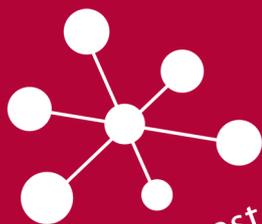


PIAC ANNUAL REPORT

2008-2009



public interest
ADVOCACY CENTRE LTD

PUBLIC INTEREST ADVOCACY CENTRE • ANNUAL REPORT 2008-2009

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ISSN 1324-5376
Cover photo: AAP Image

working for a
**fair &
just**
democratic society

empowering
**citizens &
consumers**
communities

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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 2008-09 financial year of 29, 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 and redress unjust or unsafe practices, deficient laws or policies;
- promote accountable, transparent and responsive government;
- encourage, influence and 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'S PURPOSE

PIAC works for a fair, just and democratic society, empowering citizens, consumers and communities by taking strategic action on public interest issues.

PIAC'S VISION

For a just, fair, inclusive and sustainable society.

PIAC'S VALUES

Justice

Achieving justice in the public interest

Independence

Valuing independence, working with passion and courage

Integrity

A strong ethical base, being accountable

Excellence

Quality, professionalism with the highest standards, delivering results

Fairness and equity

In PIAC's work and in the organisation

CHAIR'S INTRODUCTION

Human Rights figured significantly in PIAC's work this year. At the Federal Government's request, a National Human Rights Consultation Committee, chaired by Fr Frank Brennan, travelled across Australia to hear the views of the community in relation to human rights. PIAC worked closely with individuals and community organisations to ensure that the voices of marginalised Australians were included in these consultations, and the overwhelming majority of participants made it clear during this process that they wanted better human rights protections.

This work represents one of PIAC's key public activities. Through taking a strategic approach to its work, PIAC was well prepared for the National Human Rights Consultation, having engaged in

proactive human rights education and resource development since 2003. This planned and strategic approach to its work is a key strength of PIAC; a strength that is complemented by its capacity to be responsive when new public interest issues emerge and require action. As you will see from this Annual Report, there are a number of different ways in which PIAC continues to promote a just and democratic society and to empower individuals and groups, particularly those who are disadvantaged and marginalised.

This year PIAC had a number of farewells and welcomes. At the forthcoming Annual General Meeting, we will be saying farewell and thank you to Alan Cameron AM who is retiring from the

Board after eight years of considerate and sage support. We also said farewell to Matt Laffan, who demonstrated great energy and commitment during his time on the Board. We welcomed Alan Kirkland, the Chief Executive Officer of Legal Aid NSW and look forward to Ralph Pliner, a consultant from Baker & McKenzie, who is joining the Board early in the new financial year.

A very significant farewell was the Public Interest Law Clearing House. After 21 years of working within PIAC, PILCH established itself as an independent member of the NSW legal centre community. PIAC looks forward to continuing a strong and co-operative relationship with PILCH and I wish to thank the Boards of both PILCH and PIAC for their support as PILCH embraced its positive future direction.



PIAC Board members Alan Kirkland (left), Annette O'Neill, Shauna Jarrett (Chair) and The Hon Kevin Rozzoli AM.



PIAC is looking to its future, too. We have received a commemorative grant from The Myer Foundation to build organisational strength and capacity, enhancing the depth of experience we have in our staff and the projects we undertake. Support from The Myer Foundation, together with funding received from both public and private sources enables PIAC to continue its advocacy for those in our community who do not have a voice.

Finally, a simple but sincere thank you to all the staff of PIAC: to Robin Banks and her management team; to the legal staff, the policy developers, the trainers, and the project teams; and to the support team for their hard work, patience and productivity during the year. The contribution made by each staff member to the overall image and impact of PIAC has immense value.

The Board's patience, wisdom and input are also to be commended. The organisation and its Board are strong, adventurous and forward thinking and I am confident that future progress is assured.

SHAUNA JARRETT
CHAIR



From left: The Hon Elizabeth Evatt AC, Shauna Jarrett (Chair) and Annette O'Neill.



From left: Dr Peter Cashman and Ben Slade (Deputy Chair).



From left: Alison Peters and Merrilyn Walton.



The Hon Elizabeth Evatt AC with Matt Lafan, who passed away during the year. He is sadly missed.

THE PIAC BOARD

Directors

Shauna Jarrett	Chair Assistant group secretary, University of Sydney
Ben Slade	Deputy Chair Principal/Partner, Maurice Blackburn
Britta Bruce	Management Consultant
Alan Cameron AM	Management Consultant
Dr Peter Cashman	Associate Professor of Law, University of Sydney
The Hon Elizabeth Evatt AC	Commissioner of the International Commission of Jurists and Honorary Visiting Professor at the University of NSW Law School. Retired as Director October 2008
Alan Kirkland	Chief Executive Officer, Legal Aid NSW Appointed 27 August 2008
Matt Laffan	Office of the Director of Public Prosecutions Nominee of the Law Society of NSW Appointed as a Director in May 2008 Passed away 1 March 2009
Annette O'Neill	Retired as Director October 2008
Alison Peters	Director, Council of Social Services of NSW (NCOSS)
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



CHIEF EXECUTIVE OFFICER'S OVERVIEW

The year had many highlights for PIAC—often in collaboration with others—in influencing change in the public interest. It was also a year of significant change and that meant we all had to work through issues to ensure PIAC remains as effective as possible.

It was a year in which a number of PIAC's major funding agreements came up for renewal and I am very pleased to report that all of these agreements were renewed and in some cases increased. Our work is only possible with continuing support from the NSW Public Purpose Fund, the NSW Government Department of Water and Energy, the Commonwealth and NSW Governments through the Community Legal Services Program, and private law firm Allens Arthur Robinson. Without this commitment, PIAC would not be able to achieve so much.

PIAC would also not be so effective without the highly professional organisational support it has through its finance and administration staff. The importance of organisational capacity was highlighted this year with the Commemorative Community Grant from The Myer Foundation and Sidney Myer Fund *Celebrating Our Partners* program for organisational development. PIAC has a strong focus on organisational systems and support, knowing that these are vital to achieving success in public interest campaigns.

A major area of work during the year was the protection of human rights in Australia. The Federal Attorney-General, The Hon Robert McClelland MP, highlighted this issue when he announced on 10 December 2008 the much-anticipated National Human Rights Consultation. The announcement marked the 60th anniversary of the *Universal Declaration of Human Rights*.

For several years, PIAC has promoted community awareness of human rights and has lobbied for community consultations at state, territory and federal level. This meant PIAC was ready

and able to ratchet up its endeavours when the Attorney-General announced plans for national consultation. PIAC worked closely with a number of groups to provide information on the consultation process and how to participate. One of the most interesting aspects of that work was the theatre-based consultation done with homeless people.

Much of the human rights work has involved training and this has been strongly supported by PIAC's well-established training program. The year presented some fantastic new opportunities to work with specific communities to improve advocacy capacity. In particular, PIAC worked with both Legal Aid NSW and the NSW Cancer Council to train advocates in the Aboriginal community. PIAC is keen to increase its training capacity by securing funding for a second training position. To date, PIAC's training work has been largely self-funded; the challenge is to find additional income to explore new training opportunities.

The year has proved to be a very successful one for the Homeless Persons' Legal Service (HPLS), achieving positive outcomes for its major areas of work in addition to participating in the human rights consultations. HPLS is a joint initiative of PIAC and the Public Interest Law Clearing House (PILCH).

Since 2006, staff of the Homeless Persons' Legal Service have worked with the NSW Attorney General's Department on changes to the way in which on-the-spot fines are dealt with, particularly in relation to people facing significant disadvantage. In December 2008, that work bore fruit with the announcement

‘ A major area of work during the year was the protection of human rights in Australia. ’

and subsequent enactment of changes allowing people who are homeless, and many others who face significant disadvantage, to 'pay off' their accumulated fine debts through voluntary work and participation in education, training and treatment.

The focus of HPLS's work has been enhanced by the establishment of Street Care, a group of homeless and formerly homeless people who provide advice to HPLS and others on how to effectively consult with homeless people. Street Care receives funding support from PIAC and the City of Sydney,

On the legal advocacy front, the position of Solicitor Advocate with the HPLS has proved a vital component of achieving better outcomes for homeless people facing minor criminal matters.

More broadly, PIAC's capacity to take on significant public interest litigation has again led to some important legal outcomes. The refusal by the High Court to grant leave to Nationwide News Pty Ltd to appeal against the finding of defamation and level of damages awarded to PIAC's client, Mr Romzi Ali, brought an end to several years of litigation and again highlighted the public interest in protecting people from defamatory comments by the media. In this case, the defamation involved allegations relating to terrorism.

In its litigation, PIAC has continued to focus on cases that improve access and equality for people with disability. This work was greatly enhanced with the decision by Justice Bennett in the Federal Court to make an order capping the potential costs awardable against PIAC's clients in proceedings against Virgin Blue Airlines. This is of particular significance as it is the first order of this kind in a human rights matter in Australia.

While many cases are ongoing, PIAC achieved positive outcomes at first instance in several cases that are now subject to appeal. This includes a case alleging discrimination in foster care against same-sex couples.



PIAC Chief Executive Office Robin Banks ... working to influence public interest issues.

PIAC also continued its important work in supporting families in coronial inquiries into the deaths of a family member with mental illness. This work highlights continuing systemic failures to provide appropriate care, support and treatment to people with mental illness, particularly at times of crisis.

In February 2009, PIAC celebrated the tenth anniversary of the establishment of the Energy and Water Consumers' Advocacy Program (EWCAP, formerly the Utility Consumers' Advocacy Program) with a very successful conference on the impacts of the Carbon Pollution Reduction Scheme on low-income and disadvantaged consumers. The conference brought together participants from all sectors and provided a practical opportunity to consider ways of reducing the negative impacts.



CHIEF EXECUTIVE OFFICER'S OVERVIEW

Since 2004, PIAC has been active in promoting the effective repayment to Aboriginal people of the monies that were held in trust for many of them in NSW between 1900 and 1969. This year saw the deadline for applications and with it, an enormous demand on PIAC and others to ensure that all those who are entitled to repayments under the NSW Aboriginal Trust Fund Repayment Scheme were registered.

PIAC has actively promoted the Scheme's existence and the entitlement of many Aboriginal people to make a claim. PIAC has also worked with PILCH to involve its members in assisting claimants. With a 31 December 2008 deadline looming and given the number of concerns about the limitations of the Scheme, PIAC worked with PILCH members to provide input to an internal government review of the operation of the Scheme. PIAC also publicly advocated for an extension of the deadline in light of several concerns, most notably the very limited awareness of the Scheme in Aboriginal communities.

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I'd like to extend a special acknowledgment and thank you to all PIAC clients for their willingness to take legal action in the public interest.

I'd also like to acknowledge and thank the many individuals and organisations —clients, students, barristers, private firms and companies, community organisations and government employees, departments and agencies—that work with PIAC on projects and campaigns.

Finally, I wish to thank all PIAC staff and Board members for contributing so much to the organisation's development and its successes.

Robin Banks, Chief Executive Officer

We were successful in this campaign, with the deadline extended to the end of May 2009. While this was good news, there remain many significant challenges to ensuring effective repayment, particularly in the context of PIAC's very limited resources and the NSW Government remaining unresponsive to calls for funding support for claimants.

PIAC's newest major project, the Mental Health Legal Services Project, went from strength to strength this year, with PIAC's proposal for four pilot projects receiving funding support from the NSW Public Purpose Fund early in 2009. This builds on the initial funding support provided by Legal Aid NSW and meant that the first half of 2009 was spent finalising the four pilot projects and recruiting staff.

As the 2008-09 year drew to a close, PIAC had confirmed the appointment of staff for all four of the pilots, with several already on board. The core project team are to be commended for their dedication and hard work in conducting the research that identified different models of improving access to justice for people with mental illness and then building pilots based on that research. PIAC is looking forward to the implementation and ongoing evaluation and development of those pilots over the next two years.

The most significant change for PIAC came in the first half of 2009 with the decision by the Board of PILCH that it would separate from PIAC both in terms of its employment arrangements and its physical location. From around March 2009, PIAC and PILCH were involved in discussions about how to facilitate these changes and maintain the important partnership that has grown and developed over the years.

From 1992 until June 2009, PILCH was managed by PIAC under a management agreement between the two organisations. PIAC

has employed the staff doing PILCH work and we have together been involved in many important collaborative projects. This collaborative work will continue with the Children in Detention Advocacy Project, the Stolen Wages Referral Scheme, the Homeless Persons' Legal Service and the Practising in the Public Interest course.

PIAC also hopes new collaborations will develop over time, building on the distinct strengths of the two organisations: PILCH with its capacity to engage its membership on public interest *pro bono* projects and PIAC with its capacity to combine independent test case litigation with research and policy work.

The year ahead will be another exciting one for PIAC. I look forward to working closely with PIAC's committed Board and dedicated and talented staff to achieve strong public interest outcomes in all of our work. This year's annual report again highlights the amazing synergies and outcomes that can be achieved by having a multi-disciplinary approach and capacity, as well as a desire to work across sectors to influence public interest issues.

It is an enormous privilege for me to work with so many committed people and organisations to achieve better outcomes for our communities in the public interest. Thank you.



Fr Frank Brennan (r) ... chair of the National Human Rights Consultation Committee.

Robin Banks
Chief Executive Officer



PIAC THANKS THE FOLLOWING FOR THEIR ASSISTANCE AND SUPPORT

Barristers who provided advice and representation

Alan Robertson SC

Stephen Crawshaw SC

Chris Birch SC

Tom Molomby SC

Christine Adamson SC

Chris Ronalds SC

Sue Kluss

Dominique Hogan-Doran

Roger Rasmussen

Simeon Beckett

Rachel Pepper (now Justice Pepper, Land & Environment Court)

Kate Eastman

Jeremy Kirk

Kellie Edwards

Louise Goodchild

James Emmett

Craig Lenehan

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

Law for Non-Lawyers (October 2008 & May 2009)

Grant Arbuthnot	Tenants' Union of NSW
Amelia Meers	Welfare Rights Centre
Steve Frost	Horizons Community Legal Centre
Janet Loughman	Womens' Legal Services NSW
Esther Cho	NSW Guardianship Tribunal
Jill Quin	Legal Information Access Centre
Anne Mainsbridge	
Amy Kilpatrick	PILCH

Media skills training

Lynette Simons
Don Palmer

Practising in the Public Interest (July 2008 and February 2009)

Michelle Hannon	Gilbert + Tobin
Anita Tang	The Cancer Council of NSW
Merrin Thompson	NSW Legislative Council
Rachel Walmsley	Environmental Defenders' Office
Maureen Tangney	NSW Attorney General's Department
Dr Peter Cashman	University of Sydney
Vanessa Lesnie	Australian Human Rights Commission
Amy Kilpatrick	PILCH



People who provided training for HPLS

Alex Kelly and Alice Lin	Consumer Credit Legal Centre
Bridgette Clark	Norman Andrews House
Kelly Butcher	The Station
Rob Seaton	Edward Eagar Lodge
Jane Sanders	The Shopfront
Grant Arbuthnot	Tenants' Union of NSW
Yasmin Hunter	Inner City Legal Centre
Monika Ciolek	NSW Attorney General's Department
Ann Parkes	Centrelink

Law firms that provided training and meeting facilities

Deacons	Practising in the Public Interest, July 2008
Minter Ellison Lawyers	Practising in the Public Interest, February 2009

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

Aboriginal Legal Service (NSW/ACT)
Allens Arthur Robinson
Australian Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission)
Consumer Credit Legal Centre
Corrs Chambers Westgarth
DLA Phillips Fox
Environmental Defenders' Office
Gilbert + Tobin
Henry Davis York

Homeless Persons' Legal Service
Inner City Legal Centre
Legal Aid NSW
Marrickville Community Legal Centre
Maurice Blackburn
Middletons
Mills Oakley Lawyers
Minter Ellison Lawyers
Pat Griffin, Barrister
Wilshire Webb Staunton Beattie
Women's Legal Services NSW

EWCAP Reference Group Members

Sean Ferns	Parks and Villages Service
Dev Mukherjee	Council of Social Services of NSW
Charmaine Crowe	Combined Pensioners and Superannuants Association
Joyce Fu	Ethnic Communities Council of NSW
Cheryl Kelly	Western Sydney Community Forum
Pat Le Lievre	Rural consumer representative
Dr Chris Riedy	Institute for Sustainable Futures (University of Technology Sydney)
Nathan Tyson	Australian Securities and Investment Commission

Other assistance and support

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*

Julie Robb, Partner at Banki Haddock and Fiora for her *pro bono* assistance with preparing an agreement for PIAC and the Mental Health Co-ordinating Council for the *Mental Health Rights Manual*.

