



human
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ANNUAL DIRECTORS' REPORT 2007/08



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1. Joint Report of Chairperson and Executive Director

Earlier this year, an Independent Evaluation by Jackson Consulting and the Melbourne Law School concluded that, in its relatively short life, the Human Rights Law Resource Centre has made a significant and positive contribution to the promotion of human rights. The Evaluation concluded that this impact was made at both a national and international level through a strategic mix of litigation, policy, advocacy and educational activities.

'In its relatively short life, the Human Rights Law Resource Centre has made a significant and positive contribution to the promotion of human rights.'

The Centre's activities are focused in four key areas:

- first, promoting the human rights of people in all forms of detention;
- second, providing leadership and contributing to the development and operation of Charters of Rights at a national and state level;
- third, contributing to the protection and entrenchment of economic, social and cultural rights; and
- fourth, promoting equality rights.

Over the last year, the Centre has confronted challenges but also achieved major advancements in each of these areas.

Take the rights of people in detention, for example.

It is both a fundamental principle of international human rights law and common sense that detainees should not be subject to any deprivations of rights or freedoms that are not a necessary consequence of the deprivation of liberty itself.

Much of our casework and advocacy over the past year has been directed towards upholding this principle.

Throughout much of 2007/08, the Centre was privileged to work with Allens Arthur Robinson, members of the Victorian Bar and Vickie Roach, an imprisoned Indigenous woman and activist, to challenge the constitutionality of legislation denying prisoners the right to vote.

The legislation was predicated on the spurious policy basis that disenfranchisement is an effective disincentive to crime and the even more problematic proposition that human rights are not inalienable at all, but are instead conditional on a person meeting their end of the 'social contract'.

The Centre's client, Vickie Roach, is an inmate at the Dame Phyllis Frost Women's Prison in Deer Park. She is a member of the Stolen Generations and has a strong commitment to women's rights, prisoners' rights and Indigenous rights. While a prisoner, she has completed a Master of Professional Writing and is now undertaking

a PhD on Indigenous oral history. She is a peer educator in prison, which involves her providing advice, assistance and counselling to other prisoners. For Vickie, disenfranchisement was an extension of disadvantage and dispossession. She told us that, for her, challenging the prisoner disenfranchisement was a form of empowerment and healing.

In challenging the legislation, Vickie and her legal team stood up not just for the human rights of prisoners and Aboriginal Australians (who constitute almost ¼ of the prison population), but the interests of the entire community in representative democracy. She did so with courage, integrity and commitment, and at risk of being personally subject to a substantial adverse costs order if unsuccessful.

In a landmark decision, a majority of the High Court upheld our challenge, holding that the Constitution implicitly enshrines the fundamental human right to vote. The decision returned the right to vote to over 10,000 prisoners, including over 2500 Indigenous inmates.

Over the last year, the Centre has also sought to promote human rights, including detainees' rights, through international mechanisms, such as treaty bodies and the Special Procedures of the UN Human Rights Council. Recourse to these mechanisms is a key strategy used by the Centre to demand accountability and promote human rights.

In June 2007, for example, the Centre obtained a determination from the UN Working Group on Arbitrary Detention regarding the conditions of detention of persons accused of terror-related offences. The independent experts expressed grave concern about the 'particularly severe' conditions of detention of remand prisoners in general, the 'extraordinarily restrictive conditions' of detention for any person charged with a terrorist offence, and the lack of sufficient discretion for judges to decide on bail applications in such matters. Many of these concerns were similarly expressed in Justice Bongiorno's recent ruling on the matter in the Supreme Court.

The human rights concerns associated with Australia's counter-terrorism laws and measures were raised by the Centre before the UN Committee against Torture when we travelled to Geneva in November 2007. Other matters raised by the Centre, and of concern to the Committee, included immigration law and policy, the disproportionate incarceration of Indigenous Australians, the solitary confinement of prisoners with psychiatric illnesses for 'management reasons', and the lack of access to adequate health care for prisoners.

'Another key priority for the Centre is the development and enactment of Charters of Human Rights, including at the national level.'

Another key priority for the Centre is the development and enactment of Charters of Human Rights, including at the national level.

The *Victorian Charter of Human Rights and Responsibilities* became fully operational on the 1 January 2008. The *Charter* enshrines a body of civil and political rights

derived from fundamental principles of freedom, respect, equality and dignity. The *Charter* has the potential to improve public services, promote more responsive and accountable government, and address disadvantage. As Sir Gerard Brennan, former Chief Justice of Australia, stated in a recent speech to the Centre, Charters bring the various arms of government into a 'constructive dialogue' about human rights 'and thus enhance the quality of good government'.

The Centre is undertaking a range of casework and policy initiatives to ensure that the Victorian *Charter* fulfils its potential to address disadvantage and empower vulnerable people. We are looking, for example, at the impacts and implications of the Charter for women in prison, people with mental illness, children with disabilities and the homeless. The Centre is also providing leadership on the development of Charters of Rights in other jurisdictions, with the Centre's submissions on proposed Charters in Tasmania and Western Australia being widely cited and persuasive.

In fact, since its inception, the Centre has made over 45 major law reform submissions to international and domestic bodies, including in relation to civil justice reform, same-sex entitlements, corporate social responsibility, the use of force against prisoners, the right to a fair hearing and the right to social security, to name a few. A significant majority of these submissions have been substantially, or at least partially, implemented.

'The Centre is, at its core, a movement. It is a movement of people from the community sector, the private sector, the Bar, universities, and even government, united as human rights lawyers, advocates and activists.'

As a Resource Centre, we seek to build the capacity of the legal and community sectors to use human rights in their casework, advocacy and service delivery.

As part of this mandate we have recently worked very closely with the National Association of Community Legal Centres, Kingsford Legal Centre, Mallesons Stephen Jaques and over 50 community organizations to prepare an NGO Report on Australia for the UN Committee on Economic, Social and Cultural Rights. Socio-economic rights are, of course, another priority for the Centre, despite their exclusion from the Victorian *Charter*.

The NGO report is a comprehensive and constructive analysis of the state of socio-economic rights – such as the rights to health and housing – in Australia. It makes a range of targeted recommendations to address disadvantage and poverty and promote substantive equality and is a valuable resource for both advocates and policy makers.

Over 2008/09, we will undertake a similar process to prepare a report to the UN Human Rights Committee on Australia's compliance with the *International Covenant on Civil and Political Rights*.

These are some of the challenges and achievements of 2007/08.

Doubtless 2008/09 will also be full of challenges. Perhaps the greatest of these is to take full advantage of some of the emerging and exciting opportunities for the advancement of human rights in Australia.

These opportunities include, to list but a few:

- bringing the Victorian *Charter of Rights* to life;
- a probable public consultation regarding the need for a federal Charter;
- more extensive and constructive engagement with the UN;
- the possible ratification of a number of important international human rights instruments;
- the advancement of the human rights agenda at the national level through the federal government's social inclusion policy.

The Centre is, at its core, a movement. It is a movement of people from the community sector, the private sector, the Bar, universities, and even government, united as human rights lawyers, advocates and activists.

