

**QUEENSLAND ADVOCACY  
INCORPORATED**

**PROMOTE**

**PROTECT**

**DEFEND**

**2018-2019**  
**ANNUAL REPORT**



# QAI People

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## Management Committee

<b>President</b>	Byron Albury
<b>Vice President</b>	Fiona Kennedy
<b>Treasurer</b>	Meriel Stanger
<b>Secretary</b>	Donna Best
<b>Committee members</b>	Trevor Boone Niki Edwards Kathy Ellem

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## Staff as at 30 June 2019

<b>Director</b>	Michelle O'Flynn
<b>Systems advocates</b>	Emma Phillips Nick Collyer
<b>NDIS Appeals Support advocates</b>	Jenny Smith Caitlin De Cocq Van Delwijnen Tania Steinmuller Sarah Thompson Courtney Wolf
<b>Justice Support Program</b>	Liz Francis
<b>Legal services</b>	Rebekah Leong (Principal Solicitor) Jason Abraham (HRLS Coordinator) Jo Sampford (MHLS Coordinator) Carly Dennis (Solicitor) Amanda Bosworth (Solicitor) Jasmine Drummond (Intake Officer/Paralegal) Eva Thelander (Paralegal)
<b>Administration</b>	Deborah Bryzak (Office/Finance Manager) Rebecca Howes (Reception/Administration) Shannon Bell (Administration/Communications) Cate Sudbury (Reception/Administration)

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## Our Mission

QAI's mission is

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

and rights and lives of the most vulnerable people with disability in Queensland.

## Our Objectives

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.

# Introduction

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Queensland Advocacy Incorporated (QAI) is an independent community based systems and individual 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 as well as specialist individual legal and non-legal advocacy for vulnerable people with disability through our discrete services.

## Administration

QAI has a dedicated Administration team who are the first point of contact for all who get in touch with QAI and are highly skilled at speaking with vulnerable clients who are often dealing with highly emotional and traumatic circumstances.

Reception and Administration team members, Rebecca Howes, Shannon Bell and Cate Sudbury are the first point of contact for all enquiries to QAI including individual clients, family members, health professionals and allied organisations.

Our team also conduct intakes for the NDIS Appeals and Decision Support Pilot services and provide information and or make warm referrals when none of our services are able to assist, with a focus on only referring to authentic services where we believe they will have a decent chance at gaining support.

Our administration staff are vital in supporting all the services here at QAI.

Our Finance Manager Deborah Bryzak ensures QAI complies with all requirements and reporting deadlines from our funding streams and grants including one-off grants.

Our administration team are committed to QAI's mission to assist the vulnerable people with disability.

## Systems Advocacy

Advocacy remains unavailable to the many vulnerable and powerless people in our society who cannot afford the services of regular advocates. As a result, many of these people's rights to lead a life free from exploitation, discrimination, exclusion, isolation and neglect are denied. This especially applies to people with a disability.

QAI Systems Advocacy is directed towards changes in laws, attitudes, policy and practices in efforts to create a welcoming and inclusive society.

## Justice Support Program (JSP)

JSP provides non-legal advocacy for people with a disability who are suspects, or have been charged with a criminal offence, and the person's disability is a contributing factor to their situation. The first priority is to ensure the person accesses legal advice or representation, however the focus is to advocate for their access to appropriate and responsive supports which will help to prevent the problem re-occurring.

and rights and lives of the most vulnerable people with disability in Queensland.

## **The Mental Health Legal Service (MHLS)**

MHLS is a specialist legal service dedicated to providing legal advice and representation to individuals receiving involuntary treatment for mental illness in Queensland.

## **The Human Rights Legal Service (HRLS)**

HRLS provides specialist legal advice and conducts strategic casework aimed at protecting and promoting the fundamental human rights of vulnerable people with disability in Queensland. Once a week, the HRLS operates a specialist, telephone-based Legal Advice Service (LAS). The aim of the LAS is to increase the access of people with disability to the law.

## **NDIS Appeals Support (NAS)**

The QAI NDIS Appeals Support (NAS) services are based in Brisbane and Rockhampton and provide advocacy, support and referrals for people who are dissatisfied with a National Disability Insurance Agency (NDIA) decision. The NAS Advocate can help by:

- explaining the review processes, including what is involved in pursuing an appeal to the AAT;
- assisting with the preparation of the required documents;
- providing advice and building up the person's skills so they can better represent themselves when lodging an appeal; or
- attending AAT conferences and hearings to help the person put their case to the AAT.

The Department of Social Services funds QAI systemic advocacy and NAS. HRLS, MHLS and JSP are funded by both State and Commonwealth Governments. QAI has also received donations over the past year and continues to seek funding from philanthropic organisations and trusts for projects.

This Annual Report covers the period from 01 July 2016 to 30 June 2017. It describes in detail the efforts of QAI to be a strong and effective systems and individual 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.

## **NDIS Decision Support Pilot**

The NDIS Decision Support provides decision-making support related to the NDIS for potential and current NDIS participants, aged 18 years and over, with limited decision making capacity and no other appropriate decision-making support (such as effective and able next of kin or informal supporters).

The Decision Support Advocate supports individuals to access the NDIS and engage in NDIS processes such as interactions with the NDIS, specifically access, planning and implementation processes.

## President's Report

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Hello and welcome to the 32nd annual general meeting of Queensland Advocacy Incorporated. I will begin this evening's proceedings by paying respects to the traditional occupiers of the land on which we gather this evening. We thank them for their continued custodianship of the land and we pay our respects to any elders with us here this evening and to their descendants.

We at QAI pay our continued respects to those people who continue to live within the confines of detention and with the imposition of restrictive practices as cruel, inhuman and degrading treatment.

Now I would like to take the opportunity to thank my fellow committee members for the time and the effort that we have all put in throughout the year. I would like to begin by thanking our tireless Vice President Fiona Kennedy. She has given much of her wisdom and expertise to this organisation over many years and particularly this past year as we have instigated an external review of QAI to examine possible restructure to take us into the future. Thank you Fiona.

These times are particularly placing huge demand on our organisation and its functions and it is imperative that QAI is strong enough to move forward.

I am also grateful to our Treasurer Meriel Stanger who has continued to oversee the financial operations along with our Office Manager Deborah Bryzak. Together, they have continued to ensure that QAI is financially sound and viable. Thanks to both Meriel and Deborah.

Donna Best has been a founding member and long-time supporter of QAI and has ably assisted our Committee as Secretary and as the corporate memory of this organisation. Donna's uncanny memory is widely recognised. She has a reputation that precedes her for reminding us about events and people, but also her ability to notice and remind us about the really important things in the lives of people with disability. Thank you Donna for your networking and contacts and that uncanny memory.

Trevor Boone and Niki Edwards have continued to provide their insights and support as Committee Members. They were joined last year by Kathy Ellem and their assistance in this very busy year has been much appreciated.

There has been moments of great rejoice as QAI successfully campaigned for a Human Rights Act in Queensland and the establishment of the Disability Royal Commission – both after many years of vigilant systemic advocacy. I am also very pleased to report that QAI's Reconciliation Action Plan (RAP) has progressed this year with the founding and first meeting of the RAP working group. We anticipate that this group will enhance linkages with indigenous people with disability throughout Queensland over the next few years.

As mentioned, it has been a busy and somewhat difficult year, but it has been my pleasure to support and guide this organisation as a collective with my colleagues who have been a wonderful team to work with.

I would like to take the opportunity to thank all the staff of QAI for their commitment and dedication to improve the rights and lives of the people who need our assistance and for shaping the community in which we live.

*Byron Albury*



## Treasurer's Report

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It is with great pleasure to present QAI's Financial Report for the year ending 30<sup>th</sup> June 2019.

I would like to thank Hayward's Chartered Accountants for the preparation of the Audited Financials and for their support throughout the year.

QAI's work continues to rely heavily on its Annual Funding Agreements with the Department of Social Services (DSS) for our systems advocacy work, NDIS Appeals, Decision Support Program and COSP New York.

Triennial agreement with the Queensland Department of Justice and Attorney-General (through which we also receive money from the Commonwealth Attorney-General under the National Partnership Agreement on Legal Assistance Services) to deliver our legal services in human rights and mental health, and our Justice Support Program and Department of Justice and Attorney-General for Mental Health Review Tribunal Appeals.

QAI also receives payment from Legal Aid Queensland for the provision of legal representation service at the Mental Health Review Tribunal.

Payment from Aged and Disability Advocacy Australia to help them deliver workshops on Advance health directives for mental health, funded by Queensland Health.

QAI has continued to review and update their financial policies and procedures and I am satisfied that QAI is well placed for the challenges ahead. It has been an interesting time adjusting to the changes within the disability sector and finding our place in the NDIS.

Deborah Bryzak, our Finance/Office Manager, is doing an excellent job of administering the day to day financial obligations of QAI and I would like to thank Deborah for all her assistance and guidance in enabling me to perform the role of Treasurer.

I enjoy working with the Management Committee and Staff of QAI and would like to thank them for making me feel welcome. I hope my work as Treasurer has assisted the organisation to continue its valuable work.

QAI has continuation of funding for various projects.



## Continuing Income

Department of Social Services	\$515,112
Department of Social Services – NDIS Appeals	\$414,000
Department of Social Services – NDAP DSP	\$119,490
Department of Social Services – COSP New York	\$13,215
Department of Justice and Attorney-General	\$491,948
Department of Justice and Attorney-OPA	\$9,900
Aged and Disability Advocacy Australia – ADAA	\$7,500

## Other Income

Legal Aid Queensland - Mental Health Review Tribunal	\$538,909
University of Qld/Queensland University of Technology	\$14,000
Interest Received	\$11,157
Memberships	\$1,008
Donations (Acknowledged below)	\$52,828

## Donations

I would like to acknowledge our Donations:

<b>Hudpac Corporation</b>	<b>\$51,660</b>
<b>Minter Ellison</b>	<b>\$1,168</b>

\*Audited financial reports can be found at the end of the Annual Report.

*Meriel Stanger*

and rights and lives of the most vulnerable people with disability in Queensland.

## Director's Report

In the past twelve months demands for individual advocacy supports and services have not abated despite the NDIS – in fact one could say it has been a catalyst for increased demand. This, following introduction of the Queensland Mental Health Act in 2016 has resulted in a 100% plus increase in the size of QAI's staff. We have grown from a staff of sometimes 10 people to over 20 and while that has created a very dynamic team it also presented our organisation with some challenges and opportunities. This has required careful management and sensitive handling and is still a work in progress.

**NDIS Appeals Advocacy** service requests have rapidly grown – we hardly needed to have held our stall at the Care Expo last year. Later in 2018, QAI was funded to deliver **NDIS Decision Support** for people with no informal supports to assist them to access the Scheme. This pilot project was awarded to one organisation in each state and has been extended for another year. The advocates are often required to; work closely with people who do not have the capacity to organise appointments for the required assessments, gather reports and evidence, complete access requests, attend meetings to provide decision-making support for potential and current NDIS participants aged 18 years and over with limited decision making capacity and no other appropriate decision-making support (such as effective and able next of kin) with key interactions with the NDIS.

After five years of vigilant activism QAI and many allies finally achieved the much desired goal of the establishment of the **Human Rights Act in Queensland**. This successful outcome has not only paved the way for more and urgent need for advocacy support and service from all our staff but we anticipate that the Human Rights Legal Service will be eminently positioned as an avenue to support people to the Commission. The majority of this law reform and activism for a national Human Rights Bill has been valiantly championed by our **Emma Phillips**. Her expertise is in huge demand by allies both locally and interstate.



*Queensland's Attorney General, Yvette D'Ath, announcement to the media about the Human Rights Bill, with QAI's Emma Phillips behind to the left.*

While this is a very satisfying outcome for QAI, it is with a mixture of triumph and sadness that our wonderful **Principal Solicitor Rebekah Leong** is leaving us for the Queensland Human Rights Commission as Principal Solicitor. Rebekah has degrees in science and law from the University of Queensland and was admitted as a solicitor in 2004. She has worked in the private, government and community law sectors. She started with QAI in January 2010 to establish the Mental Health Legal Service. In September 2011, she moved into the role of principal solicitor.

Rebekah has been with QAI for 9.5 years and has been a major strength for this organisation and a font of brilliance with tremendous output due to her extreme kindness and generosity. Rebekah has been pivotal in developing the expertise of countless students and lawyers in the area of mental health and guardianship representation in the not-for-profit sector for many years. Her work in law reform to the Mental Health Act and its implementation has enabled people to emerge from involuntary detention and cruel inhuman and degrading treatment. Her leadership qualities and knowledge have been generously shared with all, including people with disabilities, families, allies, government and statutory body employees, clinicians and other practitioners.



Rebekah was the lead author on a submission on the review of the Mental Health Act, which culminated in some significant, positive, person-centred changes to the laws in this area. She has played a leading role as a pre-eminent lawyer working in this jurisdiction, which has significantly impacted on the development of mental health law, policy and practice in this state. Rebekah has influenced the increase in legal representation for people receiving mental health treatment, and therefore an increase in the respect and protection for the human rights and legal rights of these persons.

Her person-centred approach to individual legal advocacy, which places the rights of the person in key focus due to her own personal commitment to individuals, has resulted in very positive outcomes for individuals, and led to positive changes to systems.

We will miss Rebekah dreadfully, but we are also so very proud of her and jubilant that the Qld Human Rights Commission has a most eminent and the best person possible for this incredibly important role.

