

# Villamanta Disability Rights Legal Service Inc.



Villamanta Disability  
Rights Legal Service Inc.



## Annual Report 2008 – 09

# What is in this Report:



Staff members & acknowledgements .....	3
About Villamanta Disability Rights Legal Service Inc. ....	4
Minutes of 2008 AGM .....	5
Committee of Management Members.....	8
Chairperson's Report.....	12
Executive Officer & Principal Solicitor's Report .....	13
Photos of staff and volunteers .....	16
Policy & Law Reform Report .....	17
Casework Report .....	23
Community Legal Education Report .....	34
Telephone Advice, Information and Referral Service Report .....	38
Financial Statements .....	45
Treasurer's Report .....	52
Independent Audit Report.....	53

# Villamanta Disability Rights

## Legal Service Inc. Staff Members



<b>Deidre Griffiths</b>	Principal Solicitor & Executive Officer (5 days per week)
<b>Greg Leeson</b>	Casework Lawyer/Policy & Law Reform Worker (4 days per week)
<b>Dezi George</b>	Casework Lawyer (4 days per week)
<b>Viv Avery</b>	Casework Lawyer (2 days per week)
<b>Darrell Harding</b>	Accounts Administrator/Special Projects (3 days per week)
<b>Sue Wolter</b>	Paralegal Worker (4 days per week)
<b>Viv Nicol</b>	Administration Worker (3 days per week)
<b>Trish Jardine</b>	Telephone Advice Worker (3 days per week)

### ACKNOWLEDGEMENTS

*Villamanta Disability Rights Legal Service Inc. is part of the Australian Network of Disability Advocacy Services funded by the Australian Government. We thank our funder, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs and our sponsor, donortec, who generously upgraded our computer software.*



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# About Villamanta Disability Rights Legal Service Inc.



## Our Mission

***“Villamanta Disability Rights Legal Service advances the rights of people who have a disability related justice issue“***

Villamanta Disability Rights Legal Service Inc. is a statewide community legal service that works only on disability related legal issues. Our main purpose is to make sure that Victorian people who have a disability know about the law and are enabled to use the law to get their rights.

We have a particular focus on the rights of people who have an intellectual disability.

### **Villamanta provides these free services to people who have a disability:**

- ◆ **Telephone information, advice and referral service**
- ◆ **Legal assistance on disability related issues**
- ◆ **Community legal education**
- ◆ **Policy and law reform**

Some of these services are also provided to people who do not have a disability who are involved in supporting people with disabilities. We also sell books on disability related legal issues.

Villamanta Disability Rights Legal Service Inc. is committed to the rights of people who have a disability. We believe people who have a disability have a right to be treated in ways that are fair and reasonable, and which result in opportunities, freedoms, and a standard of living that are equal to those existing for people who do not have a disability.

We aim to make it possible for people who have a disability to use the law to ensure that their legal rights are recognised and acted upon by others.

*“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it’s the only thing that ever has”*

*Margaret Mead*

<b>VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE Inc.</b>	
<b>Annual General Meeting MINUTES</b>	<b>Wednesday 24<sup>th</sup> September, 2008</b> <b>5.00 p.m.</b> <b>Villamanta Disability Rights Legal Service Inc.</b> <b>44 Bellerine Street,</b> <b>GEE LONG VIC 3220</b>

<b>1. Welcome</b>	<p>Amanda Hiscoe, Acting Chairperson, welcomed everyone to the meeting and handed over to Deidre Griffiths, Executive Officer, who read out the list of apologies we had received and asked for any further apologies.</p>
<b>2. Present/Apologies</b>	<p><b>Present – Committee Members:</b> David Lindsay (Chairperson), Amanda Hiscoe (Deputy Chairperson), Andrew Hill (Secretary) and Janet Ward</p> <p><b>Present - Visitors:</b> Nicholas Liau (past volunteer), Claire Humble (Australian Catholic University), Alan Iveson (State Trustees Ltd.) and Peter Mellas (lawyer)</p> <p><b>Present - Staff:</b> Deidre Griffiths, Dezi George, Viv Nicol (Minutes), Darrell Harding, Sue Wolter, Greg Leeson, Trish ardine, Viv Avery, Tamara Kotowicz (volunteer) and Georgina Alford (volunteer),</p>
	<p><b>Apologies:</b> Neville Porter, Barbara Machnyk, Kathryn McBride Peter Landers (Treasurer), Simon French, Dr. Kevin Murfitt (Deakin University), Lynne Coulson Barr (Office of the Disability Services Commissioner), Paul McFadden (Geelong Law Courts), Rosemary Crossley (DEAL Communication Centre Inc.), Debbie Verdon (Grampians Disability Advocacy Association), Hon. Robert McClelland MP (Attorney General), Doug Hopkins, Lisa Neville MP, Elizabeth McGarry (Association for Children with a Disability), Cath Smith (VCOSS), Michael Crutchfield MP, Gordon Prior, Cathy Bolger (Disability Rights Advocacy Service Barwon Region), Magistrate Ian Von Einem, Colin Hiscoe, Claire Holden (Villamanta volunteer) and Stephen Chiu (Villamanta volunteer)</p>
<b>3. Confirmation of Minutes of Previous Meeting</b>	<p><b>Motion:</b> That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 26<sup>th</sup> September, 2007, be accepted.</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Janet Ward</p> <p><b>Carried.</b></p>



<b>4. Chairperson's Report</b>	<p>David Lindsay, Chairperson, welcomed everyone to the meeting and thanked staff and committee members for their work and invited people to read the Chairperson's Report in the Annual Report.</p> <p><b>Motion:</b> That the Chairperson's Report be accepted</p> <p><b>Moved:</b> Janet Ward</p> <p><b>Seconded:</b> Andrew Hill</p> <p><b>Carried</b></p>
<b>5. Executive Officer's Report</b>	<p>Deidre Griffiths, Executive Officer, invited everyone to read her report in the Annual Report. Deidre gave a brief overview of the year's work and thanked staff, Committee Members and volunteers for their great work over the past year.</p> <p><b>Motion:</b> That the Executive Officer's Report be accepted</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Janet Ward</p> <p><b>Carried</b></p>
<b>6. Treasurer's Report</b>	<p>As Peter Landers, Treasurer, was an apology, Darrell Harding, Accounts Administrator, spoke to the Treasurer's Report and informed everyone that over the past twelve months Villamanta's financial situation has maintained good health. Darrell referred everyone to the Treasurer's Report in the Annual Report.</p> <p><b>Motion:</b> That the Treasurer's Report be accepted</p> <p><b>Moved:</b> Janet Ward</p> <p><b>Seconded:</b> Andrew Hill</p> <p><b>Carried</b></p>
<b>7. Appointment of auditors</b>	<p><b>Motion:</b> That WHK Day Neilson be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditors for the 2008/2009 financial year.</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Darrell Harding</p> <p><b>Carried</b></p>
<b>8. Appointment of Public Officer</b>	<p>It was noted that Amanda Hiscoe has held this position for the the past year and is happy to continue again this year.</p> <p><b>Motion:</b> That Amanda Hiscoe again be appointed Public Officer of Villamanta Disability Rights Legal Service Inc.</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Janet Ward</p> <p><b>Carried</b></p>

<b>9. Election of Committee Office Bearers/Ordinary Members</b>	<p>As there were not more nominations than positions vacant and the current Committee Members and Office Bearers were re-nominating, namely, David Lindsay (Chairperson), Andrew Hill (Secretary), Amanda Hiscoe (Deputy Chairperson), Peter Landers (Treasurer), Neville Porter, Janet Ward, Simon French, and Kathryn McBride, members were all re-elected, unopposed. Doug Hopkins was the only outgoing member and Deidre acknowledged his contribution over the past year.</p> <p><b>Motion:</b> That David Lindsay be appointed to the position of Chairperson</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Greg Leeson</p> <p><b>Carried</b></p> <p><b>Motion:</b> That Amanda Hiscoe be appointed Deputy Chairperson.</p> <p><b>Moved:</b> Janet Ward</p> <p><b>Seconded:</b> Sue Wolter</p> <p><b>Carried</b></p> <p><b>Motion:</b> That Andrew Hill be appointed Secretary</p> <p><b>Moved:</b> Greg Leeson</p> <p><b>Seconded:</b> Janet Ward</p> <p><b>Carried</b></p> <p><b>Motion:</b> That Peter Landers be appointed Treasurer</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Andrew Hill</p> <p><b>Carried</b></p> <p>Four vacancies remain.</p>
<b>10. Other Business</b>	<p>Deidre Griffiths thanked Committee of Management members for their great contribution over the past year and presented them with a small token of Villamanta's appreciation.</p> <p>Deidre then invited everyone to stay for something to eat and drink.</p>
<b>11. Close meeting</b>	<p>The meeting closed at 5.30 p.m.</p>
<b>12. Next meeting</b>	<p>Date of next Committee of Management Meeting: Wednesday 29<sup>th</sup> October, 2008 at 4 p.m. at Villamanta Disability Rights Legal Service Inc., Geelong.</p> <p>Date of next Annual General Meeting - to be advised.</p>

## Committee of Management Members



**David Lindsay** is the Chairperson of Villamanta's Committee of Management. David was born in Creswick in 1946 and attended school in Ballarat. David started work in the Public Trustees office in 1963 and then worked as a Clerk of Courts until the end of 1983 when he joined Wightons Lawyers. He picked up a law degree along the way, did probate work for many years in the courts and continues that work at Wightons where he is now the managing partner. David is an accredited specialist in Wills and Estates and Business Law.

David is married to Sue and has four sons ranging in age from 34 to 20. When he is not suffering from an injured knee, he plays tennis at Geelong Lawn Tennis Club and Golf at Torquay. David wishes there were more hours in the day and more days in the week to get through the work.



**Kathryn McBride** is an Ordinary Member of Villamanta's Committee of Management. Kathryn is the Co-ordinator of Care Services at the City of Greater Geelong. She holds a Diploma of Fine Art, Graduate Diploma of Education and Diploma of Management.

Kathryn is also currently a member of the Board of Directors of Colac Area Health and a member of the Swan Marsh Hall Committee.

Previously Kathryn has been a member of Arts Colac, Colac Community Development Association and the Disability Managers Association.



