



Villamanta Disability
Rights Legal Service Inc.

Villamanta Disability Rights Legal Service Inc.



Annual Report 2014 – 2015

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Villamanta Disability Rights

Legal Service Inc. Staff Members



Deidre Griffiths	Principal Solicitor & Executive Officer (5 days per week)
Greg Lesson	Casework Lawyer/Policy & Law Reform Worker (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)
Naomi Anderson	Casework Lawyer (1.2 days per week)

ACKNOWLEDGEMENTS

Villamanta Disability Rights Legal Service Inc. is part of the Australian Network of Disability Advocacy Services funded by the Australian Government. We thank our funder, the Department of Social Services.

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



VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE Inc.

Annual

General Meeting

MINUTES

Wednesday 24th September, 2014

5.00 p.m.

Villamanta Disability Rights Legal Service Inc.

44 Bellerine Street,

GEELONG VIC 3220

1. Welcome

Lauren Matthews, Chairperson, welcomed everyone and read out the list of apologies and asked for any further apologies.

2. Present

Committee Members: Lauren Matthews (Chairperson), Kathryn McBride, Amanda Millear (Deputy Chairperson), Andrew Hill (Secretary), Philip Clarke, Neville Porter & Barb Machnyk (support person) and Hank Wyllie.

Staff: Deidre Griffiths (Executive Officer), Viv Nicol (Minutes), Viv Avery (Villamanta Lawyer), Darrell Harding (Accounts Administrator), Sue Wolter (Para-legal), Trish Jardine (Telephone Advice & Referral) and Ben von Einem (Villamanta Lawyer).

Visitors and volunteers: Hayley Clarke (volunteer lawyer) and Peter De Rooy

3. Apologies

Committee Members: Peter Landers (Treasurer)

Staff: Greg Leeson (Villamanta Lawyer)

Visitors & Volunteers: Jan Ashford, CEO - Communication Rights Australia, Patricia Crowley, Peter Mellas, Magistrate, Elizabeth McGarry, CEO, Association for Children with a Disability, Attorney-General Senator George Brandis, Alex Morrell, lawyer, David Lindsay, lawyer, Esther Harris, STAR Victoria, Elsie Stokie, lawyer, Barwon CLC, Leah Katieva, RIAC (Regional Information & Advocacy Council), Phil Grano OAM, Principal Legal Officer, Office of the Public Advocate, Kirsten Burke, Maureen Garrett, Marillac – A Service of the Daughters of Charity and Georgie Alford, volunteer lawyer.

4. Confirmation of Minutes of Previous Meeting

Motion: *That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 25th September, 2013, be accepted with the amendment that Andrew Hill be noted as Secretary not Treasurer.*

Moved: Lauren Matthews

Seconded: Andrew Hill **Carried.**

<p>5. Chairperson's Report</p>	<p>Lauren Matthews, Chairperson, thanked staff, committee members and volunteers for their loyalty and commitment. Lauren invited people to read her report in the Annual Report as well as all the other reports, namely Casework, Policy & Law Reform, Community Legal Education and Telephone Advice and Referral.</p> <p>In thanking Committee Members Lauren presented certificates of appreciation to members who have been on Villamanta's Committee for more than five years and thanked them again very much.</p> <p>Motion: <i>That the Chairperson's Report be accepted.</i></p> <p>Moved: Amanda Millear</p> <p>Seconded: Philip Clarke Carried</p>
<p>6. Executive Officer's Report</p>	<p>Deidre Griffiths, Executive Officer, invited everyone to read her report in the Annual Report. Deidre gave a brief overview of the year's work and thanked all staff, Committee Members and volunteers for their great work and dedication over the past year</p> <p>Lauren thanked Deidre for her report.</p> <p>Motion: <i>That the Executive Officer's Report be accepted.</i></p> <p>Moved: Lauren Matthews</p> <p>Seconded: Philip Clarke Carried</p>
<p>7. Treasurer's Report</p>	<p>As Peter Landers, Treasurer was an apology, Darrell Harding, Accounts Administrator referred to the Treasurer's Report in the Annual Report and provided a brief overview of Villamanta's financial situation. Darrell noted that the service had incurred an \$8,000 deficit as a result of a number of wage increases throughout the year. Darrell thanked Peter for his ongoing support and invited questions from the floor. There were no questions.</p> <p>Motion: <i>That the Treasurer's Report be accepted.</i></p> <p>Moved: Darrell Harding</p> <p>Seconded: Ben von Einem Carried</p>
<p>8. Appointment of Auditor</p>	<p>Motion: <i>That Devenny Payne, Taxation and Business Services, again be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2014/2015 financial year.</i></p> <p>Moved: Darrell Harding</p> <p>Seconded: Amanda Millear Carried</p>

<p>9. Election of Committee Office Bearers/Ordinary Members</p>	<p>Lauren noted that with the exception of Peter Landers, Treasurer, who is resigning, all other current Committee Members as listed below were happy to continue and as there were not more nominations than positions available, the Committee was re-elected unopposed.</p> <p>Lauren thanked outgoing Treasurer, Peter Landers for many years of work and commitment as Villamanta's Treasurer and also thanked Kathryn McBride for taking on this role.</p> <p>Motion: <i>That the following Ordinary Committee Members be re-elected:</i></p> <p>Neville Porter Hank Wyllie Philip Clarke</p> <p>Moved: Amanda Millear Seconded: Sue Wolter Carried</p> <p>Lauren noted that as Peter Landers, Treasurer is standing down, Kathryn McBride has agreed to take on the position of Treasurer and the remaining current Office Bearers are happy to continue.</p> <p>Motion: <i>That the Office Bearers will be elected as follows:</i></p> <p>Lauren Matthews - Chairperson Amanda Millear - Deputy Chairperson Kathryn McBride - Treasurer Andrew Hill - Secretary</p> <p>Moved: Philip Clarke Seconded: Amanda Millear Carried <i>5 vacancies remain</i></p>
<p>10. Other Business</p>	<p>Deidre Griffiths thanked Committee of Management members for their great contribution over the past year and presented them with a small token of Villamanta's appreciation.</p> <p>Philip Clarke thanked Lauren for chairing.</p> <p>Lauren thanked everyone for attending and invited people to stay for something to eat and drink.</p>
<p>11. Close meeting</p>	<p>The meeting closed at 5.25 p.m.</p>
<p>12. Next meeting</p>	<p>Date of next Committee of Management Meeting: Wednesday 25th November, 2015 at 4 p.m. at Villamanta Date of next Annual General Meeting - to be advised.</p>

About Villamanta Disability Rights Legal Service Inc.



