



annual report  
2011 - 2012

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



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## A Word from the Chair

This year has been an eventful one at IDRS.

During last year the board agreed that we should commence a process of review of our vision, mission and long term direction. This



year we commenced that process. We undertook a weekend workshop guided by an external facilitator. A large majority of staff and the board attended, giving an excellent opportunity for us all to hear each other's views on many topics. It was probably the first time the board and staff have worked together with benefits and insights to both teams. We look forward to finalising our Strategic Directions paper which will form the basis of our organisational goals throughout the next three years.

As the National Disability Insurance Scheme comes into being we can see the possibility of significant changes in the way in which we will deliver our services. It will be especially important for those with intellectual disability to be able to continue to receive support, advice and advocacy as the State moves towards person centred services. It is our challenge in the coming years to respond to those changes to make sure that we can continue to serve our community and build our range of services. So our review comes at a most fitting time.

Dr Margaret Spencer who heads our Care and Protection Project has prepared a paper and a DVD 'We Are Family' to be presented at the IASSID World Congress in Halifax, Canada in July this year. The Board had a preview of this DVD at a recent Board meeting and would like to congratulate Margaret on a great resource. I am sure it will have great impact at the Conference where it will be launched.

One of the most effective pieces of legislation for offenders with intellectual disability is Section 32 of the Mental Health (Forensic Provisions) Act 1990 (NSW). It enables Magistrates to use their discretion to divert offenders with a intellectual disability from the conventional corrective mechanisms. To ensure its fuller up take around the State, IDRS published a 'Guide to Section 32 Applications for People with Intellectual Disability' for solicitors in October 2011 and a web version of the Guide which will be available in July 2012. I'd like to specially congratulate Karen Wells and Mitch Fraser on the extensive training they have provided on Section 32 throughout the State during 2011-2012. The feedback from the legal fraternity on this work has been excellent.



As always, IDRS attempts to balance the work we do to support individual people with intellectual disability to achieve their rights with the broader issues of systemic advocacy, where we can bring about change that will make lives better for people right across the intellectual disability community. We cannot be credible in one area without the experience that the other area gives us. This is one of the reasons why it is important for more people to be aware of our work.

For me as Chair I want to make some special thanks. To Janene Cootes our Executive Officer who guides and manages our activities; to our hundreds of volunteers around New South Wales who provide support at all hours of the day and night to people in police stations, courts and prisons; and to our Principal Solicitor, Margot Morris and the Manager of our CJSN program, Alex Faraguna. Finally, to the rest of the Board to whom I am indebted for their energy, insights and support.

Mike Sprange

## Executive Officer's reflections

This year has been a busy and productive one at IDRS reflected here in our annual report for 2011-12.

IDRS legal team continues to provide strong legal advocacy in a wide range of legal matters for people with intellectual disability. More people with intellectual disability are participating in Rights Leadership Training. The Criminal Justice Support Network has expanded its volunteer pool into more regional areas with enthusiastic uptake of its services. We have produced resources for solicitors to assist them to seek diversion from the criminal justice system for clients with intellectual disability and supported these with training for solicitors and disability workers throughout NSW. Our Parents Project has lifted the profile of parents with intellectual disability and the disadvantage and injustice they experience in care and protection proceedings.

In preparation for the review of IDRS' strategic directions which has commenced this year, we sought feedback from stakeholders including clients, government and non-government partners in disability and justice sectors. The feedback provided lots of ideas and food for thought about future directions and challenges for IDRS. However, the message was also loud, clear and consistent that clients and other

stakeholder greatly value the work of IDRS and especially the way we do what we do.

I would like particularly like to acknowledge the small, hardworking team of administrative staff who so effectively support the work of IDRS in the Sydney office and regional offices of CJSN.

The Board, staff and volunteers of IDRS and all its programs can be truly proud of their achievements in 2011-12. I would like to thank the Board members for their support and expert guidance throughout the year; the staff for their skillful, energetic and persistent advocacy on behalf of people with intellectual disability and the many dedicated volunteers who deliver the assistance of IDRS to so many people we would otherwise be unable to reach.

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 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 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 a network of volunteer solicitors.
- Legal representation (or long term advocacy) for people with intellectual disability in some cases.

The IDRS generalist legal team comprises a Principal Solicitor (Margot Morris) and two full-time solicitors (Tim Chate and Ali Craig). Marissa Sandler is the part-time solicitor involved in our Parents Project while Karen Wells is the part-time solicitor with the Criminal Justice Intellectual Disability Service Improvement Project.

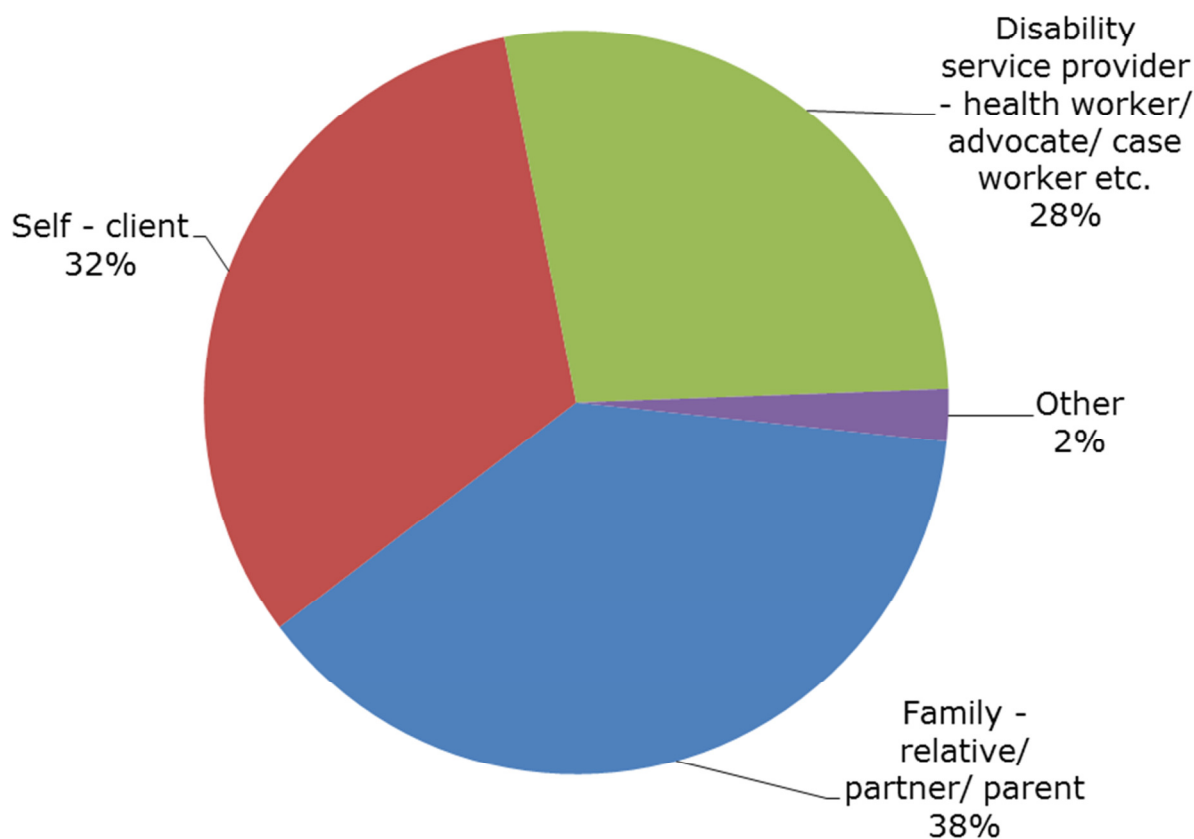
The legal work of IDRS was enhanced by the contributions of volunteer solicitors Charles Shields (October – November 2011) and Lachlan Crombie (from March 2012). The significant efforts of practical legal training placement student Liam Sheen (March – June 2012) were greatly appreciated by clients and staff. Journalism graduate and current law student Emily Shipp has provided valuable support to the legal team one day a week since January 2012.

## Legal advice (short term advocacy)

IDRS provides legal advice to people with intellectual disability throughout New South Wales 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 32% of requests for legal advice 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. 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



In 2011-12 legal advice was provided to 438 clients in 576 advice sessions.

Legal advice is provided 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 immediately. 27% of requests for non-urgent legal advice in 2011-12 were met within 24 hours. Legal advice is available after business hours and at weekends for people with intellectual disability who are in police custody.

Many legal advice requests require 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 issues that lead people with intellectual disability or their helpers to seek legal assistance are:

- fines
- problems with debt
- consumer issues
- wanting to get rid of a financial management order
- finding out what to do as a victim of crime
- questions around estates and wills
- being harassed by neighbours
- being injured
- having to go to court
- losing a job
- being treated unfairly
- being financially or emotionally abused
- being stopped from having a relationship
- being harassed by the police
- needing to complain about service or problems with schools

## After hours advice

Volunteer lawyers give generously of their time and expertise to be 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. Legal advice has been provided after hours on 49 occasions this year. The lawyer works in conjunction with a CJSN support person who is at the police station with the client or with the CJSN after-hours on-call staff. This combination of support and legal advice can have a significantly positive effect on the outcomes for the person who has been arrested.

*"Providing legal advice in these situations is satisfying and a privilege because it often becomes apparent that without the advice of a volunteer solicitor, the assistance of a support person from CJSN and the co-operation of the police, clients with intellectual disability who have been arrested may not be in a position to assert their rights".*

**CJSN Volunteer Solicitor**

## Legal casework

(longer term legal advocacy)

During 2011-12, IDRS worked on 100 long-term legal advocacy cases.

