Disability Discrimination Legal Service

ABN 36 079 687 722

Annual Report

2016/2017

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Statement of Purpose

- 1. To promote the objectives of the *Disability Discrimination Act* 1992 (Cth) and the *Equal Opportunity Act* 2010 (Vic) ('the Acts') and other relevant domestic and international human rights instruments (human rights legislation) in relation to disability. These objectives include:
 - 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 and Federal arenas 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. In order to further develop case law, to provide free and easily accessible legal advice, referral and casework services to people with disabilities and to people/organisations who assist or work with people with disabilities in relation to the Acts, and to prioritise cases that will further develop disability discrimination law.
- 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 achieve law reform outcomes for people with disabilities, that reduce discrimination by initiating and participating in reviews of Federal, State and international human rights legislation specifically relevant to the needs of people with disabilities.

Vision

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

Mission

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

Values

People with disabilities have the right to:

- the same opportunities as others;
- 4 be treated with respect as clients and members of the community;
- 4 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	\$248,768
State	\$ 48,292

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 of Australia 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.ddls.org.au.

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 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.

Disability Discrimination Legal Service Inc Level 2 247-251 Flinders Lane Melbourne VIC 3000

Ph: (03) 9654-8644 Fax: (03) 9639-7422 Country Callers: 1 300 882 872 Email: <u>info@ddls.org.au</u> Web: <u>www.ddls.org.au</u>



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: Vice Chairperson: Treasurer: Members: Dr Claire Spivakovsky (August 2016-June 2017) Ms Jan Ashford Mr Nick Corker Mr Pradeep Hewavitharana Mr Wayne Kiven Ms Elizabeth Knight (Chairperson July/August 2016) Ms Elizabeth Muhlebach Dr Liddy Nevile Mr Marius Smith Ms Julie Phillips

Secretary:



Jan Ashford has been involved in the community sector for thirty years after coming from government. With an academic background in Arts, Social Work, Family Counselling and post graduate in quality corporate management. Her passion is human rights and she was awarded the Ethel Temby Scholarship to study Human Rights Auditing here and overseas. Jan heads up Communication Rights Australia, a human rights advocacy and information agency for people with disabilities giving priority to those who have communication or speech difficulties.



Nick Corker is a risk manager in the Chief Risk Office at Telstra. Nick has a strong interest and experience in corporate governance, risk management and internal control, and has worked as a risk consultant on a range of public and private sector organisations with Arthur Andersen and Deloitte in the UK. Nick has completed a Graduate Diploma in Applied Corporate Governance and is a member of the Governance Institute of Australia and Chartered Accountants Australia and New Zealand.



Pradeep Hewavitharana is a disability advocate involved in numerous organisations that promote equality and fair treatment of people with disabilities. He has a bachelor's degree in Commerce and went on to complete his Masters in Business Information Technology at Middlesex University London. As part of his disability work with AQA Victoria's Spinal Injury Resource & Support Network (SPIRE), he won the 2016 Victorian Disability Award for the volunteer group category.



Wayne Kiven is a former lawyer who in addition to private practice as a barrister and solicitor, worked at other organisations with a community focus including the Citizens Advice Bureau and Legal Aid. Wayne acquired a disability 10 years ago and has been a member of the Mornington Peninsula Disability Consultative Committee Scooter Committee, and peer support volunteer at Limbs 4 Life, an organisation that provides information and support to amputees.

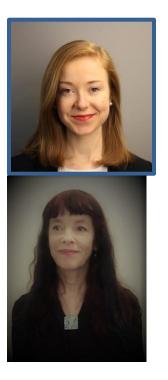
Elizabeth Knight is a careers counsellor, and researches currently in the Globalisation, Education and Work research group at the Faculty of Education, Monash University. She has worked for over fifteen years in supporting students with disabilities during transition to higher education and has researched the history of support for students with disabilities. She is very interested in human rights, access to assistive technology and provision of information in appropriate and useable formats.

Dr Liddy Nevile is an accessibility expert. Liddy's particular interests in recent years have been the accessibility to all of digital resources and the use of metadata. She has worked as an author and editor for accessibility and accessibility metadata specifications with W3C, the Dublin Core Metadata Initiative, the European Committee for Standardization and the IMS Global Learning Project. Her lifelong interest has been in new technologies and how they can be used to serve human purposes.

Marius Smith is the Manager of the Castan Centre for Human Rights Law, based at Monash University. Prior to joining the Castan Centre, Marius worked in commercial law and worked on development aid projects in the Philippines and Africa. He has a BA, LLB and LLM from Monash University.



Dr Claire Spivakovsky is a Senior Lecturer in Criminology at Monash University. Claire's research and advocacy focuses on challenging the ongoing confinement and control of people with disability in society. Prior to joining Monash, Claire worked in the community and government sectors, developing a range of social and criminal justice projects which advocated for the rights and needs of marginalized populations.



