

Villamanta Disability Rights Legal Service Inc.



Villamanta Disability
Rights Legal Service Inc.



Annual Report 2010 – 2011

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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 Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs and our sponsor, donortec, who generously upgraded our computer software.



Australian Government
Department of Families, Housing,
Community Services and Indigenous Affairs



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About Villamanta Disability Rights Legal Service Inc.



Our Mission

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

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

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

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

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

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

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

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

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

Margaret Mead

VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE Inc.	
Annual General Meeting MINUTES	Wednesday 15th September, 2010 5.00 p.m. Villamanta Disability Rights Legal Service Inc. 44 Bellerine Street, GEE LONG VIC 3220

1. Welcome	David Lindsay Chairperson, welcomed everyone to the meeting and handed over to Deidre Griffiths, Executive Officer, who read out the list of apologies and asked for any further apologies.
2. Present/Apologies	<p>Present – Committee Members: David Lindsay (Chairperson), Andrew Hill (Secretary), Neville Porter, Barbara Machnyk (support person), Janet Ward, Stephen Dinner, Alex Risk and Hank Wyllie.</p> <p>Present – Visitors and volunteers: Denise Feldman, Belinda Jane, Hank Wyllie, Georgie Alford and Councillor Kylie Fisher (City of Greater Geelong)</p> <p>Present - Staff: Deidre Griffiths, Viv Nicol (Minutes), Darrell Harding, Sue Wolter, Trish Jardine, Ben von Einem, Viv Avery and Greg Leeson.</p>
	<p>Apologies: Amanda Hiscoe (Acting Chairperson), Kathryn McBride (Committee Member), Peter Landers (Treasurer), Simon French (Committee Member), Colin Hiscoe, Shane McClure (Volunteer), Joyce Schroeter (Volunteer), Tamara Kotowicz (Volunteer), Trudy Battocchio (Volunteer), Jacqui Fumberger (Volunteer), Minister Lisa Neville, John Barnett (DFaHCSIA), Claire Humble (Deakin University), Nicole Langtip (Langtip Consults), Michael McGarvie (Legal Services Commissioner), Michael Crutchfield M.P., Sharon Granek (DARU), Kevin Murfitt (Deakin University), Kevin Stone (VALID), Carolyn Gilpin (Brainlink Services Ltd), Jan Ashord (Communication Rights Australia), Jeffrey Chan, Senior Practitioner, Linda Wilson (Deakin University), Kathy Bolger (DRAS), Paul McFadden (Geelong Magistrates Court), Rob Daley (VLA - Geelong)</p>
3. Confirmation of Minutes of Previous Meeting	<p>Motion: That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 23rd September, 2009, be accepted.</p> <p>Moved: Janet Ward</p> <p>Seconded: Andrew Hill</p> <p>Carried.</p>

4. Chairperson's Report	<p>David Lindsay, Chairperson, thanked staff and committee members for their work and invited people to read the Chairperson's Report in the Annual Report.</p> <p>Motion: That the Chairperson's Report be accepted Moved: Andrew Hill Seconded: Darrell Harding Carried</p>
5. 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 staff, Committee Members, trainers and volunteers for their great work over the past year.</p> <p>David thanked Deidre for her report.</p> <p>Motion: That the Executive Officer's Report be accepted Moved: Janet Ward Seconded: Greg Leeson Carried</p>
6. Treasurer's Report	<p>As Peter Landers, Treasurer, was an apology, Darrell Harding, Accounts Administrator, spoke to the Treasurer's Report and informed everyone that over the past twelve months Villamanta's financial situation has maintained good health. Darrell thanked Peter Landers, Treasurer, for his support throughout the year Darrell referred everyone to the Treasurer's Report in the Annual Report and encouraged people to direct any questions they may have to him.</p> <p>Motion: That the Treasurer's Report be accepted Moved: Darrell Harding Seconded: Greg Leeson Carried</p>
7. Appointment of Auditor	<p>Motion: That Devenny Payne Taxation and Business Services, again be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2010/2011 financial year. Moved: Belinda Jane Seconded: Sue Wolter Carried</p>
8. Appointment of Public Officer	<p>It was noted that under the amended legislation, the Secretary, Andrew Hill, automatically takes on the role of Public Officer.</p>

9. Election of Committee Office Bearers/Ordinary Members	<p>It was noted that there is one new Committee Member (Hank Wyllie) and all current Committee Members and Office Bearers are happy to continue. As there were not more nominations than vacancies the Committee was re-elected to the same positions unopposed.</p> <p>Motion: That the following Committee Members be re-elected: David Lindsay (Chairperson) Andrew Hill (Secretary) Amanda Hiscoe (Deputy Chairperson) Peter Landers (Treasurer) Neville Porter Janet Ward Simon French Kathryn McBride Alex Risk Stephen Dinner</p> <p>Moved: Andrew Hill Seconded: Stephen Dinner Carried</p> <p>Two vacancies remain.</p>
10. Other Business	<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>David thanked everyone for attending and invited people to stay for something to eat and drink.</p>
11. Close meeting	<p>The meeting closed at 5.15 p.m.</p>
12. Next meeting	<p>Date of next Committee of Management Meeting: Wednesday 24th November, 2010 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



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

David is married to Sue and has four sons ranging in age from 36 to 22. When he is not suffering from an injured knee, he plays tennis at Geelong Lawn Tennis Club and Golf at Torquay. David wishes there were more hours in the day and more days in the week to get through the work.



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

Kathryn has a rich experience in service provision and a commitment to quality improvement.

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.



Simon French is an Ordinary Member of Villamanta's Committee of Management. Simon is a lawyer and is the General Manager of Employment Services at St Laurence Community Services. Simon has particular interest and expertise in acting for and against public bodies providing advice on decision making procedures.

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

Committee of Management Members



Janet Ward is an Ordinary Member of Villamanta's Committee of Management. Janet has a passion for social justice especially working with people who have a disability (spanning a number of decades), and with many years working in the Community Sector Janet now has her own business in coaching, counselling and training. In the training arm of her business, Janet trains students in Certificate IV Disabilities, Certificate III Education Support, Certificate IV Small Business Management, and in Vocation subjects with people of all ages who have been disadvantaged for whatever reason.

In volunteer roles, Janet continues to put in by training Certificate IV Telephone Counselling, has the role of telephone counsellor and supervisor for a prominent volunteer crisis counselling organisation and she has supported Disability Access and Advisory Groups in Ballarat for many years. This is her fifth year on Villamanta's Committee of Management.



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.

Committee of Management Members



Neville Porter is an Ordinary Member of Villamanta's Committee of Management. Neville has been on Villamanta's Committee since it started 21 years ago. Neville is doing a course at BAYLINK, including reading and writing study.

