensure they have been doing what was required; he has liaised with the host agency staff to obtain caseworker reports and details about the client's circumstances, and found clients who have gone missing. He even walked the streets of Woolloomooloo to locate and walk back to court a client who did not appear in court when expected. These are the types of interventions that very quickly made this new position a success.

**Homeless people's participation**

More than ever before, HPLS sought to involve homeless people in its work and in responding to government proposals.

In July 2007, a group of homeless people, known as Homeless Voice, began meeting on Sunday mornings in Woolloomooloo to discuss issues of concern to them. HPLS staff have attended some of these gatherings and the relationships that have developed have resulted in opportunities for homeless people to participate in HPLS training, policy work and events.

In June 2008, over 150 homeless people had direct input into the HPLS submission, *Which Way Home? A New Approach to Homelessness*, in response to the Federal Government's Green Paper on Homelessness.

**HPLS public forum**

On 17 April 2008, HPLS ran a public forum, 'New Approaches to Homelessness: real people, real changes, real hope', at the State Library's Metcalfe Auditorium and about 200 people attended, including many homeless people.

The Federal Minister for Housing, the Hon Tanya Plibersek MP, spoke about the Federal Government's intentions to address homelessness. Three formerly homeless people were interviewed and a short documentary that was prepared by television journalism students from the University of Technology, Sydney was shown. A panel consisting of the Minister, a member of Homeless Voice and the HPLS Co-ordinator responded to questions from the floor. The Sydney Street Choir sang and gave everyone cause to smile and cheer. HPLS presented the Minister with a book of photos and comments from homeless people about what they think the Government should do to address homelessness.

**Influencing government**

A key aspect of the work of HPLS is its systemic advocacy on issues affecting homeless people. The year saw some very positive outcomes achieved through this work.

In the lead up to the Asia Pacific Economic Co-operation (APEC) meetings held in Sydney in September 2007, HPLS had extensive contact with Police about how homeless people were to be treated. A key focus was to ensure that police officers were trained in and expected to adhere to the *Protocol for Homeless People in Public Places*. A positive outcome of this work was that very few problems were reported by homeless people during the period, despite the high numbers of homeless people in the areas of Sydney in which the key APEC meetings were being held.



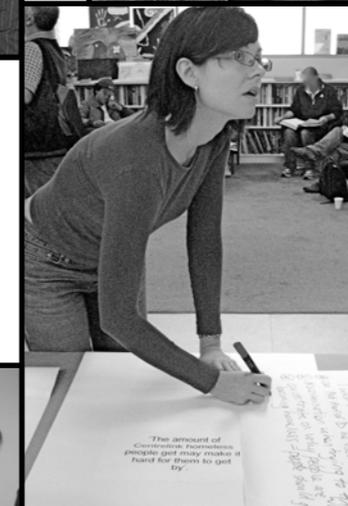
HPLS public forum, 'New Approaches to homelessness...Real People, Real Changes, Real Hope'. Speakers at the forum; (Back L to R) Chris Hartley (HPLS Policy Officer), The Hon Tanya Plibersek (Minister for Housing), Elisabeth Baraka (HPLS Co-ordinator), Robin Banks (PIAC CEO) (Front L to R) Former homeless people Kerrie, Kevin and Dwayne



Homeless people contribute to HPLS consultation day at Wayside Chapel, Sydney



HPLS Policy Officer Chris Hartley being interviewed by Livenews.com on priority housing and the homeless



HPLS Co-ordinator Elisabeth Baraka records a client's comment during the HPLS consultation days with homeless people in Sydney. The information gathered formed part of the HPLS submission to the Federal Government's Greenpaper on Homelessness.



Launch of HPLS Clinic at Norman Andrews House, Bondi, October 2007.



Launch of HPLS Clinic at Wayside Chapel, February 2008



In April 2008, journalism students from UTS produced a short video on the work of the HPLS, which was shown at the HPLS Public Forum at the State Library of NSW. (L) HPLS Policy Officer Chris Hartley and HPLS Co-ordinator Elisabeth Baraka (R) with UTS journalism students Elaine McKewon and Mirza Natadisastira

HPLS continued to urge the NSW Government to take up the recommendations in its April 2006 report on reforming the fines system, *Not Such a Fine Thing: Options for Reform of the Management of Fines Matters in NSW*. To this end, HPLS discussed with RailCorp how it deals with homeless people and provided input into RailCorp training for its officers. A review of the State Debt Recovery Office's processes led to better access for HPLS lawyers. The NSW Attorney General's Department also met with PIAC staff on several occasions to discuss and seek input on possible directions for implementing reforms.

HPLS brought together a network of over 70 organisations in support of reforming Centrelink's crisis payment. HPLS is arguing that the crisis payment is insufficient to assist prisoners exiting jail to begin the difficult process of re-integrating into society, particularly as the crisis payment is not even enough to enable them to pay for emergency accommodation for the two-week period before other Centrelink benefits become payable. This is a continuing campaign focus for HPLS.

HPLS has also been vocal in urging reform of Housing NSW's implementation of the priority housing system and in highlighting the difficulty that homeless people have in obtaining and retaining identity documents that are required to access basic services including Centrelink. It was very positive that the Deputy Director General of Housing, Paul Vevers, attended the HPLS Homelessness Forum in April 2008 and was willing to discuss some of the key issues facing homeless people seeking public housing. As a result, in May 2008, Mr Vevers hosted a meeting of PIAC CEO, the HPLS Co-ordinator and HPLS Policy Officer with the senior staff of the Department to discuss improvements that HPLS is seeking to public housing policy and procedures, including the priority housing issue.

### MENTAL HEALTH LEGAL SERVICES PROJECT

Launched in January 2008, the Mental Health Legal Services (MHLS) Project aims to improve access to justice for people who are mentally unwell in New South Wales. The Project is currently researching and will pilot new legal service delivery, training and capacity building models. These pilots are expected to commence in September 2008.

Underpinning the Project are the following key principles:

- Broadening the view of justice.
- Enhancing consumer participation.
- Creating inclusive services.
- Building greater understanding.

The Project takes a broad view of what constitutes 'justice' for consumers. This not only incorporates the usual criminal and civil matters in which consumers might become involved but also those specific legal contexts in which the consumer's mental ill health might diminish or negate the fulfilment of their fundamental human rights. Thus, when the Project talks about 'access to justice' we have in mind issues as diverse as protection from workplace bullying to the provision of adequate health care services to support during family law proceedings.

Unless critical circumstances prove the contrary, consumers should be presumed to retain individual agency and the capacity to act in their own best interests. They should guide and be involved in all decisions that intimately affect their well-being. The imperative for lawyers and mental health workers is to listen to what consumers have to say, to understand what their needs are and to respond accordingly. This consumer-oriented perspective will be reflected in the development and operation of the new legal service delivery, training and capacity building models.

A frequent problem for consumers is that they are denied access to necessary services on account of not meeting strict entry criteria. Whether it is because they fail to fulfil the legal definition of being 'mentally ill' or alongside their mental ill health they have concomitant problems with substance misuse or a host of other reasons besides, they often encounter significant barriers in getting the support that they need. With that in mind, the Project will strive to provide new legal services to those consumers who have been most disadvantaged by service exclusion.

While it is not the intention of the Project to try and turn lawyers into mental health workers or mental health workers into lawyers, a greater understanding by each of their respective domains can only improve the outcomes achieved by consumers. For example, a mental health social worker told the Project that an important part of her work in a psychiatric hospital was to assist consumers to access legal services for a range of problems including tenancy disputes, alleged non-compliance with Centrelink requirements and State Debt recovery matters.

The Project will continue to develop the new legal service, training and capacity building models, at all times with respect to the aforementioned principles. The Project will be guided by a Steering Committee, which is comprised of consumers, lawyers and community workers, as well as by the ongoing consultation with members of the public. It is the immediate goal to realise a set of innovative, evidence-based, best-practice models. The long-term goal is to hopefully be able to establish a sustainable mental health legal service or services beyond the actual life of the Project.

As part of its fact finding role the MHLS project has visited services in the Hunter region in NSW and Melbourne to discuss

a range of subjects including the lack of appropriate services for consumers, problems with service co-ordination and the need for more advocates. Other issues focussed on the needs of prisoners recently released from jail.

A common theme amongst these services was how important it is to work collaboratively and holistically to best meet the needs of consumers. As might be expected, consumers in Victoria face similar access to justice issues as consumers in New South Wales.

### IMPROVING USE AND UNDERSTANDING OF THE LAW AND LEGAL SYSTEMS Practising in the Public Interest (PIPI)

During the year, PIAC once again worked in partnership with PILCH and the law faculties of Macquarie University and the University of Wollongong to conduct *Practising in the Public Interest* summer and winter schools. A total of 28 students from these two universities completed the one-week intensive course. PILCH members Minter Ellison Lawyers and Baker & McKenzie each hosted one the courses.

Other PILCH members supported PIPI through the provision of presenters and taking students on placement.

Last year extensive review and revision of the PIPI course program was undertaken in consultation with Simon Rice from Macquarie University. Student evaluations from this year's courses indicate that the revised course structure has been more effective in introducing the students to the range of mechanisms used by public interest lawyers, and to the kinds of opportunities available to work as a public interest lawyer in NSW. They also indicate that the course continues to stimulate and inspire students to consider their future in law and social justice.

*Thank you for dedicating your time to teaching us about practising law in the public interest. You have made our law degree worthwhile.*

*This course has been the most practical subject I have ever participated in. I have enjoyed every minute of my time here.*

*A really wonderful experience with excellent presenters and teachers. The case study work put it all in focus. I thought the whole program was really well structured, thought provoking and delivered at an understandable and engaging level. The materials were very useful and well written. The catering was most unexpected and lavish. It was also wonderful to hear how different strategies are employed and utilized. A real privilege to be part of a very relevant social justice project.*

*Wonderful course; without sounding sycophantic, totally inspiring.*

**Students from Macquarie and Wollongong Universities who attended the PIPI Winter School in July 2007**

*Thank you for this amazing, practical and thought-provoking course. It has been one of the most relevant and interesting courses I have undertaken in the six years at Macquarie Uni.*

*Outstanding course, really enjoyable, very worthwhile, great learning experience.*

*This has been the most interesting and inspiring uni course I've done to date.*

*Every presenter has been outstanding because: a) they have been passionate; b) the presentations have been practical and focused; c) they have been grounded in experience and used interesting case studies to highlight the theory.*

**From Macquarie University students who attended the PIPI Summer School in February 2008**

### **Law for Non-Lawyers**

PIAC's successful completion of a pilot Law for Non-Lawyers (LFNL) course in May 2007, following a research and development project funded by the Law and Justice Foundation, has resulted in on-going demand for training in this area.

During the current year, PIAC has made LFNL a regular part of its training calendar, successfully presenting two further public LFNL courses with a total of 50 participants. The courses were held in Parramatta and Sydney CBD.

Interest in the course continues with PIAC presenting at a pilot LFNL course for staff of Legal Aid NSW. PIAC CEO Robin Banks presented an 'Introduction to the legal system' session with Legal Aid staff presenting follow-up sessions that discussed Legal Aid's work in relation to specific areas of law. PIAC has also presented this 'Introduction' session for the NSW Aboriginal Land Council.

### **Hot Topics: Australian Legal System**

In conjunction with the re-development of the Law for Non-Lawyers course, PIAC Chief Executive Officer Robin Banks wrote *Hot Topics 60: Australian Legal System*. The *Hot Topics* series is published by the State Library of NSW's Legal Information Access Centre (LIAC) and edited by LIAC's Cathy Hammer. The 28-page guide was published in time for the second LFNL course. It provides a broad overview of the law, the legal system and how the legal system interacts with other aspects of the Australian system of government.

### **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 important resource for PILCH continues to be the support received from PILCH members through the secondment of lawyers for 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.

## 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

- Parliamentary committee seeks strengthening of enforcement to protect children in criminal proceedings
- PIAC brings successful claim against RailCorp NSW for false imprisonment, assault and battery of a minor
- Submission to the Special Commission of Inquiry into Child Protection Services in NSW

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

CID<sup>a</sup>AP is a partnership between PIAC, the Public Interest Law Clearing House (PILCH) and Legal Aid NSW. Through CID<sup>a</sup>AP, the partners aim to challenge the unlawful and unnecessary detention of minors, primarily in the criminal justice system.

CID<sup>a</sup>AP currently provides legal representation on a *pro bono* or legal aid grant basis to minors who may have a cause of action arising from false arrest, unlawful detention, malicious prosecution and/or the use of excessive force by the police, transit authorities and private security companies. It also considers matters involving the unnecessary detention of minors, for example due to bail conditions not being met.

The Project recognises 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 collaboration with relevant community organisations and government agencies to find appropriate solutions.

A significant number of CID<sup>a</sup>AP cases relate to the detention of young people for breach of bail conditions; conditions that had been amended or withdrawn at the time of their arrest. These arrests seem to occur because the NSW Police Force computer system is not absolutely up-to-date with information from the courts. PIAC is currently holding discussions with the NSW Government about ensuring that information such as bail conditions held by the Police is accurate and up-to-date, so as to avoid young people being wrongfully arrested and detained.

The Project is also conducting work on the issue of bail conditions requiring young people to 'reside as directed by the Department of Community Services' (DoCS). A number of young people being assisted through the Project have remained in detention as a result of DoCS being unable to find accommodation.

PIAC is currently representing Aboriginal children in two cases in which it is alleged that the Police unlawfully detained them. In one of the cases, the thirteen-year-old boy was detained overnight several hours drive from his home because the Police believed that he was in breach of bail conditions that had in fact been dispensed with. In the other matter, a group of Aboriginal children were

detained for several hours for no apparent lawful reason and without their parents being notified.

In early 2007, PIAC brought a successful claim on behalf of a client against RailCorp NSW and five transit officers for false imprisonment, assault and battery. PIAC's client alleged that the transit officers had overstepped their powers and detained her against her will as well as assaulted her. The terms of the settlement are confidential.

## Inquiry into the Children and Young People 9-14 Years in NSW

In February 2008, the NSW Parliamentary Committee on Children and Young People established an inquiry to investigate and report on children and young people aged 9 to 14 years in NSW. The Inquiry was undertaken under the statutory functions of the *Commission and Young People Act 1998* (NSW).

