

# Disability Discrimination Legal Service

ABN 36 079 687 722

## Annual Report

## 2017/2018

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



## Service Profile

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

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

Commonwealth	\$257,024
State	\$ 51,220

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](http://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.

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Melbourne VIC 3000

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Email: [info@ddls.org.au](mailto:info@ddls.org.au)  
Web: [www.ddls.org.au](http://www.ddls.org.au)



# 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 Claire Spivakovsky (July-December 2017) Dr Liddy Nevile (December 2017 - current)
Vice Chairperson:	Mr Marius Smith
Treasurer:	Mr Nick Corker
Members:	Ms Jan Ashford (took leave of absence 2017/2018) Ms Winnie Gu Mr Pradeep Hewavitharana Mr Wayne Kiven (took leave of absence 2017/2018) Ms Elizabeth Knight (retired December 2017) Dr Martin Leckey Ms Elizabeth Muhlebach Mr Geoffrey Waite
Secretary:	Ms Julie Phillips



**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.



**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.



**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 Neville** 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 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.



**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

**Julie Phillips**

Principal Solicitor

**Placido Belardo**

Solicitor & Community Legal

Education Coordinator

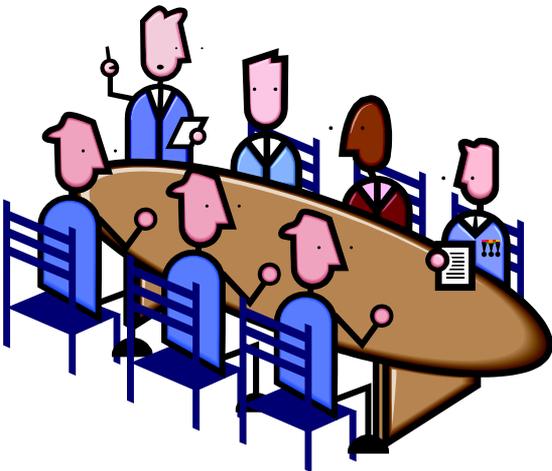
**Deborah Randa**

Administrative Officer

**Anna Leyden**

Bookkeeper

**Darrell Harding**



# Chairperson's Report

As another year ends, we have been proud to continue to provide a high level of service to Victorians with disabilities. For this, thanks must go to my fellow Management Committee members and staff for their dedication to our organisation.

The Management Committee have as always been actively supporting the organisation. In addition, this year DDLS would like to thank KPMG for reviewing our key business processes and internal controls.

In an environment where people with disabilities continue to experience discrimination, disadvantage and marginalisation, our organisation continues to play an important role in giving those people a voice, often against organisations and government departments far more powerful. We thank our clients are having the faith and trust in our staff to allow us to work on their behalf.

DDLS saw, with its fellow Steering Committee members, the completion of an exciting project funded by Victoria Legal Aid under an Innovation and Transformation Grant. The final report, "Collaboration Works" marks the end of a significant project which had as its priority, researching models to increase collaboration between specialist and generalist centres.

We would like to thank the following Management Committee members who left throughout the year. Claire Spivakovsky and Elizabeth Knight were members that contributed significantly outside of meetings to our organisation and will be missed for their commitment and enthusiasm. Pradeep Hewavitharana was a member of our Committee as a representative of Disability Resources Centre, and we also wish to thank him for his contribution. We were very happy to welcome the new representative from Disability Resources Centre, Dr Martin Leckey. Martin is a former Management Committee and Chairperson of the Disability Discrimination Legal Service and we warmly welcome him back.

We were also very fortunate to welcome Geoff Waite, and Winnie Gu, whose areas of interest/profiles are set out above.

Dr Liddy Nevile  
Chairperson

# Manager's Report

Our organisation has finished the year with some exciting outcomes both in casework, information projects and systemic advocacy.

The year ended with DDLS achieving a win in the Supreme Court in the matter of *Owners Corporation v Black* where we represented a homeowner with a disability challenging and owners Corporation in relation to the refusal to make reasonable adjustments to the property to accommodate her disability.

With funding from DARU (Disability Advocacy Resources Unit) DDLS wrote a publication entitled "*Taking Action on Disability Discrimination*". This guide is intended to educate people with disabilities and those that work with them on making discrimination complaints. The guide is an online resource and also published in hard copy. It was launched at the 2018 Strengthening Disability Conference.

Education continues to be an area of strategic priority for DDLS due to the continuing enquiries and complaints we receive in relation to primary and secondary education. This area of priority has been supported by yet another report by a human rights body, the Castan Centre for Human Rights Law, on the critical situation for students with disabilities in Victoria. DDLS has been proud to work with the Victorian Council of Social Services in its Stronger Schools Campaign with a view to encouraging government to make commitments to ensuring that education is accessible for those most disadvantaged.

