

2008 – 2009

Annual Report



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

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A Word from the Chair

In this introduction to our Annual Report I would like to mention a few of highlights of our work during 2008/9. These include:

- Establishing a new region for our Criminal Justice Support Network program with a part time coordinator in Gosford to cover the Central Coast
- Providing people with intellectual disability the opportunity to learn about the possibility of human rights legislation and assist them to make their own submissions to the National Human Rights Consultation
- Securing funding from the Public Purpose Fund for a 3 year project to assist parents with Intellectual Disability in Care and Protection Matters. This project provides legal advice to parents with intellectual disability and will pilot a court support service for parents
- Continuing great results from the legal advice and casework provided by our legal team, particularly in criminal matters, and important contributions to law reform and policy
- A growth in the community education provided to people with intellectual disability, service providers and organisations such as court staff, Police and State Rail

The Board meets bi-monthly to talk about the work of IDRS and receive reports from each part of the organisation. These reports give us an excellent picture of all the work the staff and volunteers do to support and protect the rights of people with intellectual disability.

Over this year the reports have shown us how IDRS has become more and more involved in big picture issues that affect people with intellectual disability; how we have worked in partnership with others in the disability rights area; how we have succeeded in putting the rights of people with intellectual disability on the agenda of other organisations and how we are more and more called upon by other organisations to share our knowledge and skills.

It is because of the commitment of staff and volunteers that we are able to do all this. They have worked hard to give the best possible service to individuals, but have also generously shared their skills with each other and with other organisations.

None of this would be possible, of course, without the exceptional staff who provide the reception, administration, IT and financial support that is so important for any organisation.

On behalf of the Board I want to thank all staff and volunteers who have worked so hard.

I must particularly thank our Executive Officer Janene Cootes, Principal Solicitor Ben Fogarty and CJSN Manager Alex Faraguna who continue to lead the organisation with a passionate commitment to the rights of people with intellectual disability.

Finally I would like to thank the other Board members who have given their time, energy and experience to help the organisation to do its work throughout the year.

Michael Small,
Chair IDRS

About IDRS

Vision, purpose, values & what we do

Introduction

The Intellectual Disability Rights Service (IDRS) is a specialist legal advocacy service for people with an intellectual disability. We work with and for people with an intellectual disability to exercise and advance their rights.

We do this by: providing legal advice, casework and support; advocating for improvements to laws and policies affecting people with intellectual disability; providing assistance to legal and other professionals supporting people with intellectual disability and providing information to service providers and the community about the rights and needs of people with intellectual disability.

IDRS strongly endorses the United Nations Convention on the Rights of Persons with Disabilities. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities.

IDRS is a community legal centre. IDRS receives its main funding from the NSW Department of Ageing, Disability and Home Care and the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs.

Vision

Our vision is of a society that understands, respects, promotes and safeguards the rights of people with an intellectual disability. A society where people with an intellectual disability are able to fully exercise their rights.

Purpose

Our purpose is to work alongside people with intellectual disability to achieve our vision of a society where people with intellectual disability are able to fully exercise their rights as valued and respected citizens.

Values

We believe that people with intellectual disability are people first and are valued members of society entitled to:

- live in and be part of a diverse and inclusive community
- live free from discrimination and prejudice
- be provided with the support needed to exercise their rights
- be afforded social justice and equality
- be included in meaningful and empowering ways in matters that affect them
- be treated fairly as citizens including by the criminal justice system
- use mainstream services that meet their individual needs
- support and adjustments by social agencies to minimise their disadvantage as a right and not as the result of pity, charity or the exercise of social control.

We work towards creating a society:

- that is inclusive, supportive and respects individual difference
- that enables the full and effective participation and inclusion of people with intellectual disability
- that respects the inherent dignity and worth of all human beings
- where legislation, services and policies positively support and assist people with intellectual disability

We are an organisation that values:

- active and meaningful participation of people with intellectual disability in all aspects of our work including governance
- feedback about our work
- open communication, accountability, continual learning, innovation and excellence
- working collaboratively with people with intellectual disability and others to achieve our vision
- the integrity, skill and commitment of our staff, volunteers and Board

What We Do

We provide a state-wide service in the following areas:

- Direct legal work: including some casework representing clients, providing legal advice, support and referral to assist people with intellectual disability to get the best possible outcomes when they are involved in the legal system
- Support: providing support persons for people with intellectual disability at court and at police stations
- Law reform and system change: advocating for improvements to laws, practices and policies so that the legal rights and dignity of people with intellectual disability are protected and promoted
- Enhancing the skills of legal and justice professionals: assisting legal and justice professionals to communicate effectively with, and provide quality services to clients with intellectual disability
- Empowering people with intellectual disability: enabling people with intellectual disability to exercise their rights by providing assistance, information and support
- Enhancing support networks: assisting service providers, individuals and the community to better understand the needs of people with intellectual disability and to promote and respect their rights.

Legal Advice and Casework

The IDRS legal team provides free legal advice, information and, in some cases, ongoing legal representation to people with intellectual disability in NSW. In an acknowledgement that there is no specific legal service for people with acquired brain injury in NSW, IDRS provides legal advice to people with acquired brain injury.

We deliver legal services in the following ways:

- Providing regular legal advice sessions by telephone and face to face, where required, between 2 pm and 5 pm, Monday to Friday;
- providing appropriate referrals where the rights of the individual may be better protected or serviced by another organisation;
- providing information and resources to lawyers in NSW who act for and assist clients with intellectual disability;
- referring some clients to pro bono lawyers and barristers who generously provide their time and expertise free of charge;
- providing legal advice by phone 24 hours, 7 days per week to people with intellectual disability throughout NSW when they attend police stations for questioning by police (working in conjunction with the Criminal Justice Support Network), and
- providing legal representation in cases where IDRS is the most appropriate service to provide this, to increase our knowledge of how specific areas of law operate and impact on our client group and where cases have the potential for positive systemic outcomes for people with intellectual disability.

Legal Staff

The period 2008–2009 for IDRS legal was a period of strong consolidation and development of the legal team. Ali Craig has continued in her role as a solicitor and Radhika Kumar accepted a permanent solicitor position. In early 2009, we were delighted to have a new part time solicitor Elisabeth Coroneo commence as a result of a funding grant from the Public Purpose Fund of the NSW Law Society. This has bolstered our legal knowledge, advice and representation for parents with intellectual disability in Child Care and Protection matters. We welcomed Linda Steele's return from parenting leave to work part-time as policy officer/solicitor.

Our six monthly Blake Dawson solicitor secondments have continued increasing our capacity to take on a wider range of casework and advice work. With the conclusion of Oliver Young's secondment, we were joined by Jongsok Oh followed by Nicole Urban in March 2009. Each of these solicitors has made great contributions to all areas of IDRS work achieving impressive outcomes for our clients. IDRS greatly appreciates the enormous support of Blake Dawson to our work.

The IDRS legal team has been fortunate enough to have a wonderfully dedicated, highly skilled and reliable team of legal volunteers in 2008–2009. Without these volunteers' enthusiasm, tireless support and smiling faces(!) IDRS legal could not function and achieve the great outcomes it does. We would like to sincerely thank: Prianka Nair, Liam James, Indrani Bandyopadhyay, Chris Jackson and Anushree Tikku.

We hope you'll remain associates and supporters of IDRS and our clients for years to come.

Legal Advice

In 2008–2009 we provided approximately 580 legal advices across a broad range of legal areas – including criminal, civil, care and protection and administrative law. Legal advice is provided by qualified solicitors and is sometimes provided to a person with intellectual disability with the support of third parties such as parents, guardians, disability workers or advocates who contact IDRS on behalf of the person. We also provide advice, expertise and resources to lawyers who represent people with intellectual disability across NSW.

Our Legal Advice System

When a person contacts IDRS they are given an appointment time for a legal advice session when one of the IDRS lawyers will contact them or see them in person. Advice is usually provided within 3 days of the original request. If the call requires urgent legal advice, for example, for someone who is in court the following day, who is in police custody, who has been the victim of a serious sexual or personal violence offence or who has a legal limitation period which is about to expire, advice is generally provided on the spot.

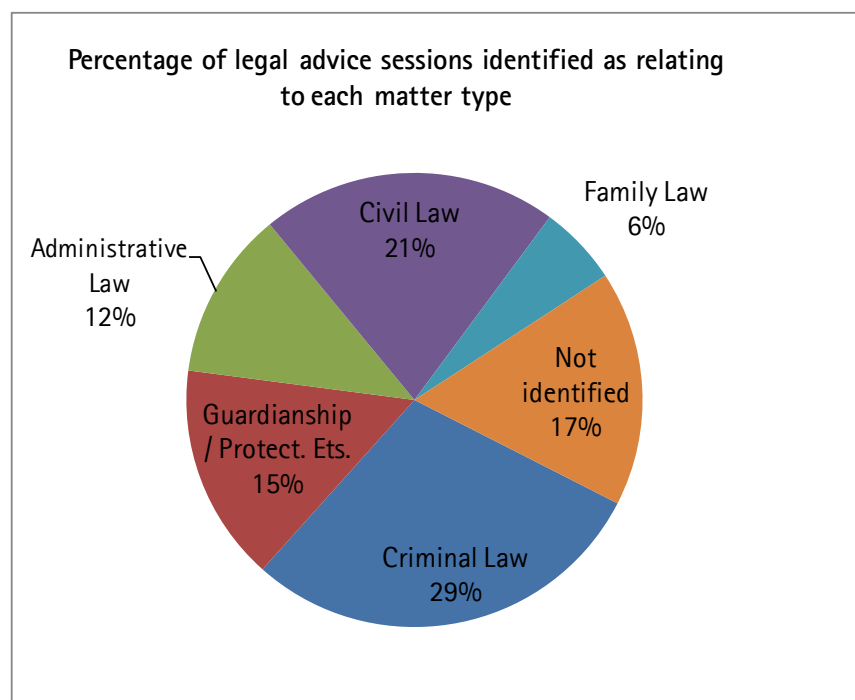
In most instances advice is provided by phone unless the person prefers to come to the office or it is necessary to do so because of a sensory disability or communication difficulty.