Based on its work in CID<sup>a</sup>AP, PIAC prepared a submission that focused on the activities, services and supports needed by young people in this age group who are in contact with the juvenile justice system.

The Committee is yet to finalise its report.

## Special Commission of Inquiry into Child Protection Services in NSW

PIAC also took the opportunity to provide a submission to the Special Commission of Inquiry into Child Protection Services in NSW being conducted by Supreme Court Judge James Woods AO QC. In its submission, PIAC highlighted the links between failures in child protection services and juvenile crime. It included case studies of children who remained in custody although granted bail due to the failure of DoCS to provide accommodation.

His Honour is due to report by 31 December 2008.

## PIAC urges retention of protection of children in courts

PIAC made a brief submission to the NSW Legislative Council Standing Committee on Law and Justice Inquiry into the prohibition on the publication of names of children involved in criminal proceedings. PIAC's submission urged the retention of the prohibition found in section 11 of the *Children (Criminal Proceeding) Act 1987* (NSW) on the basis that this provision is consistent with the need to give primacy to the principle of rehabilitation when dealing with children in the criminal justice system.

This principle reflects the protection of children provided in the United Nations *Convention on the Rights of the Child*, to which Australia is a party.

PIAC's concerns about the lack of deterrence through limited prosecutions were highlighted in the final report. In this regard, PIAC's concerns were echoed by the NSW Commissioner for Children and Young People, and Legal Aid NSW. The Committee supported these concerns, noting at paragraph 6.42 of its final report 'that the current mechanism for enforcing section 11 can and should be improved, particularly in regard to registering and investigating complaints'.

## 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

- Joint project on Government funding and advocacy publishes key findings
- PIAC views on electoral and political party funding have significant impact on NSW Parliamentary Inquiry
- Demand for PIAC advocacy training continues to grow
- New training partnership developed with Mental Health Co-ordinating Council

## GOVERNMENT, NGOS AND ADVOCACY

### Impact of Government Contracting on Community Advocacy

PIAC, the Council of Social Services of NSW (NCOSS) and the University of Technology, Sydney (UTS) continued to work under

an Australian Research Council Industry Partnership Grant to research the impact on community advocacy activities of government contracting arrangements.

One of the key areas of investigation was how community service providers can maintain their ability to advocate for public policy changes while satisfying the requirements of government funding. The research has identified many instances in which government departments have attempted to control or limit the advocacy of non-government (or third sector) organisations.

PIAC and NCOSS assisted the researchers to select a range of NSW and Queensland community organisations to be interviewed for case studies as part of the project. The case studies examined different approaches to advocacy and relationships with government, and measured awareness of the NSW Government and Community Sector compact *Working Together for NSW*.

This year saw the publication of several reports and preparation of a number of papers from the project that highlight benefits and concerns about reliance on such compacts and consider different approaches in other countries:

- John Casey, Bronwen Dalton, Jenny Onyx and Rose Melville, *Advocacy in the Age of Compacts: Regulating Government-Community Sector Relations – International Experiences* (2008) UTS Centre for Australian Community Organisations and Management, Working Paper Series, No 76.
- John Casey, Bronwen Dalton, Jenny Onyx and Rose Melville, *Advocacy in the Age of Compacts: Regulating Government-Community Sector Relations in Australia* (2008) UTS Centre for Australian Community Organisations and Management, Working Paper Series, No 78.

- John Casey, Bronwen Dalton, Rose Melville and Jenny Onyx, *'An Opportunity to Increase Positive Results' or 'So Disappointing After So Much Energy'? A Case Study on the Long Gestation of Working Together for NSW* (2008) UTS Centre for Australian Community Organisations and Management, Working Paper Series, No 79.
- Rose Melville, "Token participation" to "engaged partnerships": lessons learnt and challenges ahead for Australian non-profits', in Mark Considine & Jo Barraket (eds), *Strategic Issues for the Not for Profit Sector* (2008).
- Bronwen Dalton, Jenny Onyx, Jenny Green, John Casey & Rose Melville, 'The relationship between individual and systemic advocacy in Australian Communities Service Organisations: a source of legitimacy?'. Paper presented at the UTS Conference on Cosmopolitan Civil Societies, 4-5 October 2007, University of Technology, Sydney.
- Jenny Onyx, Bronwen Dalton, Rose Melville, John Casey and Robin Banks, 'Implications of government funding of advocacy for nonprofit independence and exploration of alternative advocacy funding models'. Paper presented to the Australian Social Policy Conference, 11-13 July 2007, UNSW
- Rose Melville, 'Policy making processes and advocacy within the current turbulent policy environment – practitioners speak about their experiences'. Presentation to Social Work Practices Day 'From Rut to Riot: The Opportunities of Welfare Reform', sponsored by the UQ Social Work & Applied Human Services Alumni & Friends, 7 September 2007.
- John Casey *et al*, 'A Case Study on the Long Gestation of Working Together for NSW', Paper presented to the International Nonprofit and Social Marketing Conference, Brisbane, September 2007.

Project leader, Professor Jenny Onyx from UTS, presented a joint paper on 'Advocacy and Funding' based on the Project findings at the PIAC 25th Anniversary Conference, *Working for a Fair, Just and Democratic Society in the 21st Century*, held in October 2007.

In March 2008, PIAC, NCOSS and UTS co-hosted a community forum, 'Government, NGOs and Advocacy' at the Sydney Mechanics School of Art in Sydney, at which participants heard about the findings of the research and had the opportunity to consider different perspectives on compacts and to develop strategies to seek better outcomes from *Working Together for NSW*.

Work is continuing through the Federation of Non-Government Agencies (FONGA), NCOSS and PIAC on strengthening the use of the compact.

This project has proved to be extremely timely with the incoming Federal Labor Government indicating an interest in investigating a compact with the NGO sector. The work of the project will inform PIAC's input to the Government's consultation process.

### Purchasing, Partnerships & Social Contracts: Giving effect to Government-NGO relationships

Building on the previous Project, PIAC began this new partnership project with the Whitlam Institute and the Social Justice Social Change Research Centre at the University of Western Sydney. Through the project, the partners aim to consider the current contractual arrangements between the Federal Government and NGOs, and the impact of those arrangements on independence and social justice or human rights advocacy. The project will also develop and assess the value of prototypical contractual principles that properly reflect the responsibility and obligations of Government in entering into financial relationships with NGOs.

The principal focus of the project—and related research—is on Commonwealth-funded employment services with the understanding that the principles developed are likely to be relevant to many other funding and/or contracting arrangements.

**REGULATING INFLUENCE AND ACCESS: LOBBYING AND POLITICAL DONATIONS**

This year has seen renewed interest in the impact of funding on political and electoral processes. PIAC’s ongoing work on strengthening democratic processes and ensuring transparency of government decision-making has meant it has been well placed to contribute to a range of government inquiries.

**For the Sake of Democracy**

In its submission to the NSW Legislative Council Select Committee Inquiry into Electoral and Political Party Funding, *For the Sake of Democracy*, PIAC argued that the principles of equal representation, and equal opportunity for citizens and parties to participate in political life must be central to any consideration of political financing, as must the principle of ensuring that elected members are free to work in the public interest, unencumbered by undue influence, conflict of interest or corrupt practice.

PIAC has recommended that: only individual citizens should be able to make financial contributions that support political parties and candidates and such donations should be capped; election spending of political parties and candidates should also be capped; and citizens should have a right to full information regarding the financial activities of governments, political parties, candidates and any other entities that have significant political influence.

PIAC’s submission and evidence to the Committee was extensively quoted in the Inquiry Report presented to Parliament in June 2008. Many of PIAC’s recommendations have been adopted by the Committee including an absolute ban on political donations from corporations and other organisations, the capping of election spending, improvements to reporting of donations and spending, and improved policing of the electoral funding scheme

The commitments made by the then NSW Premier, The Hon Morris Iemma, to clean up and strengthen the regulation, reporting and transparency of political donations were welcomed. PIAC will continue to monitor the issue in NSW to encourage the full implementation of the promises and committee recommendations.

**Funding democracy**

Following on from the NSW Inquiry, PIAC made a submission to the Victorian Electoral Matters Committee Inquiry into Political Donations and Disclosure. Much of this submission built on the previous contribution to the NSW Inquiry. PIAC was one of only 19 submissions to this inquiry and the only one from a community legal centre.

The Committee is not due to report until April 2009.

**Federal Lobbying Code of Conduct**

PIAC was the only non-profit NGO to make a submission to the Senate Finance and Public Affairs Committee Inquiry into the Lobbying Code of Conduct recommending that the Code be amended to increase the reporting requirements of both lobbyists and MPs. As well, PIAC recommended that any Lobbying Code be extended to all members of both Houses of Parliament and their staff, rather than being limited to Ministers.

PIAC proposed that the Lobbying Code should require not-for-profit organisations to comply with the ethical standards, but not require full registration, and that a Parliamentary Standards Officer or Commissioner, independent of Government be appointed to ensure the Code is enforced.

Unfortunately, the final report of the Committee, *Knock, knock ... who’s there? The Lobbying Code of Conduct*, tends to interpret the requirements of the Lobbying Code as placing significant limits on the access of lobbyists to Ministers and vice versa rather than supporting it as an important transparency and accountability mechanism. As such, the Committee was unwilling to extend the requirements beyond the current scope. PIAC, however, welcomed the recommendation of the Committee that it conduct a review of the operation of the Code in the second half of 2009.

**The 2007 Federal Election**

PIAC’s submission to the Federal Parliamentary Joint Standing Committee on Electoral Matters Inquiry into the 2007 Federal Election deals, in the main, with the issue of funding of campaigns, including donations and disclosure requirements. In its submission, PIAC largely reiterated its position put to the NSW Inquiry. In addition, PIAC advocated that Australian legislation and electoral support practices give effect to Article 25 of the *International Covenant on Civil and Political Rights*, which provides for universal suffrage, and secret ballots ‘without unreasonable restrictions’.

The Committee is not due to report until June 2009.

**AUSTRALIA 2020 SUMMIT**

PIAC made a submission to the Australia 2020 Summit in a number of the topic areas.



In 2008, PIAC hosted a visit by members of Legal Aid from the People’s Republic of China.

Specifically, PIAC’s submissions addressed how changes in water and energy markets will impact on low-income households; the need to focus on Indigenous health and justice; the introduction of a national Charter of Rights for Patients; homelessness; reform to freedom of information laws; fair trade; the role of the third sector in effective government processes; and effective federal protection of human rights consistent with Australia’s international obligations.

PIAC Chief Executive Officer, Robin Banks, participated in the Governance stream of the Summit. PIAC looks forward to the announcement at the end of 2008 of what the Federal Government will do to progress the ideas from the Summit.

**ADVOCACY TRAINING**

PIAC has maintained its status as a Registered Training Organisation and increased the number of students who successfully completed assessments.

The NSW Vocational Education Training Accreditation Board (VETAB) conducted a site audit in late June 2007 prior to PIAC’s re-registration being finalised. The audit resulted in five years re-registration with no areas of non-compliance. The audit process is a very challenging experience for a small Registered Training Organisation such as PIAC. PIAC’s successful

re-registration until 2012 sets it up to work within the new Australian Qualifications Training Framework (AQTF) 2007. The report by the auditors from VETAB noted that PIAC's 'continuous improvement focus places them well for AQTF 2007 implementation'.

Through various strategies, PIAC has more than doubled the number of assessments completed by students from six in 2006-07, to 13 in 2007-08. Interestingly, the achievement of this increase seems to be largely attributable to the strategy of giving students a 'due date' (extendable by contacting the Training Co-ordinator) to focus their efforts!

A training calendar of courses is distributed twice each year: in January and June.

### **Work the System & Effective Advocacy Skills and Strategies**

PIAC's advocacy training aims to assist individuals and communities with the knowledge and skills to be effective advocates. This reflects PIAC's aim of enhancing the responsiveness and representativeness of Australian democracy.

This one-day training course helps participants to understand how 'the system' works and how they can influence decision-making at all levels of government. Topics covered include:

- Defining advocacy in the public interest
- How government works
- Strategies for participating in government decision-making
- How laws are made and influencing the parliamentary process
- The legal system and recognising the uses of public interest litigation
- Conducting successful delegations
- Effective campaigning

*Work the System* public courses were presented twice during 2007-08 with a total of 30 participants. Effective Advocacy Skills and Strategies public courses were also held twice during the year, with 38 participants.

The *Work the System* and *Effective Advocacy Skills and Strategies* course materials for participants were reviewed, updated and reprinted early in 2008.

Participants in the courses provide important input to PIAC's thinking about current and emerging public interest issues and the training also has the benefit of getting information about PIAC's work out to a much broader audience.

Evaluations from the courses are consistently positive with participants observing:

*The training material and the method of delivering used were effective and helpful for the people working on an advocacy field.*

*This course is very interesting and useful to me.*

*The training was excellent*

*Excellent workshop*

*A very informative, useful and well-developed and excited workshop.*

*The workshop was full on with good level of resources that relates to my work, which I will surely take on board.*

*An excellent democratic job, well done*

*It was excellent, great to identify skills/ strategies.*

*The advocacy is the most helpful thing I found around the community. I have gained a lot of knowledge and understanding on what advocacy is.*

*The training was relevant to my work and I will use the skills gained from this training.*

*Wonderful workshop. Thank you so much for your time!*

### **Advanced Media Skills**

PIAC has continued to offer Advanced Media Skills Training conducted by Lynette Simons and Don Palmer who are experienced journalists. This course covers radio and television interview skills and writing media releases. The courses continue to be very successful with four courses training 39 participants during 2007-08.

Each course has a maximum of ten participants to allow for hands-on coaching in all these skills areas. The course has also been presented in-house for the NSW Combined Community Legal Centres' Group and the NSW Aboriginal Land Council. The course has met a need for affordable media skills training for the community sector.

### **Customised training**

PIAC customises its training for particular organisations, groups and networks. Most customised training is in areas related to advocacy, however courses are increasingly being requested in media skills and Law for Non-Lawyers.

