

Queensland Advocacy Incorporated

ANNUAL REPORT 2007 – 2008

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Introduction

Queensland Advocacy Incorporated (QAI) is an independent community based systems advocacy organisation for people with disability in Queensland.

QAI advocates for the fundamental needs, rights and lives and protection of the most vulnerable people with disability in Queensland. QAI does this by engaging in systems advocacy work – through campaigns directed to attitudinal, law and policy change, and by supporting the development of a range of advocacy initiatives in this State.

The Department of Family & Community Services under the Commonwealth Disability Services Act primarily funds QAI. QAI also seeks funding from philanthropic organisations. A Management Committee, the majority of whom are people with disability, runs QAI.

This **Annual Report** covers the period from 01 July 2007 → 30 June 2008. It describes in detail the efforts of QAI to be a strong and effective systems advocacy organisation, committed to its mission of promoting, protecting and defending through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

QAI's Mission and Objectives

QAI's mission is:

“To promote, protect and defend, through systems advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland”

QAI's objectives are:

1. To affirm and put first people with disability in Queensland;
2. To undertake systems advocacy that strives to promote, protect and defend the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland;
3. To undertake legal advocacy that strives to promote, protect and defend the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland;
4. To take an active leadership role in advocating for the fundamental needs and rights

and lives of the most vulnerable people with disability in Queensland;

5. To support, promote and protect the development of advocacy initiatives for the most vulnerable people with disability in Queensland;
6. To be accountable to the most vulnerable people with disability in Queensland;
7. To conduct an efficient and accountable organisation; and
8. To adhere to and constantly reaffirm the following beliefs and principles:
 - ❖ All human life has intrinsic dignity and worth;
 - ❖ People with disability must positively and actively be accorded worth, dignity, meaning and purpose through being included in and with their community;
 - ❖ Social Advocacy is functioning (speaking, acting, writing) with minimum conflict of interest on behalf of the sincerely perceived interests of a person or group, in order to promote, protect and defend the welfare of, and justice for, either individuals or groups, in a fashion which strives to be emphatic and vigorous and is likely to be 'costly' to the actor in terms of:
 - time or other resources;
 - emotional stress;
 - bodily demands;
 - social opprobrium, rejection, ridicule;
 - self-esteem, self certainty;
 - socio-economic security, livelihood; and
 - physical safety, life

The essential elements of Social Advocacy are:

- strict partiality;
 - minimal conflict of interest;
 - emphasis on fundamental needs and issues;
 - vigorous action;
 - cost to the advocate;
 - fidelity; and
 - being mindful of the most vulnerable person.
- ❖ Systems advocacy is a particular form of advocacy that focuses on influencing

and changing 'the system', that is, the whole of society and the various systems operating within, in ways that will benefit people with disability as a group within society. Systems advocacy includes, but is not limited to, policy and law reform activities.

President's Report

Robert McRae

It is an honour to present the President's Report for the 2007-2008 year. This year has seen QAI survive threats to our funding to consolidate our position to come back even stronger in our advocacy efforts on behalf of vulnerable people with disability. This year, more than any other, has reminded us of the vital role that Systemic Advocacy plays in the lives of people with disability; I am proud to be part of this systemic influence.

Individual Advocacy Funding Requirement

This year, our funding body changed our advocacy commitments from solely systemic provision to include 25% individual advocacy provision, with a further commitment to provide 50% in the following year. The Management Committee and staff spent many hours agonizing over how to most efficiently deliver truly meaningful individual advocacy to people with disability without impacting unduly on our systemic advocacy initiatives. Many issues needed to be considered and addressed, internal structures needed to be developed, as well as simple things like travelling to make contact with people. We made a submission to the department that the Legal Advocacy Worker would deliver the majority of the 25% commitment, with the Community Living Advocate also contributing. The logistics of delivering individual advocacy by an organisation set up for systemic advocacy, meant that in reality our efforts exceeded the 25% requirement. This has been of great concern to the members of the Management Committee, who believe that our capacity to provide effective systemic advocacy has greatly been impacted.

It has been therefore, some considerable relief to have our funding agreement revert to 100% systemic advocacy since the installation of the Rudd Government. We all breathed a sigh of relief. I would like to thank Kevin and the staff for their tireless advocacy to government and bureaucracy in their endeavour to resist the change.

QAI Patron

QAI has been fortunate to have considerable support from the Queensland Governor, Her Excellency Quentin Bryce, AC, over the past years. In July 2007, the Governor became the Patron of QAI.

As you are aware, Ms Bryce is now the Governor General of Australia. In this capacity she is no longer able to continue as Patron of QAI. On behalf of QAI, we wish Ms Bryce every success and congratulations on her role representing Australia.

Future Directions

This is the final year of QAI's current 5 year plan and we shall soon be involved in forging a new plan.

Friends of QAI

We have been working with Friends of QAI on a number of fronts to promote QAI's profile outside the disability sector and to similarly seek financial support from those areas.

Donations and Financial Support

This year, the level of donations and financial support that QAI has received has risen dramatically compared to previous years. We receive from the Legal Firm, Minter Ellison, regular donations from their staff through their Workplace Giving Scheme. Further, QAI was the fortunate recipient of Australian Lawyers Alliance's yearly fund raising activities.

On behalf of QAI, I would like to thank Minter Ellison, the Australian Lawyers Alliance and the following people for their financial contributions and support to the work of QAI :

Meriel Stanger, Chief Justice Paul De Jersey, Mr J Logan, Olivia Otter, Ron Ashton, Elizabeth Hall, Justice Roslyn Atkinson. , Hon Kerry Shine, IB and NM Brock, Jude Lang, Bob Bowles, Nigel Webb, Mrs E Harman, A. Harsant, P. Marangellie, The ANZ Trustees Philanthropic Fund, David Massey, City of Kalgoorlie-Boulder, Joyce Bradley, Noel Muller, Pamela Reeve, Indigo Eynstone and JD & JA Stuart.

Many thanks to you all.

Special General Meeting

After the AGM on 20th October 2007, A Special Meeting was held to vote on the proposed name change of QAI. At that meeting an enthusiastic discussion took place, for and against the change. No vote was taken and the decision was made for the Management Committee to consider the matter further. The consensus appears to be that the matter be further considered when the new 5 year plan is being formulated.

20 Year Celebrations

QAI held its 20 year celebration after the AGM in October. The function was well attended and was a very merry event! Special guests were Senator Claire Moore, Senator Bartlett, Member for Indooroopilly, Ronan Lee, the Public Advocate Michelle Howard, personnel from Department of Families Community Services and Indigenous Affairs, State Government representatives, and many people with disability and their family members.

Jeff Cheverton was the Master of Ceremonies for the evening and gave our celebrations the enthusiasm that is Mr Cheverton. QAI was pleased to have guest

speakers from the inception of QAI, to the middle years and the present. The guests were led down memory lane and ended up rejoicing in our current achievements.

The guest speakers were Jeremy Ward, Donna Best, Mike Duggan and Lorna Hallahan. After a toast was proposed to QAI's 20 years of achievements, Donna and Jeremy cut the QAI cake.