IDRS is a state-wide service and has a free-call number (1800 666 611) for people outside Sydney to call. We are pleased to report that at least half of our requests for legal advice are from outside the Sydney metropolitan area.

The legal areas of advice in more detail

It is perhaps useful to give some examples of the common types of legal advice we give in the areas of criminal, civil, care and protection and administrative law. At the end of the Legal Advice and Casework report, you will find a collection of case studies that give real examples of the work the legal team does and the results it achieves.



Criminal law

Most often this advice is to people with intellectual disability where they have been charged with an offence and are in the Local Court, where they want to bring an Apprehended Violence Order (AVO) or where they are facing an AVO application against them. We also assist people with fines, even if they have gone as far as court.

Civil law

We advise people who have had their consumer rights breached by unfair or unscrupulous businesses and traders. Others have had their employment rights or entitlements unlawfully diminished for instance being unlawfully dismissed or discriminated against. Civil law advices also include advice about Victims Compensation applications or advising clients who want to oppose a Victims Compensation Restitution Order. We advise people with tenancy and housing problems and matters where their Centrelink and other welfare entitlements are being wrongly interfered with.

Care and Protection/Family law

We advise parents with intellectual disability when they are subjected to the Care and Protection regime of the Children's Court and have had their children taken from them or have had their access and contact with their children denied or reduced. We have been fortunate enough in 2008-2009 to have this part of our work bolstered by the addition of Elisabeth Coroneo (Care and Protection Solicitor) and Margaret Spencer (Care and Protection Support Worker) as a result of a funding grant we received from The Public Purpose Fund. With all other Family Law matters involving a person with intellectual disability, we provide legal information and referral only.

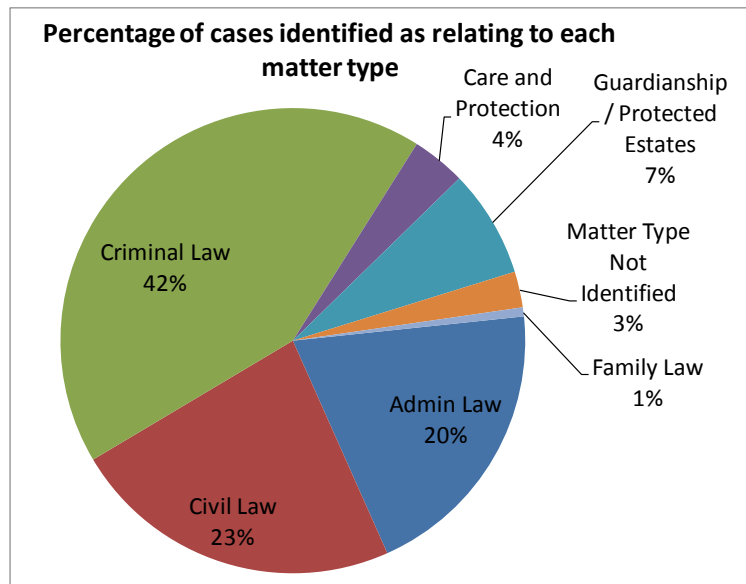
Administrative law

We advise people who have been discriminated against because of their disability. We also help people with complaints to the Ombudsman and appeals to the Administrative Decisions Tribunal about service provision or improper conduct by statutory or government bodies, or where a person with intellectual disability has been denied procedural fairness in decisions made by Government. In some cases we act as legal representatives for protected persons appearing before the Guardianship Tribunal and also, on request from the Guardianship Tribunal, as separate representatives.

Legal Casework

In 2008-2009 IDRS lawyers provided free legal representation to people with intellectual disability in legal proceedings in a range of legal forums, including the Local and District Courts, the Children's Court, the Supreme Court of NSW, the Victims Compensation Tribunal, the NSW Guardianship Tribunal, the Australian Human Rights Commission and the NSW Industrial Relations Commission.

Clients were also assisted and represented in alternative and informal dispute resolution processes involving a wide range of agencies including the State Debt Recovery Office, The Office of the Protective Commissioner, Department of Community Services, the NSW Ombudsman, NSW Police, the Department of Housing, and in consumer and trade practices matters with several private companies.

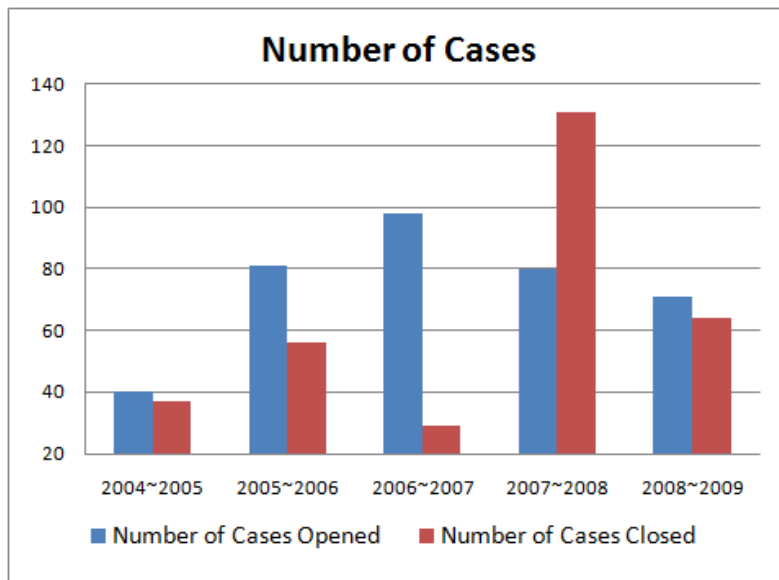


The IDRS legal team meets weekly to review and workshop all ongoing legal cases. At those meetings decisions are made as to what cases are priorities to be ongoing legal cases run by IDRS. The following considerations are taken into account in deciding which legal advice situations have priority to be taken up as an ongoing legal case:

- the merits of the case and whether it has reasonable prospects of success;
- the strategic value and potential for positive systemic outcomes for people with intellectual disability;
- whether the matter falls within IDRS legal priority areas;
- whether the person can access alternate appropriate legal assistance/representation
- whether IDRS is the most appropriate service to act for a client including IDRS's capacity to take on more work at the time and whether IDRS is skilled in the areas of law
- any conflict of interest that exists particularly due to IDRS involvement in past matters with other parties involved in the matter

When IDRS cannot provide legal representation to the person directly, we endeavour to link the person to an appropriate alternate source of legal representation. We will also offer to provide a

letter and attach relevant documents to it for the person to take with them to the referral. We hope this will assist them and their legal representative. If the matter is a criminal one, an offer of CJSN court support will be made.



During the year work has continued on 75 legal cases which were already underway at 30 June 2008. In addition 66 new legal case files were opened this year while 60 legal case files were closed. Legal cases are generally long term matters which require work over many months.

The predominant area of legal casework in 2008 – 2009 has continued to be criminal matters. Matters in which we have acted include theft, common assault, resist arrest, Apprehended Violence Orders, matters related to behaviour in public places and nuisance calls to emergency services. IDRS lawyers have an impressive success rate in achieving diversionary outcomes away from custodial sentences and involving appropriate services and support for people with intellectual disability charged with criminal offences. IDRS has developed a high level of expertise in this area and there continues to be a high demand for IDRS to act for clients with intellectual disability even though representation is available through Legal Aid.

The IDRS legal team has continued to spread its caseload over a wide range of legal areas including guardianship, discrimination, tenancy, consumer protection and care and protection work while retaining a fairly robust practice in criminal defence work.

During 2008-09, IDRS has sought to reduce the predominance of criminal work in its caseload in order to be able to take up more cases in other areas of rights protection on behalf of people with intellectual disability. This year criminal work represented 42% of IDRS casework compared with 61% in 2007-08.

In order to better utilise its limited resources and to promote equitable support to clients in criminal matters, IDRS has been working on the following strategies:

- continuing to promote and discuss the issues raised in the *Enabling Justice Report* to stimulate positive systemic changes in government policy and practice.
- issuing a practical 'Section 32 Step by Step Guide' to lawyers across NSW, including Legal Aid, the Aboriginal Legal Service and private lawyers who represent people with intellectual disability. This resource aims to guide solicitors on how to comprehensively prepare a matter under Section 32 of the *Mental Health (Criminal Procedure) Act 1990* including the difficult task of locating appropriate diversionary services and support in the community for the accused. We have had some excellent feedback on this and hope to develop an online version
- providing training and continuing legal education for other lawyers on working with and for people with intellectual disability;
- developing and growing the Criminal Justice Support Network CJSN volunteer solicitor network;
- promoting our legal services and expertise and the CJSN service, and
- offering CJSN court support where Legal Aid or other solicitors represent the person

Case Studies 2008-2009

Below are some case studies based on the legal team's work in 2008-2009.

Please note: All identifying particulars of our clients and their particular circumstances have been altered in each case study below to protect our clients' privacy and confidentiality.

Complaint about police treatment

Henry was living with his partner Robert. Henry and Robert had an altercation at their home. Furniture was damaged and Henry's finger was severely cut. Henry and Robert went to the hospital to get treatment for Henry's finger. On the way Robert rang the police to report the altercation.

Police arrived at the hospital and arrested Henry before he had seen a doctor for his cut finger. He told the police his hand hurt and he had not seen a doctor. He also told police he had an intellectual disability. However, he was arrested and was left in a police cell for three hours in the early hours of the morning. Henry asked that the police hear his side of the story and photograph his cut finger, as evidence of what Robert had done to him. However, the police refused and preferred Robert's side of the story.

