



ANNUAL REPORT

2019-2020





▲ Jess and Chris at Matraville Sports High

Intellectual Disability Rights Service Inc.

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Justice
•
Respect
•
Persistence



A Word from the Chair

Jenny Klause, Chair



I am again proud to introduce this annual report for IDRS for 2019-2020.

2019-2020 has been a year unlike no other, with significant COVID-19 impacts on how we have maintained delivering supports to our client group.

Despite this, it was also a year of embedding a number of significant achievements for IDRS. These include:

- One of the main achievements of 2019-20 has been extending our services beyond people with intellectual disability to include people with other cognitive disabilities. Our constitution is currently being reviewed to reflect this move.
- The separation of the Community Legal Centre (CLC) functions of IDRS from the Justice Support functions (Justice Advocacy Service). The Community Legal Centre, now called the **Ability Rights Centre** has moved to a separate office on Level 8 of the same building as the head office of IDRS and the Justice Support Services. We now have two businesses operating under the umbrella of IDRS.
- The Justice Advocacy Service (JAS) is now just over midway into its grant period and despite COVID 19 restrictions has proved to be an enormous success in supporting people with cognitive impairment through the criminal justice process. This funding enabled a significant growth in staffing numbers, including Indigenous Australians, with 15 regional outposts and expansion of our volunteer network. This growth has extended our footprint to many rural and remote areas and clients.
- Sadly, the Cognitive Impairment Diversion Program, a pilot program operated by IDRS in Gosford and Penrith courts to support increased diversion of people with cognitive disability from the criminal justice system was not extended beyond June 2020. Great support for the achievements of this program was demonstrated through a strong community campaign for on-going funding.
- IDRS has had significant interactions with the Disability Royal Commission about evidence for hearings related to people with disability in group homes, in the criminal justice system and care and protections systems. Our staff have also supported people with

disability seeking to make submissions about their experience of the criminal justice system, to Disability Royal Commission hearings.

- IDRS has worked over 2019-2020 to further embed the participation of people with disability in all aspects of IDRS, including the Board.

I would like to acknowledge the very positive relationships IDRS has with our key funders; Commonwealth Department of Social Services, NDIS through Information, Linkages and Capacity Building (ILC), NSW Department of Communities and Justice and Legal Aid NSW.

I thank the volunteer Board members for their invaluable contribution to the sound governance of IDRS and for the time and contribution they are willing to make on behalf of our clients. In considering the achievements of the year I would also like to acknowledge the contribution of our three new recent board recruits who bring a variety of new skills and knowledge which has been a valuable asset to our governance role.

It goes without saying that in Janene Cootes our Executive Officer, the organisation is indeed well served. The vision, determination and resilience which drives IDRS work in a large part comes from Janene and I acknowledge her passion, dedication and commitment to serving our clients.

I would also like to acknowledge and thank our 130 outstanding volunteer support persons and 32 volunteer solicitors without whom IDRS would not achieve such significant outcomes for people with cognitive impairment in NSW.

Finally, I would like to recognise the tireless effort, hard work and commitment that all IDRS staff have given during this unprecedented year.

I encourage you to read this annual report, which demonstrates so effectively the level of impact the work of IDRS has had in 2019-2020.

Together I believe we have all worked to advance the IDRS values of justice, respect and persistence in achieving the best outcomes for our clients.

A handwritten signature in dark ink, appearing to read 'J Klause'.

About IDRS

Making Rights Real



OUR VISION

Equal rights and justice for people with disabilities.



OUR PURPOSE

We are a disability advocacy service and a community legal centre. We work alongside people with disability to promote and protect their rights.



OUR VALUES

JUSTICE: what we seek
RESPECT: what we give
PERSISTENCE: how we do it

Changes in 2019-20

IDRS is an incorporated association providing a range of rights focused legal and disability advocacy service across NSW. IDRS has made two substantial changes to its structure and operation during 2019-20.

Expansion of client group

IDRS has traditionally worked with people with intellectual disability. We have always recognised that people with other cognitive disabilities can experience the same challenges as people with intellectual disability in 'making their rights real'. IDRS now offers its services to people who are living with other cognitive disabilities such as acquired brain injury or being on the autism spectrum.

Restructure to operate two distinct service streams

During 2019-20 IDRS has established two separate service streams under the umbrella organisation of IDRS. These two service streams operate under separate trading names *Ability Rights Centre*, which is the community legal centre of IDRS and *Justice Support Services* which includes the Cognitive Impairment Diversion Program and the new Justice Advocacy Service.

Members of the IDRS Board

IDRS is governed by a voluntary Board of Directors who bring a broad range of experience and skills to their work. They also bring a wealth of personal experience with over half of Board members being people with disability or family of people with disability.

Volunteer Pamela Montana has been a fantastic support to the operation of the Board this year minuting meetings and providing secretarial support.

We welcomed 4 new directors to the Board in 2020.



Making Rights Real Group

The Making Rights Real group represents IDRS service users. They meet together monthly and are an advisory group to IDRS. Group members are paid for their time and expertise. The group brings the voice of people with cognitive disability to decision-making at all levels of IDRS.

Staff from all IDRS services go to the Making Rights Real Group for ideas and advice about service strategies and decisions and to get feedback about ideas. Outside visitors also come to Making Rights Real Group to get feedback about how they can make their service better for people with cognitive disabilities. An IDRS Board member joins in most meetings.

Making Rights Real Group member Kirra Cochrane was elected to the Board of IDRS for 2019-20. Kirra reports to the Board about ideas and activities of Making Rights Real Group. Kirra also lets the group know what is happening at Board meetings.

Members of Making Rights Real Group for 2019-20

**Ami
Newland**

**Dale
Robinson**

**Kirra
Cochrane**

**Jeffrey
Lai**

**Joseph
Taouk**

**Taylah
Budin**



Making Rights Real Group

Highlights of 2019-20

Organised and hosted the IDRS Open day on 26 November 2019. The 30 people who attended had a great time.



Helped design logos for JAS and for the new Your Life Your Rights On Line training.



Had a visit from Know More Community Legal Centre to learn about how they can help if people with disability have suffered abuse as children.



Advised IDRS about what help people with disability need to know about COVID-19.



Gave feedback to Justice Advocacy Service about their Custody Cards to help people who have been arrested to understand their rights.

Ami Newland has started attending IDRS Board meetings as an observer to learn about how the Board works.

