

ANNUAL REPORT

AUSTRALIAN CENTRE FOR DISABILITY LAW

2016-2017

CONTENTS

The Australian Centre for Disability law	2
Our Vision	3
Our purpose	3
Our objectives	3
The Management Committee	4
Our staff.....	5
Our volunteers.....	5
Our probono partnerships.....	6
Chairperson’s Introduction.....	11
Director’s introduction	13
Key Result Area 1: Disability Discrimination Law Practice.....	14
Key Result Area 2: Disability and Human Rights Law Practice.....	24
Key Result Area 3: Policy and law reform.....	26
Key Result Area 4: Community legal education.....	27
Key Result Area 5: Continuing legal education.....	28
Key Result Area 6: Sector development and capacity building	29
Key Result Area 7: Resource management and development	30
Treasurer’s Report.....	31
Audited Accounts	32

The Australian Centre for Disability Law (**ACDL**) is a specialist legal centre based in Sydney which operates a disability discrimination law practice across NSW, and a disability and human rights law practice across Australia. It was established as the NSW Disability Discrimination Legal Centre in 1994 to assist persons with disability and their associates to learn about and pursue their rights under the *Disability Discrimination Act 1992* (Cth).

ACDL works with persons with a wide range of impairments and disabling conditions. This includes persons with physical, intellectual, and sensory impairments, as well as persons with neurological, psychosocial and some long-term health conditions. Most persons who rely upon ACDL for legal assistance are socially and legally disadvantaged.

Legal assistance is provided free of charge.

ACDL operates on the basis of grants provided by the Australian and New South Wales Governments and by the NSW Public Purpose Fund. From time to time, we also benefit from project grants from a number of other government and non-government donors.

ACDL has a small permanent paid staff who work in legal service delivery and operational roles. ACDL undertakes its work with the support of a number of volunteer solicitors and paralegals who work under the supervision of paid staff. ACDL also benefits from a number of partnerships with law firms and other legal practitioners who provide assistance to ACDL and its clients on a pro-bono basis.

ACDL operates under the governance of a volunteer management Committee. Committee members have a wide range of experience and expertise. This includes practicing and academic lawyers and management and accounting specialists. A majority of Management Committee members have direct personal experience of disability.

ACDL is an independent, non-profit, and apolitical organisation that is incorporated under the *Associations Incorporation Act 2009* (NSW). It is a public benevolent institution for the purposes of Australian taxation law and is therefore capable of receiving tax deductible donations.

OUR VISION

Our vision is a society in which persons with disability live with dignity, and in which their human rights and fundamental freedoms are recognised, respected and fulfilled.

OUR PURPOSE

We work towards the realisation of our vision by providing persons with disability and their associates with specialist legal assistance in the areas of disability discrimination and disability and human rights, and by undertaking complementary community legal education, continuing legal education and policy and law reform activities.

OUR OBJECTIVES

ACDL's work is focused on the following objectives:

Objective 1

To provide persons with disability and their associates with free legal information in the areas of disability discrimination and disability and human rights law.

Objective 2

To provide persons with disability and their associates with free legal advice in the areas of disability discrimination and disability and human rights law.

Objective 3

To provide persons with disability and their associates who require legal representation to deal with claims related to disability discrimination and disability and human rights with free referral services.

Objective 4

To provide legal representation to a select number of persons with disability and their associates where we have capacity and it is appropriate to do so because of the potential for the matter to achieve systemic change.

Objective 5

To provide community legal education and continuing legal education in the area of disability discrimination and human rights law.

Objective 6

To undertake policy and law reform activities in the area of disability discrimination and disability and human rights.

Chairperson: **Ms Rosemary Kayess**
Director, Human Rights and Disability Project
Australian Human Rights Centre
University of New South Wales

Deputy Chairperson: **Ms Ya'el Frisch**
Policy and Research Officer
NSW Council of Social Service

Secretary: **Dr Jennifer Green**
Consultant – community services

Treasurer: **Ms Lai Ha Wu**
Chief Financial Officer
First Peoples Disability Network

Members: **Mr Julian Laurens**
Senior Lecturer, Faculty of Law
University of New South Wales

Ms Ngila Bevan
Co-Chief Executive Officer
People with Disability Australia

Mr James Hudson

Mr Mark Rae

OUR STAFF AND VOLUNTEERS

STAFF

Phillip French	Director	Mark Patrick	Principal Solicitor
Laura Cottam	Solicitor	Solomon Wakeling	Solicitor

OUR VOLUNTEERS

Much of ACDL's work is carried out by volunteers. In particular, the provision of legal services to our clients is heavily reliant upon the hard work, goodwill and dedication of our legal and paralegal volunteers. In terms of input, approximately 85% of our legal and paralegal work is carried out by volunteers. Most of our paralegal volunteers are law students or recent graduates completing the mandatory practical legal experience.

In the course of volunteering at ADCL, our legal and paralegal volunteers not only have the opportunity to provide much needed legal assistance to socially and legally disadvantaged persons with disability and their associates. They also have the opportunity to develop their knowledge and skills in the practice of disability discrimination and human rights law. Ultimately this builds competencies that go with our volunteers to a wide variety of other workplaces and contexts, increasing the capacity of those contexts to provide effective service delivery to persons with disability.

From time to time, ACDL also benefits significantly from administrative volunteers who provide invaluable organisational and legal practice support services.

ACDL acknowledges the work of our volunteers with very great appreciation.

Volunteer solicitor Avi Primov

Paralegal volunteers

Nick Anderson	Anshu Chand	Thea Debler-Depold
Margaret Gibbs	Rabia Gill	Smeetha Jayakumar
Gerard Kell	Aleena Khan	Alissa Leow
Lisa Le Van	Sumaiya Lockhart	Rebecca Lumbroso
Ricky Melandowitz	Trent Morfis	Chanel Murray-Baptista
Manju Varshini Rajendran	Natasha Singh	Devon Silver

OUR PROBONO PARTNERSHIPS

ADCL and its clients also benefit from a number of partnerships with commercial law firms and other practitioners. These partnerships significantly increase our capacity to provide high quality legal services to socially and legally disadvantaged persons with disability in a variety of different ways.

During the reporting period we formalised a pro bono partnership agreement with the law firms Baker & McKenzie, Hall and Wilcox, Sparke Helmore and Tress Cox to provide ACDL with the equivalent of 1 solicitor per week to staff the advice line clinic. This partnership commenced in June 2017.

ACDL acknowledges the contribution of these partnerships to our work with very great appreciation.

During this reporting period, the following firms and individuals have contributed significantly to our work:

Kate Gillingham – Baker & McKenzie

Nathan Kennedy – Hall & Wilcox

Karen Keogh – Tress Cox

Rachel Miles – Sparke Helmore

Georgia Murphy-Haste – Sparke Helmore

Angela Pale – Tress Cox

Gilbert + Tobin Lawyers

In the course of the year Gilbert + Tobin Lawyers has accepted a number of warm referrals from ACDL of people seeking assistance with disability discrimination claims.

Benjamin Fogarty, Counsel, Denman Chambers

Mr Fogarty assisted ACDL by providing a number of advices on complex disability rights issues on a pro-bono or restricted fee basis. He also represented a number of our clients in complex public interest matters on a restricted fee basis.

Kylie Nomchong, Senior Counsel, Denman Chambers

Ms Nomchong assisted ACDL by acting for a client in an important and complex public interest case on a pro bono basis.

Discrimination on the basis of disability is an assault upon the inherent dignity and equality of the person. It represents the violation of the fundamental human rights and freedoms of the person as these rights and freedoms are recognised in international human rights law.

Discrimination may cause immense personal harm to the individual and their associates. It may also result in a broader social harm. For example, discrimination in employment may deprive a person of the capacity to earn a decent wage for the support of him- or her- self and their family. It may also mean that the public has to provide income support to that individual for their subsistence.

Discrimination on the basis of disability is made unlawful under Australian law in particular areas of life subject to certain exemptions and defences. These areas of life are referred to as “protected areas” and include education, employment, the provision of goods, services and facilities, clubs and associations, and in Commonwealth laws and programs.