At the Centre, we are acutely aware and appreciative of the contributions that many individuals and institutions make to our movement, and we would like to offer some thanks.

First, we would like to thank the Victorian Bar and private sector leaders such as Allens Arthur Robinson, Blake Dawson, Clayton Utz, DLA Phillips Fox, Freehills, Mallesons Stephen Jaques, Middletons and Minter Ellison, all of whom have made substantial pro bono contributions to the Centre over the last year.

Second, we would like to thank the community legal centres and other grassroots human rights organizations with which we collaborate, particularly the Victorian Federation of Community Legal Centres and the National Association of Community Legal Centres.

Third, we would like to thank the Victorian Department of Justice and our other generous financial contributors, including the Victoria Law Foundation, the Helen Macpherson Smith Trust, the R E Ross Trust and the Reichstein Foundation. Special mention must also be made of DLA Phillips Fox, Mallesons Stephen Jaques, Allens Arthur Robinson and Blake Dawson, each of which has provided substantial financial as well as in-kind assistance to the Centre.

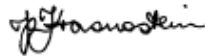


Gay McDougall, the UN Independent Expert on Minority Issues, was the Centre's International Visiting Fellow in 2008 thanks to the support of Qantas and National Australia Bank.

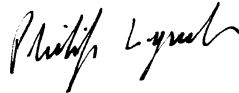
Thanks also to Qantas and the National Australia Bank for once again sponsoring the Centre's International Visiting Fellow in 2007/08, Gay McDougall.

As Chair and Director, we have the privilege of working with a dynamic, innovative and highly committed team: Ben Schokman on permanent secondment as the DLA Phillips Fox Human Rights Lawyer, Rachel Ball, whose position is generously jointly funded by the Helen Macpherson Smith Trust and the Ross Trust for 3 years; and Phoebe Knowles on 1 year secondment from Minter Ellison. These staff consistently produce work of extraordinary quality and quantity and contribute to a very collaborative and collegiate workplace. The high quality of their contributions and collaborative style enable the Centre to occupy a unique place in Victorian and Australian life, well in excess of our size or resources.

Finally, it is appropriate and important to thank members of the Centre's Board and Advisory Committee, all of whom give very generously of their time and provide invaluable strategic guidance and direction.



David Krasnostein
Chairperson
5 September 2008



Philip Lynch
Executive Director

2. Treasurer's Report

In 2007/08, the Human Rights Law Resource Centre provided and facilitated human rights legal services worth more than \$2.5 million on an annual budget of around \$200,000 – a return on investment of around 1150 per cent!

Despite this return, and the importance of an adequate and secure funding base to the stability and success of the organisation, the Centre's ongoing sustainability requires constant vigilance and attention. Indeed, the Centre has forecast a small budgetary deficit for 2008/09.

In 2007/08, the only core, recurrent funding received by the Centre was an amount of \$100,000 from the Victorian Department of Justice.

This core funding was supplemented by project-based philanthropic grants, donations from commercial law firms, and self-generated revenue from activities such as human rights training and education.

'In 2007/08, the Centre provided and facilitated human rights legal services worth more than \$2.5 million on a budget of around \$200,000 – a return on investment of around 1150%!'

The Centre is enormously grateful for the generous financial support in 2007/08 from the Victorian Department of Justice; philanthropic trusts including the Helen Macpherson Smith Trust, the R E Ross Trust, the Reichstein Foundation and the Victoria Law Foundation; and our corporate partners, including the National Australia Bank, Allens Arthur Robinson, Blake Dawson, DLA Phillips Fox 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.

However, after more than a decade of neglect, the capacity of the Australian human rights sector is very limited. The Centre, for example, despite being Australia's only national specialist human rights legal service, does not receive any federal funding. A strong and vibrant sector is necessary to provide guidance and assistance to government and to 'bring human rights home' to marginalised and disadvantaged communities and groups.

Mature democracies support a vibrant and strong non-government sector and welcome constructive criticism by NGOs as an opportunity to identify and collaboratively address human rights problems. At the federal level, greater resources – including core, recurrent funding for the Centre – together with more enabling regulatory and taxation frameworks, are required for NGOs to undertake the critical work of human rights.

David Manne, Treasurer
5 September 2008

3. Overview of the Human Rights Law Resource Centre

3.1 About Us

The Human Rights Law Resource Centre, Australia's first specialist human rights legal service, 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 and protect 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 which coordinate and leverage the capacity, expertise and networks of pro bono lawyers and barristers, university law schools, community legal centres, and other community and human rights organisations.

'The HRLRC is an outstanding organisation with a reputation for consistently delivering excellent results, particularly through the innovative use of resources and partnerships.'

-- Hugh de Kretser, Executive Director, Federation of Community Legal Centres (Vic)

The Centre works in four priority areas: first, the effective implementation and operation of state, territory and national human rights instruments, such as 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 rights of people with disabilities, people with mental illness and Indigenous peoples; and, fourth, the rights of people in all forms of detention, including prisoners, involuntary patients, asylum seekers and persons deprived of liberty by operation of counter-terrorism laws and measures.

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;

'The work of the Human Rights Law Resource Centre has already been of great assistance to all those advocating for the disadvantaged in Victoria and elsewhere in Australia.'

'The Centre has regularly assisted the Council to Homeless Persons on many of its projects that have sought to support and improve the human rights of people experiencing homelessness. Indeed, the Centre has been at the heart of these projects and has guided our efforts to protect and enhance the rights and lives of people experiencing homelessness.'

-- Noel Murray, Council to Homeless Persons

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

3.2 Our Impacts and Outcomes

The Centre is committed to a process of ongoing impact monitoring and evaluation to ensure that our work is relevant and appropriate, efficient and effective, transparent and accountable, and has the maximum possible positive impact.

In January 2008, an Independent Evaluation of the Human Rights Law Resource Centre was published by Jackson Consulting and the Melbourne Law School.

The key findings of the Evaluation include that:

- The Centre is a significant player in human rights in Australia and is increasingly influential in the international human rights arena.
- The Centre has very strong relationships with and support from the community, commercial and public sectors.
- The Centre has made a significant and positive contribution to the promotion of human rights through its case work, litigation, policy work and educational activities.
- The Centre's work is 'high quality, responsive, efficient, effective, ground breaking, important and well-received'.
- The Centre's capacity to proactively and strategically litigate as a method of promoting and protecting human rights is a major distinguishing feature.
- The contribution of the Centre to law reform is evident and represents 'significant impact', particularly in raising the profile of these issues and contributing to public discourse on human rights.
- The Centre's publications are valued resources which disseminate detailed and wide-ranging information about human rights law issues.
- The planning, governance and operations of the Centre have been 'exemplary'.

The Evaluation also found, however, that further funding is required if the Centre is to expand its activities or operations without diluting its effectiveness.

'The HRLRC not only has in-depth knowledge of the local legal and human rights landscape, but also has strong relationships with many of the key organisations comprising the Victorian community and legal sector.

