



ANNUAL REPORT

2017-2018



**QUEENSLAND ADVOCACY
INCORPORATED**

*Promoting, protecting and
defending through advocacy, the
fundamental needs and rights and
lives of the most vulnerable people
with disability in Queensland.*

QAI People

Management Committee

President	Byron Albury
Vice President	Fiona Kennedy
Treasurer	Meriel Stanger
Secretary	Donna Best
Committee members	Trevor Boone Michael Duggan Niki Edwards Roba Rayan Adrienne McGhee

Staff as at 30 June 2018

Director	Michelle O'Flynn
Systems advocates	Emma Phillips Nick Collyer Evee Perich
NDIS Appeals Support advocates	Evee Perich Jenny Smith Caitlin De Cocq Van Delwijnen
Justice Support Program	Liz Francis
Legal services	Rebekah Leong (Principal Solicitor) Jason Abraham (HRLS Coordinator) Jo Sampford (MHLS Coordinator) Elizabeth Beaumont (Advice Coordinator) Carly Dennis (Solicitor) Niamh Fields (Solicitor) Anna Brasnett (Solicitor) Catherine Collins (Paralegal)
Administration	Deborah Bryzak (Office/Finance Manager) Rebecca Howes (Reception) Jasmine Drummond (Reception)

Other staff members who supported QAI during 2017-18: Roy Henderson (NDIS Appeals), Tony McCarthy (HRLS Coordinator), Elijah Edwards (NDIS Appeals administration) Candice Kessell (Reception), Shelly Samios (Reception) and Ashleigh Wakefield (Reception/Paralegal)

Staff who have joined us in 2018-19: Tania Steinmuller (NDIS Appeals), Sarah Thompson (NDIS Appeals)

© Cover image: Hayley Marrs, 2018 for QAI's Violence against people with disabilities in their homes project

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Introduction

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

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.

QAI does this through:

Systems advocacy

Advocating for change through campaigns directed to attitudinal, law and policy change.

Justice Support Program

Advocacy for people with impaired capacity who need support to negotiate the criminal justice system to achieve fair outcomes and reduce recidivism by addressing social and personal factors.

Human Rights Legal Service

Legal advocacy for people with intellectual and cognitive impairment in relation to their human rights.

Mental Health Legal Service

Legal advocacy for people subject to involuntary treatment for mental illness.

NDIS Appeals Support

Advocacy for people needing support to internally or externally appeal a decision of the National Disability Insurance Agency.

QAI is able to do this with funding from the Commonwealth Department of Social Services, the Commonwealth Attorney-General, Queensland Department of Justice and Attorney-General, Legal Aid Queensland and other sources outlined in this report.

This Annual Report covers QAI's activities from 1 July 2017 to 30 June 2018.

Vale Mike Duggan

Jo Sampford



It is with great sadness that we acknowledge the passing of Mike Duggan. Mike was a passionate advocate and pioneer of the deinstitutionalization and disability rights movements in Queensland. Mike made an immense contribution to QAI during each of the 31 years since its inception, serving in various roles from inaugural President, staff member, and Management Committee member. Mike's commitment to QAI has helped shape the ethos, values and principles of the organisation and the way in which we work every day and in every way.

QAI was not the only beneficiary of Mike's leadership, wisdom and activism; he was a founding and executive member of a number of community-based not-for-profit organisations run by and for people with disability, including Community Resource Unit (CRU), a Queensland disability housing peak (QDHC) and a user-run accommodation support and services organization (Lifestyle Options).

A sharp intellect, he avidly consumed, and contributed to, literature on disability, politics, spirituality and ethics. In addition to his famous book collection (6000 at last count), he wrote many papers, articles and speeches. To give a taste of Mike's contribution, CRU have made available Mike's chapter 'Reflections on my life' from the collection *Gathering the Wisdom*, which can be downloaded at <https://cru.org.au>.

Mike passed peacefully and without pain in the presence of friends and workers, and remained in his home, which is how he wished it to be.

Mike will be remembered not only for his generosity, humour, wit and wisdom, his empathetic and generous spirit, but also the clarity with which he reminded us of our shared humanity and our shared potential, and our shared need for support and relationships. Mike, you pioneered a way out of the institutions, not only for yourself, but for all people with disability, always pushing for higher expectations of ourselves and our systems: to be not just in the community, but in community with each other.

