

Disability Discrimination Legal Service

ABN 36 079 687 722

Annual Report

2019/2020

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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

State

DDLS undertakes casework for people with disabilities under the *Disability Discrimination Act (Cth 1992)* ("DDA"), and the *Equal Opportunity Act (Vic 2010)* ("EOA"). This involves providing advice and on-going assistance to people with cases before the Australian Human Rights Commission, the Federal Court of Australia and the Federal Circuit Court, the Victorian Equal Opportunity & Human Rights Commission and the Human Rights List of the Victorian Civil and Administrative Tribunal ("VCAT"). In addition, the Service supports people who decide to conduct their own cases and likewise assists disability advocates to take up cases on behalf of their clients.

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

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

DDLS is open five days per week, 9.00am to 5.00pm with one evening clinic per week. Legal advice is provided by telephone or face-to-face appointment where necessary. Community legal education is increasingly targeted and planned in advance, and inquiries can be made directly to the Service. In addition, information about the Service, the relevant law and useful links can be accessed through the Service's Internet site located at www.ddls.org.au.

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

The challenge for the Service has always been to provide targeted strategies to assist as many people as possible given very limited resources. The criteria for casework assistance therefore are primarily based on public interest principles. The other consideration is, of course, whether or not the client can find appropriate legal advice and representation

elsewhere, and their capacity to meet any associated costs. Information and community legal education are provided free to people with a disability. Service providers, businesses and other organisations with the capacity to meet the associated costs of providing these services are duly charged for them. As an ATO registered Donation and Gift Recipient, the Service can only charge a set amount determined as the 'cost price' for these services but can, of course, accept donations.

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

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

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

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

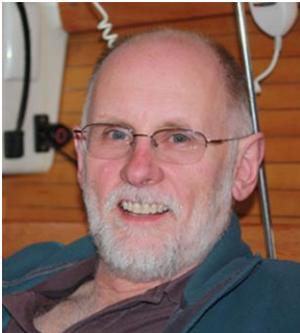
Ph: (03) 9654-8644
Fax: (03) 9639-7422
Country Callers: 1 300 882 872
Email: info@ddls.org.au
Web: www.ddls.org.au



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 Liddy Nevile
Vice Chairperson:	Mr Marius Smith
Treasurer:	Ms Winnie Gu
Members:	Mr Wayne Kiven
	Ms Elizabeth Knight
	Ms Elizabeth Muhlebach
	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.



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 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.



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 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

Kerry O'Hagan

Law Reform & Policy Worker

Felix Walsh

Administrative Officer/Volunteer
Coordinator

Anna Leyden

Finance Officer

Darrell Harding

Chairperson's Report

The Management Committee of the Disability Discrimination Legal Service ("DDLS") beyond all else wants to thank the DDLS staff for their dedication and expertise. They have managed to ensure our organisation has continued to provide services to vulnerable and disadvantaged people in 2019/2020.

For many in Australia, it would have been hard to imagine, even just one year ago, that our circumstances would change so dramatically. We have found ourselves in the position of having worked from four home offices for almost six months. We are dependent upon and very grateful to staff who seem to have made the transition to remote working fairly seamlessly. In addition, we are very appreciative of extra Commonwealth funds recently received and administered through Victoria Legal Aid. They have assisted in enabling working from home being safe and productive.

Of course, some members of the disability community rely on technology heavily to meet their everyday needs. Currently, there are other members of the community for whom undertaking most of their learning or working remotely and online has been a significant challenge.

The DDLS, like the disability community, have had to adapt and change to the circumstances we now find ourselves in. In this changing environment, planning for the future is difficult and we are grateful to Victoria Legal Aid for their understanding in relation to changed expectations of outcomes.

We have viewed this time as an opportunity for staff to develop different skill sets in order to flexibly meet the new and changing needs of our clients.

While we do not know what the future brings, the stable and committed staff and volunteers of the DDLS stand us in good stead to be prepared as we can be, and the Management Committee thanks them.

Dr Liddy Nevile
Chairperson

Manager's Report

This past year has ended on a somewhat challenging note, however I would like to praise DDLS staff and volunteers for the manner in which they have, without complaint, acclimatised to working from their homes remotely.

