

Intellectual  
Disability  
Rights  
Service  
**Annual Report**  
**2010 – 2011**

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



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# Table of Contents

Table of Contents.....	4
About IDRS.....	8
Introduction .....	8
Vision .....	8
Purpose.....	9
Values .....	9
What We Do.....	10
Legal Advice and Casework .....	11
Legal Advice (short term advocacy).....	12
After hours advice .....	14
Legal Casework (longer term legal advocacy).....	15
Case Study.....	18
Case Study.....	21
Education and Training .....	23
Training for people with Intellectual Disability .....	24
Disability Services Training .....	26
Justice Sector Training .....	27
Criminal Justice Support Network .....	28
If not for CJSN... ..	29
CJSN total supports in each region .....	30
CJSN police station supports.....	33
CJSN's 24-hour service .....	34
Regional Offices.....	35
Outreach .....	35
CJSN Volunteers.....	38

CJSN Volunteers.....	39
NSW Volunteer Team of the Year Award .....	39
Consultation with other agencies .....	40
Police sexual assault resources.....	40
CJSN Reference Group.....	41
Recent challenges.....	41
Special thanks.....	42
Parents with Intellectual Disability Project .....	43
The aim of this project .....	44
The Team .....	45
The project statistics.....	46
Legal advice and representation .....	46
Case Study .....	47
Non-legal advice and casework.....	49
Court Support Pilot .....	50
Systemic advocacy.....	50
Funding for Parents with Intellectual Disability Website .....	51
Future of the Project.....	51
IDRS Staffing .....	52
Submissions.....	53
Participation in External Working Groups and Committees .....	53
Members of the IDRS Board .....	55
Support and funding .....	56
Thank-you .....	57
Financial Report.....	58

## A Word from the Chair

Once again I am delighted to introduce the annual report for 2010 -2011.

This year more than ever we have grown in the range and scale of our activities.



Here are just a few highlights of our work:

- Establishing new CJSN volunteer groups on the mid-north coast and in the Riverina area
- Successfully assisting a parent with intellectual disability through legal assistance and advocacy to have her child – removed at birth – returned to her care
- Working with Legal Aid NSW to improve legal services for people with intellectual disability in the criminal justice system
- Arranging a group consultation to enable the Law Reform Commission to hear directly from people with intellectual disability and their carers about their experiences as part of a review of the law with regard to Penalty Notices

As an organisation we are increasingly aware that we operate in a rapidly changing environment. The possibility of new mechanisms for funding disability such as the National Disability Insurance Scheme (NDIS) currently under consideration by the Australian Government may significantly change the way we operate. As an organisation we also need to consider if our role and compass need review.

One of the things we have planned for the upcoming financial year is a review of our organisation and strategy. This will ensure that we remain aligned to deliver the maximum benefit to our community, and that we are responsive to the threats and opportunities that are likely to face us over the next several years. I am sure that every member of our small team will be actively involved and will help us plan our shared future, and I know the board welcomes their involvement and shares with me the commitment with which we will also participate in this review.

This year more than ever, I want to thank the three key members of the IDRS team. Janene Cootes our Executive Officer has led us through a challenging year with even more than usual energy and determination. Alex Faraguna, leading CJSN, has fostered the growth in coverage of CJSN services further around NSW through the new outreach program, and Karen Wells our Principal Solicitor for most of the year for her outstanding contribution to IDRS. We are delighted to welcome Margot Morris to the Principal Solicitor role. She brings to this role long standing knowledge of IDRS.

Our board has met on six occasions through the year and has been ready and willing to assist in other ways on interview panels, and with other activities. I want to thank them sincerely for their contribution to the governance of IDRS.

I also specially want to thank Edwina MacDonald, Melissa Clements, and Jenny Klause who as well as participating in the work of the Board additionally assisted IDRS through their roles on the HR sub-committee.

Mike Sprange,

Chair IDRS

## About IDRS

Vision, purpose, values and what we do

### Introduction

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

We do this by: providing legal advice, 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 Department of Family and Community Services, Ageing Disability and Home Care (ADHC) and the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

### Vision

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



## Purpose

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

## Values

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

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

We work towards creating a society:

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

## We are an organisation that values:

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

## What We Do

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

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

## Legal Advice and Casework

IDRS delivers legal services by providing:

- Free legal advice (or short term legal advocacy) by phone or in person to people with intellectual disability or to others who call on behalf of a person with intellectual disability. IDRS also provides legal advice to people with acquired brain injury in recognition of the high need and lack of specialised legal services for this group
- Referral to legal and disability services including referring some clients to pro bono solicitors and barristers who generously give of their time and expertise
- Information, training, resources and advice to lawyers in NSW who are assisting clients with intellectual disability
- 24 hour legal advice every day of the year to people with intellectual disability who are in police custody anywhere in NSW via a network of volunteer solicitors
- Legal representation (or long term legal advocacy) for people with intellectual disability in some cases

The IDRS legal team comprises a Principal Solicitor and two full time solicitors. Karen Wells has been the Principal Solicitor during most of this year but in June transferred to working solely on the Intellectual Disability, Criminal Justice Service Improvement Project. We are delighted that Margot Morris, has taken up the Principal Solicitor role until the position is permanently filled.

There have been some changes in the solicitor positions this year with Radhika Kumar finishing up in December 2010 and Elisabeth Coroneo leaving her part time position in June 2011.

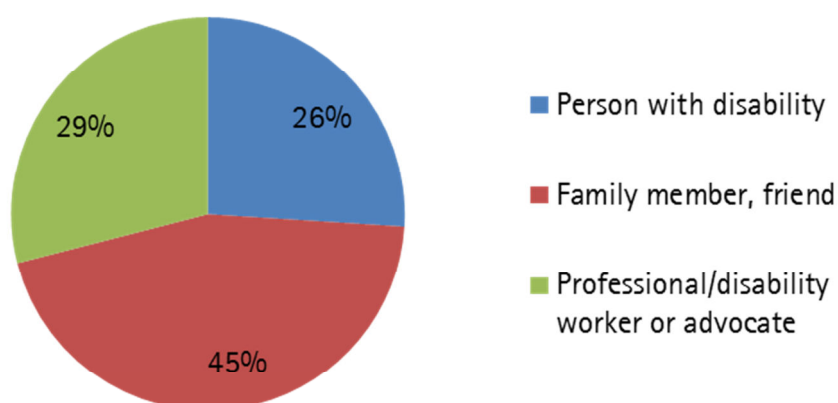
Our current solicitors Ali Craig and Tim Chate continue the great work of the legal team. Marissa Sandler joined the Parents with Intellectual Disability, Care and Protection Project as part time solicitor in October and has quickly taken up the challenges of that role.

The legal work of IDRS is enhanced through the generosity of the legal firm Blake Dawson in seconding a full-time solicitor to work at IDRS on a 6 monthly rotation. The secondees this year have been Marie Youssef until October 2010 and Chris McMeniman until March 2011. Each has brought new perspectives and enthusiasm to the position and to IDRS. Law students Laura Reilly and Maryan Jahedi have given their time to support the work of IDRS during the year.

## Legal Advice (short term advocacy)

IDRS provides legal advice to people with intellectual disability throughout NSW by phone or in person. Our solicitors work directly with the person with intellectual disability wherever possible. However, people with intellectual disability often depend on family, friends, disability advocates and workers to initiate contact with IDRS on their behalf. Our solicitors can provide advice through another person when they are acting in the best interest of the person with disability. We encourage family and workers to contact us. Often the person with disability can participate in discussing their problem along with the initial caller.

### Who initiated request for advice?



IDRS responds immediately to urgent requests for legal advice, for example if the person is in police custody. If the request is not urgent an appointment will be made for the person to come to the office to see the solicitor or for the solicitor to contact the person by phone. Appointments can usually be made within a few days.

Most legal advices need follow-up by the solicitor to make further enquiries, to check or get further information, to write a letter or link the person to other assistance. Some common situations that lead people with intellectual disability or their helpers to seek legal assistance may be fines, problems with debt, consumer rip offs, wanting to get rid of a financial management order, finding out what to do as a victim of crime, being left out of a parent's will, being harassed by neighbours, being injured, having to go to court, losing a job, being treated unfairly, being financially or emotionally abused, being unhappy with a service, being stopped from having a relationship, being harassed by the police, needing to complain about a service or problems with schools.

In 2010-11 legal advice was provided to 546 clients. This represents a slight decline in demand and in the number of legal advices provided from the steady increases of the past few years.



## After hours advice

Volunteer solicitors give generously of their time and expertise to be available on a roster basis 24 hours/7 days to provide legal advice for people with intellectual disability who have been arrested and are in police custody anywhere in NSW. The number for after hours help when someone has been arrested is 1300 665 908. The solicitor works in conjunction with a CJSN support person who is at the police station with the person or with the CJSN after hours on-call staff. This combination of support and legal advice can have a significant positive effect on the outcomes for the person who has been arrested.

There are currently 24 volunteer solicitors on the after hours roster. Without them the after hours service would not be possible. Their willingness to be woken in the middle of the night and to interrupt their weekends to provide legal advice is greatly appreciated.