President's Report

Byron Albury

Hello and welcome to the 31st annual general meeting of Queensland Advocacy Incorporated. I'd like to start off the evening 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.

Most importantly we at QAI pay our continued respects to those people who continue to live within the confines of restrictive practices regardless of where they may be. Now I'd like to take the opportunity to thank my fellow committee members for the time and the effort that they have all put in throughout the year. I would like to start off by thanking my very able Vice President Fiona Kennedy. Fiona's commitment to QAI over the last 12 months has been very much appreciated by all of the members of the committee, but particularly myself. So I thank you for the commitment you have shown and continue to show to QAI, thank you Fiona.

Next I would like to thank QAI's very able Treasurer Meriel Stanger. Meriel continues to do a very diligent job overseeing the organisation's finances along with the assistance of our office manager and we thank Meriel for the countless hours she gives freely to QAI.

Now I would like to take the opportunity to thank a member of our committee who is no longer amongst us, Mr Mike Duggan. Mike was the founding President of QAI, he taught everybody in this room a great deal about what advocacy means to those who society would deem vulnerable. Mike was a valued member of QAI to the point of becoming QAI's only life member a couple of years ago and it was our pleasure as a committee at that time to bestow that honour on Mike. Mike will be sadly missed at the head of our boardroom table, his quips, knowledge and cheeky smile were very special and part of what made Mike, Mike.

I would now like to thank Mr Trevor Boone, he has been a committee member of QAI for the last few years and his commitment to people with disabilities through his work as a part of QAI has seen Trevor's knowledge increase. Next I'd like to take the opportunity to thank the remaining members of our board - Miss Donna Best who is the sole remaining member of the original steering committee serving on this current Committee, Ms Roba Ryan who is not renominating, and Mrs Nikki Edwards for all the time and effort they have put in throughout the year. This year has been trying for all of us, but a fun one at the same time and I thank you all for your dedicated efforts.

I would now like to take the opportunity to thank the following committee members who have left the committee during the course of the year for reasons beyond their control, Chanelle McKenna, Brad Sparrow, and Adrienne McGee. Each of these committee members brought a breath of fresh air into our organisation. We pay respects to them and we thank them for their time, effort and commitment.



It has been my pleasure to serve as QAI's President throughout the last 12 months, I have to acknowledge that it hasn't been an easy year, we have had a few things to deal with as a committee but as a collective group I couldn't have picked a better group of people than those that have given freely of their time and their commitment and willingness to lead QAI towards a bright future.

Throughout the year QAI as an organisation has worked on a number of interesting activities but to save time I shall mention only two. The first of those being the Violence Against People with Disability in Their Homes project. We recently ran a forum about this as a good starting point for discussion. The other thing this forum did was portray through live performances by actors with disability forms of physical, emotional or financial abuse.

The second activity which I personally attended along with Nick was the senate standing committee around the implementation of the NDIS in May-June. That was interesting and as a result QAI submitted a paper I wrote as an assignment for Uni questioning the NDIS implementation toward Indigenous Australians. So thank you all again for joining us here this evening and your continued support of QAI. Lastly, I would like to take the opportunity to thank all the staff of QAI for their commitment and dedication to the people who make this organisation what it is, for without people who need our services, QAI would not be here.

Treasurer's Report

Meriel Stanger

It is with great pleasure to present QAI's Financial Report for the year ending 30th June 2018.

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 Agreement with the Department of Social Services (DSS) for our systems advocacy work and NDIS Appeals Support Program, and our 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. QAI also receives payment from Legal Aid Queensland for the provision of legal representation service at the Mental Health Review Tribunal.

This year we received a grant from Legal Aid Queensland's Community Legal Education Collaboration Fund for our Violence against people with disabilities in their home project, and 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 administrating the day to day financial obligations of QAI and I would like to that this opportunity 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.

