



Villamanta Disability Rights Legal Service Inc.

**Villamanta Disability Rights
Legal Service Inc.**



Annual Report 2017 – 2018

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Legal Service Inc.**

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Villamanta Disability Rights Legal Service Inc. Staff Members



Villamanta Disability Rights
Legal Service Inc.

Deidre Griffiths	Principal Solicitor & Executive Officer (5 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)
Naomi Anderson	Casework Lawyer (5 days per week)
Stephen Grainger	NDIS/Casework Lawyer (5 days per week)
Kate McGrath	Casework Lawyer (3 days per week)
Mae Mactier	Casework Lawyer & Paralegal (5 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 under the National Disability Advocacy Program. We thank our funder, the Department of Social Services.

Villamanta also thanks Deakin University for its positive collaboration and generous support in providing us with a home at Deakin's Geelong campuses.



Australian Government

Department of Social Services



Annual General Meeting MINUTES	<p>Wednesday 27th September, 2017</p> <p>5.00 p.m.</p> <p>Villamanta Disability Rights Legal Service Inc.</p> <p>Deakin University Waterfront Campus</p> <p>1 Gheringhap Street, Geelong, Vic., 3220</p>
<p>1. Welcome</p>	<p>2. Philip Clarke, Chairperson, welcomed everyone to the meeting and read out the list of apologies and asked for any further apologies. Philip introduced everyone.</p>
<p>2. Present</p>	<p>Committee Members: Philip Clarke (Chairperson), Amanda Milliar (Deputy Chairperson), Andrew Hill (Secretary), Neville Porter, Hank Wyllie and Michele Tucker.</p> <p>Staff: Deidre Griffiths (Executive Officer), Naomi Anderson (Lawyer), Viv Nicol (Minutes), Darrell Harding (Accounts Administrator), Stephen Grainger (Lawyer), Kate McGrath (Lawyer) and Sue Wolter (Para-legal)</p> <p>Volunteers: Jordan Nichols (law student)</p> <p>Visitors: Janine Earnie, Bronwyn Trickett – Leadership Plus, Marie Casey – Victoria Legal Aid Geelong, Caitlin Stove – Maurice Blackburn, Simone Grieve – Maurice Blackburn and Katie Falzon – Maurice Blackburn.</p>
<p>3. Apologies</p>	<p>Staff Members: Greg Leeson (Villamanta Lawyer) and Viv Avery (Villamanta Lawyer)</p> <p>Committee Members: Kathryn McBride (Treasurer)</p> <p>Volunteers: Trevor Horsley (Lawyer) and Ming Kalanon (Law Student/Intern)</p> <p>Other apologies:</p> <p>Jan Ashford, CEO, Communication Rights Australia, Beryl Power, Deakin University's Vice Chancellor Jane den Hollander, Barbara Machnyk, The Hon. Tim Bull, Minister for Disability - Victorian Government, Deb Verdon, Executive Officer, Grampians DisAbility Advocacy, Martin Butcher, Executive Officer – Regional Disability Advocacy Service (DRAS) and Senator the Hon. George Brandis QC – Attorney General.</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 28th September, 2016, be accepted.</i></p> <p>Moved: <i>Amanda Millear</i> Seconded: <i>Michele Tucker</i> Carried.</p>
5. Chairperson's Report	<p>Philip Clarke, Chairperson, invited everyone to read his report in the Annual Report and provided an overview of his report, thanking Deakin University for their generosity in providing Villamanta with office space, ensuring the service's viability.</p> <p>Philip thanked Deakin University, Kathryn McBride, Treasurer and Accounts Administrator, Darrell Harding for the continued good budgetary situation. Philip also thanked and congratulated Deidre Griffiths, Executive Officer, Committee Members, staff and volunteers for their dedication and commitment throughout the year.</p> <p>Motion: <i>That the Chairperson's Report be accepted.</i></p> <p>Moved: <i>Philip Clarke</i> Seconded: <i>Andrew Hill</i> Carried</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 the staff, Committee Members and volunteers for their hard work, commitment and dedication.</p> <p>Deidre noted the great work the casework team have done throughout the year, with many excellent results for constituents. Deidre also noted the work done in the area of Policy and Law Reform, Community Legal Education and the Telephone Advice Service.</p> <p>Deidre invited anyone who would like further information about Villamanta's work to please contact her.</p> <p>Motion: <i>That the Executive Officer's Report be accepted.</i></p> <p>Moved: <i>Deidre Griffiths</i> Seconded: <i>Amanda Millear</i> Carried</p>

7. Treasurer's Report	<p>As Kathryn McBride, Treasurer, was an apology today, Darrell Harding, Accounts Administrator referred to the Auditor's and Treasurer's Reports in the Annual Report and provided a brief overview of the financial statements and thanked Kathryn McBride for her continued contribution.</p> <p>Motion: <i>That the Treasurer's Report be accepted.</i></p> <p>Moved: <i>Darrell Harding</i> Seconded: <i>Hank Wyllie</i> Carried</p>
8. Appointment of Auditor	<p>Motion: <i>That Devenny Payne, Taxation and Business Services, again be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2016/2017 financial year.</i></p> <p>Moved: <i>Darrell Harding</i> Seconded: <i>Michele Tucker</i> Carried</p>
10. Election of Committee Office Bearers/Ordinary Members	<p>Deidre noted that as there were not more nominations than positions available and the existing office bearers have indicated they are happy to continue, the following motions were put forward:</p> <p>Motion: <i>That Philip Clarke be re-elected as Chairperson.</i></p> <p>Motion: <i>That Andrew Hill be re-elected as Secretary.</i></p> <p>Motion: <i>That Kathryn McBride be re-elected as Treasurer.</i></p> <p>Motion: <i>That Amanda Millear be re-elected as Deputy Chairperson.</i></p> <p>Moved: <i>Deidre Griffiths</i> Seconded: <i>Andrew Hill</i> Carried</p> <p>Motion: <i>That the following Ordinary Committee Members be elected: Neville Porter, Hank Wyllie and Michele Tucker</i></p> <p>Moved: <i>Deidre Griffiths</i> Seconded: <i>Amanda Millear</i> Carried</p> <p><i>5 vacancies remain</i></p>
11. Other Business	<p>Deidre Griffiths presented Committee of Management Members with a small token of Villamanta's appreciation.</p> <p>Deidre again thanked all of the Committee Members, staff and volunteers.</p> <p>Philip thanked everyone for attending and invited people to stay for something to eat and drink.</p>
12. Close meeting	<p>The meeting closed at 5.30 p.m.</p>
13. Next meeting	<p>Date of next Committee of Management Meeting: Wednesday 22nd February, 2018 at 4 p.m. at Villamanta</p> <p>Date of next Annual General Meeting is to be confirmed.</p>

About Villamanta Disability Rights Legal Service Inc.



Villamanta Disability Rights
Legal Service Inc.

Our Mission

Villamanta is a Community Legal Centre operating throughout the state of Victoria on disability related legal and justice issues. Our focus is on intellectual disability.

Villamanta's mission is to protect and advance the rights of Victorians who have a disability, by advising, informing and representing them and acting as an advocate on disability related legal and justice issues.

Our Vision

Villamanta's vision is to be recognised as a leading provider of legal and justice related services for people who have an intellectual disability and through our work, significantly contribute to creating an environment in Victoria in which people who have a disability, are acknowledged, recognised and respected equally with other Victorians and do not face discrimination.

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

- ◆ **Telephone advice, information 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. Villamanta also sells books on disability related legal issues.