Elizabeth Muhlebach joined the DDLS Management Committee in 2015 and is the Manager of Policy, Legal & Governance at Transport Safety Victoria, the state's transport safety regulator. Elizabeth holds a Bachelor of Commerce/Laws from the University of Melbourne as well as specialist qualifications in Executive Leadership, Governance and Risk Management. Elizabeth is also a long-time volunteer with Vision Australia Radio.

Julie Phillips is the Manager of DDLS. She has worked in the disability sector for most of her working life, in direct advocacy, senior management, and Board positions.

Staff Members

Manager	Julie Phillips
Principal Solicitor	Placido Belardo
Solicitor & Community Legal	
Education Coordinator	Deborah Randa
Administrative Officer	Anna Leyden
Bookkeeper	Darrell Harding



Chairperson's Report

As Chairperson of the Disability Discrimination Legal Service I would like to thank my fellow Management Committee members and staff for their collective strength and patience in making it through a year where we were facing significant Commonwealth funding cuts that were planned to be introduced at the beginning of the 2017/2018 financial year.

It has been a challenging and uncertain time for our staff, and of course the many other Community Legal Centres across Australia, anticipating how we would continue to provide a professional and responsive service with a substantial reduction in funding. It was a huge relief, just before the end of the financial year, to receive notification that those cuts were not to eventuate.

In a climate where services for disadvantaged Australians are regularly defunded or downsized, the organisation has continued to work solidly, ensuring as best we can that our clients receive high-quality advice, information and legal assistance.

We have been excited to have succeeded with partners Youthlaw and Social Security Rights Victoria in a submission to Victoria Legal Aid in a CLC "Innovation and Transformation Grant". The funding we have received to enquire into the interplay between generalist and specialist centres Community Legal Centres gives us an exciting opportunity to be involved in research and practical outcomes that we hope will improve how Committee Legal Centres work together in the future.

The Management Committee were proud that once again, DDLS gained national Accreditation, despite its small size and the work such accreditation entails. This would not be possible without all the time and care given by the excellent staff and volunteers of the DDLS and the Management Committee thanks them for their ongoing efforts and commitment.

Claire Spivakovsky Chairperson

Manager's Report

DDLS has been fortunate enough to operate for another year with the same dedicated staff who have spent years building up skills and understanding relating to discrimination law, and the unique problems people with disabilities face in education, work and other areas of everyday life.

It has been interesting to note that the rollout of the NDIS has had no discernible effect on the numbers of people calling us for assistance, or the types of matters that are raised. Indeed, a number of issues discussed by some clients of the NDIS, while possibly being discriminatory, are unable to be processed through normal discrimination channels due to there being an alternative pathway to resolution (e.g. Administrative Appeals Tribunal).

We continue to enjoy maintaining our close ties with the disability community through a range of forums. It is through these connections that we continue to ensure that any systemic work we do is driven by the real-life experience of the community.

Once again, our systemic area for law reform, casework and advocacy is education. It is disappointing that despite multiple reports and enquiries from a range of reputable statutory authorities and other organisations, improvement in education for students with disabilities is negligible.

The Held Back Analysis released by the Victorian Equal Opportunity and Human Rights Commission in 2017, five years after they released "Held Back-Experiences of Students with Disabilities in Victorian Schools", was depressing reading as it clarified that little on the ground has changed for those students.

I would like to thank our Management Committee who have been extremely active in the last year supporting the governance of the organisation and taking a keen interest in everything we do. We were proud to receive our National Association of Community Legal Centres Accreditation once again.

We have been involved in a number of consultations run by Victoria Legal Aid in looking at reforming the manner in which community legal centres are funded, and reported. It has been a positive experience to be included in discussions that inform decisions that will affect our sector.

A final thank you once more to our staff whose passion and enthusiasm makes up for the very small number of hours we are funded for to do our jobs.

Julie Phillips Manager

Collaborations/Partnerships

DDLS continues to prioritise its links with the disability and human rights sectors.

As such, it continues to have active membership on boards and committees of disability organisations, and working groups where lawyers meet to discuss human rights and discrimination.

Children with Disability Australia and DDLS have worked together for a number of years around issues of discrimination relating to children with disabilities.

Communication Rights Australia and Villamanta Disability Rights Legal Service continue to work closely together, led by the Memoranda of Understanding.

Along with Brimbank Melton CLC, YouthLaw, Mallee Family Care, Consumer Action Law Centre, and Victoria Legal Aid, we have been working on a Steering Group for a Generalist Specialist CLC Project funded by Victoria Legal Aid. We are excited to be part of something that we hope will make a difference.