During 2007-08, PIAC delivered 18 in-house training courses, over 23 days, to the following organisations:

- Bicycles Users Group
- The Cancer Council of NSW Consumer Advocacy Training (four courses)
- Canterbury Child and Family Interagency
- City of Sydney Council (two courses for workers and consumers from homelessness sector)

- Macarthur Diversity Services (for community representatives on local committee)
- Mental Health Co-ordinating Council (two courses)
- NSW Aboriginal Land Council
- NSW Combined Community Legal Centres' Group
- Queensland Multicultural Development Association
- St Vincent de Paul Animation Project (for public housing tenants)
- TAAP Network for NSW Tenants Union
- Vision Australia (for consumer representatives)

### **Training partnerships**

Since 2002, PIAC has been partnering with the Cancer Council NSW to train health consumer advocates to become active and effective advocates for improved health policies and systems. PIAC presented four two-day training courses in Sydney, Dubbo and Lismore.

In 2007, PIAC partnered with the Mental Health Co-ordinating Council (MHCC) to write and pilot a training module called 'Law and Ethics in Mental Health Work' as part of MHCC's 'Rehabilitation for Recovery' training course completed by workers towards a Certificate IV in Mental Health Work (Non-Clinical). This qualification has been agreed to in principle as the voluntary minimum standard for work in mental health NGOs in NSW. The MHCC is newly registered as a Registered Training Organisation specialising in the delivery of mental health training for non-government organisations.

The partnership with MHCC complements PIAC's Consumer Health Program and the Mental Health Legal Services Project.

## 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

- Forensic provisions review supports community call for significant reform
- Submission to the Draft National Patient Charter of Rights Consultation Paper

## MENTAL HEALTH AND THE LAW Review of forensic provisions

PIAC has identified the interface between mental illness and the legal system as an important and current public interest issue, and has focused its work in this area on the amendments leading to the revised *Mental Health Act 2007* (NSW) and the review of forensic provisions contained in the *Mental Health (Criminal Procedure) Act 1990* (NSW). PIAC's work has had a particular focus on the concerns of prisoners who have been diagnosed with a mental illness, including forensic patients.

In August 2007, the Hon Greg James QC released his final report of the Review of the Forensic Mental Health Legislation. The central issue considered in the Review was who should be the appropriate authority to make decisions as to the terms and conditions of detention and release of forensic patients. The Report recommended that executive discretion to decide who is to be released, namely at the 'Governor's pleasure', be replaced with a more continuous monitoring and less cumbersome and structured system. This would operate through a Special Forensic Division of the Mental Health Review Tribunal, presided over by a judge or former judge, making determinations

subject to appeal to the NSW Supreme Court in the public interest.

PIAC welcomed the recommendations made by Greg James QC in his report, with many reflecting the submissions made by PIAC. The NSW Government introduced the Mental Health Legislation Amendment (Forensic Provisions) Bill 2008 in June 2008. This Bill, if passed, will adopt into law the key recommendations of the Review, including replacing executive discretion with the model recommended by Greg James QC.

## PRISONERS AND DISABILITY

PIAC's work in the area of mental health and prisoners is ongoing. The recommendations of the Coroner about segregation of prisoners with a mental illness in the matter of Simpson have not been fully implemented. Continuing concerns remain regarding the future care and treatment of prisoners with a mental illness within the NSW correctional system, despite the construction of a separate forensic hospital at Long Bay and legislative changes.

People with intellectual disability have similar but nevertheless different experiences in the criminal justice system and within prisons, to people with a

mental illness. Access to mental health treatment remains an issue for members of disadvantaged groups, often with tragic consequences when people are denied adequate treatment and care and subsequently end their own life.

PIAC will continue to campaign for law reform and systemic change in all these areas, including through the use of legal advocacy and test cases.

## CHALLENGING FAILURES IN HEALTH SERVICES FOR PEOPLE WITH MENTAL ILLNESS

Throughout 2007-08, PIAC has been engaged in legal proceedings on behalf of Mrs Terri Simpson against the State of NSW and Justice Health.

Mrs Simpson is the mother of Scott Simpson, a forensic patient who died in custody in Long Bay Prison in June 2004. PIAC acted for the family in the coronial inquest into Scott's death.

Mrs Simpson is claiming that the Department of Corrective Services and Justice Health were negligent in their treatment of her son, and that she has suffered a recognisable psychiatric injury as a result of Scott's death.

In July 2006, the NSW Deputy State Coroner found that Justice Health and the Department of Corrective Services failed to ensure that Scott received adequate treatment for his mental illness and made recommendations about new standards that should be put in place for the treatment of mentally ill inmates in NSW prisons.

The Simpson matter is one of the first cases brought following the precedent established in *Appleton v State of NSW*, in which PIAC successfully argued that damages should be available to compensate a mother for the shock she suffered as a result of her son's death in custody

PIAC is also representing the mother of a man who committed suicide in 2006 at a Coronial Inquest in late 2008.

The man, who wanted to be treated in hospital, was being treated by a community mental health team. He tried to commit suicide in the week before his death but he was still not admitted to hospital. He was requesting to be admitted up to the day he killed himself.

PIAC will be asking the Coroner to make recommendations to the NSW Government so that alternatives of a necessarily more restrictive nature than the community care model be provided to someone who is suicidal in a similar situation to avoid further tragic outcomes.

## QUALITY AND SAFETY IN HEALTH CARE National Patient Charter of Rights

Building on its extensive consultation work in the 1990s, PIAC welcomed the opportunity to provide a response to the Draft National Patient Charter of Rights Consultation Paper produced by the Australian Commission on Safety and Quality in Health Care in January 2008.

In its submission, *A tool for health care improvement: Comment on the Draft National Patient Charter of Rights*, PIAC concluded that while the draft Charter contains some important principles, the document lacked substance, particularly in relation to a patient's right to compensation if injured during the delivery of health care.



## HEALTH

PIAC indicated a willingness to work with the Commission on further development of the Charter and then advocate for its adoption.

### Response to Draft Principles for Australia's Health System

PIAC has also responded to the National Health and Hospitals Reform Commission 'Draft Principles for Australia's Health System', endorsing the principles in general and providing brief comments on specific principles.

A key focus of the response is the role that a Charter of Health Consumers Rights should play in providing a framework for the implementation of these principles. Privacy of patient information and equity in access to health and emerging technologies were also major areas of concern in PIAC's response.



## HUMAN RIGHTS

### 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

- Human rights training and awareness community workshops increasing in NSW
- PIAC contributes to and endorses NGO reports to UN
- *Flight Closed!* and *Flight Still Closed!* - PIAC continues fight for accessible airline travel
- Win in homosexual vilification case
- PIAC submission cited extensively in ALRC report on Australian Privacy Law

### PROTECTING HUMAN RIGHTS IN AUSTRALIA

PIAC continues to focus on improving community awareness of human rights, how they are protected and the benefits of effective protection of human rights. The main focus in the past year has been on the work of the NSW Charter Group, which PIAC convenes and supports.

#### The NSW Charter Group

The NSW Charter Group, of which PIAC is a founding member and the convenor, believes that the NSW Government needs to ask the community what it thinks 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. The Group supports the need for effective community consultation. It does not have a position on whether the community should commit to a charter, or if it does, its content or the form such a charter should take.

The NSW Charter Group has implemented a program of meetings with NSW members of parliament (MPs). This is an opportunity for MPs to ask questions about their concerns with a Charter and learn more about the experiences from other jurisdictions. Whether or not an MP supports the concept of a Charter, PIAC and the NSW Charter Group are hoping they will support the proposal that the people of NSW be given an opportunity to express their views through an independent, community-wide consultation.

The other key activity during the year involved PIAC in conducting human rights awareness and training workshops in the community. Every time one of these workshops is held it highlights the limited understanding the community has of human rights and the misunderstandings of how human rights are presently protected.

#### UN Convention on the Rights of Persons with Disabilities

PIAC has been part of a coalition of Australia's peak human rights and disability advisory and advocacy groups that has campaigned for the swift ratification of the UN *Convention on the Rights of Persons with Disabilities*. On 31 March 2007,

Australia became a signatory to the Convention that came into force on the 12 May 2008.

PIAC is advocating—along with other groups—that the Federal Government complete the ratification process within three months of the Convention entering into force as this will provide Australia with greater influence on the composition of the Treaty Body. It is hoped that Australia will seek to nominate an expert member to the Treaty Body.

#### **NGO report to UN Committee Against Torture**

Together with the Human Rights Law Resource Centre, the Australian Muslim Civil Rights Advocacy Network, and the National Association of Community Legal Centres, PIAC has contributed to and endorsed an addendum to the NGO Report in response to Australia's Third Period Report to the Committee Against Torture on Australia's compliance with its obligations under the United Nations *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

In this addendum, the NGOs deal particularly with the incompatibility of certain aspects of Australia's counter-terrorism laws and practices with the Convention, and the incompatibility of various aspects of the imprisonment of persons with mental illnesses in Australia with the Convention. This latter issue was one on which PIAC provided input based on its Health Program work.

#### **NGO report on economic social and cultural rights**

PIAC joined NGOs from across Australia in endorsing the NGO Report to the UN Committee on Economic, Social and Cultural Rights. The UN will consider the Report, co-ordinated by the National Association of Community Legal Centres, when it considers the Australian Government report on compliance with its obligations under the *International Covenant on Economic Social and Cultural Rights*.

The NGO report includes contributions from 40 organisations and individuals, including PIAC, with four principle authors: Teena Balgi of Kingsford Legal Centre, Annie Pettitt of the National Association, and Ben Schokman and Philip Lynch of the Human Rights Law Resource Centre.

Overall, the Report concludes that Australia is not meeting its Covenant obligations and, in particular, is failing in its formal recognition of economic, social and cultural rights. Key issues identified in the report are lack of access to adequate housing and the high levels of homelessness, continuing discrimination against identified groups, loss of workers' rights under the Work Choices legislation, and chronic under-funding of public health and education.

#### **NGO report on civil and political rights**

PIAC has similarly contributed to the NGO report on Australia's compliance with its obligations under the *International Covenant on Civil and Political Rights*. Through its extensive work on privacy and its close working relationship with key privacy advocacy groups in Australia, PIAC was able to provide a summary of issues in respect of Article 17, the right to privacy and protection of reputation.

The NGO report is due to be finalised in the second half of 2008.

#### **DISABILITY AND ACCESSIBLE PUBLIC TRANSPORT**

PIAC has identified that people with disabilities in Australia continue to experience discriminatory conduct in respect of public transport. This manifests across a range of modes of transport. Over the past year, PIAC has focused mostly on achieving improvements in respect of domestic airline travel.

#### **Virgin Blue and Independent Travel Criteria**

A key element of the national accessible airline campaign is running cases against airlines that test the scope of their limits on access for people with disabilities. At present, PIAC is involved in two cases against Virgin Blue in respect of its 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.

PIAC, on behalf of Jackie Kay, Maurice Corcoran and Tom Ferguson, filed three separate applications in the Federal Court seeking a declaration that Virgin Blue's Independent Travel Criteria are discriminatory and seeking orders that its discriminatory application be discontinued.

Subsequent to the applications, Virgin Blue amended the ITC slightly, which resulted in Ms Kay's matter being settled and the policy being applied less restrictively. The Corcoran and Ferguson matters continue.

In an important public interest law development, PIAC was successful in its application to the Federal Court for a cap on any costs order resulting from these proceedings. PIAC has previously promoted, through articles and training, the use of Order 62A of the *Federal Court Rules*, that allows the Federal Court to make an order limiting the costs to be paid by the unsuccessful party at the completion of the matter. This is the first instance of this order being made in human rights proceedings.

#### **National report on accessible airlines**

PIAC is working with the NSW Disability Discrimination Legal Centre (NSW DDLC) to co-ordinate a national campaign on access to airline travel for people with disabilities. The aim of this work was to ensure effective input to the review of the *Disability Standards for Public Transport 2002* in 2007 and to improve access to airline travel for people with disabilities.

In December 2007, PIAC and the NSW DDLC launched their report on accessibility issues for people with disabilities in domestic air travel, *Flight Closed*. The report uses the case studies from 110 people with disabilities in relation to their experiences with air travel to describe the inadequacies in the current standards.

The launch was held at Sydney Airport with PIAC Chief Executive Officer, Robin Banks, handing a copy of the report to Human Rights and Disability Discrimination Commissioner Graeme Innes. Mr Innes said the Human Rights and Equal Opportunity Commission (HREOC) would use the report's findings in its discussions with the airline industry, government and the Civil Aviation Safety Authority (CASA) to ensure reasonable accessibility standards are introduced and enforced for airline travel for people with disabilities.

PIAC also provided the report to the *Review of the Disability Standards for Accessible Public Transport*. *Flight Closed* is quoted extensively in section 6.3, 'Accessibility of air travel', of the Review's Draft Report.

Following the 2007 Federal election and the launch of *Flight Closed*, the newly appointed Parliamentary Secretary for Disabilities and Children's Services, The Hon Bill Shorten MP, met with PIAC and the NSW DDLC to discuss the issues raised in the Report. PIAC was encouraged by Mr Shorten's interest in the issue and was subsequently invited to attend a roundtable meeting with airline representatives and the Australian Federation of Disability Organisations hosted jointly by Graeme Innes and Mr Shorten.

#### **Flight still closed?**

In January 2008, PIAC made a submission, *Flight Still Closed*, in response to the release of the *Draft Report for the Review of the Disability Standards for Accessible Public Transport*. PIAC, in the

submission, considers the report from the perspective of how access to air travel would be effected by the recommendations contained in the Draft Report. Comments focus on the general quality of the analysis of the Draft Report, particularly the adequacy of the information sources, level of analysis and whether the evidence supports the recommendations in the Draft Report.

PIAC concluded that the analysis and lack of independent evaluation of the claims of those making submissions and quoted as evidence in the Draft Report is disappointing. Since the basis on which the recommendations were made in the Draft Report was not fully substantiated, it follows that many of the conclusions fail to answer the concerns raised by people with disabilities who experience problems accessing air and other travel.

#### Aviation White Paper and accessible airline travel

In April 2008, the Federal Department of Infrastructure, Transport, Regional Development and Local Government released an Issues Paper, *Towards a National Aviation Policy Statement*. The Department, through the Issues Paper, sought comment on a broad range of issues currently facing the airline industry, governments and stakeholders and called for community input into aspects of future aviation policy including aviation security, consumer protection and disability standards.

