

# Intellectual Disability Rights Service Annual Report 2014-2015

Working to advance  
the rights of people with  
intellectual disability  
since 1986



Intellectual Disability  
Rights Service



Criminal Justice  
Support Network



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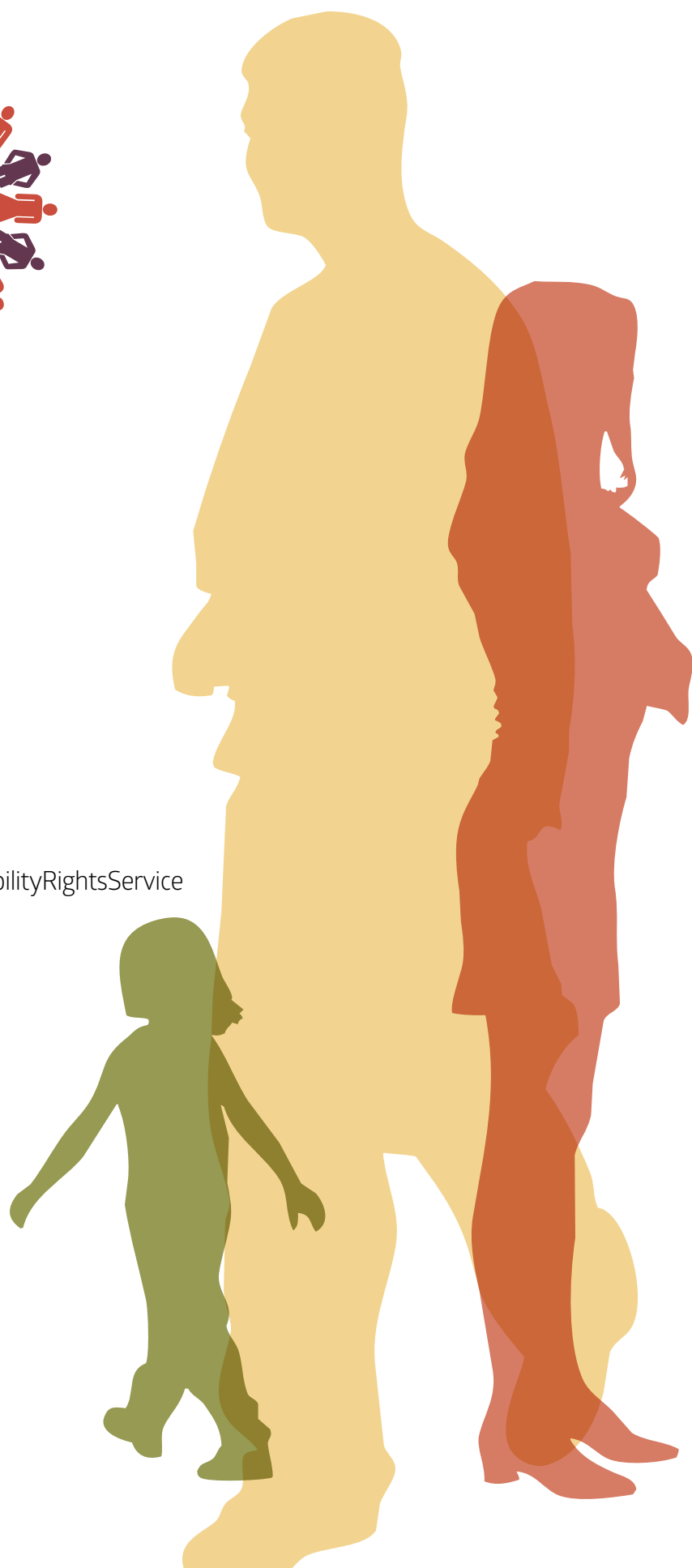
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# A word from the Chair

## **It's with great pleasure that I introduce the annual report for 2014-2015.**

The National Disability Insurance Scheme, NDIS, will roll-out in NSW from July next year.

Its objectives are to provide choice for people with disability so they can take more control of their lives.

One way this is described is as “person centred services”

This move, away from a more restricted and bureaucratic model, is to be applauded. Most businesses providing services to people with disabilities will need to change since they will no longer be funded by the state government through the agency of Ageing Disability and Homecare, ADHC, but by their individual clients, the people with disability themselves.

With the arrival of the NDIS, disability services will need to provide greater choice and people with disability will, to a much greater extent, be able to select the services they want and how they want them delivered. Their new choices will make their lives better.



***We pride ourselves on supporting our clients directly and in a very timely way to achieve their goals and their rights.***



In contrast, IDRS has delivered person centred services to its clients for as long as it has been in existence. Our solicitors are bound to act on the instructions of their clients and this has always been the approach in all aspects of IDRS services. We pride ourselves on supporting our clients directly and in a very timely way to achieve their goals and their rights.

To do this we rely heavily on the work and support of a skilled, professional and dedicated team of volunteers, who help IDRS deliver a substantial proportion of their services. This year for the first time we have listed every one of these 134 volunteers in this report, both to thank them for their help, and to draw attention to their importance to us. One of the major strengths of IDRS is its ability to encourage, motivate and train these volunteers and the fact that many of our volunteers have been with IDRS for 10 years or more is testament to that.

The unique way in which we can mobilise a capability that is not only highly effective but can powerfully leverage the capacity of our paid staff is something I and the Board are very proud of. So I'd specially like to thank the volunteers who are such a key part of our success.

Finally I'd like to thank Janene Cootes our Executive Officer, all the managers and staff, and the Board.

**Mike Sprange**  
Chairperson

# Executive Officer's reflections

**2014-15 has been a year of high activity at IDRS, as demonstrated by the 'year in a nutshell'. It is a testament to the skill and commitment of the staff, and the volunteers who support IDRS, that a team of 13.5 full time equivalent staff can deliver so much.**

Highlights this year have included the opportunity to run some capacity building My Choice Matters workshops with the people we work with, focussing on those who have little support in their lives. These workshops have been a great learning experience all round and lots of fun.

This year has seen much needed focus on abuse and neglect of people with disability, with the Senate Inquiry into Violence Abuse and Neglect and consultations on the development of an NDIS Quality and Safeguards Framework. In March 2015, IDRS hosted an Abuse and Neglect Phone In inviting people with disability, family members and disability workers to call IDRS about instances of abuse and discuss their thoughts about what must change to prevent abuse and neglect in the future. I thank callers for sharing their experiences and insights. Survey results are available on IDRS website in our Submission to the Senate Inquiry.

Looking ahead, in 2015-16 IDRS will be partnering with Centre for Community Welfare Training and Life Without Barriers to deliver a major project, funded by ADHC. The project will build the capacity of the disability sector to work effectively with people who are involved with the criminal justice system or are at risk of criminal justice system involvement as defendants or victims. This is an important and exciting project.

2015-16 will also be a challenging year as IDRS explores and pursues all potential options to ensure the organisation can continue to provide legal assistance, support, advocacy, rights education and capacity building for people with intellectual disability beyond the roll out of NDIS when ADHC funding for advocacy is unlikely to be available.

I would like to echo the words of IDRS Chair Mike Sprange in acknowledging the huge contribution of the many volunteers who make such a difference to the daily experience of people with disability at times of particular crisis and stress.

I am privileged to work with such a dedicated, skilled and energetic staff team who are so persistent, wise and practical in their efforts to make rights real for people with intellectual disability.

I would like to thank the IDRS Board for the leadership and expert guidance they have provided for myself and for IDRS during the year.

**Janene Cootes**  
Executive Officer



***I am privileged to work with such a dedicated, skilled and energetic staff team who are so persistent, wise and practical in their efforts to make rights real for people with intellectual disability.***



# About IDRS

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

We do this by providing legal advice, legal casework, support and advocacy, and by working for improvements to laws and policies affecting people with intellectual disability. We provide information and assistance to family and friends as well as legal and other professionals supporting 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 receives its main funding from the NSW Department of Family and Community Services, Ageing Disability and Home Care (ADHC); the Australian Government Department of Social Services and the Public Purpose Fund (Law Society of NSW) through the Community Legal Centres Funding Program of Legal Aid.

