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# 01 ABOUT PIAC

*The Public Interest Advocacy Centre 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.*

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PIAC is an independent, non-profit legal and policy centre. It 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 our current permanent staff of fifteen. PIAC's core staff is supplemented by part-time staff, consultants, volunteers, students and College of Law placements and secondee solicitors to the Public Interest Law Clearing House.

Whenever possible, PIAC works cooperatively with other public interest groups, community and consumer organisations, legal centres, private law firms, professional associations, academics, experts, industry and unions.

PIAC's objectives are to

- expose unjust or unsafe practices, deficient laws and policies
- seek redress in public interest matters for those who are marginalised or unrepresented
- promote accountable, transparent and responsive governance

- facilitate, influence and inform public debate on public interest matters
- promote the development of case and statutory law that better reflects the public interest
- enhance the capacity of community organisations to pursue the interests of the communities they represent
- maintain a national profile and impact.

*As Chair of the Board, I have particular pleasure in introducing this report, which outlines the activities of PIAC from 1999 to 2001. In a period marked by many significant achievements, I would like to mention specially that PIAC's work for justice in society was recognised in 1999 by its receipt of the inaugural Human Rights and Equal Opportunity Commission award for promoting human rights through the practice of law. Everyone at PIAC is justly proud of that recognition.*

PIAC has continued to show its ability to respond to the community's need for access to justice in many different situations. Its involvement in the NSW HomeFund Scheme, for example, required it to undertake lobbying activities as well as litigation, in the face of a failure of political will to resolve the underlying injustices and the removal of consumer remedies under State law. As a result of the efforts of PIAC and associated organisations, many borrowers under this faulty scheme had an improved outcome.

Other highlights of PIAC's case-work described in this report include several claims in which it was alleged that there was breach of duty towards persons in institutional care, and others claiming disability discrimination. The extent of the duty of care towards vulnerable people is being tested in a case brought against suppliers of gambling services by a compulsive gambler.

Another example of the diverse approaches which PIAC can adopt to meet differing needs was its proposal for a reparations tribunal for the stolen generations.

This called for research on laws and procedures in Australia and overseas as the basis of a submission to a Senate inquiry. This was followed by a broadly based consultation process with Indigenous communities affected by child removal policies.

PIAC has also undertaken major policy work in the area of international trade law, with a focus on human rights issues and the responsibilities of corporations. It helped to establish the Australian Fair Trade and Investment Network (AFTINET) to promote public education and debate about international trade law.

PIAC's focus on community empowerment is evidenced by its research on access by Aboriginal women to discrimination complaints mechanisms and its advocacy for utility consumers and health consumers. Its training programs on how to make effective use of the legal and government system to advance community and consumer interests have continued to be strongly in demand. In addition, there have been many submissions

to parliamentary inquiries, and many conferences and seminars which PIAC has organised or contributed to. The regular PIAC Bulletin has now been joined by an e-Bulletin, distributed widely in Australia and overseas.

As the cost of litigation and the sheer complexity of the legal system undermine the ability of people to seek redress in the courts, and as the scope for government encroachment on the rights of citizens continues to expand, there is a continuing need for bodies like PIAC, with the skills and experience necessary to undertake representation and advocacy work across many areas of community concern, in both State and Federal jurisdictions. The lack of commitment by governments to basic human rights principles, the neglect of the rights of minority groups such as refugees/asylum seekers and the failure to respond to past abuses towards Australia's Indigenous people by means of either reparation or apology, throw up issues which need an active response at many different levels.

# 03 STAFF

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One of PIAC's strengths has been the strong support it has won for its work not only from the community, but also from the legal profession. Legal practitioners have contributed to and supported its work and have participated in the programs it conducts with PILCH on public interest law. The goal of encouraging the legal profession to respond to community needs has been advanced by the National Pro Bono Task Force set up by the Commonwealth Attorney-General to develop a Draft Action Plan. PIAC has been invited to participate in this project.

PIAC has continued to develop its strategic planning, to set priorities in its areas of interest and to seek to broaden its funding base. It has established useful connections with public interest lawyers overseas and has conducted training programs for Indonesian lawyers.

The continuing quality and effectiveness of PIAC's work have been achieved by a highly skilled and dedicated staff. Their hard work, their commitment to justice and their responsiveness to the changing needs of the community maintain

the high reputation of the organisation. For their work, for the leadership of the Director and for the voluntary work of PIAC's Board, so essential for the success of the organisation, I would like to express appreciation.

Elizabeth Evatt

## STAFF

**Andrea Durbach**  
*Director*

**Greg Kirk**  
*Principal Solicitor*

**Dr Patricia Ranald**  
*Principal Policy Officer*

**Jane King**  
*Centre Coordinator*

**Madeleine Bennison**  
*Financial Manager*

**Amanda Cornwall**  
*Senior Policy Officer*

**Patricia McEniery**  
*Senior Solicitor*

**Sandra Stevenson**  
*Solicitor (PILCH)*

**Kathleen Searles**  
*Locum Solicitor (PILCH)*

**Simon Moran**  
*Solicitor*

**Alexis Goodstone**  
*Solicitor*

**Trish Benson**  
*Senior Policy Officer (UCAP)*

**Jim Wellsmore**  
*Policy Officer (UCAP)*

**Cathie Sharp**  
*Training Coordinator*

**Melissa Franklin**  
*Legal Secretary*

**Sarah Mitchell**  
*Policy Administrative Officer*

**Marie Manaena**  
*Administrator*

**Stephen Rix**  
*Principal Policy Officer (resigned)*

**Launa Jabour**  
*Network/Administration Manager (resigned)*

**Toni Johnson**  
*Administrative Assistant (resigned)*

**Alana Clarke**  
*Office Manager (resigned)*

The Centre is managed by a Board of Directors from a range of community, consumer and media organisations and the private legal profession. In addition, the Board has representatives from its founding organisations, the NSW Law and Justice Foundation, the NSW Legal Aid Commission and the Law Society of New South Wales.

**Hon Elizabeth Evatt AC**  
*Chair*

**Margaret Allison**  
*Managing Director,  
NSW Legal Aid Commission*

**Shauna Jarrett**  
*Agostini Jarrett Solicitors  
(Law Society of NSW nominee)*

**Joanna Kalowski**  
*Mediator and Consultant*

**Rodney Lewis**  
*Rodney Lewis & Co., Solicitors*

**Gary Moore**  
*Director,  
NSW Council of Social Service*

**Annette O'Neill**  
*Consultant  
(Law and Justice  
Foundation nominee)*

**Gabrielle Trainor**  
*John Connolly & Partners*

**Stephen Walmsley S.C.**  
*Maurice Byers Chambers*

**Bob Wilson**  
*Management Consultant*

**Julian Disney**  
*(Chair from November 1998 to  
May 2000) (resigned)*

**Jeremy Campbell**  
*(resigned)*

**Kate Harrison**  
*(resigned)*

**Pauline Wright**  
*(resigned)*

In 2001 PIAC's core staff of sixteen was supplemented by project staff, consultants, volunteers, students, College of Law placements and secondee solicitors to the Public Interest Law Clearing House.

We wish to express our appreciation and thanks for their commitment and contribution to PIAC's' work.

**Consultants**  
Tilda Communications  
*Computer consultants*

Glenys Clarke  
*Library consultant*

### **College of Law placements**

Mathew Deighton  
John Newton  
Jennifer Darcy-Boath  
Michelle Chung  
Phillipa Hetherton  
Matthew Zurstrassen  
Jacqui Gal

**Student placements**  
Marianna Brungs  
*University of Sydney*

Paula Fitzlyon  
*University of Sydney*

Sara Hill  
*University of Sydney*

**Volunteers**  
Rebecca Graham  
Danny Davies  
Amor Toohey  
Julian Schimmel  
Abi Smith  
Michael Mavromatis  
Ben Golder  
Kelly Fung  
Neil Glaser  
Natalie Rouillon  
Patricia Rossi  
Giri Sivaraman  
Tara O'Rourke  
Yudi Burhan  
Johanna Geddes

# 05 ACCESS TO JUSTICE

*PIAC has a strong commitment to ensuring that individuals and communities who are marginalised or suffer disadvantage can secure justice expeditiously and at minimal cost. To this end, we aim to promote the use of procedures such as amicus curiae interventions and representative proceedings, and tribunal and complaints mechanisms. The provision of legal aid and pro bono legal services has also been a significant focus of PIAC's access to justice work.*

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## HOMEFUND

After a long-running class action in the Federal Court with PIAC and counsel John Basten SC and Sylvia Winters representing thousands of borrowers who had suffered loss or damage arising from their participation in a New South Wales Government sponsored home-loan scheme, 'HomeFund', the High Court was asked to determine the claims initiated under the *Trade Practices Act 1974*. The central claims were:

- that the loan product was so unusual and potentially damaging that it was unconscionable to sell it to low-income borrowers who had little or no financial experience; and
- that both the written promotional material and the oral statements made to many borrowers by those implementing the scheme on behalf of the government, were misleading and deceptive.

Homefund loans combined fixed interest rates of up to 15.8% for 30 years, with low initial repayments. The Scheme assumed an economic climate of ongoing high levels of

inflation with steadily rising wages and high commercial interest rates. Borrowers were assured that repayments on their loans would not amount to more than 27% of their income. When these assumptions proved unfounded, borrowers were left with ballooning home-loan debts, annually increasing repayments and wages that were either static or falling.

The key preliminary question for consideration by the High Court (on appeal) was whether the State, when acting through a government department, is bound by the consumer protection provisions of the *Trade Practices Act* and, if not, whether its private partners in the Scheme, acting as agents of the State, were bound. The High Court confirmed the Federal Court's determination that the State was not bound by the *Trade Practices Act*. It held that the question as to whether the State's private partners in the Scheme benefited from this "immunity", could only be determined at a full hearing of the Federal Court.

