

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



Villamanta Disability  
Rights Legal Service Inc.



## **Annual Report 2012 – 2013**

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# 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 (2 days per week)
<b>Ben von Einem</b>	Casework Lawyer (4 days per week)
<b>Viv Avery</b>	Casework Lawyer (3 days per week)
<b>Darrell Harding</b>	Accounts Administrator/Personnel/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, our sponsor, donortec, who generously upgraded our computer software and the Victoria Law Foundation for funding our publication, *People who have an Intellectual Disability and the Criminal Justice System*.



**Australian Government**

**Department of Families, Housing,  
Community Services and Indigenous Affairs**

funded by a grant from

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Education**



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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 legal or 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*

## VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE Inc.

### Annual General Meeting MINUTES

**Wednesday 26th September, 2012**

**5.00 p.m.**

**Villamanta Disability Rights Legal Service Inc.**

**44 Bellerine Street,**

**GEELONG VIC 3220**

<b>1. Welcome</b>	Kathryn McBride, Chairperson, welcomed everyone and read out the list of apologies and asked for any further apologies. Kathryn then asked everyone present to introduce themselves.
<b>2. Present</b>	<p><b>Committee Members:</b> Kathryn McBride (Chairperson), Amanda Hiscoe (Deputy Chairperson), Andrew Hill (Secretary), Philip Clarke, Lauren Matthews, Alex Risk, Neville Porter &amp; Barb Machnyk (support person)</p> <p><b>Staff:</b> Deidre Griffiths (Executive Officer), Viv Nicol (Minutes), Darrell Harding (Accounts Administrator), Sue Wolter (Para-legal), Trish Jardine (Telephone Advice &amp; Referral) and Ben von Einem (Villamanta Lawyer)</p> <p><b>Visitors and volunteers:</b> Paul McFadden (Disability Liaison Officer, Geelong Magistrates Court), Cr Barb Abley (City of Greater Geelong) and Kathy Bolger (RIAC – Barwon)</p> <p><b>Volunteers:</b> Belinda Jane (Volunteer) and Brooke.</p>
<b>3. Apologies</b>	<p><b>Committee Members:</b> Peter Landers (Treasurer), Stephen Dinner, Hank Wyllie, Janet Ward and Simon French</p> <p><b>Staff:</b> Greg Leeson (Villamanta lawyer) and Viv Avery (Villamanta Lawyer)</p> <p><b>Visitors &amp; Volunteers:</b> Claire Humble (Leo Cussen), Rosemary Crossley (Anne McDonald Centre), John Barnett (FaHCSIA), Steve Doran (RIAC), Gabrielle Dickinson (AMIDA), Elizabeth McGarry (ACD), Grant Boyd CEO of Bethany, Ian Trezise (Member for Geelong) Victorian MP, The Hon. Nicola Roxon Federal MP, City of Greater Geelong Councillors John Mitchell, Rod Macdonald, Jan Farrell, Andy Richards, Bruce Harwood, Kylie Fisher and Eddy Kontelj and Georgie Alford (volunteer lawyer)</p>

<b>4. 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 21<sup>st</sup> September, 2011, be accepted.</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Sue Wolter     <b>Carried.</b></p>
<b>5. Chairperson's Report</b>	<p>Kathryn McBride, Chairperson, thanked staff, committee members and David Lindsay, outgoing Chairperson, for their work and gave a brief summary of her report. Kathryn also invited people to read her report in the Annual Report as well as all the other reports, namely Casework, Policy &amp; Law Reform, Community Legal Education and Telephone Advice and Referral.</p> <p><b>Motion:</b> That the Chairperson's Report be accepted</p> <p><b>Moved:</b> Amanda Hiscoe</p> <p><b>Seconded:</b> Lauren Matthews     <b>Carried</b></p>
<b>6. 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>Kathryn thanked Deidre for her report.</p> <p><b>Motion:</b> That the Executive Officer's Report be accepted</p> <p><b>Moved:</b> Amanda Hiscoe</p> <p><b>Seconded:</b> Philip Clarke     <b>Carried</b></p>
<b>7. 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 thanked Peter Landers, Treasurer, for his support throughout the year. Darrell referred everyone to the Treasurer's Report in the Annual Report and encouraged people to direct any questions they may have to him or Peter Landers.</p> <p>Kathryn invited questions from the floor. There were no questions.</p> <p><b>Motion:</b> That the Treasurer's Report be accepted.</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Andrew Hill     <b>Carried</b></p>

<b>8. Appointment of Auditor</b>	<p><b>Motion:</b> That Devenny Payne, Taxation and Business Services, again be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2012/2013 financial year.</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Amanda Hiscoe    <b>Carried</b></p>
<b>9. Election of Committee Office Bearers/Ordinary Members</b>	<p>As all current Committee Members were happy to continue and there were no new nominations, the Committee was re-elected unopposed and Office Bearers will be elected at the next Committee of Management Meeting.</p> <p><b>Motion:</b> That the following Committee Members be re-elected:</p> <p>Andrew Hill Amanda Hiscoe Peter Landers Neville Porter Janet Ward Simon French Kathryn McBride Alex Risk Stephen Dinner Lauren Matthews Hank Wyllie Philip Clarke</p> <p><b>Moved:</b> Paul McFadden</p> <p><b>Seconded:</b> Sue Wolter    <b>Carried</b></p> <p>No vacancies remain</p> <p>Alex Risk requested Villamanta send David Lindsay a letter of thanks if this had not already been done. Action: Deidre to send David a letter of thanks and certificate of appreciation.</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>Kathryn thanked everyone for attending and invited people 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 28<sup>th</sup> November, 2012 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



**Kathryn McBride** is the Chairperson of Villamanta's Committee of Management. Kathryn is the Co-ordinator of Care Services at the City of Greater Geelong.

She holds a Graduate Diploma of Education, and is currently completing a Master of Professional Accounting.

Kathryn has a rich experience in leadership and management of service provision for people with disabilities and a commitment to innovation and improvement opportunities in this field.



**Amanda Hiscoe** has been a member of Villamanta's Committee of Management for 18 years and has held the office of Deputy Chairperson for at least 14 of those years. Amanda is the second longest serving Committee member and a person who has a disability. As Deputy Chairperson, Amanda sometimes chairs the bi-monthly committee meetings which she enjoys.

*Amanda says: "Villamanta is a unique service being one of the first organisations to 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 the word.

Amanda attended the 2013 "Having a Say" Conference and likes to represent Villamanta at the Conference, which she did for the seventh time. The "Having a Say" Conference shows that people who have a disability have an important role to play in the community.

Amanda says Villamanta is always on the lookout for new members and new Committee of Management members and people who have a disability are encouraged to join. Membership is free.

Amanda has a big interest in the law and human rights and legal issues for people who have a disability. Amanda has been involved in the disability movement since 1980 and was part of the first self-advocacy group in Victoria and has been a very powerful self-advocate over the many years she has been involved in the disability sector. Amanda is familiar with and has used both State and Federal laws in many legal matters.

Amanda would like to give a big thank you to all the staff and volunteers for their hard work and commitment to Villamanta.

Amanda hopes you have enjoyed reading her Deputy Chairperson's Report and looks forward to the year ahead. Amanda also barracks for the mighty Cats.



## Committee of Management Members



**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 a former 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.



**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.



**Alex Risk** is an Ordinary Member of Villamanta's Committee of Management. Alex 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. His background covers the fields of journalism and government service.

## Committee of Management Members



**Hank Wyllie** is an Ordinary Member of Villamanta's Committee of Management. Hank has been a disability advocate since about 1986 after acquiring his disability at age 35. Following intensive rehabilitation spanning over two years, after his release from three hospitals, he decided to dedicate his formerly physically active life to assisting other people who have disabilities to access the community, as is their right.

