

# Villamanta Disability Rights Legal Service Inc.



Villamanta Disability  
Rights Legal Service Inc.



## Annual Report 2009 – 2010

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# Villamanta Disability Rights Legal Service Inc. Staff Members



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

## ACKNOWLEDGEMENTS

*Villamanta Disability Rights Legal Service Inc. is part of the Australian Network of Disability Advocacy Services funded by the Australian Government. We thank our funder, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs and our sponsor, donortec, who generously upgraded our computer software.*



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



donor**tec**

bringing technology donations to non profits



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a CUSA project  
in partnership with  
techsoup

# 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 23rd September, 2009

5.00 p.m.

Villamanta Disability Rights Legal Service Inc.

44 Bellerine Street,  
GEELONG VIC 3220

1. Welcome	Amanda Hiscoe, Acting 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><b>Present – Committee Members:</b> Amanda Hiscoe (Acting Chairperson), Andrew Hill (Secretary), Neville Porter, Barbara Machnyk (support person), Janet Ward, Kathryn McBride and Alex Risk.</p> <p><b>Present - Visitors:</b> Pat Tainton (Victoria Legal Aid, (Geelong) and Paul McFadden (Geelong Law Courts)</p> <p><b>Present - Staff:</b> Deidre Griffiths, Viv Nicol (Minutes), Darrell Harding, Sue Wolter, Trish Jardine and Ben von Einem.</p>
	<p><b>Apologies:</b> David Lindsay (Chairperson), Peter Landers (Treasurer), Simon French (Committee Member), Greg Leeson, (Villamanta Casework Lawyer), Viv Avery (Villamanta Casework Lawyer), Colin Hiscoe, Tamara Kotowicz (Volunteer), Alex Morrel (Volunteer), Annette Whelan (Volunteer), Rosemary Crossley (DEAL Communication Centre Inc.), Michael Crutchfield MP, Gordon Prior, Amanda McEwen (State Trustees Ltd.), Arthur Rogers (Disability Services, DHS), Elizabeth McGarry (Association for Children with a Disability), Claire Humble (Deakin University), Helen Leeson (Beyond the Limits), Nicole Langtip (Langtip Consults), Joane Walker, Ian Trezise MP, Victoria Marles (Legal Services Commissioner) and Disability Advocacy &amp; Information Service, Wodonga.</p>
3. Confirmation of Minutes of Previous Meeting	<p><b>Motion:</b> That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 24<sup>th</sup> September, 2008, be accepted.</p> <p><b>Moved:</b> Janet Ward</p> <p><b>Seconded:</b> Andrew Hill      <b>Carried.</b></p>



<b>4. Chairperson's Report</b>	<p>Amanda Hiscoe, Acting Chairperson, thanked staff and committee members for their work and invited people to read the Chairperson's Report in the Annual Report.</p> <p><b>Motion:</b> That the Chairperson's Report be accepted</p> <p><b>Moved:</b> Andrew Hill</p> <p><b>Seconded:</b> Janet Ward</p> <p><b>Carried</b></p>
<b>5. Executive Officer's Report</b>	<p>Deidre Griffiths, Executive Officer, invited everyone to read her report in the Annual Report. Deidre gave a brief overview of the year's work and thanked staff, Committee Members, trainers and volunteers for their great work over the past year. Amanda thanked Deidre for her report.</p> <p><b>Motion:</b> That the Executive Officer's Report be accepted</p> <p><b>Moved:</b> Janet Ward</p> <p><b>Seconded:</b> Kathryn McBride</p> <p><b>Carried</b></p>
<b>6. Treasurer's Report</b>	<p>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 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><b>Motion:</b> That the Treasurer's Report be accepted</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Andrew Hill</p> <p><b>Carried</b></p>
<b>7. Appointment of Auditor</b>	<p>Darrell Harding explained that due to our previous Auditor resigning, Villamanta engaged Devenny Payne to be our new Auditor.</p> <p><b>Motion:</b> That Devenny Payne be appointed as Villamanta Disability Rights Legal Service Inc.'s Auditor for the 2009/2010 financial year.</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Andrew Hill</p> <p><b>Carried</b></p>

<b>8. Appointment of Public Officer</b>	<p>It was noted that Amanda Hiscoe has held this position for a number of years and is happy to continue again this year.</p> <p><b>Motion:</b> That Amanda Hiscoe again be appointed Public Officer of Villamanta Disability Rights Legal Service Inc.</p> <p><b>Moved:</b> Darrell Harding</p> <p><b>Seconded:</b> Kathryn McBride</p>
<b>9. Election of Committee Office Bearers/ Ordinary Members</b>	<p>There were no new nominations and current Committee Members and Office Bearers are happy to continue.</p> <p><b>Motion:</b> That the following Committee Members be re-elected:</p> <p>David Lindsay (Chairperson)</p> <p>Andrew Hill (Secretary)</p> <p>Amanda Hiscoe (Deputy Chairperson)</p> <p>Peter Landers (Treasurer)</p> <p>Neville Porter</p> <p>Janet Ward</p> <p>Simon French</p> <p>Kathryn McBride</p> <p>Alex Risk</p> <p><b>Moved:</b> Sue Wolter</p> <p><b>Seconded:</b> Ben von Einem</p> <p><b>Carried</b></p> <p>Three vacancies remain.</p>
<b>10. Other Business</b>	<p>Deidre Griffiths thanked Committee of Management members for their great contribution over the past year and presented them with a small token of Villamanta's appreciation.</p> <p>Amanda thanked Deidre, staff and Committee Members and invited everyone to stay for something to eat and drink.</p>
<b>11. Close meeting</b>	<p>The meeting closed at 5.30 p.m.</p>
<b>12. Next meeting</b>	<p>Date of next Committee of Management Meeting: Wednesday 25th November, 2009 at 4 p.m. at Villamanta Disability Rights Legal Service Inc., Geelong.</p> <p>Date of next Annual General Meeting - to be advised.</p>

## Committee of Management Members



**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 35 to 21. 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 partner at Coulter Roache Lawyers. 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.