The average time that cases were open was 15 months.

Factors considered in deciding which cases have priority 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 may present 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 include:

- 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



## Cases

### **Alternatives to an AVO when disability affects understanding and ability to comply**

Juan is a young man with intellectual disability, autism and severe hearing loss. He did not have a caseworker or an advocate. He had made persistent, unwanted contact with a young woman by phone and sometimes going to her home. The police took out a provisional Apprehended Violence Order (AVO) on behalf of the woman. However, Juan kept calling and sending text messages and was arrested for breaching the provisional AVO.

IDRS helped arrange for Juan to get an updated cognitive and adaptive functioning assessment and a case manager to assist him to explore social groups, living skills programs and suitable employment options.

IDRS represented Juan in opposing the making of a final AVO, and negotiated with police. A final AVO order could have had serious consequences for Juan. Juan's assessments indicated that it was doubtful that he would have understood the AVO and that his disability would impact on his ability to comply with the terms of an AVO. Further breaches of an AVO were likely to lead to criminal charges. IDRS argued that practical steps such as involving Juan in activities, behavioural intervention and steps by the woman to change her phone number were much more likely to be effective in protecting her from harassment than an AVO.

After initial strong resistance by the police, it was eventually agreed that the application for an AVO would be withdrawn.

## **Intervention on an inevitable path to prison**

Michael is a teenager with intellectual disability and mental health problems. He has a history of abuse and trauma as a child. Michael lived in a group home with others who also had complex needs and challenging behaviour. There were frequent incidents in the home resulting in the police being called. CJSN had supported Michael on many occasions in court and at the police station. Michael had a long history of Apprehended Domestic Violence Orders (ADVOs), breaches of the ADVOs and assault charges.

The IDRS legal team took on Michael's case as the courts were getting increasingly frustrated with his many charges. Magistrates had indicated that they were no longer willing to consider dealing with his charges under section 32 of the Mental Health (Forensic Procedures) Act, which provides for diversion from the usual criminal justice process to a program of support and/or treatment. There was a high risk that if convicted and given a bond, Michael would breach that bond. It seemed almost inevitable that he was on the pathway to imprisonment. Michael had had several changes of Legal Aid solicitor representing him on his current charges and the information gathered to support a further section 32 application was relatively weak when IDRS took over his case.

IDRS was able to pursue several additional paths to support the case for a section 32 order and successful intervention for Michael. These included:

- Organising a psychiatric assessment to assess the impact of Michael's mental health problems
- Organising a psychological assessment of Michael's current cognitive functioning which demonstrated in particular, the strong link between his disability and offending
- Liaising with ADHC to provide a thorough court report and treatment plan which included behaviour intervention, mentoring, staff training on complex needs and engaging Michael in some meaningful daytime activities

IDRS asked the psychologist and psychiatrist to specifically consider Michael's fitness to plead. This is an important question because in the Local Courts if a person is unfit to plead then the court process is deemed to be fundamentally unfair and there must be a stay on proceedings. This issue appeared to have been overlooked by the courts and previous legal representatives. All the assessments indicated that Michael had a very limited understanding of the court process and was not able to give instructions such that he could be fit to plead.

It was clear that Michael's placement and incompatibility with house mates was a significant factor in his behaviour. IDRS advocated for alternative and more appropriate accommodation to be found. Eventually, Michael was moved to another property with 1:1 staffing support.

IDRS made submissions to the court that due to the significant changes in Michael's support plan, in particular that he was now receiving an appropriate level of care, it was better that he be dealt with under section 32. IDRS also made submissions that the ADVO was inappropriate as Michael did not have sufficient understanding of the order.

Ultimately, Michael's charges were dismissed under section 32 and the ADVO was withdrawn by the police. He is very happy with his new accommodation and appears to be doing well.

## **Redressing a Consumer Rip-off**

Our client was approached in a suburban shopping centre and told that he had won a free photo shoot. An appointment was made but our client later decided he did not need photos of himself so he rang to cancel the appointment. He was then told there would be a \$90 cancellation fee. He could not afford this, so he attended the photo shoot. While there, he was pressured into buying nearly \$5,000 worth of photos that he did not want. IDRS advised him about various ways to sort out the matter. He asked us to help him negotiate with the photo studio to get his money back. The photo studio agreed to pay back a lot of the money our client had already paid, and to wipe his remaining debt.

## Education and Training

Education and training is a vital part of the work of IDRS.

IDRS education and training aims to:

- Empower people with intellectual disability by providing training and information about their rights and responsibilities, how to stand up for their rights and how to get help when needed
- Train others 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

Our Educators this year were Pan Pemberton and Glenys Gaddie (part-time working with CJSN). Other IDRS staff work with the Educators in developing and presenting training sessions.

Most IDRS training sessions include a Co-educator who has intellectual disability. Our Co-educators, employed as casual staff, this year were Robert Strike, John Vesely and Michael Fisher. Frances Cetinich has also assisted in training CJSN volunteers and at conference presentations. Between them the Co-educators provided 117 hours of training during the year.

## Rights education for people with intellectual disability

IDRS rights education for people with intellectual disability is provided through our Rights Leadership Courses.

These courses also serve to keep IDRS in touch with the experience of people with intellectual disability and the rights challenges they face in their lives.

The Rights Leadership Courses involve 6 group sessions for 6 – 10 participants. Each session runs for 2 hours. A refresher/reunion session takes place 6 weeks after the training is completed.

Participants learn about rights and responsibilities including: their rights as disability service users, consumer rights, rights in employment, rights in housing, interpersonal rights and responsibilities, what to do if they get arrested or if they are a victim of crime. Participants also practice standing up for themselves and learn what to do if a legal or rights problem arises. There is no cost for this training.

87 people with intellectual disability participated in the 10 Rights Leadership Courses completed during 2011-12. IDRS relies on co-operation from disability organisations to host the courses and facilitate IDRS contact with the people who use their services. This year courses were held at Disability Services Australia sites at Redfern and Bankstown, Job Centre Australia at Wyong (2 courses), Randwick TAFE, House with No Steps, Lambton; Breakthru Employment, Gosford; Australian Foundation for the Disabled at Merrylands and Mid-Western Recycling in Mudgee.

## Summary of Education and Training in 2011-12

| Training  | Training Sessions  | Total Participants |
|---|--------------------|--------------------|
| Rights Leadership Courses   | 46<br>(10 courses) | 87                 |
| Other   | 1                  | 80                 |
| Carers/Families   | 5                  | 120                |
| Disability Service staff  |                    |                    |
| <i>Please see also Criminal Law and Intellectual Disability Service Improvement Project</i> | 6                  | 78                 |
| Police Training   |                    |                    |
| Custody Managers  | 11                 | 223                |
| Domestic Violence Liaison Officers  | 2                  | 59                 |
| RailCorp station staff and guards   |                    |                    |
| Disability Awareness Training   | 37                 | 720                |
| Solicitors  |                    |                    |
| Homeless Persons Legal Centre   |                    |                    |
| <i>See also Criminal Law and Intellectual Disability Service Improvement Project</i>        | 20                 | 20                 |
| TOTAL   | 108                | 1387               |

Note – for volunteer training, please see CJSN report



## Police training

Training for police is a major priority for IDRS. The Criminal Justice Support Network Educator presents training for police undertaking Safe Custody courses at Hurstville and Goulburn. 223 police officers attended these training sessions in 2011-12. In addition, we commenced providing training to Domestic Violence Liaison Officers this year.

## RailCorp's disability awareness training

During 2011-12 RailCorp has undertaken a major project to provide disability awareness training to all its station and train staff. IDRS was delighted to be invited to assist with this training as many of our clients encounter difficulties, including incurring fines and charges, when travelling on trains. We believe this initiative by RailCorp was much needed and congratulate them for it.

The IDRS Educator supported our Co-educators to present their own stories and tips for better communication to the RailCorp staff. Feedback about the training has been very positive. In total 720 RailCorp staff attended the IDRS session of the disability awareness training. We hope this will have a positive impact on the experience of people with intellectual and other disabilities travelling on trains. This weekly training will continue until August 2012.

# **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 police stations, courts, correctional centres, 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.

