



human
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ANNUAL DIRECTORS' REPORT 2009/10



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ABOUT THE HUMAN RIGHTS LAW RESOURCE CENTRE

The Human Rights Law Resource Centre is a leading national community legal centre dedicated to promoting and protecting human rights in Australia. Our work contributes to freedom, equality, poverty alleviation, and the integration of human rights in Australian law, policy and practice.

The Centre undertakes a strategic combination of advocacy, litigation, education and capacity building to achieve these goals. We work with key partners, including commercial law firms and barristers, community legal centres, university law schools, and other human rights organisations.

In my professional opinion, the Centre is the pre-eminent human rights NGO in Australia. Its core mission is to promote and protect international human rights within Australia and its staff work tirelessly to achieve this goal. Importantly, the Centre has adopted a collaborative approach to ensure that it works closely with other NGOs and the private sector to promote and protect human rights. This approach has increased the effectiveness of the Centre's work and enabled it to gain the respect of community groups and government officials.

-- Dr John Tobin, Associate Professor, Melbourne Law School

In 2009, the HRLRC received a High Commendation from the Australian Human Rights Commission and the Law Council of Australia for our 'proven track record in the advancement of human rights'.

For 2010 to 2013, Centre has committed to working on seven key priorities:

1. strengthening legislative protection and parliamentary scrutiny of human rights at the state and national levels;
2. improving transparency, accountability, conditions and standards in places of detention;
3. promoting substantive equality and addressing systemic discrimination;
4. strengthening legislative, administrative and judicial protection of economic, social and cultural rights;
5. mainstreaming human rights as a key goal and instrument of Australian foreign policy, and strengthening Australia's role as an international and regional human rights leader;
6. enhancing Australia's engagement with the international human rights system; and
7. strengthening police regulation and oversight, including in relation to the use of force and the development of effective, independent monitoring and complaints mechanisms.

In addition, the HRLRC will continue to respond to significant and emerging human rights challenges and needs, including in the areas of the Northern Territory Intervention, counter-terrorism laws, and immigration law and policy.

The Centre has been endorsed by the Australian Taxation Office as a public benefit institution attracting deductible gift recipient status.

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1. Joint Report of Chairperson and Executive Director

1.1 Essay: Human Rights at the Crossroads

Introduction

The promotion and protection of human rights in Australia is at the crossroads.

On the one hand, the coming years present an opportunity to give real substance to Australia's promise to be a 'principled advocate of human rights for all'; an opportunity to redress wrongs and to make Australia a fairer, more inclusive and more cohesive place. In 2009/10, the establishment of the National Congress of Australia's First Peoples and the bipartisan passage of the *Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act*, which enacts a specific Commonwealth offence of torture and ensures that the death penalty cannot be introduced anywhere in Australia, pointed in this positive direction.

On the other hand, the coming years could see human rights regression. In 2009/10, events such as the freeze on asylum seeker processing, Indigenous deaths in custody, and the re-opening of the Curtin Detention Centre showed that we must always remain vigilant against backsliding and retreat.

But what brings us perhaps most clearly to the crossroads is Australia's new 'Human Rights Framework', announced by the Attorney-General on 21 April 2010 in response to the report of the historic National Human Rights Consultation. It has been variously described as 'positive and practical',¹ 'icing without the cake'² and 'just a damp squib'.³

The National Human Rights Consultation: A Recipe for Change

Launched on 10 December 2008, the 60th anniversary of the *Universal Declaration of Human Rights*, the National Human Rights Consultation asked Australians three simple questions. First, which human rights should be promoted and protected in Australia? Second, are these rights sufficiently promoted and protected? Third, how could we better protect and promote human rights? The ensuing consultation was one of the most extensive exercises in participatory democracy in Australian political history. The independent Consultation Committee, chaired by Father Frank Brennan, received over 35,000 submissions and hosted 66 roundtables in 52 locations throughout metropolitan, regional and rural Australia. Reflecting this engagement, when the Committee released its report in October 2009, they heralded that 'after 10 months of listening to the people of Australia, [there is] no doubt that the protection and promotion of human rights is a matter of national importance'.⁴

The report made a number of key findings which should be central to any future government's consideration as to the effective promotion and protection of human rights in Australia.

¹ The Hon Robert McClelland MP, Attorney-General, 'Foreword', *Australia's Human Rights Framework* (April 2010) 1.

² Homeless man in Melbourne, quoted in Philip Lynch, 'Human Rights Framework: Icing without the Cake', *ABC Online*, 22 April 2010.

³ Correspondence between the author and an independent expert member of a UN human rights treaty body.

⁴ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) xiii.

First, human rights matter deeply to Australians. They resonate with Australian democratic values, the rule of law and our sense of a fair go. There is strong support for the promotion and protection of all human rights, including economic, social and cultural rights, such as the rights to education, housing and the highest attainable standard of health.

Second, while Australia has strong democratic and legal institutions, they do not provide comprehensive or even adequate protection of human rights. The patchwork quilt of human rights protection is missing pieces and this is felt most keenly by the marginalised and vulnerable.⁵

Third, human rights are not enjoyed fully or equally by all Australians. Both in fact and in law, many groups within Australia experience profound disadvantage, including people with mental illness, Aboriginal Australians, asylum seekers and children with disability. There is a strong view that 'we could do better in guaranteeing fairness for all within Australia and in protecting the dignity of people who miss out'.⁶

Fourth, there is a need for better human rights education within the community.⁷ There is also a need for a better understanding of, and commitment to, human rights within government.⁸ Instilling a human rights culture in the federal public sector is integral to better protect and promote human rights in Australia.⁹

Fifth, there is very strong support for a comprehensive national Human Rights Act. 87.4 per cent of submissions to the Committee which considered the issue supported the enactment of a Human Rights Act, while independent polling found 57 per cent support and only 14 per cent opposition.

In response to these key findings, the Committee made 31 recommendations. The most significant and vigorously debated recommendation was that Australia should adopt a comprehensive, enforceable Human Rights Act, the aim of which should be to promote a dialogue about human rights between parliament, the executive, the courts and the community. The Committee recommended that this Act be modeled on the so-called 'legislative dialogue' model of human rights protection, reflected in instruments such as the Victorian *Charter of Human Rights and Responsibilities Act 2006*, the ACT *Human Rights Act 2004* and the United Kingdom's *Human Rights Act 1998*. Under the Act proposed, human rights would be justiciable and enforceable, but parliament would retain sovereignty and 'the final say'. The Committee was persuaded by the evidence that a national Human Rights Act would promote more accountable government, improve public services, address poverty and disadvantage, and enshrine fundamental unifying values. Their report confronted and comprehensively debunked myths such as that a Human Rights Act would result in an activist judiciary usurping parliament, or that there would be some sudden tsunami of litigation.

⁵ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) 127-8.

⁶ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) 343-4.

⁷ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) 149-51.

⁸ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) 149-51, 175, 355-6.

⁹ National Human Rights Consultation Committee, *Report of the National Human Rights Consultation* (2009) 186.

Australia's New Human Rights Framework: 'Icing without the Cake'

On 21 April 2010, the Federal Government released 'Australia's Human Rights Framework' in response to the report of the National Human Rights Consultation Committee.

Launching the Framework, the Attorney-General, Robert McClelland MP, stated that it contains 'positive and practical' measures and 'reflects the key recommendations made by the Consultation Committee, including the need for greater human rights education'.¹⁰

The Framework contains a number of significant and substantive commitments, including:

- first, the establishment of a Joint Parliamentary Committee on Human Rights, which will be mandated to review legislation and conduct inquiries on human rights issues;
- second, the passage of legislation requiring that each new Bill introduced to parliament be accompanied by a statement which assess its compatibility with the seven core human rights treaties to which Australia is a party;
- third, a review of legislation, policies and practices for compliance with Australia's international human rights obligations;
- fourth, the development and release of draft exposure legislation to harmonise and consolidate Commonwealth anti-discrimination laws; and
- fifth, enhanced human rights education, both for the community and the public sector.

Appropriately conceived and effectively implemented, these measures will improve the development of laws, policies and practices, and play an important role in ensuring that human rights are properly considered in legislative, parliamentary and executive decision-making processes.

Strengthening the Legislative Protection of Human Rights

Significantly, the Framework does not include a Human Rights Act, with the Attorney stating that such an Act would be 'contentious' and that 'the enhancement of human rights should be done in a way that as far as possible unites, rather than divides, our community'. The failure to commit to a comprehensive Human Rights Act is a missed opportunity to strengthen Australia's democracy and build a fairer, more inclusive community.

The Government's failure to commit to a Human Rights Act flew in the face of evidence, a strong democratic mandate and the status of human rights as universal minimum standards which must be promoted and protected by all means necessary.

