



education
information
advocacy
consultation
legal advice
systemic advocacy
support
casework

annual report
2012 - 2013

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



Intellectual Disability Rights Service Inc.
ABN 11 216 371 524

PO Box 3347
Redfern NSW 2016

Suite 2C, 199 Regent Street
Redfern NSW 2016

T +61 2 9318 0144

F +61 2 9318 2887

E info@idrs.org.au

W www.idrs.org.au

 facebook.com/IntellectualDisabilityRightsService

 [@IDRS_NSW](https://twitter.com/IDRS_NSW)



Table of Contents

A Word from the Chair	6
Executive Officer's reflections	8
About IDRS	10
Introduction	10
Vision	11
Purpose	11
Values	11
What we do	13
Legal Advice and Casework	14
Legal advice	15
Legal casework	17
Case studies	19
Education and Training	22
Rights education for people with intellectual disability	23
Police training	25
RailCorp's disability awareness training	25
Volunteer training	25
Criminal Justice Support Network (CJSN)	26
CJSN support numbers in each region	27
How many clients did CJSN support?	28
Case study - indirect police station support.....	30
Victims of crime	31
If not for CJSN.....	32
Feedback from stakeholders on CJSN.....	33
Significant achievements.....	34

Volunteer support persons.....	35
Special thanks	35
The Parents Project	36
The project team.....	37
Parents with intellectual disability	37
Casework & advice	39
Case study - Julie's story.....	41
Case study - Tanya's story	42
Building capacity	43
Systemic advocacy	46
Criminal Justice and Intellectual Disability Service Improvement Project	48
Background	48
IDRS' project team and activities	48
Project achievements.....	49
Continuing challenges	50
Submissions	51
Participation in Advisory and Working Groups	52
IDRS Staffing.....	53
Members of the IDRS Board	54
Thank you	55
Support and funding	56
Core funding.....	56
Specific project funding.....	57
Financial Report	58

A Word from the Chair

I am very happy to have the opportunity to introduce the annual report for 2012-2013.

Our range and scope of services continue to be delivered throughout NSW, and it is good to see how the demand has grown, particularly in the west of the state; as always though, our capacity to deliver is under stress.



Throughout the year we have progressed the work on our strategic planning, which is of course critical to our future direction, especially in the light of the challenges we expect to face in coming years.

DisabilityCare or the National Disability Insurance Scheme (NDIS) will have a profound effect on all not-for-profit organisations in the disability area, but particularly for those delivering advocacy services like ourselves. We are monitoring progress on the implementation of the pilots around Australia, and remaining closely connected with industry groups to monitor the potential impact on our activities.

I have been delighted on several occasions this year when IDRS senior staff, and our clients, have featured positively in news and current affairs programmes on television. Not only does this help us raise our profile but it also validates the focus and professional standing of our team.

This year, despite a challenging business environment and tight funding from both state and federal government agencies, we have delivered a sound financial result, ahead of budget, whilst increasing our service delivery.

In part this result comes from the commitment and energy of our volunteers, who in donating their time help us achieve the coverage we need to support people all over the state, who need assistance in their interaction with the police and court systems.

I want to thank both the volunteers and the staff of IDRS who administer and manage their work, and who make the volunteers feel valued and supported. I have always felt that IDRS has managed their team of volunteers well, and this year I feel exceptionally so.

All staff of IDRS are to be congratulated for their energy and commitment to the work of IDRS, but I would like to make special mention of Janene Cootes our EO, Alex Farraguna who leads our Criminal Justice Support Network, and Margot Morris our Principal Solicitor.

Finally our board has continued to guide IDRS soundly, but much more, to assist with a number of special projects and activities through the year. The continuing commitment of the board members is most encouraging and I warmly thank them.

Mike Sprange

Executive Officer's reflections

2012-13 has been another busy and challenging year at IDRS with some significant achievements.

This year we have seen accelerated growth in the demand for the services of the Criminal Justice Support Network particularly in regional areas and in afterhours support. We face growing challenges in maintaining the high quality of this service while meeting demand with no increase in resources.

Our Parents Project has had great success in creating opportunities, via media features, to give voice to parents with intellectual disability; a hidden group who so often face the threat of removal of their children.

We have restructured our educational services this year and are very excited to implement new plans and strategies in the year ahead.

Our legal team continues to achieve good outcomes for people with intellectual disability through legal advice and casework and has been active in responding to opportunities to influence legislative and policy change at state and national levels.

IDRS has completed strategic planning during this year, setting its organisational goals for the next 3 years.

The overarching strategic goals are:

- Extend the reach of IDRS services and programs
- Greater impact and influence in changing systems
- Enhance capacity to deliver outcomes for people with disabilities
- A known and highly respected organisation

Some key themes emerging through the planning process are the need for improved data collection and use of data to support our goals, taking an active role in advocating for and shaping policy around the National Disability Insurance Scheme and applying innovative strategies to support the extension of the work of IDRS.

A major task this year has been the review and development of policies and procedures in line with the National Disability Advocacy Standards. IDRS has now achieved Certification against these standards. We would like to thank the clients who generously participated in this process.

In the coming year IDRS will be assessed for accreditation under the National Accreditation Scheme for Community Legal Centres and the NSW Disability Service Standards.

This year we have started a newsletter and also launched into the world of social media via Facebook and Twitter.

At the close of the year I would like to take the opportunity to thank the many skilled and dedicated volunteers who are so vital to the work of IDRS. I feel very privileged and proud to head a group of hard working, skilled staff who are so expert and persistent in their advocacy for people with intellectual disability.

IDRS is also fortunate to have a strong and dedicated Board who generously donate their time and expertise to oversee and actively contribute to the work of the organisation. I thank them for their support and guidance.

Janene Cootes
Executive Officer

About IDRS

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 Community Services, Ageing Disability and Home Care (ADHC); the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and the Public Purpose Fund (Law Society of NSW) through the Community Legal Centres Funding Program of Legal Aid.

Vision

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

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 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 (ABI) 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 New South Wales 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 New South Wales via staff solicitors and a network of volunteer solicitors.
- Legal representation for people with intellectual disability in some cases.

The IDRS legal team staff comprises a Principal Solicitor (Margot Morris), two full-time solicitors (Tim Chate and Ali Craig) and a part-time solicitor involved in our Parents with Intellectual Disability, Care and Protection Project (Marissa Sandler). From 16 January 2013 Marissa was on maternity leave. Ben Crompton joined us as a locum solicitor working on the Parents Project until 31 May. Since 25 June, Cindy Grahame has been the locum solicitor working on the Project.

The legal work of IDRS was enhanced by the contributions of volunteer solicitor Helen Boyton (October 2012 – March 2013). The significant efforts of practical legal training placement student Simon Long (from July 2012) were greatly appreciated by clients and staff. Journalism graduate and law student Emily Shipp provided valuable support to the legal team one day a week until January 2013.

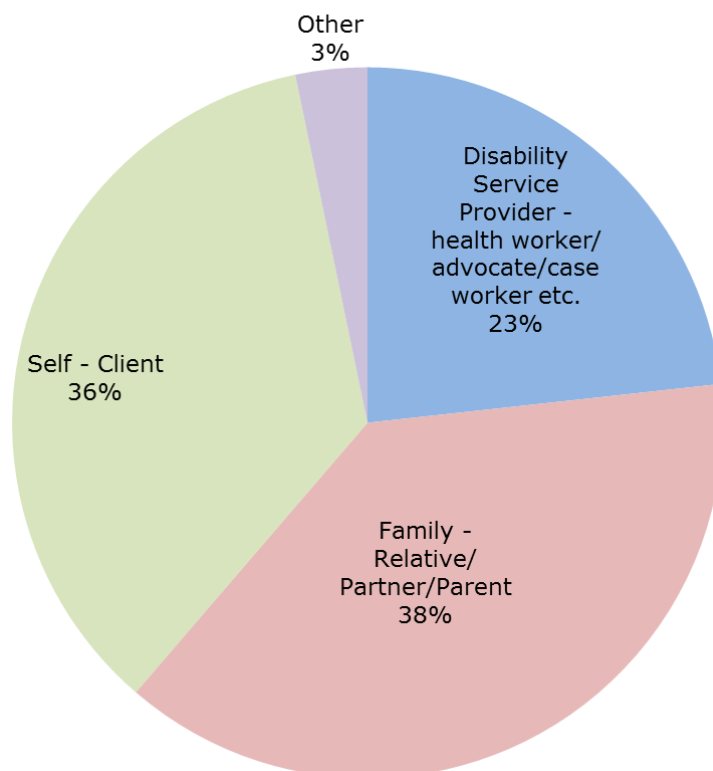
Legal advice

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. We are pleased that there is a small but steady increase in people with intellectual disability directly contacting IDRS. This year 36% of requests for legal advice on different issues came directly from people with intellectual disability themselves.

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 that person is acting in the best interests of the person with disability and there is no reasonable basis for thinking that there is a conflict of interest between the third party and the person with disability.