Under Australian law, the Commonwealth Attorney-General also has the power to formulate standards to eliminate as far as possible discrimination on the basis of disability in specific areas of life. These are called “disability standards.” Standards have so far been developed in relation to Accessible Public Transport, Education, and Access to Premises. It is unlawful to contravene a disability standard.

Discrimination on the basis of disability is also made unlawful under New South Wales law. Again this is limited to particular areas of life and it is subject to certain exemptions and defences. Broadly speaking, the protected areas of life – with the exception of Commonwealth laws and programs – are similar to those protected under Australian law.

In certain circumstances it is also unlawful under either NSW and/or Australian law to vilify, victimise or harass a person on the basis of either a particular disability (such as HIV/AIDS in the case of vilification) or in a specified area of life (such as in employment or education). Additionally, it is unlawful to aid or incite disability discrimination.

The prohibition on disability discrimination in protected areas of life is primarily enforced via complaint mechanisms.

Under Australian law, persons who are directly affected by the alleged discrimination, or persons acting on their behalf, are entitled to lodge a complaint with the Australian Human Rights Commission (AHRC). The AHRC assesses the complaint, and if it falls within jurisdiction, investigates and attempts to resolve the complaint by conciliation (or mediation).

If the complaint cannot be resolved by conciliation the AHRC terminates the complaint. If the complainant wishes to pursue the matter further the complaint must be re-lodged in the Federal Court of Australia or the Federal Circuit Court of Australia. It is subject to the typical adversarial court hearing process.

Under NSW Law, persons who are directly affected by the alleged discrimination, or persons acting on their behalf, are entitled to lodge a complaint with the NSW Anti-Discrimination Board (ADB). The ADB assesses the complaint, and if it falls within jurisdiction, investigates and attempts to resolve the complaint by conciliation.

If the complaint cannot be resolved by conciliation, the ADB may refer the matter to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal for adjudication. It is subject to inquiry and determination by the Tribunal. This process may be less formal than a court process, but it still tends to be quite adversarial.

Persons with disability may experience disadvantage at each stage of the legal process. They may be unaware of their legal rights or of the causes of action that may be pursued to enforce these rights. For reasons related to their impairment and social disadvantage they may experience greater difficulty in formulating their complaint so that it effectively engages and argues the applicable law. They may find the legal process difficult to understand, intimidating and difficult to comply with. In particular, for reasons related to impairment and social disadvantage they may find it extremely challenging to effectively argue their case before a Court or Tribunal without legal assistance.

ACDL exists to redress this disadvantage and improve access to justice for at least some individuals.

Australia has ratified a number of international human rights treaties that recognise or declare human rights that are relevant to persons with disability on the same basis as others, or which have particular significance to persons with disability. In the latter category, the most important of these treaties is the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The CRPD was adopted by the United Nations General Assembly in December 2006, following a five year negotiation process. ACDL, as the designated representative of the National Association of Community Legal Centres, was closely involved in the negotiation process for the CRPD along with key Australian disability representative groups, and in particular, People with Disability Australia.

Australia ratified the CRPD in July 2008, and it came into force with respect to Australia in August 2008.

The CRPD has an Optional Protocol which was negotiated and adopted by the UN General Assembly alongside the CRPD itself. This Optional Protocol incorporates two additional international oversight mechanisms that could not be agreed for inclusion in the CRPD itself. The first of these is a “communications procedure” which entitles persons subject to the jurisdiction of a State Party to the CRPD and its Optional Protocol to submit claims of violations of their CRPD recognised or declared humans to the CRPD Treaty Body, the Committee on the Rights of Persons with Disabilities, for investigation. The second is an additional inquiry procedure that empowers the CRPD Treaty Body to conduct investigations into alleged grave or systemic violations of CRPD recognised or declared human rights within the jurisdiction of a State Party in cooperation with the State Party to the CRPD and its Optional Protocol.

Before a person is eligible to lodge a communication with the CRPD Treaty Body, they must first satisfy a number of ‘admissibility’ criteria. Among these is a requirement that they have first exhausted any reasonably available domestic remedies for the alleged violations.

Although human rights treaties that have been ratified by the Australia are binding upon Australia in its relationship with other nations, they do not, in a direct sense, form part of Australian domestic law (although aspects of them, for example, the right to equality and non-discrimination, may be legislated in part).

Australia does not have, at the national level, a Bill or Charter of human rights; nor does New South Wales. Except in those limited situations where a human right obligation has been incorporated into Australian domestic law and there is a corresponding domestic enforcement mechanism, a person who is subject to a human rights violation usually has no domestic remedy for this alleged violation available to them.

A limited exception to this is the right of complaint that exists under the *Australian Human Rights Commission Act 1986 (AHRCA)*. Under that Act, a person who believes that their human rights have been violated by an act or practice of the Commonwealth, or an agent of the Commonwealth, can complain to the Australian Human Rights Commission (AHRC).

It is important to note that there is no scope under the AHRC Act to complain about an alleged human right violation by parties other than the Commonwealth or Commonwealth agents. For example, if the alleged violation is the result of conduct by a State or Territory Government or a non-governmental actor it is unlikely that the AHRC will have jurisdiction to deal with the allegation, unless some relationship to the Commonwealth can be established.

The AHRC has the power to investigate and attempt to conciliate the complaint, and if conciliation fails, to report on the complaint to the Australian Parliament through the Attorney-General. The AHRC may make recommendations to the Attorney-General to remedy any violations that have been found, but acceptance of these recommendations is at the discretion of the Government. These recommendations cannot be enforced, like an order of a Court can be.

Under the AHRCA, “human rights” is defined in a limited way only to mean rights recognised or declared in instruments that are included as a schedule to the Act or which have subsequently been ‘declared’ human rights instruments by the Attorney-General for the purposes of the Act. However, most key human rights instruments that have been ratified by Australia, including the *International Covenant on Civil and Political Rights* and the CRPD are covered.

Disability human rights law, at least in so far as it is developing under the CRPD, remains a substantially uncharted area. Persons with disability who allege human rights violations often face considerable challenges in mounting successful communications and complaints. The development of jurisprudence in this area also has enormous potential to influence legal and social policy related to persons with disability. It is for both reasons that ACDL has prioritised this area for its legal practice.

ACDL does not receive any financial assistance to operate its disability and human rights law practice. The practice operates principally on the basis of volunteer contributions of time and expertise. For this reason, although the practice is national in scope, the number of cases that can be conducted at any given time is very limited.

Welcome to the 2016-2017 Annual Report of the Australian Centre for Disability Law (ACDL). I hope that this report will assist you to understand and value the work that ACDL undertakes.

In the 2014/2015 and 2015/2016 annual reports I talked about the ongoing uncertainty of funding for all legal assistance services, and in particular specialist centres, like ACDL. In this year the legal assistance services sector was due to receive a reduction in funding of \$6 million dollars, which is a 30% reduction of funding. A reduction of this size would have severely affected the delivery of services to the most vulnerable members of our community.

In its typical fashion, the community legal sector responded with great passion and commitment and established a nationwide advocacy campaign, the Fund Equal Justice Campaign, to reinstate this funding. We are grateful to the our national peak organisation, the National Association of Community Legal Centres, our state peak body, CLCNSW, the other state peak bodies and the legal sector in general for their support and advocacy to reinstate this funding. As a result of this campaign the Federal government provided CLCs with an additional \$39 million over the next three years, largely directed to assisting client's experiencing or at risk of experiencing domestic violence and family law problems. This is a new area of law for the centre and we are grateful to the Federal Government for providing this money in an area of great need at this time.

In addition, the NSW State government agreed to provide an additional \$6 million in additional support over two years to NSW Community Legal Centres. In addition, the NSW Attorney General has commenced a review of funding arrangements for all CLCs to improve service provision to the most vulnerable and settle a sustainable and equitable approach to funding CLCs. The results of this review will available next year.