The basis upon which a Human Rights Act was rejected – that it would be contentious and divisive – was spurious and an abdication of leadership. That conclusion failed the test of political leadership, vision and resolve. Far from being divisive, a Human Rights Act would unite us through legal protection and institutional strengthening of those Australian democratic values we hold in common. As demonstrated by the Apology to the Stolen Generations, political leadership and vision can unite people, even on controversial issues. That is particularly the case when what is proposed is good, evidence-based policy that resonates deeply with our Australian commitment to respect, tolerance, fairness, and the rule of law.

¹⁰ The Hon Robert McClelland MP, Attorney-General, 'Foreword', *Australia's Human Rights Framework* (April 2010) 1.

A Human Rights Act deferred is human rights denied. The Government's rejection of an Act until at least 2014 is a denial of the many benefits which demonstrably accompany human rights legal protections.

The Victorian Charter of Human Rights at the Crossroads

Evidence and experience from Victoria demonstrates that human rights legislation can promote more accountable government, improve public services, address poverty and disadvantage, and enshrine fundamental unifying values.

As the Victorian Human Rights Commission's recent Charter report records, it is children, people who are homeless, the elderly, people with mental illness – in fact, the entire community – who benefit from human rights laws.

This is reflected in the casework of the Human Rights Law Resource Centre. Using the Charter, we have advocated, negotiated and, where necessary, litigated, to promote access to health care in prison, prevent evictions into homelessness, and secure educational supports for children with disability. Over 2009/10 alone, we used the Charter in cases regarding the adequacy of health care in regional Victoria, the investigation and regulation of police use of lethal force, and women's reproductive health rights.

It is to their great credit that the Attorney-General and Victorian Government fund us to undertake this important work.

Yet, despite this evidence, and these positive uses and results, the legal protection of human rights is very much at the crossroads.

2010/11 could see the Charter strengthened to protect social and economic rights and to provide access to more accessible and effective remedies as an outcome of the 2011 Charter Review. Alternatively, it could see the Charter repealed if the Liberal Opposition holds fast to its current policy. At a minimum, if the Opposition is fair dinkum about evidence-based policy, it must commit to retain the Charter until the results of the 2011 review are in.

Regional and International Human Rights Action

Australia is also at the crossroads on international human rights issues; the crossroads between human rights rhetoric and human rights action.

The Rudd/Gillard Government, it must be said, started positively on this front. Early in its term, Australia ratified a number of the core international human rights treaties. We engaged in a constructive way with the UN human rights expert bodies and we extended a standing invitation to the Special Procedures of the UN Human Rights Council.

More recently, however, the agenda seems to have stalled. The Government's Security Council candidacy spruiks Australia as a 'principled advocate of human rights for all', while the new Human Rights Framework commits Australia to 'promote and protect human rights within our region and around the world'. To date, however, neither the campaign nor the Framework contains any concrete actions to give substance to these worthy ambitions.

The opportunity is there if the Government is willing to take it. In May 2010, a Parliamentary Committee published a report on Australia's role in promoting human rights in the Asia-Pacific. The Committee identified the Asia-Pacific – our own neighbourhood – as a 'diverse and complex region with a mosaic of human rights challenges'. It highlighted gender

discrimination and violence, human trafficking, capital punishment, restrictions on freedom of expression and association, and profound poverty. The Committee found that there is a 'clear need to enhance mechanisms to protect human rights and redress human rights violations' and that Australia has a 'significant', albeit 'sensitive and cooperative' role to play in the region.

The Committee made a number of concrete recommendations for action. Australia should, it said, be 'conscious of human rights obligations in all of its regional relationships', including trade relations. We would go further. We must be more than merely 'conscious' of human rights in our foreign affairs; the promotion of human rights should be both an instrument and key goal of Australian foreign policy.

In particular, we should undertake Human Rights Impact Assessments as a key aspect of doing business in the region, not only in the areas of aid and trade, but also in areas including business, investment, migration, military and security cooperation and the environment. That would give real substance to our claim to be 'a principled advocate of human rights for all'.

The Committee also recommended that AusAID 'adopt a human rights-based approach' to aid and development. This is welcome but again should go further, not least by increasing funding for human rights beyond the paltry 0.15 per cent of the aid and development budget it currently comprises.

The Committee also considered Australia's role in promoting a regional human rights dialogue. Again, this is a real opportunity for Government to convert human rights rhetoric to human rights action. The Joint Parliamentary Human Rights Committee, proposed under the new Human Rights Framework, could, for example, be mandated to consider not only domestic issues, but also regional and international human rights issues. This Joint Committee could play a valuable role promoting human rights in the Asia-Pacific, and convening regional inter-parliamentary human rights discussion and exchange.

The fostering of a regional human rights dialogue is a complex task, but a task to which Australia is well adapted.

Geopolitically, we are uniquely placed to broker and bridge between the global North and South, and between East and West. Indeed, Australia has played just such a role in the past on crucial human rights issues, including the negotiation of the *Universal Declaration of Human Rights* in the 1940s under a Labor Government, and the development of effective sanctions against apartheid South Africa in the 1970s and 80s under a Liberal Government. It is time to build on this bipartisan legacy in the Asia-Pacific.

Where to From the Crossroads?

We are, in Australia, at the human rights crossroads.

Over the coming years, we have the opportunity to improve legislative protection and parliamentary scrutiny of rights. We have the opportunity to promote equality and redress discrimination. We have the opportunity to better protect social and economic rights. We have the opportunity to promote human rights as Australian foreign policy, particularly in the region. And, we have the opportunity to enhance Australia's engagement with the international human rights system.

These opportunities and challenges intersect with the priorities to which we at the Human Rights Law Resource Centre have committed ourselves for the next three years:


1. **strengthening legal protection and parliamentary scrutiny of human rights** at the state and national levels;
2. improving transparency, accountability, conditions and standards in **places of detention**;
3. **promoting substantive equality** and addressing systemic discrimination;
4. strengthening legislative, administrative and judicial **protection of economic, social and cultural rights**;
5. **mainstreaming human rights as a key goal and instrument of Australian foreign policy**, and strengthening Australia's role as an international and regional human rights leader;
6. **enhancing Australia's engagement** with the international human rights system; and
7. **strengthening police regulation and oversight**, including in relation to the use of force and the development of effective, independent monitoring and complaints mechanisms.

We are at the human rights crossroads in Australia, and it is incumbent on all of us – whether in our capacities as political leaders or community workers, lawyers or judges, policy makers, or human rights advocates – to boldly choose the right path.

We look forward to working with you in the year ahead.



Robert Jamieson
Chairperson



Philip Lynch
Executive Director

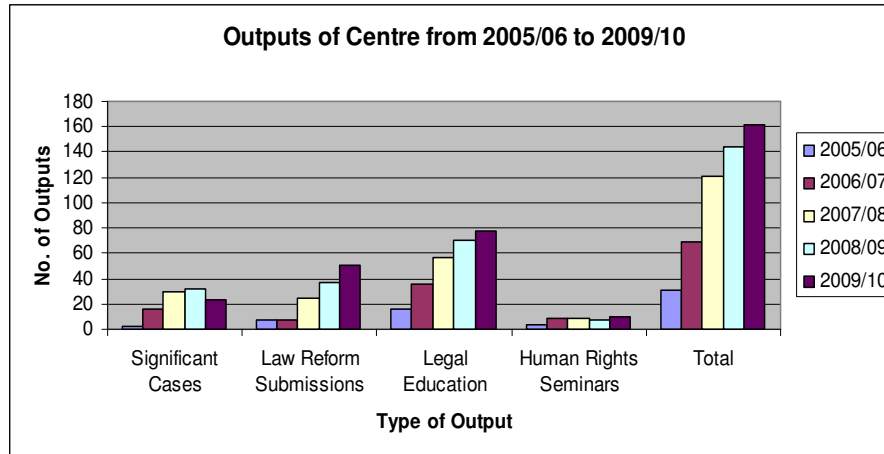
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2. Our Operations and Outputs

2.1 Introduction

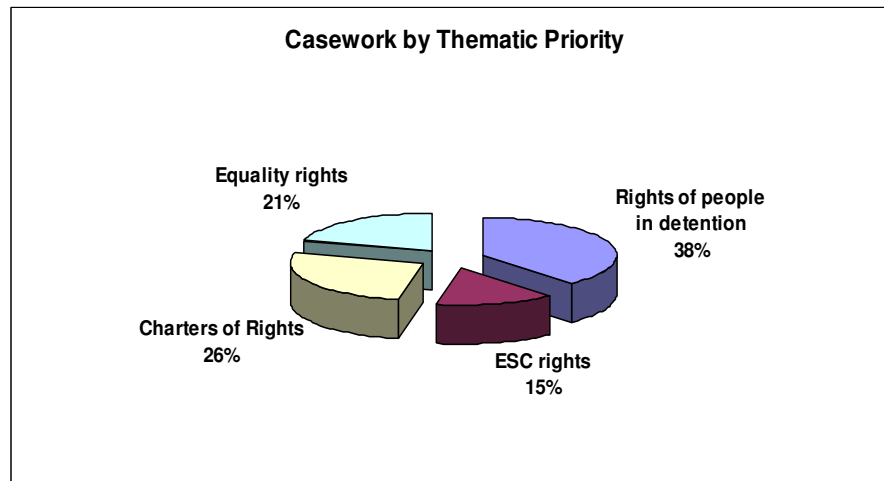
The Centre undertakes strategic litigation, policy analysis and advocacy, legal education and training, and capacity building to promote and protect human rights.