The proceedings were commenced in the Federal Court as any rights

available to borrowers under New South Wales law, had been statutorily removed. When the proceedings commenced, the New South Wales Legal Aid Commission provided a grant of legal aid on the basis that were the case unsuccessful, any costs awarded against the borrowers would, in the main, be paid by the Commission (provided for under section 47 of the NSW Legal Aid Commission Act). However, the full Federal Court determined that the indemnity provision was applicable to New South Wales courts and tribunals only and accordingly, Homefund borrowers would not be able to rely on the section 47 indemnity.

With the limits placed on the action by the decision of the High Court, the prospect of a very lengthy hearing to determine the liability, if any, of the non-State defendants, concerns about costs orders and fears that the representative action might flounder on the differing individual circumstances of borrowers, negotiations were commenced between PIAC, Homefund borrowers, the NSW Government and its agents. A settlement package put to

the Federal Court provided for interest rate cuts for the scheme's remaining 3700 borrowers and a \$75 million write-off of the debt for over 2000 borrowers who, despite having lost their homes, remained liable for the shortfall in their loans. The court approved the settlement package in March 2001.

While the true financial cost to borrowers and the social and personal impact, including relationship breakdown, health and related problems, was never fully addressed, the litigation maintained pressure on the government to ameliorate the terms of the Scheme over time and the settlement provided direct benefits to many thousands of individuals.

Litigation may also ensure that future governments are more considered when embarking upon entrepreneurial schemes where the rights and livelihoods of low-income members of the community may be jeopardised.

### **ABORIGINAL WOMEN AND DISCRIMINATION COMPLAINTS**

Economic, social and cultural

disadvantage affects the capacity of Indigenous women to enforce their rights through complaints bodies such as the Anti-Discrimination Board (ADB) and the Human Rights and Equal Opportunity Commission (HREOC). PIAC and Wirringa Baiya Aboriginal Women's Legal Centre are working on a project to encourage Indigenous women in New South Wales to articulate their concerns about accessing their rights under NSW and Commonwealth discrimination legislation.

PIAC consulted with Indigenous women in small focus groups in ten rural, regional and urban locations throughout NSW. The research centred on the women's experiences of discrimination, their knowledge of complaint bodies and procedures and their suggestions for changes to existing practices that might facilitate easier and more effective access for the resolution of their concerns.

The project, building on information from previous studies and consultations, is examining statistical information from the NSW Anti-Discrimination Board and HREOC regarding the numbers

of complaints, the grounds (e.g. race, sex) and sites of discrimination (e.g. employment, accommodation).

Other complaints processes, which have some jurisdiction over discrimination matters, are the NSW and Commonwealth Ombudsman and the NSW and Australian Industrial Relations Commissions. These are also addressed briefly by this project.

A report, written in collaboration with the project's reference group of Indigenous organisations, will be published in late 2001. It will include recommendations for improved policies, practices and procedures which impact on Indigenous women's access to the ADB and HREOC. The report will be presented to complaints bodies, relevant government agencies, Indigenous and women's organisations and Aboriginal Legal Services.

### **REPARATIONS FOR THE STOLEN GENERATIONS**

The last two years has seen a continuation of PIAC's focus at both a policy and litigation level on the stolen generations. PIAC — with

PILCH member assistance — investigated a large number of potential stolen generations compensation claims in the aftermath of the Human Rights and Equal Opportunity Commission National Inquiry into the Removal of Aboriginal and Torres Strait Islander Children from their Families. PILCH member lawyers provided legal assistance on a number of matters and PIAC commenced proceedings in the Supreme Court as a test case for one client.

After lengthy research and preparation, including extensive preparation for cross-examination, the case, as with many stolen generation claims, was withdrawn. Our client felt unable to cope with the trauma that litigation involved. In addition, many of the key witnesses required to substantiate claims were no longer alive, and vital evidence and records had never been kept by government departments and institutions, or had been destroyed.

PIAC has however continued with some litigation, in particular commencing claims in the NSW Victims Compensation Tribunal.

If successful, such claims may provide some redress for those members of the stolen generations who were the subject of physical and sexual assault and other criminal conduct in the period after they were removed from their families. We are currently awaiting a decision in relation to a claim for compensation for acts of violence which the Tribunal has agreed to consider despite their alleged occurrence being 40 years out of time.

In response to the clear need to find an alternative to litigation to secure redress for members of the stolen generations, PIAC has developed a proposal for the establishment of a Stolen Generations Reparations Tribunal. A reference group was established to provide the expertise to support this proposal. The reference group includes members from ATSIC, the Council for Aboriginal Reconciliation, Link Up NSW and the Legal Aid Commission of NSW.

The group's aims include:

- promoting social justice for Aboriginal and Torres Strait Islander people

- developing a practical model for providing compensation and other reparations to the stolen generations and people affected by forcible removal, based on the principles contained in the *Bringing Them Home* Report
- promoting community understanding of the merits of providing compensation and other reparations to the stolen generations and people affected by forcible removal.

Throughout 1999, PIAC continued consultations with organisations, federal politicians and Aboriginal legal services. In late 1999, the Senate Legal and Constitutional Committee established an Inquiry into the Stolen Generations, which, inter alia, sought views on alternative dispute resolution mechanisms for dealing with stolen generations' claims.

PIAC's submission to the Inquiry explored issues such as the disadvantages of litigation, the need for adequate reparations, particularly in the context of reconciliation, and the potential structure and operation of the tribunal. The submission

considered various forms of reparations and examined relevant international models including the South African Truth and Reconciliation Commission, the Canadian Aboriginal Healing Foundation and the New Zealand Waitangi Tribunal. PIAC recommended that any model for reparations should require community consultation and endorsement. In the Inquiry report, the Committee recommended that the PIAC model be used as a general template for the recommended tribunal. The Australian Labor Party and the Australian Democrats also supported the establishment of a reparations tribunal based on the PIAC model.

In 2001, in partnership with the National Sorry Day Committee (NSDC), ATSIC, and HREOC, PIAC undertook a national consultation project, with funding provided by Rio Tinto Aboriginal Foundation, Myer Foundation and The Reichstein Foundation. Using an issues paper as the primary consultation tool, PIAC, together with local Indigenous organisations, conducted 10 focus groups with Indigenous communities across

Australia. The consultations, which explored the need for reparations, options and models, and the content of proposed reparations, revealed broad support for a reparations tribunal.

The outcomes of the consultation project will be presented at a conference in August 2001 organised by PIAC in conjunction with ATSIC and HREOC. The conference will feature Australian and international speakers from Indigenous organisations, churches and political parties who will be asked to present their position on reparations for the stolen generations.

PIAC views the consultation project and the conference on reparations for the stolen generations as an essential step in highlighting the critical factors which underlie social justice for Aboriginal people. The lack of appropriate reparations for the stolen generations remains ‘unfinished business’ and until the ongoing harm experienced by the stolen generations is acknowledged and addressed, the process of reconciliation will regrettably falter.

## **THE PUBLIC INTEREST LAW CLEARING HOUSE (PILCH)**

The Public Interest Law Clearing House (PILCH) was established in 1992 as PIAC’s major pro bono project. PILCH was set up to meet the legal needs of individuals, communities and non-profit organisations, who, given PIAC’s resource constraints and areas of focus, could not be accommodated within PIAC. The first of its kind in Australia, PILCH is an assessment and referral service for pro bono legal matters which meet certain public interest criteria. PILCH members, comprise law firms in New South Wales, individual barristers and chambers, PIAC, the Law Society of NSW, the NSW Bar Association, mediators and accountancy firms who agree to take on public interest legal matters on a pro bono (free) or reduced fee basis.

PILCH is an incorporated association governed by its own board and operated by PIAC staff under a management agreement between PIAC and PILCH. The Board comprises representatives from PILCH member firms, PIAC, the Law Society of

NSW and the NSW Bar Association. The President of PILCH is Ruth McColl SC. PILCH staff comprises a part-time coordinator, solicitor, administrator and finance manager. PILCH member law firms provide solicitors on secondment to PILCH for 3–4 month periods to assist with referrals and assessments.

PILCH acts as a conduit for legal assistance between the community and the private legal profession. The close alliance with PIAC offers PILCH the advantage of PIAC's long-standing relationships with communities and community organisations and provides effective links to potential sites of legal need.

PILCH clients are primarily individuals, small community groups or non-profit organisations who raise issues of public concern and importance that require legal resolution. Requests referred by PILCH to its members range from issues of discrimination to environmental disputes, constitutional and administrative law challenges, employment and criminal complaints, commercial and immigration matters, and transactional advice

primarily focusing on the taxation, funding, leasing and governance issues of non-profit organisations. Non-profit organisations, such as those providing assistance to people with disabilities or older people, groups aimed at protecting the environment, Indigenous organisations and peak welfare bodies, are generally assessed as providing services which are in the public interest. By facilitating and supporting the work of these organisations through the provision of pro bono quality legal assistance, PILCH aims to enhance the important work of community organisations which operate with limited resources.

In the period July 1999 to 30 June 2001, 103 matters were referred by PILCH to its members for legal advice and representation.

Referrals have included:

- advice on the structure and constitution of a non-profit club offering a recreation service for adults with mild intellectual disabilities
- representation for a group of squatters ordered to vacate premises owned by a Sydney local council. The council sought their eviction

alleging the building failed to meet fire safety requirements and councillors were concerned they might be personally liable should any of the squatters suffer injury while on the premises. The council secured a partial injunction against the squatters but the PILCH firm obtained orders allowing the squatters to remain in the premises for 10 days to find alternative accommodation. Ongoing negotiations led to the council agreeing to discontinue the legal proceedings and draft a "caretakers agreement" with the squatters, aimed at developing policies to assist low-income and homeless people obtain housing

- representation for an individual concerned that a local council had approved a development application for the refurbishment of a local supermarket which had insufficient accessible parking for older people and people with a disability. A discrimination complaint alleging that the development would deny access to the shopping centre and community facilities was lodged and the matter was referred for conciliation. In the interim, a PILCH member firm provided advice about

possible causes of action against the council, the owners of the property and the supermarket, pursuant to environmental and planning laws.

