

## Political Donations

Kerry Tucker, Project Officer

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**Recent media attention on the appropriateness and extent of political donations and funding has prompted calls for change and accountability in the system. This article is based on PIAC's submission to the NSW Legislative Council Select Committee Inquiry into Electoral and Political Party Funding.**

Democracy benefits from having diverse views represented in parliaments, councils, debates and campaigns. The principles of equal representation, and equal opportunity for citizens and parties to participate in political life are central to the consideration of political financing, as is the principle of ensuring that elected members be free to work in the public interest, unencumbered by undue influence, conflict of interest or corrupt practice. Any arrangements that compromise these principles must be regarded as serious threats to the public interest and representative democracy.

Clearly there is significant concern in NSW and Australia more broadly that current arrangements for the financing of politics are failing to meet basic standards required in a healthy representative democracy. While the relationship between big business and politicians grabs many headlines, so increasingly do allegations of inappropriate use of public funds for partisan purposes by incumbents and governments.

In most states in Australia there are various forms of both private and public funding of political activity. Parties also raise funds through membership fees and in-kind contributions are made through the voluntary service of members and supporters.

Generally speaking, the current system has resulted in high and increasing costs of campaigns,

political inequality, perception of and/or actual corruption, and voter disenchantment. The increased spending is particularly the result of private donations and public funding. The system is also characterised by a lack of transparency and inadequate regulation, monitoring and accountability mechanisms.

When public funding was introduced federally, the Commonwealth Joint Select Committee on Electoral Reform said that it would:

- assist parties in financial difficulty;
- lessen corruption;
- avoid excessive reliance upon 'special interests' and institutional sources of finance;
- equalise opportunities between parties; and
- stimulate political education and research.<sup>1</sup>

Instead, public funding has supplemented the continuing and increasing private contributions and has done little to reduce the influence of wealthy and powerful interest groups. This has not resulted in financial equivalency between parties or improved accountability and transparency.

PIAC supports public funding, but believes it should be accompanied by strong disclosure requirements and robust and independent monitoring of all political expenditure and receipts of funding

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## 2020 Summit

**Robin Banks**, Chief Executive Officer

In April, PIAC's CEO Robin Banks was invited to Canberra to take part in the Prime Minister's 2020 Summit. Robin joined a thousand other delegates in discussing big and small ideas. Here she reflects on the valuable input of ordinary Australians in the decision making process.

In April I had the amazing privilege of being part of the Australia 2020 Summit in Canberra. Trying to wrap that experience up into a short article is a serious challenge.

The focus of my involvement in the Summit was Governance. I applied for and was offered the opportunity to be part of the stream focussing on The Future of Australia's Governance. Each of those offered a place at the Summit was asked to contribute three things in advance: a short biography, a big idea and disclosure of one thing we had changed our mind about in the last 10 years. The bio was easy.

The big idea was more a theme than an idea, and two rather than one. The first was the use of deliberative processes involving the community to inform public debate. The second was the role of the Third Sector / non-profit community organisations in the development of public policy and public discussion on key social issues. The change of mind. Well here is what I wrote:

I have changed my views on leadership ... so much of leadership is about asking the questions that allow a better understanding of what a problem really looks like (before leaping into solutions) and working to support those affected to create and implement solutions. I hope that 2020 will be about listening and creating rather than simply opining!

And the Summit was really all about that form of leadership. Leadership from the Prime Minister inviting us all to be asking questions and exploring ideas and envisioning a future that is different. Leadership of the streams; but more importantly leadership within the streams and sub-groups. Leadership from those willing to share their passion for change. There were a number of people in my

small group—that worked on citizen and community participation in governance—whose passion enabled them to show leadership.

We heard from Alex, a small business man from Gympie, about his passion for politics and democracy, and his desire to see three big ideas achieved: a republic, a charter of rights and strengthening of freedom of information laws. We heard from Janice, whose big idea is to lift the taboo on talking about politics in this country, around the dinner table, in the backyard, wherever. We heard from Holly and Jamila and Danielle, three young women passionate about being involved and encouraging other young people to be involved in Australian democracy and governance.

These and many others are the ordinary Australians who sought and took up the opportunity to be part of a public process, people whose passion is being forgotten by the media in their post-Summit coverage; people who have high expectations that a new way of governing is possible.

And yes, we had senior members of the public service and politicians and community sector advocates.

Together, we all contributed to ideas around participation and came up with what the Prime Minister described in his closing speech as a 'new big idea': 'Collaborative Governance: revolutionise the ways government and communities interact'. The idea involved improving electoral enrolment processes, dealing with political donations, recognising and enabling the important role of the third sector in public policy development, and increasing citizen engagement through on-line portals, deliberative processes such as community cabinets, citizen summits,

etc, and active citizenship training for students and the wider community to give them the skills to and experience of engaging in a range of processes that influence government policy development.

And this was just one of the big ideas!

I think the Summit achieved an enormous amount in a very short period of time. It was on one-hand highly polished and very professionally put on, and on the other, an amazing creative whirlpool.

Each and every one of us will have come away with different impressions; each with a slightly different take on it all. But I think most, if not all, enjoyed the opportunity to work with people we never expected to work with.

And I hope that all of us came away wanting to work with that diversity some more. Because the diversity enriched all of our thinking. And I would like to think that is precisely what the Prime Minister was after!

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At the Annual General Meeting held on 24 October 2007, we had the opportunity to thank Annette O'Neill for her generous and thoughtful contributions to and guidance of PIAC as Chair from 2004 to 2007. She has been a fantastic support for me in my first few years at PIAC and during a period of significant change and growth. Annette was replaced as Chair by Shauna Jarrett. Ben Slade remains Deputy Chair. New Board Members are PIAC's original staff Director, Dr Peter Cashman and new Director of NCOSS, Alison Peters. We farewellled Bill Grant, Gary Moore and Professor Larissa Behrendt. My thanks, and the thanks of all the staff, to all of those who provide leadership through the Board of Directors.

## 'Set-up to fail': Ex-Prisoners, Homelessness and Human Rights

Chris Hartley, Homeless Persons' Legal Service Policy Officer

The Federal Labor Government recently announced its intention to release a green paper canvassing long-term options to reduce the growing levels of homelessness in Australia. One simple, yet effective means of reducing homelessness would be to significantly increase the levels of support provided to individuals upon release from prison.

