

**Disability**

**Discrimination**

**Legal**

**Service**

**ABN 36 079 687 722**

**Annual Report  
2008/2009**

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## **Statement of Purpose**

1. To promote the objectives of the *Disability Discrimination Act* (Cth) 1992 and the *Equal Opportunity Act (Vic) 1995* (hereafter referred to as 'the Acts') in relation to disability/ impairment which are:
  - The elimination of discrimination on the basis of disability;
  - That people with disabilities have a right to equal treatment before the law; and
  - To promote community understanding that people with disabilities have the same fundamental rights as the rest of the community.
2. To provide free and readily accessible legal advice, referral and casework services to people with disabilities, and to people / organisations who assist or work for people with disabilities in relation to issues relevant to the Acts.
3. To initiate and participate in the development of education outreach and information distribution to promote further awareness of the Acts to consumers and the community.
4. To initiate, and participate in reviewing Federal, State and International legislation relevant to the needs of people with disabilities.

September 2006

## 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. DDLS undertakes casework for people with disabilities under the *Disability Discrimination Act (Cth 1992)* ("DDA"), and the *Equal Opportunity Act (Vic 1997)* ("EOA"). This involves providing advice and on-going assistance to people with cases before the Australian Human Rights Commission (previously the Human Rights and Equal Opportunity Commission), the Federal Court and the Federal Magistrates Court, the Victorian Equal Opportunity & Human Rights Commission (previously the Equal Opportunity Commission) and the Anti Discrimination 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. Legal advice is provided by telephone or face-to-face appointment where necessary. Community legal education is increasingly targeted and planned in advance and inquiries can be made directly to the Service. In addition, information about the Service, the relevant law and useful links can be accessed through the Service's Internet site located at **[www.communitylaw.org.au/ddls](http://www.communitylaw.org.au/ddls)**. However, web sites 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. Our main publication, *Using Disability Discrimination Law* (4th edition) can be downloaded from the DDLS website or hardcopies can be ordered from Victoria Legal Aid by phone order – 9269 0223 or 1800 677 402 (country callers).

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 an increasingly important 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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## Committee of Management

The Committee of Management is responsible for the DDLS' strategic direction and the development of organisation policies, procedures and practices in collaboration with staff and management.

Chairperson:	Jan Ashford
Vice Chairperson:	Dr Martin Leckey
Secretary:	Julie Phillips
Treasurer:	Bill James
Public Officer:	John McKenna
Members:	Robert Pask Cettina D'Abaco Jane Simmonds
Observer:	Tim Greenall

## Staff Members

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

**Julie Phillips**  
**Placido Belardo**  
  
**Deborah Randa**  
**Anna Leyden**  
**Marie Collard**

# Chairperson's Report

**July 2008 – June 2009**

## **Chairperson's Report:**

Radio National Health Report gave details of a recent research report on the implications of Gene Therapy and the early identification of cancers. It was found that previously 80% of people were keen to follow up on preventative monitoring treatment which was successful in the detection and treatment of early cancers. This changed significantly when the researchers were obligated to inform people that the outcome may affect their ability to get life or sickness insurance. The percentage dropped to 50% of people who were prepared to continue testing to ascertain their predisposition. The drop was the result of fear that they may be discriminated against if insurance companies found out their results. People were prepared to live with the fear and potential non-treatment of cancer, rather than be discriminated against by insurance companies.

In addition some very profitable businesses think nothing of discriminating against:

- staff who require workplace adjustments because of an illness or acquired disability;
- customers who may require extra support to enjoy the benefits of their service;
- Government departments who are not prepared to provide the supports required so people with disabilities may enjoy the same benefits as others in the community.

Government policies become meaningless rhetoric when our community leaders allow discrimination against some of the most vulnerable members of our community. Families become stressed and break down as a result of the stress and strain these practices create.

As community members we need to ask if we want the type of society that condones this type of treatment of people. The economic rationalists are winning and developing a society that allows the cutting of services to such a level that people who require extra support are not valued as customers, people choose the stress of not knowing if they have a possible terminal illness rather than getting treatment, and children have to fight the Department of Education to get what should be their right.

It is for this reason that services such as the Disability Discrimination Legal Service are such an essential component to counteract the ingrained behavioural patterns of people and services who will not allow people to enjoy the same rights as other members of the community.

In DDLS we find committed and passionate advocates who are prepared to fight the battles for people, who know the system and are not intimidated by powerful decision makers. For this we thank each and every one of them. Julie Phillips, our Manager, brings an unwavering commitment to social justice. In addition her wide ranging knowledge of human resources, discrimination and disability makes her a most valuable leader for the agency.