## Vision

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

## 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



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



# The year in a nutshell

**878**

people with intellectual disability received a service from IDRS in 2014-15

**65**

Legal cases run for people with disability

**595**

Legal advices to people with disability

**104**

Legal advices for people with disability while in police custody

**126**

Times support was provided to people with disability in police custody

**91**

People with disability in police custody received after-hours service from IDRS at night or during the weekend

**61**

Victims of crime with disability supported to make a statement to police

**510**

People with disability assisted by support persons and received advocacy with criminal matters (victims and defendants)

**1050**

Times a support person attended court with a person with disability

**141**

Times a support person assisted an inmate with disability to understand their Audio Visual Link court hearing at a correctional centre



**69**

Parents with disability  
assisted by IDRS

**44**

Legal cases for parents  
with disability

**35**

Parents and expectant parents  
received non-legal services,  
ie. active linking to services and  
advocacy, liaison with FACS  
& legal representatives

**50**

Times volunteer court support  
was provided to a parent  
with disability

**7**

People assisted by IDRS with  
NDIS access, planning or plan  
implementation in the  
Hunter Trial Region

**162**

People with disability who  
participated in rights capacity  
building sessions with IDRS

**42**

Family members attended  
IDRS information sessions

**204**

Disability service workers  
trained by IDRS

**219**

Police trained by IDRS

# What we do

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

- **Direct legal work:** including casework representing clients, providing legal advice, support and referral to assist people with intellectual disability to get the best possible outcome 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 systemic 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 families, service providers, individuals and the community to promote and respect the rights of people with disability.



# A Salute to IDRS Volunteers

**IDRS relies heavily on a skilled and dedicated team of volunteers to enable us to assist so many people with intellectual disability. Without them we could deliver only a fraction of the work we do.**

Criminal Justice Support Network has trained volunteers throughout the greater Sydney region, Wollongong-Illawarra, Shoalhaven, Bateman's Bay, Goulburn, Newcastle, Lower Hunter Valley, Taree, Mid North Coast, Central Coast, Riverina, Orange, Dubbo.

IDRS acknowledges and thanks the following 137 volunteers for their generosity, commitment and invaluable contribution to the lives of people with intellectual disability in 2014-15.

## **CJSN and Parent's Project support persons**

Aldridge, Gayleen  
Arnold, Sandra  
Barnett Michael  
Bigelow, Sandra  
\*Bland, Bruce  
Bovard, Julia  
Brown, Anne  
Burrell, Lyn  
Cahill, Ken  
Chopra, Neha  
Chung, Elisa  
Clements, William (Bill)  
Combo, Peter  
Connelly, Michael  
Corbould, Elizabeth  
Costello, Michael  
\*Cowan, Linda  
Darcy, Gary  
\*Davison, Mary  
Dean, Paul  
Deschamps, Dianne  
Donnelly, Peter  
Droll, Benjamin  
Eldridge, Veronica

Ellis, Elizabeth  
Ellis, Peter  
Ellison, Rhea  
Ellwood, Anja  
Fay, Eric  
Fittes, Judy  
Fletcher, Leigh  
Fredericks, Michael  
Frost, Terry  
Gammie, Dianne  
Giannakis, Domna  
Goninan, Margaret  
Hall, Warwick  
Halliburton, Pam  
\*Harris, Kristy  
Hancock, Susan  
Hartman, June  
Hastings, Debbie  
Hayes, Rhonda  
Holt, Sandra  
Hudson, Anne  
Hughes, Megan  
Irons, Christopher  
Jennings, Margaret  
Jones, Peter  
Kelleher, Jonathon  
Kerr, Margaret  
Lawrence, Rachel  
\*Leonhardt, Bronwyn  
Liddle, Barbara  
Lloyd, Cookie  
Lucas, Val  
Lukic, Catherine  
Mabbitt, Richard  
Mahon, Jenny  
Martin, Anne  
Mawhinney, Malcolm  
Maxwell, Susan  
McFadyen, Maxine  
McInerney, Marita  
McKenzie, Kathryn  
McKinnon, Sue

Millar, Ruthanne  
 Mills, George  
 Milne, Jeanette  
 Mortell, Jacinta  
 Morton, Jennifer  
 Mullins, Ray  
 Nash, Lena  
 Newman, Julie  
 Nisbet, Grace  
 O'Keeffe, Harold  
 Patrick, Dianne  
 Phillips, Jan  
 \*Phillips, Sharon  
 Pinchen, Joyce  
 Porter, Jan  
 Raymond, Eunice  
 Raymond, John  
 Rowe, Leonie May  
 Rumley, Lynne  
 Schuster, Belinda  
 Smith, Denis  
 Speers, Kathy  
 Sprange, Mike  
 \*Starr, Elizabeth  
 Sylwestrzak, Virginia  
 Tanner, Eric  
 Taskin, Sedat  
 Thomas, Julie  
 Timbery, Malcolm  
 Tsoukalas, Kathy  
 Upton, Norm  
 Valentine, Bruce  
 Watson, Maxine  
 Watt, John  
 Weir, James  
 Whyatt, Brian  
 Williams, Ruth  
 Wilson, Tania  
 Windsor, Christine  
 Yamamoto, Hajime

\* *These volunteers also assist parents with disability in Child Care and Protection matters.*

## Legal Volunteers

Andrew Harrison has made a great contribution to the legal work of IDRS during 2014-15, volunteering as a legal assistant 2 days a week.

IDRS also thanks the solicitors who volunteer their time to provide essential after-hours legal advice to people with intellectual disability who have been arrested.

Bandyopadhyay, Indrani  
 Blair, Michael  
 Bond, Sara  
 Borg, Joseph  
 Bourke, Christine  
 Chate, Timothy  
 Chau Hua, Michelle (Hue)  
 Cleaves, Peter  
 Comino, Nick  
 Cosgrove, Steven  
 Craig, Ali  
 Fogarty, Ben  
 Hogan, Kayt  
 Kable, Linda  
 Kumar, Radhika  
 Laidler, Mansell  
 Lewis, Samantha  
 McGhee, Peter  
 Maranis, Sylvia  
 Mockler, Denis  
 Morris, Margot  
 Pietrini, Rhonda  
 Snelgrove, Peter  
 Turnbull, Megan  
 Wallace, James  
 Weir, John  
 Wong, Shine

# Members of the IDRS Board

**IDRS relies on the time, energy and expertise of a voluntary 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 as well as a strong commitment to the rights of people with disability to their role.

The members of the Board in 2014-15 were:

- Karen Bevan (till February 2015)
- Ann Bolt
- Phillipa Friedrich (casual appointee from February 2015)
- Therese Griffith (Treasurer)
- Jenny Klause
- Edwina MacDonald
- Haley McEwan
- Edwina Pickering
- Carmelo Raspanti
- Mike Sprange (Chair)
- Janene Cootes (ex officio)



# IDRS staff



# Legal Assistance

## IDRS legal assistance includes:

- Free legal advice by phone or in person to people with intellectual disability or, where it is not possible to advise the person with intellectual disability, directly to others who call on behalf of the person with intellectual disability.
- Referral to legal and disability services
- Information, training and resources to lawyers in NSW who are assisting clients with intellectual disability.
- Legal advice to people with intellectual disability who are in police custody 9am – 10pm, seven days week via staff solicitors and a network of volunteer solicitors.
- Legal casework and representation for people with intellectual disability in some cases.

The IDRS legal team staff comprises a Principal Solicitor (Margot Morris), two full-time solicitors (Tim Chate and Ali Craig) and a part-time solicitor involved in our Parents with Intellectual Disability Project (Marissa Sandler).