PIAC's response, *Flying in the face of adversity*, was limited to those issues relevant to people with disability including consumer protection, compliance with Disability Standards and security issues.

In the submission, which drew heavily on previous reports, PIAC made the point that while the Issues Paper considered that the emergence of low-cost airlines meant that air travel is accessible



(L to R) Rosemary Kayess (Chair of the NSW Disability Discrimination Legal Centre), Robin Banks (PIAC CEO) and Graeme Innes AM (Human Rights Commissioner and Acting Disability Discrimination Commissioner, HREOC) at the launch of the *Flight Closed Report*, Sydney Airport, December 2007

to more people than ever, in fact people with disability now find it more difficult to fly. For example, restrictions on the transport of wheelchairs and the application of independent travel criteria are barriers. PIAC also commented on the inadequacy of the Disability Standards and on particular issues for people with disability arising from the security screening process.

A National Aviation Policy Green paper will be released later in 2008 with a further opportunity for stakeholder input before a finalised National Aviation Policy Statement is released in mid-2009.

#### PIAC weighs in on REX exemption application

PIAC made a submission on the application by Regional Airlines (REX) for wide-ranging exemptions from the *Disability Discrimination Act 1992* (Cth). If the exemption is granted REX airlines would have approval, for example, to impose an excess baggage fee on an athlete with disability for a sports wheelchair even if it is within the baggage weight limit. In contrast, a tourist without disability traveling with golf clubs would not be charged an excess baggage fee.

HREOC has not yet made or published its decision on the application.

#### DISABILITY DISCRIMINATION IN EMPLOYMENT

PIAC acted for a client in the Administrative Decisions Tribunal of New South Wales, in relation to her disability discrimination complaint against the New South Wales Commissioner for Police. Despite having almost completed a Bachelor of Policing, the woman's application for employment with the NSW Police was rejected on the basis that she has Type 1 (insulin-dependent) Diabetes and was therefore considered by the NSW Police to be unable to fulfill the inherent requirements of the job.

PIAC argued that the rejection of her application for employment on the basis of her Type 1 Diabetes amounted to unlawful disability discrimination and was therefore a breach of the *Anti-Discrimination Act 1977* (NSW).

In a decision of the Federal Magistrates Court in *Vickers v The Ambulance Service of NSW* [2006] FMCA 1232 (25 August 2006), a Type 1 diabetic man won the right to proceed with his application to join the New South Wales Ambulance Service. PIAC argued that its client's case against the NSW Police was similar to the *Vickers* matter and seeks to ensure that the progress made by that decision in the federal discrimination arena can be repeated at a state level. The matter was settled on terms mutually agreed to by the parties.

#### SEXUALITY DISCRIMINATION

##### Test case on sexuality discrimination and religious exemption

PIAC represented a male homosexual couple who complained to the Anti Discrimination Board that they had been discriminated against by a provider of foster care services on the grounds of their sexuality and marital status. The respondent, the Wesley Mission, relied on the 'religious bodies' exemption under section 56 of the *Anti-Discrimination Act 1977* (NSW).

PIAC's clients were successful at first instance, with the ADT deciding that Wesley Mission had discriminated against them on the ground of their homosexuality and was not entitled to rely on the religious bodies exemption. This is an important decision on the scope of the exemption.

Wesley Mission has appealed the decision to the ADT Appeal Panel and is seeking to refer certain questions of law to the Supreme Court of NSW.

### **2UE apologises for homosexual vilification**

PIAC's client, Gary Burns has settled his long-running homosexual vilification case against Radio 2UE, and presenters Steve Price and John Laws.

PIAC, on behalf of Mr Burns, made a complaint to the Anti-Discrimination Board in 2003 about comments that Mr Laws and Mr Price had made in relation to the appearance of a gay couple on the Channel Nine television program, *The Block*.

In 2004, the Administrative Decisions Tribunal upheld the complaint and found that the comments made by both Mr Price and Mr Laws were capable of inciting severe ridicule of homosexual men and therefore was a breach of the vilification provisions of the *Anti-Discrimination Act 1977* (NSW).

Radio 2UE, Mr Laws and Mr Price originally appealed this decision. However, on 16 June 2008 the appeal was withdrawn with Mr Price agreeing to apologise on-air for the comments that he and Mr Laws had made. In addition to the on-air apology and a written apology to be published in *The Sydney Morning Herald*, Radio 2UE also agreed to make a donation of \$10,000 to the HIV-AIDS charity, the Bobby Goldsmith Foundation, and to promote the Foundation in a community service advertisement voiced by Mr Burns.

### **PARENTAL LEAVE**

In June 2008, PIAC made a submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental leave. In its submission, *Time to Deliver: a National Paid Parental Leave Scheme*, PIAC strongly supports the introduction of a national scheme of paid leave for parents. It is in the public interest for working families to be able to access some form of paid leave upon the birth of a child. PIAC argued that the current system—where there is paid maternity leave in the public sector but it is essentially left up to employers in the private sector to decide whether or not to provide it—is both inequitable and inadequate. Paid parental leave tends to be enjoyed primarily by those on relatively high incomes. It is less available for women who have lower skills or are in part-time or casual work, women who work in the retail, accommodation and food services industries and women who work for small or medium businesses. Arguably, this is where paid parental leave is needed most. Where leave is offered by private sector employers, it is usually below international standards and may not be available to all staff.

PIAC submitted that, in order to ensure uniformity and national coverage, a scheme of paid leave for parents should be federally legislated. It should be available to all Australians, irrespective of their background, education, income-level and sexual orientation.

### **ANTI-TERRORISM LEGISLATION**

In July 2007, PIAC also made a submission, *The Case for Repeal* to the NSW Ombudsman's review of Parts 2 & 3 of the *Terrorism (Police Powers) Act 2002* (NSW).

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 continues to emphasise the discriminatory impacts of anti-terror laws and the need for more effective and comprehensive human rights protections.

The Ombudsman is yet to finalise his report.

### **PRIVACY**

#### **Inquiry into a statutory cause of action**

In October 2007, PIAC provide a submission to the first Consultation Paper of the NSW Law Reform Commission Inquiry into Privacy. That first Consultation Paper dealt with the question of whether or not a statutory cause of action for invasion of privacy should be established.

PIAC supported the establishment of such a cause of action and considers the relationship between such a cause of action and comprehensive human rights protection (including protection of the internationally recognised right to privacy). PIAC also urged the Commission to give consideration to how such a right could be implemented to ensure effective access to the remedies for breach or invasion of privacy.

### **Review of Australian privacy legislation**

Building on its previous privacy work and the submission to the NSW Law Reform Commission Review, PIAC prepared a major submission to the Australian Law Reform Commission's Review of Australian Privacy Legislation. PIAC responded to most of the proposals and issues raised in the Commission's two volume Issues Paper *Review of Privacy* (IP31).

The final report of the ALRC Reference, *For Your Information: Report 108*, was released in May 2008. PIAC's submission is cited extensively in all three volumes, often used to illustrate particular positions or concerns.

PIAC looks forward to the Federal Government's response.

### **APEC Data Privacy Framework**

Following her participation in the APEC Data Privacy meetings held in Cairns in June 2007, PIAC CEO, Robin Banks, was invited to be a panellist representing consumer concerns at the APEC Data Privacy Update Seminar held in Sydney on 6 February 2008.

PIAC and other privacy advocates continue to work to promote understanding of the potential impact of proposed cross-border data transfer arrangements and to ensure that adequate consumer protections and accessible and effective remedies will be available in any processes that are developed and implemented.

## 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

- Allens Arthur Robinson continues its funding support for PIAC's Indigenous Justice Program
- Federal Government apologises to the Stolen Generations

- PIAC maintains focus and ensures support for stolen wages claimants
- National Stolen Wages Campaign co-ordinated by PIAC

## INDIGENOUS JUSTICE PROGRAM

PIAC's Indigenous Justice Program (IJP) continues to receive significant support from private law firm, Allens Arthur Robinson. The main aspect of this support is the funding of the position of Indigenous Justice Program Solicitor. In addition, Allens provides support through the printing of the IJP's newsletter, *Talkin' Justice*, and the involvement of partner, David Robb, in the Reference Group for the IJP. The Reference Group is one of a number of mechanisms PIAC uses to identify emerging issues and strategies to achieve positive outcomes for Indigenous people (see the Appendix for information about those who have been involved in the Reference Group this year). PIAC also works with others including CLCs, the Aboriginal Legal Service (NSW/ACT), Australians for Native Title and Reconciliation (ANTaR), HREOC and the Aboriginal Working Group of the NSW Legal Assistance Forum.

In the last 12 months, PIAC has been exploring options for expanding the capacity of the IJP through new funding sources. The PIAC Board has also committed some additional funds to enable the employment of an Indigenous law student or graduate to work with the IJP Solicitor.

## STOLEN GENERATIONS

### Federal Government action

PIAC welcomed the Prime Minister's apology to the Stolen Generations on 13 February 2008. PIAC's Indigenous Justice Program Solicitor, Laura Thomas, travelled to Canberra to be at Parliament House for the apology. PIAC has long called for a Commonwealth Government apology to be part of a broader package of reparations for the Stolen Generations as recommended by the *Bringing them home* report.

To continue the campaign for Stolen Generations reparation, PIAC is updating and reprinting *Restoring Identity*, its 2002 report proposing a Stolen Generations Reparation Tribunal. The proposal was developed with Aboriginal and Torres Strait Islander people from across Australia during the Moving forward consultation project in 2001 and 2002. A revised edition of *Restoring Identity* will

be distributed to all parliamentarians, as well as to individuals and organisations who are working to achieve reparation for the Stolen Generations.

### Senate Inquiry into Stolen Generations compensation

In April 2008, PIAC and the Australian Human Rights Centre (AHRC) made a joint submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Stolen Generation Compensation Bill. In their submission, PIAC and AHRC proposed a Stolen Generations Reparations Tribunal, drawing on PIAC's previous extensive work developing a Reparations Tribunal model. The submission included a draft Stolen Generations Reparations Bill, encapsulating the Reparations Tribunal model in legislative form. PIAC and AHRC were grateful to Allens Arthur Robinson partner, Tom Poulton, and staff, Bianca Locsin and Chris Govey who assisted by preparing the draft Bill.

The submission focuses on the need to provide reparation, not just compensation, to members of the Stolen Generations, their families and communities, as recommended by the *Bringing them home* Report. Reparation would include an acknowledgement and apology; guarantees against repetition;

measures of restitution and rehabilitation; and, monetary compensation.

Unfortunately the Committee did not recommend the establishment of a Reparations Tribunal, but the majority report acknowledged 'that the vast majority of evidence received during the inquiry supported the provision of monetary compensation' and the 'strong arguments that monetary compensation is only one component or reparations'. The majority report concluded that 'the issue of reparations for the stolen generation needs to be addressed as a matter of urgency'. Senators from the Australian Democrats and the Greens endorsed PIAC's Reparations Tribunal proposal, calling for immediate legislation to provide full reparations to the Stolen Generations, including financial compensation.

### STOLEN WAGES NSW Aboriginal Trust Fund Repayment Scheme (NSW)

PIAC has continued to be a key community organisation encouraging applications to the Aboriginal Trust Fund Repayment Scheme (ATFRS) and organising representation for clients.

Publicising the existence of ATFRS has become increasingly important as the deadline for registrations at the end of 2008 looms. PIAC has produced posters and flyers to publicise the existence of ATFRS and the closing date of 31 December 2008 for registration. These have been distributed to Community Legal Centres and offices of Legal Aid, the Aboriginal Legal Service and other organisations working with Aboriginal people throughout NSW, along with a fact sheet to help staff identify potential claimants.

### PIAC-PILCH Stolen Wages Referral Scheme

The joint PIAC-PILCH Stolen Wages Referral Scheme provides legal representation to ATFRS direct claimants. Forty-five claimants have been referred to four PILCH member firms: Allens Arthur Robinson; Freehills; Gilbert & Tobin; Ebsworth & Ebsworth; and former PILCH member, Clayton Utz. Participating solicitors receive training in ATFRS processes and cultural awareness training and can contact the IJP Solicitor for ongoing support. Clients whose matters have been referred to participating firms often retain some contact with the IJP. A regular meeting provides a forum for the IJP and participating firms to identify and discuss issues arising on their files and share information and experience.

### Review of the Aboriginal Trust Fund Repayment Scheme

In 2008, the NSW Government has been conducting an operational review of the ATFRS. Although the review is not a public process, with the knowledge of the Scheme, PIAC and the Stolen Wages

Referral Scheme firms prepared a joint submission to the Hon John Watkins MP, the then Minister responsible. This was provided to the Minister in June 2008.

The joint submission aimed to give a user's view of the Scheme and drew upon data obtained from ATFRS and from the

work of PIAC and the firms. This data indicates that almost all represented claimants have been represented by either PIAC or through the Referral Scheme, and that having representation generally results in a better financial outcome.

In the submission, PIAC and the Referral Scheme examined the strengths and weaknesses of ATFRS and made recommendations about how its operation could be made more effective and transparent. PIAC identified groups of people not receiving payments under the current arrangements, and recommended an extension of the deadline for registering claims; changes to ATFRS to better respond to the legitimate claims of those who have received 'nil assessments' due to poor record keeping by the State; and that claimants be compensated for the withholding of their wages and for other exploitation, assault and injuries suffered while in State care.

### National Stolen Wages network and campaign

As a result of a workshop conducted by PIAC Senior Solicitor Natasha Case at the Community Legal Centre's Annual National Conference in September 2007, a National Stolen Wages Network was established to create and implement a National Stolen Wages Campaign.

There has been a very enthusiastic response to the network, whose membership includes representatives from unions, community organisations, academia, Aboriginal Legal Services and Community Legal Centres from all jurisdictions except SA and Tasmania. The Network meets by telephone conference.