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

Alex Faraguna is the manager of the CJSN program and CJSN has Regional Coordinators based in

- Sydney – Mitch Fraser, Joanne Karcz and Jillian McCarthy (all part-time)
- Newcastle – Kenn Clift
- Wollongong – Corinna Nolan
- Central Coast – Rory Brooks (part-time until February 2012)
- Outreach Coordinator - Jacqui Gunst is based in Sydney and coordinates volunteer support persons in our Outreach Service Areas including the Central Coast (from February 2012) the Mid-North Coast, the Riverina area and the Central West of NSW
- Glenys Gaddie was the Educator with the CJSN program during 2011-12
- Kathy Speers, Jacky Dodds and Deihan Paulson have provided administration support

## CJSN support numbers in each region

|                          | Court | Police | Legal<br>appointment | Indirect | Other | Total |
|--------------------------|-------|--------|----------------------|----------|-------|-------|
| Sydney                   | 392   | 61     | 26                   | 34       | 63    | 576   |
| Illawarra/<br>Shoalhaven | 191   | 14     | 54                   | 4        | 1     | 264   |
| Hunter                   | 219   | 19     | 12                   | 7        | 2     | 259   |
| Central Coast            | 12    | 5      | 5                    | 7        | 0     | 29    |
| Outreach                 | 99    | 15     | 1                    | 15       | 9     | 139   |
| Total                    | 913   | 114    | 98                   | 67       | 75    | 1267  |

## How many clients did CJSN support?

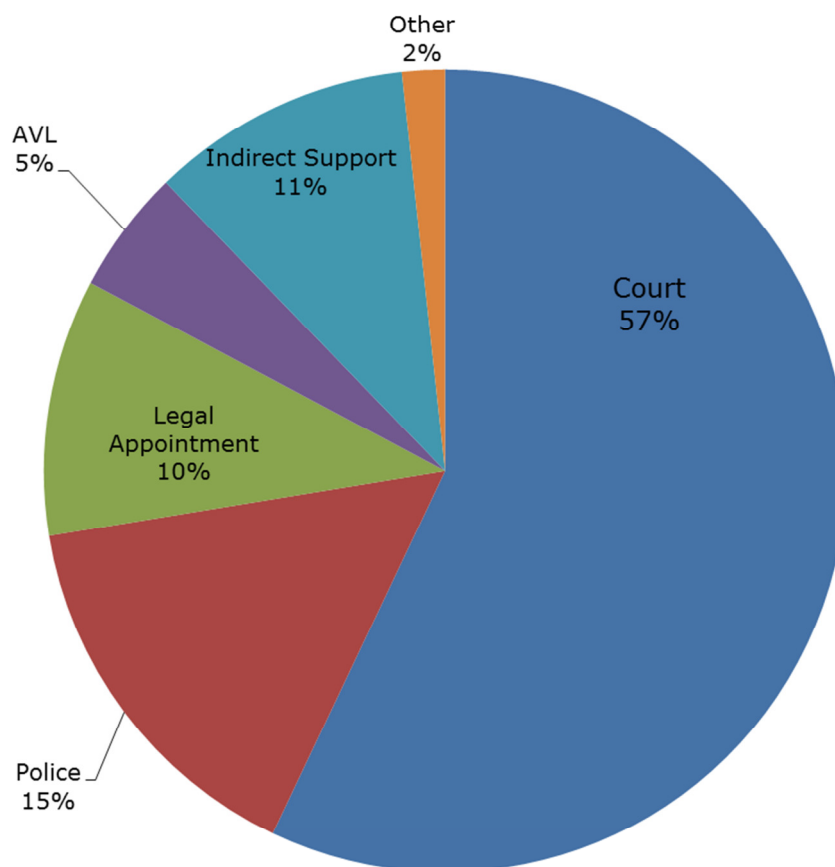
As expected due to the difference in size of the regions, Sydney supported the highest number of clients. Some clients received more than one type of support and some clients received support in more than one region.

| Region               | Number of clients supported |
|----------------------|-----------------------------|
| Sydney               | 186                         |
| Illawarra/Shoalhaven | 72                          |
| Hunter               | 95                          |
| Outreach             | 86                          |

## Types of support provided by CJSN

This pie chart demonstrates the percentage of clients receiving each type of support.

### Clients who received support



## If not for CJSN...

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

1. Our client did not arrive at court on the morning of his hearing so the CJSN volunteer support person phoned the client from court and encouraged him to attend. The support person let the Legal Aid solicitor know what was happening and then waited for several hours for the client to arrive. When he did, he had not eaten all day so the volunteer bought him lunch. After the lunch break, the duty solicitor who had not previously met the client, dealt very briefly with him and support person and did not discuss the matter with them at all. The client was granted an order under s32 Mental Health (Forensic Provisions) Act requiring him to adhere to certain conditions. The conditions had not been discussed with him and it wasn't until the support person and client attended the court registry, that the conditions were explained to him.

The client was adamant that he did not agree with the conditions and became angry and loud in the waiting room, at one stage being threatened with arrest. The support person managed to find another sympathetic Legal Aid solicitor who listened to the client's story and made a legal appointment. The volunteer agreed to support the client at the legal appointment where the matter was resolved.



2. During the Christmas period, a client needed police station support on four occasions. It became obvious there was conflict between the client's support services that was detrimental to positive client outcomes. The Regional Coordinator suggested a group conference of all the client's various service providers, the police and CJSN. This was arranged with a representative from all providers present and a great many issues were resolved. These meetings were held fortnightly for 6 weeks with good outcomes for the client in the short term and beyond.

### **Major Achievement**

Outreach expansion to new areas in the Riverina, Mid North Coast and Central West of NSW as well as beginning to establish volunteers in Goulburn. This will be coordinated by the Illawarra/Shoalhaven Regional Coordinator in response to demand.

## Volunteer support persons

This year, CJSN trained 38 police support volunteers and 34 court support volunteers across all regions. The Hunter office did not train any volunteers this year as there was already a good balance of client demand and volunteer availability. A large number of volunteers are people who have recently retired, with a high level of maturity and life experience. A smaller number are students of subjects such as law or social work, who are looking for practical experience to complement their studies. Some volunteers are attracted to the role as they have worked with people with intellectual disability during their working life or have a family member or friend with intellectual disability. CJSN could do very little of the support work we do without our valued group of dedicated volunteers and would like to express our sincere thanks for their hard work, flexibility and generosity of time and spirit.

*"It's always been extremely interesting and satisfying but sometimes nerve wracking, I have felt that I have done something 'good' for the intellectually disabled people who certainly needed community support".*

**CJSN court and police station support volunteer**

## 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. The number of police station supports provided after business hours has remained stable since last year.

*"your volunteer was sympathetic, knowledgeable and kind....for this we are very grateful".*

**Parent of a CJSN client**

|                                     | 2008-09 | 2009-10 | 2010-11 | 2011-12 |
|-------------------------------------|---------|---------|---------|---------|
| After hours police station supports | 38      | 42      | 58      | 54      |
| Total police station supports       | 65      | 93      | 102     | 114     |

## Police station supports

The number of supports provided at police stations is increasing slightly each year. However, it continues to be the case that most defendants supported by CJSN at court did not have a support person at the police station.

Slightly fewer face to face supports were provided after hours this year. However, more indirect supports were recorded, particularly in the new Outreach Service Areas. When these areas were being established, demand for police station supports began before volunteers had been established in the area, so some supports were done indirectly.

## Advocating for victims of sexual assault

During 2011-12 CJSN has been particularly concerned about the difficulty that people with intellectual disability who are victims of alleged sexual assault have in getting their cases to court. CJSN has advocated strongly on behalf of a number of people to follow up with police where there has been no action taken.

## Regional offices

The Hunter and Illawarra/Shoalhaven Regional Coordinators have been in their positions for several years and have the benefit of being able to get to know their local networks, including court staff and disability services, well. The two regions' supports remain at about 50% of that of Sydney, given the smaller populations and numbers of courts.

## Central Coast

CJSN is no longer able to maintain the part-time Regional Coordinator position located on the Central Coast. This position was originally set up with a small grant from the Law and Justice Foundation. From February 2012, the Central Coast area has been coordinated from Sydney by the Outreach Coordinator. The Outreach Coordinator is rebuilding the pool of volunteers available to provide support on the Central Coast.

*"I meet people who have inevitably lived lives very different to my own. Yet there is often genuine communication, openness and appreciation...the roles one plays as a court or police station volunteer are diverse. Sometimes we listen, explain or advocate. In other instances we make sure things happen, get people to the right place or the right person and there are days when it is just about being there. Many of the clients, families, friends and lawyers provide a real example of loyalty and resilience... I learn a great deal, broadening my understanding of what it is to be human and just sometimes I make a real difference".*

**CJSN court and police station support volunteer**

## Outreach booming

### An update on last year's Outreach special report

The exciting time for CJSN Outreach that began last year continues to build. Since the current Outreach Coordinator came on board, we have developed three new 'outreach service areas' in NSW and the Central Coast CJSN region has been incorporated into Outreach. Outreach service areas are those where there is not a CJSN office but a pool of volunteers, managed from Sydney, to provide client supports. The Outreach Coordinator visits each area 2-3 times per year.

As well as the work done by the Outreach Coordinator, the Illawarra/Shoalhaven Regional Coordinator has responded to demand in Goulburn and is currently recruiting a pool of volunteer support persons in that town. This area will be managed from Wollongong. Goulburn is a town with several disability service providers as well as a correctional centre and there are many clients there who will benefit from CJSN's services.

The message has spread to other regions of NSW and the Outreach Coordinator has fielded various requests from disability service providers for the establishment of CJSN services in their area. Unfortunately, due to CJSN's limited funding, we are unable at present to expand our volunteer pool further to be able to provide face to face support in every part of NSW. As an alternative, Cops and Courts training has been offered, to build the skills of disability workers to assist their own clients when possible.

