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Annual Directors' Report 2005-06

Human Rights Law Resource Centre Ltd
Level 1, 550 Lonsdale Street
Melbourne VIC 3000
www.hrlrc.org.au

ABN 31 117 719 267

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1. Chairperson's Report

It gives me enormous pleasure to present the inaugural Human Rights Law Resource Centre Annual Report, covering the period 1 July 2005 to 30 June 2006.

This has been a history-making year. With its establishment in January 2006, the Human Rights Law Recourse Centre Ltd ('HRLRC') became the first legal centre in Australia dedicated to human rights law.

The HRLRC has been active in a very short period of time, filing applications for *amicus* interventions, drafting urgent communications to UN Special Rapporteurs, and writing featured commentary for major Victorian daily newspapers. A reading of the Centre's operations and activities in section 5 of this Report would be impressive for a well established organisation, let alone one that has only been in existence for less than nine months. This performance is growing its profile as an organisation that can deliver results in a vital area of the law.

The HRLRC has also run an energetic education program for community organisations and legal practitioners on a range of subjects from specific issues in human rights law, to the new Victorian Charter of Human Rights, passed in July 2006.

I am especially proud to note the development of the HRLRC's Human Rights Law Manual. It is another first for human rights lawyering in Australia, and I can envisage it becoming a standard reference for lawyers embarking upon any human rights work in this country. It is a pioneering contribution that captures the spirit and early momentum of the HRLRC.

The HRLRC's human rights seminar series has also been a major early success. It is a testament to the HRLRC's rapid emergence and energy that it has been able to attract the most distinguished and high profile speakers for these seminars, which have generated such interest that the seminars are consistently sold out.

Unquestionably though, the HRLRC could have achieved nothing without the support of its members and staff. The Centre was formed in January by the Public Interest Law Clearing House ('PILCH') and the Victorian Council of Civil Liberties ('Liberty Victoria'), who have been tremendous supporters of its development.

Our Executive Director, Phil Lynch, has been extraordinary. His vision, energy, collaborative and inclusive style, and outstanding legal skills, have enabled the Centre to deliver an impressive performance in its short existence. On behalf of our Board of Directors we thank Phil for all that he has done for the HRLRC and look forward to what will be an exciting year to come under this leadership.

My gratitude must also be conveyed to my fellow Directors, Alexandra Richards QC, Diane Sisley, Greg Connellan, Hugh de Kretser, Bruce Moore and Paula O'Brien. Each of them has given generously of their time, judgment and experience and enabled the HRLRC to start with the very best of guidance.

The HRLRC Advisory Committee – chaired by Julian Burnside QC, 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. Their expertise and input has ensured that the Centre is more relevant, responsive and effective. I would particularly like to honour the contributions of Lee Ann Bassler, who has provided significant input to the Board as an Advisory Committee observer, and John Tobin, who has undertaken substantial pro bono human rights educational work for and on behalf of the Centre.

Let me also thank our foundational sponsors: the National Australia Bank, the Victoria Law Foundation, the Helen Macpherson Smith Trust, the R E Ross Trust, Allens Arthur Robinson, Mallesons Stephen Jaques, the Law Institute of Victoria and the Victorian Bar, who have all made generous donations without which the HRLRC would have remained a hope and not the reality that it is today.

A particular mention must go to the State Government of Victoria which, from 1 July 2007, has committed an amount of ongoing funding to the HRLRC as part of its commitment to the effective implementation and operation of the Victorian *Charter of Human Rights and Responsibilities*.

The HRLRC has relied significantly on the pro bono work of lawyers at Allens Arthur Robinson, Blake Dawson Waldron, Mallesons Stephen Jaques Clayton Utz and Maddocks Lawyers (who also sent the HRLRC its first secondee solicitor for a period of three months) and the Victorian Bar, including particularly Brian Walters SC, Ron Merkel QC, Michael Pearce SC, Michael Kingston and Fiona Forsyth. I wish to express my appreciation for the generous contributions of these firms and barristers, as well as the various organisations that have provided venues for HRLRC events, including the Equal Opportunity Commission, Sparke Helmore and once more, Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques.

With this help, the HRLRC will continue to pursue its aim of bringing international human rights law to bear in domestic law. The HRLRC may be in its early stages, but there is no doubt that, at this point, the future looks decidedly bright. Already further opportunities for important human rights litigation are being explored, and the Centre is clearly gearing up for an active year.