The National Campaign aims to ensure the implementation of the Senate Legal and Constitutional Affairs Committee's report *Unfinished Business: Indigenous Stolen Wages* (2006). PIAC has a co-ordinating role and focuses on NSW, including ATFRS, and the Commonwealth. The campaign will draw on much of PIAC's existing work including submissions to the 2006 Senate Inquiry, the First ATFRS Panel, the review of ATFRS, and work developing a model for a Stolen Generations Reparations Tribunal.

the view that both a Stolen Generations Reparations Tribunal and a more public process to compensate Indigenous people for their Stolen Wages would help to educate the public about how these policies have been a major cause of Indigenous disadvantage.

PIAC argued that the policies that created the Stolen Generations and Stolen Wages caused intergenerational harm. Members of the Stolen Generations were often deprived of the opportunity to learn parenting skills, their descendants lost cultural and family connections and it has fallen to them to care for traumatised parents who often suffer due to mental illness or substance abuse.

### INQUIRY INTO OVERCOMING INDIGENOUS DISADVANTAGE

PIAC provided its views in a submission to the NSW Legislative Council Standing Committee on Social Issues inquiry into Overcoming Indigenous Disadvantage.

PIAC's submission focused on its legal and policy work with Stolen Generations and on Stolen Wages. PIAC put forward



PIAC's former Indigenous Justice Program (IJP) Solicitor, Charmaine Smith (left), IJP Solicitor, Laura Thomas, and PIAC Computer System Administrator, Jason Mumbulla, in Canberra for the Federal Government's apology to the Stolen Generations on 13 February 2008.

## 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

- PIAC's Energy and Water Consumers' Advocacy Program (EWCAP) retains its place as unique consumer advocacy body
- PIAC key consumer advocate in NSW electricity privatisation push: consumer protections recognised as vital
- PIAC represents Total Environment Centre in successful complaint on green energy marketing

## ELECTRICITY PRIVATISATION IN NSW

PIAC's Energy and Water Consumers' Advocacy Program (EWCAP, formerly UCAP) has been heavily involved in responding to the NSW Government's plans around privatisation in the electricity sector. This has included commissioning research into alternatives, responding to the Owen Inquiry, contributing to the Unsworth Committee's deliberations and providing information and submissions to parliamentarians and Ministers. PIAC's focus in this work has been on minimising negative consumer

impacts of any privatisation and achieving an effective consumer protection safety net that is at least as good as that provided in other states and territories.

### Owen report

The Owen Report to the NSW Government on the future of the electricity industry in NSW was released on 11 September 2007. It recommended the sale or leasing of the power stations, the selling-off of the three government-owned retailers—Energy Australia, Integral Energy and Country Energy—and the deregulation of retail prices in order to promote private investment in a new gas- or coal-fired power station that Professor Owen believes will be needed by 2014.

PIAC has been active in response to the report due to its concerns that Professor Owen failed to adequately consider the impacts of his recommended approach on consumers. PIAC, however, recognises the need for new investment in energy infrastructure and the ongoing nationwide push toward full retail competition through the National Electricity Market.

The Owen Report was followed by the announcement in December 2007 by the then NSW Premier Morris Iemma of a privatisation plan for government-owned electricity market participants.

PIAC developed a campaign to ensure that those making decisions on whether or not—and in what form—privatisation progresses in NSW, and those affected, understand PIAC's consumer impact concerns arising from the privatisation plan.

PIAC expressed a number of concerns about the NSW Government approach.

First, the Owen Report and subsequent NSW Government decisions have been based on inadequate information. The critical finding of the Owen Inquiry—that NSW needs a new

baseload power station by around 2014—was the inevitable outcome of the Inquiry's limited Terms of Reference. In particular, the Owen Inquiry did not adequately consider the potential role of more investment in, and regulation of, energy efficiency to respond to increasing demand

Second, the NSW Government's focus on selling State assets reflects short-term thinking when the real issue for the NSW electricity industry is how to restructure to face the challenge of a carbon-constrained world; and, how to engage and protect consumers in this process.

Third, there are likely to be significant increased prices and the risk of service problems as a result of privatisation, that will particularly affect low-income households, others who face disadvantage, as well as rural households.

Finally, the Government's claim that 'the future energy needs of the State's businesses and families will be secured at no cost to taxpayers' is potentially misleading as there are direct costs in the form of large payments to consultants, and the sell-off of public assets could be considered a very real cost to taxpayers.

PIAC has communicated these concerns to all State Members of Parliament and has met with a number to discuss the issues more fully. PIAC has also been involved in a range of public meetings to outline the likely cost and supply impacts of privatisation on consumers.

PIAC has promoted the option that instead of building new coal- or gas- fired power stations, the NSW Government invest more in energy efficiency—to reduce demand—and in renewable energy.

## PIAC-commissioned UTS report on electricity privatisation

On 10 December 2007, PIAC released the report it commissioned into the findings of the Owen Inquiry into the future of electricity in NSW; the same day the NSW Government announced its intention to sell off the State-owned power stations and energy retailers. The report, *Electricity Supply in NSW: alternatives to privatisation*, which was prepared by the Institute for Sustainable Futures at the University of Technology, Sydney, reviews the economic, environmental and consumer impacts of the recommendations of the Owen Report. The authors argue that the recommendations made by Owen are based on flawed assumptions, such as that NSW needs to privatise the industry to pay for new power stations.

### Unsworth committee

Following the release of the Owen Report, the NSW Government established a Consultative Reference Committee, chaired by former NSW Premier, the Hon Barrie Unsworth, to test the impacts of the proposed privatisation of the NSW electricity industry. PIAC's submission to the Committee argued the privatisation debate needed to be more transparent; that the social and environmental objectives of State-owned Corporations, rather than private companies, are better suited to serve consumer and public interests; and that privatisation would particularly disadvantage certain consumers, such as rural consumers, who are not benefiting from the competitive electricity market.

PIAC recommended, however, that, in the event that privatisation does go ahead, proceeds of the sale be used to fund an Electricity Consumers' Fund to compensate consumers affected by higher prices and to enable energy efficiency programs to be accessible to all residential consumers.

The Unsworth Committee recommended key consumer protections that are needed if privatisation progresses and PIAC continues to work closely with staff of the Department of Water and Energy on the development and implementation of the promised consumer protection. PIAC is also continuing to push for greater protections commensurate with those that have been developed in other States.

## **ELECTRICITY AND GAS**

### **'Retailer of last resort' supply fee for small retail customers**

When an electricity retailer in NSW withdraws from the market, all of its residential customers are automatically transferred to a retailer of last resort (RoLR). In 2007, the Independent Pricing and Regulatory Tribunal (IPART) undertook a review of the fee that each RoLR can charge customers being transferred.

In its submission to the RoLR fee review, PIAC argued that the current fee structure is inappropriate in that retailers that trigger a RoLR event do not bear any of the costs involved. Among other recommendations, PIAC suggested that a RoLR fund should be established and contributed to from across industry so that the burden of RoLR costs is more equitably shared among the retailers; or that each retailer be required to maintain its own fund covering the cost of transferring its customers, thereby acting as a disincentive for retailers to withdraw from delivering an essential service.

PIAC was the only community organisation that made a submission to the review and looks forward to IPART's final report.

### **National energy industry reform**

The Australian Energy Marketing Commission is conducting a review of the effectiveness of competition in the Victorian

electricity and gas markets. The NSW market will be reviewed in 2009, so PIAC wanted to put its concerns on record. Reflecting its narrow terms of reference, the draft review was heavily weighted towards industry rather than consumers, and therefore has not provided the opportunity for a balanced and comprehensive assessment of the effectiveness of competition in the Victorian energy market.

In its submission to the draft review PIAC therefore recommended that future reviews give weight to economic, social and environmental criteria for assessing the effectiveness of competition; give weight to the economic costs and benefits of competition for consumers and industry; include research on the actual, as well as perceived, impacts of competition on consumers; and examine the potential impacts on consumers of further price deregulation.

### **Smart meters**

At its meeting of 13 December 2007, the Ministerial Council on Energy (MCE) considered the minimum 'functionalities' to be included in a possible national rollout of smart meters. This did not include in-home displays, the cost of which—up to \$140, a recent consultant's report found—outweigh their likely financial and environmental benefits.

Meanwhile, the NSW Government stated its intention, as part of the package for privatising the electricity industry announced on 10 December 2007, to speed up the rollout of smart meters. It also appeared to commit NSW to the inclusion of in-home displays. PIAC believes the NSW Government should maintain its commitment to the national smart meter process rather than going it alone on this issue, but welcomed the commitment to in-home displays.

The Phase 2 Report of the Ministerial Council on Energy's cost-benefit analysis of a national rollout of Smart Meters was released in March 2008. In its response, PIAC endorsed the recommendation made in the Report that a rollout should be led by distribution businesses and that greater consumer protections be implemented before a rollout takes place.

However, PIAC raised its concern that not all jurisdictions will benefit from a mandated rollout; that there are limited environmental benefits flowing from a smart meter rollout; and that the cost estimates in the Report may not be accurate and will need further review. For these reasons, PIAC recommended that the most appropriate and consumer beneficial rollout of smart meters would be one done as a distribution business initiative rather than a national mandated rollout.

## **WATER**

### **Sydney Water pricing hearing**

Sydney Water sought a one-third price increase over four years for metropolitan water services. The increase is to cover the cost of building desalination and recycling plants and to ensure 'financial viability' and compliance with Sydney Water's operating licence.

On 6 December 2007, IPART held a public hearing to discuss issues raised in submissions. At the hearing PIAC raised the following concerns:

- consumers are likely to suffer price shock because the proposed increases are set to rise sharply in the first two years of the determination;
- the likely impacts of reduced supply and water restrictions on Sydney Water's financial viability need to be factored into its applications for price increases; and,

- Sydney Water should consider incentive schemes to encourage on-time payment as late fees are a regressive way of encouraging consumers to pay on time.

PIAC also maintained its view that there is little evidence to demonstrate that during water restrictions price is an effective tool to achieve reductions in consumption. Therefore, the use of Inclining Block Tariffs in the price structure cannot be justified as a conservation measure.

### **Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW**

The NSW Department of Water and Energy (DWE) this year launched an Inquiry into Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW to identify the most effective governance arrangements for the long-term provision of water supply and sewerage services in rural and regional NSW.

In its response to the discussion paper, PIAC expressed its preference for a non-corporatised model for rural water utilities (RWUs). PIAC supported the independent, open and accountable running of RWUs, free from State Government assistance or interference except in limited circumstances. PIAC favoured regulation that aims to conserve water, keeps prices at affordable levels, encourages consumer participation (through consumer councils) and achieves statewide consistency in concessions programs and community service obligations.

**GREEN ENERGY ISSUES**
**A win for Green Energy users**

PIAC's complaint on behalf of the Total Environment Centre against Energy Australia for misleading and deceptive conduct in advertising its green energy products has been resolved. The ACCC has required Energy Australia to:

- Provide all former customers of the unaccredited products with three months of 100% PureEnergy at the same price as the current contract and then terminate those contracts.
- Send corrective letters to former customers explaining the difference between accredited and unaccredited in terms agreed by the ACCC.
- Conduct a review of its trade practices compliance program.
- Not make any future claims that it is the 'first supplier' of green power.
- Provide \$100,000 to the GreenPower team or an NGO to publish a brochure explaining the difference between accredited and unaccredited.

Since the decision, PIAC has provided comments on the draft brochure to the NSW Department of Water and Energy.

**Carbon trading and carbon offsets**

PIAC has been active on both the consumer protection issues in relation to the marketing of carbon offsets and carbon credits and the need to ensure the Federal Government's response to climate change does not disproportionately impact on low-income households.

In relation to carbon offset marketing, PIAC made a submission to the ACCC inquiry into the marketing of carbon offset products, which included examples of problematic advertising of offset

products by energy retailers and airlines. It has subsequently been invited to and provided comment on draft community education materials being developed by the ACCC to guide consumers when considering whether or not to purchase carbon offsets.

PIAC is concerned that regulation of environmental claims in marketing ensures that consumers have as much usable and accessible information as possible; that product providers do not make false or misleading claims; and, that environmental claims produce positive outcomes for consumers and the environment.

In relation to the Federal Government's response to climate change, PIAC is concerned about the effects on low-income households of carbon trading schemes. PIAC has made a formal response to the Garnaut Climate Change Review of the introduction of a national emissions trading scheme in 2010.

PIAC supports the recommendation on the interim Garnaut Report that Australia will need to go further than the current target of a 60 percent reduction in emissions by 2050 and that the 'cap and trade' scheme is the preferred option to meet these targets.

However, PIAC is concerned to ensure that any scheme that is implemented protects low-income households and that they should be given highest priority in the allocation of revenue from the sale of permits to compensate the higher cost of energy.

*PIAC Bulletin*, No 26, November 2007

*PIAC Bulletin*, No 27, May 2008

*PIAC E-bulletin*, Nos 175-185

**Public Interest Advocacy Centre**

**25 years: 1982-2007** (October 2007)

Publication celebrating PIAC's 25th Anniversary, detailing those involved and key work during those 25 years.

**ACCESS TO JUSTICE**

**StreetRights NSW # 7** (August 2007)

Newsletter of the Homeless Persons' Legal Service.

**Joint consumer group supplementary submission to the Productivity Commission Review of Consumer Policy Framework. Institutional arrangements for consumer advocacy, research and policy development** (September 2007)

The purpose of this submission is to provide to the Commission a more detailed description of the institutional arrangements and the principles underlying them as agreed by all the consumer organisations endorsing this submission.

**The effectiveness of fines as a sentencing option: further submission from the Homeless Persons' Legal Service (HPLS)** (October 2007)

HPLS supports most of the recommendations for reform in the New South Wales Sentencing Council Interim Report, *The Effectiveness of Fines as a Sentencing Option: Court-imposed fines and penalty notices*, but submits that further reforms to the penalty notice system are required.

**Red tape reduction in the Office of State Revenue: Submission**

(November 2007)

For HPLS's lawyers and clients, navigating the fines process and the procedures of the OSR is a complex and frustrating experience. HPLS makes recommendations for improvements.

**Nothing more than chicken feed: the inadequacy of Centrelink's Crisis Payment for released prisoners and people fleeing domestic violence**

(November 2007)

Crisis Payment is a one-off payment made to people experiencing severe financial hardship who are already receiving an income support payment. This document addresses the current inadequacy of the Crisis Payment.