The legal work of IDRS was enhanced by the work of volunteer legal assistant Andrew Harrison.

## Legal advice

IDRS provides legal advice to people with intellectual disability throughout NSW by phone or in person. This year 39% of requests for legal advice were made directly by people with intellectual disability.

However, people with intellectual disability often depend on family, friends, disability advocates and disability workers to initiate contact with IDRS on their behalf. IDRS can provide advice for a person with intellectual disability through a third party as long as that third party is clearly acting in the best interests of the person with intellectual disability and there is no reasonable basis for thinking that there is a conflict of interest between the third party and the person with intellectual disability.

Whenever possible the person with intellectual disability participates in discussing their problem with a solicitor, often along with the initial caller.

Legal Advice is provided face-to-face or by telephone, usually by appointment within a few days of the request. In urgent matters, for example if a person with intellectual disability is in police custody, advice will be arranged within an hour.



***“I would like to record my thanks for the assistance that your staff gave to my brother-in-law recently to help him defend a vexatious APVO application against him. I was greatly impressed by the professionalism and dedication of your staff - and am relieved that such a service exists to help ensure some fairness in our legal system”***





## Advice to people in police custody

Volunteer lawyers give generously of their time and expertise to provide after-hours legal advice to people with intellectual disability who have been arrested from 5pm – 10pm and at week-ends. This year we have listed the names of the volunteer solicitors to acknowledge their vital contribution.

During office hours IDRS staff solicitors provide legal advice on an urgent basis to people with intellectual disability who have been arrested.

The lawyers work in conjunction with CJSN staff or a volunteer support person. This combination of support and legal advice can have a significant positive effect on the outcome for the person who has been arrested. During 2014-15, legal advice has been provided to 104 people in police custody. Half of these advices have been after hours.

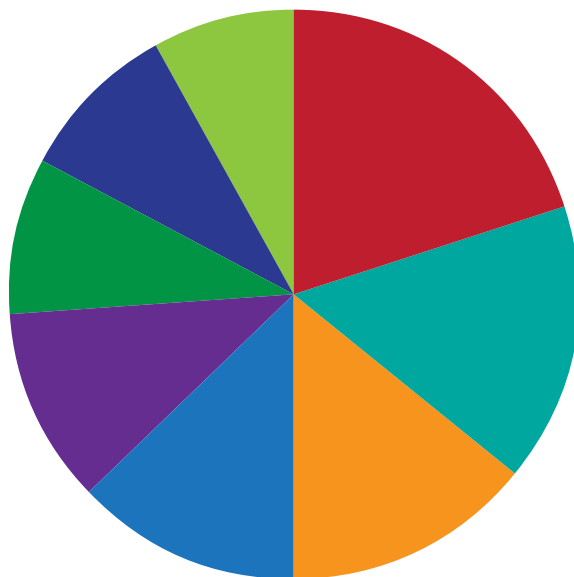
## Legal Casework

During 2014-15, IDRS solicitors worked on 65 long-term legal cases.

Factors considered in deciding which cases have priority to be taken on for long term legal casework are:

- The merits of the case and whether it has reasonable prospects of success
- Whether the person has access to alternate appropriate legal assistance/representation
- The strategic value and potential for positive systemic outcomes
- Whether IDRS is the most appropriate service to act for a client including whether IDRS is skilled in the particular area of law
- Whether IDRS has capacity to take on the case
- Any conflict of interest

## Main problem types – legal casework



- 20% Victim of crime/ Victim's compensation
- 16% Consumer/Debt/Fines
- 14% Criminal defendant
- 13% Complaints re services
- 11% Apprehended Violence Orders
- 9% Employment
- 9% Guardianship/Financial management orders
- 8% Other

## Case Studies

### Lucy – support person and legal advice essential for victims

*Lucy was sexually assaulted several years ago. She was very frightened and embarrassed about what happened but the next morning decided to report the assaults to the police. A CJSN support person had been present to support Lucy to make a statement to the police and felt Lucy had given a consistent and comprehensive account to the police. Later, however, the police re-interviewed Lucy without a support person present. Lucy felt the police did not believe her and that she was being pressured to say that the sexual assault had not happened. After this second interview the police wrote in their notebooks that Lucy had admitted she had lied about the assault.*

*When IDRS later contacted the police to check where the investigation was up to we were informed that the matter was closed. The police had issued a warning to Lucy that they would charge her with making a false report if she decided to continue.*

*IDRS was approached some months later by Lucy's sexual assault counsellor requesting legal help as Lucy was still suffering trauma as a result of the assault. IDRS agreed to help Lucy try to get victim's compensation. IDRS made a freedom of information request to access the police records. The IDRS solicitor found that the second interview had been recorded and tracked down that recording. The recording clearly established that Lucy had never agreed with the police position that she made up the allegations and revealed the inappropriateness of how Lucy was interviewed on the second occasion.*

*IDRS applied for victim's compensation (now called victim's support) for Lucy. Victims Services awarded Lucy the maximum amount of money for a sexual assault, largely based on IDRS's submissions contesting the police allegations that Lucy had given false evidence of an assault.*

*Lucy decided not to make a complaint about the police.*



*IDRS Solicitor Tim Chate on My Learning Matters video clip, 'Speaking Up and Rights'*  
<https://www.youtube.com/watch?v=7KfJ1J9vP0s>

## **Fletcher – no understanding of Apprehended Violence Order**

*A lawyer contacted IDRS when she observed a local court registrar make an Apprehended Personal Violence Order, (APVO), against Fletcher. She was concerned because it was obvious Fletcher had a disability and did not understand anything about the APVO.*

*The APVO was sought by a government office worker. Fletcher had been banned from going near their offices for at least 90 days. This meant that Fletcher could not go to his local shops without risking a breach of the APVO and being charged by the police. He could not visit any office of the government department which he needed to contact regularly. His disability meant he was unable to make contact by phone. IDRS opened a case to help Fletcher to defend the APVO, and to ask the government office to lift the ban.*

*Fletcher could not read or write, his speech was unintelligible, he was unable to understand or remember information, and he had obsessive and compulsive behaviours. When his support worker was on holidays Fletcher had visited the government office. He became excited and loud when they would not give him the information he needed. He was forced to leave the office. The APVO and the ban on visiting the office resulted from that one incident.*

*IDRS helped Fletcher to prepare a statement arguing that the government office worker and the office knew him and his disability as he had attended that office for many years. This was an isolated incident that occurred when his support person was away. We argued that there had been no injury, there was no reason to fear Fletcher and the APVO would cause him great hardship as well as creating a risk of charges for breaching an APVO he couldn't understand.*

*Before the hearing date the Government solicitor, acting for the government worker, offered to settle the case by withdrawing the APVO. Fletcher agreed to that offer, and the APVO was withdrawn. IDRS would otherwise have vigorously opposed the making of the order in court. IDRS wrote to the government office arguing that they should cancel the ban on Fletcher as this amounted to unlawful discrimination and further action would be taken. The government office agreed to lift the ban without any further action.*

### **Sally – please help me get my money back**

*Sally approached IDRS asking for advice about how to end the Financial Management Order that appointed the NSW Trustee and Guardian as the manager of her finances many years ago. Sally had recently come out of prison. She desperately wanted to look after her own money and found the limitations of the Trustee very difficult and frustrating.*

*Following our legal advice and with IDRS support, Sally applied to the NSW Trustee for permission to have a trial period of managing her disability support pension herself. The NSW Trustee has power to agree to such a trial under Part 23A Protected Estates Act 1983 (NSW). The NSW Trustee agreed that Sally could manage her pension for a trial period of 12 months. The NSW Trustee continued to manage Sally's savings.*