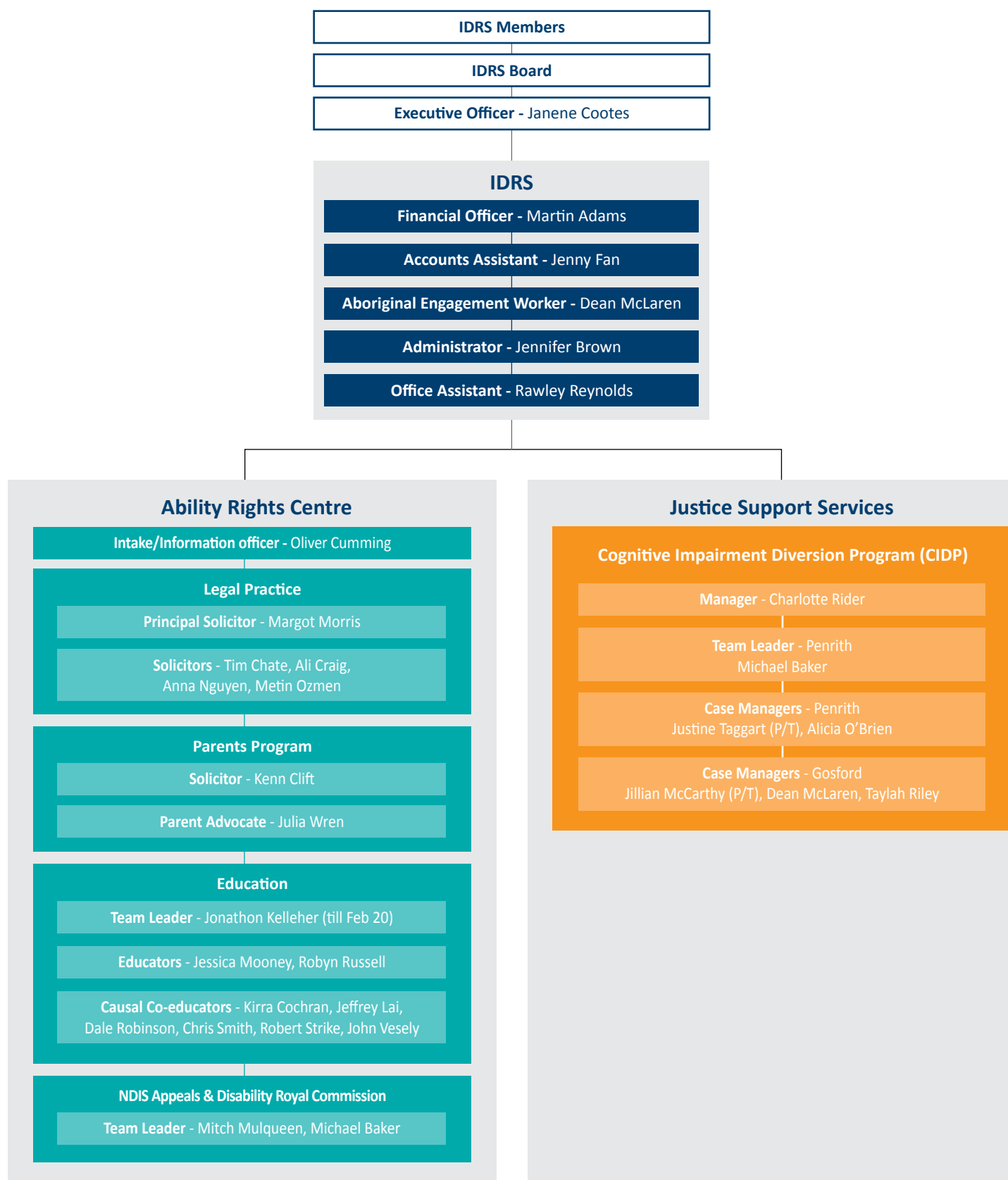


Joined staff selection panels to help choose new IDRS staff.

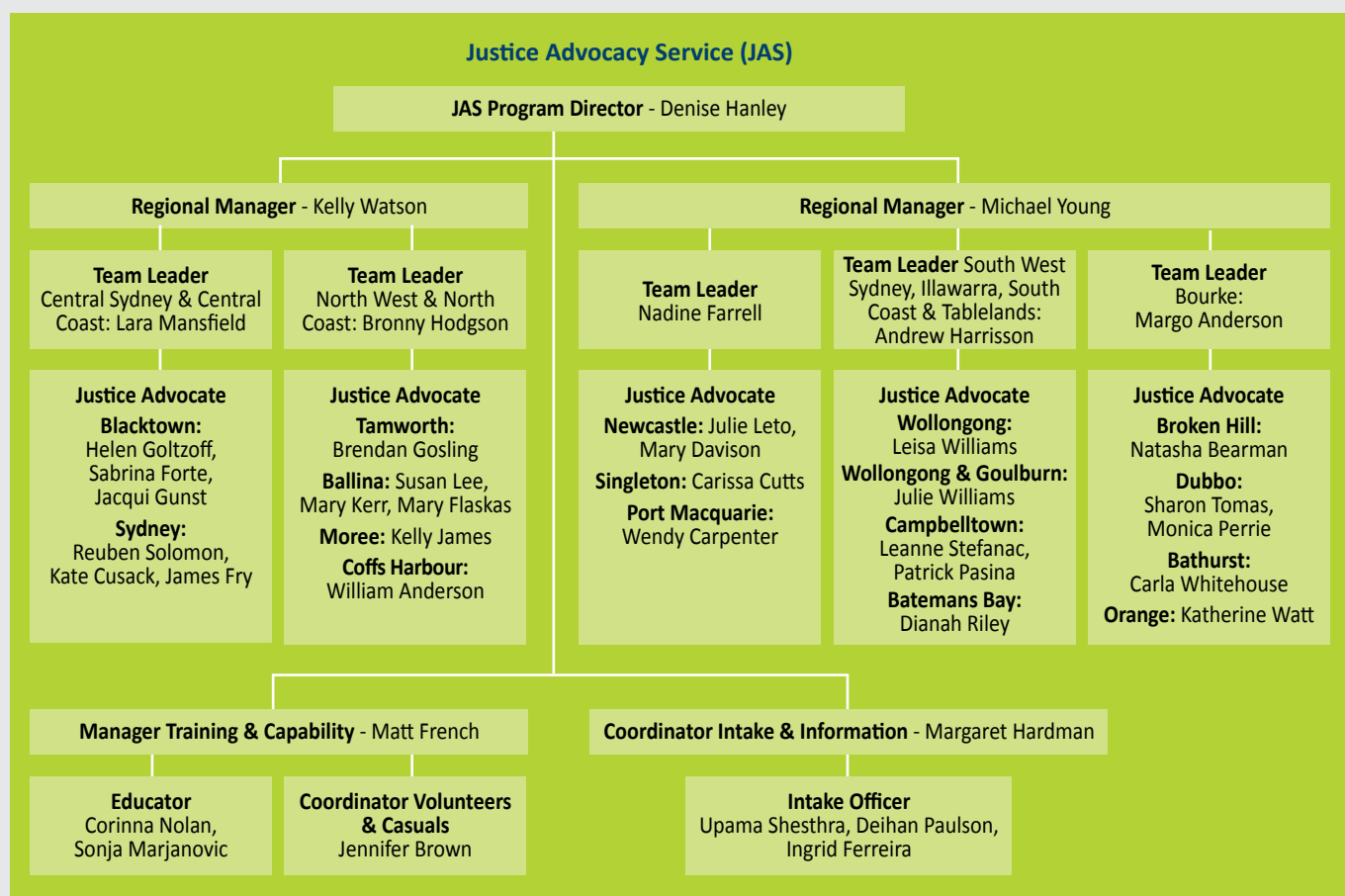
Government departments and community groups met with Making Rights Real group to hear their experience and get their advice

- ARTD Consultants to advise how to make court processes easier and how to train staff
- Family Planning to get advice about a course for parents with disability
- Department of Communities and Justice to advise them about improving the criminal justice system
- The Anti-Discrimination Board to get group members' ideas about how to make finding and keeping a job easier and stop discrimination

IDRS Organisational Chart

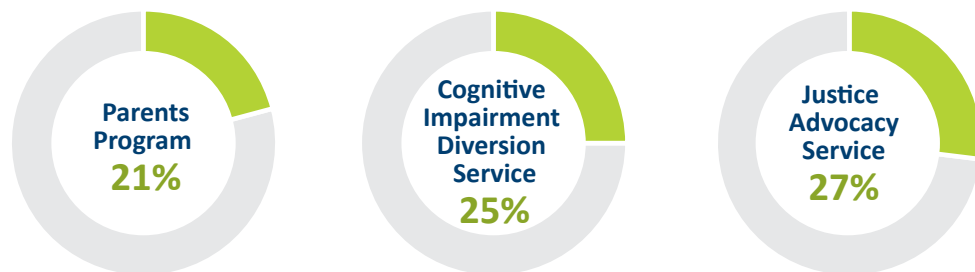


IDRS Organisational Chart



Improving IDRS Reach and Service to First Nations People

IDRS services, particularly those assisting people with the criminal justice system and care and protection system, work with many First Nations people with cognitive disability. We realise that we have a lot to learn to better meet their needs.



First Nations people as a proportion of IDRS service users

We are delighted to be able to begin a new IDRS position of Aboriginal Engagement Worker in 2020 with the aim of increasing outreach and service response to First Nations people. Dean McLaren who has previously worked with our Cognitive Impairment Diversion Program will take up that position from 1 July.

To mark this milestone, IDRS commissioned a special artwork, Gurubala Gabanmala, (connect and heal) painted by First Nations Artist Donna Gayford McLaren. This beautiful work will become part of IDRS future visual materials to send a message of our aim to be a culturally appropriate, welcoming, safe and respectful service.