Another focus for enduring and persistent advocacy has been the formation of the **Disability Royal Commission**. QAI had campaigned for a Royal Commission since the 2015 Senate Inquiry into institutionalised abuse, neglect and exploitation of people with disability. QAI's systems team while welcoming the news of the Royal Commission into the Aged Care system continued to apply pressure on the federal government for a separate Royal Commission to finally investigate and address the historic and continued abuse and neglect of vulnerable people with disability. Media releases and letters to the Prime Minister sought assurances that any disability specific Royal Commission be adequately funded to do justice for people with disability. It was finally announced by the Prime Minister in April 2019. We anticipate another increase in demand for advocacy supports and services and are fielding enquiries already.

As always, QAI's energies and attention are focussed on the most vulnerable and often forgotten people with disabilities. This is especially so for **prisoners with disabilities** and **Nick Collyer** has been our representative working closely on these matters for many years. People with disability in detention include highly isolated individuals secluded away from public knowledge in **Forensic Disability and Authorised Mental Health facilities**. Our legal team represents individuals subject to forensic orders (disability and mental health) that often results in harsh restrictions and sometimes indefinite detention without conviction. QAI's legal and systems team have been steadily working to raise the issues of forensic detention in government, and in community to bring this kind of cruel and inhuman treatment to the public attention. After several confidential consultations regarding the Disability Services Act and Forensic Disability Act (FDA), and its implementation in the form of the Forensic Disability Service was subjected to two independent reviews and most recently the Queensland Ombudsman report has been released. We hope this will result in positive change in the future.

**Section 216 of the Queensland Criminal Code (QCC)** has been an area of law reform squarely in the sights of our systems advocacy team. This part of the QCC while intended to protect people with intellectual and other cognitive or communication impairments, is the fundamental source of paternalism and restriction to people exercising their rights to relationships, bodily integrity and the right to parent their children. Emma, Nick and I have all worked towards reform in this area for

and rights and lives of the most vulnerable people with disability in Queensland.

several years, although Nick has worked with individual people with disability to share their experiences as you will read in his report.

Bringing the **Convention on the Rights of Persons with Disabilities** (CRPD) to life in Queensland and Australia is core business for all staff at QAI. Emma and Nick have both represented QAI in this second shadow report on implementing the CRPD. Earlier this year Emma also travelled with young emerging leaders to New York for the **UN Conference of State Parties** by special grant funded by Department of Social Services.



Nick Collyer

The **Disability Violence Project** and campaign **#ViolenceAgainstPeoplewithDisability** has generated ongoing interest and lent strong evidence for the now established Disability Royal Commission. While that important work was funded in part by Legal Aid Queensland for which we are very grateful, QAI is in the process of developing a user-friendly website with national application so that people with disability experiencing coercion, violence, neglect or abuse will have information and linkages to authentic and accessible advocacy, supports and or services.

## Funding and Quality Assurance

QAI sets the highest standard and is accredited against both the standards for the National Association for Community Legal Centres (NACLC), and for Department of Social Services - the National Standards for Disability Service (NSDS). Recently QAI attained its accreditation for the Phase 3 stage of the National Accreditation Standards (NAS) and certified until July 2022.

QAI is grateful to the Department of Social Services for funding our **Systems Advocacy**, the **NDIS Appeals Support and NDIS Decision Support Pilot**. Due to past financial assistance from Department of Social Services, QAI has now obtained consultative status with the United Nations as a non-government organisation.

## Submissions and Appearances at Public Hearings

20th July I appeared at the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee hearing on the National Redress Scheme to add further information to our written submission. The transcript can be found here:

<https://www.parliament.qld.gov.au/documents/committees/HCDSDFVPC/2018/NationalRedressSI/CSACSB2018/trns-ph-20Jul2018.pdf>

Reshaping the Disability Services Act 2006 consultation and submission

NDIS Quality and Safeguards Commission "Advocacy and the NDIS Quality & Safeguards Commission"

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018.

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee - submission to the Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying. Archived broadcast can be viewed here:

<http://tv.parliament.qld.gov.au/Committees?reference=C5224#parentVerticalTab5>

## Collaborations, Partnerships and Networks

QAI continues to host regular teleconferences for **CAGQ (Combined Advocacy Groups of Qld)**. In November 2018 QAI hosted the CACQ conference to discuss **#AdvocacyMatters**, and issues



*CACQ Meeting with QAI's Jenny Smith in the front on the right.*

affecting advocacy organisations including the NDIS, state and federal funding and ways to safeguard and strengthen advocacy for people with disability. During the conference guest speakers Paul Grevell and Tony Hayes from Department of Communities and Carolyn Wilkes from DSS attended and provided insight to the

governments' perspectives on advocacy as part of the state and federal governments' strategic advocacy planning consultations.

In 2018-19 the **Disability Service Partnership Forum**, of which QAI had been a member, slowly ground down as the Department of Communities began its transition and shut down. Following our association and collaboration with people with disability and in particular the **Hot Topics** Brisbane groups, QAI continues its membership of the consortia to assist in the establishment of self-advocacy **Council of People with Intellectual Impairment**. Other partnerships and collaborative efforts that assist with large scale social change have been the following: -

**Australians for Disability Justice Campaign** – Nick represents QAI's knowledge and experience here.

**Australian Lawyers for Human Rights** - Emma continues to represent QAI in this important collaboration, as Chair of the Human Rights Act Subcommittee and a member of the Disability Rights Subcommittee. Emma shares with the group her knowledge and expertise gained through QAI's work for the Human Rights Act for Queensland and key areas of disability rights. Emma has also been part of the NGO working group focusing on implementation of the **Optional Protocol to the Convention Against Torture (OPCAT)** in Australia in particular, ensuring that the National Preventive Mechanism inspectorates developed under this treaty are disability aware and responsive. This is informed by her work on the indefinite detention of people with disability.

QAI and **Australian Aged and Disability Advocacy (AADA)** continue to partner in delivering training and information for people with disability, carers and health professionals about Guardianship and related directives.

**NDIS Safeguards Coalition** met regularly to collaborate and demonstrate our shared concerns about the implementation of the NDIS, particularly in relation to Supported Independent Living Plans, forced and coerced tenancies and escalated to both the NDIA and Qld. Department of Housing and Public Works. **Carol Holt** had chaired this collaboration for many years, and we are grateful to her commitment and welcome to all the members of this group.

## Consultations and Representations

Along with allies QAI participated in a consultation with the Office of the Public Guardian regarding the cost-benefit analysis of guardianship vs advocacy to assist people with impaired decision capacity to access the NDIS.

QAI met in consultation with the Queensland Ombudsman's office regarding the review of the Forensic Disability Act and Forensic Disability Service.

Staff members have delivered presentations at many venues throughout the year and across a wide variety of important matters pertaining to people with disability. Some of these have been

and rights and lives of the most vulnerable people with disability in Queensland.



education sessions especially for people with disability and their families about access to the NDIS and reviews/appeals, while others have been lectures to social worker students about advocacy. Still others have informed lawyers about representing people with intellectual and cognitive impairment.

## Events

The **#DisabilityViolenceProject** (Facebook page) and the campaign **#ViolenceAgainstPeoplewithDisability** with the illustrated pamphlets were launched at the forum in September 2018. Keynote speaker Alastair McEwan and other guests were joined by star performers with disabilities as seen on QAI's YouTube channel. These young actors re-enacted the vignettes highlighting the many varied forms of abuse, coercion and control that are inflicted upon people with disability. Work on a national website is currently progressing and will be revealed within the next year.



*Artwork from the Disability Violence Project by Hayley Marrs.*

## Political Campaigns, Media

30 July 2018 "Premier Ghost-training NGR Inquiry"

13 September 2018 "Queensland Advocacy welcomes Australian Human Rights Commissioner Edward Santow to Brisbane to convene the second stage of OPCAT consultations"

17 September 2018 "Queensland Advocacy renews its call for a Royal Commission into violence, abuse and neglect of people with disability"

17 September 2018 "Australia's Disability Discrimination Commissioner headlines QAI's Violence against people with disabilities in their home Forum"

31 October 2018 "Queensland Advocacy welcomes landmark Human Rights legislation tabled in Queensland Parliament today"

26 November 2018 "Human Rights Bill supported as offering welcome protection for vulnerable Queenslanders"

17 December 2018 "Ministerial backflip on pension is a lifesaver for people with disability"

27 February 2019 "Rights ON Queensland! High Score for Queensland Human Rights Protection"

28 February 2019 "Prime Minister skimps on abuse of people with disability: The Disability Royal Commission must not be delayed"

6 March 2019 <https://www.abc.net.au/news/2019-03-03/ethan-hassett-ndis-delays-quadruplegic-hospital/10320852> The story of Ethan Hassett and the NDIA

26 March 2019 "NDIS Appeals Advocacy funding commitment to deal with backlog of complaints"

4 April 2019 "Election sweetener short-changes people with disability"

19 September 2019 "Disability Royal Commission's first public sitting a fitting start to Disability Action Week"

## International Landscape

QAI has obtained consultative status for relevant United Nations Conventions  
<https://www.facebook.com/queenslandadvocacy/videos/2824688744271326/>

QAI's Senior Lawyer - Law Reform & Systems Advocacy, Emma Phillips, speaks at the Civil Society Forum at the United Nations today #CSFCRPD

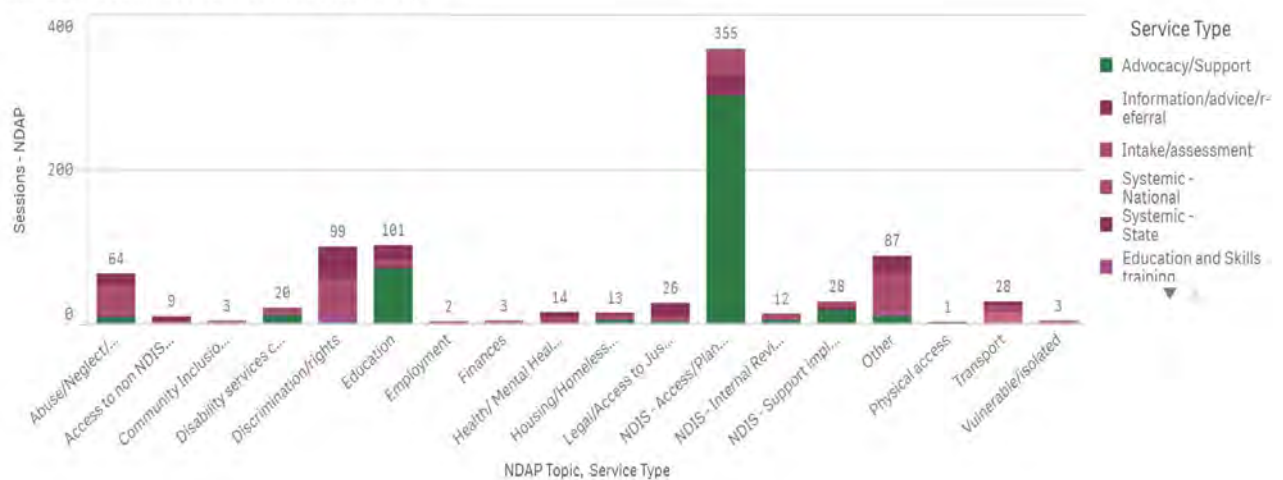
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## Systemic Activity Statistics

Number of Sessions and Clients by Service Type -> NDAP Topic

Service Type	Sessions - NDAP	Individual Clients - NDAP	Group Clients - NDAP	Support Pr
<b>Totals</b>	<b>868</b>	<b>22</b>	<b>2,810</b>	
Advocacy/Support	421	21	22	
Education and Skills training	13	0	408	
Information/advice/referral	43	14	6	
Intake/assessment	53	17	118	
Systemic - Local	12	0	1	
Systemic - National	181	1	1,863	
Systemic - State	145	1	392	

Number of Sessions by NDAP Topic and Service Type



and rights and lives of the most vulnerable people with disability in Queensland.



## Client/Stakeholder Satisfaction

QAI's client feedback has been overwhelmingly positive over the past year - too many to publish all here in total, although testimonials have been uploaded to the website. The comments below were collected by the independent auditor for National Standards for Disability Services.

*QAI don't just put their position forward, they listen to everyone and ensure that other agencies are in agreement with the way an issue is being presented."*

*"We have strong collaborative relationship with QAI that has provided some really good outcomes. I don't know how they do what they do with the very limited amount of funding they receive, they punch well above their weight."*

*We refer people with disabilities to QAI because we know that's the best place for them to get help."*

A sample of feedback for individual advocates are:

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*'Jenny, you came into my life when I had been rejected by the NDIS. I was really struggling with guilt because I had to get help from Ross when he should have been at work, the kids were missing me, I was missing them, and I was very isolated. You are a brilliant advocate. I felt so blessed to have you help us through the complex and intricate system known as the NDIS. I would not be here today without your help. Today has filled me with hope and excitement that our family will be a little bit more normal. I can watch my girls grow, watch them finish school watch them blossom into lovely, kind and happy people.'*

Louise – NDIS Appeals client 2018-2019

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*Carly Dennis would have to be one of THE MOST kind-hearted beautiful souled people I've ever had the pleasure of meeting. The help and assistance I received from that woman has most definitely changed my life for the better. I couldn't thank her enough I had been treated so damn inhumane until she stepped in and removed the unfair torment I was receiving."*

Jodie Gough, MHLS client, January 2019

*"Jo Sampford was professional knowledgeable and extremely helpful with my hearings as well as very empathetic to my needs when I call her."*

Jeff Geaney, MHLS client, April 2019

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*We are extremely lucky to have such a very caring and beautiful person as your self-representing [client] with her appeal against the NDIA. It was an absolute pleasure dealing with you. The way you went about the case was outstanding, to the point in a very polite way along with being unbelievable with your care and understanding, details, thought, attitude. Also never not wanting to talk to me despite being very busy with other cases. I'll never forget what you have done to help make [client's] life much better in the near future when I can get everything organised. Plenty of work to go yet. There's a lot of people very happy with the win. A big fight but one I wanted to win so bad... I'll be in contact with you along the next journey to making life for [client] as best as we can. You and I have learnt so much out of this appeal and I hope you can use this to help other NDIS Clients with their cases. All the very best Tania.'*

Sincere thanks,

[Brother of client] February 2019

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## Human Resources

We thank the following staff members who left QAI this year for new opportunities: Ashleigh Wakefield (paralegal), Niamh Fields (mental health lawyer), Elizabeth Beaumont (advice lawyer), Jasmine Drummond (paralegal), Catherine Collins (paralegal), Anna Brasnett (mental health lawyer), Elijah Edwards (NDIS Appeals Advocate Support), Eevee Perich (NDIS Appeals Advocate),

We warmly welcome new staff who joined QAI this year: Tania Steinmuller (NDIS Appeals Advocate), Sarah Thompson (NDIS Appeals Advocate), Courtney Wolf (NDIS Appeals Advocate), Amanda Bosworth (mental health lawyer), Shannon Bell (administration and also communications), Cate Sudbury (administration), Eva Thelander (paralegal); and since July 2019: Vinay Veerabhadra (mental health lawyer), Marissa Ker (NDIS Advocacy Legal Support) and Jess Park (paralegal).