Henry came to IDRS about his treatment by the police. He said that the police at the station were rude to him and laughed when he said he had a disability. When Henry was in court the police were laughing and joking about Henry and his disability and the Magistrate intervened to stop them.

IDRS wrote to the Local Area Commander in relation to Henry's treatment. Under the *Law Enforcement (Powers and Responsibilities) Act 2002* and Regulations and Code of Practice for CRIME Henry is a "vulnerable person". This affords him certain rights, including the presence of a support person while in police custody which had not been offered to Henry.

The police investigated the complaint and agreed that the police had not followed the proper protocol. They acceded to Henry's request for the police involved to be reprimanded and counselled about properly identifying vulnerable persons in custody and not being rude to those in custody. The police agreed that police would be reminded of the needs of vulnerable persons at future training days. They also agreed to record the complaint and outcome on the personnel files of the police involved and the Local Area Commander apologised to Henry for what had happened.

Henry was happy with this response from the police.

A meaningful outcome to criminal charges

Karen had not been in trouble with the police for four years. However, recently there was a tragedy in the family. She was not coping with the grief. She started drinking excessively. She was charged with making false calls to emergency services. As this is a Commonwealth offence, section 32 of the *Mental Health (Forensic Provisions) Act 1990 (NSW)* is not available. However there is a similar provision under Commonwealth legislation –namely, section 20BQ of the *Crimes Act 1914 (Commonwealth)*.

IDRS made an application for Karen's charges to be dealt with under that provision. She had an extensive criminal history, including several similar charges in the past. Karen has a mild intellectual disability in addition to an acquired brain injury. The calls that Karen made were not of a malicious nature and it was apparent that a link could be drawn between her disability and the behaviour leading to charges.

Overall Karen was doing very well with her life – she had really made great progress from where she had been four years earlier. She had kept out of trouble and was receiving case management. A psychologist's report confirming Karen's disability and a comprehensive Treatment Plan developed by her case manager was the backbone of the s20BQ application.

At court the Magistrate, stressing the serious nature of the offences, required further assurance from the non-government case management service that they were prepared to stand by Karen and continue their assistance. A representative from the association came to court and gave evidence. The Magistrate was very impressed with the efforts being made to improve Karen's life, granted the s20BQ application and dismissed the charges on the condition that Karen continues to comply with her Treatment Plan.

Ripped off by private solicitors

Greg is in his 60's and has a mild intellectual disability, as well as an acquired brain injury. Three years ago, Greg had a personal injury matter in the Supreme Court. He retained a private law firm to run his case. He received a sizeable compensation pay-out to settle the claim. Greg had issues with the bill that the law firm then issued to him. He was certain that he did not receive the services that were itemized in the bill. Because of his disability, Greg had difficulty in talking to the law firm and asking them to review the bill. The firm also did not believe what Greg was saying to them.

Greg came to IDRS. We went through the bill with him. He had already contacted the Office of the Legal Services Commissioner and asked them for help. Again, due to his disability, he forgot things quickly and was finding it very hard to keep up contact with the Legal Services Commissioner. We spoke to a representative at the Legal Services Commissioner and organised for Greg's file at the private law firm to be sent to the offices of the Legal Services Commissioner so that we could look through them and ascertain for ourselves the work that had been conducted in Greg's matter. On review, we soon saw that the file was not in any order and appropriate records had not been kept.

After we had reviewed the file we wrote a letter to the law firm and questioned the amount that they were demanding be paid by Greg and noted the state of the file and the allegations that Greg was making. We conceded that they had done *some* work for Greg, but nowhere near the amount that they had put in the bill. IDRS were able to negotiate a reasonable settlement for Greg. He was happy that someone was finally able to help him and a fair outcome was achieved.

An unfairly imposed fine

Sarah is a young woman who has an intellectual disability as well as a number of physical health issues and consequent problems including with her breathing. Sarah is unable to work as a result of her health problems and is in receipt of the disability pension.

Sarah came to IDRS because she had been issued with a fine by the police who had pulled her over whilst she was driving. She was fined \$230 because she was not wearing a seatbelt.

Sarah told IDRS that she is not able to wear a seatbelt because it puts pressure on her chest so she cannot breathe. Sarah had a medical certificate about this that she used to keep in her car, but someone at the RTA had told her not to keep important documents in her car and to keep them safe somewhere else.

IDRS was able to help Sarah contest the fine by asking that her matter go before a Magistrate to appeal the fine. IDRS also linked Sarah up with support services to help her investigate other options to enable her to comfortably wear a seat belt in the future.

IDRS appeared for Sarah in Court. IDRS was able to get a good result for her. The Magistrate understood the situation and dismissed the charge. Sarah didn't have to pay a fine.

Education and Training

Our Educators this year have been Pan Pemberton and Rachel Spencer (CJSN – criminal justice). They have also worked with educators who have intellectual disability. IDRS employs four people with intellectual disability as casual co-educators to work with the educators in planning and delivery of training. This is a vital and much appreciated feature of IDRS training

This year our co-educators have been Frances Cetinich, James Condren, Robert Strike and Kim Walker. Co-educators have presented in 49% of all IDRS external training sessions and 68% of CJSN volunteer training sessions this year.

"I think the knowledge and experience of a person with intellectual disability as one of the educators really gets the point home"

- Court worker comment on training evaluation form

Our education and training program has a dual focus. We aim to develop the skills of people with intellectual disability, their carers, friends, advocates and workers in disability services to better recognise and understand legal and human rights and how these can be protected for people with intellectual disability. We also aim to educate the community, particularly those working in the legal/ justice sector, about intellectual disability and how they can work more effectively with people who have intellectual disability.

Education and Training Provided

Audience	Number of Training Sessions/Courses	Total Participants
People with intellectual disability	30	347
Carers/Families	4	128
Disability Service staff	10	197
Education Staff	4	67
Four Police Training sessions include DOCS officers in Joint Investigative Response Teams	17	362
Other justice agency staff	9	187
TOTAL	74	1,288

Training for People with intellectual disability

Rights Leadership Course

"What's the use of rights if you don't know about them and what to do?"

This statement by a woman in a rights training session sums up why IDRS has always placed a strong emphasis on education and training.

During the year four Rights Leadership Courses were conducted with groups of people with intellectual disability.

The Rights Leadership Course is usually run over six sessions of two hours with groups of 8 – 10 people by IDRS educator Pan Pemberton and one of our co-educators. The course aims to teach participants about their rights and to develop their skills to be rights leaders amongst their peers.

Participants learn about what the law is and how it is developed, the Disability Service Standards and rights in using services, rights where you live and where you work, consumer rights, voting and your rights if you are in trouble with the police or have to go to court. Ideas about what to do if your rights are being abused as well as the importance of responsibilities and respecting the rights of other people are themes which run throughout the course.

Participants receive a Rights Kit and Certificate at the completion of the course.

Training for Disability Services

Cops and Courts

This popular training aims to enhance participants' knowledge of the criminal justice system and improve their ability to support people with intellectual disability through the system as defendants or victims. To most, the criminal justice system can be intimidating and bewildering. This course aims to give a very practical understanding of police and court processes and provide disability workers with the confidence and skills to empower them to assist people with disability through the system.

This training has been focused in regional areas with CJSN Outreach worker, Leonie Kirwan, working on developing networks and support before the course comes to town. This year our CJSN educator Rachel Spencer has presented Cops and Courts training to a total of 109 people in six regional towns – Maitland, Narooma, Dubbo, Wagga Wagga, Goulburn (x2) and Port Macquarie. IDRS solicitors have been more involved in this training during 2008-09.

Education to Action (case study)

Two weeks after the Cops and Courts training in Wagga Wagga one of the participants, a DADHC caseworker, contacted IDRS on behalf of a client for legal advice. The client was due to appear in court in relation to an AVO matter and was seeking advice on her rights to challenge the AVO application. Legal advice was given jointly to the client and her caseworker who then supported her at court. They were invited to call back to speak to a solicitor or CJSN staff if they needed further assistance.

Common Legal Issues for People with Intellectual Disability

IDRS piloted this new workshop attended by 18 staff from advocacy organisations in May 2009.

The workshop covers a range of areas of law which come up frequently in legal advice calls to IDRS including guardianship and financial management; consumer rip-offs, criminal justice, apprehended violence orders, fines, discrimination, complaints including tips for effective complaints and the National Human Rights Consultation. Feedback was very positive and constructive and we will develop and run this workshop for other groups in the year ahead.

Justice Sector Training

Police

Improved awareness and understanding of people with intellectual disability amongst police is a major goal of IDRS education. Our experience is that many police do not recognise intellectual disability in people they deal with and hence do not respond appropriately, often to the detriment of the person.

During 2008-09 IDRS has participated in the training of 243 NSW police in monthly Safe Custody Course courses at the Hurstville and Goulburn Police Training Colleges. These custody officers play a key role in ensuring that a person with intellectual disability who is arrested is treated fairly and afforded the right to have a support person present at the police station and to legal advice.

IDRS also worked with the NSW Police Force and DADHC to improve awareness and understanding of intellectual disability amongst police in the Parramatta and Blacktown Local Area Commands to prepare them to work in a joint project with DADHC aimed at piloting more constructive management of people with intellectual disability in the area, who commit repeat minor offences.

IDRS regularly trains police and DOCS officers in the Joint Investigative Response Teams (JIRT) which investigate serious child abuse.

Court Workers

This year we were pleased to have the opportunity to develop and deliver training for court staff at Downing Centre Court in Sydney. This was very well received by participants. Comments included...

"The best training I've been through" and
"I think this course should be mandatory for all staff"

We hope to be able to provide this training to staff from other courts in the future.

