

# Disability Discrimination Legal Service

ABN 36 079 687 722

## Annual Report

## 2013/2014

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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 persons 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	\$308,525 (including one off grant \$100,000)
State	\$ 47,490

DDLS undertakes casework for people with disabilities under the *Disability Discrimination Act (Cth 1992)* ("DDA"), and the *Equal Opportunity Act (Vic 2010)* ("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 Circuit 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](http://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 a vital 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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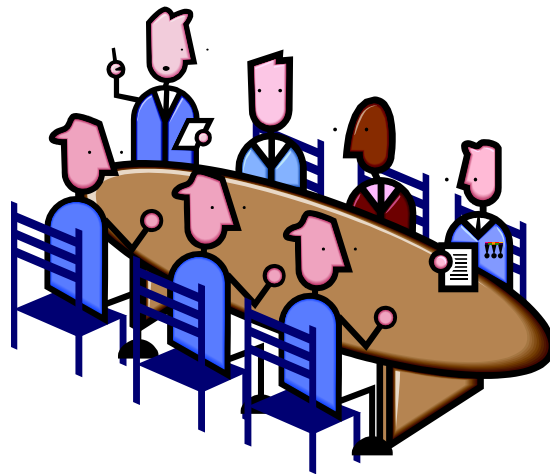
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# Committee of Management

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:	Bill Ford
Vice Chairperson:	Jan Ashford
Treasurer:	Martin Grillo
Members:	Jen Morris Elizabeth Knight
Secretary:	Julie Phillips



## Staff Members

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

**Julie Phillips**  
**Placido Belardo**  
  
**Deborah Randa**  
**Catherine Britt**  
**Anna Leyden**  
**Darrell Harding**

# Chairperson's Report

This year has been a challenging one for our organisation, influenced by recent pressures on both disability and community legal centre sectors.

Changes to the environments around us often influence the demand for our services. New limitations on available funding for people with disabilities, reduced access to general services, and cuts to disability service providers are all factors that can change the landscape for our clients.

Many of these factors are not ones that raise discrimination issues and as a result, DDLS is not in a position to assist. However taking the time to listen to the concerns of clients and making appropriate referrals are all part of the work that staff do.

DDLS is one of a number of organisations whose aim is to assist disadvantaged Victorians. We are proud to do so, particularly in periods where the social and political environments are unkind. Despite ongoing reports and submissions by us and others in relation to the social inclusion of people with disabilities, the barriers that are reported to our organisation continue unresolved.

We hope that the recent Productivity Commission research into legal assistance schemes for disadvantaged Australians, while not finalised and decided upon, will herald some positive changes to the way in which legal services can assist those clients most in need. It is clear from numerous and varied reports that people with disabilities are still amongst the most marginalised and vulnerable in our society and it is our constant view that they therefore need a substantive level of assistance. We look forward to any positive changes to legal assistance schemes that can provide people with disabilities with improved support.

The Board commends the DDLS staff, who are consistently working under the pressure of unmet need and limited finances in a complex environment where skill, patience and good humour are integral to a quality service. I thank my fellow Board members for the time they provide voluntarily to helping ensure that our organisation is the best it can be.

Bill Ford  
Chairperson





# Manager's Report

The 2013/2014 year ended with no real changes in the demand for our services or the types of issues being raised. As in previous years, education and employment continue to be the most common areas of discrimination. It has now been two years since the Victorian Equal Opportunity and Human Rights Commission brought out its report on the education of students with disabilities in Victoria - disappointingly little seems to have changed given the consistent approaches we received from parents of students with disabilities.

The DDLS took part in submitting to the Productivity Commission's research report into legal assistance for disadvantaged Australians. Given that people with disabilities are one of the most disadvantaged groups in our community, we are hopeful that the recommendations from this report and subsequent actions from government result in improved access to services.

