

Disability Discrimination Legal Service

ABN 36 079 687 722

Annual Report

2012/2013

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Statement of Purpose

1. To promote the objectives of the Disability Discrimination Act (Cth) 1992 and the Equal Opportunity Act 1995 (hereafter referred to as 'the Acts') in relation to disability/impairment which are:
 - The elimination of discrimination on the basis of disability;
 - That people with disabilities have a right to equal treatment before the law and;
 - To promote community understanding that people with disabilities have the same fundamental rights as the rest of the community.
2. To provide leadership in State, Federal, and International levels for legal and policy reform in areas where there continues to be systemic failure that leads to discrimination on the grounds of disability or impairment.
3. To collaborate with community legal centres and disability advocacy agencies across Victoria to provide free and readily accessible legal advice, referral and casework services to people with disabilities and to people/organisations who assist or work for people with disabilities in relation to issues relevant to the Acts and domestic and international human rights instruments.
4. To initiate and participate in the development of education outreach and information distribution to promote further awareness of the Acts and human rights legislation to consumers and the community.
5. To initiate, and participate in reviewing legislation relevant to the needs of people with disabilities achieve law reform outcomes for people with disabilities that as a natural consequence, reduce discrimination.

Vision

There are no barriers to full inclusion of people with disabilities.

Mission

To lead legislative and policy reforms that promote person with disabilities freedom and opportunities to achieve their life goals unhindered by prejudice, discrimination or injustice. To provide high quality, professional, accountable and timely legal service to people with disabilities in the area of discrimination.

Values

People with disabilities have the right to:

- ✚ the same opportunities as others;
- ✚ be treated with respect as clients and members of the community;
- ✚ full access to the judicial system in order to pursue their human rights at law.

Service Profile

The Disability Discrimination Legal Service Inc. (DDLS) is a state-wide Community Legal Centre dedicated to the elimination of discrimination based on disability.

DDLS is funded by the Federal and the State Attorney's-General, and administered through the Victoria Legal Aid (VLA) Community Legal Centre (CLC) Funding Program. We thank them for their ongoing assistance and support. Funding for the financial year was as follows:

Commonwealth	\$191,859
State	\$ 44,012

DDLS undertakes casework for people with disabilities under the *Disability Discrimination Act (Cth 1992)* ("DDA"), and the *Equal Opportunity Act (Vic 1997)* ("EOA"). This involves providing advice and on-going assistance to people with cases before the Australian Human Rights Commission, the Federal Court and the Federal Magistrates Court, the Victorian Equal Opportunity & Human Rights Commission and the Human Rights List of the Victorian Civil and Administrative Tribunal ("VCAT"). In addition, the Service supports people who decide to conduct their own cases and likewise assists disability advocates to take up cases on behalf of their clients.

DDLS recognises the importance not only of direct casework assistance but also the need to increase awareness of rights and responsibilities under disability discrimination laws through strategic community legal education ("CLE") projects. Increasingly, these projects engage people with disabilities in the delivery of services or developing CLE resources and publications produced in hard copy or available on the internet.

We also work toward reform of the law and areas of public and private policy through activities such as research, projects, lobbying and submission writing. Through challenging and changing discriminatory laws and procedures, the Service can assist many more people with disabilities than would otherwise be possible.

DDLS is open five days per week, 9.00am to 5.00pm with one evening clinic per week. Legal advice is provided by telephone or face-to-face appointment where necessary. Community legal education is increasingly targeted and planned in advance and inquiries can be made directly to the Service. In addition, information about the Service, the relevant law and useful links can be accessed through the Service's Internet site located at www.communitylaw.org.au/ddls. However, websites can never be a substitute for informed advocacy; rather they provide another avenue for information access for people with disabilities who have the skills and resources to enable access to relevant technologies.

The challenge for the Service has always been to provide targeted strategies to assist as many people as possible given very limited resources. The criteria for casework assistance therefore are primarily based on public interest principles. The other consideration is, of course, whether or not the client can find appropriate legal advice and representation elsewhere, and their capacity to meet any associated costs. Information and community legal education are provided free to people with a disability. Service providers, businesses and other organisations with the capacity to meet the

associated costs of providing these services are duly charged for them. As an ATO registered Donation and Gift Recipient, the Service can only charge a set amount determined as the 'cost price' for these services but can, of course, accept donations.

The community based management committee undertakes management of strategic decision-making, finances, policy direction and evaluating service delivery. The committee is made up of members of interested organisations and individuals. It meets bi monthly and otherwise as required and is elected from the membership annually. People with disabilities are strongly encouraged to be involved.

Membership of the organisation is free and open to all who share the philosophy of the Service. Interested people are encouraged to contact the Service to find out about how to become a member. Volunteers are an increasingly important part of the work of the DDLS and this will continue to be a focus for the continued provision of services. Various roles within the organisation provide an array of opportunities for people who wish to contribute their time and energy to the important work the Service does. Please contact the Service for details of how to become a DDLS Volunteer.