In the course of the year we have maintained a strong focus on the provision of legal services to socially and legally disadvantaged people experiencing disability discrimination and human rights violations. This included representing several clients, who in order to fully participate in daily life, required an assistance animal to alleviate the effects of their disability. Some of these cases involved clients wanting to have their assistance animal living with them in rental accommodation, and in another case a child requiring an assistance animal to be present during school classes.

In addition to this strategic work we continue providing advice, referrals and information to people who contact our advice line service. This work occupies a great deal of our time and remains an important feature of our service. For the people who request and require this assistance it may be essential for the protection of their rights, on an equal basis with others, to accommodation, employment, education and basic services. Where access to these domains of life has been lost or is in jeopardy, it may be essential to obtaining an adequate remedy for this interference.

I give my thanks and pay tribute to my colleagues on ACDL's Management Committee for their support for ACDL. In particular, I thank ACDL's Treasurer, Lai Ha Wu, for the very significant hands-on role she plays in the management of ACDL's accounts.

I also thank our paid and volunteer staff on their work. I am also very grateful to the volunteer solicitors from Baker & McKenzie, Hall & Wilcox, Sparke Helmore and Tress Cox who provide us every week a solicitor to assist on our advice line.

I commend this report to you.

Rosemary Kayess

The pages that follow outline and illustrate ACDL's day-to-day work in its various areas of activity. For a relatively small centre, we continue to make a high impact contribution to the promotion and protection of disability rights, both in the areas of disability discrimination and disability human rights.

This year we continued with our case work in the area of equal participation in civic duties (jury service for persons who are deaf) and saw a noticeable increase in requests for legal advice and representation in securing the rights of persons with disabilities to bring assistance animals into educational institutions and accommodation governed by strata schemes. We expect to see a continued increase in complaints of this nature in future years.

I am also pleased that we significantly expanded our capacity to provide community legal education by partnering with People with Disability Australia (PWDA) to deliver community legal education seminars. Also in partnership with PWDA, we commenced an outreach project to provide legal services to residents of assisted boarding house in NSW. This is particularly pleasing as residents of boarding house are amongst some of the most vulnerable members of the community.

I pay tribute to the dedication and contribution of each of the Centre's paid staff, and our legal and paralegal volunteers and pro-bono partners. I was particularly pleased that we formalised a pro bono partnership agreement with Baker & McKenzie, Hall & Wilcox, Sparke Helmore and Tress Cox to provide the centre with much needed qualified legal staff. We are indebted to each of these firms for their commitment to advancing the rights of persons with disability.

Once again, it has been my great pleasure to work with Mark Patrick, ACDL's Principal Solicitor. I am very much indebted to Mark for his outstanding leadership of the practice this year under very difficult operating environment.

I thank the Australian and NSW Government and the Trustees of the NSW Public Purpose Fund for their financial support for ACDL's work. We thank Bronwyn McCutcheon, Benjamin Dougall and Sean McCarthy of the Legal Aid's Community Legal Centre Program for their strong support for the Community Legal Service Sector, and for their work with ACDL in particular.

Finally, but not least, I thank the members of our Management Committee for their vision, passion, dedication and safe stewardship of the Centre. In particular I draw attention to the extensive policy contributions made by our Chairperson, Rosemary Kayess in relation to international disability human rights issues in various fora, and to the tireless work of our Treasurer Lai Ha Wu, who not only provides effective oversight of our finances, but also carries out most of our bookwork on a voluntary basis. **Phillip French**

We provide legal information, legal advice, legal referral and legal representation to persons with disability and their associates in relation to claims of discrimination on the basis of disability.

Overview

In the course of the year the Centre provided some form of legal assistance to 697 persons, 272 of whom received either legal advice or casework assistance.

Legal information and referral

Our legal information and referral service includes the provision of general information about disability discrimination law over the telephone or via email.

We also provide general referral information where an inquiry falls outside our areas of practice. These referrals may be to appropriate complaint handling bodies, to other sources of legal assistance, or to disability advocacy organisations.

In some cases, especially in circumstances where the person who is the subject of the enquiry is particularly disadvantaged, we may provide a structured referral of the person to a more appropriate source of assistance. This involves our staff contacting the referral point directly to ensure that they are in a position to accept the referral and providing any appropriate handover.

ACDL produces and distributes a number of information products. These information products include our *Guide to Using Disability Discrimination Laws*. Although these information products are produced for persons with disability and their associates, they are also relevant to a range of other audiences. This includes students, disability and other legal service providers, as well as organisations that may be respondents to discrimination claims.

We provided 'live' information and referral services to 975 persons over the course of the year. This was 189% of our Annual Target of 500 instances of service. We also distributed approximately in total 7,874 copies of our *Guide to Using Disability Discrimination Laws* comprising 436 hard copies and 7,398 electronic copies downloaded from our website. This greatly exceeded our Annual Target of 500.

ACDL has a website which provides a static repository for information about disability discrimination, which can be viewed and downloaded by visitors. Our *Guide to Using Disability Discrimination Laws* is one resource that is available on-line on our website. In the course of the year we had 26,950 unique individual visitors and 43,597 total visits to the website.

Snapshot.1 – Assistance Animals

Maria has diabetes, depression, anxiety, agoraphobia and chronic back pain. Two years ago, her GP recommended that she get an assistance dog to assist with her disabilities. Maria has trained her dog to be a diabetic alert dog, so he can let her know if her blood sugar is crashing, and she also finds that her dog greatly assists her with her other disabilities via companionship, increased physical movement and general comfort.

Maria bought an apartment in a strata complex last year, and notified the strata manager that she had an assistance dog. The strata manager said it shouldn't be a problem but she would need to submit an application to the body corporate. She did so prior to moving in and provided supporting documents from her doctor highlighting how the dog alleviated her disabilities. She also provided information on the level of training the dog had been given. However, the Strata manager said she could not keep the dog as she had not provided sufficient information about his accreditation, and therefore Maria had to be apart from her dog for some months.

After obtaining documents and consider Maria's matter, ACDL wrote a letter to the Strata manager on Maria's behalf, explaining that her dog satisfies the requirements disability discrimination legislation as the dog is trained to alleviate her disability and trained to an appropriate standard in a public place, and that Maria would be bringing her dog onto the property as at that date. Maria was then able to bring her dog onto the property with confidence.

Legal advice

We provide legal advice to persons with disability and their associates who contact the Centre with specific legal problems.

Inquiries may occur at various stages of the problem. Contact may occur when an act of discrimination on the basis of disability is anticipated, or immediately after it has occurred. In other cases, contact occurs after a complaint has been lodged, or even after the complaint has been referred or lodged with the NSW Civil and Administrative Tribunal, the Federal Court of Australia or Federal Circuit Court of Australia.

To some extent the nature of the advice we provide depends upon the stage of problem resolution at which we encounter the matter. If contact occurs prior to an anticipated act of discrimination, our advice will typically focus on the provision of legal information and strategies to prevent the discrimination from occurring. We may also advise our client on the steps they should take to ensure that they have the best possible evidence of the discrimination if it cannot be prevented (for example, by keeping accurate records of communications).

If contact occurs after an alleged act of discrimination our advice will typically focus on causes of action that may be available, the prospects of success of the claim, issues associated with the choice of jurisdiction in which a complaint might be made, and the time in which complaints should be made.

If contact occurs after the complaint has been lodged with either the Anti-Discrimination Board or the Australian Human Rights Commission, our advice is more likely to deal with strategies for conciliation, analysis of a defence or exception raised by the respondent, or possible remedies that might be sought in settlement negotiations.

If contact occurs after the matter has been referred to the NSW Civil and Administrative Tribunal or lodged in a Federal Court, then our advice is more likely to deal with prospects of success, the benefits and risks of litigation, alternatives to litigation, and access to legal representation.

Legal advice is primarily provided in writing following a telephone enquiry. However, in a limited number of cases, advice is provided over the telephone, in face-to-face interviews, or via email.

ACDL has continued to operate an advice (free-call) line at least four hours a day, three days a week (Tuesday, Wednesday and Friday, 9:30am to 12:30pm) during the reporting period

“One-off” advice was provided to 184 clients during the reporting period, which was just over 230% of our annual target.