On a broader national scale, the Centre is well-respected amongst human rights practitioners, academics and policy-makers alike.'

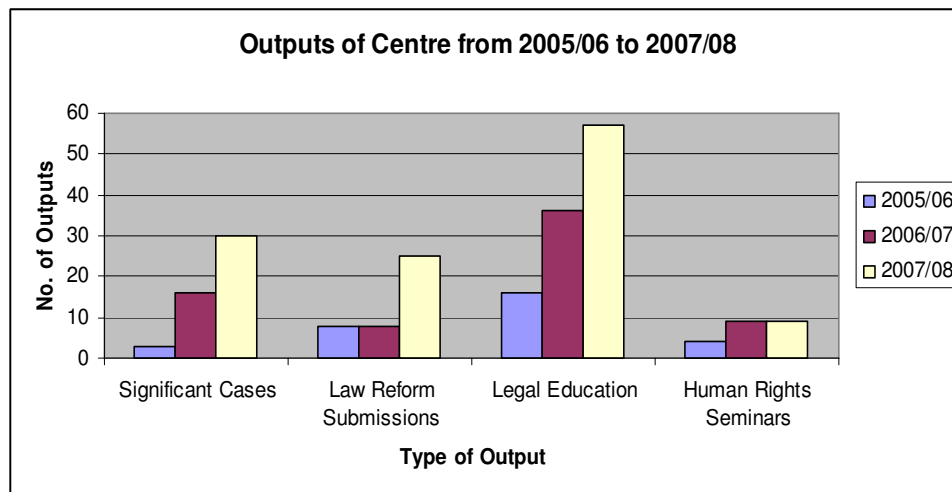
-- Graeme Innes AM, Australian Human Rights Commissioner

4. Operations and Activities

4.1 Introduction

The Human Rights Law Resource Centre undertakes case work and litigation, law reform, policy and advocacy work, legal education 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 2007/08, with total outputs increasing by almost 100 per cent each year.



4.2 Casework and Litigation

(a) Overview

The Centre opened 30 significant cases during 2007/08.

Recognising the need to use limited resources to provide services in a targeted and strategic way, in 2007/08, the Centre focused its work on four thematic priorities, namely:

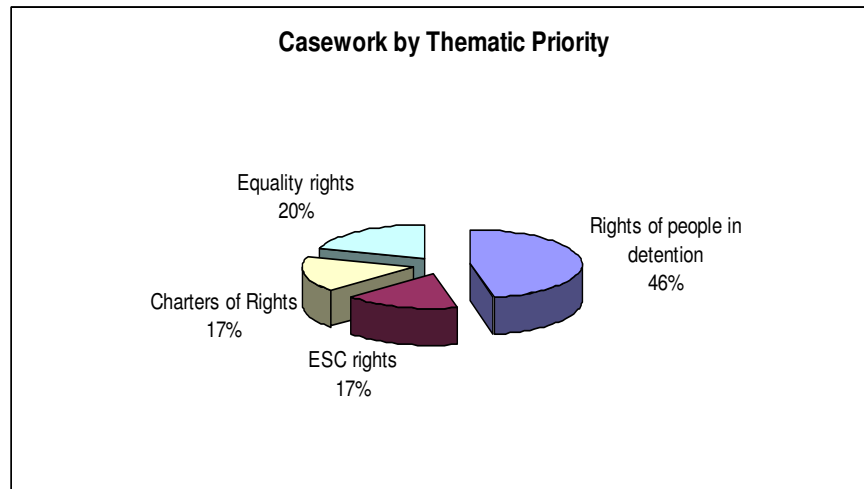
- the development and the effective implementation and operation of state, territory and national human rights instruments, such as the *Victorian Charter of Human Rights and Responsibilities*;
- socio-economic rights, particularly the rights to health and adequate housing;

'In our experience, the HRLRC conducts its projects and activities in a highly efficient and effective manner that demonstrates a sophisticated and targeted approach to achievement of the Centre's objectives.'

-- Nicky Friedman, Director of Pro Bono, Allens Arthur Robinson

- equality rights, particularly the rights of people with disabilities, people with mental illness and Indigenous peoples; and
- the rights of people in all forms of detention, including prisoners, involuntary patients, asylum seekers and persons deprived of liberty by operation of counter-terrorism laws and measures.

Although these areas are not exclusive, a very significant proportion of the Centre's casework and activities has been directed at these priorities.



(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's work in the area of human rights litigation is unparalleled in Australia.'

The Centre enjoys a well deserved reputation as an efficient, dynamic organisation with a significant breadth and depth of expertise in human rights.'

-- Nicolas Patrick, Director of Pro Bono, DLA Phillips Fox

The Centre would particularly like to acknowledge the outstanding pro bono litigation contributions of leading commercial law firms Allens Arthur Robinson, Blake Dawson, Clayton Utz, DLA Phillips Fox, Freehills, Mallesons Stephen Jaques and Middletons.

During 2007/08, 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.

Centre Establishes Constitutional Right to Vote in Landmark High Court Case

On 30 August 2007, in a landmark decision, the High Court upheld the fundamental human right to vote, finding that the Howard Government had acted unlawfully in imposing a blanket ban denying prisoners the vote. The Court upheld the validity, however, of the law providing that prisoners serving a sentence of three years or longer are not entitled to vote.

The decision of the Court in *Roach v Australian Electoral Commission and the Commonwealth* [2007] HCA 43 (26 September 2007) was the culmination of almost two years work on the part of the Centre, together with an outstanding legal team comprised of lawyers from Allens Arthur Robinson, together with Ron Merkel QC, Michael Pearce SC and Fiona Forsyth and Kristen Walker of Counsel.

The constitutional challenge was brought on behalf of Vickie Roach who, at the time of the case, was 49 years old and a prisoner at the Dame Phyllis Frost Centre in Deer Park. She is a member of the Stolen Generations and has a strong commitment to prisoners' rights and Indigenous rights. While a prisoner, she completed a Master of Professional Writing and is now undertaking a PhD, focusing on Indigenous oral history and the Stolen Generations. She was also a peer educator in prison, providing advice, assistance and counselling to other prisoners.

In challenging the prisoner disenfranchisement legislation, Vickie stood up not just for the human rights of prisoners and Aboriginal Australians (who constitute almost ¼ of the prison population), but the interests of the entire community in representative democracy, accountable government, the rule of law and fundamental human rights. She did so with courage, integrity and commitment, and at risk of being personally subject to a substantial adverse costs order if unsuccessful. In Vickie's own words:

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?

The case was filed in March 2007 and culminated in a hearing before a Full Bench of the High Court on 12 and 13 June 2007. It was described in *The Age* as 'the biggest constitutional law case of the year' and raised major issues as to prisoners' rights, Indigenous rights, the right to vote, representative democracy and responsible government.

On 26 September 2007, the High Court delivered its reasons for judgment. By majority, the Court held that sections 7 and 24 of the Constitution, which require that the Houses of Parliament be 'directly chosen by the people', enshrine the right to vote and that this right may only be limited for a

'substantial reason'. Furthermore, the limitation must be 'appropriate and adapted' (or 'proportionate') to that reason.