David Krasnostein
Chair
5 October 2006

2. Executive Director's Report

There could hardly have been a more appropriate time for the HRLRC to be established. Human rights issues are presently central to public issues in a manner not seen in recent memory. From mooted amendments to Australia's migration policy, to the detention of remand prisoners in Melbourne charged under counter-terrorism laws and perhaps most significantly, the introduction of the Victorian *Charter of Human Rights and Responsibilities*, there is clear scope for the activities of a human rights law organisation.

This environment makes the HRLRC's stated thematic priorities, outlined in section 4.5 of this report, particularly relevant.

The introduction of the Victorian *Charter* creates many challenges and opportunities for the HRLRC concerning the *Charter's* implementation, operation and review. Community and professional education on the potential impact of the Charter will be vital. The HRLRC has undertaken a significant amount of work in this regard since January via public forums like newspapers, training sessions for community organisations and legal professionals, and roundtable discussions for legal and human rights experts to develop the best strategy for the *Charter's* implementation and operation, drawing on the experience of other countries with similar human rights charters. In this connection, it is hoped that the HRLRC's Human Rights Law Manual will be an invaluable source of information on, among other things, the Victorian *Charter* and its impact.

The Victorian *Charter* omits economic, social and cultural rights. This highlights the significance of another of the HRLRC's thematic priorities: advocating the importance, interdependence, indivisibility and justiciability of economic, social and cultural rights. The coming years present considerable challenges in this area.

This is not to say the realm of civil and political rights is bereft of challenge. Indeed, one of the HRLRC's most significant projects this year was the application for an *amicus* intervention in the case of *Joseph Thomas v The Queen* in the Victorian Court of Appeal. With the considerable help of a wonderful team from Blake Dawson Waldron, Brian Walters SC and Michael Kingston of Counsel, the HRLRC filed detailed submissions on the application of international human rights law on the conviction and sentence of Mr Thomas at trial, and sought leave to appear as a friend of the court for these purposes. The Court of Appeal ultimately declined the application, but encouraged defence counsel to draw upon the HRLRC's submissions, which it duly did: refiling the HRLRC submissions in full as further submissions for the defence.

This work, along with various policy submissions to the inquiries by the Senate Committee and the Human Rights and Equal Opportunity Commission, or communications to UN Special Rapporteurs, has given clear expression to the HRLRC's further thematic priorities of rights of non-discrimination, and the treatment and conditions of detained persons.

The HRLRC's capacity to litigate as a method of promoting and protecting human rights is a major distinguishing feature of the Centre. As the Centre grows, and its capacity increases in the future, this will form a key plank of its activity. Of course, such work could not be done without the hard work of firms like Allens Arthur Robinson, Blake Dawson Waldron, Clayton Utz and Mallesons Stephen Jaques, all of whom have done considerable pro bono work for the HRLRC, and to whom the Centre is deeply thankful. Special thanks must also be accorded to the HRLRC's Advisory Committee, chaired by Julian Burnside QC, which has played a significant role in the identification of human rights issues and needs, the development of the HRLRC's strategic priorities, and the conduct of the HRLRC's activities in a manner that is effective and responsive.

Over the next 18 months, the HRLRC will be evaluated, on an ongoing basis, by an evaluation and advisory team comprising Andrea Durbach of the Australian Centre for Human Rights, Rufus Black of McKinsey & Co, Ron Merkel QC and Anton Hermann of Minter Ellison. This team will evaluate and make recommendations regarding the efficiency, effectiveness, sustainability, impacts and outcome of the HRLRC. The evaluation will contribute significantly to the identification and enhancement of organisational and sectoral capacity to promote human rights through the practice of law.

Philip Lynch
Executive Director
5 October 2006

3. Treasurer's Report

The HRLRC is in a stable and sustainable financial position. As noted in the Chairperson's Report, the HRLRC is enormously grateful for the foundation support of:

- \$80,000 – Victoria Law Foundation
- \$70,000 – PILCH (using funds provided by National Australia Bank)
- \$35,000 – Helen Macpherson Smith Trust
- \$25,000 – National Australia Bank
- \$15,000 – R E Ross Trust
- \$10,000 – Allens Arthur Robinson
- \$10,000 – Mallesons Stephen Jaques

Generous in-kind support was also provided by the Law Institute of Victoria and the Victorian Bar.