It is clear that prison reproduces its own community. Studies show that over 60% of current prisoners have been incarcerated at some point in their lives,<sup>1</sup> and that 38% of released prisoners will be reimprisoned within two years of their release.<sup>2</sup> People on release are also susceptible to homelessness. Research conducted by Dr Eileen Baldry has revealed that 50 percent of prisoners are homeless within 9 months of their release from jail.<sup>3</sup>

The high levels of reoffending, reimprisonment and homelessness amongst ex-prisoners can, in part, be traced to be the vulnerable position they are in upon release. Upon exiting prison many people have few material possessions and have high levels of debt to agencies such as Centrelink and the State Debt Recovery Office. The situation of recently released prisoners is often made worse by the fact that many have 'burnt their bridges' with friends and family and are thus unable to rely on them for assistance.

In order to assist people on release to avoid homelessness and recidivism, State and Federal Governments must provide them with adequate financial and social support. One example of the failure to do so is Centrelink's Crisis Payment.

The Crisis Payment is a one-off financial payment made to individuals who have experienced

an extreme circumstance (a natural disaster or domestic violence), are the holder of a humanitarian visa, or have been recently released from prison or psychiatric confinement. In order to receive a payment they must also be eligible to receive Centrelink social security payment.

While the provision of financial assistance to individuals on release is appropriate, the amount of the payment is not. The Crisis Payment is currently equal to only one week's payment of the recipient's normal Centrelink pension without add-ons (around \$215 for those on NewStart allowance). Individuals being released from prison must also wait 14 days after receiving the Crisis Payment before they can receive their first regular income support assistance. The current amount of the payment is not enough for someone to obtain accommodation at an emergency accommodation service for a fortnight while they await access to their regular income support payment.

The inadequacy of the Crisis Payment breaches international human rights standards on the treatment of prisoners, such as the UN *Standard Minimum Rules for the Treatment of Prisoners* (1955), which have long recognised the need to promote social rehabilitation through the provision of post-release services.

The Crisis Payment also undermines Australia's commitment to the right to social security. The right to social security has been recognised in several international instruments including Article 9 of the *International Covenant on Economic, Social and Cultural Rights*, which states, 'the State Parties to the present Covenant

recognize the right of everyone to social security, including social insurance'. Elaboration on the meaning of this right has been provided by the UN Committee on Economic, Social and Cultural Rights. It specified that the right to social security means that social assistance provided to individuals must be sufficient to 'cover all risks involved in the loss of means of subsistence beyond a person's control'.<sup>4</sup>

If the Federal Government is serious about reducing the increasing rate of homelessness, it should adhere to Australia's international obligations and provide the necessary financial assistance to prisoners on release to enable their social integration. As one of the many homeless people consulted by HPLS on this issue said, 'the level of the payment should reflect its name. The payment is a Crisis Payment. Why aren't people paid like they are in a crisis situation?'

### Footnotes

- 1 Australian Bureau of Statistics, 'Prisoners in Australia' (2005), <<http://abs.gov.au/AUSSTATS/abs@.nsf/Lookup/Main+Features12005?OpenDocument.html>> at 8 April 2008.
- 2 Steering Committee for the Review of Government Services, Parliament of Australia, *Report on Government Services 2005* (2006) Productivity Commission, <http://www.pc.gov.au/gsp/reports/rogs/2005/> at 6 November 2007.
- 3 Eileen Baldry, 'Prison boom will prove a social bust', *Sydney Morning Herald* 18 January 2005.
- 4 Committee on Economic, Social and Cultural Rights, General Comment 6: Economic, Social and Cultural Rights, *General Comment 6: Economic, Social and Cultural Rights of Older Persons*, UN DOC. HRI/GEN/1/REV.5,43 (2001).

and other support from both internal party, public and private sources.

At both NSW and Federal levels the inadequate disclosure requirements of private donations to political parties have resulted in perceptions of a culture of secrecy, undue influence and corruption. While strong disclosure and transparency requirements cannot stop the potential purchase of undue influence of donors, they at least ensure that citizens can see who is giving money to which parties, and when this occurs. Transparency is an essential tool in preventing corruption.

Disclosure laws should require detailed reporting, of both donations and expenditure, that is timely, frequent, accurate and easily comprehended. Such disclosure laws should also apply to all significant political actors. In terms of timeliness, NSW electoral law is particularly lax, requiring parties to report the donations they receive only every four years.<sup>2</sup>

PIAC believes there is an urgent need for the introduction of stronger disclosure requirements for both receipts and expenditure of private donations to political parties and candidates.

The question of banning all donations from corporations, unions and organisations to parties and candidates is central to current concerns about the influence of private money on politics and democracy.

Key concerns include:

- through large donations, donors purchase access that is not available to ordinary citizens or smaller, particularly not-for-profit organisations;
- reliance on private donations creates a conflict of interest for parties and candidates and can cause them to make decisions that

keep donors on side, rather than serve the public interest;

- the major parties that receive the majority of donations enjoy an unfair advantage over new entrants and minor parties; and
- similarly, incumbents are more likely to attract funding over new candidates.

Greater reporting and transparency will not in itself remove the potential for the perception and/or reality of undue influence being purchased by large donors. Neither will it create a more equitable political environment. Even with high standards of disclosure democracy will continue to be weakened as the well-funded major parties dominate the debate and drown out minor parties and independents. It is only through limiting both expenditure and donations that the objectives of probity and fairness can be met.

If, however, a cap on expenditure is accompanied by bans or limits on donations from corporations, organisations and individuals and there was greater regulation and monitoring of use of public funds by incumbents, then there may be greater equality in the political environment as well as less potential for undue influence and corruption.

There are some key issues to be resolved if capping of election expenditure is to be effective. Issues of enforceability have to be addressed. The Australian Electoral Commission, in its submission to the Joint Standing Committee on Electoral Matters, made the point that no specific legislation could effectively close down all possible future disclosure loopholes, but that tax law provides an example of an approach that could be applied to electoral law. Namely, that:

... disclosure provisions in order to deal with future avoidance schemes as they arise need a general provision prohibiting arrangements contrived with

a purpose of circumventing disclosure arrangements and that any such arrangements should be punishable by a fine that is sufficient to act as a deterrent...<sup>3</sup>

While there are certainly challenges in implementing expenditure limits, the purpose of creating a fairer political environment is important enough to warrant taking on that challenge. Public funding should be made dependent on compliance with expenditure reporting requirements and limits being met.