Families and Carers

IDRS continues to present information session for families on Planning Ahead in relation to wills and estate planning. We greatly appreciate the time and expertise of Stephen Booth and Anne Cregan from the law firms Coleman and Grieg and Blake Dawson respectively in presenting at these workshops.

In addition to conducting training sessions, the educators also regularly attend Expos and workshops to speak with and provide information to families and carers of people with intellectual disability.

Criminal Justice Support Network

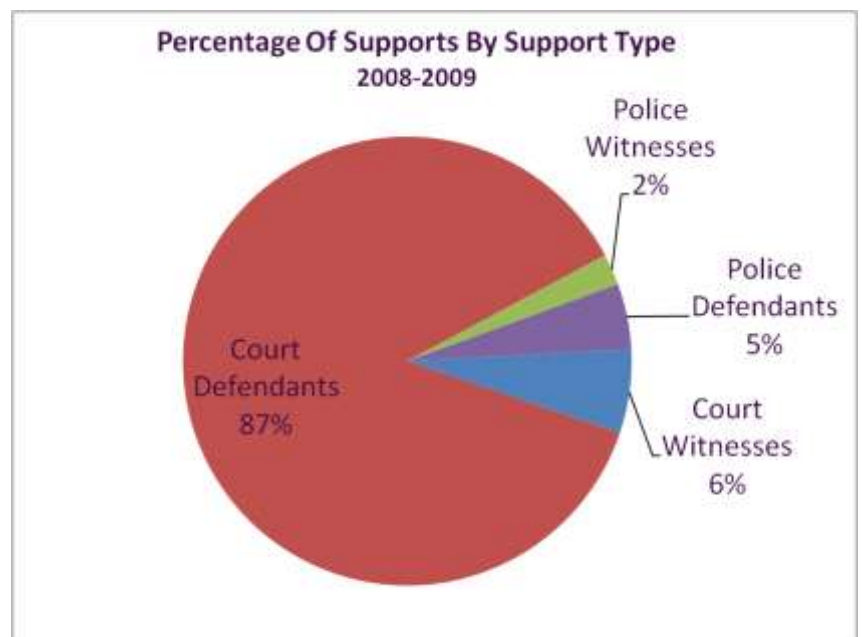
The Criminal Justice Support Network (CJSN) provides support persons for people with intellectual disability when they come into contact with the criminal justice system as defendants, victims or witnesses of crime. Support is provided at police stations, court, interviews with legal representatives, juvenile justice conferencing, community sentencing forums and court ordered mediations.

CJSN has regional co-ordinators based in Sydney, Newcastle, Wollongong, and for the first time this year in Gosford. CJSN relies on a network of trained volunteers to carry out much of its work.

CJSN Support Statistics

As in previous years, the majority of CJSN supports have been at court to assist defendants. There are many more referral sources for court supports, including clients, carers, families, disability workers and advocates, police and solicitors. It is also easier for CJSN to arrange a support person, as there is usually some notice of the court date.

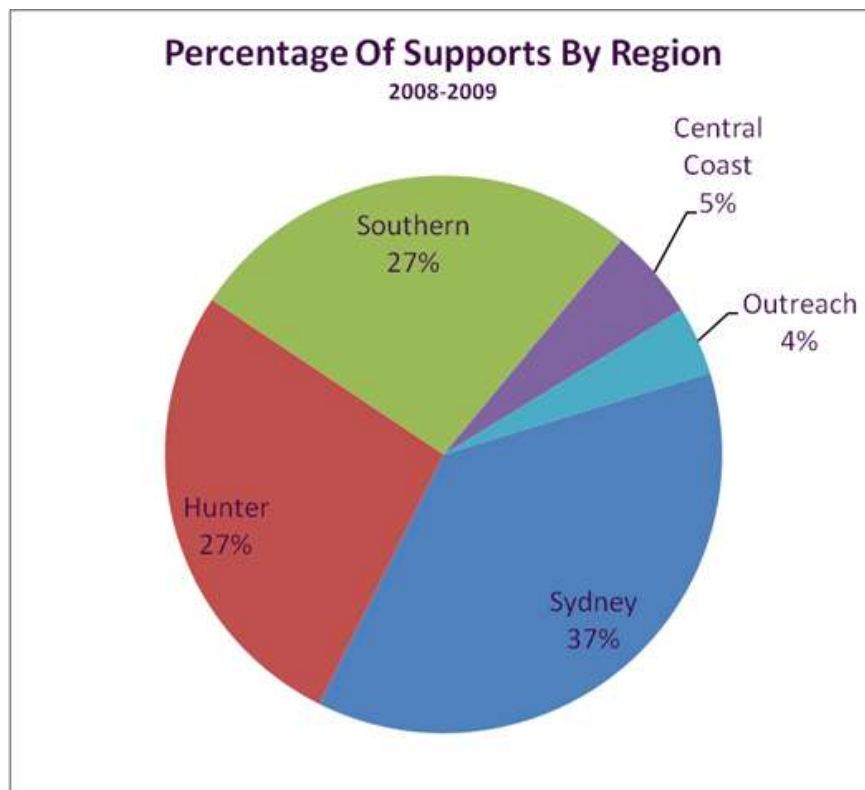
The number of calls from police for CJSN support for people with intellectual disability who have been arrested continues to be disappointingly low despite renewed efforts this year in promotion and police training.



Court Supports Across the Regions

Over the year, CJSN provided court support for defendants on 809 occasions and for witnesses on 56 occasions.

Court Support		
Region	Defendants	Witnesses
Sydney	295	18
Hunter	233	5
Illawarra/Shoalhaven	213	27
Central Coast	34	5
Outreach	34	1
Total	809	56



Police Station Supports

Maintaining a system that can meet the challenges of the immediacy and 24 hour nature of police station custody requests is a continuing challenge for CJSN. It can be difficult to find volunteers who are able to attend a police station at very short notice, particularly during the night. The majority of these supports are done by staff.

Police are not reliable in calling CJSN when a person with intellectual disability is in custody, despite efforts to encourage this and to help police identify when CJSN should be called. Promotional materials have been widely distributed to police station custody areas with limited success. CJSN is constantly working on ways to increase the use of police station supports. Any person with an intellectual disability who is arrested is entitled to have a support person present at the police station.

Over the year, CJSN provided police station support on 44 occasions for defendants and on 21 occasions for witnesses

Police station supports		
Region	Defendants	Witnesses
Sydney	26	6
Hunter	8	5
Illawarra/Shoalhaven	2	6
Central Coast	7	3
Outreach	1	1
TOTAL	44	21

CJSN's 24-hour service

CJSN is available 24 hours/7 days to provide support at police stations. A CJSN staff member is on call to answer these calls. This can be a demanding and exhausting task.

Volunteer solicitors are also available on a 24 hour basis to provide legal advice for a person with intellectual disability who has been arrested anywhere in the state.

Total number of after- hours calls	310
Calls that initiated a police station support	38 (direct and indirect)
Calls that initiated a court support	25

Many calls received did not relate to CJSN after hours work. Such calls include:

- Police needing a support person for juveniles or people with mental illness who did not have an intellectual disability
- Members of the public without intellectual disability looking for free legal advice
- CJSN or IDRS clients and or their carers calling for reasons other than needing police station support. E.g. client anxiety or loneliness

We are seeking to reduce the number of inappropriate after-hours calls which can be extremely frustrating for the on-call staff.

Comparison of supports provided over the past three years

Huge Growth in Court support demand

	2006-07	2007-08	2008-09
Court support defendants	370	468	809
Police support defendants	53	46	44
Court support witnesses	41	56	56
Police support witnesses	14	22	21
Total	478	592	930

Whilst the number of police station supports and court supports for witnesses have remained stable, 2008-09 has seen a huge 73% growth in the number of court supports provided for defendants.

This reflects a major increase in demand which we have been largely able to meet through maintaining a full complement of staff, increased volunteer training and improved volunteer availability partly due to recruiting more retirees as court support people.

This growth has placed heavy demands on staff resources in setting up, co-ordinating and following up supports as well as maintaining the appropriate level of support for our dedicated volunteers. Further growth in referrals for court support in the coming year will be difficult to meet within current resources.

Regions

Illawarra/Shoalhaven

Corinna Nolan has continued in the role of Regional Coordinator for Illawarra /Shoalhaven with clerical support from Kathy Speers. In July the office relocated to Market Street in Wollongong.

The reach of the Wollongong CJSN court support service has been extended to Bateman's Bay following the recruitment and training of volunteers for that area and a lot of networking and effort by Corinna to build up interest in this area. As in other regions, the area has seen a sharp increase in the number of court supports for defendants.

Hunter

The Hunter office relocated in July 2008 to Level 3, 50 Hunter St, Newcastle. A new Regional Coordinator, Bronwyn Ambrogetti, commenced in late July and resigned six months later. Kenn Clift took over as Hunter Coordinator in February 2009. During this year volunteers were recruited to support the service in the Upper Hunter. Early work has been done on developing Taree as part of the Hunter region.

Sydney

Mitch Fraser and Joanne Karcz continue to share the position of Regional Co-ordinator for Sydney. During this year volunteers have supported clients during two lengthy trials, one for a defendant and one for a victim. These trials required a significant amount of coordination and consultation between staff and volunteer 'teams'.

The Sydney office has experienced growing demands for supports for court hearings involving prisoners with intellectual disability conducted via Audio-Visual Link (AVL) especially from Long Bay Correctional Centre. During 2008-09 some volunteers have begun successfully providing AVL court support from the gaols. Additional training is provided for these volunteers focusing on the emotional and practical impact of working within a gaol environment; as well as safety and security issues.

The diminished access to justice for prisoners with an intellectual disability is a growing concern as clients do not have easy access to legal appointments nor are they able to call their lawyers to speak to them.

