



human
rights

law
resource
centre



ANNUAL DIRECTORS' REPORT 2006/07



Human Rights Law Resource Centre Ltd

Level 1, 550 Lonsdale Street

Melbourne VIC 3000

www.hrlrc.org.au

ABN 31 117 719 267

TABLE OF CONTENTS

1.	JOINT REPORT OF CHAIRPERSON AND EXECUTIVE DIRECTOR	3
2.	TREASURER'S REPORT	6
3.	OVERVIEW OF THE HUMAN RIGHTS LAW RESOURCE CENTRE	7
4.	OPERATIONS AND ACTIVITIES	8
4.1	Introduction	8
4.2	Casework and Litigation	8
4.3	Policy and Advocacy	15
4.4	Human Rights Resources, Education and Training	22
4.5	Projects	24
4.6	Reflections from the DLA Phillips Fox Human Rights Lawyer	26
5.	MEMBERSHIP AND GOVERNANCE	28
5.1	Introduction	28
5.2	Board	28
5.3	Advisory Committee	29
6.	AUDITED FINANCIAL STATEMENTS	31

1. Joint Report of Chairperson and Executive Director

In early 2006, the Human Rights Law Resource Centre, which has the ambitious mandate of promoting and protecting human rights in Australia, identified four thematic priorities to target its work in a strategic and effective way. These priorities are: first, the effective implementation and operation of the Victorian *Charter of Human Rights and Responsibilities*; second, socio-economic rights, particularly the rights to health and adequate housing; third, equality rights, particularly the right to non-discrimination; and, fourth, the rights of people in all forms of detention.

18 months on, it is timely to reflect back on activities and achievements, and look forward to strategies and challenges, in each of these areas.

The introduction of the Victorian *Charter*, for which the Attorney General's Office and the Department of Justice (among others) must take great credit, creates many challenges and opportunities for the Centre. In its first 5 years of operation, the UK *Human Rights Act* – on which our Charter is based – was a significant consideration in over a third of all cases (criminal, civil, administrative and commercial) in the House of Lords. Comparative experience from the UK and the ACT demonstrates that legal professional and community education about the *Charter* will be critical to its effective implementation, operation and embeddedness.

The Centre has already undertaken substantial work in this regard, running workshops, forums, roundtable discussions and, most significantly, publishing an 80-page Guide to the *Charter* (available at www.hrlrc.org.au). We have also developed an online library of articles, comparative case law and commentary on the *Charter* and are in the early stages of implementing a searchable database of *Charter* jurisprudence. The Centre is closely involved in campaigns for the enactment of other state-based Charters as well, of course, as a federal charter of rights.

The Victorian *Charter* notably omits protection of socio-economic rights. Over the next few years, the Centre will work towards making a significant contribution to the 4 year review of the *Charter* by promoting the inclusion of socio-economic rights. The Centre's recent initiatives and efforts around this theme include convening a number of major seminar and contributing to the development of a draft General Comment on the Right to Social Security by the UN Committee on Economic, Social and Cultural Rights. We also worked closely with the PILCH Homeless Persons' Legal Clinic in the coordination of a visit to Australia by the UN Special Rapporteur on the Right to Adequate Housing.

During that visit, the interdependence of socio-economic rights with equality rights – the Centre's third area of priority activity – was highlighted, as the Special Rapporteur spoke of the continuing 'humanitarian tragedy' of Indigenous homelessness and ill health. Indigenous inequality, including in the areas of housing, health, imprisonment, political participation and education, has been the subject of a campaign coordinated by the Centre aimed at facilitating a country visit to Australia by the UN Special Rapporteur on the Human Rights of Indigenous Peoples. Over the coming years,

the Centre also aims to play an important resourcing role in campaigns to raise awareness and promote the ratification of the recently adopted *Convention on the Rights of Persons with Disabilities*.

It is in the area of detainees' rights that the Centre has perhaps been most active. In July 2006 we sought leave from the Victorian Court of Appeal to intervene as amicus curiae in Jack Thomas' appeal against conviction and sentence for terrorist-related activities. During 2006/07 we have also engaged with the UN Working Group on Arbitrary Detention regarding the oppressive conditions of detention of the 13 Melbourne men who have been charged with 'terrorist-related' offences. The Centre is currently working in a major project regarding the human rights of women in prison.

The Centre's capacity to litigate for human rights is a major distinguishing feature. In December 2006, the Centre filed a complaint with the UN Human Rights Committee regarding the detention and deportation of 33 year old Stefan Nystrom, a permanent resident who had lived in and never left Australia since arriving aged 27 days. Mr Nystrom, who knows no country other than Australia, was deported to Sweden in late 2006 on the basis of his criminal record. He does not speak Swedish and has no relevant ties or connections with Sweden other than being born there while his mother was traveling. His detention and deportation have resulted in significant physical and mental deterioration.

For almost 18 months between February 2006 and July 2007, the Centre worked on a challenge to the constitutional validity of the denial of prisoners' right to vote on behalf of an Indigenous inmate, Vickie Roach. The case raises major issues as to prisoners' rights, Indigenous rights, the right to vote, representative democracy and responsible government. The matter culminated in a hearing before a Full Bench of the High Court on 12-13 June 2007. The decision of the Court has been reserved. It was described in *The Age* as 'the biggest constitutional law case of the year'.

The Centre's work is only made possible through the commitment and expertise of firms such as Allens Arthur Robinson, Blake Dawson Waldron, Clayton Utz, DLA Phillips Fox and Mallesons Stephen Jacques, all of whom have done considerable pro bono work for the Centre, and to whom we are deeply thankful. The contribution of DLA Phillips Fox includes the 12 month secondment of a human rights lawyer, Ben Schokman, who brings great energy and drive to the Centre. In the finest traditions of the law, the Victorian Bar has also made an extraordinary pro bono contribution to the Centre, with Ron Merkel QC, Brian Walters SC, Michael Pearce SC, Peter Vickery QC, Fiona Forsyth, Michael Kingston and Kristen Walker all deserving of special mentions for their very significant endeavours. As discussed in the Treasurer's Report, between 1 January 2006 and 30 January 2006, the Centre provided and facilitated over \$2.5 million and 8000 hours of legal work.


With the adequacy and security of funding being an important determinant of our success, the foundational financial support of the Victoria Law Foundation, PILCH, the National Australia Bank, the Helen Macpherson Smith Trust, the R E Ross Trust, the Reichstein Foundation, Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques has been, and will continue to be, critical. We are

delighted that the Victorian Government announced in May 2006 that it will provide some recurrent funding to the Centre to enable us to continue our important work advocating for the rights of the marginalised and disadvantaged. We are also especially grateful to Qantas for sponsoring the Centre's inaugural Visiting Fellow, Sir Nigel Rodley of the UN Human Rights Committee.

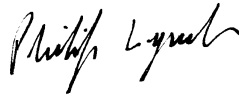
Our gratitude must also be conveyed to the Centre's Board, comprising Alexandra Richards QC, Bruce Moore, David Manne, Diane Sisely, Greg Connellan, Hugh de Kretser and Lee Ann Bassar. Each has given generously of their time, judgment and experience.

On behalf of all Directors, the Chair would like to particularly thank our Executive Director, Phil Lynch, for his leadership of the Centre during the year. Phil's energy, passion and enthusiasm for the work of the Centre have enabled us to exceed all expectations for the year. In reading this Annual Report, one need only reflect on the fact that the Centre has only two staff members – Phil and Ben – to realise what an outstanding leader, thinker and implementer we have in Phil. Ben's contribution has also been exceptional and we thank DLA Phillips Fox whose generosity made this position possible.

The Centre's Advisory Committee – chaired by John Tobin, and comprising representatives from law firms, community and human rights organisations, legal professional associations, university law schools, community legal centres and legal aid – has provided invaluable strategic guidance and advice to the Centre regarding our priorities, strategies and activities. The Committee's expertise and input has ensured the Centre's relevance, responsiveness and effectiveness.