In May 2006, the HRLRC was delighted to be informed that 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 July 2007 and will account for a substantial component of the HRLRC's core recurrent operating costs.

Bruce Moore
Treasurer
5 October 2006

4. Overview of the Human Rights Law Resource Centre

4.1 About the Human Rights Law Resource Centre

The Human Rights Law Resource Centre Ltd ('HRLRC'), a joint initiative of the Public Interest Law Clearing House (Vic) Inc and the Victorian Council for Civil Liberties Inc ('Liberty Victoria'), was incorporated in January 2006 as a company limited by guarantee.

The HRLRC is an independent community legal centre which seeks to promote, protect and contribute to the fulfilment of human rights in Australia, particularly the human rights of people that are disadvantaged or living in poverty, through the practice of law.

The HRLRC seeks to realise this vision by providing and supporting human rights litigation, education, training, research and advocacy.

The HRLRC is the first specialist human rights legal centre in Australia. It is also the first centre to pilot an innovative service delivery model to promote human rights. The model seeks to draw together and coordinate the capacity and resources of pro bono lawyers and legal professional associations, the human rights law expertise of university law schools, and the networks, grass root connections and community development focus of community legal centres and human rights organisations.

4.2 Establishment of the Human Rights Law Resource Centre

The HRLRC proposal was developed over a two year period with significant input from diverse stakeholders, including legal professional associations, community legal centres, legal aid, the private legal profession and human rights and community organisations.

This process commenced in June 2004, with PILCH and Liberty Victoria convening a Reference Group to provide strategic guidance and advice in relation to the need for, and the development and implementation of, a specialist human rights legal service. This Reference Group included representatives from the Federation of Community Legal Centres and also from community and human rights organisations, legal aid, human rights institutes, the private profession, university law schools and the social service sector. The Group met on 26 July 2004, 23 August 2004 and 4 October 2004. A smaller Working Group, comprising nominated members of the Reference Group, met on 16 August 2004, 30 November 2004 and 13 December 2004.

Discussion papers were circulated in advance of each meeting and Reference and Working Group members were invited to provide written and oral comments. They were also strongly encouraged to consult with their own stakeholders and constituents. At the conclusion of this process, the Reference Group produced a report recommending to the Board of PILCH and the Management Committee of Liberty Victoria that a specialist human rights law resource centre be established. The need for a centre was identified based on the following grounds:

- (a) Neither Victoria nor Australia has a legislatively or constitutionally enshrined Bill of Rights.
- (b) The lack of legal protection of human rights in Australia is felt regularly and acutely by marginalised and disadvantaged individuals and groups, including people with disabilities, older people, children and young people, refugees and asylum-seekers, prisoners, Indigenous people, women, homeless people, ethnic and religious minorities, and gay, lesbian, bisexual, transgender and intersex communities are particularly vulnerable to human rights violations.
- (c) The lack of domestic human rights legal protection across Australia is compounded by the limited use of international human rights law in domestic forums. While international human rights norms and principles may be referred to or relied upon in the context of the review of administrative decisions, development of the common law, exercise of judicial discretions and statutory interpretation, the receptiveness of courts, tribunals and individual judges to international human rights law submissions is highly variable, and the capacity of advocates in the area is limited. As Justice Maxwell of the Victorian Court of Appeal has recently stated, ‘the development of an Australian jurisprudence drawing on international human rights law is in its early stages’.¹
- (d) The limited use of international human rights law in domestic litigation and advocacy is a significant deficiency in Australia’s and Victoria’s institutional framework of human rights protection. The availability of advice, assistance and advocacy about human rights must be an integral component of the implementation and realisation of such rights, with the right to equality before the law and the administration of justice being both a human right of itself and an important aspect of the promotion, protection, fulfilment and enforcement of other human rights. It is particularly important that human rights advocacy and legal services be available to marginalised and disadvantaged individuals and groups, many of whom are vulnerable to human rights violations and for whom ordinary legal services are not accessible.