To address these major concerns, PIAC recommends that :

- only individual citizens be able to make financial contributions that support political parties and candidates, and such donations be capped;
- election spending of political parties and candidates be capped;
- the financial and other privileges of incumbents and governments be better regulated to minimise politically partisan use;
- citizens have a right to full information regarding the financial activities of governments, political parties and candidates and any other entities that have significant political influence;
- public funding should be provided to parties and candidates at local, state and federal levels in order to give greater financial equivalency, and that this funding be tied to compliance with electoral law.

#### Footnotes

- 1 Australian Electoral Commission, Submission to Joint Standing Committee on Electoral Matters, *Inquiry into Disclosure of Donations to Political Parties and Candidates* (2004) 10.
- 2 The Premier, Morris Iemma has recently announced that the NSW law will be changed to require disclosure every six months, but legislation has not yet been introduced to give this effect.
- 3 Australian Electoral Commission, above n1, 17.

## National Stolen Wages Campaign

**Natasha Case**, Acting Principal Solicitor

PIAC has begun a national campaign to get state and territory governments to repay Stolen Wages to Aboriginal and Torres Strait Islander people.

Working in partnership with a number of groups around Australia, PIAC is advocating for the implementation of the recommendations of the Senate Legal and Constitutional References Committee Report *Unfinished Business: Indigenous Stolen Wages*.

The Report recommends that all Australian Governments act immediately to investigate, repay and provide reparation for stolen wages. It promotes the NSW model for repaying stolen wages, the Aboriginal Trust Fund Repayment Scheme (ATFRS).

PIAC believes that ATFRS is the best model for repaying stolen wages currently operating in Australia because it:

- (a) was established in consultation with Aboriginal and Torres Strait Islander people;
- (b) involves indigenous people in its processes, and
- (c) accepts oral evidence in making decisions.

However, ATFRS requires claimants to prove by reference to written records that monies were paid into a trust fund.

The problem with this is that wages and entitlements that ought to have been paid to Indigenous people were sometimes either not paid at all, not paid into a trust fund or records of those trust funds were never created, were lost or destroyed.

It was the Government's job to make sure that people were paid, to keep records and administer trust funds properly. If Government failure to properly administer trust monies is allowed to become an excuse for not paying Aboriginals and Torres

Strait Islanders back their money, the injustice of stolen wages is compounded and the Government is rewarded for its past failures.

PIAC believes the NSW scheme should be improved by expanding the number of people who are eligible for repayments and adding reparations to the payments that the scheme can make.

ATFRS repays wages that were held by the NSW Government on trust for Indigenous people. The money received by successful claimants under the scheme has always been their money. The Government should also make reparation for withholding trust monies as well as for the physical abuse and mistreatment many claimants suffered.

PIAC has already begun calling on the NSW Government to change ATFRS and will promote the modified NSW Scheme around Australia.



PIAC's former Indigenous Justice Program (IJP) Solicitor, Charmaine Smith (L), IJP Solicitor, Laura Thomas, and PIAC Computer System Co-ordinator, Jason Mumbulla, in Canberra for the Government's apology on 13 February 2008.

## The Mental Health Legal Services Project

Stephen Kilkeary, Mental Health Legal Services Project Co-ordinator

The Mental Health Legal Services (MHLS<sup>1</sup>) Project aims to improve access to justice for people who are mentally unwell in New South Wales. The Project is currently researching and will pilot new legal service delivery, training and capacity building models. These pilots are expected to commence in September 2008. Underpinning how the Project is being developed are the following key principles.

The Project takes a broad view of what constitutes 'justice' for consumers. This not only incorporates the usual criminal and civil matters in which consumers might become involved but also those specific legal contexts in which the consumer's mental ill health might diminish or negate the fulfilment of their fundamental human rights.<sup>2</sup> Thus, when the Project talks about 'access to justice' we have in mind issues as diverse as protection from workplace bullying, to the provision of adequate health care services, to support during family law proceedings.

With respect to health care, one of the most common issues raised by consumers, lawyers and mental health workers is the lack of attention paid to post-discharge planning from psychiatric hospitals. There is a routine absence of necessary follow-up support services, which can lead to deterioration in mental health, relapse and re-hospitalisation. Such a counter-therapeutic practice contravenes Article 25a of the *Convention on the Rights of Persons with Disabilities*, to which Australia is a signatory.<sup>3</sup>

Unless critical circumstances prove the contrary, consumers should be presumed to retain individual agency and the capacity to act in their own best interests.<sup>4</sup> They should guide and be involved in all decisions that

intimately affect their well-being. The imperative for lawyers and mental health workers is to listen to what consumers have to say, to understand what their needs are and to respond accordingly. This consumer-oriented perspective will be reflected in the development and operation of the new legal service delivery, training and capacity-building models.

A frequent problem for consumers is that they are denied access to necessary services on account of not meeting strict entry criteria. Whether it is because they fail to fulfil the legal definition of being 'mentally ill', or alongside their mental ill health they have concomitant problems with substance misuse or a host of other reasons besides, they often encounter significant barriers in getting the support that they need.<sup>5</sup>

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

Similarly, lawyers who work directly with consumers or who come into contact with consumers on a regular basis would benefit from knowing about what causes mental ill health and how it can be treated. This would include having an awareness of the health and community services to which 'warm' referrals might be negotiated.<sup>6</sup> As Liz Curran, herself a lawyer, stated in her excellent report

on how to improve access to justice for vulnerable and disadvantaged people:

'The legal profession may need to make the extra effort to think laterally about how they might link client services in other fields to improve the access of their clients to legal services and how they can get the clients linked into other allied services for help with other problems.'<sup>7</sup>

### The Path Ahead

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

### Footnotes

- 1 The Project is funded for two-years by Legal Aid NSW, with support from PIAC.
- 2 S Hinshaw & A Stier, 'Stigma as Related to Mental Disorders', in the *Annual Review of Clinical Psychology 2008* (2008) 383-384.
- 3 United Nations, (2006) 18.
- 4 NSW Attorney-General's Department, *Capacity Toolkit* (2008) 27.
- 5 Mental Health Council of Australia, *Not for Service: Experiences of Injustice and Despair in Mental Health Care in Australia* (2005) 196.
- 6 S Clarke & S Forell, *Pathways to Justice: The Role of Non-Legal Services* (2007) 5.
- 7 E Curran, *Ensuring Justice and Enhancing Human Rights: A Report on Improving Legal Aid Service Delivery to Reach Vulnerable and Disadvantaged People* (2007) 57.

