



**Villamanta Disability Rights
Legal Service Inc.**

**Villamanta Disability
Rights Legal Service Inc.**



Annual Report 2018– 2019

What is in this Report



Villamanta Disability Rights
Legal Service Inc.

Staff members & acknowledgements	3
Minutes of 2018 AGM	4
About Villamanta Disability Rights Legal Service Inc.	10
Committee of Management Members	11
Our Volunteers	15
President’s Report	17
Executive Officer & Principal Solicitor’s Report	20
Objectives of Villamanta’s Programs.....	24
Policy & Law Reform Report	25
Casework Report	29
Community Legal Education Report.....	35
Telephone Advice, Information and Referral Service Report	37
Financial Statements	41
Independent Auditor’s Report.....	43

Villamanta Staff Members



Villamanta Disability Rights
Legal Service Inc.

Deidre Griffiths	Principal Solicitor & Executive Officer (5 days per week)
Carol Stuart	Casework Lawyer (3 days per week)
Darrell Harding	Accounts Administrator/Personnel (3 days per week)
Sue Wolter	Paralegal Worker (4 days per week)
Viv Nicol	Administration Worker (3 days per week)
Naomi Anderson	Casework Lawyer (5 days per week)
Stephen Grainger	NDIS/Casework Lawyer (5 days per week)
Kate McGrath	Casework Lawyer (3 days per week)
Elise Almond	Paralegal Worker - Projects (20 hours per week)
Mae Mactier	Casework Lawyer (5 days per week)

ACKNOWLEDGEMENTS

Villamanta Disability Rights Legal Service Inc. is part of the Australian Network of Disability Advocacy Services funded by the Australian Government under the National Disability Advocacy Program. We thank our funder, the Department of Social Services. We thank the Victorian Government for our project funding.

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



<p>Annual General Meeting MINUTES</p>	<p>Wednesday 10th October, 2018</p> <p>5.00 p.m.</p> <p>Villamanta Disability Rights Legal Service Inc. Waurm Ponds Estate, Anglesea Room, Deakin University Waurm Ponds Campus 75 Pigdons Road, Waurm Ponds, Vic., 3216</p>
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<p>1. Welcome</p>	<p>Philip Clarke, President, welcomed everyone to the meeting and apologised for any inconvenience regarding the re-scheduling of the AGM. Philip read out the list of apologies and asked for any further apologies.</p>
<p>2. Present</p>	<p>Committee Members: Philip Clarke (President), Hank Wyllie, Dominique Saunders and Michele Tucker.</p> <p>Staff: Deidre Griffiths (Executive Officer), Naomi Anderson (Lawyer), Viv Nicol (Minutes), Darrell Harding (Accounts Administrator), Stephen Grainger (Lawyer), Kate McGrath (Lawyer), Viv Avery (Lawyer) and Sue Wolter (Para-legal)</p> <p>Volunteers: Jarrod Kaparla and Ben Lewtas</p> <p>Visitors: Janine Earnie and Ming Kalanon</p>
<p>3. Apologies</p>	<p>Staff Members: Mae Mactier (Lawyer) and Greg Leeson (Lawyer)</p> <p>Committee Members: Amanda Milllear (Deputy President), Andrew Hill (Secretary) and Neville Porter</p> <p>Other apologies: Beryl Power, Barbara Machnyk, Denise Feldman, E K Burke, Phillip Grano and Trevor Horsley</p>
<p>4. Confirmation of Minutes of Previous Meeting</p>	<p>Philip referred to last year's AGM minutes, which are in the Annual Report.</p> <p>Motion: <i>That the minutes of Villamanta Disability Rights Legal Service Inc.'s Annual General Meeting held on Wednesday 27th September, 2017, be accepted.</i></p> <p>Moved: Michele Tucker Seconded: Hank Wyllie Carried.</p>

5. President's Report

Philip Clarke, President, commended his report, which is in the Annual Report, to everyone present and asked if there were any questions. Philip provided an overview of his report, thanking Deakin University for their generosity in providing Villamanta with office space, ensuring the service's viability.

Motion: *That the President's Report be accepted.*

Moved: *Philip Clarke* **Seconded:** *Stephen Granger* **Carried**

Philip Clarke noted that some concerns have been raised by staff recently around the management of Villamanta's finances, resulting in a reduction in staff. The Committee made a number of proposals to address these issues/concerns, which have recently been implemented and we will see how well these strategies have dealt with the issues, at the next AGM.

Viv Avery sought clarification that the progress of the strategies will be closely monitored and not left until the next AGM to be reviewed.

Naomi Anderson and Ming Kalanon also queried the measures to monitor the planned targets and strategies.

Philip responded saying that the Strategic Plan will be updated and will reflect some of the strategies and the Strategic Plan is reviewed every two months, at the Risk Management meeting and contains deadlines and KPIs to keep a check on progress/outcomes. Staff will have a formal opportunity to have input into the Strategic Planning process and are free to attend both the Risk Management Sub-Committee and Committee of Management meetings. This was one part of a resolution at the last Committee of Management meeting. There has already been a reduction in the Executive Officer's Policy & Law Reform work, and external committee meetings which will be formally amended in the upcoming review of the Strategic Plan. Viv Avery noted this is a positive step. Philip said that it is in everyone's interest to see these issues resolved moving forward.

Naomi noted that Dominique Saunders, who joined the committee in August this year, was mentioned in the Annual Report and therefore can it be noted that Rohan Hulonce, Committee Member, resigned since the last Committee Meeting and that Kathryn McBride, Treasurer had missed at least the last 3 consecutive meetings and we longer have a treasurer.

Philip noted that the Committee has positively addressed concerns raised by staff.

<p>6. Executive Officer's Report</p>	<p>Deidre Griffiths, Executive Officer, invited everyone to read her report in the Annual Report. Deidre thanked all staff, Committee Members and volunteers for their commitment and dedication, which has resulted in some great outcomes. Staff and volunteers had gone above and beyond for our clients and we had received lots of positive feedback in relation Villamanta's work.</p> <p>In summing up, Deidre thanked staff, Committee Members and volunteers, for a great job done by one and all.</p> <p>Deidre stated that if anyone would like further information about Villamanta's work, to please contact her.</p> <p>Motion: <i>That the Executive Officer's Report be accepted.</i></p> <p>Moved: <i>Deidre Griffiths</i> Seconded: <i>Stephen Grainger</i> Carried</p>
<p>7. Treasurer's Report</p>	<p>Philip noted that Kathryn McBride, Treasurer, had regrettably resigned earlier in the year and that he would present the Treasurer's Report in her absence. Philip referred to the Auditor's and Treasurer's Reports in the Annual Report and provided a brief overview of the financial statements, noting the \$10,800 deficit. Philip asked if there were any questions.</p> <p>Viv Avery asked why the social club funds are kept in the business account. Darrell explained because the money is taken out of staff's pay. It is for auditing purposes. A way of keeping track of the funds.</p> <p>Naomi Anderson asked what are the planned actions to avoid a further deficit, apart from reducing staff. Should we be looking at Lawyer/admin ratio's?</p> <p>Philip responded that grant income will be more aggressively pursued.</p> <p>Naomi noted that there had not been any grant applications in a number of years.</p> <p>Deidre responded saying that a decision was made a number of years ago not to apply for grants/special projects, as previous projects had not been profitable and not a good use of our time.</p> <p>Naomi Anderson noted that we call ourselves a Community Legal Centre (CLC), but do not receive any CLC funding – only NDAP funding.</p> <p>Deidre explained that a number of years ago we were told that we were not eligible.</p> <p>Viv Avery asked how long is it since we have asked? Can we ask again?</p>