Placido Belardo, our Principal Solicitor, who celebrates his 10 years with DDLS this year, is to be congratulated for his commitment to the agency and his battles against discrimination.

Deborah Randa - Solicitor and Community Legal Education worker, has been with DDLS for just over two years, and brings knowledge on rights and the law to the community through her well received community education sessions.

Anna Leyden, our Administrative Officer who has been with DDLS now for 3 years is the front line for people making contact with the agency. Her pleasant manner and her preparedness to assist is always a pleasure.

Volunteers underpin DDLS's basic functions – such as ensuring that we are open and can take calls every day between 9am to 5.00pm.

On behalf of the Management Committee I would like to thank the staff and volunteers of DDLS for yet another outstanding year and hope that their commitment to the objectives of the agency remains steadfast. To my colleagues on the Management Committee I wish to thank them for their hard work over the last twelve months and remind all those associated with DDLS that until discrimination is obliterated our work will continue, and I hope your dedication.

Jan Ashford  
Chairperson

## **Treasurer's Report**

DDLS has implemented and delivered a program that meets the needs of its clients, while increasing its surplus for the 2008/2009 financial year to \$83,073, compared to a surplus of \$11,521 the previous year.

Retained earnings have increased at 30 June 2009 to \$192,849 compared to \$109,776 recorded in the previous year, as a result of this operating surplus.

The DDLS income of \$88,853 came mainly from government grants through Victorian Legal Aid, the recurrent funding being \$176,460 from the Commonwealth and \$38,182 from the State government. In addition, there was a one-off Commonwealth grant of \$53,470. There was also Service generated income of \$1,219 from Community Legal Education, interest of \$4,397, and miscellaneous income of \$125.

The DDLS expenditure of \$205,780 was only marginally higher than the previous year's outlays of \$205,062.

This report is based on the Independent Audit Report of 29 September 2009 conducted for the DDLS members by Janet Collyer of JL Collyer and Partners.

Bill James  
Treasurer

18 October 2009

# Manager's Report

Looking at last year's report for inspiration, I read that I had posed the question as to whether the United Nations *Convention on the Rights of Persons with Disabilities* ("UNCRPD") and the *Charter of Human Rights and Responsibilities Act* would actually make a difference to people's lives.

Another year on, from our perspective, the answer must be – no.

The "Shut Out" report <sup>1</sup> prepared by the National People with Disabilities and Carer Council, released this year, was a damning indictment on the experience of people with disabilities living in Australia. The situation can be best described by one of the contributors: -

*"Persons with disability are subject to multiple and aggravated forms of human rights violations, including the neglect of their most basic survival related needs. These human rights violations do not only occur in far off places that lack enlightened legislation and policies, or the resources needed to meet basic needs. They occur every day, in every region, of every state and territory in Australia. Virtually every Australian with disability encounters human rights violations at some points in their lives, and very many experience it every day of their lives.*

*In 2009, in one of the most enlightened and wealthiest nations in the world, it is possible for persons with disability to die of starvation in specialist disability services, to have life-sustaining medical treatments denied or withdrawn in health services, to be raped or assaulted without any reasonable prospect of these crimes being detected, investigated or prosecuted by the legal system, and to have their children removed by child protection authorities on the prejudiced assumption that disability simply equates with incompetent parenting."*

The 'Shut Out' report reflects the real experience of people with disabilities and their families and carers.

In Victoria, regardless of the hype we receive from government departments - whether it is the glossy Department of Human Services brochures with photos of smiling Ministers next to seemingly grateful people with disabilities, or the Department of Education's "Shine" advertisements where an unsuspecting public might believe that students with disabilities are given equal treatment in our schools – we know that it is only people with disabilities themselves who can tell us how things really are.

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<sup>1</sup> 'Shut Out The Experience of People with Disabilities and Their Families in Australia' 2009

So how has Australia's ratification of the UNCRPD changed the way that the State of Victoria deals with people with disabilities in the last year?

In March this year, the Department of Education brought out a new booklet – “*Effective Schools are Engaging Schools*”. Section 4.2.3 prevents parent advocates from speaking at Student Support Group meetings. I suppose that's one way of ensuring children with disabilities don't complain. The DDLS continues to receive numerous calls from distraught parents who have to fight every inch of the way for their children to receive appropriate supports.

Despite the case of *Turner v State of Victoria*, which went from VCAT all the way to the Supreme Court, the Department of Education are resolute in their refusal to review the infamous 'Program for Students with Disabilities'. The result of that intransigence is far reaching – children who by a young age are suicidal, receiving therapy and years behind their peers – destined to never see the inside of a University. Parents who are so worn down or distraught by their battles with the Department of Education that they are also experiencing mental health problems.