*Sally attended budgeting courses, banked her pension, and paid all her expenses including board, telephone, electricity, food, transport, medical expenses, etc. She was even able to save, and by the end of the trial period she had more than \$5,000.00.*

*During the 12 month trial IDRS helped Sally to apply to the Guardianship Division of NSW Civil and Administrative Tribunal (previously the Guardianship Tribunal) asking the Tribunal to end the financial management order giving her full control over her money again. IDRS helped Sally to prepare her evidence and attended the Tribunal hearing with her as a McKenzie friend. The Tribunal granted Sally's application to revoke the financial management order. She had control over her pension and the savings that the NSW Trustee had been holding. She was very happy.*

### **Justin – dismissed from work**

*Justin came to see IDRS when he had been indefinitely suspended from his work in an Australian Disability Enterprise (ADE) following an incident where he became upset and threatened another employee. He had since received a dismissal letter.*

*Justin said he was being bullied at work. He did not know any other way to deal with the situation. He also opened up about abuse he had suffered as a child and his distress about that. IDRS attended a meeting with Justin and his employer. We were able to negotiate on Justin's behalf for him to have some specific training on work health and safety and appropriate workplace behaviour. We organised for him to receive counselling about the issues that upset him. The workplace agreed to arrange extra support at work and a contact he could talk to if there were any problems. Justin was able to return to work with a warning instead of losing his job. The client was happy to keep his job as he had worked there for many years and it was an important connection to him.*

*It was good to be able to resolve the problem without the need for any legal action.*

# Criminal Justice Support Network

**The Criminal Justice Support Network (CJSN) provides support persons and advocacy 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 court, police stations, legal interviews, juvenile justice conferencing, community sentencing forums and court ordered mediations. Some court support is provided from correctional centres for clients who are in custody.

CJSN relies on an extensive network of trained and dedicated volunteers to provide most supports to people with intellectual disability at court and at police stations.

CJSN services are available for people with intellectual disability who are arrested from 9am – 10pm seven days a week. The after-hours contact number is 1300 665 908.

CJSN Regional Coordinators are based in Sydney, the Hunter and the Illawarra/Shoalhaven. An Outreach Coordinator based in Sydney coordinates volunteer support persons in our Outreach Service Areas based on the Mid North Coast, Central Coast, the Riverina and the Central West of NSW.



*David has had CJSN support in the past and now helps train our volunteer in Wollongong.*

CJSN staff are tireless and persistent advocates for people with disability who are involved with the criminal justice system. Staff find services and link people to services to support diversionary orders, liaising with legal representatives and justice agencies, problem solving to meet the needs of the person with intellectual disability.

In 2014-15 CJSN staff have been:

- Manager – Alex Faraguna till October 2014 and Kelly Watson from January 2015
- Sydney Regional Coordinators  
– Jillian McCarthy and Mitch Mulqueen
- Illawarra/Shoalhaven Regional Coordinator  
– Corinna Nolan
- Hunter Regional Coordinator – Kenn Clift
- Outreach Regional Coordinator  
– Jacqui Gunst
- Sydney/Outreach Administration Assistant  
– Ingrid Ferreira
- Illawarra/Shoalhaven Administration Assistant – Deihan Paulson
- Hunter Administration Assistant  
– Christine Fraser



***Your support person made a very long and stressful day at court easier for us. I know my son would have left court if the support person hadn't been there. He is so in touch with people with special needs and he didn't give up on my son.***



## How many clients did CJSN support?

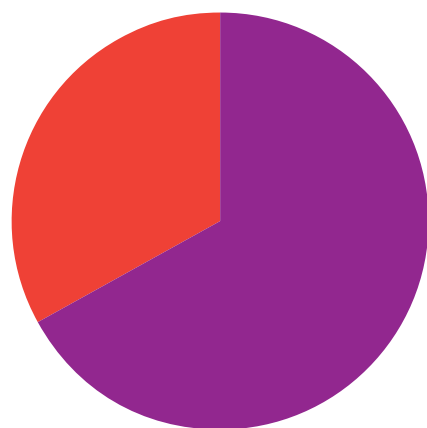
This year CJSN supported 510 people with intellectual disability in their contact with the criminal justice system. The total number of supports provided was 1,483.

## Some trends in 2014-15

We are pleased to report 38% growth this year in the number of times CJSN provided support for people with intellectual disability in their contact with the police.

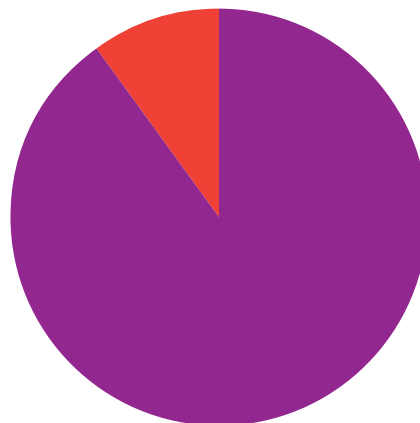
It is notable that while CJSN supported 61 victims at police stations during 2014-15, only 28 victims required support at court.

## Status of people supported at police stations



■ **67%** Under arrest  
■ **33%** Victims

## Status of people supported at court



■ **90%** Defendants  
■ **10%** Victims

During 2014-15 we have seen continued growth in the number of residents of group homes who are arrested and in court as defendants as a result of incidents occurring in disability group homes. A significant number of these result from alleged assaults by residents on staff or property offences.

In 2014-15, 65% of defendants who received CJSN support and advocacy in their court matters received diversionary orders under S32 Mental Health (Forensic Provision) Act 1990 (NSW) in the local court. This represents a clear growth in applications for S32 orders and in the success of those applications in court in recent years.

An application for diversion depends on a solicitor being able to secure evidence of a defendant's disability and a service support plan. Where necessary, CJSN works with solicitors and service providers to ensure this evidence is available. Often Ageing Disability and Home Care has been the source of such evidence. New pathways will need to be developed via NDIS to ensure that strong applications for diversion from the criminal justice system towards better support continue to be put before the courts.



## If Not for CJSN – Case Studies

### Tony – linking justice and disability system

*Tony is a man in his 20's. He has complex needs arising from intellectual disability, mental health problems including extreme anxiety and autism. He lives alone in a residence with 24 hour staff (usually 2 staff at any time). He was victim of abuse as a child.*

*Police are frequently called to the house at times when staff fear for their safety due to Tony's destructive and aggressive behaviour. Tony becomes extremely anxious if required to leave the house. After many call outs, the police charged Tony with destroying property and assault even though the staff did not want Tony to be charged.*

*CJSN was asked to provide court support for Tony. However, it was very clear to CJSN staff that requiring Tony to attend court would inevitably result in more destruction, risk of injury and possible additional charges. It was clearly to the detriment of Tony to require that he attend court.*

*CJSN staff liaised back and forth with Tony's solicitor and the disability service for over two weeks to get together the right evidence to convince the court that the matter should be dealt with in Tony's absence which is highly unusual.*

*CJSN was uniquely placed to be the link between the justice system and the disability system helping each to navigate the other to avoid further victimising Tony.*

*Ultimately the court was satisfied that Tony should not have to attend court and the matter was dealt with in his absence.*

*Without the involvement of CJSN, it is likely that the solicitor would not have applied for Tony to be excused from attending and the disability service would have attempted to take him to court with potentially devastating consequences.*



***“I would like to thank the entire staff of the CJSN. I don't think words are enough to express our gratitude for the support your organisation gives to our son who over the years has been so poorly treated by the police and judicial system. Your service not only supports him, but our whole family, probably without even knowing. Just knowing our son is not alone in these situations means so much to us. I don't think we could cope without the help of IDRS. Your support for our son has been invaluable. Thank you all so much”***