## 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 fourth 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 the 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 20 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 15 years and has held the office of Deputy Chairperson for at least 11 of those years and has been Public Officer for the last four years. Amanda is the second longest serving Committee member, Neville Porter is our longest serving Committee member. As Deputy Chairperson Amanda chaired last year's AGM and sometimes chairs bi-monthly committee meetings.

Amanda says: *"Villamanta is a unique service because they 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 it.

Amanda attended the 2010 "Having a Say" Conference and represented Villamanta at the Conference for the fourth 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.

# Chairperson's Report



It is very pleasing to make a further annual report. Villamanta keeps running smoothly, not because we do not have problems, but because we have a very good team who are well led and give great support to each other and to the committee.

Our committee has decided that because we are working efficiently, we need only have committee meetings every second month. Of course we can always have a special one if the need arises. We have successfully recruited to our team and I feel quietly confident that we can add another very shortly.

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

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

So far, our organisation has been allowed to continue as it did in the past. Let us hope that this continues.

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

**David Lindsay**

**Chairperson**



# Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights Legal Service Inc. has had another busy and productive year in 2009-10. Once again Villamanta's Committee of Management members, staff members and volunteer workers have worked hard to provide Victorian people who have a disability and a disability-related legal or justice issue, with the best possible service.

Our free telephone advice, information and referral service, legal casework and community legal education for people who have a disability, were once again in great demand and we continued to do 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, as part of the Australian Network of Disability Advocacy Services. We thank our funder for their grant under the National Disability Advocacy Program (NDAP), without which we would be unable to work for our constituents. We also thank Microsoft for the ongoing benefits of their generous upgrade of our computer software through the Donortec Program.

This year we again 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 extremely important work in a stable environment. Along with other NDAP agencies we are continuing to work with our funder to further improve the program.

In particular, this year we voluntarily participated in the pilot audit of NDAP disability advocacy agencies which is aimed at improving the way our agencies are run and the way the NDAP is delivered. We attended several interstate and teleconferenced meetings with our funder in relation to the trial audit. We also prepared for and underwent the audit which took a great deal of time and work by Villamanta staff. We believe that the benefits of being involved in the audit trial will be very good for Villamanta as what we have learned from it will help us to improve the way we work.



# Executive Officer & Principal Solicitor's Report



Villamanta is very fortunate to have highly skilled, professional, caring and dedicated staff members working to ensure the rights and empowerment of people who have a disability and disability-related legal or justice issues. 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. The auditors noted this client satisfaction in their report.

We are also fortunate to have our wonderful volunteers who bring with them many and varied types of experience and skills. They too make an enormous contribution to Villamanta's work and we thank them for it. Our constituents benefit greatly from the hard work that our volunteers somehow manage to fit in to their already very busy lives.

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, Simon French, Kathryn McBride, Peter Landers (Treasurer), Alex Risk and new member, Stephen Dinner. 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), Tamara Kotowicz (law student), Trudy Battocchio (law student), Annette Whelan (administration), Diana Kambovski (administration), Jarryd Bartle (administration), Denise Feldman (advocacy, newsletter and administration), Jenny Lord (website and editing), Joyce Schroeter (administration), Sally Kenyon (law student), Belinda Jane (accounts) & Brooke, Allanah Freddi (secondary student volunteer), Stan Pokorny (lawyer), Jacqui Fumberger (law student), Shane McClure (law student), Tony Phillips (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 our 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 the staff of the Federation of Community Legal Centres (Victoria) and of the National Association of Community Legal Centres, for their valuable work and support.

We also thank Phil Grace of Grace Information Technology, for all his 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, 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 policy and law reform issues.

Finally, Villamanta continues to call 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.

Again this year we have 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 for people who do not have a disability – can not be achieved.

**Deidre Griffiths**

**Principal Solicitor & Executive Officer**





*Deidre Griffiths - Executive Officer & Principal Solicitor*



*Belinda Jane Volunteer, with her assistance dog, Brooke*



*Darrell Harding  
Accounts Administrator*



*Denise Feldman  
Volunteer advocate*



*Sue Wolter Para-Legal Worker &  
Viv Avery Casework Lawyer*



*Trudy Battocchio  
Law student volunteer*



*Jacqueline Fumberger  
Law student volunteer*



*Deidre Griffiths, Executive Officer (left) & Amanda Hiscoe, Deputy Chairperson at last year's AGM*



*Greg Leeson, Casework Lawyer at last year's AGM...  
have you noticed a theme?*





Shane McClure, Law student volunteer  
with Eboney, his mum's Irish Wolfhound



Ben von Einem  
Casework Lawyer and winner of this  
year's footy tipping comp - **Go Cats!**