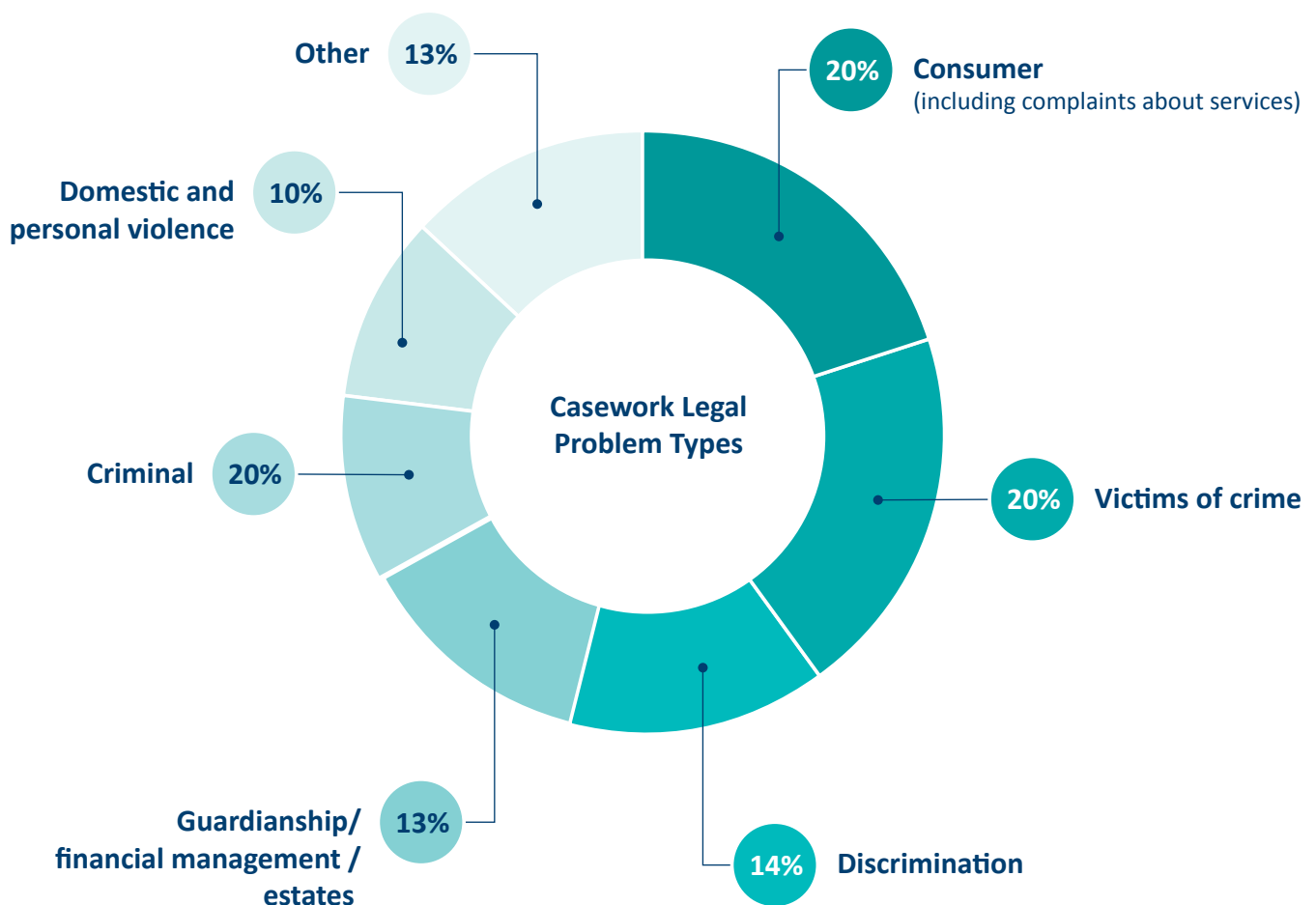


IDRS Legal Assistance includes:

- Free legal advice in person, by phone or via video link for people with cognitive disability about a broad range of legal problems
- Legal representation for people with cognitive disability in some matters
- Legal advice for people with cognitive disability who have been arrested 24 hours 7 days
- Referral to legal and disability services
- Information, training, resources for legal practitioners assisting clients with cognitive disability
- Advocating for law and systems reform for the benefit of people with cognitive disability

Legal services in 2019-2020

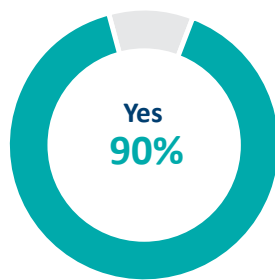
786 people with cognitive disability received legal assistance from Ability Rights Centre solicitors during 2018-19. 832 legal advices were provided and 70 people were represented by ARC through their legal matters.



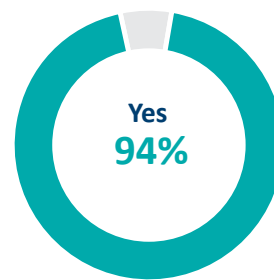
COVID-19 legal issues

Demand for legal assistance was consistent during the COVID-19 lockdown period. Some legal issues that arose for people with disability during COVID included warnings or fines for breaches of Public Health Orders and Restrictions, reports of domestic violence, reduced services, failure to comply with behaviour support plans and contact restrictions for people living in group homes.

Client Feedback Surveys



Did talking to the ARC solicitor help you to understand your legal problem?



Would you recommend ARC legal help to others

Some examples of ARC legal work this year

There is a common theme amongst the stories of many people with cognitive disability who approach IDRS for legal assistance. The person has often tried to explain their problem to the right people but find they are repeatedly misunderstood or not believed by those who could help. Persistent legal assistance and allowing sufficient time to understand the story and gather evidence that the person with disability cannot provide are essential to achieving just outcomes.



Escaping family abuse

Anna is a young woman who had been subjected to long term emotional, financial, physical and sexual abuse from members of her family over many years. Eventually she had fled her family home. However, at the time she approached IDRS, family members were continuing to approach and harass her even though she pleaded to be left alone.

IDRS assisted Anna to report the abuse to the police. We hoped the police would assist by taking out an apprehended violence order on her behalf. However, the police refused to act so IDRS represented Anna at court to apply for apprehended violence orders against her family members. We were initially successful in obtaining a 2 year apprehended violence order to protect her from one family member and 2 further apprehended violence orders were made against other family. Continued legal help was needed when some breaches of the orders occurred.

Anna told us that this was the first time that anyone had believed her about the abuse and supported her to take some action. Anna's confidence in herself has increased greatly. She says she is on a path to freedom and for the first time can do things that she enjoys such as dancing and art.



Unable to get action to fix dangerous living conditions

When Branca made contact with ARC legal service she was extremely anxious and distressed. It was clear that she had some sort of problem with her housing but it was difficult to get clear details from her. Branca contacted ARC numerous times. She had tried to report her problem repeatedly to Housing NSW but was always told that she needed to fill out an on-line form to report the problem. She was unable to do this her due to her disability.

Branca couldn't keep track of reference numbers given to her so she was regularly told that her complaint was not in the system. She was advised to take photos of the problem but she did not have access to a phone and was not able to understand or carry through what she had to do. Restrictions on in person contact due to COVID-19 exacerbated the difficulties for Branca. On one occasion she was accused of being delusional and was making up the problem.

It took many appointments to work out Branca's problem. Eventually the solicitor had enough information and instructions to file an urgent application with NSW Civil and Administrative Tribunal (NCAT) seeking orders for urgent repairs. This application was knocked back. We made an appointment to meet a housing representative at the premises and were shocked to find that Branca had been living in ankle-deep water throughout her unit for many months at great risk to her health and safety. We successfully advocated for Branca to be granted immediate emergency accommodation. Appropriate orders were made by NCAT.

This case starkly demonstrates the enormous barriers that people with cognitive disability can face in getting their message across, being believed and getting help for a serious problem.



▲ Legal IDRS solicitors



Fines, suspended driver's licence for victim of fraud

Steve came to ARC legal service for help with over \$6,000 worth of driving fines. He said that he didn't own the cars involved in the driving offences but no-one has listened to him about this. Steve was in his 60's, on Disability Support Pension and had no savings.

With the support of an advocate, Steve had been trying to tell police and Roads and Maritime Services (RMS) that someone had falsely registered cars in his name and that the fines were for offences he did not commit. He had received a notice from RMS demanding over \$6,000 in fines and advising that his driver's licence would be suspended.

Steve was already paying \$40 fortnight from his pension towards the fines and he had arranged a loan of \$5,000 to pay all the fines because he didn't want his licence to be suspended.

ARC solicitor helped Steve to collect evidence and to visit RMS again to search his driving record.

The solicitor made a submission to Service NSW and RMS attaching the fines notices involving 9 different cars and demonstrating that none of these infringements involved the vehicle belonging to Steve who, as a pensioner, was unlikely to own 9 vehicles. Other evidence demonstrated that Steve had been in hospital at the time when some of the alleged infringements were said to have occurred.

As a result, Transport NSW has advised that some of the enforcement orders have been withdrawn. They have changed their records to note that Steve owns only one car and placed a block on any further cars being registered in his name without full proof of identification.

ARC solicitor has made submissions to Revenue NSW to waive the fines and to refund the payments our client has made. Revenue NSW advised that some of the fines had been withdrawn and Steve's Centrepay Plan has been cancelled. Their records showed that Steve had already paid a total of \$2,900.00. They could not find any record of him paying \$5,000.00 last November.

ARC solicitor continues to advocate that Revenue NSW waive all fines and refund all amounts that Steve has paid to them.

This matter has demanded much continuing persistence with multiple agencies on the part of both Steve and the solicitor to get a satisfactory outcome.

Thank you to volunteers

The 24 hour custody legal advice service provided by Ability Rights Centre relies heavily on the good will and expertise of 32 volunteer legal practitioners who are willing to be on call overnight and at week-ends to ensure availability of 24 hour legal advice for people with cognitive impairment who have been arrested. We could not deliver this important service around the clock without their generous support.

Thank you also to volunteer solicitor David Hunt who assists with providing legal advice one day each week.