Management Committee and Staff Changes

The AGM saw Andrew Fraser resign from the Management Committee. Andrew who held the Treasurers position with QAI for 2 years left us because of increased job responsibilities and his forthcoming marriage. On behalf of the Management Committee and Staff we wish Andrew all the best for the future.

Madonna Nicoll was elected as a Management Committee member. Many of you may already know Madonna. Madonna comes to QAI with a wealth of experience and knowledge from her personal, professional and university life. We are pleased that Madonna has joined QAI and look forward to working with her.

Deborah Bryzak accepted the Management Committee's offer to act as Treasurer on a temporary basis. I would like to take this opportunity to thank Ms Bryzak for the competent and professional manner in which she performed her duties whilst in this role.

Stephen Lin, Legal Advocate Worker, completed his 12 month contract in September 2007.

Julian Porter, previously, Legal Advocate Worker, resigned from the Legal Training position in October 2007.

Ken Wade was appointed to the Legal Advocate Worker position in October 2007, on a secondment from Blakes Dawson Solicitors. It is intended that Ken will be offered the position on a permanent basis in the next financial year.

Lyn Hamilton was engaged on a temporary basis December 2007- February 2008 to fulfil QAI's obligations to the Legal Training package funding body.

Rebekah Bradshaw came to QAI in her voluntary support role for the Community Safeguards Coalition. We loved her so much, we asked her to continue working at QAI in the capacity of Project Support Worker. Rebekah joined QAI in August 2007.

Appreciation

I would like to thank all QAI's supporters who have contributed to our advocacy efforts throughout the year.

I continue to enjoy the professional and personal relationships formed over the years as Committee Member and President of QAI. I would like to thank Kevin Cocks, QAI's Director for his ongoing commitment to strengthening systemic advocacy in Queensland.

I would also like to thank the Staff of QAI for their ongoing support of both the Director and Management Committee throughout the year. To Deborah, Ken, Rebekah and Melinda many thanks.

Treasurer's Report

Deborah Bryzak (Acting)

I am pleased to present QAI's Financial Report for the year ended 30 June 2007. The Report was prepared by Hayward's Chartered Accountants and is attached hereto.

QAI's work continues to rely heavily on its Annual Funding Agreement with the Commonwealth Department of Family and Community Services and Indigenous Affairs (DFaCSIA). Due to the nature of QAI's work and the increasing demand and competition for funds within the Not-For-Profit Sector, it is more likely that QAI will continue to rely on funding from the Commonwealth. This income has been supplemented from other sources, such as Friends of QAI, as detailed in the Financial Report.

I have been pleased to assist QAI with the operation of their accounts, allowing Director Kevin Cocks and his staff to focus on their important work. I have thoroughly enjoyed working with the Management Committee and Staff of QAI and look forward to working with the new Treasurer in 2009.

Director's Report

Kevin Cocks

This year marks the 21st year of QAI's existence. Last year we celebrated 20 years of existence. Over 70 people joined in the celebrations many old faces along with more recent members of QAI listened to Jeremy Ward, Mike Duggan, Lorna Hallahan and Donna Best talk about their experiences of past and present. Guests were able to view photo documentation from key projects and chat about old times. The celebration was a tremendous success – the next major milestone for QAI to celebrate is the 25th anniversary and I look forward to that.

This is my tenth annual report as Director of QAI, I would like to thank the Management Committee for their leadership, work and support, in particular Robert McRae in his role as President. Additionally, I acknowledge and thank all staff members for their dedication and tireless efforts to carry out the work of QAI over the past year. I thank my family for their love and support.

QAI's work has been strengthened by the support of many people outside of the organisation. In particular I would like to thank people with disability and their families and friends who continue to hold a dream for a better life for all people with disability. The staff and I draw great strength from people's tenacity to face adversity daily yet hold on to the dream of having a better life. Finally, I thank the members of the Combined Advocacy Groups Queensland (CAGQ) for your commitment and enthusiasm to working collectively to ensure the continuation of a strong, vibrant and robust advocacy sector in Queensland.

This Annual Report covers the activities carried out by QAI in the financial year 2007 - 2008. During the past 12 months QAI has continued to focus its advocacy efforts in three areas: (1) Community Living, (2) The Law Project, and (3) Equal Access to Justice for Victims and Offenders in the Criminal Justice System.

On behalf of QAI's management committee and staff I extend our appreciation and thanks to Amparo, Gold Coast Advocacy, Independent Advocacy Townsville (IAT), Rights In Action (RIA), Speaking Up For You (SUFY), and Sunshine Coast Citizen Advocacy, and people with disability, their families, and concerned citizens for keeping us grounded and informed about the many issues being experienced by vulnerable individuals with disability for whom you are advocating, or just looking out for.

Before I reflect upon the past year's significant advocacy efforts carried out by staff and management committee, I want to acknowledge Christopher Newell passing.

Christopher Newell

Christopher's passing was a tragic loss to his family, colleagues, and friends and in particular, the disability movement as a whole. I was asked by Christopher's wife Jill, to present a tribute to Christopher on behalf of the disability community. The speech I wrote is available on our Web site. To those of you who did not know Christopher, he had a long-term relationship with QAI that commenced before my time here as director. He supported the work of Jenny Fitzgerald, the inaugural bio-ethics advocacy worker in QAI. He was very supportive of QAI's work in general, and in his book, *The Australian Disability Experience*, there is a whole chapter devoted to the Action Forum 2001; Turning Rhetoric into Reality. Christopher was known for his leadership, intellectual rigour, passion, risk-taking, humour and his humanity. Christopher will be sadly missed by his family and loved ones and by his colleagues and fellow activists.

QAI Advocacy Projects

Community Living Project, Melinda Ewin's primary focus has been:

1. Individual Advocacy
2. Human Rights Indicators
3. Community Connections Toowoomba
4. Younger People in Aged Care Alliance
5. Disability Alliance

Law project, Stephen Lin & Ken Wade focused on:

1. Guardianship Review
2. Rights in Public Spaces
3. Restrictive Practices legislative development
4. Legal Casework

Legal Training/Project Support, Rebekah Bradshaw focused on:

1. Relationship building and networking
2. Legal Training Workshops
3. Lawyer Support

For full details of Advocacy efforts carried out by QAI staff, see individual reports.

I am pleased to be able to report that we have achieved many of the strategic/operations actions for 2006/07 as outlined in our strategic plan in a timely and effective manner. The broad strategic vision was developed in 2004 and is to be reviewed and renewed in 2009. Over the past four years the strategic actions have been realised through our operational plans.