Villamanta Disability Rights Legal Service Inc. is committed to the rights of people who have a disability. Villamanta believes 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.

Villamanta aims 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

Committee of Management Members



**Villamanta Disability Rights
Legal Service Inc.**



Kathryn McBride is the Treasurer of Villamanta's Committee of Management and was the Chairperson from 2011 to 2013.

She holds a Graduate Diploma of Education, and 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.

Kathryn is a past member of the Board of Directors of Colac Area Health, Arts Colac, Colac Community Development Association and the Disability Managers Association.



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 40 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 and 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.



Neville Porter is an Ordinary Member of Villamanta's Committee of Management. Neville has been on the Committee since it started 28 years ago.

Neville attends acting classes at Karingal which he has been doing for a number of years, which he really enjoys.

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



**Villamanta Disability Rights
Legal Service Inc.**



Amanda Millear has been a member of Villamanta's Committee of Management since 1995, 23 years. Amanda has held the office of Deputy Chairperson for at least 19 of those years. Amanda is the second longest serving Committee member and longest serving Deputy Chairperson and a person who has a disability. As Deputy Chairperson, Amanda sometimes chairs the bi-monthly committee meetings which she enjoys.

Amanda has been involved in other groups and their activities and has won prizes at her Austrek meetings at the Northcote Town Hall. Amanda enjoys these meetings as they are good fun and there is lots to do.

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 2018 "Having a Say" Conference and likes to represent Villamanta at the Conference in Geelong, which she did for the twelvth time. The "Having a Say" Conference shows that people who have a disability have an important role to play in the community about learning and doing new things. Groups can present and tell their stories. It was a fun afternoon.

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 Villamanta. 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 Australia. Amanda 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



**Villamanta Disability Rights
Legal Service Inc.**



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. After his release from three hospitals, Hank did intensive rehabilitation spanning over two years. After that, 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 a communication impairment does 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 7 years. Hank's other local activities include the City of Greater Geelong's Access and Inclusion Advisory Committee.

Because of his interest in improving or creating awareness of the difficulty of people who have little or no speech, he sought many ways of communication by telephone or telecommunications via the phone and internet and was on the Board of the Australian Communications Exchange; National Relay Service National Advisory Committee and formerly on the Telstra Disability Access Forum among many others.

He is the recipient of many awards for his work, despite his preference to stay incognito as he dislikes the kudos.

Hank now works part time for Scope to promote its Communication Access Symbol, and talks to, via his communication device, businesses and organisations to assess them and help make their premises Communication Accessible and obtain the Symbol.



Michele Tucker is an Ordinary Member of Villamanta's Committee of Management. Michele completed her Bachelor of Arts/Bachelor of Laws (Honours) degrees at Deakin University in Geelong in 2007. Michele is a sole practitioner, practising varied areas of law. Michele also teaches at Deakin College and lectures at Deakin University in the School of Law. Michele is passionate about her family, social justice, wine, her hometown Geelong and the mighty Cats.

Committee of Management Members



**Villamanta Disability Rights
Legal Service Inc.**



Professor Philip H Clarke is the President 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. He has extensive teaching experience at the Australian National University, Monash University and Deakin University and has published texts 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*.



Rohan Hulonce is an Ordinary Member of Villamanta's Committee of Management. Rohan began with Villamanta as a student intern in 2016 whilst completing his Bachelor of Laws at Deakin University. Rohan has since completed his degree and acted as a student legal advisor at Deakin's transactional Venture Law Clinic; a disability rights advocate at the Rights Information and Advocacy Centre, and; human resources intern within the office of the Executive Director at Deakin University.

Rohan has a strong interest in human rights and social reform, and hopes to make a positive contribution to the local community through his role on Villamanta's Committee of Management."

Our volunteers



Crystal Griffiths
Law Student/Intern



Jennifer Anderson
Work Experience



Ming Kalanon
Law Student/Intern



Dana Britt
Law Student/Intern



Emily Russell
Law Student/Intern



Iresha Hendavitharana
Law Student/Intern



Ben McCarthy
Law Student/Intern



Jordan Nichols
Law Student



Jordan Eitler
Law Student/Intern

Our volunteers



Anai Lindsay
Law Student/Intern



Ben Lewtas
Law Student/Intern



Ram Manpotra
Law Student/Intern



Aaron Chandran
Psychology Student
(University of Melbourne)



Anthony Prestinenzi
Law Student/Intern



Jarrod Karpala
Law Student/Intern



Brenda McKenzie
Admin Volunteer



Helen Zournazis
Lawyer



Dr Julie Clarke
Associate Professor
University of Melbourne

President's Report



**Villamanta Disability Rights
Legal Service Inc.**



President's Report

It is my pleasure to present my report for 2017-2018.

Membership

I extend my thanks to members of the Committee of Management for their support during the year and for the industry and the commitment they have continued to display.

Amanda Millear has been a very active Deputy President, Kathryn McBride and Andrew Hill have served with distinction in the important roles of Treasurer and Secretary, respectively, and Hank Wylie, Neville Porter, Michele Tucker and Rohan Hulonce have assiduously contributed to the Committee's deliberations and general work. We are also very fortunate to have been joined in August 2018 by Dominique Saunders. Dominique is a highly regarded lawyer working in the disability and human rights sector whose contribution to those areas has been recognised by various professional organisations.

Relevantly, she has also held senior positions in Barwon Health, the Australian Health Practitioners Regulation Agency and has served as a deputy president of the Mental Health Tribunal. In short, she could not be better equipped to contribute to Villamanta's Committee of Management.

Program responsibilities

Villamanta has continued to deliver its traditional suite of programs during 2017-2018. These are described in other sections of this Annual Report. Of particular note is the continuing success of the NDIS Appeals Project which remains a great credit to all of those involved.

Staffing

I also wish to thank our Executive Officer and Principal Solicitor, Deidre Griffiths, and our professional and administrative staff for their skill and commitment during the year under review. I am sure that you will all join with me in expressing our gratitude to them.

When considering their position, it often occurs to me that the needs of Villamanta's clientele invariably place an enormous burden upon our staff simply because those needs tax our resources to the limits. Indeed, especially when clients present with emergency situations and have no other avenues of help, these can threaten to overwhelm the Service's ability to manage itself optimally. That this has not actually eventuated highlights how indebted we are to our staff for the work they carry out on Villamanta's behalf. However, it is a situation that must be addressed by ensuring that we have in place appropriate workload accrual and management practices and by adopting budgetary measures that maximise our staff resources.

President's Report



**Villamanta Disability Rights
Legal Service Inc.**

Deakin University

During the year, Villamanta has continued to occupy premises provided by Deakin University. Whilst this has involved its office being required to move to and from various locations within the University, being located within Deakin has enabled Villamanta to provide legal internship and professional experience placements for Deakin Law Students. The provision of these placements is augmented by the professional experience training program developed in previous years by Villamanta's Viv Avery and Naomi Anderson. Through these placements and programs Villamanta provides Deakin law students with valuable practical knowledge and experience, whilst at the same time expanding its capacity to assist its clients. The contribution to its work made by Deakin volunteers is also gratefully acknowledged as is the continued support of the Vice-Chancellor, Professor Jane Den Hollander AO and the Dean of Law, Professor Jenni Lightowlers.