DDLS enjoyed working with Communication Rights Australia to develop an online application referred to as the "Teachers Toolkit", which aims to support teachers working with students with complex communication needs.

I was privileged to attend the United Nations States Parties Conference to discuss the *Convention on the Rights of Persons with Disabilities* and its effective implementation. It was constructive to be reminded that this is the legislation that all our actions and domestic legislation should be supporting, given its status in being legislation largely contributed to by people with disabilities themselves.

As always I would like to thank our small but dedicated number of staff, who do an incredible job providing their expert assistance to people with disabilities all over Victoria. Our volunteers, including our Management Committee continue to be invaluable to us.

Julie Phillips  
Manager

## Collaborations/Partnerships

DDLS finishes a very successful collaboration spanning over two years with Victoria Legal Aid and the Federation of Community Legal Centres, working on a project to investigate various models supporting the concept of improving the ability of generalist and specialist centres to work together in the most optimum way to benefit clients. Thank you to representatives of Brimbank Melton CLC, YouthLaw, Mallee Family Care and Consumer Action Law Centre for their company and guidance on the Steering Committee. We hope the results of this project support centres for years to come in the pursuit of effective collaboration.

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

For the third year, DDLS is represented on the Victorian Police Disability Portfolio Reference Group. We sit alongside other advocacy group/disability representatives with an aim to supporting Victoria Police to effectively engage with the disability community.

We continue to work closely with Children with Disability Australia and Villamanta Disability Rights Legal Service.

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

## Big Win for People with Disabilities

In 2016, DDLS commenced legal action on behalf of a client with visual and physical disabilities among others, against two Owners' Corporations. The claim of unlawful discrimination in the provision of services presented an opportunity for DDLS to run a public interest test case about the correct interpretation of an ambiguous legal provision and the overarching duty to provide reasonable adjustments to people with disabilities where the law seems to say that there is none.

The proceedings led to a groundbreaking decision of the Victorian and Civil and Administrative Tribunal on 8 February 2018 which was later affirmed by the Supreme Court of Victoria on 21 June 2018. Both findings meaningfully interpreted the provisions of the Equal Opportunity Act 2010 (the "EO Act") and gave supremacy to the legislative intent that underpins anti-discrimination law: people with disabilities need protection from discrimination.

The factual circumstances of the complaint are hardly controversial but the legal question involved was complex. Our client Ms Anne Black, who is legally blind, moved in to her apartment in 2007. She later developed serious physical disabilities. In 2016 she requested the Owners' Corporations to modify the building's main entry door, the door to the car park, the door to the rubbish disposal unit, and the two doors that lead to the garden facilities, all of which are manually operated and are in the common area.

Due to her disability she needed the doors to be automated because opening and holding a door whilst she operates and maneuvers her scooter was extremely difficult. "*I am forced to wait on the footpath outside my residential complex, on my mobility scooter, until a stranger comes and offers to open and hold the access door, so that I can enter the premises*", she said about the main door, and it was quite clear that she had the same predicament with the other doors.

The Owners' Corporations advised that it was prepared to give her permission to have the doors modified in order to provide the disability access that she needed but that she would have to shoulder all the associated costs. Whilst it is clear that the automation of the doors in the common area would benefit not only Ms Black, but any person or resident using the doors, including mothers with prams, trades people, delivery, maintenance or cleaning staff, the Owners' Corporations refused to reconsider their decision and relied on Section 56 of the EO Act. Section 56 is a new provision inserted in the 2010 version of the Act, and states in subsection 2(a) that:

*(2) The owners corporation must allow the person to make reasonable alterations to common property to meet his or her special needs if—*

*(a) The alterations are at the expense of the person;*

Ms Black's principal claim was precisely about installing a mechanical device in the front door of the building to enable her to open the door automatically hence the owner's corporation maintained the view that the EO Act limited their obligations to providing permission to Ms Black instead of requiring installation of a mechanical device at their own costs.

On 9 February 2018, VCAT Senior Member Steele delivered the landmark decision which held that section 56 does not alter the fact that the Owners' Corporations were providers of services to Ms Black and that Section 44 of the EO Act imposes a duty to all providers of goods and services to provide reasonable adjustments to a person with a disability. The Senior member said that taking into account that the principal aim of the EO Act is to protect people with disabilities from discrimination, the proper interpretation of Section 56 means that if the adjustments requested by Ms Black are reasonable, the Owners' Corporations are still obligated to provide them to her.

