



# Annual Report 2021–2022

Australian Centre for  
**Disability Law**

## Acknowledgement



The Australian Centre for Disability Law ('ACDL' or 'the Centre') acknowledges the Traditional Owners of the lands across Australia, and particularly the Gadigal people of the Eora Nation, Traditional Owners of the land on which the ACDL office is situated. We pay respect to Elders past, present and emerging.

## Disclaimer

This publication is for general information purposes only. It is not intended to provide advice on any particular matter or legal question, and it is not a substitute for legal advice from a qualified professional. ACDL disclaims all liability for any errors or omissions of any kind whatsoever, and for any loss or damage arising, in whole or in part, from any person relying on any information in this publication.

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The Centre works with all people with disability and has experience with a wide range of impairments and disability, including physical, intellectual and sensory impairments as well as neurological, psychosocial and a range of long-term health conditions. It provides legal assistance free of charge to its clients, who come from socially, financially and legally disadvantaged backgrounds and rely on the Centre for legal assistance.

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Note: All case studies in this publication have been de-identified, and all names changed.

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## About the Australian Centre for Disability Law

The Australian Centre for Disability Law is a community legal centre specialising in the legal rights of people who are discriminated against because of their disability. The centre was established in 1994 to help people with disability and their supporters to learn about and pursue their rights under the Disability Discrimination Act 1992 (Cth.)

Based in Sydney, the practice services disability clients across metropolitan and regional New South Wales and represents clients across Australia in human rights cases. Clients come from socially, financially and legally disadvantaged

backgrounds and are provided with legal assistance free of charge.

Funding comes from the Commonwealth and New South Wales governments, and from the NSW Public Purpose Fund. From time to time, the centre also receives project-specific funding from other government and non-government supporters.

The centre's management committee provides oversight and governance. Members of the committee include people with disability, those with extensive

ACDL was established in 1994 to help people with disability and their supporters to learn about and pursue their rights

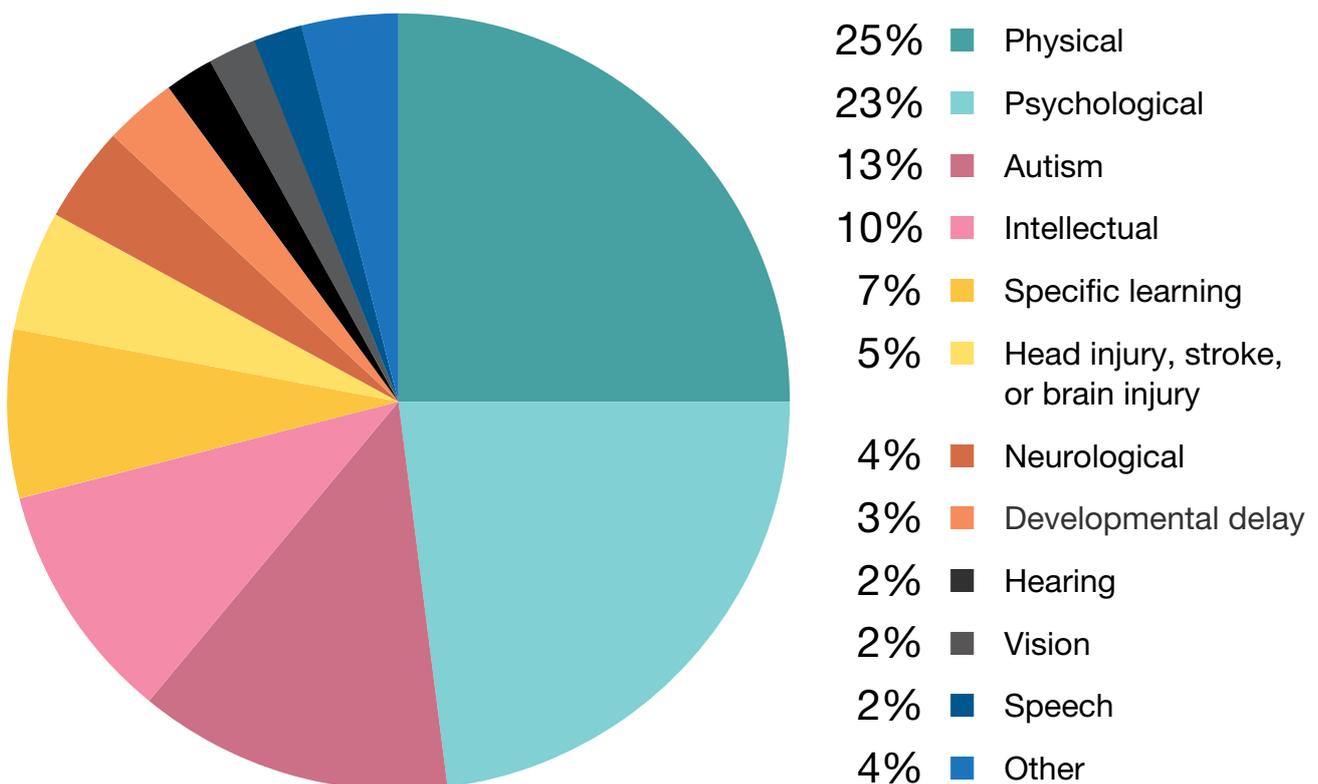
practical and academic legal expertise, and experience in disability advocacy, management and financial control.

The centre has a small permanent staff of practicing solicitors who are supported by volunteer solicitors and paralegals. In addition, significant legal assistance on a pro bono basis is provided through partnerships with commercial law firms. Funding constraints mean paid administrative and operational support is limited. The centre also works in close conjunction with a number of disability advocacy organisations.

Membership of the centre is open to individuals, organisations and corporations who share the centre's vision.

The centre is an independent, non-profit, 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 eligible to receive tax-deductible donations.

We work with a diverse range of people with disability, including those with physical, intellectual and sensory impairments, as well as neurological, psychosocial and long-term health conditions.





## Our vision

A society in which people with disability live with dignity, and in which their human rights and fundamental freedoms are recognised, respected and fulfilled.

## Our purpose

We will work towards the realisation of our vision by providing people with disability and their supporters with specialist legal assistance in our designated practice areas, and by undertaking complementary community legal education, continuing legal education and policy and reform activities.

# Our goals



To work with and alongside people with disability and their representative organisations towards the realisation of the legal and human rights of people with disability in our designated practice areas



To ensure that our work is distributed equitably across all disability groups



To ensure that those people with disability and their supporters who are most socially and legally disadvantaged, including Aboriginal and Torres Strait Islander people, have equitable access to our services



To understand and interpret disability and disability rights concerns within a social model of disability in which 'disability' is conceptualised not as a personal characteristic but as a result of people's interactions with a social environment prone to barriers that are capable of being overcome



To identify and pursue opportunities to achieve outcomes in our designated practice areas that will have a broad positive impact on the realisation of the human rights of people with disability



To contribute to the positive development of the law as it affects people with disability and their supporters at state, national and international levels



To support the work of Disabled People's Organisations in Australia and internationally, by contributing legal knowledge and expertise where this is relevant to their work



To build the capacity of disability rights and legal services in Australia



# Chairperson's report

for the year ended 30 June 2022

Welcome to the 2021–2022 annual report of the Australian Centre for Disability Law (ACDL). I trust this report will assist you to understand the valuable work that ACDL undertakes.