Governance

At its 2016 Annual General Meeting Villamanta adopted the 'Model Rules' for an incorporated association created by the *Associations Incorporation Reform Regulations 2012*. Somewhat belatedly, this has led to minor changes in nomenclature (President and Vice-President of the Committee of Management, rather than Chair and Deputy Chair; the Treasurer and Secretary remain the same) and the need to specify at the AGM the number of ordinary members we will have on the Committee of Management (I suggest 6). In this regard, I note that the primary responsibilities of the Committee of Management are to manage or direct Villamanta's work and ensure that it complies with the Act and Rules. To do this, the Committee meets every two months to review the operation of the Service and its work and to receive reports from the Executive Officer, the President and (to monitor its financial position) the Treasurer. The Committee also receives regular advice from its Risk Management Sub-committee, reports on occupational health and safety issues and periodically, reports from a staff representative.

Villamanta adopted a new Strategic Plan for 2018-2020 at the Committee of Management meeting held on 27th September, 2018. This will be monitored regularly with input from the Executive Officer, our professional and administrative staff and members of the Committee on Management.

During the year, the Risk Management Sub-committee met regularly and, ably led by our Treasurer, Kathryn McBride, reviewed and revised Villamanta's Risks Register and its Critical Activities Calendar. The former identifies, quantifies and develops responses to, the risks faced by the Service; the latter ensures that it meets, by the due date, all of its critical obligations. Arrangements such as those described have been validated by Villamanta receiving excellent outcomes from its service audits.

Professor Philip Clarke
President

Executive Officer & Principal Solicitor's Report



**Villamanta Disability Rights
Legal Service Inc.**



Villamanta's Committee of Management members, staff and volunteers - including several Deakin University law students - worked hard throughout 2017-18 to make sure that Victorian people who have a disability received timely, high quality legal advice, representation and justice.

Villamanta's free telephone advice, information and referral service (Free call 1800 014 111) – the gateway to Villamanta – provided assistance to many callers throughout the year.

Legal casework and community legal education for people who have a disability were provided and policy and law reform work was carried out on several important systemic issues. Villamanta's lawyers also presented training on disability rights topics to others in the community and we sold some publications on disability related topics. You will find more information about the work Villamanta staff members and volunteers did during 2017-18 throughout this report.

Villamanta is funded by the Australian Government through the Department of Social Services (DSS) under the National Disability Advocacy Program (NDAP), as part of the Australian Network of Disability Advocacy Services. We are grateful to our funder for enabling us to provide legal advice and advocacy to Victorian people who have a disability. We also receive ongoing benefits from improved practices through our successful eighteen-monthly participation in the Quality Assurance audit against the National Disability Services Standards. The independent audit process aims to measure how we are working against the disability services standards and improve the way our agencies are run and the way the NDAP is delivered.

This year we again received additional funding from DSS to enable us to assist people to appeal to the federal Administrative Appeals Tribunal (AAT) against NDIS decisions. We have continued to develop this area of our advocacy work as the demand for it has grown.

Along with our colleague community legal centres throughout Australia, Villamanta also benefits from participating in the annual CLCs Professional Indemnity Insurance cross-check process. We also participated successfully in the national Community Legal Centres audit process during the reporting period.

We are again extremely grateful to Deakin University for providing us with office accommodation and for their ongoing friendly and practical support. During the year we returned to the Waurin Ponds campus from our temporary location at the Waterfront Campus due to renovations. Villamanta's lawyers and administration staff continue to provide practical training opportunities to Deakin law students which we believe will better equip them for the workplace and also increase their knowledge about the circumstances and legal rights of people who have a disability. We are confident that Deakin's law students will become ambassadors for disability rights throughout their legal careers.

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
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This year we continued to work collaboratively with various colleague advocacy and other organisations, networks and individuals to achieve positive results, both for individual clients and at a systemic level, on a variety of important issues. Villamanta greatly appreciates the collaboration, co-operation and support of these organisations and their staff. We also value the continuing good communication and consultation between our funder, DSS, and agencies in the advocacy sector, particularly those in the National Disability Advocacy Program (NDAP), as we believe this assists advocacy organisations to carry out their much needed work in a stable environment. We continue to work with our funder, along with other NDAP agencies, to further improve the program.

Villamanta's highly skilled, professional, caring and dedicated staff have worked tirelessly to achieve the rights and empowerment of people who have a disability and disability-related legal or justice issues throughout the year. Clients and constituents have provided us with extremely positive feedback that assures us that Villamanta's work is helping to improve the lives of many people who have a disability and is greatly appreciated.

Throughout the year our volunteers, including many law students among others, have been very generous with their time. They contribute many and varied types of experience and skills to Villamanta's work and we thank them all for their efforts which greatly benefit our clients and constituents.

Our 2017-18 volunteers include our Committee of Management members: Amanda Milliar (Deputy President), Neville Porter, Andrew Hill (Committee Secretary), Kathryn McBride (Treasurer), Hank Wyllie, Michele Tucker and Philip Clarke (President). We have been pleased to recently welcome a new member to our committee, Dominique Saunders. Villamanta thanks all our volunteers for their great contributions and hard work.

This year our volunteer workers included Lawyers Helen Zournazis and Law Students Pat Byrne, Jordan Nichols, Ben McCarthy, Iresha Hendarthana, Ming Kalanon, Dana Britt, Emily Russell, Joyce Pan, Sebastian Smith, Anai Lindsay — **Current** - Ram Manpotra, Crystal Griffiths, Ben Lewtas, Jarrod Karpala, Anthony Prestinenzi and Aaron Chandran and work experience volunteer, Jennifer Anderson and admin volunteer, Brenda McKenzie. They have made a huge contribution to Villamanta's work. We also thank Associate Professor Julie Clarke of the University of Melbourne Law School for her much appreciated ongoing assistance with Villamanta's website.

We are also extremely grateful for the valuable work, collaboration and support that we have received from other colleagues. In particular, we thank our various private law firm and other community legal centres colleagues, and those at Victoria Legal Aid, for providing our clients and us with *pro bono* advice and support. We also thank the staff of the Federation of Community Legal Centres (Victoria) and of the National Association of Community Legal Centres (NACLC), the members of Disability Advocacy Victoria Inc. (DAV Inc.), VicDAN (Vic Disability Advocacy Network), other advocacy organisations, the staff and members of the Disability Advocacy Network Australia (DANA), of the Disability Advocacy Resource Unit (DARU), the Self Advocacy Resource Unit (SARU), VCOSS, the Geelong Law Association and the Law Institute of Victoria (LIV).

Executive Officer & Principal Solicitor's Report



**Villamanta Disability Rights
Legal Service Inc.**

Once more this year we thank Phil Grace, of Grace Information Technology, for providing Villamanta with much appreciated and timely support and assistance with our computer system, and Rohan Mitchell of 1024 Pty. Ltd., for support with our IVO data base.

Villamanta has continued - often in collaboration with colleague organisations and networks - to observe and comment on various systemic issues affecting people who have a disability. Particularly, we have noticed continuing education and school integration-related problems for children who have a disability and we have worked, often jointly with others, to try to assist the affected students and their families, and to bring these issues to public attention and lobby the relevant politicians and bureaucrats about them. In particular, highly inappropriate use of restraint and seclusion for school children who have a disability continues to be a major problem and we, and our colleagues, continue to work to end this completely unacceptable practice. Two years ago we noted the introduction of a position of Principal Practice Leader (Education), reporting to the Senior Practitioner (Disability) in the Office of Professional Practice (DHHS), as part of the Special Needs Plan for Victorian schools. We continue to await signs of any positive impact this may have on this completely inexcusable problem.

We have also done further 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 appalling instances of abuse and neglect of people living in supported accommodation and in other institutional settings, and to work on this extremely serious issue.