Having communication impairment did not deter him as he became actively involved in various committees. His first was what is now known as Leisure Networks, then the Barwon Disability Resource Council, where he was chair for over four years. Hank's other local activities include the City of Greater Geelong's Aged and Disability Street Access Committee.

Because of his interest in improving or creating awareness of the plight of people who have little or no speech, he volunteers for Communication Rights Australia, and Scope's Barwon Southwest Communication Access Network. Hank is employed part time by Scope to promote and assess businesses and organisations to make their premises Communication Accessible and obtain the Communication Accessible Symbol. These only represent a few of his interests.

Hank was Chairperson of the Barwon Disability Resource Council for 10 years and is currently a member of the Australian Communication Consumer Action Network subcommittee Standing Advisory Committee on Disability Issues (telecommunications). His interest in advocacy and rights made his choice in joining the Villamanta Disability Rights Legal Service Committee of Management, where he can share his thoughts and ideas to assist Villamanta's excellent record of achieving results.



**Simon French** is an Ordinary Member of Villamanta's Committee of Management. Simon is a lawyer and is the General Manager of Employment Services at St Laurence Community Services. 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 and worked for an Australian law firm.

## Committee of Management Members



**Lauren Matthews** joined the Villamanta Committee of Management as an Ordinary Member in April 2011. She is a solicitor for Wightons Lawyers in Geelong, practising in the areas of family law, criminal law, child protection and family violence.

In her early years as a lawyer, Lauren worked as a caseworker/migration agent for the Refugee Advice and Casework Service ("RACS") in Melbourne and Sydney, within the Federation of Community Legal Centres. Her role was to primarily represent asylum seekers in immigration detention, as well as in the community, with their claims to refugee status under the international refugee convention.

In 1998, Lauren joined the United Nations High Commissioner for Human Rights. She served in headquarters in Geneva for a number of years, as well as field offices in Bosnia and Herzegovina, and Nepal. During 2007, Lauren was based in Sri Lanka with the International Group of Eminent Persons monitoring the Sri Lankan Presidential Commission of Inquiry into Serious Human Rights Abuses.

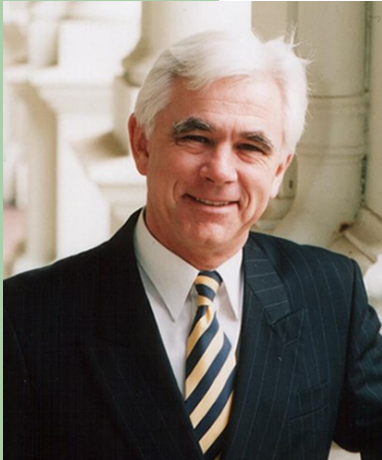


**Janet Ward** has been an Ordinary Member of the Committee of Management at Villamanta for 6 years. Janet is passionate about social justice and human rights. Janet has found herself working for people most of her career, working in the community sector, as a disability worker, trainer, employment consultant, life coach, counsellor, businesswoman, volunteering and 14 years as a police officer in the early days. The latter led Janet to undertaking a Degree in Social Science and afterwards continuing study to gain qualifications to be able to train in Disability, Business, Vocational Preparation and so forth.

Being very passionate about people with disabilities and their rights and in particular access issues, has given Janet a great deal of understanding and empathy working with people who have little by way of skills, knowledge, finances, role models, etc. Janet has been Manager of Next Steps Work and Learning Centre since March 2013 and finds the role hugely satisfying especially as it requires thinking outside the box and utilising many of the skills she has gained through education, work experiences, and life in general.



# Committee of Management Members



**Professor Philip H Clarke** is an Ordinary Member of Villamanta's Committee of Management. Philip is an Emeritus Professor of Law at Deakin University, an education consultant and the principal of Corporate Compliance Australia Pty Ltd. Previously he was Deakin University's Deputy Vice-Chancellor (Academic) (2009-2010), Pro Vice-Chancellor International (2008-2009), Dean of the Faculty of Business and Law (1999-2008) and the inaugural Head of the Deakin Law School (1993-1999). As Deakin University's Foundation Professor of Law he was instrumental in establishing and developing its law degree program.

Professor Clarke is an Australian lawyer who is a graduate of the Universities of Western Australia and Auckland University. He has extensive teaching experience at the Australian National University, Monash University and Deakin University. He has also written extensively in the fields of Competition Law, Contract Law and Consumer Protection.

Professor Clarke has experience of the law reform process through working as the Director of the Western Australian Law Reform Commission and as a consultant on competition law to the Asian Development Bank. He is a former editor of the *Australian Business Law Review* and recently joined the editorial Panel of the *Competition and Consumer Law News*.



**Stephen Dinner** is an Ordinary Member of Villamanta's Committee of Management. Stephen is a single parent with two sons aged 17 and nearly 20 who live with him and have done since they were 2 and 5. Stephen is a qualified electronics engineer and is self employed.

Stephen does volunteer work for the Office of the Public Advocate as a Community Visitor, Independent Third Person, Community Guardian, and more recently has taken on a new position as a Corrections Independent Support Person.



**Neville Porter** is an Ordinary Member of Villamanta's Committee of Management. Neville has been on the Committee since it started 23 years ago. Neville is doing a course at BAYLINK, including reading and writing study.

Neville does screen acting classes on a Friday and works at Paper Services in North Geelong. Neville is good at his job. Neville is a member of the Geelong Football Club cheer squad. "Go Cats!"

# Chairperson's Report



I am pleased to present this report to Villamanta Disability Rights Legal Service. This year, the second year of my role as Chairperson has been another very busy, but successful year. Many outcomes have been achieved for clients as a result of the work of our staff and volunteers. A highlight for the year was passing the National Disability Advocacy Program quality assurance audit.

I thank the staff and committee for the contribution to this accreditation process.

I extend a further thanks to the staff for their expertise and effort that successfully respond to the legal issues facing people with a disability. The Committee of Management has gained insight into the complexities of this via the regular staff report to the Committee of Management meeting.

I would also like to thank the Committee of Management Members for their participation and strategic leadership of Villamanta. This year the Committee of Management has continued work on Villamanta's Policy and Procedure documents, the Strategic Plan and the Quality Assurance and Risk Working Group.

A special thanks and congratulation to the Executive Officer on the leadership and professional manner in which Villamanta is guided. The direction and support of staff and volunteers has ensured Villamanta's continued growth and viability.

Villamanta's finances have been well managed by our Accounts Administrator and supported by the Treasurer. Thank you for this very important contribution.

I welcome the Commonwealth Government's National Disability Insurance Scheme and launch of DisabilityCare Australia and look forward to the opportunities that this may avail for Geelong and for Villamanta.

**Kathryn McBride**  
**Chairperson**

# Executive Officer & Principal Solicitor's Report



This year has been another very busy and productive one for Villamanta Disability Rights Legal Service Inc. Our Committee of Management members, staff members and volunteer workers have put in a great amount of time and effort to give Victorian people who have a disability and a disability-related legal or justice issue, the best possible service.

The demand for our free telephone advice, information and referral service, legal casework and community legal education for people who have a disability, continued and we did policy and law reform work on several issues of major importance to our constituents. Villamanta staff also presented training on disability rights topics to others in the community and we sold some publications on disability related topics. Details about the work Villamanta staff members and volunteers did during 2012-13 are given throughout this report.

Villamanta is funded by the Australian Government through the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), under the National Disability Advocacy Program (NDAP), as part of the Australian Network of Disability Advocacy Services. We thank our funder for their grant of funding which enables us to provide legal advice and advocacy to Victorian people who have a disability. We have also benefited from training provided by FaHCSIA and as a result of improved practices following our successful Quality Assurance audit against the Disability Advocacy Standards. The audit process aims to measure how we are working against the service standards and improve the way our agencies are run and the way the NDAP is delivered. We also thank Microsoft for the ongoing benefits of their generous upgrade of our computer software through the Donortec Program.