Department of Social Services	\$503,842
Department of Social Services – NDIS Appeals	\$191,200
Department of Justice and Attorney-General	\$476,702
Legal Aid Queensland – CLEC – Violence Against PWD Project	\$20,000

Aged and Disability Advocacy Australia – ADAA	\$33,007
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Other Income

Legal Aid Queensland - Mental Health Review Tribunal	\$402,227
University of Qld/Queensland University of Technology	\$7,636
Interest Received	\$8,705
Memberships	\$1,008
Donations (Acknowledged below)	\$30,797

Donations

I would like to acknowledge our Donations:

Human Rights Act for Queensland	\$28,484
Maurice Blackburn-HR Publication	\$1,000
Minter Ellison	\$2,091
Nanette Noble	\$100
Bernadette Scalora	\$2
Noel Muller	\$20
S. Keim	\$50
K & J Finch	\$50

Director's Report

Michelle O'Flynn

Systems and individual advocacy performed by QAI staff and Management has made significant change in the lives of vulnerable people with disability. Further to this, advances to reshape the laws, policies and practices that surround the disability landscape have been possible due to persistent and vigilant advocacy. Partnerships and collaborations with other organisations and individuals have enhanced our abilities to deliver on select goals.

System advocacy highlights, including our campaign for **accessible rolling stock trains**, our work around **Human Rights Act for Queensland**, and **violence against people with disabilities in their homes** are detailed in the Systems Advocacy report below.

Special consultative status

Due to past financial assistance from Department of Social Services, QAI has now obtained Special consultative status with the United Nations Economic and Social Council as a non-government organisation.

Funding and Quality Assurance

QAI sets the highest standard and is accredited against both the standards for the National Association for Community Legal Centres and the National Disability Service Standards.

QAI is grateful to the Department of Social Services for funding for the **NDIS Appeals Support** that continues to grow with rollout. Promotion has been undertaken across Queensland already and subsequently referrals have come from Brisbane.

Submissions and Appearances at Public Hearings

(many of the following activities had multiple submissions, public appearances and campaign actions)

- Productivity Commission NDIS Costs Submission
- Submission to Australian Human Rights Commission for the ratification of OPCAT – joint submission as well as individual QAI submission
- Cashless Debit Card
- NDIS Transitional Arrangements
- Child Protection Reform Amendment Bill
- Submission to the Law Council of Australia – The Justice Project
- Medicare Levy Amendment (National Disability Insurance Scheme Funding)
- NDIS Quality and Safeguards Bill
- General Issues around Implementation of the NDIS



- Feedback on DSS Worker Screening Consultation paper
- General Comment on Equality and Non-discrimination (Article 5) – Convention on the Rights of Persons with Disabilities
- Fees for Paperless Bills - Inquiry into Paper Billing
- Royal Brisbane and Women's Hospital Clinical Services Plan 2018-23 Consultation
- Examination of The Guardianship And Administration And Other Legislation Amendment Bill 2017
- Senate Community Affairs Committee Inquiry- NDS – Inclusive And Accessible Communities
- Self-management and the NDIS for people living with Restrictive Practices.
- NDIS participants living in hostels
- Presentation - s 216 of the Qld Criminal Code at the Sexual Violence Awareness Month Forum
- Cherbourg outreach for NDIS
- Joint Standing Committee on the National Disability Insurance Scheme - Market Readiness
- Department of Social Services “Ensuring a Strong Future for Supported Employment”
- Queensland Law Reform Commission “Review of Termination of Pregnancy Laws in Queensland
- General Issues around the Implementation and Performance of the National Disability Insurance Scheme
- Education Queensland’s Disability Review Response Plan ‘Every Student with Disability Succeeding’
- Continuity of supports and services for people not eligible for the NDIS.



Collaborations, Partnerships and Networks

QAI continues to host regular teleconferences for **CAGQ (Combined Advocacy Groups of Qld)** and **NDIS Appeals Support Advocates (Qld)**. Other collaborations are **Community Safeguards Coalition**, **#AdvocacyMatters** campaign, representation to the Board of Disability Advocacy Network of Australia (**DANA**), **Disability Service Partnership Forum**, and regular attendees to the **Hot Topics Brisbane** group.

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

QAI worked collaboratively with **Independent Patient Rights Advisors**, the **Office of the Public Guardian**, and the **Office of the Public Advocate** to improve access to legal assistance for people with disability.