We note in particular the exacerbation of some of this accommodation-related abuse as a side-effect of the transition to the NDIS, as the NDIS rolls out across Victoria. Specifically, some residents of disability group homes, who require more intensive support than most, are continuing to be issued, by their accommodation services providers, with notices to vacate. Some of these clients have lived in their house for many years and it is effectively their home. Behind this concerning trend seems to be a calculation by the service providers that, under the new NDIS scheme, they will not receive sufficient funding to support those residents who require more intensive support. Again this year Villamanta has represented several clients in relation to these notices to vacate, and will continue to do so, particularly as the ongoing reality is that there is still a huge shortfall in housing accommodation stock and appropriate services, which means that there is nowhere else for these residents to go. Appallingly, some people with an intellectual disability, or other significant cognitive impairment, are currently being held in prison or in mental health facilities because there is no appropriate, and appropriately staffed, accommodation available for them. This is a flagrant breach of their Human Rights. There urgently need to be provided high quality "last resort" disability service providers and also disability accommodation providers, and so far these have not eventuated.

Villamanta also continues to 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*, a guide for people working in the criminal justice system with clients who have an intellectual disability, continues to be in demand, as does our joint-publication *People with acquired brain injury and the Victorian justice system: Rights*

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
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and resources, produced to assist people who are involved in the justice system who have an ABI (acquired brain injury).

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 Act and its systems, particularly in relation to people who have an intellectual disability. We will also monitor the use of the Disability Services Commissioner (DSC) as the complaints body for Victorian National Disability Insurance Scheme (NDIS) participants who have issues with service providers, and observe the use of additional powers given to the DSC by recent amendments to the Act, and then monitor the implementation of the new federal complaints system as it emerges. We particularly note the recent Victorian legislative changes that have moved the tenancy sections of the *Disability Act* into the Tenancy legislation, and will closely observe how these changes affect our clients.

The progressive roll-out of the National Disability Insurance Scheme (NDIS) throughout Victoria continues to affect many of our clients. We continue to closely observe the development of the scheme, and assist people to learn about and to navigate the new system. We continue to work together with other disability advocacy and legal service provider colleagues – particularly through VicDAN (Vic Disability Advocacy Network) – to critique the scheme and transitions, effectively communicate with NDIA staff, and work out ways of coping with the associated increase in demand for advocacy assistance.

Given the enormous scale of the NDIS, it is not surprising that there have been many teething problems. Although remaining optimistic, Villamanta continues to see evidence of some people struggling to cope with the new system, others finding themselves worse off than they were before, and some falling completely between the cracks that are continuing to appear as side effects of the transition to the new system.

We will continue to monitor and critique the NDIS system as it evolves, and to assist people who are trying to access the system for desperately needed services. We will also continue to monitor and comment on the ways in which the NDIS system interfaces with the existing DHHS system, how the necessary transitions take place and the problems that arise from these processes, and how they may best be solved. Most importantly, we will continue to advocate in relation to the development of safeguards and protections for people who have a disability in the context of the NDIS, which must ensure that Victorians do not end up with less protection than they previously had. We particularly note the vital importance of retaining the rights that Victorians have under the *Charter of Human Rights and Responsibilities*.

Despite the advent of the NDIS, Villamanta notes that there continues to be a huge shortfall in many areas of appropriate and adequate disability services, including, among others, 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. One of the greatest problems is insufficient housing and we note the connection between this major problem and the over-representation, and also re-offending, of people who have a disability in the criminal justice system.

Executive Officer & Principal Solicitor's Report



**Villamanta Disability Rights
Legal Service Inc.**

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, much more is needed.

Villamanta, along with many others, hopes that the completion of the Victorian roll-out of the NDIS, over the coming year, 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, framework and strategies.

Deidre Griffiths
Principal Solicitor & Executive Officer



“V” for Victory, “V” for Villamanta

Villamanta staff and volunteers with the Hon. Justice Michael Kirby AC CMG,
at Deakin University Law Students Society event.

Villamanta's Objectives



**Villamanta Disability Rights
Legal Service Inc.**

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



Dr Ming Kalanon (past Villamanta volunteer law student/Deakin intern) receiving the Supreme Court of Victoria Prize.

Left to right: Chief Justice Anne Ferguson, Dr Ming Kalanon and Dr Marilyn McMahon (Deputy Dean, Deakin Law School)

Policy & Law Reform Report



**Villamanta Disability Rights
Legal Service Inc.**



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.
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Mae Mactier
Casework 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 Inc.), which is the peak body for independent disability advocacy in Victoria.

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

Disability Advocacy Victoria Inc. (DAV Inc.) and Disability Advocacy Network Australia (DANA)

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



Viv Avery
Casework Lawyer

Villamanta collaborates with DAV Inc. members to contribute to policy and law reform work on important systemic issues. DAV Inc. 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. In addition to various other areas of policy and law reform, DAV Inc.'s members continue to monitor the application of the Victorian *Disability Act 2006* and the work of the Disability Services Commissioner, and the evolving NDIS.



Naomi Anderson
Casework Lawyer

Policy & Law Reform Report



**Villamanta Disability Rights
Legal Service Inc.**

Along with other members of the DAV Inc. and DANA networks Villamanta continues to work on important issues of policy and law reform as they arise.

Vic Disability Advocacy Network (VicDAN)

Villamanta is an active participant in VicDAN (formerly Barwon Disability Advocacy Network (BDAN)), a network of disability advocacy organisations and legal service providers, both CLCs and VLA, set up to share and develop members' knowledge and expertise in relation to the NDIS. The network, which meets monthly, held two successful forums during the year. It also meets regularly with senior representatives of the NDIA and its members regularly write to the NDIA about issues of concern.

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. Issues considered by the committee this year included, among others: restrictive practises used on children with a disability in schools, input to the Call to the Parties advocacy document ahead of the forthcoming Victorian State elections, letters to Martin Foley MP on female only psychiatric wards, the Victorian Ombudsman's Inquiry into State Trustees, the Australian Human Rights Commission Consultation on the Implementation of the Optional Protocol to the Convention against Torture, particularly aspects that relate to people with cognitive disabilities who are incarcerated, NDIS Quality and Safeguards, Mental Health Complaints Commissioner, Federal Disability Discrimination Commissioner's consultations for the Australian Human Rights Commission project in relation to violence against people with disability in institutional settings, comments provided to the Law Council of Australia on the Joint Standing Committee's inquiry into the market readiness of services provided by the National Disability Insurance Scheme, Litigation guardianship, Crimes (Mental Impairment and Unfitness to be Tried) Bill 2016, and the *Medical Treatment Planning and Decision Act* implementation (in particular its interface with the Mental Health Act).

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 Inc. members (see above).

Villamanta's publication on people who have an intellectual disability and the criminal justice system

Villamanta continues to 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.

Policy & Law Reform Report



**Villamanta Disability Rights
Legal Service Inc.**

People with Acquired Brain Injury (ABI) and the justice system

Villamanta is a co-author of a publication produced by a consortium of organisations with expertise and experience relating to people who have an Acquired Brain Injury (ABI), led by not-for-profit psychologists group Diverge Consulting, written to assist people to support and work appropriately with people who have an ABI who are involved in the justice system.

VICPOL Disability Portfolio Reference Group

Villamanta is represented on the VICPOL Disability Portfolio Reference Group which meets regularly and provides an opportunity for exchange of views, advice and information regarding the interaction of the Victorian Police Force with people who have a disability.

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 & National Disability 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.

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 application of the *Disability Act 2006* and where appropriate will pursue desired amendments. Villamanta continues to educate constituents about the system and assist them to access it.

