

2007 – 2008

Annual Report

Intellectual Disability Rights Service



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

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A Word from the Chair

This past year has been an important year of re-freshing and growth for IDRS and I am pleased to be able to provide this introduction to the Annual Report for 2007/8.

The year began with a celebration of IDRS's 21 years of work and commitment to promoting and protecting the rights of people with an intellectual disability. Past and current staff, volunteers, Board members and IDRS members spoke of the history and achievements of the organisation and looked forward to developing a stronger role in the legal rights community.

There was also a celebration of the contribution Kim Walker has made to the organisation as a volunteer and staff member over 17 years. Kim has recently resigned her position. Her dedication to the rights of people with an intellectual disability will be missed by everyone.

While the day to day work of IDRS continues to be highly regarded in the legal and broader advocacy fields there have been a number of outstanding achievements that deserve recognition.

First the staff and Board have worked hard to improve communication and develop a single vision for the organisation which brings together our legal, education, advocacy and support programs. Part of this work involved the development of a new Vision and Values statement which is included in this Annual Report. This clear statement of what IDRS believes in and how it will do its work will help guide us as we work towards achieving our goals.

Second, IDRS, in partnership with NSW CID launched a major report on the barriers to justice experienced by people with an intellectual disability. Enabling Justice sets out a number of recommendations that are now being followed up with relevant agencies and we are confident this will result in improvements in this area.

Third, for the first time ever IDRS has been successful in applying for funding from the Public Purpose Fund to enable us to expand our work in the Care and Protection area over the next three years. This is a major achievement, not only because it will allow us to work for greater justice for parents with intellectual disability in the Care and Protection area but because it opens up the possibility for future application for funds from a source that has not been available to us in the past.

Finally, despite the difficulties the community sector has in recruiting new staff we have been really successful in replacing valued staff who have left with excellent and committed replacements. I believe this is a reflection of the good standing of the organisation and the quality of its staff leadership.

I would like to finish by thanking all the staff, volunteers and Board members who have made such a great contribution to the work of IDRS over the year, and in particular our Executive Officer Janene Cootes who has guided the organisation through an exciting and demanding year.

Michael Small, Chair IDRS Board.

About IDRS

Vision, purpose, values & what we do

Introduction

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

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

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

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

Vision

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

Purpose

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

Values

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

- live in and be part of a diverse and inclusive community
- live free from discrimination and prejudice
- be provided with the support needed to exercise their rights
- be afforded social justice and equality
- be included in meaningful and empowering ways in matters that affect them
- be treated fairly as citizens including by the criminal justice system
- use mainstream services that meet their individual needs
- support and adjustment 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 an intellectual disability

We are an organisation that values:

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

What We Do

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

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

IDRS 21st Birthday in 2007

In November 2007, IDRS marked its 21st birthday with a celebration at Redfern Legal Centre where IDRS began as a Friday night volunteer legal advice service for people with intellectual disability.

We've come a long way from there! It was a very happy occasion with lots of people significant to the history and development of IDRS joining with the many who continue to strive for equal practice of rights for people with intellectual disability to-day.



On this night we also said farewell to Kim Walker, an educator with IDRS for 17 years – almost from the beginning. Kim is leaving to explore new work pathways. Her influence on IDRS and on better understanding of people with an intellectual disability in the community has been profound and we wish her continued success in her future.

Legal Advice and Casework

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

We deliver legal services in the following ways:

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

Changes in legal staff

In 2007-2008 IDRS had some significant legal staff changes. Peter McGhee, IDRS's Principal Solicitor since 2003 finished up with IDRS. Peter remains in touch with IDRS and its clients at the Saturday soccer matches at Five Dock and has also been a helpful port of call for Ben Fogarty, IDRS's new Principal Solicitor, who commenced in December 2007. Linda Rogers, a lawyer with IDRS for 6 years provided invaluable hand-over support prior to resigning her part-time position. Tiffany Swinton, who joined IDRS as an educator in 2004 and later became a solicitor here also moved on in October, 2007 .

Alexandra Craig, a long term volunteer at IDRS was appointed to the lawyer position left vacant by Tiffany. Ali's wealth of volunteer experience and work with people with intellectual disability has been a wonderful asset to the legal team.

Radhika Kumar is temporarily filling Linda Steele's position whilst she is on parenting leave and has been a wonderful addition to the legal team.

In January 2008 IDRS enthusiastically took up an offer from Blake Dawson to second one of their lawyers to work with IDRS. Our first secondee, Oliver Young, injected enthusiasm and professionalism into the secondment position and we look forward to the possibility of further secondments from Blake Dawson who have been enormously supportive to IDRS throughout the year.

Anita Sekar worked with IDRS on a casual basis providing legal advice and working on a publication on criminal law.

The IDRS legal team has been fortunate enough to have some wonderful legal volunteers in 2007-2008. We would like to thank:

- Harshanie Sooriyabandara
- Alexandra Craig (now an IDRS lawyer!)
- Anushree Tiku
- Patrick Tombola
- Alastair Corrigall

Legal Advice

In 2007-2008 we provided 561 legal advices across a broad range of legal areas - including criminal, civil, care and protection and administrative law. Legal advice is provided by qualified solicitors and is sometimes provided to a person with intellectual disability with the support of third parties such as parents, guardians, disability workers and advocates who contact IDRS on behalf of the person. We also provide advice, expertise and resources to lawyers who represent people with intellectual disability across NSW.

Our Legal Advice System

When a person calls IDRS they are given an appointment time for a legal advice session when one of the IDRS lawyers will contact them. Advice is provided within 2 days of the original call in most cases. If the call requires urgent

legal advice (for example, they are in court the following day, they are in custody, they are the victim of a serious sexual or personal violence offence or a legal limitation period is about to expire) advice can be provided on the spot.



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

IDRS is a statewide service and has a free-call number (1800 666 611) for people outside Sydney to call. We are pleased to report that in 2007-2008, 51% of those receiving legal advice were calling from outside the Sydney metropolitan area.

In early 2008 the IDRS legal team reviewed its advice system. As a result we now have a more rigorous and transparent advice system, including printed copies of all advices incorporating follow-up information or documents that the caller might provide, and any letters that we may write on behalf of the caller. This allows for a more thorough record-keeping system than the electronic database alone and for more effective service where a person contacts us at a later date requiring further assistance or advice.

The legal areas of advice in more detail

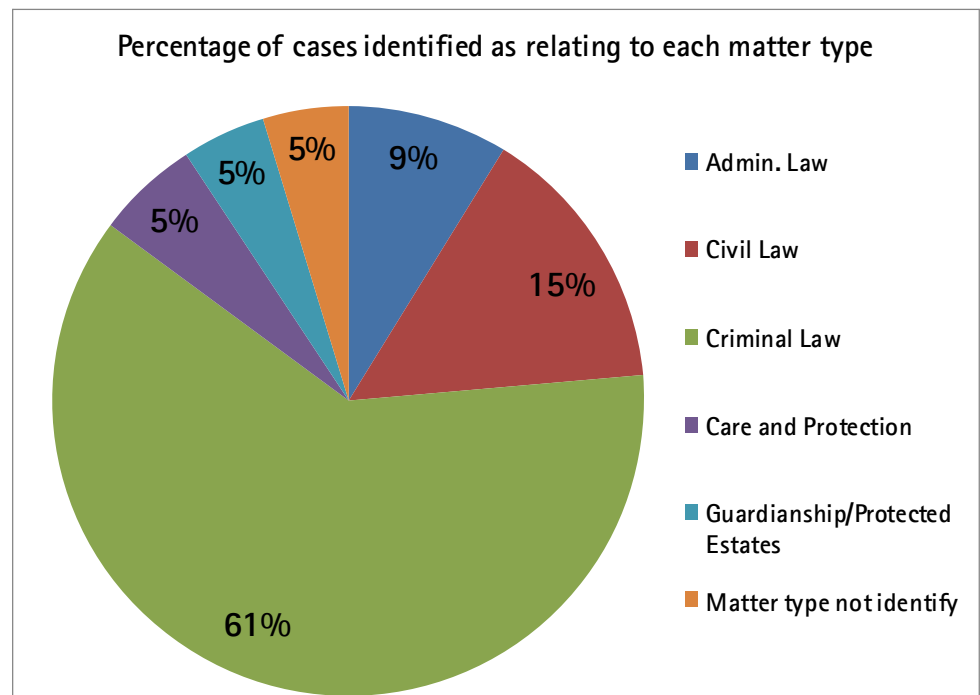
It is perhaps useful to give some examples of the common types of legal advice we give in the areas of criminal, civil, care and protection and administrative law.