<p>7. Treasurer's Report continued</p>	<p>Philip re-iterated that we plan to put together a list of 15 – 20 possible grant/special project opportunities and this could be one of them and that Deidre and Darrell have undertaken to have a concrete list by the end of next week and progress on this will be monitored by the Committee. Input into this process by staff, is welcomed.</p> <p>Naomi asked, given we are reducing lawyer hours by 1.6 EFT, what work will be reducing moving forward?</p> <p>Philip Clarke responded that Committee Members will meet with staff to audit workloads and staff resources.</p> <p>Naomi said that Villamanta is the only CLC doing 'Notice to Vacate' matters and there is an unprecedented number of tenants in group homes requiring assistance in this area. If Villamanta can't do it any longer, who will? Clients will suffer. There is a need for less resource intensive strategies to be put in place to deal with changing times, including publications to get information out there more economically.</p> <p>Philip agreed that it makes sense to try to address those needs in a less resource intensive way and that this would be discussed in the Strategic Plan review and with Management.</p> <p>Philip also noted that areas of unmet demand are ideal for grant applications/submissions.</p> <p>Ming Kalanon asked about the NDIS funding and Philip explained that it is in flux, explaining the initial grant was substantial and subsequent funds were reduced as there is an expectation that the need for assistance by NDIS participants would decrease and less funding will be needed; however, so far this had not been the case.</p> <p>There were no more questions from the floor.</p> <p>Motion: Philip Clarke, President, formally moved that the Treasurer's Report be accepted.</p> <p>Seconded: Stephen Grainger 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 2018/2019 financial year.</i></p> <p>Moved: Philip Clarke Seconded: Sue Wolter Carried</p>
<p>10. Election of Committee Office Bearers/Ordinary Members</p>	<p>Philip Clarke, President called for nominations for the position of President. Deidre Griffiths nominated Philip Clarke. There were no other nominations.</p> <p>Motion: <i>That Philip Clarke be re-elected President.</i></p> <p>Moved: Deidre Griffiths Seconded: Michele Tucker Carried</p>

Philip Clarke, President, called for nominations for the position of Treasurer. Philip Clarke nominated Michele Tucker. There were no other nominations.

Motion: *That Michele Tucker be elected Treasurer.*

Moved: *Deidre Griffiths* **Seconded:** *Darrell Harding* **Carried**

Philip Clarke, President, called for nominations for the position of Vice President. Philip Clarke nominated Amanda Millear, who had indicated she is happy to be re-elected. There were no other nominations.

Motion: *That Amanda Millear be re-elected Vice President.*

Moved: *Philip Clarke* **Seconded:** *Sue Wolter* **Carried**

Philip Clarke, President, called for nominations for the position of Secretary. Philip Clarke nominated Andrew Hill, who had indicated he is happy to continue his role as Secretary. There were no other nominations.

Motion: *That Andrew Hill be re-elected Secretary.*

Moved: *Philip Clarke* **Seconded:** *Michele Tucker* **Carried**

Philip Clarke moved a motion that 6 Ordinary members be elected as follow:

Neville Porter

Hank Wyllie

Dominique Saunders

One Deakin Law School Member

One Student Volunteer

One member of staff

Ming Kalanon proposed that rather than having one student volunteer, we could have two staff members on the Committee.

The proposal to have two staff members and no student volunteer was carried.

Philip Clarke therefore moved a motion that 6 Ordinary members be elected as follow:

Neville Porter

Hank Wyllie

Dominique Saunders

One Deakin Law School Member

Two members of staff

Moved: *Philip Clarke* **Seconded:** *Stephen Grainger* **Carried**

Viv Avery nominated Naomi Anderson and Stephen Grainger, nominated Viv Avery.

In the absence of any other nominations for staff members on the Committee of Management, Naomi Anderson and Viv Avery were elected unopposed.

One vacancy, for a Deakin Law School staff member, remains.

<p>11. Other Business</p>	<p>Deidre again thanked all of the Committee Members, staff and volunteers.</p> <p>Philip thanked everyone for attending and invited people to stay for something to eat and drink.</p>
<p>12. Close meeting</p>	<p>The meeting closed at 6.20 p.m.</p>
<p>13. Next meeting</p>	<p>Date of next Committee of Management Meeting: to be announced.</p> <p>Date of next Annual General Meeting: to be announced.</p>



Mae Mactier - Villamanta Lawyer - Guardianship List, VCAT, Duty Lawyer Project, at one of our regional locations.

About Villamanta Disability Rights Legal Service Inc.



Villamanta Disability Rights
Legal Service Inc.

Our Mission

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

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

Our Vision

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

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

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

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

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

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

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

Margaret Mead

Committee of Management Members



Villamanta Disability Rights
Legal Service Inc.



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

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

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



Neville Porter is an Ordinary Member of Villamanta's Committee of Management. Neville has been on the Committee since it started 29 years ago.

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

Neville works at Douro Street GENU in North Geelong. Neville is good at his job and is a member of the Geelong Football Club cheer squad. "Go Cats!" Nev also sings in a choir once a week at the Wesley Church.

Committee of Management Members



Villamanta Disability Rights
Legal Service Inc.



Amanda Millear has been a member of Villamanta's Committee of Management since 1995, 24 years. Amanda has held the office of Deputy President (previously called Deputy Chairperson) for at least 20 of those years. Amanda is the second longest serving Committee member and longest serving Deputy President and a person who has a disability. As Deputy President, Amanda sometimes chairs the bi-monthly committee meetings which she enjoys.

Amanda has been involved in other groups and with their activities and has won prizes at her Austrek meetings at the Northcote Town Hall. Amanda enjoys these meetings as they are good fun and there is lots to do. Amanda is now on their Committee of Management and helps to run the club.

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 2019 "Having a Say" Conference, run by VALID and likes to represent Villamanta at the Conference in Geelong, which she did for the twelfth time. The "Having a Say" Conference shows that people who have a disability have an important role to play in the community about learning and doing new things. Groups can present and tell their stories. It was a fun afternoon. Amanda has been going to the "Having a Say" Conferences since 2008.

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

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

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

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

Committee of Management Members



Villamanta Disability Rights
Legal Service Inc.



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

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

His first was what is now known as Leisure Networks, followed by the Barwon Disability Resource Council, where he was chair for over 7 years. Hank's other local activities include the City of Greater Geelong's Access and Inclusion Advisory Committee.

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

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

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



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

Committee of Management Members



Villamanta Disability Rights
Legal Service Inc.



Andrew Hill is the Secretary of Villamanta's Committee of Management. Andrew is a lawyer who is a partner in the Geelong law firm, Birdsey, Dedman and Bartlett. Andrew has extensive board and committee of management experience. He has over 40 years experience in Commercial law, Property law (Rural, Commercial and Residential), Wills and Estates and Powers of Attorney. He is a keen fisherman and oarsman and enjoys golf and gardening.

Andrew is a former Convenor of Barwon Region Youth Affairs Network and member of Geelong Legacy and Corio Bay Rowing Club.

Andrew is a former President of Geelong District Nursing Service and Geelong Community Health Service and a former Board Member of Barwon Health.



Dominique Saunders has been a lawyer for almost 30 years, she was previously a social worker. She has held positions as General Counsel at Barwon Health, the Australian Health Practitioner Regulation Agency (AHPRA) and Western Health, deputy president of the Mental Health Tribunal and special counsel in the health and aged care team of a respected mid-tier law firm. For her achievements in the law she has been recognised by Australian Women Lawyers/Women Barristers Association for General Excellence In-House Government Law, as well as by the Law Institute of Victoria for General Excellence in Human Rights and Government Law.

She moved to Geelong in the summer of 2018 and runs a home based legal practice with a focus on health, ethics and diversity.