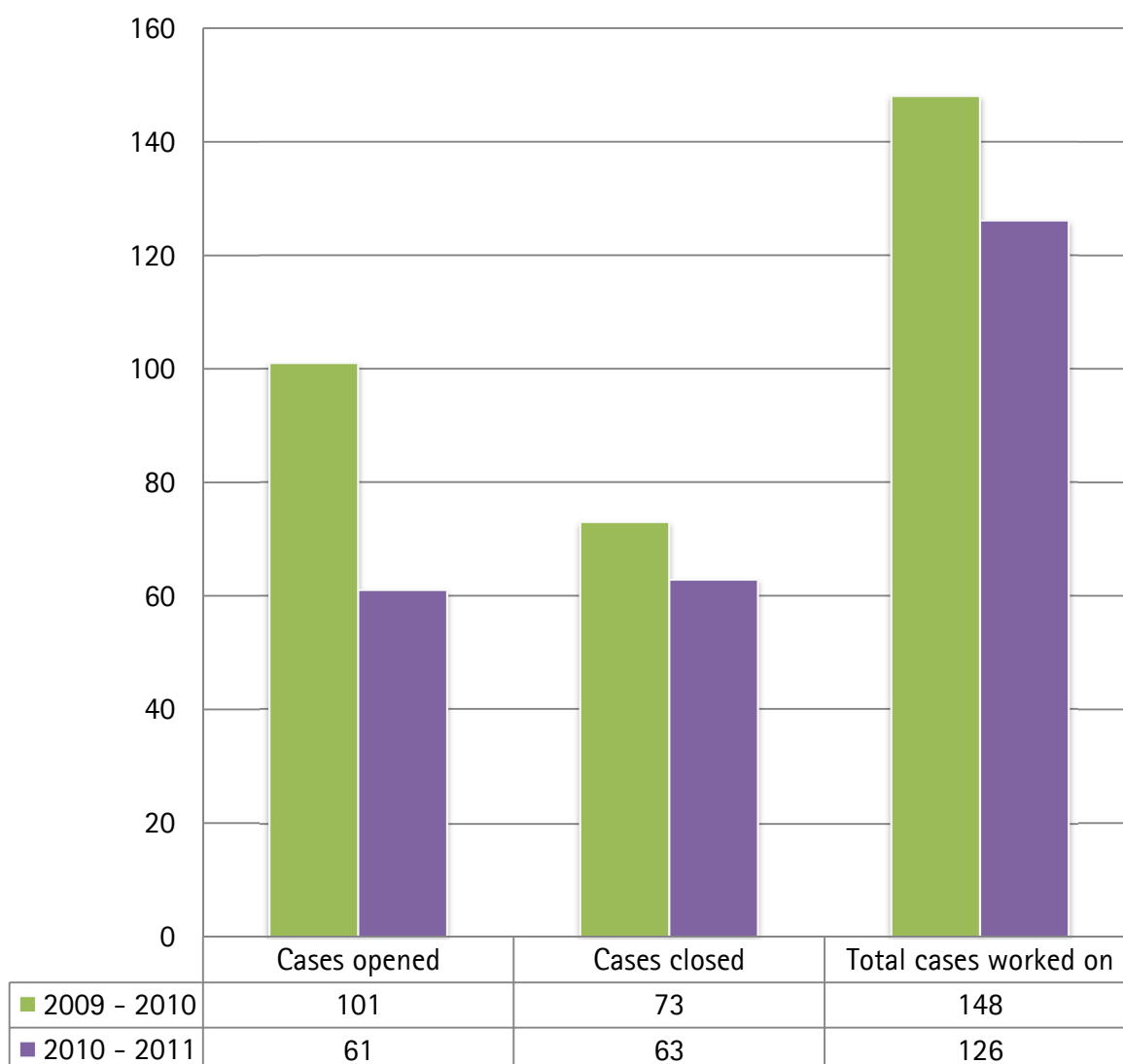
## Legal Casework (longer term legal advocacy)

During 2010-11, IDRS worked on 126 long term legal advocacy cases.

Most of these cases were open between 6 – 12 months.

This year has seen a decrease in the number of long term legal advocacy cases from the record number of cases run in 2009-10.

### IDRS Legal Advocacy Casework



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

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

2010-11 has seen an increase in the legal advocacy being undertaken by IDRS for victims of crime from 4% of cases last year to 13% in 2010-11. These cases include victim's compensation matters, as well as working with clients in cases where the police have failed to pursue charges.

Representing people with intellectual disability in criminal matters before the local court continues to be a significant proportion (18%) of IDRS' legal advocacy.



IDRS has made a conscious effort to reduce the proportion of direct legal representation in criminal matters in the legal advocacy caseload. The criminal matters that IDRS takes on are usually for people who do not have access to Legal Aid or who are likely to have great difficulty dealing with Legal Aid due to the nature of their disability or behaviour, people who have no links with services or supports or people who would be at high risk without IDRS legal representation. Through the Intellectual Disability, Criminal Justice Service Improvement Project with Legal Aid we aim to build capacity amongst criminal lawyers and assist them to represent defendants with intellectual disability. CJSN support is also available to clients defending criminal charges.

Schools and police figured prominently in cases involving complaints against government agencies. Consumer rip offs and getting involved in contracts they didn't understand are common problems for our clients. Some clients had accumulated enormous debt with the State Debt Recovery Office (SDRO) for accumulated fines over many years.

## Case Study

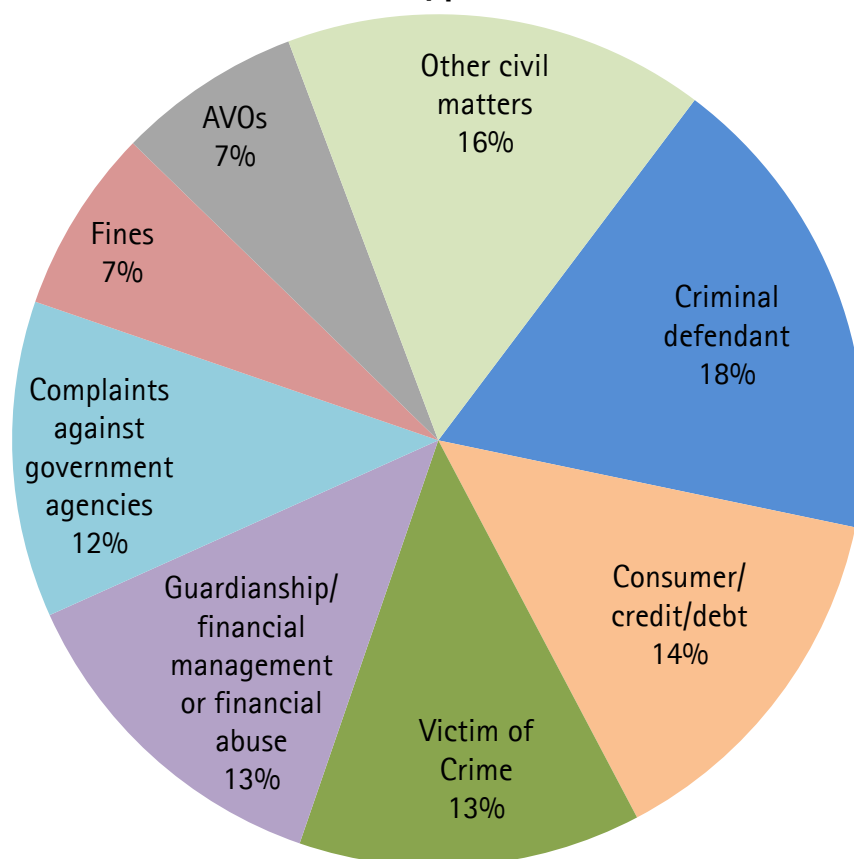
Theo has intellectual disability, mental health and other health problems. He had accumulated over \$52,000 in debt for SDRO fines over a 10 year period. He was in prison when his welfare officer contacted IDRS seeking legal assistance for him. Some money had already been taken from Theo's account as a result of a garnishee order.

Theo's fines were for travelling on the train without a ticket, smoking on the train, entering an unauthorised area at a train station, failing to explain his absence from jury duty, failing to vote in local and state government elections, damaging property, drinking on the train, feet on seat on train, common assault, shoplifting and using offensive behaviour in public.

After ensuring that no further money would be taken from Theo's account until the matter was resolved, the IDRS solicitor tracked down professional reports confirming Theo's disabilities and with these supporting documents applied to SDRO for a write off of his fines and return of the money that had been removed from his account. Several further letters and phone calls were required in support of the application but ultimately the remaining debt was waived although the \$2,000 already paid will not be returned.

## Problem Types in Legal Casework

### Casework – types of issues



### Apprehended Violence Orders

In last year's annual report, IDRS highlighted a case involving the making of an Apprehended Domestic Violence Order (ADVO) on behalf of a person with intellectual disability against a co-resident of the person's group home. This AVO occurred against a background of the service running the group home having past evidence to suggest that the two residents were incompatible. Ultimately the defendant did not return to the group home. IDRS' concern was that it seemed that the defendant lacked capacity to understand and participate in the court proceedings and limited, if any, capacity to understand and adhere to the Order. The breach of such an order is a criminal offence and could lead to imprisonment.

IDRS raised the case with the Public Defenders Office and the Public Defender appealed the magistrate's decision to make the ADVO order to the District Court. IDRS assisted in the appeal.