- **Strategic Action 1: the development of human rights indicators by June 2008** was achieved and formally launched on August 20, 2008. The next challenge is see strategic implementation and realisation of the CRPD through the strategic use of the human rights indicators.
- **Strategic Action 2: entitlements through direct payments on political agenda by June 2008.** We have played a leadership role in Queensland in promoting direct payments throughout activities in the Blue Skies Group & Safeguards Coalition and more recently our invitation to participate with a number of organisations from Australia to promote the concept of 'In Control'. In our first meeting in December 2007 with the Parliamentary Secretary for Disability, Bill Shorten, we promoted the concept of entitlement and direct payments and have continued to do so every opportunity. I cannot say with confidence that entitlement is on the political agenda but I can say that we have progressive movement towards direct payments and policy consideration for insurance schemes. This strategic action requires ongoing support. The reflection question for QAI: is the overall schema of prioritisation in line with our mission and objectives is, still a priority?
- **Strategic Action 3: progress the Criminal Justice Disability Project by June 2008.** There have been two major actions following the launch of the disabled Justice report in May 2007. They have been the *Pathways to the Criminal Justice System* cost benefit analysis, the LIPTAF submission and a subsequent one off LIPTAF grant to pilot the Justice Support Project in the Brisbane North police region. Once again we have achieved our desired outcome; however, this is a progressive strategic action that requires ongoing strategies and actions.
- **Strategic Action 3: staff recruitment and retention by June 2008.** Once again this is a progressive strategic action; however, we could consider we have

partially achieved this strategic action as outlined. We have recruited two new staff members as an investment into the future and began the restructure of our administrative structure and personnel to meet the future requirements to ensure that QAI is a professional organisation.

- We have not been strong on staff and management committee development, recruitment and succession planning. This needs immediate attention at a management committee policy level.
- **Strategic Action 4: Monitor the Bribe Care Ramifications by June 2008.** We assisted SUFY in finding a *pro bono* lawyer and the case is due to be heard later this year. QAI's role continues to be one of monitoring and supporting SUFY in their role as individual advocates and identifying systemic law reform issues that may arise out of the court case and require action.
- **Strategic Action 5: Community Safeguards Coalition by June 2008.** See action 2 and action 1 above. We have achieved this specific action with the community safeguards coalition launch of 'My Life, My Home, My Solution' campaign kit in December 2007.

In February and March 2009, the management committee and staff will carry out a thorough review of the current five-year strategic plan as part of a process towards developing a new five-year strategic plan that will guide QAI through 2014.

Human Rights Lawyer

The proposed Disability Services Restrictive Practices Amendments, arising out of the Carter Report were supposed to be designed to safeguard the human rights of people with a disability living in Queensland who are subject to restrictive practices. QAI is very concerned about these proposed amendments; we believe that the interpretation of the Carter Report has moved significantly from the intent of the recommendations suggested by Justice Carter. There are many concerns that we will need to address in the forthcoming years – for example, the retrospective immunity clause contained in the act. Of equal concern is that the restrictive practices will lead to heightened vulnerability for the population group for whom restrictive practices apply. The target group for this legislation are people who have been labelled with complex and challenging behaviours who are at risk of harming themselves and others. QAI is concerned that the implementation of this legislation will result in a significant 'risk to life' and 'risk to liberty' including the real possibility of serious injury or death.

QAI believes that a specialist legal service is required to respond to the following anticipated problems and increased workload arising out of the implementation of the proposed Disability Services Legislation Amendments:

- ensuring natural justice is afforded to persons subjected to the legislation; and

- where a restrictive practice is applied to an individual living with other people with disability, that restrictive practice can potentially affect the liberties and rights of those other people living in that shared accommodation. This potential arises because restrictive practices can include such things as locking communal kitchens or locking doors and windows, which restricts the lives of more people than the individual the practice is intended for.

Additionally, amendments to do with locked gates doors and windows will be arbitrarily enforced with no checks and balances by personal care workers. Effectively, if a personal care worker deems that a person is incompetent and thus unsafe to negotiate independent movement, then the person can be locked in the house.

In light of the above considerations, QAI believes the need and demand for greater legal advice, referral and representation will increase significantly for vulnerable people with disability who's human and legal rights may be denied because of the anomalies in the Act and perverse interpretations of the act in its implementation.

A specialist legal service will increase QAI's capacity to respond to this need and demand. Thus, QAI will be able to protect an individual's legal and human rights and systemically focus on the delivery of an open and accountable restrictive practices legal framework for people with disability in Queensland.

Consequently, we developed a submission for a human rights lawyer to provide legal advice and conduct casework strategically with respect to matters arising from restrictive practices and guardianship. The submission was successful and is administered by Legal Aid Queensland. It is anticipated that the legal service will not be ready to operate until February 2009.

DISABLED JUSTICE REPORT IMPLEMENTATION

In this reporting period QAI has worked closely with the Law and Justice Policy Department of the Premier and Cabinet, to advance the whole of Government response. QAI received a whole of government response to the 25 recommendations for reform identified in the Disabled Justice Report. The response acknowledges the work of QAI in the covering letter and the foreword opening states "**the Queensland Government thanks Queensland Advocacy Inc (QAI) for producing this valuable report investigating the issues faced by people with a disability within the Queensland criminal justice system.**" The foreword is signed by the Premier, the Police Minister, the Attorney General and the Minister for DSQ.

In general, the whole of government response is disappointing in that it has committed no additional resources to address the recommendations. It has relied heavily upon addressing the recommendations through the respective agencies action plans as required by the DSA. This means all recommendations will be carried out within existing budgets. The Department of Justice and Attorney-General is the only exception in that

it suggests that QAI could apply for a LPITAF grant to establish a Disability Rights Centre, as per recommendation 22 of the Disabled Justice Report.

Prior to the whole of government response I visited Intellectual Disability Rights Service in Sydney (IDRS). This organisation has a Police Support and Court Support Volunteer Programme that operates in three locations in New South Wales. Consequently, QAI developed a submission for funding of a police and court support programme that would cover all police regions in Queensland. I met with Linda Apelt, Director General Community Services & Disability Services Queensland, and Tony Keyes to present them with a submission to fund a police and courts support volunteer programme. Unfortunately, this submission was rejected.

QAI was invited to put in a submission to the LIPTAF funding round in March 2008 which we did in the spirit of Recommendation 22 (Disabled Justice Report). QAI submitted a proposal to employ a Disability Rights Advocate and two Police and Court Support Project Workers. The Disability Rights Project would act as a catalyst, addressing structural and systemic failure affecting persons with disability in the Criminal Justice System. This component of the project did not get funded. The second pilot project would develop a Police Support and Court Support Program in Brisbane North Region. The program would recruit and train volunteers, who would attend police interviews and court appearances with victims, defendants and witnesses with disability. QAI received limited funding for this component of the Disability Rights Project proposal. Thus, a police support and court support program will be piloted in Brisbane North region in the 2008-2009 financial year. This project will be known as the Justice Support Project.

Pathways for People with a Disability in the Criminal Justice System Project

This project was funded by Department of Premiers and Cabinet; QAI received a \$15,000 grant in April 2007 and commenced July 2007. QAI engaged Caroline Mason and Walter Robb to develop a cost benefit analysis methodology and carry out the project. This project sought to develop a framework for a business case that can:

- assist Queensland government agencies to reframe their approach to policies and programs for dealing with people with disability in the criminal justice system, and
- be used as a basis for departmental budget bids, demonstrating effectiveness in resource use while achieving policy objectives.