We again worked collaboratively with various advocacy and other relevant organisations, networks and individuals to achieve positive results, both for individual clients and at a systemic level, on numerous important issues. We and our constituents greatly appreciate the collaboration, co-operation and support of these organisations and their workers. We have continued to appreciate the improved communication and consultation between our funder and agencies in the advocacy sector, in particular those in the National Disability Advocacy Program (NDAP) which helps advocacy organisations to carry out their much needed work in a stable environment. Villamanta is continuing to work with our funder, along with other NDAP agencies, to further improve the program.



# Executive Officer & Principal Solicitor's Report



Villamanta is extremely fortunate to have highly skilled, professional, caring and dedicated staff members who work tirelessly to achieve the rights and empowerment of people who have a disability and disability-related legal or justice issues.

We have been pleased to receive very positive feedback from clients and constituents this year that tells us that Villamanta's work is often greatly appreciated and is making a difference for people who have a disability.

Villamanta's volunteer programme has continued to thrive. Our volunteers are very generous with their time and contribute many and varied types of experience and skills. Villamanta thanks them all for their generous contribution to our work which is of enormous benefit to our constituents.

Our 2012-13 volunteers include our Committee of Management members: Kathryn McBride (Chairperson), Amanda Hiscoe (Deputy Chairperson), Neville Porter, Andrew Hill (Committee Secretary), Peter Landers (Treasurer), Alex Risk, Stephen Dinner, Hank Wyllie, Lauren Matthews, Simon French, Janet Ward and Philip Clarke. Some of our committee members have received support from Barbara Machnyk. Villamanta thanks them all for their hard work and great contributions.

This year our volunteer workers have included Belinda Jane (accounts), Annie Doolan (community services - work placement), Roxanne Ryder (administration), Meridith Neill (administration), Tony Phillips (barrister), Shane McClure (lawyer), and law students: Sally Kenyon, Olivia Callahan, Tanith Margetson, Irina Jovic, Hannah Powell, Deanne Woodman and Kylie Parkyn.

Once again we thank various private lawyers and our colleagues at the other community legal centres and at Victoria Legal Aid, for providing our clients and us with *pro bono* advice and support. We also thank our colleagues, the staff of the Federation of Community Legal Centres (Victoria) and of the National Association of Community Legal Centres (NACLC), the members of Disability Advocacy Victoria Inc. (DAV), the staff and members of the Disability Advocacy Network Australia (DANA), of the Disability Advocacy Resource Unit (DARU), the Self Advocacy Resource Unit (SARU), and VCOSS, for all of their valuable work, collaboration and support.

Our thanks also go to Phil Grace, of Grace Information Technology, for once again providing us with much appreciated and prompt support and assistance with our computer system.

Once again we have observed an increase in education and school integration-related problems for children who have a disability and have continued to try to assist these families.

# Executive Officer & Principal Solicitor's Report



We have also continued to work on the ongoing situation of disadvantage of parents who have a disability who are involved in the Child Protection system, trying to achieve some improved outcomes for these clients and their children. We also continue to be gravely concerned about the instances of abuse of people living in supported accommodation and to work on this extremely serious issue.

We have also advanced our work for people who have an intellectual disability and who are involved in the criminal justice system, contributing to several inquiries into this and related issues. Our publication *People who have an Intellectual Disability and the Criminal Justice System*, which is a guide for people working in the criminal justice system with clients who have an intellectual disability, has been well received. In particular we have been told that its appendix on Asperger's Syndrome has been useful to advocates and others working in this area.

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 and its systems, particularly in relation to people who have an intellectual disability. We also worked on a number of other significant policy and law reform issues.

Of particular concern to many of our constituents has been the recent decision to increase fees for community residential accommodation. The effect of this would be to deprive many people of much needed funds to pay for many of their other day to day requirements and make it impossible for them to participate in the life of the community. Fortunately our legal work, in combination with VALID and others who campaigned valiantly against the fee hike, had a successful outcome, with the Victorian government withdrawing the notices of the fee increase.

Finally, 2013 has seen the beginnings of what many people with a disability and their families and advocates have long been hoping and praying for. Since 1 July, Villamanta has been closely observing, with many others, the pilot of the new national disability insurance scheme (NDIS) – now called DisabilityCare Australia – in the Barwon launch site, and assisting people to learn about and to navigate the new system. In the lead up to the launch we joined with advocacy colleagues working together to prepare for the expected associated increase in demand for advocacy assistance. All of this is very new, and we are still optimistic, but we are already seeing evidence of some people struggling to cope with the new system and others finding themselves worse off than they were before.

# Executive Officer & Principal Solicitor's Report



Villamanta will continue to monitor and critique the DisabilityCare Australia system during the pilot phase and once it begins to be extended to the rest of the state and the country.

The advent of the national disability insurance scheme is all the more encouraging because again this year Villamanta has observed that one of the main factors that continues to seriously disadvantage our constituents is the grossly inadequate level of funding for disability-related services of every kind. 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 whom wish, and should be enabled, to *live in the community* with appropriate levels of support.

Villamanta, along with many others, hopes that the full roll-out of DisabilityCare Australia, over the next six years, will finally help to bring about 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 of people who do not have a disability** – basic elements of both the Victorian State and the Australian National Disability plans and strategies.

**Deidre Griffiths**  
**Principal Solicitor & Executive Officer**

## ***Objectives of all Villamanta's Programmes***

- 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

# Policy & Law Reform Report



Deidre Griffiths  
Executive Officer &  
Principal Solicitor

## ***The aims of our Policy & Law Reform work:***

Villamanta does Policy & Law Reform work to try to bring about good changes and improvements to laws and policies that affect people who have a disability.

## ***Annual performance indicators***

Carry out Policy & Law Reform work on issues of serious concern to people who have a disability.

Situations to be monitored and reviewed and feedback obtained to measure changes.



Greg Leeson  
Casework & Policy and  
Law Reform Lawyer

**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 Disability Advocacy Victoria Inc. (DAV), which is the peak body for independent disability advocacy in Victoria, and the Victorian Legal Assistance Forum.**

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

**Disability Advocacy Victoria Inc. (DAV) (formerly called the Victorian Disability Advocacy Network (VDAN)) and Disability Advocacy Network Australia (DANA)**



Viv Avery  
Casework Lawyer

Villamanta continues to be an active member of DAV, attend the monthly network meetings and is a member of the DAV Board. Through DAV, Villamanta has active involvement in the development and management of the Victorian Disability Advocacy Resource Unit (DARU), funded by the Victorian Department of Human Services to provide resources to advocacy organisations.



Ben von Einem  
Casework Lawyer

Villamanta collaborates with DAV members to contribute to policy and law reform work on important systemic issues. DAV (as VDAN) was also involved in establishing the DANA (Disability Advocacy Network Australia), the national peak body for independent disability advocacy, which actively contributes to policy and law reform work on behalf of, and with input from, its member organisations. DAV's 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 DAV and DANA networks Villamanta continues to work on important issues of policy and law reform as they arise.

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

Villamanta also 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: mental health legislation review/proposed reforms and government response, Victorian Civil & Administrative Tribunal (VCAT) Guardianship List policies and procedures, Inquiry into Powers of Attorney, UN Convention on the Rights of People with Disabilities, the legislation and implementation of the National Disability Insurance Scheme (NDIS) (now called DisabilityCare Australia) and the Victorian Law Reform Commission's review of the Guardianship legislation, the Australian Human Rights Commission's inquiry into access to justice in the criminal justice system for people with disability, the VEOHRC inquiry into experiences of people with disabilities in Victoria when they report crime, concerns with the Guardianship List of VCAT, Psychiatric Inpatient suicides, Coroner's Court Restructure, review of the *Crimes (Mental Impairment and Unfitness To Be Tried) Act 1997*, the impact of cuts to Forensicare (the Victorian Institute of Forensic Mental Health) on mentally ill people facing criminal charges, the Senate Inquiry into the Involuntary or Coerced Sterilisation of People with Disabilities in Australia, Disability Vilification, and Interagency Guideline for responding to the abuse, exploitation and neglect of at-risk adults (IGUANA).