2019-2020 has been another busy year, with numerous inquiries and reviews that relate to people with disability, and barriers to their access to the same opportunities that others have, for a high quality life.

The Royal Commission into Violence, Abuse, Neglect and Exploitation ("Disability Royal Commission") continues to be a focus of ours, with the DDLS spending a substantial amount of time gathering information for its submission. One significant disappointment has been the refusal to date by the Commonwealth Government to provide people with disability and others who wish to contribute to the Disability Royal Commission, confidentiality protections past the date of the Disability Royal Commission. Anything that prevents people with disability from contributing freely to this Disability Royal Commission must be overcome as soon as possible, as the number of submissions made to date do not at all represent the number of people with disability who we know have been affected by abusive and discriminatory treatment. DDLS will continue to advocate alongside others on behalf of the disability community for the Commonwealth Government to act.

The Disability Royal Commission is timely as we sadly ponder the death of Anne Marie Smith, and the data being revealed about people with disabilities suffering from abuse in NDIS services.

An interesting change in the types of requests for assistance that DDLS has been receiving in the last year, is worth noting. With the expansion of the NDIS, we are receiving numerous enquiries about the ability of service providers to discriminate against people with disabilities who exhibit behaviours of concern. Clearly the profit margins for service providers is affected if they need to spend money on behaviour support, and therefore it is preferable, from their perspective, not to accept such persons, or to terminate their assistance if they are considered too "problematic" for the service provider. To that end, this group of people with disabilities are at a double disadvantage, with very few disability service providers wanting to provide service to them. Given behaviours of concern can be addressed, this discrimination is very problematic, as this section of the community have the right to access services as others do.

The fact that behaviours of concern are often linked with violence is a reason to ensure that intensive and expert services are brought into assist service providers, instead of these community members being pushed aside.

Towards the end of the year when Victorians began experiencing restrictions, the issues of remote learning for students with disabilities, and protection for residents from coronavirus in group homes were consistently in the media and continue to be.

In this way, neglect and discrimination against people with disabilities has been more prominent due to our current difficult circumstances. Let's hope the raised profile of these issues continues past restrictions in order that things improve. As always, I thank DDLS staff and volunteers for their dedication and expertise, and the Management Committee for its very active guidance.

Julie Phillips
Manager

Collaborations/Partnerships

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

We were pleased to be on the conference committee for the yearly 'Strengthening Advocacy' Conference run by Disability Advocacy Resources Unit, Disability Advocacy Victoria and the Victorian Council of Social Services. DDLS represents Disability Advocacy Victoria on the DARU Governance Group alongside Leadership Victoria.

DDLS works in partnership with Communication Rights Australia and Villamanta Disability Rights Legal Service. A quarterly newsletter is produced by ourselves and Villamanta Disability Rights Legal Service focusing on advocacy and legal issues for the disability sector.

DDLS are an active member of Victorian Council of Social Services, continuing to work on the Empowered Lives campaign and on the Education Coalition which focuses on education for Victorian students with disabilities and disadvantage.



Casework Program Report

A Whole New World

The novel coronavirus that causes the disease COVID 19 was identified in or about 30 December 2019. The declaration of a pandemic on 11 March 2020, ushered in unprecedented change in every societal landscape including political, economic, social, religious and legal. Australia, still reeling from the devastation of bushfires, felt the debilitating effects of COVID 19 in the first quarter of 2020. The government response to contain the outbreak, to arrest the exponential rise of infection and deaths, required an overhaul of objectives, market forces and priorities.

Personal protective equipment, social distancing, lockdowns and movement restrictions became not only a norm, but also a new challenge to law and order. This came at great cost, not only in terms of the necessary government expenditure. The impact upon people with medical conditions was immediate, and the fallout raised tensions between disability and fear of the new disability. Ironically, the measures taken to control infection and avoid further outbreak have led to further discrimination against people with disabilities.

Disability discrimination law begs consideration of notions of fairness, capacity, compliance with conditions, and reasonable adjustments, generally in the context of education, employment and service provision. The widespread disruption to traffic and commercial transactions, the suspension of common daily activities and consumption, and the transfer to working and learning from home, seems to have translated to lesser client contact for some community legal service providers in the last semester of the financial year. Nevertheless, the pandemic environment demonstrates that discrimination continues to take place in very challenging periods in history.