## A National Patient Charter of Rights

Carol Berry, PIAC Solicitor - Health Policy and Advocacy\*

PIAC has recently commented on a draft National Patient Charter of Rights, released by the Australian Commission on Safety and Quality in Healthcare. The draft Charter contains a range of rights for patients in a health care setting such as the right to access health care.

The most considerable work done in this area was the development of an Australian Health Consumers' Charter (prepared for the Australian Consumers' Council by PIAC and Ageing Agendas) in 1996. This work consisted of a draft charter for comment as well as a background paper.

### PIAC's position on health consumer charters

One of the themes of PIAC's work on charters of health consumer rights has been that the recognition of health consumer rights is not only important for philosophical reasons, or because such rights serve the interests and safety of consumers, but also because striving to achieve the standards of care articulated in health consumer charters promotes good health management practice.

PIAC is of the view that charters of health consumer rights can serve a number of important purposes. Charters can articulate the community's aspirations for the health care system, they can educate health consumers about what their reasonable expectations of the health care system should or could be, and they can assist consumers to voice their concerns when they believe rights have been breached.<sup>1</sup> Importantly, charters should also assist consumers who are seeking remedies when standards of care have not been met.

### Rights of health consumers

Rights of health consumers are

generally protected in a piece-meal fashion by the law in Australia. Serious cases of medical malpractice will generally result in legal action, with the amount of compensation payable being highly variable. The common law protects a range of rights relating to health care in Australia, for example, the importance of informed consent in regard to medical treatment.<sup>2</sup> Rights within health care are generally recognised or defended through an individual's ability to establish that a standard of care and a duty to meet that standard of care exists in the relevant circumstances, that the duty of care has been breached, and that the breach resulted in damage or harm to the individual.

The use of litigation is a notoriously difficult way to progress recognition of duties and protection of standards and rights, with the individual litigant facing significant financial risks and personal and emotional demands in bringing a test case to extend the scope of the protection.

This is a strong argument for charters of health consumer rights to ensure an ongoing standard of quality care in the Australian health care system. Recent public concern about health care in New South Wales has resulted in a Special Commission of Inquiry being established. It will address these apparently systemic issues and is an example of the recognition that parts of our health care system are potentially in crisis, particularly in terms of the consistent delivery of quality health care and consumer confidence. Incidents that lead to poor outcomes in health care should be avoided in the first instance to the extent possible. Charters of health consumer rights, especially those that are enforceable, could substantially improve the quality of care received by patients over time.

### Patient safety

Research undertaken in the United States of America, Canada, New Zealand, France, England, Denmark and Australia demonstrates that a large number of patients are affected by adverse events when they seek treatment in a hospital.

Toward the end of 1999 in the USA, the Institute of Medicine published a report entitled *To err is human: Building a safer health system*. The report estimated that as a result of preventable 'medical errors', between 44,000 and 98,000 people die in hospitals in the USA, a larger number than die in car accidents or through breast cancer or AIDS.<sup>3</sup> Clearly change is needed in regard to minimising the number of adverse events, and Australia is not immune to this need for change.

### Conclusion

PIAC believes that the Draft Charter contains some important core principles, but that it needs to be strengthened in terms of substance and enforceability. For example, the Draft Charter should set out stronger principles in regard to the provision of redress, remedies or compensation; otherwise the document runs the risk of being tokenistic, and ultimately meaningless to consumers. This will be a missed opportunity to improve standards of care, as well as the rights and safety of patients.

### Footnotes

- \* Carol held this role until April 2008, when she left PIAC to take up the role as Executive Officer at the NSW Council on Intellectual Disability.
- 1 Michael Hogan & Clare Petre, *Documenting the rights of patients at public hospitals - a charter of rights* (1993) 2.
  - 2 *Rogers v Whittaker* [1992] 172 CLR 479.
  - 3 Institute of Medicine, *To err is human: Building a safer health system* (1999) 26, cited in World Alliance for Patient Safety, at <<http://www.iom.edu/?id=12735>> at 82 viewed on 21 April 2008.

# Human Rights

## What value is a bill of human rights? The UK experience

Lizzie Simpson, PIAC Solicitor

Since the recent announcement by the Federal Attorney-General that he intends to hold a public inquiry about 'how best to recognise and protect the human rights and freedoms enjoyed by all Australians'<sup>1</sup>, there has been increased interest in debate about a national bill of Human Rights.<sup>2</sup> In seeking to contribute to this debate, this article reflects on the impact of the *Human Rights Act 1998* (UK) and possible implications that the UK experience may have for an Australian human rights law.

The *Human Rights Act 1998* (UK) came into force on 2 October 2000. The Act incorporated the human rights provided for in the *European Convention on Human Rights* and imposed a new set of obligations on public authorities, Courts and the Parliament to ensure compliance with the Convention.

In making an assessment of the impact of this Act, the obvious starting place is to look at its effect on litigation and the Courts. From the statistics available, early fears that this Act would create a deluge of human rights litigation have proved unfounded. For example, according to a study of the first year of the Act, human rights issues were only raised in 17% of cases in the Administrative Court in the first quarter of the year, and only 21% of cases in the second quarter. Moreover this study found that the vast majority of cases would have been lodged anyway and only a dozen cases raised 'new issues'.<sup>3</sup> More recently, it was noted that only 552, which represents only 2% of appellate decisions since 2000, were classified as 'human rights' cases according to Casetrack database.<sup>4</sup>

It is now generally accepted in the UK that the *Human Rights Act* has brought about significant changes in the development of most areas of

civil and criminal law. Some examples of these developments include:

- Elderly residents have the right to be consulted before a decision is made to close a care home<sup>5</sup>.
- The 'right to life' includes the right of a parent to have an independent investigation carried out in a case where it emerged that the gross negligence of health care professionals may have contributed to a child's death<sup>6</sup>.
- An immigration policy refusing to provide asylum-seekers with support services such as housing could amount to inhumane and degrading treatment if there was evidence that this policy resulted in destitution.
- The right to life was also invoked in a case about a prisoner who was murdered by his cellmate who was known to prison authorities to be a racist thug. This case led to changes in relevant prison policies<sup>7</sup>.
- Legislation that allowed the indefinite detention of foreign nationals without charge was declared discriminatory and incompatible with the *Human Rights Act*. In that case the courts accepted that there was a national emergency to public safety caused by the threat of terrorism but concluded that a policy, which only allowed for the detention of non-UK nationals was discriminatory.<sup>8</sup>

While these cases are tangible examples of the Court challenging, or at least querying Government policy, the statistics highlight, the enactment of the Act has not led to the dire re-balancing of judicial power pessimistically predicted before the Act was introduced. In fact the Courts have used the interpretive

power and the power to make declarations sparingly: the Courts have only made 15 declarations of incompatibility since the enactment of the Act almost seven years ago and used their interpretive powers in 14 cases.

One unanticipated benefit of the Act has been the increased involvement of Parliament in scrutinising Ministerial Statements. This in turn appears to have affected the way departments work: conscious of the glare of the Joint Committee, more consideration of human rights issues is being built into policy proposals and particularly explanatory notes, impact statements and answers to Parliamentary Questions.

Australia currently finds itself in the lucky position of being one of the last democracies to consider the question of formally protecting human rights and freedoms and therefore is surrounded by examples of the experiences of other jurisdictions. Hopefully, when it comes to debating human rights protection more use will be made of the evidence of these cases, rather than the headlines.

### Footnotes

- 1 Chapter 13, ALP National Party Platform 2007, online: <[http://www.alp.org.au/platform/chapter\\_13.php#13human\\_rights\\_and\\_responsibilities](http://www.alp.org.au/platform/chapter_13.php#13human_rights_and_responsibilities)>
- 2 See for example: Jonathan Pearlman 'Do-it-yourself charter to right future wrongs', *Sydney Morning Herald*, 1 December 2007.
- 3 Department of Constitutional Affairs, <<http://www.dca.gov.uk/>> viewed in 21 April 2008.
- 4 Department of Constitutional Affairs (July 2006) Review of the Implementation of the Human Rights Act. online: <<http://www.dca.gov.uk/>> viewed in 21 April 2008.
- 5 *R (on the application of Madden) v Bury MBC* [2002] EWHC 1882
- 6 *R (Khan) v Secretary of State for Health* [2003] EWCA Civ 112
- 7 *R(Amin) & R(Middleton) v Secretary of State for the Home Department* [2003] 3 WLR 505.
- 8 *A v Home Secretary* [2005] 2 AC 68

## Flights still closed for people with disability

Jackie Kay, Disability Advocate

**The *Flight Closed* report prepared by PIAC with the NSW Disability Discrimination Legal Centre, examined 110 cases of the experiences that people with disabilities had with airline travel.<sup>1</sup> This has been recently followed up with a response by PIAC to the *Draft Report on the Disability Standards for Accessible Public Transport*.<sup>2</sup>**

**Jackie Kay AM reflects on the challenges for people with disabilities traveling by air.**

For me traveling was always a great adventure. But now, as a person with a disability, adventure has turned into survival. I've endured a multitude of experiences leaving me frustrated with an airline industry that generally has no understanding of issues relating to disability... And worse still, they don't seem to care.

An example: a few years ago while transiting through Singapore, staff from a large European airline left me in a lounge seat in the middle of the airport for 2 ½ hours, taking the wheelchair away. I was unable to attract anyone's attention to ask for food, drink or go to the toilet. On arrival in the UK, when I complained about their poor service in Singapore and during the flight, their head office attempted to bully me, saying that I was too disabled to fly with them and would need to go to London and be examined by their doctor before being allowed to return to Australia.

Then in 2006, on an internal flight in China, the airline did not possess an aisle chair. So I was slung over the shoulders of a Chinese bloke and dragged down the aisle. That was okay until he started going down the stairs onto the tarmac – with me on his back, feet dragging behind! I screamed to let them know that wasn't okay. Now that was a real adventure, and hopefully an exercise in educating Chinese airlines in preparation for the Paralympics.

Having lived with Multiple Sclerosis (MS) for over twenty-five years, I have now had MS longer than not having it. For the past ten years I

have used a wheelchair. My twelve-year involvement with Sailability has provided me the opportunity of traveling the world, empowering disadvantaged communities to experience the joys that sailing can provide.

Because of Sailability's growth a whole new population now travels, competing in sailing regattas. However it is a depressing fact that many of our sailors with disabilities

choose not to travel and compete, either because of the discriminatory airline regulations or previous bad flying experiences.

Recently a married couple tried to book tickets with Qantas from Sydney to Adelaide so they could compete in a sailing regatta. They both use wheelchairs and were told that the plane was unable to carry two wheelchairs and they would need to travel separately. Having

*Continued p13*



PIAC CEO, Robin Banks (centre) and Chair of the NSW Disability Discrimination Legal Centre, Rosemary Kayess, present Human Rights Commissioner and Acting Disability Discrimination Commissioner, Graeme Innes AM (HREOC), with the *Flight Closed* Report. Graeme's guide dog 'Arrow' is on the right.

## Scarcity pricing and water conservation

Hugh O'Neill, Energy + Water Consumers' Advocacy Program Policy Officer\*

Long-term drought around the country has caused some major rethinking of water consumption and supply.

For instance, in Sydney the construction of a desalination plant has started, despite dam levels returning to regular levels. In an ironic twist the plant's building site was flooded by recent heavy rain.

The other reaction by government has been to promote different models of pricing to manage the supply of water. In particular, the Productivity Commission (PC), the National Water Commission and Federal Treasury officials have all promoted the introduction of scarcity pricing as a way to manage demand.