Ian Robertson, Partner, and Linda Luu, Solicitor, at Holding Redlich for their *pro bono* assistance with the Government Contracts project

Tony Woods, Partner, and Martin Watts, Law Graduate, Henry Davis York for their *pro bono* assistance in relation to the transition of staff to PILCH

Tom Poulson, Partner, Bianca Locsin, Overseas Practitioner, and Chris Govey, Lawyer, of Allens Arthur Robinson for their *pro bono* assistance in drafting the Stolen Generations Reparations Bill for the PIAC's work on Stolen Generations.

Homeless Person's Legal Service partner organisations

Host agencies and community support organisations

Edward Eagar Lodge

Matthew Talbot Hostel

Newtown Mission

Newtown Neighbourhood Centre

Norman Andrews House

Ozanam Learning Centre

Parramatta Mission

Salvation Army Streetlevel Mission

The Station

Wayside Chapel

Women's and Girls' Emergency Centre

PILCH members staffing clinics

Allens Arthur Robinson

Baker & McKenzie

Corrs Chambers Westgarth

Deacons

DLA Phillips Fox

Gilbert + Tobin

Henry Davis York

HWL Ebsworth

Legal Aid NSW

Minter Ellison

AIMS

- To develop and pilot models for addressing unmet legal need
- To explore and promote innovative ways of funding and progressing public interest law
- To identify, challenge and prevent systemic barriers to justice

KEY ACHIEVEMENTS

- Mental Health Legal Service Project rolls out four pilot models for improving the delivery of legal services to people with mental illness
- Law for Non-Lawyers course delivered as two public courses and as a customised pilot course for Aboriginal workers and community members in Casino
- Street Care, the first advocacy and advisory group of homeless and formerly homeless consumers, is established to advise the Homeless Persons' Legal Service
- Reform of the on-the-spot fine system in NSW achieved with the introduction of Work and Development Orders

PUBLIC INTEREST LEGAL PRACTICE

PIAC continues to test mechanisms to extend access to public interest legal procedures.

One such mechanism that is under-used and somewhat untested is the Federal Court's cost capping provisions pursuant to Order 62A of the *Federal Court Rules* (Cth). PIAC successfully obtained a 62A Order limiting costs in a Federal Court discrimination matter: *Corcoran v Virgin Blue Airlines Pty Ltd* [2008] FCA 864. This is the first time that costs have been capped in a human rights or discrimination matter in the Federal Court. Costs were capped at \$15,000 and \$35,000 respectively for PIAC's two clients, allowing them to continue with the litigation with knowledge of the maximum financial risk involved.

PIAC has made various submissions to government and to parliaments to improve access to public interest legal procedures and to promote the development and funding of community legal centres and legal aid provision in Australia.



Class action controversies ... PIAC training in progress.

PIAC's submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into Access to Justice made recommendations on widening the standing provisions, increasing the use of costs capping orders, and changing the costs rules (so that each party bears their own costs) in federal human rights cases. In addition, recommendations were made in relation to increasing funding to community legal centres.

Recommendations about the adequacy of legal aid and resources for Aboriginal Legal Services were also made in PIAC's submission to the Standing Committee of Attorneys-General Working Group on Indigenous Justice on the Indigenous Law and Justice Framework.

PIAC's submission to the National Alternative Dispute Resolution Advisory Council's Inquiry into Alternative Dispute Resolution in the Civil Justice System recommended that courts should oversee compulsory alternative dispute resolution (ADR), that parties participating in ADR should have access to legal representation and that ADR not be used as a substitute for an inadequate court system.

PIAC also provided a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into Australia's Judicial System and the Role of Judges. In the submission, PIAC highlighted concerns about the increasing tendency to appoint temporary judicial officers and the impact on both the actual and perceived independence of the judiciary. A submission was also made to the NSW Attorney General's Department's review of access to Court documents.

PIAC's submission on the draft Federal freedom of information law amendment Bills proposed changes to enhance access to justice in relation to standing and timeliness (for more about PIAC's work on freedom of information, see the Government and Democracy section of this report).

PIAC continues to be actively involved in the NSW Legal Assistance Forum and the NSW Combined Community Legal Centres' Group (CCLCG).

Through these groups, PIAC is working with others to improve the induction of senior staff coming into the sector, and to promote employment in the legal assistance sector with students and graduates. One of PIAC's Senior Solicitors is the co-convenor of the Law and Policy Working Group of the CCLCG and a member of the Management Committee of the CCLCG.

PIAC provides a copy of its weekly table of current government and related inquiries to both the NSW Legal Assistance Forum and the NSW CLC Secretariat.

COMMUNITY LEGAL EDUCATION

Practising in the Public Interest

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* (PIPI) summer and winter schools. A total of 25 students from these two universities completed the one-week intensive course. PILCH members Deacons and Minter Ellison Lawyers each hosted a course.

Students at PIPI undertake three days of training and two days of placement. Students work in syndicates throughout the three training days to apply what they learn by developing an advocacy campaign around a case study on a current public interest issue. The training is presented by a combination of PIAC and PILCH staff, together with external presenters.

All students have the opportunity to attend placements at both a public organisation that practises law in the public interest such as Legal Aid NSW and Aboriginal Legal Service, and at a law firm

with a public interest/*pro bono* practice (one day at each). PILCH members support PIPI by taking students on placement.

Evaluations from the students indicate that the course continues to stimulate and inspire students to consider their future in law and social justice.

'One of the most valuable weeks of my whole degree. Thank you for your enthusiasm.'

'Loved the linking of policy, systems thinking and the law – been waiting for a course like this!'

'I think it's a fantastic opportunity to gain exposure to public interest law, the experiences and opportunities of it and the chance to be inspired. Great to be getting uni students to think outside the traditional solicitor.'

Students from Macquarie and Wollongong Universities who attended the PIPI Winter School in July 2008

'Great course. Very helpful for making career decisions.'

From a Macquarie University student who attended the PIPI Summer School in February 2009

Law for Non-Lawyers

Law for Non-Lawyers continues to be a regular part of PIAC's training calendar, with two fully registered public courses running during the year with a total of 60 participants. The courses were held in the Sydney CBD.

Interest in the course continues with PIAC presenting customised sessions of the 'Introduction to the legal system' for the NSW Aboriginal Land Council, and also two courses for staff of Legal Aid NSW.

On 23 and 24 June 2009, PIAC partnered with Legal Aid NSW to present a two-day customised *Law for Non-Lawyers* pilot course to Aboriginal workers and community members in Casino in the Northern Rivers region of NSW. The course was very successful with around 20 people in attendance. PIAC acknowledges the contributions of the Aboriginal Services Unit of the Legal Aid Commission of NSW (especially the Director, Scott Hawkins) and the Northern Rivers Co-operative Legal Services Delivery Project partners. Some comments from the participant evaluations follow:

'Workshop is important not just to the community organisations. Like to have this workshop done in communities for community people. People need to be aware that help is for everyone.'

'This is really needed for this area; more of this please.'

POLICING & DETENTION

Women in Prisons Advocacy Network

In the past decade there has been a 72 per cent increase in the population of women's prisons. The expanding population has placed pressure on services that support women both in an out of prison.

The Women in Prison Advocacy Network (WIPAN) was established in 2008 to advocate for improved services and reduce recidivism. PIAC assisted WIPAN establish its management group and develop the first strategic plan. PIAC also supported the group to provide input into the NSW Legislative Council Inquiry into Privatisation of Prisons and the National Human Rights Consultation.

Women's Advisory Council to the Department of Corrective Services (DCS)

PIAC's Chief Executive Officer, Robin Banks, was appointed to the re-established Women's Advisory Council to the Department of Corrective Services (DCS). This enables liaison with key staff within the Department as well as with other relevant organisations working on women and prisons issues.

Privatisation of Prisons

PIAC made a submission in March 2009 to the NSW Legislative Council General Purpose Standing Committee No 3 Inquiry into the Privatisation of Prisons and Prisons Related Services.

PIAC Chief Executive Officer, Robin Banks, and Solicitor, Peter Dodd, also gave oral evidence before the Inquiry on 27 March 2009 at Parliament House. PIAC raised significant concerns about the potential detrimental impact of privatisation of some NSW prisons, on rehabilitation services, post-release services and on programs for disadvantaged groups. PIAC pointed to the potential for privatisation to undermine accountability and increase the opportunity for corruption.

CHILDREN IN DETENTION ADVOCACY PROJECT (CID^oAP)

The Children in Detention Advocacy Project (CID^oAP) is a partnership between PIAC, PILCH and Legal Aid NSW. It aims to challenge the unlawful and unnecessary detention of young people.

The project provides legal representation on a *pro bono* or legal aid grant basis to minors who may have a cause of action arising from a false arrest, unlawful detention, malicious prosecution and/or the use of excessive force by police, transit authorities and private security companies. The project also works with relevant organisations to identify and rectify the causes of these detentions.

Work continued to finalise cases already commenced and increased emphasis was placed on policy and advocacy work to find appropriate solutions to systemic problems.

CID^oAP cases

In early 2008, PIAC brought proceedings on behalf of a young person in the District Court for false imprisonment. The young person was arrested and detained on the basis of a warrant that was subsequently found to have been withdrawn. He spent three weeks in custody without any lawful basis. The matter was settled on a confidential basis.

PIAC also provided legal advice to an young Aboriginal person who was detained overnight because police believed he was in breach of bail conditions that in fact had been dispensed with.

Systemic Issues

This project also joined with key stakeholders to progress policy issues that are identified through the project but not necessarily the key responsibility of PIAC.

For example, a joint project involving PIAC, Council of Social Services of NSW (NCOSS) and UnitingCare Burnside undertook to develop models for out-of-home care services for young people granted bail with a 'reside as directed' condition. The project drafted a position paper promoting a model of care to prevent young people granted bail from being detained because suitable accommodation cannot be found.

PIAC increased stakeholder involvement in CID^oAP through its membership of the Youth Justice Coalition (YJC). The YJC included detention and accommodation issues as a priority in its 2008-09 work plan. As a result, PIAC took a leading role in a study, initiated by the YJC, of bail outcomes for young people appearing in the Children's Court.

PIAC assisted by collating and analysing the data, writing sections of the report and organising its publication and distribution. The findings of the study confirmed that young people are in the courts for minor bail breaches and detained on remand due to the lack of community resources, without regard to the nature of the offence. The final report will be available in September 2009.

The project also works towards resolving systemic problems identified in the policing and court processes that lead to unnecessary arrests. Discussions with NSW Attorney General's Department took place in relation to systems for transferring information (about bail conditions, for example) from the courts to police.

During the year, PIAC met with staff of the Department to discuss the scope of the problem. This was followed by a request for an investigation into policing and information management problems resulting in young people being detained on the basis of outdated bail conditions. A detailed case study based on

information from NSW Legal Aid was provided to the Department that demonstrated the systems failure.

Public attention through the media, particularly youth programs on the ABC, increased attention on the situation of young people in detention in the second half of 2008. Media enquiries were referred to specialist legal centres and the Chair of the YJC. A communication plan was developed for the release of the study on bail conditions and young people.

In the previous financial year, PIAC made a submission to the Special Commission of Inquiry into Child Protection Services in NSW. The submission focussed on the link between children in care and the juvenile justice system. The Hon James Wood released his report In November 2008, which confirmed the systemic problems experienced by juveniles in need of community services. The chapter dedicated to this issue made a recommendation about NSW Government responsibility for caring for young people on bail or leaving detention.



Juvenile detention ... ambulance officers at the Acmena Juvenile Justice Centre in South Grafton.

INDIGENOUS JUSTICE

PIAC's Indigenous Justice Program (IJP) continues to benefit from the generous support of the private law firm, Allens Arthur Robinson. The funding from Allens enables the employment of one full-time senior solicitor in the IJP and the publication of the IJP's newsletter, *Talkin' Justice*.

The IJP also receives considerable support from Allens for PIAC's Stolen Wages project with lawyers from the firm (and other PILCH member firms) assisting claimants to recover unpaid government wages from the Aboriginal Trust Fund Repayment Scheme.

PIAC congratulates Allens on the launch of its Reconciliation Action Plan that expands the firm's already significant contribution to the Indigenous justice sector.

During the year, the IJP expanded campaigns such as the Stolen Wages and Stolen Generations projects and was involved in the work of CID^aAP. During this very busy period, the IJP benefited from additional staff resources with the employment of a part-time graduate solicitor from November 2008 until June 2009 and the continued support of interns from the Aurora Native Title Internship Program. The presence of additional staff in the IJP has been invaluable, providing vital support to Stolen Wages clients with registering claims to the Repayment Scheme and building upon the IJP's research capacity.

The IJP is set to receive additional staff resources in the coming year with the recruitment of a solicitor for 12 months. The solicitor in this position will work with the IJP and in the general litigation practice. The creation of this position will enhance the capacity of the IJP to become involved in strategic casework and litigation in targeted areas. It will also allow the IJP to undertake more research and public policy development to achieve systemic reforms and improve justice outcomes for Aboriginals and Torres Strait Islanders.

Policing & Corrections

PIAC is continuing its work with Aboriginal communities to identify and address systemic issues arising in policing procedures and practices that negatively impact on Aboriginal people in NSW. PIAC is currently working with other community organisations to develop a joint project to examine the efficacy of existing police complaints processes and develop proposals to improve the complaints system.

The IJP continues to have significant involvement in the CID^aAP project by providing advice and representation to Aboriginal young people in false imprisonment and battery claims against the NSW Police.

Other Indigenous Justice Work

PIAC is involved in several other projects with Aboriginal communities. In partnership with Legal Aid NSW and NSW Legal Assistance Forum Working Group of Aboriginal Clients, PIAC developed a customised version of its Law for Non-Lawyers training program for Aboriginal community workers as part of a civil law resource project for the Aboriginal community in the Northern Rivers area. The workshop was delivered in Lismore in June 2009.

PIAC has developed a two-year pilot project through its Mental Health Legal Services Project to provide improved support and access to justice for Aboriginal men with mental illnesses and complex needs through the Gamarada Men's Healing Program. (For more about the mental health pilot projects, see the report later in this section.)

Stolen Wages

In 2008-09, PIAC continued its leadership of the campaign to ensure that the NSW Government repay Aboriginal people in NSW wages and other monies withheld in trust accounts by its agencies and never repaid (Stolen Wages).

The Stolen Wages Project continues to be the key focus of the work of the Indigenous Justice Program. In the past year, the number of descendant claimants represented by PIAC rose to 202. This represents a 36 per cent increase from the same time last year. The number of direct claimants represented by PIAC remains at 45, unchanged from last year. Direct claimants continue to benefit from the support of the joint PIAC-PILCH Stolen Wages Referral Scheme, which provides legal representation to direct claimants through seven PILCH member firms: Allens Arthur Robinson, Deacons, Freehills, Gilbert+Tobin, Henry Davis York, HWL Ebsworth and Minter Ellison lawyers.

There were a number of significant developments in the Stolen Wages Project during the year. PIAC's leadership of advocacy for an extension of the deadline for the Aboriginal Trust Repayment Scheme resulted in the deadline being extended from 31 December 2008 until 31 May 2009. This gave Aboriginal people more opportunity to register claims.

