

2006 – 2007

Annual Report

Intellectual Disability Rights Service



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

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What does IDRS do?

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

IDRS was set up to do the following:

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

The Key Result Areas for IDRS's work during 2006 – 2007 were:

Key result area 1

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

Key result area 2

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

Key result area 3

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

Key result area 4

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

Key result area 5

Strength and innovation: building a strong and vibrant organisation

Legal Advice and Casework

IDRS provides free legal advice and information and, in some cases, free legal representation to people with an intellectual disability in NSW.

We deliver legal services in the following ways:

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

Legal Advice

In 2006-07 we provided 540 legal advices covering both federal and state matters of criminal, civil, family and administrative law. Advice is given by qualified solicitors and is often provided through third parties such as parents, guardians, disability workers and advocates who call IDRS on behalf of



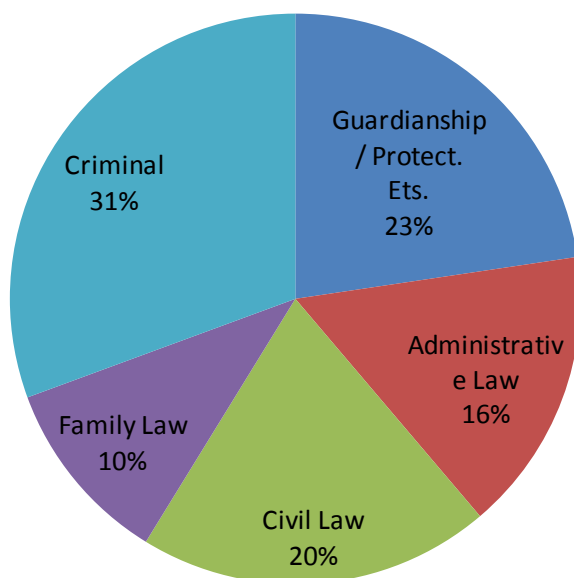
a person with a disability. We also provide advice to mainstream legal practitioners acting for people with intellectual disability.

Callers are given an appointment time for a legal advice session. Advice is provided within 2 days of the original call in most cases. Immediate advice can usually be provided in urgent circumstances, for example if a person has been arrested. Advice is provided by telephone in most

instances unless the person prefers to come to the office. We have a free-call number 1800 666 611 for people outside Sydney.

IDRS is a statewide service and in 2006-07, 36% of those receiving legal advice were calling from outside the Sydney metropolitan area.

Legal advice given in each area of law



An area of concern arising from IDRS calls for legal advice from families this year relates to injuries or harm to people with intellectual disability arising from apparent poor care in a disability service. A number of these cases raise real concern about negligence and the level of training and experience of staff in some residential services.

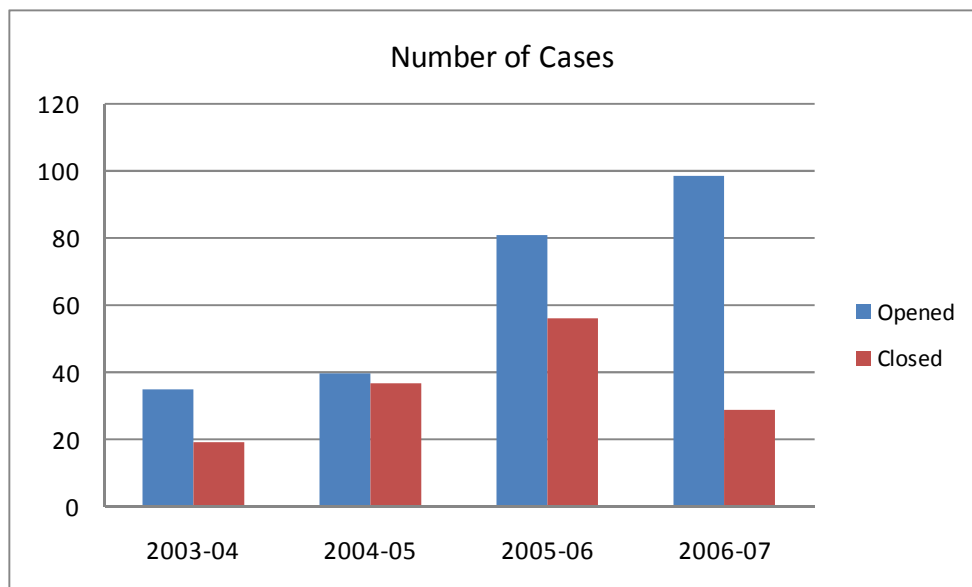
Legal Casework

This year our solicitors provided free legal representation to people with an intellectual disability in legal proceedings in a range of legal forums, including the Local and District Courts, the Children's Court, the NSW Guardianship Tribunal, the Mental Health Review Tribunal; Consumer, Trade and Tenancy Tribunal Administrative Decisions Tribunal.

Representations on behalf of clients were made to a wide range of agencies including the State Debt Recovery Office, The Office of the Protective Commissioner, Legal Aid, Department of Community Services, Department of Housing

Considerations which are taken into account in the decision to represent a client include the impact on the client or people with intellectual disability generally; whether the matter falls within IDRS priority areas; the merit and strategic value of the case; whether alternate representation is available to the client and whether IDRS is the most appropriate service to act for a client. When IDRS cannot provide legal representation to the person directly we can often identify and link the person to an appropriate alternate source of legal representation.

During the last year 98 casework files were opened and 29 casework files were closed.



By far the predominant area of casework in 2006 – 07 has been in criminal matters. Matters in which we have acted include theft, common assault, assaults causing grievous bodily harm, malicious wounding, victim's compensation,

Apprehended Violence Orders, matters related to behaviour in public places and nuisance calls to emergency services.

The work is specialised as it bridges both the legal and disability service sectors. IDRS solicitors have an extremely high success rate in achieving diversionary outcomes involving services and treatment even in cases where a custodial sentence may have otherwise resulted. As IDRS solicitors have developed a high level of expertise in this area, there have been an increasing number of cases where IDRS has been requested to act for clients even though Legal Aid representation has been available.

A focus of IDRS work in the next year will be to use the expertise developed through casework experience to support the work of other legal and disability services through education, telephone advice and providing trained support persons for offenders and witnesses through the Criminal Justice Support Network.

To further support this work IDRS has secured a contract with University of NSW Press to produce a book on criminal law and its application to people with an intellectual disability both as defendants and as witnesses/victims. This will be a practical handbook for solicitors representing people with an intellectual disability and will update our 1989 publication "Intellectual Disability – A Manual for Criminal Lawyers" written by Mark Ierace. This book will also be a guide to the criminal law for disability advocates assisting people through the criminal justice system.

Issues for parents with intellectual disability are another priority area for systemic advocacy and we have taken on several matters in this area over the past 12 months.

IDRS experience in these cases has revealed great disadvantage for parents who have an intellectual disability within the child protection system and courts and has highlighted the need for education, systemic change and support if parents with intellectual disability are to have equal access to justice

in this area. The legal team have produced an options paper examining a range of strategies for addressing the disadvantage in this area.

Other types of matters in which IDRS has undertaken casework include guardianship and financial management, fines and debts, tenancy and discrimination.

Following are some case studies based on our work

Henry's Case

Henry was in his 20's and lived with his father. He had an intellectual disability with very challenging behaviors. When he was taken on an excursion by a disability service he caused serious injuries to several elderly people in a shopping centre.. Henry was charged with four counts of assault causing grievous bodily harm. He was refused bail and went to gaol until accommodation with supports could be organised.