Michelle O'Flynn

## Systems Advocacy

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### Accessible NGR Trains

*Nick Collyer*

On 3 December 2018, Retired District Court Judge Forde tabled in Queensland Parliament his [inquiry report](#) into the commissioning of the NGR trains. The Premier tabled the [government's response](#) on 10 December 2018. The primary focus of the inquiry was to determine the missteps and decisions that led to the construction of trains that are not compliant with the Disability Standards for Accessible Public Transport ('DSAPT'). The prevailing suspicion in the disability sector has been that the fault would squarely lie with former premier Newman and his cabinet. The inquiry, however, determined that the primary fault was poor communication between middle managers in Queensland Rail and Transport. The state government has committed to refurbishment of the trains to make them more (but not strictly) compliant with the DSAPT.

QAI lodged an RTI application, wrote numerous letters to Minister Bailey, supported two discrimination complainants, and opposed the Queensland government's AHRC application for DDA exemptions to keep the pressure on the government to refurbish the trains to DSAPT compliance. In November 2018 and April 2019, QAI participated in the first two 'Equivalent Access' ('EA') consultations ever undertaken in any Australian jurisdiction.

(A transport provider that is unable to comply fully with the Disability Standards for Accessible Public Transport ('DSAPT') may, per DSAPT section 1.16, consult with people who have relevant impairments about alternative access arrangements that provide an equivalent standard of 'amenity, availability, comfort, convenience, dignity, price and safety').

### Reversing DSS Plan to Shorten Suspension of Disability Support Pension ('DSP') to Prisoners

*Nick Collyer*

Another clear systemic win: this time by the Australian Federation of Disability Organizations (AFDO) and QAI. In late 2018, Minister Fletcher announced a policy measure that would reduce prisoners' DSP suspension periods from 2 years to just 13 weeks.

This measure would leave disabled prisoners destitute as they re-entered society. Recidivism - for disabled prisoners, already twice the usual rate, would skyrocket. Nearly all prisoners who enter detention *with* the DSP would exit detention *without it*.

QAI alerted the Minister to the problem and explained how the disproportionate effect on prisoners with disabilities. We went to Canberra and spoke to key government, cross-bench and opposition politicians and we convinced key members to oppose the measure.

## Section 216 Criminal Code Queensland

*Nick Collyer*

In November 2018, Rob Ellis (Gold Coast Hot Topics), Nick Collyer (QAI Systems) and Donna Best (QAI Committee) presented about a discriminatory Criminal Code 1899 provision at ASID Gold Coast 2018 conference. The presentation was well-received, with group discussion for the whole session. The section 216 campaign has self-advocacy potential.

## NDIS Access and Plans for Queensland Prisoners

*Nick Collyer*

People with cognitive or psychiatric impairments who are in prisons or other forensic detention are often subject to isolation and restrictive practices. A disproportionate number are Indigenous Australians. While in detention, or transitioning from it, they have much to gain from NDIS participation. The November 2015 Justice Interface Principles allow for disability supports to people in prisons and forensic detention, but NDIA staff, Support Coordinators, Registered Service Providers, and corrective and forensic institutions are still uncertain about how, or whether, to support that provision. This project aims to cut through that confusion by providing an evidence-based best practice model to key stakeholder provision. This project aims to cut through that confusion by providing an evidence-based best practice model.

In September 2018, QAI met with Patrick McGee and Prof Leanne Dowse to develop a project plan. In early 2019, Queensland Corrective Services expressed interest in the project, pending funding.

## Human Rights Act Campaign

*Emma Phillips*

This past financial year was a very exciting one on the human rights front, with the long running campaign for a Human Rights Act coming to a successful conclusion. Five years of consistent work, including brainstorming, strategising, lobbying politicians, raising public awareness, writing letters and submissions, appearing at public hearings, hosting events and engaging with the media, was rewarded with the passage of the *Human Rights Act 2019* (Qld) in February 2019.

QAI was involved in the campaign steering committee from its inception and auspiced the campaign to give it legal status. In all of our campaign work, we ensured that the rights and needs of people with disability were a core focus.

The Queensland legislation has been described as the most effective human rights shield in Australia. The Act protects a broad range of civil and political rights, including the right to life, to recognition and equality before the law, protection against torture and cruel, inhuman and degrading treatment, the right to liberty and security of person, the right to a fair hearing, the right to humane treatment when deprived of liberty, property rights, privacy and reputation, as well as the economic, social and cultural rights to education and health services. It recognises and protects the cultural rights of Australia's first people. The legislation establishes a dialogue model, which involves all three arms of government in protecting human rights. Importantly, in addition to judicial avenues, the Act establishes an inexpensive, accessible complaints mechanism, which enables people who have had their human rights engaged by a public entity (a government entity, or someone acting on behalf of a government entity) to go directly to the Queensland Human Rights Commission to have their issue heard and responded to.

and rights and lives of the most vulnerable people with disability in Queensland.

The *Human Rights Act 2019* (Qld) commences in two stages. Stage one began on 1 July 2019 and involved rebranding of the Anti-Discrimination Commission Queensland to the Queensland Human Rights Commission and the commencement of its educative functions. The second stage involves the commencement of obligations under the Act and will begin on 1 January 2020.

QAI has been exploring the ways in which the new legislation can be used to protect and defend the rights and lives of the most vulnerable people with disability in Queensland.

We are also supporting the developing campaign for a federal Human Rights Act. In July 2018, Emma was appointed Chair of the Human Rights Act sub-committee of Australian Lawyers for Human Rights and provides support for the federal campaign, as well as relevant state and territory human rights campaigns, through this role.

QAI has presented at or participated in the following events as part of this campaign:

- National HRA Strategy workshop convened by the Human Rights Law Centre (24 August 2018)
- Australian Society for Intellectual Disability conference (14 November 2018)
- Human Rights Forum: 70th Anniversary of the Universal Declaration of Human Rights: Forum at Federation University, Ballarat (10 December 2018)
- "The Music of Human Rights", Queensland Conservatorium, Griffith University (13 December 2018)
- 'How will a Human Rights Act help Queensland Students with Disability?' University of Queensland Pro Bono Centre Human Rights Panel (15 February 2019)
- Government Briefing: Human Rights Act - Getting Ready (19 March 2019)
- Community Legal Centres Queensland Conference, member of Human Rights Panel (22 March 2019)
- Human Rights Act panel, Rural Australians for Refugees and Amnesty International (27 April 2019)
- Keynote presentation, Slater & Gordon social work anniversary dinner on Human Rights Act and advocacy (10 May 2019)
- Human Rights Act presentation to Hot Topics, QDN (28 June 2019)

## Convention on the Rights of Persons with Disabilities (CRPD)

*Emma Phillips*

QAI has been a long-time campaigner for greater human rights protection for people with disability through implementation of and compliance with our international human rights obligations. QAI participated as an NGO in the final session of the Ad Hoc Committee in August 2006 when the draft text of the Convention on the Rights of Persons with Disability (CRPD) was finalised, and was actively engaged in working towards the signing and ratification by Australia of the CRPD in 2008, and of the Optional Protocol to the CRPD in 2009.

QAI was involved in building a coalition to write a 'shadow report' to the 'baseline report' for the CRPD in 2012. QAI has again been part of the NGO coalition shadow reporting to the most recent review of the CRPD, with Australia scheduled to appear before the UN Committee on the Rights of Persons with Disabilities in September 2019. This report, entitled *Disability Rights Now 2019: Shadow Report to the United Nations Committee on the (CRPD)* reviews Australia's progress in implementing the CRPD and has been endorsed by over 80 organisations.

QAI has been actively involved in Conferences of State Parties to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which focus on progressive implementation of

the CRPD in States Parties (including Australia). In June 2018, QAI was granted Special Consultative Status with the United Nations Economic and Social Council (ECOSOC), which enables QAI representatives to register and participate in events, conferences and activities of the UN and sit as observers at public meetings of ECOSOC and its subsidiary bodies, General Assembly, Human Rights Council and other United Nations intergovernmental decision-making bodies. We are also able to make written or oral statements to ECOSOC relevant to their work. This year, QAI was grateful to again be selected by the Australian Human Rights Commission as a leading disability advocacy organisation to participate in a key international disability human rights forum – the 12<sup>th</sup> Conference of States Parties to the CRPD. We were also funded to support the attendance and participation of an emerging young leader with disability, Kathryn Lyons, and her support person. QAI gratefully acknowledges the support of the AHRC in this regard and the Department of Social Services for providing the funding to enable our attendance and participation.

Emma Phillips represented QAI as an Australian Ambassador at the 12<sup>th</sup> Conference of States Parties. The Conference was held at the United Nations Headquarters in New York from 11 – 13 June, preceded by a Civil Society Forum on 10 June. The theme of CoSP12 was ensuring inclusion of persons with disabilities in a changing world through implementation of the Convention, underpinned by the cross-cutting theme of awareness-raising. Emma spoke to the General Assembly on the importance of independent advocacy, particularly for vulnerable people in detention or subjected to restrictive practices or involuntary treatment. Emma also spoke at the Civil Society Forum on the issues of protecting the rights of children with disabilities to live with their family and inclusive education.

## **The Disability Violence Project**

*Emma Phillips*

This project involved the creation of an innovative response to violence against people with disabilities within residential settings including institutions, group homes, nursing homes, boarding houses, hostels, and public housing and private dwellings. The project aimed to increase awareness and understanding amongst victims, families and the wider community about the level of violence affecting people with disability and the supports available and how to access help.

The response was in the form of the development of two educational pamphlets, five short educational videos, establishing a Facebook page and convening a forum to raise awareness both of the issues and the resources.

QAI collaborated with Women's Legal Service and with Women with Intellectual and Learning Disabilities (WWILD) to conceptualise the idea and workshop ideas. We collaborated with the TAFE Access and Equity Program to prepare, record and perform the educational videos. We commissioned a local artist with disability to design and produce the artwork for the educational pamphlets.

The forum was held at Brisbane City Hall and was a successful event, including a keynote presentation by then Australian Disability Discrimination Commissioner Alastair McEwin, performances by the student actors from the TAFE Access and Equity Program and the launch of the educational pamphlets. We are continuing our work on this project, with the next step development of a dedicated Disability Violence Project website.

The project was supported by funding by Legal Aid Queensland, via the Community Legal Education Collaboration Fund and by a Brisbane City Council CSO Funding (Lord Mayer's) Grant. QAI gratefully acknowledges this financial support which made the project possible.

**and rights and lives of the most vulnerable people with disability in Queensland.**



## Other systems work

We have made submissions on the following key bills or inquiries:

- Human Rights Bill 2018 to the Legal Affairs and Community Safety Committee (26 November 2018)
- Response to the Queensland Government's review of the operation of the *Forensic Disability Act 2011* (Qld) (9 November 2018)
- National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (2 July 2018);
- My Health Record Inquiry submission to the Senate Standing Committee on Community Affairs (14 September 2018);
- OPCAT in Australia - Stage 2 submissions to the Australian Human Rights Commission (both a submission by QAI and a submission by Australian Lawyers for Human Rights) (14 September 2018);
- Inquiry into wage theft in Queensland submission to the Education, Employment and Small Business Committee (30 July 2018).
- Inquiry into the Future of Petitioning in the House (11 October 2018)
- Consultation Draft - Civil Liability Amendment Bill 2018 (Qld) (25 October 2018)
- Review of Queensland's laws relating to Civil Surveillance and the Protection of Privacy in the context of Current and Emerging Technologies, Queensland Law Reform Commission (7 February 2019)
- The Social and Economic Benefits of Improving Mental Health, Productivity Commission Inquiry (4 April 2019)
- Disability Services and Other Legislation Amendment Bill 2019 (Qld), Education, Employment and Small Business Committee (17 April 2019)

We have presented at or participated in the following key forums and events:

- OPCAT in Australia roundtable, Australian Human Rights Commission (14 September 2018)
- Ministerial roundtable: review of the Forensic Disability Service (17 December 2018)
- Annual Castan Centre for Human Rights Law Conference, Melbourne (20 July 2018)
- Care Expo, Brisbane (15 September 2018)
- Digital Stories Launch, Griffith University (11 September 2018)
- Presentation for International Day of Persons with Disabilities (3 December 2018)
- Lecture to Bond University - disability discrimination and human rights law (5 March 2019)
- Queensland Law Society Panel: 2019 National Policy Lawyers' and Public Relations Forum: Coordinated campaigns, networked advocacy (28 February 2019)
- Private forum: Contradictions, synergies and opportunities within the UNCPRD, Deakin Downtown, Melbourne (14 February 2019)
- Meeting with Department of Communities regarding advocacy strategy and funding (26 February 2019)
- The Adequacy of Current Legal Protections in Protecting the Human Rights of Children with Disability, QUT (27 March 2019)
- A national disability strategy for beyond 2020 (29 April 2019)
- Australian Disability Discrimination Network bi-monthly teleconference (26 June 2019)
- WWILD Domestic and family Violence Prevention Month Roundtable 2019, The Edge (15 May 2019)



We have been a witness at the following Public Hearings and Senate Inquiries:

- Public Hearing for the Inquiry into wage theft in Queensland; Education, Employment and Small Business Committee (20 August 2018)
- Public Hearing on Human Rights Bill 2018 (4 December 2018)

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## Principal Solicitor's Report

QAI's has five distinct individual advocacy services providing legal advice and representation in human rights and mental health law, and advocacy support in NDIS and criminal justice matters.