Recent decisions in the Federal Court of Australia and the Victorian Civil & Administrative Tribunal narrowing the applicability of the *Disability Discrimination Act* and the *Equal Opportunity Act* give rise to the question of whether current discrimination laws are able to protect people with disabilities without significant law reform. The following illustrates this point regarding the *Disability Standards for Education*:

[284] *Consultation may occur in face-to-face meetings, in the course of telephone conversations or in exchanges of correspondence. Once consultation has occurred it is for the school to determine whether any adjustment is necessary in order to ensure that the student is able, in a meaningful way, to participate in the programmes offered by the school. The school is not bound, in making these decisions, by the opinions or wishes of professional advisers or parents. The school is also required to determine whether any reasonable adjustment is possible in order to further the prescribed aims.*<sup>1</sup>

[163] *I am to consider the question of whether the school's efforts were a reasonable adjustment. This does not mean either that they must be perfect, or even that they were in fact effective. Dr Angelique Anderson appears to have assumed a much higher standard of criticism than I am required to apply. In my opinion she expressed a highly theoretical academic view based on incomplete material and given in hindsight.*<sup>2</sup>

Given the benevolent nature of discrimination legislation and the intent of parliament in creating legislation designed to protect students with disabilities, it is clear that the legislation may not be meeting the needs of people with disabilities.

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<sup>1</sup> *Abela v State of Victoria* [2013] FCA 832

<sup>2</sup> *USL obo her son v Ballarat Christian College (Human Rights)* [2014] VCAT 623

The DDLS will be considering in the coming year whether the *Disability Standards for Education 2005* are usable for our constituents, and if not, what needs to be done to ensure the law can protect students with disabilities from discrimination.

The staff at DDLS are required to have more expertise than simply law when they work here. Lawyers who are not familiar with different disabilities and the adjustments they may require make working with clients just that little bit more difficult. Therefore, I would like to thank our staff who through their commitment to DDLS and their longevity, continue to develop knowledge in disability issues, and the expertise that people with disabilities appreciate when we work together for positive outcomes.

It continues to be a privilege to assist people with disabilities who continue to bear the onus of ensuring the upholding of their human rights - rights that they should not have to fight for. The courage they require to make legal complaints and the ensuing stress of such actions are things that beg the question of whether our legal systems, when it comes to discrimination against people with disabilities, are appropriate.

DDLS joined the world of Twitter early this year and we now have 156 tweets to our name.

The DDLS was proud to receive our accreditation under the National Accreditation Scheme in the last financial year. Due to the hard work of staff, we received our accreditation partially by already having comprehensive Quality measures in place prior to the accreditation process. Nevertheless, given our staffing levels, any work completed which is in addition to our regular services is an achievement and I thank my colleagues.

Julie Phillips  
Manager



## Collaborations/Partnerships

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

The Australian Government Solicitors Office and the Australian National University are mentioned in the volunteer section of this report due to their support of our organisation in that area.

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 Children with Disabilities Australia continue to work 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. A Memorandum of Understanding was signed between the two organisations last year and cross referrals and closer collaboration resulting in a more holistic approach for both our clients has been the result.

DDLS also signed a Memorandum of Understanding with Villamanta Disability Rights Legal Service who we work with closely due to the referrals between the agencies and the importance of directing clients with disabilities who have legal issues to the most appropriate service.

Disability Advocacy Victoria is the peak body for independent advocacy organisations within Victoria. DDLS continues to be an active board member. Members of Disability Advocacy Victoria have been able to inform our work through their data collection on advocacy issues and DDLS benefits from close liaison with those agencies.

A representative from DDLS is a member of the Project Governance Group for DARU (Disability Advocacy Resource Unit) together with representatives from the Office for Disability and Leadership Plus.

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.

DDLS attends various reference groups, committees and working parties throughout the year on matters to do with disability, discrimination, advocacy and the law.

# Casework Program Report

## Casework Outcomes of Anti-discrimination work

About 70% of DDLS cases are resolved by negotiation, which may take place before a complaint is formally made or after, and if after usually by then through the assistance of a conciliator or mediator. It is fair to say that it is rare that a client gets exactly what they want and most conciliators or mediators would begin by saying that “*to expect so is to waste time*”. More often than not, clients accept an outcome which may only approximate a sense of vindication but more importantly serves their practical consideration.

The terms of resolution are put in writing which by their nature contain three standard conditions: no admission of liability, finality and confidentiality.

Not being the product of a determination by a court or tribunal after due assessment of opposing evidence and arguments, no liability is admitted. There is finality as the intent is to conclude the adversarial positions of the aggrieved person and the alleged discriminator, put their dispute to rest, and unless there is an on going relationship, for them to part ways.