The report had close regard to the findings of a series of consultations conducted during 1999-2000 by the International Human Rights Law Group (now Global Rights) with over 125 human rights legal organisations from more than 50 countries. The aim of the consultations was to identify the characteristics, methods and strategies of effective human rights legal organisations. Among other findings, the following six key findings informed the development of the HRLRC:

- (a) human rights lawyering organisations that have clearly stated and narrowly defined objectives and targets tend to be more effective than organisations with wide-ranging and comprehensive goals;
- (e) the most effective organisations tend to develop individual specialisations or focus on thematic priorities or groups. Organisations that think structurally

¹ Justice Chris Maxwell, ‘Human Rights: A View from the Bench’, paper to the Annual General Meeting of the Administrative and Human Rights Law Section of the Law Institute of Victoria, 26 October 2005.

and strategically about the application of limited resources have the greatest impact;

- (f) strategic litigation is an important tool for promoting human rights but is most effective when combined with other strategies, such as advocacy, education, lobbying and policy work. Amicus interventions were identified as particularly useful as they tend to be less resource intensive and do not have the potential adverse costs implications of being party to litigation;
- (g) the most effective human rights legal organisations work cooperatively and collaboratively with non-legal human rights NGOs;
- (h) the principle and practice of client empowerment is central to effective human rights legal organisations and lawyering; and
- (i) successful human rights legal organisations have expertise in the application of international human rights norms in domestic courts and in the use of international human rights complaint mechanisms.²

Informed by the Reference Group's findings and recommendations, PILCH and Liberty Victoria subsequently both passed resolutions in October 2005 to establish Human Rights Law Resource Centre, with PILCH and Liberty Victoria as the initial members. Pilot funding for this purpose was obtained from PILCH, the National Australia Bank and the Victoria Law Foundation.

4.3 Aims of the Human Rights Law Resource Centre

The HRLRC aims to:

- (a) Contribute to the harmonisation of law, policy and practice in Australia with international human rights norms and standards, including those contained in and derived from:
 - (i) *the International Covenant on Civil and Political Rights* ('ICCPR');
 - (ii) *the International Covenant on Economic, Social and Cultural Rights* ('ICESCR');
 - (iii) *the Convention on the Rights of the Child* ('CROC');
 - (iv) *the Convention on the Elimination of All Forms of Racial Discrimination* ('CERD');
 - (v) *the Convention on the Elimination of All Forms of Discrimination Against Women* ('CEDAW');
 - (vi) *the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* ('CAT');
 - (vii) customary international law; and

² See generally Richard Wilson and Jennifer Rasmusen, *Promoting Justice: A Practical Guide to Strategic Human Rights Lawyering* (2001). See also Deena Hurwitz, 'Lawyering for Justice and the Inevitability of International Human Rights Clinics' (2003) 28 *Yale Journal of International Law* 505; Dina Francesca Haynes, 'Client-Centered Human Rights Advocacy' (2006) 13(2) *Clinical Law Review* (forthcoming).

- (viii) international human rights resolutions, principles, standards and declarations;
- (b) Support and enhance the capacity of the legal profession, judiciary, government and community sector to develop Australian law and policy consistently with international human rights standards; and
- (c) Empower people that are disadvantaged or living in poverty by operating within a human rights framework, including by:
 - (i) treating people with fairness, dignity and respect;
 - (ii) promoting equality and freedom from discrimination;
 - (iii) promoting participation and the principle that people should have a say in processes and decisions that affect them; and
 - (iv) promoting social inclusion and community development.

4.4 Activities of the Human Rights Law Resource Centre

The HRLRC undertakes the following activities:

- (a) Conducts and supports the provision of legal services, education, training, research and advocacy regarding human rights;
- (b) Collaborates with human rights and community organisations, and with individuals, groups and communities that are disadvantaged or living in poverty, about human rights issues and needs;
- (c) Collaborates with human rights and community organisations, the legal profession and universities to further develop capacity and expertise in the legal sector to undertake human rights work;
- (d) Conduct and supports strategic litigation and provides other legal services in respect of human rights issues, including acting as instructing solicitor, amicus curiae, co-counsel or as a provider of technical and resource support to other legal service providers; and
- (e) Submits, and assists with, communications, complaints, petitions, reports and submissions to international, regional and local human rights agencies, organisations and bodies.

