

Intellectual Disability Rights Service



2005 - 2006

Annual Report

*A community legal centre working to advance the
rights of people with intellectual disabilities in
New South Wales*

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What does IDRS do?

The Intellectual Disability Rights Service (IDRS) is a community legal centre responsible for advancing the rights of people with intellectual disabilities. IDRS provides legal services, education and training and advocates for systemic change to improve the quality of life of all people with an intellectual disability in NSW.

IDRS was set up to do the following:

- give free legal advice and other legal help to people with intellectual disability
- work to advance the rights of people with intellectual disability
- teach people about the rights of people with intellectual disability
- make resources about rights
- try to change the law and policies so they are fairer for people with intellectual disability
- help people with intellectual disability to have a say about the way IDRS works
- try to find out more about rights issues

The Key Result Areas decided by the Board for IDRS's work during 2005 - 2006 were:

Key result area 1

Direct case work: representing clients and providing advice, support, and referral to assist people with an intellectual disability to get the best possible outcomes when they are involved in the legal system

Key result area 2

Law reform and system change: improving laws, practices and policies so that the legal rights and dignity of people with an intellectual disability are protected and their needs are met

Key result area 3

Skilling legal and justice professionals: enabling legal and justice professionals to communicate effectively with and provide quality services to clients with an intellectual disability

Key result area 4

Skilling people with intellectual disabilities, their associates and organisations in the sector: enabling people with an intellectual disability to exercise their rights

Key result area 5

Strength and innovation: building a strong and vibrant organisation

Legal Advice and Casework

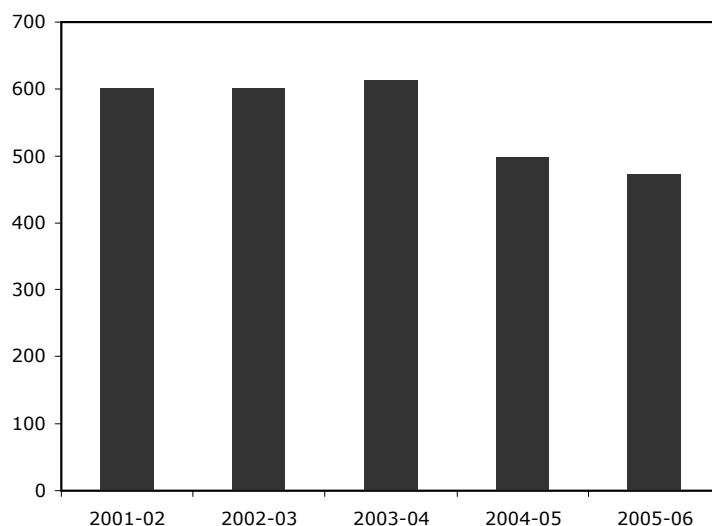
The Intellectual Disability Rights Service is a specialist Community Legal Centre whose key objective is to promote and protect the rights of people with an intellectual disability. IDRS provides free legal advice and information and, in some cases, free legal representation to people with an intellectual disability in NSW.

We deliver legal services in the following ways:

- providing legal advice by telephone between 2 pm and 5 pm, Monday to Friday
- providing suitable referrals where the rights of the individual may be better protected or serviced by another organisation
- referring cases to pro bono legal services lawyers who generously provide their time and expertise free of charge
- legal representation on some cases where IDRS is the most appropriate service to provide this, to increase our knowledge of how specific areas of law operate in relation to our client group and/or where we believe the case has the capacity to drive change (legal or non-legal systemic advocacy).

In the previous financial year we provided 473 legal advices covering both federal and state matters of criminal, civil, family and administrative law. The reduction in numbers of advice calls over the past two years is believed to be the result of under-recording where advice is given at various times on separate but related matters for the same client. Advice is given by qualified solicitors and may be provided through third parties such as parents, guardians, disability workers and advocates. We also provide advice to mainstream legal practitioners acting for people with intellectual disability.

Legal Advice Calls



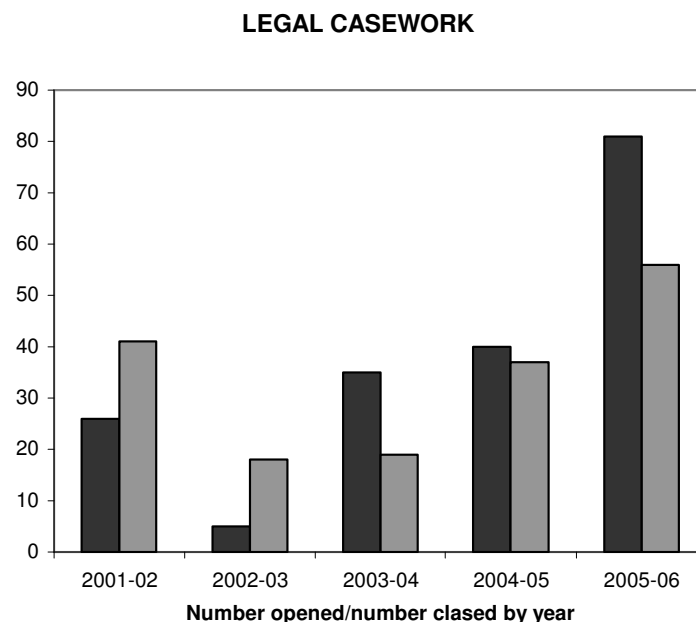
Advice is provided by telephone in most instances and we have a freecall number for people outside Sydney. The people with disability we provided advice for resided in:

Sydney	57%	(advice may have been provided through a state-wide legal or disability service or the person is homeless)
Outside Sydney	30%	
Unknown	13%	

IDRS provides services to a large number of clients throughout NSW and achieves significant outcomes such as treatment for offending behaviour rather than prison terms for minor offences; access to services consistent with the Disability Services Act to enable people with intellectual disability to live independent adult lives within the community; and support to resolve abuse and exploitation through legal redress. Our legal advocacy is often provided in times of crisis, when events happen or complex decisions arise which require knowledge or expertise that the person with a disability, their family or advocates do not possess.

This year our solicitors provided free legal representation to people with an intellectual disability in legal proceedings a number of legal forums, including the Local and District Courts, the Children's Court, the NSW Guardianship Tribunal, the NSW Victims Compensation Tribunal and the Administrative Decisions Tribunal.

81 casework files were opened and 56 casework files were closed during the last year.



As the data in the Legal Casework graph above shows, there has been a continuing growth in the amount of casework over the past 3 years. This year we were fortunate to be able to fund an additional solicitor's position which significantly increased our casework capacity. Since 2003, IDRS solicitors have been expected to undertake casework in the most common areas in which we give legal advice in order to gain and maintain a level of expertise in these areas. The other considerations which are taken into account in the decision to represent a client include the impact on the client or people with intellectual disability generally; whether it falls within IDRS priority areas; the merit and strategic value of the case; and whether we are the most appropriate service to act for a client. The range of matters within IDRS casework reflects this intake policy.