Advice was provided in relation to all protected areas of life. Most advice was provided in relation to claims of disability discrimination in employment (24% of total advices), followed by education (23% of total advices), and goods, services and facilities (22% of total advices).

Our clients had a wide range of impairments and disability. Of those persons whose response to this question was recorded, 24% had physical disability; 19% had psychiatric disability; 16% had intellectual disability or other cognitive impairment; 10% had a sensory impairment (vision impairment or hearing impairment); 9% had a primary diagnosis of Autism; and 4% had a primary diagnosis of Acquired Brain Injury.

Snapshot 2 - Education

Omar is a 13 year old student in Year 7 at a public school. He has autism, ADHD, ODD and anxiety, and has a behavioural management plan in place. Due to his disabilities, he often acts out in a silly or joking manner, including swearing, and he often lashes out physically when distressed, which is why his behavioural management plan focuses on ways to calm him down. The school follows a strict discipline policy for anything that is seen as misbehaviour: any student who swears or engages in any physical altercation of any level is automatically suspended for 2 days, and progressively longer suspensions occur for each new breach of behaviour.

Omar experienced increasingly long suspensions throughout year 7 for minor incidents of physical altercation with other students as a result of bullying, firstly for 2 days, then 4 days, then 5 days, culminating in a 20 day suspension for appearing to threaten a teacher. The teacher and other students interpreted this as clowning around rather than a genuine threat and the situation was quickly defused. The incident was not even mentioned by his teacher to his parents until the suspension occurred some days later. His mother repeatedly requested that the discipline and suspension policy be amended to take into account Omar's tendency to act out inappropriately, and institute alternative forms of discipline in accordance with his behavioural management plan, such as detention or similar.

The School did not do so, and after the last long suspension, Omar was again found to be misbehaving and was threatened with expulsion.

ACDL wrote a letter of advice to Omar's mother on the prospects of success of a claim of disability discrimination, noting that there was a strong case of indirect discrimination in the School's treatment of Omar's in relation to the discipline policy, in that he could not comply with the discipline policy because of his disabilities, and the School had failed to make reasonable adjustments which would accommodate his disabilities despite repeated requests. ACDL explained the process and options for making a discrimination complaint, as well as providing referrals for assistance with challenging the procedural decision to expel him on other grounds. Omar's mother said that she found the advice very helpful and allowed her to consider all her options clearly.

Snapshot 3 – Child Care

Jade is three years of age and has recently been diagnosed as having Autism Spectrum Disorder. Angie, Jade's mum, had applied to enrol Jade at a childcare centre so that she could return to work on a part-time basis. A vacancy has just become available. Yesterday, Angie met with the Manager for a pre-enrolment interview. Angie told the Manager about Jade's recent diagnosis. The Manager reacted badly to this information. The Manager told Angie that the childcare centre was unable to take children with special needs and that Jade would have to enrol elsewhere.

Angie rings ACDL for advice. An ACDL solicitor advises Angie that the Manager's refusal to enrol Jade because of her disability is, on an arguable basis, unlawful discrimination. Childcare providers provide services to children and their families and the provision of services is an area of life protected by discrimination law. Discrimination is sometimes excused where doing otherwise would constitute an unjustifiable hardship for the alleged discriminator. However, in this case, it is unlikely that this defence could be made out as there are several government funding programs for which the childcare centre would be eligible which would provide it with any additional assistance it needed to enrol Jade, if indeed additional assistance was required at all.

The solicitor then goes on to advise Angie how she can go about making a complaint of discrimination, and provides contact information for the Australian Human Rights Commission and the NSW Anti-Discrimination Board.

Casework

We provided case-work and representation to clients in relation to 88 matters. This was slightly below our annual target of 100. We opened 59 cases in the course of the year and closed 65.

Case-work assistance and representation were provided in relation to all protected areas of life. In relation to new case work opened during this reporting period most casework assistance and representation were provided in relation to claims of disability discrimination in education (51% of total case-work), followed by claims of disability discrimination in employment (19% of total case-work) and disability discrimination in the provision of goods and services (17% of total case-work).

Case-work and representation varies considerably in scope and intensity.

In some cases it may involve issuing a letter of demand on behalf of a client advising the alleged discriminator of the law, their legal obligations, and that action will be taken if they fail to address a problem within a specified period.

In other cases, it may involve representing a person who has lodged a complaint on their own behalf in a conciliation conference conducted by either the Anti-Discrimination Board or the Australian Human Rights Commission.

In a more limited number of cases, it involves quite intensive casework which may commence immediately before or after the alleged act of discrimination and carry through the drafting and lodging of the complaint, attempts to resolve the matter in conciliation, and if that fails, pursuing the matter to conclusion in the relevant Tribunal or Court.

Case work and representation are particularly time intensive. For this reason, although we receive many requests for this type of assistance, we are only able to assist in a small number of cases. In this respect we attempt to select for more intensive assistance those cases that have the potential not only to result in positive change for the particular client, but also in systemic change that will benefit others.

ACDL provided legal casework and representation services to 88 clients during the reporting period. This constitutes 80% of our annual target for the period. 59 new casework files were opened during the period (54% of the year to date target) and 65 casework files were closed during the period (59% of the year to date target).

Of those clients to whom legal casework and representation was provided 58% were from a low-income background and 39% were children from a no income or not applicable income background. Most casework related to discrimination in the area of education (51%), followed by employment (19%). Most clients who received casework assistance had a physical disability (21%), followed by autism and neurological disability (both at 17%), psychiatric disability (10%) and acquired brain injury at 8%. 31% of casework related to children under the age of 18 and 68% of casework was provided to people of working age.

2% of casework was delivered to individuals who identified as being from an Aboriginal or Torres Strait Islander background.

This year 100% of casework was provided to financially disadvantaged clients; that is, to persons who reported low or no income.

Some examples of the major casework ACDL worked on in its disability discrimination law practice during the reporting period include:

- (on instructions from a peak disability representative organisation) an application to the Administrative Appeals Tribunal for the review of a decision of the Australian Human Rights Commission to grant an exemption from the *Disability Discrimination Act 1992* to the Commonwealth and to Australian Disability Enterprises that would permit them to continue to use the Business Services Wage Assessment Tool to determine wage levels for supported employees. This application for review was successful, resulting in the exemption decision being set aside and remitted back to the AHRC for reconsideration. ACDL is now acting for the same client in a further application to the Administrative Decisions Tribunal for a review of a subsequent decision of the Australian Human Rights Commission to grant a temporary exemption to the Commonwealth and Australian Disability Enterprises in relation to the use of the Business Services Wage Assessment Tool.
- (on instructions from an individual who is deaf) an application under the *Disability Discrimination Act 1992* to the Federal Circuit Court of Australia for determination of a complaint that arises from the refusal of a major vocational education provider to provide our deaf client with a note-taker assistance to take notes for her during classroom instruction. Our client requires such assistance because she communicates via Australian Sign Language and is therefore unable to look away from the Auslan interpreter to make her own notes.
- (on instruction from a client who has a serious mental health condition) an application under the DDA to the Federal Court of Australia for determination of a complaint that arises from the refusal of a (head lessee) social housing provider (at the instigation of a landlord and strata corporation) to permit our client to keep a psychiatric service dog at her rented premises. A psychiatric service dog provides practical assistance and emotional support. This case settled on favourable terms to our client.

Danielle was diagnosed with Hepatitis C. She worked at an accounting firm and did not tell them about it when she got the job. She was worried about what they would think and she did not think that her diagnosis would affect the way she did her job.

One day, she told a close workmate. When she came to work the next day, she found that her workmate had told other people. After lunch, there was a note on her desk calling her a 'druggie'.

Danielle was really upset. After a few days, she decided to ask for a meeting with her employer to tell her what had happened. Danielle's employer seemed shocked to hear about the behaviour of the others but was worried that if he said something it might cause conflict within the team. He said he would say something to the other employees, but kept putting off actually doing so.

Danielle approached ACDL for advice. ACDL told her that she might have a complaint of disability discrimination or harassment under the law, but Danielle did not want to make a complaint at this point in time. ACDL wrote a letter detailing the requirements under disability discrimination law and asking the employer to resolve the matter swiftly.