The Principal Solicitor, Mark Patrick leads a team of dedicated staff and volunteers to deliver professional and efficient legal services to the increasing number of clients accessing our service. I thank our staff and volunteers for striving to achieve the best outcomes for our clients.

In February 2022, it was announced that ACDL was one of the few successful applicants to secure a 4-year funding agreement under the Commonwealth Government's National Legal Assistance Partnership (NLAP). ACDL will provide integrated health justice services to people experiencing mental illness, in partnership with South West Sydney Local Health District.

Work also continued on a number of other innovative projects for which ACDL has

previously been awarded funding. This includes the First Peoples Engagement project, and the Learning Together project.

In other exciting news, NSW Young Lawyers selected ACDL to be their 2022 charity of the year. We thank NSW Young Lawyers for their support.

ACDL has strong ties with several pro-bono law firms — Baker & McKenzie, Hall & Wilcox, HWL Ebsworth and Sparke Helmore — who continued to provide volunteer solicitors to the centre during the pandemic. I would like to thank them for their continued invaluable support.

I'd also like to thank my colleagues on the Management Committee for their ongoing professional support and dedication.

I commend this report to you.

Rosemary Kayess, Chairperson

# Brian and his family free from penalties after discrimination at school

Brian lives with dyspraxia, which is a brain-based motor disorder that affects his motor skills and coordination. This means Brian has difficulty with writing.

Brian's mum, Mona requested reasonable adjustments from Brian's school to accommodate his disability on several occasions, but an individual education plan (IEP) was never implemented. This ultimately led to a loss of confidence and breakdown in the relationship between the family and school. Consequently, Mona made the decision to remove Brian and his sister from the school — effective immediately.

Mona then received a bill for a full term's school fees for both children, amounting to more than \$4,800. The school claimed

that sufficient notice was not given before the children were removed from the school.

ACDL wrote a letter to the school drawing their attention to their obligations under the Disability Discrimination Act to make reasonable adjustments to accommodate Brian's disability, and reminding them that it is unlawful to discriminate against Brian based on his disability. We pointed out that the decision to withdraw the children from the school was made as a direct result of the school not implementing reasonable adjustments for Brian.

The letter was then taken to school's board meeting for discussion, and Mona was notified soon after that the board had agreed to waive the outstanding fees.



# Message from the Executive Officer

for the year ended 30 June 2022

Welcome to the 2021–22 annual report. It is a pleasure to present this report and showcase our achievements and successes over the year. I was very pleased by the hard work of the centre's staff under difficult operating conditions during the COVID-19 pandemic.

During the year, the centre was successful with a tender application to develop a health justice partnership with South Western Sydney Local Health District. The partnership will focus on delivering face to face collaborative legal services to people with mental health conditions at the Bankstown Community Mental Health Centre and Liverpool Hospital. More information about this project can be found later in the report.

I am also pleased to report we met our service delivery targets for both discrete and representation services during the year.

I thank the Commonwealth for its ongoing support of the centre. The COVID-19 project has now come to an end, and greatly assisted people with disability whose legal issues resulted from the pandemic. I would especially like to thank Antonietta Natoli and Anastacia Totoeva for their commitment on this project.

I also thank the Commonwealth and NSW Governments, and the Trustees of the NSW Public Purpose Fund for funding our work through the Community Legal Centres Program, administered by Legal Aid NSW. I'd especially like to thank our funding managers at the Community Legal Centres Program for their support during the year.

Our pro bono partners continued support provides much needed capacity for the centre to meet its strategic goals. We thank our partners for continuing to support the work we do.





## delivering face to face collaborative legal services to people with mental health conditions

I also thank our Management Committee for their ongoing support during the year.

A special thanks to Samantha Guthleben, Antonietta Natoli, Rose Raymond and Caterina Mazza for their service to the Centre during the year. In particular, I would like to thank Samantha Guthleben for her ongoing support of the legal practise in her role as Administration Operations Manager. Operational administration support helps the centre to function, and allows legal staff to get on with their primary task of providing legal services to people with disability.

Finally, I'd like to congratulate and celebrate the strength and resilience of all staff and volunteers at ACDL to consistently deliver outstanding results for our clients during a difficult year.

Mark Patrick, Executive Officer



# Our People

## Our management committee

Our volunteer management committee is responsible for the governance of the centre. Its members have broad experience and expertise, including as practising and academic lawyers, disability advocates and as management and accounting specialists.

Members during 2021 – 2022 were:

- Rosemary Kayess – Chair
- Jenny Green – Vice Chair
- Julian Laurens – Secretary
- Giancarlo de Vera – Treasurer
- Mark Rae – Committee Member
- Samantha French – Committee Member

## Our staff

Our staff work tirelessly to ensure the best possible outcomes for our clients.

<b>Mark Patrick</b>	Principal Solicitor and Executive Officer
<b>Anastacia Totoeva</b>	Health Justice Partnership Solicitor
<b>Laura Cottam</b>	Solicitor – Learning Together Project
<b>Anna Nguyen</b>	Solicitor
<b>Roshana Wikramanayake</b>	Solicitor
<b>Indi Angel-Auld</b>	First People’s Project Solicitor
<b>Kate Mintah-Owasu</b>	Operations and Administration Manager

# Volunteering with ACDL

Chloe Fong

Chloe Fong is a student volunteer who has enjoyed working with the centre as she nears the end of her Law and Commerce degree. Chloe found out about the opportunity to volunteer at ACDL through her university.

Chloe says 'a lot of the clients we assist are treated less favourably because of their disability. The work of the centre really resonated with me because I believe that everyone is born equal and should be treated equally.'

Chloe has enjoyed learning more about herself and finding out which aspects of the role she most enjoys. 'It's very rewarding and fulfilling when we can assist someone. For example, a young client recently let us know that they have been treated more favourably at school since we worked with them. They sent a very cute thank-you note which was lovely.'

Chloe really enjoyed the variety of tasks she was able to undertake at the centre. 'All of the solicitors are really helpful – they attend to my questions, and they also give me lots of opportunities to learn. They assign me a variety of different tasks – for example drafting letters, taking intake phone calls from clients, or sitting in on conciliation.

The variety of tasks and opportunities at ACDL have been really helpful for my career development.



"All of the solicitors are really helpful – they attend to my questions and they also give me lots of opportunities to learn."

# Our legal firm partners and volunteers

Our centre is fortunate to have support from law student volunteers, secondees and pro bono solicitors. We would especially like to thank our volunteers Pearl Davidson, Nick de Bres, Chloe Fong, Anita Graham, Nadia Mahmood, Isabella Orlic, Jaime Sebaruth, George Stribing and Midori Sugiyama who gave their time 2-3 days a week to assist the Centre.

We also thank our pro bono law firm partners Baker McKenzie, Hall & Wilcox, HWL Ebsworth and Sparke Helmore

Lawyers who provided us with the equivalent of one solicitor per week. We also thank HWL Ebsworth for providing us with secondees during the year.

Our clients benefit greatly from our partnerships with law firms and other legal practitioners who provide assistance on a pro bono basis. These partnerships significantly increase our capacity to provide high-quality legal services to socially, financially and legally disadvantaged people with disability.