The greater part of casework is in criminal matters as this is the greatest area of advice calls as well as being a priority area for IDRS's systemic advocacy. Matters in which we have acted include theft, assaults causing grievous bodily harm, malicious wounding, victim's compensation, Apprehended Violence Orders, matters related to behaviour in public places and hoax threats to police and other services. The work we do is

specialised as it bridges both the legal and disability service sectors. As IDRS solicitors have developed a high level of expertise in this area, there have been an increasing number of cases where IDRS been requested to act for clients by the Legal Aid Commission and Magistrates. As well as providing representation ourselves, we use this specialist expertise to support the work of other legal and disability services through education and telephone advice.

This experience providing legal representation for people with intellectual disability led to an invitation to IDRS's Principal Solicitor, to present a paper on Assistance to Litigants to over 150 Magistrates at the Local Courts of NSW Annual Conference. This was to give an insight into offenders with an intellectual disability with challenging or offending behaviours. Our objective was to promote the use of effective plans for the provision of services or treatment, allowing the behaviour to be dealt with in a therapeutic rather than in a punitive manner, allowing people to be diverted from the criminal justice system.

Parents with intellectual disability are another priority area for systemic advocacy and we take on some matters in this area, though the potential number of cases is quite limited and these matters may go on for a long time. Other types of matters include guardianship and financial management, fines and debts, housing and discrimination. The one area where we commonly give advice but do not undertake any casework is doing wills.

In most cases, IDRS solicitors achieved successful outcomes for clients. This includes magistrates agreeing to diversionary options in criminal matters where a custodial sentence was the more likely outcome. Getting these results can involve considerable work on the part of IDRS solicitors to coordinate reports and service plans to support our application. IDRS has developed considerable expertise in this area and is using this to educate other legal practitioners representing clients with intellectual disability.

Case study - crime and debt

Jack is 28 years old, has an intellectual disability, is HIV positive and was sexually assaulted as a teenager. He has a long history of offending from the age of 15. While his criminal history is long, it mostly involves larceny and cannabis offences; he does not have any violent offences in his adulthood. IDRS represented Jack in a matter where he was charged with stealing and having goods in personal custody suspected of being stolen. He was charged while on a good behaviour bond in relation to similar offences. Jack had no assistance from any disability services and, once his pension was used, he would engage in offending behaviour.

Psychologist and medical reports we obtained by noted that without suitable accommodation and support services, Jack's health would deteriorate, he would continue to be vulnerable to exploitation and he would continue to be involved in the criminal justice system. Through persistent advocacy, IDRS was able to link Jack with assistance through the Department of Ageing, Disability and Home Care including case management services, an effective treatment plan and financial budgeting training.

The charges against Jack were conditionally dismissed under s 32 of the *Mental Health (Criminal Procedures) Act*. He was also facing a \$7,000 debt for previous court fines which was being pursued by the State Debt Recovery Office. We applied to the SDRO to have the debt written off on the basis of hardship. SDRO agreed to write off the fine.

Case study: care and protection matter

Both Dan and his wife have intellectual disabilities. They have 2 children that were placed in foster care by an order by the Department of Community Services about 5 years ago.

Dan's wife, her parents as well as Dan's parents were permitted to have contact with the children 4 times a year. However, Dan was not permitted to have contact with his children since they were placed in foster care. He had consented to a domestic violence order taken out by the Department of Community Services on behalf of his children for a period of 8 years. The grounds set out in the AVO were not able to be confirmed by the Department when IDRS sought particulars. IDRS commenced an application in the Children's Court and made an application to vary the AVO in order for Dan to have contact with his children. By consent, Dan was permitted to have contact with his children and saw one of his children recently with his wife and family.

Case Study - disability discrimination

Layton has an intellectual disability and was a regular customer at a well known coffee shop. On a particular visit he was given a receipt with the name "Freak Boy" written on it. When he asked the salesperson why "Freak Boy" was written on the receipt, the person candidly admitted that that was what they called him in a joking way.

Layton brought the matter to IDRS. We assisted him to pursue a complaint with the Anti-Discrimination Board of NSW. The complaint was conciliated and an agreement reached which gave Layton \$3,000 in monetary compensation and a commitment that staff at the store would be required to undertake training on how to treat people with a disability.

Case Study - prohibited employment

Ian found out in 2004 that he was on the Prohibited Employment List. This meant that he was not allowed to undertake volunteer or paid work that involved children or young persons. Ian was devastated when he found out he was on the list as the prohibition would prevent him from participating in an unpaid activity in which he had been very actively involved for the last 20 years, without incident or complaint. This activity was incredibly important to Ian and being prevented from participating caused him to become extremely depressed and considered suicide.

Over 20 years ago he was convicted of a serious sexual offence. He has always maintained his innocence and said that at the time of the proceedings he was confused and he did not understand what was happening or the advice of his lawyers. Ian took a plea bargain on the advice of his solicitor but he did not understand what this meant or the consequences. He did not have any support person to assist him in the proceedings.

IDRS assisted Ian to make an application to the Children & Young Person's Commission for an exemption. The Commission denied this application. IDRS then took the matter to the Administrative Decisions Tribunal (ADT) seeking an order under Section 9(1) of the Child Protection (Prohibited Employment) Act 1998 ("the Act") for an exemption that Ian could work with children and young persons. Ian's application to the ADT was successful and he was granted an exemption with no conditions placed upon him. He was delighted with the outcome.

Law Reform and System Change

IDRS works at a broader level to advance the rights of people with an intellectual disability in NSW by seeking changes to laws, government policies and services.

In 2005/2006 our priority areas continued to be:

1. people with intellectual disabilities in the criminal justice system
2. parents with an intellectual disability involved with child protection authorities

Although we undertake most work in these areas, our policy and law reform work has included responding in other areas of importance to people with intellectual disability.

Submissions, Representations and Consultations

IDRS has had considerable influence through our policy and law reform work with our submissions being cited in reports and our recommendations adopted. Our views are regularly sought by various organisations who are undertaking reviews due to our substantial knowledge of legal issues affecting people with intellectual disability, developed through our direct case work in both the legal practice and CJSN.

An outline of our work during 2006/06 follows:

Crime

Following our written submission to the Inquiry by the Legislative Council Standing Committee on Law and Justice into community based sentencing options, IDRS staff were asked to provide evidence at a public hearing in August. Our views on the need to make these sentencing options more available to people with intellectual disability are reflected in a range of recommendations in the report of the enquiry. You can see the report *Community based sentencing options for rural and remote areas and disadvantaged populations* at www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/B09BA359E47F0703CA25714100013DF1.