Henry was fortunate to be a DADHC client. After strident advocacy from IDRS appropriate accommodation was arranged.

In Henry's case, the offences were strictly indictable and representations were made to the Director of Public Prosecutions to reverse the election to take the matter to the District Court so that the matter could be heard in the local court. This involved a conference with the solicitor handling the matter and a written letter providing the treatment plan.

Due to the seriousness of Henry's case it was too much to ask the Judge to dismiss the matter conditionally but the IDRS solicitor asked for proceedings to be adjourned and for the interim treatment plan to be imposed as a bail condition. This was to provide the opportunity to demonstrate the effectiveness of the treatment plan to the court. In Henry's case a 3 month adjournment followed by a two further 3 month adjournments occurred. The passage of time helps if there are no further offences in the interim. The importance of the bail conditions needed to be constantly reinforced to Henry.

The treatment plan included that he not be in the community without the supervision of a support worker; that he complete a course in anger management and comply with a behavioral management plan, ongoing psychological counseling, regular medication reviews and live in a supported group home as directed by the Department of Aging Disability and Homecare.

Thanks to strong and persistent legal advocacy and access to residential and support services, Henry's case was successful and the charges were ultimately dismissed unconditionally.

Sherrie's Case –if at first you don't succeed!

Sherrie was 24. She lived in a housing commission unit on her own. She was involved in a Social Security Prosecution for not disclosing her income whilst receiving Centre Link welfare. The prosecution amounted to thousands of dollars when all of the charges were added together. She had made errors in completing Centrelink forms.

Sherrie had a job in a child care centre secured for her by a disability service in a child care centre. She was also doing a TAFE course. Sherrie did not identify as having a disability, but during a legal conference it became apparent that she did have a disability.

She had no report or assessment to confirm that she had an intellectual disability. We wrote to a psychologist and requested an assessment. It verified that she fell within the borderline range of intellectual disability; however her IQ was over 70. She disclosed that she had suicidal tendencies to the psychologists and she had been admitted to a hospital for treatment in the past for attempts on her life.

An application was made under the s20BQ *Crimes Act 1914*. This is the Commonwealth diversionary law similar to s32 Mental Health Criminal Procedure Act.

The application was refused by the Judge as the prosecution argued she did not have an intellectual disability and the disclosures about her mental illness may have been made up.

A second application was made under s20 BQ. Written arguments were made to demonstrate that the fact that the assessment of her IQ as over 70 did not bar her from making such an application. New evidence was put before that court and as there were materials to demonstrate to the court that she had an intellectual disability as well a mental illness. Hence she was able to satisfy the first component of s20 BQ. The second component was to show that it was appropriate to deal with her by way of a treatment plan.

The treatment plan included financial counseling by Life Line; medication reviews by her GP; agreeing to referral to a psychologist; referral to an advocacy service to assist her with Centrelink forms..

The matter was dismissed conditionally on the basis that she comply with the treatment plan.

John and Mary's Case– a care and protection matter

John and Mary's daughter, had been removed by the Department of Community Services. John had secured a solicitor for the matter but within minutes of their meeting at Court, the solicitor had applied to the court to have a guardian ad litem appointed to John because she believed that he was incapable of instructing her.

Guardians ad litem stand in the shoes of a party to Children's Court proceedings where that party is considered by the court to be incapable of giving proper instructions to their legal representative. This disempowers the party insofar as that person cannot instruct his or her solicitor and is reliant on the guardian ad litem to act in their 'best interest', given the strong stereotypes about people with intellectual disability as parents, this can result in poor outcomes for that party. The Children's Court does not have strict evidentiary requirements for the appointment of guardians ad litem. The Magistrate made the order appointing the guardian ad litem.

The solicitor had not cited any material concerning the nature of John's disability, nor did she attempt to discuss with John how she could change her communication techniques to make it easier for him to instruct her. An individuals' capacity to instruct a solicitor is just as much about the knowledge, skills and openness of the solicitor as it is about the abilities of the client. Moreover, the solicitor only met with John for a short time prior to going into Court. John was extremely stressed and confused about the court proceedings and hence was finding it difficult to speak calmly to the solicitor. He felt the solicitor had not gone to any efforts to explain what was happening in a manner that John could understand.

IDRS began representing John after the solicitor realised that her request for the appointment of the guardian ad litem was premature and asked IDRS to take over. An IDRS solicitor spoke with John about the nature of his disability and identified strategies to assist him to provide instructions and understand legal advice. The nature of John's intellectual disability is that he has deficits in concentration and memory which means that things need to be explained one point at a time and reinforced. The IDRS solicitor also contacted John's disability advocate and his family support worker and arranged for them to attend court to support him.

With these strategies, the IDRS solicitor applied to the court to have the guardian ad litem removed. However, the Magistrate would only do this if the IDRS solicitor could find a psychological report which indicated that John was capable of providing instructions!

The IDRS solicitor located a twenty year old report on John which emphasised his abilities and isolated his deficits. With this report the Magistrate agreed to remove the guardian ad litem.

The IDRS Solicitor has been representing John ever since in his ongoing care and protection matter. The solicitor has encountered no difficulties in obtaining instructions and was even able to draft a 20 page affidavit with John. This demonstrated to IDRS the importance of parents with intellectual disability having access to legal representatives who are willing and skilled to adjust to meet the needs of the clients with intellectual disability.

Law Reform and System Change

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

In 2006/2007 our priority areas continued to be:

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

Our policy and law reform work also includes ensuring that the interests of people with intellectual disability are taken into account in any relevant areas of legislative and policy reform.

Submissions, Representations and Consultations

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

An outline of our work during 2006/07 follows:

Crime – Recording of refusal to be interviewed by police

IDRS has been concerned for some time about a practice of some police to insist that persons who decline to participate in a police interview have this refusal electronically recorded. This is contrary to a Police Circular on the topic (PC 05/02) and police have no such power. The risk for our clients is that the right to silence is infringed and police may seek to proceed with an interview once the person is in the interview room.

We raised our concerns in the context of the *Criminal Procedure Amendment (Vulnerable Persons) Act 2007* and this was discussed in the Parliamentary debate (see <http://www.parliament.nsw.gov.au/prod/PARLMENT/hansArt.nsf/V3Key/LA20070529051>). This law commenced on 12 October 2007 and has considerable benefits for people with an intellectual disability as it affords them the flexibility they need when giving evidence in criminal proceedings. The amendments also require that police record any interview conducted with an accused with an intellectual impairment. We were concerned that this would be misinterpreted by some police as a requirement to electronically record a refusal to be interviewed. IDRS intends to follow up on this issue in 2007/2008.

Crime – *Mental Health (Criminal Procedure) Act 1990*

IDRS made a lengthy submission to the NSW Health review of the forensic provisions of the *Mental Health Act 1990* and the *Mental Health (Criminal Procedure) Act*. This area of law is in dire need of reform. It is also the subject of an upcoming review by the NSW Law Reform Commission.