The Owners' Corporations appealed the Tribunal's decision to the Supreme Court where Justice Richards held that the Senior Member had interpreted the EO Act correctly and dismissed the appeal. The Court agreed that there was no inconsistency between ss 44 and 56 of the EO Act. In Her Honour's view, the EO Act's text, context and purpose revealed that these provisions were intended to overlap in order to eliminate discrimination to the greatest possible extent, and to promote the realisation of equality.<sup>[1]</sup> Moreover, Her Honour was of the view that the Victorian Charter of Human Rights and Responsibilities conferred a right to effective protection from discrimination in respect of use of common property of an Owners' Corporation, providing further support for her interpretation of the EO Act.<sup>[2]</sup>

Many past and present volunteers had worked on the case in the last two years. DDLS is grateful to all of them, as well as to Justice-Connect and the Victorian Bar Pro Bono Assistance Scheme, through which Ms Penny Harris generously gave her expertise and services as Ms Black's barrister for free.

## Other Case Studies

My colleague, Deborah Randa and I would not have managed our respective workload if not for the enthusiasm and the hundreds of hours donated by our team of volunteer students and lawyers, some of whom had been with us for several years. Their research, drafting and administrative skills had been invaluable in the continuous and diligent delivery of the DDLS casework program that delivers litigated and mediated outcomes. Below are an example of some of the equally challenging complaints of unlawful discrimination that have resulted in DDLS staff not only being busy in the last twelve months but also happily rewarded through having achieved meaningful results for our clients through alternative dispute resolution.

### **1. File C13990 concerns two attributes<sup>[1]</sup> of discrimination under the Equal Opportunity Act 2010. The client reported that she was discriminated on the basis of gender and disability in the provision of services as follows:**

*Whilst shopping for lozenges, I was approached by a male, who I now know to be Mr X. I did not previously know him and we had not met before. Mr X was not wearing any form of identification or uniform which might indicate his connection with the supermarket, as its employee or owner. He approached me and claimed I had been*

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<sup>[1]</sup> *Owners Corporation OC1-POS539033E v Black* [2018] VSC 33, [67] 58.

<sup>[2]</sup> *Ibid*, [68] 59.

<sup>[1]</sup> Attributes refer to those aspects of a person that the law prohibits discrimination, they include: age; gender identity; disability; marital status; parental status or status as a carer; physical features; political belief or activity; pregnancy; race; religious belief or activity; sex; sexual orientation; personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

*near the wine section. He accused me of stealing and demanded to see the contents of my bag. He used his body to block me from leaving the aisle. His behaviour towards me was aggressive, threatening and overbearing.*

*I complied with his request, because I felt scared and threatened by him. I allowed him to search my bag but asked him not to hold my belongings. Mr. X replied that he was the owner of the store and could do what he wanted, when he wanted. He then demanded that I pull up my top and subsequently my T-shirt.*

*I reluctantly pulled up my jumper but refused to pull up my t-shirt as I was embarrassed that Mr. X was trying to strip search me in a public place and in the view of other persons. I indicated that I was uncomfortable with his behaviour and that he had no right to be searching me as I had done nothing wrong. He replied that he had the right to detain and search me.*

*He searched me. He did not find any stolen items in my bag or on my body. I was very distressed and wanted to leave the store. I told him so, but he would not allow me to go. He continued to physically block the aisle with his body. I pulled out my iPhone and activated its camera, to take his photo. Only then did he back away and step aside.*

*As I was leaving the store he became abusive again and called me a poof. Before I exited through the sliding doors, I took photos of the cashier's area where he was standing nearby.*

*I am transgender woman. According to the medical profession, I have a condition called gender dysphoria which is a disability for the purposes of the Equal Opportunity Act.*

*The behaviour, actions and statements of Mr X discriminated against me unlawfully because of my gender identity and/or disability and also constituted sexual harassment.*

*This incident was very traumatic and embarrassing for me and it has reactivated my post-traumatic stress disorder. Since the incident, I have experienced nightmares and flashbacks of the scene, and my past abuse. I have become increasingly withdrawn and frightened to go out, particularly going into supermarkets. Furthermore my depression and anxiety have worsened since the incident and at times I have been highly suicidal. I still feel anxious and depressed and I am continuing to take psychiatric medication.*

The complaint was resolved following mediation at the Victorian Civil and Administrative Tribunal on 28 Sept 2017, The client received an apology and compensation for hurt. Mr X also committed to undertaking professional development in equal opportunity and anti-discrimination policy and procedures relevant to the retail industry.