In response to the failure by the NSW Government to widely promote the existence of the Repayment Scheme, PIAC conducted extensive community outreach in November 2008 and May 2009 to raise awareness in rural and regional Aboriginal communities in NSW about the Aboriginal Trust Fund Repayment Scheme and to assist Aboriginal people, particularly elders, to register claims. The outreach, which saw IJP staff travel to Moree, Quirindi, Tamworth, Armidale, Boggabilla and Toomelah, also gave staff the opportunity to talk about the work of the IJP and raise the program's profile in those communities.

PIAC has also campaigned extensively in the past few years for a fairer approach by the Repayment Scheme to the evidentiary rules that binds the Scheme, including the Panel.

Previously, in the absence of some documentary record of the existence of a trust fund account, the Panel would not rely on oral evidence to find that a trust existed. This failed to take into account the fact that many claims could not succeed because records that were supposed to be held by the relevant government agencies were lost, destroyed or poorly kept. PIAC has campaigned for the Repayment Scheme to accept oral evidence to find that a trust existed where it is credible. In March 2009, the Government announced that the Panel will now be able to take into account non-documentary and oral evidence when considering whether a trust existed. However this remains to be seen in practice as PIAC is not yet aware of any claims processed by the Repayment Scheme that have applied this new approach.

talkin' justice

**STOLEN WAGES CLAIM
DEADLINE!**

*You must register your claim to the
NSW Aboriginal Trust Fund Repayment Scheme by*

31 December 2008

If you or a deceased family member were
'under the Protection Acts' in NSW before 1969,
the NSW Government may owe you unpaid
wages, child endowment or other trust money.

Call the Aboriginal Trust Fund Repayment Scheme on
1800 765 889 to register a claim

Call PIAC's Indigenous Justice Program solicitor on
(02) 8898 6527
to get advice and find out how to get legal help.

Talkin' Justice is the Indigenous Justice Program of the Public Interest Advocacy Centre (PIAC).

Campaign flyer ... distributed by PIAC's Indigenous Justice Program.

Unfortunately, there have also been a number of regressive developments concerning the operation of the Repayment Scheme. Most notably, the Government's announcement of an \$11,000 lump sum payment to all successful claimants has received an overwhelmingly negative reaction amongst claimants whose claims are yet to be processed. Many feel that this is unfair given that previously some claimants received repayments in excess of \$30,000. Many also feel that this amount is not sufficient recompense for the years or hardship and labour that they or the relatives endured.

As a result, PIAC's campaign for progress towards a fairer scheme that achieves repayment of monies owed is far from over.

Stolen Generations

In February 2009, a year after the national apology to the Stolen Generations, the Federal Government announced that it would establish an Aboriginal and Torres Strait Islander Healing Foundation to address the cycle of trauma and grief in Indigenous communities, particularly affecting members of the Stolen Generations and their families.

PIAC welcomed this announcement and the Government's approach to developing the Healing Foundation of conducting nationwide community consultations.

Restoring Identity was the final report of the Moving Forward: Achieving Reparations national consultation project conducted by PIAC in 2002, which sought the opinions of Aboriginal and Torres Strait Islander people about PIAC's proposal for a national reparations tribunal. The report documents the outcomes of the consultations and examines international approaches to providing reparations. It also draws on PIAC's own experiences representing members of the Stolen Generations.

To boost the campaign for reparations for members of the Stolen Generations, PIAC is updating to produce a second edition of *Restoring Identity*. The second edition will include a draft Stolen Generations Reparations Bill that provides a framework for the functions and powers of the proposed tribunal and outlines the claim process and procedures. PIAC is grateful to Allens Arthur Robinson partner, Tom Poulton, and Allens staff members, Bianca Locsin and Chris Govey, who assisted in preparing the draft Bill. This second edition will be launched in late 2009 and will form the basis of PIAC's campaign work in this area.

In addition to the campaign for a national reparations tribunal, PIAC has provided legal advice to members of the Stolen Generations seeking to bring legal action against government for the harm and abuses they suffered as a result of their forcible removal from their families and subsequent mistreatment in foster homes and state-run institutions.

The success of the late Bruce Trevorrow in his civil claim against the South Australian Government for compensation for the harm caused by his forcible removal from his family at 13 months of age created renewed optimism among members of the Stolen Generations. However, many who have sought to follow in Mr Trevorrow's footsteps have been disappointed by the paucity of funding available to pursue similar claims and the complexities of the litigation process.

PIAC hopes that the second edition of *Restoring Identity* will encourage consideration by all governments and the wider community of a different and more responsive way forward in addressing the grief and trauma experienced by members of the Stolen Generations.

HOMELESS PERSONS' LEGAL SERVICE (HPLS)

The Homeless Persons' Legal Service (HPLS) marked five years of operation on 20 May 2009. HPLS was launched by the (then) NSW Attorney General, the Hon Bob Debus, and Lord Mayor of Sydney, Clover Moore. In the five years since then, HPLS has grown from four clinics to nine clinics across Sydney and has provided legal advice and representation to over 2,800 clients.

PIAC continues to co-ordinate and supervise the clinics and the casework provided by partner legal practices through the joint initiative with the PILCH.

The inclusion of a Solicitor Advocate on the HPLS team has been an overwhelming success. The purpose of the Solicitor Advocate position was to establish a dedicated point of contact for people who are homeless or at risk of homelessness to access legal representation in minor criminal matters.

The role was established to overcome some of the barriers homeless people face accessing legal services. These barriers include a lack of knowledge of how to navigate the legal system; the need for longer appointment times to obtain instructions; and the capacity to address multiple and complex inter-related legal and non-legal issues, such as mental health or addiction issues.

The Solicitor Advocate assisted 88 clients as at June 2009, and over 140 since commencing in January 2008.

Influencing government

HPLS has continued its systemic advocacy on key issues affecting homeless people. The year saw some very positive outcomes achieved through this work, most notably in the area of fines.

In December 2008, two years after the release of the HPLS report, *Not such a Fine Thing! Options for Reform of the Management of Fines Matters in NSW*, the NSW Government made a number of amendments to the *Fines Act 1996* (NSW) that reflect many of

the recommendations made in the report and those raised by HPLS in subsequent meetings with the NSW Attorney General's Department.

HPLS was invited to work with the NSW Attorney General's Department and a number of other government agencies and non-government organisations to write the guidelines that underpin the operation of the two-year trial of Work and Development Orders.

A defining moment in the Federal Government's approach to addressing homelessness was the release of the White Paper on Homelessness, *The Road Home*, in December 2008. The White Paper set a number of ambitious targets to reduce homelessness by 2020 and called on the state and territory governments to develop action plans for the implementation of policy change and new programs to achieve those targets.

HPLS was consulted by the NSW Government and was able to provide input into the development of *A Way Home: Reducing Homelessness in NSW, NSW Homelessness Action Plan 2009 – 2014*.

Homeless advocacy group

In late 2008, PIAC secured funding under the City of Sydney's 2008/2009 Community Services Grants Program to establish an advocacy and advisory group to work with HPLS.

In February 2009, the group, which has since decided to call itself, Street Care, met for the first time. Street Care has seven foundation members and is representative of people who are homeless, formerly homeless, Indigenous, exiting prison, women escaping domestic violence, youth and transgender.

As part of PIAC's and HPLS's commitment to Street Care members, a half-day training session on what it means to be an advocate was conducted before Street Care's first official meeting.

‘One of the aims of Street Care is to ... facilitate meaningful consultation with homeless people ...’

One of the aims of Street Care is to be a central point of contact to facilitate appropriate and meaningful consultation with homeless people on issues affecting them. Street Care is able to put forward informed recommendations to government

agencies and other organisations to ensure that homeless people have a strong voice in the community.

In March, the office of the NSW Premier, the Hon Nathan Rees, invited Street Care to attend NSW Parliament House for a tour and to watch Question Time in the Legislative Assembly. NSW Minister for Housing, the Hon David Borger, invited Street Care to his Parliamentary office where he listened to concerns identified by members based on their personal experiences of homelessness.

An exciting event that demonstrated the importance of a group like Street Care was the invitation for one of the members to speak at a conference organised jointly by the City of Sydney and Mercy Foundation. Street Care member Sarah Bartley spoke to and took questions from a gathering of 150 people who work in the homeless sector. She described her experience of what is necessary to make exiting homelessness permanent.

THE MENTAL HEALTH LEGAL SERVICES PROJECT

A major milestone for the Mental Health Legal Services Project (MHLSP) was achieved in March 2009 when the NSW Public Purpose Fund (PPF) funded four MHLSP pilot projects for two years.

The four pilot projects are:

1. to place a lawyer at the NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS);

2. to place a lawyer at the Multicultural Disability Advocacy Association (MDAA);

3. to place a social worker at the Shopfront Youth Legal Centre (Shopfront); and

4. to employ an Indigenous Men's Access to Justice (IMAJ) Worker, to work with the Gamarada Men's Healing Program and to be engaged in systemic advocacy.

This complements the funding from Legal Aid NSW for the project co-ordination and training development and delivery. Two training modules, both of which are one-day workshops, have been developed:

1. 'How to Work With Consumers', for lawyers; and
2. 'How to Sort Out Your Pre-Legal Problems', for people who are mentally ill (consumers).

This funding success affirms the hard work undertaken by PIAC in realising the creation of an innovative set of pilot projects and training modules. It also represents a positive contribution by the PPF toward supporting a groundbreaking approach to improving access to justice for people with mental illness.

The Pilot Projects

The pilot projects will have a considerable, beneficial impact on the health, well-being and legal outcomes of consumers. For example, Jamie Alford, the social worker placed at Shopfront Youth Legal Service, described the following case scenario:

Patrick [not his real name], aged 18, is homeless. Over the past two years he has been admitted on several occasions to psychiatric hospitals in a state of psychosis. He was recently diagnosed for the first time with schizo-affective disorder. In addition to this serious mental illness, Patrick is struggling to deal with the physical and psychological symptoms associated with a

traumatic brain injury that he experienced as a result of a motor vehicle accident at age 14. As a child, Patrick was abandoned by his parents and raised in a series of foster homes. He has a long-standing, poly-substance addiction. Patrick claims that drugs are the only way that he can get through the constant pain of living. Unfortunately, his abuse of illegal drugs has brought him into regular contact with the criminal justice system.

By augmenting the legal service at Shopfront with a social work service, Jamie has been able to provide Patrick with intensive case management that over time will address Patrick's homelessness, mental illness, drug addiction and offending behaviours. This is work that previously would have been largely outside Shopfront's capacity but now, working holistically and collaboratively, Jamie and the lawyers there can work towards remarkable outcomes.

Similarly, Anne Mainsbridge, the lawyer at NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS), has reflected on the benefits of augmenting the clinical service at STARTTS with her legal expertise:

So far, my life as a lawyer in a clinical program has been challenging but extremely rewarding. The types of matters that have come up are extremely diverse and range from migration issues through to tenancy law, family law, credit and debt and serious criminal matters. STARTTS consumers have traditionally found it very difficult to access the justice system, because of language barriers, lack of understanding of the Australian legal system and perhaps most significantly, fear of engaging with that system due to previous negative experiences with the law in their countries of origin. Through fairly simple interventions, I have been able to negotiate reductions in debts owed by STARTTS consumers to service providers. I have also been able to prevent a family of refugees from Iraq from being evicted from the house they are currently renting. Other, more complex matters have

been, or are in the process of being referred to specialist lawyers for pro bono assistance'.

Anne has noted that through her work with the STARTTS counsellors she has furthered her understanding of the hindrance that unresolved or protracted legal problems can be to the clients' recovery from trauma. It is precisely because she works closely with the STARTTS counsellors that she can, in many instances, intervene at an early stage to help clients address their legal problems.

The same also holds true in reverse, where healing from trauma can be the first step in consumers taking action to sort out their legal problems. For example, Ken Zulumovski, who is both a Director of the Gamarada Men's Healing Program and the Indigenous Men's Access to Justice Worker with PIAC, recalls the story of Tony (not his real name), a 35-year-old Indigenous man who had a history of family violence, alcohol and gambling addiction. This harmful lifestyle placed Tony at risk of contact with the criminal justice system, primarily through his ever-mounting gambling debts. However, through his commitment to and participation in the Gamarada Men's Healing Program, Tony has successfully turned his life around. He has resolved his anger issues, he no longer drinks alcohol or gambles and he is now a regular contributor to the leadership of the program.

The fourth pilot project involves placing a lawyer with the Multicultural Disability Advocacy Association (MDAA) in Harris Park. That lawyer, Nancy Walker, from August 2009 will work with MDAA advocates to provide legal information, support, referral and advocacy for the service's culturally diverse consumers. A unique feature of this pilot project will be that Nancy will also provide an outreach service, via videoconference and teleconference, to advocates at MDAA's satellite services across NSW. The placing of a lawyer at MDAA was in large part driven by the expressed needs of MDAA consumers who, during a



community consultation in May 2008, told MHLSP workers that their legal needs were simply not being met. It is hoped that having Nancy at MDAA will overcome many of the barriers these consumers face to accessing justice.

Comprehensive Evaluation

In conjunction with the development of the pilot projects and training modules, PIAC has devised an evaluation strategy that assesses individual consumer outcomes while also identifying systemic barriers to justice. PIAC has engaged the consultancy service, WestWood Spice, to work with PIAC staff, pilot project partner services, the MHLSP Steering Committee and other key stakeholders to formulate an evaluation strategy that is based on action research methodology. In doing so, PIAC will capture rich, reliable data at all points (consumer, service and systemic levels). In addition, the evaluation strategy will allow for the opportunity to revise and amend, if necessary, any of the pilot projects or training modules.

Other Initiatives

The MHLSP continues to be involved in other initiatives to improve access to justice for consumers. For example, the MHLSP consulted with the Aboriginal community in Redfern and with members of Adults Surviving Child Abuse (ASCA) in relation to the National Human Rights Consultation.

Further, the MHLSP has established an Independent Mental Health Advocacy (IMHA) Working Group to research the possibility of establishing one or more independent mental health advocacy pilot projects.

The MHLSP project workers gave papers throughout the year at state and national conferences, including the National Community Legal Centre Conference in Darwin, the 2008 National Disability Advocacy Conference in Melbourne and at the Complex Needs Conference at Kingscliff, NSW.

INQUESTS AND THE CORONER

PIAC continues to be involved in a number of Coronial Inquests that raise matters of public interest.

PIAC has represented the families of inmates and detainees who have committed suicide in custody. PIAC has also acted for the families of individuals who have committed suicide after allegedly being refused treatment or provided with inadequate treatment by the public mental health system.

PIAC continues to monitor the implementation of recommendations of the Coroner in 2006 in the matter of the death in custody of Scott Simpson and to lobby the NSW Government to implement the Coroner's recommendations about segregation orders and their effect on prisoners with a mental illness.

PIAC is currently representing the family of the late Jason Szczepek who committed suicide after being refused admission to Sutherland Hospital in 2006 following previous suicide attempts.

PIAC has requested that the Coroner make recommendations to NSW Health about the need for more secure care options for critically ill mental health patients. PIAC has also requested that the Coroner make recommendations to NSW Health to implement some of the recommendations of the 'Tracking Tragedy' reports presented to the NSW Government between 2002 and 2007.

PIAC is also assisting family members in several other matters relating to deaths in custody. One involves a man from a refugee community who allegedly committed suicide in custody. Another involves a man who died in immigration detention pending his deportation.

PIAC continues to be actively engaged in pursuing Coronial law reform. In particular, PIAC is currently lobbying for specific legislative provisions in NSW mandating a response from government to recommendations made by the Coroner.

AIMS

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

KEY ACHIEVEMENTS

- Delivery of an increased number of courses and training days.
- Inclusion of PIAC recommendations in freedom of information legislation.
- Completion of *A Question of Balance*, in partnership with the Whitlam Institute and the Social Justice & Social Change Research Centre at the University of Western Sydney.