4.5 Thematic Priorities of the Human Rights Law Resource Centre

Recognising the need to use limited resources and provide services in a targeted and strategic way, in 2005-06, the HRLRC determined four areas of focus for its work. Although these areas are not exclusive, the HRLRC will generally give preference to cases or matters regarding:

- (a) The content, implementation, operation and review of the Victorian *Charter of Human Rights and Responsibilities*;

- (b) The treatment and conditions of detained persons, including asylum-seekers, prisoners and involuntary patients;
- (c) The importance, interdependence indivisibility and justiciability of economic, social and cultural rights; and
- (d) Equality rights, particularly the right to non-discrimination, including on the grounds of race, religion, ethnicity, disability, gender, age and poverty.

5. Operations and Activities

5.1 Introduction

The HRLRC provides pro bono expert 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, policy analysis and advocacy, education, monitoring and reporting. The HRLRC also undertakes these activities in its own right.

A summary of the HRLRC's key activities in these areas for 2005-06 is set out below.

5.2 Casework

(a) *Amicus* Intervention Applications

On 3 July 2006, the HRLRC filed an affidavit and submissions in support of an application for leave to appear as *amicus curiae* in the Victorian Court of Appeal in the case of *Joseph Thomas v The Queen*. Mr Thomas was convicted of a 'terrorist' offence on the basis of material obtained in an interview conducted by AFP officers in Pakistan in March 2003. The interview was conducted without the assistance of a lawyer and after Mr Thomas had been detained and mistreated by Pakistani and US authorities over a 3-month period (including extended periods of solitary confinement, being hooded and shackled, attempted strangulation, and being threatened with beatings, execution, electrocution and that his wife could be raped).

The HRLRC's submissions concerned the relevance of international human rights standards. In particular, the submissions focussed on:

- the relevance of the *ICCPR* arts 7 (freedom from cruel treatment), 9 (freedom from arbitrary detention), 10 (right to dignity in detention) and 14 (right to legal representation) to the admission of confessional evidence obtained while Mr Thomas was in detention in Pakistan; and
- the relevance of art 10 of the *ICCPR* and art 12 (right to health) of the *ICESCR* to the exercise of a sentencing discretion.

The appeal was heard on 24 July 2006 and, although leave for the HRLRC to appear was denied, the Court invited Counsel for Mr Thomas to file supplementary written submissions about the relevance of international human rights law to issues in the proceeding. The submissions subsequently prepared and filed drew significantly on the HRLRC's submissions.

The HRLRC would like particularly to thank and acknowledge the very tireless and outstanding work of Brian Walters SC, Michael Kingston of Counsel and Steven Amendola, Beth Midgley and Cecilia Riebl of Blake Dawson Waldron on this *amicus* intervention.

(b) Work Exploring Potential Legal Action

The HRLRC has worked with Allens Arthur Robinson, Michael Pearce SC, Ron Merkel QC, Fiona Forsyth of Counsel and Professor George Williams from the University of New South Wales to explore the possible constitutional and human rights issues and causes of action arising from the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (Cth). That Act amends the *Commonwealth Electoral Act 1918* (Cth) to remove the franchise from any person serving a custodial sentence. This is arguably in breach of art 25 of the *ICCPR*, which enshrines the right to vote, and art 10(3) of the *ICCPR*, which provides that the essential aim of imprisonment should be reformation and social rehabilitation.

To date, several memoranda of advice have been produced. The HRLRC, along with Allens Arthur Robinson are presently considering whether or not to launch a constitutional challenge to the legislation on the basis of the legal analysis generated so far.

(c) Submissions to UN Special Rapporteurs

In late 2005 and early 2006, a total of 13 Melbourne men were charged with committing terrorism offences. None were granted bail, and all were kept in remand until their committal hearings commenced in July 2006.

The men were kept in a high-security environment at Barwon Prison, which involved periods of solitary confinement and other treatment which, in the HRLRC's view, raised concerns of compliance with Australia's human rights obligations.

The HRLRC explored and decided against making an application to appear *amicus* in the impending trials, preferring instead to send an urgent communication to several UN Special Rapporteurs. In August 2006, the HRLRC sent a detailed submission to detailing the HRLRC's concerns about the conditions of the remand prisoners' detention to the Chairperson of the UN Working Group on Arbitrary Detention, as well as to the UN Special Rapporteurs on:

- the Right to Health;
- Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- the Promotion and Protection of Human Rights while Countering Terrorism;
- Freedom of Religion or Belief.