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

Civil law – we advise people who have had their consumer rights breached by unfair or unscrupulous businesses and traders, others who have had their employment rights or entitlements unlawfully diminished and still others who want to make a Victims Compensation application (or want to oppose a Victims Compensation restitution order). We advise people with tenancy and housing problems and matters where their Centrelink and other welfare entitlements are being wrongly interfered with.

Care and protection/Family law – we advise parents with intellectual disability when they are subjected to the Care and Protection regime of the Children's Court and are having their children taken from them and/or having their access and contact with their children reduced. With all other Family Law matters involving a person with intellectual disability, we provide legal information and referral only.

Administrative law – we advise people who have been discriminated against because of their disability. We also help people with complaints to the Ombudsman and appeals to the Administrative Decisions Tribunal about service provision or improper conduct by statutory or government bodies. In some cases we act as legal representatives for protected persons appearing before the Guardianship Tribunal and, on request from the Guardianship Tribunal, as separate representatives.



Over the last year IDRS's legal team has noted increased advice queries in the following legal areas from its advice calls:

- credit providers and salespeople (particularly, mobile phone sellers) taking advantage of a person's intellectual disability, or failing to properly scrutinise and check that the person understands the contract they are being encouraged to enter
- parents with intellectual disability being subjected to the Care and Protection regime of the Children's Court and having their children taken from them or having their access and contact with their children (already under a protection order) reduced, and
- police failing inadvertently or, in some cases, it is alleged, intentionally, to recognise, adjust to and respect a person and their disability, resulting in acutely negative outcomes for the person including unnecessary arrest and custodial remand in some cases.
- harm to people with intellectual disability arising from apparent poor care, abuse or neglect from a disability service. This area remains one of concern for IDRS and we consistently receive advice calls about alleged neglect especially in the residential care context. IDRS has the eradication of abuse and neglect in residential settings as one of its priority areas in systemic policy, advocacy and reform for the coming year.

Legal Casework

In 2007-2008 IDRS lawyers provided free legal representation to people with intellectual disability in legal proceedings in a range of legal forums, including the Local and District Courts, the Children's Court, the NSW Guardianship Tribunal, the Human Rights and Equal Opportunity Commission and the Mental Health Review Tribunal.

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

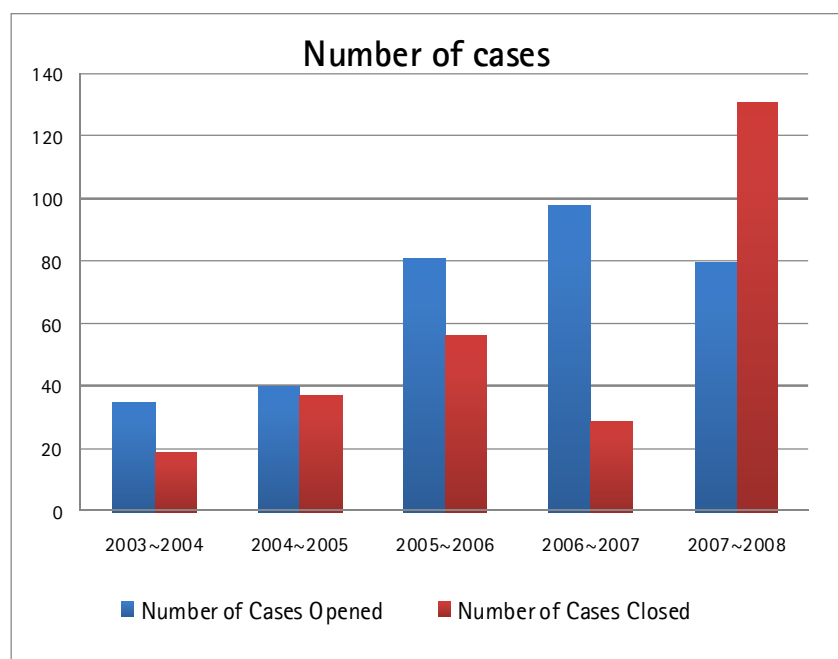
The IDRS legal team meets weekly to review and workshop all ongoing legal cases. At those meetings decisions are made as to what cases are priorities to be ongoing legal cases run by IDRS. The following considerations are taken into account in deciding which legal advice situations have priority to be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

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

When IDRS cannot provide legal representation to the person directly, we endeavour to link the person to an appropriate alternate source of legal representation. If the matter is criminal one, an offer of CJSN court support will be made

During 2007-08, 80 legal case files were opened and 131 legal case files were closed. These statistics reflect a major effort applied to finalising a significant number of cases which had remained open for long periods of time.

The predominant area of casework in 2007 – 2008 has continued to be 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.



While the IDRS legal team is gradually shifting the focus of its work to other legal priority areas like guardianship, discrimination and care and protection work, it retains a fairly robust practice in criminal defence work. IDRS lawyers have an impressive success rate in achieving diversionary outcomes away from custodial sentences and involving appropriate services and support for people with disability charged with criminal offences. IDRS has developed a high level of expertise in this area and there is an increasing demand for IDRS to act for clients with intellectual disability even though representation is available through Legal Aid.

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

- preparing reports, like *Enabling Justice* to stimulate systemic improvement
- developing a practical 'Section 32 Guide' to be finalised and launched in 2008-2009 and issued to lawyers across NSW, including Legal Aid, Aboriginal Legal Service and private lawyers who represent people with intellectual disability. This resource aims to guide solicitors on how to comprehensively prepare a matter under Section 32 of the *Mental Health (Criminal Procedure) Act 1990* including the difficult task of locating appropriate diversionary services and support in the community for the accused.
- providing training and continuing legal education for other lawyers on working with and for people with intellectual disability;
- participating in awareness-raising projects like the NSW Law Society Young Lawyers' publication '*Understanding your clients and intellectual disability*';
- developing the Criminal Justice Support Network CJSN volunteer lawyer network;
- promoting our legal services and expertise and the CJSN service and
- offering CJSN court support for matters where other lawyers will represent the person

Special List Days – Newcastle

Intellectual Disability Rights Service and Criminal Justice Support Network were involved with the development of a monthly "Special List" Day in Newcastle Local Court this year. The special list day occurred one day per month and involved the Magistrate Morahan setting down criminal matters involving persons who were believed to have an intellectual disability on a particular date each month. A solicitor from IDRS attended the court in Newcastle on that date on a Duty Solicitor basis, CJSN provided support persons for people with disability at the court and staff of Department of Aging Disability and Home Care (DADHC) also attended the court on that day to assist with identifying whether the person would be eligible for DADHC services or what other services might be suitable to assist the person.

IDRS and CJSN believe there are both advantages and disadvantages to this approach the potential advantages have been:

- disability services and expertise can be present at the court and available to lawyers and alleged offenders
- it enables specialist legal service such as IDRS can be present to represent clients in complex cases and to mentor local lawyers

Some disadvantages of this model were:

- IDRS was unable to sustain the amount of work necessary to adequately represent so many clients, often in making Section 32 applications, on a Duty Solicitor basis
- IDRS could only see clients on the court date due to distance
- Local solicitors were not getting experience in defending people with intellectual disability
- Having a large number of clients (some of whom did not identify as having a disability) was stigmatising for some
- Long waiting time for clients who were all being represented by IDRS

Meetings have been held with Legal Aid, Magistrate Morahan, DADHC and local solicitors to re-negotiate how these special list days could operate with IDRS taking some of the more complex cases and providing mentoring to local solicitors so that the local capacity is developed rather than IDRS taking the Duty Solicitor role. IDRS and CJSN have also undertaken to develop a S32 Guide for solicitors and a local service directory to assist solicitors in making S32 applications.

Below are some case studies based on the legal team's work in 2007-2008.

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

Consumer rights – Jonah and the singles introduction agency

Jonah is in his 20's and has a mild intellectual disability. His parents were born overseas and English is not his first language at home.

In response to an advertisement in a newspaper for an online singles introduction service, a dating service, Jonah rang the agency to see what it was about. The agency took his contact details and began contacting him frequently on his mobile, asking him to sign up. After numerous calls Jonah signed up for a basic program at a cost of \$400. He explained that he wasn't able to read the contract. This was ignored by the agency.

He was told he would soon be introduced to lots of attractive young women but no introductions followed. When he attended the agency to complain, he was encouraged to increase his payments to improve his chance of introductions. By the time Jonah came to IDRS he had paid the agency over \$5000 with no results. Jonah had told the agency that he was not able to afford the payment and did not understand what they were for. At no time was Jonah asked if he understood the terms of any document he was signing. Jonah received no introductions or calls through the agency. Meanwhile he was pressured and threatened when he could not make his payments including being escorted by agency staff to the bank to try to procure money Jonah did not have.