**StreetRights NSW # 8** (November 2007)

Newsletter of the Homeless Persons' Legal Service.

**StreetRights NSW # 9** (February 2008)

Newsletter of the Homeless Persons' Legal Service.

**Model consumer submission in response to Productivity Commission Draft Report on Australia's Consumer Policy Framework** (March 2008)

This submission represents the views of a range of consumer organisations on key areas of the Draft Report. The key issues are policy development and legislation.

**StreetRights NSW # 10** (May 2008)

Newsletter of the Homeless Persons' Legal Service.

**Finding a new way home: Homeless Persons' Legal Service submission in response to the Australian Government's Green Paper on Homelessness** (June 2008)

This submission responds to the Federal Government's Green Paper, *Which Way Home? A New Approach to Homelessness*. It urges the Government to introduce express protection of human rights, particularly the right to adequate housing and social security, and to ensure that homeless people are able to participate fully in shaping the decision-making processes that affect them.

**The Future of Employment Services in Australia - Discussion Paper** (June 2008)

In a joint response to this paper, the Homeless Persons' Legal Service NSW (PIAC) and its interstate counterpart, PILCH's Homeless Persons' Legal Clinic, Victoria, commend the Federal Government for its proposed amendments to the Welfare to Work legislation and argue that the compliance regime breaches the fundamental human rights of social security recipients and that the continuation of the eight-week penalty period can have devastating effects on people who are entirely reliant on welfare payments.

**DETENTION**

**Inquiry into the prohibition on the publication of names of children involved in criminal proceedings** (December 2007)

PIAC's submission to the NSW Parliamentary inquiry urges retention of identity protection because this protects the principle of rehabilitation for children in the criminal justice system.

**Special Commission of Inquiry into Child Protection Services in NSW** (February 2008)

This submission links the relationship between failures in child protection and juvenile crime.

**Inquiry into the Children and Young People 9-14 Years in NSW** (May 2008)

This submission focusses on the activities, services and supports needed by young people in this age group who are in contact with the juvenile justice system.

**GOVERNMENT AND DEMOCRACY**

**Working together to achieve a new direction for NSW: submission to Public Accounts Committee Inquiry into State Plan Reporting** (December 2007)

PIAC responds to the adequacy and appropriateness of performance measures for reporting on the NSW State Plan and the adequacy of the Plan's audit requirements.

**Submission to the Federal Treasurer: 2008-2009 Federal Budget** (January 2008)

PIAC's brief submission highlights specific areas of Federal Government responsibility where moderate and targeted expenditure would improve social justice outcomes for individuals and communities in Australia.

**For the sake of democracy: Submission to the NSW Legislative Council Select Committee Inquiry into Electoral and Political Party Funding** (February 2008)

PIAC's submission argues that democracy benefits from having diverse views and funding transparency.

**Australia 2020: Submissions for the Australia 2020 Summit** (April 2008)

PIAC's submission to the Federal Government 2020 Summit on many of the key topics.

**Submission to Joint Standing Committee on Electoral Matters Inquiry into the 2007 Federal Election** (May 2008)

PIAC's submission deals, in the main, with the issue of funding of campaigns such as donations and disclosure requirements.

**Regulating influence and access: Submission to the Inquiry into the Lobbying Code of Conduct by the Senate Finance and Public Affairs Committee** (June 2008)

PIAC recommends that the Code of Conduct apply to all Members of both Houses of Parliament, that it be strengthened both in its application and its sanctions

**Funding democracy: Submission to the Victorian Electoral Matters Committee Inquiry into Political Donations & Disclosure** (June 2008)

**HEALTH**

**Access card proposal still fails the public interest test: comment on the Exposure Drafts of the access card legislation** (August 2007)

PIAC has held ongoing public interest concerns about the proposed Access Card. In this submission, PIAC outlines its concerns with the Exposure Drafts of the legislation, along with its concerns in regard to the proposal as a whole

**Control at what cost? The psychological impact of incarceration in the Supermax** (October 2007)

**A tool for health care improvement: Comment on the Draft National Patient Charter of Rights** (March 2008)

PIAC observes that while the draft Charter contains some important principles, it lacks substance, particularly in relation to a patient's right to compensation for injury.

**Response to Draft Principles for Australia's Health System** (May 2008)

In its response to the National Health and Hospital's Reform Commission, PIAC endorses the principles in general and provides brief comments on specific principles.

**HUMAN RIGHTS**

**The case for repeal: Submission to the Review of Parts 2A and 3 of the Terrorism (Police Powers) Act 2002 (NSW)** (July 2007)

PIAC's submission references its earlier 'Submission to NSW Parliamentarians on the Terrorism (Police powers Amendment (Preventative Detention) Bill 2005'. It also points out that the operation of the *Terrorism (Police Powers) Act 2002* (NSW), and legislative amendments designed to facilitate its implementation, further breach the human rights of children and adults detained under the Act.

**Promoting the ratification and implementation of the United Nations Convention on the Rights of Persons with Disabilities in Australia** (July 2007)

This report, prepared by PIAC, outlines the content and outcomes of a national workshop that PIAC conducted for HREOC on the recently formulated United Nations *Convention on the Rights of Persons with Disabilities*.

**Flight closed: Report on the experiences of people with disabilities in domestic airline travel in Australia** (August 2007)

This report uses the stories provided by people with disabilities, and their families, about their experiences of airline

travel, to identify the key barriers to airline travel and proposes solutions. The report has been submitted to the Federal Government's five-year Review of the *Disability Standards for Accessible Public Transport 2002*.

**Protecting rights - enhancing communities: Submission to the Western Australian inquiry into a Human Rights Act** (August 2007)

PIAC's submission supports the introduction of human rights legislation and proposes that social and economic rights be included as well as political and civil rights. It also recommends implementing structures to ensure individuals can seek redress if their rights are breached. The submission supports education campaigns to ensure all members of the community understand and protect human rights.

**Matching rights with remedies: a statutory cause of action for invasion of privacy** (October 2007)

In its response to the NSW Law Reform Commission's *Consultation Paper Number 1* on a review of privacy laws, PIAC supports the proposal that a statutory cause of action for invasion of privacy be developed in NSW.

**Australia's third periodic report to the Committee Against Torture NGO report addendum** (October 2007)

PIAC has contributed to and endorsed an addendum to the NGO Report (a Shadow Report) in response to Australia's Third Period Report to the Committee Against Torture. This addendum deals particularly with the incompatibility of certain aspects of Australia's counter-terrorism laws and practices and of various aspects of the imprisonment of persons with mental illnesses in Australia with the Convention.

**Resurrecting the right to privacy: Response to Australian Law Reform Commission Discussion Paper 72 - Review of Australian Privacy Law** (December 2007)

PIAC's submission highlights three concerns: the numerous proposals in DP 72 for matters to be the subject of guidance, or further guidance, from the Office of the Privacy Commissioner (OPC); the failure to come to grips with the essential meaning of the term 'privacy'; and the need to consider the balance of the public interest in historic, social or medical research and privacy protections

**Flight Closed: Report on the experiences of people with disabilities in domestic airline travel in Australia** (December 2007)

This report uses the experiences of people with disabilities of air travel to identify barriers and solutions. The report was submitted to the Federal Review of the *Disability Standards for Accessible Public Transport 2002*.

**Response to the Application for an Exemption under the Disability Discrimination Act 1992 by Regional Express Holdings (REX Airlines)** (December 2007)

PIAC argues the exemptions applied for would reinforce the failure of Australian airlines to meet international standards.

**Flight still closed? Response to the Review of the Disability Standards for Accessible Public Transport: Draft Report** (April 2008)

PIAC considers the Draft Report from the perspective of how access to air travel would be effected by its recommendations. It focuses on the general quality of the analysis, particularly adequacy of information sources, level of analysis and whether the evidence supports the recommendations.

**Proposed ratification of the United Nations Convention on the Rights of Persons with Disabilities** (June 2008)

PIAC supports the ratification of the Convention as a matter of urgency, seeing this as an important (time-limited)

opportunity to be directly involved in the establishment of the Treaty Body, including potentially nominating an Australian expert to that body.

**Flying in the face of adversity: Comments on Department of Infrastructure, Transport, Regional Development and Local Government Issues Paper: Towards a National Aviation Policy Statement** (June 2008)

PIAC's response is limited to those issues relevant to people with disability including consumer protection, compliance with Disability Standards and security issue.

**Time to Deliver: a National Paid Parental Leave Scheme - Submission to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave** (June 2008)

PIAC strongly supports the introduction of a national scheme of paid leave for parents. It is in the public interest for working families to be able to access some form of paid leave upon the birth of a child.

**INDIGENOUS JUSTICE**

**Submission to the Inquiry into Overcoming Indigenous Disadvantage** (April 2008)

In this submission to the NSW Legislative Council Standing Committee on Social Issues Inquiry into Overcoming Indigenous Disadvantage, PIAC identifies that significant Indigenous disadvantage continues to flow from the impact of previous government policies and laws.

**Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Stolen Generations Compensation Bill** (April 2008)

PIAC and the Australian Human Rights Centre (UNSW) collaborated, building on PIAC's previous work. Included is an alternative Bill focusing on reparations, based on the final report of the Moving Forward Project, *Restoring Identity*.

**Supplementary submission to the Inquiry into the Stolen Generations Compensation Bill** (May 2008)

This submission was prepared in response to Senators' questions and comments at the Inquiry's hearing, held in Sydney on 16 April 2008. The submission includes PIAC's proposed Stolen Generations Reparations Bill, amended in response to some of the Senators' concerns.

**UTILITIES**

**Owen Inquiry into Electricity Supply in NSW** (July 2007)

The NSW Government's Owen Inquiry sought to investigate the need for new base load electricity generation in NSW and the conditions required to attract investment in its development. PIAC's response to the Inquiry concentrated on the need to look at how effective demand management and energy efficiency policies are, protection of consumer interests and the potential difficulties with removing price cap regulations.

**Water Industry Competition Act - Regulations consultation paper** (August 2007)

*The Water Industry Competition Act 2006* (NSW) (WICA) is an Australian (and arguably a world) first initiative to allow for third party competition in the water industry. Without precedent to guide the initiative, the NSW Government is formulating regulations for the WICA with the assistance of industry stakeholders. PIAC's submission sets out what the priorities for the regulation should be and how consumers should be protected in a competitive water industry.

**Submission on the NSW Renewable Energy Bill** (September 2007)

In this submission, PIAC is generally supportive of the Bill, but recommends a higher target of 25% of energy to be supplied by energy retailers generated from new renewable sources by 2020. PIAC also seeks proper justification for the exemption of energy-intensive industries from contributing to the scheme.

**Retailer of Last Resort supply fee for small retail customers** (September 2007)

IPART is currently reviewing the fee that each Retailer of Last Resort (RoLR) can charge customers for being transferred to them. In its submission PIAC has argued that the current fee structure is inappropriate, in that retailers that trigger a RoLR event do not bear any of the costs involved. Amongst other recommendations, PIAC has suggested that a RoLR fund be established, contributed to across industry so that the burden of RoLR costs is more equitably shared amongst the retailers; or that each retailer maintains its own fund covering the cost of transferring its customers, thereby acting as a disincentive for them to withdraw from delivering an essential service.

**Submission to IPART's review of prices for Sydney Water Corporation 2008-2012** (October 2007)

Sydney Water Corporation is seeking significant rises to residential water bills. PIAC's response to this proposed increase highlights the inherent conflict of Sydney Water being a corporation with a profit motive whilst being charged with delivering water efficiency measures that reduce its revenue; the cost inefficiencies of the desalination plant; and the equity implications of introducing a steep price increase as well as other miscellaneous service charges.

**AEMC review of the effectiveness of competition in electricity and gas retail markets in Victoria** (November 2007)  
PIAC recommends that future reviews give weight to economic, social and environmental criteria in assessing competition effectiveness.

**Smart meters and functionality: Submission to the Phase 1 Report for the Ministerial Council on Energy Smart Meter Working Group** (November 2007)  
PIAC notes that while in-home displays are the most attractive function of smart meters for consumers, the cost of including them outweighs financial benefits.

**Retailer of Last Resort supply fee for small retail customers** (November 2007)

IPART recommended that customers of a failed electricity retailer transferred to a Retailer of Last Resort pay a fee. PIAC argues that a fee should not be applied because it is ineffective and inequitable.

**Electricity supply in NSW: alternatives to privatisation** (December 2007)

PIAC commissioned the Institute for Sustainable Futures (ISF) at UTS to consider the economic case on privatisation of NSW electricity assets. The report proposes alternatives with potential to create a more sustainable future for the NSW industry.

**Working together to achieve a new direction for NSW: submission to Public Accounts Committee Inquiry into State Plan Reporting** (December 2007):  
PIAC responds to the adequacy and appropriateness of performance measures for reporting on the NSW State Plan and the adequacy of the Plan's audit requirements.

**Well Connected No 31** (December 2007)  
Newsletter of the Energy + Water Consumers' Advocacy Program

**Encouraging consumer benefits in water for tenants: Submission to NSW Office of Fair Trading - Residential tenancy law reform** (December 2007)

PIAC focuses on the proposal to make all tenants of separately metered premises liable for their water usage.

**Consumers and electricity privatisation in NSW: Submission to the NSW Electricity Consultative Reference Committee** (February 2008)

PIAC argues the privatisation debate needs to be more transparent and comprehensive in its consideration of a range of impacts and recommends that sale proceeds contribute to an Electricity Consumers' Fund to compensate consumers and that consumer protections be introduced.

**Productivity Commission Draft Report - Review of Australia's Consumer Policy Framework: Joint submission from participants in the National Consumers' Roundtable on Energy** (February 2008)  
PIAC contributed to the joint submission, providing views on the current state of the national energy market and effects of regulation on consumers and environment.

**Sifting through greenwash: Submission to ACCC Issues Paper on the Trade Practices Act and carbon offset claims** (February 2008)

PIAC's key concerns for regulation of environmental marketing claims are to ensure consumers have usable and accessible information in order to make an informed choice and that providers don't make false or misleading claims.

**Submission to the review of the NSW Life Support Rebate** (March 2008)

PIAC advocates that the pensioner rebate be increased and extended to Health Care Card holders, and recommends a new concession scheme to provide a rebate for consumers with non-life threatening medical conditions requiring intensive use of electrical appliances.