In a letter to the Centre following the decision, Vickie wrote:

I want to thank you for all the hard work you've done on my behalf and on behalf of the 20,000 other prisoners presently in custody around the country. Thank you also for your many visits, phone calls and for keeping me so well informed every step of the way.

The decision of the High Court was a victory for representative democracy, accountable government, the rule of law and fundamental human rights.

'[T]he existence and exercise of the franchise reflects notions of citizenship and membership of the Australian federal body politic. Such notions are not extinguished by the mere fact of imprisonment.

Prisoners who are citizens and members of the Australian community remain so. Their interest in, and duty to, their society and its governance survives incarceration.'

-- Roach v Australian Electoral Commission & the Commonwealth [2007] HCA 43 (per Gummow, Kirby and Crennan JJ at [81]-[84])

With Aboriginal Australians incarcerated at a rate of almost 13 times that of their fellow Australians, it was also a vindication of Aboriginal rights. The decision returned the right to vote to over 10,000 prisoners, including over 2500 Indigenous inmates.

Appropriate Medical Care for Involuntary Mental Health Patients

Lawyers at Clayton Utz, acting pro bono with the Centre, successfully advocated for appropriate medical treatment to be provided to an involuntary inpatient at the Thomas Embling Hospital. The inpatient was seeking access to medical treatment in relation to a liver condition.

Although the Victorian *Charter of Rights* does not enshrine the right to health, lack of adequate medical services may raise issues in relation to the right to life, protection from cruel, inhuman or degrading treatment, the right to privacy, the right to security of person and the right to humane treatment in detention.

Using the Victorian *Charter of Human Rights*, Clayton Utz and the Centre were able to negotiate with the Thomas Embling Hospital and the Austin Hospital to arrange for a medical appointment and appropriate treatment for the inpatient.

Protecting the Dignity and Rights of Elderly Persons

In partnership with DLA Phillips Fox, the Centre is providing assistance to an elderly woman with an acquired brain injury who requires urgent therapy to treat severe contractures of her left hand. The contractures cause considerable pain and suffering and are resulting in deterioration of her hand. Although the woman has been waiting for therapy for over 3 years, she is not considered a priority because she is aged over 50. If appropriate medical services are not provided, it is possible that radical surgery will be required, which may consist of severing the tendons in her fingers or even amputation of the hand.

Together with DLA Phillips Fox, the Centre is exploring a range of options to ensure that an adequate support package is provided to the woman. As an interim measure – and drawing on the rights to non-discrimination, privacy, security of person and protection from degrading treatment under the Victorian *Charter* – the advocates were able to obtain one-off funding for urgently needed medical treatment.

Using the *Charter* to Improve Services for People Experiencing Homelessness

In conjunction with DLA Phillips Fox and Clayton Utz, the Centre is providing advice to a number of large homelessness charities on their obligations and duties as potential 'public authorities' under the Victorian *Charter*.

This includes the provision of legal advice, an assessment of current policies and practices for human rights-compliance, and the development of practical resources and materials to enable the charities to monitor and promote compliance on an ongoing basis.

There is a substantial body of evidence that, in addition to improving social policy, human rights legislation – particularly the requirement that public authorities act compatibly with and give proper consideration to human rights – leads to better public services and outcomes.

Under the UK *Human Rights Act* and the Victorian *Charter of Human Rights*, services are required to be – and have become – more consumer-focused, integrated and efficient.

Access to Justice for All: Prisoners' Rights to Attend Court

The Centre successfully advocated for the waiver of prohibitive escort costs to enable a prisoner to attend his hearing in Court. The prisoner had initiated civil action against prison officers of the Fulham Correctional Centre in relation to property that has been lost when he was transferred to Port Phillip Prison. An arbitration hearing had been set down at the Magistrates' Court in Sale.

When seeking to arrange transportation from Port Phillip Prison to Sale Magistrates' Court, the prisoner was advised by the Department of Justice that GSL Custodial Services Pty Ltd, the private prison operator, was able to facilitate an escort but that it would be at a cost of \$1,380 to the prisoner.

The Centre was very concerned that the extraordinarily high cost of transportation to court was a significant impediment to the prisoner's access to the civil justice system and his right to a fair hearing, as enshrined in s 24 of the Victorian *Charter*.

The prisoner had no means to pay the amount requested by GSL.

The Centre was able to successfully negotiate with GSL, the Department of Justice and the Sale Magistrates' Court for his arbitration hearing to be transferred to the Melbourne Magistrates' Court and for GSL to escort him to the court at its cost.

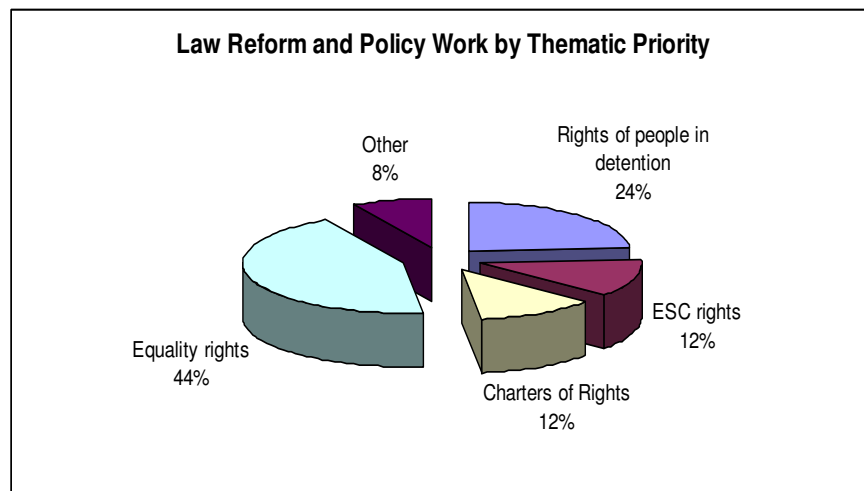
4.3 Law Reform and Policy Work

(a) Overview

The Centre made 25 major law reform submissions during 2007/08, many of which significantly influenced human rights policy and practice in Australia and internationally.

In 2007/08, approximately 75 per cent of our law reform and policy submissions were directed to domestic bodies, including parliamentary committees, law reform commissions and government departments, while 25 per cent were made to international bodies, including UN human rights treaty bodies and Special Rapporteurs.