Policy & Law Reform Report



**Villamanta Disability Rights
Legal Service Inc.**

It is also monitoring issues and problems around the interface between this act and its systems and the NDIS legislation and systems, as the transition to the NDIS progresses.

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 supported a number of clients to access the Commissioner's complaints system during the reporting period. The Commissioner is currently also the complaints body for Victorian people wishing to complain about disability services that are funded under the NDIS.

The Office of Professional Practice (previously called the Office of the Senior Practitioner)

Villamanta continues to monitor the work of the Office of Professional Practice (previously called the Office of the Senior Practitioner, another position set up under the *Disability Act 2006*). The Office, within the Department of Health and Human Services (DHHS), brings together the former Offices of the Principal Practitioner (child protection and youth justice) and the Senior Practitioner (Disability).

The Senior Practitioner (Disability) 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.

We also note and will continue to observe with interest the work of the position of Principal Practice Leader (Education), which has been established in the Victorian Department of Education, as part of a Special Needs Plan for Victorian Schools, reporting to the Senior Practitioner (Disability). It is this person's job to work exclusively with the Department and schools to foster best practice approaches and oversee the use of restraint and seclusion in Victorian government schools. We hope that this will go some way towards addressing the appalling situations which many children who have a disability are currently experiencing in the Victorian education system.

The Office for Disability

Villamanta continues to have ongoing communication with the Victorian Office for Disability, located within the Department of Health and Human Services, 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.

Policy & Law Reform Report



**Villamanta Disability Rights
Legal Service Inc.**

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.

The National Disability Insurance Scheme (NDIS) and the National Disability Insurance Agency (NDIA)

The commencement of the NDIS has been extremely heartening to all those who campaigned for it for so long. However, there are many problems and difficulties for some applicants &/or participants in the scheme. During the year Villamanta continued to work collaboratively with its advocacy and legal sector colleagues, as it has done since the start of the Victorian launch of the NDIS in the Barwon Region, to familiarise ourselves with the new system and assist constituents to understand, access and navigate it. We will continue to do so during the full roll-out of the NDIS to the rest of Victoria which began in July, 2016 and is due to be completed by July 2019. Regular meetings of VicDAN (Vic Disability Advocacy Network) consisting of disability advocates and legal service providers, including beneficial ongoing communication and information exchange with NDIA staff, will continue to assist us in this work. We will continue to monitor and provide feedback during the state-wide roll-out. 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, 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. We also continue to receive reports of many instances of children with a disability being subjected to restraint and seclusion, which is highly traumatic to the children involved and is an outrageous breach of their Human Rights.

Other Policy and Law Reform matters

During the year Villamanta also helped to organise, and/or provided input to, a number of research projects, round tables and forums on various systemic issues which should result in valuable policy and law reform of benefit to people who have a disability. These included a round table about the need for reform of the Disability Support Pension, two forums organised by VicDAN in relation to advocacy around the NDIS, the Strengthening Disability Advocacy Conference, and Court Services Victoria's Diversity and Inclusion forum. We also participated regularly in VCAT's Human Rights List and Guardianship List user groups meetings throughout the year and were invited to join its Disability Reference Group.

Deidre Griffiths
Principal Solicitor & Executive Officer

Casework Report



Villamanta Disability Rights
Legal Service Inc.

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 on-going training.
3. Supervise the telephone advice provided	Review of all contact records.

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

During the period 1/7/17 to 30/6/18, 125 new casework files were opened and 131 files were closed.

A total of 50 files remained open at the end of the period.

A breakdown of issues covered in the files still open at 1st July, 2018 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.

3 files relates to this area.

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

5 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

14 files relate to this area.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

Other matters still being dealt with at 1st July, 2018 relate to:

Abuse/Neglect (1), Consumer Law (1), Criminal Law (4), Discrimination (1), Duty of Care/Negligence (2), Finances (2), FOI (1), Health (1), Housing/Tenancy (1), Human Rights (5), Independent Living (1), Intervention Orders (4), Statutory Obligation (1), Supervised Treatment Orders (1), Victim of Crime (other than sexual offence) (1) and Victim of Sexual Offence (2).

Of the 131 casework files closed in the period, outcomes were as follows:

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

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 and decisions 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.

13 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.

Outcomes: in most of these cases orders were made in line with our clients' wishes and administrators were removed or replaced with ones who were more acceptable to our client. In various cases we negotiated with administrators to achieve satisfactory outcomes. In several cases administrators were changed to one of our client's choice. In some cases we assisted our client to recover funds from a previous administrator. In some matters the application was withdrawn, dismissed or revoked so that our client regained control of their finances. Some clients were provided with information and advice that empowered them to resolve their issue themselves. In one matter the sale of a client's house was prevented.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

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

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 and decisions 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.

16 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 & 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: most of these cases resulted in appointments of guardians acceptable to our clients; in some cases orders were revoked. Some applications were dismissed or withdrawn.

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

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).

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.

19 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.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

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 included: problems around access to appropriate disability support services, access to accommodation services, issues with a not-for-profit service provider overcharging, failure to provide appropriate accommodation, need for support services, unjustifiable increase in accommodation charges, forced relocation from supported accommodation, notices of temporary relocation, notices to vacate, issues with landlord failing to comply with legal requirements, advocacy around care planning with service provider, debt issue with service provider, unacceptable conditions in community residential units, threatened evictions of clients from disability accommodation, discrimination in accommodation, and abuse and/or neglect of residents in disability accommodation.

Outcomes included: access gained to appropriate support services, access achieved to accommodation services, issues resolved with not-for-profit service provider regarding over charging of fees, issues of relocation from supported accommodation resolved, care planning completed with service provider, unacceptable conditions in community residential units rectified, eviction of clients from disability accommodation addressed, issues of discrimination in accommodation addressed, notice to vacate withdrawn by residential service provider, appropriate accommodation offered to client, more "in home" supports made available, compensation paid to client for inappropriately charged SRS fees, and abuse and/or neglect of clients prevented and negligence and/or crimes victims compensation actions pursued where appropriate.

Other matters:

Fully or significantly satisfactory outcomes were also achieved in the following other matters: *111 files related to these areas.*

Abuse/Neglect – 6 files; Bullying and Harassment – 2 files; Capacity and Consent – 1 file; Child Protection/Parents who have a Disability – 1 file; Contract/consumer law – 2 files; Criminal Law – 12 files; Duty of Care – 2 files; Finances (including subsidies/entitlements) – 7 files; Financial Abuse – 2 files; Forensic Leave – 3 files; Freedom of Information – 1 file; Health – 1 file; Housing and Tenancy – 5 files; Human Rights – 2 files; Intervention Orders – 7 files; Medicare issue – 1 file; Unjustified fines – 1 file; NDIS Complaints – 15 files; Local Government decision – 1 file; Personal Injury/Duty of Care/Neglect – 2 files; Powers of Attorney – 1 file;– Restrictive Interventions/ Behaviour Support Plans/ Treatment Plans/ Supervised Treatment Orders/ Restraint and Seclusion – 16 files; Powers of Attorney – 2 files; Victim of Crime (other than sexual offence) – 1 file; Victim of Sexual Offence – 1 file; Vulnerable and/or isolated – 2 files; Wills/Estates/Trusts – 1 file; Equipment/Aids – 1 file; Victim Impact Statement – 1 file; School problem – 1 file; Utilities problem – 1 file; DHHS complaints – 4 files; Independent Living Supports – 1 file; Service Providers Policy/Practice – 4 files.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

***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 continuing professional development to increase their knowledge and comply with professional indemnity insurance and legal practice requirements.