The State of Victoria continues to require numerous parents to put their houses on the line to go to the Federal Court, just to get a decent education for their child - something we are told is everybody's right. Despite laws requiring all children to go to school every day, there seems to be a different law for children with Autism Spectrum Disorder. The parents of these kids are often told that funding will not allow them to attend full time, and two days per week or so is all that can be managed.

Staff at the DDLS were stunned and saddened to hear of the death of our friend Eddie Travaglia in August this year. Eddie had killed himself and his two sons – both of whom were deaf with severe cerebral palsy. Eddie had lodged a complaint of discrimination at the Australian Human Rights Commission which had been referred to the Federal Court, on behalf of his sons, who lived in a Department of Human Services owned Community Residential Unit (“CRU”). The complaint included refusal to communicate with them in Auslan (Australian Sign Language), mistreatment and victimisation.

Deaf people living in CRUs do not have a right to Auslan – this is upheld in the DHS Language Policy which only upholds their right to their native language in certain circumstances. For deaf people living in CRU's, life can be soul destroying if you are unable to effectively communicate with those in charge of your life.

We fondly remember Eddie Travaglia and his sons, and hope that their deaths may contribute to a review of the treatment of people with disabilities in state care.

DDLS staff believe in a country like Australia, where we can spend millions of dollars on the Grand Prix, art along freeways, and fireworks on New Years Eve – it is not acceptable for parents to be killing their children because they don't trust the State to look after them – or for children in primary school to be seeking psychological

assistance because of their school experience. It is not acceptable in Victoria for a school to tell parents of a child with Autism Spectrum Disorder that they don't receive enough funding to allow them to go to school full time.

Complaints of breaches of the UNCRPD can now be heard at the Australian Human Rights Commission. We urge you to make complaints to the Commission where appropriate.

Julie Phillips  
Manager

# Casework Program Report

The DDLS Casework Program is delivered by Placido Belardo (Principal Solicitor) and Deborah Randa (Solicitor/Community Legal Education) and is kicked started by the advice sessions from Tuesday to Friday afternoons. A client is usually initially provided with an hour of a telephone or teletypewriter advice session, and where individual circumstances require, a face to face appointment with the solicitor is offered. Professional Auslan or other language Interpreters are also provided when requested. Advice is usually given verbally and in some cases in writing or email.

DDLS receives many requests for advice about a variety of matters related to disability, including Centrelink, TAC or Worksafe claims, guardianship or administration matters, complaints against health services providers or work cover entitlements. DDLS is only able to provide advice or assistance in disability discrimination matters under either the Equal Opportunity Act 1995 (Victoria) or the Disability Discrimination Act 1992 (Commonwealth), hence all queries outside those laws are referred to the appropriate community support organisation, government agency or legal practitioner.

All that is required to be a DDLS casework client is for a person to have factual and legal basis to claim discrimination by a service provider, employer, club or association on the basis of disability (which includes) past, present or an imputed disability, or being a carer or associate of person with a disability. A typical client agreement provides an undertaking to draft a complaint and assist the clients until their complaints are resolved by way of conciliation or mediation. All cases are considered to have public interest, but due to resource limitations, DDLS requires those who wish to take their cases to a hearing before the Victorian Civil and Administrative tribunal or the Federal Courts of Australia, to have a case with a stronger degree of achieving a significant effect or outcome for a section of the community or involving a unique question of application or interpretation of law.

The following table is a summary of the casework services provided by the DDLS from 1 July 2007 to 30 June 2008:

<b>Casework Activity Summary Report</b>		
<b>CLIENTS</b>		
<b>Total number of clients</b>		<b>300</b>
New clients		229
Repeat clients		10
Existing clients		61
<b>ACTIVITIES</b>		
<b>Total advice activities</b>		<b>229</b>
<b>CASES</b>		
<b>Total cases open during period (Open &amp; New)</b>		<b>117</b>
Opened at period start		62
New (open in period)		55
Still open at period end (ongoing)		78
<b>Total cases closed during period</b>		<b>39</b>
Minor cases closed	9	
Medium cases closed	8	
Major cases closed	22	
Cases involving court representation		6
Cases involving primary dispute representation		13
Closed test cases		4
Closed with public interest indicator		7

## **Outcomes**

Most clients avoid going to court and prefer to negotiate a settlement of their claims with the other party. An apology from the other party is often seen by clients to have high importance, as well as a commitment to equal opportunity training. The majority of the DDLS cases were resolved without the need of a formal hearing before the tribunal or the court.