## Outreach supports by region

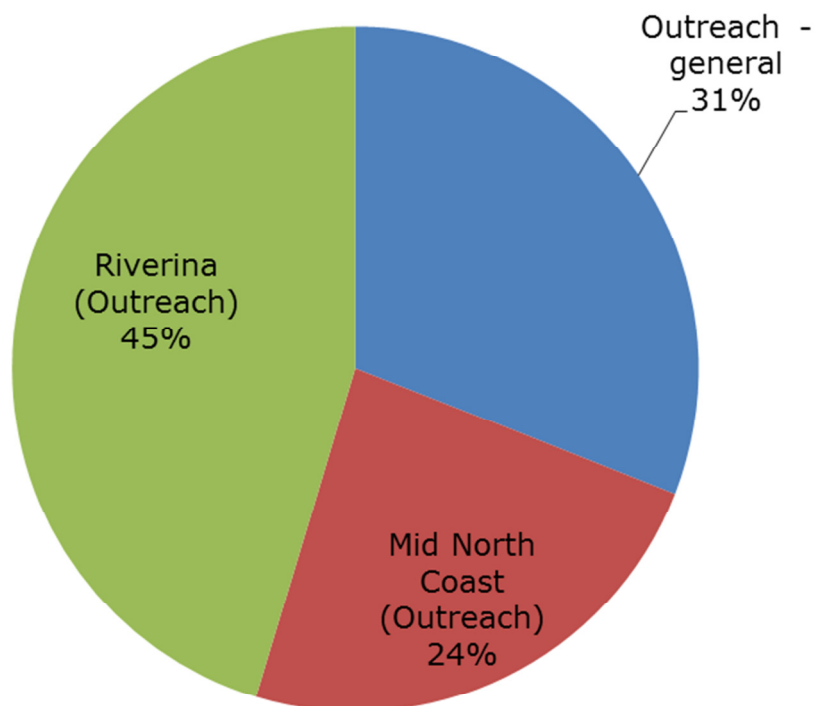
demonstrating the number of supports in each Outreach Service Area.

The Riverina area has been particularly busy with many referrals coming from Juvenile Justice staff. The Outreach Coordinator continues to assist people in areas of NSW where CJSN does not have volunteer support persons, by helping other disability workers to assist their clients with their legal and support needs.

|                  | Court | Police | Legal Appointment | Indirect | Other | Total |
|------------------|-------|--------|-------------------|----------|-------|-------|
| Mid North Coast  | 28    | 4      | 0                 | 1        | 0     | 33    |
| Riverina         | 44    | 5      | 1                 | 4        | 9     | 63    |
| Outreach - other | 27    | 6      | 0                 | 10       | 0     | 43    |
| Total            | 99    | 15     | 1                 | 15       | 9     | 139   |



## Outreach Supports



### Special thanks

- *All CJSN volunteers, for their ongoing support of clients*
- *Volunteer solicitors, for their ongoing commitment to assisting CJSN outside of office hours*

## 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 they are known to child protection authorities or involved in care proceedings in the NSW Children's Court.

The Project is funded by the Public Purpose Fund of the Law Society of NSW through the 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 involved with Family and Community Services (FACS) and/or care proceedings in the NSW Children's Court
- 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 team

- Margaret Spencer – Coordinator
- Marissa Sandler – Solicitor

## Parents with intellectual disability

The group of adults with intellectual disability who choose to parent are largely those who benefit from inclusive practices around disability. They have attended mainstream schooling, live in the community and have access to employment opportunities. They have grown up believing that they can have a normal life. Then they become parents and society says this part of normality is off limits.

This is despite the fact that there is now a substantive body of research that demonstrates that IQ is a poor predictor of parenting capacity and that with preparation and good support, many adults with intellectual disability can and do parent well and that the outcomes for children raised by parents with intellectual disability are no different from their peers in the same socio-economic group.

Moreover the UN Convention on the Rights of Persons with Disabilities enshrines (Article 23) the right of people with disabilities to create and maintain families.

Community attitudes are slow to be moved by research or our obligations under international laws. Too many people still believe that parents with intellectual disability should not and cannot raise their children.

Against this pessimism, it is not surprising that the 1% of families where a parent has intellectual disability represents 10% of care matters before the NSW Children's Court. In cases involving a parent with intellectual disability the likelihood of the family remaining intact is poor.

Care proceedings are stressful for all parents but for parents with intellectual disability the stress is made worse by the nature of the process. For example, the care jurisdiction is a paper driven jurisdiction requiring parents to read voluminous documents. Lawyers representing parents with intellectual disability do not have the time to go through papers at the pace required nor do they have the time necessary to prepare lengthy affidavits or investigate alternative supports for parents.

## Advice and casework

The Project offers a free advice and casework service. Advice and casework takes two forms - legal and non-legal. The table below outlines the number of legal and non-legal cases dealt with by the Project in 2011-2012.

|                   |    |  |
|-------------------|----|--|
| Legal advice      | 25 |  |
| Legal cases       | 28 | <div>24 minor cases<br/>( &lt; 20 hours)</div> <div>4 cases involving<br/>legal representation</div> |
| Non-legal advices | 24 |  |
| Non-legal cases   | 32 |  |

## Legal advice and casework

The Project provides legal advice to parents with intellectual disability and those who support them, for example a worker, friend or family member. The issues covered in advices are varied, for example, parents seeking advice about signing undertakings given to them by Family and Community Services. Most matters require legal casework in the form of advocacy and negotiation.

The Project can only provide legal representation in a small number of cases each year. The Project provides legal representation in cases where the parent's intellectual disability appears the primary concern prompting the Care Application (see Peter's Story).

## Peter's Story

Peter's disability advocate contacted IDRS when Peter's baby was removed soon after birth. This was Peter and his partner, Sue's, first child. Peter and Sue had been happily together some years. This was a planned pregnancy and they were prepared for the birth of their baby.

Peter's birth family was known to Family and Community Services (FACS). Peter and Sue were interviewed by FACS workers soon after the birth and told they were not to stay at Peter's family home.

Like all proud parents, after discharge from hospital, Peter and Sue took their baby to visit Peter's family. They assumed visiting was different from residing. FACS viewed this as a breach of their instructions. FACS called the parents to a meeting at Community Services and this meeting did not go well. The baby was taken into care and care proceedings commenced. FACS argued that Peter was not able to be protective of his child due to his intellectual disability.

The Project's solicitor argued that FACS's claims about Peter's intellectual disability were presumptive and pushed for FACS to produce evidence to support their claim. The solicitor spent a significant amount of time going through the court documents with Peter and preparing his affidavits. The time spent doing this was well beyond the time allocated to this task by Legal Aid funding. The client was highly anxious and called every day. The solicitor worked closely with his advocate, providing him with advice and information so he could effectively support Peter to engage with the court process and attend FACS meetings in a way that would not be detrimental to his case.

After 11 months Final Orders were made in Peter and Sue's favour and their baby was returned home.

## **Non-Legal Advice and Casework**

Parents with intellectual disability seek advice about a range of problems arising from having their children removed, for example going to court, losing housing, debts and relationship problems. Lawyers and workers routinely request information on a number of issues including accessing support services and advice on parenting capacity assessments.

In a limited number of cases, the Project provides casework support for clients at imminent risk of having their children assumed into care. The project also provides court support to clients who need help to instruct their solicitor, and/or negotiate with Community Services.

In addition, the Project provides case consultation and ongoing support to a parent's established support network. Where a client does not have an existing support network the Project will refer parents, where possible, to individual advocacy programs. Workers or family members can phone or email the Project for advice, problem solving or to access information.



## Snapshot of parents supported by the Project who were involved in Care Applications/Orders

In June 2012 we analysed data relating to parents seeking advice or support for matters before the NSW Children's Court. The data covers the period 2010 -2012. Following is a snapshot of the findings. These findings highlight the vulnerability of this group, particularly that of mothers with intellectual disability.

Over this period the Project was involved in 61 matters involving 54 parents. Seven parents had had more than one matter before the court during this time period. In these seven matters the mothers became pregnant during or just after completion of care proceedings. Post birth, these babies were also assumed into care and care proceedings commenced involving the new child.

The project predominately provided advice and support to mothers (89%). The average age of the parent was 31.5 years - so they were not young parents. 66% of the parents were in a relationship. There was an even split between those whose partner had or did not have intellectual disability.

In the majority of matters, 54%, the parents never got to bring their babies home from hospital; 16% had their babies removed before their first birthday, and a further 13% had their children removed before the age of 5 years.

It is important to note that in no situation was it just that the parent had intellectual disability. All had confounding problems exacerbating their capacity to parent; such as poverty, insecure or unsafe housing

being the primary factors followed by relationship issues (73%). Of particular concern is the number of mothers who reported personal histories of sexual abuse and/or who were living in exploitative and violent relationships.

Post removal of their children, all parents experienced a downward social spiral and emotional distress. For example, 28% of parents became homeless and 16% of parents experienced mental health issues (suicidal and self-harming episodes) serious enough to require hospital admission.

Also significant was that 32% of mothers were pregnant within 2 years of having had children removed. For the vast majority of these mothers, being pregnant so soon after having children removed was not something they had planned. For these mothers, life post child removal was chaotic and precarious. While most of these mothers acknowledge the need for contraception they did not have wherewithal to action this without support. For a few mothers in exploitative relationships, contraception was just another area of their lives controlled by their partners.

All the mothers who recontacted the Project on finding out they were pregnant again were ambivalent about the pregnancy and concerned and distressed by the possibility of having another baby removed at birth. As one mother said, "I just can't do this again, I just can't watch DOCS take another one of my babies...but what can I do now ...I don't believe in abortion ...and he (partner) is totally against ...but I don't think I will survive having another baby taken from my arms at birth."

## Making a difference

Individual advocacy and casework have made the biggest difference when provided to families who had come to the attention of FACS but where legal proceedings had not commenced. (see Lindy's Story)

### **Lindy's story**

Lindy was referred to the Project by Gayle, her disability support worker when she was 28 weeks pregnant. Lindy's pregnancy was suspected to be a result of an alleged sexual assault. Lindy's local doctor referred her to the antenatal clinic at the local hospital and recommended that the social worker talk to Lindy about adoption. It was the doctor's opinion that Lindy would not be able to care for a child because of her disability. Gayle had never had a client who was pregnant and admitted to feeling "out of her depth".