Upon receiving the letter, Danielle's employer called an urgent staff meeting to discuss the importance of a safe work place and the policy on harassment and discrimination. Danielle's complaint was then dealt with in accordance with the workplace grievance policy and the situation was resolved.

A peer-based disability service provider for persons who are deaf and hearing impaired (the employer) has enrolled two of its employees in a 2 day computer software training course which is to be conducted by a private training organisation. Both employees are deaf and communicate with others in Australian Sign Language (Auslan). At the time the registration is made, the employer requests the training organisation to provide Auslan interpreting of the training so that its employees will be able to participate in the training on an equal basis with others. In recognition of the costs of interpreting, the employer offers to arrange to obtain interpreting services at a significantly discounted rate, and in addition to pay half the costs of interpreting. The training organisation refuses to meet any of the costs of Auslan interpreting. It does offer a small discount on the registration fees. The employer seeks advice from ACDL.

An ACDL solicitor advises the employer that each employee has an arguable claim of discrimination on the basis of disability in education and services. Private training organisations are education providers to which Australian disability discrimination law, including the *Disability Standards for Education 2005* applies. Arguably, the activities of the training organisation are also capable of being characterised as services to which disability discrimination law applies. Disability discrimination law imposes a duty on the training organisation to make adjustments to accommodate the needs of persons with disability up to the point where the adjustments required impose an unjustifiable hardship on the duty bearer.

In this case the solicitor advises that there may be an arguable defence to the claim of discrimination, because the costs of interpreting are significant relative to the course registration fee. However, the fact that the employer has offered to source interpreting at a discounted rate, and pay half its costs would weaken this defence. Additionally, it would be arguable that the costs of interpreting should not be compared with the registration fee but with the overall turnover and capacity of the training provider. This analysis would also need to take into account the benefit to the employees of being able to access this training and the disadvantage to their job retention and progression prospects that may result from being unable to maintain an adequate level of knowledge and skill in the areas covered by the training.

The employees authorise the employer to pursue the matter on their behalf. The employer instructs the Centre to issue a letter of demand on the training provider insisting that it meet half the costs of Auslan interpreting. The letter sets out in detail the obligations of the training organisation under disability discrimination legislation and the *Disability Standards for Education 2005* and gives notice that a complaint will be lodged with the Australian Human Rights Commission (AHRC) if the matter is not resolved. The training organisation responds to the letter of demand refusing to pay the part costs of interpreting.

ACDL receives instructions to lodge a complaint of alleging discrimination with the AHRC. The AHRC accepts the complaint and writes to the training organisation seeking its response. The AHRC offers to attempt to conciliate a resolution of the complaint between the parties. Conciliation is conducted according to a remote shuttle method (the conciliator passes information between the parties). In the course of the conciliation the training organisation moves to a more realistic understanding of its position. It agrees to pay the part-costs of Auslan interpreting.

We provide legal information, legal advice, legal referral and legal representation to persons with disability and their associates in relation to claims of contravention of human rights.

In the course of the year, ACDL has continued to develop its legal practice in disability and human rights. This legal practice assists persons with disability utilise the relatively new complaints mechanisms that are associated with Australia's ratification of the Convention on the Rights of Persons with Disabilities (CRPD).

In April 2009 the Commonwealth Attorney-General declared the CRPD an international human right instrument under the Australian Human Rights Commission Act. One effect of this declaration, is that the Australian Human Rights Commission is empowered to receive, investigate and attempt to conciliate complaints that allege the breach of CRPD rights in areas of Commonwealth responsibility.

In July 2009, the Australian Government ratified the Optional Protocol to the CRPD. The Optional Protocol incorporates two additional international oversight mechanisms: a communications procedure and an inquiry procedure. The communications procedure entitles persons subject to the jurisdiction of a State Party to the Optional Protocol to lodge complaints with the CRPD Treaty Body – the Committee on the Rights of Persons with Disabilities – that allege the violation of CRPD rights provided they have first exhausted all reasonably available domestic remedies. The inquiry procedure entitles the Treaty Body to inquire into allegations of gross or systemic violations of CRPD rights by a State Party.

It is important to the full realisation of CRPD rights in Australia that these complaint and inquiry mechanisms are utilised, in appropriate cases, to bring attention to disability human rights concerns. This is a very new, but rapidly developing area of law. The Centre seeks to be at the forefront of efforts to enliven CRPD rights in the Australian context.

Unlike ACDL's disability discrimination legal practice, its' human rights legal practice operates on a national basis. However, it is only capable of providing legal assistance to a very limited number of people. Priority is given to persons with legal problems that, if resolved, could benefit many people.

In outline, the cases on which we worked during the reporting period are:

- (on instructions from a client who has multiple sclerosis) a Communication that arises from a decision of a Commonwealth Medical Officer under the *Migration Act 1958* to require our client, who is an Irish national who had applied for a 457 Visa to take up an executive position which she had been offered in Australia, to refuse the Visa unless the employer guaranteed to meet all of her medical costs. This resulted in the employer

withdrawing the job offer. The Communication alleges that there has been a violation of our client's human rights to equality before the law and to liberty of movement and nationality.

- (on instructions from a client with physical disability) a Communication that arises from the failure of the Australian Electoral Commission to offer persons with limited dexterity with an electronic voting option in the 2013 election that would have enabled them to cast an independent and confidential vote.
- (on instructions from 3 clients who have acquired brain injuries) Communications that arise from their continued institutionalisation in a large residential institution rather than being provided with the services and supports they require to live in and be a part of the community. The Communications allege that there has been a violation of our client's rights to live in and be a part of the community.

Snapshot 6 – Indefinite Detention

Shereen is Aboriginal and has a cognitive impairment. She was charged with a personal violence offence but was found unfit to stand trial on the basis of her cognitive impairment. She has been placed under a custodial supervision order and committed to prison. The custodial supervision order is reviewable and may be revoked, but it does not terminate. In other words it purports to permit the Court to hold Shereen in prison on an indefinite basis.

ACDL has been asked by Shereen's guardian to provide advice about the human rights implications of Shereen's situation.

ACDL's solicitor has advised that Shereen has a strongly arguable case that several of her human rights, not only under the CRPD, but also under the *International Covenant on Civil and Political Rights* (ICCPR) have been violated. Among the violations cited is a breach of Articles 2 and 26 of the ICCPR which guarantees to every person equality before the law, and Articles 9 of the ICCPR and 14 of CRPD which guarantee protection from arbitrary detention, and from deprivation of liberty on the basis of disability.

The guardian considers ACDL's advice and instructs us, as a first step, to prepare and lodge a complaint under the AHRCA that alleges that Shereen's human rights have been contravened.

We develop policy and undertake law reform activities in relation to the human rights or persons with disability and their associates

ACDL devotes substantial time and resources to policy and law reform activities. Our policy and law reform work is informed by our case work experience, as well as by detailed research and policy analysis. Much of this work is undertaken by volunteer interns.

Policy and law reform is often the most efficient and effective way of dealing with systemic legal and social injustice. It can result in beneficial change for a whole population group, and avoid the necessity for time consuming, costly, and repeated legal interventions for individuals facing the same or similar problems. Additionally, there may not be a specific avenue of legal redress for some problems faced by legally and socially disadvantaged persons. Law and policy reform work, in these circumstances, may be the only means of securing necessary change.

As well as reacting to policy and law reform initiatives of government, ACDL also identifies and pursues key policy and law reform issues.

Centre staff also participate in a number of government and non-government advisory committees and campaign groups concerned with specific issues.

During the reporting period the primary focus of ACDL's policy and law reform activity has been the preparation for, and participation in the bi-annual United Nations Conference of States Parties to the Convention on the Rights of Persons with Disabilities held in New York in June 2017.

This year ACDL representatives co-hosted two 'side-events' and participated in 2 panel discussion held in association with these events and in partnership with PWDA held a special screening of the movie 'Defiant Lives' that traces the development of the disability rights movement in the USA, Canada and Australia.