**Simon French** is an Ordinary Member of Villamanta's Committee of Management. Simon is a lawyer and partner at Coulter Roache Lawyers. Simon has particular interest and expertise in acting for and against public bodies providing advice on decision making procedures.

Simon has acted for major Government Departments and Statutory Authorities in Australia and the UK. He has also been involved in major infrastructure projects and is an experienced advocate, having qualified and practiced in the UK as a barrister.



## Committee of Management Members



**Janet Ward** is an Ordinary Member of Villamanta's Committee of Management. Janet has a strong passion for social justice and especially the rights of people with disabilities. She is a parent of a now grown up child with a physical disability, a former full time carer of a partner who has acquired brain injury and uses a wheelchair, and friend to quite a number of people who have all types of disabilities. Janet has gained a wealth of experience and knowledge in disability issues and often advocates for people when required.

With a degree in Social Science, Janet has been the manager of a generalist rural community legal centre and has a background in administration, personal caring, crisis counselling and co-ordinating volunteers supporting people with disabilities. Currently, Janet is an active member of Ballarat City Council's Disability Advisory Committee and Ballarat's Disability Access Group. With a strong commitment to disability issues in the workplace Janet initiated and devised the Disability Action Plan for her own workplace.

Janet believes that options and choices for people who have a disability should be the same as for everyone else. By understanding many of the issues facing community legal centres, Janet hopes she can bring practical and theoretical knowledge combined with understanding issues facing clients, to Villamanta.



**Andrew Hill** is the Secretary of Villamanta's Committee of Management. Andrew is a lawyer who is a partner in the Geelong law firm, Birdsey, Dedman and Bartlett. Andrew has extensive board and committee of management experience. He has over 30 years experience in Commercial law, Property law (Rural, Commercial and Residential), Wills and Estates and Powers of Attorney. He is a keen fisherman and oarsman and enjoys golf and gardening.

Andrew is the Convenor of Barwon Region Youth Affairs Network, Committee member of Geelong & District Day Nursery, Secretary of Villamanta Disability Rights Legal Service, member of Geelong Legacy and Corio Bay Rowing Club. Andrew is a former President of Geelong District Nursing Service and Geelong Community Health Service and a former Board Member of Barwon Health.

## Committee of Management Members



**Amanda Hiscoe** has been a member of Villamanta's Committee of Management for 14 years and has held the office of Deputy Chairperson for at least 10 of those years and Public Officer for the last three years. Amanda is the second longest serving Committee member, Neville Porter is our longest serving Committee member. Amanda keeps Villamanta on its toes and at times Amanda has had to be the Acting Chairperson, sometimes chairing monthly meetings. Amanda also chaired last year's AGM. Amanda enjoys chairing meetings as it keeps her skills and knowledge up to date and the meetings go like clockwork.

Amanda travels to and from monthly meetings held in Geelong by train and Amanda says *"It's an eye opener"*. Amanda says: *"Villamanta is a unique service because they have people who have a disability on their Committee of Management and everyone gets a say."*

Amanda reminds us not to use jargon words and to think about other people's needs at meetings. When she hears a jargon word she always asks for plain English and the meaning of it. At the last AGM Amanda was again elected Public Officer, for the fourth time.

Amanda attended the 2009 "Having a Say" Conference and represented Villamanta at the Conference.

Amanda said Villamanta is always on the lookout for new members and Committee of Management members and people who have a disability have a vital role to play at Villamanta.



**Peter Landers** is the Treasurer of Villamanta's Committee of Management. Peter is a partner at LBW Chartered Accountants and previously an Audit Manager at KPMG where he was employed for over 7 years (5 years in Melbourne and 2 years in London). Peter has been an Audit Partner at LBW Chartered Accountants.

Peter has also been involved in providing accounting, taxation, audit and business advice as well as forensic accounting and business valuations.

## Committee of Management Members



**Neville Porter** is an Ordinary Member of Villamanta's Committee of Management. Neville has been on Villamanta's Committee since it started 19 years ago. Neville is doing a course at BAYTEC, including reading and writing study.

Neville also works on a local Geelong community variety radio show on Monday evenings on The Pulse 94.7 FM with his friend Malcolm and goes to screen acting classes which he really enjoys. Neville works three days a week for Caterpillar Gardening Services and a paper recycle company.



Alex Risk has lived in Geelong since 1972. Alex appreciates the wide range of health and community services on offer in our region.

He was a fulltime carer for his late wife before she went into residential care in 2004. His background covers the fields of journalism and government service.

# Chairperson's Report



The years go faster and faster. My head is still back in February. Our committee has worked very well during the last year and we have explored further how better we could do our job and been quite efficient in doing so. The Villamanta Strategic Plan review conducted during the year was a very interesting time.

It has been good to get some new blood involved. It seems that the best meetings are chaired when I am unable to attend!

I would like to again congratulate Deidre and the staff on the professional way in which the service is administered and delivered.

We are still waiting on seeing what changes, if any, our new federal government will bring to our organisation. Time will tell.

The finances have been very well managed by Darrell Harding, our Accounts Administrator and Peter Landers , our Honorary Treasurer.

I would like to thank everyone who supported me and the committee during the year and look forward to continuing into another successful year.

**David Lindsay**

**Chairperson**

# Executive Officer & Principal Solicitor's Report



2008-09 has been another busy and productive year for Villamanta Disability Rights Legal Service Inc. Once again, Villamanta's Committee of Management members, staff members and volunteer workers have worked hard to provide Victorian people who have a disability and a disability-related legal or justice issue, with the best possible service.

Our free telephone advice, information and referral service, legal casework and community legal education for people who have a disability, were once again in big demand and we continued to do policy and law reform work on issues of importance to our constituents. We also presented training on disability rights topics to others in the community and sold some publications on disability related topics. Details about the work Villamanta staff members and volunteers did during the year are given throughout this report.

Villamanta is funded by the Australian Government through the Department of Families, Housing, Community Services and Indigenous Affairs, as part of the Australian Network of Disability Advocacy Services. We thank our funder for their grant, without which we would be unable to work for our constituents. We also thank Microsoft for the ongoing benefits of their generous upgrade of our computer software through the Donortec Program.

During the year we worked collaboratively with various advocacy and other relevant organisations, networks and individuals to achieve positive outcomes, both for individuals and at a systemic level, on numerous important issues. Villamanta and its constituents greatly appreciate the collaboration, co-operation and support of these organisations and their workers. We note with appreciation the continuation of the improved communication and consultation with the advocacy sector, in particular those in the National Disability Advocacy Program, which helps advocacy organisations to carry out their extremely important work in a stable environment. This year we attended meetings with our funder in Sydney, Melbourne and Canberra, aimed at improving the way the NDAP is delivered. Along with other NDAP agencies we are continuing to work with our funder to further improve the program.

Villamanta is very fortunate to have highly skilled and professional, caring and dedicated staff members, working to ensure the rights and empowerment of people who have a disability and disability-related legal or justice issues. Once again this year we have been pleased to receive very positive feedback from clients and constituents that shows that our work is effective and often greatly appreciated.



# Executive Officer & Principal Solicitor's Report



Villamanta's wonderful volunteers also make an enormous contribution to our work and we thank them for it. They bring with them many and varied types of experience and skills. Our constituents benefit greatly from the hard work that our volunteers somehow manage to fit in for Villamanta, in their already very busy lives.

This year our volunteers have included our Committee of Management members: Amanda Hiscoe (Deputy Chairperson and Public Officer), Neville Porter, Andrew Hill (Committee Secretary), David Lindsay (Chairperson), Janet Ward, Simon French, Kathryn McBride and Peter Landers (Treasurer) and new member, Alex Risk. We thank them all for their great contributions.

Our volunteer workers this year have included Hemamali Vithanage, Hasanga Weerasinghe, Stephen Chiu, Erin Riley, Annette Whelan, Diana Kambovski, Jarryd Bartle, Ben von Einem (lawyer), Tony Phillips (barrister) and law students: Claire Holden, Tamara Kotowicz, Trudy Battochio, Monique Hurley and Alex Morell. We thank them all for their contributions, their generous donations of time, expertise and work, which are an enormous help to Villamanta and our constituents.

We also thank our trainers, Helen Leeson of Beyond the Limits Training and Development Services and Nicole Langtip of Langtip Consults, for the training and community legal education they have provided during the year on behalf of Villamanta. In addition, we thank the various private lawyers and our colleagues at the other community legal centres and at Victoria Legal Aid, who frequently provide our clients and us with *pro bono* advice and support. We also thank the staff of the Federation of Community Legal Centres (Victoria) and of the National Association of Community Legal Centres for their valuable work and support.

We also thank Phil Grace of Grace Information Technology, for all his assistance throughout the year with our computer system.

This year we have continued to observe and assist our clients to learn about, understand and use the complaints and monitoring systems set up under the Victorian *Disability Act 2006*. We will continue to monitor and critique the effects of this important Act, particularly in relation to people who have an intellectual disability.

In closing, Villamanta continues to call for a principle of "entitlement" that would "oblige" government to fund services for people who have a disability who need support. We believe that, in line with the most fundamental principles of Human Rights, this entitlement should be provided as a matter of course.

We note that one of the main factors that continue to gravely disadvantage Villamanta's constituents is the grossly inadequate level of funding for disability-related services of every kind.

# Executive Officer & Principal Solicitor's Report



This includes accommodation, support to live in the home, day placement, support for children who have a disability and their families in education and in the general community, and access to advocacy support, to name only some. There continues to be a waiting list of thousands of people who have an intellectual disability who desperately need appropriate supported accommodation to be built and provided for them. Similarly, there are still many Victorian people living in institutions who wish, and should be enabled, to *live in the community* with appropriate levels of support.

Until these issues are addressed, people who have a disability, and their families, will continue to struggle to live their lives with inadequate support, often under great difficulty. Villamanta will continue to demand that governments, both State and Federal, do something significant about this injustice. We will do this because until sufficient funding and services are made available, the reality of people who have a disability being treated in ways that are fair and reasonable – and having opportunities, freedoms and a standard of living that are equal to those for people who do not have a disability – can never be achieved.