Darrell Harding is Villamanta's Accounts Administrator. Darrell joined the Committee in 2019 and has been responsible for managing the finances and personnel since commencing at Villamanta in 2003. Darrell lives disability and has an adult son with challenging behaviours. In addition to his position at Villamanta, Darrell also holds similar positions at Children with Young People with Disabilities Australia, Disability Discrimination Legal Service, Disability Justice Australia and Communication Rights Australia.

Our volunteers



Lauren Heywood
Law Student/Intern



Tristan Burke
Law Student/Intern



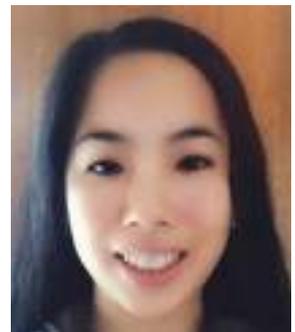
Stephanie Forsyth
Law Student/Intern



Molly O'Hara
Australian Catholic University
Law Student



Baxter Lyons
Law Student/Intern



Joyce Pan
Law Student/Intern



Ram Manpotra
Law Student/Intern



Ben Lewtas
Law Student/Intern



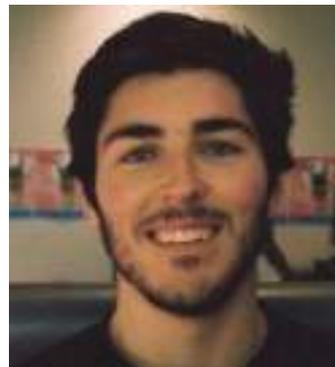
Ivy O'Dwyer
Law Student/Intern



Ruby Cordner
Law Student/Intern



Sam Rotiroti
Law Student/Intern



Anthony Prestinenzi
Law Student/Intern



Anai Lindsay
Law Student/Intern

Our volunteers



Brenda McKenzie
Admin Volunteer



Nadia Lucas
Law Student/Intern



Dr Julie Clarke - Associate Professor
University of Melbourne Law School



Crystal Griffiths
Law Student/Intern



Helen Zournazis
Lawyer



Jennifer Anderson
Secondary School - Work Experience



Aaron Chandran
University of Melbourne
Psychology Student



Cooper Brown
Law Student/Intern



Jarrod Karpala
Law Student/Intern



Nicole McIntosh
Law student/Volunteer



Iresha Hendavitharana
Law Student/Intern



James Jesic
Law Student/Intern



Rebekkah Cranson
Lawyer

President's Report



Villamanta Disability Rights
Legal Service Inc.



President's Report

It is a pleasure to present my report for 2018-2019. This has been a challenging year for Villamanta, but also been a very successful one. In particular, the year has seen Villamanta broaden the range of functions in which it has been actively engaged and concomitantly expand (slightly) its staff complement.

This has occurred as a result of the decision taken, when preparing the 2018-2019 budget, to seek significant grant income to augment the regular amounts we have been receiving from the Commonwealth Department of Social Services and more recently for NDIS Appeals project. Had this not occurred, Villamanta's income would not have met its current level of expenditure in 2018-2019 and the years beyond. This has seen Villamanta secure the three significant grants shown in the following table:

VILLAMANTA FUNDING GRANT APPLICATIONS AND OUTCOMES 2018-2019			
Grantor	Amount	Description	Compliance
State Government via the Victorian Disability Advocacy Futures Grants Program	\$88,938	Equal Capacity A project to support changes in guardianship law. Working with Deakin Law Clinic, providing a Duty Lawyer service to Guardianship List, VCAT, clients	May 2019 to May 2020
State Government via the Victorian Disability Advocacy Futures Grants Program	\$149,405 (VALID to receive \$76,800)	Connecting Advocacy with Community Law Working with VALID training Generalist CLC's regarding disability.	June 2019 to Jan 2020
State Government via the Victorian Disability Advocacy Futures Grants Program	\$112,170 (GDIA & RIAC to receive \$25,263 each)	Creating Strong Links A project for advocacy partnership. Working with two regional advocacy services (Gippsland & Shepparton) to strengthen relationship between specialist and Generalist advocates	July 2019 to June 2020.

Villamanta's success in securing these grants is attributable to the industry and sagacity of its professional and administrative staff to whom, I am sure, we are all extremely grateful. However, the time required to prepare grant applications and their speculative nature brings into stark focus issues concerning Villamanta's precise mission and future direction; these will need to be addressed in the coming year.

Membership

The membership of the Committee of Management underwent considerable change during 2018-19. As the Villamanta community will be aware, it was agreed at the last AGM that there should be two staff member positions on the Committee to help ensure that it is fully appraised of staff opinions and interests.

President's Report



Villamanta Disability Rights
Legal Service Inc.

This saw the election to the Committee of Viv Avery and Naomi Anderson, both of whom made substantial contributions to its work during the year; for this, I sincerely and profusely thank them both. Unfortunately, however, after he left Villamanta in June to resume private practice on a full-time basis, Viv resigned from the Committee.¹ To the other members of the Committee I extend my thanks for their support during the year and for the industry and the commitment they have continued to display. Michele Tucker and Andrew Hill have served with distinction in the important roles of Treasurer and Secretary, respectively, and Amanda Millea², Hank Wylie and Neville Porter, have contributed to the Committee's deliberations and general work. We are also very fortunate to have been joined in August 2018 by Dominique Saunders. Dominique is a highly regarded lawyer working in the disability and human rights sector whose contribution to those areas has been recognised by various professional organisations. Relevantly, she has also held senior positions in Barwon Health, the Australian Health Practitioners Regulation Agency and has served as a deputy president of the Mental Health Tribunal. In short, she could not be better equipped to contribute to Villamanta's Committee of Management.

Program responsibilities

Villamanta has continued to deliver its traditional suite of programs during 2018-2019. These are described in other sections of this Annual Report. Of particular note are the new projects commenced as a result of Villamanta's success in securing grant income (shown in the table above) and the continuation of the NDIS Appeals Project.

Staffing

To Villamanta's Executive Officer and Principal Solicitor, Deidre Griffiths and its professional and administrative staff – thank you for the skill and commitment you have shown during the year! As noted on previous occasions, the needs of Villamanta's clientele invariably place an enormous burden upon you, especially when clients present with emergency situations and have no other avenues of help. That this has not overwhelmed your ability to manage the Service, highlights how indebted we are to you for the work you have carried out on Villamanta's behalf. However, it is a situation that must continually be addressed by ensuring that we have in place appropriate workload accrual and management practices and by adopting budgetary measures that maximise our staff resources.

Deakin University

During the year, Villamanta has continued to occupy premises provided by Deakin University and provide legal internship and professional experience placements for Deakin Law Students.

¹ Although falling outside the year under review, it is noted that the vacancy created by Viv's resignation was filled by Darrell Harding. It is also noted that (i) Naomi Anderson resigned from the Committee in July; and (ii) that Steve Grainger was appointed as Deputy Executive Officer to act on behalf of the Executive Officer and Principal Solicitor when she was on leave or uncontactable for another reason and as such will attend Committee of Management meetings.

² Regrettably, personal circumstances prevented Amanda Millea participating with her usual regularity and vigour.

President's Report



Villamanta Disability Rights
Legal Service Inc.

The provision of these placements is augmented by the professional experience training program developed in previous years by Villamanta's Viv Avery and Naomi Anderson. Through these placements and programs Villamanta provides Deakin law students with valuable practical knowledge and experience, whilst at the same time expanding its capacity to assist its clients. This relationship has also facilitated receipt of the **Equal Capacity** grant outlined earlier in this Report.