The submission asked the recipients to request permission from the Australian government to enter Australia to assess these conditions and their level of compliance with Australia's international human rights obligations.

The rights upon which the submission focussed were:

- the right to be free from cruel, inhuman or degrading treatment or punishment under art 7 of the *International Covenant on Civil and Political Rights* ('ICCPR');
- the right to freedom from arbitrary detention under art 9 of the *ICCPR*;
- the right of prisoners to be treated with dignity and respect under art 10(1) of the *ICCPR*;
- the right to a fair trial, including the right to adequate time and facilities to prepare a defence, under art 14(3) of the *ICCPR*;
- the right to freedom of religion under art 18(1) of the *ICCPR*; and
- the right to the highest attainable standard of physical and mental health under art 12 of the *International Covenant on Economic, Social and Cultural Rights* ('ICESCR').

5.3 Policy and Advocacy

(a) Policy and Human Rights Submissions

(i) Corporate Social Responsibility

In January 2006, Phil Lynch appeared on behalf of the HRLRC before a Parliamentary Joint Committee on Corporations and Financial Services in relation to 'Corporate Social Responsibility and Human rights'. The HRLRC's appearance was based upon a written submission to the Joint Committee.

On 15 May 2006, volunteer lawyer, Same Ure of Allens Arthur Robinson delivered a keynote presentation at a forum on human rights and corporate social responsibility. The forum was hosted by QCOSS and Griffith University in Brisbane.

(ii) Migration

In May 2006, the HRLRC made an extensive written submission to the Senate Legal and Constitutional Legislation Committee Inquiry into the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006. The Bill sought to establish an offshore regime for processing the visa applications asylum seekers who arrive unannounced on the Australian mainland.

The HRLRC's submission examined the Bill in light of Australia's obligations under the *International Covenant on Civil and Political Rights*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *Convention on the Rights of the Child* and the *International Covenant on Economic, Social and Cultural Rights*.

(iii) Same-sex Relationships

In June 2006, the HRLRC made a written submission to the Human Rights and Equal Opportunity Commission Inquiry into discrimination towards people in same-sex relationships in accessing financial benefits and work-related entitlements. The submission identified various pieces of Australian legislation that, either in isolation, or in conjunction with other domestic laws, have a discriminatory effect for same-sex couples. However, the submission's focus was on elucidating international human rights jurisprudence as it applied to same-sex relationships in the context of financial benefits and work-related entitlements.

(iv) Right to Social Security

In June 2006, Clayton Utz provided assisted the HRLRC in writing some observations on the UN Committee on Economic, Social and Cultural Rights' Draft General Comment on the Right to Social Security. The HRLRC's observations were broadly supportive of the Draft General Comment, but made some further suggestions for the more effective protection of the Right to Social Security.

This was an important opportunity to contribute to the development of jurisprudence pertaining to 'economic, social and cultural rights', which is a thematic priority for the HRLRC.

5.4 Community, Professional and Judicial Human Rights Legal Education

(a) Training, Education and Presentations

(i) Human Rights Litigation, Advocacy and Campaigning Training

On 29 March, 5 April and 12 April 2006, the HRLRC ran a human rights induction training program, entitled 'Human Rights Litigation, Advocacy and Campaigning Training'.

The training was intended for workers, volunteers and pro bono legal practitioners at community legal centres, law firms, community organisations and human rights organisations with an interest in using international human rights law in litigation, advocacy and campaigning.

The training ran over three half-days and covered:

- Overview of International Human Rights Law;
- Implementation of Human Rights in Domestic Law and Advocacy; and
- Using International Human Rights Complaints and Monitoring Mechanisms

The training was attended by an average of 70 people on each day. Feedback on the training was excellent, with the average evaluation score being 4.9/5.

The HRLRC would like to thank John Tobin, Michael Kingston, Rowan McRae, Dan Nicholson, Kristen Walker, Stephan Cauchi and Peter Henley, who along with Phil Lynch, presented the training over the three days. Thanks also go to Sparke Helmore, the Equal Opportunity Commission of Victoria and Mallesons Stephen Jaques for providing venues for the training.