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Web: www.communitylaw.org.au/ddls

Committee of Management

The Committee of Management is responsible for the DDLS' strategic direction and the development of organisational policies, procedures and practices in collaboration with staff and management. Members for the financial year were as follows:

Chairperson:	Jan Ashford
Treasurer:	Bill Ford
Members:	Robert Pask Martin Grillo Lorraine Rodrigues
Secretary/public officer:	Julie Phillips

Staff Members

Manager
Principal Solicitor
Solicitor & Community Legal
Education Coordinator
Caseworker
Administrative Officer
Bookkeeper

Julie Phillips
Placido Belardo

Deborah Randa
Chelsea Candy
Anna Leyden
Darrell Harding

Chairperson's Report

The Management Committee would like to thank all volunteers and staff for continuing the challenging work of upholding the rights of people with disabilities in Victoria.

We would like to thank Robert Pask and Lorraine Rodrigues for their commitment to the Management Committee, from which they both stepped down last financial year. Robert has been on the Committee since 2007 and has made a substantial contribution during that time. Lorraine joined in 2011 and resigned at the end of the financial year to take on a lecturing role for which we wish her the very best.

The last financial year has given us food for thought, with the marker of the 20 year anniversary of the *Disability Discrimination Act* [DDA]. The anniversary required us to give some consideration to the impact of this legislation. Numerous and different views were shared as to whether the DDA had changed the culture and views of government and community, or whether its effect was more successful in simply giving people with disabilities a semblance that their rights were being protected.

The answer probably has little to do with individual stories and more to do with systemic changes. The patterns of our work can probably guide us when attempting to reach our own conclusions about whether Victoria is a better place for people with disabilities than it was 20 years ago.

While it is plain to see with our own eyes improvements such as an increase in the number of accessible tram stops, it seems from the work that DDL S staff do, that there are a number of areas where the DDA is not making an impact.

It continues to be a privilege supporting those who continue to try and make a difference.

**July 2012 – June 2013
Chairperson's Report**



Manager's Report

The proposed consolidation of federal anti-discrimination laws gave us some excitement and hope that the *Disability Discrimination Act [DDA]* and the legal systems that surround it could be improved for the benefit of people with disabilities. Disappointingly, that did not go ahead and the DDA continues to rely on the “heroic complainant” - people with disabilities, or parents of children with disabilities, who are willing to put themselves at risk of paying significant amounts of legal costs if they are unsuccessful.

Our system, which relies upon legal action taken by complainants, can no doubt partly explain the recent United Nations finding that Australia is failing to meet its obligations to people with disabilities pursuant to the Convention on the Rights of Persons with Disabilities, to which we are signatory.

Every year or so, a report, audit or piece of research from reputable government and/or non-government organisation sets out the significant disadvantage that Australian and Victorian people with disabilities continue to be subjected to. The failure of these reports to generate much interest outside the sector itself, and the failure to see any move for changing the status quo, is extraordinarily worrying.

While increased federal funding for education, and the NDIS is welcome, the question of how to change broad community attitudes towards people with disabilities remains unanswered. As with previous years, the Department Of Education and Early Childhood Development continue to be our most prolific Respondent. The critical reports as to their treatment of children with disabilities by the Victorian Auditor General's Office and the Victorian Equal Opportunity and Human Rights Commission in August/September last year are not yet effecting any change on the ground that we can see, however next year may bring some change.

The staff and volunteers of the DDLS continue to put their heart and soul into their jobs, and for this I thank them.

Julie Phillips
Manager

Collaborations/Partnerships

DDLs has enjoyed working with the following organisations throughout the year:

Children with Disability Australia is the national peak body which represents children and young people (aged 0-25) with disability and their families. DDLs and CDA have worked together to bring attention to the discrimination experienced by children with disabilities.

Communication Rights Australia is an advocacy organisation for people with little or no speech. DDLs has worked in the past with Communication Rights at numerous organisational levels. During the year a strategic planning process was engaged in and we identified numerous organisations as future partners. Communication Rights Australia was one of those organisations and a Memorandum of Understanding was agreed to, which will come in to operation this year.

Disability Advocacy Victoria is the peak body for independent advocacy organisations within Victoria. DDLs is pleased to be an active board member. Throughout the year, Disability Advocacy Victoria has represented the advocacy sector on numerous issues of interest to disability advocacy agencies.

Federation of Community Legal Centres. DDLs continues to be a member of the Federation's Human Rights Working Group, and continues to co-convene legal disability education sessions for community legal centres, disability advocacy organisations and people with disabilities.

STAR Victoria and DDLs are active members of the Inclusive Education Alliance, formed by STAR to address concerns about the failure to progress inclusive education practices in Victoria. The work is ongoing and the Alliance has approximately 20 members.

Youth Disability Advocacy Services provides advocacy services for young people with disabilities. DDLs and YDAS continue to work together in educating young people in relation to their rights. In the last financial year, YDAS received funds to establish a Disability Rights Hub. DDLs was a partner in this submission, and continues to support YDAS in the implementation of the project.

Casework Program Report

Anti-discrimination work

The last 365 days saw numerous developments and upheavals in anti- disability discrimination laws and advocacy campaigns at both state and national level. Print or electronic media, including social networks were permeated with discussion about the trial roll out of the national Disability Insurance Scheme¹, the withdrawal of the *Human Rights and Anti-Discrimination Bill 2012*² from Parliament, and a federal court decision which upheld an airline two wheelchair policy³, among others .

This year, the Disability Discrimination Act also celebrated its 20th anniversary since its entirety became law on 1 March 1993. Whilst legislators, policy makers and industry stake holders have made genuine attempts to address systemic discrimination, the DDLS casework files continued to deal with many cases which were largely brought about by attitudinal discrimination, the kind that wears the mask of reasonable conduct or a popular policy. A closer look, however, reveals that the decision making process is inherently flawed and in most cases, a product of misguided assumptions about the persons' disability and consequently their ability.