Gayle was aware the hospital had made a report to FACS based on their communication with Lindy's doctor. She was also aware the hospital wanted to submit a Guardianship Application on behalf of Lindy as they questioned whether, because of her disability, she may not be able to give medical consent. Gayle called IDRS because she was concerned about Lindy knowing her rights. Gayle said that Lindy had made big gains in developing her independent living skills and felt Lindy may well be able to care for her baby with the right support.

The Project's Coordinator met with Gayle and Lindy. She explained to Lindy her rights and explored what support she may need to care for her baby. The Coordinator, Lindy and Gayle then met with the hospital staff, Lindy's disability team, the funding body responsible for Lindy's support package and FACS. The Coordinator spoke to them about Lindy's rights and helped the group to think about what supports/adjustments may benefit Lindy as she embarked on her role as a mother.

Following these meetings Gayle wrote to the Project

*Words cannot express my gratitude for the support you have offered to [Lindy] and [our] Team. I feel issues have settled. I feel [Lindy] coped very well with the meeting and has remained positive since.*

*Lindy's situation has taken me down a path that I had never considered and taught me to seek support.*

*A huge learning curve.*

*Again THANK YOU*

Lindy gave birth to a healthy baby girl, supports are in place and there are no child protection concerns.

The Project received positive feedback from parents with intellectual disability about the difference that having support during the proceedings made, particularly when attending meetings with FACS. As one parent stated, "It was so different going to meetings with (a support person) ...she didn't bully us...talk down to us...put words in our mouths".

While referrals from FACS have been limited, caseworkers who did refer to the Project also provided positive feedback about the difference having a support worker made. As one caseworker wrote: "thanks for your contribution to the meeting yesterday ...the conversation was very productive ...I have little experience in disability and found it helpful to observe how you broke things down and how you drew (parent) out ...we haven't seen that side of her before."

In the past 12 months, more lawyers have also called upon the assistance of the Project to sit in on meetings to assist clients to understand their options and give instructions.

## Building capacity

The Parents Project is committed to raising awareness and up-skilling both the legal and disability sectors to understand and support parents with intellectual disability.

### **Presentations**

In 2011-2012 the Project presented at the following:

- August 2011 - Community Legal Centres Quarterlies
- November 2011 Community Legal Centres Quarterlies
- November 2011: In-service training to Family and Community Services staff (Auburn)
- February 2012: Section 16 Conference (NSW Children's Magistrates/Registrars)
- May 2012: NSW Community Legal Centres Conference
- May 2012: 4th National Disability Advocacy Network Conference

## **Training for advocates**

The Project also designed a one-day training workshop for disability advocates. The 'When DOCS Knocks' workshop explains the relevant sections of the NSW Child and Young Persons (Care and Protection) Act 1998 and takes advocates through all aspects of child protection proceedings from when an initial report is made to final orders, appeal process and adoption applications. As well as explaining the law, the workshop also provides step by step advice to advocates about how to advise and support a client at each step of the way. This workshop was conducted in three locations in 2012 – Redfern, Campbelltown and Wagga Wagga. The workshops attracted 60 participants in total and were very positively received.

## **Fostering interest and expertise in the area of Care and Protection within Community Legal Centres**

In 2011-2012 Marissa Sandler became the convenor of the NSW Community Legal Centres Care and Protection Working Group.

## **Making Sense Website**

### **funded by the Law and Justice Foundation**

In November 2011 the project commenced work on the development of a website for lawyers, magistrates, child protection workers and advocates working in care and protection matters involving parents with intellectual disability. Bronwen Elliot from Good Praxis Consulting was contracted to source and prepare materials.

The project is grateful for the support and guidance of its reference committee: Professor Gwynnyth Llewellyn, Director of the Centre for Disability Policy and Research, University of Sydney; Nicola Callander, Senior Children's Court Registrar; Mark Allerton, Director of the NSW Children's Court Clinic; Dr Karen O'Connell, Law Faculty, UTS Postgraduate Research Fellow; Angela Jones, Senior Solicitor, Legal Aid NSW; Magistrate Jaye Carney, NSW Children's Court. The website will be launched in early 2013.



## Promoting the voice of parents

The most powerful educative tool is the voice and experiences of the parents we serve. In May 2012 the Coordinator presented with Ms Charole Chahine at the 4th National Disability Advocacy Network Conference. They also gave a lecture to occupational therapy students at the Faculty of Health Science at University of Sydney.

In April 2012 the Coordinator facilitated an inclusive research project with three families headed by parents with intellectual disability. The group reflected on Article 23 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and on what parenthood and being a family means to them. They recorded their reflections on DVD. The Parents Project thanks Peter Crane of Bon Production ([www.bonproduction.com.au](http://www.bonproduction.com.au)) for filming and producing this DVD in a pro bono capacity. The DVD 'We Are Family' will be launched at the World Congress of the International Association for the Scientific Study of Intellectual Disabilities in July 2012. The families have given permission for the DVD to be used as an educational resource. This will be available on the IDRS website.

## Systemic advocacy

The Parents Project works to promote and ensure the rights and dignity of parents with intellectual disability are upheld in law, policies and procedures. In 2011 -2012 the Project attempted to highlight the rights and needs of parents with intellectual disability by 'piggybacking' on related issues currently on the government's agenda.

## Apologies for forced adoption practices

In February the Federal Senate Community Affairs Committee tabled their report into the Commonwealth's involvement with former forced adoption practices of babies of young mothers. The Project used the government's and community's regret for these past practices as an opportunity to highlight the heartbreak of mothers with intellectual disability today, having their babies removed from their care in maternity wards because they are ill prepared and deemed by society as incapable of rearing a child. The Parents Project sent a briefing paper to the Chair of the Committee, Senator Rachel Seiwert, making a number of recommendations including that the Government offer of counselling services to mothers who had their babies removed in the past, be extended to mothers (and fathers) today whose parental rights are terminated. Senator Seiwert met with the Coordinator in May 2012 and stated she would take our recommendations to the Government.

## Sterilisation of women and girls with disabilities

IDRS supports the position of Women With Disabilities Australia (WWDA) that women and girls with disabilities have the same human right to bodily integrity as any other young girl or woman. Non-therapeutic sterilisation of women and girls with disabilities without their full understanding and consent is in breach of state and federal laws as well as our international obligations.

In 2012, the Parents Project contributed to media coverage on the issue of sterilisation of women and girls with disabilities with the Coordinator contributing to an article in Marie Claire magazine published in June 2012 and an interview on Network Ten's The Circle. Through this discourse the Project aims to not only endorse the reproductive rights of women with disabilities but also the implementation of policies and programs that support women with disabilities to exercise their rights successfully.

## Committees

- The National Advisory Committee for the Development of Guidelines for Inclusive Playspaces
- NSW Community Legal Centre Care and Protection Working Party

## A happy update

### **Mother and child are thriving**

Many readers of last year's annual report expressed interest in the story of Kate whose baby had been removed before Kate had an opportunity to take her home from hospital. The Project was instrumental in achieving the return of the baby to Kate's care after two months and having full parental responsibility restored to Kate after nine months.

We are delighted to report that Kate and her two year old child are doing very well and there have been no further problems.

# **Criminal Justice and Intellectual Disability Service Improvement Project**

## **Background**

This project was funded by the Public Purpose Fund of the Law Society of NSW over a two year period up to October 2012. It is a joint project between Legal Aid NSW and IDRS.

The project's aim is to facilitate increased and more effective use of Section 32 applications pursuant to the Mental Health (Forensic Provisions) Act 1990 to achieve successful diversion from the criminal justice system for people with intellectual disability.

The project has been overseen by a steering group including representatives from IDRS, Legal Aid, ADHC, Brain Injury Association and Department of Attorney General and Justice.

## IDRS' project team and activities

The IDRS staff who worked on this project in 2011-12 were

- Karen Wells, solicitor (part time)
- Mitch Fraser, educator (part time)

Janene Cootes, Executive Officer IDRS, co-authored the Section 32 Step by Step Guide and website with Karen Wells

Ushan Wickremanayake, Information and Resource Coordinator IDRS designed and developed the Section 32 website.

*"The Guide is very helpful.  
I am more willing to go  
down that path now"*

**Comment by a solicitor**

The primary strategies employed by IDRS have been

- development of resources to assist solicitors with section 32 applications
- training to build capacity amongst lawyers to prepare effective section 32 applications
- training to build capacity in the disability sector to work more effectively with solicitors in section 32 applications
- providing advice to solicitors preparing section 32 applications

The Guide was published in October 2011 and has been very well received. To date, 700 copies of the Guide have been distributed and a further print run has been ordered.

The vast majority of the Guides have gone to solicitors in NSW practising criminal law and working in either private practice or for Legal Aid NSW or Aboriginal Legal Service. Copies have also been distributed to police prosecutors, Magistrates and to other interested professionals. One Magistrate on country circuit indicated that the Guide would become a part of his travelling kit.