In an effort to extend the reach of PILCH into non-English speaking communities, the PILCH Information Brochure has been translated into nine languages. The project was developed in consultation with the NSW Legal Aid Commission and the NSW Ethnic Communities Council and funded by PILCH member firm, Blake Dawson Waldron. The translated brochures have been distributed to key community organisations throughout NSW. PILCH maintains a register of languages spoken by its members in order to match client need with member skills.

In addition to its assessment and referral work, PILCH seeks to promote a pro bono culture within the legal profession and among law students, provides quality community legal education programs utilising the skills of lawyers from PILCH member firms and fosters relationships between pro bono service providers.

In 2000, PIAC and PILCH initiated a week-long summer and winter school program in partnership with the University of Western Sydney (Nepean). Practising in the Public Interest is aimed at senior law students who spend a week attending lectures and workshops conducted by PIAC and PILCH staff and guest lecturers. The program uses case studies to illustrate topics such as the governmental system, accessing decision-makers, public interest litigation, submission writing, policy-making and law reform processes, campaigning and working with the media. For two of the five days, students are placed with PILCH member firms and public interest or human rights organisations where they are exposed to the practice of public interest and pro bono legal work. The University of New South Wales, the University of Sydney and the University of Wollongong have joined with the University of Western Sydney, to offer the PIAC/PILCH program.

PILCH members also support many of the other pro bono initiatives undertaken by PILCH. They host events which feature international

and Australian public interest lawyers, sponsor the publication of PILCH materials and reports and make presentations at seminars for community organisations and the legal profession on matters of legal significance. In February 2000, the NSW Bar Association hosted a PILCH seminar featuring South African activist lawyer and judge, the Hon. Ms Justice Kathleen Satchwell. In October 2000, PILCH member firm, Corrs Chambers Westgarth, hosted a seminar on Human Rights and Corporate Responsibility and in March 2001, PILCH member firm Allen Allen & Hemsley hosted and presented a PILCH seminar, Need to Know: Issues for Non-Profits on recent taxation and corporations law reforms and their relevance to and impact on community organisations.

PILCH staff have been actively involved in a number of pro bono initiatives with other legal service organisations across Australia. PILCH and PIAC staff assisted with and presented papers at the Federal Attorney-General's First National Pro Bono Law Conference:

For the Public Good, and PILCH Coordinator, Andrea Durbach, is a member of the Attorney-General's National Pro Bono Taskforce. PILCH staff have sat on the NSW Law Society's Pro Bono Taskforce, the Advisory Group for the proposed NSW Legal Helpline, and have assisted with the establishment of QPILCH in Brisbane.

#### **PILCH Board Members**

**Ruth McColl SC,**  
*President, St James Hall, 5th Floor*

**Chris Greiner,**  
*Vice-President,*  
*Blake Dawson Waldron*

**Stephen McClintock,**  
*Treasurer,*  
*PricewaterhouseCoopers*

**Michael Lee,**  
*(Treasurer until February 2001),*  
*Corrs Chambers Westgarth*

**Jim Boynton,**  
*Mallesons Stephen Jaques*

**Sarah Dunn,**  
*Freehills*

**Shauna Jarrett,**  
*Agostini Jarrett*

**Peter Maiden,**  
*Wentworth Chambers, 12th Floor*

**Nicola McGuire,**  
*Allen Allen & Hemsley*

**Rachel Pepper,**  
*Wentworth Chambers, 7th Floor*

**John Sheahan SC,**  
*Wentworth Chambers, 5th Floor*

**Gabrielle Trainor,**  
*John Connolly & Partners*

**Bruce Woolf,**  
*Woolf Associates*

**Frank Fischl,**  
*PricewaterhouseCoopers*  
*(retired November 2000)*

**Miles Bastick,**  
*Freehills*  
*(retired November 2000)*

**Alistair Little,**  
*Tress Cocks & Maddox*  
*(retired November 2000)*

**Mark Brabazon,**  
*Selborne Chambers, 5th Floor*  
*(retired November 2000)*

**Jacqueline Gleeson,**  
*Wentworth Chambers, 11th Floor*  
*(retired November 2000)*

**Dan Gilbert,**  
*Gilbert & Tobin*  
*(Past President, retired*  
*November 1999)*

#### **PILCH Secondees**

**Corrs Chambers Westgarth**  
*Rosemary Norgate*  
*(December 1999–February 2000)*

**Minter Ellison**  
*Belinda Jones*  
*(March – May 2000)*

**Freehills**  
*Ralph Grayden*  
*(June – August 2000)*

**Mallesons Stephen Jaques**  
*Rebekah Mansour*  
*(September – December 2000)*

**Allen, Allen and Hemsley**  
*Yvette Holt*  
*(December 2000 – February 2001)*

**Minter Ellison**  
*Kathleen Searles*  
*(March – June 2001)*

*Community participation in government decision-making and reviewing government policies and practices which adversely affect communities, continue to be areas of interest for PIAC and its constituency. Our work seeks to highlight the need for transparent, accountable and responsive government, particularly in relation to those who are disadvantaged.*

## A PEOPLE'S OLYMPICS

PIAC identified social justice considerations of the Olympics as a priority soon after Sydney won the bid for the 2000 Games. In 1994 PIAC made a submission to the preliminary social impact assessment of the Sydney Olympics prepared for the Premier's Department on human rights and government accountability. It was one of six non-government organisations appointed to the Social Impacts Advisory Committee to the Olympic Coordination Authority and the Sydney Organising Committee for the Olympic Games in 1995.

As part of its early work on the Committee, PIAC developed a set of Principles for a People's Olympics to provide guidance for Games organisers. PIAC also secured advice from PILCH member barrister Mark Brabazon for Shelter NSW which considered the public accountability obligations of the Olympic Coordination Authority and the Sydney Organising Committee for the Olympic Games. The opinion provided advice to community groups on obligations under the NSW Constitution and Freedom of

Information legislation and on those of the Ombudsman and the Auditor General at an early stage in Olympic planning.

During 1999–2000 PIAC highlighted issues pertinent to conducting 'the People's Olympics' and maximising the number of Australians who could attend the Games, particularly those citizens on low incomes and with disabilities. Following representations by PIAC, the Social Impact Advisory Committee commissioned a report on fair ticketing policies drawing on the experiences of similar international sporting events. Games organisers however ignored the recommendations of the report. When a secret cache of tickets for 'the rich' was publicly exposed in late 1999, PIAC made submissions to the inquiries that followed, appearing before the Legislative Council Inquiry into Olympic Ticketing in November 1999 and highlighting legal obligations in consumer protection laws and discrimination laws clearly ignored by Games organisers.

## ACCESS TO PUBLIC SPACE

Public policing measures introduced in the name of the Olympics became an issue of concern closer to the staging of the Olympics in early 2000. PIAC sought policing and security measures that respected and protected all people's civil liberties not just those of dignitaries and the Olympic elite.

In February and August 2000 PIAC drew public attention to new laws giving private security guards, local government rangers and police in NSW unprecedented powers to exclude people regarded as 'inconvenient' from popular public places. PIAC argued that the implementation of these laws would inevitably focus on young people, the homeless, Indigenous people and people of non-English speaking backgrounds.

PIAC worked with civil liberties groups, the Law Society of New South Wales and community organisations to campaign for reasonable policing of public space during the Olympics emphasising the use of protocols and adequate screening and training of private security

guards. PIAC, with the Sydney City Council and government agencies, developed a protocol to ensure homeless people were not moved out of public spaces.

As part of its work, PIAC researched the history and trends in protest law in NSW and restrictions imposed on the use of public places. In January 2000, invoking FOI legislation, PIAC applied for a copy of a report on the *Crimes Legislation Amendment (Police Public Safety) Act 1998* prepared by the NSW Ombudsman for the NSW Ministry of Police. The report evidently provided a detailed review of the use of new police powers to order people to ‘move on’ in public spaces. The application was refused and PIAC appealed this decision to the Administrative Decisions Tribunal. The document was finally released to the public in June 2000. Its contents clearly demonstrated the police’s new powers to order people to ‘move on’ in public places, targeted young men, in particular those of Indigenous and non-English speaking backgrounds.

PIAC provided advice on similar

new police powers introduced in Queensland in the name of the Olympics soccer trials held in Brisbane in August 2000. At the invitation of the Australian Democrats’ Aboriginal Affairs spokesperson and the Council for Civil Liberties, PIAC participated in a seminar on this issue for community organisations in Brisbane in June 2000.

### ACCESS TO SERVICES

In a case that highlighted access to public information, particularly by people with disabilities, PIAC, instructing Sarah Pritchard of counsel, and PILCH barristers Rabih Alkadmani and Julian Svehla, represented Bruce Maguire in a discrimination complaint against the Sydney Organising Committee for the Olympic Games (SOCOG).

SOCOG had refused to provide a braille copy of the Olympic Ticket Application Book used for initial ticket allocations. Mr Maguire, who is blind, also contended that SOCOG’s website, through which relevant Olympic information was made available to the public, should

have been accessible to people with visual impairments. The hearing, which featured extensive expert evidence provided by the Royal Victorian Institute for the Blind, Blind Citizens Australia and an academic from the University of Toronto and the WC3 Consortium, a global group of academics and internet professionals, the Human Rights and Equal Opportunity Commission (HREOC), found that the SOCOG website could be made accessible within a short period of time and at relatively low cost.

SOCOG however refused to comply with the orders and the site was not accessible during the Olympics. HREOC subsequently ordered SOCOG to pay damages of \$20,000 to Mr Maguire whom HREOC said had suffered feelings of considerable hurt, rejection and humiliation as a result of SOCOG’s failure to take his claim seriously and ensure that the site was fully accessible at the critical time.

The world’s busiest Olympics website became the testing ground for the application of anti-discrimination legislation to the failure by a

public authority to provide access to information to those with a disability. In the case of visually impaired individuals, access is provided by ensuring that the website is designed to accommodate a screen-reader which converts website information into braille, which is displayed on a touchpad. Expert advice indicated such design measures generally add less than 1% to the overall cost of a website's development. HREOC rejected SOCOG's assertions that providing accessibility was too onerous and expensive and concluded that it was well within SOCOG's resources to make the site accessible. In refusing to do so, HREOC held that SOCOG had unlawfully discriminated against Mr Maguire.