When conciliations at the relevant Commission are unsuccessful, many clients choose not to take the matter further. This can be because they decide that doing so would be unduly stressful, or from concerns about costs orders in the Courts. The following are some of the cases brought to the DDLS, with the resulting outcomes achieved through the conciliation and mediation processes of the Victorian Equal Opportunity and Human Rights Commission (“VEOHRC”), the (Federal) Australian Human Rights Commission (“AHRC”), the Victorian Civil and Administrative Tribunal (“VCAT”) and the Federal Magistrates Court: *(some of the names have been changed to comply with privacy legislation and contractual obligations)*

- 1) **B v Commonwealth Department-** The client was an employee who has both physical and hearing impairments. The Respondent employer conducted a performance review without regard to the client’s disability, refused him promotion or job security, and failed to provide tasks and physical working environment appropriate to his hearing capacity. The complaint was resolved in mediation.
- 2) **LW v School** The client is the mother of a boy who was diagnosed with a number of disabilities that include autism, Attention Deficit Hypersensitivity Disorder (“ADHD”), dyslexia and hearing impairment. She claimed that the school did not provide reasonable adjustments for her son’s disabilities. After an unsuccessful AHRC attempt to resolve the complaint, the client brought an action at the Federal Magistrates Court on behalf of her son. Following a court ordered mediation conference, the proceeding was resolved.
- 3) **R v A Clinic and a Doctor-** This was a complaint of person who was refused a surgical procedure because of HIV positive status. The clinic has a written policy of excluding HIV positive patients. The surgeon had previously pricked herself with a needle whilst performing a procedure on a HIV positive patient. The complaint was resolved in mediation.
- 4) **C v A Nursing Home-** This was about a woman whose attempt to return to work after recovering from cancer was refused because the employer decided that she was unable to return to her original duties. The complaint was resolved in mediation.
- 5) **SH v Fabric Store-**The client was diagnosed with Myotonic Dystrophy, a type of muscular disorder which he did not disclose at the time of his job application for a casual position as he didn’t consider his disability to be a significant factor in the performance of his duties as a store assistant. Later, his supervisor and team leader commented that he was rather slow whilst he completed his tasks. He informed his team leader that he had a medical condition which has deteriorated and affected his dexterity. He noted a gradual reduction in his hours of work until the employer rarely called him for work. The company continued to hire or offer work to other casual employees. He complained of discrimination against the company to the AHRC on the basis that the company denied him employment

benefits, and that the company had failed to provide reasonable adjustments to allow for his disabilities before effectively terminating his employment. Following a conciliation conference, the complaint was resolved.

- 6) **TV v the Institute** – The client was a casual employee of an organisation employed to provide catering for functions at the institute. He was terminated from the organisation after an incident at work. The client maintains that the decision to terminate his employment was made due to a perception that he suffered from clinical depression and that he was unable to cope with stress. He complained to VEOHRC on the basis that he has been discriminated against in his employment because of his disability. The matter was successfully resolved post conciliation conference.
- 7) **BS obo CS v an airline** – A mother brought a complaint on behalf of her daughter who is deaf and legally blind at VEOHRC. The daughter is 39 and can see sufficiently to be independently mobile and read. She lives in Melbourne and periodically flies to visit her mother in New South Wales. Virgin Blue refused the daughter a flight unaccompanied from Melbourne to Coolangatta because of her impairment. They attributed their decision to the client being deaf and in their view unable to understand safety instructions in-flight. The matter was successfully resolved at conciliation.
- 8) **RS V City Council** –Our client uses a cane to walk, and has neck and back pain when he walks following a severe car accident. He has difficulty attending events at, and picking up his children from their school because there are only 4 parking spaces in the street closest to the school and no designated spots for drivers with disabilities. He brought a complaint against the respondent because parking and footpath conditions created safety concerns for him and his children. At conciliation at the AHRC the matter was resolved.
- 9) **MM V the Commonwealth, et al.** – The Client was an employee of the respondent who made complaint to HREOC alleging disability and racial discrimination, and sexual harassment in employment. The matter was settled at conciliation.
- 10) **C v State** - This VCAT proceeding was brought by the parents of a young man with profound blindness. The matter settled at mediation.
- 11) **T v A Company**- As a result of his workplace injury, the complainant had undergone a knee replacement. The respondent terminated his employment after he made a Work Cover claim and asked for light duties. The matter was referred to mediation by the VCAT registrar. The matter was resolved at mediation.
- 12) **S v State**- The client is a single male who lives alone in a two bedroom unit as a tenant of the respondent. He has a physical disability and uses a walking stick as a mobility aid. His complaint arose from the alleged refusal of the landlord to

approve his application for alternative housing or the unreasonable delay by the respondent in modifying his current housing to make it adequate for his needs. Following a VEOHRC conciliation conference, the complaint was resolved.