The central theme of the ensuing examples of client intake is not new. Both the *Equal Opportunity Act 2010* (Vic) and the *Disability Discrimination Act 1992* (Cth) contain provisions¹ that authorise direct discrimination on the grounds of public safety and control of

¹ EQUAL OPPORTUNITY ACT 2010 - SECT 86

P 48 Infectious diseases

This Part does not render it unlawful for a person to discriminate against another person on the ground of the other person's disability if:

- (a) the person's disability is an infectious disease; and
- (b) the discrimination is reasonably necessary to protect public health.

Note: For discrimination in relation to an assistance animal that has an infectious disease, see subsection 54A(4).

Disability Discrimination Act 1992

Protection of health, safety and property

S. 86(1) amended by No. 26/2011 s. 34(Sch. item 4.3).

(1) A person may discriminate against another person on the basis of [disability](#) or physical features if the discrimination is reasonably necessary—

(a) to protect the health or safety of any person (including the person discriminated against) or of the public generally; or

(b) to protect the property of any person (including the person discriminated against) or any public property.

(2) A person may discriminate against another person on the basis of pregnancy if the discrimination is reasonably necessary to protect the health or safety of any person (including the person discriminated against).

infectious diseases. Both also permit the imposition of policies, requirements or conditions that disadvantage people with a disability, where the policies, requirements or conditions pass the test of reasonableness.

Given that safety is always regarded as paramount, the sound application of these laws requires a well-informed determination that: 1) the reliance on such legal exemptions is reasonable, and 2) that the discrimination is necessary. This determination is not always easy, and as would be expected, parties are usually on a different page when it comes to what is reasonable, especially within a tense and/or unfamiliar environment. Discrimination is not always an intended consequence as the following cases² illustrate:

1. Housing Commission lockdown - the client is a person who has a history of mental illness and lives alone. He was one of many residents whose access to medication and support services was restricted during the strict implementation by Victoria Police of the lockdown imposed by the Department of Health in high-density public housing buildings in Melbourne.
2. Inability to wear a mask- DDLS has at least two cases concerning the requirement to wear a face mask or shield. One client was prevented from accessing goods or services, and the other stood down from their employment.
3. Change in retail practice- an elderly woman who has a physical disability complained that staff at two major grocery chains had refused her assistance to bag purchased items due to physical contact rules.
4. Vulnerability to COVID 19 - the client is blind and uses a guide dog. His employer refused his request to work full time from home. Due to his disability, he is unable to drive and relies on his sense of touch from time to time. He and his dog are not able to comply with social distancing requirements, which was the basis of his request for reasonable adjustments.
5. Apartment rules- the client is a father who is the sole carer for a child with autism. He has just recently moved into an apartment building. The issue arose when the building manager required that all residents collect parcel deliveries from the concierge. He felt that the inflexibility of the condition was unreasonable and disadvantaged his because of his carer responsibilities, especially with delivery of furniture items that were large or bulky.

Towards the end of March 2020, DDLS commenced delivery of services with staff working from home. This meant a substantial reduction in the hours and labour donated by our team of volunteer students and lawyers, some of whom had worked with us for several years. Their research, drafting and administrative skills have been invaluable in the continuous and diligent delivery of the DDLS casework program that delivers litigated or mediated outcomes. DDLS provides assistance in alternative dispute resolution and court or tribunal representation to clients seeking resolution of their disability discrimination complaints. The contribution of DDLS volunteers in the last year, towards achieving the outcomes in the following case studies, is hard to measure and cannot be overstated:

² Some of these cases are active and subject to ongoing negotiation, hence the need to make the parties anonymous

Education

File Number C 14577

This matter concerned a student with a learning disability, who was not granted an age exemption to allow him to continue his schooling in year 11. The age exemption was necessary, as the student would have turned 18 years of age in year 11. The student's passage through primary school had been delayed for reasons related to his disability. Late in year 10, the school informed the student that it could not assist the student to complete VCAL and the student would need to find an alternative program. Following advocacy by the student's mother, the secondary school applied for an age exemption on behalf of the student, but without using the correct form and procedure. This denied the student and his mother the opportunity for consultation about the application for an age exemption, and supported an inference that the school discriminated against the student on the basis of her disability. The complaint was resolved at the Victorian Equal Opportunity and Human Rights Commission with financial compensation provided to the student.