This project sought to provide some initial answers to the following questions:

- What are the appropriate policy objectives for the diversion of people with disability from the criminal justice system in terms of human rights, social, legal and economic objectives?

- What are the most appropriate diversion and early intervention programs for government agencies to reflect those objectives in terms of approaches to treatment, punishment, rehabilitation, and reduction of recidivism?
- How does reframing the approach applying a cost benefit analysis to case studies provide directions for the development of appropriate policies and programs?

The project worked with three people with disability who are engaged in the criminal justice system as offenders. The study identified a range of implications for the criminal justice system specifically for those who come to its attention. These revolve around early detection, assessment and diversion of people for whom the criminal justice system is simply the end result of failure of the broader service system.

There are also significant implications for all other agencies dealing with people who have disability, particularly in child protection, education, health and disability services, in ensuring that these people and their families are provided consistent and appropriate support to enable lives which are rewarding and free of harm. Prevention will start by providing support to vulnerable families when they first come to attention in the service system.

The innovation of costing a lived experience pathway against alternative scenarios has demonstrated that increased investment in innovative and relevant support services is the means to realizing the benefits.

The project also identifies the need for:

- early and thorough assessments of individuals and their families who come to the notice of all agencies providing services to people with disability, including child protection, education, health and disability service agencies;
- maintenance of a complete and accurate record of activities and services for these people once they are identified;
- consistent, proactive and long term case management
- capacity building for appropriate community services and the supply of affordable housing.

The focus of this project is on the opportunities in moving forward to develop program options with an understanding of how to support vulnerable people, the government to meet their obligation of meeting the human rights of vulnerable persons with disability, as well as understanding the economic benefits to society as a whole. The project has demonstrated that a pathways approach to understanding the needs of individuals provides a clearer picture than could be obtained by a cross-sectional analysis of offenders on their trajectory at a single point in time.

The report recommended that the Department of Premier and Cabinet:

- distribute the report to relevant agencies for consideration in the development of their budget bids for 2008-09 for prevention and early intervention programs;
- convene an across agency group to discuss the application of the methodology and sponsor more detailed analyses of the pathways of people with disability to identify interventions to divert them from criminal justice system; and
- encourage agencies to consider the application of the methodology in their disability action plans.

In December 2007, Carolyn Mason, Walter Robb (report authors) and I met with Ken Smith, Director General of Premiers, and Tony Keyes, Director of Law and Justice Policy Department of Premiers, to deliver and discuss the findings and recommendations of the report. The recommendations were accepted, consequently QAI held a workshop with senior staff from: the Department of Justice and Attorney General (JAG); Legal Aid Queensland; Department of Housing; Public Advocate; Office of the Adult Guardian; Disability Services Queensland; Treasury; Queensland Police Service; Queensland Corrective Services; Department of Premiers and Cabinet (DPC) (Criminal Justice Research); DPC (Social Policy); and DPC (Law, and Justice Policy).

The purpose of this workshop was to use the report's methodology around client pathways and a benefit cost analysis to explore the potential for reframing policies and programs to deliver improved outputs and outcomes. The workshop was very successful. There was a strong level of commitment to making a difference both at a policy and program level. Participants clearly acknowledged that some thing different had to be done and the Pathways report provided a framework for reframing the policy approach and clearly establishing a strong economic and human rights argument to reform policies and practices that currently lead to practices within the criminal justice system that discriminate against persons with disability.

Outcome: relevant agencies' action plans to have high-level strategies to dismantle the barriers that currently exist and stop people with disability being treated unequally before the law. These action plans will need to have clear indicators that will be measurable in determining reform outcomes are being achieved. For example, reduced numbers of persons with disability in prisons and increased early intervention in vulnerable people with disability at risk of entering the criminal justice system.

A meeting is set down for July for QAI to put forward a case to all relevant Director Generals and senior staff to advance this work as expressed in the third dot point of recommendations above.

In summary, what this approach does is understand the pathways people with disability experience in entering the criminal justice system from their lived experience. It provides an opportunity for government department's policy and programme

development and management to reframe the way they develop and implement policy and programmes. It will identify why early intervention and preventative strategies are critical to protect and ensure vulnerable people with disabilities' human rights. It also demonstrates there is a significant financial/economic benefit to investing in people early. This has great potential and is a very exciting opportunity for QAI but most importantly, for vulnerable people with disability. I believe this methodology will significantly confront and challenge the silo mentality and 'buck passing' that currently exists in government policy and programmes.

NATIONAL DISABILITY ADVOCACY PROGRAM (NDAP) REFORMS

Consultation

QAI coordinated a CAGQ response to the two consultation papers developed by the NDAP. The first consultation paper responded to was titled 'Working Together' the second consultation paper was titled 'Common Understanding of Advocacy'

The advocacy reform process undertaken by the Department of Families, Housing, Community Services and Indigenous Affairs (DFHC SaIA) on the National Disability Advocacy Program (NDAP) has evolved into a more coherent and manageable process over the past six months.

Increased Individual Advocacy Requirement

The aim to increase the level of individual advocacy available to people with disability remains a priority for the Rudd government. It is recognised through the increased budget for the NDAP as reflected in the \$1 million commitment by the previous government and the additional \$12.2 million (from the 2007-08 Federal Budget) to be provided over the next four years. Funding for systemic advocacy initiatives appear to be currently off the agenda.

QAI was required to use 25% of our funding towards the provision of individual advocacy as per our contract for the financial year covering 2007-2008. QAI successfully demonstrated that for organisational coherency and efficiency to carry out anything less than 100% systemic advocacy would lead to goal displacement and increased inefficiency. The department agreed and in March 2008 we successfully negotiated a variation in our contract to revert back to 100% systems advocacy. Given that we were working with one individual we continued with this person until matters are resolved. Thus, QAI will not be undertaking any new individual advocacy from July 2008. We will in due course offer suggestions and strategies to individuals where appropriate.

NDAP Consultations with Advocacy Organisations

NDAP consulted with advocacy agencies in February 2008 on the following matters:

1. advocacy definitions (including the current programs general definition of advocacy as well as the definitions of advocacy service types);
2. goals and objectives for a revised NDAP;
3. proposed standards for advocacy; and
4. sample Key Performance Indicators.

QAI coordinated a CAGQ delegation, to participate in a facilitated workshop to develop a draft response to the above matters. A submission was developed based on the discussions in that workshop.

Working Groups/Coalitions

COMMUNITY SAFEGUARDS COALITION (CSC)

The Community Safeguards Coalition is concerned that vital policy directions that affirm the right of people with disabilities to an ordinary life and fundamentals like safety and housing are:

- a) being eroded by the state government's *de facto* policy making in day-to-day decisions; and
- b) at risk of being replaced in the funding reform process by a return to service provider centred policies and to cheaper care models. These policies potentially segregate people with disabilities from the rest of the community and reduce their ability to have control over their own lives.

To counter these policy directions, the Community Safeguards Coalition met regularly to develop a campaign kit. The aim was to mobilise the voices of organisations and individuals who oppose these shifts through the development of a campaign kit incorporating materials to communicate key messages based on the stories of diverse people with disabilities, friends and families, combined with relevant facts and data.