- 13)S v A University-** The client is a woman who was diagnosed with acute multiple-chemical sensitivity. She successfully applied as a research and program officer. The respondent withdrew the offer of employment on the basis of occupational health and safety, after she disclosed the nature of her disability. The respondent argued that site inspections may include private residences and various worksites, an inherent requirement of her job, and that the university has no control over those sites which may expose her to a range of allergens. Following an AHRC conciliation conference, the complaint was resolved.
- 14)M v State** - This court proceeding arose from the pharmacy board's decision to impose a condition on the pharmacy registration of our deaf client - that she is unable to work unless there is another registered pharmacist who is not deaf and is able to provide communication assistance. Following a second mediation conference, a compromise was reached between the parties and the proceedings discontinued.
- 15)D V Bank** - The client worked for the Bank for 22 years. The client alleged that the Bank required her to work in a situation that she could not comply with due to her impairment, which had arisen from witnessing 3 bank robberies, and that the requirement was unreasonable. The client was bullied and pressured by the manager into changing to a position that she did not have the skills for, which were contrary to her doctor's advice, and that only exacerbated her stress and anxiety levels. The client resigned from her place of employment to alleviate her stress levels. Following an AHRC conciliation conference, the complaint was resolved.
- 16)Z v School** - The client made a complaint at VEOHRC on behalf of his son. The son has obsessive compulsive disorder which the respondents were aware of but did little to reasonably accommodate during his enrolment at the school including his attempted VCE. The boy was bullied at school which was followed by a suicide attempt. Through a conciliation conference, the complaint was resolved.
- 17)LG v MGC** -The client had been employed by the respondent for over 30 years. She was diagnosed with breast cancer and received treatment. She returned to work after a mastectomy and continued working whilst receiving treatment. After she used her sick leave entitlements she requested to use her annual and long service leave. She was summoned to a meeting where she was told there was no longer work for her, and after leave completion she should resign. This impacted on her self confidence and psychological well being. Following AHRC conciliation, the complaint was resolved.

**18) RJ v V.Transport Company-** This is a student's claim of indirect discrimination arising from the level of the platform a rural train station. The platform is very low which makes the gradient of the portable ramp too steep and non compliant with the Australian Standards. The student sustained injuries as a result of getting off the train via the ramp. The complaint was resolved.

**19)C v Dating Service** – C has vision and physical impairments and instituted proceedings at VCAT against a dating agency arising from the alleged discriminatory manner by which the respondent's staff attended to him when he signed up for the dating/matching services and for refusing to provide information material in an alternative format accessible to the vision impaired. The complaint was resolved.

**20)H v A Fitness Factory Pty Ltd-** This was a complaint in the area of goods, services and facilities. The complainant has Multiple Sclerosis (MS) and relies on a motorised chair for her mobility. Attendance of gym is crucial to her ongoing management of MS, particularly when she experiences exacerbation of her condition. She has been a member of the gym (respondent) for 4 and half years. She has been forced to use the main toilets with difficulty and lack of privacy as her request that gym equipment stored in disabled toilet be removed has been ignored. The complaint was resolved.

**21) P v A Company-** This was a complaint of discrimination on basis of gender, impairment and sexual harassment in area of employment. The complainant is deaf in her left ear and has difficulty hearing and wears an aid to assist with hearing. Her co-workers harassed and humiliated her regularly including laughing and making faces at her when she did not hear something that was said, whistling at her like a dog to get her attention and physically assaulting her. Pornographic magazines were left on the lunch table and explicit calendar left on the wall even after the complainant complained. The complaints were resolved at conciliation.

Student-volunteers play a vital role in the commencement of a DDLS-Client relationship because along with the Administration Officer, being in charge of incoming telephone calls they are in most cases, the first point of contact. Hence, they are provided with a volunteer induction process not only in telephone etiquette, but also in disability awareness and obtaining relevant client instructions.

Deborah and I wish to thank **Adam Jones, Michael Leach, Simon Pitt, Helen Drake, Andrew Chen, Mohsin Mughal, Patrick Donovan, Abby Levy, Natasha Koravos, Cassandra lee, Claire Marshall, Kaitlyn Gulle, Patricia Woo, Sam Salvidge, Tian Lim, Yasmin Tian, Laura Southwell, Sally Pottenger** and other past and current volunteers who have consistently displayed outstanding patience, creativity, enthusiasm and respect for privacy.