QAI is also a member of:

- **Council of People with Intellectual Impairment** a consortia to assist in the establishment of self-advocacy
- **Australians for Disability Justice Campaign.**
- **Australian Lawyers for Human Rights.** This organisation is a member of a national collective of proponents for ratification of the **Optional Protocol Convention Against Torture**, informing the group of the work of QAI around the Human Rights Act for Queensland and our submission to the Senate Inquiry regarding the indefinite detention of people with disability.
- The Office of the Public Guardian's **Enduring Power of Attorney Reference Group**
- The **Queensland Legal Assistance Forum Mental Health Service Planning Working Group**

Consultations and Representations

My work with QAI lawyer Rebekah Leong and Jo Sampford has been excellent. Both women are extremely professional, respectful and strong advocates for clients with impaired capacity. They are an absolute pleasure to work with, and they work tirelessly to get the best outcome for their clients."

- officer from the Office of the Public Guardian, 2017

Human Rights Learning Centre – consultation regarding model of best practice for advocates operating in Human Rights context

Commonwealth Ombudsman Office regarding NDIS Implementation issues

Education Queensland meeting to discuss the Department's Inclusive Education response to the Deloitte Access Report into Inclusive Education for Students with Disability.

Legal Aid Queensland Lawyers Fiona

Muirhead and Loretta Kreet to discuss engagement protocols with NDIS Appeals Support Advocates

Office of the Public Guardian - cost benefits of advocacy vs guardianship in the context of the NDIS, and their Decision Making Framework for the Use of Restrictive Practices.

Queensland Attorney General - Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Department of Social Services, NDIS Q & S Commission - NDIS Quality and Safeguards: Forum for Advocates and the NDIS Commission.

Office Public Advocate – consultation on the OPA strategic business plan

Events

In partnership with **Human Rights Watch**, QAI hosted the launch of the HRW Report “I needed Help – Instead I was Punished”) at the Supreme Court Library.

Political Campaigns

QAI engages with politicians to raise awareness and influence decision making around important issues for people with disability and for the advocacy sector. This year we met with

Senator Chris Ketter, Coralee O’Rourke, Senator Murray Watts and as part of the delegation of Community Legal Centres met with Jane Prentice raised issues of the NDIS and advocacy funding.



Media

- <http://www.cairnspost.com.au/news/cairns/residents-in-rural-and-remote-residents-reminded-to-take-advantage-of-ndis-funding/news-story/205eb2d8bd7c016d6fdb4cc02992af3b>
- <https://www.thechronicle.com.au/news/why-the-ndis-should-matter-to-all-toowoomba-locals/3225516/>
- <https://www.gympietimes.com.au/news/why-the-ndis-should-matter-to-all-gympie-locals/3226064/?ref=hs>
- Steven Riggall from “The Wire” in October regarding the NDIS. <http://thewire.org.au/story/ndis-rush-leaves-participants-confused/>
- Interview by Katherine Gregory for ABC Radio National regarding chemical restraint and electroconvulsive therapy.
- Courier Mail and Channel 9 news in regard to Brisbane City Council “Paths to Nowhere”.
- Courier Mail story on penalties for people parking improperly in accessible parking spaces

International landscape

Twice this year QAI staff have met with DFAT students from Fulda Uni Germany to discuss people with disability and/or mental illness and social disadvantage. This has been arranged with the cooperation and request of Queensland University of Technology.

QAI has obtained Special consultative status with the United Nations Economic and Social Council as a non-government organisation.

Systems Advocacy

NGR Trains Advocacy

Nick Collyer

QAI is committed to a future where all Queensland public transport is fully accessible, and to that end we have supported the efforts of people with disability to ensure the accessibility of Queensland's newest rolling-stock.

In 2013, Queensland's Department of Transport and Main Roads commissioned 75 new six-car trains from the Bombardier consortium, at a cost of \$4.3 billion. When Queensland took delivery of the first of the trains in 2017, officials discovered that the trains did not comply with Australian disability standards.

Those that so far have arrived in Queensland are not fully accessible to people who have mobility impairments, such as people who use prams, or wheelchairs, or who have vision impairments. Some access paths and bathroom dimensions, for example, are narrower than the minimum widths set out in the Disability Standards for Accessible Public Transport (DSAPT) that were established in 2002.