Scarcity pricing is where water prices decrease and increase inversely to the decrease and increase in dam levels. The PC believes that balancing demand and supply using scarcity pricing allows people to make their own water-use decisions. More specifically it has said 'increasing prices during times of scarcity creates incentives for people to reduce water use in whatever ways they find convenient or least costly'.<sup>1</sup>

Scarcity pricing already exists in some forms. For example, currently in Sydney consumers are charged under a two-tiered or 'inclining block' tariff structure. Introduced as a demand-management measure in 2005, consumers pay extra for the water they use above a specified amount. Furthermore, consumers will soon be paying higher prices for water produced by a desalination plant built because of the scarcity of water in Sydney.

Despite Federal commentary outlining the merits of scarcity pricing, NSW's regulator the Independent Pricing and Regulatory

Tribunal (IPART) recently rejected adoption of scarcity pricing in its draft determination for water pricing in Sydney.

IPART's rejection of scarcity pricing is welcomed by PIAC. Scarcity pricing ignores the way the essential nature of water skews traditional economic theory. Water is used to facilitate a basic standard of living achieved through needs like washing, cooking and cleaning. These needs exist no matter the cost of water. Water is therefore considered to have high price inelasticity. In other words, it means water would need to be priced well above affordable levels to achieve effective water conservation.

The simple inequity with scarcity pricing is that the more money you have, the easier it is to ignore the conservation signal.

What lies beneath the surface debate about scarcity pricing is the idea that subjecting the water industry to the free market will solve the problems about our water future. The PC hints at this when it laments that there is no market for water and therefore no market value placed on it.

A push for a free market approach to operating water services also ignores the success stories that come with the community's response to the drought. In particular, non-market initiatives to reduce our water consumption have been very successful. Sydney households now use the same amount of water as they did in 1974, despite there being one million more households.

Water restrictions have played a major part in this reduction and represent some acknowledgement that we live in a dry land and that our consumption of water is not without limit.

However, water restrictions have been criticised as a costly bandaid solution to a problem that the market should address. The PC says there are costs arising from having water restrictions such as the costs in householders holding hoses at inconvenient times for prolonged periods. The PC also says that water restrictions prevent consumers from using water in ways that are most valuable to them.

Whilst PIAC accepts there are costs involved in applying water restrictions, such as the \$300 million Sydney Water has claimed in lost revenue due to reduced consumption, it believes that the Productivity Commission confuses water restrictions rather than the drought as the cause of costs.

Economic theory must be balanced against social policy and the public interest. Scarcity pricing and free market service delivery may be useful policies in other industries. However, the essential nature of water means there are significant equity issues arising from using price as a way to achieve policy goals, such as water consumption.

Before free market principles flood water industry policy, let's pause and consider the achievements made under the current system: Consumers are using far less water than in the past, water is still relatively affordable to all, and access to it is not based on the ability to pay. All three are significant public interest accomplishments.

### Footnotes

\* Hugh held this position until the end of April 2008, when he left PIAC to travel overseas.

<sup>1</sup> *Towards Urban Water Reform: A Discussion Paper*, Productivity Commission, (2008) at 48 <<http://www.pc.gov.au/research/commissionresearch/urbanwaterreform/>> viewed on 21 April 2008.

## Embedded energy and buying a new car

Mark Byrne, Energy + Water Consumers' Advocacy Program Senior Project Officer\*

Think you're doing the planet a favour by ditching your old car for a new diesel or electric hybrid model? Well, it depends.

What the world needs now is to begin to reduce its greenhouse gas emissions. Not by 2050, 2030 or even 2020, but in the next couple of years. Otherwise, we are likely to exceed the thresholds climate scientists believe are likely to lead to dangerous climate change: anything over two degrees of warming above pre-industrial levels, and an atmospheric level of carbon dioxide and other greenhouse gases of about 450 parts per million.

The trouble is that not only are emissions still on the rise; they are rising at an increasing rate. So we—individuals, communities, corporations and governments—need to act fast. That means, among other things, trying to avoid doing things that would cause large amounts of greenhouse gases to be emitted. Sure, we can switch off the lights and buy green energy, but that's relatively small change.

To make a bigger difference, we need to think not only about the energy we use directly, but also about the energy 'embedded' in the things we buy through their manufacture. Embedded energy includes the extraction and transport of raw materials, the manufacturing process, and the transport of the finished product. A 'lifecycle' or 'cradle to grave' analysis would also factor in the energy used in disposing and recycling products at the end of their lifespan.

It can be an extraordinary complex process, and the weighting of variables can produce some odd results. In 2007, a USA study, *Dust to Dust*, found that the electric hybrid Toyota Prius uses more energy over

its lifecycle than the gargantuan, gas-guzzling Hummer, primarily because the Prius uses a bank of batteries that are expensive and energy-intensive to produce and hard to dispose of safely.

*Dust to Dust* was roundly condemned by environmentalists, and for good reason. It assumed that the average life of a Prius is only 12 years and 109,000 miles, while that of Hummer models is up to 35 years and 379,000 miles. The parameters seemed to be skewed to produce the desired result.

Although estimates vary wildly, by buying a new car you have caused at least a few tonnes of greenhouse gases to be emitted into the earth's atmosphere even before you drive it out of the showroom. Depending partly on what the calculations take into account, studies show that the embedded energy in manufacture and disposal is anywhere from 5 to 30 per cent of the total emissions produced over a car's lifecycle.

Obviously, the smaller and simpler the car and the more efficient the manufacturing process, the lower the emissions. Unfortunately, there is no standard for calculating the embedded energy in manufacturing processes. Still, if you are doing it because you want to reduce your carbon footprint, you need to think of the pay-back period.

If your old car spewed out 300 grams of CO<sub>2</sub> per kilometre but your new one averages a mere 200 grams, it could still take several years to repay the additional carbon debt from your purchase, even longer, ironically, if you travel less.

On the other hand, new cars produce fewer particulates, nitrogen oxides

and other emissions that affect the air quality in cities. They're also quieter and safer. And in the long run, cleaner engines are definitely better for the environment.

What to do? Unless you need to drive long distances regularly or your old car is a gas guzzler and you're planning to replace it with a small, fuel efficient model, keep your old banger but make sure it's serviced regularly. Or upgrade to a newer, more fuel-efficient, used car.

If you do buy a new car, make sure it's as small and fuel-efficient as possible. Go for diesels and electric hybrids only if their fuel consumption and emissions are lower than the petrol alternatives, which are cheaper. If you cover a lot of territory, think about an LPG conversion. It'll use more fuel per kilometre, but because it's a cleaner fuel, the total emissions and cost per kilometre will still be lower.