The contribution to its work made by Deakin volunteers is also gratefully acknowledged as is the continued support of the (departing) Vice-Chancellor, Professor Jane Den Hollander AO and the Dean of Law, Professor Jenni Lightowlers.

Governance

At its 2016 Annual General Meeting Villamanta adopted the 'Model Rules' for an incorporated association, created by the *Associations Incorporation Reform Regulations 2012*. These require the AGM to specify the number of ordinary members we will have on the Committee of Management (I suggest 6, one of whom should be a staff representative). In this regard, I note that the primary responsibilities of the Committee of Management are to manage or direct Villamanta's work and ensure that it complies with the Act and Rules. To do this, the Committee meets every two months to review the operation of the Service and its work and to receive reports from the Executive Officer, the President and (to monitor its financial position) the Treasurer. The Committee also receives regular advice from its Risk Management Sub-committee, reports on occupational health and safety issues and periodically, reports from a staff representative.

At its 2016-2017 AGM, Villamanta adopted a new Strategic Plan for 2018-2020. Especially in light of the impact on Villamanta of increasing its reliance on grant income, it is planned to thoroughly review this plan in the coming year with input from the Executive Officer, our professional and administrative staff and members of the Committee of Management.

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

Emeritus Professor Philip Clarke
President

23rd September 2019

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
Legal Service Inc.



Throughout 2018-19 Villamanta's Committee of Management members, staff and volunteers - including several Deakin University law students - worked tirelessly and with care, skill, professionalism and dedication, to make sure that Victorian people who have a disability received – and were empowered by – timely, high quality legal advice, representation and justice. Clients and constituents have provided us with extremely positive feedback that assures us that Villamanta's work is helping to improve the lives of many people who have a disability and is greatly appreciated.

Our free telephone advice, information and referral service (Free call 1800 014 111) – the gateway to Villamanta – provided assistance to many callers. We also provided Legal casework and community legal education for people who have a disability and carried out policy and law reform on several important systemic issues. Villamanta's lawyers also presented training on disability rights topics to others in the community and we sold some publications on disability related topics. More information about the work our staff members and volunteers did is included in this report.

We are grateful to our funder, the Commonwealth Department of Social Services (DSS) that funds us under the National Disability Advocacy Program (NDAP) - as part of the Australian Network of Disability Advocacy Services - enabling us to provide legal advice and advocacy to Victorian people who have a disability. We continue to receive ongoing benefits from improved practices through our successful eighteen-monthly participation in the Quality Assurance audit against the National Disability Services Standards.

DSS again provided us with additional funding to enable us to assist people to appeal to the Federal Administrative Appeals Tribunal (AAT) against NDIS decisions. We are continuing to develop this area of our advocacy work as the demand for it grows.

We continue to benefit from participating in the annual CLCs Professional Indemnity Insurance cross-check process, along with our colleague community legal centres throughout Australia, as well as the National Community Legal Centres audit process.

We are extremely grateful to Deakin University for providing us with office accommodation and for their ongoing friendly and practical support. Our lawyers and administration staff provide practical training opportunities to Deakin law students which we believe will equip them well for the workplace and also increase their knowledge about the circumstances and legal rights of people who have a disability. We are confident that Deakin's law students will become ambassadors for disability rights throughout their careers.

We have continued to work collaboratively with various colleague advocacy, legal and other organisations, networks and individuals to achieve positive results - both for individual clients and at a systemic level - on a variety of important issues. Villamanta greatly appreciates the collaboration, co-operation and support of these organisations and their staff.

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
Legal Service Inc.

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

Our 2018-19 volunteers include our Committee of Management members:

Emeritus Professor Philip Clarke (President), Amanda Milllear (Deputy President), Andrew Hill (Committee Secretary), Michele Tucker (Treasurer), Neville Porter, Hank Wyllie and Dominique Saunders. Viv Avery, former Villamanta lawyer, and Naomi Anderson, current Villamanta lawyer, were also members of the committee for part of the reporting period and we thank them for their contributions. We also welcome Darrell Harding, Villamanta Accounts Administrator, who recently joined the committee. Villamanta thanks all our volunteers for their great contributions and hard work.

This year our volunteer workers included administration volunteer Brenda McKenzie, lawyers Helen Zournazis and Rebekkah Cranson, work experience volunteer/International School student from Hong Kong, Jennifer Anderson, Aaron Chandran, University of Melbourne, Psychology Student; Deakin Law students: Crystal Griffiths, Jarrod Karpala, Ben Lewtas, Anthony Prestinenzi, Ram Manpotra, Lauren Heywood, Stephanie Forsythe, Anai Lindsay, James Jesic, Sam Rotiroti, Ruby Cordner, Irsha Hendavitharana, Joyce Pan, Cooper Brown, Elise Almond, Nadia Lucas, Alex Verikios, Ivy O'Dwyer, Nicole McIntosh, Baxter Lyons, Tristan Burke and, from Charles Darwin University, Alex Fisher, and from Australian Catholic University, Molly O'Hara. They have made a huge contribution to Villamanta's work.

We also thank Associate Professor Julie Clarke of the University of Melbourne Law School for her much appreciated assistance over several years with Villamanta's website.

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

We have continued - often in collaboration with colleague organisations and networks - to observe and comment on various systemic issues affecting people who have a disability. Villamanta has had initial engagement with the long-awaited Royal Commission into Abuse of People with Disability and we look forward to further interaction. Like thousands of others, Villamanta hopes that this Royal Commission will shine a spotlight on the many unacceptable experiences of people with disabilities which will in turn lead to much needed reforms. For example, we expect that the situation in schools for children with disabilities will be an area to be thoroughly investigated by the Royal Commission.

Particularly, we have noticed continuing education and school integration-related problems for children who have a disability and we have worked, often jointly with others, to try to assist the affected students and their families, and to bring these issues to public attention and lobby the relevant politicians and bureaucrats about them. In particular, highly inappropriate use of restraint and seclusion for school children who have a disability continues to be a major problem and we, and our colleagues, continue to work to end this completely unacceptable practice. Three years ago we noted the introduction of a position

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
Legal Service Inc.

of Principal Practice Leader (Education), reporting to the Senior Practitioner (Disability) in the Office of Professional Practice (DHHS), as part of the Special Needs Plan for Victorian schools. We continue to await signs of any positive impact this may have on this completely inexcusable problem.

We also continue to be gravely concerned about the appalling instances of abuse and neglect of people living in supported accommodation and in other institutional settings, and to work on this extremely serious issue. No doubt the Royal Commission will look into this area too.

We note in particular the exacerbation of some of this accommodation-related abuse as a side-effect of the transition to the NDIS. Specifically, some residents of disability group homes, who require more intensive support than most, are continuing to be issued, by their accommodation services providers, with notices to vacate. Some of these clients have lived in their house for many years and it is effectively their home.

We note the ongoing reality that there is still a huge shortfall in housing accommodation stock and appropriate services, which means that there is nowhere else for these residents to go. Appallingly, some people with an intellectual disability, or other significant cognitive impairment, are currently being held in prison or in mental health facilities because there is no appropriate, and appropriately staffed, accommodation for them. This is a flagrant breach of their Human Rights. There urgently need to be provided high quality "last resort" disability service providers and also disability accommodation providers, and so far these have not eventuated.

We have continued to observe and assist our clients to learn about, understand and use complaints and monitoring systems. Most recently, with the advent of the new National Disability Quality and Safeguards Commission, in relation to disability services provided under the NDIS, we have begun monitoring the implementation of the new federal complaints system as it emerges. We continue also to closely observe the effects of recent Victorian legislative changes that have moved the tenancy sections of the Victorian *Disability Act* into the Tenancy legislation, and how these changes affect our clients.