By way of illustration, the following is an excerpt from correspondence sent to a person who was refused training opportunity because she is deaf. The writer sought to justify his decision as compliance with occupational health and safety obligations.

Dear Applicant

“..What you must understand is that we have a duty of care, not only to you but also to our employers, and others around you on the training programme, and work colleagues thereafter. Vocal commands are probably the most important aspect of farm work. They can be vital and a lifesaver to avoid you getting killed or you killing somebody else. Farms are one of the most dangerous places you can work, especially in Australia with the vast distances, heat, animals and other dangers that you will experience in no other country.

To give you an example of what I mean:

Often when people are working with cattle, the trainer/farmer may need to tell you to get out of the way if a dangerous bull or something starts to

¹ Introduced into parliament in November 2012 and assented to on 28 March 2013, the National Disability Insurance Scheme (NDIS), later called DisabilityCare Australia is a Commonwealth health care program initiative for Australians with a disability. The Coalition government has indicated that it will named NDIS. In July 2013 the first stage of NDIS commenced in South Australia, Tasmania, the Hunter Region in New South Wales and the Barwon area of Victoria. Sites in the ACT and NT will commence in July 2014. NDIS will also be rolled out across Queensland from 2016.

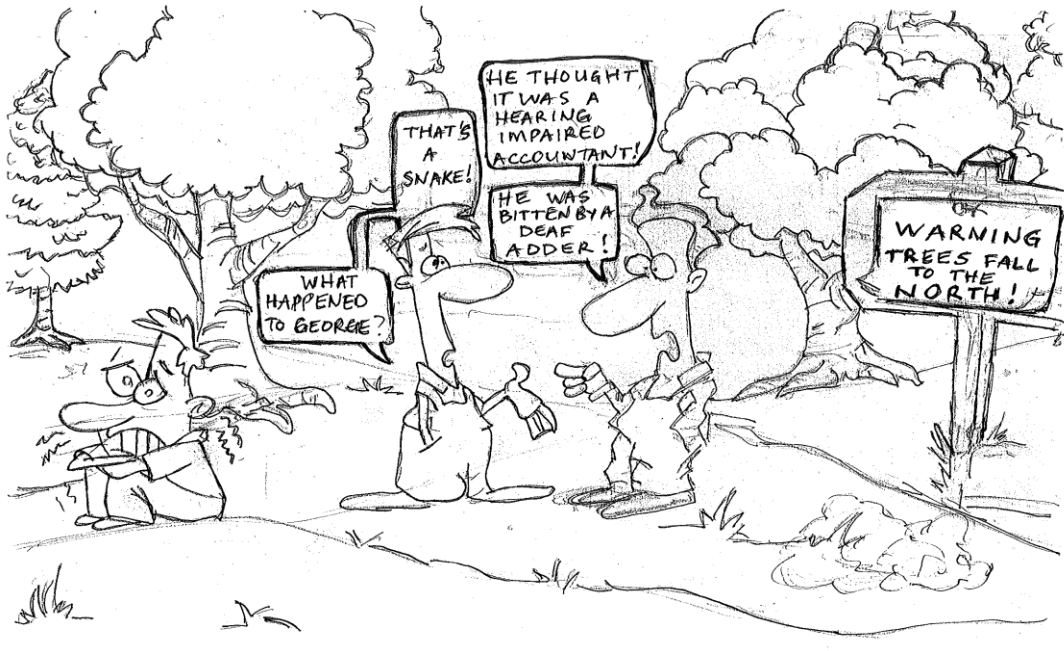
² The *Age Discrimination Act 2004* (Cth), *Disability Discrimination Act 1992* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), and *Australian Human Rights Commission Act 1986* (Cth) are the five principal Acts that together comprise the federal anti-discrimination framework. The *Fair Work Act 2009* (Cth) also contains certain provisions prohibiting Discrimination in the workplace.

³ *King v Jestar* (2012) 293 ALR 613, 23 August 2012 – held that the airline may limit the carriage of passengers who use wheelchair to two persons per flight for operational reasons.

charge, if they are unable to communicate with you from a distance, this could be fatal. If a tree is falling and you are standing in the wrong place and they cannot tell you to move then this could also be fatal. If you are told to go in one direction north and you understand it to be south, you could be lost on a millions acre farm with no water or food and could be dead within a couple of days.”

Regards

George



Safety is always paramount and it is best addressed through risk assessment and prevention. To conclude that a hearing loss prevents a person from working in potentially hazardous place is a misinformed and narrow view that departs from appropriate employment induction, training, policies and procedures that are vital in maintaining a safe environment. The prevalent use of inexpensive communication tools that have audio- visual and vibrating functions alone provides a totally different perspective in managing potential hazards when or where a sensory disability may impact on the communication aspect of the role.

Casework Outcomes

With the assistance of student volunteers and volunteer lawyers (day and evening service), the following select case studies illustrate the different forms or manner of unlawful discrimination where DDLS represented clients at the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) , the Australian Human Rights Commission (“AHRC”), the Victorian Civil and Administrative Tribunal (VCAT) and the Federal Magistrates Court :⁴

⁴ The identities of the parties have been changed to comply with privacy legislation and terms of settlement.