2. **File C13628 illustrates the need to understand the very nature, symptoms and intricacies of a person's disability, failing which the person can be demonised and suffers exclusion.**

It is also an ideal case study where there is a tension and a need to balance competing rights and put into perspective the difference between equality and equity. The setting was also a grocery store. Client "ST" went to purchase cigarettes as he had done for the past three years without incident. Several minutes after, the cashier had called the police alleging the committing of serious criminal offences, which had not occurred.

ST has epilepsy, first diagnosed 20 years prior. The principal consequences of ST's epilepsy are that he experience grand mal seizures, usually approximately once every three weeks. Most of these seizures occur at home during the night. Rarely, a further consequence is that in a post-ictal period after a seizure, he may be subject to confusion and may become aggressive and combative. During this time of altered consciousness ST has significant diminished responsibility for his actions and reactions. Essentially, he has no awareness of his action.

While shopping ST had an epileptic seizure, during which he fell back and hit his head, which later required stitches. An employee looked after him and called an ambulance. Immediately following the seizure, he got up and wandered in a confused and aggressive state. The store provided a copy of the CCTV footage which showed his erratic behaviour. Later, ST watched in shock the footage, seeing himself chasing the store manager with a metal rod and later forcibly dismantling the cash register from the checkout desk in front of a frightened employee. Paramedics and police personnel later arrived and he was taken to a hospital. The following day he returned to the Store to thank the staff for their assistance, but the the store owner informed him that he was banned from their premises for life because he was considered a threat to the safety of staff and customers.

The initial conciliation conference at the Victorian and Equal Opportunity Commission was not successful because the store manager refused to reconsider the ban due to OHS risks. The complaint was eventually resolved following mediation at the Victorian Civil and Administrative Tribunal mediation on 19 October 2017 when DDLS advocacy persuaded the store manager to restore the customer relationship subject to conditions. It was agreed that:

For a period of six months, ST may purchase goods on any day except Sundays and public holidays under the following arrangement:

- a. ST is to telephone the store and identify the goods he requires and the time he will attend the Store to collect the goods.
- b. He is then to attend the store with his son, or a responsible adult, to pay for and collect the goods (the **Initial Arrangement**).

If there has been no incident at the Store during the six month period of the Initial Arrangement of ST experiencing a post-ictal state of altered consciousness or any

other conduct on the part of ST that would present a risk to the safety of any person or property at the Store:

- c. ST may attend the Store during business hours on Tuesdays, Thursdays and Fridays to purchase goods;
- d. ST must be accompanied by his son or a responsible adult at all times when in attendance at the Store, and that person must remain in close proximity to the ST at all times; and

ST accepted the offer noting that the arrangements provided him adequate opportunities to personally receive goods and services in a manner with due regard not only to the nature of his disability but also to the obligations of the Store owner to the employees, and the public, including people with episodic type disabilities

**3. File number C13865 is one of many cases that come to DDLS where an injured employee's attempt to return to work is thwarted by an employer's misconception of the inherent requirements of the job, and of occupational health and safety.**

The client was employed as a security manager at a security company. This primarily involved processing vehicles that came to the security company site to deliver and remove any potential hazards from the site. Before the client had a knee replacement, he went to the manager and requested to meet with someone from Return to Work (RTW) but never received a response. This would have been stressful for the client because he wanted confirmation that his return to work after the surgery would run smoothly.

When the client returned to work after recovering from the surgery, the employer instructed him to see the security company's doctor to make sure that he was fit to return to work. The client saw this doctor and the doctor said that there was a possibility that the client's knee could become symptomatic in the future. Nevertheless, they said that the client was able to complete the inherent requirements of their job.

Despite these findings from the doctor, which were positive overall, the company was still apprehensive about the client returning to work. They were worried that the client's job could aggravate the injury because it involved high risk duties and prolonged standing.

The company's main argument was that the fact that the client may not be able to do the job in the future meant that he was not fit to undertake the requirements of the job overall. They informed the client that they were considering termination of his employment. The employer's actions had a significant negative effect on the client, causing him to feel depressed, bullied and victimised.

The client decided to lodge a complaint with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). There were multiple conciliations in this case but the parties did ultimately reach an agreement. It was agreed that the security company would compensate the client for the potential loss of overtime hours. The company also offered to allow the client to return to work in a suitable and different position within the company.

**4. File C14029 is a good illustration of how a student is placed in the “too hard” basket because of the symptoms of their disability.**

The client made a complaint on behalf of their son, who was due to be enrolled in prep. The son’s disability was a combination of Autism Spectrum Disorder (ASD), ADHD and a bowel stoma.