## **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 DAV members (see above). Recent issues we have worked on have been the review of the Guardianship legislation and the legislation of the NDIS.

Villamanta is a member of the Disability Rights Working Group of the Federation of Community Legal Centres (Vic.) which meets to discuss disability related issues and coordinate necessary policy and law reform work.

## **National Disability Rights Network**

Villamanta is a 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 and work on disability rights issues.





## **Villamanta's project on people who have an intellectual disability and the criminal justice system**

This year Villamanta has widely distributed its publication *People who have an Intellectual Disability and the Criminal Justice System - A Guide and Educational Tool for People working in the Criminal Justice System: Judges, Magistrates, Court Staff, Lawyers, Advocates, Police and Corrections Workers*, funded by the Victoria Law Foundation. It aims to 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.

## **Victoria Legal Aid (VLA) Access to Justice initiative**

Villamanta has been actively involved in stakeholder forums organised by Victoria Legal Aid to improve access to justice for Victorian people, in particular those who have a disability and continues to collaborate with VLA in furthering this project.

## **Human Rights Charter (Victoria)**

Along with the Federation of Community Legal Centres, Villamanta continues to monitor the implementation and use of the Victorian *Human Rights Charter*. Villamanta's lawyers continue to use Charter arguments in their casework matters whenever possible.

## **A Bill of Rights for Australia/Human Rights Framework**

Villamanta, in collaboration with many of its colleague organisations, continues to lobby for the introduction of a national Charter of Human Rights for Australia despite the Australian Government's extremely disappointing decision not to adopt such a charter. Villamanta will monitor and comment upon the Human Rights Framework which the government opted for instead of a charter.

## **Shut In Campaign**

Villamanta is a participant in the Shut In Campaign, coordinated by People With Disability Australia, aimed at ending the institutionalisation of people who have a disability.

The Campaign points out that although there has long been a commitment by governments in Australia to provide community-based accommodation services to people with disability, over time this commitment has decreased to the point where a number of governments have redeveloped old institutions and provided congregate models of care to people with disability. This is in breach of governments' obligations under the *Convention on the Rights of Persons with Disabilities* to which Australia is a signatory.





## **Child Protection Legislation**

Villamanta continues to actively monitor the Victorian Child Protection legislation, in particular, aspects of it which are likely to be detrimental to parents who have a disability.

## **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.

## **The Disability Services Commissioner**

The Disability Services Commissioner, appointed under the *Disability Act 2006* is 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 Commission staff on a number of occasions and provided feedback on how the legislation and system are working and shall 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 continues to monitor the work of the Office of the Senior Practitioner, another position set up under the *Disability Act 2006*.

## **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.

## **The Review of the Victorian Guardianship and Administration Legislation**

Villamanta took an active part in the Victorian Law Reform Commission's review of the laws in Victoria about Guardianship and Administration which was completed in February this year. The Commission's report is currently before the Victorian Parliament.

These laws are very important to our constituents because they can be used to take away people's rights to make their own decisions. We echo the sentiments of our colleagues at Seniors Rights Victoria in urging the Victorian Parliament to heed the recommendations of the Commission's final report, including the registration of Powers of Attorney and the provision of better training for attorneys, to help prevent the future abuse of vulnerable Victorians. Villamanta will monitor the government's response to the commission's report.



## **The National Disability Insurance Scheme (NDIS) and DisabilityCare Australia**

Villamanta has worked with its advocacy and legal sector colleagues in preparation for the advent of the NDIS/DisabilityCare Australia. The commencement of pilot programs in launch sites in a number of states - including the Barwon region in Victoria - have been extremely heartening to all those who have been campaigning for this for so long. However, there are already initial concerns emerging about what is happening for some applicants &/or participants in the scheme. Along with its advocacy and legal sector colleagues, Villamanta will continue to assist constituents to understand and access the scheme, and will monitor and provide feedback during the pilot phase and once it is finally fully up and running. This will include providing suggestions and lobbying if/where necessary for amendments to the legislation and its accompanying regulations, policies and procedures.

## **Inclusive Education Alliance**

Villamanta is an active member of the Inclusive Education Alliance which is facilitated by STAR and is a group of individuals and organisations from the education and disability advocacy fields, committed to the promotion of "Inclusion for all" in the education of students with disability in Victorian education.

## **Fight the Fee Hike Campaign**

The Victorian Government recently advised people who live in community residential units that their fees were going to be greatly increased. It was planned to make people living in these houses pay 75% of their Disability Support Pension and 100% of their rental assistance. This would have been a cruel and intolerable imposition on the lives of Victoria's most vulnerable citizens. VALID, and many people who have a disability and their families and advocates, united in a campaign to oppose this, and Villamanta provided legal advice and representation at VCAT with a successful outcome. We will continue to monitor for any further developments in this matter and take appropriate action if required.

**Deidre Griffiths**

**Principal Solicitor & Executive Officer**

# Casework Report



## ***Annual Performance targets for casework***

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.

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

During the period 1/7/012 to 30/6/13, 89 new files were opened and 62 files were closed.

A total of 66 files remained open at the end of the period.

***A breakdown of issues covered in the files still open at 1<sup>st</sup> July, 2013 is as follows:***

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

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

1 file relate to the revocation of an Administration Order

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

4 files 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.***

42 files relate specifically to challenging DHS decision to increase fees  
7 other files relate to this area.

# Casework Report



## **Other matters still being dealt with at 1<sup>st</sup> July, 2013 relate to:**

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

Centrelink	1
Child Protection	2
Criminal Law	2
Freedom of Information/DHS Allegation	1
Statutory Obligation:	
- Treatment Plan Review	2
- Forensic Leave Panel Review	2
- Behaviour Support Plan	1
- Will	1

## **Of the 63 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.*

Matters of administration are extremely important to many of our clients as Administration Orders, which are made by the Victorian Civil and Administrative Tribunal's Guardianship List, can severely restrict a person's freedom to make their own choices about their finances, property and in some cases, their legal affairs. Sometimes there is a less restrictive way of dealing with the issues affecting our clients. Because of this it is important that the person has access to legal advice and representation when administration orders are being considered. In some instances the orders can be of benefit as they can provide authority that helps family members, or other support people, to get things done for our clients. Sometimes clients need help to communicate with their administrator and get their views and wishes heard.

### **5 matters related to this area.**

In four of these 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). Where necessary, we represented clients at VCAT Hearings ensuring that their views and wishes were clearly communicated to the Tribunal and that, if orders were made, they were the least restrictive possible under the circumstances and were fully understood by our clients.

# Casework Report



In the fifth matter, where the client's funds were controlled by the Senior Master of the Supreme Court, we assisted client to communicate and negotiate with the Senior Master's Office.

**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.*

Matters of guardianship are extremely important to many of our clients as Guardianship Orders, which are made by the Victorian Civil and Administrative Tribunal's Guardianship List, can severely restrict a person's freedom to make their own choices about many aspects of their daily life. Sometimes there is a less restrictive way of dealing with the issues affecting our clients. Because of this it is important that the person has access to legal advice and representation when guardianship orders are being considered. In some instances guardianship orders can be of benefit as they can provide authority that helps family members, or other support people, to get things done for our clients. Sometimes clients need help to communicate with their guardian and to get their views and wishes heard.