Sally Kenyon  
Law student volunteer



Viv Nicol, Administration Officer (left) and Sue  
Wolter, Para-legal worker



Tamara Kotowicz, Law student volunteer



Trish Jardine, Telephone  
Advice Worker



Volunteers Diana Kambovski (left)  
and Joyce Schroeter



Barbara Machnyk (Left) Support Person  
with Neville Porter, Committee Member



Georgie Alford  
Volunteer lawyer



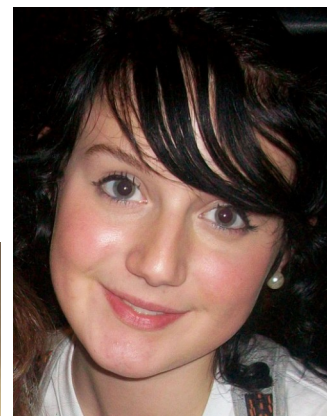
Annette Whelan, volunteer



Alex Morrel, Law student volunteer



Tony Phillips — Barrister



Allanah Freddi  
Student volunteer



# 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 is 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, Inquiry into Powers of Attorney, Migration and Disability inquiry, UN Convention on the Rights of People with Disabilities including first shadow report, impact of the Victorian Charter of Human Rights, review of regulation of supported residential services (SRSs) by the Department of Human Services, the National Human Rights Bill Inquiry, the Access to Premises Standards 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).

## **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 monthly to discuss disability related issues and coordinate necessary policy and law reform work.

## **National Disability Rights Network**

Villamanta is an active 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 the over representation of people who have an intellectual disability in the criminal justice system**

Villamanta's project researching and writing about the extremely important issue of the over-representation of people who have an intellectual disability in the criminal justice system, funded by the Victoria Law Foundation, is nearing completion.



It is intended that the document 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)**

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

## **A National Bill of Rights for Australia**

Despite the extremely disappointing decision of the Australian government not to implement the committee of inquiry's recommendation to adopt a national Bill or Charter of Human Rights for Australia, Villamanta, in collaboration with many of its colleague organisations, will continue to lobby for the introduction of an Australian Bill of Rights. Villamanta's submission on the subject, made to the committee of inquiry during the reporting period, was one of over 40,000 submissions received by the committee, most of which called for a bill of rights. The submission is available on Villamanta's website at [www.villamanta.org.au](http://www.villamanta.org.au). Meanwhile, Villamanta will assess, monitor and comment on the Human Rights Framework, which the government is adopting instead of a charter, and its implementation.

## **Community Living Alliance (CLA)**

Villamanta continues to be an active participant in 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.

## **Victims of Crime Charter and disability strategy**

Villamanta was actively involved in the development of the Victorian *Victims of Crime Charter* attending consultations with the Department of Justice and submitting written input.



The Victorian Government has now introduced the Victims Charter which 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 recently decided to include Autism on the basis of advice that it is a neurological condition. This will enable many people, in particular children, who were previously excluded from the *Disability Act* to receive services under it. The State Autism Plan has now been released by the Victorian Government and Villamanta will monitor its implementation. We also note that the federal government has introduced a "Helping Children with Autism" package aimed at helping address the need for support and services for children with Autism Spectrum Disorders (ASDs). This includes a commitment of \$190 million for the four years up to June 2012. These measures will make a significant difference to many children with autism enabling crucial early diagnosis and early intervention work to be done.

## **Child Protection Legislation**

Villamanta has continued to be actively involved in the follow up of the Child Protection review, monitoring the new 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 now the main point for complaints from Victorian people who have a disability about disability services.

# Policy & Law Reform Report



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 new 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 new position which has been set up under the *Disability Act 2006*. Villamanta has met with the Senior Practitioner and 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 is 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 is based in the Department for Planning and Community Development, 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 Reference Group.

## **Other matters**

During the year Villamanta also participated in the Imprisoned Peoples and Social Justice Forum, Deakin University's Rural Access to Justice Project and Monash University's Privacy and Health Research Project, advising 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 1/7/09 to 30/6/10, 51 new files were opened and 42 files were closed.

A total of 43 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 1<sup>st</sup> July, 2010 is as follows:**

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

7 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.**

2 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.**

23 files relate to this area.

**Other matters still being dealt with at 1<sup>st</sup> July, 2010 relate to:**

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

Child Protection	1
Criminal Accused	1
Estate	1
Finances	1
Freedom of Information	2
General Rights	1
Human Rights	14
School Integration	1
Victim of Crime	1

**Of the 42 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.* 6 files related to this area.

# Casework Report



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.

In one case an administration order was revoked by the Tribunal. In two cases an administrator of our client's choice was appointed at our client's request and in one case a change of administrator was made to one of our client's choice.

In two of these cases we supported clients having serious difficulties with their administrator to negotiate and then attended mediation and obtained Department of Human Services support and financial training for clients, with a view to clients having a financial trial of managing their own finances in the future.

**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.*

5 files related to this area.

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

*Outcomes included:*

In one case the application was withdrawn following negotiations.

In one case an appeal against a guardianship order giving power to make accommodation decisions on client's behalf resulted in a limited order being made, only in relation to medical and access to services decisions.

In one matter, where our client opposed the appointment of a guardian, the matter was adjourned for investigation by the Office of the Public Advocate (OPA). On the basis of OPA's report, and our submissions, a guardian was appointed, but limited only to specific issues and only for one year.

# Casework Report



In one matter our client's parents were appointed guardians providing them with much needed authority to better enable them to negotiate with service providers on behalf of our client.

In one matter a disability service provider had made a decision to cease funding our client's individual support package and had lodged an application for appointment of a guardian to enforce their decision. The decision of the service provider meant that our client, who was in the last months of their life as the result of a lifelong illness, would be forced to move from their home, to a group accommodation setting, against their and their family's wishes. We successfully advocated at VCAT where the Tribunal refused to make a guardianship order. As a result, our client was enabled to continue living at home and we continued to liaise and negotiate with the service provider until our client passed away.

