

From: Hanyu Liu helloluna520@gmail.com
Subject: Request for Jurisdictional Clarification — EOC 1317/2025
Date: 12 Nov 2025 at 7:01:37 pm
To: ██████████@eoc.wa.gov.au

Dear ██████████

Thank you for your email of 12 November regarding complaint procedures and “good cause” submissions.

Before proceeding further, I would like to seek a formal clarification of the Commission’s jurisdiction over the federal law components of my complaint.

The Australian Human Rights Commission has advised me that they can only consider this matter if the EOC confirms it does not have jurisdiction over those aspects. I therefore wish to clarify this point formally — not to criticise the Commission, but to ensure I follow the correct legal pathway.

Although both the EOC and AHRC operate under similar conciliation-based models, my goal is not to duplicate processes.

My aim is to document the systemic overlap between state and federal responsibilities so that future families and disability advocates can see clearly where accountability lies.

I genuinely appreciate the EOC’s important role in addressing discrimination under the *Equal Opportunity Act 1984 (WA)*, and I would like the record to reflect where that Act’s limits end — particularly in relation to restrictive-practice authorisation and NDIS mainstream-service obligations.

Background

My complaint alleges that the Public Transport Authority (PTA) discriminated against my son ██████████ by:

- Imposing restrictive practices (mechanical harness restraint)

without therapist assessment;

- Failing to conduct mandatory 3-monthly reviews by a qualified professional; and
- Failing to provide a therapist-designed fade-out plan.

These allegations involve both state and federal frameworks:

(A) State jurisdiction

Impairment discrimination in service provision — *Equal Opportunity Act 1984 (WA)* ss 65, 66C.

(B) Federal jurisdiction

1. *Disability Standards for Education 2005 (Cth)* — made under s 31 of the *Disability Discrimination Act 1992*
 - Standard 3.4 – reasonable adjustments in education-related services
 - Standard 3.5 – consultation requirements
2. *National Framework for Reducing and Eliminating the Use of Restrictive Practices (2014)* — adopted nationally, requiring authorisation, periodic review, and fade-out planning.
3. *NDIS Act 2013 (Cth)* — defining boundaries between mainstream and NDIS-funded responsibilities.

AHRC's position

The AHRC declined my federal complaint on 30 October 2025 citing s 13(4) of the *Disability Discrimination Act 1992*.

On 12 November 2025 they clarified (copy attached):

"If the EOC advises you that they do not have jurisdiction in

relation to your complaint with them, then it is open to you to contact us again to re-assess."

Hence this clarification is necessary before I proceed further within the EOC process.

Request for clarification

Could the Commission please confirm whether, under the *Equal Opportunity Act 1984 (WA)*, it has jurisdiction to:

1. Make findings about compliance with the *Disability Standards for Education 2005 (Cth)* or the *National Restrictive-Practice Framework*;
2. Investigate issues under the *NDIS Act 2013 (Cth)* concerning cost-shifting of mainstream transport responsibilities to families; and
3. Order or recommend remedies addressing breaches of those federal frameworks.

If my understanding is correct that EOC cannot determine or enforce compliance with federal legislative instruments, then these aspects would fall outside state jurisdiction.

I note that under **s 93(1)(b)** of the *Equal Opportunity Act 1984*, the Commissioner may dismiss a complaint if "the Commissioner does not have jurisdiction to inquire into the complaint or part of the complaint."

This preliminary jurisdictional clarification would help ensure that the complaint proceeds through the most appropriate forum before significant resources are committed by either party.

While this clarification is pending, my younger son [REDACTED] continues to travel on the school bus with the restraint device in place.

I remain concerned about the ongoing lack of professional oversight and the absence of the review and fade-out planning mechanisms contemplated in both state and federal frameworks.

This request is procedural, not adversarial.

It is made out of respect for the EOC's statutory role, and from a genuine wish to ensure that each level of government operates within its proper jurisdiction.

Ultimately, my intention is to leave behind a clear and accurate public record — one that helps future families understand how state and federal responsibilities interact when it comes to disability transport and restrictive practices.

I would appreciate the Commissioner's clarification so I can decide how best to proceed.

