

Villamanta Disability Rights Legal Service Inc.



Villamanta Disability
Rights Legal Service Inc.



Annual Report 2013 – 2014

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Villamanta Disability Rights

Legal Service Inc. Staff Members



Deidre Griffiths	Principal Solicitor & Executive Officer (5 days per week)
Greg Leeson	Casework Lawyer/Policy & Law Reform Worker (2 days per week)
Ben von Einem	Casework Lawyer (4 days per week)
Viv Avery	Casework Lawyer (3 days per week)
Darrell Harding	Accounts Administrator/Personnel/Special Projects (3 days per week)
Sue Wolter	Paralegal Worker (4 days per week)
Viv Nicol	Administration Worker (3 days per week)
Trish Jardine	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 Department of Social Services.



Australian Government
Department of Social Services

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, 2013

5.00 p.m.

Villamanta Disability Rights Legal Service Inc.

44 Bellerine Street,

GEELONG VIC 3220

1. Welcome	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.
2. Present	<p>Committee Members: Kathryn McBride (Chairperson), Amanda Hiscoe (Deputy Chairperson), Andrew Hill (Secretary), Peter Landers (Treasurer), Philip Clarke, Lauren Matthews, Neville Porter & Barb Machnyk (support person), Hank Wyllie and Janet Ward</p> <p>Staff: Deidre Griffiths (Executive Officer), Viv Nicol (Minutes), Viv Avery (Villamanta Lawyer), Darrell Harding (Accounts Administrator), Sue Wolter (Para-legal), Trish Jardine (Telephone Advice & Referral)</p> <p>Visitors and volunteers: Lisa Smith (VLA Barwon), Belinda Jane (volunteer) and Brooke, Michelle Smith (volunteer) and Melissa O'Keefe (volunteer).</p>
3. Apologies	<p>Committee Members: Stephen Dinner and Simon French</p> <p>Staff: Greg Leeson (Villamanta lawyer) and Ben von Einem (Villamanta Lawyer)</p> <p>Visitors & Volunteers: Patricia Crowley, Kairsty Wilson, Principal Legal Practitioner – AED Legal Centre, Julie Phillips, Manager - DDLS, John Chesterman, Acting Public Advocate – OPA and Andrea Staunton – Peninsula CLC.</p>
4. Confirmation of Minutes of Previous Meeting	<p>Motion: <i>That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 26th September, 2012, be accepted.</i></p> <p>Moved: Lauren Matthews</p> <p>Seconded: Andrew Hill Carried.</p>

5. Chairperson's Report	<p>Kathryn McBride, Chairperson, thanked staff, committee members and volunteers for their work and gave a brief summary of her report. Kathryn congratulated Villamanta on the professional and committed way they successfully opposed the DHS rent increase. Kathryn invited people to read her report in the Annual Report as well as all the other reports, namely Casework, Policy & Law Reform, Community Legal Education and Telephone Advice and Referral.</p> <p><i>Motion:</i> <i>That the Chairperson's Report be accepted.</i></p> <p>Moved: Amanda Hiscoe</p> <p>Seconded: Janet Ward <i>Carried</i></p>
6. Executive Officer's Report	<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 all staff, Committee Members and volunteers for their great work over the past year, noting the great achievement by Villamanta in getting the government to back down on their proposed rent increase.</p> <p>Kathryn thanked Deidre for her report.</p> <p><i>Motion:</i> <i>That the Executive Officer's Report be accepted.</i></p> <p>Moved: Amanda Hiscoe</p> <p>Seconded: Lauren Matthews <i>Carried</i></p>
7. Treasurer's Report	<p>Peter Landers, Treasurer to the Treasurer's Report in the Annual Report and provide a brief outline of Villamanta's financial situation, which has maintained good health. Darrell thanked Peter for his support throughout the year. Kathryn invited questions from the floor. There were no questions.</p> <p><i>Motion:</i> <i>That the Treasurer's Report be accepted.</i></p> <p>Moved: Peter Landers</p> <p>Seconded: Janet Ward <i>Carried</i></p>
8. Appointment of Auditor	<p><i>Motion:</i> <i>That Devenny Payne, Taxation and Business Services, again be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2013/2014 financial year.</i></p> <p>Moved: Darrell Harding</p> <p>Seconded: Peter Landers <i>Carried</i></p>