The services are staffed by 5 lawyers, 6 advocates and 2 paralegals with supervision split between the Principal Solicitor and a Senior Lawyer.

QAI is committed to supporting the most vulnerable people with disability. This means representing the person with disability, unless exceptional circumstances exist, and making sure the person's views and wishes are heard.

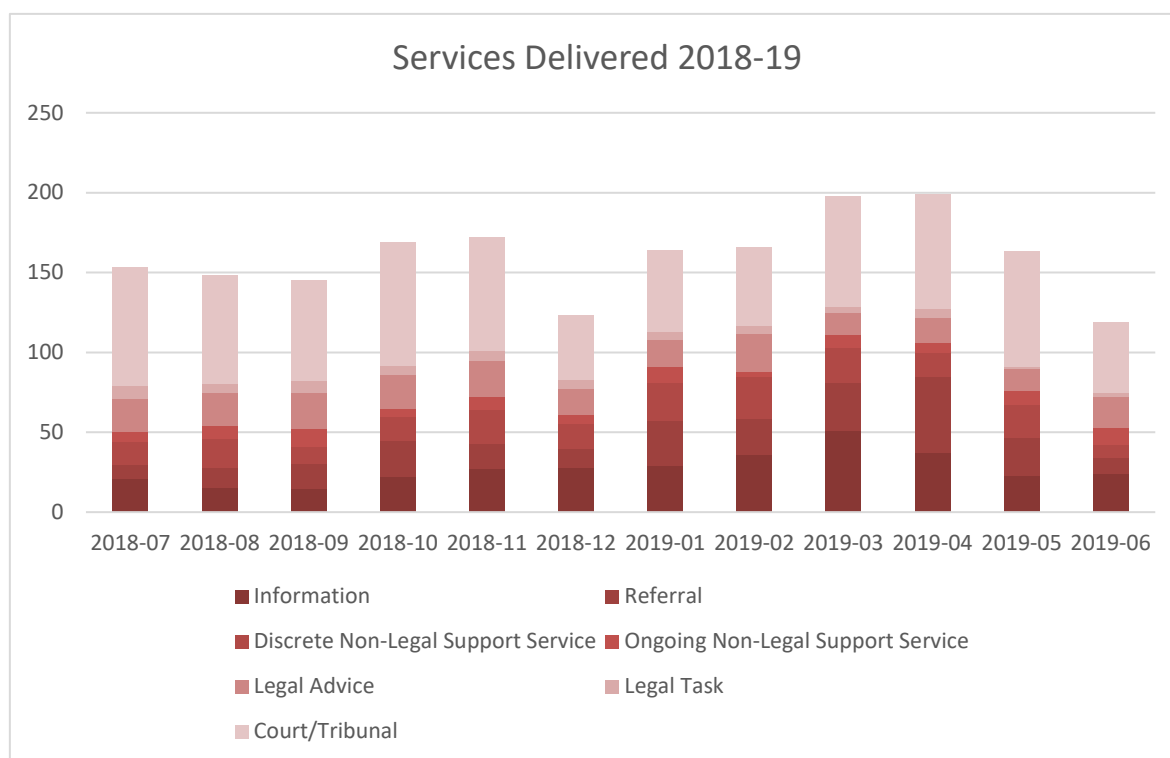
We also strive to empower people and their supports to self-advocate, by providing advice and guidance, delivering community education and publishing resources. It is also important that we use our experience of individual advocacy to identify broader issues and inform law and systems reform activities.

In 2018-19, QAI delivered a total of **1345 services** to **980 clients** by providing:

- 210 discrete non-legal advocacy services
- 91 ongoing non-legal advocacy files
- 229 legal advices
- 61 legal tasks
- 750 legal case files.

QAI's front desk staff provided a further **328 informations** and **250 referrals** where callers were not eligible for assistance or we did not have resources to provide the assistance requested.

A breakdown of services delivered throughout the year by month is represented in the graph below:



In comparison to 2017-18, we:

- Provided tailored assistance to **167 more clients (+21%)**, and supplied information and referral to **50 more callers (+9%)**.
- Provided **55 fewer legal advice and legal tasks (-13%)**, but increased our casework by **142 matters (+23%)**.
- Opened 10 fewer ongoing advocacy files **(-10%)**, but increased our discrete assistance by 46 matters **(+28%)**

My thanks to all staff who work with such dedication and excellence to our clients, and patience and good humour towards each other.

## Friends and supporters

This year, we thank the following legal colleagues who provide us with advice and support, staff our advice clinics, and represent our clients on a free or low-fee basis:

**Firms:** Hall & Wilcox, Norton Rose Fulbright

**Barristers:** Ben McMillan, David Cormack, Nanette Noble, Madonna Hayes

Both Ben and David of counsel supported QAI to conduct successful appeals to the Mental Health Court.

## Volunteers and clinic students

QAI hosts law students from the **University of Queensland** and the **Queensland University of Technology** as part of a clinical legal education program. Students attend QAI, usually one day per week during university semester, and their work while at QAI is credited towards their law degree.

QAI also receives applications from people from law students and others seeking to volunteer their time, law students wanting to complete their practical legal training (generally 150 hours), and also social work students wanting to complete their field placements (500 hours).

We greatly value the contribution of our clinic students and volunteers, and hope they take with them a stronger understanding of disability and social justice issues.

In 2018-19, we were supported by:

**University of Queensland clinic:** Matilda Ohman, Rin Shimada, Alexander Ladd, Yong Hwei Teo

**Queensland University of Technology clinic:** Simona Varga, Alexandra Martin, Briar Pilkinton, Vivien Balmer, Kennedy Allen, Mitchell Medcalf

**Practical Legal Training:** Meekehleh Desario, Julia Garcia, Jasmine Thomas

**Other volunteers:** Sarah Smale, Vaneesha Singh, Kia Davis, Brett Tanner, Adam Lucaks, Ben Hockin, Lenett Hillman, Mitchell Dodd, Monique Jeffrey, Monica Mikulcik, Luisa Ganko, Ramisa Raya, Vivien Balmer, Abraham Sammut, Sara Martins, Lauren Evans, Nadine Matti, Hannah Woodfield, Ivy Lawrence, Marissa Kerr, Kathy Hardy

## Accreditation

QAI participated in Phase 3 of the National Accreditation Scheme and has been accredited by the National Association of Community Legal Centres until 2022.

## Law reform, resources and education

This year we made submissions to:

- The Law Council of Australia on the review of the Australian Solicitors Conduct Rules, in particular, relaxation of the of the rules around checking for conflicts of interests in discrete legal matters;
- The Mental Health Review Tribunal's project regarding the electronic recording of Tribunal hearings.

We produced the following resources:

- Two factsheets about My Health Record: *Pros and Cons* and *Privacy Control Tips*
- A factsheet entitled *Absent Without Permission* about the rights and responsibilities of people on involuntary orders who leave a mental health service without permission.
- A simple English brochure on *Treatment Authorities*.
- A factsheet about the *Human Rights Act 2019 (Qld)*

We also:

- Worked with the Office of the Public Guardian to develop a training resource for guardians: *Module 1: Understanding the Mental Health Act – order and authorities* and *Module 2: The role of the guardian in the MHRT*. A final recorded webinar is due to be completed soon.
- Gave two presentations at the Australian and New Zealand Association of Psychiatrist, Psychology and Law Conference: *Is this to be their fate for the indefinite future? Judicial interest in system issues in Qld*, and *Lost and found in translation: Cross disciplinary conversations between lawyers and doctors* (23/11/18)
- Ran a collaborative workshop on *Advice vs Advocacy* at the Independent Patient Rights Advisor state conference (11/12/18)
- Presented at the Forensic Liaison Officer Symposium on the role of lawyers at the Mental Health Review Tribunal (19/3/19);
- Was part of the ethics panel presentation at the Community Legal Centres Queensland conference (March 2019);
- Presented at the Australian Guardianship and Administration Council conference: *Requiem for capacity (and decision making): The aspiration of Article 12(3) CRPD in NDIS land* (14/3/19)
- Presented with LawRight to older persons mental health teams at Woolloongabba Community Health Centre with a view to strengthening referral pathways.

A range of resources and other activities, which will be referred to in the report of the NDIS Appeals team.

## Collaboration and participation

Throughout the year, QAI contributed to:

- Australian Disability Network Meetings
- Community Legal Centres Queensland workshops and meetings to develop a sector-wide digital strategy
- the Community Legal Education Legal Assistance Forum
- the Queensland Legal Assistance Forum (QLAF) Mental Health Service Planning Working Group
- discussion and consultation on reforms to the Forensic Disability Service.

Staff attended:

- National Association of Community Legal Centres Conference (August 2018)
- The MHS Learning Network conference (August 2018)
- Care Expo (September 2018)
- Community Legal Centres Queensland Leadership Forum (October 2018)
- Australian and New Zealand Association of Psychiatrist, Psychology and Law Conference (November 2018)
- Community Legal Centre Queensland Conference (March 2019)
- Forensic Mental Health and Human Rights Workshop organised by UQ (March 2019)
- Australian Guardianship and Administration Council conference (March 2019)

in addition to a range of Continuing Professional Development opportunities.

## Justice Support Program

*Liz Francis*

My role in the Justice Support Program is to assist and provide non-legal advocacy for vulnerable people with impaired capacity, when their disability has contributed to their becoming involved with the criminal justice system. While my first priority is to ensure the person accesses competent legal advice or representation, my ultimate goal is to identify and resolve the reason the person has or is offending.

Sometimes it's just an inadvertent error of judgment and is not likely to reoccur, however it can indicate that the person is not being supported to enjoy a life that is as normal and unrestricted as it should be, so reoffending is very likely if the problem is not resolved.

In 2018-19 I accompanied clients to their court appearances 30 times. A typical morning at court involves ensuring that my client meets with the Duty Lawyer and that the lawyer is fully informed of the nature and extent of my client's disability, also that my clients and/or their family or support person understands as much as possible about the court process they are involved in.

I also accompanied clients to 12 appointments with their lawyer, to 2 police interviews (as suspects) and to a client's initial appointment with his Probation and Parole Officer and then with the Child Protection Offender Registry.

I'm happy to report that once the Police became aware of the extent of my client's disability and the futility of charging a vulnerable and extremely frightened person with a very minor offence, neither client was charged after their interview with Police and I like to think that the Police Officers involved were more enlightened as a result.

I met with 11 clients at their place of residence, including one at The Park Centre for Mental Health and 2 in prison. I assisted a client to find satisfactory and affordable accommodation after being

and rights and lives of the most vulnerable people with disability in Queensland.

released from prison and was extremely happy to learn that 6 months post release he was still thriving at the same address.

I provided training to the 2018 batch of Court Network volunteers about the Justice Support Program and how the volunteers can identify and assist a person with impaired capacity at Court, I attended the ASID Annual Conference at the Gold Coast, information and training by the Social Work service at Caxton Legal Centre and from Ben Schokman about using the media and social media to progress QAI's strategic priorities and advocacy goals. I attended 8 webinars arranged by Legal Aid, mostly about how community, health and education workers can support their clients in different legal situations, and how a therapeutic or restorative justice outcome can be a more effective deterrent than punishment.

It has been a very busy but extremely satisfying year - and I am constantly amazed and humbled by how resilient my clients can be and how quickly they embrace any opportunity to learn from their experiences and to enhance their quality of life.

## Legal advice and tasks

*Elizabeth Beaumont*

Advices and legal tasks are provided by lawyers of both the Human Rights and Mental Health Legal Service. We also run a dedicated Telephone Legal Advice Service which was supported by **Hall & Wilcox** and **Norton Rose Fulbright** this year.

As previously noted, QAI provided **229 legal advices** and **61 legal tasks** in 2018-19.

The top 5 areas of law in which we provide advice and tasks are the same as last year: Treatment authorities, administration, guardianship, mental health treatment issues, and forensic orders (mental illness).

## Human Rights Legal Service

*Jason Abraham*

The Human Rights Legal Service (**HRLS**) is QAI's longest running legal service, established in 2008.

To be eligible for assistance, clients must have an intellectual or cognitive impairment, or profound physical disability, and have a human right issue which requires legal intervention to resolve. The service focuses on representing clients who have complex matters or have significant impairment, which can be time consuming.