Whenever possible, the person with disability will participate in discussing their problem with the solicitor along with the initial caller.

Who contacted IDRS for legal advice?



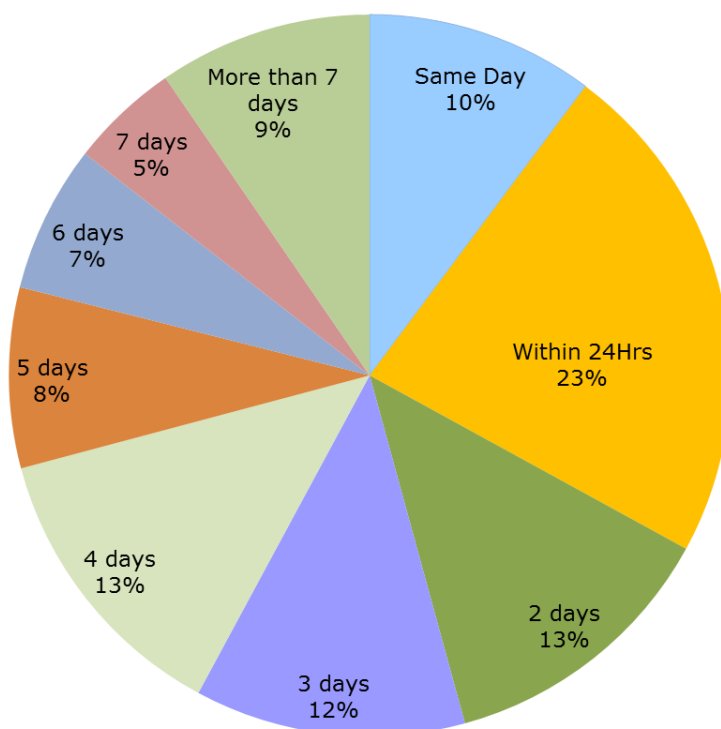
Requests for advice are addressed face-to-face or by telephone, usually by appointment. Appointments can usually be made within a few days. In urgent matters, for example if a person with intellectual disability is in police custody, advice will be arranged within hours. 23% of requests for advice in 2012-13 were met within 24 hours.

In 2012-13 legal advice was provided to 438 clients in 576 advice sessions.

Many legal advice requests require a follow-up by the solicitor to make further enquiries, to check or seek out 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 are:

- being charged with a criminal offence
- responding to an application for an apprehended violence order (AVO)
- being harassed by the police
- finding out what to do as a victim of crime
- being harassed by neighbours
- being financially or emotionally abused
- wanting to get rid of a financial management order
- fines
- problems with debt
- being left out of a parent's will
- consumer issues
- being injured
- losing a job
- being treated unfairly
- needing to complain about government departments
- needing to complain about services or problems with schools.

Number of days between the date of initial contact and legal advice



After-hours advice

Volunteer lawyers give their time and expertise generously to be on a roster that allows us to provide legal advice 24/7 for people with intellectual disability who have been arrested and are in police custody. After-hours legal advice has been provided on at least 60 occasions this year. The lawyer 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.

We thank the lawyers who volunteered their time and services after-hours in 2012-13. The particularly dedicated volunteer lawyers who are prepared to be 'called any time' were nominated for the 2013 Volunteer of the Year Awards and received a certificate in recognition of their efforts.

Legal casework

During 2012-13, IDRS worked on 88 long-term legal cases.

The average time that cases were open was approximately 10 months.

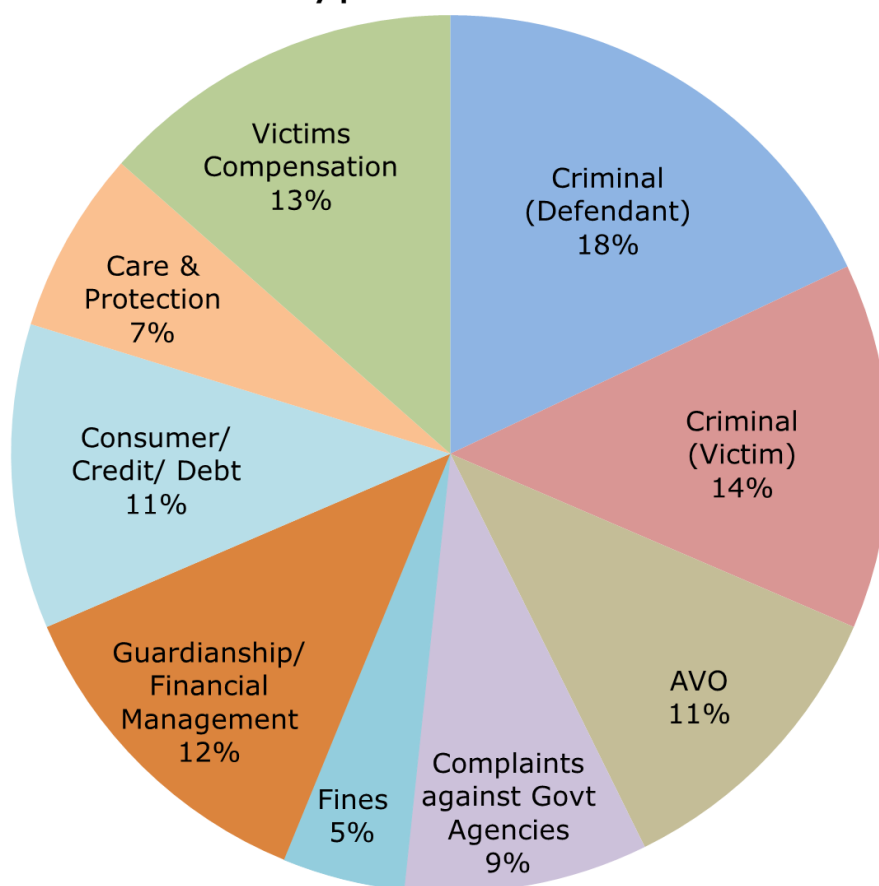
Factors considered in deciding which cases have priority to be taken on for long term legal casework are:

- The merits of the case and whether it has reasonable prospects of success
- Whether the person has access to alternative 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

Cases in which IDRS acted covered problem areas including:

- Complaints about services
- Apprehended violence orders
- Compensation for victims of crime
- Fines
- Debts
- Criminal charges
- Guardianship and financial management
- Complaints against government departments
- Complaints about police

Types of issues



Case studies

Alternatives to an AVO and criminal conviction when disability affects understanding and ability to control behaviour

A 30-year-old man with moderate intellectual disability got into an argument with his parents. He struck his mother across the face and threw a plastic toy at his father. His parents called the police, who arrested the man.

The man did not understand what was happening. He thought the police were taking him out as a friend.

The police acknowledged that the man did not understand their explanation of his right to silence. At the police station, the custody officer noted that the man still believed in Santa Claus and that he did not understand the police's explanation of his rights while in police custody.

Nevertheless, the man was charged with assault and police obtained a provisional AVO, which included a condition that the man not go within 50 metres of his parents' home. His parents did not want him back. The man was kept in custody until respite accommodation was found for him by his caseworker.

On the first court date the AVO was continued on an interim basis while medical reports and a new home for the man were obtained.

The medical reports stated the man had a mental age of 8 years. He could not read, nor write. He could not count past "7".

On the second court date the Magistrate declined to make a final AVO and dismissed the criminal charge on condition that the man follow the directions of his caseworker and the manager of his new home.

Alternatives to an AVO and criminal conviction when disability affects understanding and ability to control behaviour

Our client had moderate intellectual disability, and multiple other disabilities including a mental illness for which she was required to take medication. She had mood disorders and poor impulse control. She had allegedly assaulted two female neighbours on separate occasions, threatening to hurt one of them with a knife. Housing NSW sent her a notice of termination of her tenancy. She threatened Housing NSW staff. She also made hoax bomb threats. Although in custody when we started helping her, she was released on bail and was admitted to a mental health hospital.

It appeared that our client's anti-social behaviour might largely be due to her medication having been inappropriate. A plan of supports was designed by her caseworker and implemented. A community treatment order was also put in place. IDRS successfully persuaded the Local Court to divert our client from the criminal justice process on condition that she continue a support and treatment plan involving supervised regular administration of appropriate medication and acceptance of the directions of her case manager. The court also made an AVO against our client protecting her neighbour. Our client returned to her home.

We persuaded the Consumer, Trader and Tenancy tribunal to adjourn for an extended period the hearing of the application to terminate our client's tenancy. This gave her time to demonstrate that by complying with her treatment and support plan, and the AVO, she could satisfactorily address her behavioural issues and any risk she might have posed to others. 7 months later, the application for termination of the tenancy was dismissed because our client had complied with her medical and support plans and there had been no further complaints against her.

Preserving a young woman's ability to make her own decisions

Our client had a severe physical disability. She also had a significant speech impediment and used electronic and visual communication tools to communicate. The extent of any intellectual disability was disputed.