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

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

15 files related to this area.

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

*Issues and outcomes included:*

In one matter we advised and represented client and successfully negotiated with service provider and other relevant parties in relation to a decision to cease funding client's support package and prevented them from being forced to move into group accommodation against their will.

In one matter we advised and represented client in relation to Notices to Vacate their disability accommodation. We liaised and negotiate with the service provider, obtained counsel's advice, represented client at mediation and VCAT hearing, sought appropriate medical assessment and report, with the successful outcome that the Tribunal declared the Notices to Vacate to be invalid.

# Casework Report



In one matter we advised and represented client who had been served with an Eviction Notice by their disability service accommodation provider, at VCAT Residential Tenancies List, with the successful outcome that the Notice of Eviction was struck out by the tribunal.

In one matter we investigated, advised and represented a client in relation to their right not to be relocated from their place of residence. The disability service provider planned to move our client because of concerns for our client's safety following alleged assault by a fellow resident. We successfully negotiated with the service provider regarding measures to protect our client, who was already the victim, rather than relocating them.

In one matter we assisted a client who had been removed from their supported community residential accommodation. We investigated, liaised, advised and negotiated with relevant parties with the successful outcome that client was returned to live in their accommodation with appropriate levels of support put in place.

Five of these matters concerned clients living in unacceptable supported accommodation where they were subject to ongoing abuse and stress due to an inappropriately placed co-resident. In these matters we investigated, advised, liaised and negotiated with relevant parties. We secured new compatibility reviews and agreement from the service provider to seek and implement appropriate behaviour strategies to ensure the safety of our clients.

In one matter we investigated, advised, liaised and negotiated with service providers in relation to problems, including personal safety issues, at client's supported accommodation service. We achieved a successful outcome which ensured that the client could continue to live in their house and have safeguards put in place for their protection.

In one matter we advised and represented client in relation to a number of different issues including service provider's policies and practices, health services, guardianship and human rights, with successful outcomes for client in all issues.

In one matter we investigated, advised, liaised and negotiated with relevant parties and filed a Freedom of Information application, in relation to a decision that client was ineligible to receive services under the *Disability Act 2006* as a person with an intellectual disability. The necessary documentary evidence to support an appeal to VCAT unfortunately could not be located.



# Casework Report



In one matter we investigated, advised, liaised and negotiated with relevant parties on behalf of client whom service provider was planning to relocate to new accommodation without proper consultation with client or their guardian. As a result, client was provided with new and appropriate accommodation following their full involvement and consultation.

## **Other Matters:**

### **Victim of Crime/Abuse**

*3 files related to this area.*

In one matter we represented a client who had allegedly been abused/assaulted by a direct care worker in disability service provider accommodation. An internal investigation was conducted and the employee's position was terminated. The service provider gave assurances that the employee would never be employed by them again. Following initial advice on Victim of Crime compensation, client was referred to private lawyer for assistance with Crimes Victims Compensation application.

In the second matter, where our client had allegedly been assaulted by another resident of their disability accommodation service, the disability service provider was planning to relocate our client (the alleged victim) to other accommodation. We advised and successfully negotiated to ensure that the person who had allegedly assaulted our client, not our client, was moved to alternative accommodation.

In the third matter we provided initial advice in relation to a Victim of Crime Compensation application before referring client to a private lawyer for further assistance.

### **Discrimination/Education**

*2 files related to this area.*

In one matter our client wanted an educational institution to provide them with an effective participation assistant (a helper for the student) and to allow a nominated person (family member) to act on their behalf, and be recognised by the institution as doing so, in making certain decisions. We initially followed an internal resolution process with the institution, without success. We then lodged a complaint with the Human Rights and Equal Opportunity Commission (HREOC) which organised mediation. Successful outcomes were achieved with the institution agreeing in writing to provide a properly resourced and skilled participation assistant, extra tuition at no cost to our client, and to accept that the client can nominate a person to act on the client's behalf. The client is now successfully participating in their course at the educational institution.



In the second matter we advised and represented a client regarding alleged discrimination and lack of support by a service provider. Our client had applied for funding for a computer to assist them in their studies. We initially advised client of review process for the service provider and of discrimination complaints processes. However, we then found a different service provider that could assist client to raise an application for services, with the successful outcome that the service provider agreed to assist client to obtain a computer.

## **Intervention Orders**

*4 files related to this area.*

In one matter we provided initial advice to client who was in fear for their own safety then referred them to a private lawyer who assisted them to obtain an Intervention Order.

In one matter we assisted a person who was being threatened and assaulted by a co-resident of supported community accommodation unit. We obtained an Intervention Order to achieve a satisfactory outcome for our client.

In one matter we advised and successfully represented and negotiated on behalf of client in relation to an application for variation of an Intervention Order against them. The application asked for an additional clause to be inserted which would limit our client from coming within 200 meters of the complainant. As both parties attended the same school a successful application would have meant that our client could no longer attend the school. We negotiate that our client would not come within 25 meters of the other party and agreed to an order where the change was made without admission. Our client was then able to continue their studies at the school.

In one matter we represented client in relation to an application for an intervention order. Investigated, advised, liaised with police and psychologist and represented client at Magistrates' Court with the successful outcome that mutual orders were made with client's agreement.