Disability Advocacy Victoria auspices the Disability Advocacy Resources Unit in partnership with the Victorian Council of Social Services. DDLS continues to be an active board member of Disability Advocacy Victoria and assists with submission writing and systemic advocacy on issues of interest to the disability sector.

A representative from DDLS continues to be a member of the Governance Group for DARU (Disability Advocacy Resource Unit) together with representatives from the Victorian Council of Social Services and Leadership Plus.

Federation University and DDLS have been working together as part of a project auspiced by Disability Advocacy Victoria and Federation University to look at people with complex communication needs and their experience of the justice system.

DDLS continues to be a member of the Federation's Human Rights Working Group. We ensure that disability issues are consistently raised in the context of general human rights.



Casework Program Report

Revisiting and writing about the casework accomplishments and challenges of the past 12 months, it is important to look back at the landscape painted by national and state-based events on human rights and the disability advocacy sector. These include:

- 1. In July 2016, the Australian Human Rights Commission (AHRC) confirmed that 37% of complaints made to the Commission were under the DDA, making disability consistently, and over the years, the most represented area in the number of reported cases of discrimination.
- 2. In August 2016, the Victorian Electoral Commission released a new iPad app called 'Voters Voice' which is able to assist voters with complex communication difficulties in participating in enrolling and voting.
- 3. In September 2016, the reserve Bank of Australia introduced a new \$5 banknote with a tactile feature to assist the vision impaired community.
- 4. From October 2016 to March 2017, AHRC Disability Discrimination Commissioner Alistair McEwin conducted a national consultation to help guide disability priorities. This consultation subsequently identified the following priorities for his term: employment, education, housing, the criminal justice system, implementation of the NDIS and violence.
- 5. In December 2016, the Judicial College of Victoria and the Victorian Equal Opportunity and Human Rights Commission ("VEOHRC") launched the Disability Access Bench Book. The book provides information regarding equality and human rights protections and addresses how courts may need to address disabilities before, during and after hearings. Late or mid-March 2017, the Supreme Court referred to it in *Matsoukatidou v Yarra Ranges Council* [2017] VSC 61, noting that the Bench Book is an important contribution to helping ensure effective access to justice for people with disabilities.

The year however was marked not only by the above described and other positive developments towards greater equity for all, but also by some disappointments and continuing acts of discrimination in a very public arena. On 5 October 2016, the High Court in *Lyons v Queensland* [2016] HCA 38, discussed the issue of whether a deaf person can serve on a jury. Sadly the Court ruled against Ms Lyon's quest to serve. It ruled on the basis that allowing an Auslan interpreter to assist her would introduce an additional person into the private deliberations of the jury.

The case arose when in 2012; Gaye Lyons was summoned for jury service. The Deputy Registrar of Ipswich Courthouse refused her request for two Auslan interpreters, and excluded her from being considered as a potential juror. The Deputy Registrar said that there was no provision under the Jury Act 1995 (Qld) to administer an oath to an interpreter for a juror and that it was not possible for an interpreter to be present in the jury room during its deliberations. The High Court ruled in favor of the Deputy Registrar's interpretation of the

law and confirmed that Queensland law did not permit an Auslan interpreter to be present during jury deliberations.

Perhaps without much surprise to many, in June 2017, Senator Pauline Hanson suggested publicly that it would be better for teachers if students with Autism/disabilities were put in special classrooms. She said that their inclusion in regular classrooms was detrimental to non-disabled students, because "*it is taking up the teacher's time*", and "*that students with disability have a negative impact on their peers*".

With a view about students with Autism that has no evidence base coming from a member of the Australian Senate, and a rather un-progressive view about the role of Auslan interpreters in the civic life of a deaf person, espoused by no less than the highest court of the land, it is then not surprising that DDLS casework continues to include cases that arise partly on a misunderstanding or mischaracterisation of disability and the entrenched barriers that continue to disadvantage people with disabilities. The following are select case outcomes from the last 12 months, each highlighting the theme of the discriminatory conduct complained of:

1) A320 planes

This case involves a person who is unable to bend her leg, and as a result is unable to fly in economy with the Airline on its A320 planes due to insufficient legroom. The passenger could not be accommodated in emergency exit row seats due to strict airline regulations which dictate that passengers in those seats must be able to assist in emergency evacuations if required.

Our client was refused a seat on a flight with the Airline on two occasions resulting in a discrimination complaint being lodged. After unsuccessful attempts to resolve the matter at the AHRC, we prepared to commence proceedings at the Federal Court on the basis that there was a strong public interest in the case. Pro bono advice was obtained from two barristers. However, after discussion with our client, she decided she did not want to risk incurring significant legal costs and instructed us to obtain an outcome by negotiation. Our client accepted a financial offer that was reasonable under the circumstances.