Her parents had divorced when she was a child and she lived with her mother.

On her instructions, IDRS assisted our client to set up bank accounts. In her own name and transfer money which had been saved for her by her family as well as her pension.

She managed this account well, saving and purchasing items she needed from her pension. With help she could plan and budget. Nevertheless her father applied to the Guardianship Tribunal for the appointment of a guardian and financial manager. Our client opposed the applications.

We believed our client could understand and give instructions in relation to the proceedings and agreed to represent her at the Guardianship Tribunal hearing.

After examining the written medical and other evidence that was to be put to the Tribunal, IDRS successfully submitted that the overwhelming weight of evidence was that our client at the most had an intellectual disability in the mild range. The Tribunal was satisfied that although our client had severe communication difficulties, she was nevertheless able to communicate her wishes. Her impaired communication did not equate to her lacking capacity to make her own decisions. With assistance, she was able to implement her own decisions. The Tribunal declined to make any orders.

Education and Training

IDRS education and training aims to:

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

The IDRS education team comprises one full time and one part time position. Our educators this year were Pan Pemberton and Ben Garcia. The full time position was vacant for 3 months following the resignation of Pan Pemberton in January 2013. IDRS thanks Pan for his contribution to IDRS over the past 5 years.

The education team is now back to full strength with Ben Garcia having moved to the full-time position and Tina Dowse joining IDRS in June 2013.

When possible, IDRS training includes a co-educator who has lived experience of intellectual disability. Robert Strike and John Vesely have continued their invaluable roles as co-educators during 2012-13. Frances Cetinich and Alan Button assisted in training CJSN volunteers.

Rights education for people with intellectual disability

The Rights Leadership Course is the main vehicle for IDRS Rights Training.

This training runs over 6 sessions of 2 hours with a refresher get together 6 weeks after the training is completed.

Participants learn about rights and responsibilities. These include rights as a disability service user; a consumer; an employee; a member of the community as well as interpersonal rights and responsibilities and what to do if you get arrested or if you are a victim of crime. Equally important is developing the skills to stand up for yourself and to get help if a legal or rights problem comes up.

IDRS is privileged to share and learn from the experience and ideas of the Rights Leadership training participants. This richly informs the work we do.

This year 71 people participated in 9 Rights Leadership Courses run by IDRS. Three courses were conducted in non-metropolitan areas. IDRS appreciates the support of the disability service organisations who have hosted this training.

Training For:	Training Sessions	Total Participants
People with intellectual disability		
Rights Leadership Courses	9 courses	71
Other Rights Leadership training	1	20
Carers/Families	5	120
Disability Service staff <i>* Please also see Criminal Law and Intellectual Disability Service Improvement Project</i>	6	107
Justice Agency Staff NSW Police Custody Managers Corrective Services staff Juvenile Justice staff	14	284
Solicitors <i>* Please also see Criminal Law and Intellectual Disability Service Improvement Project</i>	2	25
RailCorp Disability Awareness Training For station staff and guards This training has now been completed	7	119
Students Criminology and Forensic students	3	58
Volunteers		
CJSN Court Support volunteers	6	39
CJSN Police station support volunteers	3	15
After hours volunteer solicitors	1	7

Police training

Training for police is a major priority for IDRS. During this year IDRS provided training to 272 police custody managers through the Safe Custody Course. The aim of this training is to equip custody managers to recognise when a person in custody has an intellectual disability, to ensure that a support person is called, to better understand the person's needs and to ensure that the person's rights are fully adhered to.

RailCorp's disability awareness training

During the year IDRS completed its role in the disability awareness training of RailCorp's station staff and guards. Many people with intellectual disability experience difficulty on public transport and are frequently subject to fines and charges arising on trains.

These training sessions provided the opportunity for RailCorp's staff to meet and hear from people with intellectual disability about their experiences on public transport and to enhance their understanding and skills to respond more effectively to passengers who may be struggling due to disability.

Volunteer training

Each volunteer court support or police station support person completes 2 days of training before commencing in either of these roles. These courses have been reviewed and improved during the past year. Feedback from volunteers about the training is very positive.

In 2012-13, 39 new court support volunteers were trained in 6 courses. The two day police station support training was completed by 15 volunteers.

In May 2013, 7 volunteer solicitors attended an evening training session before joining the roster to provide after-hours advice to people with intellectual disability in police custody. IDRS thanks law firm Gilbert + Tobin for kindly providing the venue for this training.

Criminal Justice Support Network (CJSN)

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 court, police stations, interviews with legal representatives, juvenile justice conferencing, community sentencing forums and court ordered mediations. Some court supports are provided from correctional centres for clients who are in custody. A 24/7 support service is available for people with intellectual disability who are arrested.

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

CJSN's staff includes:

- Manager – Alex Faraguna
- Sydney Regional Coordinators – Jillian McCarthy and Mitch Mulqueen Fraser
- Illawarra/Shoalhaven Regional Coordinator – Corinna Nolan/Julia Wren
- Hunter Regional Coordinator – Kenn Clift
- Outreach Regional Coordinator – Jacqui Gunst
- Sydney/Outreach Administration Assistant – Ingrid Ferreira
- Illawarra/Shoalhaven Administration Assistant – Deihan Paulson
- Hunter Administration Assistant – Christine Fraser

CJSN support numbers in each region

		Court	Police	Legal appointment	Indirect	AVL	ADR	Other	Total
	Sydney	373	66	23	76	63	5	8	614
	Illawarra/ Shoalhaven	177	13	31	5	2	4	2	234
	Hunter	224	21	13	5	1	4	0	268
Outreach	Mid North Coast	27	2	0	3	1	0	0	33
	Central Coast	98	5	3	12	6	0	0	124
	Central West	22	1	0	5	3	1	0	32
	Riverina	105	6	0	19	3	0	0	133
	Rest of NSW	0	0	0	45	0	0	0	45
Total		1026	114	70	170	79	14	10	1483

Key:

- Indirect: the client and/or local non-CJSN support person is supported by telephone before and after the hearing
- AVL: court support via audio-visual link for clients in custody (the support person sits with the client in jail as they appear in court)
- ADR: alternative dispute resolution, including Juvenile Justice conferencing, Forum Sentencing and court-ordered mediation
- Other: Mental Health Review Tribunal and Probation and Parole hearings

How many clients did CJSN support?

Region		Number of clients supported
Sydney		205
Illawarra/Shoalhaven		85
Hunter		87
Outreach	Mid North Coast	15
	Central Coast	31
	Central West	16
	Riverina	31
	Rest of NSW	31
Total		501

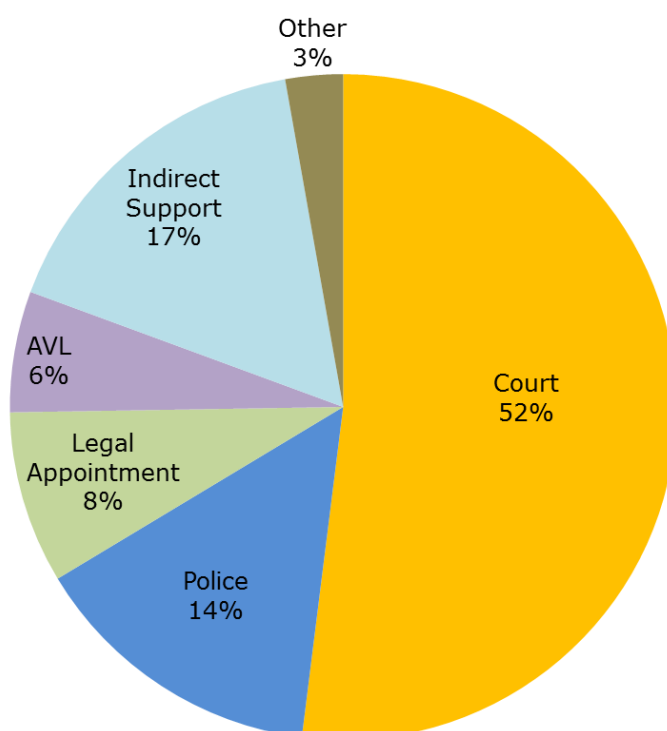
Overall, CJSN provided a total of 1483 supports this year, representing an increase of 17% on last year's total of 1267.

The most significant changes have been in the Mid-North Coast, Riverina and Central West Outreach Service Areas, which are developing well and CJSN is establishing itself effectively with both police and courts. The Outreach Service Areas account for 12% of all court supports.

Over half of all police station supports occur in the Sydney region with the remaining supports distributed between the longer standing CJSN regions and Outreach Service Areas.

The pie chart below demonstrates the proportion of clients who receive particular services. 83% of clients received a direct service with only 17% receiving services indirectly.