***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 Report



**Villamanta Disability Rights
Legal Service Inc.**

Casework Team



Deidre Griffiths
Executive Officer/Principal Solicitor



Kate McGrath
Casework Lawyer



Naomi Anderson
Casework Lawyer



Sue Wolter
Para-legal Worker



Mae Mactier
Casework Lawyer



Viv Avery
Casework Lawyer



Stephen Grainger
NDIS/Casework Lawyer

Community Legal Education



Villamanta Disability Rights
Legal Service Inc.

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 nine Community Legal Education (CLE) activities during the year, in both metropolitan, rural and regional centres throughout Victoria, including sessions for groups, presentations at conferences and distribution of materials. 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, police, allied health professionals, disability service providers, TAFE, university and high school students, special school students, employees of Australian Disability Enterprises, corrections and justice system workers, academics, researchers, community organisations (including their board members), disability support workers, carers, parents, staff of open employment services and other members of the community.

Sessions covered various topics, including disability rights, Your Rights Your Choices, Human Rights, wills, administration, powers of attorney, guardianship, capacity and consent, "Thinking about the Future", special trusts, Carers' rights, care recipients' rights in future planning, Duty of Care/Dignity of Risk for direct care workers, 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, clients' rights in regard to Police interviews/fingerprinting, court processes, Independent Third Persons' program, clients' rights regarding interactions with Public Transport Authority authorised officers, communicating with people who have cognitive impairment, and the work that Villamanta does.

Community Legal Education



**Villamanta Disability Rights
Legal Service Inc.**

Villamanta lawyers 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 also empowers people to work for positive social change on both a personal and a community level. We often discuss a variety of topics 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.

During the year we also distributed material to numerous community organisations and a number of disability expos and conferences, informing them about Villamanta's various services, including education and training.

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*, a guide for people working in the criminal justice system, funded by the Victoria 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. The publication *Acquired Brain Injury and the Victorian Justice System: Rights and Resources*, produced in collaboration with Diverge Consulting's psychologists and others and also funded by the Victoria Law Foundation, aims to assist people who have an Acquired Brain Injury (ABI) who become involved in the justice system. It is also available on our website. A number of other Villamanta publications are also available for purchase from Villamanta.

"Having A Say" Conference 2018

Villamanta was represented by Villamanta's Deputy Chairperson, Amanda Millear, at this year's very successful annual *"Having a Say"* Conference, organised by VALID, which was held in Geelong in February, 2018.

Telephone Advice Service Report



**Villamanta Disability Rights
Legal Service Inc.**

Villamanta provides a statewide, free Telephone Advice, Information and Referral Service five days per week from 1.00 p.m. — 3.00 p.m.

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 1.00 p.m. to 3.00 p.m.
Provide callers with information about disability related legal issues over the phone and in writing.	Provision of information designed to maximise choice and empowerment of people with disabilities, over the telephone &/or written (via mail, fax, email, or referral to our website)
Provide callers with a referral service to generic services.	In order to provide efficient / effective referrals: maintain and continue to develop knowledge of specialist & generic services throughout Victoria
Provide advocacy to constituents.	Advocate/liase 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

This year Villamanta's Telephone Advice Information & Referral Service free-call advice line (1800 014 111) continued to be in great demand. The advice line is open each weekday from 1.00 – 3.00pm (10 hours per week).

The number of issues dealt with via our Telephone Advice Service in 2017-2018 was 580. The Telephone Advice Service responds to a wide range of enquiries and requests. People often call with complex issues which can require some untangling; callers can be very unhappy, stressed, distressed, or angry about something which has happened, or worn down from trying to battle difficult situations without assistance.

Villamanta staff and volunteers work with callers to clarify what the issues are, and what would resolve the situation for them, as this differs from one person to another. We aim to empower people with the information and confidence to advocate for themselves where that is possible; we also try to link people with appropriate advocacy or other supports.

Telephone Advice Service Report



**Villamanta Disability Rights
Legal Service Inc.**

Often we are able to give people several options. We provide information around the law and practical advice on dealing with situations, including those where the law is not the best solution.

Of all callers' issues, only a small proportion require specifically legal advice; of these, some are taken on by Villamanta's lawyers as casework matters. Although in our legal casework we work only on disability-related legal issues, mainly 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 initial information or advice, giving the best possible service means providing tailored referrals to other organisations which have more specific expertise on the issue.

Villamanta often receives 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 to us by other organisations; we then contact the organisation to clarify our role, in an attempt to reduce the frustration people experience when being sent from organisation to organisation to no avail.

Nearly all of Villamanta's staff members 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.

Our internal web-based Telephone Advice Service Manual provides a resource which enables us to advise and refer callers more effectively. Constantly updating, expanding and refining the manual is time consuming, and we are extremely 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.

