

# Disability Discrimination Legal Service

ABN 36 079 687 722

Annual Report  
2021/2022

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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 a systemic failure that leads to discrimination on the grounds of disability or impairment.
3. 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.
4. To prioritise cases that will further develop disability discrimination law.
5. To initiate and participate in the development of education outreach and information distribution to promote further awareness of the Acts and human rights legislation.
6. To achieve law reform outcomes that reduce disability 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. To promote opportunities for people with disabilities 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;
- be treated with respect as clients and members of the community; and
- 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 by Victoria Legal Aid (VLA) under the Community Legal Centre (CLC) Funding Program. We thank them for their ongoing assistance and support. Government funding for the financial year was as follows:

Commonwealth \$435,559

State \$59,540

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 ("AHRC"), the Federal Court of Australia, the Federal Circuit Court, the Victorian Equal Opportunity & Human Rights Commission ("VEOHRC") and the Victorian Civil and Administrative Tribunal ("VCAT") under the Human Rights Division. In addition, the Service supports people who decide to conduct their own cases and assists disability advocates to manage their own cases on behalf of their clients.

DDLS recognises the importance of not only direct casework assistance, but also the need to increase awareness of the 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 legislative and policy reforms for issues pertaining to disability discrimination in the private and public sectors by conducting activities such as research, projects, lobbying and submission writing. Through challenging and changing discriminatory laws and procedures, the DDLS can assist many more people with disabilities than would otherwise be possible.

The 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 DDLS, the relevant law and useful links can be accessed through the DDLS Internet site located at [www.ddls.org.au](http://www.ddls.org.au).

However, websites can never be a substitute for informed advocacy. Rather, websites provide an alternative avenue for information access for people with disabilities who have the skills and resources to enable access to relevant technologies.

The challenge for the DDLS has always been to provide targeted strategies to assist as many people as possible given the 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. DDLS 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 DDLS can only charge a set amount determined as the 'cost price' for these services but can, of course, accept donations.

The DDLS consists of a community based management committee which undertakes management of strategic decision-making, finances, policy direction and evaluation of service delivery. The committee comprises members from interested organisations that are elected from the membership annually. It meets on a monthly basis and as otherwise as required. 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 DDLS. Interested people are encouraged to contact the DDLS 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 DDLS does.

Please contact the DDLS for details of how to become a DDLS Volunteer.

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

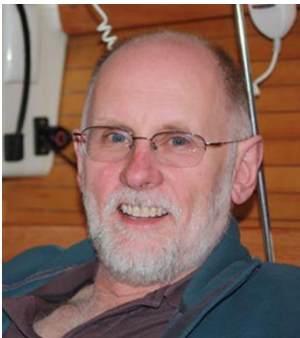
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# Committee of Management

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:	Dr Liddy Nevile
Vice Chairperson:	Mr Marius Smith
Treasurer:	Ms Winnie Gu
Members:	Mr Wayne Kiven
Dr Elizabeth Knight	
Mr Geoffrey Waite	
Mr Peter Batchelor	
Dr Claire Spivakovsky	
Secretary:	Ms Julie Phillips



**Peter Batchelor** has worked on Internet-related projects since the mid-1990s. He worked as a primary and secondary teacher before running his own business. He then worked at RMIT, where he developed an interest in Web Accessibility. He was involved in the development of OZeWAI, the Australian Web Adaptability Initiative that runs an annual accessibility conference, and presented at several of these conferences. Since 2000 Peter has been running a web consultancy business aimed primarily at the education sector.



**Winnie Gu** is an experienced risk and governance professional who has worked in large organisations in both public and private sectors. Most recently Winnie was Group Risk Manager in Telstra responsible for implementing and maturing the Enterprise risk management framework. She has led and delivered risk advisory, compliance, assurance and business improvement projects for large and complex organisations in Australia and overseas. Winnie has also been actively driving social and community initiatives. She was a member of YIPAA Advisory Committee and most recently a member of the Diversity and Inclusion Council in Telstra and a Telstra Digital Ambassador promoting Code Clubs in schools. Winnie is also a member of the Chartered Accountants Australia and New Zealand.