<p>9. Election of Committee Office Bearers/Ordinary Members</p>	<p>Deidre noted that with the exception of Alex Risk, who recently resigned, all current Committee Members as listed were happy to continue and as there were no new nominations than positions available, the Committee was re-elected unopposed.</p> <p><i>Motion:</i> <i>That the following Ordinary Committee Members be re-elected:</i></p> <p>Neville Porter Janet Ward Simon French Kathryn McBride Stephen Dinner Hank Wyllie Philip Clarke</p> <p>Moved: Philip Clarke Seconded: Hank Wyllie Carried</p> <p>Kathryn McBride noted that she is standing down as Chairperson, but will remain on the Committee as an Ordinary Member. Kathryn told the meeting that Lauren has offered to take on the position of Chairperson and the remaining current Office Bearers are happy to continue.</p> <p><i>Motion:</i> <i>That the Office Bearers will be elected as follows:</i></p> <p>Lauren Matthews - Chairperson Andrew Hill - Treasurer Amanda Hiscoe - Deputy Chairperson Peter Landers – Treasurer</p> <p>Moved: Philip Clarke Seconded: Amanda Hiscoe Carried</p> <p><i>One vacancy remains</i></p> <p>Lauren stepped into the seat as Villamanta' new Chairperson and thanked outgoing member Alex Risk for his great contributions. Lauren also thanked Kathryn McBride for the sterling job she has done as Chairperson over past two years.</p>
<p>10. Other Business</p>	<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>Lauren thanked everyone for attending and invited people to stay for something to eat and drink.</p>
<p>11. Close meeting</p>	<p>The meeting closed at 5.30 p.m.</p>
<p>12. Next meeting</p>	<p>Date of next Committee of Management Meeting: Wednesday 27th November, 2013 at 4 p.m. at Villamanta Disability Rights Legal Service Inc., Geelong. Date of next Annual General Meeting - to be advised.</p>

Committee of Management Members



Kathryn McBride is an Ordinary Member of Villamanta's Committee of Management and was the Chairperson from 2011 to 2013. 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 19 years and has held the office of Deputy Chairperson for at least 15 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 is the longest serving Deputy Chairperson in the history of Villamanta.

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 2014 "Having a Say" Conference and likes to represent Villamanta at the Conference, which she did for the eighth 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. 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, volunteers and other Committee Members 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. Go, Go, Go!

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.



Neville Porter is an Ordinary Member of Villamanta's Committee of Management. Neville has been on the Committee since it started 24 years ago. Neville is doing a course at Karingal, including reading and writing study.

Neville works at St Laurence Paper Services in North Geelong. Neville is good at his job and is a member of the Geelong Football Club cheer squad. "Go Cats!"

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 was on the Board of the Australian Communication Exchange for 2 years and is currently on the Standing Advisory Committee on Disability Issues, a sub-committee of ACCAN. He is also currently on the National Relay Service Advisory Committee. Hank's has a keen interest in advocacy and rights which is why he chose to join the Villamanta Disability Rights Legal Service Committee of Management, to share his thoughts and ideas to assist Villamanta's excellent record of achieving results.

Committee of Management Members



Lauren Matthews Is the Chairperson of Villamanta's Committee of Management. Lauren 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.

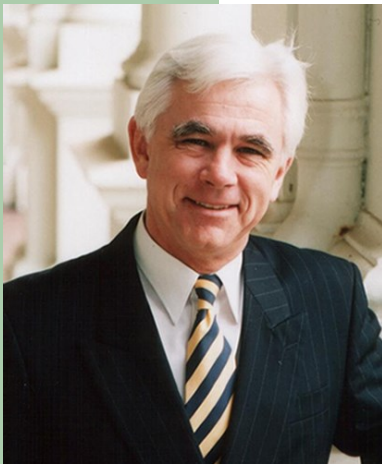
In 1998, Lauren joined the United Nations High Commissioner for Human Rights. She served in headquarters in Geneva for a number of years, as well as field offices in Bosnia and Herzegovina, and Nepal. During 2007, Lauren was based in Sri Lanka with the International Group of Eminent Persons monitoring 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 7 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*.

Chairperson's Report



Lauren Matthews
Chairperson

It is with great pleasure that I present this report for Villamanta Disability Rights Legal Service. Throughout the year, Villamanta has successfully delivered essential disability-related legal services to people who have a disability across the state, focusing on people who have an intellectual disability. Despite funding constraints, the Service has maintained its full range of services from legal work, advice and referral services, to community education, policy and law reform. It has done so in a professional and efficient manner, to the credit of staff and volunteers.

With the launch of the National Disability Insurance Scheme (NDIS), Villamanta witnessed an increased demand for disability-related legal services. In response, the Service assisted several people who have a disability and is identifying strategies to sustainably deliver legal services in this new field. Given Villamanta's years of experiences in providing specialist legal services, it is well placed to meet these additional demands if adequately resourced.

Villamanta is fortunate to have the continued dedication of Deidre Griffiths as Executive Officer and Principal Solicitor. I wish to congratulate her for her leadership and the successful results of the quality assurance audit under the National Disability Advocacy Program as well as the accreditation of the Service under the National Association of Community Legal Services' new audit system. Villamanta has also retained compassionate and experienced staff whose commitment to the Service is greatly appreciated. I thank the staff and the volunteers for their robust contributions, expertise and professionalism in working for the rights of people who have a disability. In particular, I acknowledge Villamanta's outstanding legal contribution to the Stop the Fee-hike Campaign - addressing the question of community residential housing fees increases - the outcome of which will have implications for many people who have a disability.

In addition, I extend my thanks to the Villamanta Committee of Management Members who give their time to support the Service on a voluntary basis. Over the course of the year, the Committee has addressed policy and procedural reforms, met in sub-committees to deal with strategic planning, risk management and continuous improvement, and benefited from regular staff briefings on the day-to-day work. The rich diversity of backgrounds and on-going commitment of Members is a strength in the work of the Committee of Management.