Other policy work in which ACDL has played a significant role during the reporting period has included participation in the National Mental Health Commission's Seclusion and Restraint Reference Group which is contributing to public policy development directed at the elimination of the use of seclusion and restraint in Australian mental health facilities, the Aboriginal Disability Justice Campaign, which is pursuing law, policy and program reforms in relation to criminal justice system responses to Aboriginal and Torres Strait Islanders with disability, particularly those with cognitive impairments, and in relation to the use of assaultive and restrictive practices on children with disability in school settings.

We undertake community legal education in relation to disability discrimination and disability and human rights.

As we have already noted, one of the key functions of the Centre since its inception is to provide persons with disability and their associates with information and education about their rights under disability discrimination law.

Equipped with this knowledge, individuals are often able to assert their rights without the need for legal assistance. When things do go wrong, and discrimination is experienced, they know where they can seek redress, and the services that are available to assist.

Community legal education sessions take a variety of forms, depending upon the needs of the audience and the time available. In some instances, a solicitor will attend and provide an in-house training session for staff of a disability advocacy agency. In other cases a more formal seminar approach is adopted.

This year, based upon the increase in funding we have received, ACDL has been able to develop a community legal education seminar program and associated resources to support the conduct of a reinstated community legal education program. Our re-invigorated CLE program now includes a partnership with People with Disabilities Australia to jointly deliver CLE sessions to a variety of community, government and educational institutions. During the year we delivered 20 sessions of community legal information which exceeded by 200% our annual target of 10.

In addition, we attended First Peoples Disability Network's "Living our Way" conference and dev

We undertake continuing legal education in relation to disability discrimination and in relation to disability and human rights.

Since its establishment, ACDL has played a role in educating members of the legal profession about disability discrimination laws. We have also played a role in educating members of the legal profession how to provide accessible and responsive legal services to persons with disability.

ACDL staff and Board members have presented 6 conference or seminar papers dealing with disability rights issues during the reporting period. These papers include:

- Co-presenting a paper and discussion on Working with Clients with a Disability AED Legal Centre at the annual National Association of Community Legal Centres annual conference;
- Human Rights and People with Disabilities (co-written paper) delivered by Therese Sands (DPO Australia) at First Annual Disability Legal and Regulatory Conference
- Australian Human Rights Commission's "Rights Talk", to mark the 30th Anniversary of the Australian Human Rights Commission
- The National Disability Insurance Scheme (NDIS) and Human Rights
- Disability Rights Talk – NDIS, Accessible Transport and Equal Opportunity
- Connecting Families with community and Disability Services Day event at Holroyd Public School

We contribute to the development and capacity building of a sector of interest in disability and human rights law.

Over the past year, the Centre has continued to facilitate the National Disability Rights Network of the National Association of Community Legal Centres. This has involved co-ordinating bi-monthly teleconferences of the Network, convening a full day seminar at the National Associations of Community Legal Centres annual conference, and co-ordinating the Network's response on issues of common interest.

At a National level, we have continued to play a central coordinating role in relation to the implementation and monitoring of the *Convention on the Rights of Persons with Disabilities (CRPD)* in Australia. The Chair of our Management Committee also attended the annual Conference of the State Parties to the CRPD at the United Nations and co-hosted several side events including the screening of the documentary 'Defiant Lives'. This important documentary tells the story of the emergence of the disability rights movement Australia, Britain and the USA.

ACDL has also continued to participate in, and contribute to, the "Quarterlies" meetings and other occasional meetings convened by NSW Community Legal Centres in relation to issues concerning service integration and funding reform. ACDL is also an active participant in the National Association of Community Legal Centres annual conference.

We maintain and build our organisational capacity to deliver high quality community legal services for persons with disability and their associates.

The Centre's legal practice and its policy and education functions rely upon a range of essential backroom management, financial and administrative services.

These back-room services are now substantially outsourced on a fee for service basis to People with Disability Australia, with which we are now co-located. This arrangement has produced savings which we have been able to reinvest in direct client services.

This year, ACDL has used available reserve funds to improve our capacity to deliver services to rural, remote and regional areas and commence an outreach program to assisted boarding houses in NSW.

And finally the Centre is nearing completion of its work in achieving Tier 1 Accreditation by the National Association of Community Legal Centres and expect to achieve accreditation in 2017/2018.

The Centre finished the financial year 2016/2017 with a surplus of \$12,522.00. The financial position has improved with the net assets of \$137,310.00 from the total assets of \$267,499.00 and total liabilities of \$130,189.00. It has a fair liquidity position with a current ratio of assets to liabilities of 1.91:1.

With careful monitoring of its expenditure within the limited resources, the Centre is able to defer its grants of \$30,000.00 to the next financial year. This is to enable us to employ more solicitors to manage its workload and to maintain the efficacy of its legal practice in the new financial year. We will continue to monitor our expenditure and cash flow position to maintain a good financial position and achieve good outcomes

The Centre could not operate without the grants of financial assistance it receives from the Australian and New South Wales Governments under the National Partnership Agreement on Legal Assistance Services. We acknowledge this assistance with great appreciation. The Centre also acknowledges with appreciation the continued financial support we have received from the Trustees of the NSW Public Purpose Fund.

I thank People with Disability Australia for the support and assistance provided to the Centre for corporate services mainly in administration and reception.

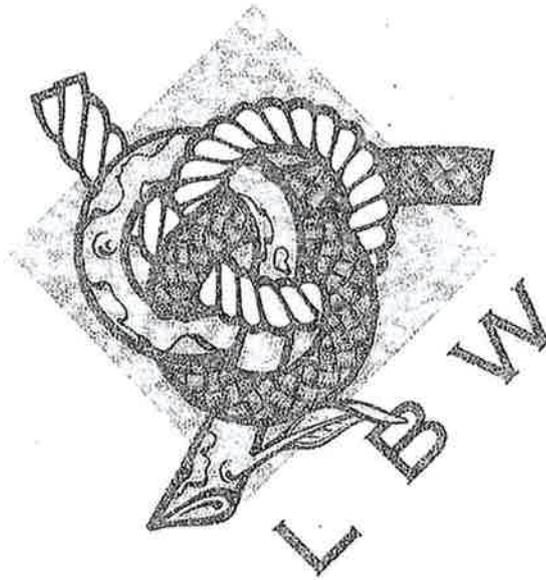
I acknowledge the support and assistance of the Centre's Director, Phillip French, the Principal Solicitor, Mark Patrick, the solicitors, Laura Cottam and Solomon Wakeling and volunteers and that of my colleagues on the Centre's Committee of Management. In addition, I would like to acknowledge the centre's pro bono partnership with Baker & McKenzie, Hall & Wilcox, Sparke Helmore and Tress Cox who have recently begun providing us with an experienced solicitor one per day per week.

On behalf of members of the Association I also acknowledge with appreciation the services of the Centre's independent auditor, LBW and Partners. I recommend the appointment of LBW and Partners as auditors for the 2017/2018 Financial Year.

Lai Ha Wu

**Australian Centre for
Disability Law**

30 June 2017



Index

❖ **Financial Statements**

LBW & PARTNERS
Chartered Accountants & Business Advisers

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Australian Centre for Disability Law

ABN 15 992 360 253

Committee's Report

For the Year Ended 30 June 2017

The committee members submit the financial report of Australian Centre for Disability Law (the Association) for the financial year ended 30 June 2017.

1. General Information

Committee members

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

Rosemary Kayess	Chairperson
Ya'el Frisch	Vice -Chairperson
Lai Ha Wu	Treasurer
Jenny Green	Secretary
Julian Laurens	Member
Ngila Bevan	Member
Mark Rae	Member (Appointed on 18/11/2016)
James Edward Hudson	Member (Appointed on 18/11/2016 and resigned on 27/9/2017)

Principal activities

The principal activities of the Association during the financial year were:

- to promote community awareness of the potential to use discrimination laws to advance the rights of people with disabilities and
- to provide legal services for people with disabilities, their associates and representative organisations, who have been discriminated against.

Significant changes

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

2. Operating results

The surplus of the Association for the financial year amounted to \$ 12,522 (2016: \$ 3,519).