2) Exclusion based on behaviour and symptoms of disability

A mother made two complaints of discrimination: one on behalf of her daughter, who was discriminated because of her Autism Spectrum Disorder, and the other on her own behalf, on the basis of discrimination in the area of goods and services by reason of her personal association with her son.

The school expelled the student on account of her behaviour, which was influenced by her disability. No alternative form of education was offered or provided. The student also experienced bullying on the basis of her disability which the school failed to prevent. She was unable to catch public transport which limited her options for attending other nearby schools. She was excluded from school for nearly 2 years.

After a compulsory conference at VCAT, the school agreed to transition the child into an alternative school and agreed to cooperate in creating an Individual Education Plan and behaviour support plan during this transition and review them once a term or as needed. The school also agreed to pay compensation for hurt and reimburse the mother for the costs of a bus pass to get her to the new school on a private bus. The parties agreed that a Functional Behaviour Assessment would be completed if the behavioural support plan did not meet the child's needs.

3) Faulty Lifts

The client who has complex physical and neurological disabilities requires around the clock care, and lives on the 6th floor of a high rise building with her family. The building has one lift which goes up to the 5th floor, and a second one which goes all the way to the 6th. The second lift broke down up to 6 times over a 12 month period, at least twice within an 11 day period, which greatly impacted on the client's wellbeing. Through letters of demand to the Body Corporate/Management and their solicitor, we were able to get a report and a marked improvement in the times of lift breakdown and speed at which they were fixed.

4) Equitable examination arrangements

The client has cerebral palsy and is completing a science degree. He was unable to sit a prescribed exam in the same way as other candidates without his disability. The complaint was resolved with the client being allowed to sit the test over two days instead of one day, provided with 50% additional time, and numerous other adjustments.

5) Access to Building with multiple dwelling

The clients both use walking frames and have trouble walking up and down the stairs leading up to the front door of their unit. On multiple occasions, the clients contacted the Owners' Corporation to request the installation of a ramp. While a ramp could not be installed to the front of the unit, an alternative disability access ramp at the rear of premises was provided.

6) Transcript of Presentations

Our client is hearing impaired and attended a professional development ("PD") day. The organisation presenting the PD provided live captioning however the client finds it difficult to read live captioning and take notes simultaneously. The client was denied her request for a transcript of the PD presentations. The client put in an internal complaint guided by DDLS. Following the complaint, the organisation has now changed their policy with the creation of a standard agreement for the production of transcripts at PD days.

7) Discrimination on the basis of disability and other attributes

Our client, a mother with a chronic pain condition and history of significant spinal injuries lost custody of her daughter after the intervention of an organisation and child protection workers. DDLS argued that she was discriminated against because the organisation failed to provide her with reasonable adjustments that would have assisted her with attending access visits and other requirements imposed upon her.

She also claimed that the workers drew conclusions about her intellectual ability, based upon her foreign accent and cultural background and imputed that she has mental illness. Her complaint was resolved with the organisation agreeing to pay our client's expenses in meeting some of the organisation's requirements, and providing anti-discrimination training and cultural awareness for its employees.

8) Temporary Adjustments before the installation of a lift

Our client was studying science and has been unable to access many of his classes in the 4th floor of the science building, because there was no wheelchair access. As a result of a complaint to the AHRC, a lift would be installed by Semester 1, 2018. However in the meantime other supports were offered, including – having his lab experience conducted at a physically accessible campus.

9) Use of walking Stick and Moonboots

Our client was working as a shop assistant for nearly three years. He required a hip replacement and his surgery was to take place in December 2014. The employer terminated his employment on the grounds that the use of walking sticks and moonboots by customer service staff was not allowed per company policy. The matter was settled at VCAT with the client receiving compensation for general damages, a formal apology and commitment by the employer to engage the Anti-Discrimination Board of New South Wales for training in anti-discrimination and equal opportunity.

10) Request for Flexible Working Arrangement

Our client is a carer for her son who has special needs. She has worked for her employer as a receptionist for 18 years. Her working arrangements were to work two non-consecutive full days a week so she can continue to support her son at his appointments for the remainder of the week. The employer's office merged with another office. The matter was resolved when the employer agreed to continue her non-consecutive working days.

11) What dual disability requires when sitting an exam

Our client sought the assistance of DDLS on behalf of his child who was diagnosed with Autism Spectrum Disorder and dyslexia. As a result of the disabilities, the student required extra time reader, a scribe, and a clarifier in sitting the VCE exams, however was granted only a scribe and an extra time allowance. Following a complaint at VEOHRC, not only were the requested adjustments provided but the school also allowed the remarking and re-sitting of the student's SAC assessments.