IDRS wrote a letter of demand to the agency outlining some of the unlawful practices that it had engaged in and requested a full refund to Jonah. After persistent phone calls we finally spoke with the principal of the agency who agreed to a full refund of the monies paid by Jonah. Jonah was delighted with the outcome and will exercise much greater caution in the future.

Care and protection – Just because I have an intellectual disability doesn't mean I'm not a good parent

Imran and his wife, Risha, both have an intellectual disability. They have been in a loving relationship for over a decade. Both work, have a strong family support network and secure accommodation. After the birth of their child they received in-home parental training and attended the baby clinic weekly. On one visit the child had a runny nose and had not put on any weight. The clinic notified Department of Community Service (DoCS) who decided to intervene, deeming the child to be at risk. DoCS applied to the court to have the child removed, suggesting (amongst other things) the parents cannot look after the child adequately because of their disabilities.

IDRS represented Imran (the father) at court and Legal Aid represented Risha. While parental care was not restored, we were able to convince the magistrate to allow the child to be in the care of Risha's mother and to grant extensive contact and access rights to the parents and extended family. The evidence of the family GP was crucial in showing that the parents came to him immediately when the baby appeared to have a cold and that the lack of weight gain is consistent with any baby having a cold of this sort. We are hopeful that on the next occasion at the review of the orders we will be able to restore the child to Imran and Risha's care.

Criminal law – A successful s.32 application and a meaningful outcome for our client

Peter has been homeless for some time. He was charged with possessing a knife in a public place and possessing 0.5gm of cannabis. He was already subject to a conditional dismissal under Section 32 (Mental Health) Criminal Procedure Act (s32). The charges arose from police seeing Peter in a public place minding his own business. It seems that the police assumed he was intoxicated because his disability manifests in an awkward-looking gait at times. This, they said, gave them reasonable suspicion to search the bags that contain all his worldly goods. They found a scissor blade and small amount of cannabis in his bag, charged him and refused him bail. IDRS was able to find crisis accommodation for Peter and a successful bail application was made.

Generally Peter is doing very well. He regularly attends a drug rehabilitation program, reports to police to meet his bail conditions and generally keeps away from bad influences and the attention of the police. He has been linked to with a homeless persons outreach service. IDRS applied to the Department of Aging Disability and Home Care (DADHC) on his behalf but DADHC says he is not eligible for their support. A psychologist's report from a year ago states he has a mild intellectual disability.

Fortunately the homeless outreach service prepared a comprehensive Treatment Plan to support the s32 application. Other service providers in Peter's life also provided helpful letters of support. The Magistrate was impressed by what the homeless outreach and other services were doing for Peter and his efforts to improve his life. A s.32 dismissal of the charges was granted on the condition he complies with his Treatment Plan and regularly attends the homeless outreach service.

Law and Policy Reform and Systemic 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 2007-08 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 the Criminal Justice Support Network (CJSN.)

An outline of our work during 2007/08 follows:

Crime

Enabling Justice Report

This report on "Problems and Solutions in Relation to Diversion of Alleged Offenders with Intellectual Disability from the NSW local Courts System" – with particular reference to the practical operation of Section 32 of the *Mental Health (Criminal Procedure) Act 1990* – was launched in May 2008 by Justice Virginia Bell at NSW Parliament House. The report was produced by IDRS in conjunction with the NSW Council for Intellectual Disability and the Coalition on Intellectual Disability and Criminal Justice. It has been a major achievement for IDRS this year.

IDRS solicitor Linda Steele is to be congratulated on her endurance and superb editing in bringing this report to fruition. The report which draws largely from the day to day experience of IDRS and CJSN in representing and supporting numerous people with disability in the courts, makes many recommendations in relation to legislative issues, disposition procedures, the police, legal representation, the need for improved and more accessible support services and availability of support persons.

The launch was attended by the Hon. Kristina Keneally, Minister for Aging, Disability and Home Care and a wide spectrum of people from government and non-government agencies in the justice and disability sectors. James Condren spoke from his own experience of the criminal justice system as a person with an intellectual disability.

The Law Report on Radio National devoted a sensitive and thought provoking programme to the report interviewing Linda Steele, (solicitor IDRS), James Condren, (advocate and person with a disability) and Mike Sprange (parent and CJSN volunteer). The report is available online from the IDRS website, www.idrs.org.au.

Since the launch of Enabling Justice, IDRS and NSW Council for Intellectual Disability have been meeting with relevant agencies to discuss and progress the issues and recommendations raised. Enabling Justice is proving to be an extremely valuable focal point for potential change.

The report is available on the IDRS website www.idrs.org.au



From the left: Linda Steele- Solicitor, IDRS; Hon. Kristina Keneally- Minister for Ageing Disability and Homecare; Justice Virginia Bell- NSW Court of Appeal; Associate Professor Eileen Baldry- Chairperson, Coalition on Intellectual Disability and Criminal Justice; James Condren- Director, Council for Intellectual Disability, Community Educator, IDRS; Andrew Howell- contributor to the report; Janene Cootes, Executive Officer, IDRS.

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 should have this refusal electronically recorded. This is contrary to a Police Circular on the topic (PC 05/02.) The risk for our clients is that police may seek to proceed with an interview once the person is in the interview room. We were concerned that amendments under the new *Criminal Procedure Amendment (Vulnerable Persons) Act 2007* which requires that all interviews with an accused who has an intellectual impairment be recorded, might lead to a misperception by police that refusals to be interviewed must also be recorded.

IDRS wrote to the NSW Commissioner of Police citing examples of the above practice by police witnessed by CJSN support persons. In January 2008 the letter in response gave an assurance that instructions to police clearly indicate that there is no power to compel or intimidate any suspect to have their refusal to be interviewed recorded and that no regulations under the Act would lead to such an interpretation by police.

Crime – Victims of Sexual and Indecent Assault

A submission was made in response to a discussion paper on *Intellectual Disability and the Law of Sexual Assault* issued by the Criminal Law Review Division of the NSW Attorney General's Department. IDRS was further consulted by the Attorney General's Office in the development of the *Crime's Amendment (Cognitive Impairment- Sexual Offences) Bill*. Specific concerns raised by IDRS were reflected in the final Bill. IDRS welcomes this new legislation which affords better redress for people with cognitive disabilities who are the victims of sexual or indecent assault particularly at the hands of a carer or someone who is in a position of authority over them.

Care and Protection

IDRS responded to the setting up of the **Special Commission of Inquiry into Child Protection Services in NSW** with a major submission emphasising the issues faced by parents who have an intellectual disability in the Child Care and Protection system in NSW. In particular the submission sought to draw the Commission's attention to

- the significance of perspectives on disability to the perceived capacity of parents with intellectual disability
- the importance of support services to parents who have an intellectual disability
- the relationship between negative stereotypes about people with intellectual disability and mandatory reporting

- the importance of support persons and skilled legal professionals in the court or alternative dispute resolution process

The submission makes twelve specific recommendations for consideration by the Commission.

Funding for Care and Protection Work

IDRS is thrilled that a submission to the Public Purpose Fund of the NSW Law Society for funding to enable IDRS to undertake further legal, support and systemic work on Care and Protection issues for parents with an intellectual disability has been successful. This funding will commence during the 2008-09 financial year.

UN Convention on the Rights of Persons with Disabilities

IDRS wrote urging the Australian Government to ratify the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol in March 2008. IDRS commends the Australian Government on its speedy ratification of this United Nations Convention.

Employment

IDRS canvassed issues affecting people employed in supported employment and the need for long overdue reform of this area in a submission to the Australian Fair Pay Commission's 2008 Minimum Wage Review.

Sterilisation of children with an intellectual disability

IDRS continues to be concerned at the lack of uniform law and processes throughout Australia to protect the human rights of children and adults with an intellectual disability in relation to sterilisation. IDRS submitted a letter to the Office of International Law of the Australian Attorney General's Department expressing concern about the Australian Government's approach to sterilisation of children as outlined in its Draft Fourth Report under the Convention on the Rights of the Child.

Statutory Review of the Community Services (Complaints Reviews and Monitoring) Act 1993

Legal Advice requests to IDRS continue to reflect many complaints about conditions, alleged neglect and rights infringements faced by people with disability within the services they depend upon. The *Community Services (Complaints Reviews and Monitoring) Act 1993* provides the legislative basis for the NSW Ombudsman to investigate such complaints and is vital legislation for people who depend on services. IDRS made a submission to the Parliamentary Committee reviewing this legislation and also gave evidence before this committee.

