

Equality & Justice

for people with disabilities



Christmas Edition 2018

THE ADVOCATE



Villamanta Disability Rights Legal Service Inc.

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Editorial

Disability Discrimination Legal Service and Villamanta Disability Rights Legal Service would like to thank all of their staff and volunteers for their support during 2018.

Our staff and volunteers assist us in working with people with disabilities across Victoria despite the small size of our respective organisations.

We are mindful that another year has passed without evidence of any significant systemic improvement in the lives of Victorians with disabilities. It has been particularly disappointing to hear the experiences of so many people with disabilities who have attempted to improve the quality of their lives by accessing the NDIS, have so many problems in doing so.

We look forward to the community's support in 2019 to continue a struggle to improve the quality of lives of people with disabilities in Victoria.

Julie Phillips
Manager
Disability Discrimination
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Deidre Griffiths
Principal Solicitor and
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The Victorian Reportable Conduct Scheme

In 2012, The Victorian Government conducted an inquiry into organisations' responses to child abuse allegations. The inquiry evidenced that many organisations were not reporting and responding to allegations effectively, and this allowed for child abuse to continue.

In response, The Victorian Reportable Conduct Scheme aims to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. Organisations that exercise care, supervision or authority over children, whether as part of their primary functions or otherwise are subject to the scheme.

The Commission for Children and Young People is responsible for administering the scheme. Its role includes supporting organisations receiving allegations of child abuse and neglect to encourage fair, effective and timely responses, and supervise and make appropriate recommendations in order to improve organisations responses.

The Scheme ensures that the Commission will have knowledge of every allegation of certain types of misconduct involving children in organisations that exercise care, supervision and authority over children.

It further seeks to protect and prevent children from abuse by allowing the Commission to share its findings with the Working with Children Check Unit and Victoria Police. This process may lead to the revocation of Working with Children Check cards and will ensure that the volunteers and workers operating with Victorian children are suitable for the role.

Upon learning about an allegation of child abuse or neglect, the organisation must notify the Commission of the allegation, investigate the allegation and share findings with the Commission, and must manage the risks to children.

The five types of reportable conduct outlined in the scheme are: sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm, and significant neglect.

Physical violence committed against, with, or in the presence of a child is a type of reportable conduct where the volunteer or worker intentionally carried out the violent conduct, or was reckless in doing so. Notably, it is not necessary that a child is injured or harmed, but that the conduct was capable of causing harm and/or injury.

A reportable allegation can be made about certain workers or volunteers over 18 years of age who are or were an employee of an organisation covered by the scheme, a minister of religion, religious leader or officer of a religious body, a foster or kinship carer, or a volunteer, contractor, office holder, officer or other position directly engaged by an organisation covered by the scheme to provide services.

The Reportable Conduct Scheme applies to students with disabilities and children receiving disability services.

Further information is also available on the Commission for Children and Young People's website at www.cryp.vic.gov.au.

One Step Forward Two Steps Back - the reversing of South Australia's groundbreaking intermediary program.

Below is an article from Pro Bono Australia. The scheme that the article is referring to was partially in response to the sexual abuse of numerous special school students. Initially, despite the evidence, the police declined to charge due to the inability of children to give the kind of evidence that was needed. A link to that story can be found here.

<https://www.abc.net.au/news/2015-06-04/royal-commission-releases-findings-into-st-anns-special-school/6522664>

Funding Cuts to Disability Communication Service a 'Smack in the Face'

State government funding cuts to a South Australian service helping people with disability access the legal system will leave vulnerable people without a voice in police interviews or court, a disability advocates warn.

Tuesday, 4th December 2018
at 8:46 am

[Maggie Coggan, Journalist](#)

The Communication Partner Service, run by Uniting Communities, had its funding slashed in the September state budget, with money predicted to dry up in February 2020.

Uniting Communities said the majority of those accessing the service were people with severe communication disabilities dealing with physical sexual assault cases, and the funding cuts would mean they no longer were able to access or understand the legal system.

Disability rights political group, Dignity Party, once again called for the government to reverse its decision, and said it had made a mockery of celebrations on International Day of People With Disability (3 December).

"This is a smack in the face for the disability sector," Dignity Party president Rick Neagle said. He said when the funding ceased, it would leave adults and children without a voice in police interviews or court.

"This state has seen what happens when vulnerable people cannot give evidence. We know that cases against alleged paedophiles and other abusers will collapse and offenders go free," he said. Mark Henley, Uniting Communities advocacy manager, told Pro Bono News the looming cuts had created an environment of uncertainty about what the future of the program was.

"We're still doing our best to provide the service... but it's certainly raised questions about what will happen to the expertise that's being developed in the service, and what alternatives the state government has in mind," Henley said.

He said IDPWD was not just about celebrating, but also the opportunity to mark what needed to be done.

"The decision around defunding the communication service is an example of how we've still got some progress to be made around ensuring that people with disabilities have access to services that the rest of us take for granted," he said.