12) Provocation and inappropriate behaviour

Our client was suspended by their TAFE due to demonstrating aggressive and threatening behaviour directed at staff; using inappropriate language towards staff and demonstrating unsafe behaviour in class. The client acknowledged that her behaviour was inappropriate but asserted that she was provoked after a first aid teacher referred to her with a derogatory label. A complaint was lodged with

VEOHRC. The client considered the complaint resolved after the TAFE agreed to provide disability discrimination/disability awareness training to the First Aid teacher, and issue a written statement of regret.

13) Cyber bullying

Our client has suffered from verbal and physical bullying by other students due to seizures caused by epilepsy. One incident involved a video that was posted on social media of another student mocking our client by pretending to have a seizure. There were also a number of hurtful comments about her posted on social media following the video. The student claimed that the school failed to act in due time and when it did only managed to discipline two out of the ten students involved. The school has an anti-bullying policy however it did not consider the needs of students with disabilities and effectively allowed a hostile environment which has caused the student to miss many classes and experience more seizures as a result of the added stress. The matter was resolved at VEOHRC with our client receiving \$17,000 in compensation along with a letter of apology. The school's leadership team also agreed to undergo discrimination training.

14) Volunteer became an employee

Our client has a rare neurological disorder, Irritable Bowel Syndrome and osteoporosis. He worked as a volunteer (later becoming a paid staff member) in a shop. He was harassed and bullied by another staff member at the shop because of his disabilities. This included removing all of the toilet paper and blocking the client's access to the shop. Our client attempted to resolve the dispute firstly by lodging a complaint with Work safe. The employer accepted medical and like expenses for his nervous bowel condition. Following the complaint with the VEOHRC that DDLS lodged on his behalf, he received compensation for hurt, a statement of regret from the employer and an undertaking that one manager and one board member would receive equal opportunity training within six months of the agreement being signed.

15) Deaf and sexually harassed

Our client worked in a shop where she was sexually harassed by another staff member who resigned from work following her complaint. She felt that he had tried to take advantage of her because of her hearing impairment. The employer acknowledged her grievance as legitimate and whilst admitting no liability for the actions of the male employee, paid compensation for her feelings of hurt, anger and distress.

16) Reasonable Adjustments for non-work related disability

Our client was diagnosed with Ulcerative Colitis, which is a chronic inflammatory bowel disease. She commenced employment after she was certified fit to perform all duties of her job without any workplace restrictions. Approximately 5 months later, her condition worsened and she was absent from work for a total of 4 months. She sought to return to work gradually and start on light duties. The employer refused to provide light duties on the basis of the injuries were non-work related, and that the project the client was working on required fitness for work without restriction.

Following a conciliation conference at the Australian Human Rights Commission, the matter was satisfactorily resolved with the employer providing our client with compensation for loss of income and hurt.

17) When the same treatment is discriminatory

The complaint related to the rate of parking that applies to all persons whether they have a disability or not. The complaint was resolved with the company in question agreeing to provide free parking to those with a Companion Card.

18) Direct Assistance to a person using a wheelchair

Our client complained that the transport service provider refused to deploy the portable ramp for him, whenever he attempted to board the vehicle. The transport service provider maintained that the ramp was for emergency purposes only and directed him to catch the vehicle from another stop where there would be no need to use a ramp.

Following mediation at VCAT, the complaint was resolved with the company providing compensation for hurt, and undertaking to make their services more accessible to people with disabilities.

19) Class Action

The complaint was made by a disability organisation on behalf of people with physical disabilities who felt disadvantaged by the lack of sufficient independent access to the foyer of a building, and toilet facilities that were not suitable for people with disabilities.

Following a VCAT compulsory conference, the owner of the building submitted to a disability access audit and later renovated the building consistent with the recommendations of the disability access consultant and the Access to Premises Disability Standards. The City Government also undertook infrastructure works which made physical access to the building easier.

20) Offer of employment withdrawn

Our client applied to be a truck driver. The persons who conducted the interview offered him the position subject to a medical clearance. The company doctor certified him fit for the job but made comments about his body weight. Subsequently, the company withdrew the offer.

The complaint was resolved with the company providing an apology and payment of compensation for hurt and loss of income.

Placido Belardo Principal Solicitor Deborah Randa Solicitor

Community Legal Education Program Report

Community Legal Education (CLE) at 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.

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.

DDLS has continued using social media throughout the year to ensure that disability and discrimination issues are continually raised.

Our Strategic Plan continued to prioritise the area of education for both our casework and community legal education, reflecting community feedback and the findings of the Federal Senate Inquiry into Current Levels of Access and Attainment for Students with Disability in the School System, and the Impact on Students and Families Associated with Inadequate Levels of Support.