Michael Leach was the first law graduate who (juggling his family commitments and lecture work at Swinburne University) completed half of his legal clerkship at DDLS. He was followed by Adam Jones who completed the final two week requirement of his Leo Cussen Practical Legal Training Course. Adam continued on as a volunteer after his admission as a solicitor in the state of Victoria and is the first person to have a DDLS volunteer practising certificate.

We also acknowledge the vital and generous pro bono assistance from **Susan Aufgang** of Counsel, **Fran o Brien S.C.** and **Rosemary Hamer** from the firm Russell Kennedy who provided advice, discussions and representations.

Placido Belardo  
Principal Solicitor

Deborah Randa  
Solicitor/CLE

# **Community Legal Education**

## **Program Report**

Once again this year has been a very busy but different year for the Disability Discrimination Legal Service (DDLS) from a community legal education perspective. We have provided close to 20 community legal education sessions about legal rights and responsibilities under discrimination laws for people with disabilities and for the general community. The activities, some specifically tailored to meet the needs of the participants, have ranged from informal talks to people with disabilities and /or their advocates about their rights, to formal intensive training of service providers and other interested organisations about their legal obligations to people with a disability.

DDLS continues to provide workshops in response to changing laws, issues of importance and the needs of different organisations. One such example was when one support group for people with allergies and multiple sensitivities, particularly chemicals, called AESSRA, who ran a full day seminar, sought our services well in advance and asked us to talk specifically about Disability Discrimination Law and Chemical Sensitivity. Another example was providing a workshop about the amendments to the DDA to Karingal (a not-for-profit community organisation) Board of Directors and staff so they would be better informed when planning their Disability Action Plan.

Several information sessions were conducted to students at educational institutions. The Chisholm (Cranbourne) Advanced Diploma of Justice students were presented with information about our organisation and disability discrimination law. In partnership with Youth Disability Advocacy Service, DDLS spoke at the Rights and Responsibilities 2008 Graduate Attribute Program, at Deakin University, Burwood campus. This program is designed for students with a disability who are in their penultimate year of study. The aim of the presentation was to increase awareness and skills in regard to improving employment prospects. In conjunction with the Mental Health Legal Service, DDLS trained staff of community legal centres at their mini conference entitled 'How to run a CLE for people with disabilities'.

Over the last 12 months many educational organisations including schools and tertiary education providers have enlisted the services of DDLS to enlighten their understanding of their responsibilities in the field of education. Intensive workshops on the 'Education Standards 2005' under the *Disability Discrimination Act 1992* (Cth) and the *Victorian Charter of Human Rights and Responsibilities* were conducted to the staff of RMIT, Victoria University and Highvale Primary School.

From July to October 2008, DDLS was involved in very successful full day workshops 'Disability Related Legislation - How do the pieces fit?' in the Melbourne CBD and Dandenong, and also in regional Victoria including Geelong, Bendigo, Ballarat and

Benalla. These workshops were the culmination of extensive planning by the Disability Advocacy Resource Unit and involved the coordination and partnership of different representatives from various organisations, including VCOSS, the Department of Justice and DDLS. As there is some confusion about the different pieces of disability legislation, speakers at the forums spoke about *the Disability Discrimination Act 1992*, *The Disability Act 2006*, the Victorian *Charter of Human Rights and Responsibilities Act 2006* and the UN Convention on the Rights of People with Disabilities. This was followed by the attendees being divided into small groups and each group analysing a scenario from a different piece of legislation perspective. The speakers formed a panel and provided feedback to the different group analyses.

For Law Week, DDLS conducted a unique workshop entitled 'Animal Assistance Laws - Do They Have Enough Bite?' at Ross House. Not only was it well received and fully attended by many PWD and their assistance animals and other interest groups, it triggered some legal advice sessions at DDLS.

Deborah Randa  
CLE Co-ordinator  
2009

# **Policy and Law Reform Program Report**

Thanks to a one off grant from the Attorney General's Department, DDLS will soon be employing a part time Law Reform worker. In the absence of such a position, existing staff managed to contribute to a number of reviews and submissions on a variety of matters as set out below.