**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.



**Dr Elizabeth Knight** is a career counsellor and Research Fellow at the Centre for International Research on Education Systems at Victoria University. She has worked in disability support for over 20 years. She has worked for over 20 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. Liddy also works with ISO/IEC JTC1 on international standards for accessibility.



**Marius Smith** is the CEO of VACRO, a non-profit organisation working with people in contact with the criminal justice system and their families. Prior to joining VACRO, Marius was the Manager of the Castan Centre for Human Rights Law, based at Monash University. He has also worked in commercial law and 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 the University of Melbourne. Claire's research and advocacy focuses on challenging the ongoing confinement and control of people with disability in society. Claire has previously worked in the community and government sectors, developing a range of social and criminal justice projects which advocated for the rights and needs of marginalised populations.



**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.

### **Resmin Popowski**



Resmin Popowski has spent most of her career to date in finance management. For over a decade in the Telco/Technology industry, Resmin has managed capital budgets for large IT software development programs of work. Her corporate experience also extends to managing the risk and compliance governance framework of a health software subsidiary, where she further developed her interest in privacy and cyber security management and compliance controls.

Resmin has a strong sense of service to her community, regularly supports community outreach activities through her family in the Philippines, and is keen to be even more active in serving her local communities in Victoria and the Mornington Peninsula.

Outside of her budget management and community service passions, Resmin also loves to renovate and travel.



**Geoffrey Waite** has been a Psychologist in private practice for 25 years and was the Clinical Psychologist at the Colac Hospital. He was recently he was elected a Fellow of the Australian Society of Clinical Hypnotherapists and to the National Board of Directors of the Australian Psychological Society. In his retirement he has been a Regional Director of a Division of the Emergency Services for the Australian Red Cross, and is a member of the committee of the Combined Refugee Agency Group. He is also active in various community groups.

## Staff Members

Manager	<b>Julie Phillips</b>
Principal Solicitor	<b>Placido Belardo</b>
Solicitor & Community Legal Education Coordinator	<b>Kerry O'Hagan</b>
Solicitor	<b>Hannah Gostelow</b>
Law Reform & Policy Worker	<b>Felix Walsh</b>
Administrative Officer/Volunteer Coordinator	<b>Anna Leyden</b>
Finance Officer	<b>Darrell Harding</b>

# Chairperson's Report

I would like to thank my fellow Management Committee Members, the DDLS Manager, and our wonderful staff and volunteers for guiding the organisation through yet another difficult year due to the unpredictability of our working lives due to Covid.

We have taken Covid extremely seriously, and continue to do so, due to the vulnerability of people with disabilities, who make up our clients, and partly also our staff and volunteers.

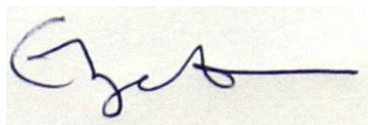
We have been concerned, and remain so, at the lack of careful consideration and planning around Covid and people with disabilities/the aged. That concern is even greater with the recent decision to allow infected Victorians to attend workplaces and other venues. The failure to liaise with the disability community around risk mitigation in decisions like this exemplifies how far we have to go before people with disabilities are considered a valued part of our community. The voluntary isolation of people with disabilities in response to the fear of becoming ill and possibly dying, is saddening, but understandable given they have been unable to get a "place at the table" to put forward their views about being kept safe.

In addition, as the support for people across the board is challenged, people with disability often find themselves not discriminated against because of disabilities, and thus eligible for help from us, but simply victims of the harsh circumstances, with nowhere to turn for help.

Regrettably, the Victorian/Australian response to Covid reflects we still have quite a long way to go for people with disabilities to be valued equally in our community. This denial of human rights, of course, is something that DDLS is involved in every working day. Discrimination against people with disabilities is inextricably linked with mistreatment, and a general view that those persons are not entitled, worthy and needful of the same opportunities and rights that most of us take for granted. We look forward to the day when there is a shift in society, and particularly government, and their attitudes towards the disability community.