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

Deidre Griffiths and Viv Nicol

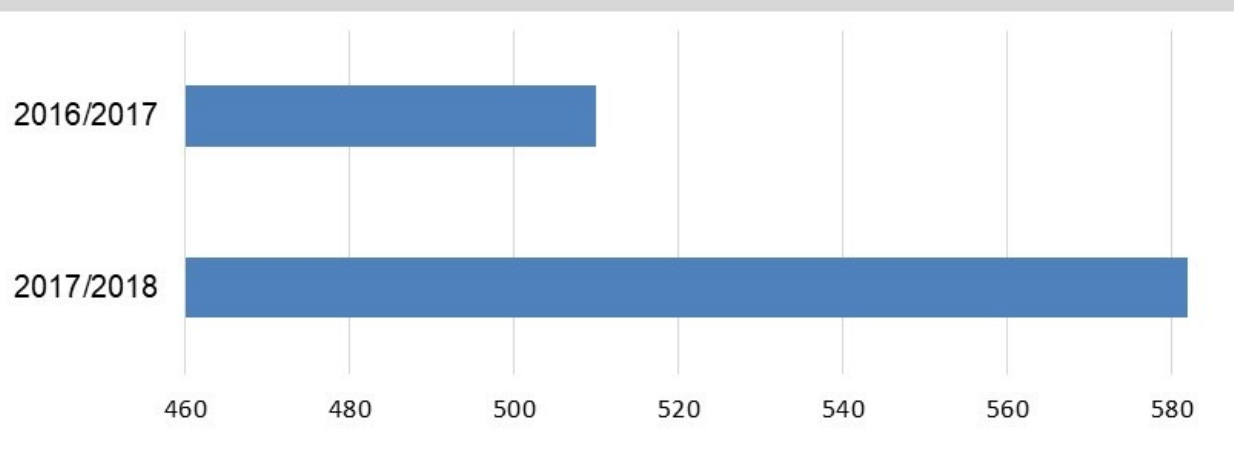


Telephone Advice Service Report

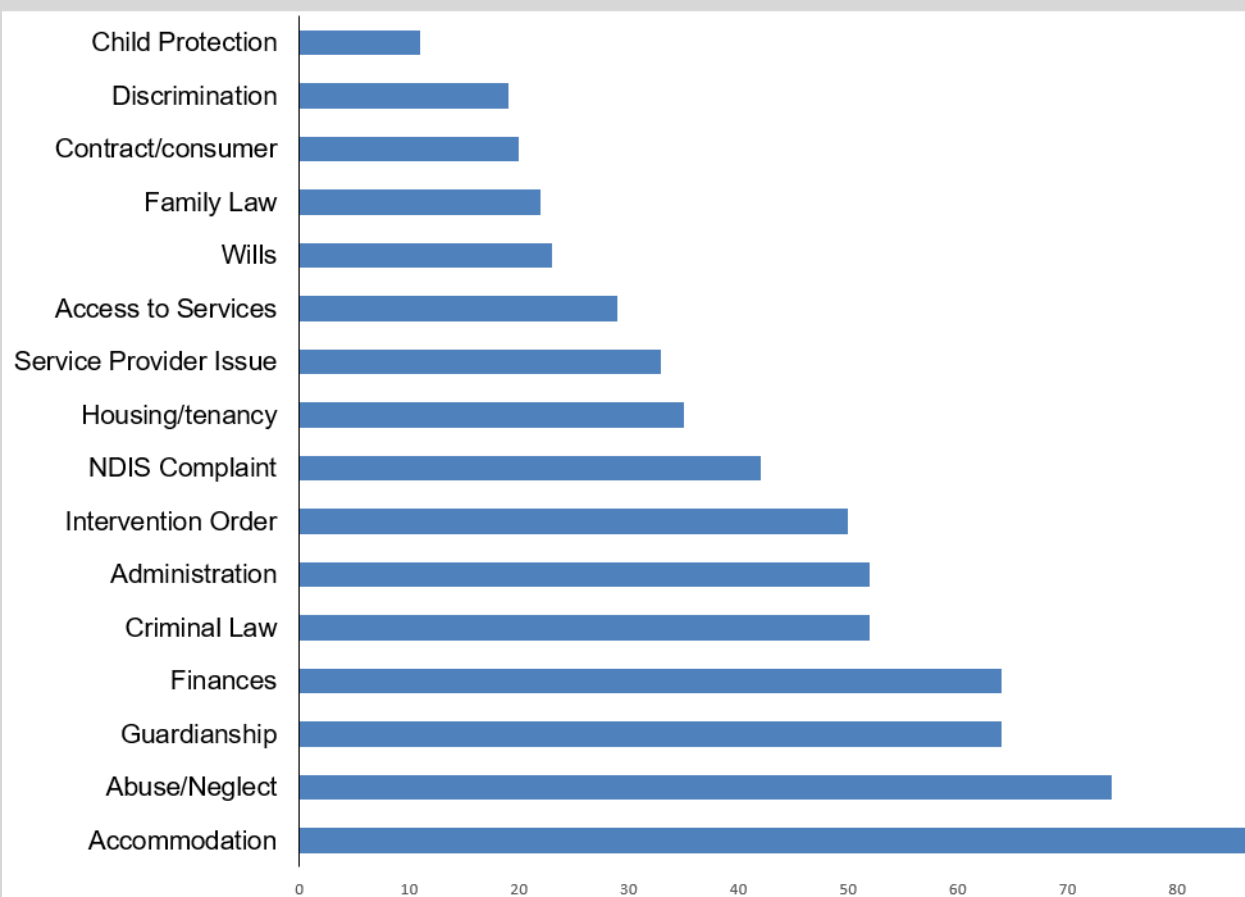


**Villamanta Disability Rights
Legal Service Inc.**

Telephone Advice & Referrals Provided



Types of issues people call us about

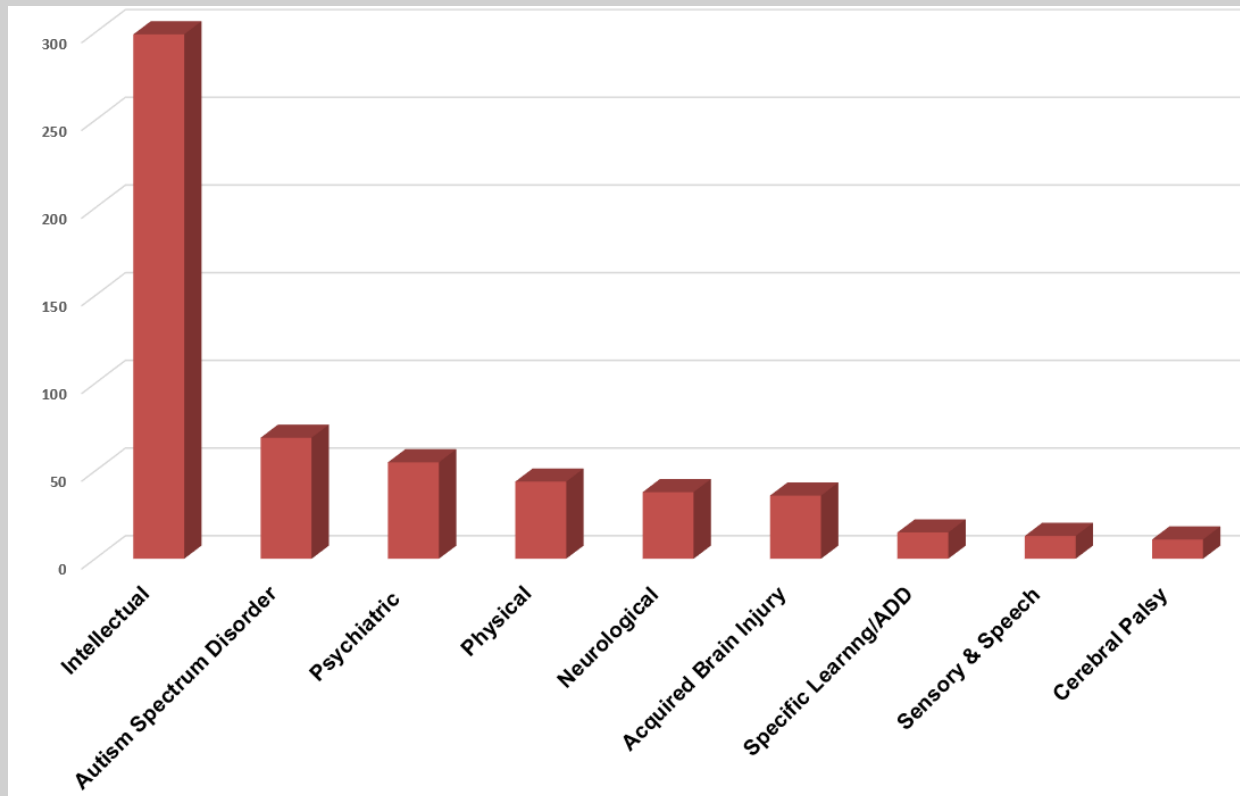


Telephone Advice Service Report

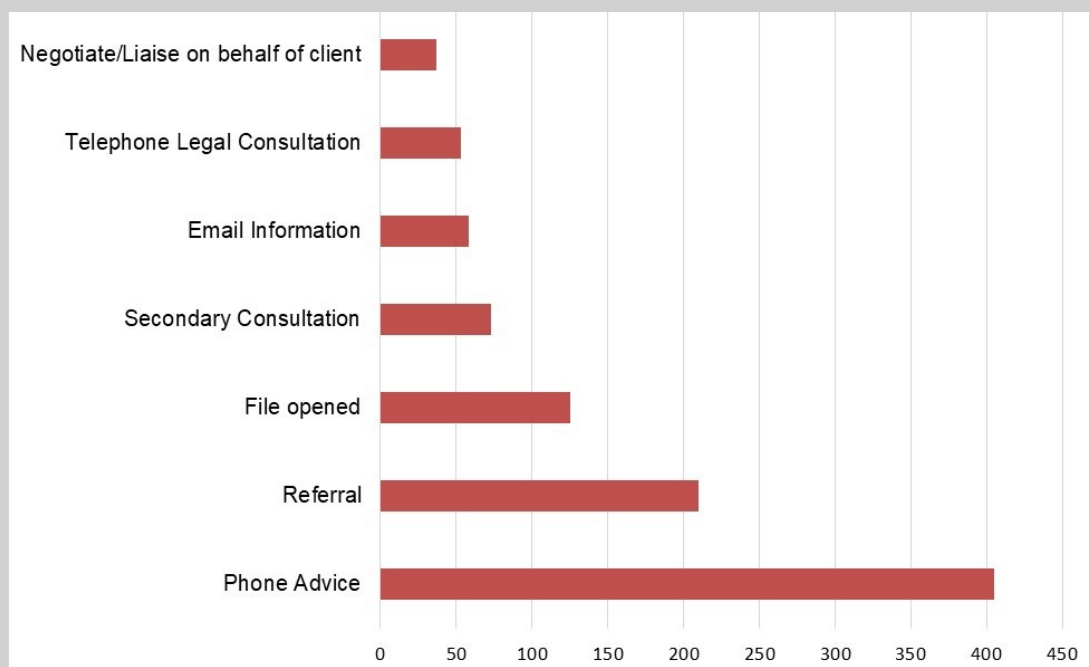


**Villamanta Disability Rights
Legal Service Inc.**

Disability Type



What Action did we take ?



Financial Statements



Villamanta Disability Rights
Legal Service Inc.

Villamanta Disability Rights Legal Service Inc.

Income and Expenditure Statement
For The Year ended 30 June 2018

	Notes	2018 \$	2017 \$
Income			
Grants - Recurring		548,929	530,361
Miscellaneous Income		220	900
NDIS Appeals		164,911	14,989
Total Income		714,061	546,250
 Gross Profit from Trading		 714,061	 546,250
 Expenditure			
Administration Costs		5,507	9,977
Consultancy Fees		11,103	7,271
Depreciation - Motor Vehicles		5,547	5,547
Library		-	383
Memberships of Other Organisations		5,162	4,011
Motor Vehicle Expenses		11,753	9,657
Office		19,190	22,765
Occupancy		16,024	18,974
Staff Training		592	872
Telephone		6,298	5,856
Wages		651,547	463,318
Total Expenditure		732,722	548,630
 Other Income			
Interest Received		7,861	7,983
Total Other Income		7,861	7,983
 Surplus/ (Deficit)	 2	 (10,800)	 5,603

Financial Statements



**Villamanta Disability Rights
Legal Service Inc.**

Villamanta Disability Rights Legal Service Inc.

Balance Sheet

For The Year ended 30 June 2018

	Notes	2018 \$	2017 \$
Current Assets			
Cash and Cash Equivalents	3	359,819	407,714
Trade and Other Receivables	4	(6,394)	(5,303)
Total Current Assets		353,425	402,411
Non-Current Assets			
Property, Plant and Equipment	5	12,114	17,235
Total Non-Current Assets		12,114	17,235
Total Assets		365,539	419,646
Current Liabilities			
Trade and Other Payables	6	938	63,732
Provisions	7	124,124	104,636
Total Current Liabilities		125,062	168,369
Total Liabilities		125,062	168,369
Net Assets		240,477	251,278
Equity			
Member's Equity		240,477	251,277
Total Equity		240,477	251,277



Villamanta Disability Rights Legal Service Inc.

Statement of Cash Flows

For The Year ended 30 June 2018

	2018	2017
	\$	\$
Cash Flows from Operating Activities		
Receipts from Customers	715,152	553,397
Payments to Suppliers and Employees	770,908	481,419
Interest Received	7,861	7,983
Net Cash Inflow from Operating Activities	(47,894)	79,961
 Net Increase/(Decrease) in Cash Held	 (47,894)	 79,961
 Cash and Cash Equivalents as at 1 July 2017	 407,714	 327,753
Cash and Cash Equivalents as at 30 June 2018	359,820	407,714



Villamanta Disability Rights Legal Service Inc.

Notes to the Financial Statements

For the Year ended 30 June 2018

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



Villamanta Disability Rights Legal Service Inc.

Notes to the Financial Statements
For the Year ended 30 June 2018

(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.

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.

Financial Statements