The key recommendations of IDRS were:

- the need for a separate legislative pathway for offenders with an intellectual disability within the existing legislation
- removal of the Executive discretion – at present the release of forensic patients is a political decision when it should be a question determined by the Mental Health Review Tribunal (MHRT), subject to certain safeguards
- that when limiting terms are set the person should be given the benefit of a discount for a plea of guilty
- that amendments be made to s.10(4) of the *Mental Health (Criminal Procedure) Act 1990* to remove the word "trivial" and clarify that an application under the subsection can be made at any stage of the proceedings
- those found not guilty on the grounds of mental illness not be held indefinitely but that a provision be made for limiting the period of detention
- that the frequency of reviews of forensic patients by the MHRT not be reduced
- that the test for the release of forensic patients not be broadened

IDRS made a preliminary submission to the NSW Law Reform Commission (NSWLRC) in relation to diversion from the local courts under s.32 of the *Mental Health (Criminal Procedure) Act 1990*. The

review conducted by the NSWLRC has now been widened to include fitness to be tried, the defence of mental illness and sentencing issues. We have been invited to make a follow-up submission once the NSWLRC releases a Consultation Paper in November 2007.

Crime – service of briefs of evidence

IDRS wrote to the Attorney General to oppose the *Criminal Procedure Amendment (Local Court Process Reforms) Bill 2007* which provided that in certain minor criminal matters in the Local Courts a brief of evidence need not be served resulting in significant disadvantages for our clients.

Care and Protection

IDRS made a strident submission to the Department of Community Services review of the *Children and Young Persons (Care and Protection) Act 1998*. The Discussion Paper canvassed such issues as the establishment of a new Tribunal with jurisdiction to deal with care and protection matters. IDRS strenuously opposed a proposal to remove the jurisdiction of the Children's Court to make contact orders, leaving these decisions to the case planning and review process. We also opposed any reduction or restriction on appeal rights.

Our submission can be found at:

http://www.community.nsw.gov.au/docswr/_assets/main/lib100035/intellectualdisabilityrights.doc.

UN Convention on the Rights of Persons with Disabilities

IDRS worked with Australian Lawyers for Human Rights (ALHR) and other community advocacy groups calling on the Federal Government to become a foundation signatory to the new UN *Convention on the Rights of Persons with Disabilities*. (<http://www.alhr.asn.au/html/main/documents/07.03.30MediareleaseonDisabilityConvention.pdf>).

Australia did become a signatory. We also participated in a workshop organised by Human Rights and Equal Opportunity Commission on ratification of the convention and IDRS continues to be an active member of the network working towards the ratification of the convention

Employment

IDRS made a brief submission to the Australian Fair Pay Commission's 2007 Minimum Wage Review. IDRS canvassed issues affecting people employed in supported employment and the need for the further reform of this area.

IDRS notes that the Department of Families, Community Services and Indigenous Affairs (FaCSIA) has allowed some business services to phase in pro-rata wage assessments based on the approved wage assessment tools by 11 May 2008. IDRS will continue to monitor this and will resist any further extension of this deadline. We will also continue to lobby for independent wage assessment as these assessments are often conducted by the employer despite an obvious conflict of interest.

Guardianship, financial management and incapacity

IDRS made a submission in relation to proposed amendments to the *Guardianship Act 1987* (NSW). The proposed amendments were to:

- allow the Guardianship Tribunal to convene certain hearings with a single member sitting as the Tribunal
- increase the period of appointment of Tribunal Members from 3 to 5 years
- provide for increased flexibility of orders for the Tribunal to enable it where appropriate to make non-reviewable guardianship orders.
- Provide powers to the Tribunal's Registrar to make procedural orders

Our submission canvassed a number of safeguards that we believed needed to be in place should these amendments be passed. The amendments were passed and came into effect on 1 August 2007.

IDRS also commented on guidelines proposed by the Office of the Protective Commissioner (OPC) for the phasing out of that office as banker for people living in the large DADHC residences. The OPC had adopted that role in 1989 at the request of the Minister for Family and Community Services but had no statutory powers to do so.

IDRS responded to a discussion paper issued by the NSW Attorney General's Department about developing a comprehensive approach to the issue of capacity and assessment of capacity.

The views of IDRS were sought by the Department of Ageing, Disability and Home Care in relation its draft 'Decision Making and Consent Policy'.

Sterilisation of children with an intellectual disability

The NSW Attorney General's Department sought the views of IDRS on a Model Bill to develop a nationally consistent approach to the regulation of the sterilisation of children with an intellectual disability. IDRS took a different position from that taken in the Model Bill and encouraged the Standing Committee of Attorneys General to adopt a much higher test for approval of sterilisation procedures. Rather than a 'best interests' test, IDRS advocates for the more stringent test that the procedure must be 'necessary to save life or prevent serious damage to health'.

Local courts Report

In conjunction with the Coalition on Intellectual Disability and Criminal Justice, IDRS has produced an extensive report on "Alleged Offenders with Intellectual Disability in the Local Court". We have commenced consultations with key agencies in the criminal justice system, the disability sector and people with intellectual disability on the recommendations in this report and will release the report once these consultations are complete.

Participation in external committees

During 2006–2007, IDRS participated in the following committees and networks:

Government committees

- Department of Juvenile Justice Disability Strategic Group meeting
- Women's Domestic Violence Court Assistance Program Advisory Committee Office of Protective Commission Interagency Meeting
- Guardianship & Protected Estates Users Group
- Department of Ageing, Disability and Home Care Criminal Justice Project Reference Group
- Workshop on Promoting the Ratification and Implementation of the United Nations *Convention on the Rights of Persons with Disabilities* in Australia.

Non-Government committees and networks

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

Community Education

The capacity of IDRS to provide education was unfortunately limited by the educator position being vacant for several months during this year. IDRS conducted 37 education sessions during the year.

Rights Education for people with intellectual disability

During 2006-07 IDRS continued to deliver the Rights Leadership Course, a 6 module course on rights for people with intellectual disability. Whenever IDRS travels to regional areas, we endeavour to conduct a training session for people with intellectual disability on rights.

Families & advocates

Wills, Estates and Guardianship were the most requested topics for training for families and we conducted 5 sessions during this year with a total of 91 participants. IDRS welcomes the information kit developed by the Department of Family, Community Services and Indigenous Affairs "Support for Carers" which explains the new Special Disability Trusts and assists families to plan ahead. This is available from the Department in a range of community languages. It is also online on the Department's website.

NSW Police

Community Educators continued to deliver specific training for police officers to develop their skills in working and communicating effectively with children and adults with intellectual disabilities. This year we presented nine sessions to officers training in the Joint Investigative Review Teams (who work with children who have allegedly been abused), and in the Adult Sexual Assault course. This training is always co-presented by a person with an intellectual disability.

Legal Services

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

During this year IDRS solicitors delivered training to groups of private solicitors in Sydney and on the Central Coast, solicitors at the Legal Aid Commission, the Office of the Director of Public Prosecutions Magistrates and the Judicial Commission.

Services

Sexuality and the law has been an area in which a number of disability services requested training. We have also focused on training in relation to care and protection issues for parents with an intellectual disability and on better skilling disability services in the preparation of court reports and service/treatment plans to support applications under s32 Mental Health Criminal Procedures Act.

Conference Presentations

In addition to the general education sessions, IDRS staff have presented papers at conferences during this year.

IDRS Principal Solicitor, Peter McGhee presented a paper "Diversion from the Criminal Justice System into the Humanities Sector" at the 30th International Congress on Law, Mental Health at the University of Padua in May 2007.

IDRS staff presented a paper to the Mental Health Co-ordinating Council Consultations on Intellectual Disability and the Forensic Procedures of the *Mental Health (Criminal Procedure) Act 1990*.

Information

We continue to receive requests for information and referral by telephone. This year, IDRS received about 230 requests for information from people with an intellectual disability, their families and advocates and from various disability and community workers. In addition to information given over the phone, we provided written information or referred callers to our website for additional information.