David Krasnostein
Chairperson
September 2007



Philip Lynch
Executive Director

2. Treasurer's Report

Over the last 18 months, it is estimated that the Centre has undertaken and facilitated over \$2.5 million or 8000 hours of legal work – a phenomenal return on investment given an annual budget of around \$160,000. However, as noted in the Joint Report of the Chairperson and Executive Director, the adequacy and security of funding remains a critical determinant of the success of any non-government organisation and, while the Centre is currently in a stable financial position, ongoing sustainability requires constant vigilance and attention. It is also the case that there remains significant latent human rights lawyering capacity and commitment in the private sector, with the only constraint on accessing and leveraging this valuable resource being the Centre's coordination capacity.

The Centre is enormously grateful for the foundational and ongoing financial support of the Victoria Law Foundation, PILCH, the National Australia Bank, the Helen Macpherson Smith Trust, the R E Ross Trust, the Reichstein Foundation, Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques. Each of these funders has demonstrated a significant commitment to human rights and lawyering for justice.

The in-kind contribution of a full-time human rights lawyer by DLA Phillips Fox is particularly notable.

The Victorian Government's 2006/07 budget included an allocation to 'support the Human Rights Law Resource Centre to assist their advocacy work in relation to disadvantaged Victorians'. This allocation of \$100,000 per annum (which is a component of funding of \$6.5 million for a range of human rights initiatives associated with the implementation and operation of the *Charter*) will commence on 1 January 2008 and will contribute significantly towards covering the Centre's core recurrent operating costs.

Bruce Moore
Treasurer
September 2007

3. Overview of the Human Rights Law Resource Centre

The Human Rights Law Resource Centre is Australia's first specialist human rights legal service. It is an independent community legal centre that was jointly established by the Public Interest Law Clearing House (Vic) and Liberty Victoria.

The Centre aims to promote human rights, particularly the human rights of people that are disadvantaged or living in poverty, through the practice of law. The Centre also aims to support and build the capacity of the legal and community sectors to use human rights in their casework, advocacy and service delivery.

The Centre achieves these aims by undertaking and supporting the provision of legal services, litigation, education, training, research, policy analysis and advocacy regarding human rights.

The Centre undertakes these activities through partnerships that coordinate and leverage the capacity, expertise and networks of pro bono lawyers and barristers, university law schools, community legal centres and other human rights organisations.

Recognising the limited resources at its disposal and the need to provide services in a targeted and strategic way, the Centre has determined four areas of focus for its work. Although these areas are not exclusive, the Centre will generally give preference to cases or matters regarding:

- the *Victorian Charter of Human Rights and Responsibilities*;
- the rights of people in detention, including asylum-seekers, prisoners and involuntary patients;
- economic, social and cultural rights, particularly the rights to health and housing; and
- equality rights, particularly the right to non-discrimination.

Within these thematic priorities, the Centre has particular regard to the rights of the following communities and groups:

- people with a disability;
- people experiencing mental illness;
- Indigenous people;
- people experiencing poverty;
- people subject to marginalisation or discrimination on the grounds of race, religion, ethnicity, gender, political opinion or other status;
- children and young people; and
- people adversely affected by counter-terrorism measures.

4. Operations and Activities

4.1 Introduction

The Human Rights Law Resource Centre provides pro bono legal advice, assistance, resources and support to community legal centres, human rights organisations, non-profit organisations and marginalised or disadvantaged groups to pursue human rights litigation, advocacy, policy and law reform, education, monitoring and reporting. The Centre also undertakes these activities in its own right.

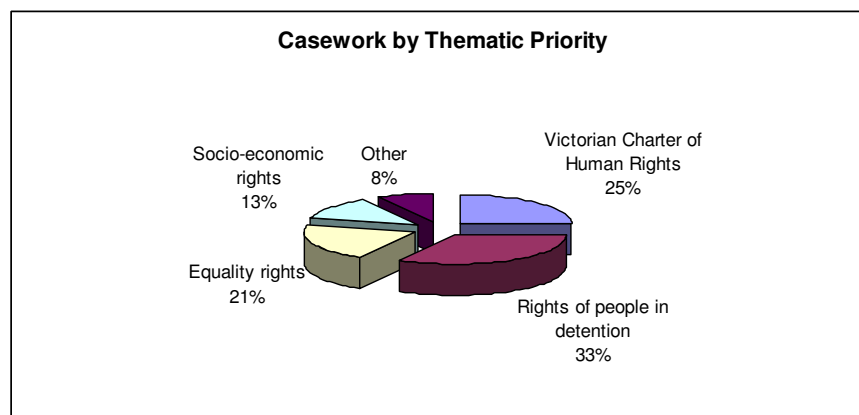
A summary of the Centre's key activities in these areas for 2006/07 is set out below.

4.2 Casework and Litigation

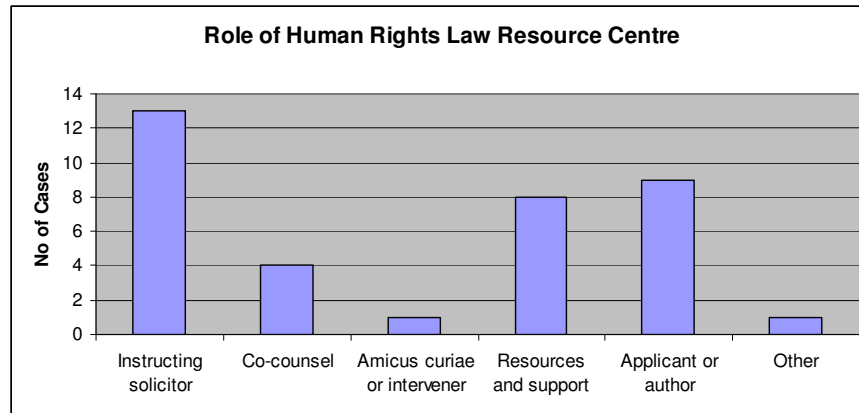
(a) Overview

The Centre conducted 16 significant cases during 2006/07 and opened a total of 35 files from 1 January 2006 to 30 June 2007.

Recognising the need to use limited resources to provide services in a targeted and strategic way, in 2006/07, the Centre focused its work on four thematic priorities, namely: the Victorian Charter of Human Rights, the rights of people in detention, equality rights, and socio-economic rights (such as the rights to health and adequate housing). Although these areas are not exclusive, a very significant proportion of the Centre's casework and activities has been directed at these priorities.



The Centre's roles in casework and litigation included acting as instructing solicitor, in co-counsel arrangements, as a third-party intervener, through the provision of resources and support, and as an applicant or party in its own right.



(b) Highlights

The Centre's capacity to undertake strategic and test case litigation through partnerships with major law firms, the Victorian Bar and community legal centres is a distinguishing feature. The Centre would particularly like to acknowledge the outstanding pro bono litigation contributions of leading commercial law firms Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques and barristers Ron Merkel QC, Brian Walters SC, Michael Pearce SC, Fiona Forsyth, Michael Kingston and Kristen Walker.

During 2006/07, the Centre conducted a number of significant human rights cases before courts and tribunals including the High Court of Australia, the Victorian Court of Appeal, the UN Human Rights Committee and the UN Working Group on Arbitrary Detention.

Summaries of some of these cases are set out below.

High Court Hears Constitutional Challenge to Prisoner Disenfranchisement

Vickie Lee Roach is an Indigenous woman from the Stolen Generations. She holds a Masters degree and is now undertaking a PhD. She is a peer educator and active in Aboriginal affairs. She is also an inmate at the Dame Phyllis Frost Women's Prison in Victoria, having been sentenced to imprisonment for negligently causing serious injury in a car accident. As a prisoner she is denied the fundamental human right to vote following a 2006 amendment of the *Commonwealth Electoral Act* which stripped all prisoners of the right.

On 12-13 June 2007, the High Court heard a challenge to the constitutional validity of the blanket disenfranchisement of prisoners brought by the Human Rights Law Resource Centre on Ms Roach's behalf.

The hearing raised major issues as to prisoners' rights, Indigenous rights, the right to vote, representative democracy and responsible government.

The prisoner disenfranchisement provisions of the *Commonwealth Electoral Act* were challenged on the grounds that they are:

- contrary to ss 7 and 24 of the Constitution, which require that the Senate and the House of Representatives be 'directly chosen by the people';
- inconsistent with the implied freedoms of political participation and communication;
- beyond the legislative powers of the Commonwealth; and
- incompatible with Chapter III of the Constitution, in that they amount to an additional punishment.