In terms of finances, Villamanta has been well managed by our Accounts Administrator Darrell Harding with the support of the Honorary Treasurer and I thank them for these important contributions. This sound financial management will be crucial as Villamanta faces the challenge of meeting service demands in a climate of rising costs of service delivery and Commonwealth budgetary constraints.

On behalf of the Committee of Management, I thank everyone who has supported Villamanta over the year. I look forward to another successful year.

Executive Officer & Principal Solicitor's Report



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

There continued to be a big demand for Villamanta's free telephone advice, information and referral service. We also provided legal casework and community legal education for people who have a disability and we did policy and law reform work on several important issues. Our lawyers also presented training on disability rights topics to others in the community and we sold some publications on disability related topics. More information about the work Villamanta staff members and volunteers did during 2013-14 is given throughout this report.

Villamanta is funded by the Australian Government through the Department of Social Services (formerly called the Department of Families, Housing, Community Services and Indigenous Affairs), under the National Disability Advocacy Program (NDAP), as part of the Australian Network of Disability Advocacy Services. Once again 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 continue to benefit from improved practices following our successful Quality Assurance audit against the Disability Advocacy Standards. The audit process, which is ongoing, aims to measure how we are working against the disability service standards and improve the way our agencies are run and the way the NDAP is delivered.

We also successfully underwent the audit for the National Association of Community Legal Centres (NACLC) new accreditation scheme for the first time this year.

Again this year Villamanta 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. Villamanta and our constituents greatly appreciate the collaboration, co-operation and support of these organisations and their workers. We have continued to appreciate good communication and consultation between our funder and agencies in the advocacy sector, particularly those in the National Disability Advocacy Program (NDAP), which helps advocacy organisations to carry out their important work in a stable environment. We are continuing to work with our funder, along with other NDAP agencies, to further improve the program.

Executive Officer & Principal Solicitor's Report



We are very lucky to have highly skilled, professional, caring and dedicated staff members who work hard to achieve the rights and empowerment of people who have a disability and disability-related legal or justice issues.

We have been pleased to again receive very positive feedback from clients and

constituents this year that tells us that Villamanta's work is often greatly appreciated and is helping to improve the lives of many people who have a disability.

Villamanta's volunteer program has been very active this year. Our volunteers are extremely generous with their time and contribute many and varied types of experience and skills. We thank them all for their great contribution to Villamanta's work which is of enormous benefit to our constituents.

Our 2013-14 volunteers include our Committee of Management members: Lauren Matthews (Chairperson), Amanda Hiscoe (Deputy Chairperson), Neville Porter, Andrew Hill (Committee Secretary), Peter Landers (Treasurer), Kathryn McBride, Hank Wyllie, Janet Ward and Philip Clarke. Some of our committee members have received support from Barbara Machnyk. Villamanta thanks them all for their great contributions and hard work.

We also thank recently retired committee members Stephen Dinner, Alex Risk and Simon French for their much appreciated contributions to Villamanta's work over several years.

This year our volunteer workers have included Meridith Neill (administration), Brooke Boyle (administration student placement), Rachel Goudge (administration), law students Deanne Woodman, Irina Jovic, Tanith Margetson, Melissa O'Keefe, Alana Baud, Luke McGowan, Jasjit Manpotra, Christina Ward and Christina Cussen, criminology student Hannah Powell and criminology and law student Shurooq Albarhi, and lawyers Georgie Alford and Michelle Smith.

We again 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 VCOS, for all of their valuable work, collaboration and support.

Executive Officer & Principal Solicitor's Report



Thanks also go to Phil Grace, of Grace Information Technology, for once again providing Villamanta with much appreciated and prompt support and assistance with our computer system. We also thank Rohan Mitchell of 1024 Pty. Ltd. for support with our IVO data base and Stephen Davies of Pagation Pty. Ltd. for support with website and printing.

This year we have continued to observe an increase in education and school integration-related problems for children who have a disability and have worked, often in collaboration with others, to try to assist these families. We are particularly concerned about the inappropriate use of restraint and seclusion for school children who have a disability and will work to end this practice.

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

Another continuing focus has been our work for people who have an intellectual disability and who are involved in the criminal justice system. 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, continues to be in demand and we have been told that its appendix on Asperger's Syndrome has been particularly 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 have also worked on a number of other significant policy and law reform issues.

Finally, the beginnings of the roll-out of the National Disability Insurance Scheme (NDIS) (formerly called DisabilityCare Australia), with the Barwon Region being the Victorian starting place for the scheme and also the location of the national headquarters, has been another area of immense interest to many of our clients. Villamanta has been closely observing, with many others, the development of the scheme, and assisting people to learn about and to navigate the new system. In the lead up to the launch we joined with advocacy and legal service provider colleagues – particularly through the Barwon Disability Advocacy Network (BDAN) – working together to prepare for the expected associated increase in demand for advocacy assistance.

Executive Officer & Principal Solicitor's Report



The NDIS project is very big and enormously important and it is not surprising that there have been some teething problems. Although we are still optimistic, we have already seen evidence of some people struggling to cope with the new system and others finding themselves worse off than they were before.

We will continue to monitor and critique the NDIS system as it evolves and extends to cover the rest of the state and the country and to assist people who are trying to access the system for desperately needed services.