The HRLS continues to be primarily a 1-solicitor service, with support from other members of the QAI legal team, particularly in relation to Forensic Orders Disability matters, most of which are referred from Legal Aid Queensland for mandatory representation.

In 2018-19, we opened:

- **53 files** to represent patients on forensic orders disability at their Mental Health Review Tribunal hearings (52 referrals from Legal Aid Queensland)
- **1 ongoing representation file** to support a client on a forensic order disability between Mental Health Review Tribunal hearings
- **11 files** to represent at the Queensland Civil and Administrative Tribunal in relation to guardianship and administration orders

- **2 files** to represent at the Queensland Civil and Administrative to represent on public entity decisions to refuse blue / yellow cards where the applicant has a disability.
- **2 files** in relation to claims of anti-discrimination.

For forensic order disability files that have been closed:

- 31 forensic orders were confirmed with no changes to conditions
- 3 forensic orders were confirmed with more restrictive limited community treatment imposed
- 6 forensic orders were confirmed with improvements in limited community treatment.

One of the key benefits of having a QAI lawyer in QCAT matters is to support the client to make sure their views and wishes are taken into account, particularly in matters where there is conflict between the client's various supports. We supported a client in having the appointment of an administrator revoked, as well as enabling a client to move to live closer to their family, and having a particular administrator appointed in line with the client's wishes.

## Case Study

HRLS provided advice regarding a discrimination matter. The issue was with a decision made by the University not to permit a student to progress to the second year of the course as they had not met the requisite competency in the exam. It was argued that the student had not been provided with reasonable adjustments in the exam and this failure to provide adjustments had resulted from a failure of an agency attached to the university to apply for adjustments.

We were able to distinguish the cases of Brackenreg and Bishop. The distinction between the two cases could be summarised in that the adjustment in Brackenreg related to a level of attainment and knowledge required for the award. In Bishop, the adjustment referred to the structure and delivery of the examination.

HRLS provided representation at an Anti-Discrimination Commission Qld conciliation. Mr Jason Abraham (Solicitor) and Dr Emma Phillips (Senior Lawyer) attended the conciliation with the client who was supported to provide his complaint to the university at conciliation. Conciliation revealed that there were a number of areas in which facts were in dispute. Ultimately, the matter was deemed not to be conciliatory.

## Forensic Disability Service review

The Forensic Disability Service has been in the spotlight in 2018-19. The report [SECTION 157: Review of the operation of the Forensic Disability Act 2011](#) by the Department of Communities, Disability Services and Seniors was tabled in October 2018. The Queensland Ombudsman also conducted an investigation and his critical report [The Forensic Disability Service report: An investigation into the detention of people at the Forensic Disability Service](#) was tabled on 22/08/19

QAI attended round table discussions convened by the acting minister Shannon Fentiman MP in December 2018 to talk about system change for delivery of forensic disability services in Queensland. We attended follow up stakeholder consultation and provided verbal feedback on proposed reforms to the model of service forensic disability clients. We are waiting for responses from the Minister for Health and Minister for Communities regarding the reforms

## Towards 2019-20

We are actively considering how HRLS will respond to emerging legal matters due to the implementation of the Human Rights Act in Queensland from 1 January 2020 and the Disability Royal Commission, and remain at the forefront of promoting and protecting human rights issues for

and rights and lives of the most vulnerable people with disability in Queensland.



people with disability. This may result in a change of eligibility criteria and/or focus of the service. We will also be doing our best to redirect staff time and resources so due attention is given to the work and goals HRLS at this important time.

## Mental Health Legal Service

*Jo Sampford, Carly Dennis, Niamh Fields, Anna Brasnett, Amanda Bosworth, Catherine Collins, Jasmine Drummond, Eva Thelander*

The Mental Health Legal Service (**MHLS**) was established in 2010 in response to growing demand for assistance in mental health law on the Human Rights Legal Service. In 2017, implementation of the *Mental Health Act 2016* (Qld) meant that certain categories of matter were required to have free legal representation, allowing for the expansion of mental health legal services and expertise not only within QAI but also at Legal Aid Queensland, other community legal centres and private law firms.

While we have 3 full time lawyers doing work referred from Legal Aid Queensland, there is only one lawyer funded to do work that is not referred by Legal Aid Queensland, and to provide the extensive follow up and advocacy that is required between hearings in some of the complex matters. Both the MHLS and HRLS have paralegal support.

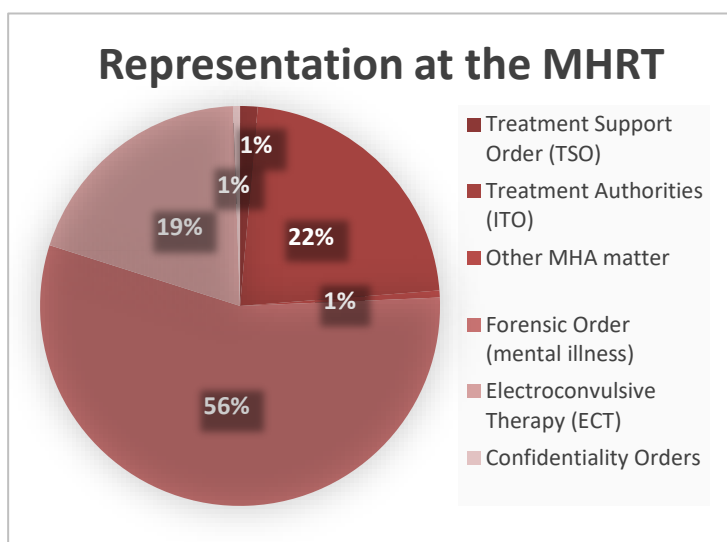
In 2018-19, the MHLS provided representation before the Mental Health Review Tribunal in relation to:

- 393 forensic order (mental illness) reviews (364 referred from Legal Aid Queensland)
- 10 Treatment Support Order reviews
- 158 treatment authority reviews (50 referred from Legal Aid Queensland)
- 138 electroconvulsive therapy applications (all referred from Legal Aid Queensland)
- 4 confidentiality order applications.

We also provided assistance in relation to transfer matters, an application for non-ablative neurosurgery, 3 successful appeals to the Mental Health Court and one application to the Mental Health Court for the release of documents. We also opened 3 ongoing representation files for complex clients needing representation and assistance between their Tribunal hearings.

While not all files have been completed at the time of writing this report, we note that:

- 86 treatment authorities were confirmed and 10 revoked;
- 226 forensic orders were confirmed:
  - 162 matters no changes to their conditions
  - 15 matters resulted in a worsening of limited community treatment conditions;
  - 49 matters resulted in an improvement of limited community treatment conditions
- a further 14 forensic clients had their orders stepped down, and 1 client had their forensic order revoked completely.
- 68 applications for ECT were approved and 8 were refused.
- 4 treatment support orders were confirmed and 2 were revoked.



## Mental Health Act Collaboration Project

ADA Australia, with QAI support, was successful in receiving funding to deliver a project over 18 months which increases access to justice for people with mental illness, by identifying their legal needs and creating resources and training to address those needs.

Over the past year, we have used our expertise in mental health law to help ADA Australia develop website content for frontline mental health service providers to enable accurate and timely information and referral for common legal problems experienced by their clients. The expected publication and rollout of the resource is 2020.

## Law and system reform

The report on the [Evaluation of the Mental Health Act 2016 implementation](#) was published in April 2019. QAI made a submission to this evaluation in 2017-18.

We prepared a submission in response to the Mental Health Review Tribunal's project regarding the electronic recording of Tribunal hearings. We supported our clients to make their views known on this issue.

QAI is a member of the QLAF Mental Health Service Planning Working Group to improve coordination and collaboration on work done in the mental health legal space.

QAI continues to press for reform of issues that negatively impact on client experience and fairness of decisions made under the *Mental Health Act 2016* (Qld).

*Rebekah Leong*

## NDIS Appeals Advocacy

QAI's NDIS Appeals Advocacy Support and NDAP Decision Support Pilot Programs have both been at or near capacity for the 2018/2019 financial year. Our advocates have worked tirelessly to support as many people as possible and have been gratified to receive some fabulous outcomes for their clients, as the below case studies demonstrate.

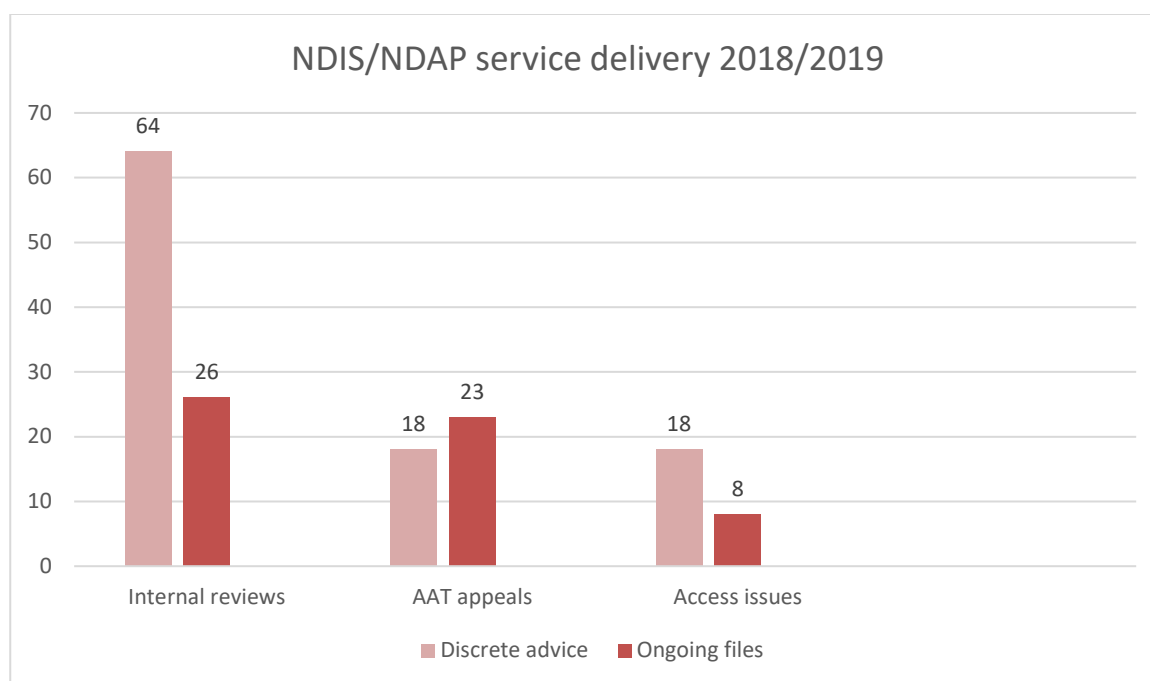
Our NDIS Appeals Advocacy Support Program assists people directly affected by a decision of the National Disability Insurance Agency to seek internal review within the Agency or to appeal that decision to the Administrative Appeals Tribunal. The Decision Support Pilot Program assists the most vulnerable Queenslanders between the ages of 18 and 65 who have limited decision-making capacity and lack of appropriate decision-making support to make decisions relating to the NDIS. The value of these programs is recognised by the Department of Social Services, which has continued funding for the NDIS Advocacy Support Program and recently announced its extension to the DSP Pilot Program until 30 June 2020.

Our four NDIS Appeals Advocates (working a combined total of 3.2 full-time equivalent jobs) provided 146 discrete advices, opened 67 ongoing files and closed 48 ongoing files in the past financial year. They also provided 133 informations and made 112 referrals.

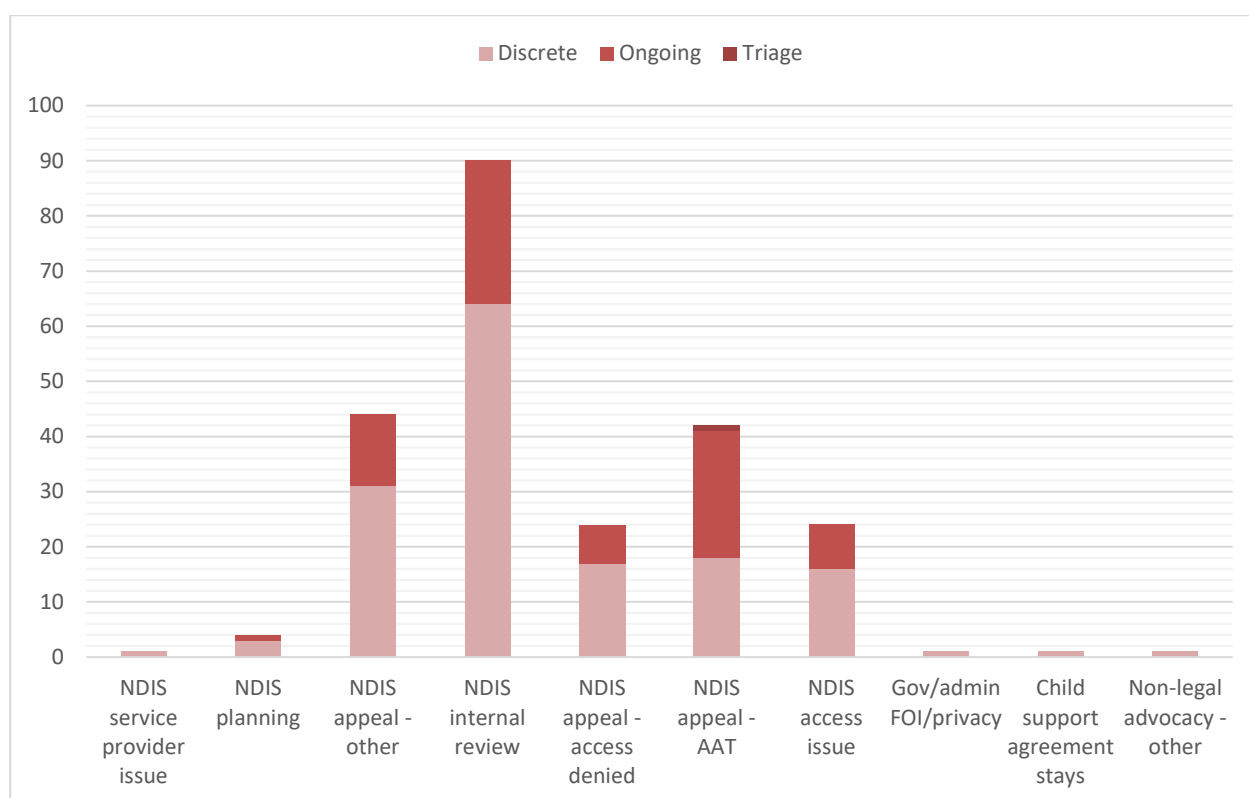
Our two DSP advocates (working a combined total of 1.2 full-time equivalent job) provided seven informations, four advices and opened ten ongoing files.