The roll-out of the National Disability Insurance Scheme (NDIS) throughout Victoria continues to affect many of our clients. Given the enormous scale of the NDIS, it is not surprising that there have been many teething problems. Villamanta continues to see evidence of some people struggling to cope with the new system, others finding themselves worse off than they were before, and some falling completely between the cracks that have appeared as side effects of the transition. While many people with disability have benefited, some have in fact been further gravely traumatised by the NDIA's far from perfect processes.

We will continue to closely observe the development of the scheme, and assist people to learn about and navigate the system. We will also continue to work, together with other disability advocacy and legal service provider colleagues, to critique the scheme and transitions, effectively communicate with NDIA staff, and work out ways of coping with the associated increase in demand for advocacy assistance.

Executive Officer & Principal Solicitor's Report



Villamanta Disability Rights
Legal Service Inc.

Finally, Villamanta notes that as long as there is still a massive waiting list of thousands of people who have an intellectual disability desperately needing appropriate supported accommodation to be built and provided for them, and as long as 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, it cannot become reality that **people who have a disability are treated in ways that are fair and reasonable and have opportunities, freedoms and a standard of living that are equal to those of people who do not have a disability** – basic elements of both the Victorian State and the Australian National Disability plans, framework and strategies.

Deidre Griffiths
Principal Solicitor & Executive Officer



Deidre Griffiths & Carol Okai, CEO of Barwon disAbility Resource Council, at BDRC's 2019 AGM.

Objectives of Villamanta's Programs



Villamanta Disability Rights
Legal Service Inc.

- 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



VCAT Guardianship List Duty Lawyer Project

From left: Naomi Anderson, Villamanta Lawyer; Deakin Law Student/Interns: Sharnee Crain and Thomas Howell

Policy & Law Reform Report



Villamanta Disability Rights
Legal Service Inc.



Deidre Griffiths
Executive Officer &
Principal Solicitor

The aims of our Policy & Law Reform work:

Villamanta does Policy & Law Reform work to try to bring about good changes and improvements to laws and policies that affect people who have a disability.

Annual performance indicators

Carry out Policy & Law Reform work on issues of serious concern to people who have a disability.

Situations to be monitored and reviewed and feedback obtained to measure changes.



Naomi Anderson
Casework Lawyer

Villamanta Disability Rights Legal Service Inc. carries out Policy & Law Reform work through individual submissions to various government and other bodies that are conducting investigations and reviews of legislation or systems that affect people who have a disability. We also work collaboratively on systemic issues with various colleague organisations and networks, such as the Federation of Community Legal Centres (Victoria) and the Disability Law Committee of the Law Institute of Victoria, and their working groups, Disability Advocacy Victoria Inc. (DAV Inc. - the peak body for independent disability advocacy in Victoria) and VicDAN, the Victorian network of legal service providers and disability advocates which meets regularly in relation to the NDIS.



Mae Mactier
Casework Lawyer

During the reporting period most of Villamanta's Policy and Law Reform work related to the many problems associated with clients' and constituents' experiences of the National Disability Insurance Scheme (NDIS). In particular, we monitored and responded to issues and problems around the interface between the Victorian disability services legislation and its systems and the NDIS legislation and systems, during the transition to the NDIS. We also contributed to work aimed at overcoming the abuse of children in the education system.

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

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



Carolyn Stuart
Casework Lawyer

Policy & Law Reform Report



Villamanta Disability Rights
Legal Service Inc.

Villamanta collaborates with DAV Inc. members to contribute to policy and law reform work on important systemic issues. DAV Inc. was also involved in establishing the DANA (Disability Advocacy Network Australia), the national peak body for independent disability advocacy, which actively contributes to policy and law reform work on behalf of, and with input from, its member organisations.

Law Institute of Victoria's Disability Law Committee

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

Federation of Community Legal Centres (Vic.)

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

Villamanta publications

Villamanta continues to distributed its publication ***People who have an Intellectual Disability and the Criminal Justice System - A Guide and Educational Tool for People working in the Criminal Justice System: Judges, Magistrates, Court Staff, Lawyers, Advocates, Police and Corrections Workers***, and ***People with Acquired Brain Injury (ABI) and the justice system***, co-authored by Villamanta and a consortium of organisations with expertise and experience relating to people who have an Acquired Brain Injury (ABI), led by not-for-profit psychologists group Diverge Consulting, written to assist people to support and work appropriately with people who have an ABI who are involved in the justice system, both funded by the Victoria Law Foundation.

Human Rights Charter (Victoria)

Along with various colleagues, Villamanta continues to monitor the implementation and use of the Victorian *Human Rights Charter*. Villamanta's lawyers continue to use Charter arguments in their casework matters whenever possible.

A Bill of Rights for Australia/Human Rights Framework & National Disability Framework

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

Policy & Law Reform Report



Villamanta Disability Rights
Legal Service Inc.

The NDIS Quality and Safeguards Commission

Villamanta has been observing and will continue to provide feedback on the new NDIS Quality and Safeguards Commission, an independent agency established with the intention of improving the quality and safety of NDIS supports and services, regulating NDIS providers, providing national consistency, promoting safety and quality services, resolving problems and identifying areas for improvement. We will also support constituents to learn about and use the complaints system.

The Office of Professional Practice

Villamanta continues to monitor the work of the Victoria Office of Professional Practice (previously called the Office of the Senior Practitioner, 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) has been 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.

Following the rollout of the NDIS, the Victorian government and the NDIS Commission now share responsibility for oversight of restrictive practices under the NDIS Quality and Safeguards Framework. Registered NDIS providers in Victoria are now required to comply with the NDIS (Restrictive Practices and Behaviour Support) Rules 2018. Behaviour support plans containing regulated restrictive practices for people in Victoria must be authorised in line with the *Disability Act 2006* as amended by the *Disability (National Disability Insurance Scheme Transition) Amendment Act 2019* and provided to the Victorian Senior Practitioner.

The Office for Disability

Villamanta continues to have ongoing communication with the Victorian Office for Disability, located within the Department of Health and Human Services, and its work to bring about a “whole of government” approach to disability issues in Victoria.

The new Victorian Guardianship and Administration Legislation

Guardianship and Administration laws are very important to our constituents because they can be used to take away people’s rights to make their own decisions. We will monitor the implementation and effect of the new legislation - the *Guardianship and Administration Act 2019* - as it comes into effect on 1st March, 2020.

Policy & Law Reform Report



Villamanta Disability Rights
Legal Service Inc.

Inclusive Education Alliance

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

We also continue to receive reports of many instances of children with a disability being subjected to restraint and seclusion, which is highly traumatic to the children involved and is an outrageous breach of their Human Rights.

Other Policy and Law Reform matters

During the year Villamanta also helped to organise, and/or provided input to, a number of research projects, round tables and forums on various systemic issues which should result in valuable policy and law reform of benefit to people who have a disability.

This included: making submissions to the Australian Banking Association in regard to Vulnerable Customers Guideline and to the DSS Thin Markets consultation regarding shortages of appropriate disability service providers, related to the NDIS; participating in an NDIS consultation group regarding consent and nominee arrangements for NDIS participants; making several formal complaints to the NDIA about lack of access by advocates; addressing issues around NDIA refusal to review plans when submitted by advocates; contributing to discussions around changes to the *Disability Act 2006 (Vic.)* and *Residential Tenancies Act* and making submissions to DHHS regarding changes to the Acts, and providing advice for social workers at Monash Health, including creating resources for social workers when group home residents are abandoned at hospitals.

The Royal Commission into Abuse of People with Disability

The Australian Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability was established on 4 April, 2019. Villamanta is preparing to make submissions to the long-awaited Royal Commission and to support people with disability to make their own submissions.