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



Amanda Hiscoe has been a member of Villamanta's Committee of Management for 16 years and has held the office of Deputy Chairperson for at least 12 of those years. Amanda is the second longest serving Committee member, Neville Porter is our longest serving Committee member. As Deputy Chairperson Amanda sometimes chairs the bi-monthly committee meetings.

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 2011 "Having a Say" Conference and represented Villamanta at the Conference for the fifth time.

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

Amanda has a big interest in the laws around human rights and legal issues for people who have a disability. Amanda has been involved in the disability movement since 1980 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 hopes you have enjoyed reading her Deputy Chairperson's Report and looks forward to the year ahead.

Amanda also barracks for the mighty Cats.

Committee of Management Members



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

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



Alex Risk is an Ordinary Member of Villamanta's Committee of Management. Alex has lived in Geelong since 1972. Alex appreciates the wide range of health and community services on offer in our region.

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



Stephen Dinner is an Ordinary Member of Villamanta's Committee of Management. Stephen is a single parent with two sons aged 15 and nearly 18 who live with him and have done since they were 2 and 5. Stephen is a qualified electronics engineer and is self employed.

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

Committee of Management Members



Hank Wyllie is an Ordinary Member of Villamanta's Committee of Management. Hank suffered a severe asthma attack in June 1983, resulting in acquired brain injury with significant loss of speech and mobility. Eighteen months in three hospitals and a further three years of intensive rehabilitation he regained a lot of his mobility, even though he still had to use a wheelchair most of the time, he was still frustrated by his inability to communicate easily. After a few years of putting up with this, Hank found that there were alternative means of communication. Using these, he decided to use his skills to become an advocate for the Rights of people with disabilities to have equal and equitable access to goods and services.

While his main interest is in telecommunications, Hank is also interested in physical access to the built environment and strongly supports the new Building Codes for accessible and adaptable housing.

Hank has been involved in the disability sector for in excess of 23 years on a wide variety of committees and forums too diverse to mention. He was a Board Member of the Australian Communication Exchange for two years and is currently a member of the Standing Advisory Committee on Disability Issues, (SACDI) a sub-committee of ACCAN.



Lauren Matthews joined the Villamanta Committee of Management as an Ordinary Member in April 2011. She is a solicitor for Wightons Lawyers in Geelong, practicing 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 prime role was to represent asylum seekers in immigration detention, as well as in the community, with their claims to refugee status under international law.

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 where she worked for the International Group of Eminent Persons who monitored the Sri Lankan Presidential Commission of Inquiry into Serious Human Rights Abuses.

Throughout her 10 years abroad, Lauren developed an expertise on international human rights. Having returned to Australia, she is keen to use this experience to contribute to Villamanta Disability Rights Legal Service.

Chairperson's Report



It is very pleasing to again provide a positive cheerful annual report.

Our committee now meets every second month which means that we do not get overworked or bored with our work. We have some subcommittees working that will in turn make recommendations to the main committee to consider. We have again successfully recruited new members to our committee and have now really good representation to take us forward. As I will not be seeking reappointment to this position, I would like to thank everyone for their support during my time at the helm.

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

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

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

David Lindsay

Chairperson

Executive Officer & Principal Solicitor's Report



2010-11 has been another very busy and productive period for Villamanta Disability Rights Legal Service Inc. Villamanta's Committee of Management members, staff members and volunteer workers have once again worked hard to give Victorian people who have a disability and a disability-related legal or justice issue, the best possible service.

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

Villamanta is funded by the Australian Government through the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), as part of the Australian Network of Disability Advocacy Services. We thank our funder for their grant of funding without which we would be unable to work for our constituents. We have also gained considerable benefit from our involvement in the National Disability Advocacy Program (NDAP) service standards audit pilot, that our funder has conducted, and we look forward to taking part in the coming audit against the new Disability Advocacy Standards. The audit process is aimed at improving the way our agencies are run and the way the NDAP is delivered. We also thank Microsoft for the ongoing benefits of their generous upgrade of our computer software through the Donortec Program.

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

We are very fortunate to have highly skilled, professional, caring and dedicated staff members working extremely hard at Villamanta to ensure the rights and empowerment of people who have a disability and disability-related legal or justice issues.

Executive Officer & Principal Solicitor's Report



Once again this year we have been pleased to receive very positive feedback from clients and constituents that shows that our work is effective and often greatly appreciated.

Villamanta also has a number of wonderful volunteers who bring with them many and varied types of experience and skills. They make a tremendous contribution to Villamanta's work and we thank them for it. The hard work that our volunteers somehow manage to fit in to their already very busy lives is of great benefit to our constituents.

This year our volunteers have included our Committee of Management members: Amanda Hiscoe (Deputy Chairperson and Public Officer), Neville Porter, Andrew Hill (Committee Secretary), David Lindsay (Chairperson), Janet Ward, Kathryn McBride, Peter Landers (Treasurer), Alex Risk, Stephen Dinner and new member, Lauren Matthews. Some of our committee members have received support from Barbara Machnyk. We thank them all for their great contributions.

Our volunteer workers this year have included Georgie Alford (lawyer), Trudy Battocchio (lawyer), Diana Kambovski (administration), Semira Dzamastagic (administration), Siew Kuiper (administration), Matthew Dinner (administration), Denise Feldman (advocacy, newsletter and administration), Jennifer Lord (website and editing), Joyce Schroeter (administration), Sally Kenyon (law student), Belinda Jane (accounts) & Brooke (pet therapist), Melissa Van der Ploeg (law student), Christopher Rodrigues-Nascimento (lawyer), Jacqui Fumberger (law student), Shane McClure (lawyer), Stan Pokorny (lawyer), Tony Phillips (barrister), Pat (Panayiota) Karnis (barrister) and Alex Morell (law student). We thank them all for their contributions, their generous donations of time, expertise and work, which are an enormous help to Villamanta and our constituents.

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

We also thank Phil Grace of *Grace Information Technology*, for all his ever timely and appreciated support and assistance throughout the year with our computer system.

Executive Officer & Principal Solicitor's Report



This year we have continued to observe and assist our clients to learn about, understand and use the complaints and monitoring systems set up under the Victorian *Disability Act 2006*. We will continue to monitor and critique the effects of this important Act and its systems, particularly in relation to people who have an intellectual disability. We have also been working on the important review of the Victorian *Guardianship Act* and a number of other significant policy and law reform issues.

Finally, Villamanta was extremely happy to see that the outcome of the Productivity Commission's report and recommendations and the campaign for a National Disability Insurance Scheme (NDIS) has recently resulted in a commitment from government to at last provide people who have a disability with a fair system of support. Along with many other advocates and people who have a disability, Villamanta has long called for a principle of "entitlement" that would "oblige" government to fund services for people who have a disability who need support. We believe that, in line with the most fundamental principles of Human Rights, this entitlement should be provided as a matter of course. Villamanta will watch, with many others, to see the scheme become an effective reality as soon as possible.