It is an essentially private matter, open only to those with the need to know, hence the obligation to keep the complaint and terms of settlement confidential. As such many casework achievements, no matter how satisfying, meaningful or systemic they are, do not become part of public knowledge. We can only share the following<sup>3</sup> with our best attempt at anonymity:

1. **Employment.** The client lost the full function of his right eye some 20 years ago. He failed the standard medical and vision test when he applied for a security work related position. At first glance, it seemed reasonable to deny such type of employment to someone whose capacity to conduct surveillance and necessary visual assessment was solely reliant on one eye. However, the complaint demonstrated that the employer’s functional capacity assessment tool was for flawed.

Eventually the employer was persuaded to implement an assessment used by many law enforcement agencies as suggested by DDLS. The client easily proved that he could perform the inherent requirements of the job and that the level or safety risk as far as he was concerned was no different from another employee who may have a pair of functional eyes. It took approximately 6 months of advocacy which ended not only with a job offer and acceptance but also a new and more equitable employment approach for the employer.

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<sup>3</sup> With the assistance of student volunteers and volunteers lawyers (day or evening service), these are select case studies that 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 Circuit Court

2. **Services.** The client has lived with mental illness for much of her adult life. Contact with the criminal justice system and a community treatment order saw her temporarily in the psychiatric ward of a hospital. She sought to withdraw money from her savings bank account in the company and with the assistance of hospital nurses when she personally attended the bank. The bank declined her first and second attempt and later required that she provide a guardianship order in order to establish the validity of the transaction.

The complaint showed that she did not need a guardianship order and that it was unreasonable to require a person to have one simply on the basis of a history of mental illness. She agreed to discontinue her complaint based on an offer of compensation.

3. **Employment.** The client had been a diligent employee for more than a decade. He then had surgery relating to a prostate and bowel disorder which caused him both physical and emotional distress. The negative outcome of his performance review and tension with Human Resources was largely a result of his reported 'non-compliance' with key performance indicators. These KPIs included the minutes of "non-productive work" occasioned by the frequency of toilet breaks that he had to take. His complaint of indirect discrimination led to a payment of compensation for loss of income and hurt.
4. **Services.** Cerebral palsy has never stopped the client from pursuing full time employment, participating in a variety of social activities and travelling independently. The airline's service policy was to collect his motorised scooter at check in at which time they would provide him with a manual wheelchair and the assistance of a staff member to push him in the wheelchair whilst he waited to board the plane. Airline staff did not see anything wrong with this arrangement and were quite surprised to receive a grievance lodged by the client.

The DDLS complaint made on his behalf set out that there was no detriment to the airline in him retaining his scooter just before boarding instead of at check in. Eventually the airline appreciated his desire to move around freely on his customised scooter in and around the airport, and not having to rely on someone for mobility during the hour or so between check in and boarding the plane. The airline provided the client with compensation in kind and implemented a new policy in providing such services to travellers with similar mobility equipment.

5. **Services.** The Client has a physical disability and hearing impairment. He purchased a ticket for a live performance at a club and resort facility. Unfortunately the company wouldn't recognise his companion card and failed to provide an accessible bus service to the facility. The function room did not have a hearing loop, and staff refused his request to be seated where he could at least lip read.

Mediation at the Federal Court delivered the following outcomes: an apology, refund of his costs, compensation for his hurt, a commitment to the installation of a hearing loop at the function room and the company's recognition of the companion card scheme.

6. **Services.** The client has an Acquired Brain Injury and physical disability. He and his mother went to a hotel for food and drinks. A staff member asked them to leave because of his disabilities. His VCAT proceedings were concluded after the owners of the hotel offered a written apology, compensation for hurt and agreed to provide equal opportunity and anti-discrimination training to its staff.
7. **Employment.** The client had a medical condition that made it difficult to maintain a healthy weight range. As with most cigarette smokers, his attempts to quit smoking had not been consistent and successful. He felt his employment as a store manager for 6 years came under direct attack from the State Manager who had called a meeting during which he said quite clearly that “*people who were overweight or smoked would no longer be considered for future advancement in the company*”. The client felt he was targeted because he was the only overweight person in the room at the time and one of those who smoked.

The workplace became a tense environment, prompting him to resign. His complaint of discrimination on the basis of disability and physical feature set out that his resignation amounted to a dismissal. The State Manager was disciplined for his irresponsible and discriminatory remarks. The client agreed to consider the complaint resolved in exchange for the provision of a positive written reference, and compensation for loss of income and hurt.