Our pro bono partners, student volunteers and interns give their time to staff our advice line, participate in research, and assist in drafting letters. Our work would not be possible without their support. In particular, we would like to thank the following solicitors and students:

Vasudha Akula	Kim Fisher	Stephanie Miller
Maryam Alkozai	Thomas Gibson	Georgia Murphy-Haste
Andrew Banks	Kate Gillingham	Rani Narulla
Georgina Barnes	Chelsea Gordon	Carl Newton
Jarrod Bayliss-McCulloch	Tania Hanna	Trent Morfis
Kate Bookey	Kristina Hewetson	Sophie Morstyn
Claudia Chaffey	Grace Huang	Emmalee Pacillo
Audrey Chan	Ian Jones	Angela Pale
Samantha Copeland	Nathan Kennedy	Emily Ransom
Matthew Curll	Karen Keogh	Caroline Reilly
Luke Depares	Jessica Liu	Matthew Salgo
Chiara D'Ercole	Amber Mahoney	Will Scott
Erin Doyle	Patricia Marinovic	Romy Sirtes
	Claudia Matthews	Nancy Tang



## Harishi refused entry to a store

Our client Harishi, was denied entry into a store because she was not wearing a mask. She was asked by staff why she was not wearing a mask and she explained she was exempted due to her disability.

At the time, the NSW public health orders did not require those who were exempt from wearing a mask due to a disability to disclose their disability nor provide proof that they were exempt.

The store staff called security and refused our client access. They also demanded that she provide evidence of her exemption to head office prior to trying to seek entry to the store in the future.

ACDL assisted this client with a letter to the store, in an attempt to informally resolve the matter.

ACDL then assisted with drafting a complaint to Anti-Discrimination NSW, outlining the incident, as well as the breaches to the Anti-Discrimination Act.

The respondent agreed to settle the matter by issuing a statement of regret, undergoing trauma and disability awareness training for all staff and paying our client \$1,500 in compensation for the way she was treated.



## Our work

### Disability discrimination

People with disability are subject to high levels of discrimination, and are often the victims of violence, abuse, neglect and exploitation.

Our legal practice focusses on areas of law affecting people with disability such as discrimination, guardianship and public trustee matters, problems with housing and debt, education and employment.

Over the course of the year, the centre provided 272 instances of legal advice, completed 40 legal tasks, and worked on 164 casework representation services.

### Casework and representation

Typically, our discrimination representative service involves very intensive and time-consuming casework which may

commence immediately before or after the alleged act of discrimination.

In some cases, a matter can be resolved by sending a letter on behalf of a client advising the other party of their legal obligations and that action will be taken if they do not address a problem within a specified period. Sometimes we will attend meetings with clients to try to resolve matters.

In other cases, we assist clients with a complaint to either the Anti-Discrimination NSW (ADNSW) or the Australian Human Rights Commission (AHRC). This includes drafting complaints, advising on options and/or representing a person in a conciliation conference.

Where these approaches fail, we will pursue the matter to conclusion in the relevant tribunal or court.

This year we worked on 164 intensive casework and representation services. We also completed 5 ongoing casework matters, 4 dispute resolution and 1 tribunal services for clients specifically affected by COVID19.

## Dispute resolution

In some cases, we will take on matters that are more intensive or where legal proceedings have commenced. This is often because a client is particularly vulnerable. The work may involve attending a conciliation conference at the ADNSW or the AHRC.

Some examples of these types of matters are:

- Matters involving access to premises, including those involving assistance animals
- Unfavourable treatment in employment due to disability
- Matters involving access to appropriate adjustments in social housing
- Matters involving students across various stages of education not being given appropriate education support.

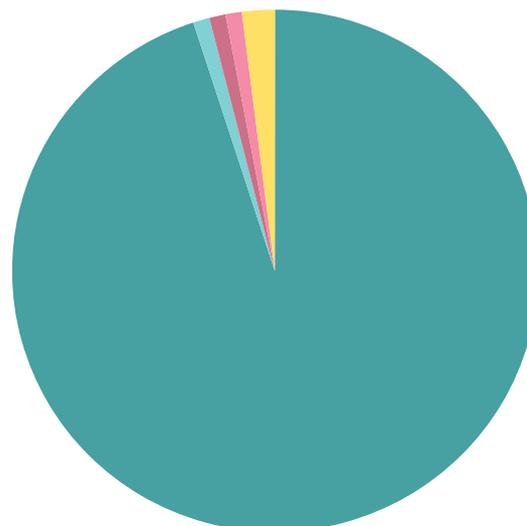
We were substantially above our target for dispute resolution services during the reporting period, providing 23 services against a target of 14.

## Court and tribunal matters

When resources permit, the Centre will act for parties involved in matters before courts or tribunals in relation to systemic issues that warrant the intensive use of our resources.

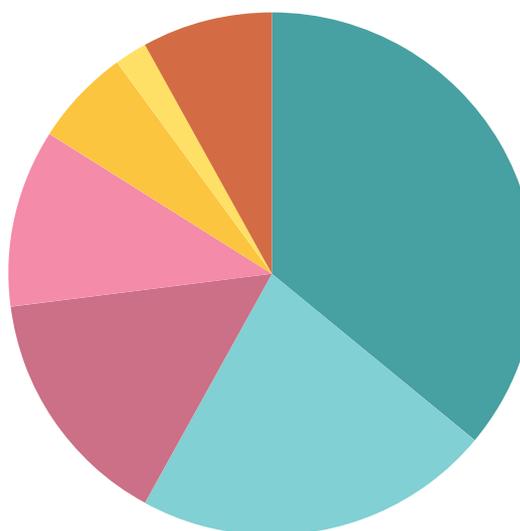
This is usually the most intensive disability discrimination client work we undertake, and we examine the individual merits of such cases carefully before proceeding to represent the client.

## Casework by area of law



- 95% ■ Disability Discrimination
- 1% ■ Consumer
- 1% ■ Employment
- 1% ■ Accommodation
- 2% ■ Other

## Disability discrimination casework by area of public life



- 36% ■ Education
- 22% ■ Goods, services and facilities
- 15% ■ Employment
- 11% ■ Accommodation
- 6% ■ Premises
- 2% ■ Fines
- 8% ■ Other

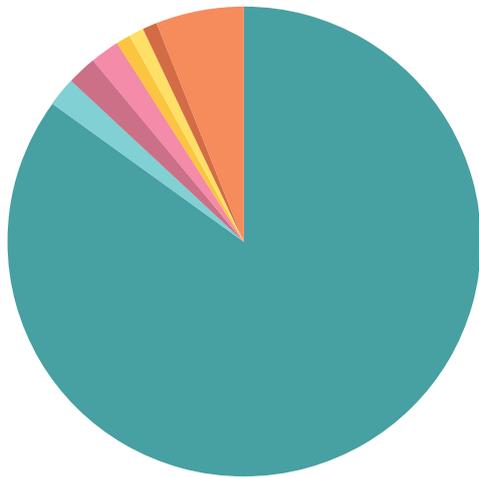
## Legal advice and tasks

During the year we provided 272 legal advices to people with disability, 105% above our target.

We also provided an additional 44 legal advices and 9 legal tasks through our COVID-19 funding stream.