GOVERNMENT AND THE THIRD (COMMUNITY) SECTOR

PIAC has an ongoing interest in progressing a new legal and administrative framework for governance of the not-for-profit sector and is a member of the National Roundtable of Non-Profit Organisations Advisory Group. PIAC continues to work with the Australian Council of Social Service (ACOSS), and the NSW-based Forum of Non-Government Agencies (FONGA) and others on this issue.

In September 2008, PIAC made a submission to the Senate Economics Committee's into the Disclosure regimes for charities and not-for-profit organisations, supporting the need for all not-for-profit organisations to be accountable to government and the community.

PIAC argued that the not-for-profit sector is already subject to a lot of regulation and what is needed is better and more-targeted regulation rather than more regulation.

PIAC also noted that charities and not-for-profit organisations have been the subject of many inquiries and reports, and that very few of the recommendations have been implemented. PIAC argued that Senate Inquiry should build on the findings of these inquiries rather than conduct more research.

The report of the Committee was handed down in December 2008. It supported many of PIAC's recommendations. These recommendations were noted by the Government and have informed further research during 2009. No substantial change has yet occurred.

PIAC attended a 'Special Forum of Australian Non-Profit Organisations' convened by Senator Ursula Stephens' office in late 2008. There was much discussion on the role and importance of the sector and the need to convene a new group to represent the sector as a whole. Subsequent discussions in 2009 focussed on the development of a National Compact between the Third Sector and the Government. PIAC will make a submission to this process in the second half of 2009.

PIAC also made a brief submissions to the first and second stages of the Henry Review of Taxation, urging that special consideration be given to the issues related to the definition, regulation and taxation status of charities and not-for-profit organisations. PIAC called, once again, for the recommendations of previous inquiries into the sector to be implemented.



AAP image/Alan Porritt

Senator Ursula Stephens ... convened a forum of Australian non-profit organisations.

A question of balance: principles, contracts and the government-not-for-profit relationship

PIAC, together with the Social Justice & Social Change Research Centre at the University of Western Sydney and the Whitlam Institute, completed a project examining the contractual relationship between governments and non-for-profit organisations for the provision of services, particularly employment services.

A literature review and interviews with

24 senior staff from non-government organisations was supplemented by detailed legal analysis of a number of key Federal Government contracts. The project team was greatly assisted by the review of and advice on the contracts provided on a *pro bono* basis by Linda Luu, Lawyer, and Ian Robertson, Partner, of Holding Redlich Lawyers. The final report presented the research findings and proposed a series of recommendations including a set of common principles that could govern future contracts.

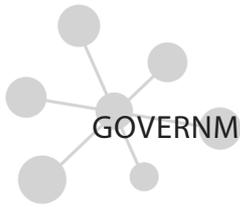
The aim of the project was to determine the impact of contracts, including the impact on relationships between government and non-government parties. The project also aimed to offer constructive ideas for nurturing stronger relationships and delivering better services.

The project concluded that the contract codifies the relationship between government and non-government parties in regard to the delivery of services. As such, its importance has been understated. Redeveloping the contractual relationship and its core principles will have a significant and positive impact on relationships between government and non-government parties and on the delivery of quality services.

A copy of the report was submitted to the Productivity Commission's Inquiry into the Contribution of the Not-for-Profit Sector.

ELECTORAL REFORM

PIAC continued to work throughout the year to influence the reform of electoral processes in Australia. In particular, PIAC continued to advocate that electoral funding law reflect the principles of fairness and equity.



GOVERNMENT & DEMOCRACY

PIAC made a submission to the Federal Government in response to the first Electoral Reform Green Paper. PIAC built on the policy positions developed in 2007-08 for electoral funding inquiries in NSW and Victoria and argued that reform of Australian electoral law is long overdue.

PIAC argued that democracy benefits from having diverse views represented in parliaments, public debates and campaigns. It is through the presence of different voices that new agendas can be developed, that vested interests can be challenged, and that governments can be held to account.

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. Any arrangements that compromise these principles must be regarded as serious threats to the public interest and representative democracy.

The Federal Parliament's Joint Standing Committee on Electoral Reform held a Roundtable to discuss the financing of elections and canvassed the issues raised in submissions to the Inquiry into the 2007



AAP Image/Dean Lewins

Election day ... PIAC continues to work on electoral reform.

Federal Election. PIAC's Manager of Policy and Programs, Deirdre Moor, attended and gave evidence.

ALP Draft National Platform

PIAC also made a submission to the Australian Labor Party (ALP) consultation on its Draft National Platform 2009. PIAC emphasised the need to ensure that consumer voices are properly represented in policy development through open, transparent and genuinely representative processes. PIAC hoped to update, clarify and in some cases extend the application of these principles in the Platform.

ADVOCACY SKILLS TRAINING

PIAC has maintained its status as a Registered Training Organisation and is working to meet new reporting requirements under the Australian Quality Training Framework 2007 (AQTF 2007).

PIAC is now required to report against three quality indicators to demonstrate continuous improvement: learner engagement, employer satisfaction and competency completion.

In late 2008, an updated version of the Community Services Training Package was

released; PIAC is required to complete its transition to the new package by early 2010.

Each year, in January and June, PIAC distributes a calendar of public training courses.

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.

Training is also one way that PIAC can facilitate closer relationships with the community sector, from which the majority of PIAC training participants come.

Support for PIAC training was strong throughout the year.

Work the System public courses were presented twice during the year with a total of 45 participants. *Effective Advocacy Skills and Strategies* public courses were held three times during the year, with 61 participants. Both courses increased numbers from the previous year.

The Work the System and *Effective Advocacy Skills and Strategies* course materials for participants were reviewed, updated and reprinted early in 2009.

PIAC is grateful to the Learning and Development unit of Legal Aid NSW for making their training room available for PIAC training.

Advanced Media Skills

Throughout the year, PIAC continued to offer Advanced Media Skills Training conducted by experienced journalists Lynette Simons and Don Palmer. This course covers radio and television interview skills and writing media releases. It continues to be a very successful program, with four courses training 37 participants (including some PIAC staff members) during the year.

The course has also been presented in-house for the following organisations:

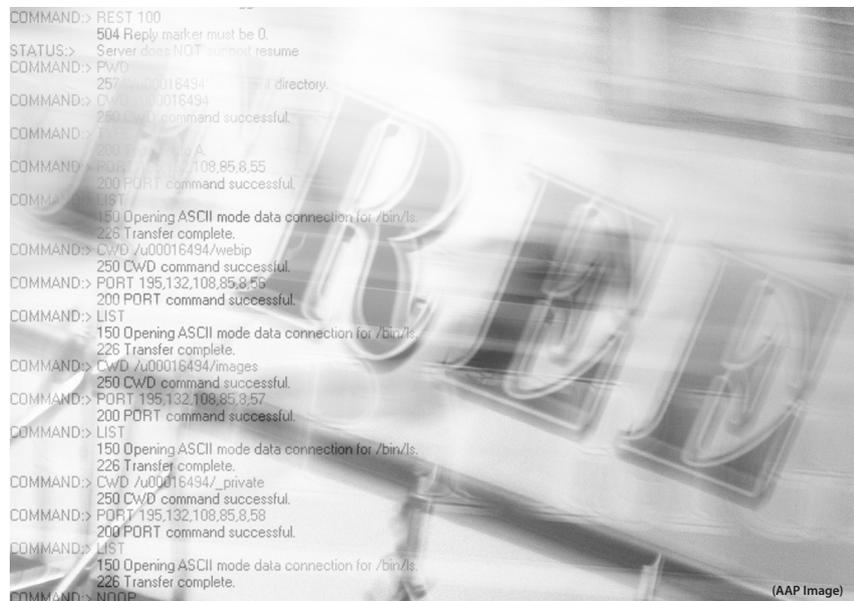
- The Wilderness Society
- Positive Life NSW
- Northern Rivers Community Legal Centre
- Fairfield City Council (two courses)
- Macarthur Diversity Services

Customised training

PIAC customises its training for particular organisations, groups and networks. PIAC increased both the number of courses and the number of training days compared to the previous year.

During the year, PIAC delivered 22 in-house training courses, including media skills courses, over 27 days. These courses were delivered to the following organisations:

- Parramatta Migrant Resource Centre
- The Cancer Council of NSW Consumer Advocacy Training (four courses)
- Newcastle and Hunter Homelessness Interagency Network Conference
- Amnesty International
- STARTTS
- Combined Koori Regional Home and Community Care Network
- Street Care (Homeless Persons' Legal Service)
- Cancer Council South Australia Consumer Advocacy Training
- Fairfield City Council
- Ethnic childcare
- Deafness Forum Australia
- Vision Australia
- The Wilderness Society
- Positive Life NSW
- Northern Rivers Community Legal Centre
- Fairfield City Council
- Macarthur Diversity Services



Ombudsman's Discussion Paper about the operation of the *Freedom of Information Act 1989* (NSW) (the NSW FOI Act).

In response to the Ombudsman's report, the NSW Government released draft reforms in May 2009. The NSW Government proposed replacing the existing NSW FOI Act with a new legislative framework that would make a number of fundamental changes to the regime. Some of the proposed changes included introducing a general presumption that it is in the public interest for documents to be released, ensuring that all requests for a person's own information will be dealt with under privacy legislation and creating a new independent Information Commissioner with oversight of the new legislation.

32 Freedom of Information ... new legislation expected for 2010.

Training partnerships

Since 2002, PIAC has partnered with the Cancer Council NSW and Cancer Voices 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 and the Hunter region, including one customised for young adults, in conjunction with CanTeen.

For the first time, PIAC partnered with the Cancer Council of South Australia and

Cancer Voices South Australia in March 2009 to run consumer advocacy training for health consumer advocates.

FREEDOM OF INFORMATION

Significant changes and reforms to freedom of information (FOI) legislation occurred during the year at both the Commonwealth and NSW level.

In November 2008, PIAC made a submission in response to the NSW

PIAC made submissions to the NSW Government in relation to its exposure draft reform package in May 2009, and following the introduction of the Government Information (Public Access) Bill 2009 and the Government Information (Information Commissioner) Bill 2009 to Parliament in June 2009.

Many of PIAC's recommendations to the Ombudsman and the Government in relation to these reforms were incorporated into the new legislation that comes into effect in 2010.



At the same time as the NSW Government overhauled its FOI regime, the Commonwealth Government introduced two stages of reforms to the *Freedom of Information Act 1982* (Cth) (the Cth FOI Act).

The first stage of the Commonwealth Government reform was to abolish Ministerial certificates. While commending the Commonwealth on this amendment, PIAC in its submission raised concerns about some provisions of the reforms. These concerns related to provisions that would exclude from the scope of Cth FOI Act documents in the hands of government ministers that originated within or were received from certain defence or security agencies. PIAC also gave evidence to the Senate Standing Committee on Finance and Public Administration on the reforms in February 2009.

The second stage of the Commonwealth FOI reforms included the creation of an Information Commissioner and the creation of Information Publication Schemes that would open up significant amounts of government information to the public.

PIAC used FOI law in its casework throughout the year. One example of this is the FOI request made to Centrepay for information relating to all participating Centrepay organisations.

PIAC continued its involvement in two FOI matters relating to the Department of Defence's handling, exchange and rendition of people including military prisoners. This project began in 2005, when PIAC made FOI requests to the Department of Defence and the Department for Foreign Affairs and Trade for all information regarding the rendition of detainees. PIAC has appealed to the Administrative Appeals Tribunal in relation to the Department of Defence's failure to provide adequate reasons or information.

During the year, PIAC acted for the UK All Party Parliamentary Group on Extraordinary Rendition (APPGER) in relation to APPGER's FOI request to the Australian Department of Defence. The APPGER is a group of 60 UK MPs who want to get to the bottom of Britain's involvement in extraordinary renditions linked to the war in Iraq.

Finally, PIAC made a submission in response to the Australian Law Reform Commission's Review of Secrecy Laws. PIAC argued for an overriding public interest test in which the need to protect government information is balanced against the general public interest in open and transparent government.

‘ PIAC continued its involvement in two FOI matters relating to the Department of Defence's handling of people including military prisoners. ’

AIMS

- To ensure that consumers, particularly low-income and vulnerable consumers, have access to fair treatment in identified priority areas
- To redress obstacles to the fair treatment of consumers in identified priority areas
- To encourage the active participation of organisations and individuals committed to ensuring that all people have access to fair treatment as consumers

KEY ACHIEVEMENTS

- Australia Post services secured for remote community of Stanley Village
- Adoption of a National Charter of Healthcare Rights
- Energy and Water Consumers' Advocacy Program (EWCAP) celebrates 10 years representing the interests of residential energy and water consumers

ABORIGINAL CONSUMER ADVOCACY

PIAC's Indigenous Justice Program (IJP) remains committed to ensuring that Aboriginal consumers, particularly those in remote communities where there is a lack of accessible consumer advocacy services, have access to fair treatment.

Working with partners, PIAC has commenced an investigation of Aboriginal Funeral Funds to address issues relating to the lack of consumer protection available to Aboriginal consumers of funeral fund financial products. As part of PIAC's ongoing investigation into funeral fund selling practices in Aboriginal communities, PIAC has become aware of the use of predatory selling practices in order to sign up Aboriginal consumers to funeral fund financial plans. PIAC is investigating potential legal claims arising from such practices as well as examining the use of Centrepay as a method of directly debiting premiums from social security payments by certain funds. PIAC is also involved in ongoing discussions with stakeholders such as the Australian Securities and Investments Commission and the Indigenous Consumer Assistance Network about strategies to improve consumer protection in this area.

PIAC has also assisted a resident of the Aboriginal community of Stanley Village (situated near Moree) who lodged a complaint against Australia Post for failing to deliver mail to the community. The community had been without postal services for over 30 years. As a result of a campaign by PIAC for the introduction of postal services in the community, Australia Post agreed to deliver mail to the residents of Stanley Village. PIAC's success in this case could pave the way for other remote communities to campaign for postal services in their own communities.



National health care ... PIAC welcomed a Charter of Healthcare Rights

HEALTH

National Registration of Health Care Professionals

PIAC has been closely involved in the consultations regarding a proposal for the national registration of health professionals. PIAC supports a national registration scheme in principle, but has some concerns about the proposed national healthcare complaints scheme. PIAC set out those concerns in a submission. PIAC also participated in a national forum on these proposals held in Sydney on 21 October 2008.

PIAC and NCOSS expressed disquiet about the potential diminution of NSW health consumers' rights in a joint letter to all NSW MPs, as well as to NSW members of the Australian Parliament. PIAC and NCOSS's main policy objective, set out in the letter, was the maintenance of an independent body to assess, investigate and prosecute complaints about health professionals in a national registration system. In NSW, the Health Care Complaints Commission (HCCC) has performed that role since 1993.

PIAC also set out these concerns in its submission to the NSW Joint Parliamentary Committee on the Health Care Complaints Commission and in its submission to the Senate Community Affairs Committee's Inquiry into the National Registration Scheme on 4 May 2009. PIAC also gave oral evidence to that Senate Inquiry on 14 July 2009.

As a result of this lobbying campaign by PIAC, NCOSS and other consumer organisations, as well as numerous professional representatives organisations in NSW, the (then) NSW Health Minister, The Hon John Della Bosca, announced that the HCCC, as an independent complaints body, will continue to assess, investigate and prosecute complaints as part of the national registration scheme.

Safety and quality in Health Care

In August 2008, PIAC made a submission in response to the Australian Commission on Safety and Quality in Health Care's consultation paper on 'Consumer Engagement Strategies'.

In its December 2008 submission to the NSW Joint Parliamentary Committee on the Health Care Complaints Commission (HCCC), PIAC made several law reform proposals to improve the performance of the HCCC and enhance the rights of health consumers in relation to the health complaints process.

Charter of Health Care Rights

After many years of lobbying by PIAC and other consumer organisations, in July 2008 all Australian state and territory Health Ministers adopted a national Charter of Healthcare Rights. PIAC welcomed this announcement.