## **Forensic Leave**

*4 files related to this area.*

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



## **Power of Attorney**

One matter related to this area.

In this matter we assisted a person who wished to revoke an Enduring Power of Attorney but whose capacity to do so was being questioned. We investigated, liaised and advised and acquired relevant medical evidence, with the satisfactory outcome that client was enabled to revoke the Power of Attorney.

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

Four matters related to this area.

In one matter we provided independent explanation and advice to client in relation to Behaviour Support Plan, as required by the *Disability Act 2006*, and successfully negotiated for appropriate amendments to the plan.

In one matter we investigated, advised and negotiated with relevant parties, including service provider, guardian and Senior Practitioner, in relation to service provider's intention to impose a Behaviour Support Plan that would dictate when client would be medicated to control their behaviour. The Senior Practitioner accepted our submission and client was found new, appropriate accommodation with satisfactory support.

In one matter we successfully represented client who lives in DFATS (Disability Forensic Assessment & Treatment Services) accommodation in relation to an application by the Department of Human Services (DHS) to VCAT under the *Disability Act 2006 (Vic.)* to change client's Treatment Plan in line with a proposed new policy. The proposed change would have imposed an arbitrary blanket staff to resident supervision ratio of 2 to 1 for all community access leave. The proposed policy change was anti-therapeutic because the client had already successfully completed the first stage of their treatment program and should now have a staff to resident ratio of 1 to 1. In response to submissions from Villamanta, OPA (the Office of the Public Advocate) and VLA (Victoria Legal Aid), DHS withdrew its application.

In one matter, in relation to a person's Treatment Plan under the *Disability Act 2006*, we investigated, liaised, advised and represented client at a Victorian Civil & Administrative Tribunal hearing where their Plan was reviewed, ensuring that their views and wishes were clearly communicated to the Tribunal.



## Missing Persons

One matter related to this area.

In this matter we successfully liaised on behalf of client with the Police Missing Persons Unit and the Office of the Public Advocate (OPA), communicating client's advice that they were well and safe but did not wish to be contacted by their guardian or other authorities. The guardian agreed to withdraw their Missing Persons report.

## Finances

One matter related to this area.

In this matter we investigated, advised and unsuccessfully attempted to negotiate with supported accommodation service provider to obtain regular details of expenditure of funds they held on trust for client. We applied to VCAT for advice on requiring client's administrator to obtain the relevant financial information from the service provider. Client was provided with new accommodation where they would be kept fully informed of how their funds were spent.

## Health and Privacy

One matter related to this area.

In this matter we investigated, advised and represented client in relation to breach of health information privacy principles by accommodation service provider, lodged complaint and proposed agreement for settlement of the matter with Health Services Commissioner. Client was assisted to find new accommodation where their health information privacy would be respected.

## ***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**



1st row — From left: **Deidre Griffiths**, (Executive Officer & Principal Solicitor), **Sue Wolter** (Para-legal Worker)

2nd 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

# Community Legal Education



This year Villamanta Disability Rights Legal Service Inc. held 40 community legal education sessions including a total of 808 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 accelerating the full inclusion, in the community, of people who have a disability. Participants included advocates, TAFE students, university and high school students, clients, field workers, disability service providers, community organisations, disability support workers, carers, parents, staff of open employment services and other members of the community.

Metropolitan and suburban areas covered included Melbourne CBD, Dandenong, Ashwood, Parkdale, Werribee, Wyndham, Bulleen and Coburg. Rural and regional areas included Geelong and surrounding areas, Colac, Sunbury, Wonthaggi (Gippsland), Warragul, South Gippsland, Morwell (Gippsland), Ballarat, and Warrnambool.

The main topics covered were disability rights/Your Rights Your Choices, wills/administration/powers of attorney/guardianship, special trusts, case notes, Duty of Care/Dignity of Risk and the work that Villamanta does.

During the year mail-outs were carried out to numerous community organisations informing them of Villamanta's various services, including education and training. Information about Villamanta education and training is also available on the VCOS 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 a 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.

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 combat this we attempt 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 "Having a Say" Conference, organised by VALID, which was held in Geelong in February, 2010, providing 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 2011 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



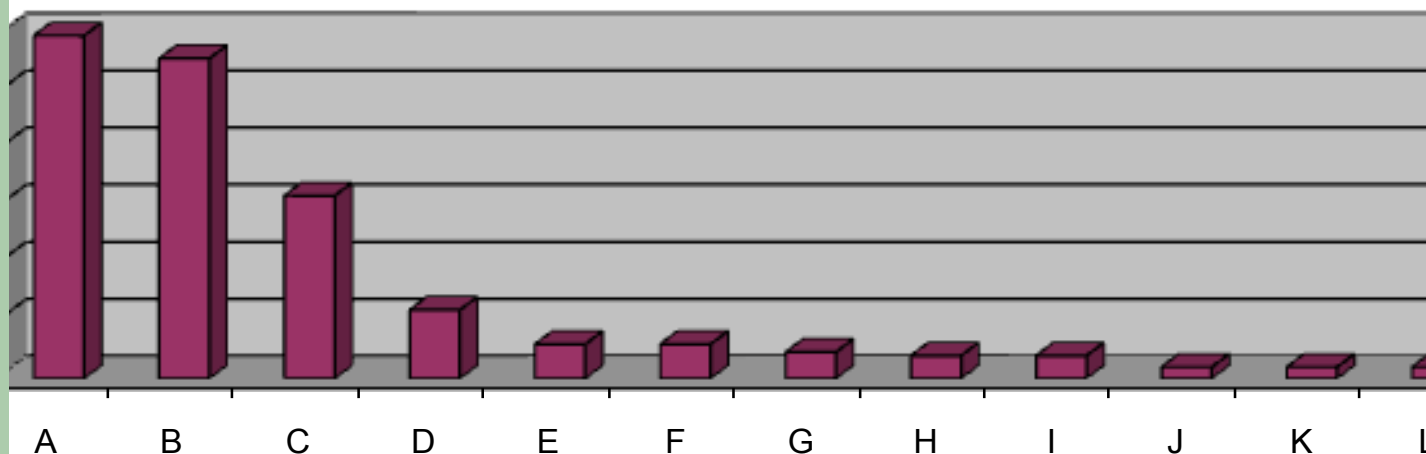
We are continuously increasing our knowledge of legislation and policy, disability issues, justice issues, the community sector and community and government agencies and services. We have a web based Telephone Advice Service Manual, which is continuously being added to and updated. Every advice record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