While the majority (85%) of our work is related to disability discrimination, we provided advice on other areas of law affecting our clients, including employment matters, housing and accommodation access, consumer and debt, guardianship and criminal and family law.

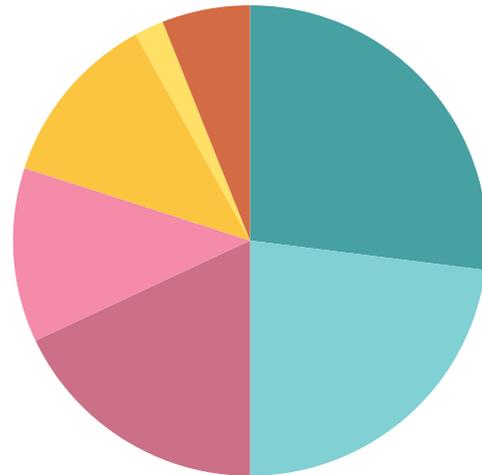
## Legal advice by area of law



- 85% ■ Disability discrimination
- 2% ■ Housing
- 2% ■ Guardianship
- 2% ■ Criminal
- 1% ■ Employment
- 1% ■ Consumer and debt
- 1% ■ Family law
- 6% ■ Other

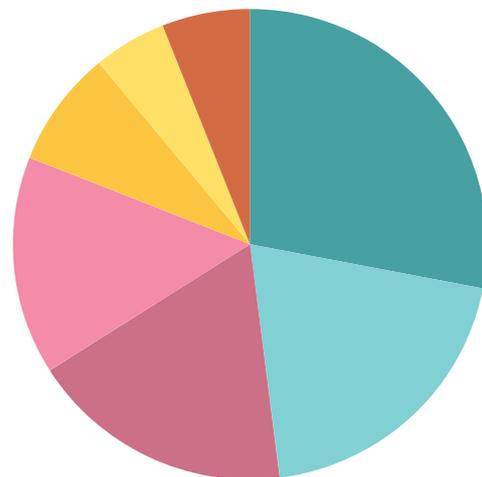
Of our advice in the area of disability discrimination, 27% per cent related to education, 23% to the provision of goods and services, 18% to employment, 12% to accommodation, and 12% access to premises. We also provided advice on consumer contracts and other areas of civil law, government, housing and tenancy matters.

## Disability discrimination advice by area of life

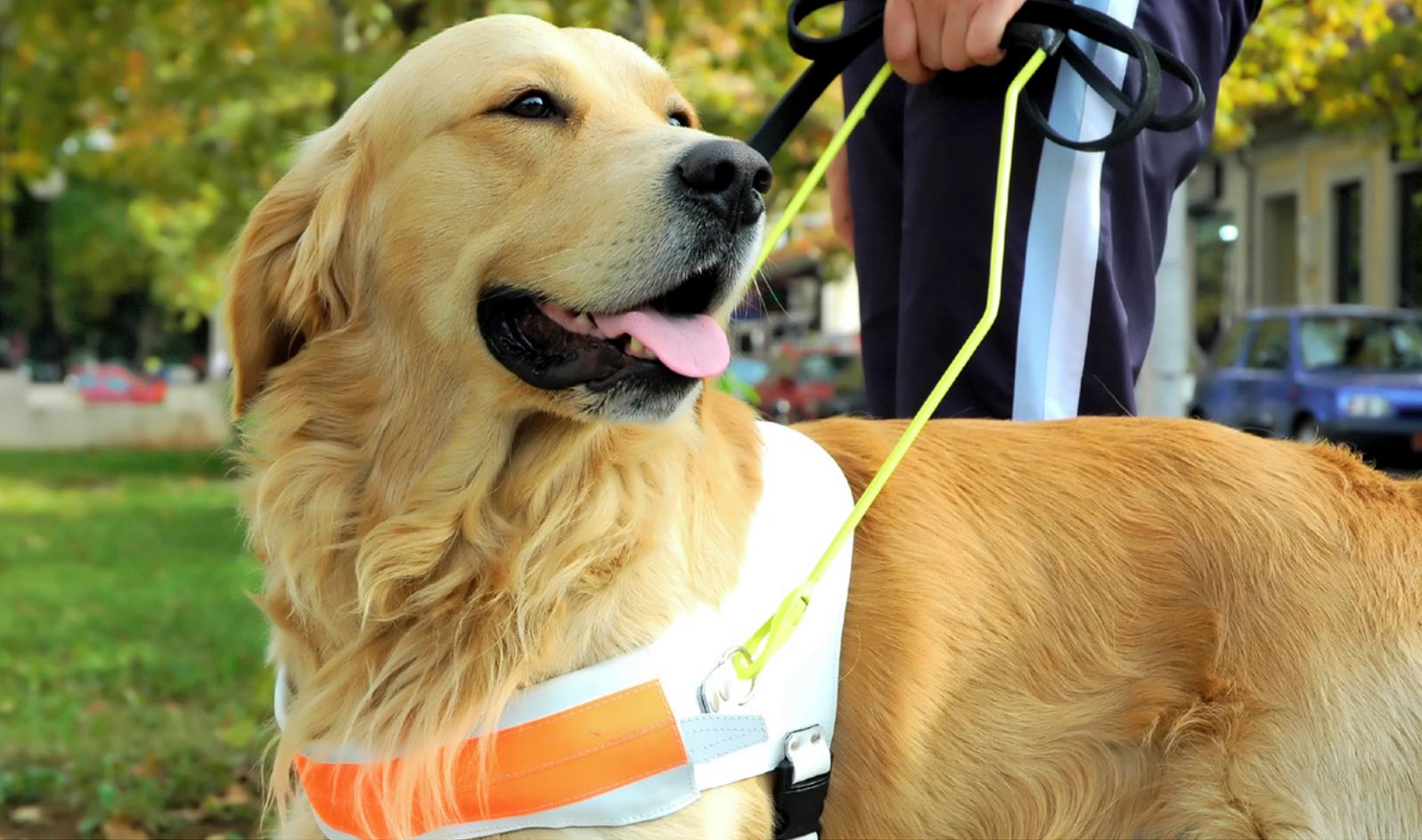


- 27% ■ Education
- 23% ■ Provision of goods & services
- 18% ■ Employment
- 12% ■ Accommodation
- 12% ■ Access to premises Other
- 2% ■ Government
- 6% ■ Other

## Disability Discrimination Legal tasks by area of life



- 28% ■ Education
- 20% ■ Provision of goods, services and facilities
- 18% ■ Accommodation
- 15% ■ Government
- 8% ■ Employment
- 5% ■ Access to premises
- 6% ■ Other



## Legal information and referral

Our legal information and referral service involves providing general information about disability discrimination law. When an enquiry falls outside our areas of practice, our team will assist by providing a referral.

This year, our team facilitated 1124 referrals for clients we could not assist. This was 150% above our target and reflects the increased demand for our services during the reporting period.

## Community legal education

The centre plays a key role in educating members of the community about disability discrimination law, what disability discrimination looks like, and how to act on possible discrimination when it arises.

This year the centre conducted 22 community legal education programs. We also invested significant work in creating 6 new community legal education resources.