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



Also similarly to our litigation program, much of the Centre's policy work is undertaken in partnership with major law firms, the Victorian Bar and

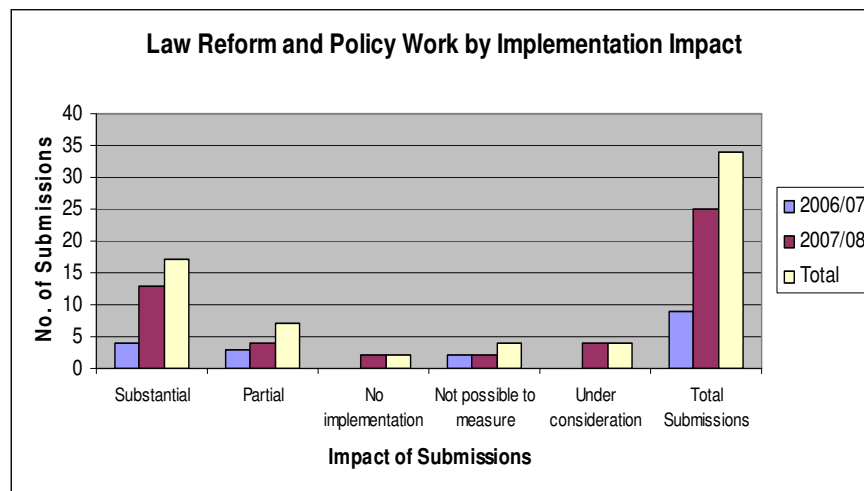
community legal centres. The Centre would particularly like to acknowledge the outstanding pro bono policy contributions of leading commercial law firms Allens Arthur Robinson, Blake Dawson Waldron, Clayton Utz, DLA Phillips Fox and Mallesons Stephen Jaques in this regard.

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.

'Over 90 per cent of recommendations arising from the Centre's policy work are substantially or partially adopted by the bodies to which they are directed.'

Over 50 per cent of the Centre's policy work has '**substantial impact**', rising to over 65 per cent when proposals under consideration or not possible to measure are not included.

Over 70 per cent has at least 'partial' impact, rising to over 90 per cent when submissions still under consideration or not possible to measure are excluded.



(b) Highlights

Freedom, Respect, Equality, Dignity: Action!

Centre Coordinates 'Most Impressive and Comprehensive' NGO Report Ever Submitted to UN Human Rights Treaty Body

In April 2008, the Centre submitted a major NGO Report to the UN Committee on Economic Social and Cultural Rights regarding Australia's

implementation of the *International Covenant on Economic, Social and Cultural Rights*.

The Report, entitled *Freedom, Respect, Equality, Dignity: Action* was jointly prepared by the Human Rights Law Resource Centre, the National Association of Community Legal Centres and Kingsford Legal Centre. A further 30 NGOs with specific human rights and subject matter expertise made substantial contributions to the Report. It was supported by a further 100 NGOs.

'The NGO Report was described by the UN Committee on Economic Social and Cultural Rights as the "most impressive and comprehensive civil society report" ever received by that body.'

The Report is a comprehensive and constructive analysis of the state of ESC rights in Australia and makes a range of targeted recommendations to address disadvantage and poverty.

It was described by the UN Committee on Economic Social and Cultural Rights as the 'most impressive and comprehensive civil society report' ever received by that body.

The Report 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 legal recognition and protection of economic, social and cultural rights;
- the nature and extent of poverty in Australia and the need for a comprehensive national poverty reduction strategy;
- Indigenous self-determination and disadvantage;
- the current housing crisis and the significant problem of homelessness;
- groups within society that remain vulnerable to discrimination, such as Indigenous peoples, women and children, people with disability, asylum seekers and gay and lesbian couples;
- violence against women;
- the inadequacy of income and social security supports;
- the regression of workers' rights under Work Choices;
- the crisis in mental health in Australia and the inadequacy of mental health care;
- the chronic under funding of both public health care and education; and
- the deleterious impacts of Australia's immigration law and policy on families and children.

The Centre will travel to Geneva in 2009 to brief the Committee on the Report and to promote the adoption of robust recommendations to bring Australia more fully into compliance with its obligations under the *International Covenant on Economic, Social and Cultural Rights*; an Australia in which all people can live with freedom, respect, equality and dignity.

Protection from Inhuman and Degrading Treatment: Centre Makes Major Contribution to UN Committee against Torture's Concluding Observations on Australia

The Centre has made a major contribution to ensuring Australian law and practice complies with the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*, with 90 per cent of the Centre's recommendations being incorporated in the UN Committee against Torture's 'Concluding Observations on Australia' issued on 16 May 2008.

The Centre made three major submissions to the Committee (April 2008, October 2007 and July 2007) and gave oral briefings and evidence in Geneva in November 2007. The Centre's submissions considered and made recommendations regarding the following areas of Australian law, policy and practice which may raise issues of incompatibility with the *Convention*:

- the inadequate protection of human rights, including the prohibition against torture and other cruel, inhuman or degrading treatment or punishment, under Australian domestic law;
- immigration and asylum-seeker law, policy and practice;
- Australia's law and policy in relation to refoulement, extradition and expulsion;
- the impact of the criminal justice system on Indigenous Australians;
- Australia's treatment of prisoners and conditions of detention, including in particular the lack of access to adequate health care;
- Australia's counter-terrorism law and practice, including in relation to incommunicado detention, and the use of preventative detention and control orders;
- the use of evidence obtained under torture or pursuant to other cruel, inhuman or degrading treatment or punishment;
- Australia's failure to investigate and remedy allegations of torture; and
- Australia's failure to adequately protect its citizens from the death penalty and other forms of ill-treatment.

The Committee's recommendations included that Australia should:

- fully incorporate the Convention into domestic law and move quickly towards the 'adoption of a Bill of Rights to ensure a comprehensive constitutional protection of basic human rights at the federal level';

- ensure that the increased powers of ASIO and the regime of preventative detention and control orders are consistent with human rights, including the right to a fair trial;

'Australia should fully incorporate the Convention into domestic law and move quickly towards the adoption of a Bill of Rights to ensure a comprehensive constitutional protection of basic human rights at the federal level.'

--UN Committee against Torture, *Concluding Observations on Australia*, 16 May 2008

- ensure that accused remand prisoners are 'subject to separate treatment appropriate to their status as unconvicted persons';
- abolish mandatory immigration detention and ensure that all asylum-seekers are provided with adequate physical and mental health care;
- explicitly incorporate the principle of non-refoulement into domestic legislation;
- improve the arrangements for custody of persons deprived of liberty, including by reducing prison overcrowding, providing adequate mental health care services, and implementing recommendations of the *Royal Commission into Aboriginal Deaths in Custody*; and
- comprehensively legislate to exclude the admission of evidence obtained as a result of torture.

In a media release dated 16 May 2008, the Attorney-General and the Minister for Foreign Affairs 'welcomed the concluding observations of the Committee' and undertook to 'commence consideration of the Committee's recommendations, in consultation with States and Territories'.

Centre Influences Normative Development of the Human Right to a Fair Hearing and Equality before Courts and Tribunals

On 23 August 2007, the UN Human Rights Committee released General Comment No 32 on the right to equality before courts and tribunals and to a fair trial under art 14 of the *International Covenant on Civil and Political Rights*.

The Centre is pleased and very proud that the General Comment incorporates a number of recommendations made in the Centre's submission on the draft General Comment in January 2007.