### **Sophia – no alternative to prison**

*Sophia lives in a group home. Her behaviour had a fairly rapid and inexplicable decline and there were regular instances of hitting staff. Her skills had declined and she had become incontinent. The police took out an Apprehended Domestic Violence Order on behalf of the staff and charged Sophia with assault. CJSN supported her through her arrest and court appearance. She could not participate and wept continually. Court was very distressing for her. Sophia was arrested again after further incidents at the group home. The disability service felt out of their depth and said they couldn't take her back. Police took Sophia to an Emergency Mental Health Unit but they refused to admit her.*

*CJSN lobbied hard for alternate accommodation to be found but despite every effort by disability services, there was nowhere for Sophia to go. She was denied bail and was taken to a correctional facility where she became further traumatised. In all Sophia spent 3 weeks in prison. CJSN staff worked closely with Legal Aid to avoid Sophia having to be brought to court unnecessarily as it was so distressing for her. Ultimately Sophia's matter was dismissed with a diversionary order under S32 Mental Health (Forensic Provisions) 1990 Act NSW and a new accommodation placement has been found. Sophia has incurred further charges since being released from prison.*



*CJSN volunteers get together in Wollongong.*

### **Nadia – finding solutions to avoid criminal justice involvement**

*Nadia is in her 30s. She was living with a man for some years until her family realised that she had been subjected to domestic violence and sexually assaulted. Nadia has an acquired brain injury and mental health problems. CJSN assisted Nadia to give a statement to police over two days. The alleged offender has since been charged and the police successfully sought an Apprehended Domestic Violence Order (ADVO). CJSN has since assisted Nadia to talk to police about breaches of the ADVO.*

*Nadia went to live with family but wanted to see her ex-partner after he contacted her. She was aggressive towards her mother who tried to stop her and the police were called and took her to the police station. The police asked CJSN to support Nadia at the police station. The police were looking at charging Nadia with assault and taking out an ADVO against Nadia to protect her mother.*

*CJSN talked to the police about Nadia's poor capacity to understand an ADVO and the likelihood she would breach the order due to her impulsive behaviour. CJSN made numerous phone calls and established that it would be possible for Nadia to stay with another family member for a while. The police were willing to release her to this alternative address without charges and did not proceed with the ADVO.*

*Without CJSN assistance it is likely that Nadia would have become a defendant in the criminal justice system.*

# The Parents Project

**The Parents Project is a specialist service offered by IDRS to parents with intellectual disability.**

The Project assists parents who have either had their children removed from their care by Community Services, or who are at risk of having their children removed. The Project is funded by the Public Purpose Fund of the Law Society of NSW through Community Legal Centres Funding Program of Legal Aid NSW.

## Parents Project strategies

Using a range of legal and non-legal approaches to advocate for individuals and systemic change the Parents Project provides:

- Legal advice, casework and representation to parents with intellectual disability in child protection matters
- Non-legal advocacy and support for parents with intellectual disability and those who support them
- Capacity building among professionals working with parents with intellectual disability – primarily disability advocates and support workers, child protection workers, lawyers and court staff
- Input into relevant policy debates and law reform processes and lobbies for systemic change that will improve the outcomes for families where at least one parent has intellectual disability

Families where at least one parent has intellectual disability represent approximately 1–2% percent of families in Australia, yet an estimated 10-12% of care proceeding cases before the children's court involve a parent with intellectual disability. It is estimated that one in six children in out of home care has a parent with intellectual disability.

The over-representation of parents with intellectual disability in Children's Court proceedings and out of home care figures can partially be attributed to the widespread pessimism regarding the ability of people with intellectual disability to parent.

## Our team

- Marissa Sandler – solicitor (part time)
- Julia Wren – parent advocate and support worker (part time)

## Parents assisted by the project

69 parents with intellectual disability were assisted by the IDRS Parents Project in 2014-15. This represents a 35% increase in the number of parents who used our service in 2013-14

### Advices

	Number of advices
Legal	54
Non Legal	25
Total	79

### Casework

	Number of advices
Legal	44
Non Legal	35
Total	79

## Volunteer Court Support – pilot project

The volunteer court support pilot scheme, commenced in May 2014 to provide individual court support for parents with intellectual disability involved in care proceedings has been active in its first year. Volunteers have supported parents with intellectual disability at court and Dispute Resolution Conferences on 50 occasions in Sydney, Newcastle and Illawarra. The pilot builds on the model of court support developed by IDRS in the Criminal Justice Support Network.

The demand for court support in care and protection matters far outstrips the Project's capacity to deliver and the availability of the volunteers has resulted in the project having to turn down far less parents. Supporting parents in care proceedings can be a demanding and emotionally draining experience. The volunteers have risen to the challenge and the Project staff and parents have greatly appreciated their commitment and skill. We hope to expand this program but will need to find additional resources to do so.

## Making Sense website

[www.idrs.org.au/makingsense](http://www.idrs.org.au/makingsense)

His Honour Judge Peter Johnstone, President of the Children's Court of NSW launched the Making Sense website for IDRS in November 2014. The website is designed to assist solicitors representing parents with intellectual or learning disability in child care and protection matters.

The website also provides clear information about the operation of the child care and protection system to equip disability workers to support parents who are going through care proceedings or are at risk of losing their children.

The Website features an inspiring must see video 'We are family' in which parents with intellectual/learning disability and their children talk about their family life.

IDRS is very grateful for the support of the Law and Justice Foundation of NSW in funding this website.



Visit the Making Sense website at [www.idrs.org.au/makingsense](http://www.idrs.org.au/makingsense)

## Care Partner Project

In response to amendments in the Children and Young Person (Care and Protection) Act 1998 (NSW) funding has been made available to 22 community legal centres including IDRS to provide legal assistance for parents with some new processes. IDRS has been fortunate to receive some of this funding.

IDRS is able to assist parents (and expectant parents) with:

- Parenting Responsibility Contracts who are talking with Family and Community Services (FACS) about entering into a Parent Responsibility Contract. IDRS solicitors can help parents to negotiate with FACS about the Parenting Responsibility Contract. It is very important that any parent who is thinking of taking up one of these agreements get legal advice
- Parent Capacity Orders. IDRS can provide advice to parents about any application by FACS for a Parent Capacity Order.
- Contact Disputes. IDRS will provide legal advice, and may undertake casework, to assist parents where there is a dispute about contact with their children eg. a disagreement with FACS after final orders are made.

IDRS encourages parents with intellectual disability to contact IDRS about any disputes with FACS about contact with their children.

The Care Partner Project will run from January 2015 till June 2016.

## Case studies

In our experience it is rare that a parent with intellectual disability whose child has been removed from their care at birth will achieve restoration of their child to their care. IDRS priority is to meet parents when they are expecting or as soon as possible after birth so that assistance can be organised to make removal of the child less likely.

### **Kate – choosing safe options to avoid possible removal**

*IDRS were contacted by a hospital social worker requesting assistance for a young mother, Kate, who had learning disability and had recently given birth. Family and Community Services (FaCS) were expected at the hospital to undertake a safety assessment. The mother had grown up in out of home care and experienced a range of social problems.*

*Kate was very distressed to find that there was a risk of her baby being removed. IDRS's parent advocate talked with her about possible options that might help to satisfy Family and Community Services that the baby could safely remain with her. Kate was willing to think about these options including going to safe accommodation.*

*Kate refused to talk with Community Service workers when they arrived. IDRS parent advocate became the messenger between Kate and FaCS discussing a plan that would satisfy everyone. An agreement was reached and Kate was able to leave hospital with her baby.*

*IDRS parent advocate has remained in regular contact with Kate and actively assists her when there are crises on the horizon. At this stage Kate has co-operated with most plans proposed to support her child remaining safe in her care.*

### **Marta – doing her best to get her baby back**

*Marta's baby was removed from her care within 15 hours of birth. The matter is still before the court. Marta has actively worked to take up suggestions to support restoration of her child to her care.*