PIAC believes that legislative and administrative reforms are now needed to improve the Charter and to make it enforceable. PIAC has made several submissions along these lines to the Commonwealth Government as part of the consultation process



on the national registration scheme for health professionals. PIAC also expressed this view in submissions to the Senate Community Affairs Committee and to the NSW Joint Parliamentary Committee on the Health Care Complaints Commission.

Regulation of Solaria

In December 2008, the NSW Department of Environment and Climate Change (DECC) advertised and distributed a Draft Regulation on Tanning Units. In February 2009, PIAC made a submission supporting most provisions of the Draft Regulation, which significantly strengthened the regulation of the operation of tanning units in NSW.

PIAC suggested some further regulatory changes in its submission. PIAC worked collaboratively with the NSW Cancer Council on these suggested amendments to the draft regulation, although the two organisations made separate submissions.

The NSW Government subsequently amended the regulations under the *Radiation Control Act 1990* (NSW) to incorporate the regulation of tanning units and solaria, adopting most of the Draft Regulations and incorporating several, but not all, of the changes suggested by PIAC and the NSW Cancer Council.

Mental Health in Prisons

In 2009, PIAC reconvened the Mental Health in Prisons Network. This network consists of organisations and individuals who are concerned about the over-representation of people with a mental illness in NSW and Australian prisons. The network advocates for prison reform in response to this over-representation.

The network includes people who are 'consumers' and former 'consumers' of the existing mental health services in NSW prisons. The network had several meetings in 2009 and hosted an address by The Hon Greg James QC, President of the Mental Health Review Tribunal (MHRT).

PIAC and other network members welcomed the 2008 decision by the NSW Parliament to pass the new *Mental Health (Forensic Provisions) Act 1990* (NSW). The Act removed executive discretion with regard to the release of forensic patients and gave this power to the MHRT. PIAC and the Mental Health in Prisons Network were prominent in the campaign to bring about the significant legislative changes contained in this Act and participated in the consultations that led to the legislative amendments.

As a member of the Justice Health Consumer and Community Group, PIAC has an ongoing dialogue with Justice Health about the quality of and access to mental health services and other health services provided to NSW prisoners, young people in Juvenile Detention Centres and forensic patients.

GAMBLING

Ten years after its 1999 inquiry into the gambling industry, the Productivity Commission established an inquiry with similar terms of reference in 2009, adding harm-minimisation to the scope of its inquiry. PIAC responded in detail to the inquiry, looking at the issue from the consumers' perspective. The PIAC submission reviewed evidence of harm-minimisation research undertaken in the past decade, examined the population groups most at risk of problem gambling, and explored case law and the responsibilities of gambling venues to protect consumers from harm.

PIAC referred to the legislative framework, including taxation arrangements in NSW. However, most recommendations could be applied nationally. PIAC supported a review of the funding arrangements for prevention and treatment services for problem gamblers and recommended changes to regulations to allow a separate cause of action for individual problem gamblers affected by a failure by a gambling venue to comply with its statutory obligations.

ENERGY AND WATER

The Energy + Water Consumers' Advocacy Program (EWCAP) celebrated its tenth year representing the interests of residential energy and water consumers. The two EWCAP policy officers worked to identify systemic problems with energy and water service provision, develop and promote policies to benefit low-income and other disadvantaged households, to consider the impact of sustainability policies and programs, and to build partnerships with consumers, government, industry, and community organisations.

Climate change mitigation

Recognising the relationship between climate change mitigation and the price of energy, PIAC prepared submissions and met with



Members of the Energy and Water Consumers' Advocacy Program (EWCAP) ... PIAC held the biennial EWCAP conference.

NSW and Federal parliamentarians, departmental staff and energy retailers to advocate for government- and industry-sponsored energy- and water-efficiency initiatives. Both the Commonwealth and NSW Governments have committed to assist disadvantaged consumers to reduce their energy consumption and bills.

PIAC also organised and held the biennial EWCAP conference, which focussed on the impact of the Carbon Pollution Reduction Scheme and other carbon mitigation policies on low-income earners and other residential energy consumers. Over 70 delegates met to hear about and discuss the intersection between climate change policies and energy consumers.

Disconnections

PIAC worked with retailers, community organisations and social research firm, Urbis, to survey households to obtain a better understanding of the demography and experience of utility disconnections. The project uncovered a considerable increase in the proportion of working families to have experienced disconnection due to a lack of capacity to pay their utility bills.

The study also revealed that many consumers experiencing hardship were not offered appropriate support in the period prior to disconnection. PIAC and other consumer advocates have since employed this research to highlight inadequacies in the existing consumer protection framework in consultations with the NSW Government and energy regulators.

Electricity privatisation

In spite of consumer, union and community opposition, the NSW Government maintained its commitment to sell and lease NSW electricity assets including the retail arms of EnergyAustralia, Integral Energy and Country Energy. EWCAP expressed concern about the impact of privatisation on the level of competition in the retail electricity market and advocated for enhanced consumer



protections and social programs to ensure consumers are not adversely affected.

Water price determinations

PIAC submissions and presentations to the Hunter and Central Coast water price determinations alerted the Independent Pricing and Regulatory Tribunal (IPART) to the impacts of price rises on disadvantaged households. IPART decisions about price paths, pensioner rebates, dialysis rebates, hardship policies, and complaints resolution were all influenced by PIAC representations.

Electricity price hikes

Late in the year, IPART announced that NSW consumers would soon experience a 20 per cent increase in electricity prices. EWCAP used the media to publicly express concern about the impact this price increase would have on low-income and other disadvantaged consumers. Faced with growing community concern, the Minister for Energy committed to bring forward a multi-million dollar consumer safety net that included an increase in the pensioner energy rebate and more funding for financial counselling services and for electricity vouchers.

Throughout the year, EWCAP met with various customer councils, consumer advocates and community welfare organisations to voice concerns about issues deemed likely to impact upon residential energy consumers including price increases, emissions trading, energy rebates, and hardship programs.

Advocacy for consumers with disability

During the year, PIAC (through EWCAP) supported a campaign by MS Australia on the introduction of an energy rebate designed to assist sufferers of thermoregulatory diseases. Sufferers of thermoregulatory diseases rely heavily on air conditioning and space-heating, and therefore high energy bills, due to the impact of higher or lower than normal core body temperature on their illness.

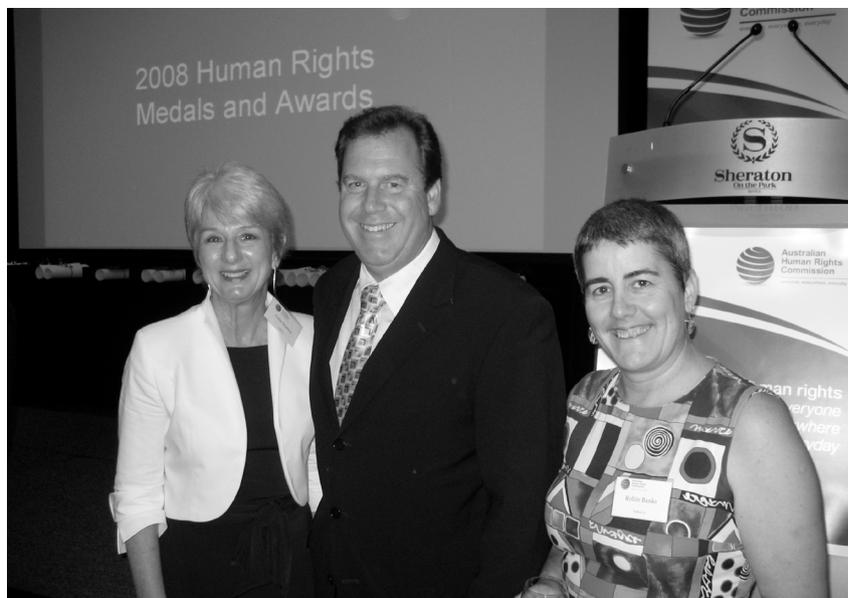
As part of this campaign PIAC contributed towards the cost of data analysis and production of a report published by the MS Society, *Keeping Cool Survey: Air conditioner use by Australians with MS*, which was launched in May 2009. PIAC also made representations to the NSW Minister for Energy and NSW Department of Water and Energy in support of the introduction of an energy rebate for people with thermoregulatory disease.

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
- To promote the equal enjoyment of rights
- To promote improved privacy protection

KEY ACHIEVEMENTS

- Extensive consultation, meetings with, and training of community groups and individuals to facilitate submissions to the National Human Rights Consultation
- Vindication of Mr Romzi Ali's defamation claim against Nationwide News Pty Ltd
- Victory for clients discriminated against by Wesley Mission on the grounds of their sexuality



The Hon Catherine Branson QC, President of the Australian Human Rights Commission (left), with the Hon Robert McClelland, Federal Attorney-General, and PIAC's Robin Banks.

PROTECTING HUMAN RIGHTS

In December 2008, the Federal Attorney-General, the Hon Robert McClelland, announced a public consultation about protection of human rights in Australia. The Federal Government established a committee, led by Father Frank Brennan SJ, to organise public hearings and take submissions. The committee is expected to report to Government in late 2009.

PIAC focussed significant resources on the consultation process for the first six months of 2009. The objectives of PIAC's involvement were to increase awareness and knowledge about human rights across the community and to increase community participation in a dialogue about mechanisms for protecting human rights in Australia.

PIAC concentrated on:

- providing community education;
- targeting human rights training programs to specific groups;
- encouraging submissions to the National Human Rights Consultation.

During the consultation, PIAC ran regular one-day Protecting Human Rights training courses, provided speakers to public meetings, undertook short workshops on submission writing and provided assistance through telephone and e-mail contacts to community organisations writing submissions to the Brennan committee.

PIAC met and spoke to around 1,500 members of the community about human rights. Participants included older people, younger people, homeless people, Aboriginal people, representatives from women's groups, mental health consumers, older people's organisations, youth networks services, community service forums, and church groups.

NSW Charter Group and video competition

PIAC continued to support and provide the secretariat function for the NSW Charter Group. As well as making a submission to the National Consultation, the Charter Group's main activity for 2009

was to sponsor a video competition. The competition called for two-minute videos that expressed why human rights are important in Australia. Australian Lawyers Alliance and PIAC funded the prize money for the competition. The winning entry, produced by Rosanne Bersten of Victoria, was placed on the Internet and by mid-June there were nearly 1,000 downloads of the video. The video is available at <<http://www.youtube.com/watch?v=2G1fyOFb5Yk>>.



Youth services sector

A significant component of the consultation was working with young people and youth workers to encourage their involvement. PIAC presented to seven metropolitan Sydney youth interagency meetings, and one in Coffs Harbour. In attendance were youth workers, Department of Community

Service representatives and community youth service organisations, TAFE welfare course students, youth health services and recreation services.

PIAC facilitated workshops at two forums for young people. The 'Rights Here - Right Now', forum was organised by the Youth Justice Coalition and members of the Inner West Youth Interagency. The western Sydney workshop was organised for the Glenmore Park High School Youth Forum. Interactive material about human rights and the process of using submissions as an advocacy tool were produced for these workshops. One HPLS consultation about human rights also focussed on young homeless people.

Homeless Persons' Legal Services 'Your Rights Matter'

'Your Rights Matter' was a series of four workshops held at homeless shelters in Sydney. The events were conducted jointly with Milk Crate Theatre, a theatre company that aims to create challenging and inspiring theatre with, by and for the homeless and disadvantaged community. The workshops used interactive theatre to explain human rights and to enable those who have experienced homelessness in NSW to be actively involved in the National Consultation.

The project concluded with a public forum for homeless people, attended by the Federal Attorney-General. The comments collected in the course of the workshops were included in a submission by HPLS to the consultation process.

PIAC submission to the National Human Rights Consultation

PIAC staff participated in the National Human Rights Consultation by attending public community meetings in Sydney and attending the National Human Rights Consultation Hearings in Canberra.

PIAC Chief Executive Officer Robin Banks presented a paper at the Hearings that provided an overview of those who miss out and fall through the cracks of a fair go for all. The presentation focussed on the views of marginalised people that PIAC worked with during the consultation process. These people commonly experienced breaches of their human rights and noted that respect for human dignity is critical but all too often absent.

In its submission to the National Human Rights Consultation, PIAC focussed on identifying the features of effective human rights protection and promotion that it considers necessary to build into any future framework. PIAC recommended the consultation committee endorse a Human

Rights Act to protect all of the rights set out in the 'International Bill of Rights' (*Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*) as well as third generation rights as reflected in the South African Rights Charter.

UN Convention on the Rights of Persons with Disabilities

PIAC celebrated with colleagues throughout the human rights and disability sectors in 2008 when the Australian Government ratified the *UN Convention on the Rights of Persons with Disabilities*. This was the culmination of almost ten years of work for many in the disability sector and shows that effective community involvement in the development of law, even at the international level, is not only possible but also extremely effective.

PRIVACY

In December 2008, PIAC made a submission to the NSW Law Reform Commission (NSW LRC) in response to its report on NSW privacy legislation, including submissions on recommendations regarding personal health information.

PIAC has congratulated the Federal Government on its commitment to progressively implement key aspects of the Australian Law Reform Commission, *For Your Information: Australian Privacy Law and Practice* (Report 108), and its willingness to seek further input from key stakeholders prior to developing draft legislation.

As part of this process, PIAC provided a submission in February 2009 to the Department of Prime Minister and Cabinet in response to its call for comments on the draft Unified Privacy Principles (UPPs).

PIAC also contributed to this process in other ways. PIAC Chief Executive Officer Robin Banks presented a paper to the Privacy Forum at the University of NSW in October 2008 and several PIAC employees also attended this forum. PIAC participated in NGO Consultations with the Commonwealth Privacy Commissioner in November 2008 and June 2009.

PIAC has an ongoing litigation matter (*G v Department of Immigration and Citizenship*) that highlights problems with the current complaints system. Experiences with this case have informed PIAC's response in respect of federal FOI reforms and the proposed complaints process in that area.

Health Information Privacy

PIAC continues to focus on privacy issues that have an impact on the rights of health-care consumers and the quality and safety of the care they receive.

In April 2009, PIAC made a submission to the Senate Community Affairs Committee on proposed changes to Medicare Compliance Audits. In this submission, PIAC attempted to balance the right of patients to confidentiality of their health records with the public interest in the maintenance of an efficient, fair and appropriately funded universal health system in Medicare.

PIAC has an ongoing interest in ensuring that privacy principles and information security safeguards are reflected in any legislative and administrative proposals regarding the introduction of electronic health records in Australia.

CIVIL AND POLITICAL RIGHTS Damages awarded in 'terrorism defamation' case

PIAC represented Mr Romzi Ali in a defamation case against Nationwide News Pty Ltd. Mr Ali was awarded \$125,000 in damages in 2005 when the Supreme Court found that he had been defamed by *The Australian* newspaper in 2003. *The*

Australian printed offending articles, one on the front page, claiming that Mr Ali had raised money for the terrorist organisation, Laskar Jihad. The articles referring to Mr Ali were published less than a year after the Bali bombings in 2002, in which 88 Australians were killed.

In the defamation case against Nationwide News in 2005, a jury found the published article contained meanings that Mr Ali was a supporter of terrorism and 'that he has raised money for the operations of Laskar Jihad, an organisation which does not worry about killing in pursuit of its political objections'.

In contradiction to the claims made in *The Australian*, Mr Ali was in fact an upstanding citizen who had worked tirelessly within his community to ease tensions after the Bali bombing in 2002. Mr Ali had earned considerable respect within his own community and among the Dee Why population more broadly, where he lived. The unsubstantiated allegations in *The Australian* had a profound impact on his life, as many who has previously trusted and respected him now had cause to doubt his motivations.

Justice Bruce James awarded Mr Ali \$125,000 in damages when he found that the article had damaged Mr Ali's reputation and had left him angry and humiliated.