The CSC launched the kit on 3rd December 2007, International Human Rights Day for Persons with Disability. The launch of the kit titled 'My Life, My Home, My Solution' was a significant success. One hundred people attended the launch; the majority of attendees were family members, people with disability, workers etc. Senator Claire Moore (Labor) and Senator Sue Boyce (Liberal) also attended and no one from the state government or DSQ attended in an official capacity. The panellists included Narissa Wilson, Marg Ward, Valmae Rose, Kevin Cocks and Madonna Nichol. The panellists inspired hope, aspiration and sense of life.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITY (CRPD) RATIFICATION TASK FORCE

QAI was invited to be a member of the Human Rights Convention Ratification Task Force. The role of the task force was to develop a campaign to inform organisations of People With Disability, human rights activists/organisations of the issues and what was required to ensure the Australian Government, States and Territories move as rapidly as possible to ratifying the Convention.

The task force receives funding from the Commonwealth Attorney General to hold consultations with people with disability organisations across Australia. QAI hosted the Queensland Roundtable. As a result of the Roundtable consultation process a report was prepared and presented to the Australian government. In summary, the report's key findings included: overwhelming and unanimous support by participants for Australian ratification of the CRPD; support for Australia's immediate signing and ratification of the Optional Protocol to the CRPD; and that a failure to do so would reflect poorly on Australia's willingness to be accountable for the implementation of CRPD rights.

Outcome: the Australian government ratified the CRPD in July 2008.

CAGQ ANNUAL CONFERENCE

CAGQ annual conference was held on 5th and 6th June in Brisbane and hosted by QAI. Initially, QAI was not to be the host. It was to be hosted by Toowoomba Advocacy Service; however, due to staffing turnover they withdrew from hosting. QAI agreed to organise this conference. A significant outcome was that CAGQ members were able to strategically have a planning session focusing on data collection and as an outcome there was agreement by all advocacy groups, both Commonwealth- and State-funded on a shared understanding of principles for data collection.

DISABILITY ADVOCACY NETWORK AUSTRALIA (DANA)

One of the outcomes from the July 2007 National Advocacy Conference was to establish a working group to develop a National Network. QAI was approached to be a member of this working party which I agreed to. The membership of the DANA working party consisted of QAI, Family Advocacy, People with Disability Australia, VALID, RIAC, Action for Community Living, ADACAS and Advocacy Tasmania. The purpose of this group was to develop a Charter and Constitution to enable the National organisation to have membership and function, and additionally, to plan a 2008 national conference to formalise a national advocacy network. The aim of the National organisation is to represent the interests of advocacy in Australia to the federal funding body.

It was recommended to change the interim name from the National Association of Disability Advocacy Organisations to Disability Advocacy Network Australia (DANA). A draft constitution was drafted and distributed to all advocacy groups for their feedback

The DANA met by phone conferencing and e-mail discussions to manage the consultation process with all the funded advocacy organisations in Australia. In May 2008, I attended a three-day planning meeting with the DANA task force. The purpose of the planning meeting was to finalise and propose a structure for DANA to progress its development (as per the mandate given to the task force) and finalise the planning for the second national advocacy conference.

Outcomes: a draft strategy was developed and endorsed by all organisations who participated in the conference and who responded. A draft constitution was developed and distributed to 20 advocacy organisations who had financially expressed an interest to be a founding member of DANA. A conference date and draft program was developed and distributed within this reporting period.

FEDERAL ELECTION CAMPAIGN

QAI worked with NDS, Carers Queensland, Spinal Injuries Association and representatives of Unmet Need Campaign to develop messages to put to all political parties (see Melinda's report). I think this has been one of the most successful and effective collaborative campaigns seeking bipartisan support for initiatives and programs to enhance people with disabilities lives of recent times. The campaign was conducted under the banner of the 'Disability Alliance'. A website was developed and a full-page advertisement was placed in the *Australian Newspaper* promoting messages (as per website). The Greens and Democrats publicly supported our call for National Leadership (all of the recommendations from the Senate enquiry into the CSTDA) including: funding for individuals and families; income support; workforce development for the disability sector; advocacy; protection and human rights and finally social participation.

The support for the campaign was outstanding. In the six weeks leading up to the election, 40 organisations primarily Queensland-based – however, organisations from New South Wales and Victoria put their name behind the campaign – and 132 individuals from the eastern states signed up as well. There were two rallies organised by the Disability Alliance. The first rally focused on the Liberal party launch; unfortunately it was a rainy day and approximately 60 people turned up to hold up posters and hand out flyers with the Alliances' key messages. Disappointingly, some of our supporters were treated rudely by some Liberal supporters – one lady in particular who had a sign stating that she needed support to live in the community was told she was not deserving of support. Many rally participants including myself were told to get a job. At the ALP launch approximately 120 people turned up to support the Disability Alliance in handing out flyers to Labour Party supporters. Most people accepted the flyers graciously and some engaged with individuals expressing support or clarifying an understanding of the messages, and where Labour Party supporters did not take flyers they expressed their decision to say no civilly.

Relationship Building with Legal Firms

MINTER ELLISON

Minter Ellison continues to be an avid supporter of the work QAI carries out. In this reporting period the staff of Minter Ellison provided financial support through the workplace giving scheme. All money donated by staff is matched by the firm for this year's workplace giving donations. In particular, I would like to thank Robert Reed for his ongoing commitment to QAI; this commitment has many forms and particularly I would like to acknowledge his efforts in supporting the operationalisation of QAI's Annual Fund Committee.

AUSTRALIAN LAWYERS ALLIANCE

The Australian Lawyers Alliance (ALA) chose QAI to be the Queensland recipient of their fund raising project. QAI was invited to showcase our work and heighten the profile of QAI within the broader legal sector at the Australian Lawyers Alliance. QAI received a donation of \$4,840.00. This donation went towards the final development of the '*Human Rights Indicators for People with Disability*' publication.

We extend thanks to Justin Harper, Ian Brown, Eva Scheerlinck and Maja Maunic for contributing to making our participation at the conference successful. Additionally, the Secretariat of ALA agreed to assist QAI with the promotion, registration management and administrative support on the day of the launch of the 'Human Rights Indicators' seminar and launch.

Blake Dawson *Pro Bono* Support

Last October Ken Wade joined QAI on secondment from Blake Dawson to manage QAI's legal practice. Blake Dawson is one of Australia's top five commercial law firms.

Ken's secondment was arranged through Blake Dawson's *pro bono* practice. Blake Dawson's *pro bono* work is extensive. In dollar terms it constitutes Blake Dawson's second largest client. Ken's secondment to QAI concluded on June 30 this year, making it one of the longest *pro bono* placements Blake Dawson has arranged. QAI is deeply grateful for Blake Dawson's generosity and hopes our developing relationship will continue to strengthen in coming years.