During the year we delivered legal education activities to:

- Your Story Legal Services on disability discrimination
- Autism Community Network
- The National Union of Students on disability discrimination in education
- Bankstown Multicultural Interagency on what we do, and the Learning Together project
- Early Childhood interagency
- Canterbury Bankstown Disability Abuse Prevention Collaborative
- Shoalcoast Community Legal Centre staff on disability discrimination law
- Community workers as part of the Central Coast CLC Community Legal Education program
- Multicultural Disability Advocacy Association on disability discrimination
- Family Violence Specialist Network on disability discrimination
- TAFE students in the Adult Migrant Education Program at Wyong TAFE, a

face-to-face introduction to disability discrimination law

- Community workers at Terrigal organised by Central Coast Community Council — a face-to-face introduction to disability discrimination law
- Multicultural Disability Advocacy Association Bega Office — a presentation on disability discrimination
- Lawyers at CLC Quarterlies — “Disability Discrimination 101”.

We presented a joint webinar with People with Disability Australia on domestic/family violence and women with disability.

Our Principal Solicitor Mark Patrick was also interviewed by Anti Discrimination NSW for their Equal Time newsletter.

## Outreach

Our team make visits to rural and regional areas to provide advice and education on disability discrimination and about rights. These include advocacy and legal services,

disability services, family violence services, Aboriginal and Torres Strait Islander specific services and Land Councils, and individual clients.

This year our outreach services continued to be impacted by public health restrictions due to the COVID-19 pandemic. Our team held a stall at Fair Day in conjunction with CLCNSW and Inner City Legal Centre in February 2022. We also held regular online training sessions for students with disability and families as part of our Learning Together project.

## Community Events

The Centre attends disability expositions and events to raise our profile and promote better awareness among people with disability and relevant organisations about our service. These events are an opportunity to network with other disability and legal organisations and make contact with people with disability who are in need of legal assistance.





## Policy and law reform

Policy and law reform is often the most efficient way of dealing with systemic legal issues and social injustice. It can result in change for a whole group of people and prevent repeated costly, time-consuming legal proceedings for individuals facing similar situations.

Our policy and law reform work are informed by our casework experience, as well as by detailed research and policy analysis. Much of this work is undertaken by our volunteers.

This year we prepared or were involved in 3 law reform initiatives against a target of 1. For example:

- The Centre endorsed a Joint Statement to remove the requirement to separately prove injury in NSW Victims Support applications
- Our Chair, Ms Rosemary Kayess was called as an expert witness by the Disability Royal Commission on the topic of “The human rights of people with disability and making the Convention on the Rights of Persons with Disabilities a reality in Australian law, policies and practices”
- Ms Rosemary Kayess and Mr Julian Laurens co-wrote a research paper on

"Good practice in supported decision-making for people with disability: final report"

## Human rights law practice

Our human rights law practice involves assisting people with disability in relation to complaints that allege a contravention of their human rights as recognised under the Australian Human Rights Commission Act 1986 (Cth).

We also assist people with disability in relation to communications to the United Nations Committee on the Rights of Persons with Disabilities under Article 1 of the Optional Protocol to the Convention on the Rights of Persons with Disabilities that allege violations of their human rights as those rights are recognised or declared in the Convention on the Rights of Persons with Disabilities.

Unlike our disability discrimination legal practice, our human rights legal practice operates on a national basis and is unfunded, relying heavily on the work of our volunteers and pro bono legal partners. As such, it is only capable of providing legal assistance to a very limited number of people. Priority is given to people with legal problems that, if resolved, will result in systemic change for people with disability and their supporters.

# Some highlights

1124

referrals provided  
150% above target

3 law reform activities



intensive casework worked on during the year

164



330

legal advices & 51 legal tasks

provided to people with disability

22

community legal education programs conducted

6

community legal education resources created



## Charlotte takes her employment-related discrimination case to NCAT

Charlotte applied for a job at a manufacturing company, and despite passing the interview and skills assessment, she was not offered the role as the company believed she would develop an autoimmune disease.

Charlotte filed a complaint to Anti-Discrimination NSW, claiming disability discrimination. The company denied they discriminated against our client and did not agree to our settlement proposal.

Our solicitor provided legal advice and assistance during a conciliation

conference convened by Anti-Discrimination NSW. We advised Charlotte to reject the settlement proposal and have her complaint referred to NSW Civil and Administrative Tribunal (NCAT) for determination.

We represented Charlotte at the mediation stage at NCAT, and filed submissions on her behalf.

Following the mediation, the company agreed to issue Charlotte a video apology and pay \$10,000 in financial compensation.



## Talk Up Project

‘Talk Up’ is a project funded by the Australian Government Department of Social Services, through an Information, Linkages and Capacity Building (ILC) grant.

ACDL is working in consortium with First Peoples Disability Network and People with Disability Australia to build the capability of First People (Aboriginal & Torres Strait Islanders), families and communities to assert their rights, speak up to perceived authority, and negotiate effectively from a position of strength.

Since the recruitment of a Project Manager and Solicitor, the Talk Up Project has gained consistent momentum, and is now well on track to achieving its goals.

We have successfully:

- Built a brand around the Talk Up Project — with resources, merchandise and website content both developed and in development
- Established core project values that inform the way in which we approach our work with community, which has received a very positive reception from participants
- Developed a monitoring and evaluation framework centred around our values
- Conducted a total of seven community consultations
- Implemented a new model — working consistently with a core group of people

across four weeks to co-produce every stage of the project: from identifying the priority legal issues, to co-designing the resources and workshops that will address those issues

- Provided warm referrals and advice to supplement our consultations (across legal, non-legal and mental health supports)
- Identified five priorities in Mount Druitt: disability discrimination, housing, the NDIS, contact with police and the criminal justice system, and self-advocacy
- Started developing the resources that community has asked for to address these issues
- Commenced reaching out to legal and non-legal organisations working in these areas with a view to collaborating on workshops and linking community in, on the ground, with the services best placed to support them in these areas
- Secured an extension of time so that the project can continue until August 2024.

We have been especially proud of the results the consultation process has yielded. We gained excellent feedback from our first survey — people overwhelmingly

reported feeling safe, valued, respected, listened to — and we saw people take genuine ownership over the process.

We also witnessed barriers being broken down, with some participants reporting that they now felt they could contact a lawyer for help, where before they would have felt too afraid or triggered to do this.

We hope to return to Mt Druitt in early 2023 to deliver our resources and workshops, before beginning work in Dubbo and Wellington.

The process has not been without challenge and significant learning. We are looking forward to incorporating further trauma-informed practice and mental health expertise into the project's future work.

people  
overwhelmingly  
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listened to



# Learning together — tools to help you get the support you need at school

This year, ACDL made significant progress on our project ‘Learning Together — tools to help you get the support you need at school’.

This project is made possible with funding from the Australian Government Department of Social Services through their Information Linkages & Capacity Building (ILC) programme. The aim of the project is to make it easier for students with disability to stay in mainstream education and reach their full potential.

## Accessible resources

Our toolkit *Learning together — tools to help you get the support you need at school* is now available in a variety of accessible formats, including easy read, Auslan, large print, E-text, audio narrated and braille.