(ii) Campaigning for Prisoners' Human Rights

On 31 May 2006, as part of the Federation of Community Legal Centres' State Conference at Trades Hall, the HRLRC made a presentation on 'Campaigning for Prisoners' Human Rights'. The presenters were Phil Lynch, Hugh de Kretser and Fiona Forsyth. The presentation was done in collaboration with Brimbank Melton Community Legal Centre.

(iii) Engaging Poverty in Regional Victoria in a Human Rights Framework

The HRLRC, in collaboration with the PILCH Homeless Persons Legal Clinic, Homelessness Advocacy Service and the Loddon Mallee Accommodation Network, ran a seminar on 6 April 2006 in Tooleybuc on the topic of 'Engaging Poverty in Regional Victoria in a Human Rights Framework'. The training was aimed specifically at community organisations and was presented by Phil Lynch and Kristen Hilton.

(iv) Human Rights Law Resource Manual

The HRLRC, working collaboratively with lawyers from Allens Arthur Robinson, Blake Dawson Waldron and Mallesons Stephen Jaques, together with barristers and academics have produced a comprehensive but accessible Human Rights Law Resource Manual. The Manual includes basic information on international human rights law and the international human rights system, but it also includes chapters on the Victorian Charter of Human Rights and Responsibilities and strategic human rights litigation in a domestic context.

(v) Opinion Pieces

The HRLRC has published 4 opinion articles in the *Herald Sun* and *The Age* on issues of human rights concern including:

- The Victorian Charter of Human Rights;
- Changes to federal electoral laws that would strip prisoners of the right to vote; and
- The failure to comply with human rights obligations as they apply to Australian citizen, David Hicks, who was to be subject to the United States' military tribunal system.

(b) Lectures and Seminars

The HRLRC has conducted and participated in a range human rights seminars this year. In particular, this has included the launch of a vibrant seminar series, attracting high profile guest speakers and engaging a broad range of stakeholders in the process.

(i) Justice Chris Maxwell and Geoffrey Robertson QC

The seminar series was launched on 14 March 2006 by Justice Chris Maxwell of the Victorian Supreme Court and Geoffrey Robertson QC with a seminar on the topic of 'Human Rights Lawyering, Litigation and Advocacy'. Key stakeholders were invited and accommodated.

Tickets for the seminar were sold out, meaning the seminar was attended by over 200 people. The HRLRC considers the launch to have been a big success and thanks Allens Arthur Robinson for hosting the seminar.

(ii) Professor Paul Hunt and the Reverend Tim Costello

The HRLRC held a stakeholder dinner at the Essoign Club on 29 April 2006. The keynote speakers were Professor Paul Hunt, UN Special Rapporteur on the Right to Health, and the Reverend Tim Costello, CEO of World Vision Australia, who addressed 'The Human Rights to Health and Development'.

This dinner, too, was sold out, accommodating 156 attendees.

The HRLRC would like to thank the Victorian Bar and National Australia Bank, who sponsored the dinner in the amount of \$1000 each, and the Law Institute of Victoria, which donated \$500.

(iii) Professor Conor Gearty

On 12 May 2006, the HRLRC held a breakfast seminar for key stakeholders on the topic of 'The Relationship between Human Rights and Representative Democracy'. The seminar was given by Professor Conor Gearty, with the generous support of Mallesons Stephen Jaques who provided the venue.

- (iv) Ron Merkel QC, Associate Professor Andrea Durbach and Cassandra Goldie

On 25 May 2006, the HRLRC conducted a seminar on 'Human Rights Activism and Advocacy' as part of Law Week. The key note speakers were Ron Merkel QC, formerly a Justice of the Federal Court of Australia, Associate Professor Andrea Durbach and Cassandra Goldie.

The seminar was held in conjunction with PILCH at the offices of Allens Arthur Robinson. The HRLRC thanks both for their assistance.

- (v) Roundtable with Professor Paul Rishworth

On 20 July 2006, the HRLRC brought together a range of human rights experts such as policy makers, community lawyers, legal professional association representatives, academics and the HRLRC Board and Advisory Committee for a roundtable discussion on the topic of 'The Implementation of a Charter of Rights: Lessons from New Zealand'. Professor Paul Rishworth, the Dean of the Faculty of Law at the University of Auckland, led the discussion, which shared vital ideas on the effective implementation of the Victorian Charter Human Rights. Specifically, the roundtable looked at approaches to community and legal profession education on the Charter.