Villamanta's website [www.villamanta.org.au](http://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 2009 to 30th June 2010, 772 data collection sheets were completed regarding individuals receiving advice, information or referral.

**Trish Jardine - Telephone Advice Worker**

## Who Calls Us



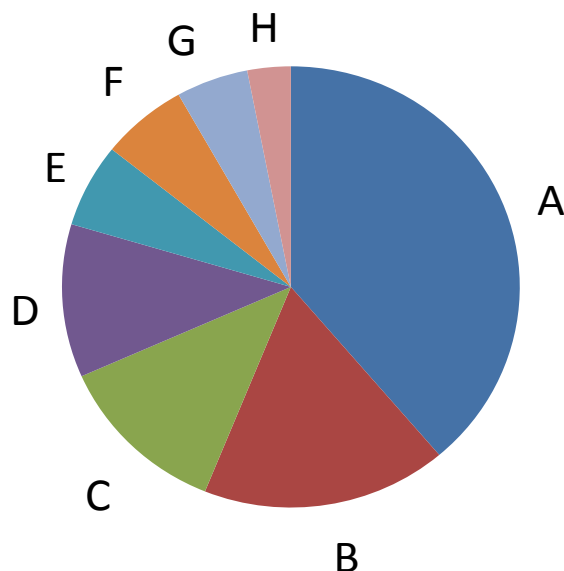
A) Relative/Friend	-	30%
B) Person who has a disability	-	28%
C) Disability Agency	-	16%
D) Advocacy Agency	-	6%
E) Non Gov. Agency	-	3%
F) Gov. Agency	-	3%

G) Education	-	2%
H) Other	-	2%
I) Lawyer, Community	-	2%
J) CLC Worker	-	1%
K) Lawyer, Private	-	1%
L) Guardian	-	1%



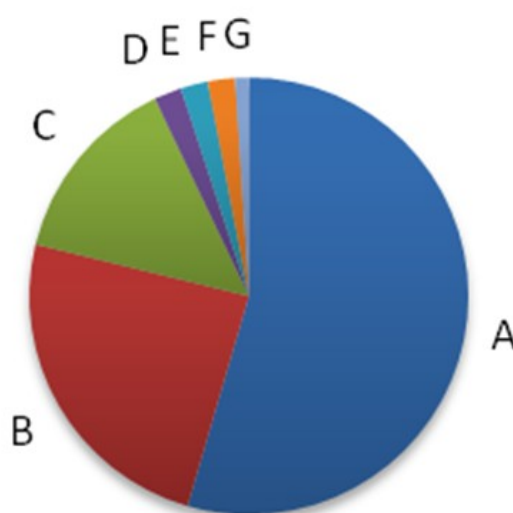
## Primary disability of people who call us, or of people we get calls about

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%



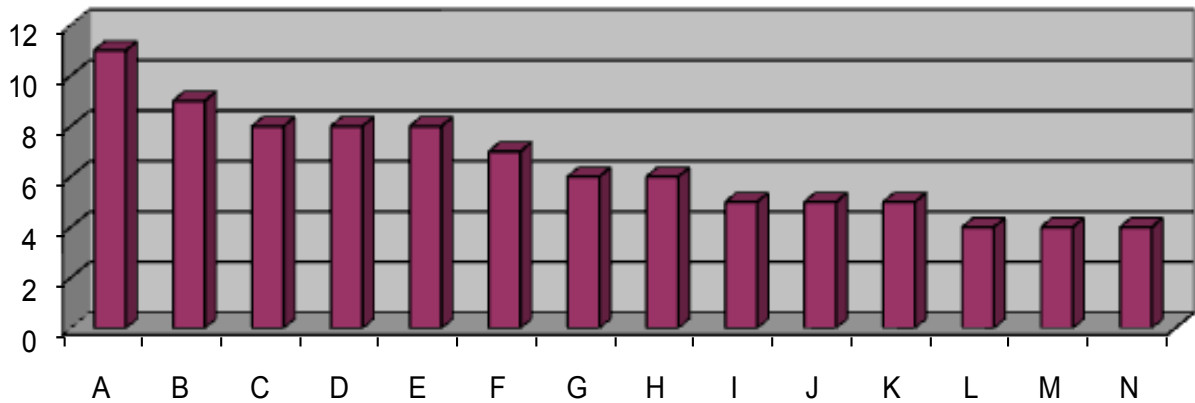
## Who we refer people to

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	-	9%
C) Wills	-	8%
D) Access to Services	-	8%
E) Service Provider Policy/Prac	-	8%
F) Financial Matters	-	7%
G) Negligence /Duty of Care	-	6%
H) Guardianship	-	6%
I) Housing	-	5%
J) DDA & EO, Discrimination	-	5%
K) Criminal Accused	-	5%
L) Family Law	-	4%
M) Statutory Obligations	-	4%
N) State Trustees	-	4%