The Maguire decision has been seen as an important precedent. The action sought to ensure that events of historical and community significance (such as the Olympics) be staged in an inclusive manner and that the internet, which offers much in terms of access to information and capacity to interact, is not denied to people with disabilities due to negligent or ill-conceived design.

## FREEDOM OF INFORMATION

Freedom of information (FOI) laws aim to enhance democracy by providing a public right of access to information held by executive government, subject to certain exemptions. Over the years, PIAC's experience in conducting litigation using freedom of information legislation, has demonstrated that FOI in Australia has been administered with a particular emphasis in facilitating individual rights to personal information, while applications for information which underlie political or policy decisions, are more likely to be denied.

Accordingly, PIAC has advocated for FOI reform on the basis that if FOI is to achieve its objective of democratic government, and challenge a culture which fails to uphold transparency, greater weight needs to be given to the community's right to access political information.

In New South Wales, PIAC's research found that there has been comparatively low public use of FOI rights, poor compliance with FOI reporting obligations and limited

appeal rights. The NSW Opposition challenged the State Labor Government to address these problems in May 2000 by introducing an amendment to the *Freedom of Information Act* 1989.

PIAC responded by developing a blueprint for FOI reform in NSW. At the heart of its submission was a proposal for an Information Commissioner to handle FOI complaints and appeals and to promote compliance with FOI by government agencies. This would mean that the complaints function of the NSW Ombudsman and the FOI appeal functions of the Administrative Decisions Tribunal would be transferred to the Commissioner. The function of promoting compliance would be new.

PIAC's work in this regard demonstrated that some government agencies deliberately delayed making decisions about releasing documents. Decisions made within the time limits set by the *Freedom of Information Act* were found to be the exception rather than the rule. PIAC found that this latter concern was compounded by an anomaly in

the *Freedom of Information Act*. An agency can defeat an FOI application by failing to make a decision and stalling for more than the 49 day period in which an applicant must apply for an internal review. PIAC's work indicated that this situation was more likely to occur where applicants were not legally represented.

PIAC found that some government agencies either did not understand their obligations under the *Freedom of Information Act* or avoided providing access to documents. In some cases, agencies provided a summary of the documents requested rather than the documents themselves.

In 2001, PIAC applied to the Victims Compensation Tribunal (VCT) under Freedom of Information legislation for a copy of assessment guidelines used in the determination of claims for compensation. The NSW Attorney General's Department, responsible for responding to such applications, refused access, claiming the guidelines related to the VCT's judicial functions, and accordingly fell outside the scope of section 10 of the *Freedom of*

*Information Act*.

The case raised the issue of the public's right to know the bases upon which VCT compensation assessors make decisions. Following an internal review which confirmed the initial denial of access, PIAC lodged an external appeal in the Administrative Decisions Tribunal of NSW and the matter was set down for hearing. PIAC's argument was that the guidelines relate to the VCT's administrative functions, and that section 10 of the *Freedom of Information Act* should not be construed so narrowly as to defeat the aims of the Act, which included the public's right to know how government decisions are made.

Prior to the hearing, the NSW Attorney General's Department released the guidelines.

### **PIAC'S TRAINING PROGRAM: WORKING THE SYSTEM**

Through PIAC's training program we provide a high standard of information and impart skills to individuals and communities to assist them make their way through the governmental and legal systems.

The first step in effective advocacy is to understand how the system works.

Our training program is founded on the objective that creating a society where citizens, consumers and communities have the skills and capacity to be involved in its governance will promote a governmental system that is transparent, participatory, responsive and effective. The training draws on PIAC's experience in advocating on behalf of disadvantaged individuals and communities to build and enhance advocacy skills across various sectors of society. We aim to provide the community and its representatives with the knowledge and skills to be effective advocates for themselves and on behalf of others.

Our nationally accredited course: *Work the System: An Introduction to Advocacy* aims to assist people in developing these skills and knowledge. The course is based on PIAC's book *Working the System: A guide for citizens, consumers and communities*. It is offered as a public course at least twice a year and as an in-house course for

individual organisations. The course explores systems advocacy and strategies for advocating within formal decision-making structures, such as challenging government decisions, participation in the parliamentary process and using public interest legal procedures.

This highly successful program has been delivered in accredited and non-accredited formats and has been customised, with modules from other training that PIAC offers, to meet client needs.

**People we worked with**

- NGOs and community groups
- Students and academics
- Political parties
- Lawyers, barristers and judges
- Consumer groups
- Indigenous and disability groups
- Industry bodies

In 1999, PIAC received Registered Training Organisation status with the NSW Vocational Education and Training Accreditation Board (VETAB) and developed a

comprehensive training package to enable licensed interstate training organisations to offer the advocacy program throughout Australia.

PIAC also offers short courses on topics such as civics, lobbying, media skills, effective community representation and negotiation skills, with participants coming from a range of community organisations and government bodies.

**Training we delivered**

- Work The System: An Introduction to Advocacy
- Advocacy Skills and Strategies
- Lobbying
- Campaign Planning
- Effective Consumer and Community Representation
- Civics
- Negotiation Skills
- Fair Trade and Human Rights
- Using the Media Effectively
- Effective Customer Councils
- Working with the Energy Industry
- Contracting Out in the

Community Sector

- Using Freedom of Information Legislation
- The use of amicus curiae interventions
- Public Interest and Pro Bono Law
- Public Policy Development and Analysis
- Using Complaints Procedures
- Working with Governments

In 2000, we delivered civics training to non-English speaking communities which sought to maximise community understanding of the system of government and voting procedures in Australia. We were then commissioned by Bankstown Area Multicultural Network to develop and deliver two Train-the-Trainer programs for community bilingual workers. Following the training, these workers delivered 18 community seminars in 11 languages. Using skilled bilingual workers proved to be an effective approach for providing targeted and relevant information on the Australian system of government to various

non-English speaking communities.

A new focus for PIAC training in the period 1999–2001 has been training aimed at young people. We developed a 2-day advocacy training package for the NSW Commission for Children and Young People. Initially designed for the Commission’s Youth Reference Groups, PIAC delivered the program to school students, trainees and young homeless people in Bega and Albury. In conjunction with PILCH, we also developed and delivered a program aimed at senior law students, called Practising in the Public Interest.

### **TRAINING IN INDONESIA**

PIAC’s research and policy development in relation to the drafting of class actions rules and procedures for the New South Wales Supreme Court, led to a joint project between PIAC, the Indonesian Centre for Environmental Law (ICEL) and the Legal Aid Foundation (LBH) in Jakarta, Indonesia. Funded by the Australia Indonesia Institute, PIAC conducted training workshops on class actions and enforcement for

non-government lawyers and environmental law enforcement officers in Solo, East Java in August 2000.

The training program was based on new procedures under Indonesian environment protection laws and, in 2000, new consumer protection laws. The workshop focused on community enforcement of pollution laws using community-based class actions to claim for damages. It also focused on gathering evidence for environmental claims and the use of new rights to access to information about the environment. PIAC has provided further advice to senior Indonesian Supreme Court judges on developing a procedural rule on class actions.

*The right to fair treatment is eroded when institutions such as prisons, detention centres, the church, hospitals, schools and clubs fail to maintain practices and standards necessary to ensure that individuals and communities are afforded appropriate care. Where this right is compromised, particularly in relation to individuals and communities who are less visible and less able to voice their concerns, PIAC has sought to advocate on their behalf.*

## GAMBLING

The manner in which gambling service providers facilitate the over-commitment of their patrons and exploit compulsive gamblers has become a new element of PIAC's consumer protection work. When some of PIAC's initial gambling litigation was settled, we turned our attention to policy initiatives, preparing extensive submissions to, and appearing before, both the IPART and Productivity Commissions' Inquiries into Gambling. Our submissions detailed how gambling service providers encourage over-commitment (free drinks and food, the provision of seemingly unlimited cheque cashing facilities and credit advances) and proposed a statute-based code of practice with specified limits on service providers. The government however adopted an industry-based voluntary code model, which whilst encouraging responsible service providers to develop good practices, has left other less scrupulous operators free to continue as before.

With the case of *Reynolds v Katoomba RSL*, the industry finally

allowed some of its questionable behaviour to go before a court for consideration. Mr Reynolds was a gambler at the Katoomba RSL who, over time, had gambled heavily and well beyond his means. Knowing that he was a compulsive gambler, Mr Reynolds and his family had requested the RSL not to facilitate his gambling addiction. However, despite these requests, the Club cashed Mr Reynolds' personal and third party cheques and also accepted cheques as security for cash advanced to him, permitting Mr Reynolds to run up losses exceeding \$150,000.

Such requests for self-banning orders are a common and crucial step in the process of recovering from gambling addiction. PIAC argued that in providing gambling services and credit in these circumstances, the Club had breached its common law duty of care and had engaged in unconscionable conduct. The NSW District Court found that although the Katoomba RSL Club knew that Mr Reynolds was a compulsive gambler and that requests to ban him from the Club had been made, no breach of a duty

of care could be established.

The NSW Court of Appeal granted special leave to appeal the decision of the District Court and will consider whether a duty of care can be established in relation to the manner in which gambling services are provided and to what extent providers are at liberty to exploit the 'enthusiasm' of their patrons.

## INSTITUTIONAL CARE

Those who are detained in institutions, for whatever reason, are amongst the most vulnerable in the community - intellectually and/or physically vulnerable; their treatment is often hidden from public scrutiny and they have little access to the advice and resources necessary to pursue their legal rights. Individuals who reside, work or study in institutions where there are strict and covert lines of authority and exclusionary practices, are also potential victims of abuse of power and a failure to care.

In a case arising from alleged sexual abuse during an extensive counselling relationship within a mainstream church, PIAC represented an ex-member of a religious

order who had been counselled by another member of the order within a program managed and approved by the church. Compensation was awarded after the matter was mediated. Importantly, part of the settlement was the development of appropriate codes of ethics for the counselling program and a significantly improved complaint handling process which the church agreed to implement.