The Roundtable was held in conjunction with the Equal Opportunity Commission of Victoria who provided the premises.

- (vi) Professor Larissa Behrendt, Brian Walters SC, Mark Leibler AC

On 1 August 2006, the HRLRC held a forum at Blake Dawson Waldron. Keynote addresses were given by Professor Larissa Behrendt, Brian Walters SC, Mark Leibler AC on the topic of 'The Indigenous Right to Self-Determination and the Need for a Treaty'.

- (vii) Justice Kenneth Keith and Justice John Perry

On 7 August 2006, the HRLRC held a seminar on 'The Use of Human Rights in Domestic Courts'. The speakers were Justice Kenneth Keith from the International Court of Justice, and Justice John Perry from the Supreme Court of South Australia. The seminar was held with the assistance of Mallesons Stephen Jaques who provided the venue.

6. Membership and Governance

6.1 Introduction

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

The HRLRC is governed by a Board of Directors. The Board is responsible for the governance and management of the HRLRC for the purpose of carrying out the HRLRC'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 HRLRC's objectives and the conduct of the HRLRC's activities.

6.2 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 HRLRC's initial members (namely, PILCH and Liberty Victoria), cl 21 of the HRLRC Constitution provides and confirms that Directors have an obligation to act in the interests of the HRLRC rather than their appointing member.

Name	Position	Date of Appointment	Qualifications	Meeting Attendance
David Krasnostein	Chairperson	03.01.06	Chief General Counsel, National Australia Bank Chairperson, PILCH	4/6
Bruce Moore	Treasurer	03.01.06	Special Counsel, Maddocks Lawyers Board Member, PILCH	3/6
Alexandra Richards QC	Director	25.01.06	Founding President, Australian Women's Lawyers Chair, Victorian Bar Equality Before the Law Committee	5/5
Hugh de Kretser	Director	03.01.06	Principal Solicitor, Brimbank Melton Community Legal Centre	4/6
Greg Connellan	Director	03.01.06	Committee Member, Liberty Victoria	5/6
Diane Sisely	Director	03.01.06	Committee Member, Liberty	5/6

			Victoria Former Commissioner and Chief Executive Officer, Equal Opportunity Commission Victoria	
Philip Lynch	Company Secretary	03.01.06	Founding Coordinator and Principal Solicitor, PILCH Homeless Persons' Legal Clinic	6/6
Paula O'Brien	Director	03.01.06 – 25.01.06	Executive Director, PILCH	1/1

6.3 Advisory Committee

The HRLRC 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 HRLRC Board in relation to realisation of the HRLRC's objectives and the conduct of its activities.

The Advisory Committee comprises 23 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 Julian Burnside QC.

The Advisory Committee may appoint one person to the HRLRC Board. This is intended to ensure effective communication, collaboration and coordination between the HRLRC Board and the HRLRC Advisory Committee. The Advisory Committee Appointee to the Board is Alexandra Richards QC.

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

Name	Organisation
Julian Burnside QC (Chair)	Victorian Bar
Elizabeth Bennett	Amnesty International
Eve Lester	Australian Lawyers for Human Rights
Matthew Carroll	Equal Opportunity Commission Victoria
Fiona McLeay	World Vision Australia
Sophie Delaney	Federation of Community Legal Centres
Stan Winford	Federation of Community Legal Centres
Andrew George	Andrew George Solicitors
Tiffany Overall	Youthlaw

Robyn Mills	Victoria Legal Aid
Stephanie Cauchi	Victorian Council of Social Service
Jude Di Manno	Loddon Mallee Accommodation Network
Joumanah El Matrah	Islamic Women's Welfare Council of Victoria
John Tobin	University of Melbourne Law School
Lee Ann Basser	La Trobe University
Julie Debeljak	Castan Centre for Human Rights
Peter Henley	Mallesons Stephen Jaques
Richard Meeran	Slater & Gordon
Catherine Roberts	Blake Dawson Waldron
Udara Jayasinghe	Clayton Utz
Frances Gordon	Allens Arthur Robinson
Jo Kummrow	Law Institute of Victoria
Alexandra Richards QC	Victorian Bar

7. Audited Financial Statements