There is still a huge shortfall in many areas of disability services, including 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 is still a long 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. Although some progress is being made there is still a great deal more to be done.

We, along with many others, hope that the full roll-out of the NDIS, over the next five years, combined with progress in other vital areas, 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



Greg Leeson
Casework & Policy and
Law Reform Lawyer



Viv Avery
Casework Lawyer



Ben von Einem
Casework Lawyer

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.

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)

Villamanta continues to be an active member of DAV, attend 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.

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: the new mental health legislation, 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 implementation of the National Disability Insurance Scheme (NDIS) and the Victorian Law Reform Commission's review of the Guardianship legislation and the government's response and draft 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 and implementation 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 again 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 continue to 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 Commissioner is also now the complaints body for Victorian people wishing to complain about disability services that are funded under the NDIS.

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 Senior Practitioner is generally responsible for ensuring that the rights of people who are subject to restrictive interventions and compulsory treatment are protected, that appropriate standards are complied with in relation to restrictive interventions and compulsory treatment, and best practice followed by disability service providers.

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. 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 will monitor the implementation and effect of the new legislation when it comes into effect in the near future.

The National Disability Insurance Scheme (NDIS)

Villamanta has worked with its advocacy and legal sector colleagues in preparation for the advent of the NDIS (formerly 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 problems in 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. We continue to see many cases of students with a disability *not* receiving the appropriate support required for them to be truly included in their school.

“Fight the Fee Hike” Campaign

Villamanta has continued its work in relation to the Victorian Government’s efforts to greatly increase the fees of people who live in community residential units. 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.

Casework Report

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

During the period 1/7/13 to 30/6/14, 60 new issues were opened and 156 files were closed.

A total of 68 files remained open at the end of the period.

A breakdown of issues covered in the files still open at 1st July, 2014 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.

6 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.

8 files relate 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

21 files related to this area.

Casework Report



Other matters still being dealt with at 1st July, 2014 relate to:

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

Abuse/Neglect (2), Child Protection (3), Confidentiality & Privacy (1), Criminal Law (2), Discrimination (1), Duty of Care/Negligence (2), Family Law (2), Finances (5), Health (1), Housing/Tenancy (2), Human Rights (4), Physical Access (1), Recreation, Social or Family (1), Victim of Sexual Offence (1), Vulnerable/Isolated (3), Wills (5), Statutory Obligation: Supervised Treatment Orders (5) and Forensic Leave (1)

Of the 156 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 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. In four cases orders were made in line with our clients' wishes and in one case the order was revoked.



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.

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 were fully understood by our clients, and negotiated with relevant parties. Outcomes included: removal of a guardian, resistance of an application to remove a guardian, appointment of guardians of clients' choice, two clients not forced to live with a particular family member, client to continue to live in CRU but with ongoing visits and holidays to family home, two orders extended in line with client's wishes and one application was dismissed.

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.

65 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 53 matters, clients' fees were to be increased inappropriately which would have reduced their financial resources and therefore significantly impacted on their ability to access other services and to participate in community life. Following Villamanta's submissions to VCAT the notices of increase were withdrawn and it was made clear that the process by which any future increases would be arrived at would be significantly different, more transparent and improved. This outcome also had a positive effect for more than 1,500 other people who have a disability and reside in similar accommodation.

In one matter, where our client was refused services by the NDIS, an appeal to the Administrative Appeals Tribunal was filed. Following negotiations the matter settled with the NDIA agreeing to fund the requested supports.

Other matters included issues around what services would be provided in accommodation, a motor vehicle charge being inappropriately imposed on a resident, query about a rise in residential charges, victim of crime and associated issues in relation to a resident who was a victim of sexual abuse in accommodation, 2 complaints against DHS, tenancy issue against landlord trying to evict client from his accommodation. All matter resolved with satisfactory outcomes for our 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.

Casework Report



Finances (including subsidies/entitlements) - 57 files related to this area.

In 53 of these matters clients who were residents of CRUs received notice from the government of increase in Residential Charges and sought review of the decision at VCAT. These increases would have significantly and unjustly have reduced our clients' resources and affected their ability to participate in community life. The clients were represented by Villamanta with the successful outcomes that the notice of increase was withdrawn and it was made clear that the process by which any future increases would be arrived at would be significantly different, more transparent and improved. This outcome also had a positive effect for more than 1,500 other people who have a disability and reside in similar accommodation, including many clients of State Trustees Ltd. In one matter a client received a rent increase that was a significantly smaller percentage of their Disability Support Pension and we therefore advised that an appeal against the increase would be unlikely to succeed.

In other matters: we represented a client at VCAT with the successful outcome that their administration order was revoked; we advised a client in relation to Centrelink entitlements; and we advised a client in relation to a proposed fee increase and then negotiated with the service provider who withdrew the fee increase notice.

Negligence/Duty of Care - 1 file related to this area.

In this matter we provided initial advice to a client who had been injured at a special school and then referred them for further specialist legal advice and representation.

Intervention Order - 1 file related to this area

In this matter we successfully represented client to have intervention order against them withdrawn.

Criminal Accused - 3 files related to this area.