The client attended a meeting with the principal of the school to discuss the enrolment of their son. The client claimed that at this meeting, the principal said that the school could not enrol their son. A key symptom of the client’s son’s disability was a tendency to wander. The school felt that this was problematic because the school did not have enough fencing in place to ensure that the son could not leave the school grounds and the school gates were often left open. The client asked whether the school could get funding to increase the fencing but they said that this was most unlikely.

The school also believed that they did not have enough teachers to ensure that the boy was sufficiently supervised at all times. Specifically, they had only 4 teachers to supervise 700 students. The school argued that enrolling the client’s son could pose a safety risk for other students, as the teacher might need to leave the classroom unattended if the client’s son wandered.

The complaint was resolved with the school providing an apology and compensation to the client. The school also offered to enrol the child, and had new fencing built in anticipation of our client’s son being enrolled at the school.

**5. File C13676 is an effective example of how bullying may give rise to a claim of indirect discrimination, where whilst the school did not endorse or encourage bullying the school’s anti-bullying policy was insufficient and did not consider the needs of students with disability specifically.**

The client made a complaint to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) on behalf of their son. The client’s son has epilepsy, which is not completely controlled. The bullying in question occurred when the client’s son was in high school. Some of the students involved were aware that the son had epilepsy and some were not aware. There were numerous incidents where the client’s son was subject to both physical and psychological bullying. One incident occurred at a school basketball game and involved other students posting a video online, which mocked the client’s son having a seizure. Hurtful comments were attached to the video as well.

The client’s son moved to a new school after the bullying, but continued to experience the flow on effect from the above mentioned incident as it involved the video that had been posted online and had ‘gone viral’. Understandably, the client’s

son experienced stress and increased seizures as a result of the bullying. Furthermore, his confidence to learn independently diminished significantly and he had to miss numerous classes.

Some key issues in this case included whether the school supported the client's son sufficiently and whether they did enough to prevent bullying from other students. More specifically, a major concern was the school's anti-bullying policy, which did not consider the needs of students with disabilities. The result in this case was positive for the client. They received a significant amount of monetary compensation and an apology letter from the school. Additionally, it was agreed that the school's leadership team would undertake anti-discrimination training.

**6. File S8677 concerns the failure by a school to make reasonable adjustments**

Miss A has severe physical disabilities due to Arnold-Chiari malformation and brainstem compression. A primary school agreed to enrol her and provide funding as part of the school's Program for Students with Disabilities. The school also agreed to provide the client with a tutor as part of a Home-Based education program. However, the school discontinued the funding of Miss A's education and failed to provide any form of assessment for Miss A. Miss A's father made a complaint to the Victorian Equal Opportunity and Human Rights Commission which led to the resumption of support to Miss A.

**7. File C13942 provides a good demonstration of the need for employers to ensure their job advertisements fully and accurately describe the inherent requirements of the role; and to ensure that staff are sensitive to applicants who have disabilities.**

The client responded to a job advertisement at a not-for-profit organisation in Melbourne that helps people with substance addiction and/or those living on the streets. The position description posted on Seek.com mentioned that a driver's license was a 'requirement' of the role. The role involved training HR employees and running education sessions at different locations around Melbourne. It did not make clear the reason a driver's license was 'required'. On enquiring about the role, the client disclosed that she was vision impaired and as such could not obtain a driver's license. She also asked whether it was possible for her to use other transport arrangements to reach the sites outside the office: for example, a taxi, Uber or public transport. The organisation declined her application some days later, citing the client's inability to obtain a driver's license as the reason for the rejection. They advised her that a driver's license was an inherent requirement of the role, as she would be required to travel independently to each site to run the training sessions. While the client accepted that this was the case, she was upset by the organisation's lack of sensitivity in their response to her; and their failure to explain why a driver's license was an inherent requirement of the role from the outset. After DDLS contacted the organisation on the client's behalf, the organization agreed to apologise to the client. They also offered to review their Equal Opportunity Employment training so that HR staff could respond more sensitively to employment enquiries relating to discrimination in the future; and ensure the inherent requirements of positions were made clear when posted.

**8. File C14617 gives a demonstration of the need for schools to pay keen attention to the need to make reasonable adjustments for students with disabilities and have a comprehensive understanding of how severely a failure to provide such adjustments can disadvantage students with disabilities.**

The client was the mother of an 11 year old student of a private primary school in Victoria. The client's son lived with a number of disabilities including dysgraphia (a condition affecting the fine motor skills required to write and visual processing); attention deficit hyperactivity disorder; anxiety and depression.