We provided a written submission to the report from the Legislative Council Inquiry into the Department of Corrective Services. The report from General Purpose Standing Committee No. 3 on *Issues relating to the operation and management of the Department of Corrective Services* includes a number of recommendations from IDRS's submission. It can be viewed at www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/EAD3D0609CE89607CA2571840001D322.

The Attorney General's Department convened the Criminal Justice Sexual Offences Taskforce. The Taskforce sought IDRS's advice on a number of issues relevant to people with intellectual disability. We provided both verbal and written responses. The report from the Criminal Justice Sexual Offences taskforce *Responding to sexual assault: the way forward* was released in February 2006 and all the recommendations in our submission were incorporated in the report. The report is available on www.lawlink.nsw.gov.au/lawlink/clrd/ll_clrd.nsf/pages/CLRD_reports.

We initiated a submission to the Criminal Law Review Division in Attorney General's Department seeking amendments to S10 (4) Mental Health (Criminal Procedure) Act. This related to the District Court's lack of jurisdiction to hear applications after inquiries into fitness have been heard. This was related to a District Court where IDRS was acting for a client. We also responded to a request from the Attorney General's Department to provide comments on the draft Mental Health (Criminal Procedure) Amendment Bill.

Our submission to the Australian Law Reform Commission review of the sentencing of federal offences was cited extensively and many of our recommendations were incorporated into the final report. ALRC Report 103 *Same Crime, Same Time: Sentencing of Federal Offenders* can be seen at www.alrc.gov.au/publications/finalreps.htm.

We provided another submission to the Australian Law Reform Commission; this related to their Review of uniform Evidence Acts. Our views are cited in the Commission's Report 102 "Uniform Evidence Law" (www.alrc.gov.au/publications/finalreps.htm).

The Legal Aid Commission NSW consulted IDRS in relation to their review of the Prisoners Legal Service. The report from this review "Prisoners Legal Service - Review September 2006" noted the number of prisoners with intellectual disability. It recommends regular liaison and establishing secondment opportunities with IDRS. The report can be accessed from Legal Aid's website at www.legalaid.nsw.gov.au/data/portal/00000005/public/48618001159334571125.pdf

Solicitors from IDRS attended a consultation on the Law Enforcement (Powers and Responsibilities) Act 2002 conducted by the NSW Ombudsman's office.

Care and Protection

IDRS made a submission to the Department of Community Services (DOCS) on the Review of the *Children and Young Persons (Care and Protection) Act*. In light of the research evidence that shows parents with intellectual disability are more likely to have their children removed and with less cause than any other group, the focus of our submission was on trying to achieve more supportive and less intrusive outcomes for these parents. We also advocated for the proclamation of the sections of the Act which would provide monitoring and greater protection for children with intellectual disability who are in out-of-home care, bringing this in line with the standards for other children and young people in out-of-home care.

We made a submission to the Department of Community Service on 2006 Consultation Draft *Interagency Guidelines for Child Protection Intervention*. In light of the fact that people with disabilities are more likely to be affected by child protection intervention, it is essential that the Guidelines address the needs of these groups, both as parents and as children and young people. However, the draft guidelines barely addressed these needs. The Guidelines were released in August 2006 and the information on intellectual disability has been increased but is still insufficient to promote best practice.

DADHC

IDRS provided comments on the Department of Ageing, Disability and Home Care's (DADHC) draft *Abuse including Assault and Neglect Policy and Reporting Procedures*. Following this, we were invited to participate in a Reference Group to finalise this Abuse

Policy. DADHC also issued a Draft Behaviour Support and Intervention Policy and IDRS responded with written comments on this draft.

We made a submission in response to DADHC's Advocacy & Information Services Issues Paper. IDRS is funded under the Advocacy & Information Services Program and DADHC have been reviewing this program over a number of years.

Employment

The Australian Public Service Commission consulted IDRS in relation to their review of the employment of people with disability in the APS. They were conducting the review and making recommendations due to the declining employment of people with disabilities in the Commonwealth Public Service.

Public Interest Law Clearing House (PILCH) met with IDRS to discuss their proposal to set up a network of pro bono lawyers to advise people with disabilities in employment matters. This is a timely initiative in view of the changes arising from the Work Choices legislation.

Guardianship

The Council on Cost & Quality of Government conducted a review of the Guardianship Tribunal. IDRS staff provided input to the review through a meeting with the Review Team.

Fines

IDRS solicitors contributed case studies to *Not Such a Fine Thing! Options for the Reform of the Management of Fines Matters in NSW*, published by Public Interest Advocacy Centre (PIAC). Following on from the publication of this report, PIAC and IDRS attended meetings with the Office of State Revenue, the State Debt Recovery Office and the NSW Ombudsman's office to pursue the recommendations in the report.

Legal Services

Researchers from the Law and Justice Foundation researchers consulted IDRS in relation to their project to examine the legal needs of prisoners. This report is yet to be released.

We have participated in the Review of the NSW Community Legal Centres Funding Program and provided comments to our Combined Community Legal Centres Group representatives on the Review. IDRS does not receive funding under either the NSW or Commonwealth funding programs for CLCs.

Research Project

In association with the Coalition on Intellectual Disability and the Criminal Justice System, IDRS is taking the lead on a research project to look at identifying what is/not working in local courts and innovative approaches to make them more responsive to the needs of people with intellectual disabilities. A law student, Andrew Howell has completed the bulk of the work including literature review, contact with other NSW jurisdictions and interviews with key stakeholders.

The draft paper, “Alleged Offenders with an Intellectual Disability & NSW Local Courts” has been circulated for comments and we have convened a small working group to help to finalise the paper and the recommendations. These will then be pursued through the Attorney General’s Department, the Department of Ageing, Disability and Home Care and other agencies (as appropriate) in conjunction with other members of the Coalition.