It was further contended that the provisions are not reasonably appropriate or adapted to any legitimate end.

Similar legislation taking away the right of prisoners to vote has been struck down in other jurisdictions, including in Canada, the United Kingdom and South Africa. Each of these jurisdictions contains constitutional or legislative protection of human rights, throwing into sharp focus the need for a federal bill of rights in Australia. As Ms Roach has written:

If we exclude prisoners from society by taking away their basic right to political communication, and condemn them as undesirables, how many other sections of society could become similarly marginalised? And how many other rights could then be eroded on the same precept?



Vickie Roach (left) receives her Masters degree, conferred while a prisoner at the Dame Phyllis Frost Centre.

The Centre was provided with very substantial pro bono assistance in the matter from a team comprising Ron Merkel QC, Kristen Walker and Fiona Forsyth of Counsel, and Peter O'Donahoo, Neil McAteer, Emily Howie, Peter Haig and Ben Rechter of Allens Arthur Robinson. This team made an outstanding commitment and contribution to the matter. They brought exceptional professionalism, intellect, rigour and experience to the matter.

They worked with enthusiasm and humour, often under very heavy workloads and time constraints.

The decision of the Court has been reserved.

Nystrom v Australia: Complaint to UN Human Rights Committee over Deportation of Permanent Resident

The Centre acts for Stefan Nystrom, Britt Nystrom and Annette Turner.

Mr Nystrom was born in Sweden on 31 December 1973. His mother, Britt, a permanent resident of Australia, was pregnant and had traveled to Sweden to visit family members. When it became clear that it would be difficult to return to Australia because of her advanced state of pregnancy, his mother stayed in Sweden for Mr Nystrom's birth. When he was 25 days old, Mr Nystrom traveled to Australia and, until recently, had not left Australia since.

Mr Nystrom is now 33 years old.

In November 2006, following an unsuccessful appeal to the High Court, Mr Nystrom's residency was cancelled because of his failure to pass the 'character test' specified in s 501(6) of the *Migration Act 1958* (Cth) due to his 'substantial criminal record'. Prior to being notified that the Minister intended to cancel his visa in 2004, Mr Nystrom thought he was an Australian citizen. He is a Swedish citizen but has no relevant ties to Sweden or any State other than Australia.



On 22 December 2006, the Centre submitted to the UN Human Rights Committee a Request for Urgent Interim Measures in relation to the imminent deportation that was then faced by Mr Nystrom (pictured opposite). That request was denied by the Special Rapporteur on New Communications and Interim Measures and Mr Nystrom was deported from Australia to Sweden on 29 December 2006.

On 4 April 2007, the Centre submitted a detailed Individual Communication alleging that Mr Nystrom's detention and deportation were in violation of arts 9 (freedom from arbitrary detention), 12(4) (right to enter one's own country), 14(7) (right not to be tried or punished twice for the same offence), 17 (right to protection from interference with family and the home) and 23 (right to protection of the family) of the *International Covenant on Civil and Political Rights*. The Communication seeks reinstatement of permanent residency and payment of compensation in respect of these alleged violations.

The Centre was provided with considerable and expert pro bono assistance in this matter by Brian Walters SC and Michael Kingston of Counsel, together with a leading Australian law firm.

The matter is currently being considered by the UN Human Rights Committee.

Ben Schokman is the DLA Phillips Fox Human Rights Lawyer

UN Working Group on Arbitrary Detention Expresses Serious Concern about Conditions of Detention of 'Melbourne 13'

The detention of 13 men accused of terrorist-related offences (the 'Melbourne 13') was considered by the UN Working Group on Arbitrary Detention at its 48th Session in May 2007.

The matter came before the Working Group pursuant to an urgent communication transmitted by the Human Rights Law Resource Centre in August 2006. That communication raised concerns as to the type, length, conditions and effects of the detention. In the Centre's submission, aspects of the detention were inconsistent with provisions of the *ICCPR*, the *ICESCR* and the *UN Standard Minimum Rules on the Treatment of Prisoners*.

At its May session, the Working Group adopted an 'Opinion' on the matter, which is summarised below.

The Working Group's mandate constrained its consideration to whether the conditions of detention were of such severity and duration as to impede the right to the preparation of an adequate defence and a fair trial. The Working Group concluded that 'the material before it does not disclose such a lack of observance of international norms relating to a fair trial which would confer on the detention an arbitrary character'.

Notwithstanding this conclusion, the Working Group expressed four significant concerns about the case.

First, the Working Group considered that the 'conditions of detention, as described by the source and not contested by the Government, are particularly severe, especially taking into account that they have been imposed upon persons who have not yet been declared guilty and who must, accordingly, be presumed innocent'.

Second, the Working Group expressed concern that correspondence between the defendants and their lawyers are scanned by prison officers and that legal professional visits are videotaped.

Third, the Working Group stated that they 'remain concerned that the law appears to make the detention under extraordinarily restrictive conditions the rule for any person charged with a terrorist offence, without sufficient room for consideration of the specific charges against the detainees and their individual circumstances or dangerousness'.

Fourth, the Working Group went on to say that the submissions from both the Centre and the Government 'suggest that the judges deciding on bail applications might not have sufficient discretion to consider these matters either, at least in the absence of "exceptional circumstances"'.

The impact of the conditions of detention of the Melbourne 13 on their ability to prepare an adequate defence was also considered by the UN Special Rapporteur on the Independence of Lawyers and Judges in a report tabled before the UN Human Rights Council on 11 June 2007.

Prisoners and the Right to Health

MDJ has been diagnosed with chronic paranoid schizophrenia. In 2005, he was convicted on four counts of armed robbery, assault and kidnapping. In his decision, the sentencing judge, Chettle J, acknowledged the extent of the appellant's mental illness, finding a nexus between his mental condition and the commission of the offences. Nevertheless, MDJ was sentenced to an extended prison term of 6 years and 9 months, with a non-parole period of 4 years.

In sentencing, Chettle J acknowledged that MDJ would be best suited to detention in a mental health facility such as Thomas Embling Hospital, but that he could 'say that til the cows come home'. According to his Honour, the lack of 'money, facility and appropriate places to detain people who are sick' meant that MDJ would still 'do his time in mainstream prison'. In light of these limitations, his Honour expressed the view that MDJ would be best accommodated at the Melbourne Assessment Prison, which contains a secondary psychiatric facility, the Acute Assessment Unit ('AAU').

MDJ's legal representatives, Victoria Legal Aid, appealed his sentence on the ground that the sentencing judge had, in the exercise of the sentencing discretion, placed insufficient weight on his mental illness and inadequately considered the burden of imprisonment on someone suffering from a mental illness, the effect being the imposition of a manifestly excessive term of imprisonment.

It was submitted that MDJ did not remain at the AAU and was frequently moved between prisons. This negatively affected the continuity of his psychiatric treatment. Further, there was evidence that he experienced ongoing difficulty obtaining adequate medication, and that the symptoms of his schizophrenia were regularly 'managed' by placing him in 23-hour solitary confinement for up to 8 days at a time.

In a recent decision of the Victorian Court of Appeal (*Royal Women's Hospital v Medical Practitioners Board of Victoria* [2006] VSCA 85 at [70]), a call was made by Maxwell P for practitioners to bring before the Court arguments of international law, to the extent that this would assist in the determination of cases. The HRLRC identified the *MDJ* appeal as one in which the Court might benefit from submissions on international law relating to the rights of prisoners with a mental illness to adequate health care. The Centre

considered various options as to how such arguments might best come before the court, including making an *amicus curiae* application or co-counselling. In the particular circumstances of this case, it was decided that the most effective approach would be to encourage and assist Counsel for the appellant to present the international law arguments to the Court.

In written submissions, Counsel for the appellant argued that international law supports the common law position that a person imprisoned for a criminal offence should not suffer punishment over and above the deprivation of liberty which imprisonment entails.

Further, Counsel submitted that international law adds to the common law in two respects. First, unlike the common law, which does not expressly set standards of mental health care, international law sets minimum standards of care and defines a failure to meet these as a form of punishment over and above the sentence imposed. Secondly, international law provides that where punishment occurs which is over and above the deprivation of liberty, the prisoner is entitled to an effective remedy pursuant to art 2(3) of the *ICCPR*, which could take the form of a reduced sentence.