The decision of the District Court was to quash the ADVO order made in the local court. The judgement notes:

"I conclude that it is not appropriate to make a domestic violence order, because the weight of the evidence convinces me that such an order and its terms would not be properly understood by *Ms P*, and accordingly that she would place herself at risk of breaching those orders in a fashion which is unintended by her. Furthermore, I conclude that the making of any order would not serve to protect *Mr F* but it would simply expose *Ms P* to the criminal process in circumstances where given her cognitive capacity, it would be unfair to do so."

The full judgement is available at <http://www.austlii.edu.au/au/cases/nsw/NSWDC/2010/317.html>

The case highlights the difficulties in the operation of the *Crimes (Domestic and Personal Violence) Act 2007* which is designed to provide assistance to persons in need of protection when the defendant is incapable of participating in proceedings or understanding the effect of an order or adhering to the terms of the order, and the consequences of breaching the order could be imprisonment.

## Case Study

### Breach of Apprehended Violence order leads to prison

Matthew is in his 30s and resided in a supported accommodation unit. He had been diagnosed as having a moderate intellectual disability in addition to Intermittent Explosive Disorder. Psychological assessments indicated that Matthew had an IQ of around 49 and his most profound deficits were in relation to communication. Mathew had no family support but he did have an extremely supportive private guardian who was a strong advocate for Matthew.

Matthew had very limited understanding about relationships with women. Some years ago he had formed a relationship with a female neighbour. Unfortunately, their friendship turned sour, resulting in criminal charges and a Provisional Apprehended Personal Violence Order was taken out by the police against Matthew. It was alleged that Matthew would follow the woman and ask her why she did not want to be friends with him. On one occasion it was alleged that Matthew threw an empty can towards her.

Matthew did not understand the AVO order. He believed that they were boyfriend and girlfriend. When asked what made them boyfriend and girlfriend he would reply that this was because she would throw a ball around the backyard with him. Matthew continued to approach her in the street and would get upset and yell at her when she refused to talk to him further. The police were called and Matthew was arrested and refused bail. The magistrate would not grant bail as Matthew lived too close to the protected person.

Matthew was sent to prison where he remained for over three months on remand. Matthew's Guardian contacted IDRS. When IDRS solicitor visited Matthew in prison he was very disorientated and very confused. He did not know why he was there and said he had not been able to shower properly or brush his teeth. Matthew usually needed staff to help him with this task.

IDRS advocated with Ageing Disability and Homecare and worked with his Guardian to obtain alternative supported accommodation away from the protected person. The court granted Matthew bail and he was released from prison. By then he had been on remand for three months.

IDRS appeared on behalf of Matthew at court and successfully had his charges dismissed under Section 32. Matthew's support was increased including introducing new behaviour intervention strategies and counselling about relationships.

IDRS also obtained a report that indicated that Matthew had no understanding of the AVO. This report and the fact that alternative accommodation had been found for Matthew, helped to negotiate with the police and fortunately the police then withdrew the application for a final AVO.

## Education and Training

Our educators this year have been Pan Pemberton and Rachel Spencer (part time). Rachel finished up with IDRS in June. IDRS thanks Rachel for her great contribution over the past 3 years. We are delighted to welcome a new educator, Glenys Gaddie, into this role working primarily with CJSN.

Education and training is a vital part of the work of IDRS. Rights are not a great deal of use unless you know about them and know what to do if your rights are infringed or if you have a legal problem. IDRS aims to teach people with intellectual disability about their rights, how to recognise if they have a legal problem and what to do.

Pan Pemberton runs our Rights Leadership Courses with co-educators who themselves have intellectual disability. This year co-educators Robert Strike, Kim Walker, James Condren and Danielle Pham have provided training with Pan through the Rights Leadership Courses. Frances Cetinich and Daniel Ward have assisted in the training of new volunteers with CJSN. Their willingness to share their experiences for the benefit of the volunteers is invaluable.

## Training for people with Intellectual Disability

In 2011, IDRS has increased its training for people with intellectual disability running nine Rights Leadership Courses in which 90 people have participated.

These courses usually involve six group sessions of two hours with a refresher/reunion session six weeks after the training is completed. Participants learn about rights and responsibilities, their rights as disability service users, consumer rights, rights in employment, rights in housing, interpersonal rights and responsibilities, what to do if you get arrested or if you are a victim of crime. Participants practice how to stand up for themselves and what to do if a legal or rights problem comes up. There is no cost for this training.

The courses are usually conducted in partnership with a disability service organisation. This year organisations hosting the courses in regional areas have included Greenacres and House with No Steps in Wollongong, Job Centre Australia and Break Through Employment in Wyong and Gosford. In Sydney IDRS has worked with McCall Gardens at Box Hill, Waverley Community Living, Intellectual Disability Foundation at Kogarah and Lifestyle Solutions at Bella Vista.

We are pleased that this year more courses have occurred in centres outside Sydney. We continue to work on strategies to take the Rights Leadership Training to regional centres further afield.

We continue to train teachers in the use of the 'Getting Arrested – What to Do' training kit to foster training about the law, what it means to break the law and what you need to know if you get arrested.



Participants	Training Sessions	Total Participants
<b>People with intellectual disability</b>		
Rights Leadership Course	9 courses (48 sessions)	90
Carers/Families	2	33
<b>Disability Service staff</b>		
Dealing with Cops and Court	4	85
Sessions for disability service staff	3	98
School and TAFE Staff (Using the Getting Arrested Training Kit)	2	28
<b>Police Training</b>		
Custody Managers	11	270
Joint Investigative Response Teams (JIRT)	1	16
Rail Corp Transit Officers	5	114
Solicitors	3	18
<b>Total</b>	<b>79</b>	<b>752</b>

## Disability Services Training

'Cops and Courts', a two-day training program, provides disability workers with practical knowledge of the criminal justice system and so that they have the skills and confidence necessary to assist the people they work with if they become involved in the criminal justice system as a defendant, witness or victim of crime. 75 workers attended these courses during the year.

Further criminal justice training this year has been in conjunction with ADHC as part of the Intellectual Disability, Criminal Justice Service Improvement Project which is discussed later in this report.

During the year IDRS has responded to specific requests for presentations on a range of rights and legal issues to disability service workers.

## Justice Sector Training

### Solicitors

Parents regularly contact IDRS seeking advice on the best way to construct their will and to plan for the future of a son or daughter with disability. IDRS has recognised a need for more solicitors in private practice to have expertise in the particular issues involved in assisting families in this area of law.

IDRS has worked with Stephen Booth of Coleman and Greig Solicitors and Anne Cregan of Blake Dawson to run workshops for solicitors in Nowra, Katoomba and Newcastle. We greatly appreciate the time and expertise which Stephen and Anne continue to give generously to promoting best practice amongst solicitors in this field.

### Police

Training for police is a major priority for IDRS. We hope that this training has contributed to the slight but steady increase that we have seen in police contacting CJSN to arrange for a support person to assist people with intellectual disability in their interactions with police. During this year IDRS provided training to 270 police officers through the Safe Custody Course.

IDRS is pleased to have had the opportunity to train Transit Officers working with RailCorp. Difficulties on trains and at stations can sometimes lead to fines and charges for people with intellectual disability. We aim to give the transit officers a better understanding of intellectual disability and how to adjust some work practices to interact more effectively with people with intellectual disability. Co-educator Robert Strike has had a major role and major impact through this training.

## Criminal Justice Support Network

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

CJSN has Regional Coordinators based in Sydney, Newcastle, Wollongong, and Gosford. The Regional Coordinators recruit, manage and support networks of volunteers throughout greater Sydney; Newcastle, the Hunter Valley and Taree; Wollongong, Nowra, Batemans Bay, and the Central Coast. A further new 'outreach service area' has been established on the Mid North Coast and another was commenced in the Riverina district.

The Regional Coordinators follow-up on the needs of clients, liaise with their legal representatives and search out and refer to services that may be able to assist. CJSN makes every effort to arrange support for people with intellectual disability in other areas of the state and the new Outreach Coordinator has been able to do this effectively. CJSN relies on a network of trained and dedicated volunteers to provide most supports to people with intellectual disability at court and at police stations.