Participation in external committees

During 2005-2006, IDRS participated in the following committees and networks:

Government committees

- . Department of Juvenile Justice Disability Strategic Group meeting
- . Women’s Domestic Violence Court Assistance Program Advisory Committee and Funding Review Working Party
- . Office of Protective Commission Interagency Meeting
- . Guardianship & Protected Estates Users Group
- . Department of Ageing, Disability and Home Care Criminal Justice Advisory Committee which was yet to meet at the end of the financial year

Non-Government committees and networks

- . Criminal Law Committee of the Law Society of NSW
- . Australian & New Zealand Association of Psychiatry, Psychology and Law
- . Coalition on Intellectual Disability & the Criminal Justice System
- . Combined Community Legal Centres Group (CCLCG) Quarterly Policy and Law Reform meetings
- . CCLCG Working Group on Care and Protection
- . Interaction Disability Services Advisory Council
- . Advocacy & Information Services Forum

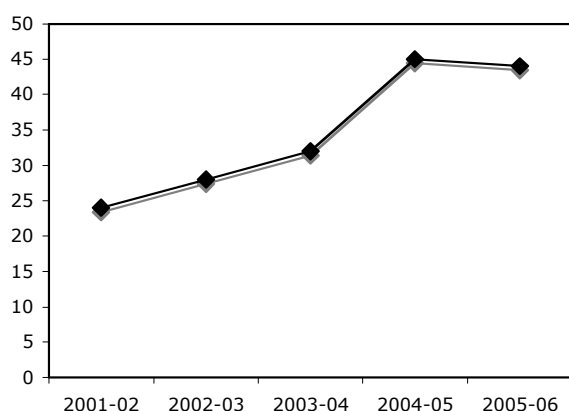
Criminal Justice meetings with DADHC

We have had briefings from DADHC on the work being done by the Senior Officers’ Group on Intellectual Disability and Criminal Justice System but progress continues to be disappointing. We are more optimistic about the commitment of significant resources for specialist accommodation and support for people with a disability leaving the criminal justice system and we look forward to working with the Department to ensure this program achieves positive outcomes.

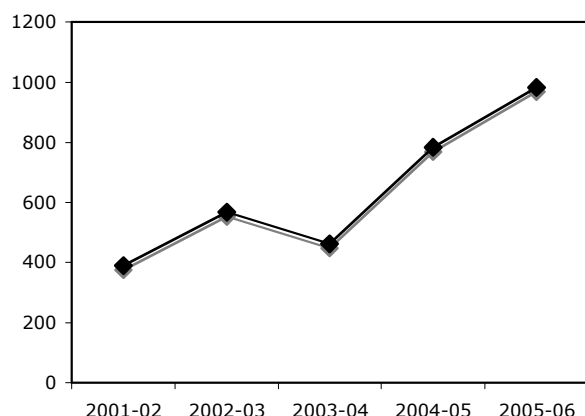
Legal and CJSN staff confer regularly with the State-wide Behavioural Intervention Service (BIS) in the Department of Ageing, Disability and Home Care. This specialist service trains staff in DADHC and other agencies that provide services to people with an intellectual disability who have challenging and offending behaviours. These meetings focus on operational issues. They are also used to identify and rectify systemic problems within the Department to enable staff to prepare more effective treatment plans and court reports specific to the clients needs in order to divert offenders with an intellectual disability from the criminal justice system into the human services sector.

Community Education

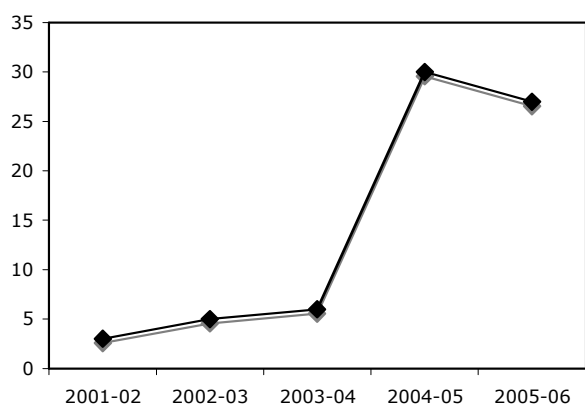
NUMBER OF EDUCATION SESSIONS



NUMBER OF PARTICIPANTS



SESSIONS CO-PRESENTED BY PERSON WITH INTELLECTUAL DISABILITY



IDRS's general Community education program falls into two broad categories, depending on the audience. For people with intellectual disability, families, carers, disability services etc. the focus of education is on the rights of people with intellectual disability. For the police and those working in the legal/justice area, the education sessions focus on how best to work with people with intellectual disability: identifying that someone has an intellectual disability, communication tips and specific legal considerations.

During the past year we presented 44 education sessions, 11 in regional areas and 13 for state-wide audiences with almost 1,000 participants in these sessions. About half the sessions in regional areas were done jointly with CJSN. Despite some gaps in filling an Educator position due to a maternity leave vacancy, we maintained the number of education sessions conducted throughout the year. This was possible due to the fact that other IDRS staff, including the legal team, presented a number of sessions.

Educators with an intellectual disability continue to be involved in co-presenting the majority of sessions as part of IDRS's general education work. This includes all police training sessions and sessions for people with intellectual disability, training for Community Visitors from the Ombudsman's Office on disability standards and sexuality and caseworkers at Matthew Talbot and six sessions for parents from different cultural backgrounds.

There has been an increase in the number of requests for training, with a large number of these specifically for information sessions on wills and estates which we believe to be a

result of the new "special disability trusts" that came into being on 20 September 2006. Some of these requests have been referred to Blake Dawson Waldron pro bono services. There have also been a number of requests for sessions on disability, sexuality and the law.

Rights Leadership

Once again this year we have delivered two Rights Leadership Courses, a 6 module course on rights for people with intellectual disability. The first of these was run in Sydney with a group of participants from a range of areas. In early 2006, we delivered the course to a group of people associated with the Disability Trust in the Illawarra area. Some of those who attended this course have already delivered a session from the course to their colleagues and planned an overnight trip to Bega where they will be running courses for clients of other service providers in the region.

Presentation Skills

We have developed a new course, Presentation Skills, which is intended to follow on from the Rights Leadership Course for those who specifically show an interest and flair for presenting. We hope to pilot this course in 2007. The objectives of the course are to:

1. build participants' capacity of to design and develop training programs;
2. develop presentation skills;
3. develop assessment skills; and
4. encourage a natural support network of co-educators.

General Rights Training

We worked with the Multicultural Disability Advocacy Association to develop and deliver six sessions on rights to six different language groups in the Sydney region. These included Vietnamese, Arabic, Turkish, Chinese (Mandarin and Cantonese), Spanish and Serbian. These sessions focused on the rights and services available for children with intellectual and other disabilities in the education system, health system and covered issues such as bullying and discrimination as well as access to services.

NSW Police

Community Educators continued to deliver specific training for police officers to endeavor to equip the NSW police with skills to assist them to communicate effectively with children and adults with intellectual disabilities. This year we presented eleven sessions to officers training in the Joint Investigative Review Teams (who work with children who have allegedly been abused), and in the Adult Sexual Assault course.

Legal Services

IDRS uses its expertise in providing legal services to people with intellectual disability to work with mainstream legal service providers to increase their capacity to work effectively with our client group.

This year we delivered six education sessions to approximately 225 legal services and tribunal staff. The topics covered in this education work included identification of intellectual disability, communication strategies, and matters related to providing legal representation of clients, including taking instructions and specific legal provisions relevant to people with intellectual disability. The audiences included staff and volunteers from other community legal centres and members of the Law Society. IDRS legal team also worked with CJSN staff to provide education to solicitors and others involved in the criminal justice system in Newcastle, Wollongong and Mudgee.