In putting these arguments reference was made to a number of international instruments which set out the right of prisoners to adequate health care:

- Art 10 of the *ICCPR*, which states that all persons deprived of their liberty must be treated with humanity and respect for their inherent dignity;
- Art 12 of the *International Covenant on Economic Social and Cultural Rights*, which provides for the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- The UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, which state that incarcerated persons should have access to the best health care available in their country (Principle 20);
- The UN Basic Principles for the Treatment of Prisoners, which provide that prisoners must have access to health services available in their country without discrimination on the grounds of their legal situation (Principle 9); and
- The UN Standard Minimum Rules for the Treatment of Prisoners, which require that the prison system 'shall not, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in such a situation' (Rule 57).

The Centre considers that, typically, mentally ill persons are not adequately supported, or provided for, in correctional facilities. In particular, limited resources mean that prisons are often unable to provide adequate professional services, including mental health professionals. This results in inadequate screening, assessment, treatment, crisis intervention, institutional and post-release community management. The Centre further considers – and expert commentary supports the position – that inadequate provision of

appropriate psychiatric treatment to mentally ill persons detained in prisons can *exacerbate* pre-existing medical conditions, such as schizophrenia.

The *MDJ* case could be said to illustrate the deficiencies in our prison systems in relation to the provision of adequate mental health care for prisoners. International law is one tool to which the Courts are able to have recourse in trying to address such deficiencies.

Steven Amendola is a Partner and Beth Midgley and Cecilia Riebl are Lawyers with Blake Dawson Waldron.

Blake Dawson Waldron, together with Brian Walters SC and Michael Kingston of Counsel, provided substantial pro bono assistance to the Centre in the MDJ case.

4.3 Policy and Advocacy

(a) Overview

The Centre made 9 major law reform submissions during 2006/07, many of which have significantly influenced human rights policy and practice in Australia. As with the Centre's litigation program, much of the Centre's policy work is undertaken in partnership with major law firms, the Victorian Bar and community legal centres.

The Centre would particularly like to acknowledge the outstanding pro bono policy contributions of leading commercial law firms Allens Arthur Robinson, Blake Dawson Waldron, DLA Phillips Fox and Minter Ellison.

Title of Submission	Pro Bono Assistance Provided By	Outcome
Submission to the Commonwealth Attorney-General's Extradition and Mutual Assistance Review Team regarding the <i>Relevance of International Human Rights to the Review of Australia's Mutual Assistance Law and Practice</i> (October 2006)	NA	Submission made to internal government inquiry – no public report produced
Submission to United Nations Special Rapporteurs regarding <i>Urgent Action for People Experiencing Homelessness in Australia</i> (November 2006)		Submission cited extensively in Report of the UN Special Rapporteur Report on the Right to Adequate Housing: Mission to Australia
Submission to the Tasmanian Law Reform Institute regarding a <i>Charter of Human Rights for Tasmania</i> (November 2006)	Allens Arthur Robinson	Report not yet published

Submission to the Victorian Law Reform Commission Civil Justice Review regarding <i>Amicus Curiae and Third Party Interveners</i> (November 2006)	Blake Dawson Waldron and Michael Kingston of Counsel	Report not yet published
Submission to the Victorian Law Reform Commission Civil Justice Review regarding the ' <i>Right to a Fair Hearing: The Relevance of the Charter of Human Rights and Responsibilities Act 2006 (Vic) to Civil Justice</i> ' (December 2006)	Allens Arthur Robinson	Report not yet published
Submission to the United Nations Human Rights Committee regarding <i>Draft General Comment on the Right to a Fair Trial</i> (January 2007)	NA	UN Committee considering submission in the ongoing development of a General Comment on the Right to a Fair Trial
Submission to the Sentencing Advisory Council regarding <i>High Risk Offenders: Post-Sentence Supervision and Detention</i> (February 2007)	NA	Submission cited approvingly 4 times in SAC Report
Submission to the Australian Government regarding the <i>Australian Government Draft Report under the ICCPR and ICESCR</i> (February 2007)	DLA Phillips Fox	Submission made to internal government process – no public report produced
Submission to the Joint Standing Committee on Treaties regarding the <i>Agreement between Australia and Indonesia on the Framework for Security Cooperation</i> (February 2007)	Minter Ellison	Submission and oral evidence cited approvingly in Committee Report

(b) Highlights

Joint Standing Committee on Treaties Considers Human Rights Implications of Australia-Indonesia Security Agreement

In June, the Joint Standing Committee on Treaties tabled a report on its inquiry into the Agreement between Australia and the Republic of Indonesia on the Framework for Security Cooperation ('Treaty'). The Treaty provides a framework for security cooperation between Australia and Indonesia, including provisions on defence, law enforcement, counter-terrorism, intelligence, maritime security, aviation safety and security, proliferation of weapons of mass destruction, emergency cooperation and cooperation in international organisations on security-related issues.

The Centre previously made a written submission to the inquiry and gave evidence before the Committee at Parliament House in Canberra. The Centre's written and oral submissions focused on the need to include human rights safeguards in the treaty, and the apparent emphasis on principles of

sovereignty and territorial integrity in the Treaty, seemingly at the expense of human rights protections.

In its final report, the Committee made several recommendations relevant to human rights in relation to the Treaty, including that the Australian Government:

1. '...continue to address widely expressed concerns about human rights in Indonesia with the Indonesian Government in a appropriate international fora';
2. '...increase transparency in defence cooperation agreements to provide assurance that Australian resources do not directly or indirectly support human rights abuses in Indonesia'; and
3. '...encourage the Indonesian Government to allow greater access for the media and human rights monitors in Papua'.

The Centre's written and oral submissions were cited several times in the Committee's report. In particular, the report noted the Centre's recommendation that the Treaty include recognition that it should be interpreted to promote universal respect for, and observance of, human rights and freedoms. The report also recognised the Centre's submission that the emphasis on sovereignty and territorial integrity in the Treaty should not remain without balancing those provisions with human rights safeguards.

However, the Committee ultimately supported the Treaty in its current form and recommended that the Treaty be ratified and incorporated in domestic law. The Committee refused to recommend that the Treaty be amended to include specific human rights recognition or safeguards, stating:

The Committee acknowledges that a reference to human rights would be of symbolic value to the Agreement. However, it is not convinced that the Agreement should be rejected unless human rights provisions are added. Both Indonesia and Australia have extensive human rights obligations under international law and the absence of a reference to human rights in the Agreement does not imply that these obligations cease to apply...

There is nothing in the Agreement which is inconsistent with Australia's human rights obligations nor does the Agreement attempt to exclude the operation of any recognised human rights. On the contrary, such obligations are indirectly referenced through Article 2(6), which states that "nothing in this Agreement shall affect in any way the existing rights and obligations of either Party under international law", and, in effect, maintains Australia's and Indonesia's human rights obligations in addition to the obligations acquired under the Agreement.'

Many interest groups, including the Centre, expressed grave concern that art 2(3) of the Treaty was specifically aimed at vulnerable groups within Indonesia such as West Papuans. Article 2(3) provides:

The Parties, consistent with their respective domestic laws and international obligations, shall not in any manner support or participate in activities by any person or entity which constitutes a threat to the stability, sovereignty or territorial integrity of the other Party, including by those who seek to use its territory for encouraging or committing such activities, *including separatism*, in the territory of the other Party. [Emphasis added]

In response, the Committee stated that it was satisfied that art 2(3) will not limit the expression of support for Papuan human rights or independence in Australia, provided it is in accordance with Australian law. The report went on to state that:

Although the Committee cannot speak to Indonesia's understanding or expectations of Article 2(3), it is satisfied that its purpose is to provide a binding commitment by the Australian government not to support the secession of Papua.'

As to the informal sharing of intelligence contemplated by the Treaty which, in the Centre's submission, risked the imposition of the death penalty upon Australians in Indonesia, the Committee stated that it was satisfied with the existing safeguards in place through mutual assistance legislation and the AFP guidelines, although it had 'some outstanding concerns that information shared lawfully under police-to-police cooperation may inadvertently result in the death penalty being carried out'.