*She has changed accommodation, completed Healthy Start training, engaged constructively with services, undertaken a parenting capacity assessment, accepted an individualised package of support services, made adjustments to her home so that it is safe and complied with contact arrangements. IDRS's parent advocate been available to Marta throughout and has assisted Marta in meetings with FaCS and provided back up advice to her solicitor and her support services to maximise the potential for restoration. She is supported by IDRS during court proceedings.*

*Marta has done all she can to have her baby returned to her care.*

***A university researcher preparing a paper on parents with intellectual disability advised that the 9 NGOs she had interviewed who were working with parents were all aware of and highly praised the work of IDRS Parents Project.***

*Email from a Community Services worker to IDRS parent advocate*

### **Anne – problems with contact sorted**

*Anne contacted IDRS because she was having difficulties with the contact arrangements with her children who were in foster care following final orders being made.*

*She felt some aspects of how the contact was arranged were not in her children's best interests. She was very stressed about raising these concerns with FaCS on her own and felt that she was not listened to. She had to travel two hours each time for contact with her children and contact was often cancelled unexpectedly.*

*Anne's main concerns were that the contact occurred in a very noisy environment with the foster family present the whole time. The contact occurred with all the children at the same time and she felt she did not have enough time with them and the children were getting distressed and confused.*

*IDRS solicitor gave legal advice to Anne and assisted her to negotiate these issues with FaCS and come to an agreement. With help Anne was able to organise a much better contact arrangement with FaCS where the contact venue was closer and quieter and she could spend quality time with her children.*



# Education and Capacity Building

## IDRS education and training aims to:

- Build the capacity of people with intellectual disability through education and information about their rights and responsibilities; how to stand up for your rights and how to get help if you need it.
- Train people who can support people with intellectual disability to get assistance with legal and rights problems. This includes family, disability workers, advocates and also volunteers who assist IDRS in its work.
- Build the capacity of the community, particularly the justice sector, to respect and respond more effectively to the needs and rights of people with intellectual disability. To this end we provide training to the police, lawyers and other justice personnel.

## Highlights

- Your Life: Your Rights is now the title of the revised Rights Leadership Course which is now a 4 module rather than 6 module course.
- The opportunity to work more closely with some of the isolated people with whom we work through My Choice Matters Workshops and the beginning of Peer Support Networks.
- Workshops for people with disability about what to do if they happen to get arrested.
- Co-educators increasing responsibility in the development of training materials and content.
- The education team has developed a number of easy read resources and video clips this year.

Training for:	Training Sessions	Total Participants
<b>People with intellectual disability</b>		
Your Life Your Rights Courses	7	88
Other Rights Training	5	79
<b>Carers/Families</b>		
Families	3	42
<b>Disability Service staff</b>		
Cops and Court	2	34
Other disability worker training	6	170
<b>Justice Agency Staff</b>		
NSW Police Custody Managers	10	219
Other Justice staff	8	70
<b>Volunteers</b>		
CJSN volunteers	7	58
After hours volunteer solicitors	1	5



*IDRS educators Chris and Anneke – Rights training at Lucas Heights Community School.*



## Future planning

This two hour workshop developed by the IDRS legal team is aimed at parents and carers and is designed to assist them to support people with intellectual disability to make and understand important financial decisions in their lives.

The workshop also provides practical future planning information. Family groups are invited to contact IDRS if you would like this workshop for your group.

### The workshop covers:

- Financial decision making after turning 18
- Rights of person to manage their own finances/decisions
- Explaining the law around decision making
- Appointing others to make financial decisions
- What is power of attorney?
- What financial decisions need to be made?
- When should parents ask the Guardianship tribunal to make a financial management order?



*Peer Network – on the move in Redfern.*



*Network members proudly show the masks they created to reflect their future dreams and goals.*

## IDRS Co-educators – doing great work

Most IDRS training is co-facilitated by a person with lived experience of intellectual disability employed as co-educators. All the co-educators have been actively taking more responsibility for design, preparation and delivery of education this year. Lynda Coleman, Chris Smith and John Vesely successfully presented at conferences during the year with great impact.

In addition to the regular co-educators Frances Cetinich, Alan Button and David Geaghan have generously shared their personal stories in training CJSN volunteers. The contribution of the co-educators is consistently identified in feedback as one of the most distinctive and valued features of IDRS training.

The co-educators have proved to be popular and effective role models particularly with people participating in Your Life: Your Rights

Comment from a young woman participating in a Your Life: Your Rights course talking about the co-educator

***‘Having people you can trust, with lives, with independence, living alone – it shows what you can do.... stuff you put in my mind made me think that could be me one day’***

Participant responses about what they learnt in the Your Life: Your Rights course

***‘It gives you more confidence to stand up for yourself’***

***‘We have the right to be treated by others as a normal individual’***

***‘Now I can tell the police I have a disability’***

## My Choice Matters and Peer Support Networks for people with intellectual disability

During 2014-15, My Choice Matters has provided funding to IDRS to facilitate workshops to assist people with intellectual disability to develop ‘voice, choice and control’. We appreciate the funding support from My Choice Matters to enable IDRS to run these workshops for some of the more isolated people we work with.

The workshops have been a great success for those attending and for our educators. Participants thoughts about what they learnt included:

- ‘To have a say and not hold back. If people don’t like it, it’s not your problem’
- ‘You have a right to make decisions and change your mind’
- ‘How to be confident and stand up for your rights’.

We are excited to have partnered with NSW Council for Intellectual Disability in a successful bid for funding from Department of Social Services to establish and facilitate Peer Support Networks. The first network based in inner Sydney has commenced and network members are enthusiastic and keen to develop and manage their network. We look forward to fostering new networks in Maitland and Illawarra in the coming months.

# Systemic Advocacy and Consultation

## Phone in No Abuse-No Excuse

In March 2014-15 IDRS hosted a phone in on Violence, Abuse and Neglect of people with disability to inform the IDRS submission to the Senate Inquiry on Violence, Abuse and Neglect of People with Disability in institutional settings. We also offered to assist people with disability to make their own submission if they wished to do so.

Thirty five instances of violence, abuse or neglect were recorded as a result of the Phone In. Thirty four instances involved people with intellectual disability as the victim of violence abuse or neglect. Fifteen reports related to staff abuse, ten to abuse by one person with disability toward another and a further ten reports were recorded as instances of neglect.

Most callers were family/friends of people with disability who had suffered some form of abuse. Two people with disability contacted IDRS directly as well as eight staff from disability services. Most people called about physical assault while seven calls concerned sexual assault.

For more information about the results of the Phone In please see IDRS Submission to the Senate Inquiry on our website [www.idrs.org.au](http://www.idrs.org.au)

## Round Table Workshop on Dependent Incapacity and Apprehended Violence Orders (AVOs)

IDRS has long held concern about the risk of further criminal justice system involvement for people with cognitive disability who have AVOs made against them which they cannot understand. AVOs are a gateway to criminal offences for many people with cognitive disability who have a high likelihood of breaching the orders. We are also concerned that we are seeing an increasing number of group home residents having AVOs made against them where the person in need of protection is a group home staff person.

IDRS ran a consultation round table workshop on the recommendations of an IDRS research paper 'Defendant Incapacity and Apprehended Violence Orders', examining the impact of AVOs made against people with cognitive disability who lack the capacity to understand or comply with the order due to their disability. The workshop was attended by representatives of Ageing Disability and Home Care, NSW Police, Legal Aid, Women's Domestic Violence Services, Women's Legal Service, Shopfront Youth Legal Service, Community Legal Centres, Criminal Law Committee of the NSW Law Society, NSW Ombudsman.

The workshop produced very useful discussion and consensus on some of the recommendations of the IDRS research paper which IDRS will pursue further.