Attachments:

1. AHRC closure letter (30 Oct 2025)
2. Forwarded AHRC email – 12 Nov 2025 (re jurisdictional clarification)
3. *Disability Standards for Education 2005 (Cth)* (full text, for reference)

Kind regards,
Hanyu Liu
helloluna520@gmail.com

----- Forwarded message -----

From: Complaints

Mailbox <complaints@humanrights.gov.au>

Date: Wed, 12 Nov 2025 at 1:32 pm

Subject: RE: Procedural clarification regarding

Section 13(4) – Complaint [2025-14139](#)

[SEC=OFFICIAL]

To: helloluna520@gmail.com

<helloluna520@gmail.com>

Dear Hanyu

Our understanding of section 13 of the DDA is that it still applies, even if you decide to withdraw the EOC complaint.

However, if the EOC advises you that they do not have jurisdiction in relation to your complaint with them, then it is open to you to contact us again to re-assess.

Kind regards



Australian Human Rights Commission

T [1300 369 711](tel:1300369711) F [+61 2 9284 9611](tel:+61292849611)

W www.humanrights.gov.au

We acknowledge the Traditional Custodians of Country throughout Australia, and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders - past, present and future.

From: Hanyu <helloluna520@gmail.com>
Sent: Wednesday, 12 November 2025 12:23 AM
To: Complaints Mailbox
<complaints@humanrights.gov.au>
Cc: Info Service <infoservice@humanrights.gov.au>;
Communications Unit
<communications@humanrights.gov.au>
Subject: Procedural clarification regarding Section
13(4) – Complaint [2025-14139](#)

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Dear AHRC Complaints Team,

I am writing to clarify a procedural question about my complaint (Ref 2025-14139), which the Commission closed on 30 October 2025 under section 13(4) of the Disability Discrimination Act 1992.

I have since been contacted by the WA Equal Opportunity Commission (EOC) regarding their parallel jurisdiction.

At this point, the EOC has only **acknowledged receipt** of my complaint but has **not yet commenced a formal investigation or issued a**

Statement of Complaint.

Before I make any procedural decisions, I would like to confirm:

- If I withdraw my complaint from the EOC at this preliminary stage (before formal investigation begins), would the AHRC be able to re-open or re-assess my federal complaint under the Disability Discrimination Act 1992?

I am simply seeking to understand the **procedural effect** of withdrawal and whether this would remove the bar under section 13(4).

Thank you for clarifying.

Kind regards,

Hanyu Liu

helloluna520@gmail.com

On Wed, 12 Nov 2025 at 10:46 am, [REDACTED]
<[REDACTED]@eoc.wa.gov.au> wrote:

Good morning Hanyu Liu

Complaint Withdrawal Query

If a complainant withdraws a complaint with us, they may request that the complaint be reopened provided the request is made within a period of 6 months from the withdrawal, and the complainant would still have to satisfy the Commissioner that there is "good cause" to do so. This is set out in s83A of the *Equal Opportunity Act 1984*.

The Commissioner does not have the power to reopen the complaint after that limitation period.

A complainant could lodge a fresh complaint in relation to events that occur 12 months prior to lodgement. Any incidents before that period would have to be considered in new good cause submissions.

The fact that discrimination is "ongoing" does not result in the limitation periods being ignored when receiving an application.

I hope this information is useful. Again, a legal advisor will be best positioned to discuss your options and the merits of each jurisdiction in relation to your particular complaint. I cannot

provide you legal advice.

Good Cause

You can expect to hear from me today in relation to the 'good cause' matter.

Thank you Hanyu.

Kind regards



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 Conciliation Officer | Equal Opportunity Commission
Telephone: 18 9216 3900 | Country Callers: 1800 198 149
Email:  @eoc.wa.gov.au | Website: www.eoc.wa.gov.au



 Equal Opportunity Commission

The Commission acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of the land on which we work and live, and recognise their continuing connection to land, water, and community. We pay respect to Elders past, present, and emerging.

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From: Hanyu Liu <helloluna520@gmail.com>
Sent: Tuesday, 11 November 2025 8:34 PM
To: [REDACTED]@eoc.wa.gov.au>
Subject: Clarification about withdrawal and re-lodgement – EOC
1317/2025

Dear [REDACTED],

Thank you again for confirming the next steps.

Before we proceed to the “good cause” submission, I would appreciate one small procedural clarification.

If, at any future stage, I were to withdraw the complaint from the EOC in order to test whether the Australian Human Rights Commission could consider it under the federal Disability Discrimination Act, and that process did not proceed, would I be able to re-lodge a complaint with the EOC on the basis that the alleged discrimination is continuing?