Specifically, consistently with the Centre's recommendations, General Comment No 32 provides, inter alia, that:

- the right of access to courts and tribunals and equality before them is not limited to citizens of States parties, but must also be available to all

individuals, regardless of nationality or statelessness, or whatever their status, whether asylum seekers, refugees, migrant workers, unaccompanied children or other persons, who may find themselves in the territory or subject to the jurisdiction of the State party;

- the principle of equality between parties applies also to civil proceedings, and demands, inter alia, that each side be given the opportunity to contest all the arguments and evidence adduced by the other party;

‘The right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law. Article 14 of the Covenant aims at ensuring the proper administration of justice, and to this end guarantees a series of specific rights.’

--UN Human Rights Committee, General Comment 32 on the Right to Equality before the Courts and to a Fair Trial

- in exceptional cases, equality between parties might require that the free assistance of an interpreter be provided where otherwise an indigent party could not participate in the proceedings on equal terms or witnesses produced by it be examined; and
- where delays in legal proceedings are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice.

Centre Makes Major Contribution to Report on a Fairer Justice System in Victoria

On 28 May 2008, the Victorian Law Reform Commission released a significant report on its review of the civil justice system in Victoria.

The Report makes over 170 recommendations designed to make Victoria's civil justice system 'cheaper, fairer and simpler' and to promote the 'transparent and efficient' administration of justice. The Report also recommends areas for further research, review and reform.

The Human Rights Law Resource Centre made four major submissions at various stages of the Civil Justice Review, considering issues such as the right to a fair hearing, access to legal advice and legal aid, interpretative services, self-represented litigants and costs and disbursements in pro bono, human rights and public interest matters.

The Centre also made a submission jointly with Blake Dawson regarding third party interveners. Together, these submissions are cited over 40 times in the Commission's report, generally very approvingly and authoritatively.

Centre Moves Government Closer to Ratification of UN Disabilities Convention

On 4 June 2008, the Rudd Government tabled in Parliament a National Interest Analysis supporting Australia's ratification of the UN Convention on the Rights of Persons with Disabilities.

The Centre previously made a submission to the NIA consultation, contending that ratification of the Convention would have a range of legal, political, social, cultural and economic benefits.

Consistently with the Centre's submission, the NIA states that:

The benefits of ratifying the Disabilities Convention include:

- (a) promoting human dignity, equality and mutual respect;
- (b) imposing responsibilities and implementation obligations, and ensuring accountability, on the part of governments; and
- (c) promoting a human rights-respecting culture in Australia.

This Convention reflects and affirms the protections already existing under Australia's domestic laws and is a major step in recognising and raising awareness of the right of all people to live life to their fullest potential, including people with disability.

Australia was an active participant and leader in the development of the Convention. Ratification would reinforce Australia's commitment to the rights of people with disability both nationally and internationally. Ratification would also serve an important educative purpose; fostering a more inclusive society and further encouraging the participation of people with disability in the community.

It concludes that:

Early ratification would be highly desirable given Australia's active role in the negotiation of the Convention text, early signature and continued international support for the Convention. It is proposed that this treaty action be undertaken as soon as practicable for these reasons, as well as to increase Australia's prospects of participating in the inaugural election of the Committee on the Rights of Persons with Disabilities established under Article 34 of the Convention.

On 19 June 2008, the Joint Standing Committee on Treaties tabled its report on the *Convention on the Rights of Persons with Disabilities*.

Consistent with submission of the Centre, and in order to facilitate the timely implementation of the Convention, the Joint Parliamentary Committee resolved to report its recommendation on the treaty to the Parliament immediately and provide a more detailed report on the treaty's provisions at a later date.

Centre Contributes to Development of International Framework for Social Security

On 23 November 2007, the UN Committee on Economic, Social and Cultural Rights adopted General Comment 19 on the Right to Social Security under art 9 of the *International Covenant on Economic, Social and Cultural Rights*.

‘Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and in promoting social inclusion.’

-- UN Committee on Economic, Social and Cultural Rights

A General Comment is an authoritative statement by a treaty body of the content and application of a particular right and may be relevant both to the interpretation and application of international and domestic law and policy.

The General Comment adopts a number of recommendations and observations made by the Human Rights Law Resource Centre in our extensive submission to the Committee in relation to their then Draft General Comment.

The Centre's submission, which was prepared with the pro bono assistance of Clayton Utz, considered aspects of the right to social security including: availability; adequacy; non-discrimination; the rights of non-citizens; conditionality; and minimum thresholds.

The Committee's final General Comment incorporates three specific observations from the Centre's submission, namely that:

- ‘Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and in promoting social inclusion.’
- ‘The right to social security includes the right not to be subject to arbitrary and unreasonable restrictions with existing social security coverage, whether obtained publicly or privately, as well as the right to equal enjoyment of adequate protection from social risks and contingencies.’
- ‘Qualifying conditions for benefits must be reasonable, proportionate and transparent. The withdrawal, reduction or suspension of benefits should be circumscribed, based on grounds that are reasonable, subject to due process, and be provided for in national law.’

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 2007/08, the Centre's educational and capacity-building activities included:

'The Flemington & Kensington Community Legal Centre has benefited from the expertise and the reach of the HRLRC in our casework and policy work...'

'The Centre has been a significant contributor to our practice through the resources it provides through its staff's expertise and its website.'

-- Tamar Hopkins, Principal Solicitor, Flemington & Kensington Community Legal Centre

- publishing 12 editions of the very highly regarded *Human Rights Law Bulletin*, which now has over 3000 subscribers;
- convening a major Human Rights Seminar Series with leading international and local human rights advocates.

Guest speakers in 2007/08 included Sir Gerard Brennan (former Chief Justice of Australia), Professor Martin Scheinin (UN Special Rapporteur on Human Rights and Counter-Terrorism), Gay McDougall (UN Independent Expert on Minority Rights), Hina Jilani (UN Special Rapporteur on Human Rights Defenders), Tom Calma (Aboriginal and Torres Strait Islander Social Justice Commissioner), Gareth Evans AO QC (former Attorney-General and President of the International Crisis Group) and Lord Robert Walker (UK House of Lords);



Prof Martin Schienin (UN Special Rapporteur on Counter-Terrorism and Human Rights) and Prof Cheryl Saunders (Melbourne Law School) discuss the 'Future of International Human Rights Protection' as part of the Centre's Human Rights Seminar Series at Clayton Utz

- conducting a comprehensive Human Rights Law and Advocacy Training Program for lawyers and human rights advocates and practitioners;

'The Centre's seminars, publications and online legal database are of a consistently high quality and are of great value to practitioners.'

-- Justice Kevin Bell, President of the Victorian Civil and Administrative Tribunal

- publishing and periodically updating a comprehensive online *Guide to the Victorian Charter of Human Rights and Responsibilities* and a *Human Rights Law Manual for Practitioners*;
- publishing an annual 'Human Rights Briefing Paper' which considers significant contemporary human rights issues, challenges and developments in Australia; and
- 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. The website now receives over 10,000 visitors per month;

'The website is an outstanding, up to date resource that provides useful information about human rights related work going on in Victoria.'