- 1) B and the Airline- an elderly woman with disabilities received compensation following her VCAT claim that the airline refused to carry her assistance animal.
- 2) J and the Bank- a young woman with mental illness received compensation following her VEOHRC complaint that she was denied an essential service because of doubts about her capacity.
- 3) B and the State- a man received compensation following his VCAT claim that he was refused employment because of his HIV positive status.
- 4) G and the University- a man with language and anxiety disorder received compensation and alternative form of assessment following his Federal Court claim that the university failed to provide him with reasonable adjustments in education.
- 5) L and the Community Organisation- a transgendered person received compensation following a VEOHRC complaint of unfair treatment by recruitment staff.
- 6) B and the Salon- a young man with intellectual disability received compensation following his AHRC complaint of demeaning treatment by the supervisor.
- 7) W and the Cruise- a man with complex needs received compensation following his Federal Court claim that he and his carer were initially denied services because of the man's reliance on disability support and equipment.
- 8) A and the Fastfood Company- a deaf man received compensation following his VEOHRC complaint that the store manager said that he would not cope with the level of communication required at a busy restaurant.
- 9) A and the University- a young man received an extension of lease following his VCAT complaint that he was expelled from campus accommodations due to behavior that is a manifestation of his disability.
- 10) A and the Owners Corporation- following her Federal court claim about inadequate physical access to the community hall and club premises, an access audit report was obtained, followed by a timetable for the necessary building alterations.
- 11) B and the State- a young man was allowed extra time and the use of assistive equipment following his VCAT complaint that he was denied reasonable adjustments in the assessment requirements of his education.
- 12) L and the Transport Company- a young man who uses a wheelchair received compensation for hurt and financial loss following his VEOHRC complaint that the company failed to provide prompt accessible bus service.
- 13) R and the Commonwealth- following his AHRC complaint of failure to provide reasonable adjustments, a man whose driving ability was affected by his disability was allowed transfer to a more suitable worksite that required less travelling.
- 14) M and the Medical Clinic - female doctor (GP) working at a clinic became physically and then mentally ill, requiring time off because of change in medication. The clinic, via mobile, summarily terminated the contract because of her illness/absences without warning. The doctor could not return to work to

explain her departure to colleagues /clients. Following her VEOHRC complaint the clinic agreed to circulate an apology to staff, provide her with a client list and complete anti-discrimination training.

- 15) S and the Airline Company - a woman's wheelchair was damaged by the Airline. After producing an occupational therapy report the company agreed to reimburse her the cap insurance amount to contribute towards the purchase of a suitable wheelchair.
- 16) G and the Body Corporate – a body corporate refused to modify the home of the young man with Muscular Dystrophy in order that it was accessible to him . In 2006 G lost the ability to walk unassisted and was living in an apartment without wheelchair access. As his condition slowly deteriorated, he had to be carried by family and friends, usually his mother, up the stairs from the street or car park into his home. The impact on him was to isolate him from the normal life of a teenager. Many years of informal negotiations were followed by an unresolved application to AHRC. DDLS and Victoria Legal Aid worked together on and Application to the Federal Magistrates Court. The matter was resolved at mediation. The body corporate agreed to pay a significant settlement amount (\$15,000 over 3 payments) and attend anti-discrimination training. In addition, they offered to ask their manager to speak about the case at an industry conference and write letters to their local MP, the AHRC and Strata Communities Australia asking for further guidance about this complex issue.
- 17) L and a Public Transport Company – a young man with cerebral palsy was about to board a public transport vehicle when the driver said 'fuck off we don't take disabled passengers'. Following frustrating correspondence between DDLS and the public transport company, the Public Transport Ombudsman investigated the matter, which took well over a year to resolve. The Public Transport Company confirmed that what had been described in the client's complaint was unacceptable and 'apologised if this occurred in the manner described'.
- 18) M and the Local Grocer shop – an elderly man with multiple physical disabilities and reliant on a walker had difficulty accessing some narrow aisles in his local grocery shop. After making an internal complaint he was asked to leave the premises because he complained about 'off ham'. Resolution of compensation was reached after 2 attempts at conciliation at VEOHRC and the matter proceeding to VCAT.
- 19) B and the Meat Packing Company – a man was injured at work and his employer refused to provide appropriate return to work duties. B was sent a termination letter for abandonment of the workplace after he was told to go home and wait for appropriate duties to arise. Following a complaint at VEOHRC B received a satisfactory outcome including \$10,000 for general damages and \$3900 for counselling.
- 20) M and the University – M has a vision impairment and acquired brain injury and asked for specific adjustments in advance (a 'CAP' plan), namely that a computer be accessible in pdf format so he could access his study materials. This this was not done. He eventually withdrew from the course of study.

Following a teleconference the matter was resolved with M receiving \$5000 for pain and suffering in addition to being able to do 2 undergraduate subjects within 2 years without paying fees, a Letter of Regret, a review of the CAP and university website.