Presentations

ADULT GUARDIAN PRESENTATION

I presented a workshop to 35 guardians from the Adult Guardian's Office. The workshop focused on what social advocacy is, why it is needed, and the relationship between the historical underpinnings of guardianship and social advocacy. I received

positive feedback from the participants and have been invited to be part of a broader orientation and professional development workshop.

PRESENTATION TO THE DISABILITY DISCRIMINATION LEGAL ADVOCATES

I was invited and made a presentation to the disability discrimination legal advocates from each state and territory in Australia in this reporting period. This was part of the recent National Association of Community Legal Centres Conference attended by both Julian Porter and Stephen Lin as part of their professional development. Approximately 25 people attended this session. My presentation was primarily around the process leading up to and the final drafting of the Convention on the Rights of Persons with Disability. My presentation lasted one hour.

WORKFORCE COUNCIL: SOCIAL ADVOCACY TRAINING WORKSHOPS

QAI has accepted to act as consultant for the Workforce Council to provide social advocacy training workshops in Brisbane, Townsville and surrounding regions. Bob Lee from Sunshine Coast Citizen advocacy developed a 1-day Social Advocacy workshop and I delivered these training workshops.

- The Brisbane workshop was attended by 25 people.
- The Townsville workshop was attended by 30 people.
- The Ayr workshop was attended by one person; unfortunately, a number of people withdrew at the last moment.
- The Innisfail workshop was attended by 15 and at Charters Towers 14 people attended.

This was a great opportunity for us to meet families, people with disability, and workers in these areas. It also allowed us to get an understanding of the practicality and feasibility of establishing a regional travelling advocacy project.

LEGAL TRAINING

In this period QAI conducted seven legal training sessions, one with mental health police coordinators from all over Queensland; approximately 35 people participated in this training session. A significant outcome of the session was a heightened awareness of how to engage in and to understand and support persons with disabilities, who police officers may come into contact with as possible victims or offenders. The second presentation was part of a one-day seminar conducted by the Queensland Law Society. Once again, our contribution was to introduce people to the underlying assumptions and mythologies surrounding people with disability, and how those assumptions and mythologies underpinned decision-making frameworks by professionals including

lawyers. We were also able to provide lawyers with some tools when supporting family in making wills or establishing trusts for their son or daughter with a cognitive impairment. Approximately 65 people attended this one-day seminar.

Staff Changes

Julian Porter finished working at QAI in October 2007. Julian worked for six years firstly in the Legal Advocacy Project, providing both individual legal advice and systemic advocacy, and in the last 12 months he focused on the provision of legal training. Julian's seachange was fully realised by both living and working in Maroochydore. I would like to thank Julian for his commitment, passion, thoughtfulness and great sense of humour.

Stephen Lin's contract finished with respect to the individual legal advice in September 2007. We wish Stephen all best in his future endeavours.

Ken Wade was seconded via a *pro bono* arrangement from Blake Dawson law firm to take up the role of providing individual legal advice and casework.

Lyn Hamilton commenced in November 2007 to take over the coordination and organising of the Legal Training Project. Lyn was offered a full-time scholarship to study her PhD in Sydney; our great loss in the short term but potentially a great game for people disability in the long term.

Rebekah Bradshaw was employed on a casual basis while Lyn Giles was on holidays in November 2007. Rebekah was then employed to provide project support for three months. Her primary focus was to support the work of the safeguards coalition campaign/Kit launch. Rebekah then was employed to take over from Lyn Hamilton in providing project support to the legal training project, the human rights indicators project, community living projects.

HUMAN RIGHTS INDICATORS PROJECT (HRI)

Phase 3- Human Rights Indicators for Persons with Disability seminar and launch

The planning for this seminar commenced in November 2007. The seminar was held in August 2008 which will be reported in next year's annual report. I acknowledge the Australian lawyers Alliance who generously offered to coordinate and receive all registrations via their Web site; this support was greatly welcomed and helpful.

We were inundated with expressions of interest in June when our seminar date claimer was distributed; unfortunately, our attempt to reduce costs and overheads by holding the seminar at Parliament house had restricted our numbers. This seminar has created an enormous amount of interest within the disability human rights movement as well as the mainstream human right's network.

The *Human Rights Indicators* publication was finalised in June 2008. The publication is an outcome of a multi-stage project which commenced in 2004. The HRI publication has involved the development and testing of human rights indicators for persons with disability. The overall aim of this project is to make visible the relationship between the lived experience of Australians with disability and the international human rights standards ratified by the Australian government. To date, three stages of the project have been conducted; see Melinda's report for an update on stage 4.

In closing I acknowledge the tireless efforts of Melinda in keeping the HRI project on track and on time but more importantly grounded. Additionally, without the wisdom, passion and intellect of Phillip French we would not have produced such a significant piece of work.

Community Living Advocate's Report

Melinda Ewin

Meetings Attended:

ADCQ Disability Advisory Team	2
Baby Bridges	3
Community Connections Toowoomba	10
Disability Alliance	5
Disability Alliance Rallies	2
DSQ Younger People In Aged Care	5
Human Rights	7
Indigenous Project	2
Individual Advocacy	7
Younger People in Aged Care Alliance	4

Overview

It has been a great honour to write my annual report on the work undertaken for 2007-2008 period. This year felt like a tug of war between individual advocacy and systemic advocacy. In an attempt to deliver increased individual advocacy service for people in Queensland, the Commonwealth decided that QAI should direct 25 – 50% of our advocacy efforts in individual advocacy in rural and remote areas. Our ongoing funding was dependent upon fulfilling this requirement. This effectively reduced the Community Living Advocate's ability to deliver Systemic advocacy significantly. With a change in government during the year, QAI's funding agreement was reviewed and we now have a funding agreement that requires our advocacy efforts to be 100% systemic.

Exciting developments during the year have been the investigation of QAI conducting two new campaigns in previously unexplored areas for QAI. These are an indigenous advocacy project and the other working with the banking system to allow people with disability to borrow money to purchase their own home. Both projects are in the very early feasibility stage, however when established will be subject in the Annual Report for 2009.

One of the most memorable events of this year was, for me, attending the two rallies held at QPAC prior to the Federal election. Organised by the Disability Alliance, many people joined together, placards waving, to raise issues for people with disability at both the launch of the Labour and Liberal election campaigns. It was exciting to share this experience with so many dedicated activists and supporters - even in the pouring rain!

I would like to mention the loss of new Individual Support Packages in DSQ's funding structures. This is of great and on-going concern to QAI. Whilst we are not currently conducting our own campaigns that directly address this issue, QAI is actively involved with a number of external Campaigns, the Community Safe-Guards Coalition and the Disability Alliance, that do address this issue.

Baby Bridges is an initiative of the Horizon Foundation to provide support for families with young children that have been newly diagnosed with disability. The intention of the program is to help families through the system and give them the advocacy skills to get what they want for their child with a disability. I was very honoured and excited to be asked to participate in such a valuable experience for young families.

Finally, I would like to personally thank all QAI members and supporters who are heartened by our work and re-commit every year to QAI. Our members' and supporters' ongoing allegiance reflects their strong dedication and commitment to vulnerable people with disability in Queensland. It also reflects the belief that QAI's systemic advocacy efforts will bear fruit in the daily lives of people with disability. Thank you.