After the client's son was diagnosed with dysgraphia in September 2016, his occupational therapist made a number of recommendations to improve his access to education. These included that he be allowed to use a laptop on an ongoing basis; and that he be allowed to use assistive technology or other methods of recording information during written tasks.

The client's complaints fell into two categories: a failure to implement the recommendations of her son's occupational therapist; and a failure to make adjustments to prevent him from being bullied at school.

Despite repeatedly raising these recommendations with her son's teachers, the school's principal and the body administering the private schools in the region failed to implement these recommendations or an individual learning plan for the client's son. This was despite the fact that for the duration of 2017, the client's son's academic performance continued to fall further behind that of his peers; and that his literacy and numeracy skills were between a grade two and grade three level (he was completing grade 6 at the time).

Additionally, the client's son was subjected to a number of incidents of bullying, which included the client's son being hit, excluded from his peers and called 'gay' by a group of students; being choked by and receiving death threats from one student of that group; being put in a head lock and threatened; having parts of his scooter stolen; and being doused in tomato sauce. These incidents occurred from late 2016 to late 2017, and resulted in the client's son being depressed, anxious, refusing to attend school and experiencing suicidal ideation. While an officer from the organisation administering schools in the region had investigated these incidents; established they occurred; and recommended a range of interventions to address the bullying, these recommendations were not implemented. At a VEOHRC conciliation conference the client accepted a financial a settlement of the claim.

**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 annual reports by human rights bodies, statutory authorities and parliamentary committees.

In 2017/2018, our CLEs included:

- *Effective Advocacy NDIS/Education* - Disability family support association
- *Review of Education Standards* - University Students
- *Disability Discrimination Law and Hepatitis* - Disability organisation
- DDLS and Disability Discrimination - Legal training centre
- Disability Discrimination - Rights and How Enforced Locally -University Law School
- Education Rights - Rural community
- *Disclosure in Education & Employment* - Disability organisation
- *Advocacy in Education* – DARU Sector Conversation

- *Disability Discrimination in Education*- Public event Law Week
- *Disability Discrimination In Education* - University students
- *Discrimination Law and How it Applies to Education in Australia* - International academic group
- *Disability Discrimination* - University leadership presentation

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

Deborah Randa  
CLE Co-ordinator  
2018



# Policy and Law Reform Program Report

DDLS does not have a dedicated Policies/Law Reform worker but attempts to influence both on issues of law reform, and discriminatory treatment of people with disabilities.

Submissions made/co-written throughout the year included:

**Office of the Disability Services Commission**

Department of Health And Human Services

**Review to Achieve Educational Excellence in Australian Schools**

Commonwealth Department of Education and Training

**Australia's Draft Report Rights of the Child**

Commonwealth Attorney General

**Draft General Comment 5-Equality and Discrimination**

UN Committee on the Rights of Persons with Disabilities

**DHHS Senior Practitioners Report**

Department of Health And Human Services

**Visual and Audio Recording of Evidence Transcripts**

Victoria Police



# 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.

We are now in our second year working with Deakin University on their internship training program. It has been our pleasure to regularly have these students volunteer with us after their placements are finished.

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

Financial Statements

For the year ended 30 June 2018

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

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**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Committee's Report**  
**For the year ended 30 June 2018**

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Your committee members submit the financial accounts of the Disability Discrimination Legal Service Inc for the financial year ended 30 June 2018.

### Committee Members

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

Marius Smith  
 Nick Corker  
 Wayne Kiven  
 Elizabeth Muhlebach  
 Julie Phillips  
 Dr Liddy Nevile  
 Martin Leckey  
 Geoffrey Waite  
 Winnie Gu

### 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 30 June 2018	Year ended 30 June 2017
\$	\$
17,708	13,562

Signed in accordance with a resolution of the Members of the Committee on: *22<sup>ND</sup> SEPTEMBER, 2018*

  
 \_\_\_\_\_  
 Marius Smith

  
 \_\_\_\_\_  
 Nick Corker

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Income and Expenditure Statement**  
**For the year ended 30 June 2018**