### Details of service delivery

The following graph provides some basic information about the nature of QAI's NDIS advocacy (through both our NDIS Appeals Advocacy and Decision Support Pilot Programs) this past financial year.



## NDIS services by problem type



## Case Studies

Naomi\* is a 10 year old girl who lives with her family who run a cattle property in rural Queensland. Naomi loves to spend time with her family travelling, riding trikes, horse riding, kayaking, quad biking and joining in community activities. Due to Naomi's complex disability; ABI, cerebral palsy, global developmental delay, chromosomal micro-deletion, hearing loss and stigmatism, she requires significant support from other people and assistive technologies for all aspects of her daily life.

Naomi received her first NDIS plan and it fell short of her required supports in the areas of core supports (support workers), capacity building (therapies) and capital (assistive technologies and car modifications). The NDIA advised that the additional requested supports were 'parental responsibility' and did not meet s 34(1) (e) of the NDIS Act. QAI's NDIS Appeals Advocate supported Naomi's family through the Internal Review process. The advocate worked with the family to obtain doctors' letters and therapy reports, as well detailed statements of supports provided and daily routines for Naomi.

After several months of reminding the NDIA that the review was yet to be completed, Naomi received her new NDIS plan. Naomi's NDIS plan includes funding for support workers daily, regular therapies and vehicle modifications. With all of these supports, Naomi was recently able to go on a family holiday to the beach!

QAI's NDIS Appeals Advocate supported a family through an internal review and subsequent external Administrative Appeals Tribunal review. Kelly\* is a middle-aged woman with a diagnosis of Acquired Brain Injury, Intellectual Impairment, Paraplegia, Epilepsy and Bipolar Disorder which has significant impacts on her day-to-day life. Under Disability Services Queensland, Kelly was receiving funding for 24/7 care which she was self-directing with heavy assistance from her Mother and Aunt. Kelly had a wonderful support system around her, by directly employing her staff and working with people who shared the same vision for her life. When Kelly rolled into the NDIS, her funds were significantly reduced; resulting in funding for only 5 hours of support per day.

QAI's NDIS appeals advocate lodged an internal review on behalf of Kelly under the 'Principle of no disadvantage'; a principle designed to ensure that when a person transitions to the NDIS, they are no 'worse off'. The internal reviewer confirmed the Agency's earlier position and made no changes to Kelly's plan. By this point, Kelly's family were at breaking point; they had lost 6 of their 9 support workers, family members were completing care shifts and Kelly's mental health had deteriorated. The NDIS appeals advocate wrote to the CEO of the NDIS to express their very real concerns for Kelly and her family's wellbeing. Their only option was to lodge an external merits review at the Administrative Appeals Tribunal as the Agency refused to intervene.

The NDIS appeals advocate attended the first case conference on behalf of Kelly and her family and advocated for an expeditious external review, due to the fragile nature of Kelly's situation. She advocated for directions and clear time frames to be put in place. The Tribunal Case Registrar also understood the urgency of the situation and assisted by pre-booking a directions hearing, should the Agency fail to comply with the directed timeframes. The advocate coordinated obtaining evidence for the external review, liaising with therapists and creating clear funding request breakdowns for the Agency, whilst also supporting the family. After the first case conference and supplying of evidence and detailed funding request, Kelly was offered her funding request in full, with a 7-day turnaround approving the new plan. Kelly now has 24/7 support, additional support coordination to rebuild her team and explore housing options, funding to access therapies and assessments, as well as assistive technology. Her family has also been educated on the processes and evidence they will need to obtain before their scheduled review to ensure Kelly's needs continue to be met.

QAI's NDIS Appeals Advocate supported a young man of 15 and his mother through the External Appeals process at the Administrative Appeals Tribunal. John\* has a complex array of disabilities including brain shunts, vision and hearing impairment, chromosomal deletion and autism; and requires the service of an assistance dog individually trained to perform tasks directly related to his disability. John's dog performs multiple tasks including picking up items; alerting John to the presence of sounds or people; acting as a buffer to avert bumping of his brain shunt; assisting with public transport and community access; and alerting family to adverse medical episodes. This animal is a fundamental part of John's life and indeed has saved John's life in the past; and its specialised skills, and maintenance thereof, is imperative to his continued safety and wellbeing. The NDIA initially funded ongoing training and maintenance of John's assistance animal in his first NDIS plan, however funding for these supports ceased in his second plan. The key issue in dispute was whether John's dog was an assistance animal and whether ongoing training and maintenance was reasonable and necessary in accordance with s 34 of the NDIS Act 2013.

...continued on next page...

...

One of the many challenges involved in this matter was overcoming the high evidentiary thresholds imposed by the Agency in its narrow reading of s 34 criteria especially in relation to the effectiveness and value for money of assistance animals. Adding a further element of unpredictability was the inaugural involvement of the NDIA Early Resolution Team, whose initial mandate appeared less conciliatory and more inquisitorial in nature. Working closely with John's mother and certified service dog trainers we were able to provide the Agency probative evidence substantiating the benefit and effectiveness of the ongoing training and maintenance for John's assistance animal. We were able to establish that ongoing support was crucial to ensure John's safety when accessing the community; the welfare of the animal; and the enhancement of John's quality of life. Prior to the second AAT Case Conference, the Agency awarded full funding for the maintenance and ongoing training of John and his assistance dog.

Simon\* is a young man living with various conditions that affect his mental and physical health. Simon had already applied for NDIS Access a number of times and had also had an unsuccessful Internal Review when he contacted QAI for advocacy assistance. An NDIS Appeals Advocate assisted Simon to submit an external appeal to the Administrative Appeals Tribunal. Legal Aid advice was sought and two Case Conferences followed.

Simon already had a lot of evidence but although this provided extensive history of his conditions and attempts to access care to improve these conditions, the evidence was not deemed to meet NDIS Access requirements, particularly of permanence and substantially reduced functional capacity.

Despite trying every possible treatment and service that was available, Simon had found it frustratingly difficult to access effective, affordable mainstream services that met his needs. Over a period of many months the advocate worked with Simon and his treating professionals to gather and collate evidence and align to NDIS requirements. Although the process became increasingly stressful, eventually Simon was granted NDIS access.

After years of fighting to become an NDIS participant, Simon was exhausted and his conditions had deteriorated. Simon now needed to clarify his goals and support needs and prepare for his NDIS Planning meeting. Through the Decision Support Pilot, the QAI advocate was able to continue to work with Simon providing continuity and liaising with a Support Coordination service. Simon's NDIS Plan is now activated and he has been able to commence engagement with some services. It is a necessarily gradual approach for Simon to move forwards, gain control and make informed choices about his life and the services he receives.

*\* Names have been changed to protect identity*

## Community education and engagement

Our advocates have also been actively involved in raising awareness and understanding of the NDIS within Queensland. They have been invited to present workshops and seminars for a range of audiences, including Down Syndrome Queensland and 1800RESPECT. They ran a stall at the Care Expo in Brisbane in September 2018 and attended the Regional Disability Expo in Rockhampton in June 2019.

Our advocates have also made contact with health services, community organisations and community legal centres in South Western QLD to discuss our programs. They have strengthened our relationships with the Office of the Public Trustee and the Office of the Public Guardian.

In July 2018, two advocates undertook a road trip to connect with people in rural and remote areas of Queensland, conducting information sessions and forums in Roma, Charleville, Cunnamulla, St George, Goondiwindi, Chinchilla and Mitchell.

QAI has continued to develop relationships and referral pathways with Legal Aid Queensland, as the provider of individual legal NDIS advocacy and with fellow disability advocacy organisations and community legal centres, including actively participating in monthly teleconferences.

The advocates have also collaborated on several cases with QAI's Human Rights Legal Service and Mental Health Legal Service, enabling more holistic advocacy and support for many clients.



**QUEENSLAND ADVOCACY  
INCORPORATED**

**FINANCIAL REPORT  
FOR THE YEAR ENDED  
30 JUNE 2019**

20 September 2019

Department of Social Services  
PO Box 7576  
Canberra Business Centre  
CANBERRA ACT 2610

**QUEENSLAND ADVOCACY INCORPORATED**  
**NATIONAL DISABILITY ADVOCACY PROGRAM**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**INCOME**

Grant Received	515,112.91
Other Income	500.00
	<hr/>
	515,612.91

**LESS EXPENSES**

Employee benefits expense	400,522.94
Equipment Purchases	12,301.94
Insurance	2,343.04
Motor vehicle & Travel expenses	15,224.39
Property expenses	29,138.06
Staff training and development expenses	19,167.70
Audit, legal and consultancy fees	2,986.43
Other operating costs	33,928.41
	<hr/>
	515,612.91

**NET LOSS FOR THE YEAR**

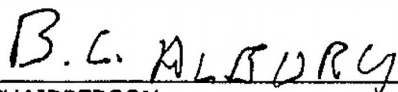
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\$NIL

**CERTIFICATE OF COMPLIANCE**

This is to certify that the grant funds received by this organisation for the above project have been used for the purpose for which they were provided and that conditions included in the letter of advice have been met.

20 September 2019

  
CHAIRPERSON

**AUDITOR'S REPORT**

In our opinion the above statement presents fairly the receipts and payments to which the statement relates for the period ended 30 June 2019.

20 September 2019

  
HAYWARDS CHARTERED ACCOUNTANTS  
PETER GESCH - PARTNER

20 September 2019

Department of Social Services  
PO Box 7576  
Canberra Business Centre  
CANBERRA ACT 2610

**QUEENSLAND ADVOCACY INCORPORATED**

**NDIS**

**FOR THE YEAR ENDED 30 JUNE 2019**

**INCOME**

Grant Received	414,000.00
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**LESS EXPENSES**

Employee benefits expense	353,204.16
Equipment Purchases	4,026.68
Depreciation and Amortisation Expense	4,118.00
Insurance	1,883.05
Motor vehicle & Travel expenses	4,093.52
Property expenses	22,110.06
Audit, legal and consultancy fees	2,381.72
Other Operating Costs	22,182.81
	<hr/>
	414,000.00

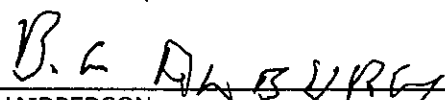
**NET LOSS FOR THE YEAR**

\$NIL

**CERTIFICATE OF COMPLIANCE**

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20 September 2019

  
CHAIRPERSON

**AUDITOR'S REPORT**

In our opinion the above statement presents fairly the receipts and payments to which the statement relates for the period ended 30 June 2019.

20 September 2019

  
HAYWARDS CHARTERED ACCOUNTANTS  
PETER GESCH - PARTNER



20 September 2019

Department of Justice & Attorney General  
GPO BOX 149  
BRISBANE QLD 4001

LEVEL 11, 220 LIVERPOOL STREET  
BRISBANE QLD 4000

PO BOX 90  
LUNDA QLD 4001

Telephone: 07 3221 4111

Facsimile: 07 3221 4300  
Email: [info@haywards.com.au](mailto:info@haywards.com.au)

Website: [www.haywards.com.au](http://www.haywards.com.au)  
Branches: Brisbane, Sydney, Melbourne, Perth, Adelaide, Hobart

**QUEENSLAND ADVOCACY INCORPORATED**  
**PUBLIC ADVOCATE**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**INCOME**

Grant Received 9,900.00

**LESS EXPENSES**

NIL


**UNEXPENDED FOR THE YEAR**

\$9,900.00

**CERTIFICATE OF COMPLIANCE**

This is to certify that the grant funds received by this organisation for the above project have been used for the purpose for which they were provided and that conditions included in the letter of advice have been met.

20 September 2019

  
CHAIRPERSON

**AUDITOR'S REPORT**

In our opinion the above statement presents fairly the receipts and payments to which the statement relates for the period ended 30 June 2019.

20 September 2019

  
HAYWARDS CHARTERED ACCOUNTANTS  
PETER GESCH - PARTNER





20 September 2019

Department of Social Services  
GPO Box 9820  
BRISBANE QLD 4001

GENERAL AND COMPANY ACCOUNTANTS  
BRISBANE QLD 4001

ACCOUNTING  
BRISBANE QLD 4001

BRISBANE QLD 4001

BRISBANE QLD 4001

BRISBANE QLD 4001

BRISBANE QLD 4001

**QUEENSLAND ADVOCACY INCORPORATED**  
**DISABILITY AND CARER SUPPORT**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**INCOME**

Grant Received 119,490.00

**LESS EXPENSES**

Employee benefits expense	91,302.58	
Equipment Purchases	1,501.28	
Depreciation and Amortisation Expense	49.00	
Insurance	543.20	
Motor vehicle & Travel expenses	1,439.58	
Property expenses	4,173.91	
Audit, legal and consultancy fees	288.99	
Other Operating Costs	1,863.46	
		<hr/>
		101,162.00

**UNEXPENDED FOR THE YEAR**

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\$18,328.00

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**CERTIFICATE OF COMPLIANCE**

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20 September 2019

CHAIRPERSON

**AUDITOR'S REPORT**

In our opinion the above statement presents fairly the receipts and payments to which the statement relates for the period ended 30 June 2019.