I would like to thank Geoffrey Waite for his contribution to the Management Committee. Geoff stands down the AGM and we have appreciated his involvement and support.

I believe that DDLS has brought together rare expertise in a wide range of issues close to the centre of community well being, and that we will continue to bring attention to continuing and emerging problems. It is a privilege to be involved in such activity. I wish everyone the best for the coming years.



Dr Liddy Nevile, Chairperson

# Manager's Report

It has been another sobering year, ending in what seems like a tragic disregard for the daily deaths of the vulnerable in Victoria. The haste with which Victorians are all getting back to "normal" could be seen to be unseemly - overshadowing risk for people with disabilities, the frail and elderly.

The approach to people with disabilities in relation to Covid has been comprehensively explored by the Disability Royal Commission, but unfortunately doesn't seem to change. Many people from the community have expressed their concern about being sidelined in conversations about risk, and the repercussions for them of having infectious people mixing in the community.

Speaking of the Disability Royal Commission, as it moves towards the cessation of hearing submissions at the end of this year, we recognise what an incredibly important time for people with disabilities this has been. DDLS has contributed three submissions to the Commission, including on law reform in relation to discrimination legislation, the difficulties experienced by the disability community in relation to regulatory bodies, and the right to communicate.

We look forward to reading the Commission's recommendations towards the end of 2023, and hope that they are targeted and specific. The evidence by people with disabilities has been, or should be, an embarrassment for Australia given its wealth and knowledge. There has been no need, and is no need, for Australian citizens with disability to experience the mistreatment and violence in all areas of life that we have heard them speak so passionately about.

DDLS have been grateful for the support of the Management Committee and volunteers during another unsettled year due to Covid. The staff of DDLS who do so much with so little are to be commended and I thank them for their constant support and interest in their work.

Julie Phillips  
Manager

## Collaborations/Partnerships

DDLS continues to have representation on the boards of Disability Advocacy Resources Unit and Disability Advocacy Victoria.

DDLS represents Disability Advocacy Victoria on the DARU Governance Group alongside Leadership Victoria.

A newsletter continues to be produced by ourselves and Villamanta Disability Rights Legal Service focusing on advocacy and legal issues for the disability sector.

DDLS is an active member of Victorian Council of Social Services, continuing to work on the Empowered Lives campaign, education and sharing inputs into policy and legislation issues that affect people with disabilities.

We continue to work closely with the Disability Resource Centre on a discrimination complaint that has the aim of ensuring that Melbourne's tram system becomes accessible.



# Casework Program Report

## Standards of Discrimination

There is really no such thing as standards of discrimination, however federal<sup>1</sup> and Victorian<sup>2</sup> laws involve the application of certain standards which seek to legitimise discrimination by providing a lawful defence to a complaint of unfair and discriminatory conduct, practice or provision of services.

The first type refers to the disability standards which were promulgated under the Disability Discrimination Act 1992, namely the Disability Accessible Standards for Public Transportation 2002, the Disability Standards for Education 2005 and the Disability Access to Premises ( Building) Standards 2010.

The second type refers to the medical standards or standard medical tests<sup>3</sup> that are used by employers or recruitment agencies as an integral part of screening prospective employees before they are offered a position, or commence their employment.

In the last twelve months, DDLS has been litigating cases that pleaded the availability of these “standards” to justify a systemic discriminatory conduct or practice.

The Transport Standards became relevant in a VCAT proceeding relating to the inaccessibility of the provision of tram services to people with disabilities in Victoria, commenced by a group of passengers with disabilities<sup>4</sup>. Our clients’ claim of discrimination had been put off by the Transport Standards which allowed tram service providers a grace period of twenty years to comply, within which they effectively held an immunity from any anti-discrimination legal action. The hope was that near or by the end of two decades, the Victorian tram network would totally accommodate the needs of people with disabilities. Unfortunately, this was not achieved, nor is it likely to be achieved in the near future.