The Learning Together toolkit helps students with disability to understand:

- How to create a vision for their education journey
- Their right to education, and what education providers should be doing to support them
- Reasonable adjustments, and how to request the support you need
- Communication techniques to encourage a positive, collaborative relationship
- What to do when things are not working
- How the legal complaint process works, and how to access more help if necessary.



## Community Training

Community training rolled out this year for students with disability, their families and the organisations who support them. Feedback has been overwhelmingly positive, and participants report feeling more confident to advocate for reasonable adjustments, and clearer about their rights in education.

## Further Education

The project team has recently consulted students with disability undertaking University, TAFE, and higher degree by research. The aim of this consultation has been to develop an additional resource that complements the Learning Together toolkit with specific tips and resources for further education students.

The further education supplement will be released shortly.



## Culturally and linguistically diverse students

The Learning Together toolkit is now available in four community languages:

- Arabic
- Vietnamese
- Traditional Chinese, and
- Simplified Chinese.

We're working closely with culturally and linguistically diverse (CALD) organisations to better understand the needs of these communities as we continue to develop translated resources and training. Further translated resources will become available soon.



## Multimedia resources

Work is underway on a series of films and additional resources that focus on various aspects of the Learning Together toolkit. Our first animation was released recently, and several others will become available during the coming year.



## Health Justice Partnership with South-Western Sydney Local Health District (SWSLHD) Mental Health Service

ACDL is working on an exciting new partnership that will see our solicitors providing accessible legal assistance to people with mental health conditions.

In February 2022, ACDL was one of the few successful applicants to receive funding under the Commonwealth government's National Legal Assistance Partnership (NLAP).

We secured four years of funding to develop a Health Justice Partnership (HJP) in the South-Western Sydney area, which is one of the most culturally diverse and highly disadvantaged areas in NSW.

Our health partner is the South-Western Sydney Local Health District (SWSLHD) Mental Health Service, and they are very excited about the prospect of our lawyers being embedded within the health service to provide timely and accessible legal assistance to their patients in relation to a wide range of everyday health problems that have a legal dimension.

Issues such as problems with housing, fines and debt, employment, education and discrimination are just a few that disproportionately affect people with mental health conditions.

We know that this is important work, and that being on the ground is key to delivering access to justice. Data reveals that people will frequently disclose legal problems to a health adviser, however only a relatively small proportion of people seek help directly from a lawyer. The rationale for legal services in a healthcare setting is to better reach those disproportionately burdened with legal need, but unlikely to seek out help from a lawyer.

ACDL are working towards a memorandum of understanding with our health partner and look forward to commencing staff training and development in 2023.

We will also be working closely with Health Justice Australia — a centre of excellence in this area — to ensure that our Health Justice Partnership legal service is responsive, effective and long-lasting.

We aim to have the outreach legal service embedded over the coming year in a number of locations within this primary health network.

Issues such as problems with housing, fines and debt, employment, education and discrimination are just a few that disproportionately affect people with mental health conditions





## Isaac free from hefty fine, back to entertaining his community

Isaac received a COVID-19 related fine from NSW Revenue to the value of \$1000 for busking outside his local library.

Isaac had permission from the library to do his busking, and he felt that he was encouraged to do so because the local children enjoyed it, even requesting photographs with him.

ACDL sought a review of the fine from NSW Revenue. We attached a supporting letter from Isaac's doctor confirming the details of his disability. We also attached a letter from the local council thanking Isaac for his work in the community by participating in a photography project.

NSW Revenue cancelled the fine.

# Jake's right to education

Jake is a wheelchair user and has severe reflux including erosive esophagitis and scoliosis. Jake's mother made a complaint on his behalf to the Australian Human Rights Commission (AHRC), alleging the school directly discriminated against Jake by excluding him from school activities, and indirectly discriminated against him because he could not follow the school's subject selection process.

The school had also failed to consult with Jake's mother to develop a behavioural support plan for Jake.

ACDL represented Jake during a conciliation conference convened by the AHRC.

Following conciliation, the school agreed to pay financial compensation, and to purchase communication technologies to support Jake's speech, language and communication requirements. They also agreed to develop a behavioural support plan for Jake.



# What our clients say about us

In accordance with the National Partnership Agreement, ACDL conducts an ongoing client satisfaction survey every year. The survey is administered both online, and over the telephone.

Responses this year were overwhelmingly positive, and indicate that we are consistently meeting the needs of our clients.

## Client survey results

100%

Agreed it was easy to access ACDL when they needed help

100%

Would recommend us

100%

Said the staff at ACDL listened to their legal problem

100%

Knew where to get help if they have another legal problem in the future

95%

Said the team at ACDL helped them understand their rights and responsibilities

100%

Received help understanding how to deal with their legal problem

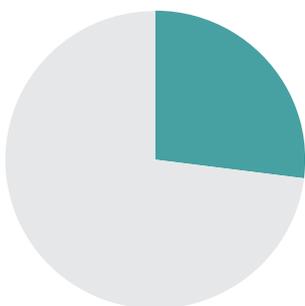
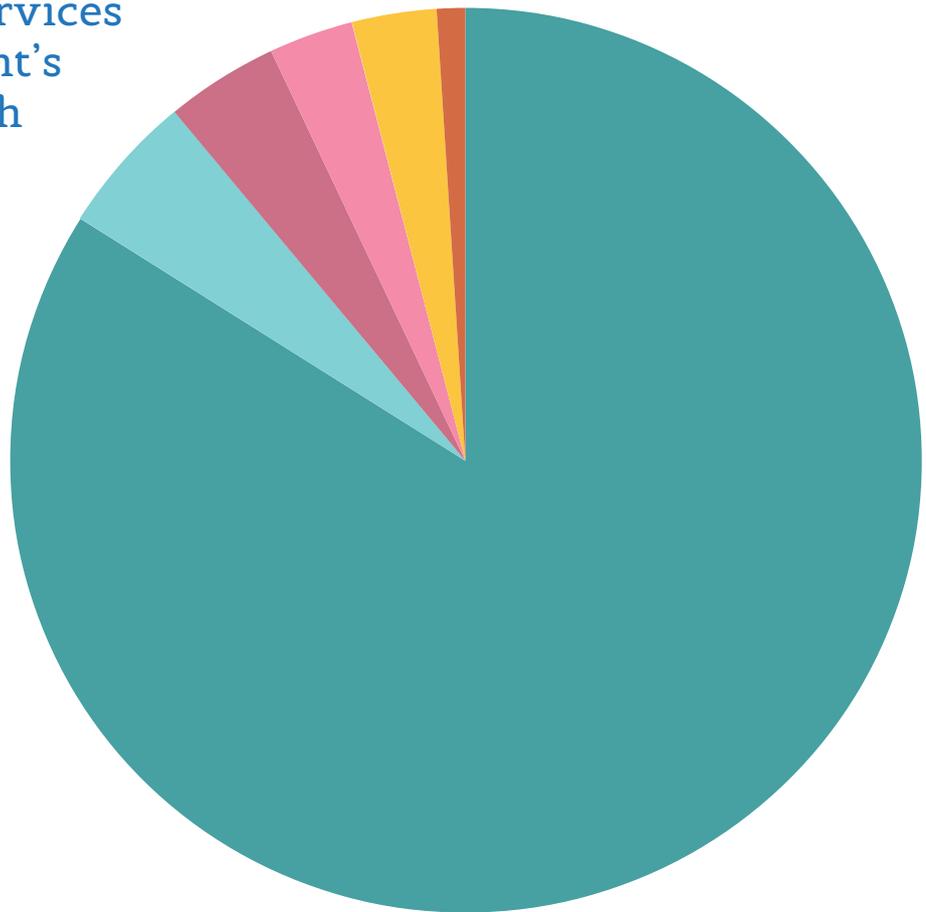
“The solicitor that helped me was really good at explaining things, she was patient and easy to talk to and she gave me a lot of her time.”