## If not for CJSN...

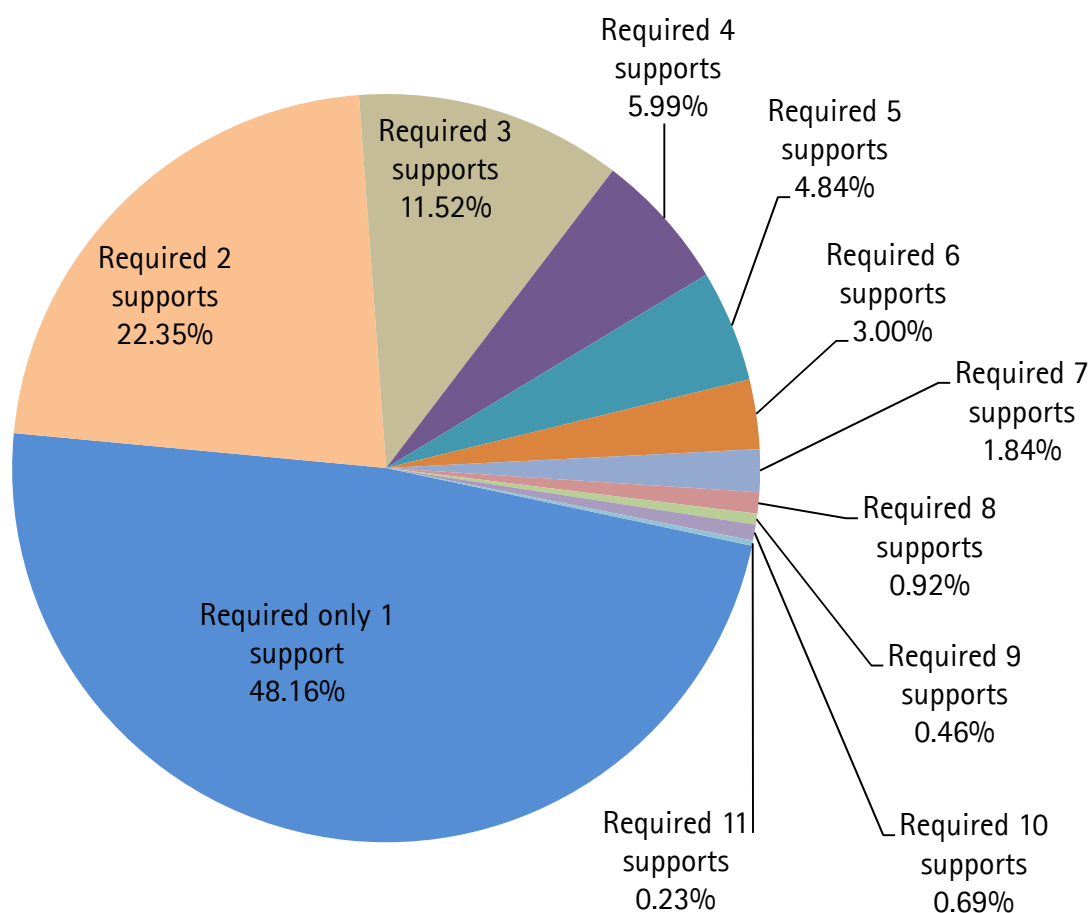
A few examples of how CJSN support persons can make a real difference for clients

1. The Sydney Regional Coordinators thought one of their clients had no chance of being successful in his S32 application because his lawyers didn't want to make an application, the Magistrate didn't accept the treatment plan in its original form and the client's disability service refused to do ongoing work with the client due to his inability or unwillingness to keep appointments. CJSN support persons fed back to staff that the client did turn up for court, but late and sometimes drunk; they had to frequently remind him to attend court and to behave appropriately when he got there. Staff investigated further and discovered that the client did attend drug and alcohol counselling and attended an employment service. Thanks to some intense 'reminding' from one of the CJSN volunteers, the client turned up sober and on time to court for the S32 application which was granted. CJSN felt that this case demonstrated how reluctant lawyers and poor case management failed this client. This success is a tribute to staff and the volunteer's determination in liaising with lawyers, the disability service provider and the client himself.
2. A long term client who spent a year in custody charged with a serious offence decided at the last minute that he did not need support at court. CJSN had been involved with this client trying to get him appropriate legal representation and supporting him for all his matters up to this date. After a day of the trial we called in to court just to touch base and see how things were going; the client and family were distraught and asked for support. At short notice we were able to cover two weeks of the trial providing a small support team of three volunteers who on the last day all turned up to give extra moral support to client and family. The client and family wrote to express their gratitude at having our support.

## CJSN total supports in each region

Type of support	Sydney	Illawarra/ Shoalhaven	Hunter	Central Coast	Outreach	Mid North Coast (Outreach)	Total
Court	423	141	171	19	20	5	779
Police	61	10	14	13	3	1	102
Legal Appointment	19	44	5	5	1	1	75
Adult Conferencing	1	0	0	0	0	0	1
Juvenile Conferencing	1	0	0	0	0	0	1
Mediation	4	1	1	0	0	0	6
AVL	88	1	1	0	0	0	90
Indirect Support	13	0	3	2	4	0	22
Advocacy/mediation pre-meetings	2	1	0	0	0	0	3
<b>Total</b>	<b>614</b>	<b>198</b>	<b>195</b>	<b>39</b>	<b>28</b>	<b>7</b>	<b>1,081</b>

## Number of supports required per matter



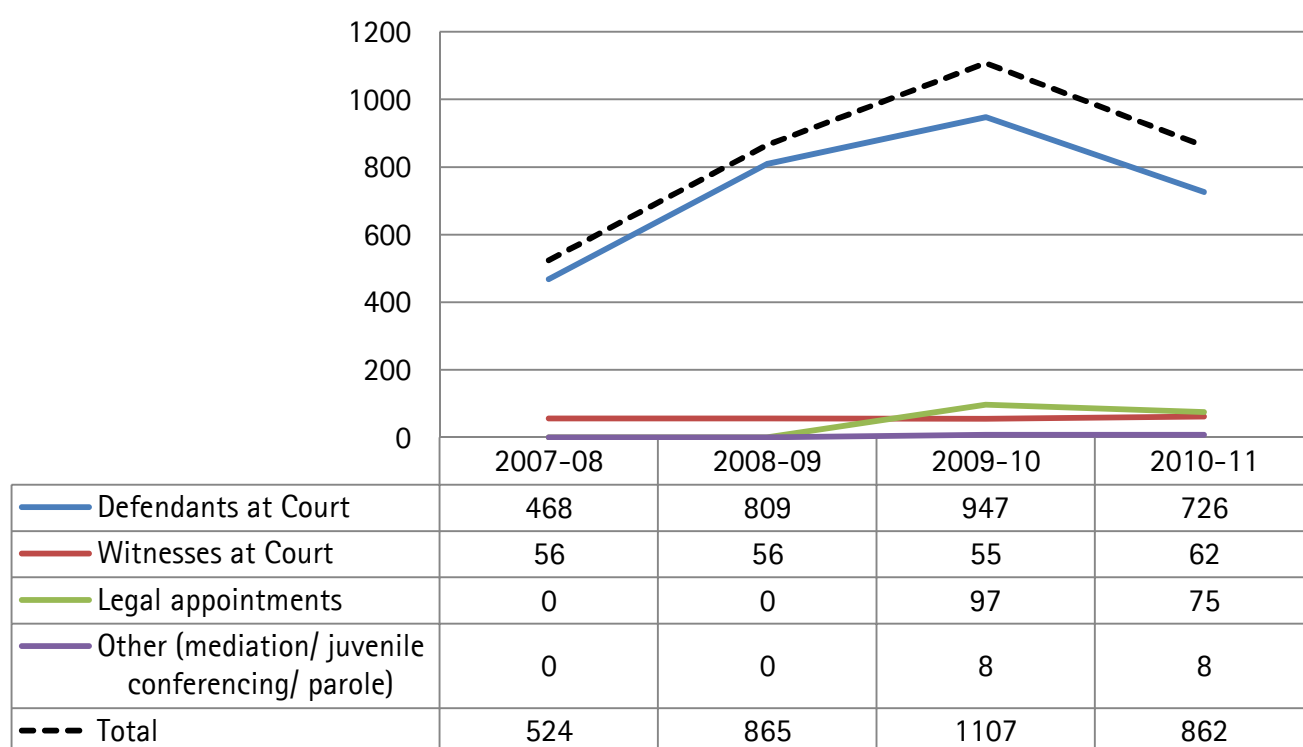
This pie chart shows that almost half of our clients require only one court support per matter and that it is unusual for clients to require more than three supports. Some factors that affect how many court supports clients require include:

- The stage at which the client is referred to CJSN – sometimes we receive referrals after the first or second court mention
- We often try to have clients excused from attending court, for example, when we know the mention is only to set a further court date
- CJSN Regional Coordinators liaise closely with client services to ensure that reports etc. are ready on time, avoiding unnecessary adjournments

CJSN is often able to provide a support person who can support clients requiring ongoing assistance through their entire court matter; which is invaluable given the frequent inconsistency of Legal Aid solicitors.