In these 3 matters we represented clients who had intellectual disability and/or autism in relation to criminal charges including property damage, shop theft and assault, with satisfactory outcomes including diversion, Justice Plans, 2 matters withdrawn by Police.

Family Law - 1 file related to this area.

In this matter we provided initial advice to client seeking Family Court orders for return of child, or access to child, from care of maternal grandparent. The matter was then referred to Victoria Legal Aid for further work.

Casework Report



Wills/Estates/Trusts - 1 file related to this area.

In this matter we supported client to understand the terms of their late parent's will and to access appropriate legal representation.

Abuse/Neglect - Several matters included aspects of abuse and neglect. These matters are reported on under other headings.

Victims of Sexual Offences - 2 files related to this area.

In one of these matters we advised and supported client who had been raped in residential accommodation, liaised with police and forensic practitioners, lobbied relevant politicians and others to ensure the matter was appropriately dealt with, supported client throughout court process and advised them in relation to victim of crime compensation process.

In another matter in relation to an alleged rape we advised client and supported them to access the appropriate services.

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.

3 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.

Forensic Leave - 3 files 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 these cases we advised clients 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

3 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.

Two of these matters concerned reviews of supervised treatment orders and one, a behaviour support plan.

In all cases 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**

Community Legal Education



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 several 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, special school students, employees of Australian Disability Enterprises, community organisations (including their board members), disability support workers, carers, parents, staff of open employment services and other members of the community.

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, People who have an Acquired Brain Injury and the justice system, Child Protection & Parents who have a Disability, and the work that Villamanta does.

Community Legal Education



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.

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.

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 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 2014

Villamanta once again participated in the very successful annual “Having a Say” Conference, organised by VALID, which was held in Geelong in February, 2014.

We provided an information and advice table and a presentation on the legal rights of parents who have a disability who become caught up in the Child Protection system. 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 run by VALID will be held again in Geelong in February, 2015.

“Strengthening Disability Advocacy” Conference 2014

Villamanta once again represented DAV Inc. as one of its two members of the organising committee for this important bi-annual conference that is organised by DARU, SARU and DAV Inc. The August conference was a great success and included a Villamanta presentation, jointly with AED Legal Centre Inc., on using the law and legal advocacy to bring about change for people who have a disability. We also distributed our publication *People who have an Intellectual Disability and the Criminal Justice System* to conference participants.

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



The major change to Villamanta's state-wide free call Telephone Advice, Information and Referral Service in the 2013-2014 year has been an increase of more than 100% in the hours the line is staffed. For many years, the line has been open each afternoon from 1pm – 3 pm (10 hours per week). Since early September 2013, the line has been staffed each week day from 10 am until 12 noon and 1 pm until 4pm, with the exception of Wednesday morning (23 hours per week.)

The number of issues dealt with via our Telephone Advice Service in 2013 – 2014 was 802. This is a huge increase on the 2012 – 2013 total of 488.

The Telephone Advice 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 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; of these, some are taken on as casework matters. Although in casework we work only on disability related legal issues for people who have an intellectual disability, people often call Villamanta's Advice Line about other issues. Sometimes this means that 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 training and professional development, so that we can continue to provide the best service possible.

Telephone Advice Service Report



Our web based Telephone Advice Service Manual provides a resource which enables us to advise and refer more effectively. Constantly updating, expanding and refining the manual is very time consuming, and we are very grateful to our wonderful volunteers for assistance with this.

Telephone Advice Service volunteers are also invaluable in assisting to document calls, and record statistics, in our tailored electronic database "Ivo" (named after the patron saint of advocates). Although we have been using Ivo since early 2012, it is still necessary for us to liaise often with the system's creator regarding problems with it. However, using an online system has significant advantages in terms of retrieving client records, and when reporting.

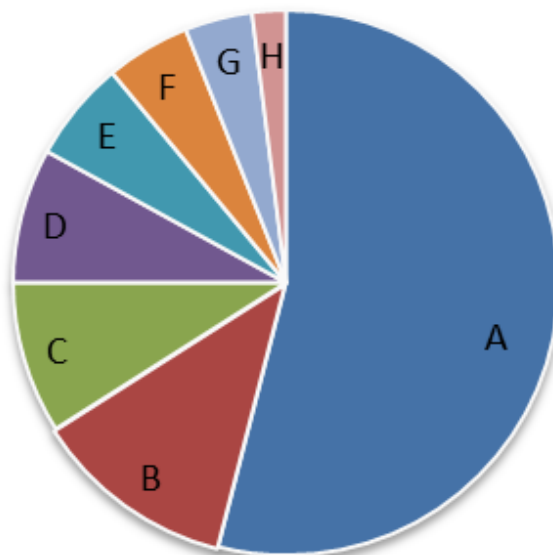
We continue to strive to give our callers the best service possible, and are pleased to be able to make a positive difference to the lives of people with a disability and those around them.

Please see the graphs attached for more information.