In a dissenting report, Senator Andrew Bartlett criticised the Treaty in its present form as creating unrealistic expectations between the parties as to the extent to which each party is prepared to act upon the obligations created. In particular, Senator Bartlett stated that 'we cannot wish away human rights concerns just because they make our relationship uncomfortable...history has given us enough examples to show that such an approach usually does not work in the long run'.

Mathew Tinkler was a Lawyer with Minter Ellison. He appeared before the Committee on behalf of the Human Rights Law Resource Centre.

Shadow Reports on Australia's International Human Rights Obligations

Australia has recently released its draft common core document ('Draft Core Document') as part of its reporting obligations under the *ICCPR* and the *ICESCR*. In accordance with the United Nations *Harmonised Guidelines on Reporting under the International Human Rights Treaties* ('Guidelines'), State parties are encouraged to prepare a core document containing general information to supplement specific reports submitted to the various UN human rights treaty bodies. Australia's Draft Core Document also incorporates Australia's Fourth Report under the *ICESCR* and Australia's Fifth Report under the *ICCPR*.

The Human Rights Law Resource Centre, working with the National Association of Community Legal Centres and Rights Australia, prepared a response to the Draft Core Document, which was presented to the Australian Government on 23 February 2007. The response, which was endorsed by over thirty NGOs, addresses principal concerns with the *process* by which the Australian Government has sought to fulfil its treaty reporting obligations, in particular the failure of the Draft Core Document to engage in any real way with human rights discourse and the extent to which the Draft Core Document contains key omissions from its report and is inconsistent with the Guidelines.

Together with a coalition of NGOs, a more extensive response to the *substantive* human rights issues contained in the Draft Core Document will be prepared over the coming months and will take the form of a Shadow Report to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

Ben Schokman is the DLA Phillips Fox Human Rights Lawyer

The Right to a Fair Hearing: The Relevance of the Victorian Charter of Human Rights to Civil Justice

As part of its review of Victoria's civil justice system, the Victorian Law Reform Commission invited the Centre to make a submission on the likely impacts and implications of the Victorian *Charter of Human Rights and Responsibilities Act 2006* (Vic) on the process of civil justice reform in Victoria. The Centre's submission addressed the impact that the Victorian Charter, specifically the right to a 'fair hearing' enshrined in s 24, is likely to have on civil litigation in Victoria and made recommendations about ensuring a balance between providing access to the state's courts and the demands placed upon this limited public resource.

The Centre's submission:

- provided a summary of international and comparative human rights law and jurisprudence to assist in determining what may be considered to be the minimum requisite elements of the right to a 'fair hearing' in civil proceedings; and
- discussed the impact that the right to a 'fair hearing' in the Victorian Charter is likely to have on the civil justice system in Victoria by reference to experiences in other jurisdictions.

The submission concluded that the right to a fair hearing is an essential aspect of the judicial process and is indispensable for the protection of other human rights. In essence, the right to a fair hearing requires a party to be able to present his or her case and evidence to the court under conditions that do not place him or her at a substantial disadvantage when compared with the other party. Based on jurisprudence developed in other jurisdictions

with human rights charters, the basic elements of the right to a fair hearing are:

- equal access to, and equality before, the courts;
- the right to legal advice and representation;
- the right to procedural fairness;
- the right to a hearing without undue delay;
- the right to a competent, independent and impartial tribunal established by law;
- the right to a public hearing; and
- the right to have the free assistance of an interpreter where necessary.

While many of these principles are already embedded into the common law and specific legislation, the development of policies to guarantee the right to a fair hearing inevitably involves striking a balance between providing greater access to justice and reducing the number of unmeritorious cases brought before the courts that cause a strain on limited public resources.

In the United Kingdom, there has not been, as many expected, an avalanche of litigation following the introduction of the *Human Rights Act 1998* (UK). Rather than having a dramatic impact on the resources of the courts, the UK experience has demonstrated the importance that policy and procedure play in the management of an effective and efficient civil justice system.

International and comparative jurisprudence on the basic elements of the right to a fair hearing indicate that access to justice and equality before the law are fundamental values underpinning not just the right to a fair hearing, but also the civil justice system. Although these values do not have great leverage in decision-making by the courts, they are a crucial foundation of the civil justice system and a powerful argument for arrangements such as legal aid and the impartial application of the law.

The role of procedure is often regarded as of secondary importance compared with substantive law. However, international and comparative jurisprudence indicates that procedure is essential in ensuring adherence to the basic elements of the right to a fair hearing. Consequently, civil justice policies and formal procedures must be compatible with the basic elements of the right to a fair hearing that are enshrined in the Victorian Charter.

The Centre's submission identified the following issues relating to the likely impact of the Victorian Charter:

- Based on the experience in the UK, it is likely that the Victorian Charter will most often be used to supplement existing grounds for cases, rather than actually lead to an increase in the number of cases being brought in the courts.

- Access to justice is a fundamental requirement of a fair civil justice system. The Victorian Government must take steps to ensure greater equality in access to justice, including:
 - providing adequate funding for legal aid, community legal centres and impecunious and disadvantaged litigants;
 - increasing accessibility to courts by simplifying rules of procedure and preventing the disproportionate impact of associated costs of litigation for certain individual litigants; and
 - providing adequate services to assist individuals in accessing the justice system, including legal aid and free interpreters.
- The courts, rather than policies concerned with cost and efficiency, are the best placed to differentiate between those claims deserving of access to justice and those claims that are without merit.

Ben Schokman is the DLA Phillips Fox Human Rights Lawyer

A Tasmanian Charter of Rights? Tasmania's Historic Opportunity to Safeguard Human Rights

The Human Rights Law Resource Centre has thrown its support behind the creation of a Tasmanian Charter of Rights in a submission to the Tasmanian Law Reform Institute entitled, *Respecting, Protecting and Fulfilling Human Rights in Tasmania*.

Tasmania has an exceptional opportunity to be one of the first jurisdictions in Australia to adopt a Charter of Rights and a leader in advancing human rights and social justice across the nation.

The introduction of a Charter would be an historic leap forward for the protection of human rights and democracy in Tasmania. It would demonstrate a real commitment to improving social justice and fairness throughout the community.

Current legal protection of human rights in Tasmania and throughout most of Australia is patchy. Many basic rights remain unprotected or are haphazardly covered by a hotchpotch of laws.

In the absence of national protection for human rights, it falls to state governments to bring their own human rights protections in line with other western democracies and the requirements of international law. Charters elsewhere have proven effective in dissuading governments from curtailing human rights and in opening parliament's eyes to human rights breaches that may be otherwise overlooked.

A Charter of Rights would provide important guidance to Tasmania's Government, the courts and the community. New laws, policies and public programs would be measured against it to ensure that human rights are safeguarded.

Charters tend to encourage a broad culture of respect for human rights and social justice which is an important legacy for future generations.

The Centre is urging the inclusion of all fundamental human rights in the Tasmanian Charter, including civil and political rights as well as economic, social and cultural rights.

The Centre supports a model for the protection of human rights that safeguards the democratic role of parliament, keeping policy and budget decisions within the domain of our elected representatives. The Centre does not advocate a US-style model whereby courts can strike down laws made by parliament.

The Centre's submission was written and researched with the outstanding assistance of: Emily Barnes, Jenny Brennan, Andrew Gun, Emily Howie, and Romy Weisfelt of Allens Arthur Robinson; and Nicole Rees.

Nicole Rees was a volunteer lawyer with the Human Rights Law Resource Centre

4.4 Human Rights Resources, Education and Training

(a) Overview

Building human rights capacity and expertise in the legal and community sectors is a key priority for the Centre. During 2006/07, the Centre's educational and capacity-building activities included:

- publishing 12 editions of the *Human Rights Law Bulletin*, which now has over 2000 subscribers;
- conducting a comprehensive Human Rights Law and Advocacy Training Program;
- developing and maintaining www.hrlrc.org.au, which enables access to human rights legal briefs, articles, commentary, case notes and a searchable database of jurisprudence;
- publishing and periodically updating a comprehensive online *Guide to the Victorian Charter of Human Rights and Responsibilities*; and
- hosting the inaugural Human Rights Law Resource Centre Visiting Fellow, Sir Nigel Rodley of the UN Human Rights Committee.