The VCAT application was triggered by the Report of the Victoria Auditor General<sup>5</sup> which announced that the State of Victoria is not compliant with the Transport standards, which in part states:

## **2. Accessibility of the tram network**

*DoT has not met the targets set by DSAPT and there is no realistic prospect that DoT can meet the target of 100 per cent DSAPT compliant tram infrastructure by 31 December 2022. If DoT continues the current low-floor tram delivery rate, it will not meet the 31 December 2032 target of 100 per cent accessible trams.*

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<sup>1</sup> DDA

<sup>2</sup> EOA

<sup>3</sup> Medical standards

<sup>4</sup> Recognizing the limited jurisdiction of the Tribunal, the object of the proceedings is primarily to seek a declaration of breach of the Victorian Equal Opportunity Act 2010, not a breach of the Transport Standards which is federal.

<sup>5</sup> <https://www.audit.vic.gov.au/report/accessibility-tram-services?section=>

*DoT has focused on implementing level-access stops and low floor trams. Although these are key practical enablers of DSAPT compliance, they alone do not fully meet DSAPT. DoT does not know the true extent of its compliance with DSAPT because of gaps in the accuracy, completeness and reliability of its data.*

*As previous tram exemptions have expired, DoT and the State of Victoria are likely in breach of DSAPT. This exposes the state to the risk of discrimination complaints and other legal actions. Most importantly, it means the tram network is not accessible to all members of the community.*

At the time of writing, our clients and the respondents, have engaged with the permission of the Tribunal in a series of discussions consistent with the mutual preference to alternative dispute resolution.

Standard Medical Tests were at the center of at least three VCAT proceedings<sup>6</sup>. The relevant disabilities in each case are multiple sclerosis, hearing impairment and diabetes. Two of the claims have been resolved but one is still pending before the Tribunal. The case relates to a person who has type 1 Diabetes and who applied for a firefighting role. In all three cases, our clients successfully completed every hurdle in the recruitment process but were refused an offer of employment because they failed the medical standards imposed by the employer as a condition of hiring, and on that basis, the employer concluded that they were not able to perform the reasonable and genuine requirements of the position they had applied for.

Medical standards are of universal application and are highly useful in testing the ability to perform the inherent requirements of a job. Military, security and emergency services rely on them when screening applicants to undertake such critical duties. Yet, our client's arguments are consistent with the decisions in earlier cases<sup>7</sup> which provide that:

1. A person is able to perform the duties of his position despite non-compliance with the medical standard (*Crombie v Commonwealth*).
2. The singular reliance by the respondent on its general medical standard, without further ascertaining whether the applicant actually could or could not perform the tasks required of a position, constitutes discrimination.
3. An inability to comply with a minor aspect should not be regarded as an inability to carry out the inherent requirements of a particular job.

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<sup>6</sup> The remaining case is *William Ostrowsky v Fire Rescue Victoria* VCAT Ref H61/2022. DDLS is precluded from identifying the title of the other two proceedings pursuant to the terms of settlement reached between the parties.

<sup>7</sup> *Crombie v The Commonwealth* [1998] HREOCA 37, *Vickers v The Ambulance Service of NSW* ([2006] FMCA 1232 (25 August 2006), a male registered nurse who had Type 1 Diabetes, applied for the position of ambulance driver. Prior to applying for the position, he had served as a nurse at a hospital. The nurse was prohibited from proceeding to the next stage of the recruitment process – he was not allowed to train as an ambulance driver. The court ruled that the ambulance service breached s 215 (1) (b) of the Disability Discrimination Act by not allowing the nurse to proceed with the next step in the recruitment process. The nurse can perform the inherent requirements of the position: he can drive, and he can treat patients in an emergency, and he had relevant work experience in rendering treatment during extreme and unpredictable hours of work. The nurse had shown that he was well able to manage his diabetes symptoms and avoid hypoglycemia. Thus, he was well able to perform the job without risk to the health and safety of others. The applicant should have been allowed to proceed to the next step in the selection process just as any similarly qualified person without diabetes.