The advent of an NDIS scheme is all the more heartening because once again this year Villamanta has observed that one of the main factors that continue to seriously disadvantage our constituents is the grossly inadequate level of funding for disability-related services of every kind. This includes accommodation, support to live in the home, day placement, support for children who have a disability and their families in education and in the general community, and access to advocacy support, to name only some. There continues to be a waiting list of thousands of people who have an intellectual disability who desperately need appropriate supported accommodation to be built and provided for them. Similarly, there are still many Victorian people living in institutions who wish, and should be enabled, to *live in the community* with appropriate levels of support.

Villamanta believes that until these very serious problems are fully addressed, people who have a disability, and their families, will continue to struggle to live their lives with inadequate support, often under great difficulty. Villamanta will continue to demand that governments, both State and Federal, correct this injustice because until sufficient funding and services are made available, the reality of **people who have a disability being treated in ways that are fair and reasonable and having opportunities, freedoms and a standard of living that are equal to those of people who do not have a disability** – basic elements of both the Victorian State and the Australian National Disability plans and strategies – cannot be achieved.

Deidre Griffiths
Principal Solicitor & Executive Officer

Policy & Law Reform Report



Deidre Griffiths
Executive Officer &
Principal Solicitor



Greg Leeson
Casework & Policy and
Law Reform Lawyer

Objectives

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

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

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

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

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

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

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

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

Outputs (Strategies and Activities)

Issues to be targeted:

People who have an intellectual disability and the Criminal Justice System

Income security

Access to community accommodation

Employment of people who have disabilities in supported employment

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

The Disability Act /implementation

Other issues as arise and approved



Outcomes (Benefits for people who have a disability)

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

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

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

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

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

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

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

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

Victorian Disability Advocacy Network (VDAN)

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

Through VDAN it has active involvement in the development and management of the Victorian Disability Advocacy Resource Unit (DARU), funded by the Victorian Department of Human Services, and attends meetings of VDAN and of VDAN coordinating committee re. developing the resource unit (DARU). VDAN was also involved in establishing the DANA (Disability Advocacy Network Australia) and its members continue to monitor the application of the Victorian *Disability Act 2006* and the work of the Disability Services Commissioner.



Along with other members of the VDAN network Villamanta continues to work on important issues of policy and law reform as they arise.

Law Institute of Victoria's Disability Law Committee

Villamanta participates in policy and law reform work through the Law Institute of Victoria's Disability Law Committee and its working groups. Recent issues worked on/being worked on, by the committee, include: mental health legislation review and government response, Victorian Civil & Administrative Tribunal (VCAT) Guardianship List policies and procedures, review of the Victorian Civil & Administrative Tribunal, impact of, and Inquiry into, the Charter of Human Rights (Vic.), review of Victorian Equal Opportunity legislation, Inquiry into Powers of Attorney, UN Convention on the Rights of People with Disabilities, development of the National Human Rights Framework, the Productivity Commission's consideration of a proposal for a National Disability Insurance Scheme (NDIS) and the Victorian Law Reform Commission's review of the Guardianship legislation. Villamanta is a member of the Commission's reference group for this review.

Federation of Community Legal Centres (Vic.)

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

Federation of Community Legal Centres' Disability Rights Working Group

Villamanta is a member of the Disability Rights working group of the Federation of Community Legal Centres (Vic.). The Disability Rights Working Group 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. Regular telephone link-up meetings enable participants to share information and advice on important issues of common concern, including policy and law reform subjects. The network also holds a meeting at each annual national conference of community legal centres.



Villamanta's project on people who have an intellectual disability in the criminal justice system

Villamanta has continued to work on its project, funded by the Victoria Law Foundation, researching and writing about the extremely important issue of the over-representation of people who have an intellectual disability in the criminal justice system.

It is intended that the publication will provide a better understanding of the issues for people who have an intellectual disability to those working in the criminal justice system and help to ensure that people who have an intellectual disability are provided with the best possible and most appropriate treatment and assistance.

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. Villamanta was an active participant in the process of developing the Charter. Along with other advocacy organisations, Villamanta is monitoring the Victorian Government's review of the legislation.

A Bill of Rights for Australia/Human Rights Framework

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

Community Living Alliance (CLA)

Villamanta is a member of the Community Living Alliance. The CLA includes organisations and individuals who promote and monitor accommodation options for people with disabilities, to ensure these accommodation options encompass / are based on, community living principles.



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.

Victims of Crime Charter and disability strategy

The Victorian Government's Victims Charter spells out the rights of victims. Villamanta and other advocacy organisations will use the Charter as an advocacy tool to support clients, and will monitor its effectiveness. Villamanta has been actively involved in the development of the Department of Justice's Disability Strategy in relation to the *Victims Charter*.

Department of Justice Disability Action Plan

Villamanta has been involved in the development of the Victorian Department of Justice's Disability Action Plan attending stakeholder forums to help develop the plan.

Autism

Villamanta and others successfully advocated for the additional inclusion of Autism (Autistic Spectrum Disorders) in the *Disability Act 2006 (Vic.)* The Victorian Government has now included Autism on the basis of advice that it is a neurological condition. This should enable many people, in particular children, who were previously excluded from the *Disability Act* to receive services under it. Villamanta will continue to monitor implementation of the Victorian Government's State Autism Plan.

Child Protection Legislation

Villamanta has continued to be actively involved in the follow up of the Child Protection review, monitoring the Victorian legislation, in particular, aspects of it which are likely to be detrimental to parents who have a disability. We shall continue to monitor this important issue.



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

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

The Disability Services Commissioner

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

The Senior Practitioner

Villamanta is also monitoring the development of the Office of the Senior Practitioner, another position set up under the *Disability Act 2006*. Villamanta has met with the Senior Practitioner's staff and provided input during the development by the Senior Practitioner of best practice in relation to restrictive interventions and other related matters of great significance to Villamanta's constituents. Villamanta was a member of the Restrictive Practices Reference Group.

The Office for Disability

Villamanta continues to have ongoing involvement with the Victorian Office for Disability, which has recently re-located and is now based in the Department of 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 is taking an active part in the current 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. The review is being carried out by the Victorian Law Reform Commission and Villamanta has been appointed to the Commission's review Consultative Committee.



Other matters

During the year Villamanta also participated in/attended the Human Rights Conference (Castan Centre, Monash University), the International Forum on a Disability Rights Tribunal for the Asia-Pacific Region, two Victorian Legal Access Forums, meetings with the Victorian Attorney-General's staff, the NDIS Forum, the Federal Court wages case hearing regarding supported employment workers and the Victorian Civil and Administrative Tribunal's Law Week Forum, advising where relevant on issues that affect Villamanta's clients and constituents.