Victims of war-torn countries who flee for refuge are increasingly having to endure the horrors of detention centres when they arrive in Australia in the hope of finding a safe haven. PIAC has commenced proceedings against the Commonwealth of Australasian Correctional Management on behalf of a Somali woman seeking damages for assault and negligence arising from events which took place while she was in the Villawood Detention Centre. Our client, who was pregnant at the time and had been exposed to cruel and inhuman treatment in her homeland, was hospitalised as a consequence of her treatment at Villawood.

The failure by the Department of

Corrective Services to protect a prison inmate from sexual assault by other prisoners, led PIAC to investigate and represent a client who was raped by an inmate whilst he was held in jail on remand. Evidence suggests that prison officers were aware of the risk to our client. He had expressed his fears to them shortly prior to the rape occurring.

The *Disability Services Act* 1993 establishes clear and progressive principles for institutions providing care and facilities to people with disabilities. It seeks to establish the rights of people with disabilities to live in and be part of the community, to realise their individual capacities for physical, social, emotional and intellectual development, to choose their own lifestyle and to participate in and be integrated within the community.

Despite this new and progressive legislation, services provided in older-style institutions continued to isolate residents and failed to meet the standards set by the legislation. Representing the peak disability advocacy organisation, People with

Disabilities (PWD), PIAC challenged the NSW Community Services Minister's approval of transition plans for two older-style institutions which had effectively permitted the institutions to receive government funding whilst failing to comply with the standards of the new Act. The challenge, which was ultimately successful, also established that peak bodies have standing to challenge ministerial decisions under the Act. Accordingly, PIAC continued to act with PWD in challenging the Minister's decision to fund both private and public institutions on the grounds that the integration programs for which funds had been sought, and in some cases, provided, failed to comply with the principles and standards contained in the legislation.

Residents of Weemala, a group home attached to the Royal Ryde Rehabilitation Centre, sought assistance from PIAC when they were denied access to information about the utilisation of their saving funds. The residents sought this information when being offered the opportunity to move from the institution into

group houses which offered access to support and special facilities. In order to assess the financial implications of the move and plan accordingly, residents wished to access details about the funds available for their use. It appeared however that a unilateral change by the institution in relation to financial policy and accounting methods meant that residents were unable to gauge what amounts were actually available to them and what amounts had been used by the institution to cover certain administrative costs. The matter was settled with Weemala detailing the funds available to each resident and agreeing to implement a protocol for the future management of finances.

### **DISABILITY DISCRIMINATION IN SCHOOLS**

The right of people with disabilities to participate in the educational system was brought to prominence by the case of Scarlett Finney, aged 5, who was refused enrolment by a private school because she had spina bifida. In *Finney v Hills Grammar School*, PIAC, representing Ms Finney before the Human Rights

and Equal Opportunity Commission (HREOC), argued that the school had contravened the *Disability Discrimination Act 1992* in rejecting Ms Finney's application for enrolment and refusing her a place at the school. The lengthy hearing involved detailed examination of Scarlett's present and future capacities, the school's existing facilities and the need to, and cost of, adapting and changing them to accommodate Scarlett, and the school's consideration of Scarlett's application for enrolment.

PIAC's experts suggested that the cost of adapting the school environment to Scarlett's needs would be in the order of \$15,000 to \$20,000. The school produced evidence, albeit from people who had never met Scarlett, that the cost of accommodating Scarlett would be in excess of \$1 million, thus involving the school in 'unjustifiable hardship'. HREOC Commissioner Graeme Innes found that any changes the school would need to make were minimal and that "some hardship" was justified in ensuring compliance with the intent of the *Disability Discrimination Act*. The school appealed the decision to

the Federal Court which upheld the decision of Commissioner Innes, finding that he was both reasonable and methodical in approach.

The Finney decision has important implications for all people with disabilities and has alerted schools in particular to their legal obligations under the *Disability Discrimination Act*. Assumptions derived from a cursory assessment of a child's needs are clearly not sufficient basis to exclude a child with a disability from a school. Rather, schools will be required to conduct a detailed realistic evaluation of a child's needs and the school's capacity to meet them.

The manner in which educational services are provided to students rather than whether or not they were provided at all, was raised in a further disability discrimination case. PIAC represented Stephanie Travers, who was denied access to a disabled toilet at the Parramatta West Public School where she was a student. Stephanie has spina bifida which results in bowel and bladder incontinence. Accordingly, she required access to the nearest toilet which

was the disabled toilet at the school. The case proceeded to a hearing in the Federal Magistrate's Court where Federal Magistrate Raphael found that whilst the school had not intended to discriminate against Stephanie, the fact that it had required her to utilise a toilet which was not accessible to her, amounted to unlawful discrimination. FM Raphael found that in the circumstances, it would have been reasonable for Stephanie to have been given a key to the nearest available toilet.

## HEALTH CONSUMERS

PIAC provides a unique role in the health sector as the only broadly based consumer advocacy organisation with legal expertise and a focus on health consumer rights. Key areas of focus have been the development of the draft Australian Health Consumers Charter, advocating for legal rights of access over privacy of personal health information and promoting a consumer perspective where medical errors occur. PIAC has also played a key role in supporting a strong and independent health complaints body

in NSW, working closely with the Health Care Complaints Commission and participating in inquiries about its functions since 1993.

PIAC was a founding member of the Consumers Health Forum of Australia and in 2000 it worked with other consumer groups including NCOSS, the AIDS Council of NSW, Breast Cancer Action Group, People with Disabilities and Health Consumers of Rural and Remote Australia, to establish the Health Consumers' Network (NSW). HCN seeks to achieve a more effective, equitable and high quality health system for all. Its aims include:

- providing a consumer voice in public debates about health in NSW
- training and support for consumer representatives in the health system
- developing partnerships with health service providers.

Health consumers need to be active participants in decisions about their health care and treatment and PIAC has worked towards this goal

through representing consumer organisations in various fora including:

- presenting a paper 'Facing up to it' to the IIR Medico-Legal Conference in March 2000 which centred on the theme of consumers giving informed consent. The paper reviewed complication rates of breast implants and recommendations of the NSW Cosmetic Surgery Inquiry aimed at informing consumers about the performance of doctors and risks of surgical procedures
- representing the Australian Consumers Association on the Better Medication Management System Development Group - an advisory committee to the Federal Minister for Health and Aged Care on a scheme to electronically link patient medication records held by doctors and pharmacists
- representing the Consumers Health Forum on a Consumer Advisory Committee established by the Health Insurance Commission (HIC) to advise HIC on activities designed to support consumer health care decision-making. One example

involved HIC, Diabetes Australia and the Australian Diabetes Society working together to pilot a Diabetes Reminder Service. The program utilises data held by HIC to determine whether a participant has had an eye examination in the previous two years and sends reminder letters

- chairing a Consumer Perspectives Working Group of the NSW Council on Quality in Health Care established to develop a work-plan for the Council on how to incorporate the consumer perspective of quality in health care
- being a member of a national strategic group on e-health issues established by the Consumers Health Forum of Australia during 2000 and 2001 to discuss a range of ehealth initiatives, such as computerisation of general practice, a national medication record and the NSW Review of Privacy and Health Information
- working with HCN to host an email list and occasional meetings of about 12 consumer representatives to exchange information, and to seek advice and comment from peers on topics including the NSW

Electronic Health Record, the Better Medication Management Scheme, Health Online and privacy laws.

### **Privacy of personal health information**

Information stored in health records is of a very sensitive nature and consumers need assurances that the information is kept securely and that people have access to it only on a 'need to know' basis, for treatment or approved health research. For example, people who have had a mental illness or a drug addiction do not want future health providers in all circumstances to have such information, unless it is relevant to their condition or treatment. PIAC has campaigned for a nationally consistent legal framework to protect privacy of personal health information and has argued that privacy in the health sector should be dealt with differently to privacy in other areas, such as banking or insurance.

PIAC made submissions to Senate and House of Representatives inquiries into the Privacy (Private Sector) Amendment Bill 1999/2000 and gave numerous presentations to

community fora and conferences. In response to the new *Privacy (Private Sector) Amendment Act 2000* the Federal Privacy Commissioner's office drafted guidelines on compliance with the Act and the rights of consumers. PIAC facilitated discussion and responses from consumer organisations.

PIAC has also advocated active community involvement in the planning and delivery of state and national electronic health records. Patient records are increasingly stored in electronic formats and the information is shared by a wide range of people. The potential benefit is that wherever a person enters the health system their previous record of treatment or service will be accessible to the provider. However, there are serious disadvantages of establishing such a system without the relevant person's knowledge or consent. If people lose confidence in the health system's ability to protect their personal information, they may not divulge information that could be relevant to treatment. More seriously, they may avoid seeking treatment at all.

## **Consumer rights when things go wrong**

PIAC is concerned about the impact of increasing litigation on claims of medical negligence and the adequacy of the court system to deal appropriately with injuries arising from medical procedures or advice. It has campaigned for law reform to provide the public with accurate information about trends in medical negligence claims and the actual rather than apparent causes of increases in the cost of medical indemnity, particularly following a major finding of the Commonwealth Government Review in 1995 that comparatively few medical errors resulted in legal claims by patients.

In 1999 PIAC made submissions to the NSW Joint Parliamentary Committee on the Health Care Complaints Commission Inquiry into Monitoring Malpractice by Health Practitioners. It argued in favour of mandatory reporting of malpractice claims by indemnity insurers to the Medical Board and the Health Care Complaints Commission.

In March 2001 PIAC organised a public forum at NSW Parliament House on Patient Perspectives on Medical Error, working with Maternity Alliance, the Medical Error Action Group and the Health Care Complaints Commission. The forum, which included an address by the NSW Minister for Health, the Hon Craig Knowles, heard accounts from consumers who had sought, without success, the reasons for error, which in many cases, had then compelled them towards litigation. PIAC participated in an advisory group convened by NSW Health to advise on the implementation of the Health Care Liability Bill, introduced in March 2001, which sought to limit damages claims and provide for some regulation of the medical defence industry.