Handing down his judgment in the NSW Supreme Court, Justice Bruce James said the articles had affected Mr Ali's health and had left Mr Ali 'frightened, alarmed, shaken and broken'.

Mr Ali appealed the decision of the Supreme Court of NSW to the Court of Appeal arguing that the amount of damages awarded was too low to demonstrate the baselessness and seriousness of the imputations made against him in *The Australian*. On 8 August 2008, the NSW Court of Appeal more than doubled the damages that Nationwide News Pty Ltd was required to pay to Mr Ali.

The Court of Appeal found that the effect of the articles was 'catastrophic or close to catastrophic on the appellant's world' and that Nationwide News' failure to apologise to Mr Ali further aggravated the damage that he suffered. The Court also found that the trial judge, Justice James, 'did not do justice' to the 'high degree of gravity' of the imputations, which had 'turned [Mr Ali's] whole world upside down' and 'struck at the heart of the public position he had taken'.

Nationwide News's application for leave to appeal to the High Court was rejected by Justices Gummow and Heydon on 3 February 2009, in a decision that finally vindicated Mr Ali's reputation as well as his confidence in the Australian community.

Mr Ali was represented in the proceedings by Tom Molombo SC and Roger Rasmussen of counsel.

Alleged electoral fraud

PIAC advised and represented residents of the Shoalhaven Local Government Area about alleged breaches of the electoral rules contained in the *Local Government Act 1995* (NSW). In that matter, a candidate for local council elections alleged that an Aboriginal Elder supported his candidacy when she did not. An application to dismiss the candidate from office after he was elected was withdrawn when the Elder withdrew her statement, which was to be relied on in the proceedings. A subsequent costs application against PIAC's clients under a new and arguably broader costs provision of the *Administrative Decisions Tribunal Act 1997* (NSW) (section 88, as amended in 2008) was dismissed, with the Tribunal accepting PIAC's submissions about the proper application of the amended costs provision.

Unlawful imprisonment

PIAC is acting for a woman with a moderate intellectual disability, who was detained in an institution run by the NSW Government for over six years. PIAC is acting in proceedings for unlawful imprisonment in a claim brought on her behalf by her litigation tutor. It is

anticipated that the matter will be heard in early 2010.

Law Reform proposals

PIAC has made submissions to the Federal and NSW Governments on law reform proposals impacting on civil and political rights, including:

- PIAC co-ordinated a group of non-governmental organisations, including the Australian Branch of the International Commission of Jurists, Australian Lawyers for Human Rights, the University of Sydney Institute of

International Law, NSW Community Legal Centres and NSW Civil Liberties to sign an open letter to the NSW Premier about proposed legislation allowing police to execute search warrants secretly or 'covertly' without notice to the occupiers of a property or their neighbours, thereby infringing the human right to privacy. The content of the letter was reported in *The Sydney Morning Herald* and was accompanied by an opinion piece by PIAC Solicitor, Mark Polden.



Up in the air ... PIAC represents two applicants in a discrimination complaint against Virgin Blue.

Sadly, the human rights of NSW citizens were not considered by the Parliament and the legislation was passed without amendment.

- PIAC commented on limits on the breach of the right to silence and privilege against self-incrimination wrought by section 37 of the *Independent Commission Against Corruption Act 1988* (NSW), in its submission.
- PIAC commented on the grant of a special privilege to journalists that would excuse them from giving evidence to courts in civil and criminal proceedings in its submission to the Senate Inquiry into the Evidence Amendment (Journalists' Privilege) Bill 2009 (Cth).
- PIAC commented on the extension of a proposed National Security Legislation Monitor's jurisdiction to state and territory anti-terrorism laws in the National Security Legislation Monitor Bill 2009 (Cth). PIAC's submission was endorsed by the Senate Standing Committee on Finance and Public Administration in its report of its inquiry into the Bill.
- PIAC commented on the standards of treatment of people in criminal

detention in its submission to the NSW Legislative Council General Purpose Standing Committee No 3 - Inquiry into the Privatisation of Prisons and Prison-related Services.

- PIAC commented on the legal treatment of asylum seekers in its submission to Joint Standing Committee on Migration Inquiry into Immigration in Australia.

EQUALITY

PIAC acts for a male same-sex couple from whom Wesley Mission refused to accept an application to become foster parents in 2002. The NSW Administrative Decisions Tribunal (ADT) found that this refusal constituted discrimination in the provision of a service on the grounds of sexuality and that Wesley Mission was not entitled to rely on the 'religious bodies' exception in section 56 of the *Anti-Discrimination Act 1977* (NSW). Wesley Mission appealed the finding. Wesley Mission's application for leave to refer the appeal to the NSW Supreme Court was opposed by PIAC's clients and refused by the ADT Appeal Panel. The Appeal Panel heard the appeal on 20 April 2009. A decision has not yet been made.

Disability discrimination in provision of a service: air travel

PIAC represents the applicants in disability

discrimination complaints against Virgin Blue in *Corcoran v Virgin Blue* and *Ferguson v Virgin Blue*. The complaints were brought because Virgin Blue changed its Independent Travel Criteria (ITC) so that people who could not fasten their seatbelt, put on an oxygen mask or put on a lifejacket without assistance have to travel with a companion at their own cost. This policy is alleged to discriminate against some people with disabilities, making air travel prohibitively expensive.

Wheelchair accessible taxis

A disability discrimination case relating to wheelchair accessible taxis that tests the *Disability Standards for Accessible Public Transport 2002* (Cth) was lodged with the Australian Human Rights Commission and the matter is currently being conciliated.

PIAC is acting for a disability advocate and wheelchair user who alleges that the NSW Department of Transport is licensing wheelchair accessible taxis that do not comply with the Standards.

The complaint is also against two companies that own and operate wheelchair accessible taxis and two companies that convert these taxis. The case is limited to challenging the interpretation of the Standards, and raises novel questions about the ancillary liability provisions of the *Disability Discrimination*



Act 1992 (Cth) and forms of relief available under the Standards.

Homosexual vilification

PIAC acts for Mr Gary Burns in relation to a vilification complaint against The Hon Jeff Kennett in relation to comments Mr Kennett made that equated bisexuality with paedophilia. Mr Kennett made the comments in July 2008 in support of the dismissal of a bisexual trainer by a local football club. The case raises important questions about jurisdiction and vilification. PIAC submitted that because Mr Kennett made his comments to a journalist working for national newspapers, which were subsequently published nationally, the NSW Anti-Discrimination Board and Administrative Decisions Tribunal had jurisdiction to hear the complaint.

Law reform proposals

PIAC made submissions to Federal and NSW Governments on law reform proposals impacting on equality rights, including:

- A joint submission with Kingsford Legal Centre and Combined Community Legal Centres Group NSW (now NSW CLCs) to the Australian Human Rights Commission inquiry into Freedom of Religion in the 21st Century. PIAC contributed to the submission on international standards, 'religious bodies' exceptions in state and territory anti-discrimination laws and commented on the NSW Attorney General's intervention in the ongoing matter regarding Wesley Mission and a same sex couple's application to become foster parents (currently on appeal to the ADT Appeal Panel). A report on the Inquiry has not yet been produced by the AHRC.
- Contribution of sections on constitutional issues and definitions to the National Association of Community Legal Centres' submission to the Australian Human Rights Commission's review of the *Sex Discrimination Act 1984* (Cth).
- A response to the National Disability Strategy Discussion Paper, in which PIAC encouraged government to partner with people with a disability in the provision of services.
- A submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Disability Discrimination and Other Human Right Legislation Amendment Bill 2009 (Cth) endorsing proposed amendments to the *Disability Discrimination Act 1992* (Cth) (DDA) to implement the Productivity Commission recommendations from its review of the DDA.
- Commentary on the implementation of the Draft Access to Premises Disability Standards in its submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs' Inquiry into the draft Disability (access to Premises - Buildings) Standards.
- Commentary on discrimination on the basis of a criminal record in its submission to the Standing Committee of Attorneys-General on the Draft Model Spent Convictions Bill 2008 (SA).

NEWSLETTERS

PIAC Bulletin, No 28, November 2008

PIAC Bulletin, No 29, May 2009

Street Rights NSW # 11 (August 2008)

Newsletter of the Homeless Persons' Legal Service.

Street Rights NSW # 12 (November 2008)

Newsletter of the Homeless Persons' Legal Service.

Talkin' Justice # 4 (December 2008)

Newsletter of the Indigenous Justice Program

Well Connected # 33 (December 2008)

Newsletter of the Energy + Water Consumers' Advocacy Program

Street Rights NSW # 13 (February 2009)

Newsletter of the Homeless Persons' Legal Service.

Housing the homeless a priority? HPLS submission to the Joint Guarantee of Service Inquiry (14 July 2008)

In response to an invitation to comment to the Joint Guarantee of Service (JGOS) inquiry, the Homeless Persons' Legal Service provided detail on the difficulties homeless people experience with the NSW Department of Housing. HPLS highlighted the priority housing system as an area requiring reform.

Towards humanity and decency. Submission to Joint Standing Committee on Migration: Inquiry into Immigration in Australia (29 July 2008)

PIAC addressed the terms of reference relating to criteria for detention and length of time in detention; options to expand the transparency and visibility of immigration detention centres and options for the provision of detention services and detention health services across the range of detention facilities.

Affordable renewables: Submission to the Design Options for the Expanded National Renewable Energy Target Scheme

(30 July 2008)

The Australian Government committed to an expansion of the national mandatory Renewable Energy Target (RET) so that a minimum of 20 per cent of Australia's electricity is generated from renewable sources by 2020. PIAC supported the expansion of the RET but advocated that the scheme must minimise the cost to consumers and include measures to protect low-income households from higher electricity prices.

Submission on NSW Distribution Network Service Providers 2009-2014 Regulator Proposals (6 August 2008)

PIAC in its submission to the Australian Energy Regulator (AER) on the NSW Distribution Network Service Providers (DNSPs) 2009-2014 Regulatory proposals noted that any increases in charges would lead to equity concerns for low-income and vulnerable households. As the DNSPs Regulatory Proposals each sought significant rises in regulated charges, PIAC asked the AER to ensure that certain areas of increased proposed where not above the level required.

Citizenship and a Bill of Rights (22 August 2008)

In a paper to a Sydney Democracy Forum seminar, Robin Banks spoke of the need for formal human rights protection. The paper also highlighted the role of human rights as an effective and clear values framework that can guide the conduct not only of governments but of all within a community or society.

Response to Australian Commission on Safety and Quality in Health Care's Consultation on Consumer Engagement Strategies (22 August 2008)

PIAC submitted that strategies should be adopted to enhance consumer participation and engagement through all stages of a consumer's health care. Strategies should be adopted to promote participation and engagement by consumers from disadvantaged

groups and to overcome barriers to their engagement in health care decisions.

Not-for-profit accountability: Submission to the Inquiry into the disclosure regimes for charities and not-for-profit organisations (10 September 2008)

PIAC believes in the need for all not-for-profit organisations to be accountable to the government and the community. In its submission, PIAC argued that what is needed is better and more targeted regulation rather than more regulation.

Submission to the Carbon Pollution Reduction Scheme Green Paper (10 September 2008)

PIAC raised concern about the impact of the Carbon Pollution Reduction Scheme on low-income households, with a particular focus on the effects of rising energy bills on consumers facing hardship. PIAC argued for compensation and protection based on energy efficiency through measures such as in-home insulation, energy audits and the replacement of inefficient appliances.

Negating the proposition that law reform agencies are the best vehicle for law reform (12 September 2008)

In this presentation to the 2008 Australasian Law Reform Agencies Conference, Robin Banks argued that there are a range of individuals and organisations that work to achieve effective law reform. Each has a role to play; some being more prominent than others depending on the circumstances. Collaboration between the various players and recognition of the important role each has to play is vital to meeting the challenge and achieving the promise of law reform.

A positive start ... but still more work to do. Homeless Persons' Legal Service submission in response to the NSW Government's Homelessness Strategic Framework Consultation Paper (23 September 2008)

This submission responds to the NSW Government's Homelessness

Strategic Framework Draft Consultation Paper. In it, HPLS commented on a number of the Government's proposed strategic directions for the framework including prevention and early intervention and longer term accommodation and community support.

Airport security - ensuring equality and dignity for people with disability. Submission to the Aviation Security Screening Review (25 September 2008)

In September 2008, the Department of Infrastructure, Transport, Regional Development and Local Government invited input into the Aviation Security Screening Review. PIAC joined with the NSW Disability Discrimination Legal Centre to respond to issues relevant to people with disability. The main issues canvassed in the submission are the need for consistent practices between and within airports in Australia, the need to security officers to be trained and equipped to process passengers with special needs and adoption of effective complaint processes

Implications of government funding of advocacy for third-sector independence and exploration of alternative advocacy funding models (Summer 2008)

This paper examines the effect of funding contracts on the capacity of third-sector organisations to effectively advocate. The relationship is not simple or obvious, with some organisations reporting 'mature relationships' with particular (state) departments, and others reporting difficulty with state or federal government jurisdictions. The paper concludes with an exploration of alternative institutional arrangements for the resourcing of advocacy including the establishment of a Public Interest Fund.

Central Coast water prices: Submission to IPART review of prices for water, wastewater and stormwater services for Gosford City Council and Wyong Shire Council

(10 October 2008)

PIAC in its submission to the Independent Pricing and Regulatory

Tribunal (IPART) expressed concern about the impact of water price increases on low-income and other disadvantaged residents of the Central Coast. In the absence of adequate consumer protections, it also recommended a suite of social support programs to assist local residents to manage higher water bills.

Australia's Future Tax System Review (20 October 2008)

PIAC welcomed the review of Australia's taxation system, and urged the review panel to give special consideration to issues related to the definition, regulation and taxation status of charities and not-for-profit organisations.

Hunter Water Prices: Submission to IPART review of prices for water, stormwater and recycled water services for Hunter Water Corporation (11 November 2008)

PIAC's expressed concern about the impact of water price increases on low-income and other disadvantaged residents and recommended enhanced financial and other programs to assist consumers to manage increasing water bills. Proposals included an increase to the pensioner rebate, the allocation of adequate resources for water vouchers, the roll out of household water audits, and the development of a No Interest Loan Scheme.

Freeing up information: response to the NSW Ombudsman's Review of Freedom of Information Law in NSW

(17 November 2008)

In April 2008, the NSW Ombudsman initiated a review of the *Freedom of Information Act 1989* (NSW) (the FOI Act). PIAC provided a submission responding to the Ombudsman's discussion paper. Key points PIAC made in this submission include the need for a public interest test to be incorporated into all of the exemptions; consideration should be given to the introduction of an overarching public interest test; and the right to access one's own information should be removed from the FOI Act and placed in the *Privacy and Personal Information Protection Act 1998* (NSW).

Maintaining consumer focus in health complaints: the key to national best practice. Response to the Consultation Paper on national health complaints handling (24 November 2008)

PIAC expressed its concern that the model for handling complaints about health professionals proposed in the Consultation Paper is a move away from more consumer-focussed models that have been adopted in several states and territories in the past 20 to 30 years. PIAC submitted that an independent body that assesses, investigates and prosecutes health complaints should be a part of the national system for registration of health professionals.

People with disability - from recipients to full and active participants: response to the National Disability Strategy Discussion Paper (1 December 2008)

PIAC commended the Federal Government on the development of the National Disability Strategy and supported the use of the *UN Convention on the Rights of Persons with Disability* as a framing document for the strategy. PIAC in its response then focussed on the need to shift the focus away from people with disability as recipients of care and support to people with disability as active and contributing participants in all aspects of Australian society.

Enhancing the rights-based approach to health care complaints in NSW: submission to the Parliamentary Joint Standing Commission on the Health Care Complaints Commission (12 December 2008)

The most pressing issues regarding the NSW health complaints system are the proposed changes to that system if a system of national registration of health professionals is introduced. PIAC submitted that the role of the Health Care Complaints Commission (HCCC) would be greatly reduced if the model canvassed in the discussion paper on a national health complaints regime were introduced.