Deidre Griffiths

Principal Solicitor & Executive Officer

Casework Report



Annual Performance targets

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

Objectives

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

Outcomes (Benefits for people who have a disability)

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

Casework Report



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

During the period 1/7/10 to 30/6/11, 62 new files were opened and 52 files were closed.

A total of 49 files remained open at the end of the period.

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

A breakdown of the files still open at 1st July, 2011 is as follows:

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

9 files relate to this area.

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

3 files relates to this area.

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

29 files relate to this area.

Other matters still being dealt with at 1st July, 2011 relate to:

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

Child Protection	5
Discrimination	2
Criminal Accused	1
Estate	1
Family Law	1
Freedom of Information	6
General Rights	2
Human Rights	2
Information—Lack of	2
Negligence	1
Residential Treatment Order	1
Supervised Treatment Order	3
Victim of Crime	1
Victim of Sexual Assault	4
Visitation Rights	1
Wills	2

Casework Report



Of the 52 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.

5 files related to this area.

In one matter we investigated, advised and negotiated on behalf of client and represented them at Victorian Civil and Administrative Tribunal's Guardianship List hearing in relation to their interest in deceased estate, with successful outcomes that, in line with our client's wishes, relatives were prevented from being appointed guardians and administrators and unfounded allegations against our client were fully discredited.

In the second matter we advised client in relation to revocation of their administration order, supported them to undertake a six months financial independence trial and represented them at Victorian Civil and Administrative Tribunal's Guardianship List hearing, with the successful outcome that the administration order was revoked.

In two matters we investigated, advised, liaised with relevant parties and where relevant, represented clients at hearings of Victorian Civil & Administrative Tribunal Guardianship List. A successful outcome was achieved in one case with the administrator of client's choice being appointed, limited to dealing with Family Law property settlement and Children's Court legal matters. In the second case we advised client on the steps they would need to take before it might be possible to have their administration order revoked.

In one matter we assisted client who was having difficulties negotiating with the office of the Senior Master of the Supreme Court for access to funds to cover Family Court and general expenses. We investigated, provided initial advice and referred to Family Law specialist and local advocate for further assistance.

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.

7 matters related to this area.

Casework Report



In several of these matters we investigated, advised, liaised and negotiated with relevant parties and represented clients at hearings of the Victorian Civil and Administrative Tribunal's Guardianship List, with the following successful outcomes: two clients' guardianship orders were revoked; one application for an order was dismissed by the Tribunal; in one matter, in line with the client's wishes, their parent was appointed guardian and administrator; in another matter a temporary Guardianship Order was made to enable client's administrator to undertake proceedings for an Intervention Order on client's behalf.

In one case a neuropsychologist's assessment and report were obtained for our client but unfortunately the resulting report did not support lodging an application to have the Guardianship Order revoked. In another case we investigated the merits of filing an application for revocation of client's Administration and Guardianship Orders, then advised client on the steps they would need to take before a future application to have the orders revoked could be successful.

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

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

12 matters related to this area.

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

Issues and outcomes included:

In one matter we assisted client in relation to a temporary relocation order served on them by a service provider (Department of Human Services) and failure of service provider to respond to Office of the Public Advocate guardian's inquiries. Satisfactory outcomes were achieved without pursuing a complaint to the Disability Services Commissioner.

Casework Report



Five matters related to inappropriate staffing issues at a community residential unit. Successful outcomes were achieved following Disability Services Commissioner's conciliation meetings.

Two matters related to a decision by service provider to cease funding services for two clients. As clients' relatives refused access to clients we were unable to pursue the matter to achieve outcomes.

One matter related to a complaint to the Disability Services Commissioner about a service provider's decision to evict our client from their accommodation. Successful outcomes were achieved including the provision of proper and adequate accommodation and day placement for client. We further advised in relation to service provider service planning for client. Planning process postponed at client's request until they have fully settled into new accommodation and day service.

Two cases related to allegations of negligence and abuse/ intimidation and harassment by a co-resident, of clients living in supported accommodation (a community residential unit (CRU)). We investigated and negotiated at great length with relevant parties and finally achieved a satisfactory outcome, with the co-resident being re-located and the service provider committing to follow through on recommendations of psychiatric expert in relation to our clients to ensure their future wellbeing.

In one matter we assisted a client in relation to concern over their removal by the Department of Human Services (DHS) from the Futures for Young Adults Program. After extensive investigation it was evident that any possible appeal against the decision of DHS would lack sufficient merit. The same conclusion applied to any new Individual Support Funding application, given the client's change in circumstances. Client is quite high functioning and is currently studying at a University which has a well-resourced disability support program. Client has also gained part-time employment.

Other Matters:

Forensic Leave Panel

6 files related to this area

In these matters we represented clients at Forensic Leave Panel hearings ensuring that their views and wishes were clearly communicated to the presiding judge and Panel, with the satisfactory outcomes that leave was granted as requested in our clients' applications. We also ensured that any other issues these clients had were dealt with and that they received appropriate legal advice about them.



Restrictive Interventions/ Behaviour Support Plans/Treatment Plans/Restraint and Seclusion

11 files related to this area

In these matters we provided independent explanation and advice to several of our clients who live at Disability Forensic & Treatment Service (Victoria) (DFATS) pursuant to Residential Treatment Orders, in relation to their Behaviour Support Plans, as required by the *Disability Act 2006*. We ensured that our clients understood the plans, that legislative requirements on provision and receipt of advice were met, and successfully negotiated for appropriate improving amendments to the plans that would benefit our clients.

In one of these matters we were unable to review the client's Behaviour Support Plan because we are now opposed to the client's service provider in relation to another matter and to proceed would be inappropriate/involve a possible conflict of interest. An alternative source of assistance for that client was therefore found.

Criminal Accused

2 files related to this area.

In these matters we supported client to discuss past alleged offences with a view to possible admissions. We very strongly advised client about the likely results if they were to make certain disclosures/admissions to police about possible past offences. Client's capacity, decision-making process, memory recall, habit of changing the truth and seeking attention were all relevant to the issue. We also liaised with client's service provider to ensure they were best able to support our client in relation to this matter.

Victims of Crime

2 files related to this area.

One matter related to wrongful possession of goods. In this case we advised client and wrote a letter of demand to a person who was in wrongful possession of our client's goods. As no response was received and the matter was not strictly "disability-related", we then referred client to a generalist CLC (community legal centre) in their area and also to the Consumer Action Law Centre, for further assistance.



The second of these matters related to theft. In this case we advised client and their advocate and drafted letter of demand in relation to alleged theft of money from client's bank account. So far we have not been advised of any outcome in this matter despite our repeated efforts to follow up with the client and client's advocate.

Victims of Crime Assistance

2 files related to this area.