8. **Services and Victimisation.** The client’s complaints against her local council had two parts. The first was disability discrimination based on the council effectively requiring her to receive services from carers who had very little understanding of her complex disabilities. The second was victimisation based on the council’s withdrawal of services following her complaint about the carers’ conduct and performance. The complaints were resolved with the provision of an apology, payment of costs and expenses, compensation in kind and a cash payment for hurt feelings.
9. **Employment.** The client volunteered to work in a community based project overseas. As a volunteer worker she was not paid but was provided with meals, accommodation and an allowance for basic necessities. She became psychologically unwell but felt that she would get better if given support and treatment locally, however her host organisation decided to send her back to Australia.

The client felt that with all the hard work she had done, she at least deserved support and an opportunity to finish the work she had started. Following a conciliation conference, she received a letter of apology and compensation for her costs and out of pocket expenses. The employer also agreed to provide equal opportunity and anti-discrimination training to its staff.

10. **Employment.** The client is a general practitioner who was working at medical clinic. The manager of the practice terminated her contract after she took extensive time off due to psychiatric illness. When she felt better and ready to resume her medical practice, she found out that her colleagues and patients had been misinformed about the circumstances of her absence. Moreover, the practice denied her access to her patients’ files.

Through DDLS assistance, the practice manger agreed to circulate a letter to address any misunderstanding about her absence and to provide equal opportunity and anti-discrimination training to its staff. She also received a letter of apology.

- 11. Employment.** The client taught English literature full time to year 12 students. She commenced working part time in view of her expected pregnancy and maternity leave. On her return, the school did not consider it appropriate for her to continue teaching Year 12 students part time.

DDLS represented her at VCAT until the matter was resolved with the school providing an agreed reference for the client, payment of compensation for damages and the return of all the client's belongings, including her intellectual property.

- 12. Education.** The client complained that the school discriminated against her daughter who had a hearing impairment in failing to provide reasonable adjustments to her. The mother was in arrears in paying school fees and also claimed indirect discrimination and causing further distress as whilst the school knew that her daughter was attending counselling for stress and an adjustment disorder, the principal restricted her attendance and participation at a school ball because of the arrears.

Following mediation at VCAT, the matter was resolved with the school agreeing to waive the school fees owed, and to pay a sum of money to assist the student put together a portfolio for future studies. The school also committed to monitor regularly and assist students with disabilities needing reasonable adjustments, and to review the school policy on the consequences of non-payment of college fees in time.

- 13. Education.** The client has been diagnosed with multiple chemical sensitivity and needed to wear a mask or use an air filter to alleviate the adverse effects of airborne chemical particles. The school refused her request to be provided with an air filter, and she had to wear a mask when completing assessment requirements. The school claimed that wearing a mask would affect her assessment but did not provide an air filter until some time after her health had been affected. She fell behind and received a fail.

She considered the matter resolved after the school offered payment of compensation for general damages, and undertook to provide its employees with adequate training in disability discrimination and equal opportunity law.

- 14. Services.** The client has an intellectual disability and an Acquired Brain Injury. She was banned from a medical centre because of her behaviour. Her complaint of discrimination illustrated that the centre had not made any attempt to understand the symptoms of her disabilities or for staff to learn how to communicate with a person whose behaviour was a symptom of disability.

The matter was resolved with the client receiving compensation for her hurt, and a written acknowledgment of fault. The centre also provided an apology to the

client and her mother, undertook to provide further training to staff and implement their policies/procedures relating to patients with behavioural issues.

15. **Employment.** The client was employed by a fast-food franchisee and was discriminated against due to three attributes. The first was her age, as her manager had given her more tasks whilst her older co-workers would stand idle. Her disability, based on her manager's indifference to the medical certificates that she provided in support of her absence due to an illness. Her lawful sexual activity, as the manager made repeated offensive comments about her relationship with her boyfriend.

The matter was resolved at conciliation with compensation for hurt; a statement of service and further training for management.

16. **Education.** The client has multiple disabilities including Acquired Brain Injury. He enrolled at a law school which gave him a period of 9 years to complete his law degree. The client was not able to enrol due to illness, and ignoring correspondence from his advocate, the school discontinued him from course. As a result he lost his guaranteed enrolment spot and would have needed to reapply through VTAC.