- 21) C and the School – a young boy had ADHD, ODD, OCD, anxiety and depression. The Secondary school he attended failed to provide him with appropriate behavior modification in a timely manner and did not support his transfer to an alternative school environment. As a result the boy and his family suffered emotional and financial stress. C's Mother had to stay at home to care for him. At conciliation at the AHRC, the matter settled with monetary compensation, and a commitment from the school that they would assist the boy to find an appropriate school to cater for his disabilities.
- 22) O and the Multi Media Co – a young woman was mentally ill during her employment, took time off and was then terminated. After she withdrew her Fair Work Astray or application, she put an application into VEOHRC and the matter was resolved with financial compensation, equal opportunity training of the 2 employees who she felt discriminated against her, and a review of company policy in line with the *Equal Opportunity Act 2010*.
- 23) R and the Bank – woman worked for a bank for 25 years and after she complained about unrealistic targets, she was performance managed. She became ill and took time off. When she returned, her Return to Work plan (provided by her doctor) was not adhered to. The bank provided her with “meet and greet” tasks and no incremental work. When they asked R to come back on full duties she was unable to and was terminated. Following a complaint to AHRC the matter settled with \$10,000 compensation and an acceptable Statement of Service.
- 24) A and the Police – a man who was previously a police officer was refused employment as a police officer because he could not perform the inherent requirements of the job. This was apparently decided on the fact that A was previously diagnosed with a mental illness which he had fully recovered from, and despite his medical reports supporting his capacity to be a police officer. Following a complaint to the AHRC the matter was resolved with financial compensation.
- 25) M v The School – a young boy had autism and was refused attendance at a special school because his score was 71 and the cut off was 90. The school offered inappropriate alternatives. M's mother and her advocate met with the regional head before the conciliation at VEOHRC and the matter was resolved with M in a special school of his choice.
- 26) M v the Afterschool Daycare Centre - a young girl with autism was refused a place in an afterschool day care centre after the Centre said it would apply for funding. The client waited a long time before receiving a refusal although another child with a disability had been accepted in the same.. The mother had took the matter to VEOHRC without resolution. The matter was resolved at mediation at

VCAT with financial compensation, and change in policy about letting parents know about funding and the connected time frames.

Favourable Decisions

1. *Baxter v Air New Zealand (Australia) Pty Ltd (Anti-Discrimination)* [12 November 2012] VCAT 1666
Anti-Discrimination List; Equal Opportunity Act 2010, Sections 7(1), (2), (3) and (4), 8(1), 9(1) and 44(1); Whether complaint may be brought under Equal Opportunity Act 2010 in Tribunal against air carrier incorporated and domiciled in New Zealand relative to refusal to convey applicant's 'assistance dog' in passenger cabin on flight from Melbourne to Auckland; Victorian Civil and Administrative Tribunal Act 1998, Section 75
2. *Rigby v Whitecliffs to Cameron Bight Foreshore (Human Rights)* [27 February 2013] VCAT 1314 .
Victorian Civil and Administrative Tribunal Act 1998 section 75 – Equal Opportunity Act 2010 sections 9 and 45 - complaints of indirect discrimination and a failure to make reasonable adjustments in respect of allocation of site at camping grounds – whether application is misconceived or lacking in substance – application for summary dismissal dismissed

Systemic and Public Interest Issues in Cases pending at VCAT

1. *Richardson v Monash University*- complaint of age discrimination based on refusal to employ a recent retiree.
2. *Ranellone v Victoria Police*- complaint of disability discrimination based on refusal to communicate via mobile phone SMS to a deaf person.
3. *Stewart v Toorak Health Club*- complaint of disability discrimination based on club requirement that a vision impaired member must have a supervisor at all times.
4. *Beatty v State of Victoria*- complaint of disability discrimination based on refusal to provide assistance in taking an attendant chair in and out of a car.
5. *Mr. A v A University* (this case is anonymous because at the time of writing the parties have reached an amicable resolution and are in the process of exchanging settlement agreements). This complaint of disability discrimination is based on refusal to provide reasonable adjustments in the assessment phase of education.

Placido Belardo
Principal Solicitor

Deborah Randa
Solicitor/CLE

Chelsea Candy
Casework Solicitor/Evening service

General Discrimination Clinic

Since its inception, the DDLS has been handling matters of dual discrimination. Not only have our clients comprised people with disabilities, but they have also had other attributes that were inextricably linked with discriminatory conduct.

To that end, the DDLS applied for funding from the Commonwealth Attorney General's Department to run a time-limited project comprising an evening discrimination service which concentrated on other attributes.

Chelsea Candy was the casework solicitor who built up a team of dedicated lawyers who gave their time to us once a week to enable the service. We were fortunate enough to receive funds from the Victorian Law Foundation at the end of this financial year to assist people who have been discriminated against on various grounds through casework and outreach, and we look forward to reporting in our next Annual Report on this exciting new project.



Community Legal Education Program

Report

Community Legal Education (CLE) at the DDLS aims to raise community awareness about the law and legal processes related to disability discrimination, to increase the ability of community members to understand and critically assess the impact of anti-discrimination laws; improve community members' ability to participate in the legal system, and create a climate that promotes participation in the law-making process and inspires efforts to pursue law reform through collective action.

Basically CLE covers everyday activities that range from listening to community members, talking with tertiary school groups, explaining what DDLS does to various organisations, doing interviews with local media, developing seminars and associated material and providing web information. CLEs provide information and opportunities to ask questions, share ideas and develop strategies that may address gaps in the legal system; they may assist someone to find a solution to a legal problem before it becomes difficult, complicated and possibly expensive; and they can influence law reform work and make broad systemic change

DDLS designs Community Legal Education workshops specifically to suit the needs of community organisations, community groups and the general public. The following CLE sessions were held in the last financial year.