Additionally, the Centre provided targeted human rights training and seminars to commercial law firms, the Victorian public service, Victoria Legal Aid, university law schools, and a wide range of community legal centres and NGOs.

(b) Highlights

Human Rights Seminar Series

In 2006/07, the Centre again ran a vibrant Human Rights Seminar Series which attracted a number of high-profile and influential speakers and a large and diverse audience.

Guest speakers in 2006/07 included Justice Kenneth Keith of the International Court of Justice, Justice Zak Yacoob of the South African Constitutional Court, Sir Nigel Rodley and Professor Ivan Shearer of the UN Human Rights Committee, Debbie Kilroy from Sisters Inside and Professor Philip Alston who is the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions.



Justice Zak Yacoob of the Constitutional Court of South Africa speaks on socio-economic rights at a Human Rights Seminar presented jointly with the Law Institute of Victoria.

Human Rights Law and Advocacy Training

On 6, 14 and 20 June 2007, the Centre conducted a 'Human Rights Law and Advocacy' Training Program.

The training was targeted at lawyers, workers and volunteers at community legal centres, law firms, community organisations and human rights organisations with an interest in using human rights law in litigation, advocacy and campaigning.

The training was attended by an average of 80 people on each day and rated an average 4.6/5 by participants.

Participants variously commented that:

- *'The subject matter and themes followed cohesively and allowed a fundamental understanding of various aspects of the human rights regime.'*

- *'The sessions were varied and succinct and drew issues together. The clarity and cohesion with which the topic was conveyed was excellent.'*
- *'The broad overview of the human rights legal framework was excellent and no in-depth prior knowledge was assumed.'*

The Centre acknowledges the valuable pro bono contributions of the trainers, John Tobin and Associate Professor Kristen Walker of the Melbourne Law School, Dr Julie Debeljak of the Castan Centre for Human Rights, Beth Midgley and Cecilia Riebl of Blake Dawson Waldron, Stephanie Cauchi of VCOSS, Kristen Hilton of the PILCH Homeless Persons' Legal Clinic, Michael Kingston of the Victorian Bar and Ben Schokman, the DLA Phillips Fox Human Rights Lawyer. Thanks also to Allens Arthur Robinson, Mallesons Stephen Jaques and Minter Ellison for hosting the training.

www.hrlrc.org.au

The Centre's website, www.hrlrc.org.au, has continued to undergo significant development. The site enables access to human rights legal briefs, memoranda of advice, submissions, articles, commentary, case notes, information about seminars and events, and a searchable database of jurisprudence. It also enables access to the Human Rights Law Resource Manual. The Manual provides a practical and accessible overview of the international human rights framework and the use of relevant international and domestic human rights instruments in casework, litigation, advocacy, and policy analysis and design.

During 2006/07, the number of visitors to the site increased by over 1000%.



4.5 Projects

(a) Overview

The Centre is committed to the development of innovative projects that meet human rights needs and build human rights capacity and expertise.

(b) Highlights**Centre Establishes Project to Support NGO Engagement with UN Human Rights Bodies**

The Human Rights Law Resource Centre is developing a 'clearing house' project to support and facilitate the effective, coordinated and strategic use of international human rights mechanisms by Australian NGOs and civil society.

NGO engagement with international human rights bodies can play a vital role in matters such as: standard setting; promoting adoption and ratification of international instruments; monitoring human rights implementation; ensuring scrutiny of human rights reporting obligations; submitting Shadow Reports; disseminating comments and recommendations; following up on implementation; and educating the broader community about human rights. However, despite the critical role played by NGOs in the international human rights arena, the experience of the Centre and other NGOs is that, generally speaking, Australian NGO engagement with UN human rights bodies is relatively ad hoc, reactive and inadequately resourced.

The Centre has already held preliminary consultations with key stakeholders to consider the need for, and development of, a range of strategies and mechanisms to resource NGOs to make the best possible use of international human rights bodies. That consultation process identified the following key issues:

- The human rights framework is increasingly recognised as a valuable tool of empowerment, advocacy and accountability in the NGO sector. It is also increasingly recognised that NGOs have a critical role to play in ensuring that international human rights frameworks are informed by and responsive to local conditions and that, in turn, local conditions are informed and influenced by international human rights.
- Although some NGOs and networks are very adept at using international human rights mechanisms, this engagement tends to be largely reactive and under resourced. In particular, there tends to be insufficient attention and resources dedicated to following up on domestic implementation of the reports and recommendations of human rights bodies.
- There is significant need for the building and strengthening of NGO capacity to engage with UN human rights bodies in a coordinated, strategic and adequately resourced way.
- The establishment of a permanent institutional capacity to provide resources and support in this regard would be very valuable.

The value of an institutional information, coordination and capacity building service has also been recognised by the UN Office of the High Commissioner for Human Rights and UNESCO:

NGOs are well advised to concentrate their efforts, to 'speak with one voice'. The more NGOs cooperate and intensify the dialogue among

themselves, the stronger NGOs can present their issues orally and in written form vis-à-vis experts and government representatives.

The Centre has received a grant of \$15,000 from the Reichstein Foundation to assist in the development of this exciting and important project. When established, the 'clearing house' will function primarily as a point of coordination, facilitation, enablement, resources, information and support for NGOs in their engagement with UN human rights bodies. It will aim to:

- ensure that the international human rights work of NGOs and civil society is performed in an adequately resourced, systematised and coordinated way;
- promote coordination, collaboration and cooperation among NGOs in their engagement with international human rights mechanisms;
- build the human rights capacity of NGOs through the collation and provision of timely, accessible and targeted information and training; and
- contribute to the development of Victoria's and Australia's domestic law and practices with respect to human rights and Australia's international obligations.

4.6 Reflections from the DLA Phillips Fox Human Rights Lawyer

It is an exciting time for human rights in Victoria. The introduction of the Victorian *Charter of Human Rights and Responsibilities* provides exciting opportunities for lawyers to assist in the recognition, promotion and respect of human rights in Victoria. At the same time, issues of significant public importance, such as Australia's counter-terrorism laws, the care and protection of Indigenous children and even climate change, are increasingly being discussed in the public sphere within a human rights framework.

As a university student, I (perhaps naively) considered 'human rights law' to be a theoretical notion discussed only by academics in university and dignitaries in Geneva. Fortunately, in 2007, there are increasing opportunities for lawyers to use fundamental human rights and the principles contained in international and comparative law to impact positively on the lives of all Australians. This development has occurred simultaneously with a growing interest and preparedness within the corporate sector to embrace pro bono work, particularly in the area of the recognition and protection of the human rights of our society's most marginalised and disadvantaged people. Such opportunities have provided clear scope for the activities of the Human Rights Law Resource Centre.



DLA Human Rights Lawyer, Ben Schokman (left), and Human Rights Law Resource Centre Director, Philip Lynch (right).

The work undertaken by the Centre brings together a diverse range of stakeholders, including community legal centres, university academics, barristers, corporate lawyers and other human rights advocates and activists. As DLA Phillips Fox's pro bono Human Rights Lawyer, I have had the opportunity to be involved in the Centre's vast array of case work, education and training, and policy and advocacy work. Such experiences have included meeting with members of international human rights bodies, the philanthropic sector, members of government, community legal sector workers, corporate lawyers, members of the Bar and university academics. My involvement in case work undertaken by the Centre has taken me to prisons, seminars and conferences, radio studios, public rallies and even to the High Court of Australia.

In all of these places, it is encouraging to observe that the human rights framework is increasingly recognised as a valuable tool of empowerment, advocacy and accountability. It has been a privilege to witness the passion, drive and dedication of community lawyers in their important daily service delivery, as well as the commitment and enthusiasm of corporate law firms in embracing human rights work.

I am extremely grateful for the opportunity presented by DLA Phillips Fox to work as a full time human rights lawyer at the Human Rights Law Resource Centre. DLA Phillips Fox has been a significant supporter of the Centre since its establishment. The firm's commitment of a secondee to the Centre plays a critical role in enhancing the capacity of the Centre to contribute to the promotion of human rights through the practice of law.