**Focusing on the community: Response to the National Framework for Energy Community Service Obligations (CSO)** (March 2008)

PIAC objects to the presentation of CSOs as a burden on industry to be implemented as cheaply as possible and recommends an overarching principle affirming the value of CSOs.

**Submission to Garnaut Climate Change Review** (April 2008)

PIAC endorses the recommendation that Australia needs to go further than the current target of a 60 percent reduction in emissions by 2050 and that the 'cap and trade' scheme is the preferred option to meet these targets.

**Costs and benefits of a national rollout of Smart Meters: Submission to the Phase 2 Report for the Ministerial Council on Energy Smart Meter Working Group** (April 2008)

PIAC endorses the Report's recommendation that rollout be led by distribution businesses and that greater consumer protections be implemented before a rollout takes place.

**Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW: Submission to inquiry** (April 2008)

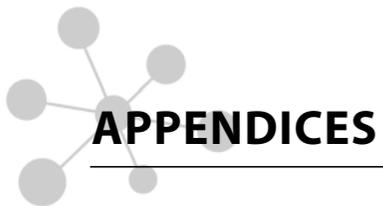
In its response to the discussion paper, PIAC expressed its preference for a non-corporatised model for rural water utilities (RWUs). PIAC supported the independent, open and accountable running of RWUs, free from State Government assistance or interference except in limited circumstances.

**Affordable water: submission to IPART review of prices for Sydney Water Corporations - draft determination** (April 2008)

PIAC expressed concerns about increases to prices (particularly to service charges) and the removal of the large household rebate; both of which were likely to disproportionately impact on low-income households.

**Well Connected No 32** (May 2008)  
Newsletter of the Energy + Water Consumers' Advocacy Program

**Rule change proposal from Energy Users' Association of Australia WACC Parameter Values** (June 2008)  
Submission to the Australian Energy Market Commission in support of the Energy Users' Association of Australia proposed change to the WACC Parameter Values, Equity Beta and Gamma in the National Electricity Rules.



# APPENDICES

Organisation	Committee	PIAC rep
Australian Competition and Consumer Commission	Consumer Consultative Committee	Robin Banks
Australian Energy Market Commission	Retail Policy Working Group	Mark Byrne then Joel Pringle
	Stakeholder Reference Group	Joel Pringle
Australian Law Reform Commission	Privacy Reference Advisory Committee	Robin Banks
Commonwealth Attorney-General's Department	Human Rights NGO Forum	Robin Banks
Community Restorative Centre	Committee of Management	Carol Berry
Community Services and Health Industry	Training Advisory Board	Carolyn Grenville
Community Trainers and Assessors Group		Carolyn Grenville
CSIRO	Future Fuels Forum	Mark Byrne
Energy Water Ombudsman NSW	Council member appointed by the Minister	Mark Byrne then Mark Ludbrooke
	Finance Committee	Mark Byrne
Inner Sydney Homelessness Action Committee (ISHAC)		Elisabeth Baraka
LawAccess NSW	Operations Committee	Sandra Stevenson
Legal Aid Commission	Co-operative Legal Service Delivery Model Steering Committee: PILCH representative	Sandra Stevenson
National Association of Community Legal Centres	National Human Rights Network	Natasha Case
National Consumers Roundtable on Energy		Mark Byrne then Mark Ludbrooke & Joel Pringle
National Pro Bono Resource Centre	Board of management	Robin Banks
NSW Combined Community Legal Centres' Group:	Board of Directors	Jessica Cruise
	Law Reform and Policy Sub-committee	Jessica Cruise

NSW Department of Environment and Climate Change	Greenhouse Gas Abatement Scheme Demand Side Abatement Transition Working Group	Mark Byrne
	Climate Change Advisory Committee	Mark Byrne then Mark Ludbrooke
NSW Department of Water & Energy	Consumer Consultative Committee	Mark Byrne then Mark Ludbrooke & Joel Pringle
	Ministerial reference Group on Consumer Protection	Mark Byrne then Mark Ludbrooke
	Energy Accounts Payment Assistance Working Group	Mark Ludbrooke
NSW Law Society	Juvenile Justice Committee	Jessica Cruise
NSW Legal Assistance Forum		Amy Kilpatrick & Robin Banks
	Aboriginal Legal Services Working Group	Sandra Stevenson then Amy Kilpatrick
	Conflicts Working Group	Robin Banks
	Mental Illness and Access to Legal Services Working Group	Robin Banks & Carol Berry
NSW Legal Referral Forum	PILCH representative	Sandra Stevenson then Amy Kilpatrick
Office of the Privacy Commissioner	Privacy Advisory Committee	Robin Banks
People With Disability (PWD) Australia	Barriers to Legal and Human Rights Project Advisory Committee	Stephen Kilkeary & Amy McGowan
	National Disability Rights Network	Stephen Kilkeary & Amy McGowan
Public Interest Law Clearing House	Board of management	Shauna Jarrett & Gabrielle Trainor
Women In Prison Advocacy Network		Carol Berry
University of Sydney	Law Faculty Advisory Board	Robin Banks

PIAC Staff

Robin Banks	Chief Executive Officer
Jane King	Manager, Finance & Administration (from October 2007, previously Centre Co-ordinator)
Alexis Goodston	Principal Solicitor (on maternity leave from April 2008)
Natasha Case	Acting Principal Solicitor (from April 2008, previously Senoir Solicitor)
Deirdre Moor	Manager, Policy & Programs (from August 2007, previously Finance Manager)
Brenda Bailey	Senior Policy Officer
Elisabeth Baraka	HPLS Co-ordinator
Sarah Barter	Legal Secretary (Maternity leave locum commenced August 2007, resigned March 2008)
Fluer Beaupert	Project Officer Mental Health Legal Services (January - February 2008)
Carol Berry	Solicitor – Health Policy and Advocacy (Resigned April 2008)
Mark Byrne	Senior Policy Officer, EWCAP (Commenced August 2007, resigned April 2008)
Jessica Cruise	Acting Senior Solicitor (from April 2008, previously Solicitor)
Peter Dodd	Solicitor – Health Policy and Advocacy (Commenced June 2008)
Elissa Freeman	Acting Senior Policy Officer, EWCAP (Resigned July 2007)
Marion Grammer	Bookkeeper (2 days/week)
Carolyn Grenville	Training Co-ordinator (4 days/week)
Chris Hartley	HPLS Policy Officer (Commenced August 2007)
Stephen Kilkeary	Project Co-ordinator Mental Health Legal Services Project (Commenced January 2008)
Karen Kwok	Administrator
Mark Ludbrooke	Senior Policy Officer, EWCAP (Commenced May 2008)
Amy McGowan	Project Officer Mental Health Legal Services Project (Commenced March 2008)
Jason Mumbulla	Computer Systems Administrator (1 day/week)
Kaki Ng	Receptionist (Commenced February 2008)
Hugh O'Neill	Policy Officer, EWCAP (Resigned April 2008)
Scott Parker	Administrator

Melissa Pinzuti  
 Joel Pringle  
 Jeremy Rae  
 Lizzie Simpson  
 David Skidmore  
 Laura Thomas  
 Kerrie Tucker  
 Elwyn Ward  
 Mark Warren

Legal Secretary (on maternity leave from August 2007)  
 Policy Officer, EWCAP (Commenced May 2008)  
 HPLS Solicitor Advocate (Commenced January 2008)  
 Solicitor (Commenced February 2008)  
 HPLS Policy Officer (Resigned July 2007)  
 Solicitor, Indigenous Justice Program (Commenced August 2007)  
 Project Officer (casual)  
 Finance Officer (Commenced October 2007)  
 Media and Communications Adviser (Commenced October 2007)



PIAC and PILCH staff, volunteers and secondees take part in NAIDOC Week celebrations, Hyde Park, Sydney 2008

**PILCH STAFF**

Robin Banks	Director (part-time for PILCH until November 2007)
Amy Kilpatrick	Executive Director (Commenced November 2007)
Sandra Stevenson	Co-ordinator (Resigned October 2007)
Deirdre Moor	Acting Finance Manager (until August 2007) (part-time for PILCH)
Melissa Pinzuti	Legal Secretary (part-time for PILCH, on maternity leave from August 2007)
Sarah Barter	Legal Secretary (maternity leave locum, commenced August 2007, resigned March 2008)

**CONSULTANTS AND TEMPORARY STAFF**

Christine Johnson	Librarian (part time)
Anne Mainsbridge	Project Officer
Lynette Simons & Don Palmer	Media Training

**PLACEMENTS, SECONDEES AND VOLUNTEERS**

**Placements, Secondees and Volunteers**

Anne Adams	PIAC (July to October 2007)
Amy Brady	PILCH (commenced May 2008)
Arlia Fleming	PIAC (November to December 2007)
Christine Higgins	PIAC (April to August 2007)
Sarah Ibrahim	PIAC (commenced April 2008)
Connor James	PILCH (July to October 2007)
Irene Kafeero	PIAC (January to July 2008)
Enda O'Callaghan	PILCH (October 2007 to April 2008)
Cassia Partane	PIAC (November 2007 to April 2008)
Sarah Sharples	PILCH (March to July 2007)
Professor Bernard Stewart	PIAC (May to September 2007)

**Secondees to PIAC for PILCH**

Ruth Greenwood	Allens Arthur Robinson (commenced April 2008)
Tom Johnston	Corrs Chambers Westgarth (commenced March 2008)
Anthony Krithinakis	Corrs Chambers Westgarth (August to December 2007)
Helen Wu	DLA Phillips Fox (April to August 2007)

**Student placements**

Claire Deakin	Aurora Project Placement (March to April 2008)
Juliet Gross	Aurora Project Placement (January to February 2008)
Daniel Tomasetti	Aurora Project Placement (commenced June 2008)
Ghassan Kassisieh	Student Placement, University of Sydney (March to June 2008)
Amanda Porter	Student Placement, University of Sydney (March to June 2008)
Annabelle Ross	Student Placement, University of NSW (March to June 2008)

**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
- Norman Andrews House
- Parramatta Mission
- Streetlevel Mission
- The Station
- Wayside Chapel
- Women's & Girl's Emergency Centre



HPLS Clinic at Matthew Talbot Hostel with lawyers from Gilbert + Tobin

**PILCH Members**

Allens Arthur Robinson  
 Baker & McKenzie  
 Corrs Chambers Westgarth  
 Deacons  
 DLA Phillips Fox  
 Gilbert + Tobin  
 Henry Davis York  
 HWL Ebsworth  
 Legal Aid NSW  
 Minter Ellison



Regular program meetings take place at PIAC where staff evaluate current areas of work and identify emerging public interest issues

**Barristers who provided advice and representation**

Dr Chris Birch SC  
 Tom Molomby SC  
 Chris Ronalds SC  
 Andrew Colefax SC

Margaret Allars  
 Simeon Beckett  
 Elizabeth Cheeseman  
 Kate Eastman  
 Kellie Edwards  
 James Emmett

Louise Goodchild  
 Dominique Hogan-Doran  
 Jeremy Kirk  
 Elizabeth Raper  
 Roger Rasmussen  
 Rachel Pepper

**People (other than PIAC or PILCH staff) 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
Fleur Beaupert	Mental Health Review Tribunal
Esther Cho	NSW Guardianship Tribunal
Steve Frost	Horizons Community Legal Centre
Robert Hayes	University of Western Sydney
Graham Long	The Wayside Chapel
Lynn Mitchell	Legal Aid NSW
Natalie Ross	Inner City Legal Centre
Lara Sabbadin	Women's and Girls' Emergency Centre
Helen Stirling	Matthew Talbot Hostel

**Law for Non-Lawyers (October 2007 & May 2008)**

Grant Arbuthnot	Tenants' Union of NSW
Chris Bennett	Legal Aid NSW
Sara Blazey	Elizabeth Evatt Community Legal Centre
Melissa Coad	Welfare Rights Centre
Sarah Condie	Legal Information Access Centre
Karen Cox	Consumer Credit Legal Centre
Steve Frost	Horizons Community Legal Centre
Janet Loughman,	Womens' Legal Services NSW
Christos Mantziaris	Barrister
Nick O'Neill	Professorial Fellow, Faculty of Law, UNSW
Jill Quin	Legal Information Access Centre
Jane Pritchard	LawAccess
Simon Rice	Macquarie University
Peter Ryan	Senior Registrar, Parramatta Court

**Practising in the Public Interest (July 2007 and February 2008)**

Jemma Bailey	Office of Lee Rhiannon MLC
Michelle Hannon	Gilbert + Tobin
Meagan Lawson	The Cancer Council of NSW
Anita Tang	The Cancer Council of NSW

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

Allens Arthur Robinson	HPLS Training August 2007
Baker & McKenzie	Practising in the Public Interest, July 2007
Baker & McKenzie	HPLS Training September 2007
Corrs Chambers Westgarth	HPLS Training February 2008
Deacons	HPLS Training November 2007
DLA Phillip Fox	HPLS Training March 2008
Ebsworth and Ebsworth	HPLS Training April 2008
Gilbert + Tobin	HPLS Training May 2008
Henry Davis York	HPLS Training June 2008
Legal Aid NSW	HPLS Training January 2008
Minter Ellison Lawyers	HPLS Training July 2007
Minter Ellison Lawyers	Practising in the Public Interest, February 2008

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

- Aboriginal Legal Service (NSW/ACT), July 2007 and February 2008
- Aboriginal Trust Fund Repayment Scheme, July 2007
- Allens Arthur Robinson, July 2007 and February 2008
- Baker & McKenzie, July 2007
- Corrs Chambers Westgarth, July 2007 and February 2008
- DLA Phillips Fox, July 2007 and February 2008

Environmental Defender's Office, July 2007 and February 2008

Freehills, July 2007 and February 2008

Gilbert + Tobin, July 2007 and February 2008

Henry Davis York, July 2007 and February 2008

Human Rights and Equal Opportunity Commission, July 2007 and February 2008

Law Access, February 2008

Legal Aid NSW, July 2007 and February 2008

Minter Ellison Lawyers, July 2007

National Pro Bono Resource Centre, July 2007

Women's Legal Services, July 2007 and February 2008

**EWCAP Reference Group Members**

Sean Ferns	Parks and Villages Service
Joyce Fu	Ethnic Communities Council of NSW
Noel Hiffernan	Western Sydney Community Forum
Craig Johnson	Shelter NSW
Pat Le Lievre	Rural Community Representative
Patty Morris	Bourke Family Support Services
Dev Mukherjee	Council of Social Services of NSW (NCOSS)
Jack Mullins	Combined Pensioners and Superannuants Association
Nancy Nicholson	Central Coast Community Network
Alison Peters	Council of Social Services of NSW (NCOSS)
Chris Reidy	Institute for Sustainable Futures, University of Technology Sydney
Paul Verstage	Combined Pensioners and Superannuants Association

### Indigenous Justice Program Reference Group Members

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

### Other assistance and support

Charles Armitage, Partner, and Heran Kim, Senior Associate, 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

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

Thomsons Legal for its printing of the *PIAC Bulletin*

Henry Davis York for its assistance with PIAC's privacy policy and other matters

Philip Diviny and his partners and Tamara Cardan at Middletons for their *pro bono* advice in relation to the GST liability on funding grants

Tom Poulton, Partner, Bianca Locsin and Chris Govey, and the partners of Allens Arthur Robinson for their *pro bono* assistance with the drafting of the Stolen Generations Reparations Bill

### PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524

### DISCUSSION AND ANALYSIS OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2008

#### Information on Public Interest Advocacy Centre Limited Concise Financial Report

The concise financial report is an extract from the full financial report for the year ended 30 June 2008. The financial statements and disclosures in the concise financial report have been derived from the 2008 financial report of Public Interest Advocacy Centre Limited. A copy of the full financial report and auditor's report will be provided to any member, free of charge, upon request.