The matter was resolved before mediation at VCAT with the overturning of the client's exclusion from the course.





## **Systemic and Public Interest Issues in Cases pending at VCAT**

### WUU Obo HJD v DP H55/2014

This application is based on the denial of a school holiday program and services to a child with cerebral palsy. The respondent sought to justify that the discriminatory conduct was necessary to ensure the safety of the child.

### Harrison v MacArthur River Mining H185/2014

The complaint arose from the termination of the employment of a person, not due to any performance issue but because he was deemed overweight. The case also presents a jurisdictional question: whether the Equal Opportunity Act 2010 applies to the discriminatory termination of an employee who resides in Victoria, but where the place of employment and the employer are outside Victoria, and when the notice of termination was received by telephone.

**Placido Belardo**  
Principal Solicitor

**Deborah Randa**  
Solicitor/CLE

## General Discrimination Clinic

The DDLS was fortunate to receive a grant from the Victoria Law Foundation to establish a general discrimination clinic and outreach service. The project was named Victorian Anti-Discrimination Legal Service. It has often been the case that clients who contact us for assistance have more than one attribute and at times it is not always clear exactly which attribute is the cause for discrimination, or sometimes it may be both. Given these challenges, and the consolidation of federal discrimination laws which has been raised for community consideration within the last two years, DDLS made application to the Victoria Law Foundation to begin some work in this area.

The project commenced with the establishment of a Reference Group with members from the general community. Over the 12 months that the service has been running we have received 4 pregnancy complaints, 2 matters related to physical features, 4 race discrimination matters, and 2 age discrimination. The two matters relating to physical features are currently going through the discrimination complaint system.

Also, over the 12 months the project coordinator has undertaken numerous community legal education sessions with the Chinese and Vietnamese communities in Preston and Dandenong. Community legal education sessions have also been conducted with same sex attracted and transgender youth in Shepparton, Australian Nursing breastfeeding mothers, Lions Club members in Chelsea, the Gippsland Community Legal Service and Hume Riverina Legal Service. Outreach and education continue.

One of the project's goals is to set up regular outreach. This has been challenging as it has required analysis of high legal needs areas, and an understanding of which populations might need to be targeted over others. We are currently negotiating with South Shepparton Community House and the Hume Riverina Legal service to set up outreach in the Shepparton and Wodonga areas.

Client feedback has been excellent and it is clear that these services are valued and appreciated.

**Catherine Britt**  
Casework Solicitor

## Special Projects Work

DDLs were fortunate to be the recipient of a one-off \$100,000 grant from the Federal Attorney General's Department last year. We chose to establish two projects whose aims were to target two groups that we believed did not always have the same access to legal education and advice as others. One of these groups was people in rural areas and the other was to people with moderate-severe disabilities and communication impairments. There is also an overlap between the two areas.

Despite having a short period of time to acquit the funding we received, the project workers managed to exceed their targets. In terms of the rural project, 21 community legal education sessions were provided and 83 legal advices. The project focusing on moderate to severe disabilities succeeded in providing 25 legal education sessions and 52 advices.

While the DDLs are funded to provide services to the state of Victoria, with staffing of 2.7 equivalent full-time staff, unfortunately for those living in rural areas many do not receive the same level of services as those living in metropolitan Melbourne.

While our telephone advice sessions are routinely through telephone, our community legal education outreach reaches rural areas sporadically and therefore it was our view that the project money was an opportunity to reach into those areas and it sure the community knew who we were, how we can help them, and what their rights are.

We were fortunate enough to recruit staff who either already had expertise in discrimination legislation, or were experienced lawyers in the disability field. Project workers produced a significant amount of plain English training materials, and the funding also assisted in producing a plain English brochure for our service, which our regular staff were sufficiently impressed with to decide on its permanent adoption given its improved accessibility.

One of the most satisfying education sessions was given to indigenous Australians at Lake Tyers Aboriginal Reserve. On a small number of occasions, the Project Workers teamed up in various parts of Victoria - the logistics of three months intensive work, the majority of which were in country Victoria was a challenge for all Project Workers.

DDLs were very fortunate to have the competent and enthusiastic assistance of Jackie Kerr, Jessica Mekhael, Barbara Shalit and Greg Leeson. The community legal education evaluations were unequivocal, as was contemporaneous feedback at workshops, on the value of this work.