The graph below represents the volume and growth of work in each of these areas between 2005/06 and 2009/10.



2.2 Strategic Litigation

The Centre opened 23 significant cases during 2009/10, focusing on four priorities.



Significant cases for the Centre in 2009/10 included:

- *Metro West v Sudi* [2009] VCAT 2025, in which the Centre, appearing as amicus curiae, established that social and public housing authorities must act compatibly with the human rights of vulnerable tenants.
- *Momcilovic v R* [2010] VSCA 50, in which the Victorian Court of Appeal accepted the Centre's submission that the Charter of Human Rights requires all persons

interpreting law to 'explore all possible interpretations of the provision(s) in question, and adopt that interpretation which least infringes Charter rights'.

- *Castles v Secretary to the Department of Justice* [2010] VSC 310, in which the Centre established that IVF treatment is a legitimate treatment necessary for the preservation of reproductive health and that prisoners should be treated with dignity, humanity and respect.

Additionally, the Centre continues to act for members of a remote Indigenous community in a complaint of race discrimination against the Northern Territory, for NSW prisoners in a complaint to the UN Human Rights Committee, and to appear as an interested party in the Coronial inquest into the fatal Victoria Police shooting of 15 year old Tyler Cassidy.

In each of these matters, the Centre has worked closely with barristers and leading commercial law firms, including Allens Arthur Robinson, Blake Dawson, Clayton Utz, DLA Phillips Fox, Freehills, Lander & Rogers and Mallesons Stephen Jaques, all acting in a pro bono capacity.

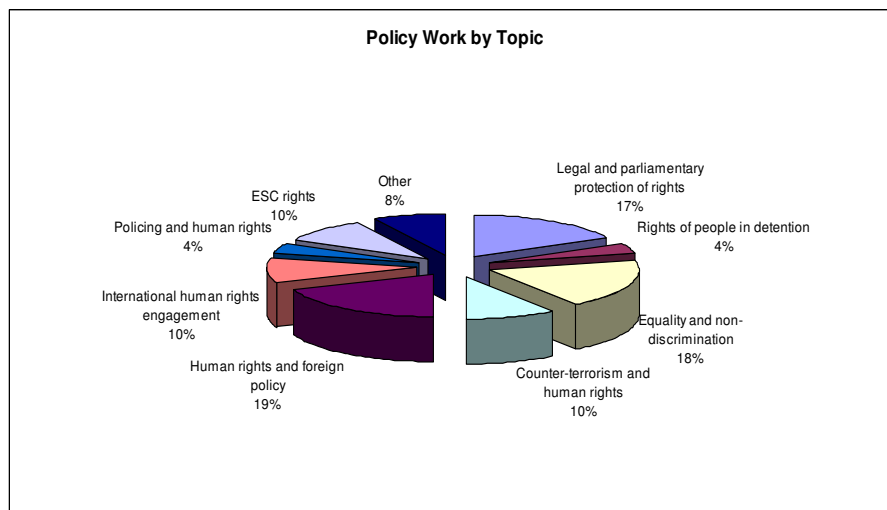
Human rights work facilitated by the Human Rights Law Resource Centre accounts for up to 12 per cent (or \$1.8 million) of pro bono work reported in Victoria.

-- Victorian Department of Justice, *Government Legal Services Annual Report 2008-09* (July 2010) 10.

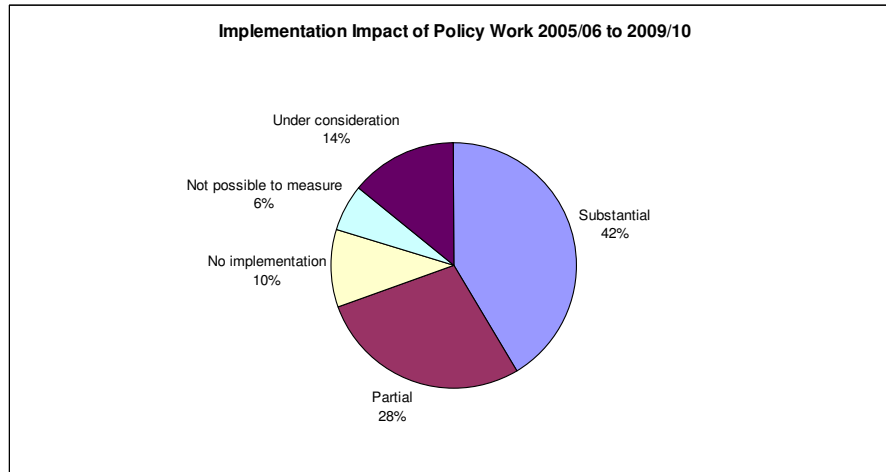
2.3 Policy Analysis and Advocacy

The Centre made 50 major policy submissions during 2009/10. Submissions were made to domestic bodies, including parliamentary committees, law reform commissions and government departments and to international bodies, including human rights treaty bodies and the UN Human Rights Council.

As with the Centre's case work program, our policy analysis and advocacy is focused in key priority areas.



Much of the Centre's advocacy work has significantly influenced human rights law, policy and practice in Australia and internationally. Over **40 per cent of the Centre's policy work has 'substantial impact'**, while a further 28 per cent has at least 'partial impact'.¹¹



Significant policy activities in 2009/10 included:

- coordinating major NGO reports on Australia to the UN Committee on the Elimination of All Forms of Racial Discrimination and the UN Human Rights Council;
- publishing a series of agenda-setting policy papers, designed to inform and advance the human rights agenda in Australia, including in the areas of equality and non-discrimination, foreign policy, business and human rights, Australia's role in the Asia-Pacific, and protecting privacy while responding to terrorism; and
- making submissions to parliamentary committees regarding migration detention, the Northern Territory Intervention, and gender equality.

The Human Rights Law Resource Centre receives a High Commendation for its 'proven track record in the advancement of human rights'. The Centre is recognised for its 'efforts to overcome discrimination and promote equality through the practice of law' and as an 'organisation which consistently demonstrates an unreserved commitment to the protection and promotion of human rights in Australia'.

-- Australian Human Rights Commission and Law Council of Australia, *Citation of Human Rights Law Resource Centre for 2009 Australian Human Rights Awards*, 10 December 2009

¹¹ The Centre is committed to measuring and evaluating its impact on policy development and law reform. To this end, using a methodology adapted from the Australian Law Reform Commission, the Centre assesses the 'implementation impact' of our work by monitoring the adoption of our recommendations by the body to which they are directed.

2.4 Human Rights Resources, Education and Training

Building human rights capacity and expertise in the legal and community sectors is a key priority for the Centre.

Respondents had a clear preference for HRLRC resources.

-- Law Institute of Victoria, Report of survey on 'What written publications, resources or training programmes have you used to inform yourself or advise your clients or organisation on Charter matters?' (May 2010)

During 2009/10, the Centre's educational and capacity-building activities included:

- publishing 12 editions of the *Human Rights Law Bulletin*, which now has over 4000 subscribers;
- convening a Seminar Series with leading human rights advocates, including Justice Yvonne Mokgoro (Judge of the Constitutional Court of South Africa), Erika Feller (UN Assistant High Commissioner for Refugees), and Louise Arbour (former UN High Commissioner for Human Rights);
- providing human rights training to pro bono lawyers and barristers, the Victorian public service, Victoria Police, legal aid, university law schools, and a wide range of community legal centres and NGOs;
- building www.hrlrc.org.au, which received over 65,000 visitors in 2009/10 from 175 countries; and
- publishing opinion pieces in publications including *The Age*, the *Sydney Morning Herald*, *ABC Online* and the *Australian Financial Review*. In 2009/10, Centre staff published 17 opinion editorials in major national publications.



From L-R: Fiona McLeay (Executive Director of PILCH), Justice Chris Maxwell (President, Victorian Court of Appeal) and the Hon Louise Arbour (President, International Crisis Group and former UN High Commissioner for Human Rights) at an HRLRC lunch on 14 May 2010

3. Our Impacts

3.1 Introduction

For the period 2010 to 2013, the Centre will work on seven key priorities:

1. strengthening legislative protection and parliamentary scrutiny of human rights at the state and national levels;
2. improving transparency, accountability, conditions and standards in places of detention;
3. promoting substantive equality and addressing systemic discrimination;
4. strengthening legislative, administrative and judicial protection of economic, social and cultural rights;
5. mainstreaming human rights as a key goal and instrument of Australian foreign policy, and strengthening Australia's role as an international and regional human rights leader;
6. enhancing Australia's engagement with the international human rights system; and
7. strengthening police regulation and oversight, including in relation to the use of force and the development of effective, independent monitoring and complaints mechanisms.