In 2016/2017, our CLEs included:

- Rural TAFEs X 2 Disability Discrimination Act, Disability Standards for Education
- University Disability Standards for Education
- Advocacy Organisation Employment discrimination
- Association of Welfare Centres for people with disabilities Disability Discrimination Law
- Church Equality for students with disabilities in education
- Disability Service provider Discrimination Law

- Disability advocacy agency Discrimination Law
- Public Forum Law Week Discrimination in the Workplace
- Rural school students Disability Discrimination in Education and Employment
- Disability Advocacy Organisation Disability Discrimination in Education
- Disability Support Organisation Disability Discrimination
- St Kilda Legal Service Breaking down the Barriers Conference Abuse/discrimination of students with disabilities in Victorian schools

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

Deborah Randa CLE Co-ordinator 2017



Policy and Law Reform Program Report

Submissions made/co-written throughout the year included:

Inquiry into Ride Sourcing Access for People with Disabilities

Law Institute of Victoria/Uber Uber and Disability Discrimination Law

Productivity Commission Review of NDIS Costs

Department of Education and Training Review of the Education and Training Reform Regulations

Victorian Equal Opportunity and Human Rights Commission

Update on the Experience of Students with Disabilities in Victorian Government Schools.

Department of Education and Training

Guiding Principles on the Elimination of Restraint and Seclusion



Volunteer and Student Program Report

DDLS volunteers continue to play a significant part in the organisation's ability to meet its targets and provide a quality service.

Derived from law students and lawyers, our volunteers approach us independently, or are put forward by organisations/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 provides support through the ongoing secondment of staff. We would also like to thank Australian National University for their ongoing support in providing some very talented volunteers.

This year was the first year we began working with Deakin University on their internship training program. DDLS have been taking five volunteers every trimester and we are pleased that some of them have expressed a desire to stay on after their placement has finished, and have done so.

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.

Our volunteers far outnumber our employees and without them we would struggle to provide the high level of service to our clients that we do. Volunteers undertake tasks from answering telephone calls to legal research and drafting, and attendance at conciliations.

We have approximately 20-25 volunteers working for the organisation on a weekly basis and are very grateful for their assistance.



Disability Discrimination Legal Service Inc ABN 36 079 687 722

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Financial Statements For the year ended 30 June 2017

Disability Discrimination Legal Service Inc ABN 36 079 687 722

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Notes to the Financial Statements

Statement by Members of the Committee

Independent Auditor's Report to the Members

Certificate by Member of the Committee

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Committee's Report For the year ended 30 June 2017

Your committee members submit the financial accounts of the Disability Discrimination Legal Service Inc for the financial year ended 30 June 2017.

Committee Members

The names of committee members at the date of this report are:

Claire Spivakovsky Nick Corker Jan Ashford Julie Phillips Elizabeth Knight Wayne Kiven Elizabeth Muhlebach Marius Smith Pradeep Hewavitharana Dr Liddy Neville

Principal Activities

The principal activities of the association during the financial year were: Provision of community legal services.

Significant Changes

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

Operating Result

The surplus from ordinary activities after providing for income tax amounted to

Year ended	Year ended
30 June 2017	30 June 2016
\$	\$
13,562	8,139

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Committee's Report For the year ended 30 June 2017

Signed in accordance with a resolution of the Members of the Committee on: 25^{th} AUGUST, 2017.

Claire Spivakovsky

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Nick Corker

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Disability Discrimination Legal Service Inc ABN 36 079 687 722 Income and Expenditure Statement For the year ended 30 June 2017

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	2017 \$	2016 \$
Income		
VLA Recurrent - Commonwealth	248,768	225,572
VLA Recurrent - State	48,292	48,248
Victoria Law Foundation	-	15,617
Fundraising/Donations	100	6,700
Miscellaneous Income	8,065	706
Interest received	3,581	3,447
Total income	308,807	300,291
Expenses		
Communications	11,420	12,627
Depreciation - other	447	447
Finance, Accounting & Audit	1,738	1,765
Insurance	1,832	2,615
Library, Resources & Subscriptions	3,031	3,517
Minor Equipment	-	2,438
Office Overheads	3,048	2,708
On Costs	(1,480)	4,223
Other Premises Costs	713	589
Programming & Planning	575	523
Rent	31,889	30,554
Salaries	220,916	209,684
Staff training & Conferences	527	839
Superannuation	20,564	19,390
Travel	25	232
Total expenses	295,244	292,152
Surplus from ordinary activities before income tax	13,562	8,139
Income tax revenue relating to ordinary		
activities		
Surplus from ordinary activities after income tax	13,562	8,139
Other comprehensive Items	(13,562)	(2,513)
Net surplus attributable to the association		5,626
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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 2017

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	2017	2016
	\$	<u> </u>
Opening retained surplus	141,773	136,147
Net surplus attributable to the association		5,626
Closing retained surplus	141,773	141,773