Ability Rights Centre education and capacity building aims to:

- Build the capacity of people with cognitive disability to understand their rights and responsibilities, to stand up for their rights and to know how to get help with their rights if they need it.
- Build capacity of people with cognitive disability to be educators to equip them to teach and lead their peers. Both Ability Rights Centre and Justice Support Services employ people with cognitive disability as educators.
- Build the capacity of the legal sector to work more effectively with people with cognitive impairment.
- Facilitate opportunities for government and other agencies to consult with people with cognitive disability to improve their services.
- Develop accessible information resources for people with cognitive disability.

Rights training in 2019-20

Ability Rights Centre had delivered training to 70 people with cognitive impairment in 2019-20 before COVID-19 stopped face to face training for the remainder of the year.



▲ Ali and Dale Podcast

Responding to COVID-19

When the COVID-19 restrictions and lock down began, our educators and co-educators began work on developing easy understand information for people with cognitive impairment. The team produced 4 videos.

- COVID-19: Rules about going out – what you can and what you can't do.
- COVID-19: What to do if you get stopped by police
- COVID-19: How Ability Rights Centre can help with legal problems from COVID-19
- COVID-19: For families and carers- How Ability Rights Centre can help with legal problems from COVID-19

The videos were made available on IDRS website, YouTube and through IDRS Facebook Page.

We also knew that many of the people we work with lived alone, probably had reduced support and would have little personal support during COVID-19 lock down. We knew that this would increase existing challenges with anxiety for many. Staff were proactive in maintaining regular phone contact with these people with the aim of reducing their isolation and anxiety.

Your Life Your Rights Course – about to go on-line!



▲ Working on YLYR On-line

With funding from an NDIS Information, Linkages and Capacity Building (ILC grant) IDRS had been working on an exciting project to recruit people with cognitive disability who would train with ARC to be Rights Champions. Jeffrey Lai, a member of the Making Rights Real Group, applied for and was appointed in the position of Co-leader of this project.

The plan was that the Rights Champions would design and develop a Rights Champion project of their choosing which they would deliver to other people with disability or a community group. This would have involved lots of face to face interaction and so became impossible with the necessary restrictions arising from COVID-19.

COVID-19 meant that we couldn't continue with the project as planned. Instead we took the opportunity to develop an on-line

version of our Your Life Your Rights course. This course builds understanding of rights and responsibilities, how to speak up for your rights and respect other people's rights and how to get help with rights and legal problems

Your Life Your Rights is usually taught by an IDRS educator and co-educator (with cognitive disability) in person to groups of around 10 people in 4 sessions of 2 hours.

The on-line Your Life Your Rights training is almost completed. We are very excited that this will provide the opportunity for people with cognitive disability to learn about their rights in a variety of ways. Some people could register and complete the training on their phone or iPad. Others could learn on-line while joining on-line group meetings facilitated by Ability Rights Centre educators.

It will also enable Ability Rights Centre to share this learning with more people in rural, regional and remote areas.

We will be piloting the on-line Your Life Your Rights course in September-October 2020.

Want to know more?

Visit our website or contact Robyn or Jessica on 02 9265 6350.

Rights in Relationships Training

Ability Rights Centre educators have been working with Professor Iva Strnadova, Special Education and Disability Studies at UNSW and a working group to create opportunities to pilot Ability Rights Centre's Rights in Relationships training with senior school students in support units in NSW high schools.

We were ready to deliver the training to Year 11 support unit students at Malabar Sports High School, supported by a research grant from UNSW, when COVID-19 sent everyone home. We are ready and waiting to get this training going as soon as it is safe.

Parents Program

The Parents Program helps parents with intellectual disability who have either had a child removed from their care or who are at risk of having a child removed. This program is very small and has not been able to extend to help to parent's with other cognitive disability. Legal Advice is provided to parents throughout NSW. Parent advocacy is provided in South West Sydney, Illawarra and Shoalhaven areas.

Funding for this program is via Legal Aid NSW.

Parents Program employs a part time solicitor and part time parent advocate/case worker. The program combines legal and disability advocacy to assist parents with intellectual disability to be fairly treated in child care and protection systems and have the best chance to raise their children.

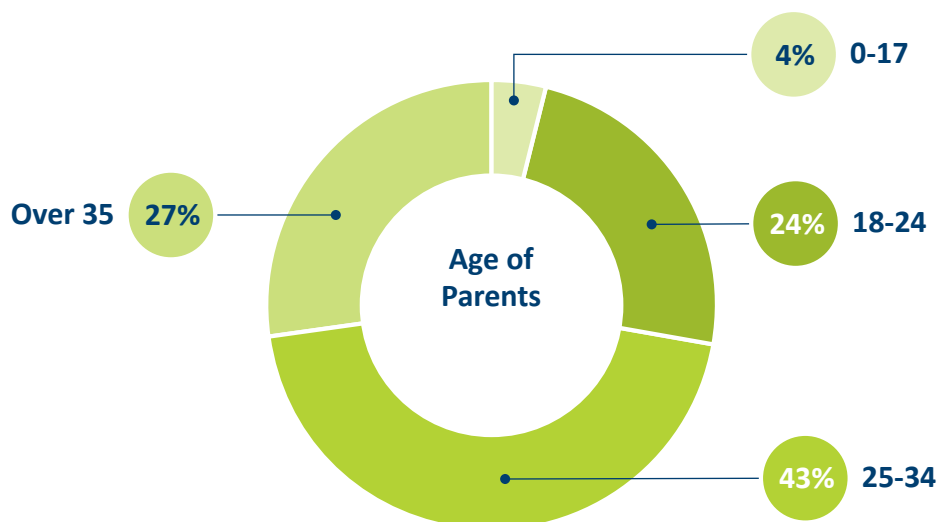
Parents Program offers:

- Legal advice and limited legal representation casework to parents with intellectual disability in care and protection matters about their children.
- Parent advocacy and support for parents who are at risk of having care of their children removed. This works best if we can begin to help during pregnancy.
- Support for parents during child care and protection matters in the Children's Court
- Training for disability support workers, child care and protection workers and lawyers to equip them to work well with people with intellectual disability
- Law and systems reform that will improve fairness and outcomes for parents with intellectual disability.

Parents Program work in 2019-20

The Parents Program has worked with 74 parents with intellectual disability during 2019-20. This represents an increase of 19% from 2018-19.

82% of the parents we worked with this year were mothers. Domestic violence was an issue for 43% of the mothers. Homelessness was an issue for 15%.



Parents Program



Jenny - early action results in baby going home

Jenny was referred to Parents Program by a caseworker from Department of Community Services and Justice (DCJ).

She had one child who had been placed by interstate child protection authorities. She was still grieving the loss of this child.

Jenny was pregnant to her new partner and had moved to NSW to be near his family. DCJ were concerned about Jenny's capacity to parent her second child because of the previous removal. They also raised the possibility of domestic violence in the new relationship. DCJ assigned a pre-natal caseworker to work with the couple in preparation for the birth.

Jenny was initially suspicious that the solicitor was a spy for DCJ. The Parents Program solicitor was able to reassure her that he was there to help so that Jenny had the best chance of bringing their new baby home. He was on her side and she could sack him if she was unhappy. Jenny wanted to focus of her coming baby first.

Jenny had been reluctant to meet or talk with DCJ and the solicitor had to convince her that she needed to work with the department so she could understand and address their worries and fix what they were worried about. The solicitor agreed to support Jenny at meetings with DCJ.

Jenny suffered from anxiety. Her anxiety was heightened during meetings with DCJ and impacted her communication. The solicitor was able to ensure that she was allowed time to understand what DCJ expected of her and that they listened to her as well. DCJ had regarded Jenny's partner as controlling of her and they suspected possible domestic violence. With Jenny supported by the solicitor, he was able to relax and did not feel the need to speak over Jenny.

Jenny co-operated with what DCJ wanted and was able to satisfy them that she would be able to look after the new baby safely with the support of her partner and his family. DCJ arranged some in home support to go to the home daily for several weeks after the baby was born. DCJ could see that Jenny was doing a good job and were able to closed the case.

NDIS Appeals

The primary work of the NDIS Appeals worker is to assist people with disability to get better outcomes from the National Disability Insurance Agency by providing information and direct advocacy support to people who want to challenge NDIA decisions at the Administrative Appeals Tribunal or via internal reviews.

NDIS Appeal Support work in 2019 -20

SERVICE	
Assisting people with AAT case management	25
Assisting with internal reviews	14
Providing an assessment/advice appointment plus follow up information in writing relevant to the client's problem	28
Total	67

The third of these strategies, namely, meeting/or speaking with the client to get information about their situation and then providing detailed written information relevant to their specific problem has been a new strategy employed this year by the NDIS Appeals worker.

This approach has been very useful for parents seeking an internal review for their children as well as people with disability who have good literacy skills and are able to act independently. Clients can contact for further assistance if needed.

Feedback about this approach has been very positive and has the added benefit of building the capacity and confidence of families and people with disability to take their own action armed with the information they need.

The service is concerned about how demand will be met in the next 12 months with reduced funding.