This is only a request for clarification — I simply want to understand the procedural effect of withdrawal before making any future decisions.

Kind regards,

Hanyu Liu

On Tue, 11 Nov 2025 at 5:29 pm, Hanyu Liu
helloluna520@gmail.com wrote:

Dear [REDACTED]

Thank you for your call today and for forwarding a copy of my lodged complaint.

To ensure accuracy, I would like to record a brief summary of our discussion:

- You explained that the Commissioner will make procedural decisions regarding jurisdiction and timing.
- You confirmed that part of my complaint may be "out of time" under the 12-month rule, and that I can request inclusion by providing a "good cause" submission.
- You also confirmed that the alleged discrimination remains ongoing, which means the Commission retains jurisdiction for current and continuing conduct.
- I clarified that my complaint concerns both direct and indirect impairment discrimination arising from systemic

policy design within the Public Transport Authority, and that I wish the record to reflect that this is a policy-level issue, not an interpersonal dispute.

- You noted that conciliation could include non-monetary outcomes such as policy change or service correction, which aligns with my objective.

I confirm that I wish to proceed with my complaint under the *Equal Opportunity Act 1984 (WA)*.

I also confirm that I wish to include the incidents prior to 24 October 2024 as part of the formal complaint, as the conduct and its effects have been continuous from 2022 to 2025.

Please issue the formal request for "Good Cause" submissions so I can provide my supporting statement.

For record accuracy, I have retained an audio recording and transcript of our 11 November discussion for my personal reference. Please let me know if the Commission requires a copy for its records.

Kind regards,
Hanyu Liu

On Tue, 11 Nov 2025 at 3:24 pm, [REDACTED]
<[REDACTED]@eoc.wa.gov.au> wrote:

Dear Hanyu

Thank you for your time on the phone today. It was good to

talk to you.

As you requested, I now **attach** a copy of the complaint form that you lodged with the Equal Opportunity Commission on **24 October 2025** (the EOC). Please let me know if you have any issues accessing the document.

In summary:

- You are considering your options in terms of jurisdiction between the EOC and the Australian Human Rights Commission;
- You may seek legal advice from Sussex Street Community Legal Centre in relation to your complaint, you will let me know via email when you expect to have your appointment and, if so, I will wait to progress your matter to the next stage of our investigation;
- You will let me know via email if you would like to withdraw your complaint; and
- If you decide to proceed in the EOC, I let you know that your complaint is partially out of time. That is, any incidents that occurred more than 12 months prior to **24 October 2025** are out of time. If you wish to include them, you will need to show good cause as to why the out of time incidents should be included. Could you please let me know in writing if you would like to include "out of time" incidents. I will then send you a formal request to make "good cause" submissions.

I will leave this with you for now, Hanyu. I will put a reminder

in my calendar to touch base with you in 2 weeks (25 November) if I have not heard from you.

Kind regards



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Conciliation Officer | Equal Opportunity Commission
Telephone: 08 9316 3900 | Country Callers: 1800 198 149
Email: ecoc.wa.gov.au | Website: www.ecoc.wa.gov.au



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----- Forwarded message -----

From: Jotform <noreply@jotform.com>

To: EOC <eoc@eoc.wa.gov.au>

Cc:

Bcc:

Date: Thu, 23 Oct 2025 15:48:32 +0000

Subject: Re: Complaint Form



Complaint Form

Title	Ms
Your Name	Hanyu Liu
Your Address	[REDACTED]
Suburb	[REDACTED]
Your Postcode	[REDACTED]
Your Email Address	[REDACTED]
Telephone - Mobile	[REDACTED]
Name of person/s involved	Peter Jones, Executive Director, Transperth Regional and School Bus Services
Business/	Public Transport Authority (PTA) - School Bus