20 September 2019

HAYWARDS CHARTERED ACCOUNTANTS  
PETER GESCH - PARTNER





20 September 2019

Legal Aid Queensland  
GPO BOX 2449  
BRISBANE QLD 4001

LEVEL 1 AND AUTHORITY FLOOR  
111 WYNDHAM STREET

PO BOX 168  
WYNDHAM STREET

BRISBANE QLD 4001

BRISBANE (07) 3251 1111  
FAX (07) 3251 1115  
EMAIL: info@haywards.com.au

BRISBANE 111 WYNDHAM STREET  
PO BOX 168  
WYNDHAM STREET

# **QUEENSLAND ADVOCACY INCORPORATED**

## **MHRT**

### **FOR THE YEAR ENDED 30 JUNE 2019**

#### **INCOME**

Unexpended from Prior Year	27,616.32
Legal Aid Queensland	538,909.92
	<hr/>
	566,526.24

#### **LESS EXPENSES**

Employee benefits expense	344,894.42
Equipment Purchases	23,053.61
Depreciation and Amortisation Expense	228.00
Insurance	2,138.19
Motor vehicle & Travel expenses	17,700.10
Property expenses	23,073.73
Audit, legal and consultancy fees	63,506.00
Other Operating Costs	19,284.59
	<hr/>
	493,878.64

#### **UNEXPENDED FOR THE YEAR**

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\$72,647.60

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#### **CERTIFICATE OF COMPLIANCE**

This is to certify that the grant funds received by this organisation for the above project have been used for the purpose for which they were provided and that conditions included in the letter of advice have been met.

20 September 2019

CHAIRPERSON

#### **AUDITOR'S REPORT**

In our opinion the above statement presents fairly the receipts and payments to which the statement relates for the period ended 30 June 2019.

20 September 2019

HAYWARDS CHARTERED ACCOUNTANTS  
PETER GESCH - PARTNER

**QUEENSLAND ADVOCACY INCORPORATED**  
**STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME**  
**FOR THE YEAR ENDED 30 JUNE 2019**

	<u>Note</u>	<u>2019</u>	<u>2018</u>
Revenue	2	2,077,824.65	1,651,125.24
Other Income	2	35,409.13	69,900.05
Employee benefits expense		(1,639,051.14)	(1,294,863.29)
Depreciation and amortisation expense		(13,897.00)	(13,193.00)
Insurance		(9,187.14)	(9,855.48)
Motor vehicle & Travel expenses		(63,305.05)	(47,337.99)
Property expenses		(103,493.62)	(98,926.96)
Staff training and development expenses		(6,475.46)	(21,163.78)
Audit, legal and consultancy fees		(72,777.57)	(91,197.84)
Other operating costs		(149,083.05)	(84,942.04)
<b>Current year surplus before income tax</b>		<b>55,963.75</b>	<b>59,544.91</b>
Income tax expense		-	-
<b>Net current year surplus</b>		<b>55,963.75</b>	<b>59,544.91</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>Total comprehensive income for the year</b>		<b>55,963.75</b>	<b>59,544.91</b>
<b>Total comprehensive income attributable to members of the entity</b>		<b>\$55,963.75</b>	<b>\$59,544.91</b>

The accompanying notes form part of the financial statements.

**QUEENSLAND ADVOCACY INCORPORATED**  
**STATEMENT OF FINANCIAL PERFORMANCE**  
**AS AT 30 JUNE 2019**

	<b><u>NOTE</u></b>	<b><u>2019</u></b>	<b><u>2018</u></b>
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and Cash Equivalents	3	772,838.68	618,191.52
Debtors & Prepayments		22,335.70	35,801.24
Deposits		500.00	500.00
<b>Total Current Assets</b>		<b>795,674.38</b>	<b>654,492.76</b>
<b>Investment</b>		<b>62,358.53</b>	<b>59,598.74</b>
<b>Fixed Assets</b>	4	<b>62,847.90</b>	<b>47,560.48</b>
<b>TOTAL ASSETS</b>		<b>\$920,880.81</b>	<b>\$761,651.98</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Creditors & Accruals		56,213.94	58,209.09
Employee Provisions		213,373.81	166,065.68
Income Received & Unexpended		147,755.10	89,803.00
<b>Total Current Liabilities</b>		<b>417,342.85</b>	<b>314,077.77</b>
<b>TOTAL LIABILITES</b>		<b>417,342.85</b>	<b>314,077.77</b>
<b>NET ASSETS</b>		<b>\$503,537.96</b>	<b>\$447,574.21</b>
<b>MEMBERS FUNDS</b>			
Retained Surplus		503,537.96	447,574.21
<b>TOTAL MEMBERS FUNDS</b>		<b>\$503,537.96</b>	<b>\$447,574.21</b>

The accompanying notes form part of these financial statements.

## 3.

**QUEENSLAND ADVOCACY INCORPORATED**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED 30 JUNE 2019**

	<b><u>Retained Surplus</u></b>	<b><u>Revaluation Surplus</u></b>	<b><u>Financial Assets Reserve</u></b>	<b><u>Total</u></b>
<b>Balance at 1 July 2017</b>	388,029.30	NIL	NIL	388,029.30
<b>Comprehensive Income</b>				
Surplus for the year attributable to members of the entity	59,544.91	-	-	59,544.91
<b>Total comprehensive income attributable to members of the entity</b>	59,544.91	-	-	59,544.91
<b>Balance at 30 June 2018</b>	447,574.21	NIL	NIL	447,574.21
<b>Balance at 1 July 2018</b>	447,574.21	NIL	NIL	447,574.21
<b>Comprehensive Income</b>				
Surplus for the year attributable to members of the entity	55,963.75	-	-	55,963.75
<b>Total comprehensive income attributable to members of the entity</b>	55,963.75	-	-	55,963.75
<b>Balance at 30 June 2019</b>	503,537.96	NIL	NIL	503,537.96

The accompanying notes form part of these financial statements.

**QUEENSLAND ADVOCACY INCORPORATED**  
**SCHEDULE OF CASH FLOWS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

	<u>2019</u>	<u>2018</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
<b>Receipts</b>		
Investment Income	14,377.71	10,969.33
Other Income	606,607.80	470,750.17
Cash flows from Government Grants	1,563,665.91	1,224,751.94
<b>Payments</b>		
Payments to Employees and Administration	(1,998,060.05)	(1,561,060.99)
<b>Net cash provided by (used in) operating activities</b>	<u>\$186,591.37</u>	<u>\$145,410.45</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Investment Units Purchased	(2,759.79)	(888.19)
Payment for purchase of plant & equipment	(29,184.42)	(19,817.39)
<b>Net cash provided by (used in) investing activities</b>	<u>\$(31,944.21)</u>	<u>\$(20,705.58)</u>
<b>CASH FLOWS FROM FINANCIAL ACTIVITIES</b>		
Net increase (decrease) in cash held	154,103.77	124,704.87
Cash at beginning of the reporting period	618,191.52	493,486.65
<b>Cash at end of the reporting period</b>	<u>\$772,295.29</u>	<u>\$618,191.52</u>
<b>Reconciliation of Net Surplus/Deficit to Net Cash Provided by (Used in) Operating Activities</b>		
Operating Result	55,963.75	57,592.44
Plus Depreciation	13,897.00	13,193.00
- (Increase)/Decrease in Receivables	13,465.54	2,988.30
- Increase/(Decrease) in Payables	(1,995.15)	30,283.79
- Increase/(Decrease) in Provisions	47,308.13	56,942.60
- Increase/(Decrease) in Grants Unexpended	57,952.10	(15,589.68)
<b>Net cash provided by (used in) operating activities</b>	<u>\$186,591.37</u>	<u>\$145,410.45</u>

The accompanying notes form part of these financial statements.

**QUEENSLAND ADVOCACY INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES**

This financial report is a special purpose financial report prepared in order to satisfy the financial reporting requirement of the Associations Incorporated Act (Qld) and Australian Charities and Not-for-Profits Commission Act 2012. The committee has determined that the association is not a reporting entity.

The report is also prepared on an accruals basis and is based on historical costs and does not take into account changing money values or, except where specifically stated, current valuations of non-current assets.

The following significant accounting policies, which are consistent with the previous period unless otherwise stated, have been adopted in the preparation of this financial report.

**(a) Revenue**

Revenue comprises revenue from government grants, fundraising, events and fee for service activities.

Revenue is measured by reference to the fair value of consideration received or receivable by the entity for goods supplied and services provided.

Revenue is recognised when the amount of revenue can be measured reliably, collection is probable, the costs incurred or to be incurred can be measured reliably.

*Government grants*

A number of the entity's programs are supported by grants received from the Federal, State and Local governments. If conditions are attached to a grant which must be satisfied before the entity is eligible to receive the contribution, recognition of the grant as revenue is deferred until those conditions are satisfied.

Where a grant is received on the condition that specified services are delivered to the grantor, this is considered a reciprocal transaction. Revenue is recognised as services are performed and at year-end until the service is delivered.

Revenue from a non-reciprocal grant that is not subject to conditions is recognised when the entity obtains control of the funds, economic benefits are probable and the amount can be measured reliably. Where a grant may be required to be repaid if certain conditions are not satisfied, a liability is recognised at year end to the extent that conditions remain unsatisfied.

Where the entity receives a non-reciprocal contribution of an asset from a government or other party for no or nominal consideration, the asset is recognised at fair value and a corresponding amount of revenue is recognised.

*Donations*

Donations collected, including cash and goods for resale, are recognised as revenue when the entity gains control, economic benefits are probable and the amount of the donation can be measured reliably.

Where donations are received for a specific purpose, then the donation is only recognised once the funds have been spent for that purpose.



**QUEENSLAND ADVOCACY INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (cont'd)**

**a) Revenue (cont'd)**

*Interest income*

Interest income is recognised on an accrual basis using the effective interest method.

All revenue is stated net of the amount of goods and services tax.

**(b) Property, Plant and Equipment**

Plant and Equipment are carried at cost less, where applicable, any accumulated depreciation.

Depreciation is calculated on the prime cost basis and is brought to account over the estimated economic lives of all fixed assets commencing from the time the asset is held ready for use.

The depreciation rates used are as follows:

<u>Class of Fixed Assets</u>	<u>Depreciation Rate</u>
Plant and Equipment	20%

**(c) Impairment of Assets**

At the end of each reporting period, the committee reviews the carrying amounts of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, to the asset's carrying amount. Any excess of the asset's carrying amount over to recoverable amount is recognized in the income and expenditure statement.

**(d) Employee Provisions**

Provision is made for the Organisation's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee Provisions have been measured at the amounts expected to be paid when the liability is settled.

**(e) Cash and Cash Equivalents**

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

**(f) Leases**

Leases of PPE, where substantially all the risks and benefits incidental to the ownership of the asset (but not the legal ownership) are transferred to the Association, are classified as finance leases.

Finance leases are capitalized by recording an asset and a liability at the lower of the amounts equal to the fair value of the leased property or the present value of the minimum lease payments, including any guaranteed residual values. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for that period.

**QUEENSLAND ADVOCACY INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (cont'd)**

**(f) Leases (cont'd)**

Leased assets are depreciated on a straight-line basis over the shorter of their estimated useful lives or the lease term. Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses in the periods in which they are incurred.

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

Revenues, expenses and assets are recognized net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the assets and liabilities statement.

**(h) Deferred Income**

The liability for deferred income is the unutilised amounts of grants received on the condition that specified services are delivered or conditions are fulfilled. The services are usually provided or the conditions usually fulfilled within twelve (12) months of receipt of the grant.

**(i) Comparative Figures**

Comparative figures, where necessary, have been reclassified in order to comply with the presentation adopted in the figures reported for the current financial year.

**(j) Economic Dependence**

Queensland Advocacy Incorporated is dependent on government funding to operate. As at the date of the report the committee has no reason to believe the government will not continue to support the organisation.

**(k) Significant Management Judgement in Applying Accounting Policies**

The directors evaluate estimates and judgements incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the company.

**(l) New Accounting Standards for Application in Future Periods**

Accounting Standards issued by the Australian Accounting Standards Board ('AASB') that are not yet mandatorily applicable to the Organisation, together with an assessment of the potential impact of such pronouncements on the Organisation when adopted in future periods, are discussed below:

- AASB 16 *Leases* (applicable to annual reporting periods beginning on or after 1 January 2019) will replace the current accounting requirements applicable to leases in AASB 117 *Leases and related interpretations*. AASB 16 introduces a single lessee accounting model that eliminates the requirement for leases to be classified as operating or finance leases. The main changes introduced by the new Standard are as follows:

**QUEENSLAND ADVOCACY INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**1. STATEMENT OF SIGNIFICANT ACCOUNTING POLICIES (cont'd)**

**(I) New Accounting Standards for Application in Future Periods (cont'd)**

- recognition of a right-of-use asset and liability for all leases (excluding short-term leases with less than 12 months of tenure and leases relating to low-value assets)
- depreciation of right-of-use assets in line with AASB 116 Property, Plant and Equipment in profit or loss and unwinding of the liability in principal and interest components
- inclusion of variable lease payments that depend on an index or a rate in the initial measurement of the lease liability using the index or rate at the commencement date
- application of a practical expedient to permit a lessee to elect not to separate non-lease components and instead account for all components as a lease, and
- inclusion of additional disclosure requirements.