Support Provided to CJSN Clients



Significant increase in demand for CJSN's 24-hour service

CJSN provides a 24 hour/7 day per week service for people with intellectual disability who need support and legal advice at a police station. The number of police station supports provided outside business hours has increased since last year by 128%. This encouraging figure comes with increasing challenges in providing the service, in terms of after-hours staff workload and the ability to find volunteers willing and able to provide support around the clock at very short notice. The growth has been primarily in indirect support, particularly in the Outreach Service Areas. On average, a police station support happens outside of office hours once every two days. CJSN currently has 28 volunteer solicitors.

	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
After hours police station supports	38	42	58	54	121

Case study - indirect police station support

A client was arrested in a regional area of NSW where there are no CJSN volunteer support persons. The police Custody Manager called CJSN to ask for support and legal advice. The on-call CJSN staff member explained that this region of NSW had no volunteer support persons available and we could assist by phone. CJSN ascertained that the client's local disability case worker was available to attend the police station, but had not been trained in how to act as a support person. CJSN briefly explained the police station support role and likely police procedure to the disability worker and assured her that CJSN would be available by phone throughout to assist. CJSN explained the most important parts of the police caution to the worker and how to help the client to understand these. CJSN also spoke to the Custody Manager and client to explain who we are and how we would assist. We then contacted the on-call volunteer solicitor for legal advice. The solicitor gave advice to the client and informed the Custody Manager, disability worker and CJSN staff member that the advice she had given was for the client not to make a statement, not to consent to DNA being taken and not to record their refusal to be interviewed on tape. The Custody Manager initially thought that he had to record this refusal on tape so the volunteer solicitor called back and discussed this with him, reminding him that the client was not obliged to say or do anything they didn't want to. The Custody Manager agreed to record the refusal in his notebook instead. CJSN spoke to the disability worker and client a few more times to clarify the client's charges, bail conditions and court date and to ensure these were explained to the client in plain language. CJSN remained in touch with the client and disability worker and supported them through the court process later.

Victims of crime

10% of CJSN clients are victims of crime. Many of these clients are victims of offences such as common assault and sexual assault, an observation that is borne out by academic research into the victimisation of people with intellectual disability.

The number of supports for victims of crime assisted are as follows:

Region	Number of victim supports provided	Number of victims of crime supported
Sydney	31	16
Illawarra/Shoalhaven	19	12
Hunter	55	26
Outreach (total)	15	8

It is notable that the Hunter region provides support to a high number of victims of crime. The reasons for this include the fact that Hunter has 22 clients who are victims of crime, some of whom are involved in multiple court matters, requiring several support dates each. In addition, the Hunter office received many referrals to support clients in applying for Apprehended Personal Violence Orders.

If not for CJSN...

Two examples of how CJSN support persons can make a real difference for clients.

1. The client didn't show up at court on the morning of her hearing, so the CJSN volunteer support person telephoned the client from court and encouraged her to make her way there. The support person let the Legal Aid solicitor know what was happening and then waited for several hours for the client to arrive. When the client arrived at the beginning of the court lunch break, she had not eaten all day so the volunteer bought her lunch. After the lunch break, the solicitor dealt very briefly with the client and support person, saying he was just filling in for the usual solicitor, and did not discuss the matter with them at all. As often happens, the matter was done quickly and was difficult to hear in court. The client was granted a diversion from court via Section 32 of the *Mental Health (Forensic Provisions) Act 1990*. Unfortunately, the Section 32 conditions had not been discussed fully with the client and it was only when the support person and client attended the court registry that she was told of the conditions. The client refused to agree to them and displayed some challenging behaviour in the waiting room; at one stage being threatened with arrest. It was closing time at court, so court staff was putting pressure on the support person for the problem to be resolved quickly. Just as the support person was phoning CJSN for help, out of sheer luck a Legal Aid solicitor walked past. The support person was able to tell this solicitor the story; he listened to the client and made a legal appointment for her to see him. The volunteer agreed to support the client at that legal appointment where the matter was resolved.

2. CJSN supported a young, non-verbal man with autism who uses an iPad to communicate. He reported that he was the victim of a sexual assault. The boy and his parents attempted to make a report to the police, but the Joint Investigation Response Team (JIRT) said they could not proceed with the case as the client could not provide enough information due to his limited communication skills. With the assistance of IDRS solicitors and CJSN, a joint meeting was organised between the boy's parents, the CJSN Regional Coordinator, JIRT detectives, and a senior health clinician to discuss the issues around not proceeding. As an outcome of the meeting, a second interview was organised at the family's home, as the client was more comfortable at home and had his own equipment to assist him during the interview. This would not have been possible without the advocacy of IDRS/CJSN as the detectives were reluctant to deal with the matter any further. The boy and his family were very keen to be heard and were grateful for CJSN's help, without which they believed they would never have got as far as they did.

Feedback from stakeholders on CJSN

Thank you so much for sending L (the volunteer support person), she was invaluable today, a really fantastic support for C (client).....C did not take the outcome very well and refused to leave the courtroom and then the foyer of the court. She spent well over an hour coaxing him out. Anyway, I just wanted to say how grateful I was to you for organising it at short notice.

From a Legal Aid solicitor

I just wanted to send a big thank you to all at IDRS and CJSN who assisted my client, D, with his legal matter recently. If you could pass our thanks on, it would be appreciated. D, his family and I are very grateful for the support received. P (court support person) was fantastic and assisted greatly in reducing D's anxiety when appearing in court. I, personally, am very grateful for IDRS's guidance during the investigation. D was granted a section 32. If D had not been supported to refuse to participate in an interview with police, I feel the matter may have had a different outcome.

From an ADHC case manager.

Significant achievements

There was again an increase in the number of clients and supports provided. Further recruitment and effective use of volunteers has meant this was achieved with no additional funding or resources. This continues the trajectory CJSN has followed since 2003, with increases each year in the number of supports provided.

The Hunter Volunteers Centre Inc. awarded the 'Volunteer Team' Award to the Hunter CJSN volunteers. The team will attend the state-wide overall award ceremony to be held later in 2013.

Volunteer support persons

This year, CJSN trained 15 police support volunteers and 39 court support volunteers. We remain indebted to the pool of volunteers who have been with CJSN for several years as well as the newly trained support persons. In total, CJSN currently has 160 volunteer support persons.

Special thanks

- All CJSN volunteers, for their ongoing support of clients
- Volunteer solicitors, for their ongoing commitment to assisting CJSN outside of office hours
- CJSN's three administrative assistants who support the Regional Coordinators and regularly step up to fill the Regional Coordinator's shoes when they go on leave.

The Parents Project

The Parents Project is dedicated to addressing the disadvantage that adults with intellectual disability, who are, or are becoming parents, experience when their capacity to parent is up for question. IDRS is committed to working individually with parents and systemically to break down the barriers faced by these parents.

The Project is funded by the Public Purpose Fund of the Law Society of NSW through Community Legal Centres Funding Program of Legal Aid NSW.

The Project has four key objectives:

- To provide legal advice and casework to parents with intellectual disability in relation to child protection matters
- To assist parents with intellectual disability and those who support them, to understand and constructively participate in child protection processes, and, in particular care proceedings
- To build capacity among professionals working with parents with intellectual disability – particularly lawyers, court staff, child protection workers and advocates
- To promote and ensure the rights and dignity of parents with intellectual disability are upheld in law, policies and procedures

The project team

- Dr Margaret Spencer, Coordinator, 4 days per week
- Ms Marissa Sander, Solicitor, July–December 2012, 3 days per week
- Mr Ben Crompton Solicitor, January–June 2013 3 days per week

We thank law student Louise Dylan and social work students Jade Hearne and Mirabel Gumulia for their work with the Project this year.

Parents with intellectual disability

"States shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others ... "

(Article 23 UNCRPD)

Intellectual disability in itself is a poor indicator of parental capacity.
(Tymchuk 1992; NSW Community Services 2007, Lamont & Bromfield AIFS
NCPC Issues No: 31 2009)

While parents with intellectual disability represent approximately 1-2% of the general parenting population, it is estimated that 10 -12% of care proceedings before the NSW Children's Court involve a parent with intellectual disability.