**Deidre Griffiths**

**Principal Solicitor & Executive Officer**

## **Villamanta Disability Rights Legal Service Inc.**

A Free Victoria-wide service



## **Information Booklet**

Revised April 2008

### **Our Mission**

Villamanta advances the rights of people, particularly those who have an intellectual disability, who have a disability related legal or justice issue



*Deidre Griffiths - Executive  
Officer & Principal Solicitor*



*Trish Jardine  
Telephone Advice Worker*



*Darrell Harding  
Accounts Administrator*



*Viv Avery  
Casework Lawyer*



*Greg Leeson  
Casework Lawyer*



*Viv Nicol  
Admin Worker*



*Sue Wolter  
Para Legal Worker*



*Dezi George  
Casework Lawyer*



*Claire Holden  
Law Student & Volunteer*



*Annette Whelan  
Volunteer*



*Tamara Kotowicz  
Law Student & Volunteer*



*Ben von Einem  
Casework Lawyer*



*Alex Morrel  
Law student & Volunteer*



*Tony Phillips — Barrister*



*Trish Jardine & Deidre Griffiths at this year's  
"Having a Say" Conference*



*Greg & Darrell share the glory as joint winners of this year's footy  
tipping competition - **Go Bombers !***



# Policy & Law Reform Report



Deidre Griffiths  
Executive Officer &  
Principal Solicitor



Greg Leeson  
Casework & Policy and  
Law Reform Lawyer

## Objectives

*Objective 1* – To prevent abuse, discrimination or negligent treatment of people with disabilities.

*Objective 2* – To promote and enhance the rights of people with disabilities.

*Objective 3* – To encourage people with disabilities to make informed choices.

*Objective 4* – To increase economic and social participation for people with disabilities in the community.

*Objective 5* – To assist people with severe disabilities to participate equitably in community life.

*Objective 6* – To increase the knowledge and understanding of people with disabilities, their families and carers about the rights of people with disabilities.

*Objective 7* – To improve communication between people with disabilities and other members of the community.

*Objective 8* – To recognise, value and include families and carers, wherever possible and appropriate in the support system for people with disabilities.

## Outputs (Strategies and Activities)

Issues to be targeted:

People who have an intellectual disability and the Criminal Justice System

Income security

Access to community accommodation

Employment of people who have disabilities in supported employment

Improvement of the quality of services to people who have a disability

The Disability Act /implementation

Other issues as arise and approved



## **Outcomes (Benefits for people who have a disability)**

That people who have an intellectual disability will receive better treatment from the criminal justice system.

That people who receive the disability support pension are kept informed about changes and are given an opportunity to respond.

That people who have a disability and who live in institutions are given a choice about where they will live.

That people in business services are informed of their employment rights and are afforded proper legal protections.

That laws proposed in relation to the provision of services to people who have a disability advance their rights.

The laws and policies addressed by Villamanta are those presenting the highest priority legal needs of people who have a disability.

**Villamanta Disability Rights Legal Service Inc. carries out much of its Policy & Law Reform work through its active involvement in the Federation of Community Legal Centres (Victoria), the Disability Law Committee of the Law Institute of Victoria and their working groups and the Victorian Disability Advocacy Network (VDAN).**

*During the reporting period Villamanta was involved in the following activities that included policy and law reform:*

### **Victorian Disability Advocacy Network (VDAN)**

Villamanta continues to be an active member of VDAN and attend the monthly network meetings. It is also a member of the VDAN Coordinating Committee.

Through VDAN it has active involvement in the development and management of the Victorian Disability Advocacy Resource Unit (DARU), funded by the Victorian Department of Human Services, and attends meetings of VDAN and of VDAN coordinating committee re. developing the resource unit (DARU). VDAN is also involved in establishing the DANA (Disability Advocacy Network Australia) and its members continue to monitor the application of the Victorian *Disability Act 2006* and the work of the Disability Services Commissioner. Along with other members of the VDAN network Villamanta continues to work on important issues of policy and law reform as they arise.





## **Law Institute of Victoria's Disability Law Committee**

Villamanta participates in policy and law reform work through the Law Institute of Victoria's Disability Law Committee and its working groups. Recent issues worked on by the committee include: Coroner's legislation review, Assistance Animals Review by the Victorian Law Reform Commission, mental health legislation review and government response, Victorian Civil & Administrative Tribunal (VCAT) Guardianship List policies and procedures, review of the Victorian Civil & Administrative Tribunal, UN Convention on the Rights of People with Disabilities, Supreme Court Senior Master's Funds in Court, the Victorian Competition and Efficiency Commission's Inquiry into Enhancing Victoria's Liveability, impact of the Victorian Charter of Human Rights, review of regulation of supported residential services (SRSs) by the Department of Human Services, Inquiry into Powers of Attorney, Migration and Disability Inquiry, National Human Rights Bill Inquiry and People with disabilities and Interlock Devices for drink driving offenders.

## **Federation of Community Legal Centres (Vic.)**

Villamanta participates in policy and law reform work undertaken by the Federation of Community Legal Centres (Vic.) and its working groups. This often includes many of the same issues as are worked on by the Law Institute of Victoria's Disability Law Committee and VDAN members (see above).

## **Federation of Community Legal Centres' Disability Working Group**

Villamanta has attended monthly meetings with the Disability Rights working group since it re-formed as a separate group from the Human Rights working group. The group's main recent focus has been to develop a template Disability Action Plan for all Community Legal Centres. We have been involved in the implementation of the project, meeting with the project worker based at the Federation of Community Legal Centres, who has been working to assist all Victorian community legal centres to develop and implement a disability action plan. The Disability Working Group meets monthly to discuss disability related issues and coordinate necessary policy and law reform work.

## **National Disability Rights Network**

Villamanta is an active member of the National Disability Rights Network which consists of community legal centres throughout Australia that are members of the National Association of Community Legal Centres that work on disability rights issues. Regular telephone link-up meetings enable participants to share information and advice on important issues of common concern, including policy and law reform subjects. The network also holds a meeting at each annual national conference of community legal centres.



## **Villamanta's project on the over representation of people who have an intellectual disability in the criminal justice system**

Villamanta's project researching and writing about the extremely important issue of the over-representation of people who have an intellectual disability in the criminal justice system, funded by the Victoria Law Foundation, is nearing completion. It is intended that the document will provide a better understanding of the issues for people who have an intellectual disability to those working in the criminal justice system and help to ensure that people who have an intellectual disability are provided with the best possible and most appropriate treatment and assistance.

## **Human Rights Charter**

Villamanta was an active participant in the process of developing the Victorian *Human Rights Charter* and, along with the Federation of Community Legal Centres, continues to monitor the implementation and use of the new Charter. Villamanta's lawyers are using Charter arguments in their casework matters whenever possible.

## **A Bill of Rights for Australia**

Villamanta, in collaboration with many of its colleague organisations, continues to lobby for the introduction of a national charter of Human Rights. Villamanta's submission on the subject, made to the investigating committee during the reporting period, was one of over 40,000 submissions received by the committee. The submission is available on Villamanta's website at [www.villamanta.org.au](http://www.villamanta.org.au)

## **Community Living Alliance (CLA)**

Villamanta continues to be an active participant in the Community Living Alliance. The CLA includes organisations and individuals who promote and monitor accommodation options for people with disabilities, to ensure these accommodation options encompass / are based on, community living principles.

## **Victims of Crime Charter**

Villamanta was actively involved in the development of the Victorian *Victims of Crime Charter* attending consultations with the Department of Justice and submitting written input. The Victorian Government has now introduced the Victims Charter which spells out the rights of victims. Villamanta and other advocacy organisations will use the Charter as an advocacy tool to support clients, and will monitor its effectiveness.



## **Child Protection Legislation**

Villamanta has continued to be actively involved in the follow up of the Child Protection review, monitoring the new Victorian legislation, in particular, aspects of it which are likely to be detrimental to parents who have a disability. This has involved being an active member of the Federation of Community Legal Centres' Working Group specific to this issue, attending consultation forums, lobbying politicians and meeting for discussions with relevant departmental officers. We will continue to monitor this important issue.

## **Suspended Sentences – Sentencing Advisory Committee**

Villamanta was involved in discussions surrounding the appropriateness of suspended sentences, attended a Disability Roundtable with the Advisory Committee to raise concerns and discuss appropriateness, alternatives and options at the initial phase and will continue to be involved in discussions around, and have input into, this issue.

## **The Victorian State Disability Services Legislation – The *Disability Act 2006***

Villamanta continues to monitor and give input regarding the implementation of the *Disability Act 2006* and will pursue desired amendments. Villamanta is continuing to educate constituents about the system and assist them to access it.

## **Autism**

Villamanta and others successfully advocated for the inclusion of Autism (Autistic Spectrum Disorders) in the *Disability Act 2006*. The Victorian Government recently decided to include Autism on the basis of advice that it is a neurological condition. This will enable many people who were previously excluded from the Act to receive services under it. The State Autism Plan has now been released by the Victorian Government and Villamanta will monitor its implementation.

## **The Disability Services Commissioner**

The Disability Services Commissioner, appointed under the *Disability Act 2006* is now the main point for complaints from Victorian people who have a disability about disability services. Villamanta continues to support constituents to learn about and use the complaints system. Villamanta has met with the Commissioner and Commission staff on a number of occasions and provided feedback on how the legislation and new system are working and intends to continue to do so. It will also lobby for appropriate improvements to the system. Villamanta has supported a number of clients to access the Commissioner's complaints system during the reporting period.



## **The Senior Practitioner**

Villamanta is also monitoring the development of the Office of the Senior Practitioner, another new position which has been set up under the *Disability Act 2006*. Villamanta has met with the Senior Practitioner and provided input during the development by the Senior Practitioner of best practice in relation to restrictive interventions and other related matters of great significance to Villamanta's constituents. Villamanta is a member of the Restrictive Practices Reference Group for a project which resulted in the recent launch of a report by Dr Paul Ramcharan of RMIT University at the Senior Practitioner's Dignity Seminar.

## **Young people and re-offending**

During the reporting period Villamanta appeared before a Victorian Parliamentary Committee investigating the issue of young people and re-offending and provided input in particular in relation to young people who have an intellectual disability or Asperger's Syndrome who become involved in the criminal justice system.