## Submissions 2014-15

IDRS has made the following submissions on law and policy reform issues during 2014-15

- Submission to the Senate Enquiry on Violence, Abuse and Neglect of people with disability in institutional and residential settings
- Submission to Department of Social Services on NDIS Quality and Safeguards Framework
- Submission to Standing Committee on Community Affairs Inquiry into Out of Home Care. Evidence given to the Inquiry.
- Submission to Attorney General on Domestic Violence Disclosure Scheme





# Acknowledgements

## Thank you

IDRS would like to thank the following legal firms for their support during the year.

- Gilbert and Tobin
- Ashurst
- Sparke Helmore (Newcastle)

## 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.

IDRS relies heavily on government funding to provide services for people with intellectual disability.

## Core funding

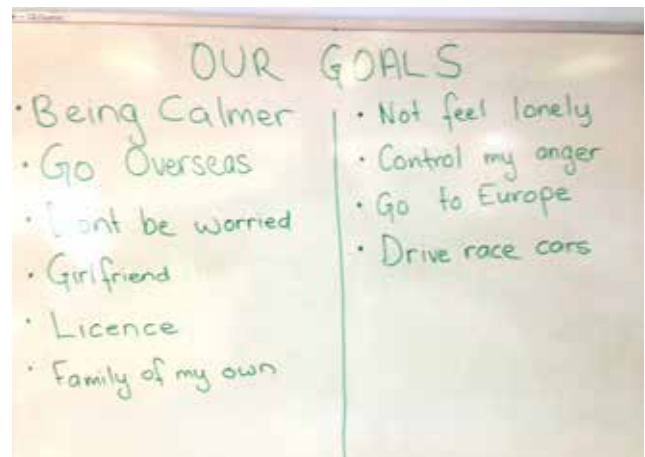
During 2014-15 IDRS received its core funding from:

- NSW Department of Family and Community Services, Ageing, Disability and Home Care (ADHC)
- Commonwealth Department of Social Services
- The Public Purpose Fund, Law Society of NSW, through Community Legal Centres Funding Program of Legal Aid NSW

## Specific project funding

We thank the following organisations for their contributions to funding specific projects:

- Law and Justice Foundation of NSW for funding the 'Making Sense' website for lawyers, magistrates, child protection workers and advocates working in care and protection to assist them in matters involving parents with intellectual disability.
- My Choice Matters Funding to run workshops and assist people with disability to submit project plans under the Run Projects
- In partnership with NSW Council for Intellectual Disability, funding from Department of Social Services to develop peer support networks.



# Financial Statements

## INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED ABN: 11 216 371 524 COMMITTEE'S REPORT

Your committee members submit the financial report of Intellectual Disability Rights Service Incorporated for the financial year ended 30 June 2015.

### Committee Members

The names of committee members throughout the year and at the date of this report are:

Anne Bolt  
Carmelo Raspanti  
Edwina MacDonald  
Edwina Pickering  
Haley McEwen  
Janene Cootes (Ex-Officio)  
Jenny Klause  
Karen Bevan - resigned in February 2015  
Mike Sprange (Chairman)  
Phillipa Friedrich (Treasurer) - appointed in February 2015  
Therese Griffith

### Principal Activities

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.

### Significant Changes

No significant change in the nature of these activities occurred during the year.

### Operating Result

The operating loss amounted to \$9,721 (2014 loss \$67,915 )

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

### Dividend

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

MIKE SPRANGE

  
Board Member

PHILLIPA FRIEDRICH

Dated this 29/10/2015



**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30 JUNE 2015**

	Note	2015 \$	2014 \$
<b>INCOME</b>			
Interest		17,884	22,268
Commonwealth Dept of Family & Community Services		222,785	215,761
Department of Ageing, Disability & Home Care (NSW)		1,031,397	996,656
Grant - Miscellaneous		106,935	121,679
Other Income		173,866	172,747
		<u>1,552,867</u>	<u>1,529,111</u>
<b>EXPENDITURE</b>			
Accounting & Bookkeeping		30,092	29,996
Admin Charges		126,844	127,168
Advertising		1,263	946
Annual Leave & Maternity Leave		1,374	8,106
Audit Fees		8,285	8,536
Bank Charges		1,098	1,171
Cleaning		8,050	7,487
Depreciation		14,352	18,010
Electricity		10,960	12,343
Host Agencies		20,845	18,303
Hire Equipment		596	3,438
Insurance		11,102	12,689
Information Technology Support		19,327	20,154
IT Web Maintenance		1,519	4,691
Legal Cost and Disbursements		1,941	5,627
Long Service Leave		(3,940)	5,121
Photocopying, Printing & Stationery		12,544	20,519
Postage & Couriers		3,539	4,063
Practising Certificates & Professional Supervision		12,554	8,489
Purchase of Minor Fixed Assets & Rebuild Network		463	720
Rent		79,231	74,898
Repair & Maintenance		4,588	15,790
Salaries & Wages		992,636	978,178
Staff/Volunteer Training & Continuing Education		33,872	39,892
Storage		2,411	2,597
Subscriptions & Library		14,359	15,404
Sundry Expenses		2,754	1,441
Superannuation		96,875	94,002
Telephone		26,875	29,828
Travelling & Accommodation Expenses		24,928	27,419
Website Project - L&J Making Sense		1,250	-
		<u>1,562,587</u>	<u>1,597,026</u>
Current year loss before income tax		(9,720)	(67,915)
Income tax expense	1(a)	-	-
Net current year loss after income tax		<u>(9,720)</u>	<u>(67,915)</u>
<b>RETAINED SURPLUS AT THE BEGINNING OF THE FINANCIAL YEAR</b>		250,444	318,359
<b>RETAINED SURPLUS AT THE END OF THE FINANCIAL YEAR</b>		<u>240,724</u>	<u>250,444</u>

The accompanying notes form part of these financial statements.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**ASSETS AND LIABILITIES STATEMENT AS AT 30 JUNE 2015**

	Note	2015 \$	2014 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash on hand		610,661	568,474
Accounts receivable and other debtors	2	106,012	42,947
<b>TOTAL CURRENT ASSETS</b>		<u>716,673</u>	<u>611,421</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	3	24,121	33,729
<b>TOTAL NON-CURRENT ASSETS</b>		<u>24,121</u>	<u>33,729</u>
<b>TOTAL ASSETS</b>		<u>740,794</u>	<u>645,150</u>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Grants received in advance		245,661	147,240
Payables		70,877	61,368
Provisions	4	79,701	78,327
<b>TOTAL CURRENT LIABILITIES</b>		<u>396,239</u>	<u>286,935</u>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	4	63,831	67,771
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>63,831</u>	<u>67,771</u>
<b>TOTAL LIABILITIES</b>		<u>460,070</u>	<u>354,706</u>
<b>NET ASSETS</b>		<u>280,724</u>	<u>290,444</u>
<b>MEMBERS' FUNDS</b>			
Capital reserve		40,000	40,000
Retained surplus		240,724	250,444
<b>TOTAL MEMBERS' FUNDS</b>		<u>280,724</u>	<u>290,444</u>

The accompanying notes form part of these financial statements.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**STATEMENT OF MOVEMENT IN EQUITY FOR THE YEAR ENDED 30 JUNE 2015**

	Note	Retained Surplus \$	Capital Reserves \$	Total \$
<b>Balance at 1 July 2013</b>		318,359	40,000	358,359
<b>Comprehensive income</b>				
Net loss for the year		(67,915)	-	(67,915)
<b>Total comprehensive income attributable to members of the entity</b>		(67,915)	-	(67,915)
<b>Balance at 30 June 2014</b>		250,444	40,000	290,444
<b>Balance as at 1 July 2014</b>		250,444	40,000	290,444
<b>Comprehensive income</b>				
Net loss for the year		(9,720)	-	(9,720)
<b>Total comprehensive income attributable to members of the entity</b>		(9,720)	-	(9,720)
<b>Balance at 30 June 2015</b>		240,724	40,000	280,724

The accompanying notes form part of these financial statements.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2015**

**Note 1                      Summary of Significant Accounting Policies**

The financial statements are special purpose financial statements prepared in order to satisfy the financial reporting requirements of the Associations Incorporation Act New South Wales. The committee has determined that the association is not a reporting entity.