“ACDL saved me added stress and got a very good resolution. Anna was really good, understood and worked the law and was wonderful. The school has made big changes as a result.”

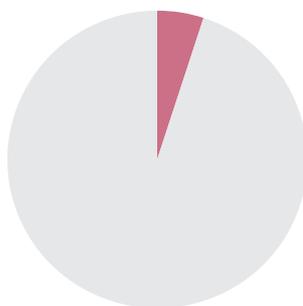
“I would not have known where to take my matter. I can now access my local chemist, they said they would serve me outside the door. This was a good resolution for me.”

### Percentage of services provided by client's continent of birth

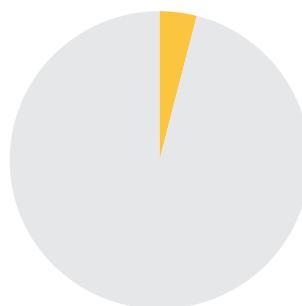
- 84% ■ Australia
- 5% ■ Europe
- 4% ■ Pacific & South America
- 3% ■ Asia
- 3% ■ Africa & Middle East
- 1% ■ Other



**26.7%**  
Children under 18



**4.83%**  
Culturally and linguistically diverse



**4.1%**  
Experiencing or at risk of Family Violence



**5.82%**  
First Nations People

# Gertrude successfully advocates for her right to participate in therapy sessions

Gertrude is hard of hearing and communicates via lip reading. She also has anxiety and depression and had been attending group therapy sessions at her local private health clinic for a number of years, which she found very helpful. She was also seeing a psychiatrist at the clinic on a regular basis.

In July 2020, Gertrude was informed when she arrived at group therapy that she and all other participants were required to wear masks from now on. Gertrude has a mask exemption from her doctor due to her anxiety, so she was able to not wear a mask — however this meant that she was not able to participate in the therapy sessions as she could not lip read while others wore masks.

Gertrude requested that the clinic allow the participants to not wear masks during her session but was refused. She asked for other options, such as transparent masks, but they were not provided.

At the same time, Gertrude's psychiatrist refused to see her without a mask or in person, and the clinic did not find an alternative option, leaving Gertrude for many months without the mental health support that she required.

ACDL wrote to the clinic on Gertrude's behalf, and the clinic responded to say that masks were not required at the time (as policies had changed). They did however believe that they had done the right thing in requiring them.

When the COVID-19 situation changed again in early 2021, Gertrude was again excluded from the group therapy sessions. ACDL assisted Gertrude to lodge a complaint to Anti Discrimination NSW, however a "shuttle conciliation" via email did not resolve the matter, so ACDL assisted Gertrude with her matter at NSW Civil and Administrative Tribunal (NCAT), which was scheduled for a mediation.

ACDL also corresponded with NCAT to ensure that Gertrude was able to appropriately participate in initial case conferences (via video with her support worker re-speaking for her), as well as ensuring that an in-person mediation could be scheduled, with participants only wearing masks when not speaking.

The NCAT mediation allowed Gertrude to explain to the clinic's director — in person — how the exclusion and lack of communication had affected her, and what she wanted to resolve the matter. This included an apology, a review of their policies, deaf awareness training and compensation.

The clinic agreed to conduct training, pay compensation, and issued a statement of regret. The clinic's director also apologised personally to Gertrude. She felt that this process gave her closure on the matter and was happy to have advocated for her rights.

# Our community organisation partners

Many of our clients don't have the resources, confidence or knowledge to take their legal complaints beyond the advice stage. Our partnerships with disability advocacy service providers put us in a unique position to provide clients with a holistic service to suit both their legal and advocacy needs, so that the best overall outcome can be achieved.

The Centre maintains partnerships with a number of individuals and organisations who share our vision and values. These relationships maximise the strength of our organisation, and help us to achieve the best possible outcomes for our clients.

In particular, we would like to thank First Peoples Disability Network (FPDN), Multicultural Disability Advocacy Association (MDAA), People with Disability Australia (PWDA) and Disability Advocacy NSW for their ongoing association and support.

We would also like to thank Speak my Language (Disability), NSW Young Lawyers, Central Coast Community Legal Centre, Shoalcoast Community Legal Centre, Women's Legal Service of NSW, Deloitte, Justice Connect and Your Story Legal Service.



# Australian Centre for Disability Law

ABN 15 992 360 253

## Summary financial statements — 30 June 2021

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#### Partners

Elias Y Bader

Rupa Dharmasiri

George P Rochios

Mark W Willock

## Australian Centre for Disability Law

ABN: 15 992 360 253

## Auditor's Independence Declaration to the Committee 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 2022, 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 this 28<sup>th</sup> day of October 2022

# Committee members' report

30 June 2022

The committee members present their report, together with the financial statements, on the association for the year ended 30 June 2022.

## Members of Management Committee

The following were members of the Management Committee of the association during the whole of the financial year and up to the date of this report, unless otherwise stated:

Ms Rosemary Kayess	Chair
Ms Rosemary Kayess	Chair
Ms Jenny Green	Vice Chair
Mr Julian Laurens	Secretary
Giancarlo de Vera	Treasurer
Mr Mark Rae	Member
Samantha French	Member

## Principal activities

During the financial year the principal continuing activities of the association consisted of:

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

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

On behalf of the committee



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Rosemary Kayess  
Chair

31 October 2022



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Jenny Green  
Vice Chair

# Statement of profit or loss and other comprehensive income

for the year ended 30 June 2022

	Note	2022	2021
		\$	\$
Total Revenue	4	1,411,456	1,101,853
Total revenue		1,411,456	1,101,853
<b>Expenses</b>			
Accounting fees		(27,870)	(22,600)
Audit fees		(6,500)	(6,500)
Board/Governance expenses		(3,228)	(3,858)
Client support services		(74,112)	(18,094)
Computer/IT/website		(43,306)	(33,664)
Consultancy/Legal costs		(268,762)	(148,871)
Depreciation and amortisation expense	5	(57,707)	(53,081)
Employee benefits expense		(840,284)	(644,575)
Insurance		(5,258)	(5,221)
Office equipment		(5,720)	(30,900)
Printing and stationery		(11,806)	(21,081)
Rent & operating lease expense		(5,425)	(5,789)
Resources/subscriptions		(15,989)	(13,173)
Telephone & Internet charges		(15,084)	(11,807)
Travel & Accommodation		(3,243)	(1,926)
Other expenses		(22,073)	(18,702)
Finance costs	5	(1,303)	(5,851)
Total expenses		(1,407,670)	(1,045,693)
Surplus for the year		<b>3,786</b>	<b>56,160</b>
Other comprehensive income for the year		-	-
Total comprehensive income for the year		<b>3,786</b>	<b>56,160</b>