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Balance Sheet as at 30 June 2017

	Note	2017 \$	2016 \$
Assets			
Current Assets			
Cash assets	3	87,298	78,971
Receivables	<u>3</u> <u>4</u> 5	5,000	375
Other	5	166,960	163,352
Total Current Assets)-	259,257	242,698
Non-Current Assets			
Property, plant and equipment	6	14,446	14,894
Total Non-Current Assets		14,446	14,894
Total Assets	-	273,704	257,592
Liabilities			
Current Liabilities			
Payables	7	7,988	4,488
Current tax liabilities	7 8 9	4,691	3,771
Provisions	9	33,695	40,765
Other	10	52,164	38,601
Total Current Liabilities	-	98,538	87,624
Non-Current Liabilities			
Provisions	9	33,392	28,195
Total Non-Current Liabilities	-	33,392	28,195
Total Liabilities	-	131,931	115,819
Net Assets	-	141,773	141,773
Members' Funds			
Retained surplus	-	141,773	141,773
Total Members' Funds	-	141,773	141,773

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 2017

	2017 \$	2016 \$
Cash Flow From Operating Activities		
Receipts from grants and others	300,600	296,798
Payments to Suppliers and employees	(278,889)	(284,428)
Interest received	3,581	3,447
Net cash provided by (used in) operating activities (note 2)	25,293	15,818
Cash Flow From Other comprehensive Items		
Net cash provided by (used in) other comprehensive item (note 3)	(13,562)	(2,513)
Net increase (decrease) in cash held	11,731	13,305
Cash at the beginning of the year	240,835	227,531

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Statement of Cash Flows For the year ended 30 June 2017

	2017	2016
Note 1. Reconciliation Of Cash		
For the purposes of the statement of cash flows, cash includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts. Cash at the end of the year as shown in the statement of cash flows is reconciled to the related items in the balance sheet as follows:		
Cheque Account	30,654	20,444
Cash Management Account	44,706	47,307
Donations Account	11,788	11,069
Cash on hand	150	150
Term deposits	165,269	161,864
-	252,567	240,835

Note 2. Reconciliation Of Net Cash Provided By/Used In Operating Activities To Net Profit

Operating profit (loss) after tax	13,562	8,139
Depreciation	447	447
Changes in assets and liabilities net of effects of purchases and disposals of controlled entities:		
(Increase) decrease in trade and term debtors	(4,625)	(45)
(Increase) decrease in prepayments	(203)	787
Increase (decrease) in trade creditors and accruals	2,467	(1,019)
Increase (decrease) in other creditors	14,597	3,227
Increase (decrease) in employee entitlements	(1,873)	3,814
Increase (decrease) in sundry provisions	920	468
Net cash provided by operating activities	25,293	15,818

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Statement of Cash Flows For the year ended 30 June 2017

	2017	2016
Note 3. Reconciliation Of Net Cash Provi comprehensive items	ded By (Used In) Of	her
Surplus (deficit) on other comprehensive items	(13,562)	(2,513)
(Increase) decrease in income tax payable		-
Net cash provided by (used in) other comprehensive item	(13,562)	(2,513)

Note 1: Summary of Significant Accounting Policies

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirements of the Australian Charities and Not-for-profits Commission Act 2012 and the Associations Incorporation Reform Act 2012. The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accruals basis and is based on historical costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

(a) Property, Plant and Equipment (PPE)

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all PPE is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

(b) Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the assets fair value less costs to sell and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the income statement.

(c) Employee Benefits

Provision is made for the associations liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits have been measured at the amounts expected to be paid when the liability is settled.

(d) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

(e) Revenue and Other Income

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. For this purpose, deferred consideration is not discounted to present values when recognising revenue.

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument. Dividend revenue is recognised when the right to receive a dividend has been established.

Grant and donation income is recognised when the entity obtains control over the funds, which is generally at the time of receipt.

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

(f) Leases

Leases of PPE, where substantially all the risks and benefits incidental to the ownership of the asset, but not the legal ownership, are transferred to the association, are classified as finance leases.

Finance leases are capitalised by recording an asset and a liability at the lower of the amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for that period.

Leased assets are depreciated on a straight line basis over the shorter of their estimated useful lives or the lease term. Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the period in which they are incurred.

(g) Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Tax Office. In these circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the assets and liabilities statement are shown inclusive of GST.

(h) Trade and Other Payables

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the association during the reporting period, which remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.

(h) Income Tax

The Disability Discrimination Legal Service Inc is a Public Benevolent Institution and is exempt from Australian Income Tax. It is endorsed as a Deductible Gift Recipient and donations of \$2 or more are tax deductible.