Our Mission

Villamanta is a Community Legal Service 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 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.

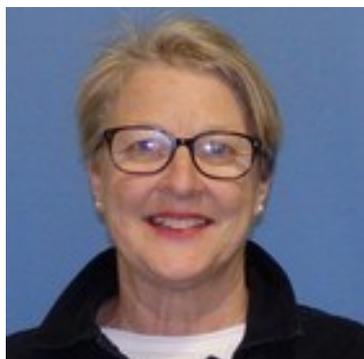
Villamanta Disability Rights Legal Service Inc. is committed to the rights of people who have a disability. We believe people who have a disability have a right to be treated in ways that are fair and reasonable, and which result in opportunities, freedoms, and a standard of living that are equal to 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

Committee of Management Members



Kathryn McBride is the Treasurer of Villamanta's Committee of Management and was the Chairperson from 2011 to 2013. Kathryn is the Co-ordinator of Care Services at the City of Greater Geelong.

She holds a Graduate Diploma of Education, and recently completed 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.



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.



Neville Porter is an Ordinary Member of Villamanta's Committee of Management. Neville has been on the Committee since it started 25 years ago.

Neville is doing a course at Karingal, including reading and writing study. Neville also 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



Amanda Millear has been a member of Villamanta's Committee of Management for 20 years and has held the office of Deputy Chairperson for at least 16 of those years. Amanda is the second longest serving Committee member and a person who has a disability. At last year's AGM Amanda was presented with a certificate of appreciation for her work on Villamanta's Committee in the role of Deputy Chairperson and was proud to have received it from the Chairperson. As Deputy Chairperson, Amanda sometimes chairs the bi-monthly committee meetings which she enjoys.

Amanda is the longest serving Deputy Chairperson in the history of Villamanta.

Amanda says: "Villamanta is a unique service being one of the first organisations to have people who have a disability on their Committee of Management and everyone gets a say."

Amanda reminds us not to use jargon words and to think about other people's needs at meetings. When she hears a jargon word she always asks for plain English and the meaning of the word.

Amanda attended the 2015 "Having a Say" Conference and likes to represent Villamanta at the Conference, which she did for the ninth time. The "Having a Say" Conference shows that people who have a disability have an important role to play in the community.

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

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

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

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

Committee of Management Members



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

Having communication impairment did not deter him, as he became actively involved in various committees.

His first was what is now known as Leisure Networks, then the Barwon Disability Resource Council, where he was chair for over ten years. Hank's other local activities include the City of Greater Geelong's Aged and Disability Street Access Committee, the Board of the Australian Communication Exchange for two years and he was on the Standing Advisory Committee on Disability Issues, a sub-committee of the Australian Communications Consumer Action Network (ACCAN).

Hank is currently on the National Relay Service National 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 TEDICORE (the voice of Australia's peak organisations of people with disabilities on telecommunications) and the Telstra Disability Access Forum, among other influential bodies.

Hank now works part time for Scope to promote its Communication Access Symbol, and talks to people about accessible communication, via his communication device, and assesses businesses and organisations to help make their premises Communication Accessible and obtain the Symbol. These only represent a few of his interests.

Hank's has a keen interest in advocacy and rights of people with disabilities, which is why he chose to join the Villamanta Disability Rights Legal Service Committee of Management, to share his thoughts and ideas to assist Villamanta's excellent record of achieving results.

Committee of Management Members



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

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

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



Rebecca Smith is an Ordinary Member of Villamanta's Committee of Management. Rebecca is a Registered Nurse who has worked in a variety of settings over her 25+ year career, with a focus on quality and community care. Her educational achievements are completing a Bachelor of Social Science (Human Services), Graduate Diploma in Human Resource Development, Fellow of the Australasian Association of Quality in Healthcare (AAQHC) and most recently, completing the Leaders For Geelong program in 2015. Her current role is as Manager of Community Care and Retirement Living with Leading Age Services Australia (LASA), a peak body for aged care organisations.



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 is also a casual academic at Deakin Waterfront and Deakin Burwood, lecturing Business Law. Michele is passionate about social justice, wine, her hometown Geelong and the mighty Cats.

Chairperson's Report



It is my pleasure to present the Management Committee's Chair report for 2014-2015. This has been a significant year for Villamanta during which it has continued to deliver, across Victoria, first class disability related legal services whilst facing severe budgetary constraints and undergoing considerable change and renewal.

Villamanta continued to successfully perform its core responsibility of providing disability related legal services to people with a disability, particularly those whose disability is intellectual in nature. These included carrying out legal work, providing advice and referral services, undertaking community education and engaging in policy and law reform initiatives.

Quality assurance surveys conducted during the year unambiguously show that Villamanta provided these services efficiently, skilfully and in a manner that was greatly appreciated and valued by its clients. This outcome was possible only because of the skill and industry of the Executive Officer and Principal Solicitor, Deidre Griffiths, and her small and dedicated team. It is a tribute to their ongoing dedication and commitment to pursuing Villamanta's important mission and on behalf of the Committee of Management, I wish to acknowledge this and thank them.

Predictably, budgetary matters have been of great concern to Villamanta during the year. Although funding continued to be provided by the Australian Government through the Department of Social Services, this was extended only on an annual basis and without due allowance for inflation. As a result, the Service's future has been rendered less certain and it has been required to operate within the constraints of a budget that is reducing in real terms. After considering the options open to it, the Committee of Management resolved to continue providing Villamanta's services at the same level as in previous years and to address its budget predicament by reducing its already meagre operating costs. This proved to be possible only by rationalising administrative support and reducing its main overhead, rent. Unfortunately, this saw the departure of a long-time employee, Telephone Advice Line worker, Trish Jardine.

More positively, due to the generosity of Deakin University, Villamanta has been able to secure, at nominal rent, accommodation on the University's Waurn Ponds campus. As part of this arrangement, Villamanta has agreed to provide Deakin law students with opportunities to undertake professional experience placements within the Service. In this connection, the Committee of Management acknowledges the support it has received from Deakin University's Vice-Chancellor, Professor den Hollander, and other members of staff and looks forward to a fruitful and mutually beneficial relationship with the University.

During the year, Villamanta adopted a Strategic Plan for 2014-2017. This clearly sets out our goals in all key operational areas, together with strategies to achieve those goals, achievable stretch targets and performance indicators. This plan and our performance against target are kept under review by the Risk Management Committee which reports outcomes on a regular basis to the Committee of Management.