**Villamanta Disability Rights
Legal Service Inc.**

Villamanta Disability Rights Legal Service Inc.

Notes to the Financial Statements

For The Year ended 30 June 2018

	2018	2017
	\$	\$
2 Surplus/ (Deficit)	(10,800)	5,603
Expenses		
Employee Benefits Expense	651,547	463,318
Depreciation and Amortisation	5,547	5,547
Telephone	6,298	5,856
Other Expenses	69,330	73,909
	732,722	548,630
3 Cash and Cash Equivalents		
Petty Cash	365	365
Cash Management Accounts	53,737	107,747
Cheque Accounts	5,209	5,549
Sandhurst Mortgage Fund Account	300,508	294,053
	359,819	407,714
Reconciliation of Cash		
Cash and Cash Equivalents	359,819	407,714
	359,819	407,714
4 Trade and Other Receivables		
Current		
Provision for GST	(6,394)	(5,303)
Trade Debtors	-	-
	(6,394)	(5,303)
Total Trade and Other Receivables	(6,394)	(5,303)

Financial Statements



**Villamanta Disability Rights
Legal Service Inc.**

Villamanta Disability Rights Legal Service Inc.

Notes to the Financial Statements

For The Year ended 30 June 2018

	2018	2017
	\$	\$
5 Property, Plant and Equipment		
Plant and Equipment		
Motor Vehicles	36,982	36,982
Less Accumulated Depreciation & Impairment	(26,350)	(20,802)
	<u>10,632</u>	<u>16,180</u>
 Prepayments	 1,482	 1,055
	<u>1,482</u>	<u>1,055</u>
 Total Plant and Equipment	 12,114	 17,235
 Total Property, Plant and Equipment	 <u>12,114</u>	 <u>17,235</u>
 6 Trade and Other Payables		
Current		
Trade Creditors	938	221
NDIS Income In Advance	-	63,511
Total Trade and Other Payables	<u>938</u>	<u>63,732</u>
 7 Provisions		
Current		
Villamanta Social Club	2,472	1,613
Provision for Long Service Leave	72,012	73,116
Provision for Annual Leave	49,640	29,907
	<u>124,124</u>	<u>104,636</u>
 8 Reconciliation of Net Cash Provided By Operating Activities to Net Profit/(Loss)		
Net Profit (Loss)	(10,800)	5,603
Depreciation	5,547	5,547
(Increase)/Decrease in Trade Debtors	1,092	7,147
(Increase)/Decrease in Other Assets	427	772
Increase/(Decrease) in Provisions	18,634	1,408
Increase/(Decrease) in Payables	(62,795)	59,484
Net Cash from/(Used In) Operating Activities	<u>(47,895)</u>	<u>79,961</u>

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

Auditor's Report



**Villamanta Disability Rights
Legal Service Inc.**



devenny payne
TAXATION & BUSINESS SERVICES

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134 Main Street, Bacchus Marsh VIC 3340
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Melbourne VIC 3004
enquiries@devennypayne.com.au
www.devennypayne.com.au

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, 2018.

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 2018 and the results of its operations for the year then ended.

John Payne FCPA
Devenny Payne Taxation & Business Services

Treasurer's Report



Villamanta Disability Rights
Legal Service Inc.

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 2018 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:

Philip Clarke - President (on behalf of Kathryn McBride - Treasurer)

Dated this 8th October, 2018,

TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2018



Kathryn McBride
Treasurer



Darrell Harding
Accounts Administrator