Deidre Griffiths
Principal Solicitor & Executive Officer

Casework Report



Villamanta Disability Rights
Legal Service Inc.

Annual Performance targets for casework

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

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

During the period 1/7/18 to 30/6/19, 110 new casework files were opened and 131 files were closed.

A total of 48 files remained open at the end of the period.

A breakdown of issues covered in the files still open at 1st July, 2019 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.

10 files relates to this area.

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

9 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

8 files relate to this area.

Priority area: NDIS-related matters

24 files relate to this area.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

These NDIS matters included:

NDIS - Access / Planning 6
NDIS - Support implementing plan/Accessing services 3
NDIS - Internal Review 6
NDIS - Appeals 5
NDIS - Transport policy 1
NDIS - Other 3

Other matters still being dealt with at 1st July, 2019 relate to:

Sexual assault/WorkCover (1), Citizenship (1)

Of the 131 casework files closed in the period, outcomes were 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.*

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

18 matters related to this area.

In these cases we investigated, advised, liaised and negotiated on behalf of clients in relation to whom application for appointment of an administrator had been made to the Guardianship List of the Victorian Civil & Administrative Tribunal (VCAT). Where necessary, we represented clients at VCAT hearings ensuring that their views and wishes were clearly communicated to the Tribunal and that, if orders were made, they were the least restrictive possible under the circumstances and were fully understood by our clients.

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

Casework Report



Villamanta Disability Rights
Legal Service Inc.

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

Matters of guardianship are extremely important to many of our clients as Guardianship Orders, which are made by the Victorian Civil and Administrative Tribunal's Guardianship List, can severely restrict a person's freedom to make their own choices and decisions about many aspects of their daily life.

Sometimes there is a less restrictive way of dealing with the issues affecting our clients. Because of this it is important that the person has access to legal advice and representation when guardianship orders are being considered. In some instances guardianship orders can be of benefit as they can provide authority that helps family members, or other support people, to get things done for our clients. Sometimes clients need help to communicate with their guardian and to get their views and wishes heard.

16 files related to this area.

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

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

Priority area: Advancing the rights of people to have accommodation/services/access to services/quality of service that meet their needs and conform with the principles of the Disability Act 2006 (Vic.) or the Disability Services Act 1986 (C'th.) and relevant consumer legislation

Issues of accommodation and services are extremely important to our clients. They affect many of our clients and often relate to the most basic issues of their day-to-day lives, including where they live, how they are treated there, what services they access outside of their accommodation, including day placement, health and other services. If things go wrong in any of these areas of our clients' life, their life can be an ongoing misery for them until something is done to fix the problem(s).

Issues encountered include negligence/breach of their duty of care by service providers, injury to our clients, exposure to physical and/or psychological abuse, lack of services, insufficient, inadequate or inappropriate services – sometimes no services at all.

19 files related to this area.

In many of these cases we investigated, advised, liaised and negotiated with relevant parties in relation to service plans and accommodation and services issues where service providers were failing to provide appropriate accommodation and/or services.

Where required, we represented clients at meetings, conciliations, mediations or hearings.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

In some cases, we advised and assisted clients to access the conciliation process of the Disability Services Commissioner, under the *Disability Act 2006*. (Note: from July 2019 complaints may also be made to the National **NDIS Quality and Safeguards Commission**.) Some satisfactory outcomes resulted from the Disability Services Commissioner's conciliation process. In some cases, we supported clients to access complaints processes in relation to NDIS-funded service providers. In other cases, around NDIS refusal to include clients as NDIS participants, or provision of inadequate levels of NDIS-funded support in service plans. Some of these matters were addressed initially as internal complaints to the NDIA and resolved through that process, others required elevation to the external complaints process of the Federal Administrative Appeals Tribunal (AAT) for resolution.

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

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

Priority area: NDIS-related matters

NDIS-related matters affect many of our clients. They range from problems accessing the NDIS, rejection by the NDIS, inadequate provision of funding by the NDIS for services, among other issues.

71 files related to this area.

In many of these cases we investigated, advised, liaised and negotiated with relevant parties in relation to access to the NDIS, inadequate provision of NDIS funding, content of NDIS service plans, supported clients to achieve internal reviews of plans, new plans or, where necessary, external reviews of plans by the AAT.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

Outcomes included: inclusion as participants, increased funding, better understanding of how the NDIS system works, access gained to adequate and appropriate support services, relief/reduction of stress, distress and trauma experienced by NDIS clients and their family members going through the often extremely difficult process of trying to communicate with the NDIS.

Other matters:

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

Abuse/Neglect – 6 files; Bullying and Harassment – 1 file; Capacity and Consent – 1 file; Child Protection/Parents who have a Disability – 2 files; Contract/consumer law – 2 files; Criminal Law – 7 files; Disability Services Commissioner complaint – 1 file; Discrimination – 1 file; Duty of Care – 1 file; Finances (including subsidies/entitlements) – 8 files; Financial Abuse – 7 files; Forensic Leave – 5 files; Freedom of Information – 3 files; Guardianship – 21; Health – 1 file; Housing and Tenancy (including Evictions and Notices to Vacate) – 13 files; Human Rights – 2 files; Intervention Orders – 3 files; Unjustified fines – 1 file; Ombudsman complaints – file 1; Personal Injury/Duty of Care/ Neglect – 2 files; Restrictive Interventions/ Behaviour Support Plans/ Treatment Plans/ Supervised Treatment Orders/ Restraint and Seclusion – 12 files; Transport – 3 files; Victim of Crime (other than sexual offence) – 1 file; Victim of Sexual Offence – 1 file; Vulnerable and/or isolated – 4 files; Wills/Estates/Trusts – 1 file; Equipment/Aids – 1 file; School problem – 1 file; Utilities problem – 1 file; DHHS complaints – 2 files; Independent Living Supports – 3 files; Service Providers Policy/Practice – 3 files.

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.

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

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

The supervision and review system is operating effectively.

Casework Report



Villamanta Disability Rights
Legal Service Inc.

Casework Team



Deidre Griffiths
Executive Officer &
Principal Solicitor



Stephen Grainger
NDIS/Casework Lawyer



Sue Wolter
Para-legal Worker



Naomi Anderson
Casework Lawyer



Kate McGrath
Casework Lawyer



Mae Mactier
Casework Lawyer



Carol Stuart
Casework Lawyer



Elise Almond
Para-legal Worker

Community Legal Education



Villamanta Disability Rights
Legal Service Inc.

The aims of our Community Legal Education work :

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

Annual Performance Indicators

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

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

Sessions covered various topics, including disability rights, Your Rights Your Choices, Human Rights, wills, administration, powers of attorney, guardianship, capacity and consent, "Thinking about the Future", special trusts, Carers' rights, care recipients' rights in future planning, Duty of Care/Dignity of Risk for direct care workers, Working with People who have an Intellectual Disability in the Criminal Justice System, People who have an Acquired Brain Injury and the justice system, Child Protection & Parents who have a Disability, clients' rights in regard to Police interviews/fingerprinting, court processes, Independent Third Persons' program, clients' rights regarding interactions with Public Transport Authority authorised officers, communicating with people who have cognitive impairment, the NDIS and the work that Villamanta does.

Community Legal Education



Villamanta Disability Rights
Legal Service Inc.

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

In addition to our regular community legal education Villamanta provided education sessions associated with its project work. These included training for rural/regional CLC lawyers and disability advocates. We also provided training for CLC lawyers at the Victorian Federation of Community Legal Services' CPD Day.

Villamanta also participated in a radio interview on 3CR on the NDIS and related legal issues for people with a disability, and the significant advantages of having an advocate when dealing with the NDIS.