Parents assisted by the project

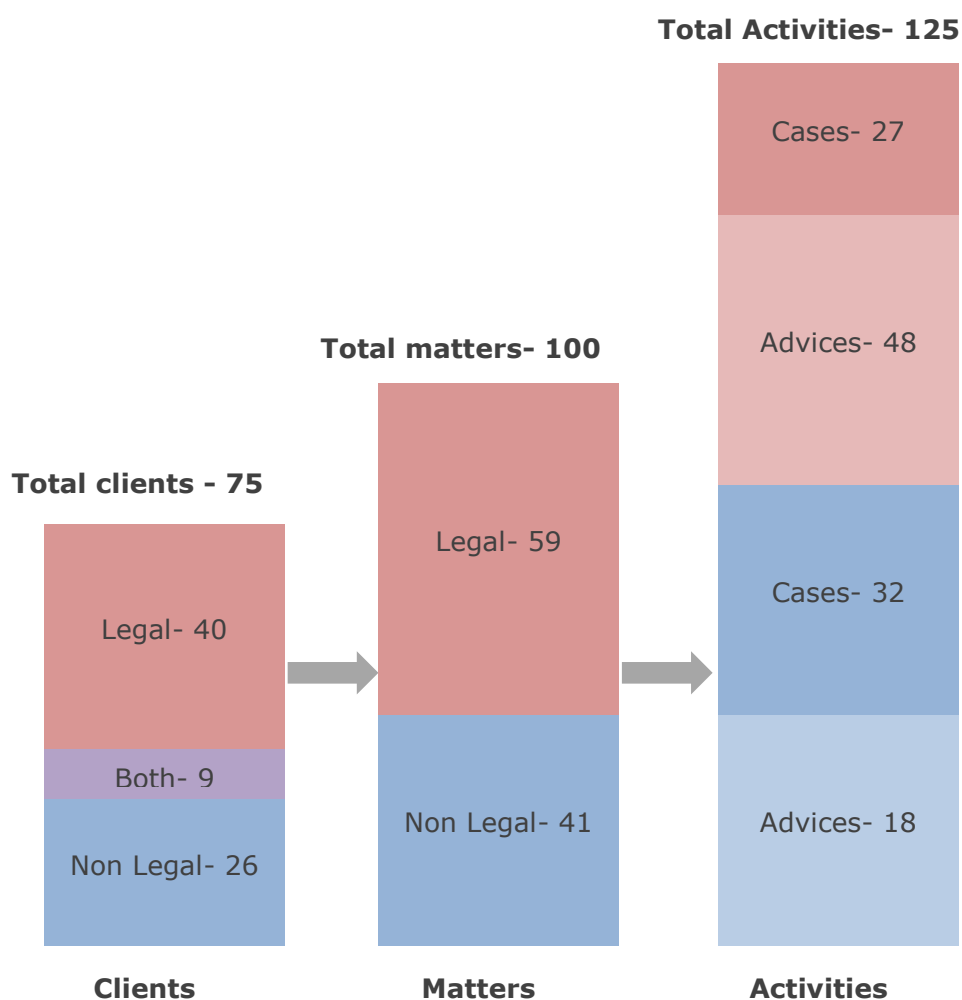
In 2012-2013 the Project supported 75 parents – 62 mothers and 13 fathers. The social disadvantage of these parents is highlighted in the following demographics.

Of the parents supported:

- 29 % were under 25 years of age and 19% of these parents identified as growing up 'in care'
- 33% of the total client group had grown up in out of home care
- 21% identified as being of Aboriginal or Torres Strait Islander background
- All but one parent relied solely on social security payments
- 43% had historical or current issues of domestic violence
- 21% were at risk of homelessness
- 44% lived in western or south west Sydney
- 47% lived outside of Sydney. This proportion has increased as a result of training and promotion in rural areas. For these parents lack of accessible legal advice and support services was a major problem

Casework & advice

The Project offers free advice and casework. This takes two forms – legal and non-legal. The table below provides a breakdown of the services provided:



Matters

Status at time of referral to Project	Number of parents	Outcomes
Known to Community Services but not in Court	13	3 matters proceeded to Court however 10 were averted.
Care Proceedings Initiated	41	2 matters resulted in family reunification; some matters are on-going.
Post Final Orders	21	

Known to Community Services

The Project achieved the best outcomes when we were able to provide advice and casework before care proceedings commenced. In such matters the Project works with the parent to understand any alleged concerns and assists the parent to access help to address those concerns. In these cases the Project aims to increase understanding and knowledge of parenting with intellectual disability with the workers involved to foster their confidence in supporting the parent.

Care proceedings afoot

Once matters are in court, achieving family reunification is difficult. This was achieved in only 2 of the 41 cases. The Project provides legal representation in a small number of cases where the parent's intellectual disability is a primary driver behind the matter being before the court.

More often, the Project aims to work collaboratively with lawyers on the Care and Protection Panel to assist in their representation of a parent with intellectual disability. The project does this through:

- Assisting with preparation of affidavits
- Providing emotional support and guidance to the parent
- Working with the parent to address necessary issues and access support
- Linking the parent to services
- Explaining the court process in a way the parent can understand
- Attending key meetings with Community Services
- Advocating with Community Services around issues such as contact
- Ensuring the client turns up for court

These care proceeding matters are labour intensive and long term, taking over 12 months to resolve.

Post final orders

Issues for parents with intellectual disability do not end with Final Orders. The Project is regularly contacted by parents with intellectual disability post final orders. This group highlights the ongoing grief issues experienced by birth parents post removal. These parents contact the Project for advice on Section 90s – going back to court to regain custody breakdown in contact orders and dissatisfaction with the care they perceive their child is receiving. Currently there are no programmes to support birth parents post removal. The loss and grief suffered by parents often results in a deterioration of their mental and physical wellbeing. They also struggle with practical implications of transitioning out of parenthood.

Case study - Julie's story

Parents with intellectual disability are commonly called into child protection meetings without a support person. IDRS receives regular reports from parents of feeling bullied or of "having their words twisted". In our experience, it is common for Community Services caseworkers to pressure parents with low literacy to sign undertakings and contracts without recourse to legal advice or even an independent person to read and explain to them what they are signing.

Julie lives in a country town. Her baby was born prematurely. She rang IDRS stating that Community Services had given her baby to her sister and brother in law three weeks ago. She did not know whether court proceedings had commenced. Julie said that she had attended a meeting at Community Services and had signed something but wasn't sure what it was. She was looking for someone to help her understand what was going on. She was scared and had no support.

The Parents Project's contacted Community Services. Julie had signed a voluntary undertakings, agreeing for her baby to stay with her sister and brother-in-law. Julie's sister had commenced proceedings in the Family Law Court to gain custody of Julie's baby. The Parents Project referred Julie to the local disability advocacy service who found her a family lawyer and continued to support her.

Case study - Tanya's story

All too often the Parents Project sees how parents with intellectual disability fall through the gaps in service delivery. Within disability services the reproductive rights and aspirations of adults with intellectual disability to parent go largely unaddressed.

Tanya, a woman in her mid-20s living with mild intellectual disability, was subject to family violence and could not return home to live. After she was released from hospital, following the last incidence of violence, Tanya was placed in a group home. This home suited Tanya well enough until she became pregnant.

When Tanya told the workers at the group home that she was having a baby – something she had always longed for – they said she could no longer live in the home. They said the home was not equipped for Tanya and a baby. They did not offer to find her an alternative.

Tanya knew there was a real risk that her baby would be taken into care if she did not have stable accommodation.

The Parents Project's staff had many meetings with Tanya and her support workers to see if a solution could be found for Tanya's pending homelessness.

The Project spent a significant amount of time liaising with the various government and non-government departments involved in Tanya's support and care to find a solution to her pending homelessness. Ultimately, through the Parents Project's intervention, Tanya is now in her own house and has all her support systems in place to support her and to prepare for the baby.

Building capacity

The Parents Project is committed to raising awareness and building capacity with the community service, health and legal communities to understand and support parents with intellectual disability and their children.

Training for advocates

The Project continued to provide a one day training workshop for disability advocates. The "When DOCS Knocks" workshop takes advocates through all aspects of Child Protection legislation, policy and practice. The workshop provides advocates with step by step advice to advocates on how to support a client each step of the way. This year the workshop was conducted in the Hunter Region and attended by advocates from the Hunter, Mid North Coast and New England Regions. The project provides back up advice and support to advocates as they support parents locally.

Fostering interest and expertise within community legal centres

The Project solicitor has convened the NSW Community Legal Centres Care and Protection Working Group in 2012-13.

Making Sense website – a project funded by the Law and Justice Foundation of NSW

The Project continued to develop 'Making Sense', a website for lawyers, Magistrates, child protection workers, disability workers and advocates working in care and protection matters involving parents with intellectual disability. IDRS is grateful for the continued support of the Law and Justice Foundation and the guidance of the reference committee for this project.

Promoting the voice of parents

Our most powerful educative tool is the voice and experience of the parents we serve.

In 2012 the Coordinator facilitated an inclusive research project with three families headed by parents with intellectual disability. The group took Article 23 of the UNCRPD and reflected on what parenthood and being a family means to them. They recorded their reflections on DVD, *We are Family*, which received a standing ovation at the World Congress of the International Association for the Scientific Study of Intellectual Disabilities, in Halifax, Nova Scotia in July 2012. The families have given permission for this DVD to be used as an educational resource. It has been requested for use by educational programmes in Queensland, Victoria, Canada, USA, Sweden, Iceland and United Kingdom. *We are Family* can be accessed through the IDRS website.

The Parents Project thanks Peter Crane of Bon Production (www.bonproduction.com.au) for production of this DVD in a pro bono capacity.

Building capacity through contributions to graduate and undergraduate programs

The Parents Project aims to raise awareness of issues for parents with intellectual disability by providing student placements. In 2012 -2013, the Project supervised a law student from Macquarie University and two third year social work students from University of New South Wales.