Organisation name Services (SBS)
Their address Public Transport Centre, [West Parade, Perth WA 6000](#)
Suburb Perth
Their postcode 6000
Their telephone [\(08\) 9326 2625](#)
What is their relationship to you? Government service provider (school bus transport)
Please tick the box/ boxes that apply Impairment or disability
Please tick the box/ boxes that apply Goods, services and facilities
Please enter dates Between June 2022 and October 2025
Please give us all the dates and other details. We need to know: what happened, where it happened, who did it and who was involved, why you think it was discrimination. Since 2022, School Bus Services (SBS), operated by the Public Transport Authority (PTA), has required my two autistic sons to travel using mechanical harness restraints that were never prescribed or reviewed by qualified professionals. These actions constitute discrimination in the provision of public services under Section 66K of the Equal Opportunity Act 1984 (WA).
Please give us all the dates and other details you remember: Between June 2022 and October 2025, SBS approved and maintained the use of mechanical restraints without clinical assessment, failed to conduct mandatory reviews for more than three years, and shifted all responsibility for medical oversight and fade-out planning onto parents. Only disabled children were subject to these requirements. PTA later amended its policy (Section 7.5, 2024) to require qualified prescribers and regular reviews — effectively acknowledging prior non-compliance.

The PTA's letter of 20 October 2025 admits "SBS did not follow up on the use of the restraint" and asserts "families are responsible for initiating this process." This is both direct and indirect discrimination: it singles out

disabled children for restrictive treatment and places disproportionate administrative and financial burdens on their families. My younger son still travels under this restraint, with no professional review or clinical justification.

I request that the Equal Opportunity Commission investigate this matter and facilitate conciliation with the Public Transport Authority to ensure equal, safe and professionally-supervised transport access for disabled students.

Attachments (key supporting documents):

1. PTA Final Letter – 20 Oct 2025

Written admission that SBS “did not follow up on the use of the restraint” and that “families are responsible for initiating assessments.”

2. Email chain – [REDACTED] (SBS) – Feb–Aug 2025

Confirms PTA’s position that parents, not professionals, must manage fade-out planning.

3. Email chain – [REDACTED] (SBS) – Jun–Aug 2022

Shows harness approval was made by non-clinical SBS staff without professional prescription.

4. Student Transport Assistance Policy (STAP)
– May 2020 edition

Demonstrates absence of review or therapist oversight requirements (§6.5 only mentions quarterly review, never implemented).

5. Student Transport Assistance Policy (STAP)
– July 2021 edition

New §7.5 added: "Safety Control Devices must be prescribed by qualified health professionals." Indicates retrospective correction.

6. Ombudsman WA Complaint C/53598 – 2025

Initial complaint and follow-up correspondence requesting Section 17 investigation.

7. Ombudsman correspondence – Aug–Oct 2025

Shows Ombudsman refused to investigate, forwarding the matter to PTA instead.

8. [REDACTED] – Transport Assistance Approval Letter – 12 Aug 2022

9. [REDACTED] – Transport Assistance Approval Letter – 12 Aug 2022

Are there any
witnesses who can
help with the
investigation?

Yes

Please attach
copies of any
documents that
may help us with
our investigation,
such as doctor's
certificates, records
of conversations,
letters or
advertisements

[Ombudsman Complaint Non-Standard Child Restraint Use - Ms Hanyu Liu C53598 - Final.pdf](#)
[School bus harness conversation 2025_1597.pdf](#)
[School bus harness conversation 2022_4633.pdf](#)
[Student Transport Assistance Policy - May 2020.pdf](#)
[SBS POLICY 2025.pdf](#)
[Ombudsman SBS application .pdf](#)
[Ombudsman emails.pdf](#)
[\[REDACTED\] Transport Assistance Approval Letter.PDF](#)
[\[REDACTED\] Transport Assistance Approval](#)



Letter.PDF

How has this affected you? What loss or harm have you experienced because of what happened?

As a result of PTA's actions, my sons have been subjected to mechanical restraint on the school bus for over three years without any professional assessment or review. This prolonged use of harnesses has caused ongoing distress and stigma for them and for our family.

I have been forced to act as a substitute case manager—initiating fade-out requests, coordinating between agencies, and covering costs that should have been managed by qualified professionals. These administrative and financial burdens are not placed on parents of non-disabled children.

The lack of professional oversight and accountability has denied my sons equal access to school transport services, and has left me feeling powerless and unsupported while trying to secure safe and lawful travel for

them.

Resolving the complaint. What would you like to happen as a result of lodging this complaint?

REMEDIES SOUGHT

I do not seek financial compensation. My objective is to ensure that my sons and other disabled children receive equal, lawful, and professionally supervised access to school transport.