Community Education

- Addressed the NDIS Appeals Forum hosted by Legal Aid about the practical implications of the Williamson regarding AAT jurisdiction
- Partnered with Legal Aid NSW to address the Mental Health Review Tribunal about NDIS eligibility
- Co-presented a session at the 2019 National Community Legal Centres Conference with Dean McLaren and Queensland Advocacy Incorporated

NDIS Appeals



Convincing NDIA of eligibility

The NDIS Appeals worker assisted the family of a 10 year old child of CALD background to challenge a decision that the child was ineligible for NDIS on the basis that the child's condition was attributable to a psychiatric condition (as primary impairment). One of the challenges in this matter was the agency's view that a child as young as 10 could not have an impairment that could be shown to be 'lifelong'. It was necessary to provide both medical and personal accounts of the child's life to the Administrative Appeals Tribunal.

The family member I worked with had a good conversational level of English but the Tribunal processes can be very technical and legalistic with unfamiliar language. As advocate I assisted the family to provide statements of lived experience in English and ensured that interpreters were provided whenever the family wanted assistance with the more technical elements of the process.

I applied for legal aid for the family and participated in all legal advices.

The case was successful, with the NDIA agreeing to access for the child during conciliation.



Positive outlook impediment to achieving appropriate NDIA funding

Our client's primary disability was noted with the NDIA to be cognitive impairment. She had many positive skills. However, her physical impairments had major impact on her daily life. Due to pain she could not bend to pick up anything from the floor or sit for any period of time. She had gone to extraordinary lengths to work her way around her physical limitations and pain without complaint. Her life-long habit was to minimise the problems.

She had devices to help her to pick up low objects. She could no longer put her pet's food on the floor and had had a shelf built to feed the pet at a higher level. Most concerning, she was very unsteady on her feet and was at major risk of a fall, particularly in the bathroom. For this reason bathroom modifications were essential before she had a fall.

At the AAT it became clear that the NDIA did not understand the extent of the client's physical disabilities which were masked by her up beat, can do attitude. The fact that the NDIA had never seen the client in person added to the lack of understanding. The client's physical disabilities would have been obvious to anyone who met her. The planner did not accept the need for modifications.

Workplace assessments from the client's employer of 30 years focused on the positives and did not specifically mention the loss of physical function. The positive, can do attitude of the client and those around her were working against her being approved for the bathroom modifications.

By working closely and tactfully with the client as her advocate I collected the story of what her actual daily life was like and, with permission, also collected stories from many of the people involved in her life, cautioning them to include rather than overlook her difficulties.

Once the NDIS understood the real impact of her impairment through her honest statement and those of her mother and workplace support people, they quickly agreed to the request for bathroom modifications.

I was privileged to be sent pictures of the new bathroom and railing once installed along with a photo of a very happy client.

Disability Royal Commission Support

Disability Royal Commission Support

This service commenced in the second half of the year, and as a new service, has been heavily impacted by the COVID-19 lockdown and subsequent months of restrictions within the community. We found that, when contacted, people who had previously enquired about the Disability Royal Commission support did not want to move things forward during the COVID-19 period of restrictions.

We have found the role of the Disability Royal Commission advocate to be many layered. It is assisting people with disability to make their statements in whatever form they wish. This involves providing understanding of the purpose of the Royal Commission and any referrals that a person may need to decide whether or not they want to interact with it.

A person may then decide that providing information to the Royal Commission is not something they want to do. This has been the case with a significant proportion of the people we have supported. For some, the experience has been cathartic and for others it has been devastating. The availability of counselling has been crucial to this process.

We look forward to moving this service forward in 2020-21 when hopefully COVID-19 is less of a concern for people with disability.



Sharing the journey toward being a witness at Royal Commission hearing

A client of various IDRS services, who we will call Adam, had approached IDRS asking for help to share his story with the Disability Royal Commission and we had begun working with him toward that goal. We had discussed the various ways that someone could provide information. From the beginning Adam was interested in telling his story publicly.

At the same time IDRS was approached by Royal Commission staff who were looking to identify potential witnesses with lived experience of disability and the criminal justice system for upcoming hearings originally scheduled for August 2020. Adam was keen but needed to know more to make a decision.

A meeting was arranged with a Disability Royal Commission solicitor and barrister who talked to Adam about his experiences and explained more about what was involved in being a witness at a hearing.

The Royal Commission staff confirmed within a few days that they would like Adam to be a witness and prepared a draft witness statement based on the interview with him. Adam was sure that he wanted to go ahead. The Disability Royal Commission advocate supported Adam through all these steps and assisted him to read the statement and raise any initial changes he wanted. We helped him find a legal representative who would work well with him and supported him in meetings with that legal representative. Adam has identified changes and additions to his witness statement.

Unfortunately the hearing scheduled for August was postponed and so it has been a long wait for Adam. His statement is with the Royal Commission and he remains ready to share his experience.

Justice Advocacy Service

The Justice Advocacy Service (JAS) commenced on 1 July 2019 and is funded until 30 June 2021 by the Department of Communities & Justice. JAS provides support to young people and adults with cognitive impairment who are in contact with the NSW criminal justice system, including as victims, witnesses, and suspects/defendants to exercise their rights and fully participate in the process.

JAS expands on the successful Criminal Justice Support Network that had been operated by IDRS since 2003. CJSN demonstrated significant economic and social benefits by providing appropriate support for people with intellectual disability in the criminal justice system.

The Regional Disability Advocacy Service (RDAS) delivers JAS in Albury, Griffith, and Wagga Wagga.

Core functions

JAS has seven core functions:

1. Supports for suspects with cognitive impairment in police custody.
2. Supports for victims and witnesses with cognitive impairment when in contact with police.
3. Supports for people with cognitive impairment attending court.
4. Supports for people with cognitive impairment attending legal appointments.
5. Training for Justice agency staff on working with people with cognitive impairment in contact with the NSW criminal justice system.
6. Capacity building and peer mentoring for people with cognitive impairment in contact with the NSW criminal justice system.
7. Free legal advice from a trained solicitor for suspects with cognitive impairment in police custody.

In addition to these core functions JAS provides advocacy and problem solving assistance as well as actively linking JAS users to mainstream and disability services. The case studies at the end of this report demonstrate this aspect of our work.

“Whole lot of difference. I got listened to, understood what was happening and when I got a fine I couldn't pay the Justice Advocate linked me to WDO and I worked them off within a month.”

Justice Advocacy Service

Key achievements in 2019-20

Support of 1,561 young people and adults with cognitive impairment.

Support to people under arrest at a NSW Police Station extended to 24/7 state wide from 1 October 2019.

Provided 529 supports to people in custody.

Rapid growth of our service from 12 employees at 1 July 2019 to 82 by 30 June 2020.

70 Police Station Support Workers employed. These casual employees, located in towns across NSW, deliver timely support to young people and adults with cognitive impairment when they are arrested, predominantly after hours and on weekends. 25% of our Police Station Support Workers are Aboriginal and/or Torres Strait Islander people.

JAS Training Needs Analysis report delivered to the Department of Communities and Justice.

Rapid deployment of our employees to work from home during the COVID19 pandemic.

Six team leader positions established to support our Justice Advocates.

Coordinator, Volunteers and Casuals position established to monitor the wellbeing and skills maintenance of our volunteers and casuals.

60 new volunteers engaged despite the challenging environment presented by the COVID19 pandemic.

Training of Local Court Magistrates at their annual conference during February 2020.



▲ Sabrina Forte, Justice Advocate, Western Sydney, Darug Country



▲ Team leaders, members of the Intake team and managers meet in Sydney, November 2019

“ (Case manager) helped me to cope with problems, not get into trouble, she knows disability, how to talk with you”

Justice Advocacy Service

Performance & outcome measures 2019-20

Outcome Measure	% Achieved	COVID-19 Impact
80% of requests for a support person for suspects in police custody are met within two hours 24 hours/7 days	99% 38% supports were in person 62% by telephone	High proportion of telephone supports are partly due to COVID-19 restrictions
80% of requests are met for a solicitor (paid or volunteer) to provide legal advice to suspects in police custody.	98%	
80% of requests are met for a support person for victims and witnesses reporting to police	83% requests met	
80% of requests are met for a support person for clients attending court	72.5% requests met	23.7% of requested court supports could not proceed due to the suspension of in person support and Court security arrangements
Support persons for Audio Visual link court hearings from Correctional Centres	38% requests met	56% requests could not be met due to COVID-19 restrictions at correctional centres.
80% of requests are met for a support person for clients attending legal appointments	90.5% requests met	

“ I think the police listened because the JAS advocate was there. She made sure the police took it seriously. ”

Justice Advocacy Service

Production of a training needs analysis and training and Capacity Building Strategy for justice agency staff

ARTD Consultants were engaged to deliver a report on the training needs of the NSW criminal justice system workforce in relation to working more effectively with people with cognitive impairment in the system. The purpose of the Training Needs Analysis is to guide delivery of training by the Justice Advocacy Service (JAS).