Outreach

WestWood Spice presented an options paper to CJSN, investigating service models which could provide a basis for seeking further funding to extend CJSN services throughout NSW. A Board and staff subcommittee was established to look further into the options.

CJSN continues to support the Albury Justice Support Network which operates from the Disability Advocacy and Information Service (DAIS)

The Outreach Officer, Leonie Kirwan, has continued to promote training and networking with disability services around NSW and searches for possible support people when referrals are made from areas outside the CJSN regions.

Central Coast – a new region in 2008-09

At the request of Central Coast Disability Network (CCDN), CJSN agreed to take over a pilot program providing police station and court support which CCDN had commenced with project funding provided from the Law and Justice Foundation. This project was based on a model of 'corporate volunteering' by which local disability agencies would donate some of their staff time to supporting CJSN clients at court and police stations. Local agencies which have generously participated in this program are Life without Barriers, the Central Coast Disability Network and Sunnyfield.

Rory Brooks started work as Regional Coordinator (part time) in July 2008 and is based at the Central Coast Disability Network (CCDN) office. He has done extensive networking with agencies on the Central Coast to promote the service and support numbers have slowly increased over the year.

This new service on the Central Coast was supported by a generous donation of \$30,000 from the Staff Charity Committee of the legal firm Blake Dawson. Without this donation it would not have been possible to maintain police station and court support for people with intellectual disability on the Central Coast throughout the year.

Staffing

All CJSN positions have been filled during 2008-09. Each region retains an administrative assistant for 6-8 hours per week.

Education

A range of training was offered throughout the year with current staff and volunteers attending:

- Community Restorative Centre NSW; *When a Family Member goes to Prison*
- Public Interest Advocacy Service; *Law for Non-Lawyers*
- ANZAPPL Conference October 2008; *Risk V's Rights*
- Legal Aid; *CELCIS database training*
- 'Aboriginal and Non-Indigenous Services – Filling the Gaps' forum
- IDRS CJSN; *Volunteer Refresher AVO's*

Volunteers and volunteer training

Volunteer numbers have grown due to active recruitment and increased training during this year. New volunteer solicitors were recruited and trained in February 2009. Solicitors received training in working with CJSN volunteers, understanding intellectual disability, communication and providing legal advice for people with intellectual disability in custody. All after-hours solicitors were sent a certificate of appreciation and a thank you card for National Pro-Bono Day on May 15, 2009.

106 newly recruited volunteers received training in Volunteer Court Support; 2 sessions were held in Sydney, 3 in the Hunter, 1 in Central Coast and 1 in Illawarra. Active involvement of Regional Coordinators in training development and delivery has improved the training and

provided a forum for Coordinators and volunteers to establish an understanding of each other's role and a strong base for a positive working relationship.

Police Station Support Volunteer Training sessions were held in Sydney, Central Coast and Hunter regions with 24 new and current volunteers receiving the training. Police Station support training was also held in Albury for 12 volunteers of the Albury Justice Support Network.

DADHC Criminal Justice Program

A Memorandum of Understanding between CJSN and CJP was completed and signed to ensure smooth interface between the two agencies. Quarterly meetings have been held to discuss issues and prevent problems arising. Early impressions are that these meeting will be very productive and provide a forum for sorting out issues at the earliest opportunity.

Sexual assault project

As a result of a Department of Corrective Services Victims grant, CJSN has researched ways to reduce the barriers for women with intellectual disability in reporting and taking part in the prosecution of sexual assault offences. As the project developed, the most urgent barrier to be addressed was the ease with which sexual assault complaints by women with intellectual disability are dismissed at the front line police level as requiring 'no further action'.

Stakeholder consultations have been completed with agencies including NSW Police Sexual Assault Detectives, Victims Services, a Local Court Deputy Registrar, the NSW Rape Crisis centre, the Multicultural Disability Advocacy Association, a woman with intellectual disability who has been a victim of sexual assault in the past, PWD, Women's Legal and the DPP.

Indrani Bandyopadhyay took on the role of Project Officer. A resource to assist police in dealing with sexual assault complaints will be completed in late 2009.

CJSN Reference Group

Meetings were held in November 2008 and May 2009, and included representatives from Attorney General's Department, Corrective Services, the Multicultural Disability Advocacy Association of NSW, the Office of the Public Guardian, the Council on Intellectual Disability, DADHC, NSW Police Force and Department of Juvenile Justice.

Challenges for the year ahead

Achieving increased referrals from police

Ongoing promotion of CJSN and the provision of a reliable and professional service are the major ways in which CJSN encourages police referrals.

Problems with Section 32 applications

CJSN became more aware of some solicitors being reluctant to make S32 applications, seemingly due to lack of resources CJSN have addressed the problem by referring clients to psychologists employed by government or community services and reporting issues when appropriate.

Special thank yous

The CJSN service has again grown rapidly this year, with limited resources. Sincere thanks are due to CJSN staff who work long and antisocial hours. We also thank our dedicated volunteers who give their time and skills so generously and all those who support our work on a daily basis.

Parents with Intellectual Disability – Care and Protection Project

In late 2008, IDRS received funding from the Public Purpose Fund of the NSW Law Society for a 3 year project which aims to improve justice for parents who have an intellectual disability in relation to Child Care and Protection Matters.

IDRS has long held concerns about access to justice for parents with intellectual disability when they are threatened with losing custody of their children.

We have been very fortunate in the caliber of staff who have accepted the part time positions on this project team. They are Dr Margaret Spencer, who had many years research and practical experience working with parents with intellectual disability and solicitor Elisabeth Coroneo who comes to us from Legal Aid in the Northern Territory.

The aims of the project are to

- Identify points of disadvantage for parents with intellectual disability in the care and protection system in NSW and strategies for addressing these
- Provide legal and non-legal advice to parents with intellectual disability in care and protection matters
- Provide legal representation in a limited number of cases
- Pilot and evaluate a "care proceedings" support service for parents with intellectual disability at one metropolitan children's court
- Explore and advocate for appropriate adjustment in care proceedings processes
- Provide advice and assistance to solicitors representing parents with intellectual disability in care and protection matters – particularly in relation to understanding the parents disability and appropriate support services
- Build the capacity of stakeholders in the care and protection system to work more effectively with parents with intellectual disability through the provision of training and information

The early months of the project have focused on...

Research

This past year has been one of review and planning in Child Care and Protection in NSW. An important priority has been to analyze the recommendations of the Special Commission of Enquiry into Child Protection Services in NSW, the response of the NSW government and the recent amendments to the NSW Child Care and Protection Act 1998 in order to identify the implications for parents with intellectual disability.

We have also conducted a literature review on parents with intellectual disability and care and protection issues and investigated advocacy and support service models established overseas.

Consultation

Consultations have been conducted with

- parents with intellectual disability who have been involved in care and protection matters
- disability advocacy services including aboriginal disability Network and Multicultural disability Advocacy Service
- Department of Community Services Learning and Development Unit
- Ombudsman's Office
- Care and Protection solicitors

Legal advice and casework

Legal Assistance has been provided to 10 people. Most matters involve a number of legal issues and require considerable follow up work and referral. The cases have been evenly split between new matters and old finalized matters where there are current issues often in relation to parent contact with children.

Benita (our client) has two children. One of her children, Connor, was removed from her care by the Department of Community Services some years ago. He is now 12 years old.

Benita wanted to be able to see Connor more often. She wasn't sure how to approach this and felt that the DoCS didn't listen to her so called IDRS.

We linked Benita with an advocacy service in her area. Together with the advocacy service we assisted Benita to form a new arrangement with DOCS which meant Connor and Benita could have twice as much contact as they were having before.

A further issue arose about Connor's accommodation when DoCS decided to move him to a new home at short notice. Benita asked for IDRS for help to stop this move as she had not been properly consulted and she believed it was not in Connor's interest as she felt he was well settled with good carers. Ultimately Connor was not moved and DoCs apologized in writing to Benita for failing to consult properly with her about the proposed move.

Support for parents with intellectual disability in care proceedings

We are in the planning stages for a pilot support service which will assist parents in their interactions with DoCS, solicitors and the Children's Court in one metropolitan area. Discussions have been initiated with the Professor Gwynnyth Llewellyn, Dean of the Faculty of Health Sciences, University of Sydney about the evaluation of this pilot.

Education and Resource Production

Education and production of resources have been identified as a key means of enabling justice for parents with intellectual disability. IDRS was approached to have input into the curriculum development of the NSW Department of Community Services caseworker training module on parents with disabilities. Margaret Spencer has almost completed rewriting the Department's module on working with parents with intellectual disability.

We are working on a survey for solicitors working in Care and Protection on their experience representing parents with intellectual disability and what resources/training would assist them to work with this group of parents.

IDRS is excited to have the opportunity to devote resources to the needs of parents with intellectual disability. We appreciate the support of the Public Purpose Fund of the NSW Law Society and look forward to further achievements in the coming year.

Law and Policy Reform

IDRS works to achieve policy and law reform which will advance the rights and interests of people with intellectual disability. Two areas of policy and law reform action are highlighted here.

Criminal Justice System

IDRS has continued to meet with various government criminal justice agencies to follow up the recommendations of the "Enabling Justice" report released in May 2008. During this year we have met with senior officers in the Attorney General's Department, Department of Juvenile Justice, Department of Aging Disability and Home Care and the Legal Aid Commission.

In conjunction with the Legal Aid Commission, IDRS has submitted a request for funding to the Public Purpose Fund of the NSW LAW Society which would see more resources within Legal Aid to assist solicitors in locating services to assist with treatment plans to support S32 applications; the production of an on-line resource for solicitors – a guide to S32 applications for people with intellectual disability; a development and delivery of a training program for solicitors throughout the state and the secondment of a Legal Aid Solicitor to IDRS.