File Number C15168

This matter concerned a student enrolled in a health sciences course at a tertiary education provider. The student was not allowed to resume her studies, after failing a practical placement. The student's ability to undertake the practical placement was hindered by the provider's failure to provide reasonable adjustments during the placement. The provider required the student to obtain a fitness to practice form signed by her health practitioner. A dispute arose between the student and the provider about the background information contained within the fitness to practice form, and about the nature of the questions posed to the health practitioner. The dispute was resolved with an agreement by the institution to re-draft the form. The client was also assisted with the development of a new learning access plan.

File Number C 14994

A student studying VCE in Year 11, recently diagnosed with a learning disability, was granted special consideration for external assessments. At the end of the year, the school informed the student that the special consideration would not apply to school-based assessments in Year 12, unless and until the application for special consideration for external assessments was approved. This was contrary to expert recommendations and an abrogation of the school's responsibility to provide reasonable adjustments. The dispute was resolved with the school agreeing to provide special consideration for all school-based assessments from the commencement of the Year 12 school year.

Services

File Number C 14966

Our client purchased air tickets on-line from a third-party site. Our client uses a wheel chair and followed all instructions given by the third-party seller to notify the airline about the possession of a disability aid. With very little notice, our client was notified by the airline that he could not be accommodated on the flight, for reasons related to his use of a wheelchair. Our client requested a refund so that he could purchase a ticket with another service. The airline declined to provide a refund as per its overbooking policy, on the basis that the purchased seat was still available, even though the seat was not available for our client. Our client was informed that he could take a flight 8 hours later than the flight he had originally

booked. This matter was settled with the provision of financial compensation following a complaint to the Australian Human Rights Commission. The complaint was made on the basis that the airline's terms and conditions were unfavorable to people who use assistance aids.

File No C 12297

This matter was a representative proceeding at the Victorian Civil and Admirative Tribunal. The client is a family whose members suffer from various types of physical and mental disabilities. They complained that the landlord's failure to provide quiet enjoyment of the property amounted to a failure to provide reasonable adjustments. Following a compulsory conference at the Victorian Civil and Administrative Tribunal, the landlord agreed to pay compensation for pain and suffering and to initiate and complete the modifications required at the property within an agreed time period.

File No C 14987

This case was a Federal Court proceeding against an airline that refused services to the client on the day of her flight because of her disabilities. The client has Quadriplegia but always travels with two professional carers. The claims of direct and indirect discrimination were resolved following payment of compensation and the company undertaking a review of their policies and procedures.

File No C 14830

The client is blind and has a guide dog. She attended a restaurant but was refused services because the owner/manager had a religious objection to the presence of the dog. DDLS made a complaint on her behalf to the Victorian Equal Opportunity and Human Rights Commission. The business reconsidered their policy and installed a sign welcoming guide dogs and assistance animals.

Employment

File No C 15374

Our client worked in an administrative role for a large transport company. He informed his employer that he uses cannabis for medicinal purposes, following which his employment was terminated based on company policy about the use of cannabis. Following a conciliation conference at the Australian Human Rights Commission, his complaint was resolved with payment of compensation.

File No C 14986

Our client has worked as a dental assistant for more than five years. He suffered anxiety and depression as a result of an employment related issue. He requested that the roster for dentists and dental assistants accommodate his request not to work with one of the dentists, however the employer did not consider his request to be reasonable. He felt unable to continue in his employment and resigned. Initial attempts at the Victorian Equal Opportunity and Human Rights Commission to resolve his complaint of discrimination and victimization amicably was not successful, prompting DDLS to submit an application to the Victorian Civil and Administrative Tribunal. He considered his complaint resolved following a meaningful offer of financial compensation.

File No C 15356

The client has worked in the construction industry for many years. She has a history of physical disability and is restricted in her ability to perform repetitive tasks and heavy lifting. She applied for a position with the respondent but never received a response. She discovered that she was deemed unsuitable due to medical grounds, notwithstanding that she passed the medical assessment by the company nominated physician. Following conciliation at the Australian Human Rights Commission, the complaint was resolved with payment of compensation for loss of income.