Reliance on medical standards was also the rationale that gave rise to the Covid 19 related proceedings brought by DDLS on behalf of clients who were unable to comply with the requirement to wear a mask by reason of their disabilities. Most of the respondents were medical clinics in hospital. DDLS noted that the mask requirement became an opportunity to refuse services outright. In one case which was successfully mediated and resulted in payment of substantial compensation, we argued that while the health and safety of every person is paramount, refusal of services should be the last resort when there are reasonable alternative means and ways for our clients to have received services - even if they are not able to step inside the clinic's premises. The reluctance to explore and provide these alternatives constitute a refusal or failure to provide reasonable adjustments to a person with a disability<sup>8</sup>.

### **Measuring casework success**

Unless our cases conclude in a decision rendered by a court or tribunal, it is quite difficult to publish a report about the specifics of claims as well as the outcomes resulting from the DDLS casework program due to the usual confidentiality clause found in every settlement and release agreement. It has been our observation that when the strength of the claim becomes more apparent towards the final hearing of a case, our clients receive settlement offers that are difficult or impractical for them to refuse. These settlements prevent the Tribunal from making decisions which would have enriched jurisprudence and shown the public that anti-discrimination legislation and advocacy work. Obviously, we are bound to follow clients' instructions and act in their best interest, hence we have always supported clients on achieving their preferred outcomes. The following are a few examples of such resolutions:

1. OH v Employee. This related to a claim of indirect discrimination in employment on the basis of carer responsibilities, involving a refusal to provide flexible working arrangements. It was resolved with payment of compensation. The client found suitable employment elsewhere.
2. OX v The Retirement Village. This related to a claim of direct discrimination in the provision of accommodation on the basis of association with a person with mental illness, involving a ban imposed on the son from visiting her father. It was resolved with payment of compensation. The client found suitable accommodation elsewhere.
3. DT v The TAFE. This related to a claim of direct and indirect disability discrimination, as well as a failure to provide reasonable adjustments by failing or refusing to provide remote access facility to a student who because of her disability could not attend the TAFE premises after the Covid 19 related study from home program was recalled. It was resolved with payment of compensation. The student enrolled at another educational institution.
4. SC v The Employer. This related to a claim of direct discrimination involving a refusal to offer employment on the basis of imputed mental illness. It was resolved with an apology, payment of compensation and offer of employment.

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<sup>8</sup> Section 20 EOA

5. CH v the Employer. This related to an application for employment, where the applicant completed all stages of the application process before disclosing a diagnosis of bipolar. He had to complete a psychological review questionnaire which did not relate to the position, and ultimately was not offered the role. The case was resolved with the provision of an apology, payment of compensation and commitment to change the recruitment processes around the “mental function assessment” .
6. LM v The Employer. This related to an application for a position of a youth worker. Our client failed the hearing test and was also subsequently informed that his application had been unsuccessful due to his involvement in advocating for a local community issue of a political nature. We assisted our client with a complaint of discrimination to the Victorian Equal Opportunity and Human Rights Commission on the basis of disability and political belief. The matter was resolved with the organisation agreeing to pay our client financial compensation.
7. SO v The School. Our client applied for enrolment of her daughter at a new primary school. Her daughter has an illness that means he is highly susceptible to infections. In her request for enrolment, our client provided a detailed description of her daughter’s disability and how it affected her. The school declined the enrolment on the basis that it was not in a better position to provide adjustments than the existing school. The matter was resolved with the school agreeing to pay financial compensation and provide a letter of regret.
8. MM v The Hospital. Our client applied for hospital admission for her daughter on the advice of his medical specialist. Our client’s daughter has an intellectual disability and severe anxiety, and required one to one assistance. The hospital advised that it couldn’t accommodate our client’s daughter, due to her requirements. It also advised that due to Covid restrictions, her carers would not be allowed to attend with her to provide the assistance she required. At this time, government regulations relating to hospital visitors, provided special exceptions for carers of people with disabilities to allow them to attend hospital in some circumstances. The matter was resolved with the hospital agreeing to pay our client financial compensation.
9. SK and The Qualifying Body. Our client was required to pass a literacy test in order to gain registration in their chosen profession. Our client is Deaf and his first language is Auslan. He had been unable to pass the test with the very limited adjustments provided. The matter was resolved with the registration body agreeing to provide substantially greater adjustments to allow our client to demonstrate their literacy on the same basis as other candidates.
10. PH v The Employer – The employer withdrew our client’s entitlements to a company vehicle and to rostered days off, shortly after our client disclosed that she had a degenerative disease. The complaint was resolved with the employer agreeing to reinstate all benefits previously withdrawn.