We also distributed material to numerous community organisations and a number of disability expos and conferences, informing them about Villamanta's various services, including education and training. A number of Villamanta publications are also available for purchase from Villamanta.

"Having A Say" Conference 2019

Villamanta was represented by Villamanta's Deputy President, Amanda Millear, at this year's very successful annual *"Having a Say"* Conference, organised by VALID, which was held in Geelong in February, 2019.



Villamanta lawyers and VALID advocates with
Hume Riverina Community Legal Service staff at Wodonga

Telephone Advice Service Report



Villamanta Disability Rights
Legal Service Inc.

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

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

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

Annual performance targets :

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

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

The number of issues dealt with via our Telephone Advice Service in 2018-2019 was 812. The Telephone Advice Service responds to a wide range of enquiries and requests. People often call with complex issues which can require some untangling; callers can be very unhappy, stressed, distressed, or angry about something which has happened, or worn down from trying to battle difficult situations without assistance.

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

Telephone Advice Service Report



Villamanta Disability Rights
Legal Service Inc.

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

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

Villamanta often receives calls from people who think that because they have a disability, we will act for them. We then need to explain that our work is only on *disability-related* legal issues - we are not a segregated legal service! Many of these callers have been referred to us by other organisations; we then contact the organisation to clarify our role, in an attempt to reduce the frustration people experience when being sent from organisation to organisation to no avail.

Nearly all of Villamanta's staff members answer the advice line. We are constantly increasing our knowledge in all relevant areas, and participating in training and professional development, so that we can continue to provide the best service possible.

Our internal web-based Telephone Advice Service Manual provides a resource which enables us to advise and refer callers more effectively. Constantly updating, expanding and refining the manual is time consuming, and we are extremely grateful to our wonderful volunteers for assistance with this. Telephone Advice Service volunteers are also invaluable in assisting to document calls, and record statistics, in our tailored electronic database.

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

Deidre Griffiths

Vivienne Nicol



Deidre Griffiths
Executive Officer & Principal Solicitor



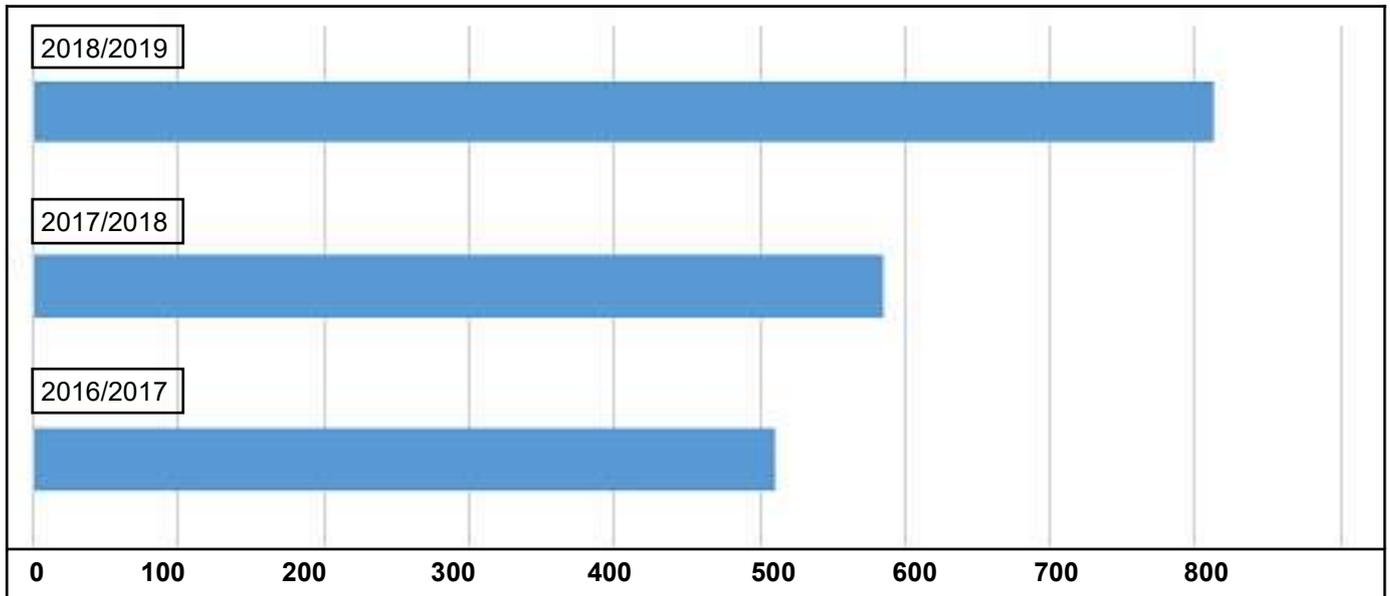
Vivienne Nicol
Administration Worker

Telephone Advice Service Report

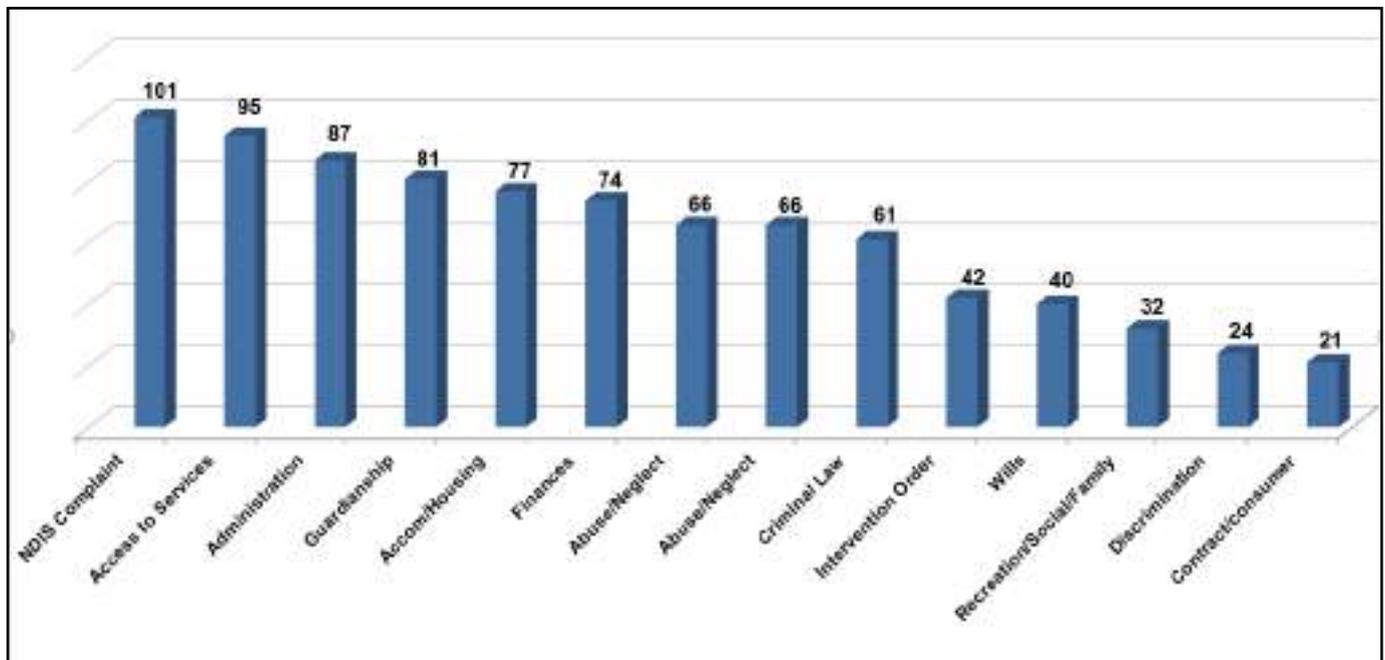


Villamanta Disability Rights
Legal Service Inc.