The transitional provisions of AASB 16 allow a lessee to either retrospectively apply the Standard to comparatives in line with AASB 108 *Accounting Policies, Changes in Accounting Estimates and Errors* or recognize the cumulative effect of retrospective application as an adjustment to opening equity on the date of initial application.

The adoption of AASB 16 is not expected to have any material impact on the Organisation's financial statements.

**QUEENSLAND ADVOCACY INCORPORATED**  
**NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS**  
**FOR THE YEAR ENDED 30 JUNE 2019**

	<b><u>2019</u></b>	<b><u>2018</u></b>
<b>2. REVENUE AND OTHER INCOME</b>		
<b>Revenue</b>		
<b>Revenue from Government Grants</b>		
Department of Social Services	515,112.91	503,842.28
Department of Social Services - NDIS	414,000.00	277,400.52
Department of Social Services - Decision Support	101,162.00	-
Department of Social Services - CoSP	13,215.00	-
Department of Justice & Attorney-General	487,255.18	453,707.48
Legal Aid	20,000.00	-
	<hr/> 1,550,745.09	<hr/> 1,234,950.28
<b>Other Revenue</b>		
Non-Recurrent Funding	7,500.00	33,007.66
MHRT Centre Generated	493,878.64	373,908.16
HRLS Centre Generated	14,000.00	-
Interest	11,700.92	9,259.14
	<hr/> 2,077,824.65	<hr/> 1,651,125.24
<b>TOTAL REVENUE</b>		
<b>Other Income</b>		
Donations	26,998.06	56,627.67
Memberships	409.06	1,008.99
Sundry Income	8,002.01	12,263.39
	<hr/> 35,409.13	<hr/> 69,900.05
<b>TOTAL OTHER INCOME</b>		
<b>TOTAL REVENUE AND OTHER INCOME</b>	<hr/> \$2,113,233.78	<hr/> \$1,721,025.29
<b>3. CASH AND CASH EQUIVALENTS</b>		
QAI Cheque Account	613,588.92	512,844.77
QAI Gift Fund	134,780.60	81,420.98
Petty Cash	300.00	300.00
Bendigo Term Deposit	24,169.16	23,625.77
	<hr/> \$772,838.68	<hr/> \$618,191.52

**QUEENSLAND ADVOCACY INCORPORATED**  
**SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT**  
**FOR THE YEAR ENDED 30 JUNE 2019**

**DEPARTMENT OF SOCIAL SERVICES**

	<b><u>2019</u></b>	<b><u>2018</u></b>
<b>4. FIXED ASSETS</b>		
Furniture & Equipment - Cost	166,530.81	137,346.39
Less Accumulated Depreciation	115,394.00	105,518.00
	<hr/> 51,136.81	<hr/> 31,828.39
Motor Vehicle - Cost	20,106.09	20,106.09
Less Accumulated Depreciation	8,395.00	4,374.00
	<hr/> 11,711.09	<hr/> 15,732.09
	<hr/> \$62,847.90	<hr/> \$47,560.48
<b>5. CONTINGENT LIABILITIES</b>		
Queensland Advocacy Incorporated has in place facility backed bank guarantees in relation to rental premises.		
Bank Guarantees	<hr/> \$19,305	<hr/> \$19,305

## QUEENSLAND ADVOCACY INCORPORATED

## STATEMENT BY MEMBERS OF THE COMMITTEE

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

1. In the opinion of the committee the financial report as set out on pages 1 to 10 are in accordance with the Australian Charities and Not-for-Profits Commission Act 2012 and:
  - (i) Comply with the Australian Accounting Standards applicable to the entity; and
  - (ii) Give a true and fair view of the association's financial position as at 30 June 2019 and its performance for the year ended on that date in accordance with the accounting policies described in Note 1 to the financial statements.
2. At the date of this statement, there are reasonable grounds to believe that Queensland Advocacy Incorporated will be able to pay its debts as and when they fall due.

This Declaration is signed in accordance with Subs 60.15(2) of the Australian Charities and Not-for-Profits Commission Regulation 2013.

B. C. ALBURY

President

M. Stanger

Treasurer

08/10/19

Date



**12.**

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF**

**QUEENSLAND ADVOCACY INCORPORATED**

PARTNERS: GREG DORGE  
PETER GESCH  
PHIL ROBINSON

**Report on the Audit of the Financial Report**

***Opinion***

We have audited the financial report of Queensland Advocacy Incorporated, which comprises the statement of financial position as at 30 June 2019, the statement of profit & loss and other comprehensive income, statement of cash flows for the year then ended, and notes to the financial statements, including 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 of Queensland Advocacy Incorporated has been prepared in accordance with Division 60 of the Australian Charities and Not-for-Profits Commission Act 2012 and the Associations Incorporation Act (QLD).

- 1) Giving a true and fair view of the associations financial position as at 30 June 2019 and of its performance for the year then ended; and
- 2) Complying with Australian Accounting Standards to the extent described in Note 1 and Division 60 of the Australian Charities and Not-for-Profits Commission Regulation 2013.

***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 Auditor Independence Requirements of the ACNC Act and ethical requirements of the Accounting Professional and Ethical Standards Board's APES110: 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 other 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 the Australian Charities and Not-for-Profits Commission Act 2012 and the Associations Incorporation Act (QLD). 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 Australian Charities and Not-for-Profits Commission Act 2012 and the Associations Incorporation Act (QLD), 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 relating 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 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.

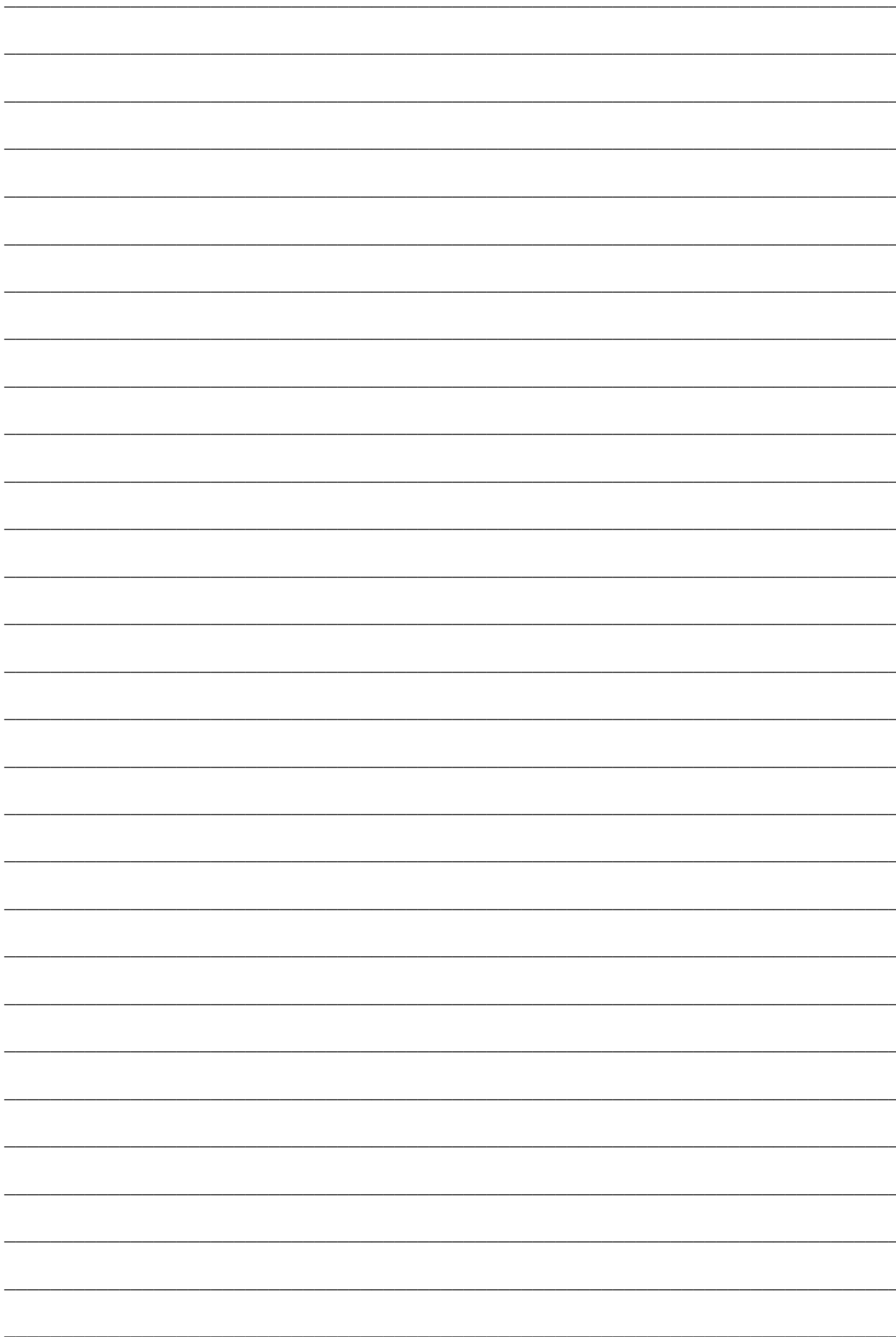
We communicate with the committee regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

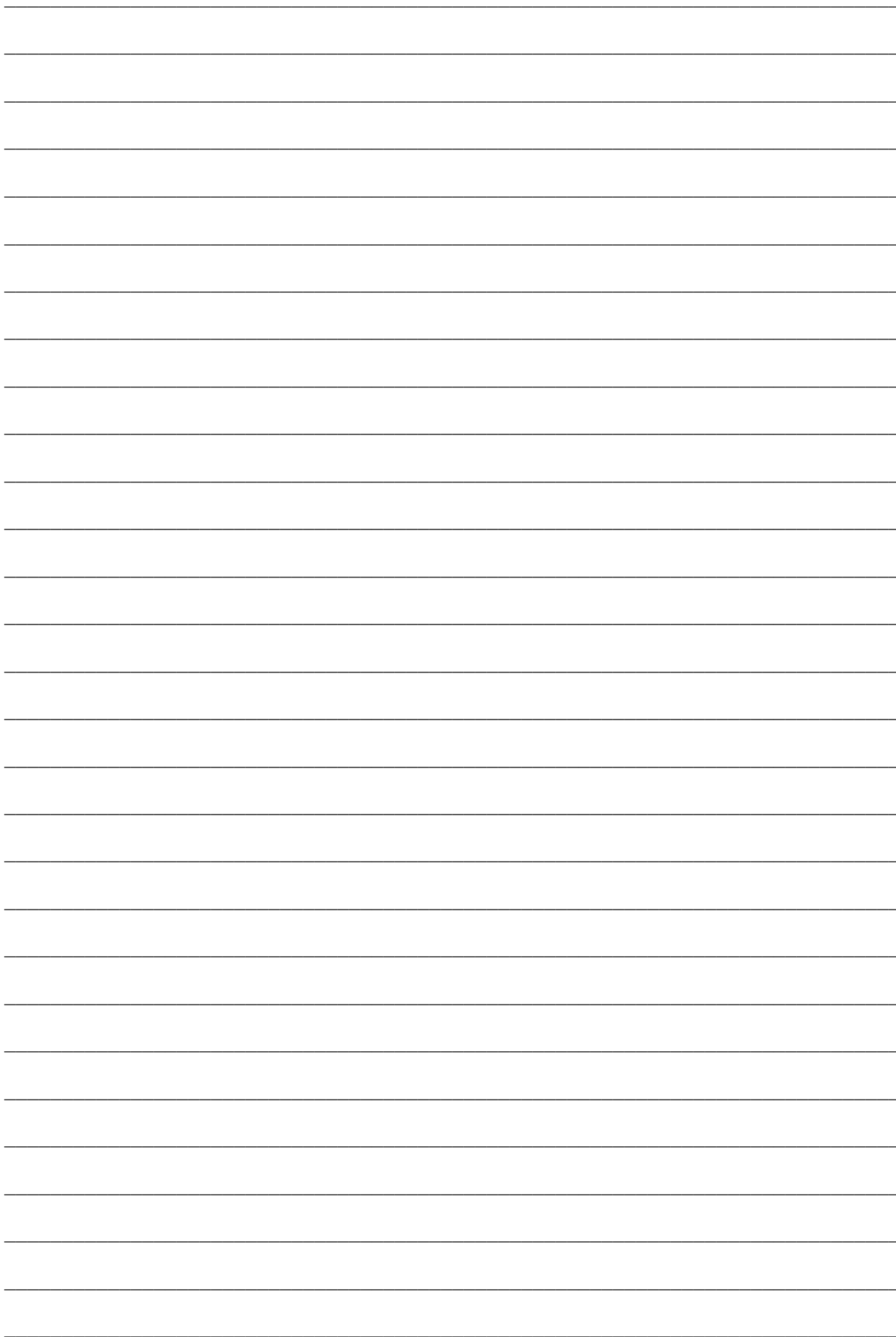



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PETER GESCH  
HAYWARDS CHARTERED ACCOUNTANTS  
Level 1 / 488 Lutwyche Road  
LUTWYCHE QLD 4030

Dated this 24<sup>th</sup> day of September 2019





## Some of the Vibrant Faces of QAI



**Queensland Advocacy Incorporated**

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