Chairperson's Report



The Committee of Management itself has undergone change during the year. Regrettably, the Chair, Lauren Mathews, was obliged to resign in April following her appointment to a new position at the Victorian Equal Opportunity & Human Rights Commission. Lauren has been a wonderful Chair and member of the Committee and we are all very grateful to her for the contribution she has made to our work over a number of years. We wish her every success in her new position and hope that she remains able to maintain links with Villamanta. Following Lauren's resignation, Professor Philip Clarke was elected Committee Chair.

Peter Landers also left the Committee after serving for many years as its Treasurer. The Committee expresses its gratitude to Peter for his dedication and assistance and wishes him well for the future. Lauren and Peter were replaced on the Committee by Michele Tucker and Rebecca Smith. They bring to the Committee a wealth of knowledge and experience in areas relevant to Villamanta's mission and endeavours and we are very grateful to them for agreeing to join us. Their biographical details are contained elsewhere in this Annual Report.

We are also extremely grateful to long standing Committee member and former Chair, Kathryn McBride, for taking over as Treasurer. Kathryn has just completed accountancy.

In conclusion, I extend my gratitude to the other members of the Committee for their support during a challenging year and for the industry and the commitment they have displayed. Without qualification, they have made valuable and complementary contributions to the Committee's work and through it, to the operation of Villamanta generally. The services it provides are better for their advice and assistance.

And, of course, the staff. Villamanta is blessed to have skilled and enormously committed professional and administrative staff led by our Executive Officer and Principal Solicitor. Without them, the Service would not function as effectively as it does, thereby putting at risk the rights and interests of those it serves. We owe them all, including departing solicitor Ben von Einem and Telephone Advice Service worker, Trish Jardine, an enormous vote of gratitude. To you all – thank you and best wishes for the future.

Professor Philip Clarke
Chairperson

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights Legal Service Inc. has completed another very busy and productive year. Our Committee of Management members, staff and volunteer workers have once again worked tirelessly to make sure that Victorian people who have a disability, and a disability-related legal or justice issue, receive an excellent service.

Once again there was a big demand for Villamanta's free telephone advice, information and referral service.

We also provided legal casework and community legal education for people who have a disability and did policy and law reform work on several important issues. Our lawyers also presented training on disability rights topics to others in the community and we sold some publications on disability related topics. More information about the work Villamanta staff members and volunteers did during 2014-15 is given throughout this report.

Villamanta is funded by the Australian Government through the Department of Social Services (formerly called the Department of Families, Housing, Community Services and Indigenous Affairs), under the National Disability Advocacy Program (NDAP), as part of the Australian Network of Disability Advocacy Services. We are extremely grateful to our funder for their grant of funding which enables 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 annual participation in the Quality Assurance audit against the National Disability Services Standards. The 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.

We also participate, along with our colleague community legal centres throughout Australia, in the audit process/accreditation scheme of the National Association of Community Legal Centres (NACLC).

Our year has been followed up with an extremely busy time re-locating to our new office at Deakin University's Geelong Waurin Ponds campus. Ever-increasing demand for our work and rising costs, combined with shrinking resources, unfortunately made it impossible for us to continue to afford to rent our old premises. We were therefore extremely grateful to Deakin University for providing us with some more affordable office space and for helping us to settle in. We thank Deakin's Vice-Chancellor, Professor Jane den Hollander, and Deakin University, for having us and for making us so welcome. In return, we are pleased to be able 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. In turn we hope that these students will become ambassadors for disability rights throughout their legal careers.

Executive Officer & Principal Solicitor's Report



Staff and volunteers, including some kind family members, and Phil Grace from Grace IT, did an enormous amount of additional work during the re-location process and Villamanta particularly thanks them for that.

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

Villamanta is extremely fortunate to have highly skilled, professional, caring and dedicated workers who work tirelessly to achieve the rights and empowerment of people who have a disability and disability-related legal or justice issues. We have recently farewelled two longstanding staff members, Lawyer Ben von Einem, and Telephone Advice Line Worker Trish Jardine, and Villamanta thanks them both for their enormous contribution to Villamanta's work over many years. We have been pleased to welcome Naomi Anderson, Lawyer, to our staff team.

Once again we have been happy to receive very positive feedback from clients and constituents that tells us that Villamanta's work is greatly appreciated and is helping to improve the lives of many people who have a disability.

Our volunteer program has again been very active. Our volunteers, including many law students among others, are extremely generous with their time and contribute many and varied types of experience and skills. We thank them all for their great contribution to Villamanta's work; it is of enormous benefit to our constituents.

Our 2014-15 volunteers include our Committee of Management members: Lauren Matthews (Chairperson, now retired), Amanda Hiscoe (Deputy Chairperson), Neville Porter, Andrew Hill (Committee Secretary), Kathryn McBride (new Treasurer), Hank Wyllie, and Philip Clarke (new Chairperson). Some of our committee members have received support from Barbara Machnyk. Villamanta thanks them all for their great contributions and hard work.

We thank recently retired committee members Lauren Matthews (past Chairperson), Peter Landers (past Treasurer) and Janet Ward, for their much appreciated contributions to Villamanta's work over several years. We are also extremely grateful to Philip Clarke for assuming the position of Chairperson on Lauren Matthews's retirement from the committee, and Kathryn McBride for agreeing to become our new Treasurer on Peter Landers's retirement. We were also very pleased to welcome two new committee members during the year, Rebecca Smith and Michele Tucker.

Executive Officer & Principal Solicitor's Report



This year our volunteer workers have included Lawyers Georgie Alford and Hayley Clarke, Administration Workers Christina Cussen, Rachel Goudge and Jenny Wood, IT Administration Workers Umar Butt and Nicholas Katos, Criminology Student Hannah Powell, and Law Students Deanne Woodman, Ivana Saplamaera, Irina Jovic, Jasjit Manpotra, Zoe Fataros, Lachlan Wood, Jemma Wilson, Lachlan Crowe, Katherine Taylor, Rosary (Claire) Pardinas, Grace Inness and Christopher Clarke. They have made a huge contribution to Villamanta's work. We also thank Julie Clarke of Deakin University's Law School and Philip Clarke for the much appreciated work they did to update Villamanta's website.

Once again we would like to thank various private lawyers and our colleagues at the other community legal centres and at Victoria Legal Aid, for providing our clients and us with *pro bono* advice and support. We also thank our colleagues, the staff of the Federation of Community Legal Centres (Victoria) and of the National Association of Community Legal Centres (NACLC), the members of Disability Advocacy Victoria Inc. (DAV), 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 and the Law Institute of Victoria (LIV), for all of their valuable work, collaboration and support.