There were many key contributors to the final report including from the NSW Police Force, the Aboriginal Legal Service, agencies within the Department of Communities and Justice including Courts and Tribunal Services, Victims Services and Legal Aid NSW. We thank them for their time and insights.

Findings

There is a clear need for training across the Justice workforce in NSW for those who have direct contact with young people and adults with cognitive impairment and those who supervise them. The results of the needs analysis reflect the results of previous research in this area in terms of the topics that should be covered.

The core topics for training identified are recognising that a person may have a cognitive impairment; effective communication with people with cognitive impairment, including being able to check their understanding of what they have been told; and knowledge of services that can provide appropriate support for people with cognitive impairment and how to contact them.

Consistent training of support persons including paid staff and volunteers

Learning Management

Our Education team have designed training for our employees and volunteers that can be delivered in person or online.

An online Learning Management System (LMS) was set up in 2020. The LMS has strengthened our capability to administer, document, track, report and deliver both internal and external training programs. Online training will not replace face to face engagement but rather make training more flexible, adaptable, and accessible for our employees and volunteers.

Inaugural Justice Advocate Training Group July 2019

In July 2019, after an extensive recruitment drive, hundreds of interviews, and reference checks 22 new Justice Advocates came together in Sydney to join the existing CJSN Team. This took the JAS team from 12 to 32. This was the three-day training that began the Justice Advocacy Service.



Justice Advocacy Service

Working with Partners

As well as training and induction of new employees, a large focus was on promoting our service to people with cognitive impairment, other disability services and criminal justice system personnel.

Training was delivered to 465 external people were trained in 55 sessions held across NSW. This is equivalent to 254 hours of training or 34 workdays. Trainees included 145 volunteers, 180 Police officers, 100 Local Court Magistrates, 40 disability service personnel.



JAS has also presented service information to the following organisations in 2019-20:

- Aboriginal Legal Service NSW/ACT
- Australian Pro Bono Centre
- Community Legal Centres NSW
- Justice Connect
- LawAccess NSW
- Regional Domestic Violence Strategy Groups
- Legal Aid NSW Criminal Law Conference
- Law and Justice Foundation of NSW
- Legal Information Access Centre, State Library of NSW
- Legal Aid NSW (including the CLSD Program)
- NSW Department of Communities & Justice
- NSW Legal Assistance Forum
- NSW Local Courts
- Tenants Union of NSW
- Women's Legal Services NSW
- NSW Ministry of Health, Sexual Assault Services
- JAS contributed to the review of the NSW Young Offenders Act.

Justice Advocacy Service

Statewide Conference 2020

In February 2020 team members attended a two-day JAS State wide conference. Guest speakers included our Executive officer, Janene Cootes, Mitch Mulqueen (IDRS), Jane Sanders (Principal Solicitor, Shopfront Youth Legal Centre) and Ashleigh Hewson (Statewide Disability Services, Corrective Services).

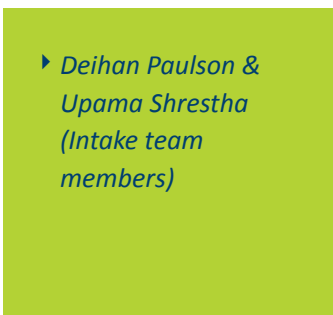
Workshop topics included advocacy, vicarious trauma, supporting young people, working with volunteers and introduction to training.



◀ Reuben Solomon & Brendan Gosling, Statewide Meeting February 2020



▲ Helen Goltzoff & Leanne Stefanac, Statewide Meeting February 2020



▶ Deihan Paulson & Upama Shrestha (Intake team members)



◀ JAS Statewide Meeting, February 2020

▲ Matt French, Nadine Farrell & Margaret Hardman, Statewide Meeting

Justice Advocacy Service

Productions of communication and information material for potential clients, their families and informal supports, and other stakeholders

A range of JAS communication material has been distributed widely by the JAS team across NSW and is also available online. JAS Posters are displayed in Police stations and Courts.



Justice Advocacy Service

Our Volunteers

JAS relies on the generosity of volunteers to reach far more people across much more of NSW than we otherwise could. Their contribution in supporting justice for people with cognitive impairment in NSW is enormous and greatly appreciated.

Volunteers predominantly support people when attending court and at legal appointments. Volunteers may also provide support to people with cognitive impairment at police stations during the day.

In May, JAS Volunteers with five and ten years of service were recognised with a certificate of appreciation.



Volunteers with ten years of service or more

- Joyce Armstrong
- Anne Hudson
- Isabel Mackenzie
- Michael Fredricks
- Kathy Speers
- Julie Thomas
- Michael Barnett
- Ben Droll
- June Hartman
- Elizabeth Starr
- John Raymond
- Margaret Jennings
- Eunice Raymond
- Mike Sprange



Volunteers with five years of service or more

- Cookie Lloyd
- Michael Costello
- Dianne Patrick
- Ken Cahill
- Sue Hancock
- Margaret Goninan
- Maxine Watson
- Veronica Eldridge
- Terry Frost
- Bruce Valentine
- Norm Upton
- Eric Tanner
- Brenda Shea
- Brian Whyatt
- Debbie Hastings
- Sue Maxwell
- Paul Dean
- Pam Halliburton
- Val Lucas
- James Weir

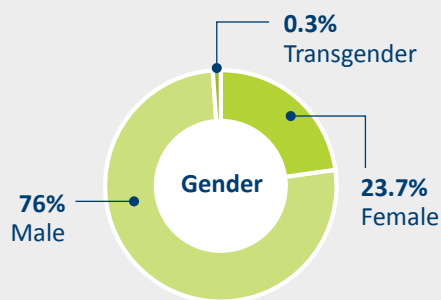


▲ Illawarra Volunteers, Christmas Lunch December 2019

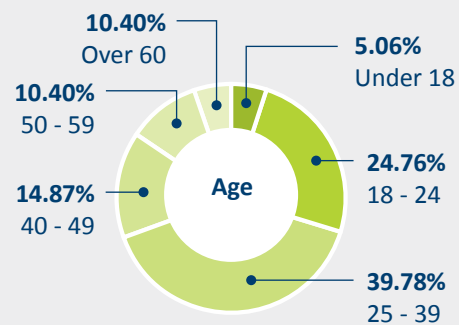
Justice Advocacy Service

Client Snapshot

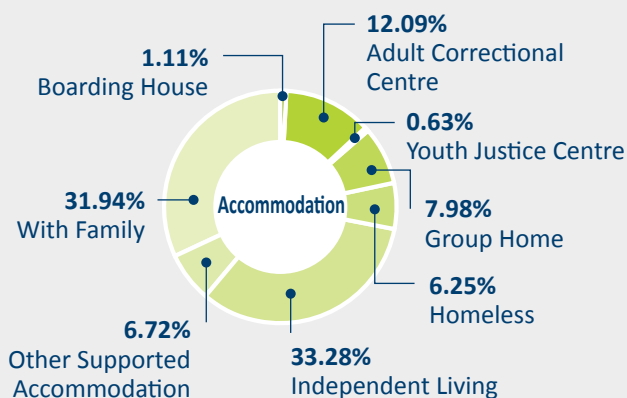
1,561 people received JAS support.



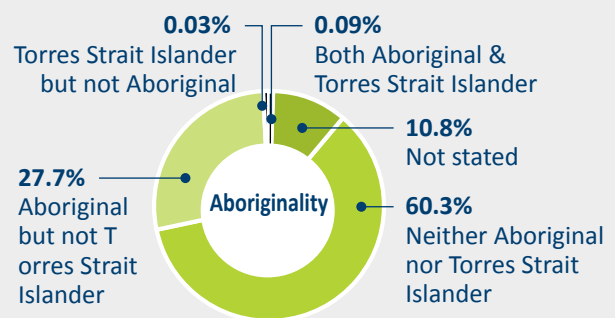
Gender



Age groups of JAS clients



Client accommodation at time of referral



Aboriginality

Nature of cognitive impairment

55% of JAS clients had more than one cognitive impairment or a mental health problem combined with cognitive impairment.

JAS clients reported with 122 combinations of multiple disabilities including one or more of the following:

- Developmental delay
- Intellectual (including Borderline Intellectual Functioning)
- Specific learning disability
- Autism Spectrum Disorder
- Psychiatric
- Other neurological disorder
- Physical disability
- Acquired Brain Injury
- Speech, hearing, or vision sensory
- Dementia
- Foetal Alcohol Syndrome

Justice Advocacy Service

Supports

Police Supports

- 351 supports to people under arrest at a Police Station.
 - 218 calls to the Ability Rights Centre solicitors from people under arrest seeking legal advice.
-

Court Supports

- 2,306 court supports to defendants, victims, and witnesses.
-

Legal Appointments

- 428 supports for people attending legal appointments.
-

Audio Visual Supports

- 107 supports to defendants appearing from at Court from within a correctional or youth justice centre via audio visual link.
-

COVID19 pandemic service arrangements

An adapted JAS service continued during the COVID-19 pandemic. From 23 March 2020 to 1 July 2020, JAS provided the majority of our service to people with cognitive impairment by phone or video meeting while the JAS team across NSW were provided essential resources to comfortably work from home. We used online meetings to facilitate frequent contact within our team and with our service partners.