In late 2017, Queensland lodged an application with the Australian Human Rights Commission ('AHRC') for temporary exemptions from the Disability Standards for Accessible Public Transport ('DSAPT') and as part of its application, Queensland undertook to fix the conveyances over the next few years. QAI, along with other advocates, lodged an opposing submission to the AHRC. The trains, we said, should have been compliant from the beginning: the AHRC must not grant exemptions that allow the state government to put new vehicles onto the tracks on the proviso that they be refurbished.

The AHRC refused Queensland's exemption application, noting that the NGR trains are not DSAPT-compliant, and that the Queensland government commissioned them more than a decade after the states and territories agreed to the terms of the DSAPT. The AHRC could not stop Queensland from running non-compliant trains. Despite the AHRC ruling, Queensland continued to run them for the 2018 Commonwealth Games at the Gold Coast and has since kept the non-compliant trains on the tracks.

In December 2017, QAI supported two of our members to make federal and state discrimination complaints. The new trains were designed to last at least 35 years in service, until the early 2050s. Unlike other Queensland suburban trains, the new trains have no guard station in the middle, adjacent to the accessible boarding point on the platform. As a stop-gap measure, Queensland Railways has hired staff to attend people who want boarding assistance. We are not confident that this arrangement will continue for 35 years.

In 2017, QAI lodged an RTI request for information about the decisions that led to the delivery of the non-compliant trains. Queensland Transport refused, so QAI appealed to the Information Commissioner. We wrote to the Premier urging her to

release Cabinet documents relevant to the commissioning of the NGR and to pressure the Opposition Leader to agree to the same. The Premier did so, appointing a retired judge to head a commission of inquiry to report by 3 December 2018. This is not primarily a matter of political history or gaming; it's a matter of learning from past mistakes and of ensuring that the state government includes people with disability from the outset in future commissioning processes, whether by Queensland Transport or any other department.

Section 216

Nick Collyer

QAI is part of a coalition of individuals and organisations who are passionate that people with intellectual impairments should enjoy the same rights as anyone else. Section 216 of Queensland's Criminal Code exposes to prosecution people who have an intimate relationship with someone who has 'impairment of the mind'.

Section 216 has been a provision of Queensland's Criminal Code since its enactment in 119 years ago. It's an anachronism; a provision that reflects the late-Victorian infantilization of people with intellectual impairments. This law reflects Parliament's presumption that people with intellectual impairments can't consent to sex and that if they have sex they will do so only as a victim.

What is section 216?

Any person who has or attempts to have unlawful carnal knowledge with or of a person with an impairment of the mind is...guilty of a crime, and is liable to imprisonment for 14 years.

It is from a time when sex outside marriage was frowned upon and hidden, if not uncommon, and a time when persons with disabilities too were reviled, a source of embarrassment and unseen: probably not expected to marry and not expected to have sex. In 2018, we have a new national scheme that reflects the nation's commitment to the empowerment of people with disabilities so they can make their own choices in every life sphere. We have disability services and guardianship legislation that puts people with disabilities in the driving seat. Now is the time of supported decision-making, enshrined in Commonwealth legislation and policy. Every person, no matter their intellectual impairment, can make decisions about their own lives, given the right support.

QAI wrote to the Attorney-General, proposing that she refers section 216 to the Queensland Law Reform Commission. QAI won the support of Kylie Hillard, barrister and leader of Labor Lawyers, to get reform of 216 onto the parliamentary party's policy platform. Some months later, QAI presented the case for reform to the Attorney-General. In November 2018, Rob Ellis, QAI committee member Donna Best and I will speak at the Australasian Society for Intellectual Disability's 2018 conference on the Gold Coast. The sooner the state government repeals or amends

section 216, the sooner people will be able to make their own choices about who they will love without fear of discrimination.

Human Rights Act for Queensland

Emma Phillips

QAI has continued our relentless systems advocacy for a Human Rights Act this year. This campaign was initiated in 2015 and has been a collaborative effort involving over forty different community organisations representing a diversity of vulnerable Queenslanders.

The Human Rights for Queensland Alliance has continued to gain force, raising community awareness and support for legislative protection of human rights, lobbying key Members of Parliament and providing input into the preferred content and form of the Act.



We were gratified by Queensland Government's commitment, included in its policy platform, to enact a Human Rights Act modelled on the Victorian Charter of Human Rights and Responsibilities. We welcomed the announcement in the 2017/2018 state budget of funding to implement this legislation as a firm indicator that our Act is coming.