## CJSN court support statistics compared to previous years

### CJSN Court (and court related ) Supports 2007 – 2010

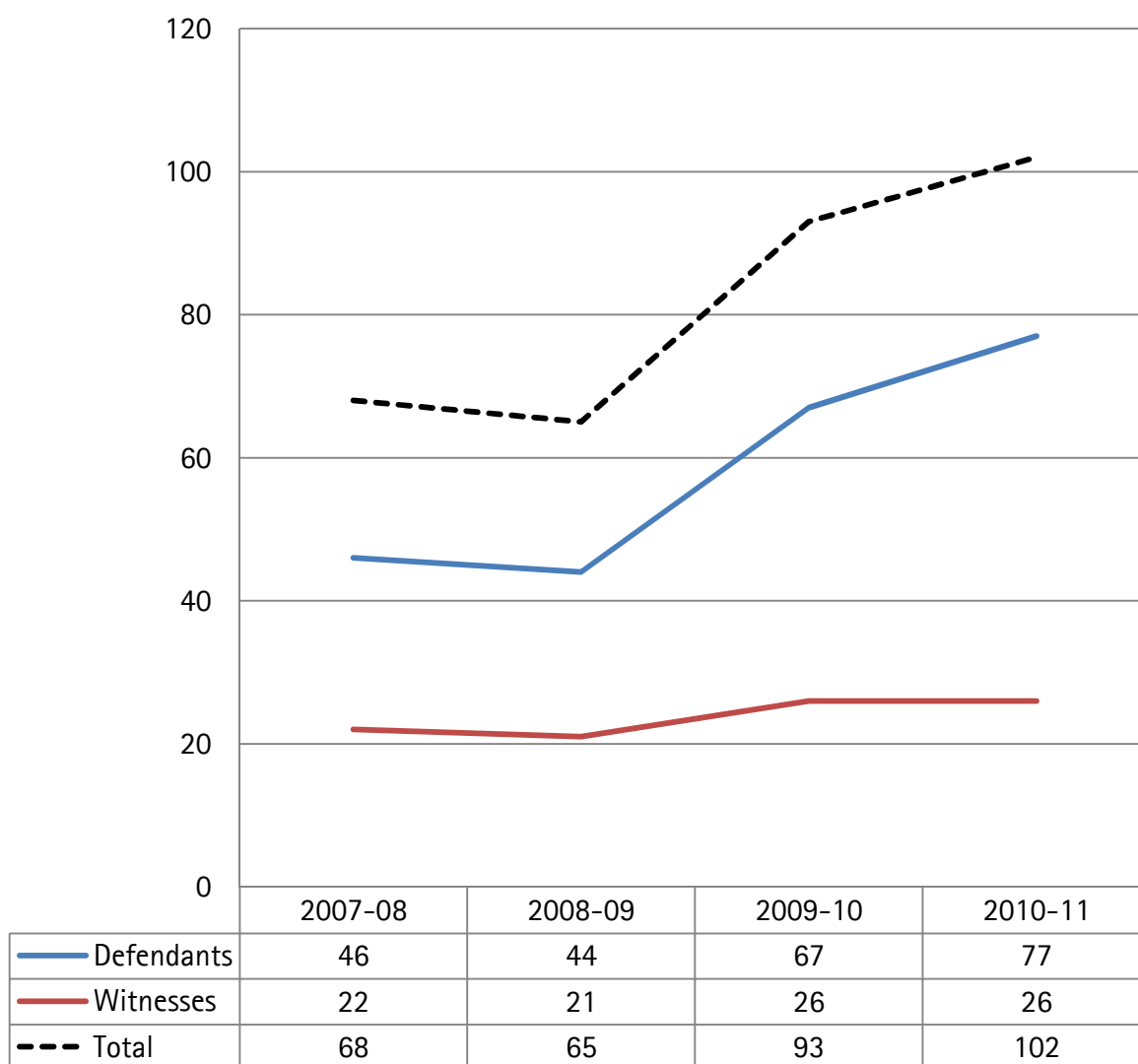


Overall, CJSN court supports have begun to decrease after very significant increases during the 2008-09 (73% growth) and 2009-10 (28% growth) financial years.



## CJSN police station supports

**CJSN Police Supports (2007 – 2010)**



This graph shows the increase in police supports over the past three financial years. Defendants make up the majority (76%) of police station supports. Police station supports have increased slightly, which is a positive trend given the overall ongoing small number of referrals from police.

## CJSN's 24-hour service

CJSN provides a 24 hour/7 day per week service for people with intellectual disability who need support at a police station. This service also links these clients to legal advice from volunteer solicitors. CJSN staff are rostered to manage after hours calls approximately one week in eight.

### CJSN after-hours police station supports

	2008-09	2009-10	2010-11
Total number of calls	310	376	277
Calls that initiated a police station support	38	42	58

After-hours police station supports have increased by 42% since last year. The total number of enquiries answered has decreased due to the use of a voice mail system which enables staff to avoid most inappropriate calls from the general public. The increase in supports means a continued challenge for staff, whose after-hours duties have become busier and more onerous.

## Regional Offices

Sydney now has three staff sharing the Regional Coordinator position. The Sydney office has been consistently very busy with referrals and there remains a high demand for court supports via audio-visual link from correctional centres. The Illawarra/Shoalhaven office has been busy with regular referrals, many of which come from Legal Aid or ADHC. The Hunter office has had some busy times and some quieter times with fewer referrals. On the Central Coast, the continuing low number of referrals has caused ongoing concern. The lack of referrals is despite the comprehensive education and networking campaign that the Regional Coordinator has been doing in the area to encourage referrals.

## Outreach

Jacqui Gunst has been CJSN's Outreach Coordinator since October 2010. Jacqui has successfully established new 'Outreach Service Areas' in NSW where volunteers are trained in court and police support. This has meant that CJSN has been able to assist more regional clients than ever before (see special report below).

## Special report – Outreach

It has been an exciting time for CJSN Outreach following the development of the new plan to develop new 'Outreach Service Areas' – regions where CJSN has established pools of volunteers to provide face-to-face supports. Jacqui Gunst began work with CJSN in October as Outreach Coordinator and identified the Mid North Coast as the place to begin our expansion of CJSN services. Jacqui spent several days in Port Macquarie and Kempsey meeting with stakeholders including magistrates, police, court staff and disability services to explain CJSN to them and gather their support. Jacqui's visit was very well received, with stakeholders in agreement that the service was badly needed in the area.

Nine court support volunteers were recruited and trained in January 2011. During the training visit to Port Macquarie court the potential volunteers were pleased at the Magistrate's acknowledgement of Jacqui and CJSN. The first Mid North Coast court support took place soon after training and had a successful outcome for the client. Jacqui continued to attend community disability events in Port Macquarie and Kempsey, meeting with students and young workers with intellectual disability, families, high schools and other service providers than those already targetted. By the end of March, six court supports and two police station supports had been done on the Mid North Coast.

The Official Launch for Mid North Coast Service Area was held on Friday 8th April at the historic court house in Port Macquarie. Magistrate Hodgson from Port Macquarie, a local psychologist Dr Geoffrey Fox and the CJSN Manager made speeches of welcome and optimism for the new service, which were well received by the audience of local lawyers, police, service providers, health workers and volunteers and their families. Police station support training for the Mid North Coast service area took place in late May. Jacqui receives regular client referrals from outside the Mid North Coast area, including Tamworth, Griffith, Wagga Wagga and Cooma – it appears that the word has spread and the need is high, fuelling Jacqui's enthusiasm for further expansion into regional towns.

The second 'Outreach Service Area' to be established was the Riverina, encompassing Wagga Wagga, Leeton and Griffith. Jacqui did a meet and greet session in the Riverina area on the 11th and 12th of May, which was well received and attended by service providers, educators, and solicitors. It was a very busy two days with attending numbers exceeding initial acceptances with 47 attendees. Jacqui was delighted with the positive response she received from all parties, particularly court Registrars from Griffith, Leeton and Wagga Wagga. Riverina court support training took place on the 28th and 29th June, resulting in nine trained court support volunteers. Since then, supports and referrals have remained encouraging.

Jacqui has also continued to assist clients who live in other areas of NSW by finding local disability workers who can act as a support person. When this is not possible, Jacqui is able to assist by phone and arrange local support and legal advice.

## CJSN Volunteers

### Number of volunteers trained this year

Region	Number of police volunteers trained	Number of court volunteers trained	Total volunteers trained per region
Sydney	23	17	40
Hunter	7	9	16
Illawarra/Shoalhaven	0	17	17
Central Coast	0	8	8
Outreach – Mid North Coast	8	9	17
Outreach – Riverina	0	9	9
<b>Total volunteers trained per type of support</b>	<b>38</b>	<b>69</b>	<b>107</b>

There remains an ongoing high demand for court support via audio-visual link for clients in custody; mainly in the Sydney region but also in the Illawarra/Shoalhaven region, following the opening of the Nowra correctional facility. Volunteers who support clients in custody must first complete a training course and obtain a security pass from the Department of Corrective Services. 12 volunteers in Sydney and three in the Illawarra/Shoalhaven region have obtained these passes.

## CJSN Volunteers

Volunteers are usually recruited via local media in the appropriate area and through the Centre for Volunteering.

**Total number of volunteers in each region:**

Sydney	53
Illawarra/Shoalhaven	22
Hunter	17
Central Coast	11
Outreach	21
<b>Total</b>	<b>124</b>

## NSW Volunteer Team of the Year Award

2010 was the first year that entire volunteer teams could be nominated for this award, administered by the Centre for Volunteering. CJSN won the Highly Commended Volunteer Team Award in the Inner West category. The CJSN Manager and several Sydney volunteers attended the award ceremony on 24th November. A copy of the award certificate was distributed to all volunteers.

## Consultation with other agencies

CJSN is often approached by agencies for consultation on various issues related to people with intellectual disability and the criminal justice system. CJSN has held meetings with various agencies over the year, including:

- The Queensland Sentencing Advisory Council about standard non-parole periods
- Homelessness NSW regarding the issue of being refused bail due to lack of accommodation
- a Masters student of criminology researching the accessibility and effectiveness of Victim Impact Statements
- The Victorian Office of the Public Advocate regarding a project examining the circumstances of people with cognitive disabilities who have been in repeat contact with the criminal justice system, with the aim of developing an advocacy and referral service

The CJSN Educator also trained 16 volunteers from the Disability Advocacy and Information Service (DAIS) in Albury, who operate their own independent court support program in that area.

## Police sexual assault resources

The project funded by the NSW Department of Corrective Services Victims of Violent Crime Fund was completed in August 2010, with the production of a poster, booklet and referral checklist for the use of frontline officers receiving a report of sexual assault by a person with intellectual disability. As reported last year, these resources have been distributed to all NSW police stations and also incorporated into the training received by sexual assault detectives.