The challenge for an organisation the size of DDLS is how to continue and build on this project work. From the advice sessions, a number of discrimination complaints were adopted by the DDLS based on our merit criteria. We know from this project that there is a significant portion of the community that need services delivered to them in situ - a small Melbourne-based service is not going to adequately meet their needs.

These issues will need to be considered by ourselves and our funders. In the meantime, we were very grateful for the opportunity given to us by the Federal Attorney General's Department.



# 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. CLE sessions in the last financial year included:

### PRESENTED TO

### SUBJECT

Family Court of Australia	DDLS and Discrimination Law
Family Court of Australia – Court Network	Increasing Access to Justice for People with a Disability
Swinburne University	Disclosure in Employment and Education
Ross House Association (2013 and 2014)	General Discrimination Training
Disability Support Service Sunshine	What is discrimination? How can we help?
Rural Advocacy Agency	Future of Disability Advocacy
Mental Health Expo, City of Casey	Disability Discrimination Legal Service

Dyslexia Conference	Education Rights
Service Provider to Disadvantaged Victorians	Disability Discrimination Legal Service/Discrimination Law
Dyslexia Support Group	Education Rights
Hume Riverina Community Legal Service	Discrimination Law
Mental Health Service Alliance, Eastern Region	Disability Discrimination Legal Service
Law Institute of Victoria Government Lawyers Conference	Mental health and capacity
Rural Community Group	Education Rights
St Kilda Legal Service	Mental Health Act 2014
Mental health Expo for	Disability Discrimination Legal Service

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

Deborah Randa  
CLE Co-ordinator  
2014

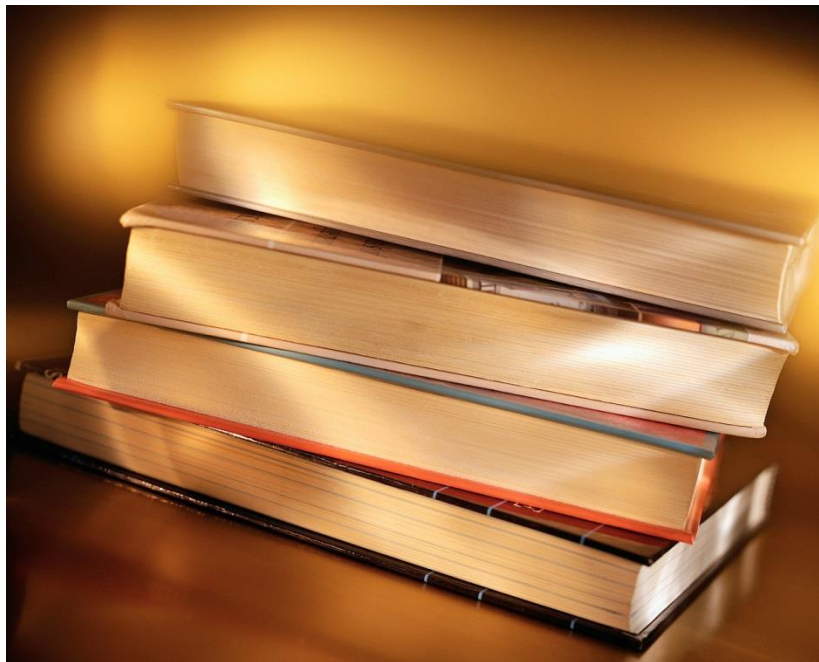


# Policy and Law Reform Program Report

The following submissions were made/contributed to throughout the year.

1. **Beyond Doubt - the experience of people with disabilities reporting crime**  
Victorian Equal Opportunity and Human Rights Commission
2. **Access to Justice**  
Productivity Commission
3. **Temporary Exemption for Employer ADE's to Continue Using the Business Services Wage Assessment Tool (BSWAT)**  
Australian Human Rights Commission- Opposing the
4. **Inquiry into the Prevalence of different types of speech, language and communication disorders and speech, pathology service in Australia**  
Senate Standing Committees on Community Affairs
5. **Australian Law Reform - Equality, Capacity and Disability in Commonwealth Law**  
Australian Law Reform Committee
6. **Access to Justice in the Criminal Justice System for People with Disability**  
Australian Human Rights Commission
7. **Social Inclusion for People with Disabilities**  
Family and Community Development Committee
8. **Supporting Vulnerable Witnesses into giving Evidence**  
Attorney-General's Department Disability Justice Plan –
9. **Development Airline Two Wheelchair Policies**  
Department of Infrastructure and Regional

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 from law students and lawyers, our volunteers approach us independently, or are put forward by Universities for placement. Our students come from a variety of universities across Victoria.