In one matter we were requested by Disability Forensic & Treatment Service (Victoria) (DFATS) to assist a person in their care in relation to an application for Victim of Crime Assistance (VOCAT Application). Staff were concerned that the matter was not progressing and possibly not being dealt with competently by the person's current lawyer. We investigated, perused the VOCAT documentation and were then able to provide assurance that the matter was being competently dealt with. The file was kept open as a watching brief until the matter was concluded with a satisfactory outcome for the client.

In the second matter we supported a client in relation to their Victim of Crime Assistance application ensuring that they received appropriate legal representation throughout the process.

Victims of abuse

3 files related to this area.

In two of these cases we assisted clients who are non-verbal and who were allegedly being repeatedly physically abused by a co-resident living in disability service accommodation. We investigated, liaised with relevant parties and provided advice to the clients' parents. We recommended filing Freedom of Information (FOI) applications for access to clients' files. The clients' parents chose not to pursue the matter further as there had been no major incidents since the start of the year and they believed it would be counter-productive to initiate any complaints. The parents advised that the past assaults did not happen very frequently and were not severe. They also informed us that they believed Villamanta's involvement, and the service provider's knowledge of that involvement, had had a very positive effect. They expressed thanks for the work Villamanta had done and said that the assistance had provided them with great comfort. While closing the files, Villamanta strongly advised the clients' parents that if they became dissatisfied in the future with the safety or quality of care and treatment their family members are receiving, then they should immediately contact Villamanta again.



Child Protection/Parents who have a Disability

One matter related to this area.

In this case we advised and represented our client, whose children had been removed from their care, and liaised with relevant parties in relation to Child Protection matters. We successfully negotiated agreement to Children's Court orders with one child being returned home to live with our client and the other remaining in out-of-home care with a family member.

Access to Education/Integration Aid

One matter related to this area.

In this case we assisted a child client to secure an integration aid at their school. We liaised with client's mother and the Association for Children with a Disability and relevant parties ensuring that adequate supports for client were put in place; file was then converted to a watching brief until confirmation was received that client is doing well, with adequate supports in place.

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

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

We have continued to update our Legal Resources Manual.

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

Casework Report



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

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

Casework Team

**Deidre Griffiths, Greg Leeson, Viv Avery,
Ben von Einem & Sue Wolter**



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

Bottom row — From Left: **Ben von Einem** (Casework Lawyer), **Greg Leeson** (Casework Lawyer) and **Viv Avery** (Casework Lawyer)

Community Legal Education



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

Annual Performance Indicators

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

Workshops to be reviewed and evaluated.

Objectives:

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

Outcomes (Benefits to people who have a disability):

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



This year Villamanta Disability Rights Legal Service Inc. participated in 22 community legal education activities including a total of approximately 800 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 of people who have a disability, in the community. Participants included advocates, TAFE students, university and high school students, clients, field workers, disability service providers, community organisations (including their board members), disability support workers, carers, parents, staff of open employment services and other members of the community, particularly during Law Week, interested members of the public.

Metropolitan and suburban areas covered included Melbourne CBD, Footscray, Coburg and Dandenong. Rural and regional areas included Werribee, Geelong and surrounding areas, Belmont, Albury, Echuca, Ararat, Bendigo, Ballarat, Macedon Shire Ranges, Colac, Gippsland and Warrnambool.

Organisations provided with training or training materials/information included Barwon Valley Special School, Grampians Community Health, Murray Human Services, Brace Education & Training Support (Ballarat), Carinya Society (Coburg), Carers' Support Society (Bendigo), Carers' Respite (Geelong), Carers' Respite (Colac), Nelson Park School, Karingal, Dial-a-Lunch (supported employment service), the Victorian Civil & Administrative Tribunal Law Week forum, Geelong Courts, Paramount Personnel (supported employment service), Kangan Institute of TAFE, Macedon Shire Disability Expo, DARU Advocates training day, the three day "Having a Say" Conference and DAIS (Disability Advocacy & Information Service) in Albury.

We also provided sponsorship and material to the annual ASSID (Australasian Society for the Study of Intellectual Disability) Victorian branch, Disability Support Workers Conference, material for 500 people attending the annual ACSO (Australian Community Support Organisation) Conference and also the DARU training day for disability advocates.

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, case notes, Duty of Care/Dignity of Risk and the work that Villamanta does. We also provided training on court processes and the justice system to volunteers at DAIS (Disability Advocacy & Information Service) in Albury who will provide support to people with a disability at Court.

Community Legal Education



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

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

Villamanta's constituents continue to tell us that they have many serious worries. The most commonly reported problems are: uncertainty about income support, welfare to work, appropriate accommodation and services, the lack of entitlement to receive disability services, the loss of the right to have service plans independently reviewed, the need for a clearly understood and accessible complaints system in relation to disability services, the need for an effective complaints system that can get real results/changes/improvements for people experiencing problems with disability services providers, accessing the community, opportunities for educational activities and employment, and access to advocacy support. In particular issues with schools are a recurrent theme and the great need for an independent place to complain to about education/school-related issues is often mentioned by parents of children who have a disability.

This year many of Villamanta's constituents and their supporters were very actively involved in the campaign for a National Disability Insurance Scheme (NDIS). The positive recommendations of the Productivity Commission and the Federal government's recent commitment to implement a NDIS scheme have been extremely heartening to all those who have been campaigning for this for so long. It remains to be seen how the scheme will be implemented.

The ongoing trend of increasingly short-term, casualised and part-time employment of agencies staff, by disability service providers, continues to undermine the knowledge of Villamanta's services and activities in the community. To address this we try to provide information about our service to relevant service providers and other community organisations, although our limited budget for marketing makes this difficult.



Publications

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

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

Your Rights Your Choices

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

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

"Having A Say" Conference 2010

Villamanta once again participated in the very successful annual "Having a Say" Conference, organised by VALID, which was held in Geelong in February, 2011. We provided an information and advice table and a presentation on the legal rights of people who have a disability. Informal constituent consultations were also conducted and a large number of service brochures, fridge magnets and many copies of *Your Rights Your Choices* were distributed to conference goers. In 2012 this important conference will again be held in Geelong.

Telephone Advice Service Report



Trish Jardine
Telephone Advice
Worker

Villamanta provides a statewide, free Telephone Advice, Information and Referral Service five days per week from 1 p.m. - 3 p.m.