IDRS regularly provides assistance and advice to government and non-government organisations on adapting written information to make it more accessible for people with an intellectual disability. The fact that IDRS has a person with an intellectual disability as an educator means that we are well suited to provide this service.

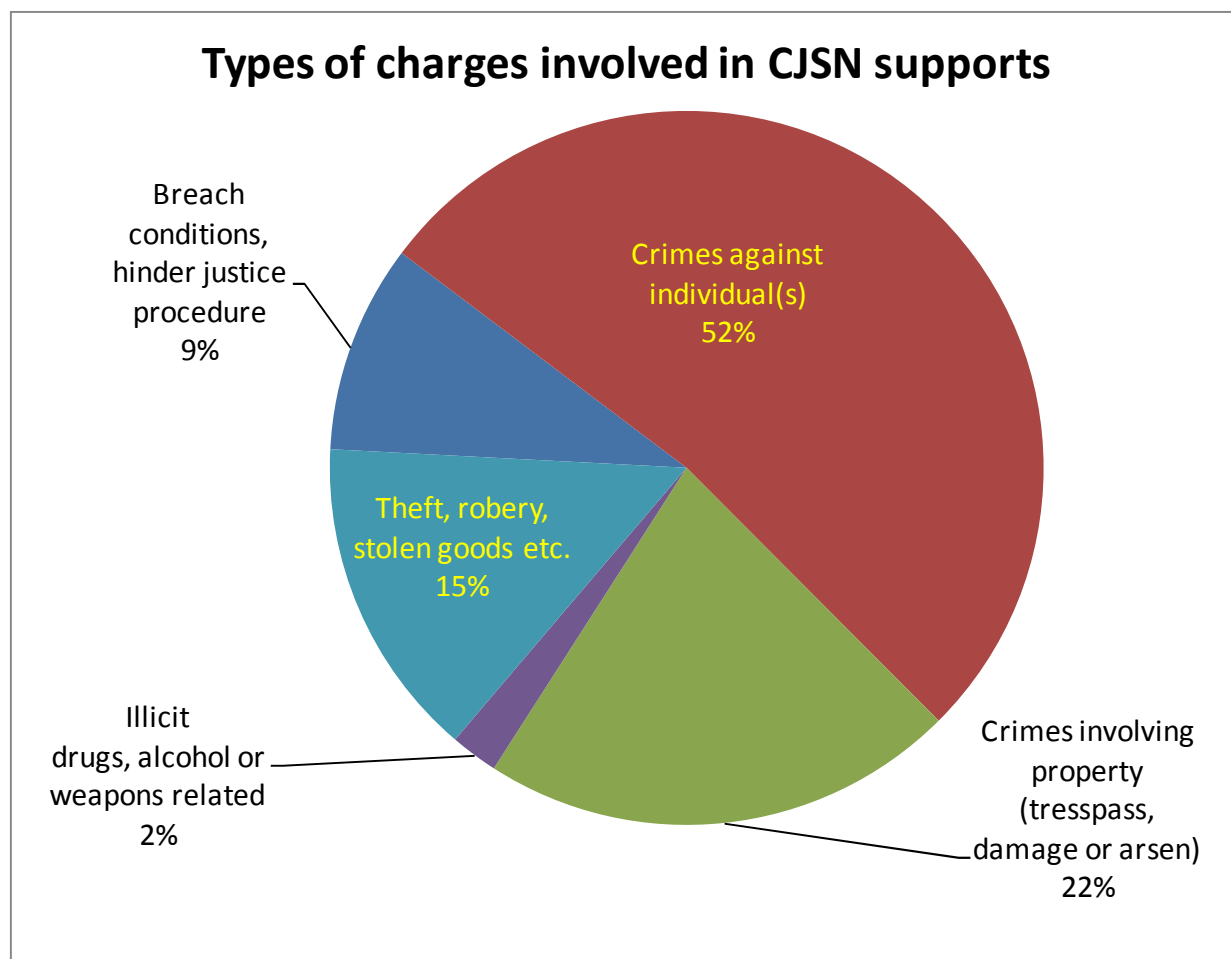
Criminal Justice Support Network

Support in Police Stations and at Court

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

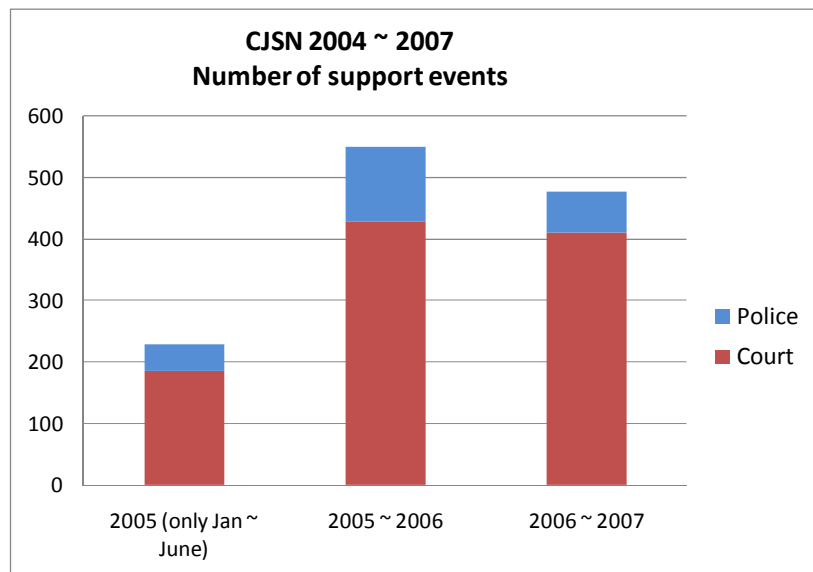
The most common types of matter we have provided support in, representing 69% of all CJSN supports, are:

- Assault – not domestic violence related
- Break and enter dwelling
- AVO defendants
- Sexual assault
- AVO applications
- Breach Apprehended Violence Order
- Malicious damage to property
- Other malicious offences
- Other theft
- Murder



The suburbs we have provided support in most frequently, representing 65% of all supports, are:

- Central Sydney (Downing Centre and Central local courts and inner city police stations)
- Newcastle
- Wollongong
- Parramatta
- Toronto
- Nowra
- Burwood
- Maroubra
- Maitland
- Cessnock



CJSN Support Statistics

The total number of supports provided this year remained at similar levels to last year. The total number of clients assisted by CJSN increased to 336 during this financial year. This represents an increase in client numbers of 27%. The vast majority of court supports were for people who were in local courts as defendants. The nature of supports has diversified to include court related processes such as legal appointments, Youth Justice Conferences, Young Adult Justice Conferences and Community Justice Panels.

Through the 24 hour information and support line, CJSN, has assisted people in the person's own personal network such as family, friends, disability workers or advocates to provide support at court and in police stations. Many of these have been in regional areas of NSW. During the year CJSN provided this "indirect support" of practical information and guidance on 115 occasions.

Building on the success of the pilot project undertaken with the Department of Corrective Services in the last financial year, CJSN has received an increased number of referrals for court support at Correctional Centres where the client participates via audio-visual link in hearings in various local courts. Most referrals have come from Long Bay Correctional Centre so an improved referral form was created. Now that the process is well established plans are under way to identify suitable volunteers to be trained in providing AVL supports in correctional centres.

CJSN staff and volunteers

Judy Harper finished up with CJSN during 2006. Alex Faraguna commenced as the new CJSN Manager in April 2007. Her previous experience has been in dementia assessment, grief and trauma counselling with victims of serious crime, general counselling, mental health information and referral and drug and alcohol detoxification.