### Other issues between 2% and 4% :

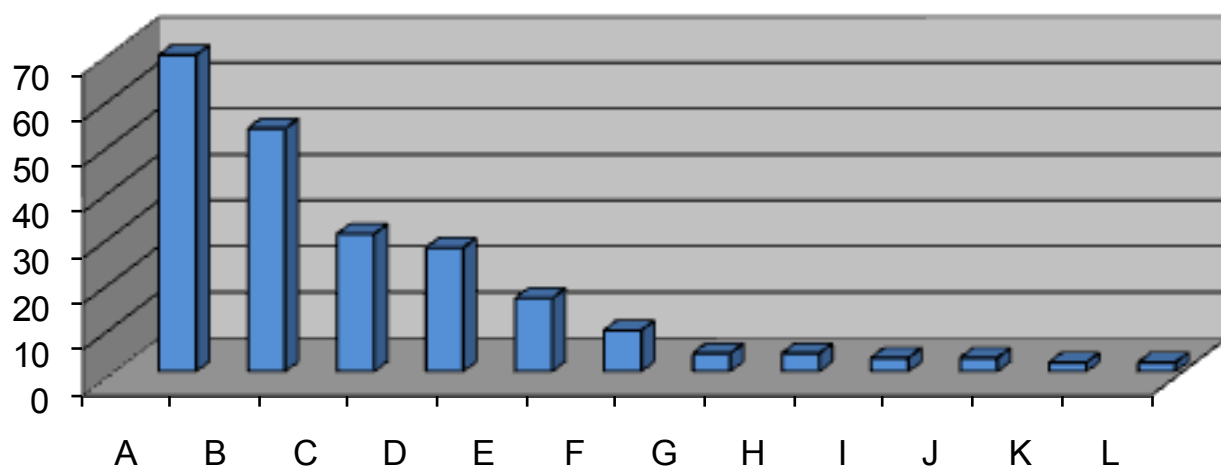
General Rights, Human Rights, Mental Health, Contract/Consumer Issues, Intervention Order, Employment, Victim of Crime (Other than sexual assault), Health, Information (Lack of), Social Security Problem.

### Other issues between 0.1% and 2% :

Transport Issue (other than Taxi), Unknown, Other, Child Protection, Education, Harassment/Bullying School Integration, Vulnerable and/or Isolated, Power of Attorney (Financial), Children's Court/Child Custody, Confidentiality/Privacy, Physical Access, Abuse, Independent Living, Personal Care, Power of Attorney (Enduring), Social Supports/Family, Victim of Sexual Offence, Accommodation, Crisis Situation, Freedom of Information, Power of Attorney (Medical), Taxi Associated Problem, Treatment Order, Forensic Leave Panel, Neglect, Service Gaps, Subsidies/Entitlements, Utilities: gas/elec/phone/water etc.

## What action did we take?

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



A)	Telephone advice/info	-	69%
B)	Referral	-	53%
C)	Info about Villamanta	-	30%
D)	Telephone Legal consultation	-	27%
E)	Secondary Consultation	-	16%
F)	Email information	-	9%
G)	Casework file opened	-	4%
H)	Education activity	-	4%
I)	Mail information	-	3%
J)	Negotiate/Liaise on behalf of	-	3%
K)	Written Information given	-	2%
L)	Referral to Villamanta Website	-	2%

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Income and Expenditure Statement For the Year ended 30 June 2010

	2010	2009
	\$	\$
<b>Revenue</b>		
Grants – Recurring	444,906	441,485
Sales	2,168	12,316
Workshops	5,045	3,300
Interest	10,288	18,347
Other	200	24,328
	<u>462,607</u>	<u>499,776</u>
<b>Expenditure</b>		
Administrative Costs	7,352	9,574
Consultancy Fees	9,994	4,736
Depreciation – Office Furniture and Equipment	9,044	9,044
Library	410	1,136
Memberships of Other Organisations	3,627	2,731
Motor Vehicle Expenses	8,600	8,747
Office	26,683	14,994
Occupancy	43,261	40,788
Publishing	869	3,188
Staff Training	230	23
Telephone	9,410	10,710
Wages	353,674	396,858
Workshops and Projects	-	2,685
	<u>473,154</u>	<u>505,214</u>
<b>Net Profit/(Loss) for the year</b>	<u>(10,547)</u>	<u>(5,438)</u>

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



# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Balance Sheet As at 30 June 2010

	Note	2010 \$	2009 \$
<b>Current Assets</b>			
Cash and Cash Equivalents		278,206	293,500
Trade and Other Receivables	3	-	55
Inventories	4	421	681
<b>Total Current Assets</b>		<u>278,627</u>	<u>294,236</u>
<b>Non-Current Assets</b>			
Property, Plant and Equipment	5	<u>36,832</u>	<u>45,823</u>
<b>Total Non-Current Assets</b>		<u>36,832</u>	<u>45,823</u>
<b>Total Assets</b>		<u>315,459</u>	<u>340,059</u>
<b>Current Liabilities</b>			
Trade and Other Payables	6	13,413	25,731
Provisions	7	82,716	84,450
<b>Total Current Liabilities</b>		<u>96,129</u>	<u>110,181</u>
<b>Total Liabilities</b>		<u>96,129</u>	<u>110,181</u>
<b>Net Assets</b>		<u>219,330</u>	<u>229,878</u>
<b>Equity</b>			
Retained Profits		219,330	229,878
<b>Total Equity</b>		<u>219,330</u>	<u>229,878</u>