File No C 14957

The client left a more lucrative position in order to work for the respondent company for career advancement. As a condition of the offer of employment, she undertook a medical assessment through a third party. She was deemed unsuitable because the role required inspection of industrial turbines, and her disability was considered to present a serious safety risk. However, medical evidence disclosed that with the use of her prescribed medications, her disability was well managed and she was fit to perform the inherent requirements of the job. Following conciliation at the Victorian Equal Opportunity and Human Rights Commission, the client received substantial compensation by way of settlement.

File No C 14950

The complainant worked as a security officer. He has a history of anxiety and depression for which he takes regular medications. He requested an adjustment at work that would allow him to break a regular three consecutive night shift roster, as that adversely affected his health. The employer refused and instead offered him casual work. Following a conciliation conference at the Victorian Equal Opportunity and Human Rights Commission, the client received payment of compensation for loss of income, hurt and inconvenience.

Current Litigation

VCAT Ref No H298/2020 Yat Fei Chang v Melbourne Polytechnic

This proceeding relates to the respondent's failure or refusal to provide reasonable adjustments to a person who has a serious allergy to strong perfumes.

VCAT Ref No H272/2020 Carole Winter v Dept of Education and Training

The claim is brought by the applicant on behalf of her grandson on the basis that his education failed because the respondent didn't provide reasonable adjustments for his disabilities. There is also a claim of racial discrimination, on the basis that the child was not provided with an education plan appropriate to a student who identifies as an aboriginal person.

Placido Belardo
Principal Solicitor
Kerry O'Hagan
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.

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 against students with behaviours of concern
- Discrimination in Education

These sessions were provided to law students, community organisations, teachers, rural communities 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 last financial year 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:

- Disabled Parking Permits
- Review of the NDIS Act
- United Nations Periodic Review
- Participation of People with Disability Injury Service
- Support and Life Outcomes for Autistic People
- Priorities for Federal Discrimination Law Reform



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.

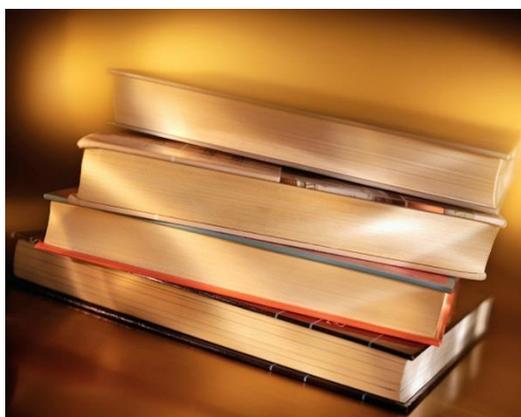
Derived from law students and lawyers, our volunteers approach us independently, or are put forward by organisations/universities for placement. Our students come from a variety of universities across Victoria.

We are now in our fourth 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. We have been disappointed that the circumstances of working remotely and required us to put this program temporarily on hold

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 2020

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 2020

Your committee members submit the financial accounts of the Disability Discrimination Legal Service Inc for the financial year ended 30 June 2020.

Committee Members

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

Dr Liddy Neville
Winnie Gu
Julie Phillips
Wayne Kiven
Elizabeth Muhlebach
Marius Smith
Geoffrey Waite
Elizabeth Knight
Peter Batchelor
Claire Spivakovsky

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 deficit from ordinary activities after providing for income tax amounted to

Year ended 30 June 2020	Year ended 30 June 2019
\$	\$
(5,455)	(15,440)

Signed in accordance with a resolution of the Members of the Committee on: *2nd SEPTEMBER, 2020*