*5 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 were fully understood by our clients, and negotiated with relevant parties. Outcomes included: removal of a guardian, resistance of an appeal against removal of a guardian, appointment of guardians of clients' choice.

**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.*

Issues of accommodation and services are extremely important to our clients. They affect many of our clients and often relate to the most basic issues of their day-to-day lives, including where they live, how they are treated there, what services they access outside of their accommodation, including day placement, health and other services. If things go wrong in any of these areas of our clients' life, their life can be an ongoing misery for them until something is done to fix the problem(s).

# Casework Report



Issues encountered include negligence/breach of their duty of care by service providers, injury to our clients, exposure to physical and/or psychological abuse, lack of services, insufficient, inadequate or inappropriate services – sometimes no services at all.

*10 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: enabling a client to return to their accommodation following hospital admission, client moved to new CRU with satisfactory services, advice provided regarding planning meetings, advocacy and advice around allegations of abuse of client in accommodation service, representation at quarterly meeting with service provider, advocacy in relation to provision of appropriate transport for client, assistance to update service application, successfully advocated for client to be returned to less restrictive accommodation following removal because of behavioural issues, secured appropriate accommodation and services for clients.

## **Other Matters:**

### **Human Rights**

Most of Villamanta's clients' matters contain issues that affect their Human Rights and all of our work is underpinned by our aim to uphold these rights.

### **Victims of Crime - 10 files related to this area.**

These matters included physical assaults of clients by workers in supported accommodation and several cases of sexual assault of clients by a direct care worker in their supported accommodation service.

We investigated, advised, ensured that police investigated and, where charges were laid, supported clients throughout the criminal proceedings. In the physical assault matters staff were dismissed following investigations. In the sexual assault matters the offender was stood down and eventually dismissed. They were committed to stand trial but unfortunately the trial was discontinued due to evidentiary problems. Victim of Crime proceedings have now been instigated.



# Casework Report



## **Criminal Accused** - 4 files related to this area.

In one matter the client was charged with two sexual offences, although reports indicated there was no sexual motive involved. We supported client through criminal proceedings and provided VLA lawyer with secondary consultation on disability aspects, with the result that the matter was finally discontinued by the OPP.

In the second matter, where the client was alleged to have left the scene of an accident without providing their details, we provided advice and offered representation if required at a later date.

In the third matter, where a client had been incarcerated for three years following a hearing where he was apparently unrepresented, we provided advice and assistance to obtain further legal representation by counsel who would understand client's disability needs.

In the fourth matter, a client was charged with a minor drug offence where an excessive penalty could have adversely affected the outcome of their child protection matter. In a successful outcome the client received a minimum penalty by way of a fine.

## **Family Dispute** - 1 file related to this area.

In this matter, where a client was involved in a family dispute, we advised client and attempted to arrange a mediation between family members. As the other party declined to participate, our client decided not to pursue the matter further at that time. The dispute later resolved.

## **Wills/Estates/Trusts** - 3 file related to this area.

In two of these matters we assisted clients in relation to their interest in deceased estates and in communicating with executors and, where necessary, obtaining expert legal advice.

In the third matter we provided initial advice in relation to Special Disability Trusts and referral for further expert advice.

## **Powers of Attorney** - 3 files related to this area.

In one matter we assisted client to obtain an Enduring Power of Attorney, as a less restrictive alternative to an Administration Order.

In the other two matters we assisted clients to revoke Powers of Attorney after establishing that they had capacity to manage their own affairs.

# Casework Report



## **Birth Certificate** - 1 file related to this area.

In this matter we assisted a parent to lodge a birth certificate in one parent's name only, providing a statutory declaration in support of their reasons for doing so.

## **Caveat** - 1 file related to this area.

In this matter we assisted a client who had received a caveat notice to find out what the caveat related to.

## **Vehicle Registration** - 1 file related to this area.

In this matter we advised a carer/administrator in relation to the process for registering a vehicle in the name of the person it was intended to transport, and wrote a support letter to forward with a copy of the Administration Order.

## **Welfare Rights** - 1 file related to this area.

In this matter we assisted client to access information about Centrelink processes and assistance available to carer.

## **Abuse/Intervention Orders** - 4 files related to this area.

In one matter, where a client was being abused and taken financial advantage of by a former friend, we advised, offered to assist client to take out an intervention order and referred them to an independent advocacy organisation for further support. No order was required as family members assisted and the matter was resolved to client's satisfaction and protection.

In the second matter, two clients were being bullied and harassed by a former friend. We advised client and wrote to other party, with a successful outcome that a written undertaking was given that no further bullying would take place.

In the third matter, where a client had allegedly been abused by an employee of a government department, we advised their administrator and offered to assist client to take out an intervention order. The administrator chose not to proceed with the matter.

In the fourth matter, where a client had been abused and threatened by another person, we successfully represented them at an intervention order hearing where full orders were obtained and a cross-application from the other party was struck out.



## **Child Protection/Parents who have a Disability**

The area of Child Protection is of particular importance to many of Villamanta's clients as parents who have an intellectual disability are significantly over represented in this area. These clients often have their children removed from their care and their access to them restricted, and frequently permanently cut off. It is therefore vital that these clients receive appropriate legal advice and representation in regard to this extremely important area of law.

*6 files related to this area.*

In these matters we advised, negotiated and represented clients in Children's Court proceedings to ensure that they had continued contact with their children.

In one matter, where the client had significant physical disabilities and was expecting a baby, it was likely that her child would be removed from her care at birth. We liaised and negotiated on behalf of the client with DHS Child Protection, the birthing hospital, care providers and family members, with the successful outcome that our client was enabled to keep and raise her child with appropriate services in place and the assistance of family members.

## **Forensic Leave - 1 file related to this area.**

Several of our clients are subject to legislation which dictates that they must live in extremely restrictive accommodation circumstances and receive on-going treatment as forensic residents. These clients must apply regularly to the Forensic Leave Panel for leave to access the community. It is vital that they receive appropriate legal advice and representation in relation to these issues and also have access to legal assistance for any other legal issues that may arise for them.

In this case we advised client in relation to their Application for Leave and represented them at Forensic Leave Panel hearing, ensuring that their wishes were clearly communicated to the Panel, with the successful outcome that all leave applied for was granted.

## **Restrictive Interventions/ Behaviour Support Plans/ Treatment Plans/ Supervised Treatment Orders/ Restraint and Seclusion - 8 matters related to this area.**

Many of our clients are subject to various types of legally authorised treatment plans, behaviour support plans and restrictive interventions (including behaviour modifying medications that may have serious and damaging health effects) that may significantly affect their wellbeing, freedom of movement and choice. It is crucial that they receive appropriate legal advice and representation in relation to these issues.



In these matters in relation to Supervised Treatment Orders, Treatment Plans and Behaviour Support Plans under the *Disability Act 2006*, we investigated, liaised with various parties including the Office of the Senior Practitioner, the Office of the Public Advocate and Victoria Legal Aid. We advised and represented our clients at Victorian Civil & Administrative Tribunal hearings where their orders and plans were made or reviewed, ensuring that their views and wishes were clearly communicated to the Tribunal and that orders and plans incorporated appropriate provisions including adequate protections in relation to use of medication.

In one of these matters the supervised treatment order was revoked and a less restrictive and more flexible behaviour support plan was put in place.

In all other matters we ensured that our clients' views were heard and appropriate changes, corrections or additions were made to treatment plans, and clients were afforded adequate protections, medication reviews were provided, clients' health was promoted and their human rights and civil liberties protected, and their plans complied with the *Disability Act 2006*.

**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 the 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 one-on-one 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. Lawyers undertake compulsory professional development to increase their knowledge and comply with professional indemnity insurance and legal practice requirements.