A. Individual Remedies for [REDACTED]

1. Immediate clinical assessment – PTA to arrange a qualified occupational therapist or behaviour specialist to assess whether [REDACTED]'s continued harness use is clinically justified.
2. Individualised fade-out plan – If still required, a written plan should set clear goals, timelines, and review intervals (at least every three

months), aimed at reducing reliance on mechanical restraint.

3. Backdated acknowledgement – PTA to recognise that the 2022–2024 approval and review process was non-compliant with both its own policy and disability discrimination law.

B. Systemic Remedies for All SBS Users with Disability

1. Policy reform – Amend the Student Transport Assistance Policy (STAP) to require:

- All control devices to be prescribed by qualified health professionals;
- Mandatory quarterly reviews and written documentation;
- Individualised fade-out plans;
- Clear statement that families are not responsible for purchasing or arranging professional assessments.

2. Therapist oversight system – Engage occupational therapists or behaviour specialists to approve new applications, conduct quarterly reviews, and train staff.

3. Staff training – Mandatory training for all SBS personnel on disability rights, restrictive-practice standards, and inclusive behaviour support.

4. Transparency and accountability – PTA to publish annual data on restraint use and review outcomes, and to report progress to the Equal Opportunity Commission every six months for two years.

C. Acknowledgement

PTA to provide written acknowledgement that:

- The 2022–2024 process breached STAP §6.5 and disability-equality principles;
- Families of disabled children must not bear disproportionate burdens to access school bus services;

- PTA will ensure future compliance with disability-discrimination obligations.

What is your gender? Female

In which country were you born? 

Are you of Aboriginal or Torres Strait Islander origin? No

What is the main language spoken at home? 

Do you consider

yourself to have an ethnic background? 

To which age do you belong? 

Which of the following best describes you currently? 

Do you have a permanent disability? No

Do you have any comments? I appreciate the opportunity to have this matter reviewed. My intention is not to blame individuals but to ensure that the Public Transport Authority addresses the systemic issues that have allowed unreviewed restrictive practices to continue for years.

I am willing to cooperate fully in any conciliation or investigation process, and I hope this complaint can lead to a safer and more equitable system for all children with disabilities who rely on School Bus Services.

From: Hanyu <helloworld520@gmail.com>
Sent: Monday, 10 November 2025 7:28 PM
To: [REDACTED]@eoc.wa.gov.au>
Subject: Availability for Call – Complaint EOC 1317/2025

You don't often get email from helloworld520@gmail.com. [Learn why this is important](#)

Dear [REDACTED]

Thank you for your email and for confirming that you'll be assisting with my complaint.

I'm available for a phone call any weekday after 2:00 pm. Please feel free to call me on [REDACTED] at a time that suits you.

Before we speak, could you please confirm whether I may record the call for my own reference and accuracy of notes? I find it helpful to ensure I keep a precise record of what's discussed.

Thank you,

Hanyu Liu

----- Original -----

From: [REDACTED]@eoc.wa.gov.au>

Date: Mon, Nov 10, 2025 4:23 PM

To: [REDACTED] >

Subject: Re: Equal Opportunity Commission EOC/1317/2025

Dear Hanyu

EOC/1317/2025 – LIU Hanyu v Public Transport Authority

Thank you for your correspondence to the Equal Opportunity Commission, received **24 October 2025**.

My name is [REDACTED] and I am the Conciliation Officer who will be assisting with the investigation of your complaints of:

- Indirect impairment discrimination in the area of service provision; and
- Direct impairment discrimination in the area of service provision

I have attached some general information prepared by the Equal Opportunity Commission regarding discrimination and our complaint process for your information.

I would like to discuss the function of the Commission and my role as well as some of the details regarding your complaint. Could we please arrange for a time for this to occur - I am available each weekday. Please let me know if there is a preferable time for a phone call this week. If you prefer to meet in person that can also be arranged. We are located at Albert Facey House in Perth CBD.

Please let me know your availability and we will proceed accordingly.

Kind regards



[If using assistive software, this email ends here, with an email signature below this text.]

[REDACTED] | Conciliation Officer | Equal Opportunity Commission
Telephone: 08 9218 3900 | Country Callers: 1800 198 149
Email: [REDACTED]@eoc.wa.gov.au | Website: www.eoc.wa.gov.au

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ahrc_case_closure.pdf

127 KB



Disability Standards for Education 2005 (Cth).pdf

285 KB