## CJSN Reference Group

It has been an ongoing challenge to maintain the reference group meetings. Members tended to attend only once or twice per year and when meetings occurred they tended to be very positive and productive. However, some meetings didn't go ahead due to lack of attendance. As a result, it was decided that meetings would no longer be held on a regular basis; instead a bi-annual update is circulated to members and a meeting called if required for a specific purpose.

## Recent challenges

### Low referral numbers from police

CJSN still does not receive all the referrals it should for clients needing support at police stations. Most CJSN court support clients have been arrested and detained by police, with either no support, or support from third parties who may not be trained in police proceedings. This invites many problems such as the client not understanding their rights, making admissions and signing documents that they do not understand. This is despite observations when attending police stations and custody areas that CJSN information and posters are displayed.

## Apprehended Personal Violence Orders (APVOs)

CJSN receives many requests for support at APVO applications at a time when Legal Aid policy no longer allows representation for applicants in APVOs. This means our volunteers are faced with the difficult scenario of supporting someone who has no legal representation and great challenges in representing themselves. The IDRS legal team assists by giving legal advice to any potential APVO applicant. IDRS solicitors make a legal assessment of the merit of the application and explores whether the APVO has any chance of success or if other means are more suitable, such as mediation, or to engage an advocate to work with the person in a non-legal way. The legal team also assists applicants in preparing statements to present to court.

## Special thanks

- All CJSN volunteers, for their ongoing support of clients
- Volunteer solicitors, for their ongoing commitment to assisting CJSN outside of office hours
- Deihan Paulson and Kathy Speers, who assist the Illawarra/Shoalhaven office with administration and also volunteer their time with CJSN both as support persons and in the office

## Parents with Intellectual Disability Project

The UN Convention for People with Disabilities, to which Australia is a signatory, calls upon states to eliminate discrimination against people with disabilities with regards to marriage and parenthood and to provide them with assistance in the performance of child rearing responsibilities (see UNCPRD Article 23). Despite this parents with intellectual disability continue to face an uphill battle when it comes to retaining their parenting rights.

In NSW, as elsewhere in Australia and internationally, parents with intellectual disability remain over-represented in child protection matters. It is estimated that parents with intellectual disability make up about 0.4% of the general parenting population. In NSW 10% of care matters are estimated to involve a parent with intellectual disability.

Once involved in courts the chances of these families staying together are poor. They are many times more likely than other parents to have their parental responsibilities terminated and their children placed in non-kinship out of home care (Mc Connell & Sigurjónsdóttir 2010)<sup>1</sup>

One of the biggest hurdles these parents face is rebutting the presumption of incapacity by virtue of having intellectual disability. They are presumed incapable of learning or benefiting from intervention services – despite research to the contrary. They are more likely to be subjected to assessments that are prejudicial and presumptive and due to the low standard of proof in this jurisdiction, are accepted as evidence.

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<sup>1</sup> McConnell, D. & Sigurjonsdottir, H. (2010) Caught in the Child Protection Net in G. Llewellyn, G; R. Traustadottir; D. McConnell & H. Sigurjonsdottir; Parents with Intellectual Disabilities: Past, Present and Futures (pp.171–187) London: Wiley's & Sons.

While care proceedings are stressful for all parents, for parents with intellectual disability the stress is much greater due to the disadvantages they experience in understanding what is happening and contributing to the process. Legal services are poorly equipped in both resources and training to represent parents with intellectual disability. Due to time constraints lawyers representing parents with intellectual disability do not have the time to go through papers and prepare lengthy affidavits; nor do they necessarily have knowledge to critique presumptive claims or the resources to devise alternative and appropriate support plans.

## The aim of this project

This project aims to address the disadvantage that parents with intellectual disability experience in the child protection system and court through the provision of:

- Legal and non-legal advice and casework to parents with intellectual disability and their support networks vis-à-vis child protection matters.
- Support to parents going to court
- Accessible information to parents about working with Family and Community Services as well as the court process
- Training and information regarding parents with intellectual disability to court users such as lawyers, magistrates and child protection workers as well as potential support providers (advocacy services, ADHC, health providers, child and family agencies)
- Systemic advocacy

## The Team

The team is staffed by Marissa Sandler, a solicitor whose background is in legal casework and law reform. Marissa came to this project with a commitment to enable justice for vulnerable and disenfranchised people in the legal system. She is a mother of a small child and brings to this project empathy and understanding for the challenges parenting brings. Marissa is employed 2.5 days per week.

Margaret Spencer co-ordinates this project and has extensive clinical and academic expertise on the issue of parents with intellectual disability. Her doctoral dissertation focused on assessing the support needs of these parents. Margaret brings to this project valuable connections as an honorary research fellow with the Australian Family and Disabilities Studies Research Collaborative at the University of Sydney, a consultative member on the National Healthy Start Strategy, and Member of the International Association of the Scientific Study of Intellectual Disabilities (IASSID) Special Interest Research Group. In addition Margaret has personal experience of the issues faced by parents with intellectual disability and their children as an advocate for her two adult foster daughters, who are mothers with intellectual disability. Margaret is employed 4 days per week.

In the 2010-2011 financial year, the team worked in close collaboration with People with Disability Australia Inc. (PWD) and in particular their individual advocate Orna Marks. We would like to take this opportunity to thank PWD and Orna for their support and contribution to this project.

Also in the 2010-2011 financial year, the team was joined by Dafna Dar. Dafna came to the project as a third year social work student at the University of Sydney on student placement. Dafna proved to be a competent support person for parents going through court. Consequently at the end of her placement she was employed on a casual basis to continue in this support role. We thank Dafna for her contribution.

## The project statistics

The table below outlines the number of legal and non-legal advices and cases dealt with by the Project in 2010–2011.

Legal advice	34
Legal cases	18
Non-legal advice	23
Non-legal cases	35

## Legal advice and representation

The solicitor on the project provides legal advice to parents who have Community Services involved with their family. The majority of legal advice is given to parents whose children have been removed by Community Services. In cases where final orders have already been made, we are asked for advice on issues such as contact with children and how parents can attempt to have children returned to their care. We frequently advise pregnant women who are trying to avoid having their unborn child removed. In cases where the matter has not yet gone to court we will refer parents to lawyers. In a small number of cases we will represent the parent ourselves.

Due to resource constraints, we only represent parents in cases that highlight systemic injustices experienced by parents with intellectual disability. We typically represent in cases where the person's capacity to parent is being challenged by Community Services.

## Case Study

Kate is a 32 year old woman who at six years of age was involved in a motor vehicle accident and sustained an acquired brain injury resulting in mild cognitive impairment and hemiplegia. For ten years Kate lived independently in her own home with minimal support.

Kate was pregnant with her first child and receiving private antenatal care. Late in the pregnancy, due to concerns that Kate may have birthing complications, she was referred to a public antenatal clinic in a major teaching hospital.

Because of her presentation (cognitive and physical) the antenatal carers involved the hospital social worker who made a pre-birth report to Community Services. The day after giving birth Kate was visited and interviewed by Community Services. Kate had medical complications post birth impacting on her recovery. Moreover, reasonable accommodations were not made for Kate's physical impairment by the maternity staff. Community Services decided to assume care of Kate's baby on the grounds that the level of support Kate would need was not available. Kate left hospital without her baby.

A friend of Kate contacted IDRS seeking legal advice. The matter was listed in the children's court for two days later. Initial assessment highlighted a number of issues of discrimination and that Kate would be significantly disadvantaged without strong advocacy and strategic case planning and management.

IDRS provided legal representation in the local children's court and non-legal support to Kate throughout the proceedings.

Due to our understanding of cognitive impairment and disability we were able to quickly engage and understand Kate's needs. Since we were not limited to providing hours of support and representation within the Legal Aid fee structure, we were able to spend the time necessary to take instructions, prepare affidavit material, work collaboratively with Kate to negotiate her support requirements and provide her with emotional support during the care and protection proceedings.

Kate had not been given the chance to care for her baby with the correct supports prior to Community Services removing the child. As Kate's case was managed by both a lawyer and skilled caseworker, we had more tools and scope to negotiate with Community Services. Appropriate and long term supports for the family were identified, and put in place. The matter was resolved through continual negotiation with Community Services. At a Dispute Resolution Conference any outstanding issues were raised and successfully addressed. And in-court hearing was avoided.

The baby was restored into her mother's care within two months of her birth and care proceedings were finalised within nine months, with the mother being granted full parental responsibility for her child.



## Non-legal advice and casework

The demand for non-legal casework has far surpassed targets. The needs of parents at risk of losing or having lost custody of their children are complex and challenging. These parents are highly anxious, in grief and have few if any resources to call upon. They often experience blame from family and 'friends'. For many, removal of their children throws their living circumstances into disarray. Most of these parents have limited capacity to negotiate systems or pre-empt changes to their social welfare benefits as a result of losing their children. This is highlighted in examples of parents ending up with large overpayment debts because they were unaware of the need to notify Centrelink and of parents also losing housing due to the change in their circumstances. The Project has identified a dearth of services to these parents to help negotiate the transition to their new status as non-custodial parents.