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

Annual performance targets :

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

Telephone Advice Service Report



Objectives:

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

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

Outcomes (Benefits to people who have a disability):

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

Telephone Advice Service Report



Villamanta continues to provide a free-call, state-wide Telephone Advice, Information and Referral Service. We give information around the law and disability rights issues, and practical advice on ways to deal with situations, including those where using the law may not be the most useful way of dealing with the issue. Only a small proportion of calls require specifically legal advice. Villamanta aims to give callers more options to maximise their choices and to promote and advance the rights of people who have a disability. Many calls are long and may involve:

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

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

Villamanta aims to be as accessible as possible and we are happy for people to call us, even if they are not sure we are the right service for them. We aim to give the caller the best possible service right away, whenever possible. There is a common misunderstanding that we are “a legal service for people who have a disability”, or a segregated legal service, which we are not. Villamanta's area of expertise is disability related legal issues, with a particular focus on the rights of people who have an intellectual disability. People often call us about issues which are not disability related legal issues, because they don't know who to go to. If we are not the best option, we can provide referral to a wide range of generic agencies or other specialist services, including other legal services or specialist lawyers.

Sometimes, getting the caller the best possible service means that, although we might provide initial information, we then refer them to another organisation with greater expertise in the area of their issue; for example, personal injuries claims would be referred to a personal injuries lawyer; financial issues may be referred to a financial counsellor, or perhaps Consumer Action Law Centre. We also resource other agencies on disability issues so that they can provide a better service to people who have a disability.

As the Telephone Advice Worker position is only three days per week, all workers take a turn at providing this service. All workers take part in regular specialist training and professional development to increase their skills and knowledge, and ongoing training is provided at staff meetings and casework team meetings.

Telephone Advice Service Report



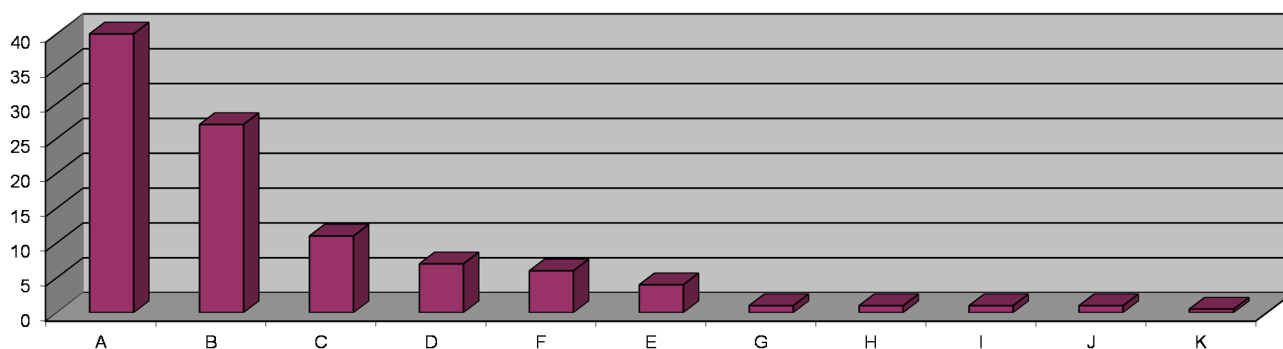
We are continuously increasing our knowledge of legislation and policy, disability issues, justice issues, the community sector and community and government agencies and services. We have a web based Telephone Advice Service Manual, which is continuously being added to and updated. Every advice record is checked and feedback provided to workers where appropriate.

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

People call us about a lot of different issues (see table and examples following), in fact it could be said that no two calls are the same. For each new issue, a data collection sheet is completed. In the period 1st July 2010 to 30th June 2011, 550 data collection sheets were completed regarding individuals receiving advice, information or referral.

Trish Jardine - Telephone Advice Worker

Who Calls Us

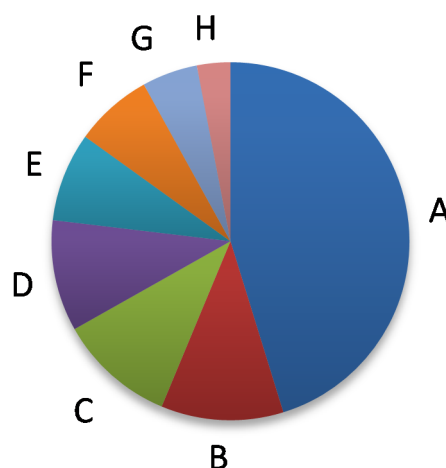


A) Relative/Friend	-	39%
B) Person who has a disability	-	27%
C) Disability Agency	-	10%
D) Advocacy Agency	-	7%
E) Non Gov. Agency	-	4%
F) Gov. Agency	-	6%

G) Education	-	1%
H) Other	-	1%
I) Lawyer, Community	-	1%
J) Lawyer, Private	-	1%
K) Student	-	1%
L) Guardian	-	0.5%

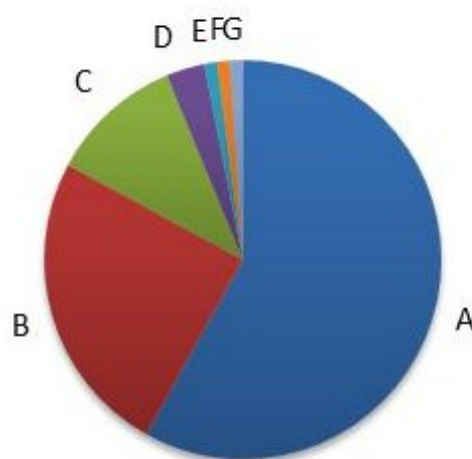
Primary disability of people who call us, or of people we get calls about

A)	Intellectual	-	38%
B)	Various	-	17%
C)	Psychiatric	-	12%
D)	Physical	-	11%
E)	Unknown	-	7%
F)	Acquired brain injury	-	6%
G)	Autism	-	5%
H)	Neurological	-	3%



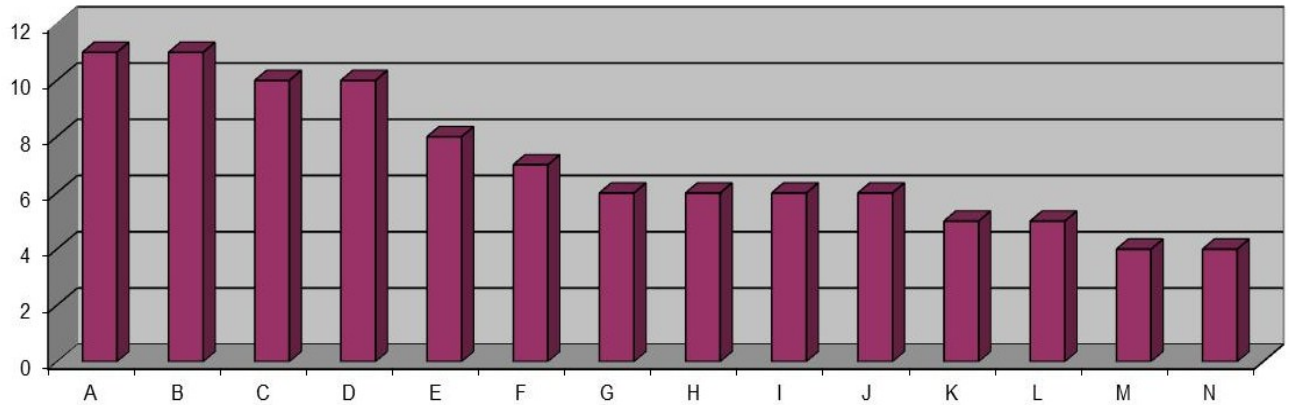
Who we refer people to

A)	Legal Service or firm	-	54%
B)	Advocacy Agency	-	24%
C)	Government Agency	-	14%
D)	Community Agency	-	2%
E)	Disability Agency	-	2%
F)	Non Government	-	2%
G)	Other	-	1%