*"The chart (linking possible effects of intellectual disability with criminal charges) is very helpful. Even though there doesn't need to be a link it brings it (the impact of disability) home to judicial officers."*

**Comment by a solicitor**

## Development of a web version of the Guide and other resources

A web version of the Guide will be available in July 2012 at [www.s32.idrs.org.au](http://www.s32.idrs.org.au)

The web version includes links to relevant case law and articles, case studies, sample letters which a solicitor can use, examples of a range of support plans as well as links to useful contacts. The website will be the ongoing legacy of the project and will be regularly updated, expanded and improved.

## Training for lawyers

about section 32 and working with this client group and disability service providers

A two hour training package was developed for lawyers. The training familiarises solicitors with the Guide, provides information on intellectual disability and focuses on the development of particular skills essential to making successful section 32 applications for people with intellectual disability.

A fundamental goal of the training is to give lawyers a basic understanding of the nature and possible effects of intellectual disability. Many solicitors fail to understand the distinction between intellectual disability and mental health problems. This was reflected in the lawyer's survey conducted by IDRS in 2010 and in training.

The lawyer training focuses on the development of the following skills:

- use of simple screening techniques to recognise intellectual disability
- gathering evidence of disability
- making appropriate referrals for clients with intellectual disability
- preparation of submissions which explain possible links between the alleged offending behaviour and the disability and overcome common objections to section 32
- obtaining effective support plans in support of section 32 applications, or in the alternative, putting together DIY support plans



The final section of the two hour training session centres on the application of skills to case scenarios to consolidate the new information and skills. It has been well received.

Training sessions have been presented throughout NSW. In total 242 solicitors working in criminal law attended these sessions.

In addition, presentations have been made at conferences including the Children's Legal Service Conference, Aboriginal Legal Service Northern Zone Conference and the Police Prosecutors Conference. This represents training for an additional 90 lawyers and 40 police prosecutors.

In total, 332 lawyers who work in criminal law have attended IDRS training or conference sessions on section 32 applications in 2011-12.

*"The Guide is helpful. I use it for drafting written submissions. I didn't realise before that s32 was available for people with intellectual disability. In the past I did s32s on the run. Now I realise s32 requires more preparation"*

**Comment by a solicitor**

## Training for disability service providers

### about working with lawyers

Initially the disability worker training was delivered as part of a two day training program on Criminal Justice Policy which ADHC was delivering throughout NSW. IDRS presented a 90 minute session within this training. This session was presented to 305 disability workers from October 2010 – October 2011 when the ADHC training ended.

IDRS then developed a more thorough three hour training package for disability workers, which has been delivered to an additional 47 disability workers in 2011-12.

The aim of the IDRS training was to better equip the disability sector to work in partnership with lawyers to achieve effective diversion outcomes.

The focus of the training was as follows:

- Practical tips on supporting a client at court
- How to work with your client's lawyer
- What is a section 32 and why divert
- Practical tips for preparing a section 32 support plan for court

Short evaluations were conducted at the end of each training session. Both verbal and written evaluations were very positive.

The results of evaluations indicate that, in addition to gaining a better understanding of section 32, participants gained practical skills including knowing how to interact with a client's lawyer, the purpose of a support plan for court and how to write a support plan.

**Did the project make a difference to the way you prepared section 32 applications?**

*"Yes, I am more careful about what reports I get and making sure they comply with the Act. I have an increased understanding of the Act now."*

*"yes. I am a new lawyer. The younger ones brought it (the Guide) to the attention of the older lawyers. We knew nothing... It has impacted on our office as a whole"*

## Training statistics

### Lawyer and disability worker training

completed by June 2012

| Area            | Lawyers         | Disability workers |
|-----------------|-----------------|--------------------|
| Armidale        |                 | 22*                |
| Campbelltown    | 5               | 12                 |
| Coffs Harbour   | 20              | 8                  |
| Dubbo           | 9               | 15*                |
| Goulburn        | 12              | 49 (2 sessions)    |
| Gosford         | 17              | 28*                |
| Lismore         | 16              | 26*                |
| Maitland        | 15              |                    |
| Merimbula       | 9               |                    |
| Moree           | 8               | 2                  |
| Newcastle       | 35              | 22*                |
| Nowra           | 15              |                    |
| Orange          | 20              |                    |
| Parramatta      | 6               | 48 (3 sessions)    |
| Penrith         | 12              | 11                 |
| Port Macquarie  |                 | 23                 |
| Sydney          | 26 (3 sessions) |                    |
| Wagga Wagga     |                 | 24*                |
| Wollongong      | 17              | 28                 |
| Total attendees | 242             | 346                |

## Conference Presentations

completed by June 2012

|   |            |
|---|------------|
| Aboriginal Legal Service Northern Zone Conference | 40         |
| Children's Legal Service Conference               | 90         |
| Police Prosecutors Conference                     | 40         |
| <b>Total attendees at conferences</b>             | <b>170</b> |

Further training is planned for Broken Hill, Batemans Bay, Albury and Wagga Wagga (July – September 2012).

IDRS will also present a session at the Legal Aid Criminal Lawyers Conference in July 2012.

## Consultancy to lawyers

The Project Solicitor was available via telephone and email to answer queries on specific section 32 applications. In addition to discussing possible solutions to issues about section 32 matters, the service provided a useful snapshot of issues confronted by lawyers when preparing and running section 32 matters across the State.

Typical issues which prompted lawyers to contact for advice with particular section 32 applications were:

- Jurisdictional questions
- How to get services and support plans
- How to navigate the disability 'bureaucracy'
- How to get evidence of 'developmental disability' and explaining developmental disability vis-à-vis intellectual disability to Magistrates
- Submissions to counter Magistrate's reluctance re section 32

## Future directions

This Project will wrap up in October 2012.

Further training will be completed and the website launched prior to this time.

This opportunity to work closely with Legal Aid NSW toward increased and improved diversion has been invaluable and we will seek to continue this close liaison.

As part of this Project Legal Aid NSW employed an additional staff member in its Client Assessment and Referral Section (CARS) to assist lawyers in the preparation of section 32 applications for people with cognitive impairment, particularly those under 25. Their work has included needs assessment, accessing appropriate services and developing support plans. CARS has also provided case management for some clients. Evaluation indicates that this work has been highly beneficial for the clients and effective in reducing re-offending. Their work provides strong evidence of the effectiveness of well planned and supported diversionary options.

IDRS is confident that the profile of section 32 applications for people with intellectual disability (which was low) has been raised greatly through the work of the project and that the resources and training have equipped many more lawyers to make the necessary effort to achieve diversion for clients with intellectual disability. We believe that the project has also contributed to a better understanding in the disability sector about the essential role of disability services working

with lawyers to achieve successful diversion from the criminal justice system.

Of continuing concern are the systemic barriers that lawyers encounter when attempting to access disability services to support diversion for their clients due to the complexity of referral systems and delay in achieving both commitment to services and actual service support. This is an ongoing challenge.

The project has provided a great opportunity for accelerated progress toward increased and more effective diversion of people with intellectual disability from the criminal justice system. IDRS will continue its efforts into the future providing advice to solicitors, regularly updating the section 32 website and resources, continuing training and pushing for improved access for lawyers to assistance from the disability sector.



# **From Outlaws Towards Inclusion**

## **Conference**

February 2012

IDRS joined with NSW Council for Intellectual Disability (NSWCID) and the Criminal Justice Research Network to organise a conference titled 'From Outlaws Towards Inclusion' which took place on 17 February. This conference, attended by over 200 people with an interest in people with intellectual disability who get caught up in the criminal justice system, marked 10 years since the launch of the Framework Report. IDRS and NSWCID wrote this report to highlight the over representation and stories of people with intellectual disability who get into trouble with the law and to make recommendations to government about the issues and what needed to be done.

The Attorney General, Greg Smith, opened the conference and stayed to listen to some of the speakers including Frances Cetinich, who told her own story and talked about how she had turned her life around.

Frances works with IDRS as a clerical assistant and a Co-educator.

The conference was a great opportunity to learn from the progress that has occurred over the past decade and to share strategies for the many challenges that remain.

Most IDRS staff and 20 of our CJSN volunteers from all over the State attended the conference.

## Publications

- Chapter 18, Disability (pp 483-522) of The Law Handbook 12th Edition (2012) written by staff of Intellectual Disability Rights Service
- Step by Step Guide to Making a Section 32 Application for a Person with Intellectual Disability, Intellectual Disability Rights Service 2012
- Section 32 website, [www.s32.idrs.org.au](http://www.s32.idrs.org.au)

## Submissions

In 2011-12 IDRS has made submissions on law and policy reforms to:

- NSW Law Reform Commission, Preliminary Submission on Review of Sentencing
- NSW Law Reform Commission, Standard Non-Parole Periods
- NSW Law Reform Commission, Bail – Questions for Discussion
- Department of Attorney General and Justice Review of the Delivery of Legal Services to the NSW Community
- Statutory Review of the Crimes (Domestic and Personal Violence) Act 2007
- Review of the Young Offender Act 1997 and the Children (Criminal Proceedings) Act 1987