Trish Jardine - Telephone Advice Worker

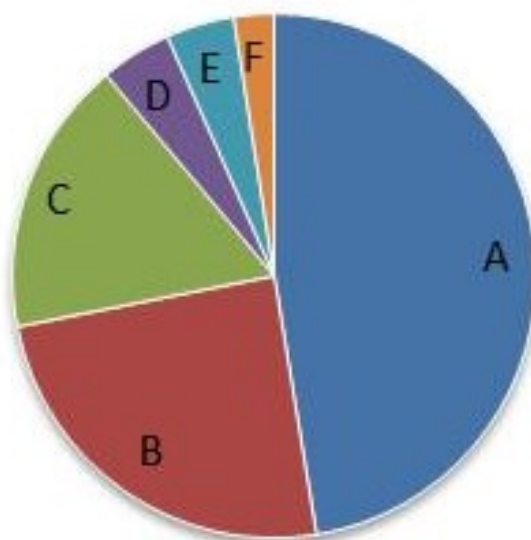
Primary disability of people who call us, or of people we get calls about

A)	Intellectual	-	54%
B)	Psychiatric	-	11.5%
C)	Autism	-	8.5%
D)	Acquired Brain Injury	-	8%
E)	Other/Unknown	-	6%
F)	Physical	-	4%
G)	Neurological	-	4%
H)	Sensory	-	2%



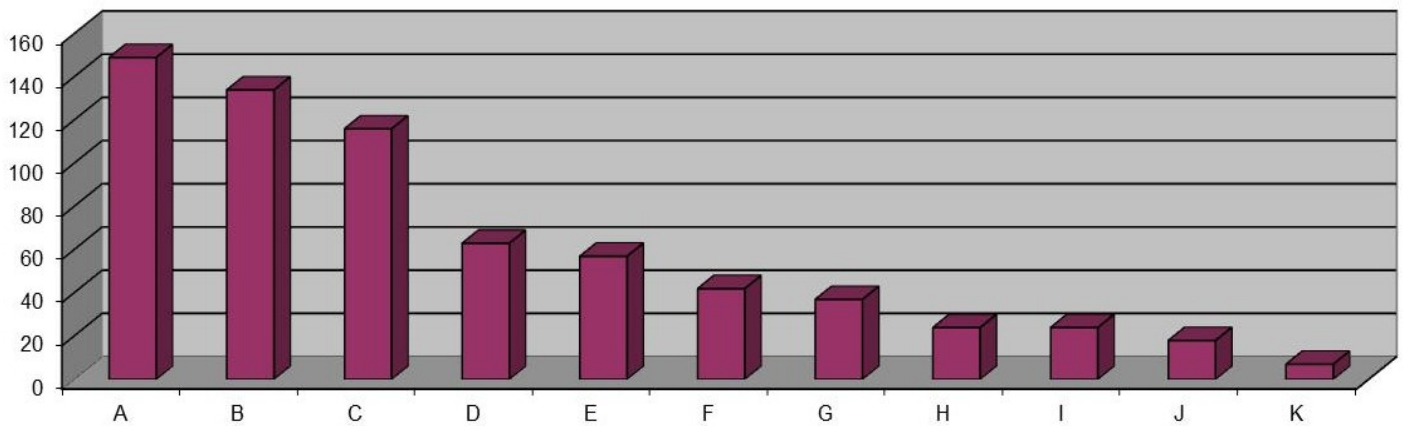
Who we refer people to

A)	Legal Service/Firm	-	55%
B)	Advocacy Agency	-	21%
C)	Government Agency	-	15%
D)	Other	-	4%
E)	Non Government	-	4%
F)	Disability Agency	-	2.5%



Types of issues people call us about

(Very often combinations of several issues)