We have continued to have a very productive relationship with the Australian Government Solicitor's Office who provide support through the ongoing secondment of staff.

Australian National University have also continued to provide us with graduating law students on placement.

Volunteering has substantial benefits for the DDLS, and we like to think that we have been instrumental in developing an interest in social justice and disability issues in many of our volunteers.

We have approximately 20-25 volunteers working for the organisation on a weekly basis and are very grateful for their assistance – they contribute to all aspects of our operations.

We require a six month minimum commitment and are grateful to those volunteers who are still with us after a significant period of time.



**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**

**Independent Auditor's Report to the Members**

**Report on the Financial Report**

We have audited the accompanying financial report, being a special purpose financial report, of Disability Discrimination Legal Service Inc (the association), which comprises the Statement by Members of the Committee, Income and Expenditure Statement, Balance Sheet, notes comprising a summary of significant accounting policies and other explanatory notes for the financial year ended 30 June 2014.

**Committee's Responsibility for the Financial Report**

The committee of Disability Discrimination Legal Service Inc are responsible for the preparation of the financial report and have determined that the basis of preparation described in Note 1, is appropriate to meet the requirements of the Associations Incorporation Act of Victoria 2012 and is appropriate to meet the needs of the members. The committee's responsibilities also includes such internal control as the committee determine is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

Our responsibility is to express an opinion on the financial report based on our audit. We have conducted our audit in accordance with Australian Auditing Standards. Those 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 association's preparation of the financial report that gives a true and fair view, 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 association's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

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

**Auditor's Opinion**

In our opinion, the financial report presents fairly, in all material respects, the financial position of Disability Discrimination Legal Service Inc as at 30 June 2014 and its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Associations Incorporation Act of Victoria 2012.



**TST AUDIT**  
& ASSURANCE

*Director:*  
A. R Ager CA, BEC, FTIA  
Registered Company Auditor  
Registered SMSF Auditor

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Registered company auditors



**Chartered**  
**Accountants**

**Disability Discrimination Legal Service Inc  
ABN 36 079 687 722**

**Independent Auditor's Report to the Members**

**Basis of Accounting**

Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Disability Discrimination Legal Service Inc to meet the requirements of the Associations Incorporation Act of Victoria 2012. As a result, the financial report may not be suitable for another purpose.

Signed on : 12<sup>th</sup> SEPTEMBER, 2014

TST AUDIT & ASSURANCE PTY. LTD.

TST Audit & Assurance Pty Ltd

Authorised Audit Company Number: 453122

Chartered Accountants



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Anthony Robert Ager

Director - Audit & Assurance

Chartered Accountant

**Disability Discrimination Legal Service Inc ABN 36 079 687 722****Income and Expenditure Statement****For the year ended 30 June 2014**

	2014	2013
	\$	\$
<b>Income</b>		
VLA Recurrent - Commonwealth	308,525	191,859
VLA Recurrent - State	47,490	44,012
Victoria Law Foundation	31,236	-
Community Legal Education	-	209
Fundraising/Donations	2,198	750
Miscellaneous Income	2,914	29
Interest received	5,630	12,816
Total income	<u>397,993</u>	<u>249,675</u>
<b>Expenses</b>		
Communications	17,583	14,274
Depreciation - other	1,155	1,155
Finance, Accounting & Audit	1,638	1,554
Insurance	1,561	1,813
Library, Resources & Subscriptions	6,437	5,047
Minor Equipment	2,224	2,468
Office Overheads	12,439	1,681
On Costs	(3,907)	9,254
Programming & Planning	697	1,067
Rent	26,794	26,095
Salaries	302,607	182,934
Staff amenities	-	387
Staff training & Conferences	694	1,906
Staff Recruitment	-	91
Superannuation	27,651	16,259
Travel	122	241
Total expenses	<u>397,693</u>	<u>266,226</u>
<b>Profit from ordinary activities before income tax</b>	<b>300</b>	<b>(16,551)</b>
Income tax revenue relating to ordinary activities	-	-
<b>Profit from ordinary activities after income tax</b>	<b>300</b>	<b>(16,551)</b>
Other Comprehensive Income	11,681	16,551

The accompanying notes form part of these financial statements.