In addition, the Centre will continue to respond to significant and emerging human rights challenges and needs, including in the areas of the Northern Territory Intervention, counter-terrorism laws, and immigration law and policy.

Below are some highlights of the Centre's impacts in these focus areas over 2009/10.

3.2 Strengthening Legislative and Parliamentary Protection of Human Rights

The Centre is committed to ensuring rigorous parliamentary scrutiny of human rights, comprehensive legislative protection of human rights, and access to effective remedies for human rights violations.

Developing Australia's Human Rights Framework

While the Federal Government failed to commit to a national Human Rights Act in 2009/10, the new Australian Human Rights Framework contains a range of measures strongly and consistently advocated by the Centre, including:

- a requirement that all proposed legislation be assessed for its compatibility with Australia's international human rights obligations;
- the establishment of a Joint Parliamentary Committee on Human Rights to scrutinise legislation and conduct human rights inquiries;
- additional resources and strengthened mandates for human rights education;

- a commitment to modernise anti-discrimination legislation;
- the development of a new National Action Plan on Human Rights; and
- mechanisms for further consultation and constructive engagement on human rights issues between government and NGOs.

Additionally, the submissions of the Human Rights Law Resource Centre were cited over 170 times in the landmark 2009 Report of the National Human Rights Consultation Committee, on which the new Framework is based.

Using the Victorian Charter to Promote Human Dignity and Address Disadvantage

Over the last year, the Centre has played a significant role in the robust development of domestic human rights jurisprudence. We have used the Victorian Charter of Rights to promote dignity and address disadvantage, particularly for marginalised and vulnerable groups.

- In *Metro West v Sudi* [2009] VCAT 2025, the Centre, appearing as amicus curiae, established that social housing authorities must act compatibly with the human rights of vulnerable tenants. Consistent with the submissions of the Centre, Bell J held that the question as to what entities are bound to act compatibly with human rights should be approached widely and generously with the Charter's purposes in mind, including the protection of vulnerable individuals and groups.
- In *Momcilovic v R* [2010] VSCA 50, the Victorian Court of Appeal accepted the Centre's submission as to the proper approach to human rights-compatible interpretation of legislation.

"The emphatic obligation which s 32(1) imposes – to interpret statutory provisions so far as possible compatibly with Charter rights – is directed at the promotion and protection of those rights as enacted in the Charter... *The Human Rights Law Resource Centre's submission to this effect was correct.*"

The case was also significant in being the first in which a Victorian Court found legislation to be incompatible with the Charter and issued a declaration to that effect.

In Victoria the implementation of the Charter has been greatly assisted by a dedicated legal centre focusing on human rights law. The Human Rights Law Resource Centre has played a very important role in providing legal resources for practitioners on human rights, contributing to debates on policy issues and conducting major test case litigation under the Charter.

-- ACT Human Rights Commission, *Submission to the Five Year Review of the Human Rights Act 2004 (ACT)* (Nov 2009), 28

Legislating to Comprehensively Prohibit Torture and the Death Penalty

In 2010, consistent with submissions and advocacy by the Human Rights Law Resource Centre, including through the UN Human Rights Committee and the UN

Committee against Torture, the Australian Parliament enacted the *Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act*. The Act:

- enacts a specific Commonwealth offence of torture. According to the Attorney-General, this is intended to 'more clearly fulfil Australia's obligations under the United Nations Convention Against Torture to ban all acts of torture, wherever they occur'; and
- amends the Commonwealth *Death Penalty Abolition Act 1973* to ensure that the death penalty cannot be introduced anywhere in Australia. This is intended to 'safeguard Australia's ongoing compliance with the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty'.

In the Second Reading Speech, the Commonwealth Attorney-General outlined that 'the overarching purpose behind these amendments is, in the spirit of engagement with international human rights mechanisms, to ensure that Australia complies fully with its international obligations to combat torture and to demonstrate our commitment to the worldwide abolitionist movement.'

3.3 Protecting the Rights of Persons Deprived of Liberty

The Centre is committed to ensuring that places and conditions of detention in Australia comport with international human rights standards and that all detainees are treated with dignity and humanity.

Ensuring Effective Monitoring of Places of Detention

Over the last three years, the Centre has lobbied strongly for Australia to ratify and implement the *Optional Protocol to the Convention against Torture*, in particular through the establishment of effective mechanisms for the monitoring of places of detention. The Federal Government signed the Optional Protocol in 2009 and has stated that it is preparing to ratify the instrument in 2011.

Landmark Decision on Prisoner Access to Healthcare and Humane Treatment in Detention

In a landmark decision, the Supreme Court of Victoria found that the Centre's client, Kimberley Castles, was entitled under s 47(1)(f) of the *Corrections Act 1986* to undergo IVF treatment while in prison.

The judgment affirmed the principle that prisoners should not be subjected to hardship or constraint other than that which necessarily results from the deprivation of liberty. The judgment also recognised the fundamental importance of prisoners' access to healthcare and that IVF treatment is a legitimate treatment necessary for the preservation of health.

***Access to health care is a fundamental aspect of the right to dignity.
Like other citizens, prisoners have a right to...a high standard of health.***

That is to say, the health of a prisoner is as important as the health of any other person.

-- *Castles v Secretary for the Department of Justice* [2010] VSC 310, [108]

Securing Access to Health Care and the Right to Privacy for Detainees

In 2010, the Centre acted for a Victorian prisoner regarding access to adequate health care and the right to be treated with dignity in prison. The prisoner was subject to an invasive oral cavity search as a condition of receiving daily medication taken in tablet form. The medication was prescribed for a chronic and life threatening health condition. The prisoner considered the oral cavity searches to be unnecessary, invasive, demeaning and degrading. Following discussions and negotiations, prison management agreed to revise its policy and practice pertaining to oral cavity searches. The prisoner is no longer subject to invasive oral cavity searches as a condition of receiving medication. Further, the prison has agreed to erect screens to protect the privacy of prisoners receiving such medication.

Engaging with the UN Human Rights Council to Promote the Right to Health for Prisoners

In 2009, the UN Special Rapporteur on the Right to Health, Anand Grover, conducted a country mission to Australia. The Centre briefed the Special Rapporteur extensively on the right to health for prisoners and also arranged a number of consultations and expert roundtables for the Special Rapporteur in relation to the right to prisoner health.

On behalf of the Special Rapporteur and all the members of his team, I wanted to send you our heartfelt thanks for organizing meetings with NGOs in Sydney and Melbourne, as well as for your time and counsel. Contributions were excellent and we found discussions very instructive. We are also grateful for the additional materials you provided which will greatly help us in the preparation of the report.

-- *Dragana Korljan, Human Rights Officer, United Nations, Office of the High Commissioner for Human Rights*

In June 2010, the Special Rapporteur presented his report on Australia to the UN Human Rights Council in Geneva. Consistent with the Centre's submissions and advocacy, the report devoted significant attention to prisoner health issues and made concrete recommendations to improve conditions of detention, correctional oversight, access to mental health care for detainees, and reduce levels of Indigenous incarceration.

3.4 Promoting Equality and Addressing Discrimination

Equality Law Reform: Towards a Comprehensive Equality Act

The Centre is working towards the enactment of comprehensive legislation at the national, state and territory levels which promotes substantive equality and addresses

systemic discrimination. While our current anti-discrimination laws have made an important contribution to addressing discrimination in Australian society, they have significant shortcomings in that they:

- are reactive and complaints-based;
- fail to actively promote equality or address systemic discrimination;
- do not address all grounds of discrimination or multiple discrimination; and
- are ineffective in areas that have been granted permanent exemptions.

In 2009/10, consistent with the Centre's submissions, campaigning and advocacy on these issues:

- the Federal Government amended the *Sex Discrimination Act 1984* (Cth) to strengthen protections against sexual harassment, and discrimination on the grounds of gender, family responsibilities and breastfeeding; and
- Victoria enacted a new *Equal Opportunity Act 2010* which includes mechanisms to respond to systemic discrimination and promote substantive equality.

Most recently, the Centre has been working to ensure that the Federal Government's commitment to 'harmonise and consolidate Commonwealth anti-discrimination laws' results in the adoption of a robust and comprehensive legal framework which promotes real equality and addresses all grounds of discrimination.

Preventing Race Discrimination and Preserving Indigenous Language and Cultural Rights

The Human Rights Law Resource Centre, together with Lander & Rogers, is acting for members of a remote Indigenous community in a complaint of race discrimination against the Northern Territory.