# Statement of financial position

as at 30 June 2022

	Note	2022	2021
		\$	\$
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	6	2,691,882	2,137,878
Trade and other receivables	7	1,385	-
Prepayments		14,562	4,319
<b>Total current assets</b>		<b>2,707,829</b>	<b>2,142,197</b>
<b>Non-current assets</b>			
Property, plant and equipment	9	15,798	26,512
Right-of-use assets	8	10,846	123,140
<b>Total non-current assets</b>		<b>26,644</b>	<b>149,631</b>
<b>Total assets</b>		<b>2,734,473</b>	<b>2,291,828</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	10	230,685	104,335
Contract liabilities	11	2,046,643	1,656,772
Lease liabilities	12	10,242	46,939
Employee benefits	13	113,664	85,322
<b>Total current liabilities</b>		<b>2,401,234</b>	<b>1,893,368</b>
<b>Non-current liabilities</b>			
Lease liabilities	12	-	73,421
Employee benefits	13	32,380	27,966
Provisions	14	9,900	9,900
<b>Total non-current liabilities</b>		<b>42,280</b>	<b>111,287</b>
<b>Total liabilities</b>		<b>2,443,514</b>	<b>2,004,655</b>
<b>Net assets</b>		<b>290,959</b>	<b>287,173</b>
<b>Equity</b>			
Retained surpluses		290,959	287,173
<b>Total equity</b>		<b>290,959</b>	<b>287,173</b>

# Statement of changes in equity

for the year ended 30 June 2021

	<b>Retained Surplus</b>	<b>Total Equity</b>
	<b>\$</b>	<b>\$</b>
Balance at 1 July 2020	231,013	231,013
Surplus after income tax expense for the year	56,160	56,160
Other comprehensive income for the year	-	-
<hr/>		
Total comprehensive income for the year	56,160	56,160
<hr/>		
Balance at 30 June 2021	<b>287,173</b>	<b>287,173</b>

	<b>Retained Surplus</b>	<b>Total Equity</b>
	<b>\$</b>	<b>\$</b>
Balance at 1 July 2021	287,173	287,173
Surplus after income tax expense for the year	3,786	3,786
Other comprehensive income for the year	-	-
<hr/>		
Total comprehensive income for the year	3,786	3,786
<hr/>		
Balance at 30 June 2022	<b>290,959</b>	<b>290,959</b>

# Notes to the financial statements

30 June 2022

## Note 1. Basis of preparation on the summary financial statements

The financial statements cover Australian Centre for Disability Law as an individual entity. The financial statements are presented in Australian dollars, which is Australian Centre for Disability Law's functional and presentation currency.

Australian Centre for Disability Law is a not-for-profit association, incorporated in New South Wales under the Associations Incorporation Act 2009 and domiciled in Australia. The association is registered with Australian Charities and Not-for-profits Commission as a charity. Its registered office and principal place of business is:

Level 8  
418a Elizabeth Street  
Surry Hills NSW 2010

A description of the nature of the association's operations and its principal activities are included in the committee members' report, which is not part of the financial statements.

The financial statements were authorised for issue on 18 October 2021.

## Note 2. Significant accounting policies

The principal accounting policies adopted in the preparation of the financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

### Basis of preparation

In the committee members' opinion, the association is not a reporting entity because there are no users dependent on general purpose financial statements.

These are special purpose financial statements that have been prepared for the purposes of complying with the Australian Charities and Not-for-profits Commission Act 2012 and New South Wales legislation the Associations Incorporation Act 2009. The committee has determined that the accounting policies adopted are appropriate to meet the needs of the members of Australian Centre for Disability Law.

These financial statements have been prepared in accordance with the recognition and measurement requirements specified by the Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') and the disclosure requirements of AASB 101 'Presentation of Financial Statements', AASB 107 'Statement of Cash Flows', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors', AASB 1048 'Interpretation of Standards' and AASB 1054 'Australian Additional Disclosures', as appropriate for not-for-profit oriented entities.

#### *Historical cost convention*

The financial statements have been prepared under the historical cost convention.

#### *Critical accounting estimates*

The preparation of the financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the association's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements, are disclosed in note 3.

# Notes to the financial statements

30 June 2021

## Revenue recognition

The association recognises revenue as follows:

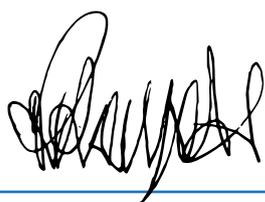
### *Revenue from contracts with customers*

Revenue is recognised at an amount that reflects the consideration to which the association is expected to be entitled in exchange for transferring goods or services to a customer. For each contract with a customer, the association: identifies the contract with a customer; identifies the performance obligations in the contract; determines the transaction price which takes into account estimates of variable consideration and the time value of money; allocates the transaction price to the separate performance obligations on the basis of the relative stand-alone selling price of each distinct good or service to be delivered; and recognises revenue when or as each performance obligation is satisfied in a manner that depicts the transfer to the customer of the goods or services promised.

In the committee members' opinion:

- the association is not a reporting entity because there are no users dependent on general purpose financial statements. Accordingly, as described in note 2 to the financial statements, the attached special purpose financial statements have been prepared for the purposes of complying with the *Australian Charities and Not-for-profits Commission Act 2012*;
- the attached financial statements and notes comply with the Australian Accounting Standards as described in note 2 to the financial statements;
- the attached financial statements and notes give a true and fair view of the association's financial position as at 30 June 2021 and of its performance for the financial year ended on that date; and
- there are reasonable grounds to believe that the association will be able to pay its debts as and when they become due and payable.

On behalf of the committee



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Rosemary Kayess  
Chair



---

Jenny Green  
Vice Chair

18 October 2021



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Rupa Dharmasiri

George P Rochios

Mark W Willock

## Australian Centre for Disability Law

ABN: 15 992 360 253

# Independent Auditor's Report to the Members of Australian Centre for Disability Law

## 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 2022, 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 the committee members' declaration.

In our opinion, the accompanying financial report of the association has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act), including:

- (a) Giving true and fair view of the association's financial position as at 30 June 2022 and of its financial performance for the year then ended; and
- (b) Complying with *Australian Accounting Standards* to the extent described in Note 2, and Division 60 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

## Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the association in accordance with the ethical requirements of the ACNC Act and Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including independence standards)* (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 2 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the association's financial reporting responsibilities under the ACNC Act. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.



## **Australian Centre for Disability Law**

ABN: 15 992 360 253

# **Independent Auditor's Report to the Members of Australian Centre for Disability Law**

### **Responsibilities of the Committee for the Financial Report**

The committee is responsible for the preparation and fair presentation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 2 to the financial report is appropriate to meet the requirements of the ACNC Act. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee is responsible for assessing the association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the committee either intends to liquidate the association or to cease operations, or have 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 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 the financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee members.



## Australian Centre for Disability Law

ABN: 15 992 360 253

### Independent Auditor's Report to the Members of Australian Centre for Disability Law

- Conclude on the appropriateness of the committee members' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the committee members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

We also provide the committee members with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on our independence, and where applicable, actions taken to eliminate threats or safeguards applied.

Rupaninga Dharmasiri  
Partner

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

Dated this 31<sup>st</sup> day of October 2022