Types of issues people call us about

(Very often combinations of several issues)



A) Administration	-	11%
B) Villamanta—Info about	-	11%
C) Wills	-	10%
D) Access to Services	-	10%
E) Service Provider Policy/Prac	-	8%
F) Financial Matters	-	7%
G) Negligence /Duty of Care	-	6%
H) Guardianship	-	6%
I) Housing	-	6%
J) DDA & EO, Discrimination	-	6%
K) Criminal Accused	-	5%
L) Family Law	-	5%
M) Statutory Obligations	-	4%
N) State Trustees	-	4%

Other issues between 2% and 4%

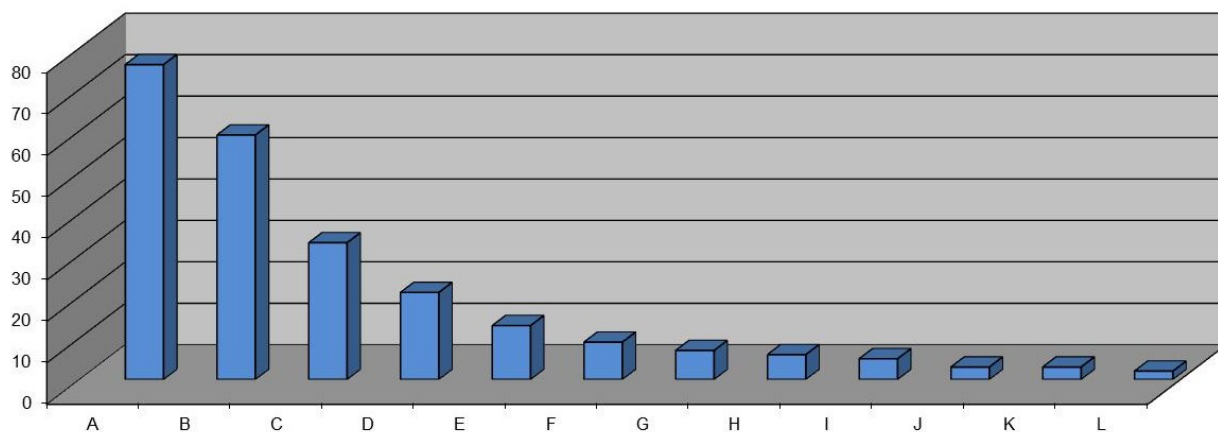
Abuse, Accommodation, Children's Court/ Child Custody, Child Protection, Confidentiality & Privacy, Human Rights, Employment, Family Law, Mental Health, Power of Attorney, Social Security, State Trustees & Victim of Crime (Other than sexual assault).

Other issues between 0.1% and 2%

Transport Issue (other than Taxi), Unknown, Other, Child Protection, Education, Crisis Situation, Forensic Leave Panel, Freedom of Information, General Rights, Harassment/ Bullying, Information—lack of, Personal Care, Physical Access, Power of Attorney (Enduring), School Integration, Social Supports/Family, Taxi Associated Problem, Treatment Order, Transport Issue (other than taxi,), Utilities: gas/elec/phone/water etc., Victim of Sexual Offence, Vulnerable and/or Isolated, Neglect, Service Gaps, Subsidies/Entitlements, etc.

What action did we take?

(There are often several actions for one caller)



A)	Telephone advice/info	-	76%
B)	Referral	-	59%
C)	Info about Villamanta	-	33%
D)	Telephone Legal consultation	-	21%
E)	Secondary Consultation	-	13%
F)	Casework File Opened	-	9%
G)	Email Information	-	7%
H)	Education activity	-	6%
I)	Information in Person	-	5%
J)	Mail Information	-	3%
K)	Written Information given	-	3%
L)	Book sales	-	2%

Financial Statements



Villamanta Disability Rights Legal Service Inc. Income and Expenditure Statement For the Year ended 30 June 2011

	2011 \$	2010 \$
Revenue		
Grants – Recurring	444,266	444,906
Interest	14,375	10,288
Publication Sales & Workshops	3,799	7,213
Other	-	200
	<u>462,440</u>	<u>462,607</u>
Expenditure		
Administration Costs	7,314	7,352
Consultancy Fees	2,800	9,994
Depreciation	9,044	9,044
Library	687	410
Memberships of Other Organisations	3,977	3,627
Motor Vehicle Expenses	9,922	8,600
Office	25,211	26,683
Occupancy	40,890	43,261
Publishing	1,085	869
Staff Training	5,500	230
Telephone	9,861	9,410
Wages	339,460	353,674
Workshops and Projects	769	-
	<u>456,520</u>	<u>473,154</u>
Net Profit/(Loss)	<u>5,920</u>	<u>(10,547)</u>

*The accompanying notes form part of these financial statements.
These financial statements have been subject to audit and should be read in
conjunction with the attached Compilation Report.*



Villamanta Disability Rights Legal Service Inc. Balance Sheet As at 30 June 2011

	Note	2011 \$	2010 \$
Current Assets			
Cash and Cash Equivalents		306,021	278,206
Trade and Other Receivables	3	4,474	3,321
Inventories	4	199	421
Total Current Assets		<u>310,694</u>	<u>281,948</u>
Non-Current Assets			
Property, Plant and Equipment	5	<u>24,467</u>	<u>33,511</u>
Total Non-Current Assets		<u>24,467</u>	<u>33,511</u>
Total Assets		<u>335,161</u>	<u>315,459</u>
Current Liabilities			
Trade and Other Payables	6	19,557	13,413
Provisions	7	<u>90,354</u>	<u>82,716</u>
Total Current Liabilities		<u>109,911</u>	<u>96,129</u>
Total Liabilities		<u>109,911</u>	<u>96,129</u>
Net Assets		<u>225,250</u>	<u>219,330</u>
Equity			
Retained Profits		225,250	219,330
Total Equity		<u>225,250</u>	<u>219,330</u>

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Financial Statements



Villamanta Disability Rights Legal Service Inc. Cash Flow Statement For the Year ended 30 June 2011

	Note	2011 \$	2010 \$
Cash Flows from Operating Activities			
Receipts from Customers		448,065	452,319
Payments to Suppliers and Employees		(434,624)	(477,903)
Interest Received		14,375	10,288
Net Cash Inflow from Operating Activities		<u>27,816</u>	<u>(15,296)</u>
Net Increase in Cash Held		<u>27,816</u>	<u>(15,296)</u>
Cash and Cash Equivalents as at 1 July 2010		278,205	293,501
Cash and Cash Equivalents as at 30 June 2011		<u><u>306,021</u></u>	<u><u>278,205</u></u>

*The accompanying notes form part of these financial statements.
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conjunction with the attached Compilation Report.*



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2011

1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES

This special purpose financial report of Villamanta Disability Rights Legal Service Inc ("the Association") has been prepared for distribution to the members to fulfill the Committee of Management's financial reporting requirements under the Association's constitution.