The complaint, brought by students of Areyonga School, alleges that the Northern Territory's policy requiring 'compulsory teaching in English for the first four hours of each school day' is racially discriminatory. Since the policy's introduction, students as young as five have been receiving the majority of their education in a language that they do not understand – English. This approach is at odds with expert advice that the most effective way for students in very remote Indigenous communities to learn English is through a bilingual curriculum.

Following conciliation in May 2010, the parties agreed to continue discussions with a view to resolving the complaint without the necessity of court proceedings.

3.5 Enhancing the Protection and Enjoyment of Social and Economic Rights

The 2009 National Human Rights Consultation found that the rights to adequate housing, health care and education are the 'rights that mattered most' to Australians. The Centre is committed to enhancing the legislative, administrative and judicial recognition and protection of economic, social and cultural rights at the national, state and territory levels.

Addressing Homelessness and Recognising the Right to Adequate Housing

In November 2009, the House of Representatives Standing Committee on Family, Community, Housing and Youth tabled a major report, *Housing the Homeless*, with 15 recommendations aimed at preventing and addressing homelessness in Australia. Adopting the Centre's submissions, the Committee recommended that Australia enact comprehensive homelessness legislation which enshrines 'the right of all Australians to adequate housing' in accordance with Australia's international human rights obligations. Consistently with the Centre's submission, the Committee stated that 'effective and independent monitoring and reporting on progress toward the realisation of the right to adequate housing is essential'.

The HRLRC submission recognised that homelessness is a human rights issue and is both a cause and a consequence of poverty and other human rights violations. In response, the Committee recommended that 'the Australian Government, in cooperation with state and territory governments, conduct an audit of laws and policies that impact disproportionately on people experiencing homelessness' and that 'laws and policies that do not conform to anti-discrimination and human rights obligations should be amended accordingly'.

Promoting Access to Health Care in Regional and Rural Areas

In May 2010, the Centre made submissions on the human rights issues that arise from the death of Veronica Campbell, a woman who died tragically of an ectopic pregnancy while waiting for an ambulance in rural Victoria.

To assist the Coroner, the Centre filed submissions on the positive State duty under the right to life, namely the requirement for public health services to have policies, practices, precautions and systems of work in place to protect life. The human rights law issues do not include the blame to be apportioned to individuals, but rather seek to address systemic issues in order to prevent the same tragedy from happening again. This role in relation to the Charter is consistent with the Coroner's enhanced preventative role under the new *Coroners Act 2008* (Vic).

Promoting the Right to Health for Indigenous People, Prisoners and Immigration Detainees

In 2009, the Centre prepared a major briefing paper for the UN Special Rapporteur on the Right to Health, Anand Grover, in advance of his country mission to Australia. During the mission, the Centre also facilitated a number of consultations and expert roundtables for the Special Rapporteur.

In June 2010, the Special Rapporteur presented his report on Australia to the UN Human Rights Council in Geneva. Consistent with the Centre's Briefing Paper, the report focuses on the standard of living and quality of health care and health services for Aboriginal and Torres Strait Islanders, people in prison and immigration detainees.

The Special Rapporteur recommends that the Australian Government enshrine human rights, including the right to health, in Australian law. Further recommendations advocated by the Centre and adopted by the Special Rapporteur include that Australia should:

- pass legislation restoring the *Racial Discrimination Act* vis-à-vis the Northern Territory as a matter of priority, and introduce constitutional protection of the rights of Indigenous peoples;
- implement legislative or other guarantees to ensure that the opinions of national representative Indigenous bodies, such as the National Congress of Australia's First Peoples, are taken into account;
- address, as a matter of urgency, the qualitative and quantitative inadequacy of educational services for remote communities; and
- end the policy of mandatory immigration detention, particularly in offshore facilities.

3.6 Promoting Human Rights through Australian Foreign Policy

The Centre is committed to promoting the mainstreaming and integration of human rights in Australian foreign policy, including with respect to aid, development, trade, investment, business, migration, defence, military cooperation and security.

Human rights should be both a goal and an instrument of Australian foreign policy. As a goal, we should commit ourselves to promoting and protecting freedom, dignity, equality and justice for all as a key foreign policy priority. As an instrument, we should promote human rights to secure the underlying conditions for other goals, such as security, development, economic participation and social inclusion.

Informing Australia's Human Rights Role and Responsibilities in the Region

In May 2010, the Australian Parliament's Human Rights Sub-Committee published a report on Australia's role in promoting and protecting human rights in the Asia-Pacific region, entitled *Human Rights in the Asia-Pacific: Challenges and Opportunities*.

The Committee referred to the Centre's submission extensively, citing it over 85 times. Consistent with the Centre's submission, the Committee found that, while Australia has a 'significant role to play' in promoting and protecting human rights in the region, Australia must also be 'sensitive and cooperative in its approach and action on human rights matters'.

Among other HRLRC proposals endorsed in the report, the Committee recommended that:

- the Australian Government should be 'conscious of its human rights obligations in all of its regional relationships', including in the areas of aid and trade;
- AusAID should 'adopt a human rights-based approach to guide the planning and implementation of development aid projects';
- Australia should adopt a 'targeted approach' to 'improve the level of ratification of core human rights treaties in the Asia-Pacific, and to assist countries in meeting their obligations once they are parties to these important treaties', including through education and the provision of financial and technical support; and

- the Australian Government should support the 'vital work' being done by NGOs and civil society in the promotion and protection of human rights in the region, including by establishing a scholarship fund to enable human rights defenders to attend human rights courses and programs in Australia.

Setting an Ambitious Australian Human Rights Agenda

The Centre is committed to developing an ambitious human rights agenda for Australia. Over the last year, we have developed an influential series of policy papers designed to inform and advance the human rights agenda in Australia. Each brief identifies a human rights problem or opportunity, discusses the imperative for action, analyses relevant evidence, and makes concrete recommendations for Australian action at the international and national levels. In direct response to these briefs, the Australian Government has indicated that:

- Australia is looking at ways to better integrate human rights in all areas of foreign policy. The Centre has suggested that an Australian Human Rights Ambassador could be instrumental in this.
- The Government is conscious of the human rights opportunities and challenges associated with its candidacy for a non-permanent seat on the UN Security Council.
- Australia has identified a number of areas of priority for human rights advocacy and action, including achieving progress in gender equality and non-discrimination and the universal abolition of the death penalty. The Government is also actively engaged in advocacy of R2P. The Centre has suggested the advancement of the business and human rights agenda as another potential priority area.
- Australia is acutely aware of the human rights challenges in the South Pacific and will continue to devote considerable energy and funding in promoting human rights observance in the South Pacific, including through Australia's bilateral development program.

Securing a Human Rights Framework for 'Australia's Law and Justice Engagement with the Pacific'

In June 2010, the Attorney-General and Minister for Foreign Affairs launched *Australia's Framework for Law and Justice in the Pacific*. The Framework is a high-level statement of priorities to guide Australia's work in the Pacific law and justice sector.

The Framework commits Australia to help Pacific countries strengthen the rule of law and protect human rights. It states that '[t]he performance of the law and justice system is critical to the preservation of fundamental human rights, promotion of the rule of law and access to justice, particularly for the poor and vulnerable. Without development in this area, achievement of the MDGs will be beyond reach'.

The Framework emphasizes the importance of building partnerships with Pacific government and NGOs and building local capacity. It details specific commitments in

areas including transnational crimes, gender equality and violence against women, public administration and access to justice.

The Centre provided comments on a draft of the Framework which were subsequently incorporated in the final document. The Centre's comments discussed ways in which the protection and promotion of human rights contribute to positive security, governance and development outcomes and recommended that the human rights framework play a central role in Australia's engagement with the Pacific.

3.7 Promoting International Human Rights Engagement and Leadership

The Centre is committed to promoting international best practice in Australia's engagement with the international human rights system, including the UN Security Council, the Human Rights Council and treaty bodies. We achieve this by:

- promoting ratification of international human rights treaties;
- coordinating NGO reports to UN treaty bodies and mechanisms of the UN Human Rights Council, including the UPR and Special Procedures;
- contributing to the development of legislative, parliamentary, executive and administrative mechanisms for the review and implementation of UN treaty body, UPR and Special Procedure recommendations; and
- contributing to the development of robust and progressive international human rights jurisprudence through Individual Communications and General Comments.

Achieving Ratification of the Optional Protocol to Convention on the Rights of Persons with Disabilities

In 2009 the Australia Government ratified the *Optional Protocol to the Convention on the Rights of Persons with Disabilities*.

The Optional Protocol establishes two procedures designed to supplement the Convention and strengthen and promote its implementation; a communication procedure and an inquiry procedure. The communication procedure allows individuals or groups to submit a complaint to the Committee on the Rights of Persons with Disabilities. The inquiry procedure allows the Committee to initiate inquiries into allegations of grave or systematic violations of the CRPD.