Fines and Penalties Reform

IDRS has worked closely with a group convened by the Homeless Persons Legal Centre to provide recommendations to the NSW Attorney General's Department in relation to possible amendment to the *Fines Act* and to fine enforcement processes for people with special circumstances. This has led to some positive changes in the processing of fine default for some people with disability.

Participation in external committees

During 2007–2008, IDRS participated in the following committees and networks:

Government committees

- Women's Domestic Violence Court Assistance Program Advisory Committee
- Department of Ageing, Disability and Home Care Criminal Justice Project Reference Group
- NSW Police Force Disability Advisory Council
- Legal Aid Advisory Group on production of Legal Information Resources for Prisoners
- Attorney General's Department Evaluation of the Court Registry Fairfield Local court

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 Group meetings
- CCLCG Working Group on Care and Protection

- NSW Disability Advocacy Network
- Disability Rights Network of the National Association of Community Legal Centres
- Cooperative Legal Services Delivery Group – Central Coast
- Cooperative Legal Services Delivery Group – Hunter
- NSW Human Rights Charter Group
- Women in Prison Advocacy Network
- Reference Group for the pilot Mental Health Legal Service being developed by Public Interest Advocacy Centre

Community Education

Our community education program has a dual focus. We aim to develop the skills of people with intellectual disability, their carers, friends and advocates and workers in disability services to better recognise and understand the legal and human rights of people with intellectual disability and how these can be protected. We also aim to develop the skills and understanding of those in the community particularly those working in the legal/ justice sector, on how they may need to adjust to best work with people who have an intellectual disability.

Staffing

Pan Pemberton commenced as the new IDRS Community Educator in July 2007. Kim Walker who has had a fundamental influence on the education work of IDRS for the past 17 years decided to seek new work pathways and finished up with IDRS in November, 2007 having given Pan a short but thorough induction to co-educating with people with a disability. Kim is much missed at IDRS but keeps in close contact.

Since Kim's departure the co-educator work has been shared between 3 educators James Condren, Robert Strike and more recently Frances Cetinich who are employed as casual staff. The input of these educators is an integral and vital aspect of the training provided by IDRS. The positive impact of their presentations on participants is consistently reflected in evaluation of IDRS education sessions.

We look forward to having our new part-time educator, Rachel Spencer, commencing in July 2008. Rachel's work will focus on education related to criminal justice and training CJSN volunteers.

Education in 2007-08

Rights Education for people with intellectual disability

During 2007-08, 881 people from various audiences participated in a total of 53 training sessions. Twenty seven per cent of these sessions were conducted in regional areas. In addition, IDRS participated in the Outback Disability Expo in Broken Hill and the IDEAS Disability Expo in Queenbeyan.

In conjunction with the Down Syndrome Association, the Rights Leadership Course, a six session course which teaches people with an intellectual disability about rights and responsibilities was run with members of the UpClub over a 6 month period. The course aims to build the skills of participants to be leaders in promoting rights understanding amongst their peers.

There are plans for several Rights Leadership Courses during the 2008-09.

IDRS also worked with the Wash House at Mt Druitt to conduct 3 workshops on rights to a group of mothers with disability.

A group consultation with people with intellectual disability who have experienced the criminal justice system was conducted to inform the Enabling Justice report.

Families

Planning ahead for the welfare of sons and daughters with a disability continues to be an area of major concern for parents and the topics of wills, estate planning and guardianship are the focus of much of our education to families. This year there have been 7 education sessions involving a total of 158 family members. IDRS worked with FRANS on a very successful series of workshops for parents to assist them with the many issues involved in planning ahead. The legal firms Blake Dawson and Coleman and Grieg have given their time and expertise to present education sessions with IDRS about wills and estate planning this year.

NSW Police

Training NSW police to recognize intellectual disability and work more effectively with people who have an intellectual disability has been a priority for IDRS in recent years. This year IDRS provided training over 350 police through the Safe Custody courses for police who carry out the vital Custody Manager role; sessions in local police stations and the training of officers for the Joint Investigative Response Teams (JIRT) which investigate serious child abuse allegations. Through the JIRT training we have also trained 53 investigation staff from the Department of Community Services.

We are very pleased to have commenced training with transit officers who work on the trains for RailCorp. IDRS receives requests for legal advice regarding a significant number of incidents involving the transit police and people with intellectual disability. Like police, these officers benefit from recognising that some people they confront on the trains may have an intellectual disability and how best to work with those people.

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 delivered training to groups of private solicitors in Sydney and in Orange as well as the Women's Legal Service and Community Legal Centre solicitors. This is an area of education that we hope to expand in the coming year.

Disability Services

IDRS has provided training at several regional HACC forums on general rights issues.

Requests for training from disability services have largely centered on their desire to achieve better understanding of the criminal justice system including dealing with the police and with courts when their clients are defendants or victims of crime. Two day training courses "Cops and Courts" were held in Orange and in Moree with some shorter training sessions in Sydney.

Criminal Justice Support Network

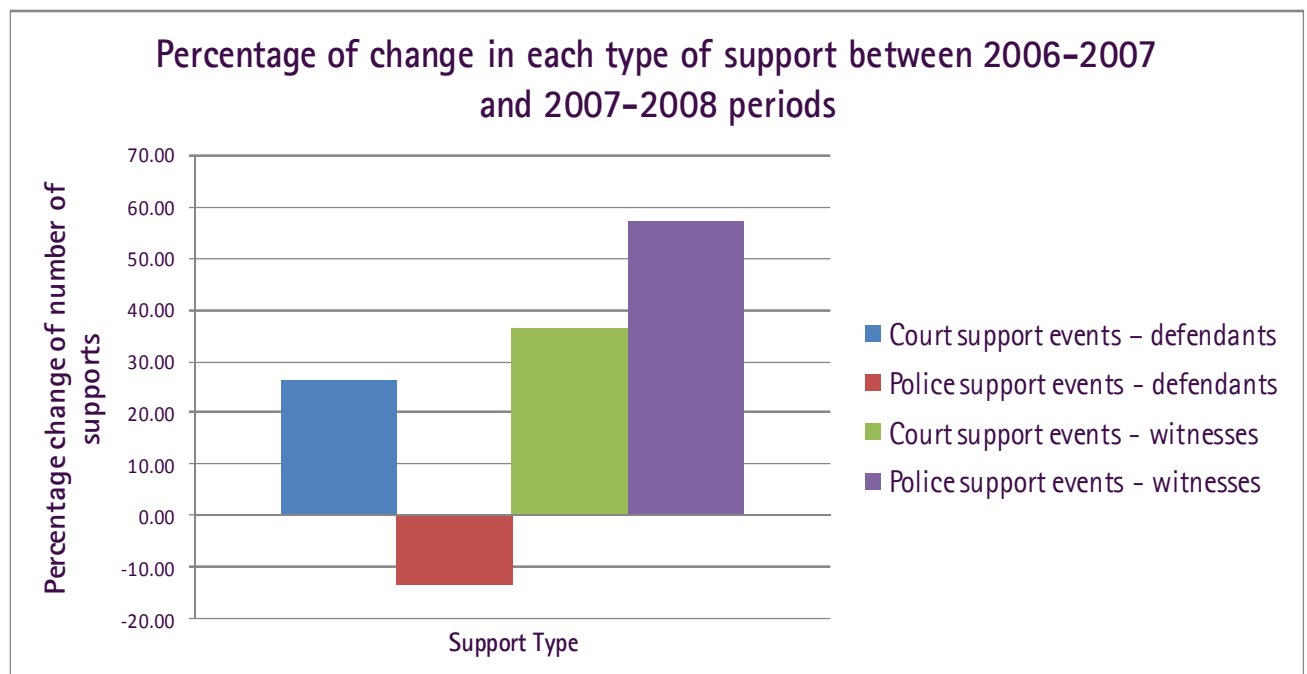
CJSN Regions and Support Statistics

This year has seen a continuing growth in the number of supports provided to people with intellectual disability by CJSN particularly in court support for defendants.