Conference Presentations

In addition to the general education sessions, IDRS staff gave conference presentations on “*Sex, Disability and the Law*” for the Professional Association of Psychologists in Developmental Disability and the Department of Ageing, Disability and Home Care.

Resources and Publications

This year, IDRS staff wrote two chapters, one on guardianship and one on crime and victims, for the forthcoming *Disability and the Law Handbook*. We had expected publication by late 2006 but this has been unfortunately been delayed as Redfern Legal Centre Publishing sought funding for an editor for the project.

The October 2005 edition of the Law Society Journal contained an article by Peter McGhee (Principal Solicitor) and Lee-May Saw (student volunteers) titled “Chiselling the Bars”. This article provides guidance to legal practitioners on the use of section 32 of the Mental Health (Criminal Procedure) Act to divert alleged offenders with intellectual disability from the criminal justice system. This edition of the Law Society Journal also ran an article that featured Peter McGhee (among others) as he has gained specialist accreditation as an Advocate.

Radio National's Law Report had a broadcast in May 2006 addressing the issues of people with intellectual disability, sex and consent. Two of IDRS's solicitors were interviewed for this broadcast.

IDRS provided comments on a draft chapter on disabilities for Equity before the Law Bench Book for magistrates and judges. Our comments were incorporated in the book which is available online at www.judcom.nsw.gov.au/benchbks/equality/index.php

Information

Since our new website was uploaded in May 2005, the site has averaged 300 visits per week. We have steadily increased the amount of information available and we will continue to build on this.

We continue to receive requests for information and referral by telephone. This year, IDRS received about 250 requests for information from people with an intellectual disability, their relatives and advocates and from various disability and community workers. In addition to information given over the phone, we provided written information or referred callers to our website to download the information more quickly. Information on wills and estates is still the most common areas that people call us about.

We have continued to receive many requests for legal advice or information from or for people with mental illness, acquired brain injury and other disabilities which can affect a person's cognitive functioning. We are limited in the extent to which we can help these callers but we try to assist by providing some information, copies of our resources if they are appropriate or referral to other services if they exist. However, it is a matter of serious concern that there are often no services such as IDRS who are able to provide legal advice and representation to people who often face similar legal issues as people with intellectual disability.

Criminal Justice Support Network

Support in Police Stations and at Court

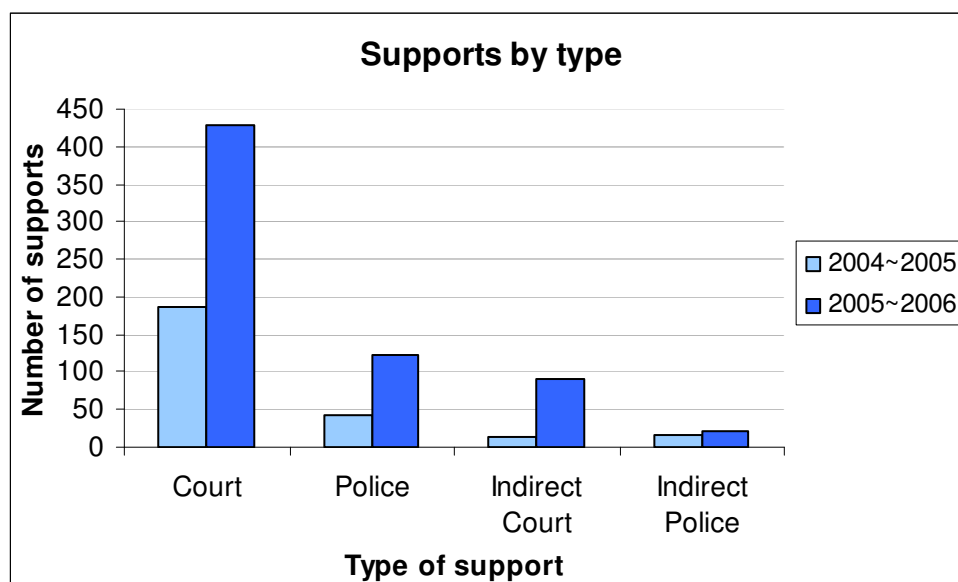
Criminal Justice Support Network provides in person support by trained volunteer support persons or CJSN staff for people with intellectual disability in three regions - Sydney, Newcastle/Hunter and Illawarra/Shoalhaven.

There have been 440 court supports and 122 police station supports over the three regions during the year. This represents a huge increase in the activity of the service.

The majority of people receiving support from CJSN have been people with an intellectual disability and those with dual disabilities of intellectual disability and mental illness. About 5% of those supported were noted to also have drug and alcohol issues.

The number of court supports conducted by CJSN has more than doubled in the past year. The vast majority of court supports were for people who were in local courts as defendants. Many of these people are very isolated with no services and, as well as the support at court, they rely on the assistance of the CJSN Regional Co-ordinator to liaise with their legal representative, locate and advocate for services and seek reports and service or treatment plans to assist their defence at court.

Court support events include court related processes such as legal appointments, Youth Justice Conferences, Young Adult Justice Conferences and Community Justice Panels.



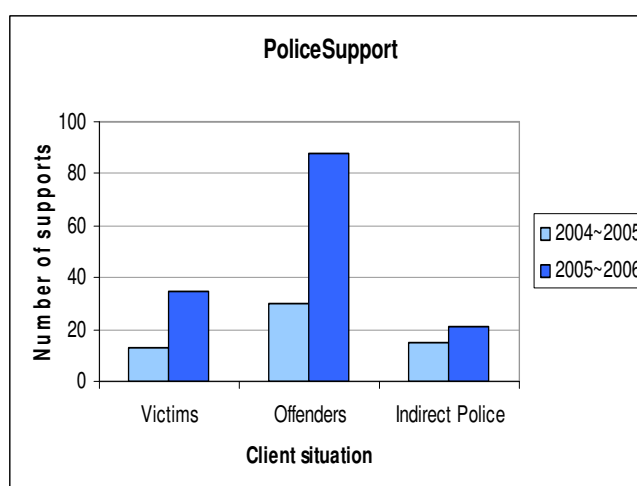
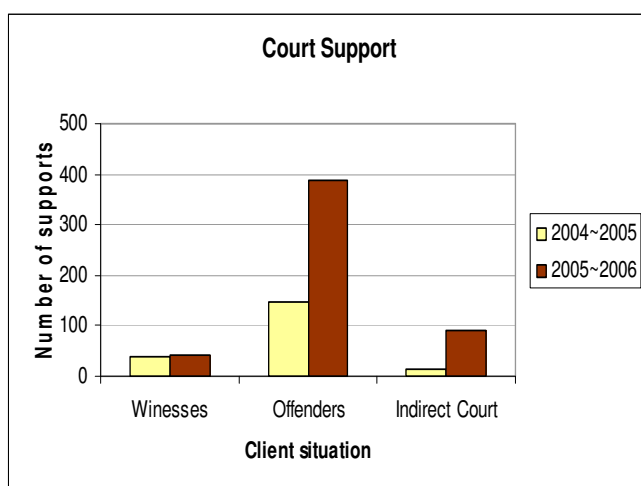
We are very pleased to report a trebling of the number of CJSN supports to people with intellectual disability in their dealings with the police in the past year. The majority of supports are for people who have been arrested. Support at police stations is available 24 hours/7 days per week and a significant number of these supports occur after hours or at weekends. The network of volunteer lawyers who provide after hours legal advice

for people with intellectual disability who have been arrested throughout the state has proved invaluable.