PIAC's expertise on medical indemnity issues and its strong relationship with consumer organisations led to an invitation to participate in a Medical Indemnity Forum convened to advise a jurisdictional working party on medical indemnity formed by the Australian Health Ministers Advisory Council in May 2001. The Forum is examining medical

indemnity reforms at the national level, including regulation of the financial security and products offered by the medical defence industry.

*The deregulation and national competition policy agenda turned PIAC's attention to the right of low-income consumers to access quality and affordable utility services. The NSW Government supported the formation of the Utilities Consumer Advocacy Program (UCAP) which began at PIAC in 1998. The development of a regulatory framework and protection mechanisms for residential consumers confronting the impact of the restructure of gas, water, electricity and telecommunications monopolies, are key elements of PIAC's utilities work.*

## **UCAP**

UCAP commenced operations in 1998 with an initial 3 year grant of funding administered by the NSW Department of Fair Trading. It seeks to ensure that public and private utilities are accessible, responsive and accountable to consumer and community interests. UCAP's mandate is to represent the interests of residential consumers of gas, electricity and water services, with particular focus on low-income and disadvantaged consumers.

UCAP is required to achieve its aims through the development of policy and advocacy on behalf of residential users of these essential services; identification of systemic problems in the electricity, gas and water industries and facilitation of partnerships between industry stakeholders.

The key issues for UCAP arise from the introduction of full retail competition (FRC) in electricity and gas. The policy imperative for Government has been the creation of new energy markets and the participation of private competitors in the corporatised public businesses.

UCAP has been a strong voice for consumers in the planning of these new markets and in looking at areas where the interests of Government, businesses and residential consumers might conflict.

UCAP argued successfully that residential consumers ought to retain the choice to opt out of the competitive retail energy markets. UCAP also demonstrated to the NSW Government and the independent regulator the need to protect these consumers from exploitation through continued price controls. In addition, UCAP has consistently maintained that the costs of the introduction of FRC should be borne not by the majority of residential consumers but by those who will benefit directly from retail competition.

## **POLICY DEVELOPMENT**

A UCAP Reference Group was established at the beginning of the Program. The group collaborates to develop policy and its members are drawn from community organisations including the NSW Council of Social Service (NCOSS), the Tenants Union, the Combined

Pensioners and Superannuant's Association (CPSA), the Parks and Village Service (PAVS) and the Rural Women's Network.

UCAP participated in the planning processes of the NSW Government for the introduction of FRC. Specific policy initiatives related to the design of the competitive market to ensure the best outcome for low-income and disadvantaged consumers. These included such areas as protections in retail supply contracts, the switching of consumers between competing retailers and new metering technologies. UCAP was centrally involved in the development of the Government's energy retail marketing code of conduct.

Away from retail competition, UCAP has consistently participated in the public processes of the NSW Independent Pricing and Regulatory Tribunal (IPART) through written submissions and appearances at open forums.

UCAP has sustained an involvement in other areas of utility provision by maintaining contact with NSW Health, the NSW Department of Local Government and the Local

Government and Shires Associations (LGSA). UCAP also provided detailed advice on regulatory proposals of the ACT Government to the ACT Council of Social Service (ACTCOSS).

### **CONSUMER PARTICIPATION**

In pursuing partnerships between stakeholders UCAP has concentrated on the role and functioning of customer consultative groups established by the various utility businesses. UCAP has convened seminars for the members of these groups in order to facilitate communication and raise the industry knowledge and skills of consumer representatives. In addition, UCAP has sought to resource staff within businesses through 6 monthly meetings and has advised on reviews of their respective customer groups for a number of businesses. UCAP also advised the NSW Government on a standardised customer council charter for the electricity industry.

### **REFIT**

The Community Home Energy Efficiency Partnership (CHEEP) was convened by UCAP to develop

a proposal for a statewide service that would provide energy and water-saving devices to NSW residential households (the retrofit service). Members of the CHEEP committee are the NSW Council of Social Service (NCOSS), The Smith Family, Sydney Water, Sustainable Energy Development Authority (SEDA), Department of Community Services, PIAC, and Department of Fair Trading.

Energy Australia have committed \$300,000 per annum to the CHEEP project, for the length of the current electricity distribution pricing determination. The funding will be used to retrofit, at no cost, low-income households in the private rental market. A pilot program, with the financial support from Energy Australia, will be initiated in the lower Hunter region in late 2001.

### **ACCESSING TELECOMMUNICATION SERVICES**

PIAC's support of disability rights combined with its work on utilities in a case involving hearing-aid users unable to access digital mobile

telephones due to electromagnetic interference between their hearing-aid and mobile phones. They experienced accessibility problems with the closure of the largely accessible analogue network. While the new network provided an accessible option for many hearing-aid users, public information about its accessibility was not widely available.

In July 1999, PIAC, representing three hearing impaired people and Australian residents with hearing disabilities and unable to effectively access the digital mobile network, lodged a representative complaint under the Disability Discrimination Act with the Human Rights and Equal Opportunity Commission (HREOC). The complaint against Telstra, Optus and Vodaphone, amongst others, called for equal access for all to the network.

Given that the complaint required broad policy changes, HREOC conducted a public inquiry into the issues raised by the complaint. After the public inquiry, PIAC and its clients entered into negotiations with the mobile phone companies,

with the assistance of HREOC as conciliator, to explore the terms on which the complaint might be resolved. The settlement reached comprised three key elements:

- that the providers offer free or reduced-cost accessories to facilitate access to the digital mobile network, or the opportunity to transfer to the CDMA technology where applicants satisfy various criteria
- that the providers upgrade existing information brochures, or publish new brochures for hearing-aid users about the accessibility of the mobile telephone network. There was a significant lack of adequate information for hearing-aid users about alternative mobile phone services following the closure of the analogue network. The brochures will contain updated information allowing hearing-aid users to make informed decisions when purchasing a mobile phone
- Telstra, Optus and Vodafone agreed to fund a free information and demonstration day on Mobile Phones for the Hearing

Impaired co-hosted by HREOC and the Deafness Council of NSW to examine and debate the accessibility of hearing aids with current and emerging mobile phone technologies.

*The collapse of the negotiations on the Multilateral Agreement on Investment (MAI) in the OECD and the failure to launch a new WTO negotiating round at the World Trade Organisation Ministerial Meeting in Seattle in November 1999, resulted in widespread community concern that trade policy gives priority to the flow of goods and services, over local development, the environment and human rights. PIAC'S policy and campaign work in the light of these events has facilitated a new focus on economic and social rights.*

## FAIR TRADE AND HUMAN RIGHTS

International trade law as defined by the WTO and other trade agreements increasingly impinges on the rights of government to regulate in the public interest and for the economic and social rights of individuals. As a body of law, it remains isolated from and inconsistent with international human rights covenants adopted by the United Nations, and governments and corporations have resisted attempts to make trade law consistent with human rights law.

In February 2000 PIAC worked with other community organisations to establish the Australian Fair Trade and Investment Network (AFTINET) to promote public education and debate about international trade agreements, the environment and human rights and to make Australian government policy more accountable and consistent with international human rights and environmental principles.

PIAC and AFTINET support fair trading relationships with all countries and the regulation of

international trade markets to prevent the domination of international trade by the strongest economies and corporations. The WTO and most regional agreements do not meet these objectives. Moreover, trade agreements now impact on a wide range of policy areas, including not only investment rules but also health and environment regulation, health services and education services.

AFTINET is a national network of over 50 organisations and many more individuals. Its work includes:

- maintenance of a website at [www.aftinet.org.au](http://www.aftinet.org.au)
- drafting regular email bulletins
- publication of an education kit on the WTO
- publication of the booklet *The Case for Fair Trade: A Citizen's Guide to the WTO* by Dr Patricia Ranald. Sharon Burrow, President of the ACTU launched the booklet at NSW Parliament House
- presentation of papers at public events, seminars and education sessions

- media coverage
- lobbying of government and political parties on trade policy
- participation in a public parliamentary inquiry into Australia's relationship with the WTO
- community education campaigns on specific trade agreements: bilateral proposals with Singapore and the USA and the General Agreement on Trade in Services
- liaison with similar groups in New Zealand, the Asia Pacific, the Americas and Europe.

PIAC and AFTINET have continued to lobby for a different and fairer trade framework – one which is open and accountable and which abides by United Nations agreements on human rights, labour rights and the environment. We are seeking changes to international trade policy which include the following:

- Australian trade policy should be publicly debated and trade agreements scrutinised by parliament prior to signature
- existing trade agreements should

be reviewed and their social impacts assessed before any new round of agreements

- international agreements reached through the United Nations and the International Labour Organisation on environment, health and human rights should prevail over trade agreements and should not be challenged or undermined by trade agreements or dispute processes
- trade decision-making meetings should not be held behind closed doors but be transparent and inclusive and modelled on the UN processes of open meetings, majority decision-making and non-government observers
- developing countries should have access to resources for full participation, and their special situation should be recognised in all agreements
- basic areas of social rights should be excluded from trade agreements and remain in the domain of national public policy. These include food security, national environmental heritage, cultural activities, public health, social secu-

rity, public education and regulation of access to essential services such as water and electricity

- intellectual property rights should not permit the patenting of life forms, or the patenting of the natural or cultural heritage of Indigenous peoples, and should enable access to essential medicines at affordable prices
- the right of national governments to regulate services in the public interest should not be reduced and the Trade in Services Agreement should not be expanded to include public services such as health, education and social security.

### **CORPORATIONS AND HUMAN RIGHTS**

In the context of debates about the role of corporations as public citizens and the nature of social responsibility, PIAC and PILCH held a seminar in October 2000 which explored the issue of corporate codes of conduct and national and international regulatory frameworks.

PIAC has supported national and international initiatives to establish

legally enforceable minimum standards of conduct for corporations in the areas of human rights, labour rights and the environment. PIAC was actively involved in the international review of the OECD guidelines on Multinational Enterprises in 2000-2001 and, with many other community organisations, argued that the guidelines should be legally enforceable.