Jane Thompson also left CJSN after more than three years as Sydney Coordinator and Mitch Fraser, a CJSN volunteer has commenced as a Sydney Co-ordinator
The Sydney metro area has 56 volunteers.

In the Southern area, Corinna Nolan commenced as the Southern Region Coordinator in January 2007, after Karen Morrow left. Kathy Spears assists with administration.
The Southern region has 20 volunteers.

Sally Chopping continues to co-ordinate the Hunter region with assistance from casual administrative assistant, Pennie Dodds. The Hunter manages region 20 volunteers.

Outreach and Justice Support Network Volunteer Groups

The outreach service of CJSN has become well established during this year with a network of contacts formed in many regional areas. During this year, our outreach worker, Leonie Kirwan, has worked closely with groups in Albury, Wagga Wagga, Mudgee, Armidale, Port Macquarie, Taree, Central Coast, Bateman's Bay and Coffs Harbour. The aim is to raise awareness and build capacity of people in those local areas to support people with intellectual disability in the criminal justice system as well as promoting the CJSN 24-hour helpline.

It has been very encouraging that in most areas we have visited there have been local people keen to learn about supporting people at police stations and at court. In Port Macquarie, the Central Coast and Albury CJSN has supported local services to successfully apply for small funding grants to establish a network of volunteer support people. A similar funded program exists in Armidale. CJSN has trained the volunteers of each of these services during this year as well as a dedicated group of volunteers in Mudgee.

A partnership arrangement exists between CJSN and the Port Macquarie, Central Coast and Mudgee networks which are accessed after hours via the CJSN on-call staff member.

All of the regional groups have access to the 24 hour legal advice service provided by our network of volunteer solicitors.

If not for CJSN...

A quick support....

On an evening in July, a homeless CJSN client was accused of shoplifting by security guards at a shopping centre in western Sydney. The client had numerous previous matters relating to shoplifting – it looked very likely that he would find himself back in police custody. The client had a CJSN wallet card in his pocket and showed it to the security guard. The security guard phoned the CJSN on call worker.

The CJSN worker spoke to the security guard and ascertained that the shopping centre management did not want to call police as they understood the client was a vulnerable person. However, under the shopping centre policy, they could not simply release the client without someone being with him. They required a 'responsible person' to escort him off the premises. If nobody could be found, they would need to call police; which for this client would have certainly meant arrest, charge and custody.

The CJSN worker caught the train to the shopping centre to escort the client out. The centre did not place a banning order on the client, despite goods being found in his custody. The shopping centre's policy is to maintain contact details of a support person for such clients and contact that person, rather than the police, if there is trouble with that client. This is in stark contrast to many shopping centres which automatically ban a client when any trouble has occurred. CJSN wrote to the shopping centre's management to commend them for this compassionate treatment of a vulnerable person.

A long term support.....

This case is an illustration of working cooperatively with the Department of Corrective Services (DCS), DADHC and solicitors to achieve effective support. This client (I will call him Adam) was in custody and referred to us by a correctional centre. Adam is a man who had a decade-long criminal history dating back to his youth. By the time he was sentenced on this occasion he had accrued 8 'Break Enter Steal' charges and the case against him was very strong. Prior to him coming to any plea on these charges his support person read every charge to him so that he could have the opportunity to consider if he had any defence.

Initially Adam had to relate to several different solicitors depending on which court he was appearing in. This led to him feeling that he was not being properly represented and confusion over the advice he was given. CJSN was instrumental in ensuring that Adam had just one solicitor to act for him. Having one solicitor who worked all the way through the cases meant that Adam was able to get the best outcome for his sentencing. CJSN supported Adam at his court appearances and at the goal when he had court appearances via Audio Visual Link.

The sentencing of Adam's case was committed to the District Court, meaning that a Section 32 application was not an option. Initially there were no real alternative options for Adam but a long custodial sentence.

Adam was accepted by the new DADHC Criminal Justice Project (CJP) following an application by the Welfare Officer at the correctional centre. This gave the solicitor an option to put to the court. Adam had not had access to services previously. The judge agreed to adjourn his sentencing while he gets the opportunity to go into a drug rehabilitation program, learn vital life skills and be involved in the community. This gave him an opportunity to demonstrate that he was serious about not re-offending.

Last time the CJSN support person called his home; Adam had joined a basketball team, was in drug rehab and had settled into his home. The first real home he has had for years – perhaps ever.

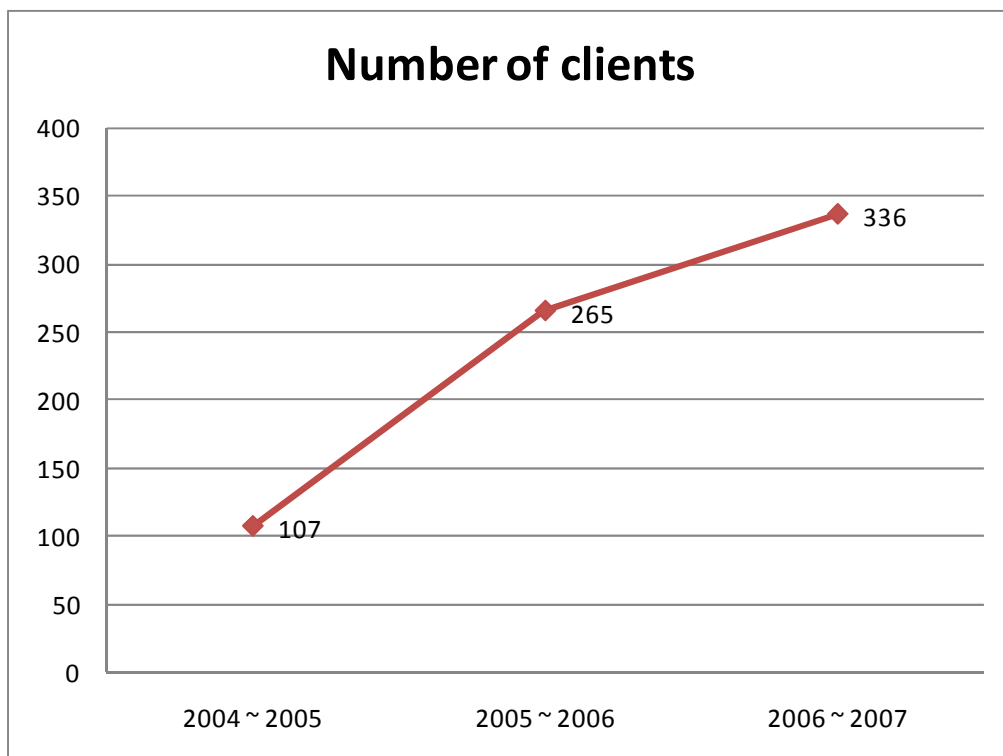
Mitch Fraser, Sydney Coordinator

CJSN Clients

79% of CJSN clients were male; 21% female.

Many clients had additional challenges including mental health concerns, problematic drug and alcohol use, homelessness and physical disability. It has been impossible to keep reliable statistics, as the nature and origins of the client's challenges are not always obvious. An area in which this is often the case is that of clients with acquired

brain injury. The cause of the cognitive challenge is sometimes not confirmed until the client has an assessment by a psychologist or psychiatrist; often well after CJSN has become involved in supporting the client.



Volunteers

There are currently 96 volunteer support persons across the 3 regions as well as ten volunteer solicitors on the after hours legal advice roster.