While there has clearly been much greater use of CJSN by police officers in our three target areas we also find that family members or disability workers regularly alert us to the arrest of a person with an intellectual disability and the need for support. While the situation is improving, our experience is still that many of the people we support at court have not had access to a support person when they were arrested

Assisting others to provide support - Indirect support

Through the 24 hour information and support line, CJSN has assisted people in the person's own personal network such as family, friends, disability workers or advocates to provide support at court and in police stations. During the year CJSN provided this "indirect support" of practical information and guidance on 115 occasions. We hope that the use of this service will continue to grow.



Ben's Story - Aggressor or Victim?

Supports for people with intellectual disability involved in Apprehended Violence Order (AVO) matters, either as a "person in need of protection" or as defendant figure prominently in CJSN court referrals.

When a CJSN volunteer first supported Ben at court, his neighbours had taken out an Interim AVO against him and he was to go to court as a defendant. Legal Aid is not generally provided to defendants in AVO matters and Ben had been told he would have to speak for himself in court. He was terrified. The CJSN support person went with Ben to Legal Aid and explained his disability and ultimately legal aid was granted. When the solicitor heard Ben's story of the harassment - turning off his power, throwing eggs, damage to his door, taunting - and the threats he had received from the neighbours, she suggested he may wish to seek an AVO himself. The CJSN support person accompanied Ben to see the Chamber Registrar and an Interim AVO was made. When the two matters came to court, the two parties gave undertakings to the court and the AVO matters were dropped. Ben needed considerable support to understand and work towards an agreement that was realistic and acceptable for him. Ben requested help to arrange a

move. CJSN assisted him to apply to the Housing Department for a transfer and advocated for his move. He is much happier in his new neighbourhood.

Without CJSN support, Ben may well have found himself unrepresented at court resulting in AVO conditions that he could not understand, could not adhere to and would almost certainly breach, bringing him back to court with a criminal offence.

Award for CJSN volunteer service

In October 2005, the contribution of the CJSN volunteers was recognised at the Law and Justice Awards when the service was awarded the NSW Bar Association Award for “Volunteer/s of the Year 2005”. It is a fitting reflection on the impact of our wonderful volunteer support people and lawyers to be recognised in this way so early in the life of the service.



Evaluation of CJSN

As a pilot project, evaluation of CJSN was particularly important. WestWood Spice was engaged to evaluate the project and their report was delivered in October, 2005. The evaluation aimed to examine the impact and operational effectiveness of CJSN based on feedback from clients of the service, their families/carers, staff of CJSN and IDRS, volunteers, service providers, police, solicitors, Magistrates and other key stakeholders.

The results of the evaluation were extremely positive and encouraging from all stakeholders.

“The results of this evaluation of CJSN are overwhelmingly positive. The people who have been in direct receipt of the service, plus their family, carers and other service providers all agree on the value and importance of CJSN” (Evaluation Report p 14)

Particularly pleasing was the positive feedback from the 19 clients who were interviewed. Those who had been involved in the criminal justice system previously noted that CJSN assistance made a big difference to the experience.

The evaluation report and recommendations are available on the IDRS website www.idrs.org.au.

Volunteers

There are currently 125 volunteer support persons across the 3 regions as well as 12 volunteer solicitors on the after hours legal advice roster.

Volunteer recruitment and training are an important on-going activity of CJSN. There is inevitable turnover of volunteers, particularly amongst those volunteers who are law

students. However, we are fortunate to have a very dedicated and highly skilled volunteer workforce who often go way beyond our expectations in advancing the rights and needs of the people they support.

Over the three regions 72 volunteers have been trained in court support and 23 in police station support during the year. Service provider staff also attend these training sessions to develop their skills to support their own clients in the criminal justice system.

There have also been 2 information and training sessions for volunteer solicitors in conjunction with the IDRS Principal Solicitor.

My first Support - A volunteer's story

My first court support was a young girl, Amy, who has autism and was charged with shop lifting. I met with her before the court date to help her feel more at ease. On the day of the court hearing, she was very nervous and said she was very grateful that I was there with her. At court it was very confusing, finding out where you were supposed to be with so many people and the huge line for legal aid.

Eventually Amy and I were able to get an interview with the Legal Aid solicitor. After waiting a few hours, it was our turn. I was surprised how quickly the magistrate reached his decision. Thankfully it was a good one for Amy. She is to appear before the Community Panel in a month's time. Before that we will meet up so that Amy can get ready. The Community Panel is like a job interview. They try to determine the level of remorse people have for their actions - it will give Amy the chance to explain why she did what she did. The Community Panel may want her to do community service but if she does this the court probably will not record a conviction. We will go back to the court in a few months.

My first court support was a great experience. Amy was a fantastic client. I appreciated having such a co-operative, bubbly person with me. Helping a person through this overwhelming and intimidating process is very important to ensure justice. I am honoured to volunteer for CJSN and look forward to fulfilling this role for years to come.

Police Commissioner launches the "Getting Arrested - What to do!" Training Package

This training package has been completed and was launched by the NSW Commissioner of Police, Ken Moroney, in April 2005 at NSW Parliament House.

Getting Arrested - What to do is a package of training resources designed to teach people with learning, intellectual or other cognitive disabilities what it means to break the law and what to do if they get arrested.



Our experience has shown us that people with a disability often make their situation worse when they are arrested because they don't know what to do and don't know to ask for a support person or legal advice. The package includes:

- A 14 minute DVD/Video "Getting Arrested - What to do!"
- A photo book which reflects the information in the DVD/Video
- An 8 minute animated DVD "Bail Conditions: Don't break them - It's just not worth it"
- Training notes, background legal information, lesson plans and training activities.

The training package is available for sale at a cost of \$60 + GST and CJSN will run workshops to train trainers in the background knowledge and teaching strategies for using the kit.