PIAC made submissions to the Joint Statutory Committee on Corporations and Securities in support of the Corporate Code of Conduct Bill introduced into the Senate in August 2000 by the Australian Democrats. The Bill applied environmental, health and safety and human rights standards to the conduct of Australian corporations outside of Australia. It requires corporations to report on their compliance with such standards, and provides for the legal enforcement of standards. Although the government opposed the Bill, the inquiry provided an important opportunity to debate the issues and build Opposition support for the concept in the event of a change of government.

# 10 COMMUNICATIONS

*A significant part of PIAC's work is engaging with the community on issues of public interest. We do this not only through our litigation, policy and training work but also by hosting seminars and workshops, presenting conference papers and publishing newsletters, bulletins, submissions and reports.*

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## SEMINARS AND CONFERENCES

### Contestability and the Small Consumer

A conference to discuss small consumer concerns with the reform of New South Wales' energy industry, brought together community and industry representatives to hear Hon Kim Yeadon, NSW Minister for Energy & Utilities, Dr Tom Parry, Chairman of IPART, Ms Clare Petre, NSW Energy and Water Ombudsman, Trish Benson, Senior Policy Officer, UCAP and Professor Don Anderson, from the NSW government's Market Implementation Group. The conference allowed participants an opportunity to discuss a number of issues in non-technical language and provided an invaluable contribution to the introduction of competition for retail residential consumers in the gas and electricity industries.

### Judging the new South Africa

PILCH and PIAC have been fortunate to have had a long association with South African lawyers recognised internationally as leaders

in public interest and human rights issues. In February 2000, the NSW Bar Association hosted a PILCH seminar addressed by The Hon. Ms Justice Kathleen Satchwell. Justice Satchwell practised as a human rights lawyer in South Africa, participating in many political trials prior to the 1994 elections in South Africa. Appointed a judge of the High Court of Gauteng (previously the Transvaal) in the new South Africa, Justice Satchwell spoke of the extraordinary, and at times difficult, impacts on the judiciary of the rapid changes occurring in a society moving from an authoritarian and racist history towards a democratic, non-racial future.

### Human Rights and Corporate Regulation

Over 50 representatives from PILCH members, business and community organisations attended a PIAC/PILCH seminar in October 2000, hosted by PILCH member firm Corrs Chambers Westgarth and supported by the Law Foundation of NSW. Professor David Kinley of Monash University, Mr John Simpson, Group Manager, External

Affairs and Public Policy, Shell Australia and Dr Patricia Ranald, PIAC's Principal Policy Officer, discussed the responsibilities of corporations in relation to human rights and the environment. Discussion focussed on the effectiveness of voluntary guidelines developed through bodies like the OECD, and on voluntary codes of conduct developed by companies. The seminar explored various forms of legislation to enforce minimum standards under discussion in the USA, Europe and Australia, including the draft Corporate Code of Conduct Bill tabled in the Senate by the Democrats.

### Need to Know Issues for Non-Profits

In March 2001, PILCH member firm Allen Allen & Hemsley hosted and presented a PILCH seminar for non-profit organisations focusing on recent taxation and corporations law reforms. Seminar topics included obtaining and maintaining tax deductibility and tax exemption status, the impact of the new tax system on non-profit organisations, choosing the right legal entity for

non-profit organisations, fundraising guidelines and key issues pertaining to governance.

**Public Meeting To Oppose Privatisation of Public Services**

AFTINET held a public meeting to launch the Australian component of a global campaign to expose Trade in Services talks at the WTO which could reduce the right of national governments to regulate in the public interest and lead to privatisation of public health and education systems.

**What's wrong with Free Trade? Canadian and global campaigns on NAFTA, the MAI and WTO**

AFTINET Convenor and PIAC Principal Policy Officer, Dr Patricia Ranald, chaired a public lecture on free and fair trade at the University of Sydney by Maude Barlow, President of the Council of Canadians, an activist citizen's movement with 100,000 members. She was a key figure in the successful campaign against the Multilateral Agreement on Investment (MAI) and was listed by the *New Internationalist* magazine as one

of six key economic thinkers who have dared challenge dominant economic views.

**Report from WTO Meeting in Seattle**

AFTINET hosted a seminar at which delegates who attended the November 1999 WTO Meeting in Seattle reported on various discussions and outcomes. The seminar also aimed at raising community awareness of the talks and facilitated the development of appropriate community responses.

**Global Forum on Access to Justice**

PIAC Director and PILCH Coordinator, Andrea Durbach, travelled to New York in April 2000 to address a conference organised by the New York City Bar Association and New York Lawyers for the Public Interest (NYLPI). Partnerships across Borders: a Global Forum on Access to Justice brought together speakers from Australia, Eastern Europe, North, South and Central America, South Africa, Europe, the United Kingdom and Japan to debate diverse perspectives on the worldwide problem of

accessing justice. Using PILCH as a model, Andrea spoke about the critical importance of the contribution made by the private legal profession in allowing those socially and economically disadvantaged to access the legal system to obtain redress.

**Patients and Medical Error**

In response to the NSW Government's Medical Indemnity 'rescue package', PIAC hosted a forum on Patient Perspectives on Medical Error at Parliament House in March 2001. The Minister for Health, Craig Knowles, the Health Care Complaints Commissioner, Amanda Adrian, Meryll Green from the Maternity Alliance and Lorraine Long from the Medical Error Action Group were among the speakers.

**PIAC Annual Fundraising Dinners**

Each year, PIAC and PILCH host a fundraising dinner which feature speakers who have greatly contributed to the promotion of the public interest through their work. The dinners provide an opportunity to thank PIAC supporters, friends and staff for their support.

In 1999, 180 guests packed out the Pavilion on the Park to hear Geoffrey Robertson QC address the dinner. Geoffrey kindly donated the proceeds from the sale of his recent book, *The Justice Game*, to PIAC's Public Justice Project.

And again in 2000, over 150 guests heard the Hon Justice Arthur Chaskalson, President of the South African Constitutional Court, talk of the "great responsibility of lawyers and judges to promote and protect human rights". Justice Chaskalson warned that if such protection was lacking, "the consequences could be catastrophic. What happened under apartheid in South Africa, could happen in any country where there is no respect for human rights and no control over public and private power". The dinner also featured former PIAC Chair, Larry Strange, as auctioneer of a collection of memorabilia from apartheid and post-apartheid South Africa, including the tie worn by Nelson Mandela's junior counsel, George Bizos, during the Treason Trial which saw Nelson Mandela jailed for life.

## NEWSLETTERS AND BULLETINS

In September 1998 PIAC introduced a regular fortnightly electronic bulletin service called the e-bulletin. It contains information about PIAC's cases, policy, and training projects as well as news about forthcoming events and public inquiries. This regular and rapid communication method keeps PIAC's constituents and friends up-to-date with PIAC's weekly activities and fills the information gap between PIAC Bulletins which are published twice a year.

The e-bulletin is now an integral part of PIAC's communications work. The mailing list comprises over 600 lawyers, community organisations, judges, universities, government organisations, legal centres, politicians, NGOs and individuals throughout Australia. The e-bulletin also reaches Canada, New Zealand, the USA, England, Indonesia, the Philippines and South Africa. Feedback from each e-bulletin has been extremely positive and it has proven a very effective way to network with organisations and individuals working in areas of public

interest and concern.

The PIAC Bulletin, published twice a year in June and December, complements the more frequent e-bulletins and provides in-depth analyses of PIAC's work. In early 2000, we were delighted to learn that Thomson Legal (formerly Law Book Company) had undertaken to publish the Bulletin with PIAC. Thomson Legal designs and produces the Bulletin which is distributed to approximately 1500 individuals and organisations across Australia and overseas.

PIAC also assists in the publication and distribution of the specialist newsletters Well Connected, HCN News and AFTINET Bulletin, all of which are available through PIAC.

## PAPERS AND SUBMISSIONS

### Access To Justice

For the Health of the Nation: Making Reparations to the Stolen Generations, Andrea Durbach, paper delivered to 'Moving Forward Together', NSW Aboriginal Mental Health Conference, 1999

Submission to the Inquiry into a Statutory Bill of Rights for NSW, Dr Patricia Ranald, 2000

Submission to the Senate Inquiry into the Stolen Generation by Alexis Goodstone and Amanda Cornwall, 2000

Underpinning Justice: Policy and Law Reform, Andrea Durbach, paper delivered to 'Searching for Justice', NSW CLC Conference, 2000

Defining Pro Bono: Challenging Definitions, Andrea Durbach, paper delivered to 'For The Public Good': The First National Pro Bono Conference, 2000

Transforming Society: the Value of Community for Education, occasional address, *University of Wollongong Arts and Law*

*Graduation Ceremony*, Andrea Durbach, 2000

Moving Forward: Achieving Reparations, Issues Paper, PIAC, ATSIC and National Sorry Day Committee, 2001

Advocating Conscientious Participation: Legal Practice in the Public Interest, occasional address, *University of Sydney Law Graduation Ceremony*, Andrea Durbach, 2001

### Open Government

Olympics Liberty and Security Issues, Olympics Briefing Paper No 1, Amanda Cornwall and Trish McEnery, 2000

Liberty in the Olympic City, Olympics Briefing Paper No 2, Amanda Cornwall, 2000

Submission to the Review of the Administrative Decisions Tribunal NSW, Amanda Cornwall and Greg Kirk 2000

### Utilities

Load Profiling in a Contestable Market: The Impact on Residential Electricity Bills, UCAP Occasional

Paper No 1, Jim Wellsmore 2000

Competition and Costs: Electricity Prices for Residential Users, UCAP Occasional Paper No 2, Jim Wellsmore 2000

Extending the Public Benefits from a Competitive Electricity Industry: Enhancing Environmental and Social Outcomes, UCAP Occasional Paper No 3, Trish Benson 2000

Managing Water Use: Consumers and the Failure of Price, Submission to Senate References Committee, Jim Wellsmore 2000