Or wait! There will soon be mass-market plug-in electric cars with good performance and range that can be recharged overnight. If you're using renewable energy at home, that's a breathe-easy option. In the longer term, hydrogen fuel cells may be another option, but there are significant technical and logistical hurdles still to overcome. There are also issues with the current generation of biofuels that make them inappropriate for large-scale use.

But if you really want to do the planet a favour, just drive less.

### Footnotes

\* Mark held this position until April 2008, when he left PIAC to take up a position in Lismore with the Environmental Defender's Offices (NSW).

## Green energy and the consumer

Mark Byrne, Energy + Water Consumers' Advocacy Program Senior Project Officer

PIAC's has recently been involved in resolving issues regarding the veracity of green energy claims by energy retailers.

In mid-2006, PIAC, representing the Total Environment Centre (TEC), began proceedings against two electricity retailers for misleading advertising. Whilst the claim against JackGreen was not pursued, the ACCC investigated the representations EnergyAustralia was making on its website and in promotional material regarding its ClearAir and GreenFuture non-accredited renewable energy products.<sup>1</sup>

These products claimed they would provide '100% renewable energy' and '100% green electricity at no extra cost', and that 'for every kilowatt hour of electricity you buy, the same amount of electricity will be generated from 100% renewable sources, and that's guaranteed'.

PIAC alleged that consumers were signing up to these non-accredited products believing they were making similar contributions to renewable energy generation as accredited renewable energy products; and that consumers believed that by buying these products less electricity was being generated from fossil fuels. In reality EnergyAustralia was acquiring renewable energy credits from existing rather than new renewable energy generation.

In December 2007, the ACCC announced that while EnergyAustralia had not admitted that its conduct constituted a contravention of the *Trade Practices Act 1972* (Cth), it had acknowledged that its representations may have confused some consumers. As a result, the ACCC reached an 'administrative undertaking' with EnergyAustralia, which required it to:

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

PIAC's EWCAP staff were involved, along with the ACCC and the TEC, in providing input into the wording of the resulting factsheet, which is now available online at <http://www.greenpower.gov.au/the-facts.aspx>.

The problems highlighted in this case have been addressed, with no non-accredited energy products now available on the NSW market. In addition, all energy retailers in NSW have been required, from January 2007, to offer at least one 10 per cent GreenPower accredited green energy product. This must be the 'first offer' to new customers. A similar requirement will come into force in the ACT from January 2009, and other jurisdictions are looking at following suit.

In spite of these welcome changes, the green energy market remains potentially confusing for consumers. Fortunately there are an increasing number of tools available to assist

consumers before making their choice, such as the GreenPower brochure mentioned earlier and the TEC's online product guide at [www.greenelectricitywatch.org.au](http://www.greenelectricitywatch.org.au).

It is also important for consumers to recognise that reducing consumption and using more energy efficient appliances are more effective ways to reduce one's carbon footprint, while also saving money.

The case was a good illustration of the emerging problem of 'greenwash'; that is, retailers taking advantage of a consumer's limited understanding of products, getting them to buy something marketed for its environmental credentials and often costing more yet not necessarily producing any real environmental benefit.

The ACCC has recently taken a keen interest in environmental claims in marketing. It has produced a consumer fact sheet that discusses some of the common environmental claims made by retailers, such as that a product is, or the material used to make it are, 'recycled', 'organic' or 'sustainable.' It has also produced a longer publication, *Green marketing and the Trade Practices Act*, which gives advice to marketers about the principles to consider and the kinds of claims that could be problematic.

### Footnotes

- <sup>1</sup> Accredited new renewable energy is defined as energy generated from renewable sources constructed since 1997. This stimulates the growth of renewable energy generation, whereas buying 'old' hydro energy, for instance, does not add to the amount of renewable energy in the national market.

## Homeless Persons' Legal Service Public Forum

Mark Warren, Media and Communications Adviser

*New Approaches to Homelessness... Real People, Real Changes, Real Hope* was the theme of a public forum organised by the Homeless Persons' Legal Service in April.

A capacity audience filled the Metcalfe Auditorium at the State Library of NSW to hear first hand accounts of what needs to be done to eradicate homelessness.

Federal Minister for Housing, the Hon Tanya Plibersek who also addressed the forum listened as three formerly homeless people, Kerrie, Kevin and Dwayne described their experiences on the streets and how they managed to turn their lives around.

Early intervention and greater support services to get people off the streets and into housing were identified as two key elements in any new government strategy.

Ms Plibersek told the audience that the Rudd Government was committed to addressing homelessness and would be using every opportunity to hear what homeless people had to say. The HPLS presented the Minister with a special book of comments and

photographs from a range of homeless people on what they would like the Government to do.

TV journalism students from the UTS also screened a short film they had produced especially for the night on the work of the HPLS.



(Back L to R) Chris Hartley, HPLS Policy Officer; The Hon Tanya Plibersek, Minister for Housing; Elisabeth Baraka, HPLS Co-ordinator; Robin Banks, CEO PIAC; (seated L to R) Kerrie, Kevin and Dwayne who told their stories.

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severe cerebral palsy, making verbal communication very difficult, they chose not to travel. This couple live independently, have worked all their lives, never received the Disability Pension, they drive a car; and yet they were unable to get on a plane together to take a holiday and go sailing.

Then there is the nightmare of traveling overseas. The long haul flights are extremely difficult for people who are unable to walk around the cabin. Personally I suffer extreme pain when I cannot move my legs and reach my feet to massage and keep blood circulating. I always request bulkhead seats, but know that it will be a battle on every leg of the trip in an attempt to obtain bulkhead seating.

Airlines advise that bulkhead seats are kept for families with babies, yet

there are always many seats taken by able-bodied passengers without babies. Recently at Dubai Airport on the way home from Tunisia, after an intense conversation with Emirates Air staff they eventually admitted that their bulkhead seats are kept for priority passengers, not for families with babies, contrary to their original written advice. That to me was a very telling revelation.

Life is difficult enough for us so why do the airlines impose additional restrictions that are not applicable to their able-bodied passengers? Why don't domestic planes carry an aisle chair so we can go to the toilet? Why can't passengers with disabilities choose their seats? Why can't airlines provide suitable seating for long-haul flights?