The discussion and analysis is provided to assist members in understanding the concise financial report. The discussions and analysis is based on Public Interest Advocacy Centre Limited's financial statements and the information contained in the concise financial report has been derived from the full 2008 Financial Report of Public Interest Advocacy Centre Limited.

#### Income Statement

The company's revenue increased from by \$335,825 on the prior year or approximately 19% predominately due to increased grant income and revenue from workshops, seminars and conferences. Increased grants were mainly attributable to funding from the Public Purpose Fund and Legal Aid NSW. As a result of the increased revenue base, the company also increased its level of expenditure by \$455,573 or approximately 27%. The increase in expenditure is almost entirely attributable to employment costs and direct costs associated with the engagement of contractors in relation to program work. During the year, the company has

been able to expand its existing program work in addition to the establishment of new programs.

For the year ended 30 June 2008, the company recorded an overall operating loss of \$15,132 as compared to an operating surplus in the prior year of \$104,616. The small loss is a result of the managed expansion of program work and the effective use of an increased revenue pool and prior year surplus. No other significant matters were identified from a review of the company's income statement.

#### Balance Sheet

As a result of the small operating loss, the overall net asset position of the company has reduced only marginally by approximately 2%. Notably, the company was holding significantly higher levels of cash and cash equivalents on its balance sheet at year end which are offset by a corresponding increase in the level of grants recognised as unexpended and therefore current liabilities at the same time. The company maintained appropriate and consistent levels of working capital at year end. Other than this, there are no other notable movements or issues relating to the company's financial position.

#### Cash Flow Statement

As a result of increased levels of unexpended grants recognised at year end, the company generated higher levels of cash flows from operating activities. In this regard, cash provided by operating activities increased by \$104,911 or approximately 28%. A small amount of this surplus was used to purchase additional plant and equipment for the company's use with the remainder going towards an overall increase in the level of cash and cash equivalents maintained at year end. No other significant matters were identified from a review of the company's statement of cash flows.

**Statement of Recognised Income and Expenditure**

The movement in the company's equity position as at 30 June 2008 is directly reflective of the operating result for the year. There were some transfers to / from retained earnings and reserves however none of particular note and none having any impact on the overall movement in total equity.

**INDEPENDENT AUDIT REPORT TO THE MEMBERS OF PUBLIC INTEREST ADVOCACY CENTRE LIMITED  
ABN 77 002 773 524**

**Report on the concise financial report**

The accompanying concise financial report of Public Interest Advocacy Centre Limited comprises the balance sheet as at 30 June 2008, the income statement, statement of recognised income and expenditure and cash flow statement for the year then ended and related notes, derived from the audited financial report of Public Interest Advocacy Centre Limited for the year ended 30 June 2008, and the discussion and analysis. The concise financial report does not contain all the disclosures required by the Australian Accounting Standards.

**Directors' responsibility for the concise financial report**

The directors are responsible for the preparation and presentation of the concise financial report in accordance with Accounting Standard AASB 1039: Concise Financial Reports (including the Australian Accounting Interpretations), statutory and other requirements. This responsibility includes establishing and maintaining internal controls relevant to the preparation of the concise financial report, selecting and applying the appropriate accounting policies, and making accounting estimates that are reasonable in the circumstances.

**Auditor's responsibility**

Our responsibility is to express an opinion on the concise financial report based on our audit procedures. We have conducted an independent audit, in accordance with Australian Auditing Standards, of the financial report of Public Interest Advocacy Centre Limited for the year ended 30 June 2008. Our audit report on the financial report for the year was signed on 26 September 2008 and was not subject to any modification. The Australian Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report for the year is free from material misstatement.

Our procedures in respect of the audit of the concise financial report included testing that the information in the concise financial report is derived from and is consistent with, the financial report for the year, and examination on a test basis, of evidence supporting the amounts, discussion and analysis, and other disclosures which were not directly derived from the financial report for the year. These procedures have been undertaken to form an opinion whether, in all material respects, the concise financial report complies with Accounting Standard AASB 1039: Concise Financial Reports and whether the discussion and analysis complies with the requirements laid down in AASB 1039: Concise Financial Reports.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Independence**

In conducting our audit, we have complied with the independence requirements of the Corporations Act 2001. We confirm that the independence declaration required by the Corporations Act 2001, provided to the directors of Public Interest Advocacy Centre Limited on 25 September 2008, would be in the same terms if provided to the directors as at the date of this auditor's report.

**Auditor's Opinion**

In our opinion, the concise financial report including the discussion and analysis of Public Interest Advocacy Centre Limited for the year ended 30 June 2008 complies with Accounting Standard AASB 1039: Concise Financial Reports.



**Walter Turnbull**  
**Mark Driessen, FCA**  
**Registered Company Auditor**

**Sydney, NSW**  
**26 September 2008**

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524  
DIRECTORS' DECLARATION**

The directors of Public Interest Advocacy Centre Limited declare that the concise financial report of the company for the financial year ended 30 June 2008, comprising of the balance sheet, the income statement, statement of recognised income and expenditure and cash flow statement for the year then ended and related notes.

- (a) complies with Accounting Standard AASB 1039: Concise Financial Reports; and
- (b) is an extract from the full financial report for the year ended 30 June 2008 and has been derived from and is consistent with the full financial report of Public Interest Advocacy Centre Limited.

This declaration is made in accordance with a resolution of the Board of Directors.



**Shauna Jarrett**  
**Chair**

**Sydney, NSW**  
**25 September 2008**

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524**

**INCOME STATEMENT  
FOR THE YEAR ENDED 30 JUNE 2008**

	NOTE	2008 \$	2007 \$
Revenue	3	2,124,890	1,789,065
Employee benefits expense		(1,503,596)	(1,177,609)
Depreciation and amortisation expense		(52,122)	(39,907)
Rent		(199,815)	(187,933)
Direct charges		(293,555)	(146,791)
Other expenses		(90,934)	(132,209)
(Loss)/profit before income tax		(15,132)	104,616
Income tax expense		-	-
(Loss)/profit after income tax		(15,132)	104,616

The accompanying notes form part of these financial statements.

**BALANCE SHEET AS AT 30 JUNE 2008**

	2008 \$	2007 \$
<b>ASSETS</b>		
<b>CURRENT ASSETS</b>		
Cash and cash equivalents	1,216,345	786,913
Trade and other receivables	97,908	87,923
Other current assets	28,722	15,072
<b>TOTAL CURRENT ASSETS</b>	<b>1,342,975</b>	<b>889,908</b>
<b>NON-CURRENT ASSETS</b>		
Financial assets	84,394	84,394
Property, plant and equipment	174,436	180,370
<b>TOTAL NON-CURRENT ASSETS</b>	<b>258,830</b>	<b>264,764</b>
<b>TOTAL ASSETS</b>	<b>1,601,805</b>	<b>1,154,672</b>
<b>CURRENT LIABILITIES</b>		
Trade and other payables	711,607	237,791
Short-term provisions	1,667	22,391
<b>TOTAL CURRENT LIABILITIES</b>	<b>713,274</b>	<b>260,182</b>
<b>NON-CURRENT LIABILITIES</b>		
Long-term provisions	260,364	251,191
<b>TOTAL NON-CURRENT LIABILITIES</b>	<b>260,364</b>	<b>251,191</b>
<b>TOTAL LIABILITIES</b>	<b>973,638</b>	<b>511,373</b>
<b>NET ASSETS</b>	<b>628,167</b>	<b>643,299</b>
<b>EQUITY</b>		
Reserves	267,945	227,652
Retained earnings	360,222	415,647
<b>TOTAL EQUITY</b>	<b>628,167</b>	<b>643,299</b>

The accompanying notes form part of these financial statements.

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524**

**STATEMENT OF RECOGNISED OF INCOME  
AND EXPENDITURE  
FOR YEAR ENDED 30 JUNE 2008**

	<b>RETAINED EARNINGS</b>	<b>RESERVES</b>	<b>TOTAL</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Balance at 1 July 2006</b>	262,205	276,478	538,683
Profit attributable to members	104,616	-	104,616
Transfers (to) / from reserves	48,826	(48,826)	-
<b>Balance at 30 June 2007</b>	415,647	227,652	643,299
(Loss) attributable to members	(15,132)	-	(15,132)
Transfers (to) / from reserves	(40,293)	40,293	-
<b>Balance at 30 June 2008</b>	360,222	267,945	628,167

The accompanying notes form part of these financial statements.

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524**

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2008**

	<b>2008</b>	<b>2007</b>
	<b>\$</b>	<b>\$</b>
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>		
Receipts from government, customers and donations	2,656,093	2,051,651
Payments to suppliers and employees	(2,072,618)	(1,586,857)
Interest received	55,992	36,767
Net GST remitted to the ATO	(163,847)	(130,852)
<b>Net cash provided by operating activities</b>	<b>475,620</b>	<b>370,709</b>

<b>CASH FLOW FROM INVESTING ACTIVITIES</b>		
Purchase of property, plant and equipment	(46,188)	(38,555)
<b>Net cash (used in) investing activities</b>	<b>(46,188)</b>	<b>(38,555)</b>
<b>Net increase in cash held</b>	<b>429,432</b>	<b>332,154</b>
<b>Cash at the beginning of the financial year</b>	<b>786,913</b>	<b>454,759</b>
<b>Cash at the end of the financial year</b>	<b>1,216,345</b>	<b>786,913</b>

The accompanying notes form part of these financial statements.

**PUBLIC INTEREST ADVOCACY CENTRE LTD  
ABN 77 002 773 524**

**NOTES TO THE CONCISE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 30 JUNE 2008**

**Note 1: Basis of Preparation of the Concise Financial Report**

The concise financial report is an extract of the full financial report for the year ended 30 June 2008. The concise financial report has been prepared in accordance with the Accounting Standard AASB 1039: Concise Financial Reports and the Corporations Act 2001.

The financial statements, specific disclosures and other information included in the concise financial report are derived from and are consistent with the full financial report of Public Interest Advocacy Centre Limited. The concise financial report cannot be expected to provide as detailed an understanding

of the financial performance, financial position and financing and investing activities of Public Interest Advocacy Centre Limited as the full financial report. A copy of the full financial report and auditor's report will be sent to any member, free of charge, upon request.

The financial report of Public Interest Advocacy Centre Limited complies with all Australian equivalents to International Financial Reporting Standards (AIFRS) in their entirety. The presentation currency used in the concise financial report is Australian dollars.

**Note 2: Members Guarantee**

The company is incorporated under the Corporations Act 2001 and is limited by guarantee. If the company is wound up, the constitution states that each member of the company is required to contribute a maximum of \$20 each towards meeting any outstanding obligations of the company. At 30 June 2008 the number of members was 29. (2007 – 23 members).



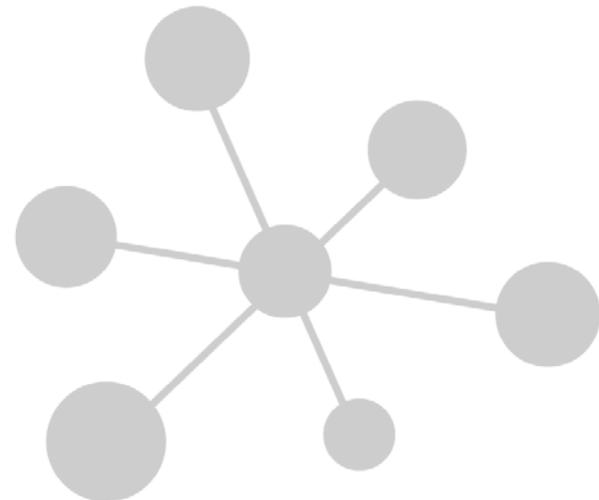
## FINANCIAL STATEMENTS

	2008 \$	2007 \$
<b>Note 3: Revenue</b>		
Operating activities:		
- Grants and other contributions	1,821,131	1,556,748
- Casework	63,620	21,832
- Casework disbursements recovered	8,140	9,664
- Other disbursements recovered	1,818	19,435
- Training workshops, seminars and conferences	156,319	111,313
- Sale of publications	3,973	5,652
- Interest received	64,511	49,214
- Other	4,747	15,162
	2,124,259	1,789,020
Non-operating activities:		
- Gain on sale of assets	631	45
<b>Total revenue</b>	<b>2,124,890</b>	<b>1,789,065</b>

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### Note 4: Events After Balance Sheet Date

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the company, the results of those operations, or the state of affairs of the company in future financial years.





**PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2007-2008**

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