YEAR	2006-07	2007-08
Court support events - defendants	370	468
Police support events - defendants	53	46
Court support events - witnesses	41	56
Police support events - witnesses	14	22
TOTAL	478	592

Slightly fewer police supports for suspects were recorded during this year than last. This is disappointing as CJSN continue to support many defendants at court who have not had their right to

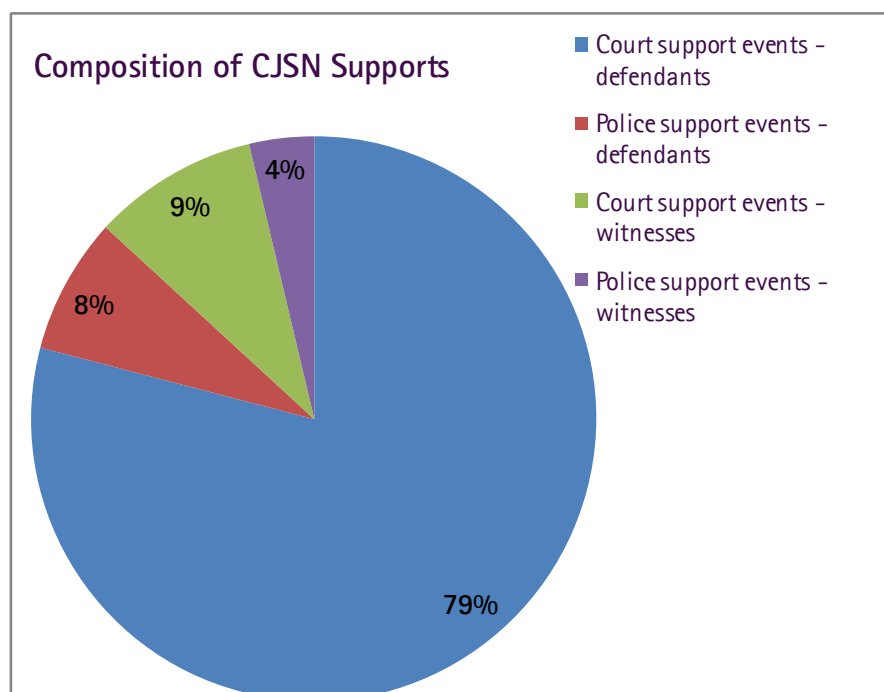
have a support person met when arrested. CJSN also provides indirect support to people who have been arrested in areas not covered by the service. This involves the on call staff person speaking to the person with the disability and the police by phone and linking them to the afterhours lawyer for legal advice.



The Hunter and Southern regions have both expanded in last year; the Hunter region to cover Maitland and the lower Hunter valley and the Southern region, to cover Nowra and Batemans Bay with new volunteers being trained in these areas.

The Sydney region experienced an increasing number of referrals to provide court support to clients in custody where their court hearings are being conducted via Audio Visual Link (AVL), particularly from Long Bay Correctional Centre. To enable CJSN to manage this increased demand, our more experienced volunteers were trained (including the mandatory Security Awareness training and a special briefing at Long Bay Correctional Centre focused on specific issues regarding providing supports in a jail environment.

The most frequent type of support remains with defendants in court. A major reason for this is the higher number of referrals for clients after the arrest stage; many referrals coming from disability workers and professionals other than the police. These supports are very time consuming often involving half days or full days at court on several occasions before a matter is finalised.



CJSN Regions

Southern

The Southern Coordinator, Corinna Nolan, is now working 5 days per week, as 4 days was insufficient to cover the support. The focus has been on expanding the Southern region to provide supports in Nowra and Batemans Bay areas and developing links with services in these areas as well as developing strong relationships with Legal Aid.

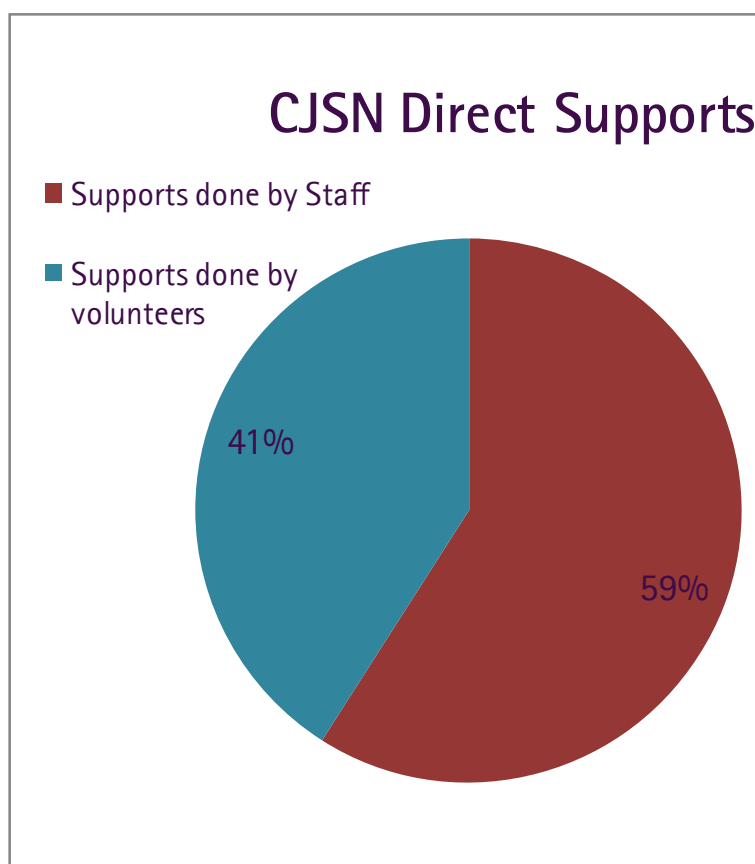
The Jamberoo office prepared for relocation to new premises in Wollongong at the end of this financial year. Kathy Speers continues to work as administrative assistant.

Hunter

Leonie Kirwan maintained her usual role as Outreach Coordinator whilst also acting as the Hunter Coordinator for much of this year, with assistance from a temporary administration assistant and casual Pennie Dodds. Leonie's commitment and great effort in a difficult year are much appreciated.

An overhaul of volunteers was carried out, beginning with a questionnaire, sent to the 82 CJSN volunteers. Only 8 people indicated that they were still available to provide court/police supports; therefore further volunteers were trained in the Newcastle and Maitland areas.

The Newcastle office also prepared for relocation to new premises at the end of this financial year.



Sydney

The Sydney Coordinators, Mitch Fraser and Joanne Karcz, who each work 3 days per week have focused on revamping the Sydney volunteer management system resulting in more volunteers being actively engaged with CJSN. Support referrals in Sydney have increased sharply, with the Sydney office working at full capacity. Sachi Abeyratne continues to work as administrative assistant.

The Big Issue office was visited to meet with a Vendor Support Worker to discuss the suitability of the Big Issue as an option for some CJSN clients. The meeting was extremely positive and encouraging; the Big Issue staff work to engage with marginalised people and assist them to work as vendors.

Outreach and Justice Support Network Volunteer Groups – Outreach

The following areas were targeted for to establish training and information needs and visits to key local agencies in the following areas establishing needs for CJSN services and training:

- Narrabri
- Moree
- Boggabilla
- Mungindi
- Toomelah
- Dubbo

The support service established by the Central Coast Disability Network (CCDN) with a grant from the Law and Justice Foundation was struggling to continue with the resignation of its coordinator and CCDN asked if CJSN could take over operation of the service. Various options were considered and it was decided that CJSN would continue the service for at least the 2008-09 year with Central Coast as one of its regions, employing a part time coordinator. This has only been possible due to a generous donation from the staff charity fund at Blake Dawson solicitors and the transfer of the remaining Law and Justice Foundation funds to CJSN. Recruitment for a new coordinator has commenced.

Unfortunately two of the support services which had begun with small one off grants from Department of Corrective Services in Armidale and from the Law and Justice Foundation in Port Macquarie have closed. This highlights the difficulty of establishing services without on-going funding for coordination.

CJSN has continued to work closely with The Albury Justice Support Network which is run by the Disability Advocacy and Information Service based in Wodonga. This service has been supported by small grants through the Cooperative Legal Services Delivery Program and the Law and Justice Foundation. It is now providing police station and court support and hopes to be able to continue the support service when the funding expires. The first police support was completed in January 2008. CJSN has trained two groups of volunteers in Albury during this year. The afterhours calls for the Albury service are received through the CJSN on call number and CJSN after hours solicitors are available to support this service

WestWood Spice Outreach Expansion Options Paper

CJSN is consulting with WestWood Spice on a paper to research ways of increasing CJSN coverage throughout NSW. An options paper will be produced to examine the possible models and funding options for CJSN service expansion.

CJSN clients

Case study – Juvenile Justice Conferencing

CJSN is increasingly being asked to provide support at events other than police stations and courts; including Juvenile Justice Conferencing and pre-court legal appointments. Consistent statistics are to be reported on these types of support in future.