Review of alcohol-related violent offences (15 December 2008)
PIAC, in this submission, responded to the NSW Sentencing Council's review of the sentencing procedure for alcohol-related violent crime.

Improving clarity and enhancing protection of privacy rights: Response to the NSW Law Reform Commission's Consultation Paper 3: Privacy Legislation in NSW (24 December 2008)

PIAC urged that the privacy legislation framework in NSW be reformed to ensure clarity and enhance privacy protection and that this be done in light of the federal reforms proposed in the Australian Law Reform Commission's *Review of Australian Privacy Law*.

Submission on the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 (7 January 2009)

PIAC commended the Federal Government on implementing its commitment to remove Ministerial conclusive certificates from the freedom of information (FOI) regime at a federal level. However, PIAC identified serious concern with proposed subsection 7(2B) to remove from the scope of FOI access documents in the hands of Government Ministers where such documents originated within or were received from certain defence or security agencies.

Cut Off II: the experiences of utility disconnections. Final report (January 2009)

This is the final report for the project *Cut Off II: The Experience of Utility Disconnections*, prepared for the Energy + Water Consumers' Advocacy Program. This project is a repeat of an earlier project carried out for EWCAP in 2004. The objectives of the research are to contribute to the evidence base in relation to consumers who are disconnected from utilities, the impact of these disconnections and the sources of assistance most effective in supporting reconnection.

Implementing the Productivity Commission review of the Disability Discrimination Act: submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the

Disability Discrimination and Other Human Right Legislation Amendment Bill (12 January 2009)

PIAC commended the Federal Government on implementing the majority of recommendations from the Productivity Commission's 2004 review of the *Disability Discrimination Act 1992* (Cth) (DDA). PIAC supported all of the amendments to the DDA.

A Good FIT: Designing an effective and fair Feed-in Tariff Scheme for NSW (13 January 2009)

PIAC in its submission raised concerns about energy affordability. PIAC supported a socially progressive Feed-in Tariff subsidy as being in the interests of low-income and other households.

Considering the impact of CIN more broadly: Response to the NSW Ombudsman's review of the impact of Criminal Infringement Notices on Aboriginal and Torres Strait Islander Communities (30 January 2009)

PIAC in its submission considered the reforms to the fines system generally as a result of the *Fines Further Amendment Act 2008* (NSW) and the introduction of Work and Development Orders as a non-monetary means of addressing outstanding fines. PIAC made the point that being Aboriginal does not, on its own, qualify a person to apply to participate in a Work and Development Order arrangement so many Aboriginal people may fall outside the benefit offered by the new reforms.

Unified Privacy Principles - the right way ahead: comments to the Federal Department of Prime Minister and Cabinet on the draft UPPs (2 February 2009)

PIAC's submission to the Department of Prime Minister and Cabinet in response to its call for comments on the draft Unified Privacy Principles (UPPs) provided a brief response on each of the draft UPPs as well as some general comments focussing on the need to ensure that the adoption of UPPs result in great clarity of rights and obligations in respect of the human right to privacy.

Harmonising spent convictions laws in Australia: submission to the Standing Committee of Attorneys General on the Draft Model Spent Convictions Bill 2008 (SA) (4 February 2009)

PIAC provided comments to the NSW Attorney-General's Department on the Standing Committee of Attorneys-General (SCAG) Draft Model Spent Convictions Bill 2008 (SA), supporting the harmonisation of spent convictions laws in Australia. PIAC identified the need for greater clarity in relation to findings of guilt where no conviction is recorded (section 10 determinations) and suspended sentences.

Response to the Australian Energy Regulator draft distribution determination 2009-10 to 2013-14

(16 February 2009)

The AER draft determination included significant rises in the cost of electricity. In this submission, PIAC argued that a number of the regulator's decisions should be reviewed for their impact on residential consumers.

Deepening democracy: Submission to the Australian Government in response to the Electoral Reform Green Paper

(23 February 2009)

Australian electoral law reform is long overdue. Democracy benefits from having diverse views represented in parliaments, public debates and campaigns. It is through the presence of different voices that new agendas can be developed, that vested interests can be challenged, and that governments can be held to account.

A just and fair prison system: Principles or profit? Submission to NSW Legislative Council General Purpose Standing Committee No 3 - Inquiry into the Privatisation of Prisons and Prison-related Services (2 March 2009)

PIAC believes that there are basic public interest principles that should guide policy and program development in relation to corrective services. These are the maintenance of substantive equality;

the promotion, protection and fulfilment of human rights; equitable standards of health care, the primary goal of rehabilitation and public accountability. In this submission, PIAC expressed significant concern that these principles will be undermined by further privatisation of prisons and prison services, including health services, in NSW.

Taking action on homelessness: Response to the NSW Homelessness Action Plan (2 March 2009)

The Homeless Persons' Legal Service (HPLS) commented on a number of proposed actions affecting legal and related rights. It noted the need to address particular groups currently outside the protection of tenancy law, such as boarders and lodgers, as this increases the risk of homelessness due to evictions without cause.

Lifting the veil of secrecy: response to ALRC 34: Review of Secrecy Laws (9 March 2009)

In this submission, PIAC argued that the application of criminal sanctions under secrecy laws should be determined by the nature of the information at stake, and the potential, if any, for its release to damage vital public interests. Principles developed under the equitable duty of confidence should be regarded as the touchstone for principled protection of government information. Section 70 of the *Crimes Act 1914* (Cth), which presently imposes criminal liability for disclosure of any official information by government officers, should be repealed.

Opening the door for disability access: submission to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into the draft Disability (access to Premises - Buildings) Standards (13 March 2009)

PIAC focussed on the compliance, monitoring and enforcement of the Standards, with limited comments only on the technical specifications. PIAC noted that the exclusion of housing (both single dwelling and multi-dwelling developments) is inappropriate given the need to increase the affordable and accessible housing stock in Australia.

Submission to Report on Secure and Sustainable Urban Water Supply and Sewerage Services for Non-Metropolitan NSW

(23 March 2009)

PIAC acknowledged the need for reform of local water utilities but submitted that changes must be in the best interests of non-metropolitan customers and communities. To this end, PIAC urged the NSW Government to aggregate water utilities only following significant compliance failures or where there is agreement from the local utilities. PIAC also submitted that the profit motive be divorced from the provision of water and sewerage services.

Central Coast water prices: Submission to IPART Draft Determinations and Draft Report on prices for water, wastewater and stormwater services for Gosford City Council and Wyong Shire Council (27 March 2009)

PIAC expressed concern that low-income and other disadvantaged residents of the Central Coast will experience difficulty paying their water bills. PIAC advocated that the NSW Government and Gosford and Wyong Councils provide access to an adequate pensioner rebate, hardship program and industry complaints scheme to assist consumers to cope with the projected price hikes.

Protecting consumer protections. A submission regarding the national harmonisation of Australian consumer (6 April 2009)

PIAC supported the development of a national Australian Consumer Law, as it provides benchmark rules and an opportunity to establish world's best practice. Having these benchmarks promoted in every jurisdiction will help make consumer laws more accessible and ultimately should make consumers more informed of their rights.

Shield laws and the Evidence Act. A submission to the Senate Inquiry into the Evidence Amendment (Journalists' Privilege) Bill 2009 (Cth) (8 April 2009)

The Evidence Amendment (Journalists' Privilege) Bill 2009 (Cth), inserts a new objects clause at the beginning of the *Commonwealth*

Evidence Act 1995 (Cth). The public interest recognised in the Bill is limited to the media having access to sources of facts for the purpose of communicating facts and opinion to the public. In this submission, PIAC argued that the proposal in the Bill to limit the objects clause by reference to the purpose for which the facts in question were acquired is unnecessarily narrow, and the definition of 'national security' for the purpose of the Bill remains unacceptably broad.

Clean and fair: Submission to the Senate Select Committee on Climate Policy (8 April 2009)

Whilst arguing that effective climate policy is important to the interests of low-income and vulnerable households, PIAC highlighted the need to ensure that climate policy does not undermine the goals of the social welfare system. To achieve this, co-ordinated energy efficiency programs must be a core component of the Government's climate change response.

Electricity price increases as of 1 July, 2009 (14 April 2009)

The IPART draft report, *Market-based Electricity Purchase Cost Allowance - 2009*, highlighted the aggregated increases to domestic electricity charges due to a number of different price reviews, effective of 1 July 2009. PIAC responded with this letter to the Chair of IPART, Dr Michael Keating, with concerns about the impact of the price rises on low-income households.

Silent corruption. Section 37 of the NSW ICAC Act (24 April 2009)

The removal of the common law right to silence through the operation of section 37 of the *Independent Commission Against Corruption Act 1988* (NSW) is balanced by the fact that answers given under objection cannot be used in civil, criminal or disciplinary proceedings. The right to object is balanced in turn by the fact that the Independent Commission Against Corruption can draw inferences, or bring contempt proceedings, over a refusal to answer. PIAC, in this submission, noted that it was not convinced that the

proposed change is necessary and was concerned at the potential for long-standing rights and protections to leach out of the general law under the influence of statutes of more specific application.

Ten years on: submission to the Productivity Commission: Gambling Inquiry (24 April 2009)

The Productivity Commission undertook a major inquiry into the gambling industry in 1999, to which PIAC made a short submission. Ten years on, the Productivity Commission established an inquiry with similar terms of reference, adding harm-minimisation to the scope of its 2009 inquiry. In this submission, PIAC responded in detail to the Productivity Commission inquiry from a consumer perspective, particularly consumers and their families where gambling is a problem.

Finding the right balance: Medicare Compliance Audits. Submission to the Senate Community Affairs Committee Inquiry into Compliance Audits on Medicare Benefits

(28 April 2009)

The Commonwealth Government released an exposure draft for the proposed Health Insurance (Compliance) Bill, after a decision in the 2008-09 Budget to increase Medicare compliance audits. PIAC concluded that the Bill, together with the privacy safeguards already in place for Medicare Australia, appropriately balances the public interest in the integrity of Medicare and the public interest in the maintenance of patient confidentiality and privacy of health records.

Taxing Charity: a submission to the review 'Australia's future tax system' (1 May 2009)

Reform of the taxation and regulation of charities and not-for-profit organisations is needed. The not-for-profit sector contributes to society, and is increasingly called on to deliver government services, develop policy solutions, and provide centres of connectedness for citizens. There are many problems with the current situation. It is complex, inconsistent, and poorly targeted. In this submission, PIAC argued implementing the recommendations of the 2001

Charities Definition Inquiry, and the recent Senate Inquiry should be prioritised.

Submission to Senate Community Affairs Committee into the National Registration Scheme for Doctors and Other Health Care Workers (4 May 2009)

PIAC, in this submission, expressed its view that an independent body should undertake the assessment, investigation and prosecution of health complaints, with dedicated officers assigned to these tasks within that independent body. PIAC also called for a single national registration board for all health professionals and allied health workers.

What's rights got to do with it? (9 May 2009)

In this paper, presented to the NSW Young Lawyers 'A Charter of Rights' Conference, Robin Banks considered four aspects of the current situation of human rights protection in Australia. The first aspect is the focus on balancing rights with responsibilities; the second aspect considered is the argument that human rights charters are ineffective; the third aspect is the impact of the absence of protection of human rights; the final aspect considered is how those who experience human rights breaches can make human rights more real and meaningful to the rest of the community.

Putting public interest at the heart of FOI: Submission in response to the Commonwealth Government's exposure draft of the Freedom of Information Amendment (Reform) Bill 2009 and the Information Commissioner Bill 2009 (19 May 2009)

On 24 March 2009, at Australia's Right to Know Freedom of Speech Conference, Senator John Faulkner announced the Government's proposed second tranche of reforms to the *Freedom of Information Act 1982* (Cth) (the FOI Act).

PIAC welcomed the opportunity to comment on the Freedom of Information Reform Bill 2009 (Cth) and the Information Commissioner

Bill 2009 (Cth). However, in a number of areas, PIAC concluded that the Government's reforms do not go far enough.

Inquiry into Australia's Judicial System and the Role of Judges

(20 May 2009)

PIAC in this submission raised concerns about the increasing tendency to appoint judges on a temporary basis and stated that judicial tenure is central to the independence of the judiciary and both the reality and appearance of impartiality in adjudication.

Justice - not a matter of charity: Submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into Access to Justice

(20 May 2009)

PIAC in this submission examined the ability of people to access legal representation and the adequacy of legal aid, with a particular focus on homeless people and people with mental illness; the ability of Indigenous people to access justice; the adequacy of funding and resource arrangements for community legal centres; and access to justice litigation issues, including costs in public interest human rights cases, who has standing to sue and *amicus curiae* and intervenors.

Hunter water prices: submission to IPART draft report on prices for water, sewerage, stormwater and other services for Hunter Water Corporation

(22 May 2009)

PIAC endorsed the Independent Pricing and Regulatory Tribunal (IPART) rejection of Hunter Water's proposal to increase the typical residential bill by 54 per cent but remained concerned that the recommended 31 per cent increase represents a substantial burden for customers.

Alternative dispute resolution in the civil justice system

(22 May 2009)

PIAC in this submission to NADRAC's Inquiry into Alternative Dispute Resolution (ADR) in the Civil Justice System recommended that

reforms should ensure that courts oversee compulsory ADR, that parties participating in ADR have access to legal representation and that ADR is not used as a substitute for an adequate court system.

Energy White Paper: response to Strategic Directions Paper and discussion papers

(29 May 2009)

In 2009, the Department of Resources, Energy and Tourism began consultation on the Energy White Paper by inviting comments on the Strategic Directions for the Energy White Paper and six discussion papers. The White Paper will guide energy policy, from exploration through to end use, to 2030 and beyond. In this submission PIAC expressed concern that the process is compromised by the composition of its Consultative Committee and that this has led to concerning positions in these documents, to the detriment of consumers.

Achieving an inclusive society through human rights and social justice: comments on the ALP 2009 Consultation Draft National Platform

(5 June 2009)

PIAC emphasised the need to ensure that consumer voices are properly represented in policy development through open, transparent and genuinely representative processes.

Improving government accountability through information access: submission in response to the NSW Government's public consultation draft, Open Government Information legislative package

(5 June 2009)

In May 2009, the NSW Government released the Open Government Information Bill 2009 (NSW), the Information Commissioner Bill 2009 (NSW) and the Open Government Information (Consequential Amendments and Repeals) Bill 2009 (NSW). PIAC welcomed these draft bills, which PIAC hopes will herald a new era of 'open government information'.

PIAC submission to the First Exposure Draft legislation of the National Energy Customer Framework (12 June 2009)

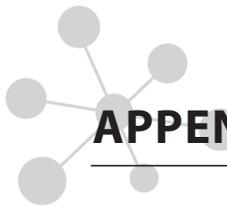
In this submission, PIAC identified the key areas that it believes to be priority concerns for NSW consumers.

Realising rights: submission to the National Human Rights Consultation (15 June 2009)

PIAC identified the features of effective human rights protection and promotion that it considers necessary to build into any future human rights framework. PIAC advocated for a Human Rights Act to protect all of the rights set out in the 'International Bill of Rights' (*Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*) as well as third generation rights as reflected in the South Africa Rights Charter.

Our rights matter! The voices of those who are or have been homeless in Sydney. Submission to the National Consultation on Human Rights (15 June 2009)

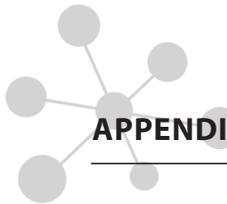
HPLS, in this submission, responded to the Australian Government's announcement of a national consultation on human rights protection. In order to ensure the active involvement of homeless people in this process, HPLS held a series of consultation workshops that were conducted jointly with Milk Crate Theatre. The comments, ideas and stories HPLS received at these consultation events were included in HPLS submission.