The accounting policies used in the preparation of this report, as described below, are consistent with the financial reporting requirements of the Association's constitution and with previous years, and are, in the opinion of the Committee of Management, appropriate to meet the needs of members.

- (a) The financial report has been prepared on a modified accrual basis of accounting including the historical cost convention and the going concern assumption.
- (b) The requirements of Australian Accounting Standards do not have mandatory applicability to the Association in relation to the year ended 30 June 2011 because the Association is not a "reporting entity" as defined therein. Accordingly, not all Australian Accounting Standards have been used in preparing these financial statements.

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

- (c) **Revenue Recognition**
Grant revenue is recognised when the Association obtains control over the grant funds, however grants received prior to the yearend which will be fulfilled in the following year will be carried forward. Revenue from sales and interest is recognised as it is earned.
- (d) **Inventory**
Inventory is valued at the lower of cost and the net realisable value. Cost is determined on the basis of first in first out.
- (e) **Depreciation of property, plant and equipment.**
Property, plant and equipment are depreciated over their estimated useful lives to the Association using the straight line method. The estimated useful life of plant and equipment is 3 to 10 years. Profits and losses on disposal of plant and equipment are taken into account in determining the operating result for the year.
- (f) **Employee entitlements**
Liabilities for employee entitlements to salaries and annual leave are accrued at nominal amounts calculated on the basis of current salaries. Liabilities for other employee entitlements which are not expected to be paid or settled within 12 months of balance date are accrued in respect of all employees at the present values of future amounts expected to be paid.
- (g) **Taxation**
The Association is exempt from income tax.
- (h) **Comparative figures**
Where necessary, comparative figures have been adjusted to conform with changes in presentation in the current year.

*The accompanying notes form part of these financial statements.
These financial statements have been subject to audit and 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 2011**

(a) Employee entitlements

Liabilities for employee entitlements to salaries and annual leave are accrued at nominal amounts calculated on the basis of current salaries.

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

(b) Taxation

The Association is exempt from income tax.

(c) Comparative figures

Where necessary, comparative figures have been adjusted to conform with changes in presentation in the current year.

*The accompanying notes form part of these financial statements.
These financial statements have been subject to audit and 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 2011

	2011 \$	2010 \$
2. Profit		
Expenses		
Telephone	9,861	9,410
Administration Cost	7,314	7,352
Consultancy	2,800	9,994
Motor Vehicle Expenses	9,922	8,600
Occupancy	40,890	43,261
Wages	339,460	353,674
Others	46,273	40,863
	<u>456,520</u>	<u>473,154</u>
3. Trade and Other Receivables		
Current		
Trade Debtors	4,474	3,321
	<u>4,474</u>	<u>3,321</u>
Total Trade and Other Receivables	<u>4,474</u>	<u>3,321</u>
4. Inventories		
Current		
Inventory	199	421
	<u>199</u>	<u>421</u>
5. Property, Plant & Equipment		
Plant & Equipment		
Motor Vehicles	39,003	39,003
Less Accumulated Depreciation & Impairment	18,529	12,679
	<u>20,474</u>	<u>26,324</u>
Office Furniture & Equipment	165,445	165,445
Less Accumulated Depreciation & Impairment	161,452	158,258
	<u>3,993</u>	<u>7,187</u>
Total Plant & Equipment	<u>24,467</u>	<u>33,511</u>
Total Property, Plant & Equipment	<u>24,467</u>	<u>33,511</u>

*The accompanying notes form part of these financial statements.
These financial statements have been subject to audit and should be read in
conjunction with the attached Compilation Report.*

Treasurer's Report



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2011

	2011 \$	2010 \$
6. Trade and Other Payables		
Current		
Trade Creditors	377	1,245
Receipts in Advance	7,000	-
Provision for GST	12,180	12,168
	<u>19,557</u>	<u>13,413</u>
Total Trade and Other Payables	<u>19,557</u>	<u>13,413</u>
7. Provisions		
Current		
Villamanta Social Club	1,642	1,865
Provision for Long Service Leave	66,047	59,693
Provision for Annual Leave	22,665	21,158
	<u>90,354</u>	<u>82,716</u>

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conjunction with the attached Compilation Report.*



Villamanta Disability Rights Legal Service Inc
Notes to the Financial Statements
For the Year ended 30 June 2011

8. RECONCILIATION OF NET CASH PROVIDED BY OPERATING ACTIVITIES TO NET PROFIT/(LOSS)	2011	2010
Net Profit (Loss)	5919	(10,547)
Depreciation	9,044	9,044
(Increase)/decrease in trade debtors	(660)	54
(Increase)/in inventory	222	260
(Increase)/in other assets	(492)	(54)
Increase/(decrease) in payables	(1,078)	(5,969)
Increase/(decrease) in provisions	7,861	(2,083)
Increase in receipts in advance	<u>7,000</u>	<u>(6,000)</u>
Net cash from/(used in) operating activities	<u>27,817</u>	<u>(15,295)</u>

*The accompanying notes form part of these financial statements.
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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 2011 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 5th day of September, 2011

David Lindsay
Chairperson

Peter Landers
Treasurer

TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2011



Peter Landers
Treasurer



Darrell Harding
Accounts Administrator

Auditor's Report



Devenny Payne Taxation & Business Services

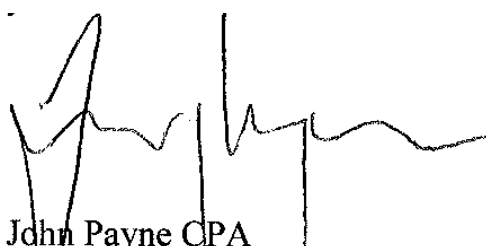
Auditor's Report

I have audited the financial statements for the Villamanta Disability Rights Legal Service Inc. as set out in the Balance Sheet, Income and Expenditure Statement, Statement of Cash Flows and notes thereto for the year ended 30th June, 2011.

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 2011 and the results of its operations for the year then ended.



John Payne CPA
Devenny Payne Taxation & Business Services

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