Signed in accordance with a resolution of the Members of the Committee:

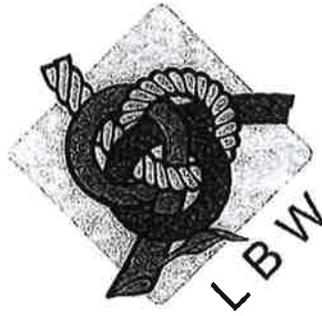
Chairperson:

Rosemary Kayess

Treasurer:

Lai Ha Wu

Dated this 13 day of NOVEMBER 2017



LBW & Partners

Chartered Accountants & Business Advisers
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Partners

Rupa Dharmasiri

Alan M Perrott

George P Rochios

Mark W Willock

Australian Centre for Disability Law

ABN 15 992 360 253

Auditor's Independence Declaration to the Members of Australian Centre for Disability Law

In accordance with the requirements of section 60-40 of the *Australian Charities and Not-for-profits Commission Act 2012*, as auditor of Australian Centre for Disability Law for the year ended 30 June 2017, I declare that, to the best of my knowledge and belief, there have been:

- i) no contraventions of the auditor independence requirements as set out in the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit; and
- ii) no contraventions of any applicable code of professional conduct in relation to the audit.

Rupaninga Dharmasiri
Partner

LBW & Partners
Chartered Accountants
Level 3, 845 Pacific Highway
CHATSWOOD NSW 2067

Dated: 13th November 2017



Liability limited by a scheme approved
under Professional Standards Legislation



Analysis
Interpretation
Planning

Australian Centre for Disability Law

ABN 15 992 360 253

Statement of Profit or Loss and Other Comprehensive Income For the Year Ended 30 June 2017

	Note	2017 \$	2016 \$
Revenue	3	472,556	455,395
Audit fees		(6,000)	(6,000)
Casework expenses		(14,291)	(32,448)
Computer expenses		(20,398)	(16,098)
Conferences		(12,741)	(5,613)
Consultancy fees		(2,600)	(1,728)
Corporate service		(17,967)	(29,782)
Depreciation expense		(11,388)	(8,282)
Employee benefits expense		(304,760)	(274,519)
Insurances		(2,512)	(2,950)
Printing and Stationery		(2,354)	(10,224)
Rent		(36,412)	(31,717)
Lease expense - Photocopier		(3,059)	(4,019)
Telephone		(3,851)	(8,096)
Travel		(5,622)	(7,326)
Other expenses		(16,079)	(13,074)
Surplus before income tax		12,522	3,519
Income tax expense	2.(b)	-	-
Surplus for the year		12,522	3,519
Other comprehensive income		-	-
Total comprehensive income for the year		12,522	3,519

The accompanying notes form part of these financial statements.

Australian Centre for Disability Law

ABN 15 992 360 253

Statement of Financial Position

As at 30 June 2017

	Note	2017 \$	2016 \$
ASSETS			
CURRENT ASSETS			
Cash and cash equivalents	5	222,830	159,722
Trade and Other Receivables	6	6,886	4,139
Other financial assets - term deposits		18,855	8,621
TOTAL CURRENT ASSETS		248,571	172,482
NON-CURRENT ASSETS			
Plant and equipment	7	18,928	25,593
TOTAL NON-CURRENT ASSETS		18,928	25,593
TOTAL ASSETS		267,499	198,075
LIABILITIES			
CURRENT LIABILITIES			
Trade and other payables	8	72,438	27,473
Employee benefits	9	27,751	22,814
Deferred grants		30,000	23,000
TOTAL CURRENT LIABILITIES		130,189	73,287
NON-CURRENT LIABILITIES			
		-	-
TOTAL LIABILITIES		130,189	73,287
NET ASSETS		137,310	124,788
EQUITY			
Retained earnings		137,310	124,788
TOTAL EQUITY		137,310	124,788

The accompanying notes form part of these financial statements.

Australian Centre for Disability Law

ABN 15 992 360 253

Statement of Changes in Equity

For the Year Ended 30 June 2017

2017

	Retained earnings
	\$
Balance at 1 July 2016	<u>124,788</u>
Surplus for the year	<u>12,522</u>
Balance at 30 June 2017	<u><u>137,310</u></u>

2016

	Retained earnings
	\$
Balance at 1 July 2015	<u>121,269</u>
Surplus for the year	<u>3,519</u>
Balance at 30 June 2016	<u><u>124,788</u></u>

The accompanying notes form part of these financial statements.

Australian Centre for Disability Law

ABN 15 992 360 253

Statement of Cash Flows For the Year Ended 30 June 2017

	2017	2016
Note	\$	\$
CASH FLOWS FROM OPERATING ACTIVITIES:		
Receipts from customers and grants	523,793	501,995
Payments to suppliers and employees	(447,802)	(477,993)
Interest received	2,074	3,706
Net cash provided by operating activities	11 <u>78,065</u>	<u>27,708</u>
CASH FLOWS FROM INVESTING ACTIVITIES:		
Purchase of plant and equipment	(4,723)	(10,822)
Increase in financial assets	(10,234)	-
Net cash used in investing activities	<u>(14,957)</u>	<u>(10,822)</u>
Net increase in cash and cash equivalents held	63,108	16,886
Cash and cash equivalents at beginning of year	159,722	142,836
Cash and cash equivalents at end of financial year	5 <u><u>222,830</u></u>	<u><u>159,722</u></u>

The accompanying notes form part of these financial statements.

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

The financial statements cover Australian Centre for Disability Law (the Association) as an individual entity, incorporated and domiciled in Australia. The Association is an association incorporated in New South Wales under the *Associations Incorporation Act 2009*. The Association is registered with Australian Charities and Not-for-profits Commission as a charity.

1 Basis of preparation

These financial statements are special purpose financial statements prepared in order to satisfy the financial reporting requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and the *Associations Incorporation Act 2009 (NSW)*. The committee has determined that the Association is not a reporting entity.

The financial statements have been prepared on an accruals basis and are based on historical costs and do 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 these financial statements.

2 Summary of significant accounting policies

(a) Comparative figures

Comparative figures have been adjusted to conform to changes in presentation for the current financial year.

(b) Income tax

The Association is exempt from income tax under Division 50 of the *Income Tax Assessment Act 1997*.

(c) Cash and cash equivalents

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

(d) Plant and equipment

Plant and equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all plant and equipment is depreciated over the useful lives of the assets to the Association commencing from the time the asset is held ready for use.

The depreciation rates used for each class of depreciable asset are shown below:

Fixed asset class	Depreciation rate
Furniture, Fixtures and Fittings	20%
Computer Equipment	33.33%

At the end of each annual reporting period, the depreciation method, useful life and residual value of each asset is reviewed. Any revisions are accounted for prospectively as a change in estimate.

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

2 Summary of significant accounting policies

(d) Plant and equipment

When an assets is disposed, the gain or loss is calculated by comparing proceeds received with its carrying amount and is taken to profit or loss.

(e) Impairment of assets

At the end of each reporting period, the committee reviews the carrying amounts of its assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is recognised in the income and expenditure statement.

(f) Employee benefits

Provision is made for the Association's obligation for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

Defined contribution superannuation expense

Contributions to defined contribution superannuation plans are expensed in the period in which they are incurred.

(g) Trade and other payables

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

(h) Leases

Lease payments for operating leases, where substantially all of the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

(i) Revenue

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed.

Donation income is recognised when the Association obtains control over the funds which is generally at the time of receipt.

Interest is recognised using the effective interest method.

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

2 Summary of significant accounting policies

(i) Revenue

Grant revenue

Non-reciprocal grant revenue is recognised in the income and expenditure statement when the Association obtains control of the grant and it is probable that the economic benefits gained from the grant will flow to the Association and the amount of the grant can be measured reliably.

If conditions are attached to the grant which must be satisfied before it is eligible to receive the contribution, the recognition of the grant as revenue will be deferred until those conditions are satisfied.