# Participation in External Advisory and Working Groups

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

## Government Working Groups

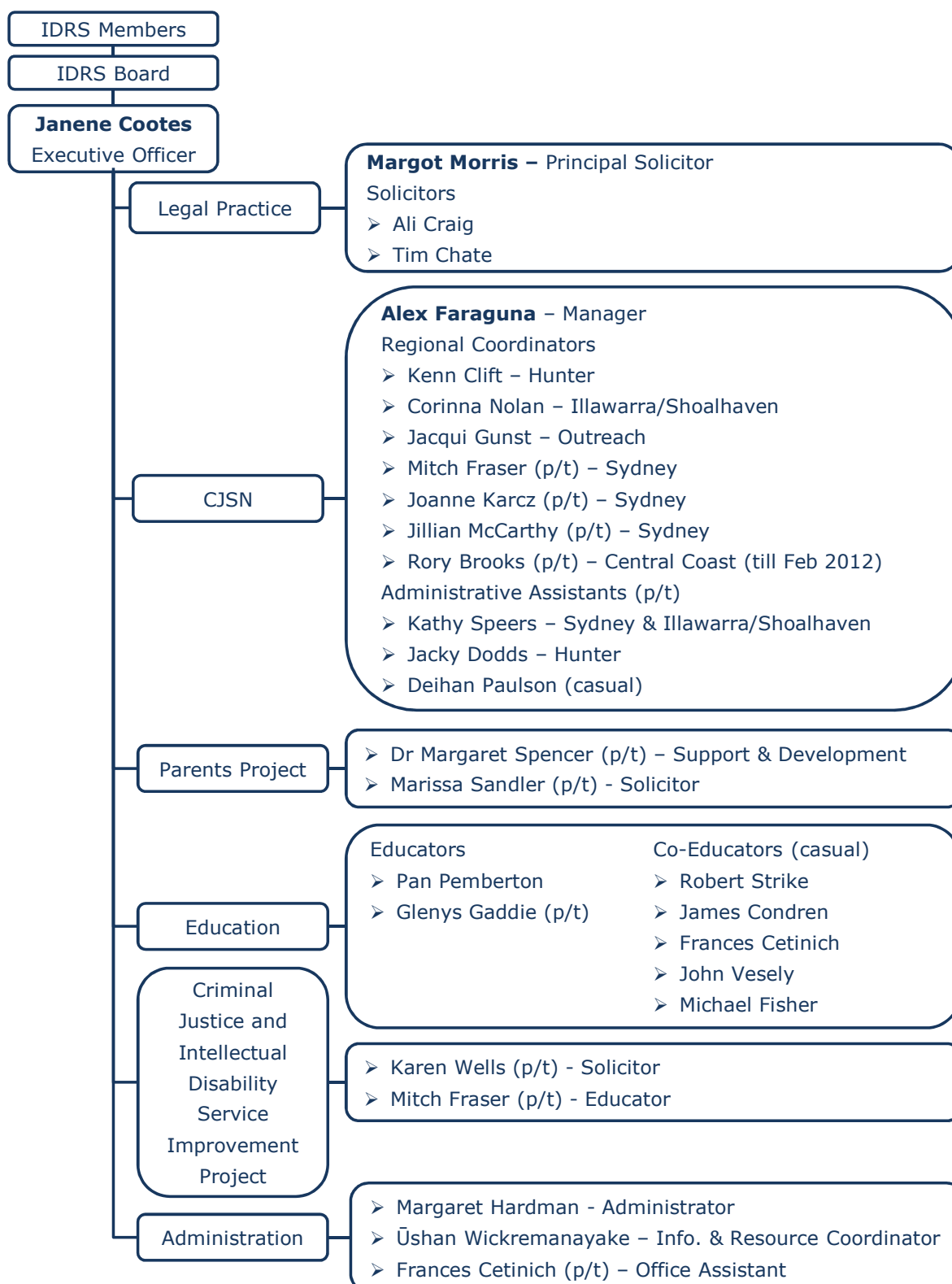
- Apprehended Violence Legal Issues Coordinating Committee
- Department of Family and Community Services, Ageing Disability and Home Care, Community Justice Program External Reference Group
- Court Referral of Eligible Defendants into Treatment (CREDIT) program steering committee Burwood Court
- Advisory Committee for the Review of the Young Offenders Act 1997 and the Children (Criminal Proceedings) Act 1987
- Intellectual Disability Service Improvement Working Group, Legal Aid NSW
- Strengthening Victims' Rights NGO Implementation Group
- The National Advisory Committee for the Development of Guidelines for Inclusive Playspaces

## Community Working Groups

- Australian Disability Rights Network
- Criminal Justice and People with Intellectual Disability Coalition
- Hunter Disability Network
- Hunter Cooperative Legal Service Delivery Program
- Illawarra Advocacy and Information on Disability & Education Awareness Services (IDEAS)
- Indigenous Rights Working Group
- Network of Alcohol and Drug Agencies (NADA)
- NSW Disability Advocacy Network
- NSW Community Legal Centre Care and Protection Working Party
- Prisoners' Rights Working Group
- Women's Domestic Violence Court Assistance Scheme steering committee
- Women in Prison Advocacy Network (WIPAN)

# IDRS Staffing

The staff and the reporting structure of IDRS 30th June 2012.



In addition to the staff working at IDRS at 30th June 2012, we would like to thank those staff who contributed to the work of IDRS through the year.

Volunteer solicitors:

- Lachlan Crombie
- Charles Shields

Volunteer students:

- Emily Shipp
- Liam Sheen
- Jade Hearne

Volunteer solicitors and students have provided invaluable assistance to IDRS and its clients over the past year.

## 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 2011- 2012 were:

| July 2011 – December 2011    | January 2012 – July 2012      |
|------------------------------|-------------------------------|
| Ann Bolt                     | Ann Bolt                      |
| Melissa Clements             | Melissa Clements              |
| Therese Griffith (Treasurer) | Therese Griffith (Treasurer)  |
| Geoffrey Fayers              | Jenny Klause                  |
| Jenny Klause                 | Edwina MacDonald              |
| Edwina MacDonald             | Edwina Pickering              |
| Edwina Pickering             | Carmelo Raspanti              |
| Carmelo Raspanti             | Tamara Sims                   |
| Tamara Sims                  | Mike Sprange                  |
| Mike Sprange                 | Karen Bevan (from April 2012) |
| Janene Cootes (ex officio)   | Janene Cootes (ex officio)    |



## 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:

- Stephen Booth, Coleman & Grieg
- Tamara Sims Gilbert & Tobin
- Anne Cregan, Ashurst
- Mark Ierace SC, Public Defenders Office
- Mike Heffernan, Ian Byrne Solicitors

Law Firms for their pro bono assistance to IDRS

- Gilbert + Tobin
- Ashurst
- DLA Piper

## 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.

### Core funding

During 2011-12 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

- The Public Purpose Fund, Law Society of NSW, through Community Legal Centres Funding Program of Legal Aid NSW, provided funding for the Criminal Justice and Intellectual Disability Service Improvement Project
- Law and Justice Foundation of NSW has funded IDRS 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.

The Financial Statements in this report are for the service as a whole.

IDRS was able to earn additional income from a variety of sources in 2011-12 which is applied to the cost of providing services. IDRS is eligible to apply for grants of legal aid in some matters when we provide legal representation for clients with intellectual disability. Further income is derived from bank interest, the sale of publications, conferences 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

Financial Report

For The Year Ended  
30 June 2012



## **INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**

**ABN: 11 216 371 524**

### **Financial Report For The Year Ended 30 June 2012**

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**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 2012.

**Committee Members**

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

|                                       |            |  |
|---------------------------------------|------------|--|
| Anne Bolt                             |            | Community Member                                     |
| Melissa Clements                      |            | Senior Officer NSW Public Sector                     |
| Geoffrey Fayers resigned (17/11/2011) |            | Community Member                                     |
| Therese Griffith                      | Treasurer  | Senior Administrator, NSW Public Sector              |
| Jenny Klause                          |            | Tribunal Member, Non-Government organisation officer |
| Edwina MacDonald                      |            | Solicitor, Community Legal Sector                    |
| Edwina Pickering                      |            | Consultant   |
| Carmelo Raspanti                      |            | Community Member                                     |
| Tamara Sims                           |            | Solicitor  |
| Mike Sprange                          | Chairman   | Community Member                                     |
| Janene Cootes                         | Ex-Officio | Executive Officer                                    |
| Karen Bevan appointed (14/02/2012)    |            | Non-government organisation policy 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 loss amounted to \$50,889 (2011 profit \$42,341)

**Dividends**

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

**Operations of the Association**

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

The operations of the Association during the financial year involved the receipt of grant income from various government bodies, which it used to provide legal assistance and advice, conduct education programs for people with intellectual disability and others, produce resources about the rights of people with intellectual disability and to provide support to the people with intellectual disability who are in contact with criminal justice system.

**Future Developments**

The Association intends to continue its operations as outlined above. The ability of the Association to continue its operations is dependent upon continuing financial support by state and/or Federal Government department and other parties.

**Subsequent Events**

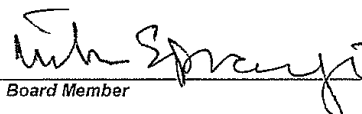
No matters or circumstances have arisen since the end of the financial year.

#### Indemnification of Auditors and Officers

Since March 2003, Intellectual Disability Rights Service Incorporated has held a Directors and Officers Liability Insurance Policy which covers Board members and employees of the Association.

The liabilities insured include costs and expenses that may be incurred in defending civil or criminal proceedings that may be brought against the officers in their capacity as officers of the Association.