In person supports were resumed from 1 July 2020. A risk register was developed and mandatory risk assessments conducted. All employees and volunteers completed Infection Control training.

“ Would you use JAS again?
Yes, hopefully, I’m not planning to get into any more trouble ”

Justice Advocacy Service

Towards 2021

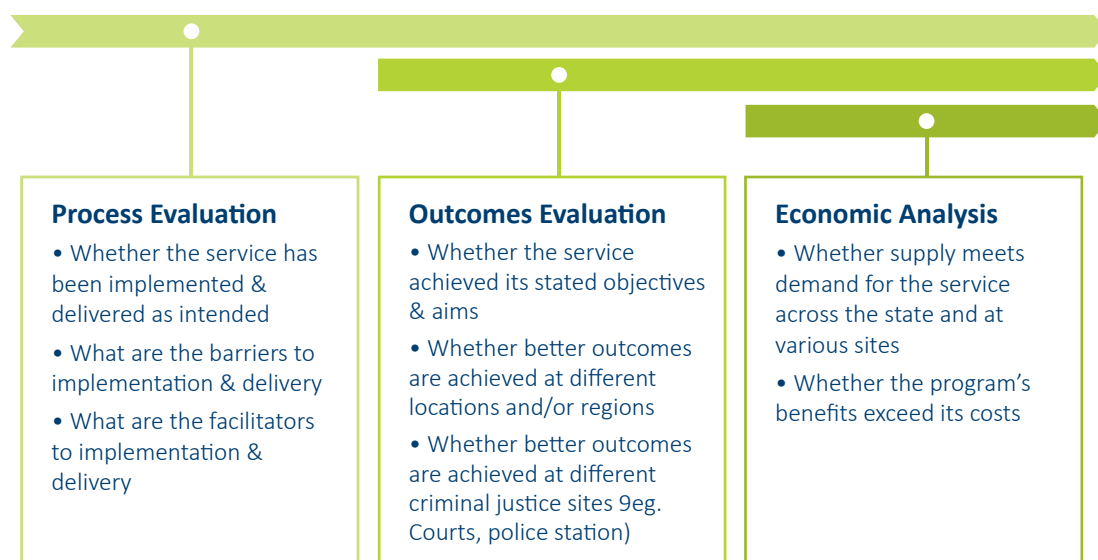
JAS Evaluation

The Department of Communities and Justice (DCJ) has engaged a consortium led by Ernst & Young (EY) to undertake an Evaluation of the JAS. The consortium features members from:

- EY
- The University of New South Wales Social Policy Research Centre (SPRC)
- First Peoples' Disability Network (FPDN)
- Youth Law Australia (YLA)

Evaluation objectives

The JAS Evaluation aims to assess the effectiveness of the service within its first year of operation and inform decisions for potential continuation. The Evaluation will address a range of process, outcomes and cost-benefit considerations associated with JAS, including but not limited to:



Evaluation time frame



Justice Advocacy Service

If not for JAS...Case Studies



Benjamin

Benjamin is deaf without speech, has a moderate intellectual disability and a mental health diagnosis including suicidal ideation, anxiety, and psychotic episodes. He lives with his elderly parents and receives the Disability Support Pension. He has an NDIS plan and a support coordinator.

Benjamin has a history of emotional dysregulation and finds interactions with NSW police extremely stressful due to poor communication. On several occasions the Police have placed court attendance notices in Benjamin's letter box resulting in him failing to attend Court as he has a very low level of literacy. Benjamin communicates via an Auslan Interpreter.

Benjamin was referred to the Justice Advocacy Service by his NDIS coordinating agency following assault and theft related charges. Benjamin's court matters have been frequently adjourned due to communication difficulties.

Communication support

For medical and legal appointments, Benjamin utilises an Auslan and Deaf Interpreters. The Auslan interpreter interprets an English speaker's message into standard Auslan, and then the Deaf Interpreter uses Auslan, International Sign (a gestural system used by Deaf people who do not share a common sign language), gesture, mime, idiosyncratic signs, even drawing, to convey that message to Benjamin. The system works in reverse when Benjamin expresses himself.

If not for JAS...

The Justice Advocacy Service (JAS) played a pivotal role in assisting Benjamin interact with the criminal justice system including engaging with his legal representative.

The JAS ensured court services provided evidence of confirmed bookings for appropriate interpreters for court appearances to avoid adjournments so that Benjamin's matters were heard in a timely fashion

JAS met with Multicultural NSW and NSW Courts and Tribunal Services to resolve systemic issues impacting on the provision of Auslan Interpreters for Benjamin's court appearances and facilitated opportunities for Benjamin to have access to an interpreter prior to court appearances for any last-minute communication

Individual JAS support was provided in court and legal appointments with the same support person for all appointments to provide consistency and reduce stress for Benjamin.

JAS made a request to Benjamin's legal team that his matter be dealt with by way of Section 32 application under the NSW Mental Health (Forensic Provisions) Act 1990.

JAS initiated a case conference in relation to strengthening support for Benjamin and a plan for his longer-term housing as his parents were relocating. Referrals were made to several local service providers to support Benjamin to live independently. Referrals had been attempted in the past but failed due to communication barriers or had resulted in a level of service that did not fully meet Benjamin's complex needs

Benjamin's NDIS package now includes provision of a dedicated disability support multicultural worker to assist Benjamin with his shopping, attend medical appointments and visit his parents.

Justice Advocacy Service



Jeremy

Jeremy is a 19-year-old Aboriginal man. Jeremy has Autism Spectrum Disorder. The JAS was requested to provide a service to Jeremy by a Local Court Magistrate. Jeremy was represented by the Aboriginal Legal Service. He has a long history of involvement in the criminal justice system since the age of 14 years and at the time of referral to the JAS was on remand in an adult correctional centre.

If not for JAS...

JAS reviewed the community supports Jeremy was receiving only to find out that whilst he is an NDIS participant he had never used any funds and was not aware he was a participant. The JAS linked him with an NDIS Justice Liaison officer via the CSNSW Statewide Disability Services unit.

At Jeremy's sentencing, his lawyer was able to give context to Jeremy's prior non-compliance and advise the Court about the engagement of a support co-ordinator who would assist Jeremy to access the enhanced supports now in place. A section 32 order was granted.

Jeremy was vulnerable to a custodial sentence and further entrenchment in the criminal justice system. Advocacy from JAS focused on ensuring Jeremy received critical support to help him to comply with his Court order and reduce the risk of further offending.



Jasmina

Jasmina is an Aboriginal woman. She has borderline intellectual functioning (IQ range 71-84) and has experienced significant trauma in her life, including as a victim of domestic and family violence. She has significant mental health issues. Jasmina was charged with breach of an AVO against her partner. She is also a victim of domestic violence and was noted to have extensive bruising when arrested.

The police had not contacted JAS to support Jasmina at the police station. She was referred to JAS by her Legal Aid solicitor. She had multiple court matters as a result of domestic violence. She had disengaged from all services, had no GP and was not taking her prescribed medications.

If not for JAS...

JAS organised for Jasmina to see a local GP and a psychologist. She did not connect with the first 3 psychologists but the Justice Advocate persevered to locate a psychologist that she felt comfortable with and who was easily accessible to her. The JAS advocate organised a referral to her local Primary Health Network (PHN) through the GP. The PHN assisted Jasmina to apply for a review of her NDIS plan while JAS advocate arranged for the psychologist to complete assessments and a support plan so that a Section 32 order could be to the court. The Section 32 order was granted by the magistrate due to the extensive supports now in place.

Without JAS involvement it is unlikely that the Section 32 application would have been successful due to Jasmina's previous total disengagement with services.

At the conclusion of this matter, Jasmina decided to remain with her partner who is also her carer. The revised NDIS plan provides supports that mean Jasmina is now less dependent on her partner. The support plan also includes the possibility of Supported Independent Living (SIL) accommodation in the future and the option of independent choice with her accommodation should Jasmina's relationship with her partner break down in the future.

Jasmina now has supports and structure in her life. She is adhering to a much needed medication regime. JAS supports and referrals have resulted in a stability that has encouraged her to take the first steps in reconnecting with her family and making some life goals.

Justice Advocacy Service



Kehlani

Kehlani is a 25 year old woman of Middle Eastern descent with borderline intellectual disability. Kehlani was referred to JAS by her NDIS support co-ordinator.