Dr Liddy Neville



Winnie Gu

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 2020

	2020	2019
	\$	\$
Income		
VLA Recurrent - Commonwealth	273,236	264,952
VLA Recurrent - State	57,520	54,264
Fundraising/Donations		947
Miscellaneous Income	24,758	25,838
Interest received	1,576	3,004
Total income	357,090	349,005
Expenses		
Communications	10,357	14,203
Depreciation - other	1,687	1,687
Finance, Accounting & Audit	1,872	2,538
Insurance	2,278	2,693
Library, Resources & Subscriptions	2,135	2,894
Minor Equipment	1,299	9,597
Office Overheads	525	811
On Costs	9,872	(10,273)
Other Premises Costs	230	662
Programming & Planning	606	2,813
Rent	36,824	36,842
Repairs & maintenance	177	
Salaries	268,393	272,888
Staff training & Conferences	151	1,904
Superannuation	25,497	24,630
Travel	643	557
Total expenses	362,546	364,445
Surplus (deficit) from ordinary activities before income tax	(5,455)	(15,440)
Income tax revenue relating to ordinary activities		
Surplus (deficit) from ordinary activities after income tax	(5,455)	(15,440)
Transfer from VLA Grants In Advance	5,455	15,440
Net surplus attributable to the association		
Total changes in equity of the association		

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 2020

	2020 \$	2019 \$
Opening retained earnings	141,773	141,773
Net surplus attributable to the association		
Closing retained earnings	<u>141,773</u>	<u>141,773</u>

Disability Discrimination Legal Service Inc
ABN 36 079 687 722
Balance Sheet as at 30 June 2020

	Note	2020 \$	2019 \$
Assets			
Current Assets			
Cash assets	<u>3</u>	67,572	62,059
Receivables	<u>4</u>	161,150	550
Other	<u>5</u>	173,320	171,267
Total Current Assets		402,042	233,876
Non-Current Assets			
Property, plant and equipment	<u>6</u>	16,514	18,201
Total Non-Current Assets		16,514	18,201
Total Assets		418,556	252,078
Liabilities			
Current Liabilities			
Payables	<u>7</u>	12,997	13,007
Current tax liabilities	<u>8</u>	19,972	3,784
Provisions	<u>9</u>	17,659	14,019
Other	<u>10</u>	195,476	54,432
Total Current Liabilities		246,104	85,241
Non-Current Liabilities			
Provisions	<u>9</u>	30,679	25,064
Total Non-Current Liabilities		30,679	25,064
Total Liabilities		276,783	110,305
Net Assets		141,773	141,773
Members' Funds			
Retained earnings		141,773	141,773
Total Members' Funds		141,773	141,773

The accompanying notes form part of these financial statements.

Disability Discrimination Legal Service Inc
ABN 36 079 687 722
Statement of Cash Flows
For the year ended 30 June 2020

	2020	2019
	\$	\$
<hr/>		
Cash Flow From Operating Activities		
Receipts from customers	194,914	345,451
Payments to Suppliers and employees	(194,909)	(384,176)
Interest received	1,576	3,004
Net cash provided by (used in) operating activities (note 2)	1,581	(35,721)
 Cash Flow From Extraordinary Items		
Net cash provided by (used in) significant item	5,455	15,440
Net increase (decrease) in cash held	7,036	(20,281)
Cash at the beginning of the year	232,591	252,873
Cash at the end of the year (note 1)	239,628	232,591

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 2020

	2020	2019
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	19,427	33,421
Cash Management Account	29,526	10,020
Donations Account	18,468	18,468
Cash on hand	150	150
Term deposits 43452	172,056	170,532
	239,628	232,591

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

Operating surplus after income tax	(5,455)	(15,440)
Depreciation	1,687	1,687
Changes in assets and liabilities net of effects of purchases and disposals of controlled entities:		
(Increase) decrease in trade and term debtors	(160,600)	(550)
(Increase) decrease in prepayments	(529)	(245)
Increase (decrease) in trade creditors and accruals	(552)	4,004
Increase (decrease) in other creditors	141,587	(14,154)
Increase (decrease) in employee entitlements	9,255	(10,779)
Increase (decrease) in sundry provisions	16,188	(244)
Net cash provided by operating activities	1,581	(35,721)

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

Transfer from VLA Grants In Advance	5,455	15,440
(Increase) decrease in income tax payable		
Net cash provided by (used in) significant item	5,455	15,440

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 2020

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. The committee has determined that the association is not a reporting entity.