Training - NSW Police

During this year CJSN has been given a session in the "Safe Custody" course for officers who are training to undertake the role of Custody Managers at police stations. This is a key person for anyone who has been arrested. The aim of the session is to alert police as to how to recognise that a person in custody may have an intellectual disability, how this may affect them and how the custody manager needs to adjust their processes to take account of the disability. This training has been provided to 6 training groups at Goulburn and at Westmead. We hope that this training will result in further calls for support when a person with a disability has been arrested.

In each of the regions training continues to occur at local police stations.

Outreach Service

The outreach service of CJSN has become well established during this year with a network of contacts established in many regional areas. During this year, the outreach worker has worked closely with groups in Albury, Wagga Wagga, Mudgee, Armidale, Port Macquarie, Taree, Central Coast, Bateman's Bay and Coffs Harbour to raise awareness and build capacity of people in the local area to support people with intellectual disability in the criminal justice system as well as promoting the CJSN Information and Support Line.

It has been very encouraging that in most areas we have visited there have been local people keen to learn about supporting people at police stations and at court. In two areas, Port Macquarie and Central Coast, CJSN has supported local services to successfully apply for small funding grants to establish a network of volunteer support people. A similar funded program exists in Armidale. CJSN has trained the volunteers of each of these services during this year as well as a dedicated group of volunteers in Mudgee. A partnership arrangement exists between CJSN and the Port Macquarie, Central Coast and Mudgee networks which will be accessed after hours via the CJSN on-call staff member.

The WestWood Spice Evaluation raises as a major concern that "if the service (CJSN) is not resourced to properly respond to the needs across NSW there will emerge particular

dissatisfaction in major country areas”. This dissatisfaction is already evident to CJSN in country NSW where local people are willing to volunteer but CJSN is not resourced sufficiently to support new networks of volunteers. For the groups that have achieved some funding there is no clear on-going source of future funds. This is a major challenge for the future.

During the past year CJSN has received regular requests for court and police station support in areas outside our three regions and the demand is growing. We have endeavoured to locate a local person and then to guide that person to provide support.

Department of Corrective Services Pilot Project

During the year CJSN and the Disability Services Unit of the Department of Corrective Services conducted a pilot project aimed at identifying issues, gaps, challenges and solutions that could arise in CJSN providing court support for people who are on remand in custody or serving sentences. This has been a very co-operative project. Potential barriers to effective support were identified and a number of changes have been made to improve access by CJSN staff to people in Corrective Services custody in gaol and in the cells at the court, and the effectiveness of audio-visual link court appearances. The pilot is now complete and CJSN provides regular support to people with intellectual disability who are in Corrective Services custody who are particularly isolated. This experience has demonstrated to us that even though people may have been through courts a number of times, they remain confused and frustrated by the experience.

Project Support

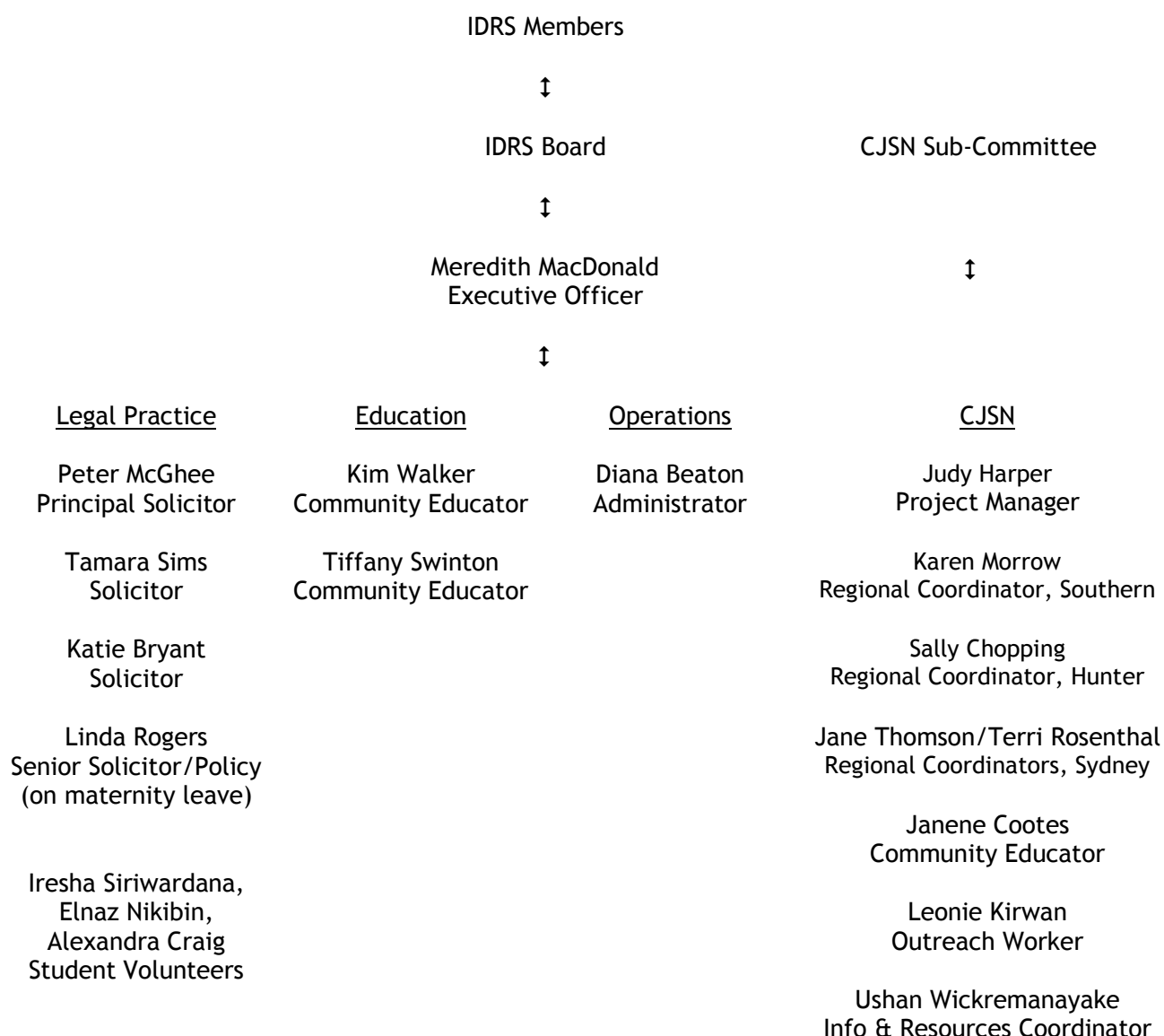
The Reference Group for CJSN has continued to meet regularly on a quarterly basis, and currently has representation from:

- Assistant Commissioner, NSW Police
- Attorney General's Department
- Department of Corrective Services
- Department of Ageing, Disability and Home Care
- Department of Juvenile Justice
- Multicultural Disability Advocacy Association
- NSW Council for Intellectual Disability
- Office of the Public Guardian
- Public Defender's Office

We greatly appreciate the interest and assistance provided by members of the reference group.