Disability Discrimination Legal Service Inc ABN 36 079 687 722

Income and Expenditure Statement

For the year ended 30 June 2014

	2014 \$	2013 \$
<b>Net profit attributable to the association after other Comprehensive Income</b>	<u>11,981</u>	<u>-</u>
<b>Items recognised directly in equity:</b>		
Net increase (decrease) in Asset Revaluation Reserve	(14,143)	-
<b>Total revenues, expenses and valuation adjustments attributable to the association and recognised directly in equity</b>	<u>(14,143)</u>	<u>-</u>
<b>Total changes in equity of the association</b>	<u>(2,162)</u>	<u>-</u>
Opening retained profits	138,966	138,966
Net profit attributable to the association	<u>11,981</u>	<u>-</u>
<b>Closing retained profits</b>	<u>150,947</u>	<u>138,966</u>

The accompanying notes form part of these financial statements.

**Disability Discrimination Legal Service Inc ABN 36 079 687 722**  
**Detailed Balance Sheet as at 30 June 2014**

	Note	2014	2013
		\$	\$
<b>Current Assets</b>			
<b>Cash Assets</b>			
Cheque Account		1,404	57,350
Cash Management Account		64,872	3,619
Donations Account		4,342	2,144
Cash on hand		150	150
		70,769	63,263
<b>Other</b>			
Term deposits 43452		184,328	179,793
Prepayments		2,492	1,354
		186,820	181,147
<b>Total Current Assets</b>		<b>257,589</b>	<b>244,410</b>
<b>Non-Current Assets</b>			
<b>Property, Plant and Equipment</b>			
Leasehold Improvements (cost)		17,900	25,071
Less: Accumulated depreciation		(2,111)	(1,075)
Plant & equipment - at cost		29,838	36,873
Less: Accumulated depreciation		(29,619)	(32,698)
		16,008	28,171
<b>Total Non-Current Assets</b>		<b>16,008</b>	<b>28,171</b>
<b>Total Assets</b>		<b>273,597</b>	<b>272,581</b>

The accompanying notes form part of these financial statements.

**Disability Discrimination Legal Service Inc ABN 36 079 687 722**  
**Detailed Balance Sheet as at 30 June 2014**

	Note	2014 \$	2013 \$
<b>Current Liabilities</b>			
<b>Payables</b>			
<b>Unsecured:</b>			
- Trade creditors		3,346	1,862
- Other creditors		19,530	2,052
		22,876	3,914
<b>Current Tax Liabilities</b>			
GST payable control account		1,663	4,543
		1,663	4,543
<b>Provisions</b>			
Provision for Annual Leave		42,180	36,368
		42,180	36,368
<b>Other</b>			
VLA Grant In Advance		36,096	35,796
		36,096	35,796
		36,096	35,796
<b>Total Current Liabilities</b>		<b>102,815</b>	<b>80,621</b>
<b>Non-Current Liabilities</b>			
<b>Provisions</b>			
Provision for Long Service Leave		19,835	30,005
		19,835	30,005
<b>Total Non-Current Liabilities</b>		<b>19,835</b>	<b>30,005</b>
<b>Total Liabilities</b>		<b>122,650</b>	<b>110,626</b>
<b>Net Assets</b>		<b>150,947</b>	<b>161,955</b>

The accompanying notes form part of these financial statements.

**Disability Discrimination Legal Service Inc ABN 36 079 687 722**  
**Statement of Cash Flows**  
**For the year ended 30 June 2014**

	<b>2014</b>	<b>2013</b>
	<b>\$</b>	<b>\$</b>
<b>Cash Flow From Operating Activities</b>		
Receipts from customers	392,363	236,859
Payments to Suppliers and employees	(385,653)	(274,073)
Interest received	5,630	12,816
Net cash provided by (used in) operating activities (note 2)	12,341	(24,398)
<b>Cash Flow From Other Comprehensive Income</b>		
Net cash provided by (used in) other comprehensive income item (note 3)	(300)	16,551
Net increase (decrease) in cash held	12,041	(7,847)
Cash at the beginning of the year	243,056	250,903
Cash at the end of the year (note 1)	255,097	243,056

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The accompanying notes form part of these financial statements.