## Cash Flow Statement For the Year ended 30 June 2010

	Note	2010 \$	2009 \$
<b>Cash Flows from Operating Activities</b>			
Receipts from Customers		452,319	479,792
Payments to Suppliers and Employees		(477,903)	(515,542)
Interest Received		10,288	18,347
<b>Net Cash Outflow from Operating Activities</b>		<u>(15,296)</u>	<u>(17,403)</u>
<b>Cash Flows from Financing Activities</b>			
Grants Received in Advance		-	6,000
<b>Net Cash Inflow from Financing Activities</b>		<u>-</u>	<u>6,000</u>
Net Decrease in Cash Held		<u>(15,296)</u>	<u>(11,403)</u>
Cash and Cash Equivalents as at 1 July 2009		293,501	304,904
<b>Cash and Cash Equivalents as at 30 June 2010</b>		<u>278,205</u>	<u>293,501</u>



## **Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2010**

### **NOTE 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 2010 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.*

# Financial Statements



- (i) 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.

- (j) 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.*

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2010

	2010	2009
	\$	\$
<b>NOTE 2. Profit</b>		
<b>Expenses</b>		
Telephone	9,410	10,710
Administration Cost	7,352	9,574
Consultancy	9,994	4,736
Motor Vehicle Expenses	8,600	8,747
Occupancy	43,261	40,788
Wages	353,674	396,858
Others	40,863	33,801
	<b>473,154</b>	<b>505,214</b>
<b>NOTE 3. Trade and Other Receivables</b>		
<b>Current</b>		
Trade Debtors	-	55
<b>Total Trade and Other Receivables</b>	-	55
<b>NOTE 4. Inventories</b>		
<b>Current</b>		
Inventory	421	681
	<b>421</b>	<b>681</b>
<b>NOTE 5. Property, Plant &amp; Equipment</b>		
Motor Vehicles	39,003	39,003
Less Accumulated Depreciation & Impairment	12,679	6,827
	<b>26,324</b>	<b>32,176</b>
Office Furniture and Equipment	165,445	165,444
Less Accumulated Depreciation & Impairment	158,258	155,064
	<b>7,187</b>	<b>10,380</b>
Prepayments	3,321	3,267
Total Plant & Equipment	<b>36,832</b>	<b>45,823</b>
<b>Total Property, Plant &amp; Equipment</b>	<b>36,832</b>	<b>45,823</b>

# Financial Statements



## Villamanta Disability Rights Legal Service Inc. Notes to the Financial Statements For the Year ended 30 June 2010

	2010 \$	2009 \$
<b>NOTE 6. Trade and Other Payables</b>		
<b>Current</b>		
Villamanta Social Club	1,865	1,516
Trade Creditors	1,245	1,761
Receipts in Advance	-	6,000
Provision for GST	12,168	17,970
	<u>15,278</u>	<u>27,247</u>
<b>Total Trade and Other Payables</b>	<u>15,278</u>	<u>27,247</u>
<b>NOTE 7. Provisions</b>		
<b>Current</b>		
Provision for Long Service Leave	59,612	58,770
Provision for Annual Leave	21,158	22,743
	<u>80,770</u>	<u>81,513</u>
<b>Non Current</b>		
Provision for Long Service Leave	81	1,421
	<u>80,851</u>	<u>82,934</u>
<b>NOTE 8. RECONCILIATION OF NET CASH PROVIDED BY OPERATING ACTIVITIES TO NET PROFIT/(LOSS)</b>	<b>2010</b>	<b>2009</b>
Net Profit (Loss)	(10,547)	(5,437)
Depreciation	9,044	9,044
(Increase)/decrease in trade debtors	54	397
(Increase)/in inventory	260	274
(Increase)/in other assets	(54)	(797)
Increase/(decrease) in payables	(5,969)	(5,764)
Increase/(decrease) in provisions	(2,083)	(16,159)
Increase in receipts in advance	(6,000)	(4,489)
Net cash from/(used in) operating activities	<u>(15,295)</u>	<u>(11,403)</u>

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



# 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 2010 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 2nd day of September, 2010

David Lindsay  
Chairperson

A handwritten signature of David Lindsay, Chairperson, written over a horizontal line.

Peter Landers  
Treasurer

A handwritten signature of Peter Landers, Treasurer, written over a horizontal line.

### TREASURER'S REPORT

FOR THE YEAR ENDED 30 JUNE 2010



Peter Landers  
Treasurer



Darrell Harding  
Accounts Administrator

# Auditor's Report



## Devenny Payne Taxation & Business Services

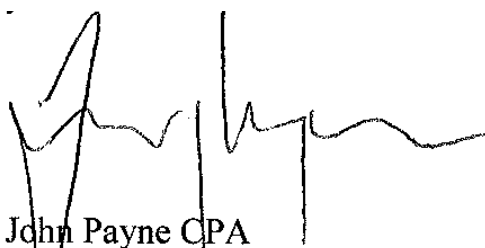
### Auditor's Report

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 30<sup>th</sup> June, 2010.

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 30<sup>th</sup> June 2010 and the results of its operations for the year then ended.



John Payne CPA  
Devenny Payne Taxation & Business Services

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