When grant revenue is received whereby the Association incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the statement of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

(j) 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 Australian 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 statement of financial position are shown inclusive of GST.

Cash flows in the statement of cash flows are included on a gross basis and the GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the taxation authority is classified as operating cash flows.

(k) Economic dependence

Australian Centre for Disability Law is dependent on the Commonwealth and State Governments for the majority of its revenue used to operate the business. At the date of this report the committee members have no reason to believe the Commonwealth and State Governments will not continue to support Australian Centre for Disability Law.

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

3 Revenue

	2017	2016
	\$	\$
- Operating grants	465,050	445,377
- Donations	70	415
- Member subscriptions	173	191
- Interest received	2,074	3,706
- Other revenue	5,189	5,706
	<u>472,556</u>	<u>455,395</u>

4 Result for the Year

The result for the year includes the following specific expenses:

	2017	2016
	\$	\$
Employee benefits expense:		
Superannuation contributions	<u>25,512</u>	<u>20,783</u>

5 Cash and cash equivalents

	2017	2016
	\$	\$
Cash at bank and in hand	<u>222,830</u>	<u>159,722</u>

Reconciliation of cash

Cash and Cash equivalents reported in the statement of cash flows are reconciled to the equivalent items in the statement of financial position as follows:

	2017	2016
	\$	\$
Cash and cash equivalents	<u>222,830</u>	<u>159,722</u>
Balance as per statement of cash flows	<u>222,830</u>	<u>159,722</u>

6 Trade and other receivables

	2017	2016
	\$	\$
CURRENT		
Trade receivables	2,408	-
Provision for impairment	-	-
	<u>2,408</u>	<u>-</u>
GST recoverable	4,478	4,139
Total current trade and other receivables	<u>6,886</u>	<u>4,139</u>

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

7 Plant and equipment

PLANT AND EQUIPMENT

	2017	2016
	\$	\$
Furniture, fixtures and fittings		
At cost	2,083	2,083
Accumulated depreciation	(451)	(35)
Total furniture, fixtures and fittings	<u>1,632</u>	<u>2,048</u>
Computer equipment		
At cost	41,290	36,568
Accumulated depreciation	(23,994)	(13,023)
Total computer equipment	<u>17,296</u>	<u>23,545</u>
Total plant and equipment	<u><u>18,928</u></u>	<u><u>25,593</u></u>

(a) Movements in carrying amounts of plant and equipment

Movement in the carrying amounts for each class of plant and equipment between the beginning and the end of the current and prior financial year:

	Furniture, Fixtures and Fittings	Computer Equipment	Total
	\$	\$	\$
2017			
Balance at the beginning of year	2,048	23,545	25,593
Additions	-	4,723	4,723
Depreciation expense	(416)	(10,972)	(11,388)
Balance at the end of the year	<u>1,632</u>	<u>17,296</u>	<u>18,928</u>

	Furniture, Fixtures and Fittings	Computer Equipment	Total
	\$	\$	\$
2016			
Balance at the beginning of year	-	23,053	23,053
Additions	2,082	8,740	10,822
Depreciation expense	(34)	(8,248)	(8,282)
Balance at the end of the year	<u>2,048</u>	<u>23,545</u>	<u>25,593</u>

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

8 Trade and other payables	2017	2016
	\$	\$
CURRENT		
Unsecured liabilities		
Trade payables	43,206	4,314
Sundry payables and accrued expenses	29,232	23,159
	<u>72,438</u>	<u>27,473</u>
9 Employee benefits	2017	2016
	\$	\$
Current liabilities		
Provision for annual leave	27,751	22,814
	<u>27,751</u>	<u>22,814</u>
10 Capital and leasing commitments		
(a) Operating Leases	2017	2016
	\$	\$
Minimum lease payments under non-cancellable operating leases:		
- not later than one year	3,059	14,468
- between one year and five years	8,412	11,471
	<u>11,471</u>	<u>25,939</u>

The office lease is a non-cancellable sublease expiring on 30 November 2016 with rent payable monthly in advance. The other operating lease represents a lease of photocopier expiring in March 2021.

Australian Centre for Disability Law

ABN 15 992 360 253

Notes to the Financial Statements

For the Year Ended 30 June 2017

11 Cash flow information

Reconciliation of net income to net cash provided by operating activities:

	2017	2016
	\$	\$
Surplus for the year	12,522	3,519
Cash flows excluded from surplus attributable to operating activities		
Non-cash flows in surplus:		
- depreciation	11,388	8,282
Changes in assets and liabilities:		
- (increase)/decrease in trade and other receivables	(2,747)	(4,139)
- (increase)/decrease in other assets	-	1,451
- increase/(decrease) in deferred grants	7,000	8,000
- increase/(decrease) in trade and other payables	44,965	(2,018)
- increase/(decrease) in employee benefits	4,937	12,613
Cash flow from operations	<u>78,065</u>	<u>27,708</u>

12 Association details

The registered office and the principal place of the Association is:
Australian Centre for Disability Law
Level 10, 1 Lawson Square
REDFERN NSW 2016

Australian Centre for Disability Law

ABN 15 992 380 253

Statement by Members of the Committee

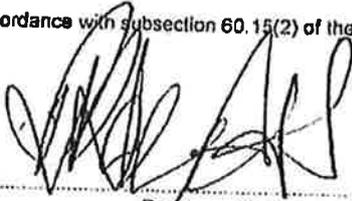
The Committee has determined that the Association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 2 to the financial statements, the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and *Associations Incorporation Act (NSW) 2009*.

The members of the Committee declare that in their opinion, the financial statements as set out on pages 3-13:

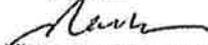
1. Presents fairly the financial position of Australian Centre for Disability Law as at 30 June 2017 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Australian Centre for Disability Law will be able to pay its debts as and when they fall due.
3. The financial statements and notes satisfy the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and *Associations Incorporation Act (NSW) 2009*.

Signed in accordance with subsection 60.15(2) of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Chairperson.....


Rosemary Kayess

Treasurer.....


Lai Ha Wu

Dated this 13 day of NOVEMBER 2017

**LBW & Partners**

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Alan M Perrott

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Australian Centre for Disability Law

ABN 15 992 360 253

Independent Audit Report to the Members of Australian Centre for Disability Law

Report on the Audit of the Financial Report

Opinion

We have audited the accompanying financial report, being a special purpose financial report of Australian Centre for Disability Law (the Association), which comprises the statement of financial position as at 30 June 2017, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and statement by the members of the committee.

In our opinion, the accompanying financial report of the Association for the year ended 30 June 2017 is prepared, in all material respects, in accordance with the accounting policies described in Note 2 to the financial statements, the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and the *Associations Incorporation Act (NSW) 2009*.

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 auditor independence requirements of 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 other 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

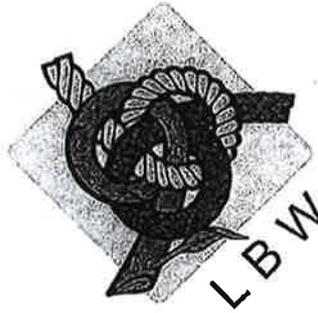
We draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report is prepared to assist the Association to meet the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* and the *Associations Incorporation Act (NSW) 2009*. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.



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Analysis
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**LBW & Partners**

Chartered Accountants & Business Advisers
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George P Rochios

Mark W Willock

Australian Centre for Disability Law

ABN 15 992 360 253

Independent Audit Report to the Members of Australian Centre for Disability Law

Responsibilities of the Committee for the Financial Report

The Committee members are responsible for the preparation and fair presentation of the financial report in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* and the *Associations Incorporation Act (NSW) 2009* and for such internal control as the Committee members determine is necessary to enable the preparation of the financial report is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Committee members are 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 either intends to liquidate the Association or to cease operations, or has no realistic alternative but to do so.

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.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: <http://www.auasb.gov.au/Home.aspx>. This description forms part of our auditor's report.


Rupaninga Dharmasiri
Partner

LBW & Partners
Chartered Accountants
Level 3, 845 Pacific Highway
CHATSWOOD NSW 2067

Dated this 14th day of November 2017



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