The Centre lobbied and advocated extensively to secure ratification of the Optional Protocol. In submissions to both the National Interest Analysis and the Joint Standing Committee on Treaties, the Centre outlined that Australia's ratification of the Optional Protocol will:

- complement and strengthen existing domestic mechanisms designed to promote disability rights;
- foster and promote analysis and change;
- strengthen Australia's role within the international community;
- bolster Australia's commitment to constructive engagement with the United Nations human rights system; and

- enhance public awareness and understanding of the rights of people living with disabilities.

Announcing the ratification, Attorney-General Robert McClelland stated, 'Accession to the protocol is important...It not only permits international scrutiny of our laws and practices, but also demonstrates our commitment to re-engage with the international community and to provide leadership in our region.'

Coordinating a Major NGO Report on Australia to the UN Committee on the Elimination of Racial Discrimination

In 2009/10, together with the National Association of Community Legal Centres, the Centre coordinated a major NGO submission to the UN Committee on the Elimination of Racial Discrimination.

ALSWA applauds the Human Rights Law Resource Centre for its leadership and outstanding work in coordinating the NGO Report to the UN Committee on the Elimination of Racial Discrimination. ALSWA further notes and commends the HRLRC for coordinating and presenting the report in a respectful and sensitive manner.

-- Dennis Eggington, Chief Executive Officer, Aboriginal Legal Service of Western Australia

The report, which was endorsed by a coalition of over 100 NGOs, documents areas in which Australia is falling short of fulfilling its obligations under CERD and focuses on areas that have been the subject of extensive NGO activity and research in Australia.

Subjects detailed in the report include:

- the lack of sufficient legal protection from racial discrimination in Australian law, policy and practice;
- the ongoing discriminatory outcomes experienced by Aboriginal and Torres Strait Islander people in the enjoyment of many civil, political, economic, social and cultural rights;
- the impact of the Northern Territory Intervention on Aboriginal and Torres Strait Islander peoples;
- the adverse impact of laws, policies and practices on asylum seekers, refugees and other non-citizens;
- the various forms of discrimination faced by migrant communities in Australia;
- the impact of Australia's counter-terrorism laws on Somali, Kurd and Muslim communities in Australia; and
- the need for better implementation of Concluding Observations of human rights treaty monitoring bodies and a worrying trend in Australia's response to views of those bodies.

The report contains concrete recommendations for Australian authorities, which would bring Australia more fully into compliance with its obligations under the

International Convention on the Elimination of All Forms of Racial Discrimination; an Australia in which all persons can live with freedom, respect, equality and dignity.

Contributing to International Human Rights Jurisprudence

In 2009, the Centre made a submission to the UN Committee on the Elimination of Racial Discrimination for its consideration in the drafting of a General Recommendation on the issue of 'special measures' to address discrimination, as provided in articles 1(4) and 2(2) of the *International Convention on the Elimination of All Forms of Racial Discrimination*.

The General recommendation adopted by the Committee incorporated many of the Centre's proposals, including in relation to the definition and scope of the term 'special measures' and the importance of participation of affected groups in the development of special measures.

3.8 Strengthening Police Regulation and Oversight

The Centre aims to strengthen police regulation and oversight, including in relation to the use of force and the development of effective, independent monitoring and complaints mechanisms. We are pursuing these aims through a strategic combination of research, education, advocacy and litigation.

Providing Human Rights Training to Police

In 2010, the Centre provided extensive training to Victoria Police in relation to a human rights-based approach to policing, including in relation to police use of force, responding to domestic and family violence, the use of stop and search powers, and the policing of vulnerable individuals and groups.

Ensuring Human Rights Compliant Use of Force

The Human Rights Law Resource Centre is appearing as an interested party in the Coronial inquest into the death of Tyler Cassidy. Tyler, a 15 year old boy, was fatally shot by Victoria Police in a Northcote park on 11 December 2008. His death is now being investigated by the State Coroner. The grant of leave enables the Centre to provide the Coroner with submissions on the application of the Victorian Charter to the facts in the inquest. The Centre's focus is on the relevance of the right to life to the reasonableness, necessity and proportionality of the use of force, the adequacy of police training, policies and procedures in terms of safeguarding and protecting life, and the adequacy of the investigation into the death, given that the police investigation of the shooting was conducted by members of the same police force.

Ensuring Effective Investigation of Police-Related Deaths

The Centre is working towards the development of effective police regulatory frameworks and independent monitoring and complaints mechanisms at the national, state and territory levels.

In Victoria, the Centre has made extensive submissions to the Office of Police Integrity inquiry into the investigation of police-related deaths. The Centre submitted that in order to discharge its obligations under the Victorian Charter, the Government needs to establish a human rights-compliant framework for the investigation of deaths associated with police contact. In particular, the Victorian Government needs to establish an Independent Body which is hierarchically, institutionally and practically independent of the organisation being investigated, both in theory and in practice.

4. Membership, Governance, Staff and Supporters

4.1 Introduction

PILCH and Liberty Victoria were the founding members of the Centre and remain its only members.

The Centre is governed by a Board of Directors. The Board is responsible for the governance and management of the Centre for the purpose of carrying out the Centre's objects and purposes.

Pursuant to cl 17 of the Constitution, the Board has established an Advisory Committee to provide strategic assistance and advice.

4.2 Board

The Board comprises three Directors appointed by PILCH, two Directors appointed by Liberty Victoria and one Director and Alternate appointed by the Advisory Committee.

While Directors are appointed on the basis of their expertise and in their capacity as representatives of the Centre's initial members, cl 21 of the Centre's Constitution provides and confirms that Directors have an obligation to act in the interests of the Centre rather than their appointing member.

Name	Position	Term of Office	Meetings Attended 2009/10
Robert Jamieson Partner, Blake Dawson	Chairperson	10.10.08 –	8/10
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	11.12.06 –	4/10
Anne O'Rourke Senior Lecturer, Monash University Committee Member, Liberty Victoria	Director	05.10.07 –	7/10
Alexandra Richards QC Queen's Counsel Chair, Victorian Bar Pro Bono Assistance Committee	Director	25.01.06 –	9/10
Melanie Schleiger Senior Lawyer, Victoria Legal Aid	Director	10.10.08 –	8/10
Diane Sisely Committee Member, Liberty Victoria Director, Australian Centre for Human Rights Education	Director	03.01.06 –	7/10
Fiona McLeay Executive Director, Public Interest Law Clearing House	Director	10.10.08 –	6/10
Philip Lynch Executive Director, Human Rights Law Resource Centre	Company Secretary	03.01.06 –	10/10

4.3 Advisory Committee

The Advisory Committee's function is to provide strategic guidance and advice to the Centre's Board and staff.

The Advisory Committee is appointed by the Board. The term of appointment is two years and may be extended or renewed.

Name	Position
John Tobin	Associate Professor, Melbourne Law School
Alexandra Richards QC	Senior Counsel, Victorian Bar
Fiona McLeay	Executive Director, Public Interest Law Clearing House
Nicolas Patrick	Pro Bono Partner, DLA Phillips Fox
Vanessa Lesnie	Director of Strategic Projects, Australian Human Rights Commission
Jenny Leong	Campaign Coordinator, Amnesty International Australia
Chris Sidoti	International Human Rights Expert

4.4 Staff

The Centre is privileged to be comprised of dynamic, innovative and committed staff.

Name and Position	Organisation
Philip Lynch Executive Director	Phil Lynch has been Executive Director and Principal Solicitor of the Human Rights Law Resource Centre since 2006. Phil was previously the founding Coordinator of the PILCH Homeless Persons' Legal Clinic which, in 2005, was conferred with the Australian Human Rights Law Award. Phil has also worked with Allens Arthur Robinson. Phil is on the Editorial Board of the <i>Alternative Law Journal</i> , an appointee to the Federal Government's Human Rights Grants Scheme Expert Panel, and a member of the Victorian Attorney-General's Human Rights Leadership Forum.
Ben Schokman Director of International Human Rights Advocacy	Ben Schokman has worked as a senior lawyer with the Centre since 2006 and led much of the Centre's engagement with the UN human rights system, including coordinating NGO Reports to the Human Rights Council, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. Ben has experience with a range of national and international human rights organisations, including the International Service for Human Rights and the UN High Commissioner for Refugees. Ben is Chair of the LIV Human Rights Committee and Co-convenor of the Federation of CLC's Human Rights Working Group. Ben's position is generously sponsored by DLA Phillips Fox.
Emily Howie Director of Advocacy and Strategic Litigation	Emily has worked with the Centre since 2009 and led much of the Centre's work in relation to a national Human Rights Act, the Victorian Charter of Rights, and the protection of economic and social rights. She previously worked as a