Advocacy Efforts

The projects undertaken this year were:

1. Individual Advocacy
2. Human Rights Indicators
3. Community Connections Toowoomba
4. Younger People in Aged Care Alliance
5. Disability Alliance

1. Individual Advocacy

In August 2008, QAI was approached by a service provider to assist one of their clients who had been charged with assault and bodily harm. QAI undertook the role of Individual Advocate in this person's life as a result of our funding body's requirement to provide individual advocacy in rural areas. The person resided in a rural area and was considered to be behaving in a manner that may hurt themselves or other people. It was evident that this person's situation had the potential to come under the new Restrictive Practices implementation.

QAI sought the assistance of Speaking Up For You (SUFY) to guide our individual advocacy practice, develop procedures and resulting paperwork. QAI is very grateful for the time and dedication the Staff of SUFY committed to QAI in our provision of individual advocacy.

2. Human Rights Indicators

Phase 4 of the Human Rights Indicators Project is to produce a "hands on" set of indicators that can be used in particular situations to gauge to what extent a person with disability is having their rights met. The way QAI has decided to produce this piece of work in the HRI trilogy is to be guided by Bob Dick, an expert in Action Research who also played a significant role in the Forum QAI conducted in 2001. A number of workshops were conducted with people with disability, family members and individual advocates. The information gathered from those workshops showed that the term "indicators" was problematic, so the finished tool will be constructed as an "Evaluation" tool. The workshops identified 7 strategic situations that QAI can develop an Evaluation Tool for identifying if a person is enjoying their human rights. One very clear message that came from the workshops was for the Evaluation Tool to convey was that "if its not good enough for you its not good enough for a person with a disability". We are very excited about the development process of the indicators as well as the potential this tool has for educating both people in the disability sector and the broader public as well. QAI will be conducting a series of workshops with various demographic groups as part of developing each of the Evaluation Tools.

3. Community Connections Toowoomba (formerly Coming Out Group)

At the first meeting for 2008 in February, the group agreed on 8 goals to be achieved in 2008. Those goals are:

1. Meet with BHH Senior Management
2. Meet with Toowoomba Politicians, State and Federal
3. Meet with DSQ Regional and Central
4. Meet with Minister for Health

5. Funding for community access
6. Form Citizen Advocacy Group
7. Reconnect with families
8. New name for the group.

1. *Meet with Baillie Henderson Hospital (BHH) Senior Management*

In March the group met with Senior Management of BHH to discuss our goals around community access initiatives for people with disability at BHH. BHH welcomed our goals and offered a collegial approach towards seeing those goals achieved. A draft Memorandum of Understanding is being developed to facilitate this.

2. *Meet with Toowoomba Politicians, State and Federal*

The group met with Mr Ian McFarlane, the Federal Member of Toowoomba to introduce the group and its purpose and raise the profile of people at BHH. The group discussed the history and personal stories of people living at BHH, the proposed changes by government in their lives and raising funds locally to support community access. Mr McFarlane explained to the group that he wasn't sure how he could help but committed to helping the group in any way he could.

3. *Meet with DSQ Regional and Central*

The DSQ Regional Director for Toowoomba, Marie New, attended the May meeting. Marie discussed DSQ's position on moving people out of BHH. Marie requested the group provide some information about the people at BHH - members of the group were able to provide that from hospital sources.

QAI contacted DSQ Brisbane to discuss the progress of the initiative to move people living in Health facilities across to DSQ. That initiative is under the direction of DSQ's Government Relations Branch, who will get back to QAI to arrange a meeting.

5. *Funding for community access*

A flyer, similar to the one QAI has created for the Friends of QAI funding, is currently being compiled to seek funds to use for people at BHH to access the community. The flyer will include initiatives such as funding for a bus for the day, a holiday back to the persons place of birth or where family members reside etc.

6. *Form a Citizen Advocacy Group*

QAI has spoken with Bob Lee about the possibilities of forming a Citizen Advocacy Group, Bob has spoken with interested members of CCT.

QAI wrote to DFHCSaIA about the people at BHH and how they would benefit from the formation of a Citizen Advocacy Organisation. DFHCSaIA is considering the possibility.

7. *Reconnect with families*

QAI's Project Support Worker, Rebekah Bradshaw, attends all CCT meetings and will be responsible for implementing this goal.

8. *New name for the group.*

The first goal to be completed! The Coming Out Group has been renamed Community Connections Toowoomba! CCT for short.

The group have expressed their desire to move towards being more independent from QAI and are wanting to play a more active role in the future. The group are seeking new membership to help this process along.

4. Younger People in Aged Care Alliance (YPACA)

YPACA's membership and significant activities have dwindled since the Commonwealth and States announced their joint initiative to address the inappropriate placement of people in nursing homes. The group decided that its role would be one of monitoring the situation and would meet every six months or as necessary. The group members continue to attend Disability Services Queensland meetings around this issue.

Mr Bill Shorten (Federal Parliamentary Secretary for Disability) announced a forum will be convened on how the COAG initiative is meeting its objectives across Australia. Members of YPACA will be attending the forum that will be held in August in Melbourne.

5. Disability Alliance

The Disability Alliance was born from a meeting held at QAI with key stakeholders to investigate the feasibility of conducting a campaign prior to the federal election. Some of the stakeholders had already undertaken a campaign that was significantly developed; it was decided that the Disability Alliance would be the most appropriate tool to "piggie back" on the work that had already been done and progress the campaign in its entirety.

Six key issues were developed to lobby for inclusion in the policies of all political parties. A web site was developed to spread the word and seek support from people with disability, family members, organisations and community members. People were encouraged to sign their name to the campaign on-line. Support for the campaign was outstanding in the six weeks leading up to the election, 40 organisations primarily in Queensland but New South Wales and Victoria put their name behind the campaign and 132 individuals from the eastern states signed up as well.

The Disability Alliance organised two rallies to be held at the launches of both the Liberal and Labour party in Brisbane. The Liberal Party held its launch first, on a rainy day, where approximately 60 people turned up. The supporters held posters and handed out flyers with the Alliance's key messages. At the Labour Party launch approximately 120 people turned up to wave their placards, hand out flyers and support the Disability Alliance. Photos from both rally days can be viewed on the Disability Alliance web site www.disabilityalliance.org.au.

Legal Advocacy

Ken Wade

During the reporting period the legal advocacy worker divided his time between law reform, individual casework, practice management and professional education.

Law Reform

Restrictive Practices

During the operative period Disability Services Queensland released the Consultation Draft of the *Disability Services and Other Legislation Amendment Bill 2007*. The draft Bill proposed changes to the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000*. The proposed changes constituted the first legislative regime to regulate the way service providers used restrictive practices on adults with intellectual and cognitive disabilities.

QAI staff attended multiple open and closed consultation briefings about the proposed regime. These provided forums for QAI to raise numerous concerns about perceived flaws in the draft legislation.