IDRS has been actively involved in several committees of the Attorney General's Department to ensure that the interests of people with intellectual disability recognised in relation to Law and Policy Reform during the year. These include NSW Attorney General's Cautions and Internal Review Working Party; Workplace Development Orders Committee; Apprehended Violence Legal Issues Co-ordinating Committee; Review of Guidelines for Work and Development Orders and the reference group for the new CREDIT program.

National Human Rights Consultation

This year has seen the National Human Rights Consultation. IDRS felt it was important that the voices of people with intellectual disability be heard. However, information about the consultation was not available in an easy to understand format that would be accessible to people with intellectual disability.

Linda Steele, on behalf of IDRS, raised this issue with the Australian Human Rights Commission which agreed to meet the costs of IDRS working with people with intellectual disability to develop an accessible information sheet as well as an accessible submission form. Linda worked with Robert Strike and Kim Walker to develop some easy to read/pictorial papers.

These were distributed to disability organizations encouraging them to make submissions and to assist their clients to make submissions to the consultation.

IDRS invited its own clients to a forum on human rights held on 1st June 2009. This forum explained "human rights" and explored participants' ideas about the human rights that were important to them and how they could be protected.

Several solicitors from Blake Dawson attended the forum in the afternoon to assist participants to complete their own individual submissions which were then submitted to the Human Rights Consultation. The day was a great success.

The submission made by IDRS to the consultation was informed by the ideas expressed in the forum and the experience of IDRS clients. The IDRS submission is available in the Public Submissions (Disability discrimination) on the website of the National Human Rights Consultation www.humanrightsconsultation.gov.au



Submissions

During 2008-09, IDRS made submissions in response to:

- Special Commission of Enquiry into Child Protection Services
- NSW Law Reform Commission Discussion Paper on proposed changes to Privacy Law
- Australian Fair Pay Commission – 2009 Minimum Wage Review
- Discussion Paper on NSW Domestic and Family Violence Framework
- NSW Department of Aging Disability and Home Care, Policy on New Directions for Disability Respite Services
- NSW Law Reform Commission Review of Penalty Notice Offences
- NSW Department of Aging Disability and Home Care Criminal Justice Policy and Manual
- Special Rapporteur on Education, United Nations Human Rights Council regarding The Right to Education – Prisoners with Intellectual Disability
- National Disability Strategy
- National Human Rights Consultation, National Human Rights Consultation Secretariat
- Australian Human Rights Commission on its "Web Watch" Accessibility of Government Websites Campaign regarding inclusion of accessibility requirements of people with intellectual disability

Participation in External Working Groups and Committees

Government

- Department of Aging Disability and Home Care, Criminal Justice Program External Reference Group
- NSW Attorney General's Cautions and Internal Review Working Party
- NSW Attorney General's Workplace Development Orders Committee
- NSW Attorney General's Apprehended Violence Legal Issues Co-ordinating Committee
- NSW Attorney General's Review of Guidelines for Work and Development Orders
- Department of Premier and Cabinet, Youth Conduct Orders Advisory Committee
- NSW Police Force Disability Advisory Council
- Court Referral of Eligible Defendants into Treatment (CREDIT) pilot program steering committee
- Fair Pay Commission steering committee for Research Project on People with Intellectual Disability in Business Enterprises

Community working Groups

- Disability Rights Network
- Women's Domestic Violence Court Assistance Scheme Steering committee
- Criminal Justice and People with Intellectual Disability Coalition
- Co-operative Legal Services Delivery Groups Central Coast, Hunter
- Court User Forums for Manly Court and Downing Centre Court
- Project Committee of Mental Health Legal Service of Public Interest Advocacy Centre
- Women in Prison Advocacy Network
- Human Rights Charter Group, Public Interest Advocacy Centre
- Mental Health Co-ordinating Council, Advisory Group Mental Health Rights Manual Project

- Management Committee Hunter Community Legal Centre
- Mid North Coast community legal Centre Committee
- Community Safety Precinct Committee, Tuggerah Lakes Local Area Command NSW Police Force
- Local Government and Department of Transport Local Liquor Accord

Contributions to Publications

IDRS legal staff reviewed and rewrote the Disability chapter of the latest edition of the Law Hand Book

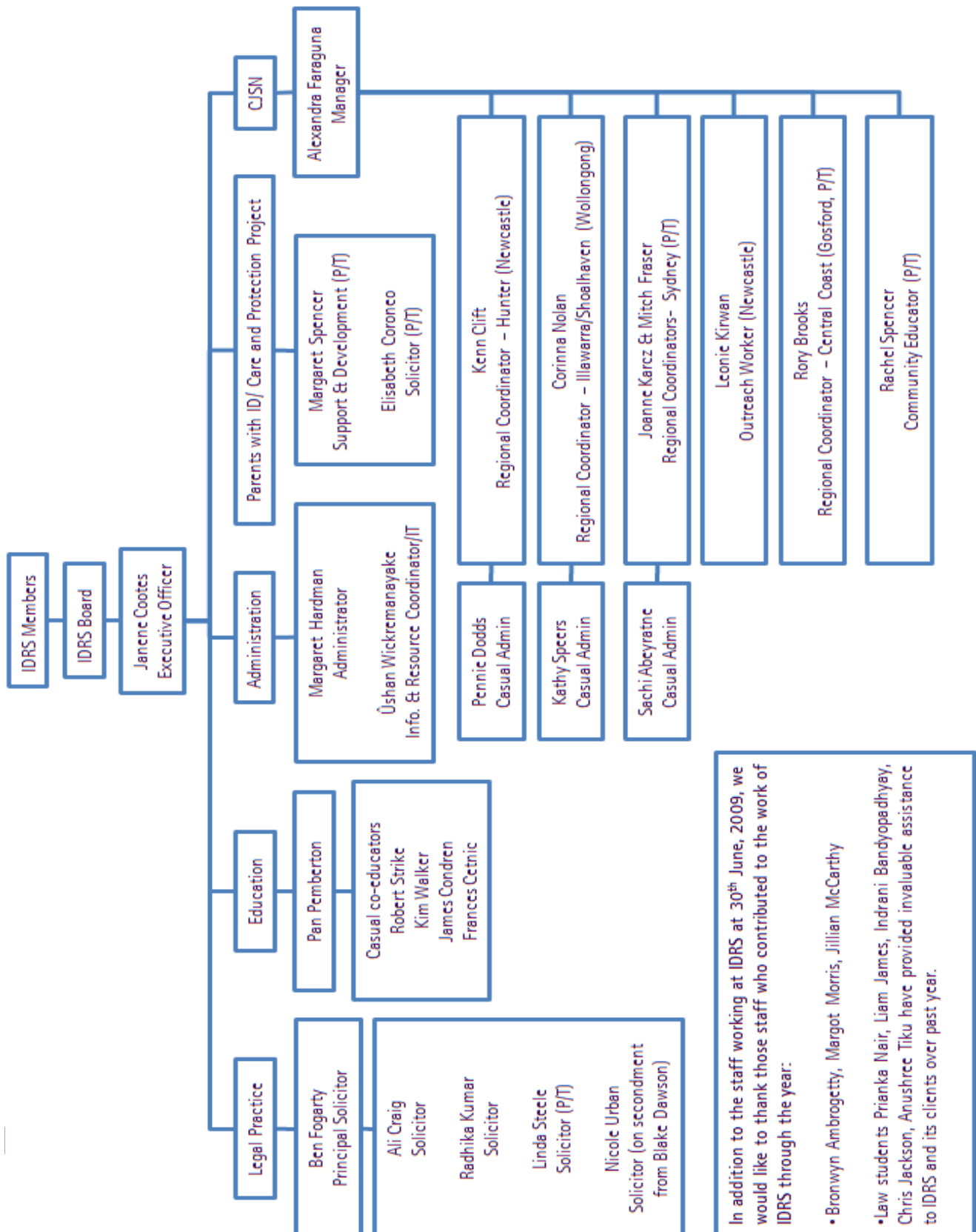
At the request of the NSW Judicial Commission IDRS reviewed the chapter on "Equality Before the Law "in the Judge's Bench Book

IDRS Principal Solicitor, Ben Fogarty, has had two articles published in the Law Society Journal this year:

1. Fogarty, B., 'Victims Compensation restitution – Drawback of the Clawback', (2009) May, 47(3) *Law Society Journal* 70-73
2. Fogarty, B., 'Dog gone. Disability discrimination law and assistance animals in light of *Queensland v Forest*', (2009) March, 47(2) *Law Society Journal* 75-77

IDRS Staffing

The staff and the organisational reporting structure of IDRS on June 30, 2009



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 steer 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 intellectual disability and the work of community legal centres is clearly demonstrated through their generous voluntary contribution to IDRS.

This year we have farewelled Robert Strike a long time Board Member who brought his rare insight to the work of IDRS and who is now a casual co-educator with the service. IDRS welcomed two new Board Members, Mike Sprange and Edwina MacDonald.

The members of the Board in 2008-09 were:

July 2008 – December 2008

Ann Bolt
Melissa Clements
Therese Griffith (Treasurer)
Jenny Klause
Michelle Pearson
Carmelo Raspanti
Tamara Sims
Michael Small (Chairperson)
Robert Strike (till August 2008)
Janene Cootes (ex officio)

January 2009 – July 2009

Ann Bolt
Melissa Clements
Therese Griffith (Treasurer)
Jenny Klause
Michelle Pearson
Carmelo Raspanti
Tamara Sims
Michael Small (Chairperson)
Mike Sprange
Edwina MacDonald
Janene Cootes (ex officio)

Support and funding

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

During 2008-2009 IDRS received funding from

- NSW Department of Aging Disability and Home Care
- Department of Families, Housing, Community and Indigenous Affairs
- Public Purpose Fund of the NSW Law Society – Parents with Intellectual Disability Care and Protection Project
- Law and Justice Foundation of NSW – Criminal Justice Project – Central Coast
- NSW Department of Corrective Services – Sexual Assault Project

The Financial Statements in this Report are for the Service as a whole.