# Casework Report



3. *Supervise the telephone advice & referrals. Regularly review all IVO (client database) records where legal advice was provided and ensure the IVO database is operating effectively.*

The supervision and review system is operating effectively.

## Casework Team



Top — From left: **Deidre Griffiths**, (Executive Officer & Principal Solicitor) and **Sue Wolter** (Para-legal Worker)

Bottom — From Left: Casework Lawyers, **Ben von Einem**, **Greg Leeson** and **Viv Avery**



## ***The aims of our Community Legal Education work :***

- Help increase the 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

## ***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.
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Villamanta Disability Rights Legal Service Inc. participated in 15 community legal education activities this year, including CLE sessions for groups, presentations at conferences and distribution of materials, including a total of approximately 400 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 advancing the full inclusion in the community of people who have a disability. Participants included advocates, lawyers, clients, field workers, allied health professionals, disability service providers, TAFE, university and high school students, community organisations (including their board members), disability support workers, carers, parents, staff of open employment services and other members of the community.

Metropolitan and suburban areas covered included Melbourne CBD and suburbs. Rural and regional areas included Werribee, Geelong and surrounding areas, Ballarat and Bendigo. We also participated in the disability rights network activities at the National Association of Community Legal Centres' Conference in Cairns.



# Community Legal Education



Organisations or groups provided with training or training materials/information included: the Migrant Resource Centre, Diversitat, Reinforce, Mambourin Enterprises, Geelong Parent Network, Karingal, St Laurence Services, Carers Respite & Support Services, Victorian Rural Advocacy Network (VRAN), Victoria Police, Magistrates' Court (Victoria), County Court (Victoria), Office of the Public Advocate, Federation of Community Legal Centres, Victoria Legal Aid, Disability Forensic Assessment & Treatment Service (Victoria), members of the Victorian Bar, Department of Human Services (Victoria), Mental Health Legal Centre, Department of Justice (Victoria), the "Having a Say" Conference, and the National Association of Community Legal Centres' Conference.

The main topics covered were disability rights -Your Rights Your Choices, Human Rights, wills, administration, powers of attorney, guardianship, capacity and consent, "Thinking about the Future", special trusts, Duty of Care/Dignity of Risk, Working with People who have an Intellectual Disability in the Criminal Justice System, Child Protection & Parents who have a Disability, the Victorian Parliamentary Law Reform Committee's Inquiry into Access to Justice for People who have an Intellectual Disability, and the work that Villamanta does.

During the year material was distributed to numerous community organisations and a number of disability expos and conferences, informing them about Villamanta's various services, including education and training. Information about Villamanta education and training is also available on the VCOS website.

We continue to use a community development approach when 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 foundation. The training we provide looks at issues, such as Duty of Care/Dignity of Risk, from the perspective of people who have a disability.

Villamanta's constituents and their supporters continued to be very actively involved in the campaign for a National Disability Insurance Scheme (NDIS) which this year culminated in the legislation of the long-awaited NDIS, now called DisabilityCare Australia. CLE around this vital scheme will be provided by Villamanta where required.



## **Publications**

The Villamanta publication, *Your Rights Your Choices*, especially written to let people who have an intellectual disability know about their legal rights, is distributed free 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.

Our recent publication, *People who have an Intellectual Disability and the Criminal Justice System*, which is a guide for people working in the criminal justice system, and was funded by a grant from the Victorian Law Foundation, continues to be distributed. It is available free on-line on Villamanta's website, or can be ordered and purchased in hard copy.

A number of other Villamanta publications are also 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*. Our publication *A Guide for Advocates appearing before the Guardianship List of VCAT*, produced in conjunction with the Mental Health Legal Centre, also funded by the Victoria Law Foundation, is available free on line and can be accessed on Villamanta's website.

The *Villamanta Information Booklet* continues to be distributed to clients. 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 2013***

Villamanta once again participated in the very successful annual "Having a Say" Conference, organised by VALID, which was held in Geelong in February, 2013.

We provided an information and advice table and a presentation on the legal rights of people who have a disability. Informal constituent consultations were also conducted and a large number of service brochures, fridge magnets and copies of *Your Rights Your Choices* were distributed to conference goers. This important conference will be held again in Geelong in February, 2014.

# 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 10 am —12 noon and 1 pm — 4 pm

## ***The aims of our Telephone Advice, Information & Referral Service:***

Villamanta provides a Telephone Advice Information & Referral Service to ensure that people who have a disability are able to know their rights and get access to the services they need.

## ***Annual performance targets :***

Provide a toll free number.	Staffing of toll free number each work day from 10.00 a.m. to 12 noon and 1.00 p.m. to 4.00 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
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



Villamanta's state-wide free call Telephone Advice, Information and Referral Service responds to a very diverse range of enquiries and requests. The issues that people call us with are often complex, and can require some untangling; people can be very unhappy, stressed, distressed, or angry about something which has happened (or not happened), or worn down from trying to battle difficult situations without assistance.

Many calls are long, and can involve working with the caller to become clear on what the issues are, and what would resolve the situation for them, as this differs from person to person. We aim to empower people with the information and confidence to advocate for themselves where that is possible; we also link people with appropriate advocacy or supports where appropriate. Very often we are able to give people more options than they thought likely. We give information around the law and practical advice on dealing with situations, including those where the law is not the best solution.

Only a small proportion of callers' issues require specifically legal advice; often we take these on as casework matters. Although we work only on disability related legal issues in our casework, people often call us on other issues; when this happens, although we can often offer some information or advice, giving the best possible service means providing tailored referrals to other organisations which have more specific expertise on the issue.

We often receive calls from people who think that because they have a disability, we will act for them. We then need to explain that our work is only on disability related legal issues - we are not a segregated legal service! Many of these callers have been referred by other organisations; we then contact the organisation to clarify our role, in an attempt to minimise the frustration people experience when being sent from organisation to organisation to no avail.

As the Telephone Advice Worker position is three days per week, all workers at times answer the advice line.

We are constantly increasing our knowledge in all relevant areas, and participating in regular training and professional development, so that we can continue to provide the best service possible. Our web based Telephone Advice Service Manual provides a resource which enables us to advise and refer more effectively. Constantly updating and expanding the manual is very time consuming, and we are very grateful to our wonderful volunteers for assistance with this.

In early 2012, we adopted a new system of recording call file notes and statistical data online. While this brings us many advantages, it has been, and still is, a steep learning curve, both in adjusting to it, and working with the system's creator to iron out issues. No doubt these will be resolved.

# Telephone Advice Service Report



We continue to strive to give our callers the best service possible, and are pleased to be able to make a positive difference to the lives of people with a disability and those around them.

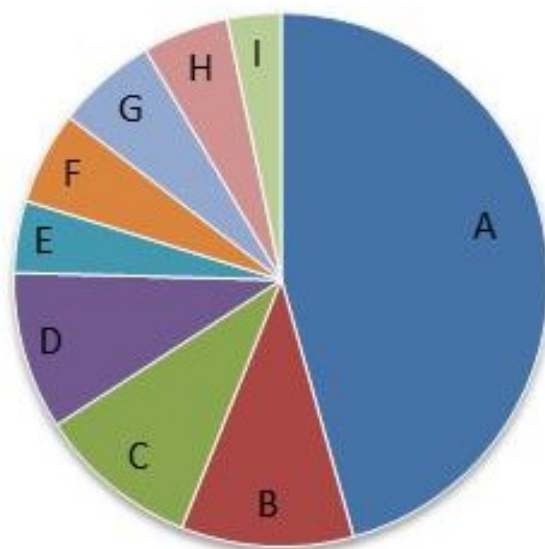
Please see the following graphs for more information.