The Project also contributed to the University of Sydney's Graduate Diploma of Developmental Disabilities Studies Program in the units - Sexuality, Disability and the Law and the Parenting with Developmental Disabilities Course

Other presentations

The coordinator delivered the following presentations:

- *We are a Family* and Ensuring a Fair Go: The Parents Project at the World Congress of the International Association for the Scientific Study of Intellectual Disabilities in Halifax Nova Scotia
- Joint training workshop to case managers in ADHC and Community Services (Northern Region)
- NSW Family Law Conference Sydney
- Healthy Start Consortium Melbourne
- Keynote Address and workshops at Realising the Hopes and Dreams of Parents with Intellectual Disability Symposium organised by BOLD Network & Queensland University of Technology School of Public Health and Social Work.
- Presentation to the Australian Commission of Human Rights Association

Systemic advocacy

The Parents Project works to promote the rights and interests of parents with intellectual disability through law, policy and procedural reform. 2012-2013 was a busy year for the Project for systemic advocacy.

Community Services and Ageing and Disability Services (ADHC)

In August 2012, The Project team met with Community Services and ADHC to brief them on the Project's clients, their issues and the gaps in service delivery.

Apology for forced adoption practices

The NSW Parliament's formal apology to those affected by past forced adoption practices in September 2012, presented an opportunity to raise similar issues for parents with intellectual disability today. The project distributed a briefing paper highlighting the disproportionate rate of removal of infants from parents with intellectual disability and the inadequacy of service provision to present day parents who lose custody of their children. Our advocacy resulted in media coverage on the plight of parents with intellectual disability involved in the Care System. This included a feature story on ABC National News and Lateline (October 23, 2012) and an episode of the SBS Program Insight 'What's Best for the Child'.

Children and Young Persons (Care and Protection) Act 1998 (NSW) Law reform

In late 2012 NSW Government released a Discussion Paper: Child Protection: Legislative Reform Legislative Proposals. The Project provided a formal response to this discussion paper in March 2013. We are concerned that some of the proposed reforms will further disadvantage parents with intellectual disability.

National Disability Insurance Scheme (NDIS)

The Project has contributed to an advocacy campaign led by the NSW Council for Intellectual Disability to ensure that people with intellectual disability who are on the margins – such as parents with intellectual disability - are not forgotten in the implementation of the NDIS.

Senate Inquiry into Forced or Coerced Sterilisation

The Project made a formal submission and gave evidence before the Senate Inquiry into the Involuntary or Coerced Sterilisation of People with Disabilities. Dr Margaret Spencer also contributed significantly to the media coverage of this issue through interviews on SBS and ABC news, Lateline and a televised panel discussion of the issue. Dr Spencer also wrote an on-line Opinion Piece for ABC Ramp UP.

Criminal Justice and Intellectual Disability Service Improvement Project

Background

This project, funded by Legal Aid NSW with a grant from the Public Purpose Fund of the Law Society of NSW, was completed in October 2012. It was a joint project between Legal Aid NSW and IDRS. A steering group with representatives from IDRS, Legal Aid, ADHC, Brain Injury Association and Department of Attorney General and Justice met regularly throughout the two years of the project.

The goal of the project was to facilitate increased and more effective use of section 32 applications under the *Mental Health (Forensic Provisions) Act 1990* so as to achieve successful diversion of people with intellectual disability from the criminal justice system and into effective support. Successful use of Section 32 for diversion requires co-operative partnership between solicitors and disability workers. The project sought to build the skills and knowledge of both groups.

IDRS' project team and activities

Solicitor Karen Wells and educator Mitch Mulqueen Fraser comprised the project team. Janene Cootes co-authored the Section 32 Step by Step Guide and website with Karen Wells. IDRS Information and Resource Coordinator Ushan Wickremanayake designed and developed the Section 32 website.

Project achievements

- Survey of solicitors about their experience of Section 32 applications and the barriers to achieving diversion
- Section 32 Guide published and distributed to 850 solicitors practising criminal law in NSW as well as Magistrates and other associated professionals
- Section 32 website www.s32.idrs.org.au including links to caselaw, sample letters and support plans launched and promoted. We are delighted that the website has had 2,998 visits in 2012-13 with 79% of these being new visitors. The website will continue to be enhanced and updated
- 256 solicitors in criminal practice throughout NSW attended IDRS training which focused on recognising that a client may have intellectual disability; understanding the effects of intellectual disability; getting evidence and support plans to support a Section 32 application; preparing effective submissions and practical workshopping of case examples. Conference presentations reached a further 220 solicitors
- Almost 500 disability workers received IDRS training about supporting a client at court; working with a solicitor; understanding Section 32 applications; diversion and preparing a Section 32 support plan. Feedback on this training was very positive
- Training covered centres throughout NSW – Albury, Bateman's Bay, Broken Hill, Campbelltown, Coffs Harbour, Dubbo, Goulburn, Gosford, Lismore, Maitland, Merimbula, Moree, Newcastle, Nowra, Orange, Parramatta, Penrith, Sydney, Wagga Wagga and Wollongong
- Consultancy service to solicitors preparing Section 32 applications. Typical questions posed by solicitors using this service were jurisdictional questions; how to get services and support plans; how to navigate the disability 'bureaucracy'; how to get evidence of 'developmental disability' and how to explain 'developmental disability' to magistrates; how to make submissions to counter magistrate's reluctance toward Section 32. IDRS solicitors continue to provide this consultancy

IDRS congratulates the Client Assessment and Referral Section (CARS) of Legal Aid for their specialist case management of young people with cognitive impairment as part of this project. Evaluation of this aspect of the project provides strong evidence of the effectiveness of well-planned and supported diversionary options in reducing offending for this group.

The project has provided a great opportunity to raise the awareness and understanding of diversion via Section 32 applications for people with intellectual disability among solicitors and the disability sector. The project has also lifted the skill levels of both groups to maximise the possibility of diversion.

A Legal Aid solicitor, when asked whether the project had made a difference - 'Yes, the attitude of the office has changed. Previously it was seen as a costs issue and too much work. I am much more likely to make a s32 application'

Continuing challenges

Systemic barriers remain. Some continuing issues raised by solicitors interviewed during the project were:

- Screening so that intellectual disability is recognised at court
- Difficulty accessing services and a support plan for the client
- Need for continuity of the solicitor representing the client in Section 32 matters
- Judicial education about Section 32

IDRS will continue to work for reduction of these barriers.

Submissions

IDRS has made the following submissions on law and policy reforms during 2012-13:

- Department of Attorney General and Justice, *Evidence Amendment (Evidence of Silence) Bill 2012*
- Response to NSW Family and Community Services Discussions Paper on Child Protection: Legislative Reform Proposal
- NSW Government Review of Disability Legislation in NSW
- Senate Enquiry into the National Disability Insurance Scheme
- Department of Attorney General and Justice Issues paper on 'Better Court Support'
- Australian Senate Committee Enquiry into the Involuntary or Coerced Sterilisation of People with Disabilities in Australia (submission and evidence before the Committee)

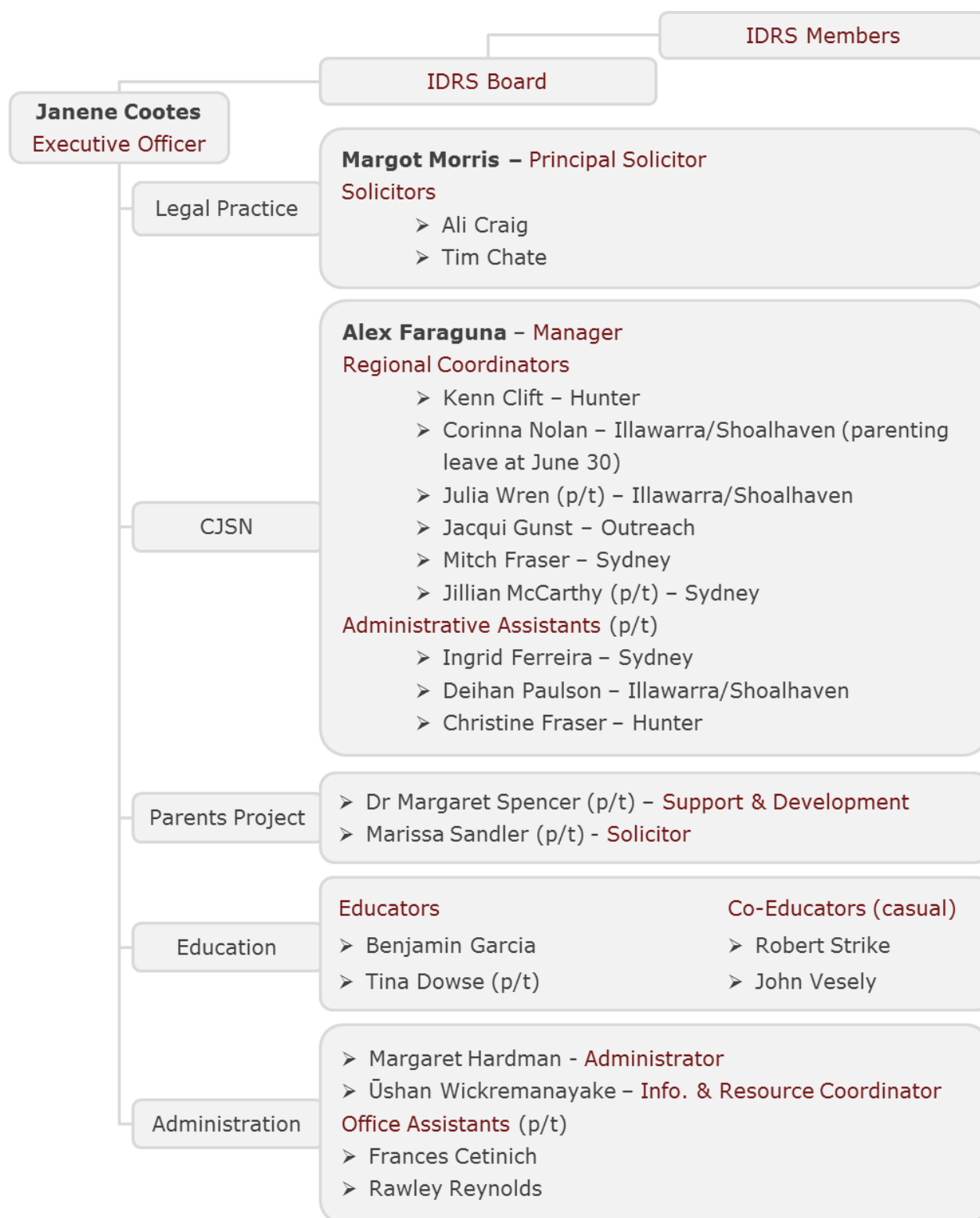
Participation in Advisory and Working Groups

