

International Day of People with Disability

3 December 2022



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The International Day of People with Disability (IDPwD) on 3 December is a day recognised annually around the world, with the purpose of increasing public awareness, understanding and acceptance of people with disability and celebrating their contributions to society. IDPwD is a day of collaboration and an opportunity for us to creatively renew our commitment towards inclusivity and reducing inequality.

2022 theme

This year's theme is 'Transformative solutions for inclusive development: the role of innovation in fuelling an accessible and equitable world'. This theme revolves around the idea of creating solutions and opportunities for people with disabilities to have reduced inequalities in both public and private sectors.

One of the three dialogues that the 2022 theme is based on is 'Innovation for disability-inclusive development in employment'. This dialogue questions and considers how technology can be used to increase accessibility in employment and mobility within the workplace.

Often despite best efforts, it is difficult to ascertain and understand the breadth of disability issues and inequalities present in our communities and workplaces. The 2022 theme calls on us to mobilise support for the dignity, rights and wellbeing of persons with disabilities, while questioning how advanced technologies can assist in this process.

Diversity should not be a barrier for people participating or engaging with everyday tasks, services, groups and rights to which they are entitled. Ensuring an accessible and equitable world for everyone is critical to eliminate these barriers and guarantee everyone has access to the same treatment, opportunities and advancement.

Human rights protections

Under Principle 1 of the UN Global Compact, businesses should support and respect the protection of internationally proclaimed human rights. At Hall & Wilcox, our pro bono practice focuses on protecting human rights, including the rights of people with disabilities as provided for in the [United Nations Convention on the Rights of Persons with Disabilities \(CRPD\)](#) and other human rights laws both domestic and international.

In addition to our pro bono work, as an employer, Hall & Wilcox respects the rights of people with disabilities. Our diversity commitment is to ensure our workforce at Hall & Wilcox reflects the full spectrum of our people, clients and communities. We recognise there is inherent diversity (gender, caring responsibilities, age, ethnicity, cultural background, indigeneity, sexual orientation, disability and religion) and acquired diversity (skills/experience/perspectives).

Diversity and inclusion are among the key components of our firm culture at Hall & Wilcox. We recognise and celebrate the characteristics that make each individual different and create a workplace environment in which both individuals and groups feel welcome, respected and valued.

The diversity of our people enables us to build stronger relationships with our clients and deliver Smarter Law.

This includes working with specialist disability recruiters who have particular expertise in supporting people with disability to secure employment.

This year we formed our 'Accessibility and Inclusion Committee' led by Partners and employee representatives from across our offices who work on deployed actions and initiatives to ensure our workplaces, client services and community interactions are inclusive to people living with disability. This also includes educating our people on inclusive workplace practices and to make the big and small consideration so that everyone can engage.

What is 'disability'?

The term 'disability' is defined under the CRPD to mean those who have long-term physical, mental, intellectual or sensory impairments that, in interaction with various attitudinal and environmental barriers, may hinder their full and effective participation in society on an equal basis with others.

Under the *Disability Discrimination Act 1992* (Cth), the definition covers a broad scope of disabilities. This includes physical, intellectual, psychiatric, sensory, neurological and learning disabilities, that can be permanent or temporary.



How have we assisted people with disabilities?

During the COVID-19 pandemic, isolation and diminished services greatly impacted the lives and wellbeing of people with disabilities within Australia and across the world. It is important now, more than ever, for us to raise awareness about the rights of people with disability.

Hall & Wilcox is a member of the [Australian Network on Disability](#), which helps organisations to become accessibility-ready and equips them with the knowledge and expertise to design products and services for clients with disability.

'Australian Network on Disability is pleased to be partnering with Hall & Wilcox to advance the inclusion of people with disability as employees, clients and in the community. In Australia over 4.4 million people have lived experience of disability. Leaving disability inclusion off the agenda means organisations are missing out on an inclusive and diverse workforce and benefits such as expanding your client base, improving brand reputation and enhancing productivity. We look forward to supporting your journey to creating an equitable and inclusive Australia.'

We have strong relationships with community legal centres such as the [Australian Centre for Disability Law](#) and [Welfare Rights Centre's](#) Disability Support Pension Clinic. Through these relationships, our employees have been offered opportunities to volunteer their legal skills to assist people with a disability in Australia. Our lawyers have found it both rewarding and educative to learn more about the everyday challenges that people face and how we can best support them at our firm.