Over the past financial year, IDRS has supported eight mothers with intellectual disability who have had their babies removed post birth and placed in care within hours of giving birth. Parents exhausted and overwhelmed by the experience of just giving birth are questioned about their capacity to parent only to be told that their baby is being assumed into care. For any parent this is a stressful and traumatic experience, more so for parents with intellectual disability who have difficulty communicating and understanding when under pressure. IDRS has attempted to work with hospital staff and Family and Community Services to ensure that the parent at least has a support person at this time to explain their rights and the process to follow. When this has been achieved it has resulted in parent's grief and anger being positively dealt with and plans negotiated for the parent to have maximum contact while their baby remains in the hospital. The project aims to advocate systemically for state wide protocols to be developed to ensure parents in this situation are treated fairly and compassionately.

## Court Support Pilot

Court support was piloted at Campbelltown Children's Court. The number of parents supported through care proceedings in this 12 month period was 16. Referrals for court support came from:

Legal representatives	3
Health (hospital social workers and community health nurses)	3
Identified and approached at court by IDRS court support worker	4
Self-referrals	2
Family and Community Services	3
Other	1

This pilot has been extended and is in the process of being evaluated.

## Systemic advocacy

The Project continues to be in dialogue with the NSW Ombudsman about issues related to parents with intellectual disability.

## Funding for Parents with Intellectual Disability Website

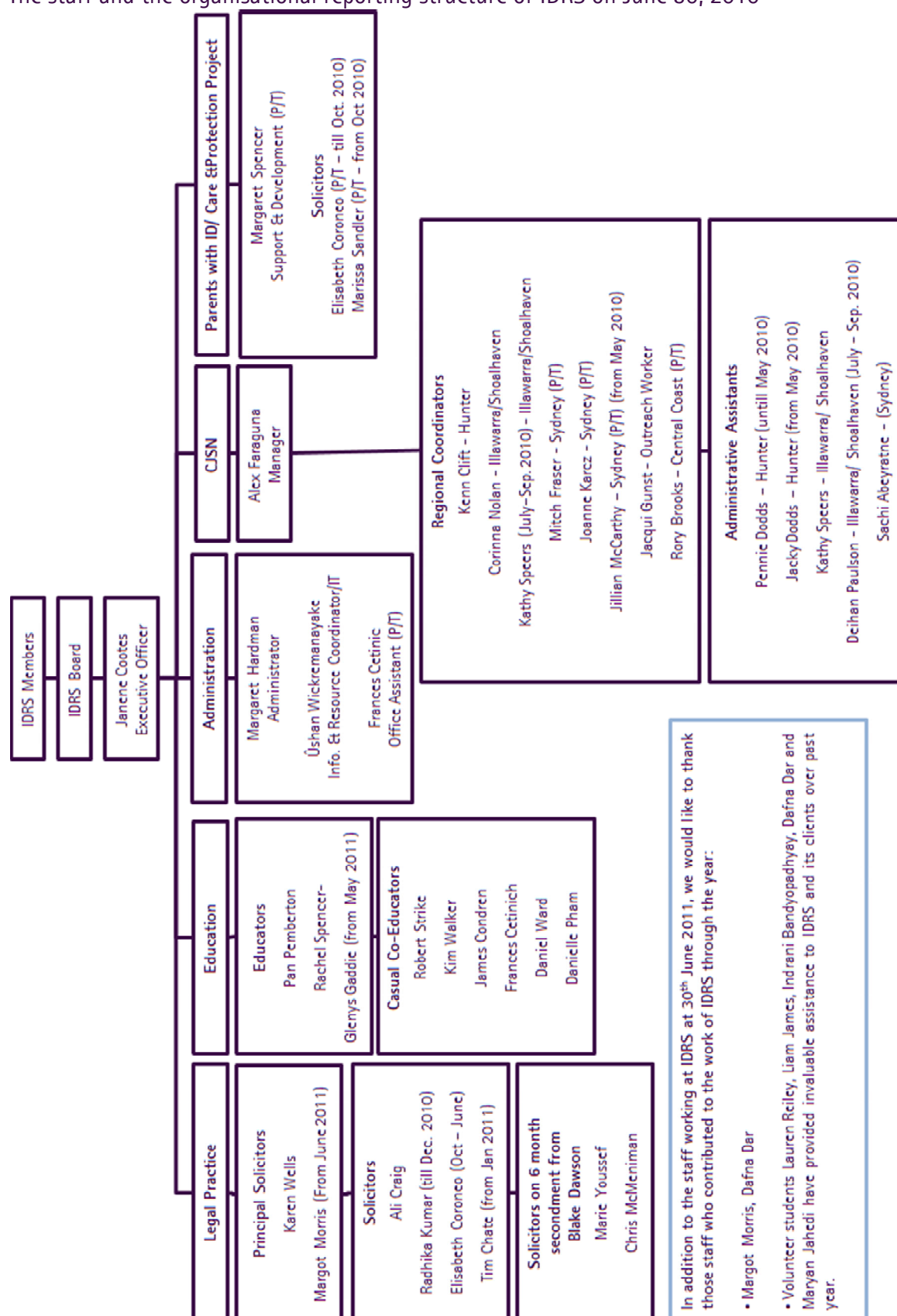
We are thrilled that the Law and Justice Foundation has approved a funding grant to enable IDRS to develop a website for lawyers, magistrates, child protection workers and advocates in care and protection matters involving a parent with intellectual disability. This will be a major project for IDRS in 2011-12.

## Future of the Project

The Project underwent evaluation early in 2011 and has been refunded for another three years through Legal Aid with funds from the Public Purpose fund of the Law Society of NSW. This further cycle of funding will enable the Project to focus more energy on bringing about systemic change to address issues and injustices highlighted in the Project's casework experience to date, as well as to build capacity in the sector so that parents involved with the child protection system and in the court can access the help of a trained advocate in this field.

# IDRS Staffing

The staff and the organisational reporting structure of IDRS on June 30, 2010



## Submissions

- NSW Law Reform Commission, People with Cognitive and Mental Health Impairments in the Criminal Justice System
- Submission to Criminal Law Review Division, Department of Justice and Attorney General on the Exposure Draft of the Bail Bill 2010
- NSW Law Reform Commission, Review of Penalty Notice Offences
- Submission to Productivity Commission Disability Care and Support Enquiry

## Participation in External Working Groups and Committees

### Government

- Department of Family and Community Services, Ageing Disability and Home Care, Community Justice Program External Reference Group
- NSW Police Disability Advisory Council
- Disability Network Forum
- Court Referral of Eligible Defendants into Treatment (CREDIT) pilot program steering committee Burwood Court
- Round Table Consultations on Bail Exposure Bill

## Community Working Groups

- Australian Disability Rights Network
- Women's Domestic Violence Court Assistance Scheme steering committee
- Criminal Justice and People with Intellectual Disability Coalition
- Hunter Disability Network
- Upper Hunter Community Services Interagency
- NSW Disability Advocacy Network
- Public Interest Advocacy Centre (PIAC) Mental Health Legal Service project committee
- Women in Prison Advocacy Network (WIPAN)
- Public Interest Advocacy Centre (PIAC) Mental Health in Prisons Network
- Disability Discrimination Rights Centre project advisory group
- Various Court User Forums

## Members of the IDRS Board

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

Michelle Pearson, a Board member of many years standing decided not to seek reappointment in 2011. We thank Michelle for her great contribution to IDRS and wish her well for the future.

The members of the Board in 2010 – 2011 were:

### July 2010 – December 2010

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

### January 2011 – July 2011

Ann Bolt  
Melissa Clements  
Therese Griffith (Treasurer)  
Geoffrey Fayers  
Jenny Klause  
Edwina MacDonald  
Edwina Pickering  
Carmelo Raspanti  
Tamara Sims  
Mike Sprange  
Janene Cootes (ex officio)

## Support and funding

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

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

### During 2010–11 IDRS received its core funding from:

- NSW Department of Family and Community Services – Ageing, Disability and Home Care (ADHC)
- Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

### Specific Project Funding was received from:

- Trustees of the Public Purpose Fund through Legal Aid NSW and the Community Legal Centres Funding Program provide funding for the Parents with Intellectual Disability – Care and Protection Project and the Intellectual Disability, Criminal Justice Service Improvement Project
- Cooperative Legal Services Delivery (CLSD) Central Coast supporting training for court and police station support persons on the Central Coast
- ADHC contracted IDRS to produce fact sheets on human rights and the Convention on the Rights of People with Disability

IDRS greatly appreciates the support of these organisations.

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 which are done on a fee-for-service basis.



## Thank-you

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

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

- Anne Cregan, Blake Dawson
- Stephen Booth, Coleman Grieg
- Mark Ierace SC, Public Defenders Office
- Janet Manuell SC, Public Defenders Office
- Dominique Burns, Barrister
- Mike Heffernan, Ian Byrne Solicitors

## Law Firms for their pro bono assistance to IDRS

- Blake Dawson
- Gilbert & Tobin
- Henry Davis York

A special thank you is due to Blake Dawson for the continued secondment of a solicitor to IDRS during 2010-11. This contributes greatly to the work IDRS is able to do for people with intellectual disability.

Thanks also to Hewlett Packard for the part-time secondment of their In-House Counsel George Toussis to work with IDRS.

# Financial Report

## **INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**

**ABN: 11 216 371 524**

### **Financial Report**

**For The Year Ended  
30 June 2011**

## **INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**

**ABN: 11 216 371 524**

### **Financial Report For The Year Ended 30 June 2011**

<b>CONTENTS</b>	<b>Page</b>
Committee's Report	1
Income and Expenditure Statement	3
Asset and Liabilities Statement	4
Notes to the Financial Statements	5
Statement by Members of the Committee	7
Independent Audit Report	8

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

Your committee members submit the financial report of the Intellectual Disability Rights Service Incorporated for the financial year ended 30 June 2011.