IDRS has taken active roles in the following government and community sector working groups to promote the needs and rights of people with intellectual disability.

- Department of Corrective Services Legal Practitioners Consultative Group
- Apprehended Violence Legal Issues Co-ordinating Committee
- Department of Family and Community Services, Community Justice Program External Reference Group
- Women's Domestic Violence Court Assistance Scheme (WDVCAS) advisory committee
- Women in Prison Advocacy Network (WIPAN) general meetings
- Prisoners' Rights Working Group
- Australian Disability Rights Network
- NSW Disability Network Forum
- Network of Alcohol and other Drug Agencies (NADA) – Networking for Court Support Forums
- Community Legal Centres NSW Care and Protection Working Party (Chair)
- Indigenous Rights Working Group
- Disability Advocacy Network Australia (Board Membership)
- NSW Disability Advocacy Network
- Hunter Community Legal Centre Board
- Hunter Disability Network
- Hunter Co-operative Legal Service Delivery Program

IDRS Staffing

The staff and the reporting structure of IDRS 30th June 2013.



IDRS also acknowledges and thanks the following staff who finished up with IDRS during 2012-13 for their contributions to this year's work and achievements:

- Ben Crompton
- Jackie Dodds
- Joanne Karcz
- Pan Pemberton
- Karen Wells

Members of the IDRS Board

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.

The members of the Board in 2012- 2013 were:

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

Thank you

IDRS would like to thank the following people and organisations for their support during the year.

- Stephen Booth, Coleman & Grieg
- Tamara Sims, Gilbert and Tobin
- Ann Cregan, Ashurst

Support and funding

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

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

Core funding

During 2012-13 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)
- The Public Purpose Fund, Law Society of NSW, through Community Legal Centres Funding Program of Legal Aid NSW

Specific project funding

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

- Law and Justice Foundation of NSW for funds to develop a website for lawyers, magistrates, child protection workers and advocates working in care and protection to assist them in matters involving parents with intellectual disability.
- Community Legal Centres NSW Inc. for a Research Grant to produce a research paper on defendant incapacity and AVOs, and to facilitate a stakeholder workshop on these issues.

Financial Statements in this report are for the Intellectual Disability Rights Service Inc. as a whole.

IDRS was able to earn income additional to government funding from a variety of sources in 2012-13. This income is applied to the cost of providing services. IDRS is eligible to apply for grants of legal aid in some matters when our solicitors provide legal representation for 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.

Financial Report

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

Your committee members submit the financial report of Intellectual Disability Rights Service Incorporated for the financial year ended 30 June 2013.

Committee Members

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

Karen Bevan
Anne Bolt
Melissa Clements
Therese Griffith (Treasurer)
Jenny Klause
Edwina MacDonald
Edwina Pickering
Carmelo Raspanti
Tamara Sims
Mike Sprange (Chairman)
Janene Cootes (Ex-Officio)

Principal Activities

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

Significant Changes

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

Operating Result

The operating loss amounted to \$9,414 (2012 loss \$50,889)
Signed in accordance with a resolution of the Members of the Committee.

Dividend

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

Operations of the Association

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

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.

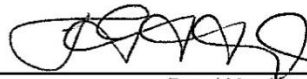
Indemnification of Auditors and Officers

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 14/11/2013

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
ABN: 11 216 371 524
INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30 JUNE 2013

	Note	2013 \$	2012 \$
INCOME			
Interest		32,848	50,206
Commonwealth Dept of Family & Community Services		223,693	208,510
Department of Ageing, Disability & Home Care (NSW)		964,990	974,420
Grant - Miscellaneous		189,432	253,818
Other Income		160,618	181,782
		<u>1,571,581</u>	<u>1,668,737</u>
EXPENDITURE			
Accounting & Bookkeeping		28,421	28,884
Admin Charges		127,963	129,010
Advertising		4,400	2,375
Annual Leave & Maternity Leave		4,954	14,713
Audit Fees		8,682	8,562
Bank Charges		1,084	1,131
Cleaning		5,781	7,797
Consultancy Fees & Outsourcing		13,870	15,314
Depreciation		15,131	21,100
Electricity		11,781	12,654
Host Agencies		20,829	25,046
Hire Equipment		5,026	5,026
Insurance		12,986	12,722
Information Technology Support		13,839	14,466
IT Web Maintenance		1,739	444
Legal Cost and Disbursements		5,835	5,094
Long Service Leave		3,291	14,511
Loss on Disposal of Fixed Assets		-	3,179
Photocopying, Printing & Stationery		25,881	38,250
Postage & Couriers		4,457	5,162
Practising Certificates & Professional Supervision		1,800	1,800
Purchase of Minor Fixed Assets & Rebuild Network		805	1,712
Rent		71,922	88,524
Regional Training		247	295
Repair & Maintenance		3,345	8,515
Salaries & Wages		941,917	977,812
Staff/Volunteer Training & Continuing Education		51,697	36,307
Storage		1,976	1,895
Subscriptions & Library		12,300	12,405
Sundry Expenses		4,803	9,592
Superannuation		90,930	93,122
Telephone		32,599	34,746
Travelling & Accommodation Expenses		41,987	54,610
Website Project - L&J Making Sense		8,717	13,160
Outlaws Conference Costs		-	19,689
		<u>1,580,995</u>	<u>1,719,626</u>
Current year loss before income tax		(9,414)	(50,889)
Income tax expense	1(a)	-	-
Net current year loss after income tax		<u>(9,414)</u>	<u>(50,889)</u>
RETAINED SURPLUS AT THE BEGINNING OF THE FINANCIAL YEAR		<u>327,773</u>	<u>378,662</u>
RETAINED SURPLUS AT THE END OF THE FINANCIAL YEAR		<u>318,359</u>	<u>327,773</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 2013

	Note	2013 \$	2012 \$
ASSETS			
CURRENT ASSETS			
Cash on hand		617,969	742,316
Accounts receivable and other debtors	2	46,776	50,484
TOTAL CURRENT ASSETS		<u>664,745</u>	<u>792,800</u>
NON-CURRENT ASSETS			
Property, plant and equipment	3	49,786	37,189
TOTAL NON-CURRENT ASSETS		<u>49,786</u>	<u>37,189</u>
TOTAL ASSETS		<u>714,531</u>	<u>829,989</u>
LIABILITIES			
CURRENT LIABILITIES			
Grants received in advance		163,922	258,065
Payables		55,655	66,767
Provisions	4	73,945	74,608
TOTAL CURRENT LIABILITIES		<u>293,522</u>	<u>399,439</u>
NON-CURRENT LIABILITIES			
Provisions	4	62,650	62,777
TOTAL NON-CURRENT LIABILITIES		<u>62,650</u>	<u>62,777</u>
TOTAL LIABILITIES		<u>356,172</u>	<u>462,216</u>
NET ASSETS		<u>358,359</u>	<u>367,772</u>
MEMBERS' FUNDS			
Capital reserve		40,000	40,000
Retained surplus		318,359	327,773
TOTAL MEMBERS' FUNDS		<u>358,359</u>	<u>367,773</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 2013