Volunteer recruitment and training are an important on-going activity of CJSN. We are fortunate to have a very dedicated and highly skilled volunteer workforce who often does far beyond our expectations in advancing the rights and needs of the people they support.

CJSN depends heavily on the goodwill, skills and dedication of its volunteers. Volunteers provided 44% and staff provided 55.5% of client supports. CJSN aims to delegate supports to volunteers as often as possible; however there are some limitations. Reasons for a staff member providing client supports include:

- The matter is a serious one, such as sexual assault or murder
- No volunteer was available to provide the support when required. This was more likely to occur with police station supports, which are frequently requested at very short notice. Court support requests usually allow for at least a day's notice, making it easier to find an available volunteer
- Regional Coordinators Mitch Fraser and Corinna Nolan, and CJSN manager Alex Faraguna, commenced work with CJSN during this financial year. It is necessary for new staff to gain experience by doing a range of supports to become familiar with the issues and challenges involved in providing support in order to be able to provide relevant and practical support to volunteers. This meant that there were temporarily fewer supports carried out by volunteers.

Education and Training

Over the three regions 28 volunteers have been trained in court support and 15 in police station support during the year. Service provider staff also attended these training sessions to develop their skills to support their own clients in the criminal justice system.

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

In regional NSW training has been provided to disability workers and to people wishing to train as potential volunteer support persons. During this year training has occurred in Albury, Wagga Wagga, Lismore, Coffs Harbour, Port Macquarie and Gosford.

Two workshops have been conducted to train disability staff and teachers to use the training package "Getting Arrested – What to do!" to teach people with intellectual disability what to do and what NOT to do if ever they are arrested.

Four training sessions using the "Getting Arrested – What to do" package have been delivered by CJSN staff to people with intellectual disability. These have been well received.

CJSN has continued to provide training about intellectual disability to police officers undertaking the Safe Custody Training at Goulburn and at Westmead. We have delivered this training to 9 classes during the year – a total of 225 police officers. We have also delivered training at a number of police stations in each of the regions.

CJSN Education has been limited to some extent this year due to the educator, Janene Cootes, covering vacancies in the positions of Manager CJSN and later Executive Officer of IDRS for much of the year.

CJSN Database and Systems

The database has been established and is able to print out reports on various aspects of CJSN's work. Reports can be used in many ways, including:

- Monitoring efficiency of volunteer usage
- Identifying areas of need or concern
- Providing statistics to the Board and external agencies
- Funding applications

Information and Resource Coordinator Ushan Wickremenayake has linked all three CJSN office locations to share electronic resources. We have moved from using the BBS for workflow and communications provider (e.g. email, contacts directory and calendar services) to an IDRS residing system giving both CJSN and IDRS increased flexibility and control. The technologies also allow staff to access these resources remotely and work from home. We've also have video conferencing between the three CJSN offices to provide legal advice via video link.

External Relations/Networking/Systemic Advocacy

CJSN staff have been involved with the following agencies:

- Positive Lifestyles program, Salvation Army
- Promotional materials, including police station posters have been re-evaluated and reviewed. Yong Suh from Enmore Design School volunteered to re-design the posters to increase their effectiveness
- Disability services in the Illawarra and Shoalhaven areas
- The Women's Domestic Violence Court Assistance Program
- The Coalition on Intellectual Disability and Criminal Justice
- The Co-operative Legal Services Delivery Group

Reference Group

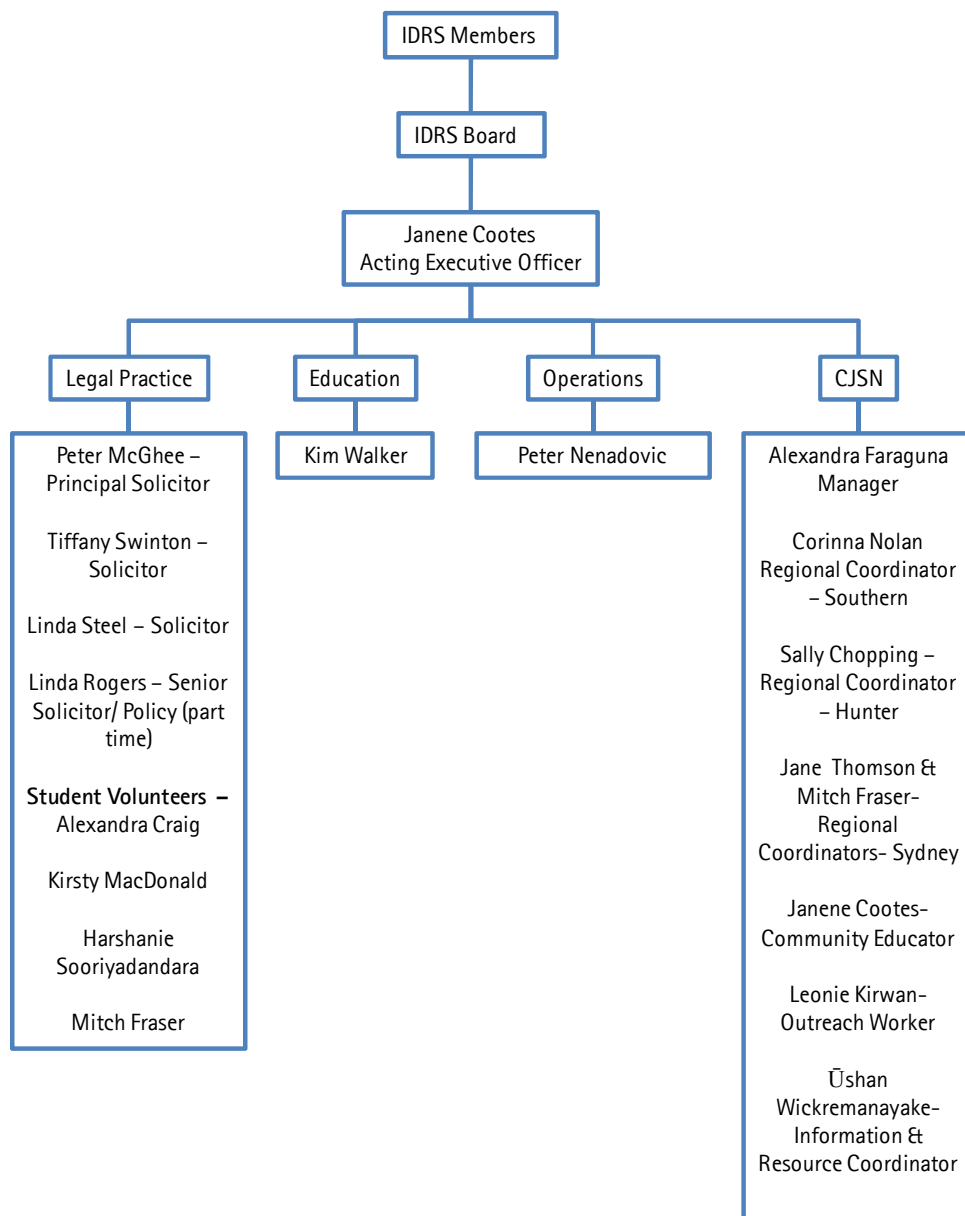
The Reference Group for CJSN has continued to meet regularly on a quarterly basis, and currently has representation from:

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

We greatly appreciate the wisdom and support provided by members of the reference group.