IDRS was able to earn additional income which is 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. Further income is derived from bank interest, the sale of publications and some education projects that are done on a fee-for-service basis.

IDRS gratefully acknowledges the donation made by the Staff Charity Fund at the law firm Blake Dawson which has supported the operation of the Criminal Justice Support Network on the Central Coast during 2008-09

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

The solicitors, barristers and legal firms who have provided pro bono legal assistance for IDRS and its clients:

Solicitors and Barristers:

- Anne Cregan
- Stephen Booth
- Andrew Haesler SC
- Lishan Ang
- Mark Buscombe
- Lucinda Wilson
- Kate Eastman
- Jane Needham

Law Firms for pro bono assistance:

- Blake Dawson
- Gilbert & Tobin
- DLA Phillips Fox
- Freehills

Detailed Financial Account Report

**INTELLECTUAL DISABILITY RIGHTS SERVICE
INCORPORATED**

DETAILED FINANCIAL ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2009

Intellectual Disability Rights Service Incorporated

Board Report

Your Board Members submit the financial report of the Intellectual Disability Rights Service Incorporated for the financial year ended 30 June, 2009.

Board Members

July 2008 – December 2008

Qualifications

Ann Bolt	Community Member
Melissa Clements	Senior Officer, NSW Public Service
Therese Griffith (Treasurer)	Senior Administrative Officer, NSW Public Service
Jenny Klause	Tribunal Member, Non Government Agency Officer
Michelle Pearson	Community Member
Carmelo Respanti	Community Member
Tamara Sims	Solicitor
Michael Small (Chairperson)	Senior Policy Officer, Federal Public Sector
Robert Strike (till August 2008)	Community Member/Advocate
Janene Cootes (ex officio)	Executive Officer IDRS

January 2009 – July 2009

Qualifications

Ann Bolt	Community Member
Melissa Clements	Senior Officer, NSW Public Sector
Therese Griffith (Treasurer)	Senior Administrative Officer, NSW Public Sector
Jenny Klause	Tribunal Member, Non Government Agency Officer
Edwina MacDonald	Solicitor
Michelle Pearson	Community Member
Carmelo Respanti	Community Member
Tamara Sims	Solicitor
Michael Small (Chairperson)	Senior Policy Officer, Federal Public Sector
Mike Sprange	Community Member
Janene Cootes (ex officio)	Executive Officer IDRS

Principal Activities of the Association

The principal activity of the Association during the financial year was to advance the rights of people with an intellectual disability and to ensure that they have the same rights and the same opportunity to exercise their rights as other people in the community.

Changes in State of Affairs

During the financial year there was no significant change in the state of affairs of the Association other than that referred to in the financial statements or notes thereto.

Trading Result

The operating surplus amounted to \$11,856 (2008 surplus \$100,463)

Dividends

The entity is an incorporated association and the Board is prohibited from distributing funds to members.

Operations of the Association

A review of the operations of the Association during the financial year and the results of those operations are as follows:

The operations of the Association during the financial year involved the receipt of grant income from various government bodies, which it used to provide legal assistance and advice, conduct education programs for people with intellectual disability and others, produce resources about the rights of people with intellectual disability and to provide support to the people with intellectual disability who are in contact with criminal justice system.

Future Developments

The Association intends to continue its operations as outlined above. The ability of the Association to continue its operations is dependent upon continuing financial support by state and/or Federal Government department and other parties.

Subsequent Events

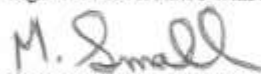
No matters or circumstances have arisen since the end of the financial year.

Indemnification of Auditors and Officers

Since March 2003, Intellectual Disability Rights Service Incorporated has held a Directors and Officers Liability Insurance Policy which covers Board members and employees of the Association.

The liabilities insured include costs and expenses that may be incurred in defending civil or criminal proceedings that may be brought against the officers in their capacity as officers of the Association.

Signed in accordance with a resolution of the Members of the Committee:



Board Member



Board Member

Dated this 20 day of NOVEMBER 2009

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

PROFIT AND LOSS STATEMENT

FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
Revenue from ordinary activities	3	1,206,260 -	1,106,507
Expenses from ordinary activities		1,194,404	1,006,044
(Deficit)/Surplus from ordinary activities	4	11,856	100,463
Income tax expenses		-	-
(Deficit)/Surplus from ordinary activities after income tax		11,856	100,463
Total changes in equity other than those resulting from transactions with members		11,856	100,463

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

BALANCE SHEET

AS AT 30 JUNE 2009

	Note	2009 \$	2008 \$
CURRENT ASSETS			
Cash	5	870,747	871,942
Receivables	6	35,952	23,466
Other	7	7,068	11,276
		<u>913,767</u>	<u>906,684</u>
NON-CURRENT ASSETS			
Property, Plant and Equipment	8	83,980	103,784
		<u>83,980</u>	<u>103,784</u>
TOTAL ASSETS		<u>997,747</u>	<u>1,010,468</u>
CURRENT LIABILITIES			
Grant Received in Advance		417,815	391,428
Payables	9	58,153	82,997
Provisions	10	45,238	80,288
Other	11	-	256
		<u>521,206</u>	<u>554,969</u>
NON-CURRENT LIABILITIES			
Provisions	12	26,852	17,667
		<u>26,852</u>	<u>17,667</u>
TOTAL LIABILITIES		<u>548,059</u>	<u>572,637</u>
NET ASSETS		<u>449,687</u>	<u>437,831</u>
ACCUMULATED FUNDS			
Capital Equipment Reserve		40,000	40,000
Accumulated Funds	13	409,687	397,831
TOTAL ACCUMULATED FUNDS		<u>449,687</u>	<u>437,831</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2009

	Note	2009 \$	2008 \$
CASH FLOW FROM OPERATING ACTIVITIES			
RECEIPTS			
User Charges		157,943	124,935
Interest		47,574	46,543
CASH FLOWS FROM GOVERNMENT			
Receipts from Government Grants		1,018,852	936,027
PAYMENTS			
Wages & Salaries		(743,233)	(651,210)
Payments to Suppliers		(474,237)	(375,922)
Cash Surplus/(Deficiency) from Operating Activities	15	6,900	80,374
CASH FLOW FROM INVESTING ACTIVITIES			
Payment for Purchase of Plant and Equipment		(8,095)	(18,524)
Net Cash Used in Investing Activities		(8,095)	(18,524)
Net Increase/(Decrease) in Cash Held		-1,195	61,850
Cash at the Beginning of the Reporting Period		871,942	810,092
CASH AT THE END OF THE REPORTING PERIOD	14	870,747	871,942

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

1. Limitation of Liability

The Association was incorporated in New South Wales on 5 July 1995 under the Associations Incorporations Act 1984. The rules of the Association provide that individual members of the Association are not personally liable to contribute towards the payment of debts and liabilities of the Association or the cost, charges and expenses of the winding up of the association.

The Association is not a reporting entity because in the opinion of the directors there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly, this "special purpose financial report" has been prepared to satisfy the directors' reporting requirements.

The financial report has been prepared on the basis of historical cost and except where stated, does not take into account changing money values or current valuations of non-current assets. Cost is based on the fair values of the consideration given in exchange for assets.

The financial report has been prepared in accordance with the disclosure requirements of Accounting Standards AASB 108 "Accounting Policies, Changes in Accounting Estimates and Errors" and AASB 101 "Presentation of Financial Statements".

2 Statement of Accounting Policies

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The following significant accounting policies have been adopted in the preparation and presentation of the financial report.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

Statement of Accounting Policies (continued)

a) Fixed Assets

Property, plant and equipment are brought to account at cost less any accumulated depreciation or amortization.

The gain or loss on disposal of all fixed assets is determined as the difference between the carrying amount of the asset at the time of disposal and the proceeds of disposal. It is included in operating surplus of the Association in the year of disposal.

The depreciable amount of all fixed assets is depreciated on a straight line basis over the useful lives to the Association commencing from the time the asset is held ready for use by the Association.

b) Employee Entitlements

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave, long service leave, maternity leave and sick leave when it is probable that settlement will be required and they are capable of being measured reliably.

Provisions made in respect of wages and salaries, annual leave, sick leave, and other employee entitlements expected to be settled within 12 months, are measured at their nominal values.