CJSN provided support at two separate conferences to a 19 year old man (we will call him 'John'); following guilty pleas to breaking and entering into a school and an aged care facility, malicious damage, theft and vandalism. John and his family were asked to attend the conference so the convener requested CJSN support. The CJSN support worker met with John and his family beforehand to ensure they understood the process and to build some rapport with them. Another purpose of the support was also to ensure that the Draft Intervention Plan was realistic, fair and achievable.

In both conferences, the victims were not willing to participate directly, due to their ongoing fears; however victim representatives attended to provide this perspective. John gave verbal and written apologies to the victims and answered some questions they had sent with their representatives. John was able to give reassuring responses to these questions, to let the victims know he regretted his actions and was not planning to repeat them.

A very positive outcome was achieved with John's Draft Intervention Plan; in that he was able to use his musical talents to help make reparation for his offences as well as making financial restitution, undertaking counselling and caring for a relative with a disability. This allowed him to relate his plan to his offending, in that he was "giving something back" to elderly people that they would greatly enjoy; also being able to show off his talent was beneficial to his self-esteem. John has not reoffended since.

CJSN supports the conferencing approach but notes some particular issues which need to be addressed when conferencing involves a person with intellectual disability. These include:

- The level of understanding by other parties involved in the conference and the convenor, of the meaning and effects of intellectual disability
- How people with an ID might process the difficult feelings, including guilt and shame; that are raised by facing their victim
- The need for support persons for a person with intellectual disability involved in a conference procedure

Case Study – A Victim Support – Worth the Extra Effort

A young woman (Susan) asked CJSN to support her during a police interview following an alleged indecent assault by an acquaintance. Susan was nervous about talking to police and frightened that her story would not be taken seriously as she had tried to tell someone at her workplace about what had happened and received an unhelpful response. The CJSN volunteer met with Susan before the interview began; to start building rapport with her and to discuss what might make the process a little easier for her.

The detective discussed with Susan and the CJSN volunteer how the interview would proceed and decided to conduct the interview one day each week over four weeks as this fitted with the clients' needs and the detective's working days. This was because Susan was unable to concentrate for long periods of time and tended to get confused and distressed after an hour or so. The CJSN volunteer made sure that Susan understood every question asked of her, by checking her understanding regularly and helping the detective to rephrase difficult questions in plain language. The volunteer used a visual aid to help Susan indicate when she was feeling stressed and in this way, made sure each part of the interview ended before she became too distressed or confused. The CJSN volunteer also encouraged Susan to tell her when she needed a break.

At the end of the process, the CJSN volunteer helped the detective to check out with Susan that she was happy with her final statement and felt that she had told the detective everything she wanted to. The detective involved was keen to use the CJSN volunteer's skills in helping him to communicate with Susan effectively and appreciated the assistance given in using plain language.

Volunteers and Volunteer Training

There are currently 103 trained volunteer support persons across the 3 regions; as compared to 96 last year. During the year an effort has been made to contact existing non-active volunteers in each region to thank them for their past services and identify those who were no longer interested or able to be involved and take them off volunteer registers. Reasons for termination are varied, including inability to continue volunteering due to work or family commitments, entering the full-time workforce, long-term unavailability for supports, etc. It is clear that there will be a continuing turnover of volunteers requiring on-going recruitment and training.

CJSN have developed closer relationships with volunteers through regular contact and acknowledgement of their support and more regular offers of support events.

- Rewards for dedicated volunteers included thank you cards and movie tickets for volunteers on completing their tenth support. Volunteers gave positive feedback on the reward system
- Newsletters have been produced with useful information about websites and training
- Three CJSN volunteers were awarded certificates for a significant contribution to volunteering by the Liverpool Volunteer Resource Centre and one received an award for being an outstanding volunteer

Training has been conducted for support volunteers this year in Sydney (2 court support training and 1 police station support training); Maitland (court support); Gosford (1 court and 1 police station support); Albury (1court and 1 police station support). A new group of Volunteer solicitors were also trained in April.

Whenever possible, via available funds or free training, volunteers are offered further training to both increase their skills and to demonstrate CJSN's ongoing commitment and appreciation to them. Approximately 5 staff members and 20 volunteers across the regions completed the following training in 2007

- NSW Rape Crisis Centre provided training on supporting people who have been the victim of sexual assault

- Mental Health First Aid training was provided, in managing issues such as psychosis, panic attacks, suicidal thoughts and other mental health problems

Staff members have undertaken various training courses seminars throughout the year, including:

- Dealing with Difficult People (STARS)
- Security Awareness course at Brush Farm Corrective Services Academy (compulsory for staff entering correctional centres to provide AVL supports)
- A briefing at Long Bay for AVL staff and volunteers
- Supporting Families of Prisoners (Woodville Community Services)
- In-service training at team meeting from Guardianship Tribunal
- Law for Non-Lawyers (PIAC)
- the National Disability Advocacy Network conference in Melbourne
- Who's In and Who's Out: 3rd Forensic Disability Conference, Melbourne
- Training on acquired brain injury (Ryde Rehabilitation Centre)
- Making Links community IT conference

Grant to develop a resource for police and solicitors to improve their work with victims who have intellectual disability

At the end of June, CJSN was awarded a grant of over \$7000 by the Department of Corrective Services Victims of Violent Crime Fund. The project will produce a resource, in consultation with various stakeholders, for police and solicitors to refer to when dealing with a people with an intellectual disability who have been sexually assaulted.

Resources and Publications

Posters for police stations and custody managers were re-drafted by staff and a volunteer graphic design student. These are still in the process of being finalised; with the aim of making them more prominent and effective in alerting police to CJSN services.

Working towards a name change

Discussions began regarding the possibility of changing CJSN's name, simply to be known as the Intellectual Disability Rights Service along with its parent organisation. The rationale for this is as follows:

- confusion amongst clients and stakeholders about how IDRS and CJSN are related and which service provides what
- confusion arising from the similarity of other acronyms in the disability field (particularly DADHC CJP)
- the desire to promote the service accurately and not raise expectations of non-eligible callers
- the possibility of CJSN moving into the other areas of support in future; making the word 'criminal' inappropriate

We will be working gradually towards this goal.

Memorandum of Understanding between DADHC CJP and IDRS/CJSN

Following some past difficulties when working alongside DADHC's Criminal Justice Program (CJP); the CJSN Manager and CJP Manager began work on establishing a Memorandum of Understanding between CJP and CJSN.

APEC preparations

CJSN prepared for APEC by attending briefings, and ensuring adequate volunteers and solicitors would be available if any CJSN clients were arrested due to the new police powers that were granted for this event. Fortunately, no reports were received of any clients being affected.