	<p>Senior Associate with Allens Arthur Robinson, a legal adviser to the House of Representatives Legal and Constitutional Affairs Committee, and in the Trial Chambers of the International Criminal Tribunal for the Former Yugoslavia. She has substantial human rights litigation experience, including as a lead lawyer in <i>Roach v Cth</i> [2007] HCA 43, which established constitutional protection of the right to vote. Emily's position is funded by the Victorian Legal Services Board.</p>
<p>Rachel Ball Director of Policy and Campaigns</p>	<p>Rachel Ball has worked with the Centre since 2008 and led much of the Centre's work in the areas of equality rights, women's rights and engagement with the Asia-Pacific. Rachel has a Master of Laws from Columbia University in New York and previously worked as a lawyer at Mallesons Stephen Jaques. She has also worked and volunteered with the Asylum Seeker Resource Centre, the Castan Centre for Human Rights Law, Human Rights First in New York and the World Bank in Washington. She is Co-Convenor of the Human Rights Network of the National Association of Community Legal Centres. In 2009, Rachel was conferred with an Australian Leadership Award by the Australian Davos Connection. Rachel's position is jointly funded by the Helen Macpherson Smith Trust and the R E Ross Trust.</p>
<p>Secondee Lawyers</p>	<p>During 2009/10, the Centre benefited from the substantial contributions of a number of secondee lawyers:</p> <ul style="list-style-type: none"> • Prabha Nandagopal (DLA Phillips Fox) • Megan Fitzgerald (Lander & Rogers) • Susanna Kirpichnikov (Lander & Rogers) • Audrey Yeap (Mallesons Stephen Jaques) • Michael Dunstan (Mallesons Stephen Jaques) • Victoria Edwards (Freehills) • Melissa Gundrill (Clayton Utz)
<p>Administration and Finances</p>	<p>The Centre is provided with administrative support by PILCH. The Centre is provided with bookkeeping and accountancy services by Jacque Lancaster and Bruce Timbs.</p>

4.5 Supporters

The Human Rights Law Resource Centre is privileged to work with a network of committed human rights actors, including:

- **Barristers and private sector leaders** – The Centre particularly acknowledges Allens Arthur Robinson, Blake Dawson, Clayton Utz, DLA Phillips Fox, Lander & Rogers, and Mallesons Stephen Jaques, all of whom have made substantial pro bono contributions to the Centre over the last year.

- **Grassroots human rights organisations** – Over the last year, we have been privileged to work closely with Amnesty International, GetUp!, the National Association of Community Legal Centres, the Federation of Community Legal Centres (Vic) and both the Australian and Victorian Human Rights Commissions, among others.
- The **Victorian Department of Justice** is our sole source of recurrent financial support. It is a testament to the human rights commitment of the Victorian Attorney-General and the Department of Justice that they have recently increased our funding, including with an amount earmarked for amicus curiae interventions. Being a national human rights centre, we hope that the Federal Government soon follows Victoria's lead.
- The Centre receives valuable support from a number of **philanthropic foundations** committed to human rights advocacy and innovation, including the Victorian Legal Services Board, the R E Ross Trust, the Helen Macpherson Smith Trust and the Reichstein Foundation.

5. Audited Financial Statements

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Financial Report

For the Year Ended 30 June 2010

Human Rights Law Resource Centre Ltd

ACN 117 719 267

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Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Report

As At 30 June 2010

Your directors present their report on the company for the financial year ended 30 June 2010.

Directors

The names, qualification and the number of board meetings attended and eligible to attend by each director in office at any time during, or since the end of, the year are shown below:

Name	Position	Term of Office	Meetings Attended 2009/10
Robert Jamieson Partner, Blake Dawson	Chairperson	Appointed 10.10.08	8/10
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	Appointed 11.12.06	4/10
Anne O'Rourke Senior Lecturer, Monash University Committee Member, Liberty Victoria	Director	Appointed 05.10.07	7/10
Alexandra Richards QC Queen's Counsel Chair, Victorian Bar Pro Bono Assistance Committee	Director	Appointed 25.01.06	9/10
Melanie Schleiger Senior Lawyer, Victoria Legal Aid	Director	Appointed 10.10.08	8/10
Diane Sisely Committee Member, Liberty Victoria Director, Australian Centre for Human Rights Education	Director	Appointed 03.01.06	7/10
Philip Lynch Executive Director, Human Rights Law Resource Centre	Company Secretary	Appointed 03.01.06	10/10
Fiona McLeay Executive Director, Public Interest Law Clearing House	Advisory Committee Alternate	Appointed 10.10.08	6/10

The directors have been in office since the start of the financial year to the date of this report unless otherwise stated.

Principal activities: The Human Rights Law Resource Centre is a leading national community legal centre dedicated to promoting and protecting human rights in Australia. The Centre's work contributes to freedom, equality, poverty alleviation, and the integration of human rights in Australian law, policy and practice.

Short and long term objectives: For 2010 to 2013, Centre has committed to working on seven key priorities:

8. strengthening legislative protection and parliamentary scrutiny of human rights at the state and national levels;
9. improving transparency, accountability, conditions and standards in places of detention;
10. promoting substantive equality and addressing systemic discrimination;
11. strengthening legislative, administrative and judicial protection of economic, social and cultural rights;
12. mainstreaming human rights as a key goal and instrument of Australian foreign policy, and strengthening Australia's role as an international and regional human rights leader;
13. enhancing Australia's engagement with the international human rights system; and

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Report (Cont'd)

As At 30 June 2010

14. strengthening police regulation and oversight, including in relation to the use of force and the development of effective, independent monitoring and complaints mechanisms.

Achievement of these objectives: The Centre undertakes a strategic combination of advocacy, litigation, education and capacity building to achieve its goals. It works with key partners, including commercial law firms and barristers, community legal centres, university law schools, and other human rights organisations. The work of its dynamic, innovative and committed staff is fundamental to its achievement of these objectives.

The entity is incorporated under the Corporations Act 2001 and is an entity limited by guarantee. If the entity is wound up, the constitution states that the liability of each member is limited to a maximum of \$100 towards any outstanding obligations of the company. At 30 June 2010 the collective liability of members was \$200.

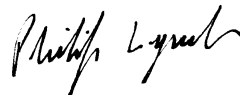
Auditor's Independence Declaration

The lead auditor's independence declaration for the year ended 30 June 2010 has been received and is on page 3.

Signed in accordance with a resolution of the Board of Directors:



Director
R Jamieson, Chair



Director
P Lynch, Company Secretary

Signed in Melbourne, this 8th day of September 2010.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Auditor's Independence Declaration under section 307C of the Corporations Act 2001

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2010 there have been:

- (a) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit; and
- (b) no contraventions of any applicable code of professional conduct in relation to the audit.



Ian Duff
Registered Company Auditor



MDHC Audit Assurance Pty Ltd

Signed in Hawthorn, this 8th day of September 2010

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Comprehensive Income

For The Year Ended 30 June 2010

	Note	2010 \$	2009 \$
Other income	6	497,151	357,936
Expenses			
Occupancy expenses		(41,513)	(55,887)
Administrative expenses		(96,879)	(111,714)
Employee benefits expense		(263,958)	(206,400)
Total Expenses		(402,350)	(374,001)
Profit/(loss) before income tax		94,801	(16,065)
Income tax expense		-	-
Profit/(loss) for the year		94,801	(16,065)
Total comprehensive income for the year		94,801	(16,065)
Profit/(loss) attributable to members of the entity		94,801	(16,065)
Total comprehensive income attributable to members of the entity		94,801	(16,065)

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Financial Position

As At 30 June 2010

	Note	2010 \$	2009 \$
Current assets			
Cash and cash equivalents	2	381,558	268,560
Trade and other receivables	3	19,800	-
Goods and service tax receivable		-	252
Other current assets		-	924
Total current assets		401,358	269,736
Total assets		401,358	269,736
Current liabilities			
Trade and other payables	4	31,074	52,994
Provisions	5	43,800	20,500
Goods and service tax payable		9,422	-
Grants received in advance		174,990	136,571
Total current liabilities		259,286	222,465
Non-current Liabilities			
Provisions	5	-	12,400
Total non-current liabilities		-	12,400
TOTAL LIABILITIES		259,286	222,465
NET ASSETS		142,072	47,271
Equity			
Retained earnings		142,072	47,271
TOTAL EQUITY		142,072	47,271

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Changes in Equity

For The Year Ended 30 June 2010

	2010 \$	2009 \$
Balance at the beginning of the year	47,271	63,336
Comprehensive income for the year	94,801	(16,065)
Balance at the end of the year	142,072	47,271

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Cash Flows

For The Year Ended 30 June 2010

	Note	2010 \$	2009 \$
Cash flows from operating activities			
Receipts from grants, donations and other		515,572	434,657
Payments to suppliers and employees		(412,194)	(396,197)
Interest received		9,620	11,314
		<hr/>	<hr/>
Net cash generated from operating activities	8	112,998	49,774
		<hr/>	<hr/>
Net increase in cash held		112,998	49,774
Cash and cash equivalents at the beginning of the year		268,560	218,786
		<hr/>	<hr/>
Cash and cash equivalents at the end of the year	2	381,558	268,560
		<hr/> <hr/>	<hr/> <hr/>

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2010

1 Summary of Significant Accounting Policies

Human Rights Law Resource Centre Ltd is a company limited by guarantee incorporated and domiciled in Australia.