The financial statements have been prepared on an accruals basis and are based on historic costs and do not take into account changing money values or, except where stated specifically, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless stated otherwise, have been adopted in the preparation of these financial statements.

**(a)              Income Tax**

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

**(b)              Property, Plant and Equipment (PPE)**

Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

The depreciable amount of all PPE is depreciated over the useful lives of the assets to the association commencing from the time the asset is held ready for use.

Leasehold improvements are amortised over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

**(c)              Employee Provisions**

Provision is made for the association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee provisions have been measured at the amounts expected to be paid when the liability is settled.

**(d)              Provisions**

Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured at the best estimate of the amounts required to settle the obligation at the end of the reporting period.

**(e)              Cash and Cash Equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with banks, and other short-term highly liquid investments with original maturities of three months or less.

**(f)              Accounts Receivable and Other Debtors**

Accounts receivable and other debtors include amounts due from members as well as amounts receivable from donors. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

**(g)              Revenue and Other Income**

Revenue is measured at the fair value of the consideration received or receivable after taking into account any trade discounts and volume rebates allowed. For this purpose, deferred consideration is not discounted to present values when recognising revenue.

Interest revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument.

The associations activities are supported by grants received from the federal, state and local governments. Grants received on the condition that specified services are delivered, or conditions are fulfilled, are considered reciprocal. Such grants are initially recognised as a liability and revenue is recognised as services are performed or conditions fulfilled. Revenue from nonreciprocal grants is recognised when the company obtains control of the funds.

All revenue is stated net of the amount of goods and services tax (GST).

**(h) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the assets and liabilities statement.

**Note 2 Accounts Receivable and Other Debtors**

	2015	2014
	\$	\$
Receivables	87,926	28,108
Prepayments	18,086	14,839
	<u>106,012</u>	<u>42,947</u>

**Note 3 Property, Plant and Equipment**

	2015	2014
	\$	\$
Property, Plant and Equipment		
At Cost	253,164	248,420
Accumulated depreciation	-229,043	-214,691
Total Property, Plant and Equipment	<u>24,121</u>	<u>33,729</u>

**Note 4 Provisions**

	2015	2014
	\$	\$
<b>CURRENT LIABILITIES</b>		
Employee Entitlements - Annual Leave	79,701	78,327
	<u>79,701</u>	<u>78,327</u>
<b>NON-CURRENT LIABILITIES</b>		
Employee Entitlements - Long Service Leave	63,831	67,771
	<u>63,831</u>	<u>67,771</u>

**Note 5                      Leasing Commitments**

	2015	2014
	\$	\$
<b>Operating Lease commitments</b>		
<b>Rental Sydney office *</b>		
Payable - minimum lease payments		
— not later than 12 months	83,626	87,900
— between 12 months and 5 years (expires 28/9/2017)	85,299	21,900
	<u>168,925</u>	<u>109,800</u>
<b>Rental Wollongong office **</b>		
Payable - minimum lease payments		
— not later than 12 months	8,200	11,561
— between 12 months and 5 years (expires 8/10/2018)	17,012	1,329
	<u>25,212</u>	<u>12,890</u>
<b>Rental Newcastle office ***</b>		
Payable - minimum rental payments		
— not later than 12 months (expires 1/1/2016)	5,249	8,019
— between 12 months and 5 years	-	8,259
	<u>5,249</u>	<u>16,278</u>

\* Sydney: The existing property lease term has been extended for 2 year. The agreed rent is \$83,626.00 per annum. Rent is payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by the Consumer Price Index. The amount disclosed are GST exclusive. Security Deposit paid \$20,625.00.

\*\* Wollongong: Previous lease agreement is expiring in October 2015. From 8 October 2015 the service has entered into a sub-lease agreement on a new property with Australian Red Cross. The agreed rent on this property is \$7080 per annum. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by 4% per annum. The amount disclosed are GST exclusive.

\*\*\* Newcastle: A new rental agreement commenced in January 2014. The term of the agreement is 2 years. Agreed rent is \$10,293 per annum. The rent will increase annually by Consumer Price Index.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**ANNUAL STATEMENTS GIVE TRUE AND FAIR VIEW OF FINANCIAL POSITION AND**  
**PERFORMANCE OF INCORPORATED ASSOCIATION**

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 3 to 7:

1. Presents a true and fair view of the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2015 and its performance for the year ended on that date.
2. At the date of this 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.

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

Board Member

Mike Sprange MIKE SPRANGE

Board Member

Phillipa Friedrich PHILLIPA FRIEDRICH

Dated this

29/10/2015



To the Board of Directors of Intellectual Disability Rights Service Incorporated,

**Auditor's Independence Declaration under section 307C of the Corporations Act 2014**

As lead audit partner for the audit of the financial statements of Intellectual Disability Rights Service Incorporated for the financial year ended 30 June 2015, I declare that to the best of my knowledge and belief, there have been no contraventions of;

- (a) the auditor independence requirements of the Corporations Act 2001 in relation to the audit; and
- (b) any applicable code of professional conduct in relation to the audit.

Yours sincerely



**Robert Mayberry**  
**Partner**

Registered Company Auditor 185903  
Fellow of the Institute of Chartered Accountants in Australia 20369  
Holder of a current Certificate of Public Practice



**Nexia Court & Co**  
**Chartered Accountants**

Sydney  
28 October 2015

**Sydney Office**

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## **INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**

### **Report on the Financial Report**

We have audited the accompanying financial report of Intellectual Disability Rights Service Incorporated, which comprises the statement of financial position as at 30 June 2015, the statement of profit or loss and comprehensive income and the statement of changes in equity for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the statement by the Committee.

#### *Officers' Responsibility for the Financial Report*

The officers of the Intellectual Disability Rights Service Incorporated are responsible for the preparation of the financial report, and have determined that the basis of preparation described in Note 1, is appropriate to meet the requirements of the Associations Incorporation Act (NSW) 2009 and Associations Incorporation Regulations 2010 and the needs of members. The officer's responsibility also includes such internal control as the officers determine is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the officers, as well as evaluating the overall presentation of the financial report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

#### *Independence*

In conducting our audit, we have complied with the independence requirements of the Corporations Act 2001. We confirm that the independence declaration required by the Corporations Act 2001, which has been given to the officers of Intellectual Disability Rights Service Incorporated, would be in the same terms if given to the officers as at the time of this auditor's report.

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### *Opinion*

In our opinion, the financial report presents fairly, in all material respects, the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2015, and its financial performance for the year then ended in accordance with the financial reporting requirement on the Associations Incorporation Act (NSW) 2009 and Associations Incorporation Regulations 2010.

### *Basis of Accounting*

Without modifying our opinion, we draw attention to Note 1 of the financial report, which describes the basis of accounting. The financial report has been prepared to assist Intellectual Disability Rights Service Incorporated to meet the requirements of the Associations Incorporation Act (NSW) 2009, and Associations Incorporation Regulations 2010. As a result, the financial report may not be suitable for another purpose.

A handwritten signature in black ink, appearing to read "R Mayberry".

**Robert Mayberry**  
**Partner**

Registered Company Auditor 185903  
Fellow of the Institute of Chartered Accountants in Australia 20369  
Holder of a current Certificate of Public Practice

A handwritten signature in black ink, appearing to read "Nexia Court & Co".

**Nexia Court & Co**  
**Chartered Accountants**  
Sydney

30 October 2015



**Intellectual Disability Rights Service Inc.**

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Working to advance  
the rights of people with  
intellectual disability  
since 1986