Change for the better

This year, we led a pro bono law reform project to change outdated and offensive terminology in legislation related to disabilities.

When Special Counsel [Barbara Casado](#) discovered that the word ‘handicapped’ was being used in the Social Security Guide published by the Department of Social Services and in the *Social Security Act*, she brought together a group of Hall & Wilcox lawyers to draft a brief that Economic Justice Australia could use in advocacy to change this outdated and offensive language.

Following Economic Justice Australia submitting the [research report](#), *Handicapped: use of outdated terminology in Social Security law and policy*, the Minister for Social Services, Amanda Rishworth, and the Department of Social Services have committed to implementing the report’s recommendations.

‘Words have power, including the power to degrade a person’s dignity. The language of our law and policy must respect human dignity and therefore human rights, particularly those of people with disability. The firm is proud to have partnered with Economic Justice Australia in securing this important change.’ – [Nathan Kennedy](#), Hall & Wilcox Partner and Head of the firm’s [Pro Bono & Community](#) practice

Clinics

In the 2022 financial year, our lawyers completed more than 534 hours of pro bono work for clients with disabilities.

Australian Centre for Disability Law

ACDL is a specialist community legal centre to assist people with disability and their associates with disability discrimination matters. This is including, but not limited to assistance animals, education and employment legal issues. Our lawyers are offered opportunities to assist with this clinic and ensure clients with disabilities are given free legal advice, casework and representation, or alternatively referred to a service that can assist.

Disability Support Pension Clinic

We currently send three lawyers every week to the Welfare Rights Centre Disability Support Pension Clinic to provide assistance in relation to Disability Support Pension applications and reviews.

The Disability Support Pension (**DSP**) is a payment from Centrelink for people who have a permanent medical condition that stops them from working. Having a disability or medical condition is not enough to qualify for DSP, the client must prove the medical condition stops them from working.

Meeting the onerous DSP requirements for New Zealand citizens

Julian is a New Zealand citizen but he’s lived in Australia for the past 12 years. When Julian contacted the DSP clinic he was living off a \$900/month income protection payment as his Centrelink payment had been cancelled. He’d been caught in our social security system’s complex treatment of New Zealand citizens and was homeless as he could no longer afford to pay rent.

Under Australian law, New Zealand citizens who arrived in Australia after 26 February 2001 are not considered residents and are generally not eligible for a social security payment unless they’ve applied for and been granted Australian permanent residency. There is a one-off payment for a period of six months if a New Zealand citizen has lived in Australia continuously for at least 10 years which Julian had accessed but by the time we spoke to him, Julian’s Jobseeker Payment had been cancelled.

Julian had also claimed DSP but Centrelink rejected his claim. Given his health, he couldn’t understand why. The DSP clinic advised Julian that under the Australia/New Zealand social security agreement he could only access DSP if he had a ‘severe impairment’. The DSP clinic reviewed and assessed Julian’s medical evidence which suggested Julian should, in fact, qualify. We drafted a submission arguing that Julian’s medical evidence met the criteria of a severe impairment, and lodged an appeal to an Authorised Review Officer (**ARO**).

Impact stories

Autism Community Support Network

The [Autism Community Support Network](#) is a non-profit organisation that provides support, information and activities to autism families. They do this through their peer groups, community activities and other social clubs which are run through a unique network of volunteers.

We are assisting Autism Support Network Albany Inc with tax advice.

Jordan's story

Jordan suffers from epilepsy and anxiety. He had been employed for a few months before his employment contract was terminated because of discrimination directed toward his disability.

In 2021, the Victorian Government implemented pandemic and public health orders that mandated employees wearing masks in the workplace, unless an employee held a valid exemption. Despite holding a valid exemption, Jordan's employment was terminated by his employer.

Jordan approached us and requested advice surrounding the mask exemption rule in the workplace as he wanted to lodge a complaint with the Australian Human Rights Commission. We advised Jordan of his legal options and referred him to a specialised practice that assisted him in lodging his application.

Jordan's application was successful.

Mid North Coast Legal Centre

One of our lawyers undertook research for the [Mid North Coast Legal Centre](#) on the mechanisms of protection afforded to confidential information provided to the National Disability Insurance Scheme (NDIS) by vulnerable women, with a specific focus on the role of the Administrative Appeals Tribunal.