Provisions made in respect of other employee entitlements which are not expected to be settled within 12 months are measured as the present value of the estimated future cash outflows to be made by the association in respect of service provided by employees up to reporting date.

c) Cash

Cash includes cash on hand and at call deposits with banks or financial institutions, investments in money market instruments and net bank overdrafts.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2009

Statement of Accounting Policies (continued)

d) Income Tax

The Association is exempt from income tax under section 50-10 of the Income Tax Assessment Act 1997.

e) Revenue

Grant income and interest income are recognised on an accrual basis

f) Goods and Services Tax

Revenues, expenses and assets are recognized net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the taxation authority, it is recognized as part of the cost of acquisition of an asset or as part of an item of expense.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
3 Income from Ordinary Activities		
Income from Ordinary Activities includes the following revenue		
Operating Revenue		
Interest Revenue	47,574	46,543
Grant & Subsidies	1,158,686	1,059,964
	<u>1,206,260</u>	<u>1,106,507</u>
4 Surplus from Ordinary Activities		
Surplus from Ordinary Activities has been determined after charging:		
Expenses		
Audit Fees	5,697	4,900
Depreciation	27,899	27,092
5 Cash		
Cash on Hand	800	600
Cash at Bank - Cheque Account	39,830	48,677
- Cash Mgt /CBA Bus Online Saver	826,117	818,665
Term Deposit	4,000	4,000
	<u>870,747</u>	<u>871,942</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
6 Receivables		
Accounts Receivable	10,742	1,741
Rental & Security Deposits	25,210	21,725
	<u>35,952</u>	<u>23,466</u>
7 Other		
Prepayments	<u>7,068</u>	<u>11,276</u>
8 Property, Plant and Equipment		
Tenancy Work	27,975	27,975
Less: Accumulated Depreciation	13,852	11,054
	<u>14,123</u>	<u>16,921</u>
Furniture & Fittings	39,797	38,809
Less: Accumulated Depreciation	25,434	19,889
	<u>14,363</u>	<u>18,920</u>
Equipment	167,412	160,305
Less: Accumulated Depreciation	126,846	109,785
	<u>40,566</u>	<u>50,520</u>
Motor Vehicle	19,959	19,959
Less: Accumulated Depreciation	5,031	2,536
	<u>14,928</u>	<u>17,423</u>
	<u>83,980</u>	<u>103,784</u>
9 Payables		
Sundry Creditors	39,159	69,743
Goods & Services Tax Payable	18,994	13,254
	<u>58,153</u>	<u>82,997</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
10 Current Provisions		
Employee Entitlements - Annual/Maternity Leave	45,238	43,876
Employee Entitlements - Provision for Redundancy	-	36,413
	<u>45,238</u>	<u>80,288</u>
11 Other Current Liabilities		
Accrued Expenses	-	256
	<u>-</u>	<u>256</u>
12 Non-Current Provisions		
Employee Entitlements - Long Service Leave	<u>26,852</u>	<u>17,667</u>
Number of Employees at Balance Date	<u>18</u>	<u>13</u>
13 Accumulated Funds		
Opening Balance	397,831	297,369
Net Surplus	<u>11,856</u>	<u>100,463</u>
	<u>409,687</u>	<u>397,831</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

NOTES TO THE STATEMENT OF CASHFLOWS

14 Reconciliation of Cash

For the purposes of the Statement of Cash Flows, cash includes cash on hand, cash at bank and investments in money market instruments. Cash at the end of the reporting period as shown in the Statement of Cash Flows is reconciled to the related items in the statement of financial position as follows:

	2009 \$	2008 \$
Cash	866,747	867,942
Deposit at call	4,000	4,000
	<u>870,747</u>	<u>871,942</u>

15 Reconciliation of Cash Surplus from Operating Activities to Operating Result

	2009 \$	2008 \$
Operating Result	11,856	100,463
Depreciation	27,899	27,092
Increase/(Decrease) in Creditors	(25,100)	(6,993)
Increase/(Decrease) in Grant Received in Advance	26,387	9,999
Increase/(Decrease) in Provision & Accrual	(25,865)	(41,187)
(Increase)/Decrease in Receivables	(8,277)	(9,000)
Loss on Sale of Plant & Equipment	-	-
	<u>6,900</u>	<u>80,374</u>
Cash Surplus from Operating Activities		

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2009

	<u>2009</u> \$	<u>2008</u> \$
16. Segment Reporting		
The Association operates predominantly in one industry. The principal activity of the Association is to advance the rights of people with an intellectual disability. The Association operates in predominantly one geographical area, being Australia.		
17. Commitments to Expenditure		
Non-cancelable operating leases		
Not longer than one year	75,536	75,000
Longer than 1 year and not longer than 5 years	<u>11,950</u>	<u>62,500</u>
	<u>87,486</u>	<u>137,500</u>

18. Other Information

Registered office and principal place of business:

Suite 2C, 199 Regent Street, Redfern NSW 2016

19. Australian equivalents of International Financial Reporting Standards.

The financial report of Intellectual Disability Rights Service Incorporated complies with all Australian Equivalents to International Financial Reporting Standards (AIFRS).

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED


STATEMENT BY MANAGEMENT COMMITTEE

The committee has determined that the Association is a non-reporting entity because in the opinion of the committee there are unlikely to exist users of the financial report who are unable to command the preparation of reports tailored so as to satisfy specifically all of their information needs. Accordingly this special purpose financial report has been prepared to satisfy the members reporting requirements under the Association's Constitution.

In the opinion of the committee the financial statements

- a) Present fairly the financial position of the Intellectual Disability Rights Service Incorporated as at 30 June 2009 and the results of the Association for the year ended on that date in accordance with applicable Australian Accounting Standards and other mandatory professional reporting requirements as set out in Note 1 to the financial statements.
- b) At the date of the statement, there are reasonable grounds to believe that Intellectual Disability Rights Service Incorporated will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the committee and is signed for and on behalf of the committee by:


.....
Board Member


.....
Board Member

Dated this 20 day of November 2009

AUDITOR'S INDEPENDENCE DECLARATION UNDER SECTION 307C OF THE
CORPORATION ACT 2001 TO
INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

I, declare that, to the best of my knowledge and belief, during the year ended 30 June 2009 there have been:

- (i) no contraventions of the auditor independence requirements as set out in the Corporations Act 2001 in relation to the audit, and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

Signature: Kenneth Ong
Kenneth Ong

Name of Firm: Cohen & Kram
Certified Practising Accountants

Address: Suite 1205, 109 Pitt Street, Sydney, NSW 2000

Dated this 20th day of November 2009

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
INDEPENDENT AUDIT REPORT

To the members of Intellectual Disability Rights Service Incorporated

Scope

I have audited the financial statements of Intellectual Disability Rights Service Incorporated ("the Association") for the financial year ended 30 June 2009. The Committee of the Management is responsible for the financial statements. I have conducted an independent audit of these financial statements in order to express an opinion on them to the members of the Association.

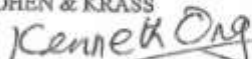
My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Australian Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and statutory requirements so as to present a view which is consistent with my understanding of the Association's financial position and the results of its operations.

The audit opinion expressed in this report has been formed on the above basis.

Audit opinion

In my opinion, the financial statements of Intellectual Disability Rights Service Incorporated are properly drawn up so as to give a true and fair view of the Association's state of affairs as at 30 June 2009 and the results of its operations for the year then ended.

COHEN & KRASS



KENNETH ONG

Registered Company Auditor

Suite 1205

109 Pitt Street

SYDNEY, NSW 2000

Dated this 20th day of November 2009

**INTELLECTUAL DISABILITY RIG
INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
COMPILATION REPORT**

On the basis of information provided by the committee of Intellectual Disability Rights Services Incorporated I have compiled in accordance with APS 9 "Statement on Compilation of Financial Reports" the following special purpose financial report of Intellectual Disability Rights Services Incorporated comprising Income and Expenditure Statement for the year ended 30 June 2009.

The specific purpose for which the special purpose financial report has been prepared is for the confidential use of the committee and members. Applicable Accounting Standards and Urgent Issue Group Consensus Views have not been adopted in the preparation of the special purpose financial report.

The committee is solely responsible for the information contained in the special purpose financial report and has determined that the accounting policies used are consistent with the financial reporting requirements of Intellectual Disability Rights Services Incorporated's constitution and are appropriate to meet the needs of the committee members.

My procedures use accounting expertise to collect classify and summarise the financial information, which the committee provided into a financial report. Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

To the extent permitted by law, I do not accept liability for any loss or damage which any person, other than the Intellectual Disability Rights Services Incorporated may suffer arising from any negligence on my part. No person should rely on the special purpose financial report without having an audit or review conducted.

The special purpose financial report was prepared for the benefit of the committee and members of Intellectual Disability Rights Services Incorporated and for the purpose identified above. I do not accept responsibility to any other person for the contents of the special purpose financial report.

COHEN & KRASS

Kenneth Ong

KENNETH ONG
Registered Company Auditor
Suite 1205
109 Pitt Street
SYDNEY, NSW 2000

Dated this *20th* day of *November* 2009

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

INCOME & EXPENDITURE STATEMENT

FOR THE YEAR ENDED 30 JUNE 2009

	2009 \$	2008 \$
INCOME		
Interest	47,574	46,543
Grants & subsidies		
Commonwealth Dept of Family & Community Services	200,334	189,330
Department of Ageing, Disability & Home Care (NSW)	761,212	736,698
Grant - Miscellaneous	30,919	-
Other Income	166,221	133,936
	<u>1,206,260</u>	<u>1,106,507</u>
EXPENDITURE		
Accounting & Bookkeeping	26,602	27,323
Admin. Charges	4,350	86
Advertising	7,499	14,262
Annual Leave & Maternity leave	8,834	(12,929)
Audit Fees	5,697	4,900
Bank Charges	1,016	1,344
Cleaning	6,646	4,783
Consultancy Fees & Outsourcing	3,150	19,545
Depreciation	27,899	27,092
Electricity	7,273	5,613
Host Agencies	28,134	12,990
Hire Equipment	5,085	220
Insurance	10,904	9,978
Information Technology Support	15,745	6,498
IT Web Maintenance	10,261	1,143
Legal Cost and Disbursements	3,926	11,785
Long Service Leave	9,186	(4,072)
Motor Vehicle Expenses	2,338	2,187
Photocopying, Printing & Stationery	28,541	17,446
Postage & Couriers	4,940	3,018
Practising Certificates & Professional Supervision	1,781	2,075
Purchase of Minor Fixed Assets & Rebuild Network	1,052	3,737
Rent	78,909	78,128
Regional Training	284	404
Repairs & Maintenance	5,479	2,012
Salaries & Wages	743,233	651,210
Staff Redundancy Expenses	(36,413)	(24,187)
Staff/Volunteer Training & Continuing Education	28,913	13,670
Storage	1,855	-
Subscriptions & Library	7,953	9,206
Sundry Expenses	818	779
Superannuation	71,089	57,617
Telephone	35,336	26,759
Travelling & Accommodation Expenses	36,070	31,421
	<u>1,194,404</u>	<u>1,006,044</u>
OPERATING (DEFICIT) SURPLUS	<u>11,856</u>	<u>100,463</u>