Reference Group

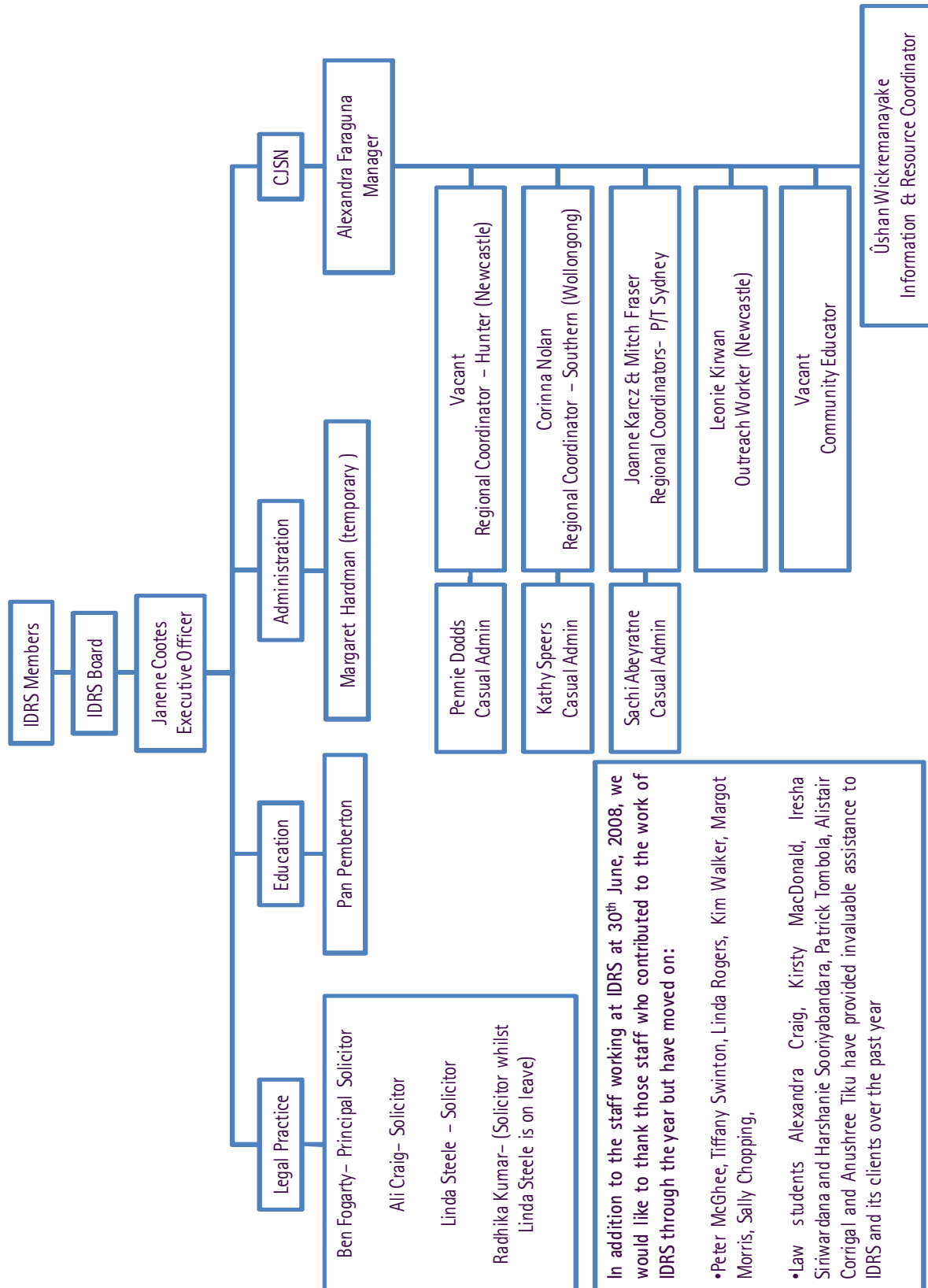
Members:

- Anne Langford, DCS
- Susan Laguna, MDAA
- Judy Hunt, OPG
- James Condren, CID
- Julia Haraksin, AGs
- Solange Frost, DADHC
- Assistant Commissioner Dennis Clifford/ Chief Superintendent Rob Redfern, NSW Police

The format of the meetings was changed and meetings are now held twice annually. It was felt that now that CJSN is well established, there was no need for more frequent meetings. The reference group continues to have input into major CJSN issues and decisions and we thank members for their ongoing support and commitment

IDRS Staffing

The staffing structure of IDRS on 30 June 2008 is shown in this chart:



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

- 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.

The members of the Board in the 2007-2008 were:

July 2007 – December 2007

Anne Bolt
Melissa Clements
Geoffrey Hopkins
Jenny Klause
Jenny Owen (Treasurer)
Michelle Pearson
Jim Simpson
Tamara Simms
Michael Small (Chairperson)
Robert Strike
Janene Cootes (ex officio)

December 2007 – June 2008

Anne Bolt
Melissa Clements
Therese Griffith (Treasurer)
Jenny Klause
Michelle Pearson
Carmelo Raspanti
Tamara Sims
Michael Small (Chairperson)
Robert Strike
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, Solicitors

Kate Eastman

Clayton Utz Solicitors

Tania Evers

Gilbert & Tobin Solicitors

Denise Kaiti

Freehills Solicitors

Rob Lee

Ragni Mathur

Rob Lee

Andrew O'Brein

Lucinda Wilson

Stephen Booth

- IDRS greatly appreciates the sponsorship of LexisNexis Australia enabling the IDRS legal team to access Butterworths Direct Online for a substantially discounted rate
- IDRS would particularly like to note the support of Blake Dawson through the full time secondment of a solicitor to IDRS initially for six months and a substantial donation from the staff of this firm which will enable IDRS to maintain the Central Coast Justice Network service through 2008-09.

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 Australian 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 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 2008

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, 2008.

Board Members

July 2007 – December 2007

Qualifications

Anne Bolt	Community Member
Melissa Clements	Senior Project Officer, NSW Public Sector Agency
Geoffrey Hopkins	Lawyer/Mediator
Jenny Klause	Tribunal member/ Federal Public Sector Agency
Jenny Owen (Treasurer)	Human Services Consultant
Michelle Pearson	Community Member
Tamara Simms	Lawyer
Michael Small	(Chairperson) Senior Policy Officer, Federal Public Sector Agency
Robert Strike	Community Member/Advocate
Janene Cootes (ex-officio)	(Acting) Executive Officer, IDRS

January 2008 – July 2008

Qualifications

Anne Bolt	Community Member
Melissa Clements	Senior Project Officer, NSW Public Sector Agency
Therese Griffith (Treasurer)	Senior Administrative Officer, NSW Public Sector Agency
Jenny Klause	Tribunal member/ Non-Government Agency Officer
Michelle Pearson	Community Member
Carmelo Respanti	Community Member
Tamara Simms	Lawyer
Michael Small	(Chairperson) Senior Policy Officer, Federal Public Sector Agency
Robert Strike	Community Member/Advocate
Janene Cootes (ex-officio)	Executive Officer, IDRS

Principal Activities of the Association

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

Changes in State of Affairs

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

Trading Result

The operating surplus amounted to \$100,463 (2007 surplus \$92,350)

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

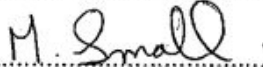
No matters or circumstances have arisen since the end of the financial year.

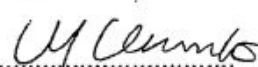
Indemnification of Auditors and Officers

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 13TH day of NOVEMBER 2008

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

PROFIT AND LOSS STATEMENT

FOR THE YEAR ENDED 30 JUNE 2008

	Note	2008 \$	2007 \$
Revenue from ordinary activities	3	1,106,507	1,145,116
Expenses from ordinary activities		1,006,044	1,052,766
(Deficit)/Surplus from ordinary activities	4	100,463	92,350
Income tax expenses		-	-
(Deficit)/Surplus from ordinary activities after income tax		100,463	92,350
Total changes in equity other than those resulting from transactions with members		100,463	92,350

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

BALANCE SHEET

AS AT 30 JUNE 2008

	Note	2008 \$	2007 \$
CURRENT ASSETS			
Cash	5	871,942	810,092
Receivables	6	23,466	14,550
Other	7	11,276	11,192
		<u>906,684</u>	<u>835,834</u>
NON-CURRENT ASSETS			
Property, Plant and Equipment	8	103,784	112,351
		<u>103,784</u>	<u>112,351</u>
TOTAL ASSETS		<u>1,010,467</u>	<u>948,185</u>
CURRENT LIABILITIES			
Grant Received in Advance		391,428	381,429
Payables	9	82,997	89,620
Provisions	10	80,288	117,404
Other	11	256	625
		<u>554,969</u>	<u>589,078</u>
NON-CURRENT LIABILITIES			
Provisions	12	17,667	21,739
		<u>17,667</u>	<u>21,739</u>
TOTAL LIABILITIES		<u>572,637</u>	<u>610,817</u>
NET ASSETS		<u>437,831</u>	<u>337,368</u>
ACCUMULATED FUNDS			
Capital Equipment Reserve		40,000	40,000
Accumulated Funds	13	397,831	297,368
TOTAL ACCUMULATED FUNDS		<u>437,831</u>	<u>337,368</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

STATEMENT OF CASH FLOWS

FOR THE YEAR ENDED 30 JUNE 2008

	Note	2008 \$	2007 \$
CASH FLOW FROM OPERATING ACTIVITIES			
RECEIPTS			
User Charges		124,935	127,304
Interest		46,543	40,064
CASH FLOWS FROM GOVERNMENT			
Receipts from Government Grants		936,027	1,000,898
PAYMENTS			
Wages & Salaries		(651,210)	(555,531)
Payments to Suppliers		(375,922)	(445,936)
Cash Surplus/(Deficiency) from Operating Activities	15	80,374	166,798
CASH FLOW FROM INVESTING ACTIVITIES			
Payment for Purchase of Plant and Equipment		(18,524)	(46,699)
Proceeds from Sale of Plant and Equipment		-	15,180
Net Cash Used in Investing Activities		(18,524)	(31,519)
Net Increase/(Decrease) in Cash Held		61,850	135,279
Cash at the Beginning of the Reporting Period		810,092	674,813
CASH AT THE END OF THE REPORTING PERIOD	14	871,942	810,092