	2018 \$	2017 \$
<b>Income</b>		
VLA Recurrent - Commonwealth	257,024	248,768
VLA Recurrent - State	51,220	48,292
Fundraising/Donations	770	100
Miscellaneous Income	12,075	8,065
Interest received	2,812	3,581
<b>Total income</b>	<b>323,901</b>	<b>308,807</b>
<b>Expenses</b>		
Communications	11,661	11,420
Depreciation - other	757	447
Finance, Accounting & Audit	2,154	1,738
Insurance	2,137	1,832
Library, Resources & Subscriptions	4,316	3,031
Minor Equipment	1,030	
Office Overheads	4,425	3,048
On Costs	(16,934)	(1,480)
Other Premises Costs	279	713
Programming & Planning	666	575
Rent	33,361	31,889
Salaries	239,179	220,916
Staff training & Conferences	819	527
Superannuation	22,097	20,564
Travel	246	25
<b>Total expenses</b>	<b>306,193</b>	<b>295,244</b>
<b>Surplus from ordinary activities before income tax</b>	<b>17,708</b>	<b>13,562</b>
Income tax revenue relating to ordinary activities		
<b>Surplus from ordinary activities after income tax</b>	<b>17,708</b>	<b>13,562</b>
Surplus (deficit) from significant items after related income tax	(17,708)	(13,562)
<b>Net surplus attributable to the association</b>		
<b>Total changes in equity of the association</b>		

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 2018**

	2018	2017
	\$	\$
Opening retained earnings	141,773	141,773
Net surplus attributable to the association		
<b>Closing retained earnings</b>	<u><u>141,773</u></u>	<u><u>141,773</u></u>

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Statement of Financial Position**  
**As at 30 June 2018**

	Note	2018 \$	2017 \$
<b>Assets</b>			
<b>Current Assets</b>			
Cash assets	3	85,019	87,298
Receivables	4		5,000
Other	5	168,344	166,960
<b>Total Current Assets</b>		<b>253,363</b>	<b>259,257</b>
<b>Non-Current Assets</b>			
Property, plant and equipment	6	19,889	14,446
<b>Total Non-Current Assets</b>		<b>19,889</b>	<b>14,446</b>
<b>Total Assets</b>		<b>273,251</b>	<b>273,704</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Payables	7	7,717	7,988
Current tax liabilities	8	4,028	4,691
Provisions	9	19,638	33,695
Other	10	69,872	52,164
<b>Total Current Liabilities</b>		<b>101,254</b>	<b>98,538</b>
<b>Non-Current Liabilities</b>			
Provisions	9	30,224	33,392
<b>Total Non-Current Liabilities</b>		<b>30,224</b>	<b>33,392</b>
<b>Total Liabilities</b>		<b>131,478</b>	<b>131,931</b>
<b>Net Assets</b>		<b>141,773</b>	<b>141,773</b>
<b>Members' Funds</b>			
Retained earnings		141,773	141,773
<b>Total Members' Funds</b>		<b>141,773</b>	<b>141,773</b>

The accompanying notes form part of these financial statements.

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Statement of Cash Flows**  
**For the year ended 30 June 2018**

	<b>2018</b>	<b>2017</b>
	<b>\$</b>	<b>\$</b>
<hr/>		
<b>Cash Flow From Operating Activities</b>		
Receipts from grants and others	326,089	300,600
Payments to Suppliers and employees	(304,687)	(278,889)
Interest received	2,812	3,581
Net cash provided by (used in) operating activities (note 2)	24,214	25,293
 <b>Cash Flow From Other Significant Items</b>		
Net cash provided by (used in) other significant item (note 3)	(17,708)	(13,562)
 <b>Cash Flow From Investing Activities</b>		
<b>Payment for:</b>		
Payments for property, plant and equipment	(6,200)	
Net cash provided by (used in) investing activities	(6,200)	
 Net increase (decrease) in cash held	304	11,731
 Cash at the beginning of the year	252,567	240,835
Cash at the end of the year (note 1)	252,873	252,567

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Statement of Cash Flows**  
**For the year ended 30 June 2018**

2018

2017

**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	12,810	30,654
Cash Management Account	59,501	44,706
Donations Account	12,558	11,788
Cash on hand	150	150
Term deposits 43452	167,854	165,269
	<u>252,873</u>	<u>252,567</u>

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

Operating surplus (deficit) after tax	17,708	13,562
Depreciation	757	447
Changes in assets and liabilities:		
(Increase) decrease in trade and term debtors	5,000	(4,625)
(Increase) decrease in prepayments	1,200	(203)
Increase (decrease) in trade creditors and accruals	(3,054)	2,467
Increase (decrease) in other creditors	20,490	14,597
Increase (decrease) in employee entitlements	(17,226)	(1,873)
Increase (decrease) in sundry provisions	(663)	920
<b>Net cash provided by operating activities</b>	<u><b>24,214</b></u>	<u><b>25,293</b></u>

**Note 3. Reconciliation Of Net Cash Provided By (Used In) Significant Item To Significant Item After Income Tax**

Surplus (deficit) on significant items	(17,708)	(13,562)
(Increase) decrease in income tax payable		
Net cash provided by (used in) significant item	<u>(17,708)</u>	<u>(13,562)</u>

The accompanying notes form part of these financial statements.