QAI accepted DSQ's invitation to make a formal submission about the proposed regime. QAI used this opportunity to describe the many ways QAI believed the regime failed to adequately protect the rights of the people it would affect. QAI's concerns included:

- a) The ability of service providers to develop positive behaviour support plans without consulting independent advocates;
- b) A failure to require independent verification that positive behaviour support plans comply with the recommendations of mandatory preliminary assessments;
- c) A perceived lack of commitment to identify and modify environmental factors that may be causing the types of behaviour restrictive practices are used to control;
- d) The inclusion of conditional immunities against criminal and civil action for service providers who use restrictive practices;
- e) The failure to appoint independent individual advocates for adults subject to restrictive practices;
- f) The failure to provide for independent scrutiny of deaths in care if restrictive practices were in use at the time;

- g) The lack of strict observation, reporting and supervision requirements for all types of restrictive practices.

The submission required extensive research, which included consultation with other community organisations.

The restrictive practices regime was formally enacted into law on 1 July 2008. It incorporated revisions that addressed some of QAI's concerns. Unfortunately many troubling elements remain.

QAI believes the United Nations Convention on the Rights of People with Disabilities sets the standards the restrictive practices legislation must meet. QAI also believes it will take a resolute campaign of community and legal action to force compliance with those standards.

Casework

During the reporting period QAI continued to assist individuals and advocacy groups with legal advice. Two types of issues recurred most frequently and consumed most of the legal practice's time. These were matters involving guardianship and matters involving personal injury allegedly sustained in care.

The potential for involvement in guardianship matters continues to increase. Last year alone the Guardianship and Administration Tribunal received seven-thousand applications. Unsettlingly the new restrictive practices legislation may reduce the potential for involvement in matters related to personal injury sustained in care. The new legislation provides conditional immunities from civil and criminal prosecution for service providers using restrictive practices. Assessing the legality of these immunities is a priority for QAI.

Practice Management and Continuing Education

QAI's legal advocacy worker attended the Queensland Association of Independent Legal Services' (QAILS) annual General Meeting and Planning Day. He also attended the QAILS annual conference. The conference included seminars on professional indemnity insurance, practice management, and dealing with clients from diverse backgrounds.

The legal advocacy worker also attended a QAILS sponsored seminar on the Community Legal Services Information System (CLSIS). CLSIS is the practice management database CLC's must use if they receive Legal Aid funding. QAI will need to use this database in 2008/2009 when funding sources for the legal practice change.

The legal advocacy worker and project support worker conducted a complete review of all legal files as the 2007 cross-check required.

The legal advocacy worker and project support worker developed an electronic file register to supplement the existing register books for legal files.

The legal advocacy worker and project support worker attended QPILCH's continuing education seminar 'Managing Unreasonable and Querulent Litigants'. The legal advocacy worker also completed the Bramston Training and Consultancy Professional Workshop on Guardianship.

Legal Profession Disability Training Project & QAI Project Support

Rebekah Bradshaw

Legal Professional Disability Training Project 2007-2008

Introduction

In October 2007 Julian Porter left the Legal Training Position to take up employment with Suncoast Community Legal Centre. A recruitment process followed to find a suitably capable Legal Training Worker, and Lyn Hamilton a quality application stepped into the position in November 2008.

November 2007 - January 2008

In November with the changing over of workers a facilitating meeting was held to review the Legal Training Project. The Legal Training Worker organised a workshop with Women's Legal Service for December 2008. Due to unforeseen circumstances WLS cancelled this training session at the last moment.

Relationship building

February 15th 2008 - The Australian Lawyers Alliance (ALA) held the Queensland annual conference. QAI was invited to showcase our work and heighten the profile of QAI within the broader legal sector at the Australian Lawyers Alliance Conference on the Gold Coast, February 15 2008. Secondly, QAI received a donation of \$4,840.00. Our exhibition stand was well attended and many delegates expressed interest in the work that QAI undertakes. Delegates also purchased copies of the Disabled Justice Report and the Guide to Human Rights for People with Disability, and showed interest in the Legal Training Workshops on offer to Private Practice Lawyers.

LEGAL TRAINING April - June

In this period the legal training project conducted two legal training sessions, one with mental health police coordinator's from all over Queensland approximately 35 people participated in this training session. A significant outcome of the session was a heightened awareness of how to engage in to understand and support persons with disabilities, who police officers may come into contact with as possible victims or offenders. The second presentation was part of a one-day seminar conducted by the Queensland Law Society. Once again, our contribution was to introduce people to be

underlying assumptions and mythologies surrounding people with disability, and how those assumptions and mythologies underpinned decision-making frameworks by professionals including lawyers. As well as provide lawyers with some tools. When supporting families in making wills or establishing trusts for their son or daughter with a cognitive impairment.

Statistics:

Mental Health Police Coordinators Training: approx 35 attended

Wills and Trusts 1 day Seminar (in conjunction with Queensland Law Society):
approx 65 attended

Barristers Course – Bar Association: approx 20 attended

Employment Law Conference

(Queensland Law Society): approx 50 attended

Baillie Henderson

This year I had the pleasure of being invited to attend Community Connections Toowoomba meetings with Melinda Ewin, the Community Living Advocate. Along with group members I attended meetings with key staff at Baillie Henderson to discuss a relationship agreement or memorandum of understanding to work with Queensland Health to promote the interests of people with intellectual disability living in Baillie Henderson Hospital. I was also invited to attend a meeting with Ian McFarlane, Federal member for the Toowoomba region and members of CCT to discuss the situation at Baillie Henderson and to enlist support. I have learned a great deal about advocacy, strategy development, relationship building and running meetings from my experiences with the group members and also from Melinda Ewin.

Lawyer Support

As Project Support worker I have been assisting the Lawyer, Ken Wade to undertake a process of closing all existing open legal files and checking that any files recorded in the file registers as closed are located and archived appropriately. Ken and I created a database for recording an electronic version of the manual file register and transferred all files from the manual file register to the electronic one. I also assisted Ken with administration support to manage any advice or casework he undertook including interpreting information from clients via teleconference calls. Administration work involved opening and closing files in the file register, note taking, filing records, archiving legal files.

Director Support

Support to the Director included: taking phone messages, arranging teleconference calls, organising and booking flights, attending meetings, conferences and seminars, scheduling meetings, organising events, letter writing, report writing, filing, faxing, photo-copying. Assisting with the development of material including power-point presentations and handouts for Legal Training and other sessions. I have gained invaluable experience and knowledge about advocacy and advocacy development from the Director and via meetings and seminars I have been invited to attend as Project Support Worker.

Continuing Education and Professional Development

Training attended

QPILCH's continuing education seminar 'Managing Unreasonable and Querulent Litigants'

Values in Action – 3 day Social Role Valorisation Training

QAI – 1 day Human Rights Indicators Seminar and Human Rights Indicators Book Launch

Legal Aid Queensland – 1 day CLSIS Training Workshop

PIAC – 1 day Protecting Human Rights Train the Trainer Workshop

Hands on Human Rights Indicators Focus Group – Facilitated by Bob Dick