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



Board Member



Board Member

Dated this 1 NOV 2012

**INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED**  
ABN: 11 216 371 524  
**INCOME AND EXPENDITURE STATEMENT FOR THE YEAR ENDED 30 JUNE 2012**

|  | Note | 2012<br>\$       | 2011<br>\$       |
|--|------|------------------|------------------|
| <b>INCOME</b>  |      |                  |                  |
| Interest   |      | 50,206           | 53,331           |
| Commonwealth Dept of Family & Community Services               |      | 208,510          | 198,533          |
| Department of Ageing, Disability & Home Care (NSW)             |      | 974,420          | 1,021,518        |
| Grant - Miscellaneous  |      | 253,818          | 172,464          |
| Other Income   |      | 181,782          | 155,281          |
|  |      | <u>1,668,737</u> | <u>1,601,127</u> |
| <b>EXPENDITURE</b>   |      |                  |                  |
| Accounting & Bookkeeping                                       |      | 28,884           | 26,788           |
| Admin Charges  |      | 129,010          | 126,338          |
| Advertising  |      | 2,375            | 2,869            |
| Annual Leave & Maternity Leave                                 |      | 14,713           | 6,065            |
| Audit Fees   |      | 8,562            | 6,228            |
| Bank Charges   |      | 1,131            | 1,123            |
| Cleaning   |      | 7,797            | 7,915            |
| Consultancy Fees & Outsourcing                                 |      | 15,314           | 165              |
| Depreciation   |      | 21,100           | 23,370           |
| Electricity  |      | 12,654           | 10,872           |
| Host Agencies  |      | 25,046           | 25,596           |
| Hire Equipment   |      | 5,026            | 5,026            |
| Insurance  |      | 12,722           | 11,760           |
| Information Technology Support                                 |      | 14,466           | 8,130            |
| IT Web Maintenance   |      | 444              | 258              |
| Legal Cost and Disbursements                                   |      | 5,094            | 2,507            |
| Long Service Leave   |      | 14,511           | 10,342           |
| Loss on Disposal of Fixed Assets                               |      | 3,179            | -                |
| Photocopying, Printing & Stationery                            |      | 38,250           | 37,382           |
| Postage & Couriers   |      | 5,162            | 5,453            |
| Practising Certificates & Professional Supervision             |      | 1,800            | 2,159            |
| Purchase of Minor Fixed Assets & Rebuild Network               |      | 1,712            | 2,402            |
| Rent   |      | 88,524           | 79,653           |
| Regional Training  |      | 295              | 473              |
| Repair & Maintenance   |      | 8,515            | 4,349            |
| Salaries & Wages   |      | 977,812          | 932,310          |
| Staff/Volunteer Training & Continuing Education                |      | 36,307           | 41,688           |
| Storage  |      | 1,895            | 1,754            |
| Subscriptions & Library  |      | 12,405           | 7,838            |
| Sundry Expenses  |      | 9,592            | 2,793            |
| Superannuation   |      | 93,122           | 88,562           |
| Telephone  |      | 34,746           | 33,638           |
| Travelling & Accommodation Expenses                            |      | 54,610           | 42,981           |
| Website Project - L&J Making Sense                             |      | 13,160           | -                |
| Outlaws Conference Costs                                       |      | 19,689           | -                |
|  |      | <u>1,719,626</u> | <u>1,558,786</u> |
| Current year surplus before income tax                         |      | (50,889)         | 42,341           |
| Income tax expense   | 1(a) | -                | -                |
| Net current year surplus after income tax                      |      | <u>(50,889)</u>  | <u>42,341</u>    |
| <b>RETAINED SURPLUS AT THE BEGINNING OF THE FINANCIAL YEAR</b> |      | <u>378,662</u>   | <u>336,321</u>   |
| <b>RETAINED SURPLUS AT THE END OF THE FINANCIAL YEAR</b>       |      | <u>327,773</u>   | <u>378,662</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 2012**

|  | Note | 2012<br>\$     | 2011<br>\$       |
|--|------|----------------|------------------|
| <b>ASSETS</b>                          |      |                |                  |
| <b>CURRENT ASSETS</b>                  |      |                |                  |
| Cash and cash equivalents              |      | 742,316        | 955,911          |
| Accounts receivable and other debtors  | 2    | 50,484         | 34,359           |
| <b>TOTAL CURRENT ASSETS</b>            |      | <u>792,800</u> | <u>990,270</u>   |
| <b>NON-CURRENT ASSETS</b>              |      |                |                  |
| Property, plant and equipment          | 3    | 37,189         | 45,433           |
| <b>TOTAL NON-CURRENT ASSETS</b>        |      | <u>37,189</u>  | <u>45,433</u>    |
| <b>TOTAL ASSETS</b>                    |      | <u>829,989</u> | <u>1,035,703</u> |
| <b>LIABILITIES</b>                     |      |                |                  |
| <b>CURRENT LIABILITIES</b>             |      |                |                  |
| Grants received in advance             |      | 258,065        | 435,813          |
| Payables                               |      | 66,767         | 73,067           |
| Provisions                             | 4    | 74,608         | 59,895           |
| <b>TOTAL CURRENT LIABILITIES</b>       |      | <u>399,439</u> | <u>568,775</u>   |
| <b>NON-CURRENT LIABILITIES</b>         |      |                |                  |
| Provisions                             | 4    | 62,777         | 48,266           |
| <b>TOTAL NON-CURRENT LIABILITIES</b>   |      | <u>62,777</u>  | <u>48,266</u>    |
| <b>TOTAL LIABILITIES</b>               |      | <u>462,216</u> | <u>617,041</u>   |
| <b>NET ASSETS</b>                      |      | <u>367,773</u> | <u>418,662</u>   |
| <b>MEMBERS' FUNDS</b>                  |      |                |                  |
| Capital reserve                        |      | 40,000         | 40,000           |
| Financial instruments reserve (equity) |      | -              | -                |
| Retained surplus                       |      | 327,773        | 378,662          |
| <b>TOTAL MEMBERS' FUNDS</b>            |      | <u>367,773</u> | <u>418,662</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 2012**

**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 stated otherwise, 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 improvements.

**(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.

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 non-reciprocal 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).

**(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.

INTELLECTUAL DISABILITY RIGHTS SERVICE INCORPORATED

ABN: 11 216 371 524

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2012

**Note 2 Accounts Receivable and Other Debtors**

|             | 2012          | 2011          |
|-------------|---------------|---------------|
|             | \$            | \$            |
| Receivables | 41,679        | 27,580        |
| Prepayments | 8,804         | 6,779         |
|             | <u>50,484</u> | <u>34,359</u> |

**Note 3 Property, Plant and Equipment**

|                                     | 2012          | 2011          |
|-------------------------------------|---------------|---------------|
|                                     | \$            | \$            |
| Property, Plant and Equipment       |               |               |
| At Cost                             | 218,739       | 220,761       |
| Accumulated depreciation            | (181,550)     | (175,328)     |
| Total Property, Plant and Equipment | <u>37,189</u> | <u>45,433</u> |

**Note 4 Provisions**

|  | 2012          | 2011          |
|--|---------------|---------------|
|  | \$            | \$            |
| CURRENT LIABILITIES                        |               |               |
| Employee Entitlements - Annual Leave       | <u>74,608</u> | <u>59,895</u> |
| NON-CURRENT LIABILITIES                    |               |               |
| Employee Entitlements - Long Service Leave | <u>62,777</u> | <u>48,266</u> |

**Note 5 Leasing Commitments**

|                                  | 2012           | 2011          |
|----------------------------------|----------------|---------------|
|                                  | \$             | \$            |
| Operating Lease Commitments      |                |               |
| Rental Sydney office*            |                |               |
| Payable - minimum lease payments |                |               |
| — not later than 12 months       | 56,265         | 71,638        |
| — between 12 months and 5 years  | 168,795        | -             |
|                                  | <u>225,060</u> | <u>71,638</u> |
| Rental Wollongong office**       |                |               |
| Payable - minimum lease payments |                |               |
| — not later than 12 months       | 6,744          | 15,810        |
| — between 12 months and 5 years  | 20,202         | -             |
|                                  | <u>26,946</u>  | <u>15,810</u> |
| Rental Newcastle office***       |                |               |
| Payable - minimum lease payments |                |               |
| — not later than 12 months       | 8,019          | 10,448        |
| — between 12 months and 5 years  | -              | -             |
|                                  | <u>8,019</u>   | <u>10,448</u> |

\* Sydney: The previous property lease expired. The re-negotiated lease term is three years, commenced on 28 September. The agreed rent is \$75,020.20 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.

\*\* 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 lease commenced in June 2011. Agreed rent is \$8,018 per annum. Rent is payable monthly in advance. The amount disclosed are GST exclusive.

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

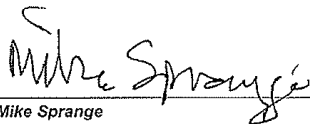
The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

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

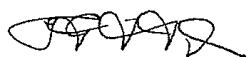
1. Presents a true and fair view of the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2012 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Intellectual Disability Rights Service 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:

President

  
Mike Sprange

Treasurer

  
Therese Griffith

Dated this

1 NOV 2012

**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 2012, the income and expenditure statement for the year 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 Associations 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 and of the 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 judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal 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.

**Nexia Court & Co**  
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Independent member of Nexia International



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#### *Opinion*

In our opinion, the financial report presents fairly, in all material respects the financial position of Intellectual Disability Rights Service Incorporated as at 30 June 2012 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 requirements of the *Incorporated Associations 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 Associations Act 2009*. As a result, the financial report may not be suitable for another purpose.

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

  
**Robert Mayberry**  
**Partner**

Sydney

Date: 2 NOVEMBER, 2012

Intellectual Disability Rights Service Inc.  
ABN 11 216 371 524

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