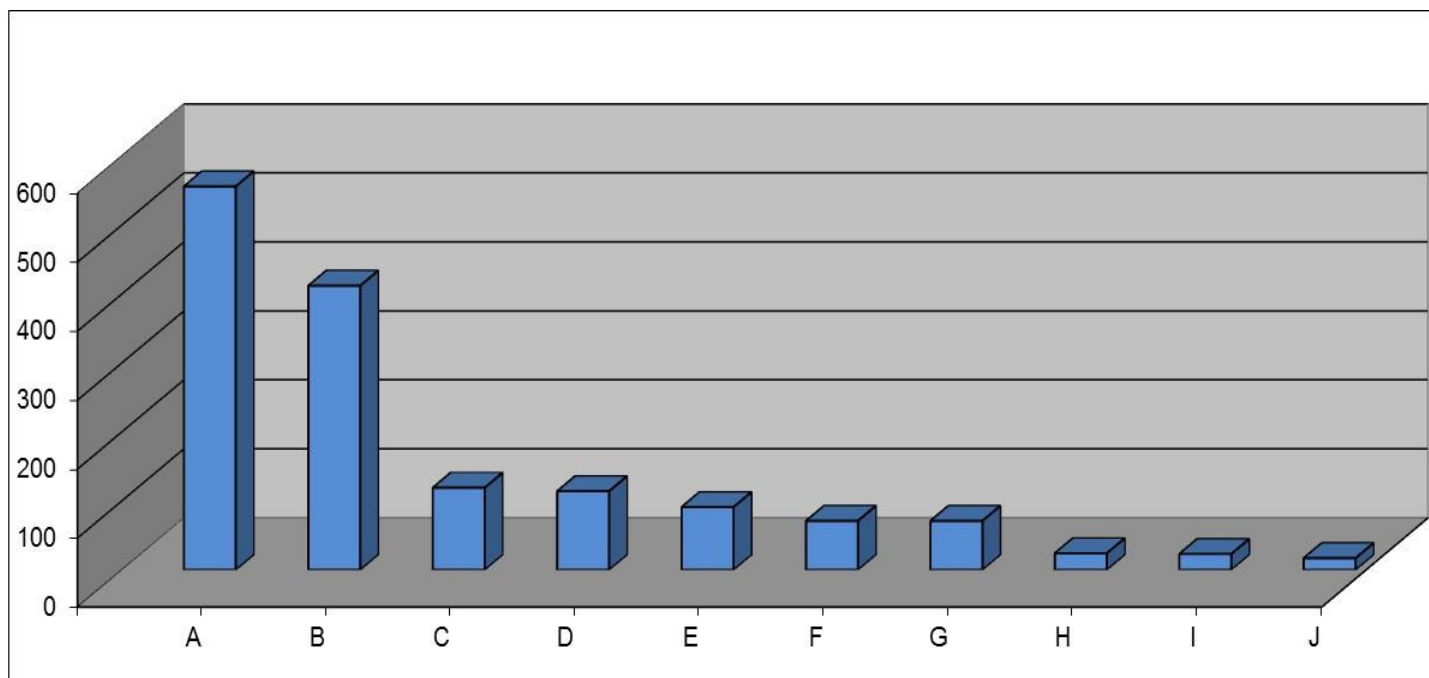
A) Financial Matters, including Administration	-	24%
B) Accommodation	-	21%
C) Services (Access/gaps/policy)	-	18%
D) Health/Mental	-	10%
E) Abuse/Neglect	-	9%
F) Guardianship	-	8%
G) Wills	-	7%
H) DDA & EO, Discrimination	-	6%
I) Family Law	-	5%
J) Employment	-	4%
K) Criminal Law	-	4%

Other issues

Children's Court, Child Protection, Confidentiality and Privacy, Contact/Consumer issues, DHS Complaint, Education, Equipment & Aids, Freedom of Information, Harassment/Bullying, Housing/Tenancy, Human Rights, Independent Living, Intervention Order, Personal Injury, Physical Access, Powers of Attorney, Recreation/Social or Family, Respite, Social Security, Statutory Obligation, Supervised Treatment Order, Transport, Victim of Crime, Victim of Sexual Offence, information about Villamanta, Vulnerable & Isolated and Welfare Rights.

What action did we take?

(There are often several actions for one caller)



A)	Telephone advice/info	-	72%
B)	Referral	-	53%
C)	File opened/individual legal advocacy	-	16%
D)	Secondary consultation	-	16%
E)	Telephone legal consultation	-	12%
F)	Email information	-	9%
G)	Information about Villamanta	-	9%
H)	Information in person	-	4%
I)	In person legal consultation	-	4%
J)	Negotiate/Liaise on behalf of caller	-	3%

Financial Statements



Villamanta Disability Rights Legal Service Inc. Income and Expenditure Statement For the Year ended 30 June 2014

	2014 \$	2013 \$
Income		
Grants - Recurring	483,055	468,295
Sales	197	453
Miscellaneous Income	10,691	18,940
	<u>493,943</u>	<u>487,688</u>
Gross Profit from Trading	<u>493,943</u>	<u>487,688</u>
Expenditure		
Administration Costs	7,066	7,916
Bank Charges	2	3
Consultancy Fees	5,172	26,211
Depreciation - Office Furniture & Equipment	5,623	6,649
Library	1,087	1,683
Memberships of Other Organisations	4,116	3,688
Motor Vehicle Expenses	9,734	11,501
Office	18,736	23,357
Occupancy	44,617	42,580
Publishing	28	48
Staff Training	1,371	1,208
Telephone	9,456	8,353
Wages	407,206	352,956
	<u>514,214</u>	<u>486,153</u>
Other Income		
Interest Received	12,340	15,413
	<u>12,340</u>	<u>15,413</u>
Loss before Income Tax	<u>(7,931)</u>	<u>16,948</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 2014

	Note	2014 \$	2013 \$
Current Assets			
Cash and Cash Equivalents	3	301,659	329,292
Trade and Other Receivables	4	2,242	484
Inventories	5	1,749	1,777
Total Current Assets		<u>305,650</u>	<u>331,553</u>
Non-Current Assets			
Property, Plant and Equipment	6	<u>38,385</u>	<u>12,753</u>
Total Non-Current Assets		<u>38,385</u>	<u>12,753</u>
Total Assets		<u>344,035</u>	<u>344,306</u>
Current Liabilities			
Trade and Other Payables	7	843	10,644
Provisions	8	<u>105,219</u>	<u>87,759</u>
Total Current Liabilities		<u>106,062</u>	<u>98,403</u>
Total Liabilities		<u>106,062</u>	<u>98,403</u>
Net Assets		<u>237,973</u>	<u>245,903</u>
Equity			
Retained Profits		237,973	245,903
Total Equity		<u>237,973</u>	<u>245,903</u>

The accompanying notes form part of these financial statements.