Christine, whose step son was abused by notorious paedophile school bus driver Brian Perkins, said the funding cuts would have a detrimental impact on victims and families.

“Many parents of children and adults with a disability have been hanging onto the idea that our kids would be safe now, but the mat has been pulled out from under us,” Christine said.

“The funding is a pittance compared to what it will cost families and the government when the next horror comes to light.”

Henley said he Uniting Communities would continue talks with the state government, and was confident they would review the decision.

“There’s more at stake here than the money,” he said.

The SA minister for human services and disability did not respond to Pro Bono News’ request for comment.

Black v Owners Corporation

Applicant: Anne Black

First Respondent: Owners Corporation

Second Respondent: Owners Corporation

Citation: Black v Owners Corporation OC1-POS539033E and Owners Corporation OC3-POS539033E (Human Rights) [2018] VCAT 2014

Disability Discrimination Legal Service had a recent win at the Victorian Civil and Administrative Tribunal (“VCAT”).

The Applicant took action against the Respondents as they failed to make reasonable adjustments to her place of accommodation.

The Applicant moved into the accommodation in 2015, before developing a disability which affected her mobility. The applicant requires the use of a wheel chair, and due to this use, had difficulty entering her property through the front door way and had difficulty accessing the waste disposal area, as she was unable to operate the heavy manual doors in the building.

In December 2015, the Applicant gave urgent notice of the issues to the Respondents with no action been taken by them. In September 2016, the Applicant applied to VCAT about the issue, seeking orders that the owners corporations responsible for the common property of the building were to make alterations, so that she could access the building and common areas independently.

In December 2018, VCAT ruled in favour of the Applicant and ordered both respondents to make reasonable adjustments to the building, and awarded the Applicant \$10,000 in damages for non-economic loss. VCAT found that the Respondents had indirectly discriminated against the Applicant, and that the adjustments were required and expected in accordance with s 45 of the Equal Opportunity Act 2010. The adjustments were considered reasonable considering the objective assessment of the Applicant’s situation, and within the financial capabilities of the Respondent.

The first respondent must convert the main entry door to the building to an electronically operated system. The second respondent must convert the access to the car park, the courtyard, and garden area to ensure its accessibility the the to the, and ensure a personal waste pick-up service for the Applicant. Both Respondents have been given the deadline of 20 March 2019 to deliver the adjustments.

Christmas Closing Hours – DDLS and Villamanta

DDLS will be closed 24 December 2018 and reopening 7 January 2019.

Villamanta will be closed 24 December 2018 and reopening 2 January 2019.

Marketing and Fundraising Committee Member Being Sought

The Disability Discrimination Legal Service (DDLS) is a community legal centre that specialises in disability discrimination legal matters. DDLS provides free legal advice in several areas including information, referral, advice, casework assistance, community legal education, and policy and law reform. The long term goals of the DDLS include the elimination of discrimination on the basis of disability, equal treatment before the law for people with a disability, and to generally promote equality for those with a disability.

DDLS relies on government funding to assist people with disabilities who need assistance regarding discrimination, throughout the state of Victoria.

Our funding permits us 2.7 EFT staff.

We are looking for a volunteer to join our Management Committee who has experience in marketing/fundraising in order to assist us solidify our position and continue to provide the service we do, regardless of variations in government funding.

If this would interest you, please contact Julie Phillips, Manager on 9654-8644 or by email at manager@ddls.org.au.

Give Now

Despite living in a wealthy developed country, Australians with disabilities experience extremely high rates of discrimination, abuse and neglect. This is why the Disability Discrimination Legal Service provides free legal services to those experiencing harm. We also work to improve conditions for all people with disabilities through community legal education and law and policy reform.

In the face of limited government funding, we need your support to expand our work, especially in the key areas of education and employment. Despite numerous parliamentary inquiries and government bodies uncovering widespread abuse and neglect, not enough has been done to improve matters. But we know that continual advocacy and litigation creates pressure for better protections. Every dollar you donate helps us to achieve this goal.

DDLS is an independent, non-profit community organisation. Many people with disabilities, volunteers and students contribute their efforts to our work

<https://www.givenow.com.au/DDLS>

Donations may also be made to Villamanta Disability Rights Legal Service Inc.

Villamanta does excellent work for people who have a disability and a disability-related legal issue. These people are often our most vulnerable citizens.

Any amount, no matter how small, will help us to make a difference for those who most need it!

You can help Villamanta to help Victorians who have a disability by donating using either PayPal or Credit Card via our website at www.villamanta.org.au

All donations greater than \$2 are tax deductible and a receipt will be sent to all donors.

Our Organisations

DDLS Management Committee

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 Marius Smith (Vice Chair)
 Winnie Gu (Treasurer)
 Elizabeth Muhlebach
 Wayne Kiven
 Geoff Waite
 Julie Phillips (Secretary)

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 Amanda Millear – Deputy Chairperson
 Neville Porter – Member
 Hank Wyllie – Member
 Naomi Anderson – Member
 Dominique Saunders – Member
 Viv Avery - Member

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