**Trish Jardine - Telephone Advice Worker**



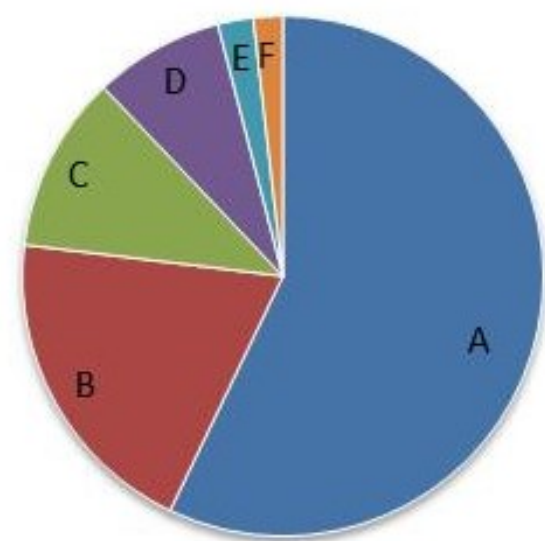
## Primary disability of people who call us, or of people we get calls about

A)	Intellectual	-	53%
B)	Psychiatric	-	12%
C)	Autism	-	11%
D)	Physical	-	11%
E)	Neurological	-	7%
F)	Other	-	6%
G)	Unknown	-	4%
H)	Sensory	-	2%
I)	Developmental Delay	-	2%



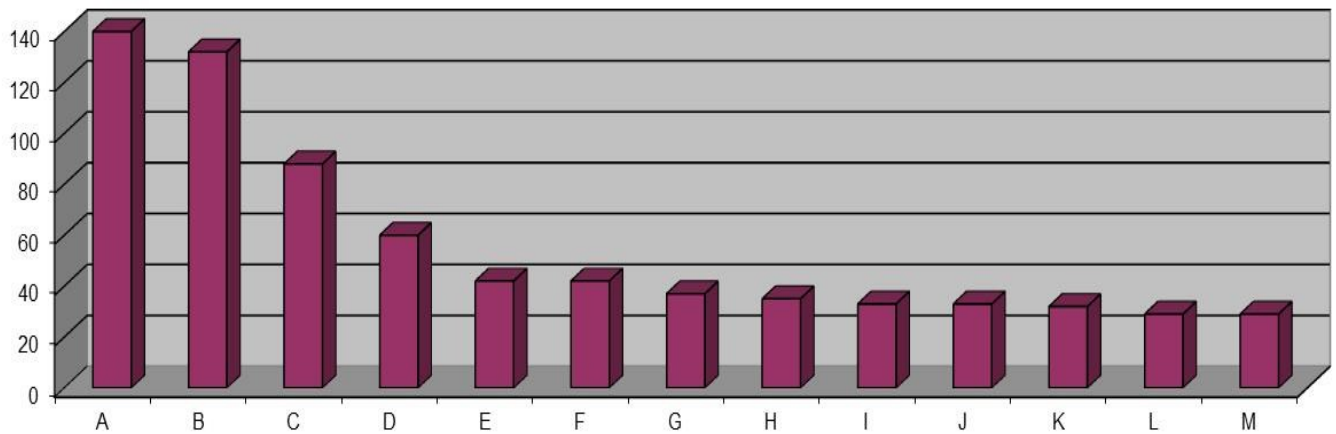
## Who we refer people to

A)	Legal Service or firm	-	60%
B)	Advocacy Agency	-	21%
C)	Government Agency	-	12%
D)	Other	-	9%
E)	Disability Agency	-	2%
F)	Non Government	-	2%



## Types of issues people call us about

*(Very often combinations of several issues)*



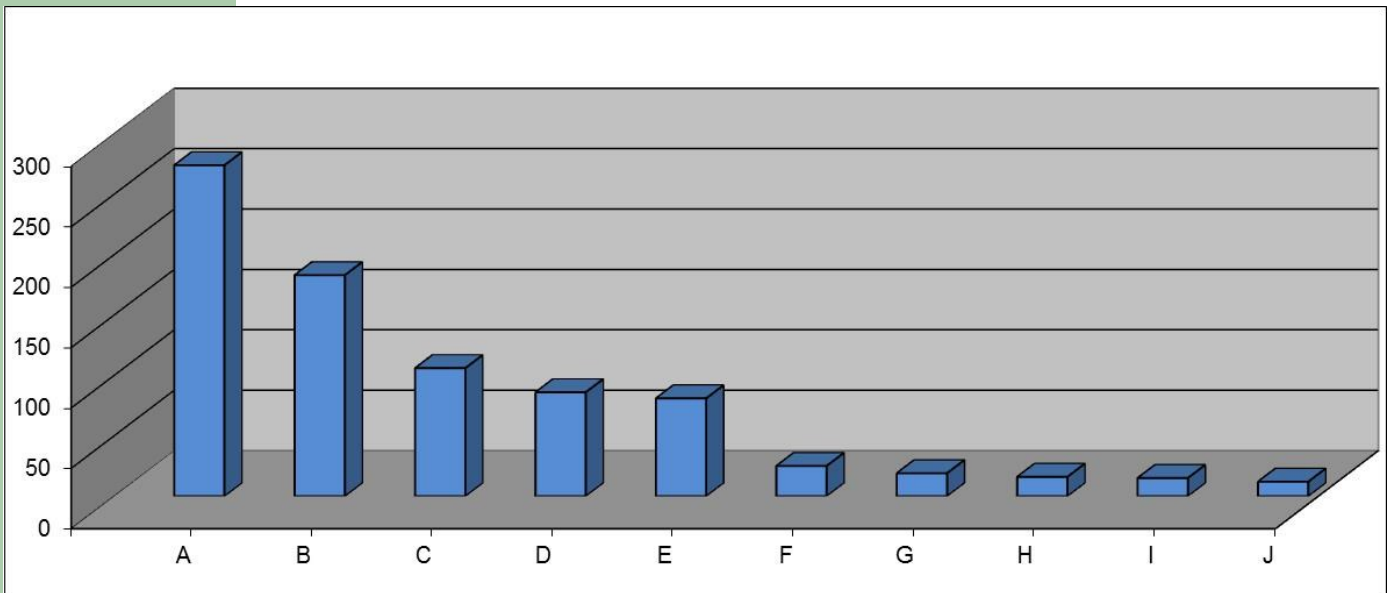
A) Accommodation	-	24%
B) Financial Matters	-	22%
C) Administration	-	15%
D) Abuse/Neglect	-	10%
E) Service Provider Policy/Prac	-	8%
F) Guardianship	-	8%
G) Access to services	-	8%
H) Wills	-	6%
I) Family Law	-	6%
J) DDA & EO, Discrimination	-	6%
K) Family Law	-	6%
L) Disability Discrimination	-	5%
M) Social Security problem	-	5%

### Following are other issues - 4% and below

Children's Court, Child Protection, Confidentiality and Privacy, DHS Complaint, Education, Employment, Equipment & Aids, Freedom of Information, Harassment/Bullying, Human Rights, Independent Living, Intervention Order, Mental Health, Personal Injury, Physical Access, Powers of Attorney, Recreation/Social or Family, Respite, Social Security, State Trustees, Statutory Obligation, Supervised Treatment Order, Transport, Utilities: gas/elec/phone/water etc., Victim of Crime, Victim of Sexual Offence, Villamanta info about and Vulnerable and/or Isolated.