**Villamanta Disability Rights Legal Service Inc.
Statement of Cash Flows
For the Year ended 30 June 2014**

	Note	2014 \$	2013 \$
Cash Flows from Operating Activities			
Receipts from Customers		493,942	486,354
Payments to Suppliers and Employees		(533,916)	(487,116)
Interest Received		12,340	15,413
Net Cash Inflow from Operating Activities		<u>(27,635)</u>	<u>14,651</u>
Net Decrease in Cash Held		<u>(27,635)</u>	<u>14,651</u>
Cash and Cash Equivalents as at 1 July 2013		329,293	314,642
Cash and Cash Equivalents as at 30 June 2014		<u>301,658</u>	<u>329,293</u>

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



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2014

1. Summary of Significant Accounting Policies

(a) Basis of Preparation

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.

(b) 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.

(c) 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.

(d) 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, plus related on-costs.

(e) Property, Plant and Equipment

Property, plant and equipment are carried at cost, independent or committees' valuation. All assets excluding freehold land, are depreciated over their useful lives to the association. Leasehold improvements and office equipment are carried at cost less, where applicable, any accumulated depreciation.

(f) Inventories

Inventories are measured at the lower of cost and net realisable value. Cost of inventory is determined using the first in first out basis and are net of any rebates and discounts received.

(g) Revenue and Other Income

Revenue is recognised when the amount of the revenue can be measured reliably, it is probable that economic benefits associated with the transaction will flow to the entity and specific criteria relating to the type of revenue as noted below, has been satisfied. Revenue is measured at the fair value of the consideration received or receivable and is presented net of returns, discounts and rebates.

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

Sale of Goods

Revenue is recognised on transfer of goods to the customer as this is deemed to be the point in time when risks and rewards are transferred and there is no longer any ownership or effective control over the goods.

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 2014

Interest Revenue

Interest is recognised using the effective interest method.

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

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

circumstances, the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

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 Report.

Financial Statements



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2014

	2014 \$	2013 \$
2. Profit		
Expenses		
Employee Benefits Expense	407,206	352,956
Depreciation and Amortisation	5,623	6,649
Bank Charges	2	3
Telephone	9,456	8,353
Other Expenses	91,927	118,192
	<u>514,214</u>	<u>486,153</u>
3. Cash and Cash Equivalents		
Petty Cash	365	365
Cash Management Accounts	24,984	41,250
Cheque Accounts	5,978	2,754
Sandhurst Mortgage Fund Account	270,332	284,923
	<u>301,659</u>	<u>329,292</u>
Reconciliation of Cash		
Cash and Cash Equivalents	<u>301,659</u>	<u>329,292</u>
	<u>301,659</u>	<u>329,292</u>
Provision for GST	2,242	484
4. Trade and Other Receivables		
Provision for GST	2,242	484
Current		
Provision for GST	<u>2,242</u>	<u>484</u>
	<u>2,242</u>	<u>484</u>
Total Trade and Other Receivables	<u>2,242</u>	<u>484</u>
5. Inventories		
Current		
Inventory	<u>1,749</u>	<u>1,777</u>
	<u>1,749</u>	<u>1,777</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 2014**

	2014 \$	2013 \$
6. Property, Plant and Equipment		
Plant and Equipment		
Motor Vehicles	36,982	39,003
Less Accumulated Depreciation & Impairment	4,161	30,230
	<u>32,821</u>	<u>8,773</u>
Office Furniture & Equipment	165,445	165,445
Less Accumulated Depreciation & Impairment	165,445	165,445
Other Assets under Lease	5,564	3,980
	<u>5,564</u>	<u>3,980</u>
Total Plant and Equipment	<u>38,385</u>	<u>12,753</u>
Total Property, Plant and Equipment	<u><u>38,385</u></u>	<u><u>12,753</u></u>
7. Trade and Other Payables		
Current		
Trade Creditors	843	10,644
Total Trade and Other Payables	<u><u>843</u></u>	<u><u>10,644</u></u>
8. Provisions		
Current		
Villamanta Social Club	719	527
Provision for Long Service Leave	71,002	62,998
Provision for Annual Leave	33,498	24,234
	<u>105,219</u>	<u>87,759</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 2014**

	2014 \$	2013 \$
9. Reconciliation of Net Cash Provided By Operating Activities to Net Profit/(Loss)		
Net Profit	(7,931)	16,948
Depreciation	5,623	6,650
(Increase)/Decrease in Trade Debtors	-	(484)
(Increase)/Decrease in Inventory	28	48
(Increase)/Decrease in Other Assets	(43,287)	(558)
Increase/(Decrease) in Payables	-	6,180
Increase/(Decrease) in Provisions	17,933	(14,131)
Net Cash from/(Used In) Operating Activities	<u>(27,634)</u>	<u>14,653</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 2014 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 10th day of September, 2014

Lauren Matthews
Chairperson

Peter Landers
Treasurer

TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2014



Peter Landers
Treasurer



Darrell Harding
Accounts Administrator

Auditor's Report



devenny payne
TAXATION & BUSINESS SERVICES

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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 30th June, 2014.

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 30th June 2014 and the results of its operations for the year then ended.

John Payne FCPA
Devenny Payne Taxation & Business Services