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2018**

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**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 Associations Incorporations Reform Act 2012 and the Australian Charities and Not-for-profits Commission 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 asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the income statement.

**(c) Employee Benefits**

Provision is made for the association's 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.

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**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2018**

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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.

**(i) Income Tax**

The Association 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.

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**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2018**

	2018	2017
<b>Note 2: Significant Items</b>		
Transfer to VLA Grants In Advance	(17,708)	(13,562)
Income tax revenue on significant items		
<b>Loss on significant items after related income tax benefit</b>	<b>(17,708)</b>	<b>(13,562)</b>

**Note 3: Cash assets**

Bank accounts:		
- Cheque Account	12,810	30,654
- Cash Management Account	59,501	44,706
- Donations Account	12,558	11,788
Other cash items:		
- Cash on hand	150	150
	<b>85,019</b>	<b>87,298</b>

**Note 4: Receivables****Current**

Trade debtors		5,000
		<b>5,000</b>

**Note 5: Other Assets****Current**

Short term deposits	167,854	165,269
Prepayments	490	1,690
	<b>168,344</b>	<b>166,960</b>

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2018**

	<b>2018</b>	<b>2017</b>
<b>Note 6: Property, Plant and Equipment</b>		
Leasehold improvements:		
- At cost	17,900	17,900
- Less: Accumulated depreciation	(3,901)	(3,454)
	13,999	14,446
Plant and equipment:		
- At cost	6,200	29,838
- Less: Accumulated depreciation	(310)	(29,838)
	5,890	
	<b>19,889</b>	<b>14,446</b>

**Note 7: Payables**

Unsecured:		
- Trade creditors	75	3,128
- Other creditors	7,642	4,860
	7,717	7,988
	<b>7,717</b>	<b>7,988</b>

**Note 8: Tax Liabilities****Current**

GST payable control account	4,028	4,691
	<b>4,028</b>	<b>4,691</b>

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Notes to the Financial Statements**  
**For the year ended 30 June 2018**

	2018	2017
<b>Note 9: Provisions</b>		
<b>Current</b>		
Employee entitlements*	19,638	33,695
	19,638	33,695
<b>Non Current</b>		
Employee entitlements*	30,224	33,392
	30,224	33,392
* Aggregate employee entitlements liability	49,862	67,088

There were 5 employees at the end of the year

**Note 10: Other Liabilities**

**Current**

Grants In Advance - VLA	69,872	52,164
	69,872	52,164

**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 year	36,629	33,299
	36,629	33,299

**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Statement by Members of the Committee**  
**For the year ended 30 June 2018**

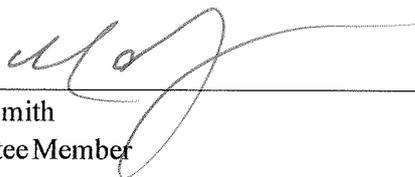
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The Committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

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 2018 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:



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Marius Smith  
Committee Member



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Nick Corker  
Treasurer

## **Report on the Audit of the Financial Report**

Director:  
A.R Ager CA, BEc  
Registered Company 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  
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E: tony.ager@optusnet.com.au

Authorised Audit Company  
No. 453122

### **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, Statement of Financial Position as at 30 June 2018, 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 2018 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 Associations Incorporation Reform Act 2012 and the Australian Charities and Not-for-profits Commission 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 Associations Incorporation Reform Act 2012, the Australian Charities and Not-for-profits Commission 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.



**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.

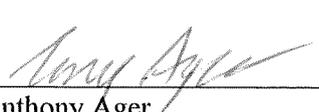
Signed on: 24<sup>TH</sup> SEPTEMBER, 2018

ASSUR PTY LTD

ASSUR PTY LTD

Authorised Audit Company Number: 453122

Chartered Accountants

  
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Anthony Ager  
Director - Audit & Assurance  
Chartered Accountant

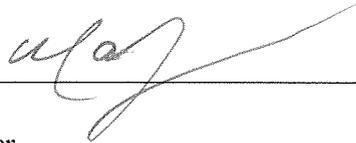
**Disability Discrimination Legal Service Inc**  
**ABN 36 079 687 722**  
**Certificate by Member of the Committee**  
**For the year ended 30 June 2018**

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I, Marius Smith, and I, Nick Corker certify that:

- a. We attended the annual general meeting of the association held on
- b. The financial statements for the year ended 30 June 2018 were submitted to the members of the association at its annual general meeting.

Dated



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Marius Smith  
Committee Member



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Nick Corker  
Committee Member