- ***Australian Government Draft Fourth Report under the Convention on the Rights of the Child*** (Attorney General's Department)
- ***Sentencing Matters: Mandatory Sentencing*** (Sentencing Advisory Council)
- ***Review of the Non-Family Violence Intervention Order System*** (Department of Justice)
- ***Swanston Street Re-Development Consultation*** (Melbourne City Council)
- ***Submissions to the President's Review of VCAT*** (Victorian Civil & Administrative Tribunal)
- ***Submission on the inquiry into the Laws Governing Assistance Animals*** (Victorian Law Reform Commission)
- ***Vexatious Litigants in Victoria*** (Victorian Parliament Law Reform Committee)
- ***Review of the Exceptions and Exemptions to the Equal Opportunity Act 1995*** (Scrutiny of Acts and Regulations Committee)
- ***Legal and Constitutional Affairs inquiry on Disability Access to Premises Standards 2009*** (House of Representatives Standing Committee)

For a copy of any of these submissions, please contact the office – some are available on our website.

# **Volunteer and Student Program Report**

DDLS would like to again express its appreciation to our volunteers. Derived mostly from law students, our volunteers approach us independently, or are put forward by Universities for placement.

We have been particularly fortunate this year to have the services of Adam Jones, volunteer lawyer, who has worked with us between 2 to 4 days per week for quite some time.

A requirement of DDLS is that volunteers spend at least six months with us – however it has been a testament to the commitment of some of our volunteers have they stayed significantly longer. Volunteers have assisted us in all manner of ways, including research and submission work. We acknowledge their efforts and appreciate their time.

Anna Leyden

Julie Phillips



**J L COLLYER & PARTNERS**  
ACCOUNTANTS & AUDITORS

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**INDEPENDENT AUDITOR'S REPORT**

**To the members of DISABILITY DISCRIMINATION LEGAL SERVICE INC**

**Report on the Financial Report**

We have audited the accompanying financial report, being a special purpose financial report, of Disability Discrimination Legal Service Inc comprising the balance sheet as at 30<sup>th</sup> June 2009, and the income statement, statement of changes in equity and cash flow statement for the year then ended, a summary of significant accounting policies and other explanatory notes.

*Management's Responsibility for the Financial Report*

The management of Disability Discrimination Legal Service Inc are responsible for the preparation and fair presentation of the financial report and have determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report are appropriate to meet the needs of the members. The management's responsibility also includes designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

*Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report on 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the directors, as well as evaluating the overall presentation of the financial report.

The financial report has been prepared for distribution to members for the purpose of fulfilling the Management's financial reporting requirement. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

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

*Independence*

In conducting our audit, we have complied with the relevant independence requirements.

*Auditor's Opinion*

In our opinion the financial report of Disability Discrimination Legal Service Inc.

- (a) gives a true and fair view of Disability Discrimination Legal Service Inc's financial position as at 30<sup>th</sup> June 2009 and of its performance for the year ended on that date in accordance with the accounting policies described in Note 1; and
- (b) complying with Australian Accounting Standards to the extent described in Note 1.

Janet Collyer  
**J L COLLYER & PARTNERS**

29<sup>th</sup> September 2009

**DISABILITY DISCRIMINATION LEGAL SERVICE INC.  
STATEMENT OF CASH FLOWS  
YEAR ENDED 30 JUNE 2009**

	2008/2009	2007/2008
	\$	\$
<b>Cash flows from Operating Activities</b>		
Receipts from Government Grants - recurrent	214,642	206,778
Receipts from Government Grants - non-recurrent	-	-
Receipts from Other Sources	14,791	4,268
Interest received	4,397	4,437
Payments to suppliers and employees	(136,586)	(193,419)
	<hr/>	<hr/>
Net cash provided by/(used in) operating activities	97,244	22,064
<b>Cash flows from Investment Activities</b>		
Proceeds from sale of plant and equipment		-
Payments for purchase of plant and equipment	(979)	(2,666)
Payments for leasehold improvements		-
	<hr/>	<hr/>
Net cash provided by/(used in) investment activities	(979)	(2,666)
<b>Cash flows from Financing Activities</b>		
Proceeds from Borrowings	-	-
Repayment of Borrowings	-	-
	<hr/>	<hr/>
Net cash provided by/(used in) financing activities	-	-
Net Increase/(Decrease) in Cash Held	96,265	19,398
Cash at the Beginning of the Reporting Period	126,277	106,879
<b>Cash at the End of the Reporting Period</b>	<hr/> <b>222,542</b>	<hr/> <b>126,277</b>

**Notes to the Statement of Cash Flows**

**Reconciliation of Cash**

Cash on Hand	95	97
Cash at Bank	222,447	126,180
Other (specify):		
	<hr/>	<hr/>
	222,542	126,277