## **The Office for Disability**

Villamanta continues to have ongoing involvement with the Victorian Office for Disability and its work to bring about a "whole of government" approach to disability issues in Victoria.

## **Deidre Griffiths**

## **Principal Solicitor & Executive Officer**

# Casework Report



## **Annual Performance targets**

1. Undertake casework about disability related legal issues	Minimum of 40 active files per year
2. Resource telephone advice in relation to queries about the law	Review of legal resources manual. Available to the advice service staff as needed. Regular meetings with advice service staff for provision of ongoing training.
3. Supervise the telephone advice provided	Review of all contact sheets.

## **Objectives**

- To prevent abuse, discrimination or negligent treatment of people who have a disability
- To promote and enhance the rights of people who have a disability
- To encourage people who have a disability to make informed choices
- To increase economic and social participation for people who have a disability in the community
- To assist people who have disabilities to participate equitably in community life
- To increase the knowledge and understanding of people who have a disability, their families and carers about the rights of people who have a disability
- To recognise, value and include families and carers, wherever possible and appropriate in the support system for people who have a disability
- To improve communication between people who have a disability and other members of the community

## **Outcomes (Benefits for people who have a disability)**

- The protection of the rights of people who have a disability
- Response made to allegations of abuse, discrimination or negligent treatment to advance the situation of the person so treated
- Ability to have independent advice and to make informed choices
- Benefit from the help of friends, family and carers that is based on independently provided information and advice
- Communication of a person's needs, hopes and rights as required to advance them
- The provision of quality information, advice and referrals
- People with disabilities who receive services are those who present the highest priority legal issues



# Casework Report



## **1. Undertake casework about disability related legal issues – a minimum of 40 active files per year.**

During the period 1/7/08 to 30/6/09 - 78 new files were opened and 72 files were closed.

A total of 28 files remained open at the end of the period.

*Note: Issue type may exceed number of files as some clients have more than one issue.*

**A breakdown of the files still open at 1<sup>st</sup> July, 2009 is as follows: -**

**Priority area: Advancing the rights of people who have their finances managed by administrators, including State Trustees Ltd.**

2 files relate to this area.

**Priority area: Advancing the rights of people for whom applications are made to restrict those rights through the appointment of guardians.**

1 file relates to this area.

**Priority area: Advancing the rights of people to have accommodation/service/access to services/quality of service that meet their needs and conform with the principles of the Disability Act 2006.**

9 files relate to this area.

**Other matters still being dealt with at 1<sup>st</sup> July, 2009 relate to:**

*Note: Issue type may exceed number of files as some clients have more than one issue.*

Abuse	4
Child Protection	1
Confidentiality/Privacy	1
Criminal Law Accused	1
Estate	1
Finances	3
Forensic Leave Panel	1
Freedom of Information	1
General Rights	4
Intervention Order	1
Negligence	3
Personal Care	1

# Casework Report



## ***Other matters cont'd***

Service Provider Policy/Practice	5
Victim of Crime	2
Victim of Sexual Offence	1
Welfare Rights	1

***Of the 72 casework files closed in the period, results were as follows:-***

***Priority area: Advancing the rights of people who have their finances managed by administrators, including State Trustees Ltd.***

*Note: Issue type may exceed number of files as some clients have more than one issue.*

17 files related to this area.

*In 11 cases* we investigated, advised, liaised and negotiated on behalf of clients in relation to whom application for appointment of an administrator had been made to the Guardianship List of the Victorian Civil & Administrative Tribunal (VCAT). We represented clients at VCAT Hearings ensuring that their views and wishes were clearly communicated to the Tribunal.

### ***Outcomes included:***

An administrator appointed only in relation to client's interest in a deceased estate;

An application for appointment for an administrator was withdrawn;

An Administration order was revoked;

A Trustee company's representative visited the client and provided information and explanations;

It was established that disability accommodation fees, considered by client to be too high, were actually less than they legally might be. Client was therefore advised to make application for hardship provision;

An Administrator of client's choice was appointed;

An Administrator was appointed (3 cases);

Less restrictive Orders than those proposed were made;

Following our advice and the establishment of better communication with Administrator, client decided not to challenge reappointment of Administrator.



*Other issues and outcomes included the following:*

In two matters we corresponded with an overseas law firm regarding the impact of Administration Orders on our clients' interests as beneficiaries of a deceased estate, ensuring that our clients were able to obtain their shares of the estate.

In three matters we advised and represented clients regarding use of their funds to pay for rehabilitation services ordered by the Forensic Leave Panel. We liaised and negotiated with the service provider and clients' administrators regarding the appropriateness of the use of the clients' funds for a purpose the service provider already receives funding to provide. We achieved a successful outcome with the return of a significant amount of money to our clients by the service provider.

In one matter we advised and negotiated on behalf of client requiring dental treatment with the successful outcome that their trustee released funds to pay for the treatment.

In one matter we advised and negotiated on behalf of client requesting release of funds by their administrator to pay an alleged debt. As there was no evidence to prove that the money was owed the administrator refused to release the funds.

In one matter we pursued issue of unjustifiable increase in accommodation fees with successful outcome that increase was found to be a mistake and fees were not increased.

**Priority area: Advancing the rights of people for whom applications are made to restrict those rights through the appointment of guardians.**

*Note: Issue type may exceed number of files as some clients have more than one issue.*

8 files related to this area.

In these matters we investigated, advised, liaised and negotiated on behalf of clients for whom applications had been made to the Guardianship List of the Victorian Civil and Administrative Tribunal (VCAT) for the appointment of a guardian. We represented our clients at Tribunal hearings ensuring that their views and wishes were clearly communicated and negotiated with relevant parties. All matters had successful outcomes.

*Outcomes included:*

In three cases the applications were withdrawn following negotiations.

# Casework Report



In three cases the applications were dismissed following submissions to the Tribunal.

In one matter a relative of our client's choice was appointed Guardian.

In one matter we assisted a client whose Guardian was denying them the right to have a holiday, with the successful outcome that the Guardian permitted the holiday.

**Priority area: *Advancing the rights of people to have accommodation/service/access to services/quality of service that meet their needs and conform with the principles of the Disability Act 2006***

*Note: Issue type may exceed number of files as some clients have more than one issue.*

22 files related to this area.

In many of these cases we investigated, advised, liaised and negotiated with relevant parties in relation to service plans and accommodation and services issues where service providers were failing to provide appropriate accommodation and/or services. Where required we represented clients at meetings, conciliations, mediations or hearings. In some cases we advised and assisted clients to access the conciliation process of the Disability Services Commissioner under the *Disability Act 2006*. Some satisfactory outcomes resulted from the Disability Services Commissioner's conciliation process.

*Issues and outcomes included:*

In one matter we assisted client with problems regarding service provider practice at their supported accommodation (including denial of running water to flush toilet, concern that client might drink contaminated water, failure to report an injury to our client to their parent in accordance with agreed protocols, alleged bullying of client by house workers), and prepared to support client at Disability Services Commissioner conciliation. The issues were resolved through negotiation prior to conciliation with the successful outcome that the service provider agreed to all requests.

In one matter we assisted client in relation to an attempt to evict them from their supported accommodation in contravention of the *Disability Act 2006 (Vic.)* We advised client on the law and the process the service provider must follow and legal options to prevent the eviction, with the successful outcome that the service provider agreed not to remove the client and undertook to follow the proper process in future.

# Casework Report



In one matter we assisted client who was allegedly being bullied by another resident of their supported accommodation. We liaised with the service provider and their legal representative. The matter reached a successful outcome for our client with an intervention order made against the other resident and no further issues of concern arising for our client's safety and wellbeing.

In one matter we assisted a client who was being denied referral to a rehabilitation provider. We liaised with DHS, relevant medical specialists and rehabilitation provider and obtained necessary referral, with the successful outcome that our client will be assessed by rehabilitation provider at no cost and the necessary rehabilitation will be provided.

In one matter we assisted a client in relation to difficulties at their supported accommodation, including alleged abuse and neglect and unsatisfactory service provision in general. We advised client and provided advocacy support at Disability Services Commissioner conciliation, with the successful outcomes that the service provider agreed to most requests, including the relocation of other residents who had allegedly caused injury to our client. The service provider has since addressed most of the raised issues.

In one matter, where the Department of Human Services had decided to relocate client to another town against their wishes, an agreement between the parties was reached to the client's satisfaction.

In one matter, where the client had absconded from a Community Residential Unit on several occasions and had been assaulted, we advised, liaised with the Disability Services Commissioner and Victoria Police and attended meeting with Department of Human Services, with the satisfactory outcome that all issues were resolved.

In one matter, where lack of communication with Department of Human Services and lack of appropriate accommodation were the issues, we advised and attended meetings with the outcomes that client's issues were resolved and client is now accommodated in a Community Residential Unit; client chose not to continue to pursue their complaint to the Disability Services Commissioner.

In one matter, where client was in desperate need of services, we advised and attended meeting to advocate for appointment of a Department of Human Services case manager with outcome that DHS undertook to consider appointment of a case manager.

In one matter, where client was receiving insufficient support from support worker, we advised on Disability Services Commissioner's complaints process and referred client to local generalist Community Legal Centre for further assistance.



# Casework Report



In one matter, which involved difficulties with a respite accommodation service provider, we advised client on a Behaviour Support Plan and the process for lodging a complaint to the Disability Services Commissioner and liaised with the respite service and the Office of the Public Advocate, to achieve a satisfactory outcome for our client.

In one matter we advised in relation to a client allegedly being assaulted in the care of a disability service accommodation provider and assisted with a complaint to the Disability Services Commissioner. We negotiated better accommodation and services outcomes for our client with the successful result that client now has a new Behaviour Support Plan, Person Centred Plan and new case manager, and appropriate accommodation will be sourced and an individual support package provided.

In one matter we advised and represented a client in relation to efforts by a disability accommodation service provider to evict them from their accommodation. We liaised with client and their family, respondent lawyer and service provider and obtained *pro bono* representation from counsel. We attended VCAT ordered mediations and hearing, with the successful outcome that the service provider's Notice to Vacate was struck out and the client was enabled to remain in their residency.