<u>PRESENTED TO</u>	<u>SUBJECT</u>
Disability Law Committee Administrative Law and Human Rights	Disability Vilification
Banyule Nillumbik Local learning and Employment Network	Disability Standards for Education
National Youth Disability Conference	Disability education issues
Chisholm TAFE	Access to Justice
Blind Citizens Australia	Disability Discrimination and How We Can Help
Pro bono law group	Disability discrimination
Community Law Advocates	Spot the Discrimination
Deakin University	NDIS and disability advocacy
Monash Medical Centre	Children with disabilities and discrimination

Villamanta Disability Rights Legal Service	Spot the Discrimination
Community Legal Education Representatives	Human Rights
Residential Facility	Disability Discrimination

DLS invites those interested in community legal education sessions to contact us directly.

Deborah Randa
CLE Co-ordinator
2013

Policy and Law Reform Program Report

The following submissions were made throughout the year.

1. **Access to Justice in the criminal justice system for people with a disability**
Australian Human Rights Commission
(Joint Submission through Disability Advocacy Victoria)
2. **Submission to Parliament of Australia Senate Standing Committees on Community Affairs, Inquiry into National Disability Insurance Scheme Bill 2012**
(Joint Submission with Federation of Community Legal Centres and Women with Disabilities Victoria)
3. **Submission to the Senate Standing Committee on Legal and Constitutional Affairs: Exposure Draft of Human Rights and Anti-Discrimination Bill 2012**
4. **Submission on the Draft Proposed National Framework for Reducing the Use of Restrictive Practices in the Disability Service Sector**
Joint Submission with Federation of Community Legal Centres
5. **Submission to the Victorian Equal Opportunity and Human Rights Commission on people with disabilities reporting crime to Victoria police**
6. **Submission to Department Of Health in relation to the rights of deaf people accessing interpreters in public hospitals**
Jointly through Disability Advocacy Victoria

For a copy of any submissions, please contact the office – some are on our website.

Volunteer and Student Program Report

DDLS would like to again express its appreciation to our volunteers. Derived mostly from law students and lawyers, our volunteers approach us independently, or are put forward by Universities for placement.

We have had a very productive relationship with the Australian Government Solicitor's Office who has been kind enough to second solicitors to us throughout the year. We hope to continue this relationship on an ongoing basis.

We have also been fortunate enough to partner with Australian National University and provide placements to graduating law students.

A requirement of DDLS is that volunteers spend at least six months with us – however it has been a testament to the commitment of some of our volunteers that is the fact that they have stayed significantly longer. Volunteers have assisted us in all manner of ways, including research and submission work. We acknowledge their efforts and appreciate their time.

Volunteers have helped us in the following areas:

- provision of general information and referral;
- case summaries;
- research;
- submissions;
- administrative support;
- law reform; and
- supporting solicitors in their casework.

DDLS Volunteer Lawyers

The following practitioners donated their time and work to DDLS for the period July 2012 to 30 June 2013. Some continue to provide volunteer assistance through the DDLS weekly evening service, rotating at least once every 3 weeks.



Oanh Tran

Oanh Tran is currently an Industrial Officer with the Textile, Clothing, Footwear Union of Australia (Vic-Qld Branch). In this role, she provides advice and assists union members with a variety of industrial, employment and equal opportunity matters. Oanh has also practised as a lawyer in Queensland and the United Kingdom in

employment and equal opportunity law. She is committed to social justice and has been volunteering with the DDLS since July 2011. She believes that persons with disabilities are entitled to be treated equally in the community and before the law, and to have access to legal advice



Jasmin Marks

Jasmin Marks is a lawyer and currently works at the investments firm JJ Holdings (Vic) Pty Ltd. She has a strong interest in health and advocating on behalf of members of the community impacted by health conditions. This has resulted in her undertaking pro bono legal work at the Mental Health Legal Centre and the DDLS. She is also on the Committee of Management for Myalgic Encephalomyelitis/ Chronic Fatigue Syndrome Australia.



Carly Price

Carly Price is an experienced litigator at Russell Kennedy practising in the Public Law Litigation and Aged Care team. Carly has experience conducting civil litigation, criminal prosecutions, as well as coronial inquests and mediation. She enjoys volunteering her time to pro bono legal work which includes immigration law, as well as volunteering her time as a volunteer solicitor at the DDLS.



Jing Zhu

Jing commenced as a Graduate Lawyer with Adviceline Injury Lawyers in 2011, working in the Personal Injury and Employment Industrial Relations departments. She now primarily helps clients who have been injured as a result of transport accidents, as well as assisting in public liability and WorkCover matters.

As a law student, Jing was a volunteer with the Castan Centre for Human Rights and Monash Oakleigh Legal Service. She developed a keen interest in assisting people to understand and exercise their legal rights.



Chad de Souza

Chad is a lawyer in Gilbert + Tobin's Competition & Regulation group. Since joining Gilbert + Tobin, Chad has gained broad competition and regulatory experience, and has gained particular experience in advising in the telecommunications and energy industries.

Chad is currently on secondment to Sensis. While at Sensis, Chad has advised on telecommunications regulation and privacy issues, as well as drafting and reviewing commercial agreements.

Prior to joining Gilbert + Tobin, Chad worked in the litigation and dispute resolution group of another Australian law firm. Chad has Bachelor degrees in law and commerce.