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

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

One of the focuses of Villamanta's work continues to be the ongoing situation of disadvantage of parents who have a disability who are involved in the Child Protection system, and we have tried to achieve some improved outcomes for these clients and their children. We also continue to be gravely concerned about the appalling instances of abuse of people living in supported accommodation and in other institutional settings, and to work on this extremely serious issue, including active participation in the recent government inquiries into this abuse.

Another continuing focus has been our work for people who have an intellectual disability and who are involved in the criminal justice system. Our publication *People who have an Intellectual Disability and the Criminal Justice System*, which is a guide for people working in the criminal justice system with clients who have an intellectual disability, continues to be in demand and we have been told that its appendix on Asperger's Syndrome has been particularly useful to advocates and others working in this area.

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 Act and its systems, particularly in relation to people who have an intellectual disability. We have also worked on a number of other significant policy and law reform issues. We were particularly pleased to be a partner with some other organisations, led by a group of psychologists called Diverge, in a project to produce an excellent publication that will be released soon about people who have an Acquired Brain Injury (ABI) and the justice system.

Finally, the beginnings of the roll-out of the National Disability Insurance Scheme (NDIS) (formerly called DisabilityCare Australia), with the Barwon Region being the Victorian starting place for the scheme and also the location of the national headquarters, has continued to be another area of immense interest to many of our clients. Villamanta has been closely observing, with many others, the development of the scheme, and assisting people to learn about and to navigate the new system. We continue to work together with other disability advocacy and legal service provider colleagues – particularly through the Barwon Disability Advocacy Network (BDAN) – to critique the scheme and transitions, and to try to work out ways of coping with the associated increase in demand for advocacy assistance.

The NDIS project is extremely big and enormously important and it is not surprising that there have been some teething problems. Although Villamanta is still optimistic, we have already seen evidence of some people struggling to cope with the new system and others finding them self worse off than they were before. On a more positive note, over the past year we have been pleased to see some improvement in communication between NDIA staff and advocacy organisations, with the NDIA becoming more willing to engage in a positive manner with advocates, and we were pleased to contributed to some training provided by BDAN members to NDIA staff.

We will continue to monitor and critique the NDIS system as it evolves and extends to cover the rest of the state and the country, and to assist people who are trying to access the system for desperately needed services. We will also continue to monitor and comment on the ways in which the new 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*.

Villamanta notes that there continues to be a huge shortfall in many areas of disability services, including accommodation, support to live in the home, day placement, support for children who have a disability and their families in education and in the general community, and access to advocacy support, to name only some.

Executive Officer & Principal Solicitor's Report



There is still a long waiting list of thousands of people who have an intellectual disability who desperately need appropriate supported accommodation to be built and provided for them. Similarly, there are still many Victorian people living in institutions who wish and should be enabled to *live in the community* with appropriate levels of support. Although some progress is being made there is still a great deal more to be done.

Villamanta, along with many others, hope that the full roll-out of the NDIS, over the next four years, combined with progress in other vital areas, will finally help to bring about the reality of **people who have a disability being treated in ways that are fair and reasonable and having opportunities, freedoms and a standard of living that are equal to those of people who do not have a disability** – basic elements of both the Victorian State and the Australian National Disability plans and strategies.

Deidre Griffiths
Principal Solicitor & Executive Officer

Objectives of all Villamanta's Programmes

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

Policy & Law Reform Report



Deidre Griffiths
Executive Officer &
Principal Solicitor

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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Greg Leeson
Casework & Policy &
Law Reform Lawyer

Villamanta Disability Rights Legal Service Inc. carries out much of its Policy & Law Reform work through its active involvement in the Federation of Community Legal Centres (Victoria), the Disability Law Committee of the Law Institute of Victoria and their working groups, and Disability Advocacy Victoria Inc. (DAV), which is the peak body for independent disability advocacy in Victoria, and the Victorian Legal Assistance Forum.

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



Viv Avery
Casework Lawyer

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

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



Naomi Anderson
Casework Lawyer

Villamanta collaborates with DAV members to contribute to policy and law reform work on important systemic issues.



DAV (as VDAN) was also involved in establishing the DANA (Disability Advocacy Network Australia), the national peak body for independent disability advocacy, which actively contributes to policy and law reform work on behalf of, and with input from, its member organisations. In addition to various other area of policy and law reform, DAV'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.

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

Law Institute of Victoria's Disability Law Committee

Villamanta also participates in policy and law reform work through the Law Institute of Victoria's Disability Law Committee and its working groups.

Recent issues worked on by the committee include: the implementation of the National Disability Insurance Scheme (NDIS), the Victorian Law Reform Commission's review of the Guardianship legislation and the government's response and draft legislation, the review of the National Disability Advocacy Framework, the various government inquiries into abuse of people who have a disability in institutions, the Mental Health system, the Victorian Equal Opportunity and Human Rights Commission's consultations regarding the development of a Disability Access Bench Book for judicial officers, and the restraint and seclusion of children in Victorian schools.

Federation of Community Legal Centres (Vic.)

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

National Disability Rights Network

Villamanta is a member of the National Disability Rights Network which consists of community legal centres throughout Australia that are members of the National Association of Community Legal Centres and work on disability rights issues.

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

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



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

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

Villamanta is a partner in the publication being produced by a consortium, led by not-for-profit psychologists group Diverge Consulting, of a resource to assist people to support and work appropriately with people who have an ABI who become 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

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

Shut In Campaign

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

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



Child Protection Legislation

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

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

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

The Disability Services Commissioner

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

The Office for Disability

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



The Review of the Victorian Guardianship and Administration Legislation

Villamanta took an active part in the Victorian Law Reform Commission's review of the laws in Victoria about Guardianship and Administration. These laws are very important to our constituents because they can be used to take away people's rights to make their own decisions. We will monitor the implementation and effect of the new legislation when it eventually comes into effect.

The National Disability Insurance Scheme (NDIS)

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

Inclusive Education Alliance

Villamanta is an active member of the Inclusive Education Alliance which is facilitated by STAR and is a group of individuals and organisations from the education and disability advocacy fields, committed to the promotion of "Inclusion for all" in the education of students with disability in Victorian education. We continue to see many cases of students with a disability *not* receiving the appropriate support required for them to be truly included in their school.