In one matter we advised client in relation to accommodation and services issues and possible negligence and assisted them with a complaint to the Disability Services Commissioner. We attended a conciliation meeting with the Commissioner's office, ensuring that our client's wishes were clearly communicated. Agreement was reached in conciliation regarding the ongoing safety and security of our client while in the care of the service provider. We continued negotiations with the service provider to ensure that the agreement was adhered to and the agreed strategies are being implemented.

In one matter we advised and supported client to achieve an appropriate disability service plan, liaised with service provider, accommodation provider, client's family and other relevant parties; attended planning meeting and ensured that Person Centred Plan was developed in accordance with client's wishes.

In four matters we advised clients in relation to a review of their Treatment Plan and represented them at VCAT ensuring that their views were clearly communicated and that the Plan complied with the *Disability Act 2006*. In two of these matters we successfully argued for amendments to parts of the Plans. In one of these matters, where the Office of the Senior Practitioner had lodged an application for emergency changes to client's plan and increased supervision, the Tribunal approved a new treatment plan including provision for extra supervision at appropriate times.

# Casework Report



In one matter we advised client in relation to a Quality of Life Assessment and liaised with the Department of Human Services and the Office of the Senior Practitioner, with the outcome that the client now has an improved quality of life.

In one matter we advised, negotiated and provided representation to client at Victorian Civil & Administrative Tribunal (VCAT) hearing to review client's treatment plan under a Supervised Treatment Order. We ensured that client's concerns regarding the plan were clearly communicated. The Treatment Order was amended by the Tribunal as requested and further adjustments to the plan were made by Disability Forensic and Treatment Service (DFATS) by negotiation.

In one matter we advised and represented client at VCAT hearing to review client's treatment plan under a Residential Treatment Order. We ensured client's concerns regarding the plan, particularly regarding community access, were clearly communicated. Some parts of the plan were amended as requested; where other parts of the plan could not be amended we ensured that our client clearly understood the reasons for this.

## **Other closed matters related to:**

### ***Abuse and Neglect***

*5 files related to this area.*

In two of these cases clients were allegedly being assaulted by another resident of their Community Residential Unit. We advised and commenced complaints to the Disability Services Commissioner. The matters were both satisfactorily resolved with the alleged offender being relocated to other accommodation.

In one matter we assisted client in relation to problems with a bus company and a school concerning alleged bullying by school children. The response from the bus company and the school was inappropriate and was not preventing the alleged bullying. We proposed a dispute resolution process through the Dispute Settlement Centre of Victoria, assisting the client at mediation. The client's circumstances changed so that they no longer required the bus service and they chose not to pursue the matter any further.

In one matter, where client was allegedly being abused and exploited by another person, we represented client at Magistrates' Court hearing with the successful outcome that a five year Intervention Order was made.



In one matter, where client was allegedly being abused and neglected in supported accommodation, we successfully assisted them to apply for documents under Freedom of Information legislation to obtain evidence to support a Victim of Crime Compensation application and possible negligence action.

## ***Child Protection***

### *6 files related to this area*

In one of these matters we provided advice and representation to a carer regarding a Long Term Child Care Agreement, arguing that the proposed agreement would impose onerous and unworkable conditions and lead to disadvantage. This enabled the carer to re-negotiate and get a more workable agreement.

In the second matter we investigated, advised, liaised and represented client in relation to an application to the Children's Court for an extension of a Custody to the Secretary Order, with the successful outcome that our client's access visits with their child were increased in length and frequency.

In the third of these matters, regarding an application to oppose a non-reunification order, we assisted client to communicate with legal representative, provided advice and attended Children's Court hearing. Our client eventually decided not to pursue the non-reunification matter any further, but will have ongoing continued access to their child.

In the fourth matter we advised client, liaised and negotiated with DHS, represented client at Children's Court and ensured that their wishes were clearly communicated, with the successful outcome that our client will now have better access with their child.

In the fifth matter we assisted client with an appeal to VCAT regarding a DHS non-reunification decision. We advised client, sought counsel's opinion and liaised with DHS, with the successful outcome that client now has increased access with their child and has instructed us to withdraw their appeal to VCAT.

In the sixth matter we advised and represented client in relation to their rights to be reunified with their child &/or have ongoing access to them, ensuring that their wishes were clearly communicated to the Children's Court.

## ***Forensic Leave Panel***

### *13 files related to this area.*

In these matters we represented clients at hearings of the Forensic Leave Panel ensuring that their views and wishes were clearly communicated to the Panel, with the successful outcomes that all requested leave was granted. This enabled our clients to access the community, with appropriate levels of support, to participate in community, vocational and recreational activities.



## ***Powers of Attorney and Guardianship***

*1 file related to this area.*

In this matter we advised and assisted client to make Enduring Powers of Attorney and Guardianship.

## ***Service Provider Policy/Practice***

*1 file related to this area.*

In this matter we advised, negotiated and represented client in relation to dispute in which a nursing home failed to acknowledge and act in accordance with client's and guardian's wishes.

## ***Victim of Crime***

*5 files related to this area.*

In one matter we advised client in relation to an alleged assault on them, including advice on making application for Victims of Crime Compensation and eligibility criteria, and provided referral to law firm to assist them with making the application.

In the second matter we were contacted by client's lawyer interstate with request to assist with an Application for Victims of Crime Compensation. We liaised with client and sourced specialist forensic psychiatrist to assess client, obtained report and provided this information to lawyer who will lodge application to Tribunal on behalf of client.

In the third matter we advised in relation to an alleged assault on our client by a direct care worker at their supported accommodation service. We attempted to negotiate with the service provider employer, assisted the client to lodge a complaint with the Disability Services Commissioner and supported the client at a conciliation meeting where we ensured that their views and wishes were clearly communicated. A successful outcome was reached with the alleged perpetrator being prevented from ever working directly or indirectly with our client again.

In the fourth matter we advised in relation to a client allegedly being assaulted in the care of a disability service accommodation provider. We liaised with and responded to the Disability Services Commissioner, police and the service provider, advised client to lodge Victim of Crime Application and referred them to a specialist lawyer regarding a possible personal injuries claim. We also assisted with negotiating better accommodation and services outcomes for our client. We ensured the client's wishes and views were clearly communicated to DHS with the outcome client has a new Behaviour Support Plan, Person Centred Plan, new Case Manager, accommodation will be sourced and individual package provided to client.

# Casework Report



In the fifth matter we advised and assisted client to lodge a Freedom of Information application, obtained necessary documentary evidence to support a Victim of Crime Application and liaised with lawyer assisting client with the application.

**2. Resource telephone advice in relation to queries about the law - Compile and review a legal resources manual. Be available to the advice service staff as needed. Hold regular meetings with advice service staff for provision of ongoing training.**

Villamanta's lawyers provided legal advice to staff members working on Villamanta's free advice, information and referral service about legal matters, on an as needed basis.

We have continued to update our Legal Resources Manual.

Staff meetings and casework team meetings provided regular opportunities for staff to raise systemic issues in relation to the advice, information and referral service. Specific staff training needs are provided for on an ongoing basis.

**3. Supervise the telephone advice provided - Review of all contact sheets.**

The system to ensure that contact sheets are regularly reviewed is operating effectively.

## Casework Team



1st row — From left: **Deidre Griffiths**, (Executive Officer & Principal Solicitor), **Greg Leeson** (Casework Lawyer), **Dezi George** (Casework Lawyer) 2nd Row—From Left: **Viv Avery** (Casework Lawyer), **Ben von Einem** (Casework Lawyer) and **Sue Wolter** (Para-legal Worker)



# Community Legal Education



***The aims of our Community Legal Education work and outcomes we want to achieve :***

## ***Annual Performance Indicators***

Present workshops/talks about rights of people who have a disability using a community development model.

Workshops to be reviewed and evaluated.

## ***Objectives:***

- Facilitation of access of people with disabilities to the community and participation in community life
- Increase people with disabilities' knowledge and understanding of their rights so that they can exercise their rights as citizens
- Encourage people with disabilities to make informed choices
- Improve communication between people with disabilities and other members of the community
- Promote the understanding of the rights of people with disabilities in the Australian Community

## ***Outcomes (Benefits to people who have a disability):***

- The protection of the rights of people who have a disability
- Response made to allegations of abuse, discrimination or negligent treatment to advance the situation of the person so treated
- Ability to have independent advice and to make informed choices
- Benefit from the help of friends, family and carers that is based on independently provided information and advice
- Communication of a person's needs, hopes and rights as required to advance them
- The provision of quality information, advice and referrals
- People with disabilities who receive services are those who present the highest priority legal issues

# Community Legal Education



This year Villamanta Disability Rights Legal Service Inc. held 40 community legal education sessions including a total of 928 people. Most of these sessions were for people who have a disability living in Victoria. A number were for people assisting people who have a disability and some were for other members of the community, to extend the community's knowledge of disability rights and related issues, with the aim of accelerating the full inclusion of people who have a disability in the community. Participants included advocates, TAFE students, university and high school students, clients, field workers, disability service providers, community organisations, disability support workers, carers and staff of open employment services and other members of the community.

Metropolitan and suburban areas covered included Melbourne CBD, Footscray, Preston, Springvale, Croxton, Dandenong, Bundoora, Ashwood, Werribee, Braybrook, Broadmeadows and Coburg. Rural and regional areas included Geelong and surrounding areas, Colac, Echuca, Kerang, Sunbury, Wonthaggi, Warragul, South Gippsland and Warrnambool.

The main topics covered were disability rights/Your Rights Your Choices, wills/administration/powers of attorney/guardianship, special trusts, case notes, Duty of Care/Dignity of Risk and the work that Villamanta does.

The Meeting Place in Colac was also a venue for contact with constituents and its operation continues to grow.

During the year mail-outs were carried out to numerous community organisations informing them of Villamanta's various services, including education and training. Information about Villamanta education and training is also available on the VCOSS website.

Villamanta continues to use a community development approach when it is providing community legal education. Sessions are delivered in a way that makes sure that people who have a disability can participate to identify and discuss issues of importance to them. This also provides Villamanta with valuable input about issues that are affecting people who have a disability, to inform our casework and policy and law reform work. The community development approach empowers people to work for positive social change on both a personal and a community level. A variety of topics is often discussed during each session. Community legal education sessions, like all of Villamanta's work, are based on a Human Rights perspective.