As per the NDIS application process, individuals seeking assistance are required to disclose personal information relating to their mental health and wellbeing. For vulnerable women who have experienced domestic violence, this can be particularly detrimental. If disclosed information relating to their mental health and wellbeing is obtained by legal representation for an ex-partner, it is often the case that an ex-partner will use this information to commence legal proceedings. More often than not, these proceedings will relate to time spent with children and fitness as a parent.

Our research assisted the Legal Centre in comparing the effectiveness of protection of evidence in litigation being unable to be used for any purpose other than litigation itself, without the leave of the relevant court or tribunal, against the effectiveness of confidentiality orders.

Lena's story

We are assisting a vulnerable client with the recovery of the cost of a mobile phone.

Lena is a part-time nurse and university student who was unethically influenced into buying a phone for an acquaintance. Lena suffers from a mental health issue and is considered vulnerable. Lena never received her money back and needed the money to pay for daily living expenses. Unfortunately, the cost of legal advice and litigation is prohibitive for Lena, and we agreed to engage Lena on a pro bono basis to assist with her debt recovery.

We have assisted Lena to file a Statement of Claim and the court has ruled in Lena's favour with a default judgment.

Partnerships and fundraising

Advocacy Law Alliance

Hall & Wilcox is proud to have supported each of the three programs of the [Advocacy Law Alliance \(ALA\)](#) over the last year through our Pro Bono & Community practice.

The ALA is made up of the Mid North Coast Legal Centre, Disability Law NSW, and Disability Advocacy NSW to provide advocacy and legal support to those in need throughout much of NSW, particularly those living with disabilities.

We are pleased to accept referrals of clients who are facing legal issues as well as provide other pro bono support to the programs.

We also provided [Andrew Banks](#), Lawyer in the Pro Bono & Community team, as a secondee to the Mid North Coast Legal Centre and Disability Law NSW.

Andrew reflects on his secondment:

'The Mid North Coast Legal Centre is a fantastic community organisation that provides excellent legal services to their clients, especially those who are in disadvantaged circumstances and would be otherwise unable to access justice. As a lawyer in the firm's Pro Bono & Community team – I had the opportunity to undertake a secondment with the Centre and the Disability Law NSW program. This secondment was a great experience, and I am grateful to have worked with such a talented and passionate group of people.'

'The culture of the Centre is supportive, welcoming and highly collaborative. This clearly provides a strong foundation for the team to deliver the best possible outcomes for the community and reflects the strong leadership of the organisation. There are challenging aspects of community legal work in regional areas, including the geographic distance to cover and the limited resources available, however everyone at the Centre works hard to assist their clients to a high standard. Both Hall & Wilcox, and I, look forward to continuing to work with the Centre into the future.'

Accessible Arts

We have partnered with Accessible Arts to provide pro bono legal services. They are the peak arts and disability organisation in New South Wales. We advance the rights of, and opportunities for, people with disability or who are d/Deaf to develop and sustain professional careers in the arts and have equitable access to arts and culture across NSW.

WheelEasy

WheelEasy is ensuring everyone has the right to access through their Access Information Web App, which consolidates accurate and current information about the accessibility of parks, playgrounds, beaches, cafes and more, across Australia. Our people have joined the movement to create a more inclusive Australia by donating to WheelEasy through our workplace giving platform. Hall & Wilcox also offers valuable pro bono support to WheelEasy.

Flying Fox

Hall & Wilcox's Graduate Program offers graduate lawyers the opportunity to participate in a Community Day and volunteer with a local organisation to help our communities thrive. This year our Melbourne graduate cohort are volunteering with Flying Fox. Flying Fox facilitates inclusive camps that provide social opportunities for young people living with a disability. The graduate lawyers will assist the support staff and participate with the campers in a full day of activities. The opportunity is not only about breaking down barriers and encouraging social inclusion but also a chance to build connections between people with disability and the community through having fun.

Dementia Australia

Dementia is the second leading cause of death in Australia yet remains one of the most challenging and misunderstood conditions. Dementia Australia provides education, support services, vital research, and advocacy for positive change for people living with dementia, their families, and carers. Our people have supported the work of Dementia Australia by donating through regular payroll giving.