Instances of inappropriate restraint and seclusion of Victorian school children who have a disability continue to be reported to us. On a more positive note, there has been a recent appointment, as part of the Special Needs Plan for Victorian Schools, of a new, dedicated professional called the Principal Practice Leader (Education), to work with schools and the Victorian Department of Education, to improve management of challenging behaviours in government schools. They will report to the Senior Practitioner (Disability) (set up under the Disability Act 2006), and will work exclusively with the Department of Education and schools to foster best practice approaches and oversee the use of restraint and seclusion in Victorian government schools. Villamanta will follow the implementation of this new position with great interest.

Deidre Griffiths

Principal Solicitor & Executive Officer

Casework Report



Annual Performance targets for casework

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

Casework Report

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

During the period 1/7/14 to 30/6/15, 42 new issues were opened and 73 files were closed.

A total of 72 files remained open at the end of the period.

A breakdown of issues covered in the files still open at 1st July, 2015 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.

8 file 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 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

15 files relate to this area.

Casework Report



Other matters still being dealt with at 1st July, 2015 relate to:

Abuse/Neglect (1), Child Protection (5), Criminal Law (5), Discrimination (1), Duty of Care/Negligence (2), Family Law (1), Finances (1), Health (3), Housing/Tenancy (2), Human Rights (1), Intervention Orders (4), Recreation, Social or Family (1), Victim of Sexual Offence (2), Personal Injury (1), Vulnerable/Isolated (2), DHHS Complaint (1), NDIS Complaint (1), Service Provider Policy/Practice (6), Respite (1), Wills (3), Supervised Treatment Orders (2) and Forensic Leave (1)

Of the 73 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.

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

9 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.

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 about many aspects of their daily life.

Casework Report



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.

14 files related to this area.

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

Outcomes: most of these cases resulted in appointments of guardians acceptable to clients; in some cases orders were revoked.

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*

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.

11 files related to this area.

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

Casework Report



Issues included: DSP problems, programmes aimed at addressing offending behaviour, hospital decision not to provide rehabilitation to a client, transport problems, housing appeals/special accommodation, need for respite accommodation, refusal of access visits for client to elderly mother.

Outcomes included: DSP problem resolved, appropriate arrangements made for access to programmes, rehabilitation provided by hospital, transport issues resolved, housing accommodation problem resolved with appropriate accommodation provided, respite accommodation provided, client enabled to visit elderly mother, service provider fee overcharge corrected, support provided to locate appropriate housing and support services for client on leaving hospital.

Other Matters:

Health - 1 file related to this area

This matter related to the right to medical treatment. Outcome: medical treatment provided and client's health improved.

Human Rights

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

Finances (including subsidies/entitlements) - 3 files related to this area.

These matters included service provider claiming 75% of our client's Youth Allowance in addition to 75% of their DSP, rental assistance issue and claim that carer took money from client. We investigated these matters and negotiated on behalf of clients.

Outcomes: advice provided and service provider review of decision initiated, rent assistance received/rent not raised, and advice provided in relation to best ways of seeking reimbursement of funds.

NDIS Complaints - 4 files related to this area.

In these matters we advised clients and supported them through the NDIS process, including negotiations and AAT hearings. In three matters the clients received the services sought. In one matter the AAT found against the client on the grounds that the service sought should have been provided by a health service (although no such service was available through any health service provider).

Intervention Orders - 3 files related to this area.

In these matters we provided advice and representation. In one matter we successfully represented client to have intervention order against them withdrawn, in another matter an application was withdrawn, and in the third matter an undertaking to the court was given and we ensured that our client clearly understood the meaning of, and their obligations under, such an undertaking.

Casework Report



Power of Attorney - 1 file related to this area.

In this matter we assisted a client who had been financially abused by the holder of a Power of Attorney to revoke that Power of Attorney and make a new one appointing the most appropriate person.

Criminal Law – 8 files related to this area.

In these matters we represented clients at the Magistrates Court in relation to various criminal matters, explaining to the court the relevance to the various alleged offences of our clients' disabilities, including ABI, intellectual disability and Autism Spectrum Disorder.

Matters included: charges of assault, breach of Intervention Order, improper use of carriage services, theft.

Outcomes included: non-conviction and \$200 fine, conviction without penalty, no charges laid, no conviction with good behaviour bond and \$500 fine, non-conviction and signed undertaking to be of good behaviour for 12 months/no fine imposed. Following initial advice, one client was referred to a VLA Mental Health lawyer for most appropriate representation.

Employment – 1 file related to this area.

This matter related to an exit agreement from a disability employment service, with the outcome that we investigated, clarified the situation and provided referrals for further assistance with related issues.

Family Law - 5 files related to this area.

In these matters we advised and represented clients achieving satisfactory outcomes in relation to Family Law/Child Protection/Access to child, Family Law/Litigation Guardian/Legal Advocacy, contravention Application regarding an alleged breach of interim Parenting Orders, Children's Court/Family Court matters and Parenting Orders to client seeking Family Court orders for return of child, or access to child.

Housing and Tenancy – 3 files related to this area.

In these matters, which included a tenancy dispute, Office of Housing problem and rental assistance issue, we investigated, advised and negotiated satisfactory outcomes for our clients.

Wills/Estates/Trusts - 2 files related to this area.

In one of these matter we supported our client to prove testamentary capacity and in the other matter to understand and execute their role as executor of a deceased estate.

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

In one example - a case of financial abuse - where the client's carer had allegedly taken financial advantage of her/taken money from her, we investigated, acquired copies of relevant documents and advised client on her options for pursuing the matter further.

Casework Report



Victims of Sexual Offences - 1 file related to this area.

In this matter we represented a client who alleged she had been the victim of a sexual offence. This included representing the client at Court in relation to charge of making a false report.

Service Provider Policy/Practice - 6 files related to this area.

In these matters we represented clients in relation to several issues of alleged debt to service providers, incorrect records, apparently inappropriate transport charges, achieving clarification and satisfactory outcomes including reimbursement of over-paid fees and correction of incorrect records.

Child Protection/Parents who have a Disability

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

1 file related to this area.

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

Confidentiality/Privacy - 1 file related to this area.

In this matter we advised client and represented them at VCAT hearing with the successful outcome that confidential material was removed from their VCAT file.

Contract/Consumer Issues - 1 file related to this area.

In this matter we investigated, obtained relevant documents and advised client on options for resolving the issue.

Forensic Leave - 3 files related to this area.

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

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

Casework Report



Restrictive Interventions/ Behaviour Support Plans/ Treatment Plans/ Supervised Treatment Orders/ Restraint and Seclusion - 9 matters related to this area.