Villamanta's constituents continue to report that they have many serious worries. The most commonly reported concerns are: uncertainty about income support, welfare to work, appropriate accommodation and services, the lack of entitlement to receive disability services, the loss of the right to have service plans independently reviewed, the need for a clearly understood and accessible complaints system in relation to disability services, the need for a complaints system that can get real results/changes/improvements for people experiencing problems with disability services providers, accessing the community, opportunities for educational activities and employment, and access to advocacy support.

We note with concern that the ongoing trend of increasingly short-term, casualised and part-time employment of agencies staff, by disability service providers, continues to undermine the knowledge of Villamanta's services and activities in the community. Our limited budget for marketing our service adds to this difficulty.

## **Publications**

A number of Villamanta's publications are available for purchase from Villamanta. These include the *Duty of Care Training Manual*, the booklet *Duty of Care, Who's Responsible?*, *People.dot.com*, *Oliver Twist has asked for more*, and *Cripples, Coons, Faggs and Fems*. Villamanta's most recent publication, produced in conjunction with the Mental Health Legal Centre, funded by the Victoria Law Foundation, *A Guide for Advocates appearing before the Guardianship List of VCAT*, is available free on line and can be accessed on Villamanta's website. We have been working on a new publication, *People who have an Intellectual Disability and The Criminal Justice System*, which will be completed soon.

The *Villamanta Information Booklet* continues to be distributed to clients.

## **Your Rights Your Choices**

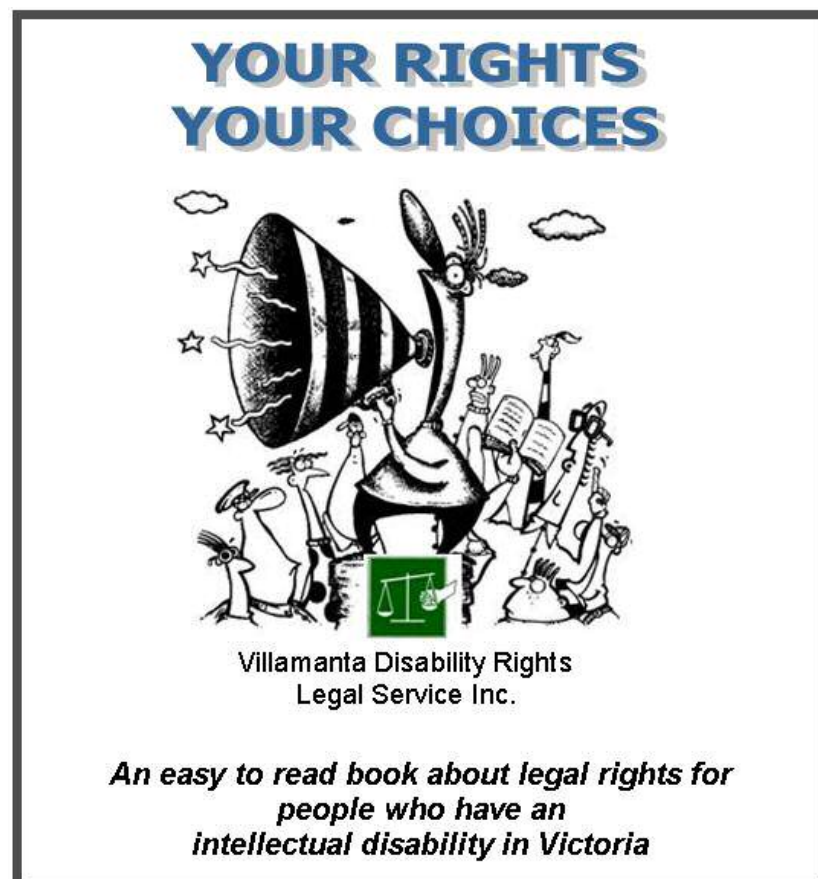
The Villamanta publication, *Your Rights Your Choices*, especially written to let people who have an intellectual disability know about their legal rights is distributed at our CLE sessions. Numerous copies have been distributed across Victoria this year. The substantial cost of producing this important material is an ongoing challenge for Villamanta.

Increasingly, because of the expense involved in producing and printing publications, Villamanta relies on printed materials and resources from other agencies, such as Victoria Legal Aid and the Office of the Public Advocate.



## ***“Having A Say” Conference 2009***

Villamanta once again participated in the “Having a Say” Conference, organised by VALID, which was held in Geelong in February, 2009, providing an information and advice table. Informal constituent consultations were also conducted and a large number of service brochures, fridge magnets and many copies of *Your Rights Your Choices* were distributed to conference goers. In 2010 this important conference will again be held in Geelong.



# Telephone Advice Service Report



Trish Jardine  
Telephone Advice  
Worker

Villamanta provides a statewide, free telephone advice, information and referral service five days per week from 1 p.m. - 3 p.m. People call us about a lot of different issues (see table and examples following), in fact it could be said that no two calls are the same.

***Here are the aims of our Telephone Advice, Information & Referral Service and the outcomes we aim to achieve:***

***Annual performance targets :***

Provide a toll free number.	Staffing of toll free number each work day from 1.00 p.m. to 3.00 p.m.
Provide callers with information about disability related legal issues over the phone and in writing.	Provision of information designed to maximise choice and empowerment of people with disabilities, over the telephone &/or written (via mail, fax, email, or referral to our website)
Provide callers with a referral service to generic services.	In order to provide efficient / effective referrals: maintain and continue to develop knowledge of specialist & generic services throughout Victoria  Continue to subscribe to ISS database of generic and specialist services throughout Victoria
Provide advocacy to constituents.	Advocate / liaise on behalf of constituents where appropriate: Referral to Villamanta Disability Rights Legal Service Inc. legal casework services or other advocacy services where necessary
Provide constituents with access to legal advice.	Referral to Villamanta casework lawyers or other specialist lawyers where appropriate



# Telephone Advice Service Report



## *Objectives:*

To enable people who have a disability to gain access to and participate in community life.

- To enable people with disabilities to exercise their rights.
- To encourage people with disabilities to make informed choices.
- To promote and enhance the rights of people with disabilities.
- To increase the knowledge and understanding of people with disabilities, their families and carers.
- To improve communication between people with disabilities and other members of the community.
- To prevent abuse, discrimination or negligent treatment of people with disabilities.
- To assist people with disabilities to participate equitably in community life.
- To recognise, value and include families and carers, wherever possible and appropriate, in the support system for people who have disabilities.

## *Outcomes (Benefits to people who have a disability):*

- The protection of the rights of people who have a disability
- Response made to allegations of abuse, discrimination or negligent treatment to advance the situation of the person so treated
- Ability to have independent advice and to make informed choices
- Benefit from the help of friends, family and carers that is based on independently provided information and advice
- Communication of a person's needs, hopes and rights as required to advance them
- The provision of quality information, advice and referrals
- People with disabilities who receive services are those who present the highest priority legal issues

# Telephone Advice Service Report



Villamanta's Telephone Advice Service gives general information around the law and practical advice on ways to deal with situations, including those where using the law may not be helpful. Only a small proportion of calls require specifically legal advice. Villamanta aims to give callers more options to maximise their choices and to promote and advance the rights of people who have a disability. Many calls are long and may involve:

- support to work out what the issues are and what the caller would like to achieve;
- developing options and strategies to give people more choices;
- information around the law; and on how to deal with issues;
- defusing, in stressful or angry situations; and supporting people to gain some hope and confidence to advocate for themselves.

Some calls require research to be done, or staff to advocate or negotiate on a caller's behalf.

Villamanta aims to give the caller the best possible service right away, when ever possible. There is a common misunderstanding that we are "a legal service for people who have a disability", or a segregated legal service, which we are not. Villamanta works only on disability related legal issues, with a particular focus on the rights of people who have an intellectual disability. Sometimes, getting the caller the best possible service means that, although we might provide initial information, we then refer them to another organisation with more appropriate expertise. We encourage and expect other organisations to provide service to people who have a disability, just as they would to other community members. We can resource other agencies on disability issues so that they can provide a better service to people who have a disability.

Villamanta aims to be as accessible as possible and we are happy for people to call us, even if they are not sure we are the right service for them. People often contact us because they don't know who to go to. If we are not the best option, we can provide referral to a wide range of generic agencies or other specialist services. We are continuously increasing our knowledge of agencies, legislation and services available, and constantly adding to our web based Telephone Advice Service Manual. Workers have ongoing training at staff meetings, casework team meetings, as well as other specialist training by professional organisations outside Villamanta. Every advice record is checked and feedback provided where appropriate.

Villamanta's website [www.villamanta.org.au](http://www.villamanta.org.au) includes free information sheets on a range of rights topics. We can mail these information sheets out to people who do not have access to the internet.

# Telephone Advice Service Report



As the Telephone Advice Worker position is only three days per week, all workers take a turn at providing this service. All workers also take part in regular training and development to increase their skills and knowledge.

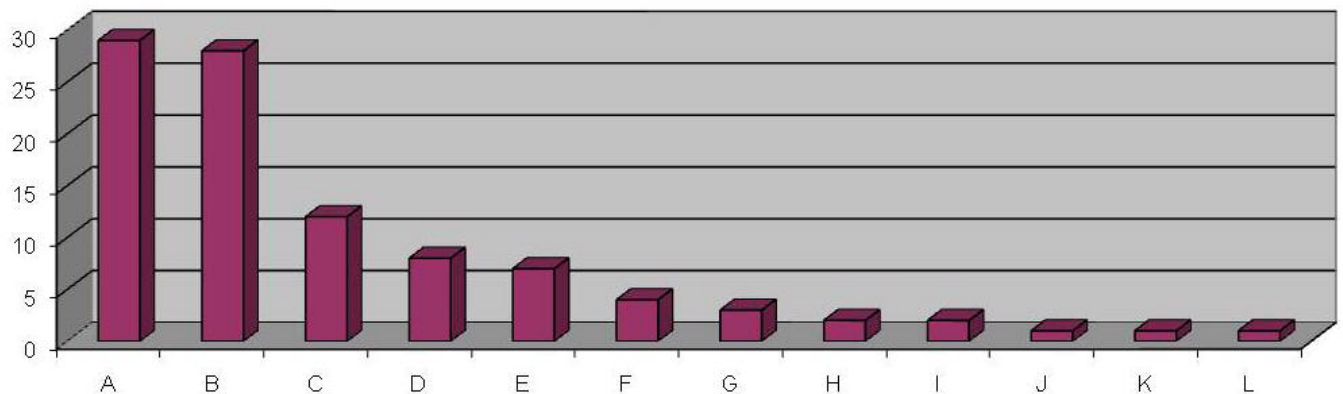
**Trish Jardine**

## Telephone Advice Worker

For each new issue, a data collection sheet is completed. In the period 1<sup>st</sup> July 2008 to 30<sup>th</sup> June 2009, 754 data collection sheets were completed regarding individuals receiving advice, information or referral.