JAS had supported Kehlani on four occasions to make victim statements to the police in relation to unrelated matters. On the last occasion Kehlani had been the victim of domestic violence and needed to be hospitalised for her injuries. She had disengaged with her services including her NDIS support co-ordinator which put her at greater risk of further victimisation particularly domestic violence. The JAS advocate spoke to Kehlani about her NDIS support needs and discovered that Kehlani didn't really feel comfortable with her NDIS support coordinator.

JAS gained Kehlani's consent to make enquiries to source a support co-ordinator who was responsive to Kehlani's needs and who had more experience working with clients with complex needs. JAS also engaged the services of a Domestic Violence support service who were able to secure emergency accommodation for Kehlani on her discharge from hospital. As the JAS advocate had known Kehlani for a significant period of time she played a key role to ensure all services involved understood the nature of Kehlani's cognitive impairment and complex needs and that any decisions made took into account her complex trauma history.

Kehlani has recently been placed in long term supported accommodation and JAS will continue to assist her in her ongoing legal matters which due to the court backlog will be ongoing for at least the next 12 months. JAS is also supporting Kehlani to apply for victim's compensation.

“The sense of support was huge, otherwise you're alone and ready for gaol”

Cognitive Impairment Diversion Service

Cognitive Impairment Diversion Program (CIDP) is a 2 year pilot program which began in October 2017. The pilot program was extended for a further 12 months till June 2020. CIDP was funded by the Department of Communities and Justice and operated from two local courts Penrith and Gosford.

The aim of CIDP was to increase the use of diversionary orders under S32 and S33 of the Mental Health (Forensic Provisions) Act 1990 (NSW) and in doing so improve outcomes for people with cognitive impairment who were appearing as defendants in these two local courts.

In the initial service model Justice Health provided screening for cognitive impairment, assessment and reporting to the court while Community Corrections had a role in monitoring compliance with diversionary orders and reporting breaches.

Despite a strong community campaign and enormous support for the need for CIDP, this valued program closed on 30 June 2020.

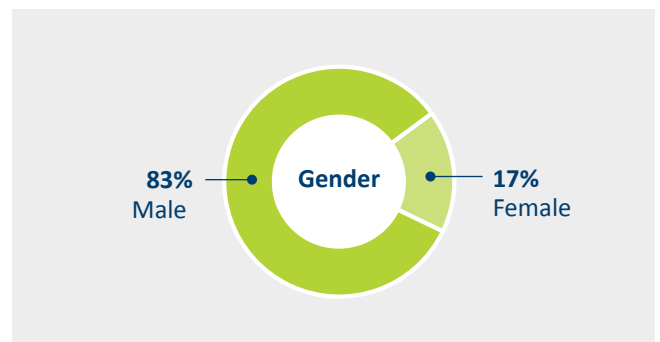
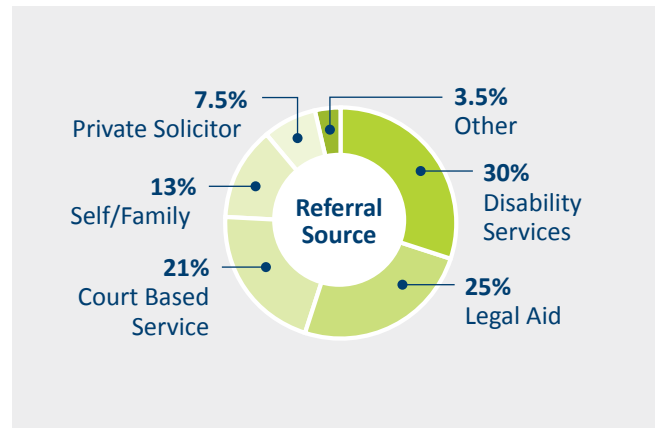
Expansion of IDRS Role in revised CIDP model 2019-20

From 1 July 2019, a revised model of CIDP was adopted.

Under the revised model, IDRS had a much broader role including:

- initial screening for possible cognitive impairment
- seeking existing evidence of cognitive impairment for potential participants in the program
- brokering appropriate assessment of disability where no existing evidence available
- provide case management and support planning for participants
- provide evidence of cognitive impairment and a support plan to the court to support applications for diversionary orders

The function of monitoring the person's compliance with diversionary orders was not included in the new model.



“ CIDP represents a valuable diversionary program meaning that people who I have represented have, in fact, with the assistance of the program avoided jail.

Further I have seen clients who have offended with disturbing regularity reduce their level of recidivism within the period of time that CIDP has been working with them” - Private solicitor

Cognitive Impairment Diversion Service

Outcome of finalised court matters

90 CIDP participants had their court matters finalised in 2019-20.

The impact of COVID-19 from March to July 2020 on processing of court matters greatly reduced the number of cases that could be finalised. Achieving finalisation of matters during this period was very challenging.

Wherever possible CIDP finalised court reports for those still awaiting their final hearings and referred 40 people to Justice Advocacy Service for on-going court support.

Half of the people whose matters were finalised in 2019-20 received a Section 32 diversionary order under the Mental Health (Forensic Provisions) Act 1990 (NSW). Most other participants received community orders and 4 of the 90 received a custodial sentence.

Access and improved funding packages under NDIS

A vital aspect of IDRS work with CIDP was to ensure that participants in the program understood the opportunities under the NDIS. Many of the people in the program had poor experience and mistrust of both disability and mainstream service providers. Our staff worked with them to identify what they might want from services and worked to find a support co-ordinator who suited the individual and was reliable.

CIDP was very successful in supporting participants to gain access to the NDIS, to activate existing NDIS package or to seek a review of an inadequate NDIS package. Our experience is that many of the people with cognitive impairment involved with the criminal justice are not accessing the funding or support that could be available to them under the NDIS.

Additional Value		
Successful NDIS access applications	28	\$1,260,729
Unused plans activated	5	\$239,796
Plan reviews of inadequate package	29	\$1,065,628



▲ Jillian, Dean, Michael, Taylah, Charlotte, Alicia, Justine

Cognitive Impairment Diversion Service



Jodie

Jodie was living in an apartment complex where she was being physically, psychologically and sexually abused. Multiple Apprehended Violence Orders (AVO) were in place to protect her. Neighbours also had AVOs against her. She had been charged with breach of an AVO and an assault. Despite having a tenancy, Jodie was in effect homeless because she felt unsafe there.

Jodie had an extensive criminal history. It took some time to gain her trust. She had complex issues including Alcohol and Drugs, mental health, suicide ideation and intellectual disability. Support needed to be flexible, non-clinical and relationship based. Support to meet basic survival needs, including crisis relief for food and utilities, personal care items and transport to and from legal appointments and court were essential.

Eventually Jodie agreed to apply for NDIS. CIDP supported her through this process, arranging an occupational therapy assessment and helping Jodie to think about her goals. The access application was successful and Jodie's funding package included Supported Independent Living (SIL) funding which would enable her to establish new accommodation and support services. CIDP facilitated case conferences with the services involved with Jodie to ensure that they were communicating effectively and understood Jodie's needs. Jodie said she felt safe for the first time in her life.

At court Jodie received a Section 32 order based on the services and support that she was now engaged with. Jodie has not had any charges since moving into her new accommodation.



Tony

Tony lived in a group home. His charges were related to repeated incidents with other residents and staff in the home. The problems had been occurring for some time resulting in police being called on many occasions.

CIDP arranged a review of Tony's NDIS plan which was inadequate to meet his needs. Tony's revised plan provided increased support co-ordination and services. Regular occupational therapy and psychology sessions were arranged as well as a review of Tony's behaviour support plan. A much needed review of his mental health medication was arranged and his mental health improved significantly.

Tony was unhappy in his accommodation and his relationship with staff was very poor. It was clear that the staff were not skilled at managing his behaviour support needs. It seemed that the issues leading to his charges would not be resolved while he remained in that home.

Tony's support co-ordinator explored new accommodation and Tony was actively involved in the choice. CIDP ensured that the staff were trained and committed to effectively implement Tony's behaviour support plan.

Despite his frequent charges, Tony had poor understanding of the legal processes he had been experiencing over many years. CIDP ensured that he had the opportunity to understand his options at court and that in applying for a Section 32 order he was agreeing to conditions.

Tony received a Section 32 order from the court. He has had no new charges since moving to his new accommodation.

Support and Funding

IDRS is an incorporated association operating on a not for profit basis expending all funding on the provision of service and the operation of the organisation.

IDRS acknowledges the support of government funding which is essential to deliver our services from the following government agencies:

- NSW Department of Communities and Justice
- Legal Aid NSW
- Commonwealth Department of Social Services
- National Disability Insurance Scheme Information, Linkages and Capacity Building project funding.

Donate to support the work of IDRS

- <https://www.givenow.com.au/idrs> or
- visit our website www.idrs.org.au
- Donations to IDRS are tax deductible



▲ Kirra at expo



IDRS 
Making Rights Real