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

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

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

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

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

We have continued to update our Legal Resources Manual.

Staff meetings and one-on-one meetings provided regular opportunities for staff to raise systemic issues in relation to the advice, information and referral service. Specific staff training needs are provided for on an ongoing basis. Lawyers undertake compulsory professional development to increase their knowledge and comply with professional indemnity insurance and legal practice requirements.

Casework Report



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

The supervision and review system is operating effectively.

Casework Team



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

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

Community Legal Education



The aims of our Community Legal Education work :

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

Annual Performance Indicators

Present workshops/talks about rights of people who have a disability, using a community development model.	Workshops to be reviewed and evaluated.
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Villamanta Disability Rights Legal Service Inc. participated in twelve community legal education (CLE) activities this year in both metropolitan, rural and regional centres throughout Victoria, including sessions for groups, presentations at conferences and distribution of materials, including a total of approximately 500 people. Most of these sessions were for people who have a disability living in Victoria. A number were for people assisting people who have a disability and some were for other members of the community, to extend the community’s knowledge of disability rights and related issues, with the aim of advancing the full inclusion in the community of people who have a disability.

Participants included advocates, lawyers, clients, field workers, police, allied health professionals, disability service providers, TAFE, university and high school students, special school students, employees of Australian Disability Enterprises, community organisations (including their board members), disability support workers, carers, parents, staff of open employment services and other members of the community.

Community Legal Education



The main topics covered were disability rights - Your Rights Your Choices, Human Rights, wills, administration, powers of attorney, guardianship, capacity and consent, "Thinking about the Future", special trusts, Duty of Care/Dignity of Risk, Working with People who have an Intellectual Disability in the Criminal Justice System, People who have an Acquired Brain Injury and the justice system, Child Protection & Parents who have a Disability, and the work that Villamanta does.

During the year material was distributed to numerous community organisations and a number of disability expos and conferences, informing them about Villamanta's various services, including education and training. We continue to use a community development approach when providing community legal education. Sessions are delivered in a way that makes sure that people who have a disability can participate to identify and discuss issues of importance to them. This also provides Villamanta with valuable input about issues that are affecting people who have a disability, to inform our casework and policy and law reform work.

The community development approach empowers people to work for positive social change on both a personal and a community level. A variety of topics is often discussed during each session. Community Legal Education sessions, like all of Villamanta's work, are based on a Human Rights foundation. The training we provide looks at issues, such as Duty of Care/Dignity of Risk, from the perspective of people who have a disability.

Publications

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

Our publication, *People who have an Intellectual Disability and the Criminal Justice System*, which is a guide for people working in the criminal justice system, and was funded by a grant from the Victorian Law Foundation, continues to be distributed. It is available free on-line on Villamanta's website, or can be ordered and purchased in hard copy. This year we have helped to produce a new publication to assist people who have an Acquired Brain Injury (ABI) who become involved in the justice system. A number of other Villamanta publications are also available for purchase from Villamanta.

"Having A Say" Conference 2015

Villamanta once again participated in the very successful annual "Having a Say" Conference, organised by VALID, which was held in Geelong in February, 2015. This important conference will be held again in Geelong in February, 2016.

Telephone Advice Service Report



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

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

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

Annual performance targets :

Provide a toll free number.	Staffing of toll free number each work day from 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



Villamanta's Telephone Advice Information & Referral Service free-call advice line continues to be in great demand.

After providing longer advice line hours for some time, this year, due to insufficient resources, we unfortunately had to reduce the advice line hours back to their previous time: Villamanta's advice line is now open each afternoon from 1pm – 3 pm, Monday to Friday (10 hours per week).

The number of issues dealt with via our Telephone Advice Service in 2014 – 2015 was 739. The Telephone Advice Service responds to a very diverse range of enquiries and requests. The issues that people call us with are often complex, and can require some untangling; people can be very unhappy, stressed, distressed, or angry about something which has happened, or worn down from trying to battle difficult situations without assistance.

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

Only a small proportion of callers' issues require specifically legal advice; of these, some are taken on by Villamanta's lawyers as casework matters. Although in casework we work only on disability related legal issues for people who have an intellectual disability, people often call Villamanta's Advice Line about other issues. Sometimes this means that although we can often offer some information or advice, giving the best possible service means providing tailored referrals to other organisations which have more specific expertise on the issue.

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

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.

Telephone Advice Service Report



Villamanta's 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 very 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 "Ivo" (named after the patron saint of advocates and lawyers).

Although we have been using Ivo since early 2012, it is still necessary at times for us to liaise with the system's creator regarding problems with it. However, using an online system has significant advantages in terms of retrieving client records, and when reporting.

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

Please see the graphs on the following pages for more information.



Deidre Griffiths
Principal Solicitor



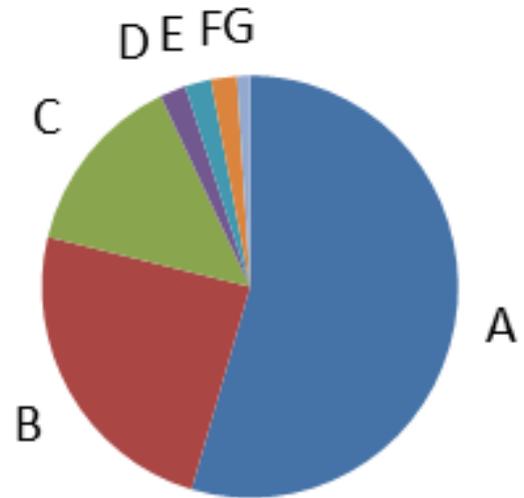
Viv Nicol
Administration Worker



Naomi Anderson
Casework Lawyer

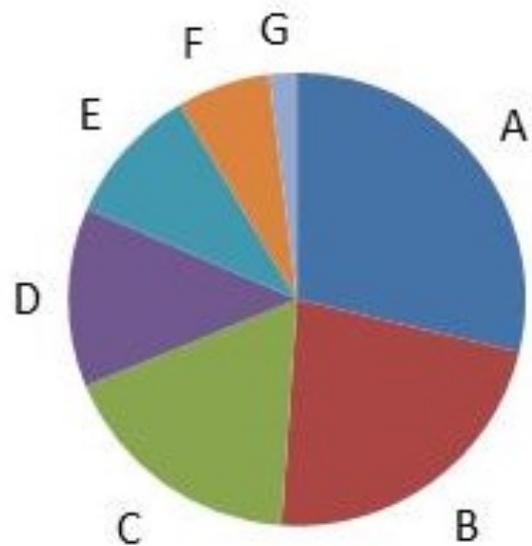
Primary disability of people who call us, or of people we get calls about