The following graphs explain how these queries are dealt with, what issues people have, their disability type and referrals we make.

### Who Calls Us

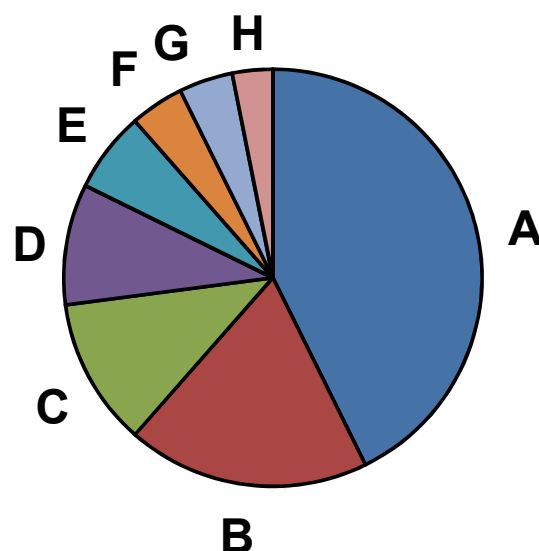


A) Relative/Friend	-	29%
B) Constituent/Person with a disability	-	28%
C) Disability Agency	-	12%
D) Government Agency	-	8%
E) Advocacy Agency	-	7%
F) Non Gov. Agency	-	4%

G) Community Legal	-	3
H) Other	-	2%
I) Lawyer	-	2%
J) Education	-	1%
K) Guardian	-	1%
L) Unknown	-	1%

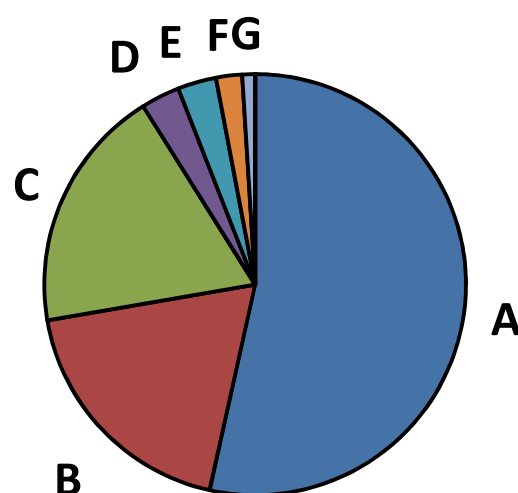
## Primary disability of people who call us, or of people we get calls about

A)	Intellectual	-	41%
B)	Various	-	15%
C)	Psychiatric	-	12%
D)	Physical	-	10%
E)	Unknown	-	7%
F)	Acquired brain injury	-	6%
G)	Autism	-	4%
H)	Neurological	-	3%



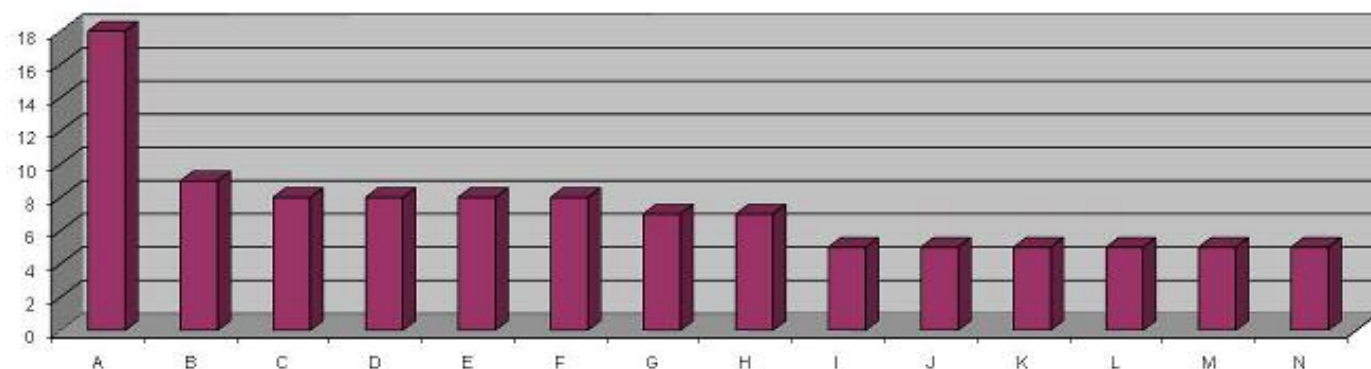
## Who we refer people to

A)	Legal Agency	-	47%
B)	Government Agency	-	19%
C)	Advocacy Agency	-	19%
D)	Disability Agency	-	3%
E)	Other	-	3%
F)	Community Agency	-	3%
G)	Non Government	-	2%



## Types of issues people call us about

(Very often combinations of several issues)



A) Administration/ Financial matters	-	18%
B) Service Provider Policy /Practice	-	9%
C) Negligence, Duty of Care, Personal Injury	-	8%
D) Villamanta - Info about	-	8%
E) General Rights	-	8%
F) Financial Matters	-	8%
G) Guardianship	-	7%
H) Wills	-	7%
I) Criminal accused	-	5%
J) DDA & EO, Discrimination	-	5%
K) Housing	-	5%
L) Access to services	-	4%
M) Family Law	-	5%
N) Contract/Consumer Issues	-	5%

### Other issues between 2% and 4.9% :

Statutory Obligations, Criminal Accused, Employment, Intervention Order, Mental Health, Victim of Crime (Other Than Sexual Assault), Child Protection & Health

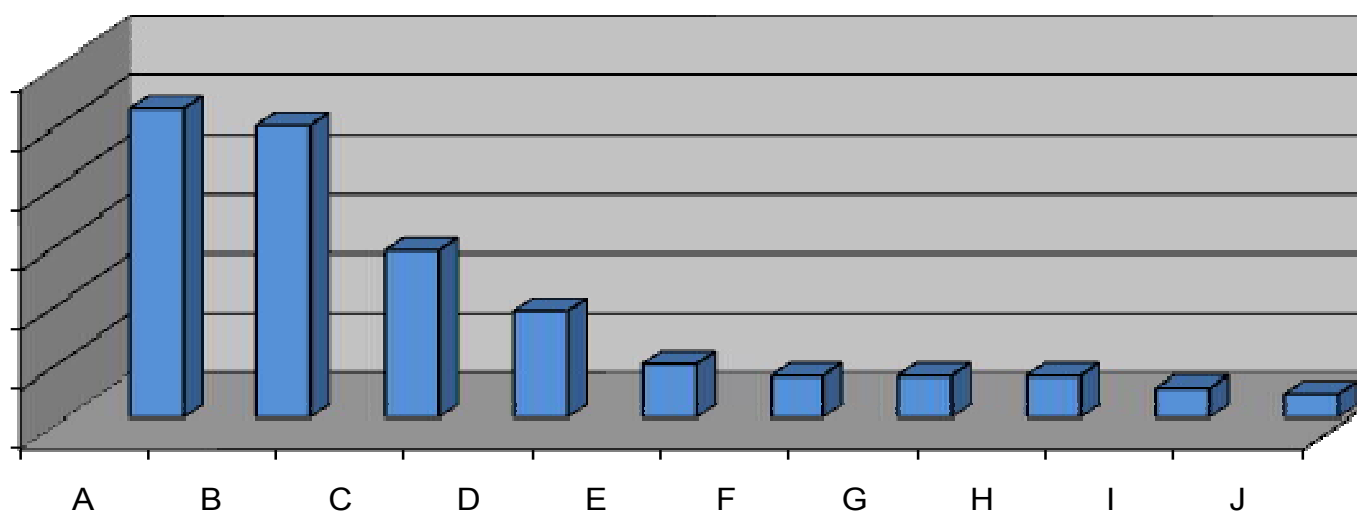
### Other issues between 0.1% and 2% :

Power of Attorney, Social Security Problem, Abuse, Education, Information—Lack of, Confidentiality/privacy, Independent Living, School Integration, Service Gaps, Subsidies/Entitlements, Taxi Associated Problem, Complaint - Utilities, Telecommunications etc., Independent Living, Social Supports/Family, Physical Access, Personal Care, Victim of Sexual Offence, Vulnerable and/or Isolated , Transport Issue (other than taxi), Statutory Obligations, Access to Services, Children's Court/Child Custody, Freedom of Information & Crisis Situation, Accommodation, FOI, Human Rights, Recreational/Social & other.