-- Independent Evaluation of Human Rights Law Resource Centre (January 2008)

- regularly publishing human rights opinion pieces in publications including *The Age*, the *Herald-Sun*, the *Australian Financial Review* and the *Alternative Law Journal*.



Lord Robert Walker of the UK House of Lords discusses 'Freedom, Respect, Equality and Dignity: What Difference can Charters of Rights Make?' as part of the Centre's Human Rights Seminar Series at Mallesons Stephen Jaques

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

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 within both the legal and community sectors.

(b) Highlights

Centre Establishes Project to Support NGO Engagement with UN Human Rights Bodies

In 2007/08, thanks to the generous support of the Reichstein Foundation, the Human Rights Law Resource Centre initiated a project to support and facilitate the effective, strategic and coordinated 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.

Although some community organisations and networks are very adept at using human rights frameworks and mechanisms, this engagement tends to be largely reactive and under resourced. For example, there tends to be insufficient attention and resources dedicated to following up on domestic implementation of the reports and recommendations of UN human rights bodies.

According to recent research, a substantial majority (92.7%) of Australian human rights NGOs would like to see a 'more coordinated and targeted approach to human rights advocacy' and would find it very helpful to have better access to 'human rights expertise' and 'assistance with training and submissions' (Simon Rice and Scott Calnan, *Sustainable Advocacy: Capabilities and Attitudes of Australian Human Rights NGOs* (2007))

Following extensive consultations, the Centre is now pursuing the following strategies and structures for implementation of the project:

- Development of a comprehensive interactive website that serves as an educative, resource and coordination tool. The website's features will include 'how to' guides for NGOs to prepare and submit reports, complaints and submissions, allow communication and networking with other organisations performing similar work, and provide updates on developments in both domestic and international human rights law.
- Face-to-face contact, such as training, seminars and meetings.

The ultimate purpose of this project is to bring to bear the benefits and protections of human rights law on the lives of disadvantaged Australians through international human rights accountability mechanisms.

Victorian Charter of Human Rights 'Train-the-Trainer Program' and Resources for Community Organisations

Thanks to the support of the Victoria Law Foundation, the Centre has developed a 'train-the-trainer' program to skill a panel of pro bono lawyers to provide education regarding the Victorian *Charter of Human Rights and Responsibilities* to and within community sector organisations.

The project has also involved developing a resource kit for community organisations to enable them to:

- use the *Charter* as a tool for the empowerment of clients and the achievement of social justice; and
- ensure organisational compliance with the *Charter* and, in so doing, deliver a more responsive and effective service.

5. Membership, Governance and Staff

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 2007/08
David Krasnostein Chief General Counsel, National Australia Bank Chairperson, PILCH	Chairperson	03.01.06 –	3/9
Emily Howie Senior Associate, Allens Arthur Robinson Corporate Responsibility Group * Appointed at 2006/07 AGM	Director	05.10.07 –	6/6
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	11.12.06 –	8/9
Anne O'Rourke Senior Lecturer, Monash University Committee Member, Liberty Victoria * Appointed at 2006/07 AGM	Director	05.10.07 –	4/6
Alexandra Richards Queen's Counsel Founding President, Australian Women's Lawyers Chair, Victorian Bar Equality Before the Law Committee	Director	25.01.06 –	8/9

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 –	6/9
Philip Lynch Executive Director, Human Rights Law Resource Centre	Company Secretary	03.01.06 –	9/9
Lee Ann Basser Associate Professor, La Trobe Law School	Advisory Committee Observer	25.01.06 –	5/9
Bruce Moore Special Counsel, Maddocks Lawyers Board Member, PILCH * Resigned at 2006/07 AGM	Director (ret.)	03.01.06 – 04.10.07	1/3
Greg Connellan Committee Member and Past President, Liberty Victoria * Resigned at 2006/07 AGM	Director (ret.)	03.01.06 – 04.10.07	3/3

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 30 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 (Chair)	Melbourne Law School
Alexandra Richards QC	Victorian Bar
Amanda Jones	Clayton Utz
Andrew George	Andrew George Solicitors
Caroline Adler	PILCH Homeless Persons' Legal Clinic
Cecilia Riebl	Blake Dawson
Collette O'Neill	Australian Federation of Disability Organisations

Dan Creasey	DLA Phillips Fox
Dan Nicholson	Centre on Housing Rights and Evictions
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 Bassar	La Trobe University
Lucy McKernan	Allens Arthur Robinson
Matthew Carroll	Victorian Equal Opportunity and Human Rights Commission
Nicolas Patrick	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
Vanessa Lesnie	Human Rights & Equal Opportunity Commission

5.4 Staff

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

Name and Position	Organisation
Philip Lynch Director and Principal Solicitor	The Centre's Director and Principal Solicitor is Philip Lynch. Phil was previously the founding Coordinator of the PILCH Homeless Persons' Legal Clinic in Melbourne which, in 2005, was conferred with the Australian Human Rights Law Award. Phil has also worked as a commercial litigator with Allens Arthur Robinson. Phil is a Board member of the Federation of Community Legal Centres (Vic) and a Director and Editorial Convenor of the <i>Alternative Law Journal</i> . He is also Co-Convenor of the Human Rights Network of the National Association of Community Legal Centres.
Ben Schokman Senior Human Rights Lawyer	The Centre's Senior Human Rights Lawyer is Ben Schokman. Ben is a full-time secondee from DLA Phillips Fox. He previously worked as a commercial litigator with Allens Arthur Robinson. Ben has experience with a range of national and international NGOs and human rights institutions, including

	the UN High Commissioner for Refugees and the Starlight Foundation.
Rachel Ball Human Rights Lawyer	Rachel Ball is employed as a Human Rights Lawyer. Rachel has a Master of Laws from Columbia University in New York and previously worked as a lawyer at Mallesons Stephen Jaques. She also has experience working and volunteering 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. Rachel's position is jointly funded by the Helen Macpherson Smith Trust and the R E Ross Trust.
Phoebe Knowles Seconded Human Rights Lawyer	Phoebe Knowles is a lawyer with Minter Ellison on secondment to the Human Rights Law Resource Centre. Phoebe has a Masters in Public International Law, graduating with a Distinction, from London School of Economics as a British Council Chevening Scholar and tutors in International Law at Trinity College. She has also worked in international criminal law at the Special Court for Sierra Leone as a defence legal assistant.
Administration and Finances	The Centre is provided with administrative support by Rachel Brown and Jessica Easton of PILCH. The Centre is provided with bookkeeping and accountancy services by Jacque Lancaster and Bruce Timbs.

6. Audited Financial Statements

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Financial Statements

For the Year Ended 30 June 2008

Human Rights Law Resource Centre Ltd

ACN 117 719 267

**Financial Statements
For The Year Ended 30 June 2008**

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Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Report

As At 30 June 2008

Your directors present their report on the company for the financial year ended 30 June 2008.