A) Intellectual	-	49%
B) Acquired Brain Injury	-	9%
C) Other/Unknown	-	8.5%
D) Autism	-	8%
E) Physical	-	7%
F) Neurological	-	5%
G) Sensory	-	2%



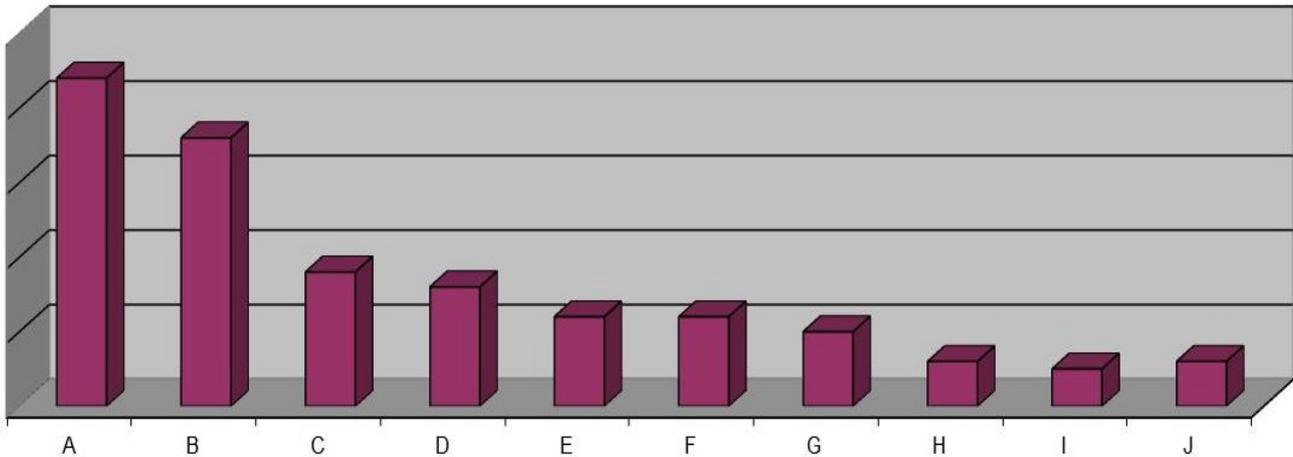
Who we refer people to

A) Community Legal Centre	-	55%
B) Advocacy Agency	-	16%
C) Legal Organisation	-	12.5%
D) Government Agency	-	9%
E) Other	-	4.5%
F) Non Government	-	1.8%
G) Disability Agency	-	1.5%



Types of issues people call us about

(Very often combinations of several issues)



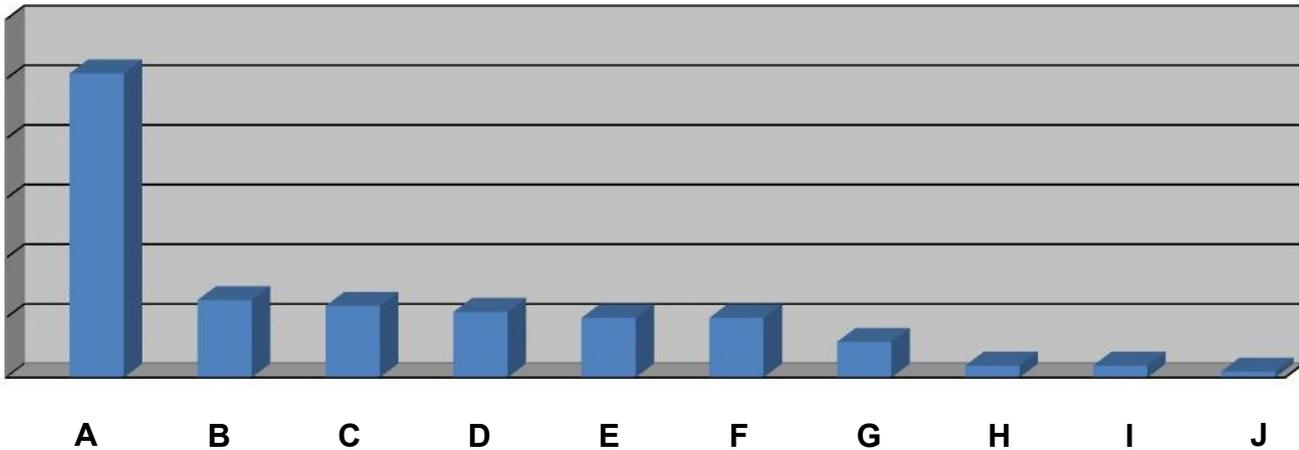
A) Services - Access/gaps/policy - 22%	F) Intervention Order - 5.5%
B) Financial Matters, including Administration - 18%	G) Family Law - 5%
C) Guardianship - 8.5%	H) Abuse/neglect - 3%
D) Wills - 7.5%	I) DDA & EO, Discrimination - 2.5%
E) Criminal law - 6%	J) Mental Health - 2.5%

Other issues

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

What action did we take?

(There are often several actions for one caller)



A) Telephone advice/info	-	83%
B) Referral	-	53%
C) File opened/individual legal advocacy	-	20%
D) Secondary consultation	-	15%
E) Telephone legal consultation	-	11%
F) Email information	-	8%
G) Information about Villamanta	-	4%
H) Information in person	-	4%
I) In person legal consultation	-	4%
J) Negotiate/Liaise on behalf of caller	-	3%

Financial Statements



Villamanta Disability Rights Legal Service Inc. Income and Expenditure Statement For the Year ended 30 June 2015

	2015 \$	2014 \$
Income		
Grants - Recurring	496,760	483,055
Sales	75	197
Miscellaneous Income	8,181	10,691
	<u>505,016</u>	<u>493,943</u>
Gross Profit from Trading	<u>505,016</u>	<u>493,943</u>
Expenditure		
Administration Costs	8,826	7,066
Bank Charges	-	2
Consultancy Fees	6,870	5,172
Depreciation - Office Furniture & Equipment	5,547	5,623
Library	629	1,087
Memberships of Other Organisations	4,354	4,116
Motor Vehicle Expenses	9,646	9,734
Office	21,778	18,736
Occupancy	44,772	44,617
Publishing	1,798	28
Staff Training	615	1,371
Telephone	6,204	9,456
Wages	397,778	407,206
	<u>508,816</u>	<u>514,214</u>
Other Income		
Interest Received	11,139	12,340
	<u>11,139</u>	<u>12,340</u>
Net Profit (Loss)	<u><u>7,339</u></u>	<u><u>(7,931)</u></u>