## What action did we take?

*(There are often several actions for one caller)*



A)	Referral	-	52%
B)	Telephone advice/Info	-	50%
C)	Telephone Legal cons.	-	28%
D)	Info on Villamanta	-	18%
E)	Secondary Consultation	-	9%
F)	Book sale/enquiry	-	7%
G)	Email Information	-	7%
H)	Casework file opened	-	7%
I)	Mail information	-	5%
J)	Info given in person	-	4%

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Income Statement For the Year ended 30 June 2009

	2009 \$	2008 \$
<b>Income</b>		
Grants - Recurring	441,485	439,157
Sales	12,316	6,097
Workshops	3,300	1,954
	<u>457,101</u>	<u>447,208</u>
<b>Expenditure</b>		
Administration Costs	9,574	10,078
Consultancy Fees	4,736	859
Depreciation - Office Furniture & Equipment	9,044	8,723
Library	1,136	1,042
Memberships of Other Organisations	2,731	3,314
Motor Vehicle Expenses	8,747	11,636
Office	14,994	25,832
Occupancy	40,788	37,444
Publishing	3,188	2,425
Staff Training	23	4,829
Telephone	10,710	8,442
Wages	396,858	381,091
Workshops and Projects	2,685	9,421
	<u>505,214</u>	<u>505,136</u>
<b>Other Income</b>		
Interest Received	18,347	17,938
Other Revenue	24,328	31,138
Profit on Sale of Non-current Assets	-	2,622
	<u>42,675</u>	<u>51,698</u>
<b>Net Profit /(Loss) for the Year</b>	<u>(5,438)</u>	<u>(6,230)</u>

*The accompanying notes form part of these financial statements.*

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Balance Sheet As at 30 June 2009

	Note	2009 \$	2008 \$
<b>Current Assets</b>			
Cash and Cash Equivalents		293,500	304,904
Trade and Other Receivables	3	55	452
Inventories	4	681	956
<b>Total Current Assets</b>		<u>294,236</u>	<u>306,312</u>
<b>Non-Current Assets</b>			
Property, Plant and Equipment	5	<u>45,823</u>	<u>54,069</u>
<b>Total Non-Current Assets</b>		<u>45,823</u>	<u>54,069</u>
<b>Total Assets</b>		<u>340,059</u>	<u>360,381</u>
<b>Current Liabilities</b>			
Trade and Other Payables	6	27,247	25,354
Provisions	7	<u>82,934</u>	<u>99,093</u>
<b>Total Current Liabilities</b>		<u>110,181</u>	<u>125,065</u>
<b>Total Liabilities</b>		<u>110,181</u>	<u>125,065</u>
<b>Net Assets</b>		<u>229,878</u>	<u>235,316</u>
<b>Equity</b>			
Retained Profits		229,878	235,316
<b>Total Equity</b>		<u>229,878</u>	<u>235,316</u>

*The accompanying notes form part of these financial statements.*



**Villamanta Disability Rights Legal Service Inc.  
Notes to the Financial Statements  
For the Year ended 30 June 2009**

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## **NOTE 1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

This special purpose financial report of Villamanta Disability Rights Legal Service Inc ("the Association") has been prepared for distribution to the members to fulfill the Committee of Management's financial reporting requirements under the Association's constitution. The accounting policies used in the preparation of this report, as described below, are consistent with the financial reporting requirements of the Association's constitution and with previous years, and are, in the opinion of the Committee of Management, appropriate to meet the needs of members.

- (a) The financial report has been prepared on a modified accrual basis of accounting including the historical cost convention and the going concern assumption.
- (b) The requirements of Australian Accounting Standards do not have mandatory applicability to the Association in relation to the year ended 30 June 2009 because the Association is not a "reporting entity" as defined therein. Accordingly, not all Australian Accounting Standards have been used in preparing these financial statements.

The following accounting policies have also been adopted in preparing the accounts:

- (c) **Revenue Recognition**  
Grant revenue is recognised when the Association obtains control over the grant funds, however grants received prior to the year end which will be fulfilled in the following year will be carried forward.

Revenue from sales and interest is recognised as it is earned.

- (d) **Inventory**  
Inventory is valued at the lower of cost and the net realisable value. Cost is determined on the basis of first in first out.
- (e) **Depreciation of property, plant and equipment.**  
Property, plant and equipment are depreciated over their estimated useful lives to the Association using the straight line method. The estimated useful life of plant and equipment is 3 to 10 years.

Profits and losses on disposal of plant and equipment are taken into account in determining the operating result for the year.

- (f) **Employee entitlements**  
Liabilities for employee entitlements to salaries and annual leave are accrued at nominal amounts calculated on the basis of current salaries.

Liabilities for other employee entitlements which are not expected to be paid or settled within 12 months of balance date are accrued in respect of all employees at the present values of future amounts expected to be paid.

- (g) **Taxation**  
The Association is exempt from income tax.
- (h) **Comparative figures**  
Where necessary, comparative figures have been adjusted to conform with changes in presentation in the current year.

*These notes should be read in conjunction with the attached Compilation Report.*

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2009

	2009 \$	2008 \$
<b>NOTE 2. Profit</b>		
<b>Expenses</b>		
Telephone	10,710	8,442
Administration Costs	9,574	10,078
Consultancy Fees	4,736	859
Motor Vehicle Expenses	8,747	11,636
Occupancy	40,788	37,444
Wages	396,858	381,091
Other	33,801	55,586
	<u>505,214</u>	<u>505,136</u>
<b>NOTE 3. Trade and Other Receivables</b>		
<b>Current</b>		
Trade Debtors	55	452
	<u>55</u>	<u>452</u>
<b>Total Trade and Other Receivables</b>	<u>55</u>	<u>452</u>
<b>NOTE 4. Inventories</b>		
<b>Current</b>		
Inventory	681	956
	<u>681</u>	<u>956</u>
<b>NOTE 5. Property, Plant &amp; Equipment</b>		
<b>Plant &amp; Equipment</b>		
Motor Vehicles	39,003	39,003
Less Accumulated Depreciation & Impairment	6,827	977
	<u>32,176</u>	<u>38,026</u>
Office Furniture & Equipment	165,444	165,444
Less Accumulated Depreciation & Impairment	155,064	151,870
	<u>10,380</u>	<u>13,574</u>
Other Assets under Lease	3,267	2,469
	<u>3,267</u>	<u>2,469</u>
<b>Total Plant &amp; Equipment</b>	<u>45,823</u>	<u>54,069</u>
<b>Total Property, Plant &amp; Equipment</b>	<u>45,823</u>	<u>54,069</u>

*These notes should be read in conjunction with the attached Compilation Report.*



# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2009

	2009 \$	2008 \$
<b>NOTE 6. Trade and Other Payables</b>		
<b>Current</b>		
Villamanta Social Club	1,516	618
Trade Creditors	1,761	3,611
Receipts in Advance	6,000	10,489
Provision for GST	17,970	11,254
	<u>27,247</u>	<u>25,972</u>
<b>Total Trade and Other Payables</b>	<u><u>27,247</u></u>	<u><u>25,972</u></u>
<b>NOTE 7. Provisions</b>		
<b>Current</b>		
Provision for Long Service Leave	58,770	30,771
Provision for Annual Leave	22,743	35,924
	<u>81,513</u>	<u>66,695</u>
<b>Non Current</b>		
Provision for Long Service Leave	1,421	32,398
	<u>82,934</u>	<u>99,093</u>

*These notes should be read in conjunction with the attached Compilation Report.*



**Villamanta Disability Rights Legal Service Inc.  
Notes to the Financial Statements  
For the Year ended 30 June 2009**

<b>NOTE 8. RECONCILIATION OF NET CASH PROVIDED BY OPERATING ACTIVITIES TO NET PROFIT/(LOSS)</b>	<b>2009</b>	<b>2008</b>
Net Profit( Loss)	(5,437)	(6,230)
Depreciation	9,044	8,723
(Profit)Loss on sale of property, plant & equipment		(2,622)
(Increase)/decrease in trade debtors	397	6,163
(Increase)/decrease in inventory	274	(421)
(Increase)/decrease in other assets	(797)	(49)
Increase/(decrease) in payables	5,764	(1,019)
Increase/(decrease) in provisions	(16,159)	9,728
Increase in receipts in advance	<u>(4,489)</u>	<u>10,489</u>
Net cash from/(used in) operating activities	<u>(11,403)</u>	<u>24,762</u>

*These notes should be read in conjunction with the attached Compilation Report*

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Cash Flow Statement For the Year ended 30 June 2009

	Note	2009 \$	2008 \$
<b>Cash Flows from Operating Activities</b>			
Receipts from Customers		485,790.99	538,912.20
Payments to Suppliers and Employees		(515,540.75)	(532,088.20)
Interest Received		18,346.73	17,938.00
<b>Net Cash Outflow from Operating Activities</b>		<u>(11,403.03)</u>	<u>24,762.00</u>
<b>Cash Flows from Investing Activities</b>			
Proceeds from Sale of Property, Plant and Equipment		-	21,236.00
Purchase of Property, Plant and Equipment			(54,973.00)
<b>Net Cash Inflow from Investing Activities</b>		<u>-</u>	<u>(33,737.00)</u>
Net Decrease in Cash Held		<u>(11,403.03)</u>	<u>(8,975.00)</u>
Cash and Cash Equivalents as at 1 July 2008		304,904.00	313,879.00
<b>Cash and Cash Equivalents as at 30 June 2009</b>		<u><u>293,500.97</u></u>	<u><u>304,904.00</u></u>

*The accompanying notes form part of these financial statements.*

# Treasurer's Report



## VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE INC.

### 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 comprising the income statement, balance sheet, statement of cash flows and notes thereto:

1. Presents a true and fair view of the financial position of Villamanta Disability Rights Legal Service Inc. as at 30 June 2009 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Villamanta Disability Rights Legal Service Inc will be able to pay its debts as and when they fall due.

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

Dated this 22nd day of August, 2009

David Lindsay  
Chairperson

A handwritten signature in black ink, appearing to be 'DL', written over a horizontal line.

Peter Landers  
Treasurer

A handwritten signature in black ink, appearing to be 'Peter Landers', written over a horizontal line.

### TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2009



Peter Landers  
Treasurer



Darrell Harding  
Accounts Administrator

# Auditor's Report



## Devenny Payne Taxation & Business Services

### Auditor's Report

I have audited the financial statements for the Villamanta Disability Rights Legal Service Inc. as set out in the Balance Sheet, Income and Expenditure Statement, Statement of Cash Flows and notes thereto for the year ended 30<sup>th</sup> June, 2009.

My audit has been conducted in accordance with Australian Auditing Standards to provide reasonable assurance as to whether the financial statements are free of material misstatements. My procedures included examination, on a test basis, of the evidence supporting the amounts and other disclosures in the financial statements, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial statements are presented fairly in accordance with accounting standards and other mandatory professional reporting requirements.

### Audit Opinion

The audit opinion expressed in this report has been formed on the above basis. In my opinion, the financial statements present fairly in accordance with applicable accounting standards and other mandatory professional reporting requirements., the financial position of Villamanta Disability Rights Legal Service Inc. as at 30<sup>th</sup> June 2009 and the results of its operations for the year then ended.

A handwritten signature in black ink, appearing to read 'John Payne', written over a horizontal line.

John Payne CPA  
Devenny Payne Taxation & Business Services

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