IDRS Staffing

The staffing structure of IDRS on 30 June 2007 is shown in this chart:



In addition to the staff that were here at the end of the year, we would like to thank those staff who contributed to the work of IDRS through the year but have moved on – Meredith MacDonald, Diana Beaton, Judy Harper, Karen Morrow, Peter Nenadovic, Terri Rosenthal, Jane Thomson

Other people who have contributed on a casual or voluntary basis include:

- Law students Alexandra Craig, Kirsty MacDonald, Iresha Siriwardana and Harshanie Sooriyabandara have provided invaluable assistance to IDRS and its clients over the past year.
- Robert Strike and James Condren have worked with us as casual educators;
- The many volunteer support workers and after-hours lawyers for the CJSN.

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

IDRS Board of Directors

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

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

The members of the Board in the 2006-2007 were:

July 2006 – December 2006

Anne Bolt
Melissa Clements
Geoffrey Hopkins
Jenny Klause
Jenny Owen (Treasurer)
Michelle Pearson
Clare Petre
Simon Rice (Chairperson)
Michael Small
Robert Strike

Meredith MacDonald (ex officio)

December 2006 – June 2007

Anne Bolt
Melissa Clements
Geoffrey Hopkins
Jenny Klause
Jenny Owen (Treasurer)
Michelle Pearson
Jim Simpson
Tamara Sims
Michael Small (Chairperson)
Robert Strike

Peter McGhee/ Janene Cootes (ex officio)

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

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

Support and Funding

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

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

Blake, Dawson, Waldron Solicitors

Clayton Utz Solicitors

Gilbert & Tobin Solicitors

Freehills Solicitors

DLA Phillips Fox

Tania Evers Barrister

John Weir Barrister

Rob Lee Barrister

John Meltzer Barrister

Gerard Neilson Barrister

- IDRS greatly appreciates the sponsorship of LexisNexis Australia enabling the IDRS legal team to access Butterworths Direct Online for a substantially discounted rate.

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

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

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 produced about the rights of people with intellectual disabilities, and some education projects that are done on a fee-for-service basis.

Detailed Financial Accounts Report

**INTELLECTUAL DISABILITY RIGHTS SERVICE
INCORPORATED**

DETAILED FINANCIAL ACCOUNTS

FOR THE YEAR ENDED 30TH JUNE 2007

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 2007.

Board Members

The names and particulars of the Board Members of the Association during the financial year are:

July 2006 – December 2006

Anne Bolt
Melissa Clements
Geoffrey Hopkins
Jenny Klause
Jenny Owen (Treasurer)
Michelle Pearson
Clare Petre (Deputy Chairperson)
Simon Rice (Chairperson)
Michael Small
Robert Strike
Meredith MacDonald (ex-officio)

Qualifications

Community Member
Senior Project Officer, NSW Public Sector Agency
Lawyer/Mediator
Tribunal Member/Federal Public Sector Agency
Human Services Consultant
Community Member
Community Member
Lawyer/Academic
Senior Policy Officer, Federal Public Sector Agency
Community Member/Advocate
Executive Officer, IDRS

January 2007 – June 2007

Anne Bolt
Melissa Clements
Geoffrey Hopkins
Jenny Klause
Jenny Owen (Treasurer)
Michelle Pearson
Jim Simpson
Tamara Simms
Michael Small (Chairperson)
Robert Strike
Peter McGhee (Jan – April) (ex officio)
Janene Cootes (May – June) (ex-officio)

Qualifications

Community Member
Senior Project Officer, NSW Public Sector Agency
Lawyer/Mediator
Tribunal Member/Federal Public Sector Agency
Human Services Consultant
Community Member
Lawyer/Mediator/Policy Consultant
Lawyer
Senior Policy Officer, Federal Government Agency
Community Member/Advocate
Executive Officer (Acting), IDRS
Executive Officer (Acting), 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 \$92,350 (2006 deficit \$14,883)

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

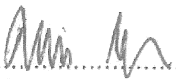
No matters or circumstances have arisen since the end of the financial year.

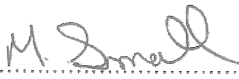
Indemnification of Auditors and Officers

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 8 day of Nov 2007

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

PROFIT AND LOSS STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	Note	2007 \$	2,006 \$
Revenue from ordinary activities	3	1,145,116	1,165,595
Expenses from ordinary activities		1,052,766	1,180,478
(Deficit)/Surplus from ordinary activities	4	<u>92,350</u>	<u>(14,883)</u>
Income tax expenses		-	-
(Deficit)/Surplus from ordinary activities after income tax		<u>92,350</u>	<u>(14,883)</u>
Total changes in equity other than those resulting from transactions with members as members		<u>92,350</u>	<u>(14,883)</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

BALANCE SHEET

AS AT 30 JUNE 2007

	Note	2007 \$	2006 \$
CURRENT ASSETS			
Cash	5	810,092	674,813
Receivables	6	14,550	31,779
Other	7	11,192	4,467
		<u>835,834</u>	<u>711,059</u>
NON-CURRENT ASSETS			
Property, Plant and Equipment	8	112,351	107,321
		<u>112,351</u>	<u>107,321</u>
TOTAL ASSETS		<u>948,185</u>	<u>818,380</u>
CURRENT LIABILITIES			
Grant Received in Advance		381,429	368,386
Payables	9	89,620	52,181
Provisions	10	117,404	129,279
Other	11	625	2,852
		<u>589,078</u>	<u>552,698</u>
NON-CURRENT LIABILITIES			
Provisions	12	21,739	20,665
		<u>21,739</u>	<u>20,665</u>
TOTAL LIABILITIES		<u>610,817</u>	<u>573,362</u>
NET ASSETS		<u>337,368</u>	<u>245,018</u>
ACCUMULATED FUNDS			
Capital Equipment Reserve		40,000	40,000
Accumulated Funds	13	297,368	205,018
TOTAL ACCUMULATED FUNDS		<u>337,368</u>	<u>245,018</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2007

	Note	2007 \$	2006 \$
CASH FLOW FROM OPERATING ACTIVITIES			
RECEIPTS			
User Charges		127,304	65,270
Interest		40,064	37,297
CASH FLOWS FROM GOVERNMENT			
Receipts from Government Grants		1,000,898	984,995
PAYMENTS			
Wages & Salaries		(549,605)	(692,111)
Payments to Suppliers		(451,862)	(433,984)
Cash Surplus/(Deficiency) from Operating Activities	15	<u>166,798</u>	<u>(38,533)</u>
CASH FLOW FROM INVESTING ACTIVITIES			
Payment for Purchase of Plant and Equipment		<u>(46,699)</u>	<u>(14,392)</u>
Proceeds from Sale of Plant and Equipment		<u>15,180</u>	<u>-</u>
Net Cash Used in Investing Activities		<u>(31,519)</u>	<u>(14,392)</u>
Net Increase/(Decrease) in Cash Held		135,279	(52,925)
Cash at the Beginning of the Reporting Period		674,813	727,738
CASH AT THE END OF THE REPORTING PERIOD	14	<u><u>810,092</u></u>	<u><u>674,813</u></u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

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.

a) Inventory

Inventory is measured at the lower of cost and net realizable value on the first in first out basis.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

Statement of Accounting Policies (continued)

b) 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.

c) 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.