	2017	2016
Note 2: Other Comprehensive Items		
Transfer to VLA Grants In Advance	(13,562)	(2,513)
Income tax revenue on other comprehensive items	-	-
Loss on other comprehensive items after related income tax benefit	(12 5(2))	(2 512)
related income tax benefit	(13,562)	(2,513)
Note 3: Cash assets		
Bank accounts:		
- Cheque Account	30,654	20,444
- Cash Management Account	44,706	47,307
- Donations Account	11,788	11,069
Other cash items: - Cash on hand	150	150
* Cash on hand	87,298	78,971
	Construction and Construction	
Note 4: Receivables		
Current		
Trade debtors	5,000	375
	5,000	375
Note 5: Other Assets		
Current		
Short term deposits	165,269	161,864
Prepayments	1,690	1,488
	166,960	163,352

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	2017	2016
Note 6: Property, Plant and Equipment		
Leasehold improvements:		
- At cost	17,900	17,900
- Less: Accumulated depreciation	(3,454)	(3,006)
	14,446	14,894
Plant and equipment:		
- At cost	29,838	29,838
- Less: Accumulated depreciation	(29,838)	(29,838)
		-
	14,446	14,894
Note 7: Payables		
Unsecured:		
- Trade creditors	3,128	662
- Other creditors	4,860	3,826
	7,988	4,488
	7,988	4,488
		4,860 7,988
urrent		
CeT novabla	4 601	3 771

GST payable	4,691	3,771
	4,691	3,771

	2017	2016
Note 9: Provisions		
Current		
Employee entitlements*	33,695	40,765
	33,695	40,765
Non Current		
Employee entitlements*	33,392	28,195
	33,392	28,195
* Aggregate employee entitlements liability	67,088	68,960
There were 5 employees at the end of the year		

Note 10: Other Liabilities

	52,164	38,601
VLA Grants In Advance	52,164	38,601
Current		

Note 11: Capital and Leasing Commitments

Operating lease expenditure contracted for at balance date that is not cancellable and is not
provided for in the accounts:Payable:No later than one year33,29931,40833,29931,408

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Statement by Members of the Committee For the year ended 30 June 2017

The Committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the Committee the Income and Expenditure Statement, Statement of Financial Position, and Notes to the Financial Statements:

- 1. Presents fairly the financial position of Disability Discrimination Legal Service Inc as at 30 June 2017 and its performance for the year ended on that date.
- 2. At the date of this statement, there are reasonable grounds to believe that the association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

Claire Spivakovsky President

Nick Corker Treasurer

The accompanying notes form part of these financial statements.



Chartered Accountants Registered Company Auditors

Director: A.R Ager CA, BEc Registered Company Auditor Registered SMSF Auditor

Assur Pty. Ltd. PO Box 987 Level 1, 189 Coleman Parade, Glen Waverley, VIC 3150 ABN. 78 167 481 834 T: +61 (3) 9560 0211 M: +61 419 541 727 F: +61 (3) 9561 5497 E: tony.ager@optusnet.com.au

Authorised Audit Company No. 453122

Disability Discrimination Legal Service Inc ABN 36 079 687 722 Independent Auditor's Report to the Members

Report on the Audit of the Financial Report

Opinion

We have audited the 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 as at 30 June 2017, a summary of significant accounting policies and the certification by members of the committee on the annual statements giving a true and fair view of the financial position and performance of the association.

In our opinion, the accompanying financial report presents fairly, in all material respects, the financial position of the association as at 30 June 2017 and [of] its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, the Australian Charities and Not-for-profits Commission Act 2012 and the requirements of the Associations Incorporation Reform Act 2012.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the association in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our ethical responsibilities in accordance with the Code.

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

Emphasis of Matter – Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the association to meet the requirements of the Australian Charities and Not-for-profits Commission Act 2012, Associations Incorporation Reform Act 2012. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Responsibilities of the Committee for the Financial Report

The committee is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the Australian Charities and Not-for-profits Commission Act 2012, Associations Incorporation Reform Act 2012 and for such internal control as the committee determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee is responsible for assessing the association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the committee either intends to liquidate the association or to cease operations, or has no realistic alternative but to do so.



CHARTERED ACCOUNTANTS | REGISTERED COMPANY AUDITORS

Disability Discrimination Legal Service Inc ABN 36 079 687 722

Independent Auditor's Report to the Members

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

- Obtain an understanding of internal control relevant to the audit 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.

- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee.

- Conclude on the appropriateness of the committee's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the association to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the committee regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Signedon: 12th OCTOBER, 2017

ASSUR PTY. LTD. ASSURPTYLTD

Authorised Auditor Company number: 453122 Chartered Accountants

Anthony Ager Director - Audit & Assurance

Chartered Accountant