Ben Schokman is the DLA Phillips Fox Human Rights Lawyer

5. Membership and Governance

5.1 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. The purpose of the Advisory Committee is, in relation to matters referred to it by the Board, to provide assistance and advice, and to make recommendations, in relation to realisation of the Centre's objectives and the conduct of the Centre's activities.

5.2 Board

The Board comprises three Directors appointed by PILCH, two Directors appointed by Liberty Victoria and one Director 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 (namely, PILCH and Liberty Victoria), 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 2006/07
David Krasnostein Chief General Counsel, National Australia Bank Chairperson, PILCH	Chairperson	03.01.06 –	8/10
Bruce Moore Special Counsel, Maddocks Lawyers Board Member, PILCH	Treasurer	03.01.06 –	5/10
Greg Connellan Committee Member and Past President, Liberty Victoria	Director	03.01.06 –	8/10
Hugh de Kretser Principal Solicitor, Brimbank Melton Community Legal Centre	Director	03.01.06 – 11.12.06	5/5
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	11.12.06 –	4/5
Alexandra Richards Queen's Counsel Founding President, Australian Women's Lawyers Chair, Victorian Bar Equality Before the Law Committee	Director	25.01.06 –	8/10

Diane Sisely Committee Member, Liberty Victoria Director, Australian Centre for Human Rights Education Former Commissioner and Chief Executive Officer, Equal Opportunity Commission Victoria	Director	03.01.06 –	9/10
Lee Ann Basser Associate Professor, La Trobe Law School	Advisory Committee Observer	25.01.06 –	7/10
Philip Lynch Executive Director, Human Rights Law Resource Centre Founding Coordinator, PILCH Homeless Persons' Legal Clinic	Company Secretary	03.01.06 –	10/10

5.3 Advisory Committee

The Board is assisted by an Advisory Committee. The Advisory Committee's function is to provide strategic guidance and advice, and to make recommendations, to the Board in relation to realisation of the Centre's objectives and the conduct of its activities.

The Advisory Committee comprises 26 members, including representatives from community legal centres and legal aid, human rights organisations, community organisations, law firms, legal professional associations and university law schools.

The Advisory Committee is chaired by John Tobin of the Melbourne Law School.

The Advisory Committee may appoint one person to the Board. This is intended to ensure effective communication, collaboration and coordination between the Board and the Advisory Committee. The Advisory Committee Appointee to the Board is Alexandra Richards QC. The Advisory Committee has also appointed a Board Observer, Associate Professor Lee Ann Basser of La Trobe Law School

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

Name	Organisation
John Tobin	Melbourne Law School
Alexandra Richards QC	Victorian Bar
Andrew George	Andrew George Solicitors
Cecilia Riebl	Blake Dawson Waldron
Collette O'Neill	Australian Federation of Disability Organisations
Dan Nicholson	Centre on Housing Rights and Evictions
Associate Professor Dianne Otto	Melbourne Law School
Elizabeth Bennett	Amnesty International
Eve Lester	Australian Lawyers for Human Rights
Fiona McLeay	World Vision Australia
Joanne Kummrow	Victorian Government Solicitor's Office
Joumanah El Matrah	Islamic Women's Welfare Council of Victoria

Jude Di Manno	Loddon Mallee Accommodation Network
Associate Professor Julie Debeljak	Castan Centre for Human Rights
Associate Professor Lee Ann Basser	La Trobe University
Lucy McKernan	Allens Arthur Robinson
Matthew Carroll	Victorian Equal Opportunity and Human Rights Commission
Megan Utter	DLA Phillips Fox
Peter Henley	Mallesons Stephen Jaques
Richard Meeran	Slater & Gordon
Robyn Mills	Victoria Legal Aid
Sophie Delaney	Federation of Community Legal Centres
Stephanie Cauchi	Victorian Council of Social Service
Tiffany Overall	Youthlaw
Timothy Moore	Victorian Aboriginal Community Controlled Health Organisation
Udara Jayasinghe	Clayton Utz

6. Audited Financial Statements

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Financial Statements

For the Year Ended 30 June 2007

Human Rights Law Resource Centre Ltd

ACN 117 719 267

For the Year Ended 30 June 2007

CONTENTS

	<u>Page</u>
Financial Statements	
Directors' Report	1
Auditors Independence Declaration under Section 307C of the Corporations Act 2001	3
Income Statement	4
Balance Sheet	5
Statement of Recognised Income and Expenditure	6
Cash Flow Statement	7
Notes to the Financial Statements	8
Directors' Declaration	13
Independent Audit Report	14

Your directors present their report on the company for the financial year ended 30 June 2007.

1 General Information

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

Name	Position	Meetings Attended / Status
David Krasnostein Chief General Counsel, National Australia Bank Chairperson, PILCH	Chairperson	8/10
Bruce Moore Special Counsel, Maddocks Lawyers Board Member, PILCH	Treasurer	5/10
Greg Connellan Committee Member and Past President, Liberty Victoria	Director	8/10
Hugh de Kretser Principal Solicitor, Brimbank Melton Community Legal Centre	Director	5/5 Resigned 11/12/2006
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	4/5 Appointed 11/12/2006
Alexandra Richards Queen's Counsel Founding President, Australian Women's Lawyers Chair, Victorian Bar Equality Before the Law Committee	Director	8/10
Diane Sisely Committee Member, Liberty Victoria Director, Australian Centre for Human Rights Education Former Commissioner and Chief Executive Officer, Equal Opportunity Commission Victoria	Director	9/10
Philip Lynch Executive Director, Human Rights Law Resource Centre Founding Coordinator, PILCH Homeless Persons' Legal Clinic	Company Secretary	10/10

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

The principal activities of the company during the financial year were providing pro bono legal advice in human rights law.

No significant change in the nature of these activities occurred during the year.

The loss of the company for the financial year amounted to \$28,695 (2006 profit: \$115,643).

No significant changes in the company's state of affairs occurred during the financial year.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Report

30th June 2007

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

The Company is limited by guarantee and accordingly no dividends have been paid or declared during or since the end of the financial year. No options have been issued of shares or interest in the Company.

The company's operations are not regulated by any significant environmental regulation under a law of the Commonwealth or of a state or territory.

Likely developments in the operations of the company and the expected results of those operations in future financial years have not been included in this report as the inclusion of such information is likely to result in unreasonable prejudice to the company.

No indemnities have been given or insurance premiums paid, during or since the end of the financial year, for any person who is or has been an officer or auditor of Human Rights Law Resource Centre Ltd.

No person has applied for leave of Court to bring proceedings on behalf of the company or intervene in any proceedings to which the company is a party for the purpose of taking responsibility on behalf of the company for all or part of those proceedings.

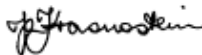
The company was not a party to any such proceedings during the year.

Auditors' Independence Declaration

A copy of the auditors' independence declaration as required under section 307C of the Corporations Act 2001 is set out at page 3.


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

Director:



D Krasnostein, Chair

Director:



P Lynch, Company Secretary

Dated this 3rd day of September 2007

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Auditors' Independence Declaration under Section 307C of the Corporations Act 2001 to the directors of the Human Rights Law Resource Centre Ltd.