**Committee Members**

The names and qualifications of committee members throughout the year (July 2010 to June 2011) and at the date of this report are:

Anne Bolt		Community Member
Melissa Clements		Senior Officer NSW Public Sector
Geoffrey Fayers		Community Member
Therese Griffith	Treasurer	Senior Administrator, NSW Public Sector
Jenny Klause		officer
Edwina MacDonald		Solicitor, Community Legal Sector
Edwina Pickering appointed (1/11/2010)		Consultant
Michelle Pearson resigned (1/11/2010)		Community Member
Carmelo Raspanti		Community Member
Tamara Sims		Solicitor
Mike Sprange	Chairman	Community Member
Janene Cootes	Ex-Officio	Executive Officer

**Principal Activities**

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

**Significant Changes**

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

**Operating Result**

The operating profit amounted to \$42,341 (2010 deficit \$73,366)

**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.

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

**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 1 November 2011

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30 JUNE 2011**

	Note	2011 \$	2010 \$
<b>INCOME</b>			
Interest		53,331	33,683
Grants & subsidies			
Commonwealth Dept of Family & Community Services		198,533	193,907
Department of Ageing, Disability & Home Care (NSW)		1,021,518	905,184
Grant - Miscellaneous		172,464	127,102
Other Income		155,281	119,235
		<u>1,601,127</u>	<u>1,379,111</u>
<b>EXPENDITURE</b>			
Accounting & Bookkeeping		26,788	26,362
Admin Charges		126,338	103,400
Advertising		2,869	1,117
Annual Leave & Maternity Leave		6,065	8,592
Audit Fees		6,228	6,000
Bank Charges		1,123	1,333
Cleaning		7,915	7,205
Consultancy Fees & Outsourcing		165	3,065
Depreciation		23,370	25,602
Electricity		10,872	8,919
Host Agencies		25,596	25,853
Hire Equipment		5,026	5,026
Insurance		11,760	12,952
Information Technology Support		8,130	9,616
IT Web Maintenance		258	261
Legal Cost and Disbursements		2,507	6,107
Long Service Leave		10,342	11,071
Loss on Disposal of Fixed Assets		-	1,827
Motor Vehicle Expenses		-	3,936
Photocopying, Printing & Stationery		37,382	23,608
Postage & Couriers		5,453	4,155
Practising Certificates & Professional Supervision		2,159	2,632
Purchase of Minor Fixed Assets & Rebuild Network		2,402	6,444
Rent		79,653	82,327
Regional Training		473	164
Repair & Maintenance		4,349	5,508
Salaries & Wages		932,310	863,119
Staff/Volunteer Training & Continuing Education		41,688	28,764
Storage		1,754	1,676
Subscriptions & Library		7,838	7,009
Sundry Expenses		2,793	1,648
Superannuation		88,562	81,049
Telephone		33,638	34,736
Travelling & Accommodation Expenses		42,981	41,391
		<u>1,558,786</u>	<u>1,452,477</u>
Profit before income tax		42,341	(73,366)
Income tax expense	1(a)	-	-
Profit after income tax		<u>42,341</u>	<u>(73,366)</u>
<b>RETAINED PROFITS AT THE BEGINNING OF THE FINANCIAL YEAR</b>		<u>336,321</u>	<u>409,687</u>
<b>RETAINED PROFITS AT THE END OF THE FINANCIAL YEAR</b>		<u>378,662</u>	<u>336,321</u>

The accompanying notes form part of these financial statements.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**ASSETS AND LIABILITIES STATEMENT AS AT 30 JUNE 2011**

	Note	2011 \$	2010 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents		955,911	950,993
Trade and other receivables	2	<u>34,359</u>	<u>33,076</u>
<b>TOTAL CURRENT ASSETS</b>		<u>990,270</u>	<u>984,069</u>
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	3	<u>45,433</u>	<u>59,113</u>
<b>TOTAL NON-CURRENT ASSETS</b>		<u>45,433</u>	<u>59,113</u>
<b>TOTAL ASSETS</b>		<u>1,035,703</u>	<u>1,043,182</u>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Grants received in advance		435,813	501,550
Payables		73,067	73,557
Provisions	4	<u>59,895</u>	<u>53,830</u>
<b>TOTAL CURRENT LIABILITIES</b>		<u>568,775</u>	<u>628,937</u>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	4	<u>48,266</u>	<u>37,924</u>
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>48,266</u>	<u>37,924</u>
<b>TOTAL LIABILITIES</b>		<u>617,041</u>	<u>666,861</u>
<b>NET ASSETS</b>		<u>418,662</u>	<u>376,321</u>
<b>MEMBERS' FUNDS</b>			
Capital Equipment Reserve		40,000	40,000
Accumulated Funds		<u>378,662</u>	<u>336,321</u>
<b>TOTAL MEMBERS' FUNDS</b>		<u>418,662</u>	<u>376,321</u>

The accompanying notes form part of these financial statements.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011**

**Note 1 Summary of Significant Accounting Policies**

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

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

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

**(a) Income Tax**

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

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

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

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

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

**(c) Employee Benefits**

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

**(d) Provisions**

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

**(e) Cash and Cash Equivalents**

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

**(f) Revenue and Other Income**

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

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

Grant income is recognised on an accrual basis.

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

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

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

**Note 2 Trade and Other Receivables**

	2011 \$	2010 \$
Receivables	27,580	26,649
Prepayments	6,779	6,427
	<u>34,359</u>	<u>33,076</u>

**Note 3 Property, Plant and Equipment**

	2011 \$	2010 \$
Property, plant and equipment		
At Cost	220,761	249,029
Accumulated depreciation	(175,328)	(189,916)
Total Property, Plant and Equipment	<u>45,433</u>	<u>59,113</u>



**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
ABN: 11 216 371 524  
**NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2011**

**Note 4 Provisions**

	2011 \$	2010 \$
<b>CURRENT LIABILITIES</b>		
Employee Entitlements - Annual/Maternity Leave	59,895	53,830
<b>NON-CURRENT LIABILITIES</b>		
Employee Entitlements - Long Service Leave	48,266	37,924

**Note 5 Leasing Commitments**

	2011 \$	2010 \$
<b><u>Operating Lease Commitments</u></b>		
<b>Being for rent of Sydney office*</b>		
Payable - minimum lease payments		
— not later than 12 months	71,638	85,965
— between 12 months and 5 years	-	71,638
	71,638	157,603
<b>Being for rent of Wollongong office**</b>		
Payable - minimum lease payments		
— not later than 12 months	15,810	15,810
— between 12 months and 5 years	-	15,810
	15,810	31,620
<b>Being for rent of Newcastle office***</b>		
Payable - minimum lease payments		
— not later than 12 months	10,448	10,448
— between 12 months and 5 years	-	10,448
	10,448	20,897

\* Sydney: The property lease is a non-cancellable lease with a two-year term ending April 2012, with rent payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of the Consumer Price Index. The amount disclosed are GST inclusive.

\*\* Wollongong: The property lease is a non-cancellable lease with a two-year term ending June 2011, with rent payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by 5% per annum. An option exists to renew the lease at the end of the two-year term for an additional term of one year. The amount disclosed are GST inclusive.

\*\*\* Newcastle: The property lease is on a month to month rent arrangement for a year, with rent payable monthly in advance. The amount disclosed are GST inclusive.

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
**ABN: 11 216 371 524**  
**STATEMENT BY MEMBERS OF THE COMMITTEE**

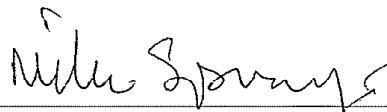
The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report as set out on pages 3 to 6:

1. Presents a true and fair view of the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2011 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Intellectual Disability Rights Service Incorporated will be able to pay its debts as and when they fall due.

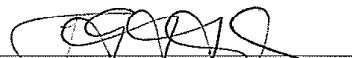
The statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

Chair Man



*Mike Sprange*

Treasurer



*Therese Griffith*

Dated this

1 November 2011

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED  
ABN: 11 216 371 524  
INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF  
INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

**Report on the Financial Report**

We have audited the accompanying financial report, being a special purpose financial report, of Intellectual Disability Rights Service Incorporated (the association), which comprises the committee's report, the assets and liabilities statement as at 30 June 2011, the income and expenditure statement for the year then ended, notes comprising a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

*Committee's Responsibility for the Financial Report*

The committee of Intellectual Disability Rights Service Incorporated is responsible for the preparation of the financial report, and has determined that the basis of preparation described in Note 1 is appropriate to meet the requirements of the Incorporated Association Act 2009 and is appropriate to meet the needs of the members. The committee's responsibility also includes such internal control as the committee determines is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.

*Auditor's Responsibility*

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

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

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

*Opinion*

In our opinion, the financial report presents fairly, in all material respects the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2011 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements, and the Incorporated Association Act 2009.

*Basis of Accounting and Restriction on Distribution*

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

Cohen & Krass



Kenneth Ong  
Registered Company Auditor  
Suite 1205  
Level 12, 109 Pitt Street  
Sydney NSW

Dated this

3rd November 2011

Intellectual Disability Rights Service Inc.  
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