Jeremy Davey

Jeremy is currently a corporate solicitor at Toyota Motor Corporation Australia Ltd. He was previously a lawyer at Gilbert + Tobin.

Nicky Walker- Currently completing a PhD in human rights, Nicky works as a legal officer of the Aged Care Accreditation Agency. Previously, she worked as a lawyer and policy officer at the Victorian Equal Opportunity and Human Rights Commission for 2.5 years. She has also volunteered with the Darebin Community Legal Centre for five years. Nicky was a volunteer lawyer with the DDLS for a year and undertook a month's paid position to finalise the report on the DDLS Anti-Vilification Project.

Sarah Colman

Sarah Colman is currently a Legal Counsel at Telstra. She was previously a legal assistant at the Department of Defence of Australia, and a lawyer at Blake Dawson (now Ashurst) and Gilbert + Tobin. She graduated from the Australian National University with a Bachelor of Science/Laws.



Albert Yuen

Albert is a lawyer in Gilbert + Tobin's TMT and Project Services group. He advises corporate and government clients on a broad range of corporate, commercial, technology and telecommunications transactions and projects.

Albert rejoined Gilbert+ Tobin in January 2010 after practising law in the United States for several years, most recently as an of counsel attorney in the Los Angeles office of Gibson, Dunn & Crutcher LLP, a leading California-based international law firm. Albert also completed a legal secondment as legal counsel in the Operations Legal team of Australia's largest telecommunications provider. Prior to working for Gilbert + Tobin (2004-2006), Albert worked for an international law firm in Sydney and was the Research Officer to the New South Wales Court of Appeal in 1999. He has substantial global transactions experience having lived and/or worked in the United States, Australia, Singapore and Indonesia.



Claire Holden

Since being admitted in February 2011, Claire worked as a solicitor in a boutique private firm for approximately two years gaining experience in a variety of areas including Family Law, Deceased Estates, Criminal Law, Wills and Conveyancing. She now works for Stockland's Legal Team in the Retirement Living Division. Claire has a passion for helping vulnerable members of the community and enjoys volunteering her time at the DDLS.

Bianca Genzuik is a lawyer and lecturer at La Trobe University, Bundoora campus.



Catherine Britt

Before becoming a lawyer in February 2011, Catherine was a health professional for nearly 35 years, working in hospitals, and the community, as well as teaching in university. She travelled to remote and rural parts of NSW and Northern Territory in the last 20 years. She considers coming to work in DDLS as a dream come true as she has always been passionate about human rights and disadvantage in families and children within the indigenous and CALD communities that she worked .

Kate Brazenor is currently a Reader at the Victorian Bar. She has previously held a variety of jobs, notably a research assistant at the University of Melbourne Law School, a lawyer at Arnold Bloch Leibler and an Associate to the Honourable Justice John Middleton. She graduated from the University of Melbourne with a Bachelor of Science/Laws.

Mell Elton (right) began volunteering at the DDLS in July 2013. She is a recently admitted lawyer, and in addition to volunteering works part-time as an associate at a criminal law firm. Prior to being admitted Ms Elton worked in a range



of positions including at the Disability Liaison Unit at the University of Melbourne and as a casual research assistant at the Victorian Law Reform Commission.

Lawyers from the Australian Government Solicitor's Office who were on 3 month secondment to DDLS from November 2012 to June 2013.



Cathryn Moore is currently a lawyer at the Australian Government Solicitor. Her previous jobs include being an Associate to the Honourable Justice Reeves, a Legal Research Assistant at the Queensland University of Technology and clerking at various law firms. She completed a Bachelor of Laws/Media and Communication at the Queensland University of Technology, and a Graduate Diploma of Legal Studies at the Australian National University.



Jennifer Lim is currently a lawyer at the Australian Government Solicitor, where she also completed a law graduate program . She was previously an intern at The Age and Hunt & Hunt. She graduated from the University of Melbourne with a Bachelor of Arts/Laws and has also studied at Georgetown University.

These volunteers have contributed greatly to the work of Disability Discrimination Legal Service and we thank them for their time, and the donation of their skills.

Placido Belardo
Principal Solicitor

Deborah Randa
Solicitor

Auditor's Report and Financial Statements



J L COLLYER & PARTNERS
ACCOUNTANTS & AUDITORS

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Glen Waverley Vic 3150
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INDEPENDENT AUDITOR'S REPORT

To the members of **DISABILITY DISCRIMINATION LEGAL SERVICE INC**

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of **Disability Discrimination Legal Service Inc** comprising the balance sheet as at 30th June 2013, and the income statement, statement of changes in equity and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes.

Management's Responsibility for the Financial Report

The management of **Disability Discrimination Legal Service Inc** is responsible for the preparation and fair presentation of the financial report and has determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report are appropriate to meet the needs of the members. The management's responsibility also includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

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

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

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

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

Independence

In conducting our audit, we have complied with the relevant independence requirements.

Auditor's Opinion

In our opinion the financial report of **Disability Discrimination Legal Service Inc**.

- (a) gives a true and fair view of **Disability Discrimination Legal Service Inc's** financial position as at 30th June 2013 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- (b) complying with Australian Accounting Standards to the extent described in Note 1.