APPENDICES

PIAC'S REPRESENTATION ON EXTERNAL BODIES

Organisation	Committee	PIAC rep
AGL	Customer Council	Joel Pringle
Australian Competition and Consumer Commission	Consumer Consultative Committee	Robin Banks
Australian Law Reform Commission	Privacy Reference Advisory Committee	Robin Banks
Cancer Council of NSW	Regional Advisory Committee - Central and Southern Sydney	Carolyn Grenville
Commonwealth Attorney-General's Department	Human Rights NGO Forum	Robin Banks & Lizzie Simpson
Community Restorative Centre	Committee of Management	Chris Hartley
Community Trainers and Assessors Group		Carolyn Grenville
Department of Infrastructure, Transport, Regional Development and Local Government	Aviation Access Working Group	Robin Banks
Energy Water Ombudsman NSW	Council member appointed by the Minister	Mark Ludbrooke
	Finance Committee	Mark Ludbrooke
Gilbert + Tobin Centre for Public Law	Advisory Committee	Robin Banks
Inner Sydney Homelessness Action Committee (ISHAC)		Julie Hourigan Ruse
National Association of Community Legal Centres ¹	Australian Disability Rights Network	Robin Banks, Stephen Kilkeary and Amy McGowan
National Consumers Roundtable on Energy		Mark Ludbrooke & Joel Pringle
National Pro Bono Resource Centre	Board of Management	Robin Banks

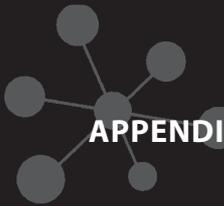


APPENDICES

NSW Combined Community Legal Centres' Group:	Board of Directors	Natasha Case
	Law Reform and Policy Sub-committee	Natasha Case
NSW Department of Corrective Services	Women's Advisory Council	Robin Banks
NSW Department of Environment and Climate Change	Climate Change Advisory Committee	Mark Ludbrooke
	Energy Accounts Payment Assistance Working Group	Mark Ludbrooke & Joel Pringle
NSW Department of Water & Energy	Consumer Consultative Committee	Mark Ludbrooke & Joel Pringle
NSW Law Society	Juvenile Justice Committee	Jessica Cruise
NSW Legal Assistance Forum		Robin Banks
	Prisoners Working Group	Robin Banks
	Conflicts Working Group	Robin Banks
	Mental Illness and Access to Legal Services Working Group	Robin Banks
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
Public Interest Law Clearing House	Board of management	Gabrielle Trainor and Shauna Jarrett then Peter Cashman
Sydney Water	Corporate Customer Council	Mark Ludbrooke
University of Sydney	Law School Foundation	Robin Banks
University of Western Sydney	Social Justice and Social Change Advisory Committee	Robin Banks
Women in Prison Advocacy Network	Board of Directors	Brenda Bailey

PIAC Staff

Robin Banks	Chief Executive Officer
Jane King	Manager, Finance & Administration
Alexis Goodstone	Principal Solicitor (on maternity leave to March 2009)
Natasha Case	Acting Principal Solicitor to March 2009, Senior Solicitor
Deirdre Moor	Manager, Policy & Programs
Jamie Alford	Social Worker, Mental Health Legal Services Project Pilot with Shopfront Youth Legal Centre (commenced 24 June 2009)
Brenda Bailey	Senior Policy Officer
Elisabeth Baraka	Homeless Persons' Legal Service Co-ordinator (to 15 August 2008)
Jessica Cruise	Acting Senior Solicitor (to 28 November 2008)
Peter Dodd	Solicitor – Health Policy and Advocacy
Marion Grammer	Bookkeeper (2 days per week)
Carolyn Grenville	Training Co-ordinator (4 days per week)
Chris Hartley	Homeless Persons' Legal Service Policy Officer
Mark Holden	Graduate Solicitor, Indigenous Justice Program (5 January to 2 July 2009) (4 days per week)
Julie Hourigan Ruse	Homeless Persons' Legal Service Co-ordinator (commenced 7 July 2008)
Stephen Kilkeary	Project Co-ordinator, Mental Health Legal Services Project
Karen Kwok	Administrator
Tracey Lam	Administrator (commenced 8 September 2008)
Ee-Von Lok	Temporary Paralegal / Graduate Solicitor (28 November to 24 December 2008)
Mark Ludbrooke	Senior Policy Officer, Energy + Water Consumers' Advocacy Program
Anne Mainsbridge	Solicitor, Mental Health Legal Services Project Pilot with NSW Service for the treatment and rehabilitation of torture and trauma survivors (STARTTS) (commenced 9 June 2009)
Vavaa Mawuli	Senior Solicitor, Indigenous Justice Program (commenced 23 February 2009)
Amy McGowan	Community Development and Training Officer, Mental Health Legal Services Project
Jason Mumbulla	Computer Systems Administrator (1 day per week)



APPENDICES

Ka Ki Ng
Scott Parker
Melissa Pinzuti
Mark Polden
Joel Pringle
Jeremy Rae
Elizabeth Simpson
Laura Thomas
Daniel Tomasetti
Kerrie Tucker
Elwyn Ward
Keppie Waters
Mark Warren
Ken Zumulovski

Receptionist
Administrator
Legal Secretary (returned from maternity leave August 2008)
Temporary Solicitor (5 January to 1 May 2009)
Policy Officer, Energy + Water Consumers' Advocacy Program
Homeless Persons' Legal Service Solicitor Advocate
Solicitor, Acting Senior Solicitor from 28 November 2008 to March 2009
Solicitor, Indigenous Justice Program (resigned 1 August 2008)
Temporary Research Officer, Indigenous Justice Program (24 November to 24 December 2008)
Project Officer (casual)
Finance Officer
Solicitor, Indigenous Justice Program (7 July 2008 to 13 February 2009)
Media and Communications Adviser (to June 2009)
Indigenous Men's Access to Justice Worker, Mental Health Legal Services Project Pilot with Gamarada (commenced 4 May 2009)

PUBLIC INTEREST LAW CLEARING HOUSE STAFF

Amy Kilpatrick	Executive Director, PILCH (Resigned 24 June 2009)
Gina Vizza	PILCH Pro Bono Co-ordinator/ Solicitor (Commenced 7 August 2008, Resigned 24 June 2009)
Amy Brady	Project Officer PILCH (Commenced 25 August 08, Resigned 24 June 2009)
Angela Radich	Senior Solicitor, PILCH Pro Bono Animal Law Service (Commenced 14 April 2009, Resigned 24 June 2009)

CONSULTANTS AND TEMPORARY STAFF

Christine Johnston	Library services
Lynette Symons & Don Palmer	Media Training
Ross Carnslew	Cartoons for <i>Street Rights NSW</i>
WestWood Spice	Evaluation of the Mental Health Legal Service Project Pilot Services
Adam Hill	Poster design for the Indigenous Justice Program Stolen Wages campaign
Energetica	Web design for the Homeless Persons' Legal Service's Discrimination Project
Milk Crate Theatre	Theatre workshops for the PIAC and Homeless Persons' Legal Service's Human Rights Consultation Project
Sylvana Sturevska	Submission to the Productivity Commission's Gambling Inquiry
Urbis Pty Ltd	Cut off II: The Social Impacts of Utility Disconnection and Restriction
Anne Mainsbridge	Responses to the NSW Law Reform Commission's <i>Consultation Paper 3: Privacy Legislation in NSW</i> and the Commonwealth Joint Standing Committee on Migration Inquiry into Immigration Detention in Australia

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PLACEMENTS, SECONDEES AND VOLUNTEERS

PIAC College of law Placements

Irene Kafeero	PIAC College of Law Placement (8 January 2008 to 7 July 2008)
Sarah Ibrahim	PIAC College of Law Placement (9 April 2008 to 17 August 2008)
Ee-Von Lok	PIAC College of Law Placement (21 July 2008 to 14 November 2008)
Claire O'Moore	PIAC College of Law Placement (3 September 2008 to 7 January 2009)

Marley Zelinka	PIAC College of Law Placement (12 December 2008 to 15 May 2009)
Jonathon Solomon	PIAC College of Law Placement (12 January 2009 to 5 June 2009)
Nipa Dewan	PIAC College of Law Placement (Commenced 12 June 2009)
Rachel Holt	PIAC College of Law Placement (Commenced 9 June 2009)

PILCH College of law Placements

Amy Brady	PILCH College of Law Placement (5 May 2008 to 18 August 2008)
Iain Bailey	PILCH College of Law Placement (22 September 2008 to 17 February 2009)

Student Placements

Daniel Tomasetti	Aurora Program (18 June 2008 to 1 August 2008)
Alex McEwan	Aurora Program (28 July 2008 to 22 August 2008)
Mark Holden	Aurora Program (10 Nov 2008 to 24 December 2008)
Madeleine Ellicott	Aurora Program (12 January 2009 to 18 February 2009)
Tallace Bissett	Aurora Program (12 January 2009 to 14 February 2009)
Anthony Hall	Aurora Program (22 June 2009 to 22 Jul 2009)
Emily Christie	Aurora Program (Commenced 23 June 2009)
Rosanna Neil	Student Placement Harvard (6 January 2009 to 23 January 2009)
Brianna Wherry	UNSW Politics Internship (23 March 2009 to 25 May 2009)
Danielle Mawer	USYD External Placement Program (9 March 2009 to 27 May 2009)
Lauren Finemore	USYD Social Work Placement (Commenced 6 April 2009)

PILCH Secondees

Tom Johnston	Secondee – Corrs Chambers Westgarth (1 March 2008 to 2 September 2008)
Ruth Greenwood	Secondee – Allens Arthur Robinson (1 April 2008 to 1 August 2008)
Samantha Johnson	Secondee – Corrs Chambers Westgarth (1 September 2008 to 28 November 2008)
Steven Johnstone	Secondee – Corrs Chambers Westgarth (28 Nov 2008 to 27 February 2009)
Isabelle Paton	Secondee – Corrs Chambers Westgarth (Commenced 2 March 2009)
Jen Tyler	Secondee - Freehills (2 March 2009 to 24 June 2009)

PUBLIC INTEREST ADVOCACY CENTRE LTD
ABN 77 002 773 524

DISCUSSION AND ANALYSIS OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

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 2009. The financial statements and disclosures in the concise financial report have been derived from the 2009 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 2009 Financial Report of Public Interest Advocacy Centre Limited.

Income Statement

The company's revenue increased from by \$648,407 on the prior year or approximately 31% predominately due to increased grants and other contributions. Increased grants were mainly attributable to funding from the Public Purpose Fund and Legal Aid NSW. Management fees recovered from PILCH increased by \$162,662 due to additional costs incurred by the company in relation to the expansion of PILCH's operations and additional costs attributable to the termination of the management agreement as at 30 June 2009.

As a result of the increased revenue base, the company also increased its level of expenditure by \$597,856 or approximately 28%. The increase in expenditure is almost entirely attributable to increased employment costs. 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 2009, the company recorded an overall operating surplus of \$35,418 as compared to an operating loss in the prior year of \$15,132.

Balance Sheet

As a result of the small operating surplus, the overall net asset position of the company has improved by approximately 6%. The company continues to hold high levels of cash reserves which to a large extent are offset by the corresponding amounts of unexpended grants. The company maintained appropriate and consistent levels of working capital at year end. There are no other notable movements or issues relating to the company's financial position. Allens Arthur Robinson for its continuing support for the Indigenous Justice Program and for printing the newsletter of the Indigenous Justice Program, Talkin' Justice

Cash Flow Statement

The company continues to generate positive cash flows from operating activities, however this decreased by \$344,478 from the prior year. This decrease is largely attributable to increase in employment costs paid during the year. A small amount of the surplus operating cash flows was used to purchase additional plant and equipment for the company's use.



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 (the company) comprises the balance sheet as at 30 June 2009, 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 2009, 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 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 2009. Our audit report on the financial report for the year was signed on 25 September 2009 and was not subject to any modification. 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 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.

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 22 September 2009, 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 2009 complies with Accounting Standard AASB 1039: Concise Financial Reports.



Mark Driessen
Partner
WalterTurnbull

Sydney, NSW
25 September 2009

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 2009, as set out on pages 11 to 15:(

(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 2009 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
24 September 2009



FINANCIAL STATEMENTS

PUBLIC INTEREST ADVOCACY CENTRE LTD ABN 77 002 773 524

INCOME STATEMENT FOR THE YEAR ENDED 30 JUNE 2009

	NOTE	2009 \$	2008 \$
Revenue	3	2,773,297	2,124,890
Employee benefits expense		(2,059,313)	(1,503,596)
Depreciation and amortisation expense		(51,539)	(52,122)
Rent		(218,982)	(199,815)
Project and casework expenses		(265,418)	(293,555)
Other operating expenses		(142,627)	(90,934)
Profit / (loss) before income tax		35,418	(15,132)
Income tax expense		-	-
Profit / (loss) before income tax		35,418	(15,132)

The accompanying notes form part of these financial statements.

BALANCE SHEET AS AT 30 JUNE 2009

	2009 \$	2008 \$
ASSETS		
CURRENT ASSETS		
Cash and cash equivalents	1,331,003	1,216,345
Trade and other receivables	159,923	97,908
Other current assets	30,341	28,722
TOTAL CURRENT ASSETS	1,521,267	1,342,975
NON-CURRENT ASSETS		
Financial assets	84,394	84,394
Property, plant and equipment	139,671	174,436
TOTAL NON-CURRENT ASSETS	224,065	258,830
TOTAL ASSETS	1,745,332	1,601,805
CURRENT LIABILITIES		
Trade and other payables	866,493	711,607
Short-term provisions	85,038	27,943
TOTAL CURRENT LIABILITIES	951,531	739,550
NON-CURRENT LIABILITIES		
Long-term provisions	130,216	234,088
TOTAL NON-CURRENT LIABILITIES	130,216	234,088
TOTAL LIABILITIES	1,081,747	973,638
NET ASSETS	663,585	628,167
EQUITY		
Reserves	270,995	267,945
Retained earnings	392,590	360,222
TOTAL EQUITY	663,585	628,167

The accompanying notes form part of these financial statements.



FINANCIAL STATEMENTS

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

**STATEMENT OF RECOGNISED OF INCOME AND
EXPENDITURE
FOR YEAR ENDED 30 JUNE 2009**

	RETAINED EARNINGS	RESERVES	TOTAL
	\$	\$	\$
Balance at 1 July 2007	415,647	227,652	643,299
(Loss) attributable to members	(15,132)	-	(15,132)
Transfers (to) / from reserves	(40,293)	40,293	-
Balance at 30 June 2008	360,222	267,945	628,167
Profit attributable to members	35,418	-	35,418
Transfers (to) / from reserves	(3,050)	3,050	-
Balance at 30 June 2009	392,590	270,995	663,585

The accompanying notes form part of these financial statements.

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

**CASH FLOW STATEMENT
FOR THE YEAR ENDED 30 JUNE 2009**

	NOTE	2009	2008
		\$	\$
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts from government, customers and donations		2,987,118	2,656,093
Payments to suppliers and employees		(2,928,541)	(2,236,465)
Interest received		72,855	55,992
Net increase in cash held	14	131,432	475,620

CASH FLOW FROM INVESTING ACTIVITIES		
Purchase of property, plant and equipment		(46,188)
Net cash (used in) investing activities		(46,188)
Net increase in cash held		429,432
Cash at the beginning of the financial year		786,913
Cash at the end of the financial year	6	1,216,345

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 2009**

**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 2009. 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.

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 2009 the number of members was 32. (2008 – 29 members).



FINANCIAL STATEMENTS

	2009 \$	2008 \$
Note 3: Revenue		
Operating activities:		
- Grants and other contributions	2,474,366	1,821,131
- Casework	47,121	63,620
- Casework disbursements recovered	6,188	8,140
- Training workshops, seminars and conferences	164,198	156,319
- Sale of publications	4,121	3,973
- Interest income	68,065	64,511
- Other	9,238	6,565
	2,773,297	2,124,259
Other income:		
- Gain on sale of assets	-	631
Total Income	2,773,297	2,124,890

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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 2008-2009

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