IDRS Staffing

The staffing structure of IDRS on 30 June 2006 is shown in this chart:



In addition to the staff that were here at the end of the year, many others people have contributed to our work during the year on a casual or voluntary basis:

- Hannah Jekki completed her Practical Legal Training and Andrew Howell undertook a research project as a volunteers with the IDRS legal practice;
- Robert Strike and James Condren have worked with us as casual educators;
- Anne Bolt and Robert Strike, in addition to their Board member responsibilities, have also helped us by sitting on selections panels;
- The many volunteers support workers and after-hours lawyers for the CJSN.

IDRS management would like to acknowledge the dedication, enthusiasm and professionalism contributed by both past and present members of staff and volunteers.

IDRS Board of Directors

The ability of an organisation to achieve its outcomes is dependent on the people who work within and for the organisation. IDRS depends on the time, energy and expertise of the Board of Directors to continue its work. We are fortunate to have the benefit of a Board of Directors who bring a wealth of skills and experience to their role; their commitment to the rights of people with an intellectual disability and community legal services is clearly demonstrated through their generous voluntary work for IDRS.

In addition to the regular Board meetings, many Directors have been involved in various Sub-Committees and Working Groups throughout the year.

The members of the Board in the 2005-2006 and their attendance at Board meetings during this financial year were:

July 2005 - December 2005	Board meetings eligible to attend	Number of meetings attended
Anne Bolt	4	3
Matthew Bowden	4	4
Geoffrey Hopkins	4	1
David McConnell (Deputy Chairperson)	4	2
Jenny Owen (Treasurer)	4	3
Michelle Pearson	4	4
Clare Petre	4	2
Simon Rice (Chairperson)	4	4
Robert Strike	4	3
Anita Tang (Chair)	4	3
Meredith MacDonald (ex officio)	4	4
December 2005 - June 2006		
Anne Bolt	3	2
Melissa Clements	3	3
Geoffrey Hopkins	3	2
Jenny Klause	3	3
Jenny Owen (Treasurer)	3	3
Michelle Pearson	3	2
Clare Petre (Deputy Chairperson)	3	3
Simon Rice (Chairperson)	3	2
Michael Small	3	2
Robert Strike	3	3
Meredith MacDonald (ex officio)	3	3

The process for appointment of Board members is set out in the Rules and consists of:

- 2 or more people with an intellectual disability
- 1 person who is a member of the Association, and
- 1 to 7 other people who may or may not be members of the Association
- The IDRS Executive Officer and a staff representative may be ex-officio members of the Board.

Support and Funding

IDRS would also like to acknowledge the invaluable support received from a number of organisations and individuals who have assisted us to do our work:

- The solicitors, barristers and legal firms who have provided pro-bono (free) legal advice and representation for IDRS clients:

Blake, Dawson, Waldron Solicitors
Clayton Utz Solicitors
Gilbert & Tobin Solicitor
Freehills Solicitors
Heidi Muggenthaler Solicitor

Tania Evers Barrister
John Weir Barrister
Rob Lee Barrister
John Meltzer Barrister
Gerard Neilson Barrister

- Clayton Utz for pro-bono assistance to IDRS on organisational matters and providing meeting facilities for our Planning Day.
- University of Newcastle Legal Centre for accommodating the CJSN Regional Coordinator, Hunter and the CJSN Outreach Worker.
- LexisNexis Australia for sponsorship to allow the IDRS legal team to access Butterworths Direct Online for a substantially discounted rate.

IDRS operates on a not-for-profit basis, expending all income on the provision of services and the operation of the organisation. IDRS is a public benevolent institution.

In order to provide services for people with an intellectual disability, IDRS relies heavily on government funding. We are grateful for the support received, on the basis of periodic applications for funding, from the NSW Department of Ageing, Disability and Home Care (DADHC) and from the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA). The Financial Statements in this Report are for the Service as a whole.

While we are grateful for the support received from these Government Departments, we are disappointed by their failure to provide any security while funding programs are under review. While we only had 12 months extensions of funding for 2005-06, FaCSIA created even greater insecurity by offering just 6 month funding from July 2006 for all services funded under the National Disability Advocacy Program.

This year we also received a small grant from the Law and Justice Foundation which contributed to the cost of development of the “Getting Arrested and What to Do” Kit.

IDRS was able to earn income, subsequently applied to the cost of providing services, from a variety of sources. IDRS is eligible to apply for grants of legal aid in some cases when we represent clients with intellectual disability; although this is not a significant consideration in whether or not to act for a client, if we are able to claim legal aid, we do so. Further income is derived from bank interest, the sale of publications produced about the rights of people with intellectual disabilities, and education projects that are done on a fee-for-service basis.

Finance report for the year 1 July 2005 to 30 June 2006

We have the report from the auditor who has checked the records kept by IDRS. The report says:

- how much IDRS owns
- how much we owe
- how much money we got in the last year
- how we spent the money and
- as we spent more money than we got this year, it shows how much we have used from our savings.

This is a report that the Board has to give to the members at the AGM. The Board members have checked the report from the auditor. They believe that the report is true and IDRS has enough money to pay any bills that we expect.

The next page tells you important things about IDRS's finances from the audit report.

Other things that are in the report are:

- The names of Directors
- What you do
- IDRS is doing basically the same things this year as last year
- We think IDRS will do basically the same thing next year as long as we have funding
- The auditor says the report give a true and fair picture of IDRS's finances
- The report complies with the standards for auditors when they do reports like this
- We believe IDRS has money to pay its bills

How much we own and how much we owe to others

What we have

- money, rent deposit, what people owe us	\$ 711,059
- how much we could get if we sell things we own (desks, car, computers)	<u>\$ 107,321</u>
	\$ 818,830

What we owe to staff or other people \$ 573,362

What's left if we pay all we owe and sell the things we own \$ 245,018

How much money we got and how much we spent in the year

We got	\$1,165,595
We spent	<u>\$1,180,478</u>
We spent	\$ 14,883 more than we received this year

The \$14,883 that we overspent this year has come out of our savings (accumulated funds). Not all the money that we spent in the year has been paid to other people - it is still in our bank. This is money that has been set aside for payments we must make to staff, such as holiday pay. Some of the money we have set aside for staff is just in case we have to pay staff for certain things such as maternity leave, long service leave or if they are made redundant.