Janet Collyer
J L COLLYER & PARTNERS

15th August 2013



Chartered Accountants

DIRECTORS
JANET L COLLYER FCPA
LIONEL R. ARNOLD CA B.BUS
RAELENE LAI CPA B.COM

LIABILITY LIMITED BY A SCHEME APPROVED
UNDER PROFESSIONAL STANDARDS LEGISLATION

Disability Discrimination Legal Service Inc

Balance Sheet

As at June 30, 2013

	2012/13	2011/12
Current Assets		
Cash on Hand	150	100
Cash at Bank		
Cash Management Account	3,619	123
Cheque Account	57,350	7,679
Donations account	2,144	1,404
Term Deposit 43452	179,793	173,193
Term Deposit 43460	0	68,404
Prepayments	1,354	1,602
	244,411	252,504
Fixed Assets		
Leasehold Improvements at Cost	25,071	25,071
Less Accumulated Depreciation	(1,075)	(628)
Total Leasehold Improvements	23,996	24,443
Plant & Equipment at Cost	36,873	36,873
Less Accumulated Depreciation	(32,698)	(31,990)
Total Plant & Equipment	4,175	4,883
Total Fixed Assets	28,171	29,326
TOTAL ASSETS	272,582	281,830
Current Liabilities		
VLA Grant in advance	35,796	52,347
Accounts Payable	8,457	10,056
Annual Leave	36,368	32,614
Total Current Liabilities	80,622	95,016
Long Term Liabilities		
Long Service Leave	30,004	24,859
Total Long Term Liabilities	30,004	24,859
TOTAL LIABILITIES	110,626	119,875
NET ASSETS	161,956	161,956
EQUITY		
Asset Revaluation Reserve	14,143	14,143
Prior Period Adjustments	8,846	8,846
Retained Earnings	138,966	216,724
Net Income	0	(77,758)
RETAINED SURPLUS FOR THE YEAR	161,956	161,956

DISABILITY DISCRIMINATION LEGAL SERVICE INC.
STATEMENT OF CASH FLOWS
For the year ended 30th June 2012

	<u>2012</u>	<u>2011</u>
CASH FLOW FROM OPERATING ACTIVITIES		
Receipts from government grants - recurrent	227,872	222,522
Receipts from other sources	3,505	2,433
Interest received	15,483	9,879
Payments to suppliers & employees	(235,935)	(258,687)
	-----	-----
Net cash provided by (used in) operating activities	10,925	(23,853)
CASH FLOW FROM INVESTING ACTIVITIES		
Proceeds from sale of plant & equipment		
Payments for purchase of plant & equipment	-	(16,311)
Payments for leasehold improvements	-	(21,041)
	-----	-----
Net cash provided by (used in) investing activities	-	(37,352)
CASH FLOW FROM FINANCING ACTIVITIES		
Proceeds from borrowings	-	-
Repayment of borrowings	-	-
	-----	-----
Net cash provided by (used in) financing activities	-	-
Net increase (decrease) in cash held	10,925	(61,205)
Cash at the beginning of reporting period	239,976	301,181
	-----	-----
Cash at the end of reporting period	250,901	239,976

NOTES TO THE STATEMENT OF CASH FLOWS

NOTE 1. RECONCILIATION OF CASH

(a) Reconciliation of Cash

Cash at the end of the reporting period as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:

Cash on Hand	100	103
Cash at Bank	250,801	239,873
	-----	-----
	250,901	239,976
	=====	=====

NOTE 2. RECONCILIATION OF NET CASH PROVIDED BY OPERATING ACTIVITIES TO OPERATING PROFIT

Operating Profit(Loss) after income tax	(77,757)	(36,443)
Prior Year Adjustment	4,639	-
Depreciation	2,623	5,660
Increase/(decrease) in provisions	12,543	9,918
(Increase)/decrease in current receivables	4,611	56,060
Increase/(decrease) in creditors and accruals	2,102	(6,879)
(Increase)/decrease in other assets	9,277	-
(Increase)/decrease in prepayments	540	2,447
Increase/(decrease) in grant in advance	52,347	(54,616)
	-----	-----
	10,925	(23,853)
	=====	=====

Disability Discrimination Legal Service Inc
Income Statement
For Year Ended 30 June 2013

	<u>2012/13</u>	<u>2011/12</u>
	\$	\$
INCOME		
Commonwealth (Recurrent)	191,859	186,344
State (Recurrent)	44,012	41,528
Service Generated Income		
Interest	12,816	11,881
Community Legal Education	209	600
Fundraising/Donations	750	250
Miscellaneous	29	1,646
Total Income	<u>249,676</u>	<u>242,249</u>
EXPENDITURE		
Salaries	182,934	172,237
Superannuation	16,259	16,415
On Costs	9,254	13,044
Rent	26,095	25,227
Amenities	387	446
Staff Training & Conferences	1,906	3,126
Staff Recruitment	91	184
Communications	14,274	12,296
Office Overheads	1,681	1,883
Insurance	1,813	1,872
Finance/Audit/Accounting Fees	1,554	10,195
Library, Resources & Subscriptions	5,047	5,630
Travel	241	898
Programming & Planning	1,067	1,254
Minor Equipment	2,468	330
Depreciation	1,155	2,622
Total Income	<u>266,227</u>	<u>267,659</u>
Net Ordinary Income	<u>(16,551)</u>	<u>(25,410)</u>
VLA Grants in Advance Transfer	<u>(16,551)</u>	<u>52,347</u>
Net Income	<u><u>0</u></u>	<u><u>(77,758)</u></u>