## What action did we take?

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



A)	Telephone advice/info	-	60%
B)	Referral	-	40%
C)	File opened/individual legal advocacy	-	23%
D)	Telephone legal consultation	-	19%
E)	Secondary consultation	-	18%
F)	In person legal consultation	-	5.5%
G)	Email information	-	4%
H)	Information in person	-	3.5%
I)	Info about Villamanta	-	3%
J)	Legal letter	-	3%

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Income and Expenditure Statement For the Year ended 30 June 2013

	2013 \$	2012 \$
<b>Income</b>		
Grants - Recurring	468,295	471,041
Sales	453	1,384
Miscellaneous Income	18,940	4,425
Donations	-	500
	<u>487,688</u>	<u>477,350</u>
<b>Gross Profit from Trading</b>	<u>487,688</u>	<u>477,350</u>
<b>Expenditure</b>		
Administration Costs	7,916	7,907
Bank Charges	3	-
Consultancy Fees	26,211	19,270
Depreciation - Office Furniture & Equipment	6,649	9,044
Library	1,683	1,309
Memberships of Other Organisations	3,688	3,814
Motor Vehicle Expenses	11,501	11,659
Office	23,357	21,890
Occupancy	42,580	43,458
Publishing	48	2,203
Staff Training	1,208	3,359
Telephone	8,353	8,977
Wages	<u>352,956</u>	<u>359,463</u>
	<u>486,153</u>	<u>492,353</u>
<b>Other Income</b>		
Interest Received	<u>15,413</u>	<u>18,709</u>
	<u>15,413</u>	<u>18,709</u>
<b>Profit</b>	<u><u>16,948</u></u>	<u><u>3,706</u></u>

*The accompanying notes form part of these financial statements.  
These financial statements should be read in conjunction with the attached Compilation Report.*

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Balance Sheet As at 30 June 2013

	Note	2013 \$	2012 \$
<b>Current Assets</b>			
Cash and Cash Equivalents	3	329,292	314,640
Trade and Other Receivables	4	484	-
Inventories	5	1,777	1,825
<b>Total Current Assets</b>		<u>331,553</u>	<u>316,465</u>
<b>Non-Current Assets</b>			
Property, Plant and Equipment	6	<u>12,753</u>	<u>18,845</u>
<b>Total Non-Current Assets</b>		<u>12,753</u>	<u>18,845</u>
<b>Total Assets</b>		<u>344,306</u>	<u>335,310</u>
<b>Current Liabilities</b>			
Trade and Other Payables	7	10,644	4,464
Provisions	8	<u>87,759</u>	<u>101,890</u>
<b>Total Current Liabilities</b>		<u>98,403</u>	<u>106,354</u>
<b>Total Liabilities</b>		<u>98,403</u>	<u>106,354</u>
<b>Net Assets</b>		<u>245,903</u>	<u>228,956</u>
<b>Equity</b>			
Retained Profits		245,903	228,956
<b>Total Equity</b>		<u>245,903</u>	<u>228,956</u>

*The accompanying notes form part of these financial statements.  
These financial statements 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 2013

### 1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

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

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

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

#### (a) **Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

#### (b) **Provisions**

Provisions are recognised when the association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

#### (c) **Employee Benefits**

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

#### (d) **Property, Plant and Equipment**

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

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

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

#### (e) **Inventories**

Inventories are measured at the lower of cost and net realisable value. The cost of manufactured products includes direct materials, direct labour and an appropriate portion of variable and fixed overheads. Overheads are applied on the basis of normal operating capacity. Costs are assigned on the basis of weighted average costs.



## Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2013

(f) **Revenue and Other Income**

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

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

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

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

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of the amount of GST receivable or payable.

The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the statement of financial position.

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

## Villamanta Disability Rights Legal Service Inc. Statement of Cash Flows For the Year ended 30 June 2013

	Note	2013 \$	2012 \$
<b>Cash Flows from Operating Activities</b>			
Receipts from Customers		486,354	477,350
Payments to Suppliers and Employees		(487,116)	(487,441)
Interest Received		15,413	18,709
<b>Net Cash Inflow from Operating Activities</b>		<u>14,651</u>	<u>8,620</u>
Net Increase in Cash Held		<u>14,651</u>	<u>8,620</u>
Cash and Cash Equivalents as at 1 July 2012		314,642	306,022
<b>Cash and Cash Equivalents as at 30 June 2013</b>		<u><u>329,293</u></u>	<u><u>314,642</u></u>

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

*These financial statements 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 2013**

	2013 \$	2012 \$
<b>2. Profit</b>		
<b>Expenses</b>		
Employee Benefits Expense	352,956	359,463
Depreciation and Amortisation	6,649	9,044
Bank Charges	3	-
Telephone	8,353	8,977
Other Expenses	118,192	114,869
	<u>486,153</u>	<u>492,353</u>
<b>3. Cash and Cash Equivalents</b>		
Petty Cash	365	365
Cash Management Accounts	41,250	26,591
Cheque Accounts	2,754	15,018
Sandhurst Mortgage Fund Account	284,923	272,666
	<u>329,292</u>	<u>314,640</u>
<b>Reconciliation of Cash</b>		
Cash and Cash Equivalents	329,292	314,640
	<u>329,292</u>	<u>314,640</u>
Provision for GST	484	-
<b>4. Trade and Other Receivables</b>		
Provision for GST	484	-
<b>Current</b>		
Provision for GST	484	-
	<u>484</u>	<u>-</u>
<b>Total Trade and Other Receivables</b>	<u>484</u>	<u>-</u>
<b>5. Inventories</b>		
<b>Current</b>		
Inventory	1,777	1,825
	<u>1,777</u>	<u>1,825</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 2013**

	2013 \$	2012 \$
<b>6. Property, Plant and Equipment</b>		
<b>Plant and Equipment</b>		
Motor Vehicles	39,003	39,003
Less Accumulated Depreciation & Impairment	30,230	24,379
	<u>8,773</u>	<u>14,624</u>
Office Furniture & Equipment	165,445	165,445
Less Accumulated Depreciation & Impairment	165,445	164,646
	<u>-</u>	<u>799</u>
Other Assets under Lease	3,980	3,422
	<u>3,980</u>	<u>3,422</u>
Total Plant and Equipment	<u>12,753</u>	<u>18,845</u>
<b>Total Property, Plant and Equipment</b>	<u><u>12,753</u></u>	<u><u>18,845</u></u>
<b>7. Trade and Other Payables</b>		
<b>Current</b>		
Trade Creditors	10,644	2,834
Provision for GST	-	1,630
	<u>10,644</u>	<u>4,464</u>
<b>Total Trade and Other Payables</b>	<u><u>10,644</u></u>	<u><u>4,464</u></u>
<b>8. Provisions</b>		
<b>Current</b>		
Villamanta Social Club	527	939
Provision for Long Service Leave	62,998	75,157
Provision for Annual Leave	24,234	25,794
	<u>87,759</u>	<u>101,890</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 2013**

<b>9. RECONCILIATION OF NET CASH PROVIDED</b>	<b>2013</b>	<b>2012</b>
<b>BY OPERATING ACTIVITIES TO NET PROFIT/(LOSS)</b>		
Net Profit (Loss)	16,948	3,706
Depreciation	6,650	9,044
(Increase)/decrease in trade debtors	(484)	660
(Increase)/in inventory	48	(1,626)
(Increase)/in other assets	(558)	391
Increase/(decrease) in payables	6,180	(8,796)
Increase/(decrease) in provisions	(14,131)	12,239
Increase in receipts in advance	<u>-</u>	<u>(7,000)</u>
Net cash from/(used in) operating activities	<u>14,653</u>	<u>8,618</u>

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

# 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 2013 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that 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 9th day of September, 2013

Kathryn McBride  
Chairperson

Peter Landers  
Treasurer

### TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2013



Peter Landers  
Treasurer



Darrell Harding  
Accounts Administrator





**devenny payne**  
TAXATION & BUSINESS SERVICES

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## Auditor's Report

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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, 2013.

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

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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 2013 and the results of its operations for the year then ended.

John Payne FCPA  
Devenny Payne Taxation & Business Services