Telephone Advice and Referral Service Activities



Types of Issues people call us about in 2018/2019



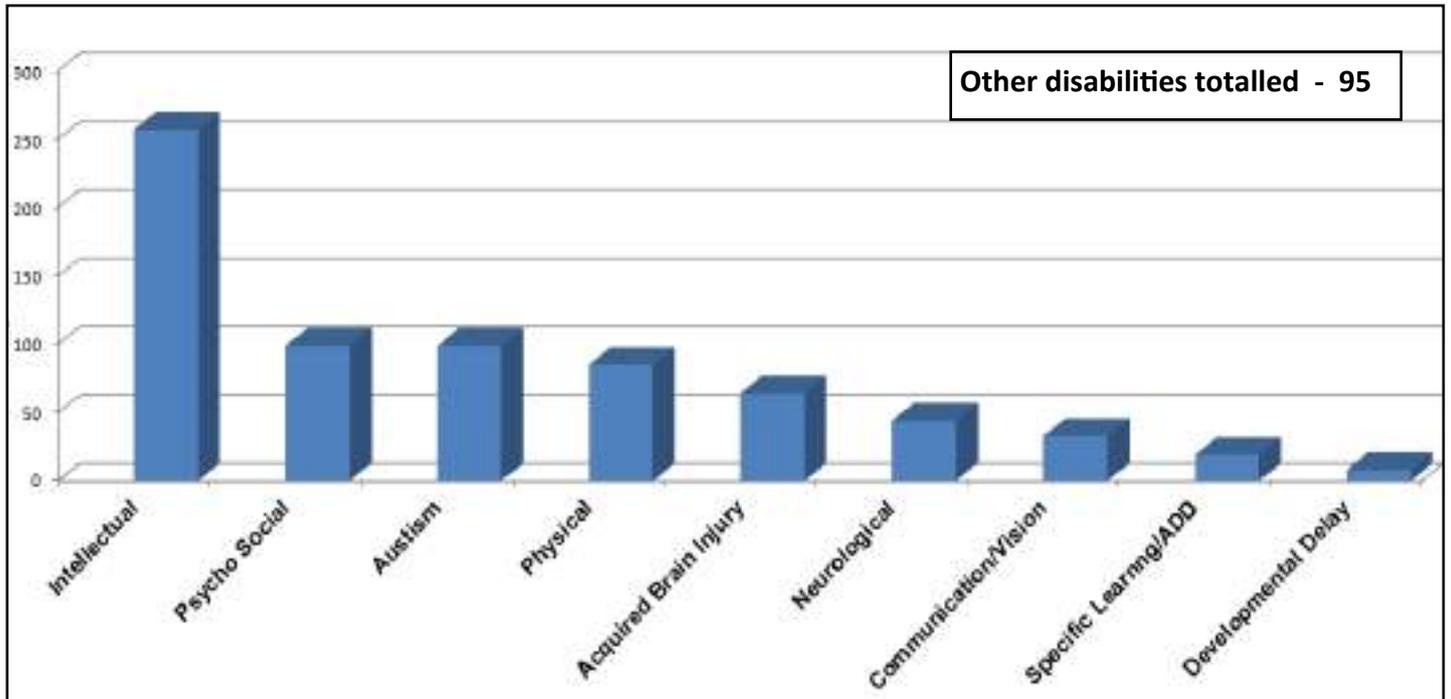
Other Issues (Not our priority areas) totalled 148 as follow: Education, Employment, Victim of Crime, Personal Injury, Health, Physical Access and Transport.

Telephone Advice Service Report



Villamanta Disability Rights
Legal Service Inc.

Disability Type



Elise Almond - Project Para-legal worker

Financial Statements



Villamanta Disability Rights
Legal Service Inc.

Income and Expenditure Statement For the year ended 30 June 2019

	2019 \$	2018 \$
Income		
Grants - Recurring	558,264	548,929
NDIS Appeals	184,000	164,911
Other income	91,505	220
Interest received	8,083	7,861
Total income	<u>841,852</u>	<u>721,921</u>
Expenses		
Administration	7,931	5,507
Consultancy	11,312	11,103
Depreciation	5,547	5,547
Employment expenses	754,195	651,547
Library	435	
Memberships	6,071	5,162
Motor vehicle & travel costs	11,608	11,753
Office expenses	18,435	19,189
Occupancy	15,142	16,024
Staff training & development	2,538	592
Telephone	5,873	6,298
Total expenses	<u>839,087</u>	<u>732,722</u>
Surplus from ordinary activities		
Net surplus attributable to the association	<u>2,765</u>	<u>(10,801)</u>
Total changes in equity of the association	<u>2,765</u>	<u>(10,801)</u>
	<u>2,765</u>	<u>(10,801)</u>
Opening retained earnings	240,477	251,278
Net surplus	<u>2,765</u>	<u>(10,801)</u>

Financial Statements



Villamanta Disability Rights
Legal Service Inc.

Balance Sheet as at 30 June 2019

	2019 \$	2018 \$
Assets		
Current Assets		
Cash assets	403,877	359,819
Prepayments	2,060	1,482
Total Current Assets	405,937	361,301
Fixed Assets		
Vehicles	5,085	10,632
Fixed Assets	5,085	10,632
Total Assets	411,022	371,934
Liabilities		
Current Liabilities		
Payables	32,791	13,878
Current tax liabilities	5,993	(4,074)
Provisions	97,403	121,652
Grants in Advance	31,592	
Total Current Liabilities	167,780	131,456
Total Liabilities	167,780	131,456
Net Assets	243,242	240,477
Members' Funds		
Retained earnings	243,242	240,477
Total Members' Funds	243,242	240,477

Financial Statements



Villamanta Disability Rights
Legal Service Inc.

Villamanta Disability Rights Legal Service Inc

Independent Auditor's Report to the Members

Report on the Audit of the Financial Report Opinion

We have audited the financial report of Villamanta Disability Rights Legal Service Inc (the association), which comprises the Statement by Members of the Committee, Income and Expenditure Statement, Balance Sheet as at 30 June 2019, a summary of significant accounting policies and the certification by members of the committee on the annual statements giving a true and fair view of the financial position and performance of the association.

In our opinion, the accompanying financial report presents fairly, in all material respects, the financial position of the association as at 30 June 2019 and [of] its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements and the requirements of the Associations Incorporation Reform Act 2012 and the Australian Charities and Not-for-profits Commission Act 2012.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the association in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Emphasis of Matter – Basis of Accounting

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the association to meet the requirements of Associations Incorporation Reform Act 2012 and the Australian Charities and Not-for-profits Commission Act 2012. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

Responsibilities of the Committee for the Financial Report

The committee is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of the Associations Incorporation Reform Act 2012, the Australian Charities and Not-for-profits Commission Act 2012 and for such internal control as the committee determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the committee is responsible for assessing the association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the committee either intends to liquidate the association or to cease operations, or has no realistic alternative but to do so.

Auditor's Report



Villamanta Disability Rights
Legal Service Inc.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the association's internal control.

Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the committee.

Conclude on the appropriateness of the committee's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the association to cease to continue as a going concern.

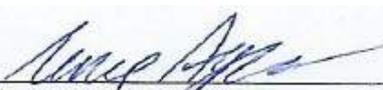
Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the committee regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Signed on: 12th November, 2019

ASSUR PTY LTD

Authorised Audit Company Number: 453122
Chartered Accountant



Anthony Ager
Director - Audit & Assurance
Chartered Accountant