Note 1 Summary of Significant Accounting Policies

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

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

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

(a) Income Tax

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

(b) Property, Plant and Equipment (PPE)

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

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

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

(c) Employee Provisions

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

(d) Provisions

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

(e) Cash and Cash Equivalents

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

(f) Accounts Receivable and Other Debtors

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

(g) Revenue and Other Income

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

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

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

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

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

ABN: 11 216 371 524

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

(h) Goods and Services Tax (GST)

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

Note 2 Accounts Receivable and Other Debtors

	2013	2012
	\$	\$
Receivables	34,653	41,679
Prepayments	12,123	8,804
	<u>46,776</u>	<u>50,484</u>

Note 3 Property, Plant and Equipment

	2013	2012
	\$	\$
Property, Plant and Equipment		
At Cost	246,467	218,739
Accumulated depreciation	(196,681)	(181,550)
Total Property, Plant and Equipment	<u>49,786</u>	<u>37,189</u>

Note 4 Provisions

	2013	2012
	\$	\$
CURRENT LIABILITIES		
Employee Entitlements - Annual Leave	70,222	74,608
Employee Entitlements - parental leave	3,723	-
	<u>73,945</u>	<u>74,608</u>

NON-CURRENT LIABILITIES

Employee Entitlements - Long Service Leave	<u>62,650</u>	<u>62,777</u>
--	---------------	---------------

Note 5 Leasing Commitments

	2013	2012
	\$	\$
Operating Lease commitments		
Rental Sydney office *		
Payable - minimum lease payments		
— not later than 12 months	85,329	56,265
— between 12 months and 5 years	106,135	168,795
	<u>191,464</u>	<u>225,060</u>
Rental Wollongong office **		
Payable - minimum lease payments		
— not later than 12 months	9,903	6,744
— between 12 months and 5 years	11,561	20,202
	<u>21,465</u>	<u>26,946</u>
Rental Newcastle office ***		
Payable - minimum rental payments		
— not later than 12 months	8,019	8,019
— between 12 months and 5 years	-	-
	<u>8,019</u>	<u>8,019</u>

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
ABN: 11 216 371 524
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

* Sydney: The previous property lease expired. The re-negotiated lease term is three years, commenced on 28 September. The agreed rent is \$85,329.20 per annum. Rent is payable monthly in advance. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by the Consumer Price Index. The amount disclosed are GST exclusive. Security Deposit paid \$20,625.00. There is an option to extend the lease term for additional 2 years.

** Wollongong: Under the current property lease, rent is payable monthly in advance. Lease term is three years. Lease commenced on 13 August 2012 with first two months rent-free. Agreed rent is \$7,833.72 plus \$1,688.45 for operational expenses, totalling \$9,522 per annum. Contingent rental provisions within the lease agreement require that the minimum lease payments shall be increased by 4% per annum. The amount disclosed are GST exclusive.

*** Newcastle: The new property rental agreement commenced in June 2011. Agreed rent is \$8,018 per annum. Rent is payable monthly in advance. The amount disclosed are GST exclusive. IDRS was persuading the landlord to move forward with the formal lease.

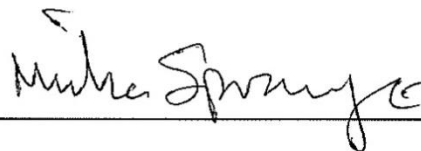
INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED
ABN: 11 216 371 524
ANNUAL STATEMENTS GIVE TRUE AND FAIR VIEW OF FINANCIAL POSITION AND
PERFORMANCE OF INCORPORATED ASSOCIATION

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

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

1. Presents a true and fair view of the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2013 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Intellectual Disability Rights Service Incorporated will be able to pay its debts as and when they fall due.

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

Board Member 

Board Member 

Dated this 14/11/2013.

Cooper & Collins (Central Coast) Pty Ltd

Chartered Accountants
ABN 81 131 658 323
40 The Avenue
Mt Penang Parklands
KARIONG NSW 2250



Postal Address PO Box 7134 KARIONG NSW 2250
Telephone 02 4340 0865
Facsimile 02 4340 0365
Email gordon@fourcs.net.au
richard@fourcs.net.au

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED ABN 11 216 371 524

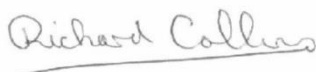
AUDIT REPORT TO THE MEMBERS INDEPENDENCE DECLARATION

Cooper & Collins (Central Coast) Pty Ltd makes the following declaration pertaining to our audit of the financial report of Intellectual Disability Rights Service Incorporated for the year ended 30 June 2013:

That to the best of our knowledge there have been no contraventions of:

- APES 110 Code of Ethics for Professional Accountants

Cooper & Collins (Central Coast) Pty Ltd
Richard K Collins



Signed at 40 The Avenue, Mount Penang Parklands Kariong NSW 2250
Dated 18th day of November 2013

Cooper & Collins (Central Coast) Pty Ltd

Chartered Accountants
ABN 81 131 658 323
40 The Avenue
Mt Penang Parklands
KARIONG NSW 2250



Postal Address PO Box 7134 KARIONG NSW 2250
Telephone 02 4340 0865
Facsimile 02 4340 0365
Email gordon@fourcs.net.au
richard@fourcs.net.au

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED ABN 11 216 371 524 INDEPENDANT AUDITOR'S REPORT FOR THE YEAR ENDED 30TH JUNE 2013

To: The Members

We have audited the accompanying financial report, being a special purpose financial report, of Intellectual Disability Rights Service Incorporated, which comprises the Balance Sheet as at 30th June 2013, Income and Expenditure statement, Changes in Equity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the officers' assertion statement.

Officers' Responsibility for the Financial Report

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

Auditor's Responsibility

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

An audit involves performing procedures to obtain audit evidence about the disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of risk 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 and fair presentation of the financial report on 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 officer's, 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 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 2013, and its financial performance and its cash flows for the year then ended in accordance with the financial reporting requirement on the Associations Incorporation Act (NSW) 2009 and Associations Incorporation Regulations 2010.

Basis of Accounting

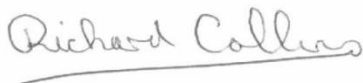
Without modifying our opinion, we draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist Intellectual Disability Rights Service Incorporated to meet the requirements of the Associations Incorporation Act (NSW) 2009,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

Cooper & Collins (Central Coast) Pty Ltd

Chartered Accountants

Richard K Collins

Registered Company Auditor 2792



Signed at: 40 The Avenue, Mount Penang Parklands, Kariong, NSW, 2250

Dated: 18th November, 2013

Attachment B

Auditor's Certification (from Schedule 5 of Current Agreement)

Name of Organisation: Intellectual Disability Rights Service

Financial Year Period:1. / ...07... / ...2012..... to ..30.... / ...06... / ...2013.....

I hereby certify that:

- (a) I am not a principal, member, shareholder, officer, employee or accountant of the Organisation or of a related body corporate as defined in section 9 of the Corporations Act 2001;
- (b) In my opinion, the attached financial statements which comprise a Statement of Financial Position, a Statement of Comprehensive Income (previously known as a Statement of Financial Performance), and Notes to the Financial Statements of the above-mentioned Organisation ('the Organisation'), and, if general purpose reports are provided, a Statement of Cash Flows, for the stated Financial Year Period are:
 - i. based on proper accounts and present true and fair view of the Organisation's financial position and financial performance in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia, and
 - ii. in accordance with the terms and conditions of the Agreement **between Legal Aid NSW and Intellectual Disability Rights Service**, a copy of which has been made available to me, in relation to the provision of community legal services.
- (c) The fourth quarter CLSIS Funds Report, containing details of the Organisations transactions for the financial year, including audit adjustments, and the Organisation's grant position at the beginning and end of the financial year is provided in respect of funds provided in accordance with the Terms and Conditions of the Agreement referred to in b.ii above for all Funding Categories.

This is a ~~qualified~~/unqualified audit report **[Deleted whichever is not applicable]. If the report is a qualified report, the qualified audit report must be attached.**

Unless written under separate cover, I hereby further certify that, in my opinion, there is no conflict of interest between myself and the Organisation or its Management Committee.

AUDITOR DETAILS

Full Name:

RICHARD KERRY COLLINS

Name of Company (if applicable):

COOPER & COLLINS (AUSTRALIA) PTY LTD

ACN or ABN Number:

81 131 658 323

Registered Auditor:

If Yes:

☒ Yes

☐ No

Registration No.: 2792

Signature:

R Collins

Date:

11 / 11 / 2013



Intellectual Disability Rights Service Inc.
ABN 11 216 371 524

PO Box 3347
Redfern NSW 2016

Suite 2C, 199 Regent Street
Redfern NSW 2016

T +61 2 9318 0144

F +61 2 9318 2887

E info@idrs.org.au

W www.idrs.org.au



facebook.com/IntellectualDisabilityRightsService



[@IDRS_NSW](https://twitter.com/IDRS_NSW)