The directors have prepared the financial statements on the basis that the company is a non-reporting entity because there are no users dependent on general purpose financial reports. These financial statements are therefore special purpose financial statements that have been prepared in order to meet the requirements of the Corporations Act 2001.

The financial statements have been prepared in accordance with the mandatory Australian Accounting Standards applicable to entities reporting under the Corporations Act 2001 and the significant accounting policies disclosed below which the directors have determined are appropriate to meet the needs of members. Such accounting policies are consistent with the previous period unless stated otherwise.

The financial statements have been prepared on an accruals basis and are based on historical costs unless otherwise stated in the notes. The accounting policies that have been adopted in the preparation of this report are as follows:

(a) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less and bank overdrafts.

(b) Grants

The company receives grant monies to fund projects. The company treats grant monies as unexpended grants in the statement of financial position where there are conditions attached to grant revenue relating to the use of these grants for specific purposes. It is recognised in the statement of financial position as a liability until such conditions are met or services provided.

(c) Revenue

Donations are recognised as revenue when received unless they are designated for a specific purpose, where they are carried forward as income in advance in the statement of financial position until such time as that purpose is fulfilled.

Grant revenue is recognised in the statement of comprehensive income when it is controlled. When there are conditions attached to grant revenue relating to the use of these grants for specific purposes it is recognised in the statement of financial position as a liability until such conditions are met or services provided.

Revenue from the rendering of services is recognised upon the delivery of the service to the customers.

Interest revenue is recognised on a proportional basis taking into account the interest rates applicable to the financial assets.

All revenue is stated net of the amount of goods and services tax (GST).

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2010

1 Summary of Significant Accounting Policies (cont'd)

(d) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables in the statement of financial position are shown inclusive of GST.

(e) Provisions

Provisions are recognised when the company has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

(f) Comparative Figures

Where required by Accounting Standards, comparative figures have been adjusted to conform to changes in presentation for the current financial year.

(g) Income Tax

No provision for income tax has been raised as the company is exempt from income tax.

(h) New Accounting Standards for Application in Future Periods

The AASB has issued new, revised and amended Standards and Interpretations that have mandatory applicable dates for future reporting periods and which the company has decided not to early adopt. Due to the nature of the company's activities, it does not expect them to have any material effect in the company's financial statements.

(i) Critical Accounting Estimates and Judgements

The directors evaluate estimates and judgements incorporated into the financial statement based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and from within the company.

(n) Adoption of New and Revised Accounting Standards

During the current year the company adopted all of the new and revised Australian Accounting Standards and Interpretations applicable to its operations which became mandatory.

The adoption of these standards has impacted the recognition, measurement and disclosure of certain transactions. The following is an explanation of the impact the adoption of these standards and interpretations has had on the financial statements of the company.

AASB 101: Presentation of Financial Statements

In September 2007 the Australian Accounting Standards Board revised AASB 101 and as a result, there have been changes to the presentation and disclosure of certain information within the financial statements. Below is an overview of the key changes and the impact on the company's financial statements.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2010

Disclosure impact

Terminology changes - The revised version of AASB 101 contains a number of terminology changes, including the amendment of the names of the primary financial statements.

Reporting changes in equity - The revised AASB 101 requires all changes in equity arising from transactions with owners, in their capacity as owners, to be presented separately from non-owner changes in equity. Owner changes in equity are to be presented in the statement of changes in equity, with non-owner changes in equity presented in the statement of comprehensive income. The previous version of AASB 101 required that owner changes in equity and other comprehensive income be presented in the statement of changes in equity.

Statement of comprehensive income - The revised AASB 101 requires all income and expenses to be presented in either one statement, the statement of comprehensive income, or two statements, a separate income statement and a statement of comprehensive income. The previous version of AASB 101 required only the presentation of a single income statement.

The company's financial statements now contain a statement of comprehensive income.

Other comprehensive income - The revised version of AASB 101 introduces the concept of 'other comprehensive income' which comprises of income and expenses that are not recognised in profit or loss as required by other Australian Accounting Standards. Items of other comprehensive income are to be disclosed in the statement of comprehensive income. Entities are required to disclose the income tax relating to each component of other comprehensive income. The previous version of AASB 101 did not contain an equivalent concept.

The financial statement was authorised for issue on 8 September 2010.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2010

	2010 \$	2009 \$
2 Cash and Cash Equivalents		
Cash at bank	381,558	268,560
3 Trade and Other Receivables		
Trade receivables	19,800	-
4 Trade and Other Payables		
Trade payables	17,579	34,418
Other payables	12,095	17,176
Accrued audit fees	1,400	1,400
Total trade and other payables	31,074	52,994
5 Provisions		
Current		
Employee benefits	43,800	20,500
Non-current		
Employee benefits	-	12,400
6 Revenue		
Operating grants	418,231	272,067
Event registrations	19,835	12,127
Donations	25,196	11,820
Interest	9,620	11,314
Other revenue	24,269	50,598
Total revenue	497,151	357,936

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2010

	2010	2009
	\$	\$
7 Remuneration of Auditors		
Remuneration of the auditor for:		
- Audit fees	1,400	1,400

8 Cash Flow Information

(a) Reconciliation of cash flow from operations with profit after income tax

Profit/(loss) for the year	94,801	(16,065)
Changes in assets and liabilities		
(Increase)/decrease in trade and other receivables	(19,800)	5,050
(Increase)/decrease in prepayments	924	(924)
Decrease in trade and other payables	(21,920)	(21,818)
Increase/(decrease) in current provisions	23,300	2,400
Increase in grants received in advance	38,419	82,985
(Increase)/decrease in GST payable / receivable	9,674	846
Increase/(decrease) in non-current provisions	(12,400)	(2,700)
Cash flows provided by operating activities	112,998	49,774

(b) Reconciliation of Cash and Cash Equivalents

Cash at the end of the financial year as shown in the statement of cash flows is reconciled to items in the statement of financial position as follows:

Cash and cash equivalents	381,558	268,560
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9 Related Party Transactions

(a) Included in accounts payable

Included in trade and other payables as at balance date is an amount of \$16,659 (2009: \$29,626) owing to an affiliated entity - Public Interest Law Clearing House (Victoria) Inc., related by membership, co-location and a similar range of activities. This amount is part of the amount noted in 9 (b).

(b) Associated Companies/Entities

Public Interest Law Clearing House Inc. paid expenses on behalf of HRLRC and charged management fees during the year ended 30 June 2010 totalling \$82,103 (2009: \$100,262), which were reimbursed or paid by HRLRC except as noted in 9 (a).

10 Company Details

The registered office and principal place of business, of the company is:

Human Rights Law Resource Centre Ltd,
Level 17, 461 Bourke Street
Melbourne VIC 3000

The directors have determined that the company is not a reporting entity and that these special purpose financial statements should be prepared in accordance with the accounting policies described in Note 1 of the financial statements.

The directors of the company declare that in their opinion:

- 1 The financial statements and notes, as set out on pages 4 to 12, are in accordance with the Corporations Act 2001 and:
 - (a) comply with Australian Accounting Standards; and
 - (b) give a true and fair view of the financial position as at 30 June 2010 and of the performance for the year ended on that date in accordance with the accounting policy described in Note 1 of the financial statements.
- 2 There are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

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



Director
R Jamieson, Chair



Director
P Lynch, Company Secretary

Signed in Melbourne, this 8th day of September 2010.

Independent Auditor's Report to the members of Human Rights Law Resource Centre Ltd

We have audited the financial report, being a special purpose financial report, of Human Rights Law Resource Centre Ltd for the financial year ended 30 June 2010 which comprises the statement of financial position as at 30 June 2010, and the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, a summary of significant accounting policies, other explanatory notes and the directors declaration.

Directors' Responsibility for the Financial Report

The directors of the Company are responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are appropriate to meet the requirements of the Corporations Act 2001 and are appropriate to meet the needs of the members. The directors' responsibility also includes designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling the directors' financial reporting under the Corporations Act 2001. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

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

Independence

In conducting our audit, we have complied with the independence requirements of the Corporations Act 2001.

Auditor's Opinion

In our opinion the financial report of Human Rights Law Resource Centre Ltd is in accordance with the Corporations Act 2001, including:

- a) giving a true and fair view of the company's financial position as at 30 June 2010 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- b) complying with Australian Accounting standards to the extent described in Note 1 to the financial statements and complying with the Corporations Regulations 2001.


Ian A. Duff
Registered Company Auditor


MDHC Audit Assurance Pty Ltd

Signed in Hawthorn, this 8th day of September 2010.

MDHC Audit Assurance Pty Ltd
Formerly McLean Delino Hall
Chadwick Audit Assurance Pty Ltd
ABN 54 113 455 594

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