We are currently eagerly awaiting further news of the timing of the introduction of this legislation. QAI considers that the introduction of legislative protection for fundamental human rights will be a very important safeguard that we will frequently use in our work to protect and defend the rights and lives of the most vulnerable people with disability in Queensland.

OPCAT in Australia

Emma Phillips

This past year has seen some exciting developments at a national level that stand to have a significant, positive impact on the lives of many people with disability and mental illness, including those QAI advocates for.

The civil society push for ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was successful, with the treaty ratified by the Federal Government in December 2017. This was a significant step forward for human rights in Australia.

OPCAT is different to other United Nations human rights treaties in that, while it is a treaty in its own right, it does not create any new rights. Instead, it requires the implementation of systems for monitoring places of detention. This occurs through two complimentary processes – monitoring by an Australian body, the National Preventive Mechanism (NPM), and monitoring by a UN body of independent experts that conduct periodic visits, the United Nations Sub-committee on the Prevention of Torture (SPT).

QAI has been involved in advocacy around the Convention against Torture for a number of years. In 2014, we received funding from the Department of Social Services to participate in the NGO delegation at the 53rd session of the United Nations Committee Against Torture, where we advocated for recognition of the use of restrictive practices on persons with disability and the involuntary treatment of persons with mental illness to be recognised as forms of torture.

QAI has undertaken extensive systemic advocacy around OPCAT, being an active member of the NGO OPCAT network and contributing to their work, attending targeted roundtables and consultations organized by human rights organisations including the Australian Human Rights Commission, making written and oral submissions on the first stage of the Commission's consultation on OPCAT in Australia and co-authoring an article, published in the Australian Journal of Human Rights: 'A disability aware approach to torture prevention? Australian OPCAT ratification and improved protections for people with disability'.

Our submissions were extensively referenced in the Australian Human Rights Commission's Interim report on OPCAT in Australia. We recently made a written submission to the second state of the Australian Human Rights Commission's inquiry into OPCAT in Australia, which is focused on implementation of the treaty.

Our advocacy in this space centres around exploring the opportunity presented by OPCAT for improving protections against torture, inhuman and degrading treatment for people with disability and advocating for a broad approach to be taken by the Federal Government to defining 'sites of detention' that is able to encapsulate both disability-specific and mainstream settings in which people with disability may be deprived of their liberty, as well as to address specific practices such as the use of mechanical restraint, chemical restraint and seclusion (Restrictive Practices). We are also strongly advocating for people with disability, including people with disability with lived experience of detention, as well as their representative bodies and civil society, to be meaningfully engaged in the implementation process, engaging with the NPM in targeting and monitoring places of detention, providing their experience and expertise in the design of relevant processes and helping to understand, identify and respond to systemic issues.

QAI's work around CAT and OPCAT is part of a program of international human rights work QAI is presently involved in, with our systemic advocacy directed at seeking recognition and inclusion of international human rights within state and federal laws in a way that will promote and protect the rights of the most vulnerable people with disability in our society.

Violence against people with disabilities in their home project

Evee Perich

One of the key messages from the highly successful “Walk the Talk” forum last year was that people with disabilities were most vulnerable to violence within their own homes. After the forum, QAI was approached by Chanelle Mckenna about starting a project that addressed violence against people with disabilities, and from this, the first stage of ‘The Disability Violence Project’ was developed.

Research within this area demonstrated significant gaps around awareness not just from the wider community but the victims of violence themselves. A discourse analysis of resources available both in Australia and overseas and a systematic review of the literature demonstrated an emerging theme of an overall lack of recognition of disability-specific violence. Other common themes that emerged from the research showed that people with disabilities, particularly those with intellectual impairments, were struggling to find any resources or campaigns that spoke directly to them through the use of accessible and visual mediums. Other significant findings included the grossly inadequate response from the community and first responders towards violence against people with disabilities with the winding thread of diminishing and disbelieving victim’s through-out all of the research.

We invited participants from the workshops from the “Walk the Talk” forum to join a collaborative to brainstorm ways in which we could respond to disability-specific violence. From these meetings and in response to the research findings we envisioned that this project would most effectively be implemented over several stages to adequately address all of the contributing factors that feed the epidemic of disability-specific violence.