Privatising Water in the Driest State, Dr Patricia Ranald & Bronwynn Black, *Labour and Industry* Vol 11 No 2, 2000

### Economic Reform

Submission to the Senate Select Committee into the Social and Economic Consequences of National Competition Policy, Steve Rix, *Competition: In Whose Interests? The socio-economic impacts of National Competition Policy*, PSRC Collected Papers No 5, Michael Paddon and Rai Small (eds), PSRC/PIAC (1999)

*Stopping the Juggernaut: Public Interest versus the Multilateral Agreement on Investment*, Dr James Goodman and Dr Patricia Ranald (eds), Pluto Press, Sydney, 1999

Corporations and Human Rights, paper delivered to PIAC/PILCH *Corporate Responsibility and Human Rights seminar*, Dr Patricia Ranald October 2000

Submission to the Parliamentary Joint Statutory Committee on Corporations and Securities on the Provision of the Corporate Code of Conduct Bill 2000, Dr Patricia Ranald, 2000

Submission to the Inquiry on Australia's Relationship with the World Trade Organisation, Dr Patricia Ranald, 2001

### **Health Consumers**

Facing Up To It: A Review of the NSW Cosmetic Surgery Inquiry Amanda Cornwall, *Ninth IIR Medico-Legal Congress*, Sydney 2000

Submission to the Inquiry on the Privacy (Private Sector) Bill, Amanda Cornwall, 2000

Submission to the NSW Health Information Privacy Review, Amanda Cornwall, 2000

### **COMMITTEE AFFILIATIONS AND MEMBERSHIPS**

PIAC receives many requests from community organisations, government and professional bodies to participate in committees and working parties. PIAC's expertise was recognised by its appointment to a variety of bodies including:

#### **Andrea Durbach**

Legal Services Tribunal  
(Solicitor Member)

Human Rights Council of Australia (Vice-chair)

NSW Law Reform Commission  
(Part-time Commissioner)

Law Foundation Pro Bono Taskforce Committee

Attorney General's National Pro bono Taskforce

NSW Attorney General's Law Access CEO Committee

HREOC Judging Panel,  
Human Rights Medal 2000

#### **Greg Kirk**

Consumer Education Trust

General Insurance Industry  
Complaints Review Scheme

**Alexis Goodstone**

Working It Out, Inter-agency  
Committee for Bourke and  
Walgett

**Trish Benson & Jim Wellmore**

Energy and Water  
Ombudsman Council

Electricity Industry  
Consultation Group

IPART Pricing Principles  
Working Group

IPART Water Services  
Miscellaneous Charges  
Working Group

IPART Gas Industry  
Consultative Committee

NSW Treasury Market  
Implementation Group  
Working Groups

Gas Retail Steering Committee

Gas Retail Steering Committee  
Working Groups

NSW Dept of Community  
Services Energy Accounts  
Payments Assistance Scheme  
Working Group

**Patricia Ranald**

Attorney General's Human  
Rights Forum

Member, NSW Alliance

Convenor, Australian Fair  
Trade and Investment Network  
Working Group (AFTINET)

Minerals Policy Institute Board

Member, Research Advisory  
Committee Social Policy  
Research Centre at UNSW (on  
Assessing the Impact of the  
Contestable Market in  
Employment Services)

**Amanda Cornwall**

Olympics Social Impacts  
Advisory Committee  
(1996 to 2000)

Consumers Health Forum  
Governing Committee

Health Consumers' Network  
Management Committee

Nurses Registration  
Board of NSW

Better Medication Management  
Scheme Committee

NSW Health Consumer and  
Community Participation  
Implementation Group

Health Insurance Commission  
Consumer Advisory Group

Enhanced Primary Care  
Reference Group

NCOSS Health Policy Group  
(Stephen Rix during 1999)

**Simon Moran**

NSW Combined Community  
Legal Centres Group Board

NSW Attorney General's Legal  
Helpline Advisory Committee

The period July 1999 to end June 2001 was one of great financial transition for PIAC with the introduction of the new taxation regime, increasing funding constraints and the implementation of enhanced internal costing policies and income generation strategies.

PIAC's current financial position is the result of a 3-year plan initiated in 1998. At that time, the organisation experienced significant cash flow problems and had to secure short-term overdraft facilities. To reduce the risk of future cash shortages and cope with delays in funding payments, PIAC decided it was necessary to increase the level of reserves to between \$200,000 and \$250,000, a level which was the equivalent of approximately 10 week's expenditure.

Although we recognised this was an ambitious undertaking, PIAC had reached this target by the end of June 2001.

The first strategy was to actively explore possibilities to broaden the organisation's income base including pursuing more project-based work

as a supplement to our core funding. Staff have realised opportunities for reimbursement of costs incurred as part of their work with other organisations. Although these are often small amounts, the reimbursement for travel, sitting fees and other expenses has resulted in a significant contribution to our funds.

Further income is generated by PIAC's training, conference and seminar activities. PIAC is expanding these, and while training is not yet self-funding (some training is subsidised from core income to keep registration fees low), recent initiatives, such as *Practicing in the Public Interest*, run in partnership with four universities, have the capacity to recover their full costs.

The second strategy was the revision of PIAC's costing policies and budgets for projects to ensure appropriate charges are levied for overheads and other costs. The Public Interest Law Clearing House (PILCH) is now able to reimburse PIAC a greater percentage of its management and overhead costs, as will UCAP in the next financial period due to a signif-

icant increase in funding in recognition of the success of the program.

A third strategy, was to delay the appointment of staff when positions became vacant. It was recognised that this could only be a short-term strategy and PIAC is grateful for the dedication of its staff who took on additional workloads to ensure that services were not affected.

In pursuit of our ongoing commitment to efficiency, we have been able to keep equipment up-to-date to handle changes in information technology. The computer network has also been upgraded and funds have been set aside to replace an ailing photocopier.

Without the generous support of our key funders and project sponsors, PILCH members and supporters, PIAC could simply not have produced the level of work it has achieved over the last two years.

Our appreciation and thanks to our funders for their important support.

### **PIAC's Funding Bodies**

- State and Federal Community Legal Centre Funding Programs
- NSW Public Purpose Fund
- Legal Aid NSW
- NSW Department of Fair Trading
- Public Interest Law Clearing House
- Australia Indonesia Institute
- NSW State Electoral Office
- NSW Law & Justice Foundation
- NSW Department of Community Services
- Baker & McKenzie
- Healthy Ageing Grant Scheme for the International Year of Older Persons
- NSW Department for Women
- Department of Health NSW
- Commonwealth Attorney-General's Department
- Electricity Association of NSW
- Rio Tinto Aboriginal Foundation
- The Myer Foundation
- The Reichstein Foundation
- NSW Thoroughbred Racing Association

### Statement of Financial Performance

Year ended June 30, 2001

	2001	2000
	\$	\$
	12 months	6 months
<b>Ordinary activities</b>		
Revenue from ordinary activities	1,152,924	595,239
Employee benefits expense	(717,927)	(341,995)
Depreciation	(15,215)	(5,699)
Other expenditure from ordinary activities	(422,859)	(183,821)
Transfer grants unexpended (net)	<u>65,052</u>	<u>(66,698)</u>
<b>Net surplus/(deficit) from ordinary activities</b>	<b>61,975</b>	<b>(2,974)</b>
Less transfer from/(to) provisions/reserves	<u>(31,539)</u>	<u>3,400</u>
<b>Surplus for the year</b>	<b>30,436</b>	<b>426</b>
Add accumulated funds - balance July 1, 2000	<u>130,112</u>	<u>129,686</u>
<b>Accumulated funds - balance June 30, 2001</b>	<b>160,548</b>	<b>130,112</b>

### Statement of Financial Position

Year Ended June 30, 2001

	2001	2000
	\$	\$
	12 months	6 months
<b>ASSETS</b>		
Cash	317,788	323,997
Receivables	158,024	117,442
Casework in progress	16,800	14,500
Non-current assets	<u>36,340</u>	<u>41,252</u>
<b>Total Assets</b>	<b>528,952</b>	<b>497,191</b>
<b>LIABILITIES</b>		
Grants in advance and unexpended	69,204	134,257
Creditors and accruals	202,791	163,549
Non-current liabilities	--	<u>4,403</u>
<b>Total Liabilities</b>	<b>271,995</b>	<b>302,209</b>
<b>NET ASSETS</b>	<b>256,957</b>	<b>194,982</b>
<b>FUNDS &amp; PROVISIONS</b>		
Accumulated funds	160,548	130,112
Provisions	<u>96,409</u>	<u>64,870</u>
<b>Total funds and provisions</b>	<b>256,957</b>	<b>194,982</b>

Note 1

Statement of Significant Accounting Policies

(a) Accounting Basis

This general purpose, Financial Report has been prepared in accordance with Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, Urgent Issues Group Consensus Views and the Corporations Act in Australia. It is prepared in accordance with the historical cost accounting convention. The Accounting Policies adopted are consistent with those of the previous year.

(b) Fixed Assets and Depreciation

Non-Current Assets acquired are depreciated on a straight line basis so as to write off the cost of such assets over their estimated economic lives.

(c) Employee Benefits

Long Service Leave, Parenting Leave and Superannuation have been provided for, in accordance with the Company's terms of employment for staff who have been employed for at least twelve months, and in accordance with industrial awards. The liability for other Staff Entitlements is fully provided for on a current basis.

(d) Taxation

The Company is exempt from payment of Income Tax under Section 23(e) of the Income Tax Assessment Act and, accordingly, no Provision for Income Tax has been raised in the Financial Statements.

(e) Financial Reporting by Segments

The Company operates predominantly in one industry - the provision of legal advice and assistance to the Public. It operates predominantly in one geographical area, being Australia.

(f) Casework in Progress

Casework in progress at year end is valued at the cost of the salaries and oncosts expended to date.

**We wish to thank Trevor Wise of Trevor Wise & Co for his many years of services as PIAC's auditor.**

**A complete copy of the audited financial statements is available from PIAC upon request.**