I declare that, to the best of my knowledge and belief, during the period ended 30 June 2007 there have been:

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

George Georgiou
Assurance
Registered Company Auditor

McLean Delmo Hall Chadwick Audit

Level 12
459 Collins St
MELBOURNE VIC 3122

Dated this 3rd day of September 2007

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Income Statement

For the Year Ended 30 June 2007

	Note	2007	2006
		\$	\$
Revenue	7	118,742	180,723
Total Revenue		118,742	180,723
Occupancy expenses		(10,504)	(3,176)
Administrative expenses, including staff		(136,933)	(61,904)
Net (loss)/profit for the year		(28,695)	115,643

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Balance Sheet

As at 30 June 2007

	Note	2007 \$	2006 \$
ASSETS			
Current assets			
Cash at bank	2	132,131	104,340
Trade and other receivables	3	10,114	28,659
Current tax receivable (GST)		-	1,280
Other current assets		650	450
Total Current assets		142,895	134,729
TOTAL ASSETS		142,895	134,729
LIABILITIES			
Current liabilities			
Payables and accruals	4	5,540	19,086
Provisions	5	21,450	-
Grant & registrations received in advance		15,291	-
Current tax payable (GST)		1,866	-
Total current liabilities		44,147	19,086
Non-Current liabilities			
Provisions	5	11,800	-
Total Non-Current liabilities		11,800	-
TOTAL LIABILITIES		55,947	19,086
NET ASSETS		86,948	115,643
EQUITY			
Retained earnings		86,948	115,643
TOTAL EQUITY		86,948	115,643

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Recognised Income and Expenditure

For the Year Ended 30 June 2007

	2007	2006
	\$	\$
Balance at beginning of financial year	115,643	-
(Loss)/profit for the year	<u>(28,695)</u>	115,643
Balance at end of financial year	<u><u>86,948</u></u>	<u>115,643</u>

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Cash Flow Statement

For the Year Ended 30 June 2007

	Note	2007 \$	2006 \$
Cash flows from operating activities:			
Receipts from grants, donations and other		151,198	151,246
Interest received		2,660	368
Payments to suppliers and employees		(127,933)	(45,994)
Tax (GST) received		1,866	(1,280)
Net cash provided by/(used in) operating activities	9	27,791	104,340
Net increase/(decrease) in cash held		27,791	104,340
Cash and cash equivalents at beginning of financial year		104,340	-
Cash at end of financial year	2	132,131	104,340

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes to the Financial Statements

For the Year Ended 30 June 2007

1 Statement of Significant Accounting Policies

(a) General information

This financial report is a special purpose financial report prepared in accordance with the Corporations Act 2001. The directors have determined that the company is not a reporting entity.

The financial report is for Human Rights Law Resource Centre Ltd as an individual entity. Human Rights Law Resource Centre Ltd is a company limited by guarantee incorporated and domiciled in Australia.

(b) Basis of Preparation

The report has been prepared in accordance with the requirements of the Corporations Act 2001, and the following applicable Australian Accounting Standards and Australian Accounting Interpretations:

AASB 101	Presentation of Financial statements
AASB 107	Cash Flow Statements
AASB 108	Accounting Policies, Changes in Accounting Estimates and Errors
AASB 110	Events after the Balance Sheet Date
AASB 1031	Materiality and:
AASB 1048	Interpretation and Application of Standards

No other Accounting Standards, Australian Accounting Interpretations or other authoritative pronouncements of the Australian Accounting Standards Board have been applied.

Reporting Basis and Conventions

The financial report has been prepared on an accruals basis and is based on historical costs. It does not take into account changing money values or, except where stated, current valuations of non-current assets. Cost is based on the fair value of the consideration given in exchange for assets.

The following is a summary of the material accounting policies adopted by the company in the preparation of the financial report. The accounting policies have been consistently applied, unless otherwise stated.

(c) 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. Bank overdrafts are shown within short-term borrowings in current liabilities on the balance sheet.

(d) Grants

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

Human Rights Law Resource Centre Ltd.

ACN 117 719 267

Notes to the Financial Statements

For the Year Ended 30 June 2007

1 Statement of Significant Accounting Policies continued

(e) Revenue

Revenue from the sale of goods is recognised upon the delivery of goods to customers.

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

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 balance sheet until such time as that purpose is fulfilled.

Grant revenue is recognised in the income statement 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 balance sheet 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.

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

(f) 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 balance sheet are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

(g) 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.

(h) Comparative Figures

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

(i) Income Tax

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

(j) Critical Accounting Estimates and Judgements

The directors evaluate estimates and judgements incorporated into the financial report 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.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes to the Financial Statements

For the Year Ended 30 June 2007

2 Cash at bank

	2007	2006
	\$	\$
Cash at bank	<u>132,131</u>	<u>104,340</u>

3 Trade and Other Receivables

Trade receivables	<u>10,114</u>	<u>28,659</u>
-------------------	---------------	---------------

4 Payables and Accruals

Trade payables	4,540	17,586
Accrued audit fee	<u>1,000</u>	<u>1,500</u>
	<u>5,540</u>	<u>19,086</u>

5 Provisions

Employee benefits:

Current	21,450	-
Non-current	<u>11,800</u>	-
	<u>33,250</u>	-

6 Members Guarantee

The company is limited by guarantee. If the company is wound up, the Constitution states that each member is required to contribute a maximum of \$100 towards any outstanding obligations of the company. At 30 June 2007 the number of members was 2.

7 Revenue

Operating grants	70,000	176,402
Donations	18,180	3,953
Interest (from Commonwealth Bank)	2,660	368
Event registrations	14,953	-
Other	<u>12,949</u>	-
Total revenue	<u>118,742</u>	<u>180,723</u>

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes to the Financial Statements

For the Year Ended 30 June 2007

8 Profit from Ordinary Activities	2007	2006
	\$	\$
Remuneration of the auditor of the entity for		
- Auditing or reviewing the financial report		
- Current Year	2,000	1500
- Prior Year	500	-
- Other Services		
- Current Year	-	-
- Prior Year	1,000	-
Salaries paid to staff	74,273	40,333

9 Cash Flow Information

Reconciliation of Cash Flow from Operations with (Loss)/Profit

Net (loss)/profit for the period	(28,695)	115,643
: Changes in assets and liabilities		
(Increase)/decrease in trade and other receivables	18,545	(28,569)
(Increase)/decrease in prepayments	(200)	(450)
(Decrease) increase in payables and accruals	(13,546)	19,086
Increase/(decrease) in current provisions	21,450	-
Increase in grants & registrations in advance	15,291	-
Increase/(decrease) in taxes payable	3,146	(1,280)
Increase/(decrease) in non-current provisions	11,800	-
	27,791	104,340

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes to the Financial Statements

For the Year Ended 30 June 2007

10	Related Party Transactions	2007	2006
		\$	\$

(a) Included in accounts payable

Included in accounts payable and accrued liabilities is an amount of \$1,234 (2006: \$17,586) owing to an affiliated entity, the Public Interest Law Clearing House Inc., related by membership, co-location and a similar range of activities. This amount is part of the amount noted in 10 (b).

(b) Associated Companies/Entities

Public Interest Law Clearing House Inc. provided an unconditional grant to Human Rights Law Resource Centre Ltd (HRLRC)	-	70,000
---	---	--------

Public Interest Law Clearing House Inc. paid expenses on behalf of HRLRC during the year, which were reimbursed by HRLRC except as noted in 10 (a)	69,737	42,519
--	---------------	--------

11 Company Details

Registered Office

The registered office and principal place of business, of the company is:
Human Rights Law Resource Centre Ltd,
Level 1, 550 Lonsdale Street
Melbourne VIC 3000

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Declaration

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

The directors of the company declare that:

1. The financial statements and notes, as set out on pages 1 to 12, are in accordance with the Corporations Act 2001 and:
 - (a) comply with Accounting Standards as described in Note 1 to the financial statements and the Corporations Regulations 2001; and
 - (b) give a true and fair view of the financial position at 30 June 2007 and of its performance for the year ended on that date in accordance with accounting policies described in Note 1 to the financial statements.
2. In the directors' opinion, there are reasonable grounds to believe that the company will be able to pay its debts as and when they become due and payable.

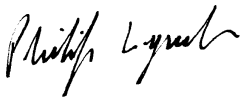
This declaration is made in accordance with a resolution of the Board of Directors.

Director:



D Krasnostein, Chair

Director:



P Lynch, Company Secretary

Dated this 3rd day of September 2007

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Independent Audit Report to the members of Human Rights Law Resource Centre Ltd

Scope

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 2007 which comprises the balance sheet as at 30 June 2007, and the income statement, cash flow statement for the year then ended, a summary of significant accounting policies, other explanatory notes and the Statement by the Board.

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.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Independent Audit Report to the members of Human Rights Law Resource Centre Ltd

Independence

In conducting our audit, we have complied with the independence requirements of the Corporations Act 2001. We confirm that the independence declaration required by the Corporations Act 2001, provided to the directors of Human Rights Law Resource Centre Ltd, as shown on page 3 of this report, would be in the same terms as provided to the directors as at the date of this audit report.

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 2007 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.

George Georgiou
Registered Company Auditor

McLean Delmo Hall Chadwick Audit Assurance

Dated this 5th day of September 2007

Level 12, 459 Collins St
MELBOURNE VIC 3000