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

Financial Statements



Villamanta Disability Rights Legal Service Inc. Balance Sheet As at 30 June 2015

	Note	2015 \$	2014 \$
Current Assets			
Cash and Cash Equivalents	3	300,658	301,659
Trade and Other Receivables	4	333	2,242
Inventories	5	-	1,749
Total Current Assets		<u>300,991</u>	<u>305,650</u>
Non-Current Assets			
Property, Plant and Equipment	6	<u>32,098</u>	<u>38,385</u>
Total Non-Current Assets		<u>32,098</u>	<u>38,385</u>
Total Assets		<u>333,088</u>	<u>344,305</u>
Current Liabilities			
Trade and Other Payables	7	1,623	843
Provisions	8	<u>86,155</u>	<u>105,219</u>
Total Current Liabilities		<u>87,778</u>	<u>106,062</u>
Total Liabilities		<u>87,778</u>	<u>106,062</u>
Net Assets		<u><u>245,310</u></u>	<u><u>237,973</u></u>
Equity			
Retained Profits		245,310	237,973
Total Equity		<u><u>245,310</u></u>	<u><u>237,973</u></u>

The accompanying notes form part of these financial statements.



**Villamanta Disability Rights Legal Service Inc.
Statement of Cash Flows
For the Year ended 30 June 2015**

	Note	2015 \$	2014 \$
Cash Flows from Operating Activities			
Receipts from Customers		505,016	493,942
Payments to Suppliers and Employees		(515,155)	(533,916)
Interest Received		11,139	12,340
Net Cash Inflow from Operating Activities		1,000	(27,635)
Net Decrease in Cash Held		1,000	(27,635)
Cash and Cash Equivalents as at 1 July 2014		301,658	329,293
Cash and Cash Equivalents as at 30 June 2015		300,658	301,658

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



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2015

1. Summary of Significant Accounting Policies

(a) Basis of Preparation

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

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

(b) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less.

(c) Provisions

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

(d) Employee Benefits

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

(e) Property, Plant and Equipment

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

(f) Inventories

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

(g) Revenue and Other Income

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

Sale of Goods

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

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



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2015

Interest Revenue

Interest is recognised using the effective interest method.

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

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

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

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

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

Financial Statements



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2015

	2015 \$	2014 \$
2. Profit		
Expenses		
Employee Benefits Expense	397,778	407,206
Depreciation and Amortisation	5,547	5,623
Bank Charges	-	2
Telephone	6,204	9,456
Other Expenses	99,287	91,927
	<u>508,816</u>	<u>514,214</u>
3. Cash and Cash Equivalents		
Petty Cash	365	365
Cash Management Accounts	12,320	24,984
Cheque Accounts	8,439	5,978
Sandhurst Mortgage Fund Account	279,534	270,332
	<u>300,658</u>	<u>301,659</u>
Reconciliation of Cash		
Cash and Cash Equivalents	<u>300,658</u>	<u>301,659</u>
	<u>300,658</u>	<u>301,659</u>
Provision for GST	333	2,242
4. Trade and Other Receivables		
Provision for GST	333	2,242
Current		
Provision for GST	333	2,242
	<u>333</u>	<u>2,242</u>
Total Trade and Other Receivables	<u>333</u>	<u>2,242</u>
5. Inventories		
Current		
Inventory	-	1,749
	<u>-</u>	<u>1,749</u>

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

Financial Statements



Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2015

	2015 \$	2014 \$
6. Property, Plant and Equipment		
Plant and Equipment		
Motor Vehicles	36,982	36,982
Less Accumulated Depreciation & Impairment	(9,708)	(4,161)
	<u>27,274</u>	<u>32,821</u>
Office Furniture & Equipment	15,970	165,445
Less Accumulated Depreciation & Impairment	(15,970)	(165,445)
Prepayments	4,823	5,564
	<u>4,823</u>	<u>5,564</u>
Total Plant and Equipment	<u>32,098</u>	<u>38,385</u>
Total Property, Plant and Equipment	<u>32,098</u>	<u>38,385</u>
7. Trade and Other Payables		
Current		
Trade Creditors	1,623	843
Total Trade and Other Payables	<u>1,623</u>	<u>843</u>
8. Provisions		
Current		
Villamanta Social Club	339	719
Provision for Long Service Leave	66,834	71,002
Provision for Annual Leave	18,982	33,498
	<u>86,155</u>	<u>105,219</u>
9. Reconciliation of Net Cash Provided By Operating Activities to Net Profit/(Loss)		
Net Profit	7,338	(7,931)
Depreciation	5,547	5,623
Stock Write Off	1,742	-
(Increase)/Decrease in Trade Debtors	165	-
(Increase)/Decrease in Inventory	1,749	28
(Increase)/Decrease in Other Assets	2,744	(43,287)
Increase/(Decrease) in Payables	799	-
Increase/(Decrease) in Provisions	(19,064)	17,933
Net Cash from/(Used In) Operating Activities	<u>1,000</u>	<u>(27,634)</u>

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

Treasurer's Report



VILLAMANTA DISABILITY RIGHTS LEGAL SERVICE INC.

STATEMENT BY MEMBERS OF THE COMMITTEE

The committee has determined that the association is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

In the opinion of the committee the financial report comprising the income statement, balance sheet, statement of cash flows and notes thereto:

1. Presents a true and fair view of the financial position of Villamanta Disability Rights Legal Service Inc. as at 30 June 2015 and its performance for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Villamanta Disability Rights Legal Service Inc. will be able to pay its debts as and when they fall due.

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

Dated this 9th day of September, 2015

Philip Clarke - Chairperson

(on behalf of Kathryn McBride - Treasurer)

TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2015



Kathryn McBride
Treasurer



Darrell Harding
Accounts Administrator

Auditor's Report



devenny payne
TAXATION & BUSINESS SERVICES

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Auditor's Report

I have audited the financial statements for the Villamanta Disability Rights Legal Service Inc. as set out in the Balance Sheet, Income and Expenditure Statement, Statement of Cash Flows and notes thereto for the year ended 30th June, 2015.

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 2015 and the results of its operations for the year then ended.

John Payne FCPA
Devenny Payne Taxation & Business Services