**Reconciliation of Net Cash Used in Operating Activities to Operating Result**

Operating Result	83,073	11,521
Depreciation	6,442	5,714
Increase/(Decrease) in Provisions	4,893	10,428
Increase/(Decrease) in Current Receivables	(1,552)	(1,100)
Increase/(Decrease) in Creditors/Accruals	(11,552)	(5,343)
Increase(Decrease) in Other Liabilities	19,243	
Increase/(Decrease) in Prepayments	(3,303)	751
Profit on Disposal of Assets	-	93
<b>Net Cash provided by/(used in) Operating Activities</b>	<b>97,244</b>	<b>22,064</b>

**DISABILITY DISCRIMINATION LEGAL SERVICE INC.  
VICTORIA LEGAL AID FUNDS  
INCOME STATEMENT  
FOR THE YEAR ENDED 30TH JUNE 2009**

	2008/2009	2007/2008
<b>CLSP INCOME</b>		
Commonwealth grant (recurrent)	176460	173001
Commonwealth grant (one off)	53470	
State grant (recurrent)	32182	27777
<b>Other Grants</b>		
University of Ballarat		
<b>CLSP Service Generated Income:</b>		
Community Legal Education	1219	898
Interest	4397	4434
Miscellaneous	125	4371
<b>TOTAL CLSP INCOME</b>	<u><b>267,853</b></u>	<u><b>210,481</b></u>
<b>CLSP EXPENDITURE</b>		
Salaries	125112	124363
Superannuation	11085	10186
On Costs	4282	
Workcover	680	751
Workcover - medical costs		421
Increment to Annual Leave Provision		1882
Increment to Long Service Leave Provision		5329
Rent	18741	18157
Repairs & Maintenance		
Other Premises Costs	434	213
Staff Training	1754	2148
Staff Recruitment		
Communications	8657	7536
Office Overheads	2723	4147
Insurance	1668	428
Finance, Audit & Accounting Fees	9893	9664
Library, Resources & Subscriptions	5069	4545
Travel	819	200
Programming and Planning	306	746
Client Disbursements	30	-178
Leases		
Minor Equipment	1426	1067
Depreciation	6442	5714

Other expenses	56	44
<b>Other CLSP Expenses</b>		
<b>Total CLSP Expenditure</b>	<u>199,177</u>	<u>197,363</u>
<b>CLSP SURPLUS/DEFICIT</b>	<u><b>68,676</b></u>	<u><b>13,118</b></u>

**DISABILITY DISCRIMINATION LEGAL SERVICE INC.  
BALANCE SHEET  
AS AT 30TH JUNE 2009**

	2008/2009	2007/2008
<b>CURRENT ASSETS</b>		
Cash on Hand	95	97
Cash at bank		
Cash Management Account	190,279	67,877
Operating Account	31,515	57,650
Donations Account	653	653
Prepayments		
Sundry Debtors	6,205	1,100
VLA - One off Grant		58,817
	<u>228,747</u>	<u>186,194</u>
<b>NON CURRENT ASSETS</b>		
Equipment & Furniture - at cost	27,602	26,623
Less accumulated depreciation	(16,509)	(10,167)
Leasehold Improvements	4,030	4,030
Less accumulated depreciation	(588)	(488)
	<u>14,535</u>	<u>19,998</u>
<b>TOTAL ASSETS</b>	<u>243,282</u>	<u>206,192</u>
<b>CURRENT LIABILITIES</b>		
VLA - One off grant in advance	-	58,817
Creditors and accruals	21,848	13,907
<b>Employee Entitlements</b>		
Annual Leave	16,102	13,170
<b>TOTAL CURRENT LIABILITIES</b>	<u>37,950</u>	<u>85,894</u>
<b>NON CURRENT LIABILITIES</b>		
<b>Employee Entitlements</b>		
Long Service Leave	12,483	10,522
<b>TOTAL NON CURRENT LIABILITIES</b>	<u>12,483</u>	<u>10,522</u>
<b>TOTAL LIABILITIES</b>	<u>50,433</u>	<u>96,416</u>

<b>NET ASSETS</b>	<b>192,849</b>	<b>109,776</b>
Asset Revaluation Reserve	<b>14,143</b>	<b>14,143</b>
Retained Surplus/(deficit) at Beginning of Year	<b>95,633</b>	<b>84,112</b>
Surplus/(deficit) for Year	<b>83,073</b>	<b>11,521</b>
<b>RETAINED SURPLUS/(DEFICIT) FOR THE YEAR</b>	<b><u>192,849</u></b>	<b><u>109,776</u></b>