The financial report has been prepared on an accrual 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) Receivables

Accounts receivable and other debtors include amounts due from members as well as amounts receivable from donors. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

Disability Discrimination Legal Service Inc
ABN 36 079 687 722
Notes to the Financial Statements
For the year ended 30 June 2020

(f) Revenue and Other Income

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

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

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

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

(g) Leases

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, as they are leases which are for twelve months or less or low value leases.

(h) 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.

(i) 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.

Disability Discrimination Legal Service Inc

ABN 36 079 687 722

Notes to the Financial Statements

For the year ended 30 June 2020

	2020	2019
 Note 2: Significant Items		
Transfer from VLA Grant In Advance	5,455	15,440
Income tax revenue on significant items		
Surplus on significant items after related income tax expense	5,455	15,440
 Note 3: Cash assets		
Bank accounts:		
- Cheque Account	19,427	33,421
- Cash Management Account	29,526	10,020
- Donations Account	18,468	18,468
Other cash items:		
- Cash on hand	150	150
	67,572	62,059
 Note 4: Receivables		
Current		
Trade debtors	161,150	550
	161,150	550
 Note 5: Other Assets		
Current		
Short term deposits	172,056	170,532
Prepayments	1,264	735
	173,320	171,267

Disability Discrimination Legal Service Inc
ABN 36 079 687 722
Notes to the Financial Statements
For the year ended 30 June 2020

	2020	2019
Note 6: Property, Plant and Equipment		
Leasehold improvements:		
- At cost	17,900	17,900
- Less: Accumulated depreciation	(4,796)	(4,349)
	13,104	13,551
Plant and equipment:		
- At cost	6,200	6,200
- Less: Accumulated depreciation	(2,790)	(1,550)
	3,410	4,650
	16,514	18,201

Note 7: Payables

Unsecured:		
- Trade creditors	3,527	4,079
- Other creditors	9,470	8,928
	12,997	13,007
	12,997	13,007

Note 8: Tax Liabilities

Current

GST payable control account	19,972	3,784
	19,972	3,784

Disability Discrimination Legal Service Inc
ABN 36 079 687 722
Notes to the Financial Statements
For the year ended 30 June 2020

	<u>2020</u>	<u>2019</u>
Note 9: Provisions		
Current		
Employee entitlements*	<u>17,659</u>	<u>14,019</u>
	<u>17,659</u>	<u>14,019</u>
Non Current		
Employee entitlements*	<u>30,679</u>	<u>25,064</u>
	<u>30,679</u>	<u>25,064</u>
* Aggregate employee entitlements liability	48,337	39,082

There were 5 employees at the end of the year

Note 10: Other Liabilities

Current

Grants & Income In Advance	<u>195,476</u>	<u>54,432</u>
	<u>195,476</u>	<u>54,432</u>

Disability Discrimination Legal Service Inc

ABN 36 079 687 722

Statement by Members of the Committee

For the year ended 30 June 2020

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 2020 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:



Dr Liddy Nevile
Chairperson



Winnie Gu
Treasurer

The accompanying notes form part of these financial statements.

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

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) 9561 6311
M: +61 419 541 727
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E: tony.ager@optusnet.com.au

Authorised Audit Company
No. 453122

Report on the Audit of the Financial Report

Opinion

We have audited the financial report of Disability Discrimination Legal Service Inc (the association), which comprises the Statement by Members of the Committee, the Income and Expenditure Statement, Balance Sheet as at 30 June 2020, 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 2020 and [of] its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements 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. 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 and for such internal control as the committee determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

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

Chartered Accountants
Registered Company Auditors

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

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

Assur Pty. Ltd.
PO Box 987
Level 1, 189 Coleman Parade,
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ABN. 78 167 481 834
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Authorised Audit Company
No. 453122

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: 11TH SEPTEMBER, 2020

ASSUR PTY. LTD

ASSUR PTY LTD

Authorised Audit Company Number; 453122

Chartered Accountants



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 2020

I, Dr Liddy Nevile and I, Winnie Gu certify that:

- a. We attended the annual general meeting of the association held on *14TH OCTOBER, 2020.*
- b. The financial statements for the year ended 30 June 2020 were submitted to the members of the association at its annual general meeting.

Dated *2ND SEPTEMBER, 2020* .



Dr Liddy Nevile
Committee Member



Winnie Gu
Committee Member