## **Current Complaints of Systemic Discrimination**

### 1. PH and others v The Department and the Company

This complaint before the Australian Human Rights Commission alleged breach of the Disability Discrimination Act in that the respondents provide Video relay Services to the deaf community for less than 122 hours and only during the week. In contrast the services provide to people who rent deaf is twenty-four hours a day, seven days in a week.

### 2. William Ostrowsky v Fire Rescue Victoria VCAT Ref H61/2022

This proceedings relate to the discriminatory policy and practice of the respondent in excluding applicants with Type 1 Diabetes for a fire fighting role.

## **Other matters subject of Litigation**

### 1. Brett Lewindon v Austin Health VCAT Ref No H55/2022

This case relates to the policy of the respondent hospital that allows only one assistance animal in the ward at any given time. Hence, a patient who needs an assistance animal is unable to proceed with their admission until the earlier patient with an assistance animal is discharged.

### 2. Glenn Boyd v Victoria Legal Aid VCAT Ref No 166/2021

Mr Boyd lodged a complaint against the Equality Law Unit of VLA alleging that the respondent failed or refused to provide him with reasonable adjustments. VLA has applied to strike out the complaint. DDLS assisted Mr Boyd in his submissions against the strike out application. The issue is yet to be decided by the Tribunal,

We take this opportunity to extend our sincere gratitude to all DDLS volunteers and interns who have contributed much of their time and labor in support of the DDLS provides legal services. We acknowledge and thank the valuable referral assistance provided by Justice Connect and the Victorian Bar Pro Bono Network. In particular, we are indebted to Barristers Ian Munt of Castan Chambers, and Monique Hardinge of the Youngs List for generously donating their time, expertise and advocacy skill to DDLS and our clients.

Placido Belardo  
Principal Solicitor

Kerry O'Hagan and Hannah Gostelow  
Solicitors

# 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, engaging in interviews with local media, developing seminars and associated material as well as providing web information. CLEs provide information and opportunities to ask questions, share ideas and develop strategies that may address gaps in the legal system. CLEs may assist someone to find a solution to a legal problem before it becomes difficult, complicated and possibly expensive. Furthermore, 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 used media throughout the year to ensure that disability and discrimination issues have been 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 annual reports by human rights bodies, statutory authorities and parliamentary committees.

DDLS invites those interested in community legal education sessions to contact us directly. In the last year, we provided community legal education on the following topics:

- Disability Discrimination Law
- Discrimination in Education
- Discrimination in Employment

These sessions were provided to law students, disability organisations, health practitioners, advocates community organisations and universities.

Kerry O'Hagan



CLE Co-ordinator

# Policy and Law Reform Program Report

DDLS made the decision to employ a part-time Policy/Law Reform worker in 2019 to assist us in responding to systemic issues of law reform, and discriminatory treatment of people with disabilities. This made a substantial difference to our output in this important area. Many thanks to Felix Walsh.

Submissions made throughout the year included:

- Complaint Regulatory bodies and their effectiveness
- Victorian Disability Workers Commission and its coverage
- The human right to communicate
- Community Safety Orders by the Department of Education and Training (co-submission)



# 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 are now in our fifth year working with Deakin University on their internship training program. It has been our pleasure to regularly have some of these students volunteer with us after their placements are finished. While the program was put on hold last year due to lockdown, it is now clear that lockdown is may be a part of our lives for some time to come and as a result, we have made changes to the program that can accommodate remote training.

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.

It is true to say that the events of last year have put up a number of barriers for volunteering, and there is no doubt that our program runs more smoothly when we are working from the same office. However, the longer we are required to work remotely, the better we are getting at ensuring a quality experience for our volunteers. We are very grateful for their assistance.