An estimated 20% of the world's population has some type of

disability. The International Association on Ageing estimates that by 2050 33% of the population will be aged over 60 years. It is amazing that the airlines are not clambering for this significant proportion of the market and planning for the future. The smart airline that promotes its community service credentials rather than focusing on its 'glamorous' business class facilities, will tap into the huge disability and ageing market, and reap the benefits.

Come on airlines, get your act together. In this day and age, air travel is a high a priority for everyone, not only able bodied people.

### Footnotes

- 1 B Bailey, *Flight Closed: Report on the experiences of People with Disabilities in Domestic Airline Travel in Australia* (2007).
- 2 B Bailey, *Flight Still Closed: Response to the Review of the Disability Standards for Accessible Public Transport: Draft Report* (2008).

# Submissions & Publications

October 2007 - April 2008

2007

**Public Interest Advocacy Centre 25 years: 1982-2007** (October): Publication celebrating PIAC's 25<sup>th</sup> Anniversary, detailing those involved and key work during those 25 years.

**Red tape reduction in the Office of State Revenue: Submission** (November): For HPLS's lawyers and clients, navigating the fines process and the procedures of the OSR is a complex and frustrating experience. HPLS makes recommendations for improvements.

**"Nothing more than chicken feed": the inadequacy of Centrelink's Crisis Payment for released prisoners and people fleeing domestic violence** (November): Crisis Payment is a one-off payment made to people experiencing severe financial hardship who are already receiving an income support payment. This document addresses the current inadequacy of the Crisis Payment.

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

**StreetRights NSW # 8** (November): Homeless Persons' Legal Service newsletter.

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

**Retailer of Last Resort supply fee for small retail customers** (November): IPART recommended that customers of a failed electricity retailer transferred to a Retailer of Last Resort pay a fee. PIAC argues that a fee should not be applied because it is ineffective and inequitable.

**Flight Closed: Report on the experiences of people with disabilities in domestic airline travel in Australia** (December): This report uses the experiences of people with disabilities of air travel to identify barriers and solutions. The report was submitted to the Federal Review of the *Disability Standards for Accessible Public Transport 2002*.

**Response to the Application for an Exemption under the Disability Discrimination Act 1992 by Regional Express Holdings (REX Airlines)** (December): PIAC argues the exemptions applied for would reinforce the failure of Australian airlines to meet international standards.

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

**Inquiry into the prohibition on the publication of names of children involved in criminal proceedings** (December): PIAC's

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

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

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

**Encouraging consumer benefits in water for tenants: Submission to NSW Office of Fair Trading - Residential tenancy law reform** (December): PIAC focuses on the proposal to make all tenants of separately metered premises liable for their water usage.

2008

**Submission to the Federal Treasurer 2008-2009 Federal Budget** (January): PIAC's brief submission highlights specific areas of Federal Government responsibility where moderate and targeted expenditure would improve social justice outcomes for individuals and communities in Australia.

**Special Commission of Inquiry into Child Protection Services in NSW** (February): This submission links the relationship between failures in child protection and juvenile crime.

**Consumers and electricity privatisation in NSW: Submission to the NSW Electricity Consultative Reference Committee** (February): PIAC argues the privatisation debate needs to be more transparent and comprehensive in its consideration of a range of impacts and recommends that sale proceeds be for an Electricity Consumers' Fund to compensate consumers and that consumer protections be introduced.

**For the sake of democracy: Submission to the NSW Legislative Council Select Committee Inquiry into Electoral and Political Party Funding** (February): PIAC's submission argues that democracy benefits from having diverse views and funding transparency.

**StreetRights NSW # 9** (February): Homeless Persons' Legal Service newsletter.

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

**Sifting through greenwash: Submission to ACCC Issues Paper on the Trade Practices Act and carbon offset claims** (February): PIAC's key concerns for regulation of environmental marketing claims are to ensure consumers have usable and accessible information in order to make an informed choice and that providers don't make false or

misleading claims.

**A tool for health care improvement: Comment on the Draft National Patient Charter of Rights** (March): PIAC observes that while the draft Charter contains some important principles, it lacks substance, particularly in relation to a patient's right to compensation for injury.

**Submission to the review of the NSW Life Support Rebate** (March): PIAC advocates that the pensioner rebate be increased and extended to Health Care Card holders, and recommends a new concession scheme to provide a rebate for consumers with non-life threatening medical conditions requiring intensive use of electrical appliances.

**Focusing on the community: Response to the National Framework for Energy Community Service Obligations** (March): PIAC objects to the presentation of CSOs as a burden on industry to be implemented as cheaply as possible and recommends an overarching principle affirming the value of CSOs.

**Model consumer submission in response to Productivity Commission Draft Report on Australia's Consumer Policy Framework** (March): This submission represents the views of a range of consumer organisations on key areas of the Draft Report. The key issues are policy development and legislation.

**Australia 2020: Submissions for the Australia 2020 Summit** (April): PIAC's submission to the Federal Government 2020 Summit on many of the key topics.

**Submission to the Senate Legal and Constitutional Affairs Committee Inquiry into the Stolen Generations Compensation Bill** (April): PIAC and the Australian Human Rights Centre (UNSW) collaborated, building on PIAC's previous work. Included is an alternative Bill focusing on reparations, based on the final report of the Moving Forward Project, *Restoring Identity*.

**Submission to Garnaut Climate Change Review** (April): PIAC endorses the recommendation that Australia needs to go further than the current target of a 60 percent reduction in emissions by 2050 and that the 'cap and trade' scheme is the preferred option to meet these targets.

**Flight still closed? Response to the Review of the Disability Standards for Accessible Public Transport: Draft Report** (April): PIAC considers the Draft Report from the perspective of how access to air travel would be effected by its recommendations. It focuses on the general quality of the analysis, particularly adequacy of information sources, level of analysis and whether the evidence supports the recommendations.

**Costs and benefits of a national rollout of Smart Meters: Submission to the Phase 2 Report for the Ministerial Council on Energy Smart Meter Working Group** (April): PIAC endorses the Report's recommendation that rollout be led by distribution businesses and that greater consumer protections be implemented before a rollout takes place.

All publications are available on PIAC's website: [piac.asn.au](http://piac.asn.au)

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