Directors

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	3/9
Bruce Moore Special Counsel, Maddocks Lawyers Board Member, PILCH	Treasurer	1/3 Retired 4/10/2007
Greg Connellan Committee Member and Past President, Liberty Victoria	Director	3/3 Retired 4/10/2007
Emily Howie Senior Associate, Allens Arthur Robinson Corporate Responsibility Group	Director	6/6 Appointed 5/10/2007
David Manne Executive Director, Refugee and Immigration Legal Centre	Director	8/9
Anne O'Rourke Senior Lecturer, Monash University Committee Member, Liberty Australia	Director	4/6 Appointed 5/10/2007
Alexandra Richards Queen's Counsel Founding President, Australian Women's Lawyers Chair, Victorian Bar Equality Before the Law Committee	Director	8/9
Diane Sisely Committee Member, Liberty Victoria Director, Australian Centre for Human Rights Education Former Commissioner and Chief Executive Officer, Equal Opportunity Commission Victoria	Director	6/9
Philip Lynch Executive Director, Human Rights Law Resource Centre Founding Coordinator, PILCH Homeless Persons' Legal Clinic	Company Secretary	9/9

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

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Directors' Report (Continued)

As At 30 June 2008

Principal Activities

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.

Operating Results

The loss of the company for the financial year amounted to \$23,612 (2007: loss of \$28,695).

Significant Changes in State of Affairs

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

Events Subsequent to Balance Date

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

Dividends Paid or Recommended

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.

Environmental Issues

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

Indemnifying Officers or Auditors

Insurance premiums have been paid for directors and officers liability during the financial year. No indemnities have been given or insurance premiums paid for any person who is or has been an 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

Signed in Melbourne, this 5th day of September 2008.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Auditors' 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 2008 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.

MDHC Audit Assurance Pty. Ltd

Ian Duff
Director

Signed in Melbourne, this 5th day of September 2008.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Income Statement

For The Year Ended 30 June 2008

	Note	2008 \$	2007 \$
Revenue	7	201,944	118,742
Expenses			
Occupancy expenses		(18,783)	(10,504)
Administrative expenses, including staff		(206,773)	(136,933)
Total Expenses		(225,556)	(147,437)
Net loss for the year		(23,612)	(28,695)

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Balance Sheet

As At 30 June 2008

	Note	2008 \$	2007 \$
Current assets			
Cash and cash equivalents	2	218,786	132,131
Trade and other receivables	3	5,050	10,114
Goods and service tax receivable		1,098	-
Other current assets		-	650
Total Current assets		224,934	142,895
Total Assets		224,934	142,895
Current Liabilities			
Trade and other payables	4	74,812	5,540
Provisions	5	30,500	21,450
Grant received in advance		53,586	15,291
Goods and service tax payable		-	1,866
Total current liabilities		158,898	44,147
Non-Current Liabilities			
Provisions	5	2,700	11,800
Total Non-Current liabilities		2,700	11,800
TOTAL LIABILITIES		161,598	55,947
NET ASSETS		63,336	86,948
Equity			
Retained earnings		63,336	86,948
TOTAL EQUITY		63,336	86,948

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Statement of Changes in Equity

For The Year Ended 30 June 2008

	2008 \$	2007 \$
Balance at the beginning of the year	86,948	115,643
Loss for the year	(23,612)	(28,695)
Balance as at 30 June	63,336	86,948

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Cash Flow Statement

For The Year Ended 30 June 2008

	Note	2008 \$	2007 \$
Cash flows from operating activities			
Receipts from grants, donations and other		236,484	151,198
Payments to suppliers and employees		(158,648)	(126,067)
Interest received		8,819	2,660
		<hr/>	<hr/>
Net cash provided by operating activities	9	86,655	27,791
		<hr/>	<hr/>
Net increase in cash held		86,655	27,791
Cash at the beginning of the financial year		132,131	104,340
		<hr/>	<hr/>
Cash at the end of the financial year	2	218,786	132,131
		<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 2008

1 Statement of Significant Accounting Policies

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

The financial statement 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.

The financial statement 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 calculations of non-current assets. Cost is based on the fair value of the consideration given in exchange for assets.

The financial statement 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.

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

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

(b) 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 2008

1 Statement of Significant Accounting Policies (cont'd)

(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 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.

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).

(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 balance sheet 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) 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.

The financial statement was authorised for issue on 5th September 2008.

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2008

	2008	2007
	\$	\$
2 Cash and Cash Equivalents		
Cash at bank	218,786	132,131
3 Trade and Other Receivables		
Trade receivables	5,050	10,114
4 Trade and Other Payables		
Trade payables	8,226	1,234
Other payables	63,686	3,306
Accrued audit fees	2,900	1,000
	74,812	5,540
5 Provisions		
Current		
Employee benefits	30,500	21,450
Non-current		
Employee benefits	2,700	11,800
6 Members Guarantee		
The company is limited by guarantee. If the company 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.		
As At 30 June 2008 the number of members was 2 (2007: 2)		
7 Revenue		
Operating grants	119,422	70,000
Event registrations	20,795	14,953
Donations	15,050	18,180
Interest	8,819	2,660
Other revenue	37,858	12,949
Total revenue	201,944	118,742

Human Rights Law Resource Centre Ltd

ACN 117 719 267

Notes To The Financial Statements

For The Year Ended 30 June 2008

	2008	2007
	\$	\$
8 Profit from Ordinary Activities		
Remuneration of the auditor of the entity for:		
- Auditing or reviewing the financial statement	2,900	2,000
- Other services	-	1,000
Employee benefits	<u>108,728</u>	<u>102,543</u>
9 Cash Flow Information		
(a) Reconciliation of Cash Flow from Operations with Operating Loss		
Net loss for the year	(23,612)	(28,695)
Changes in assets and liabilities		
(Increase)/decrease in trade and other receivables	5,064	18,545
(Increase)/decrease in prepayments	650	(200)
(Decrease) increase in trade and other payables	69,272	(13,546)
Increase/(decrease) in current provisions	9,050	21,450
Increase in grants received in advance	38,295	15,291
Increase/(decrease) in GST payable / receivable	(2,964)	3,146
Increase/(decrease) in non-current provisions	<u>(9,100)</u>	<u>11,800</u>
	<u>86,655</u>	<u>27,791</u>
(b) Reconciliation of Cash		
Cash at bank	<u>218,786</u>	<u>132,131</u>

10 Related Party Transactions

(a) Included in accounts payable

Included in trade payable and accrued liabilities as at balance date is an amount of \$8,226 (2007: \$1,234) 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 10 (b).

(b) Associated Companies/Entities

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) for the year ended 30 June 2008 \$46,855 (2007: \$69,737).

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 statement should be prepared in accordance with the accounting policies described in Note 1 to the financial statements.

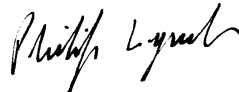
The directors of the company declare that in their opinion:

1. The financial statements and notes, as set out on pages 1 to 11, 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 Act 2001; and
 - (b) give a true and fair view of the financial position as at 30 June 2008 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. 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.



D Krasnostein, Chair
Director



P Lynch, Company Secretary
Director

Signed in Melbourne, this 5th day of September 2008.