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

1. Limitation of Liability

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

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

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

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

2 Statement of Accounting Policies

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

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

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2008

Statement of Accounting Policies (continued)

a) Fixed Assets

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

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

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

b) Employee Entitlements

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

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

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

c) Cash

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

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

Statement of Accounting Policies (continued)

d) Income Tax

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

e) Revenue

Grant income and interest income are recognised on an accrual basis

f) Goods and Services Tax

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

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$	2007 \$
3 Income from Ordinary Activities		
Income from Ordinary Activities includes the following revenue		
Operating Revenue		
Interest Revenue	46,543	40,064
Grant & Subsidies	1,059,964	1,105,053
	<u>1,106,507</u>	<u>1,145,116</u>
4 Surplus from Ordinary Activities		
Surplus from Ordinary Activities has been determined after charging:		
Expenses		
Audit Fees	4,900	4,289
Depreciation	27,092	23,870
5 Cash		
Cash on Hand	600	530
Cash at Bank - Cheque Account	48,677	27,799
- Cash Mgt /CBA Bus Online Sever	818,665	777,764
Term Deposit	4,000	4,000
	<u>871,942</u>	<u>810,092</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$	2007 \$
6 Receivables		
Accounts Receivable	1,741	-
Rental & Security Deposits	21,725	14,550
	<u>23,466</u>	<u>14,550</u>
7 Other		
Prepayments	<u>11,276</u>	<u>11,192</u>
8 Property, Plant and Equipment		
Tenancy Work	27,975	27,975
Less: Accumulated Depreciation	<u>11,054</u>	<u>8,256</u>
	<u>16,921</u>	<u>19,719</u>
Furniture & Fittings	38,809	36,652
Less: Accumulated Depreciation	<u>19,889</u>	<u>14,523</u>
	<u>18,920</u>	<u>22,129</u>
Equipment	160,305	143,937
Less: Accumulated Depreciation	<u>109,785</u>	<u>93,352</u>
	<u>50,520</u>	<u>50,585</u>
Motor Vehicle	19,959	19,959
Less: Accumulated Depreciation	<u>2,536</u>	<u>41</u>
	<u>17,423</u>	<u>19,918</u>
	<u>103,784</u>	<u>112,351</u>
9 Payables		
Sundry Creditors	69,743	77,026
Goods & Services Tax Payable	<u>13,254</u>	<u>12,594</u>
	<u>82,997</u>	<u>89,620</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008	2007
	\$	\$
10 Current Provisions		
Employee Entitlements - Annual/Maternity Leave	43,876	56,805
Employee Entitlements - Provision for Redundancy	36,413	60,599
	<u>80,288</u>	<u>117,404</u>
11 Other Current Liabilities		
Accrued Expenses	<u>256</u>	<u>625</u>
12 Non-Current Provisions		
Employee Entitlements - Long Service Leave	<u>17,667</u>	<u>21,739</u>
 Number of Employees at Balance Date	 <u>13</u>	 <u>14</u>
13 Accumulated Funds		
Opening Balance	297,369	205,018
Net Surplus	100,463	92,350
	<u>397,831</u>	<u>297,368</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

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:

	2008 \$	2007 \$
Cash	867,942	806,092
Deposit at call	4,000	4,000
	<u>871,942</u>	<u>810,092</u>

15 Reconciliation of Cash Surplus from Operating Activities to Operating Result

	2008 \$	2007 \$
Operating Result	100,463	92,350
Depreciation	27,092	23,870
Increase/(Decrease) in Creditors	(6,993)	35,212
Increase/(Decrease) in Grant Received in Advance	9,999	13,043
Increase/(Decrease) in Provision & Accrual	(41,187)	(10,800)
(Increase)/Decrease in Receivables	(9,000)	10,505
Loss on Sale of Plant & Equipment	-	2,619
	<u>80,374</u>	<u>166,798</u>
Cash Surplus from Operating Activities		

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

FOR THE YEAR ENDED 30 JUNE 2008

	<u>2008</u> \$	<u>2007</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	75,000
Longer than 1 year and not longer than 5 years	<u>62,500</u>	<u>137,500</u>
	<u>137,500</u>	<u>212,500</u>

18. Other Information

Registered office and principal place of business:
Suite 2C, 199 Regent Street, Redfern NSW 2016

19. Australian equivalents of International Financial Reporting Standards.

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

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

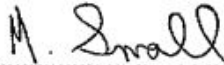
STATEMENT BY MANAGEMENT COMMITTEE

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

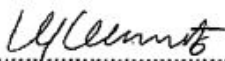
In the opinion of the committee the financial statements

- a) Present fairly the financial position of the Intellectual Disability Rights Service Incorporated as at 30 June 2008 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 12th day of November 2008

**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 2008 there have been:

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

Signature: Kenneth Ong
Kenneth Ong

Name of Firm: Cohen & Krass
Certified Practising Accountants

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

- Dated this 13th day of November 2008

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 2008. 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.

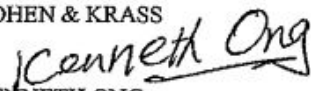
My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatement. My procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial 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 2008 and the results of its operations for the year then ended.

COHEN & KRASS



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

✓ Dated this 13th day of November 2008

**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 2008.

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

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

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

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

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

COHEN & KRASS



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

✓ Dated this ...12th... day of November 2008

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

INCOME & EXPENDITURE STATEMENT

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$	2007 \$
INCOME		
Interest	46,543	40,064
Grants & subsidies		
Commonwealth Dept of Family & Community Services	189,330	188,147
Department of Ageing, Disability & Home Care (NSW)	736,698	800,106
Other Income	133,936	116,800
	<u>1,106,507</u>	<u>1,145,116</u>
EXPENDITURE		
Accounting & Bookkeeping	27,323	28,543
Admin. Charges	86	99,566
Advertising	14,262	6,810
Annual Leave & Maternity leave	(12,929)	15,360
Audit Fees	4,900	4,289
Bank Charges	1,344	1,795
Cleaning	4,783	5,391
Consultancy Fees & Outsourcing	19,545	23,850
Depreciation	27,092	23,870
Electricity	5,613	3,473
First Aid	-	32
Host Agencies	12,990	6,970
Hire Equipment	220	
Insurance	9,978	12,263
Information Technology Support	6,498	10,638
IT Web Maintenance	1,143	-
Legal Cost and Disbursements	11,785	5,714
Long Service Leave	(4,072)	1,074
Loss on Sale of Fixed Assets	-	2,619
Motor Vehicle Expenses	2,187	2,740
Photocopying, Printing & Stationery	17,446	18,687
Postage & Couriers	3,018	2,981
Practising Certificates & Professional Supervision	2,075	1,541
Purchase of Minor Fixed Assets & Rebuild Network	3,737	8,543
Rent	78,128	58,709
Regional Training	404	2,946
Repairs & Maintenance	2,012	3,573
Salaries & Wages	651,210	555,531
Staff Redundancy Expenses	(24,187)	(7,000)
Staff/Volunteer Training & Continuing Education	13,670	19,582
Subscriptions & Library	9,206	8,903
Sundry Expenses	779	1,040
Superannuation	57,617	68,287
Telephone	26,759	24,273
Travelling & Accommodation Expenses	31,421	30,174
	<u>1,006,044</u>	<u>1,052,766</u>
OPERATING (DEFICIT)/SURPLUS	<u>100,463</u>	<u>92,350</u>

Attachment A4

STATEMENT OF AUDITOR

Organisation Name: **INTELLECTUAL DISABILITY RIGHTS SERVICE**

Organisation ID: **482**

Purpose of Funding: **DISABILITY ADVOCACY SERVICES**

Funding Period: **From 01/07/2007 to 30/06/08**

I have conducted an independent audit of the Statement of Compliance by Organisation in order to express an opinion on the expenditure of Funding received under Part II of the Disability Services Act 1986 (Cth) for the specified period.

In my opinion Funding provided by the Department of Families, Community Services and Indigenous Affairs has been expended in accordance with the purposes of the Agreement, being the provision of Advocacy Services.

In my opinion Funding has not been used to: purchase land, buildings, or capital equipment for commercial purposes; purchase or establish commercial enterprises, subsidise commercial business costs of the Organisation, make payments to the Organisation's officers (including its directors, or members of Boards or Committees of Management) other than payments of salaries, wages, compensation for their reasonable expenses; or legal damages, compensation, cost or expenses as permitted under the Agreement.

COHEN & KRASS



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

Dated this 13th day of November 2008