d) 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 2007

Statement of Accounting Policies (continued)

e) Income Tax

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

f) Revenue

Grant income and interest income are recognised on an accrual basis

g) 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 2007

	2007 \$	2006 \$
3 Income from Ordinary Activities		
Income from Ordinary Activities includes the following revenue		
Operating Revenue		
Interest Revenue	40,064	37,297
Grant & Subsidies	1,105,053	1,098,636
CJSP Establishment Grant (DADHC)	-	29,663
	<u>1,145,116</u>	<u>1,165,595</u>
4 Surplus from Ordinary Activities		
Surplus from Ordinary Activities has been determined after charging:		
Expenses		
Audit Fees	4,289	3,641
Depreciation	23,870	39,081
5 Cash		
Cash on Hand	530	533
Cash at Bank - Cheque Account	27,799	2,460
- Cash Management Account	777,764	667,821
Term Deposit	4,000	4,000
	<u>810,092</u>	<u>674,813</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$	2006 \$
6 Receivables		
Accounts Receivable	-	1,743
Accrued Income	-	15,486
Rental & Security Deposits	14,550	14,550
	<u>14,550</u>	<u>31,779</u>
7 Other		
Prepayments	<u>11,192</u>	<u>4,467</u>
8 Property, Plant and Equipment		
Tenancy Work	27,975	27,975
Less: Accumulated Depreciation	<u>8,256</u>	<u>5,458</u>
	<u>19,719</u>	<u>22,517</u>
Furniture & Fittings	36,652	34,447
Less: Accumulated Depreciation	<u>14,523</u>	<u>9,331</u>
	<u>22,129</u>	<u>25,116</u>
Equipment	143,937	124,402
Less: Accumulated Depreciation	<u>93,352</u>	<u>85,067</u>
	<u>50,585</u>	<u>39,335</u>
Motor Vehicle	19,959	20,715
Less: Accumulated Depreciation	<u>41</u>	<u>362</u>
	<u>19,918</u>	<u>20,353</u>
	<u>112,351</u>	<u>107,321</u>
9 Payables		
Sundry Creditors	77,026	41,892
Goods & Services Tax Payable	<u>12,594</u>	<u>10,289</u>
	<u>89,620</u>	<u>52,181</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$	2006 \$
10 Current Provisions		
Employee Entitlements - Annual/Maternity Leave	56,805	61,680
Employee Entitlements - Provision for Redundancy	60,599	67,599
	<u>117,404</u>	<u>129,279</u>
11 Other Current Liabilities		
Accrued Expenses	<u>625</u>	<u>2,852</u>
12 Non-Current Provisions		
Employee Entitlements - Long Service Leave	<u>21,739</u>	<u>20,665</u>
Number of Employees at Balance Date	<u>14</u>	<u>16</u>
13 Accumulated Funds		
Opening Balance	205,018	219,901
Net Surplus	92,350	(14,883)
	<u>297,368</u>	<u>205,018</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

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:

	2007 \$	2006 \$
Cash	806,092	670,813
Deposit at call	4,000	4,000
	<u>810,092</u>	<u>674,813</u>

15 Reconciliation of Cash Surplus from Operating Activities to Operating Result

	2007 \$	2006 \$
Operating Result	92,350	(14,883)
Depreciation	23,870	39,081
Increase/(Decrease) in Creditors	35,212	3,572
Increase/(Decrease) in Grant Received in Advance	13,043	(75,925)
Increase/(Decrease) in Provision & Accrual	(10,800)	7,162
(Increase)/Decrease in Receivables	10,505	(2,565)
Decrease in Inventories	-	456
Loss on Sale of Plant & Equipment	2,619	4,568
Cash Surplus from Operating Activities	<u>166,798</u>	<u>(38,533)</u>

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
NOTES TO THE FINANCIAL STATEMENTS**

FOR THE YEAR ENDED 30 JUNE 2007

	<u>2007</u> \$	<u>2006</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	75,000	45,610
Longer than 1 year and not longer than 5 years	<u>137,500</u>	<u>-</u>
	<u>212,500</u>	<u>45,610</u>

18. Other Information

Registered office and principal place of business:

Suite 2C, 199 Regent Street, Redfern NSW 2016

19. Impacts of adopting Australian equivalents of International Financial Reporting Standards.

The entity is required to comply with the Australian equivalents of International Financial Reporting Standards (IFRS) effective for financial years commencing on or after 1 January 2005. The transitional rules for adoption of IFRS for the first time require that the entity restate its 2005 comparatives in accordance with IFRS.

The Directors are of the opinion that no key differences in the entity's accounting policies will arise from the adoption of IFRS.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

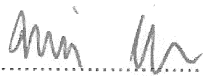
STATEMENT BY MANAGEMENT COMMITTEE


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 2007 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

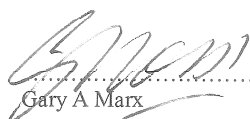
Dated this 8..... day of NOV..... 2007

**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 2007 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:


Gary A Marx

Name of Firm: Cohen & Krass
Certified Practising Accountants

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

Dated:

9 Nov 2007

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 2007. 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 2007 and the results of its operations for the year then ended.

COHEN & KRASS



GARY A MARX
Registered Company Auditor
Suite 1205
109 Pitt Street
SYDNEY, NSW 2000
9th day of November 2007

**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 complied 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 2007.

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 have 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



GARY A MARX
Registered Company Auditor
Suite 1205
109 Pitt Street
SYDNEY, NSW 2000
9th day of November 2007

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

INCOME & EXPENDITURE STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$	2006 \$
INCOME		
Interest	40,064	37,297
Grants & subsidies		
Commonwealth Dept of Family & Community Services	188,147	187,713
Department of Ageing, Disability & Home Care (NSW)	800,106	833,435
Grant - Miscellaneous	-	10,109
Other Income	116,800	67,379
Net Transfer from Capital Reserve		
	<u>1,145,116</u>	<u>1,135,933</u>
Add: CJSP Establishment Grant (DADHC)		29,663
	<u>1,145,116</u>	<u>1,165,595</u>
EXPENDITURE		
Accounting & Bookkeeping	28,543	11,722
Admin. Charges	99,566	30,000
Advertising	6,810	8,813
Annual Leave & Maternity leave	15,360	19,680
Audit Fees	4,289	3,641
Bank Charges	1,795	3,016
Cleaning	5,391	4,809
Consultancy Fees & Outsourcing	23,850	18,573
Depreciation	23,870	39,081
Electricity	3,473	5,000
Employee Assistance Program	-	506
Evaluation (CJSN) Expenses	-	21,350
First Aid	32	-
Host Agencies	6,970	5,445
Insurance	12,263	10,949
Inventory Obsolescence	-	456
Information Technology Support	10,638	13,884
IT Web Maintenance	-	150
Long Service Leave	1,074	7,162
Loss on Sale of Fixed Assets	2,619	4,568
Motor Vehicle Expenses	2,740	5,719
Photocopying, Printing & Stationery	18,687	61,160
Postage & Couriers	2,981	3,325
Practising Certificates & Professional Supervision	1,541	1,065
Purchase of Minor Fixed Assets & Rebuild Network	8,543	888
Rent	58,709	55,628
Regional Training	2,946	7,329
Repairs & Maintenance	3,573	3,825
Salaries & Wages	555,531	641,755
Staff Redundancy Expenses	(7,000)	43,195
Staff/Volunteer Training & Continuing Education	19,582	9,996
Subscriptions & Library	8,903	8,136
Sundry Expenses	6,754	5,671
Superannuation	68,287	62,572
Telephone	24,273	24,093
Travelling & Accommodation Expenses	30,174	37,317
	<u>1,052,766</u>	<u>1,180,478</u>
OPERATING (DEFICIT)/SURPLUS	<u>92,350</u>	<u>(14,883)</u>