Violence against people with disabilities in their homes Forum

24th September 2018
Ithaca Room Brisbane City Hall
9.30am - 4.30pm

Live performances, guest speakers and personal stories from people with lived experience

 facebook.com/TheDisabilityViolenceProject
 Join the conversation #disviolence

RSVP by 10th September through Eventbrite,
(07) 3844 4200 or qai@qai.org.au

Queensland Advocacy Incorporated 

Within the first stage, we developed a series of multiple-media resources aimed at raising awareness, education and support for people with disabilities. These resources included the development of pamphlets with pop-out wallet cards, video vignettes that explored different forms of abuse of power and violence and the development of an interactive website.

We commissioned Hayley Marrs, an emerging artist with a disability, to illustrate our pamphlets and hired talented actors from the Access and Equity program at TAFE QLD to perform in the videos and as part of the forum. The collaborative nature of our project ensured that we were successful in securing a \$20,000 Legal Aid Queensland Community Legal Education Collaboration grant. This grant not only assured that we were able to create employment opportunities for people



with disabilities but also allowed us to hold a forum in September 2018 to launch the resources. We were also able to secure an additional \$3,318 funding grant from Brisbane City Council to contribute to the hosting of the forum at Brisbane City Hall.

The forum will include live performances from the Access and Equity actors from TAFE QLD, guest speakers and personal stories from people with lived experience. The forum in September will also be filmed and available through our website and The Disability Project's Facebook page.

We look forward to continuing to the next stage of this project over the coming year.

Principal Solicitor's Report

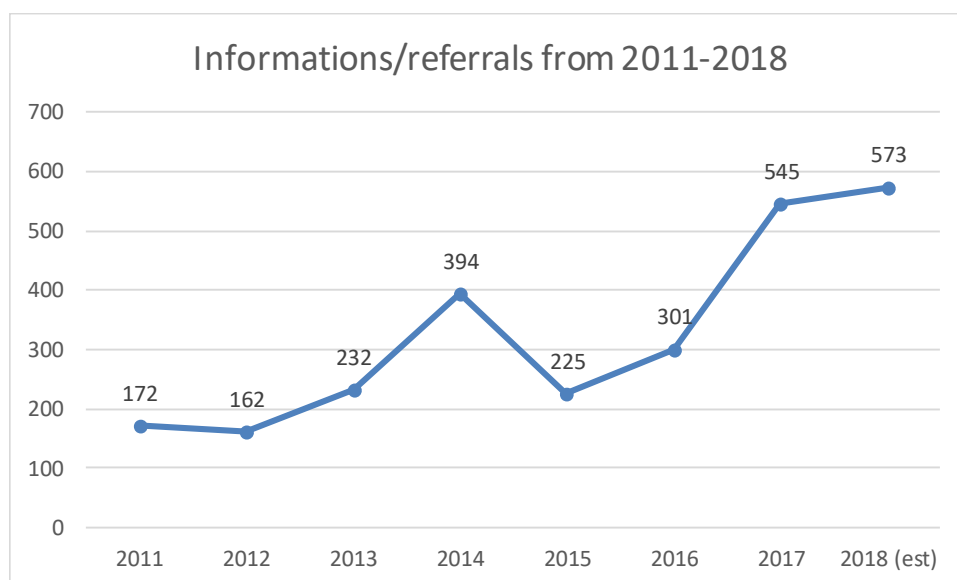
Rebekah Leong

Individual advocacy at QAI continues to grow, closing the year with 12 lawyers and advocates across 4 distinct services. We assisted **813 clients**, and opened **612 legal casework files** and **100 non-legal advocacy files**.

QAI individual advocacy services

- Justice Support Program, since 2008
 - Human Rights Legal Service, since 2008
 - Mental Health Legal Service, since 2010
 - NDIS Appeals Support, since 2017
-

Our front desk staff provided an **additional 169 information services** and **359 referral services** to people we could not assist due to ineligibility or our capacity constraints. This represents a 230% increase in demand since 2011. I would particularly like to thank our front desk and other administrative staff, Rebecca, Jasmine, Ashleigh and Catherine, who work tirelessly and patiently to answer the phone, organise intake and appointments, and support staff, and without whom our current output of assistance would not be possible.



In our work, we strive to represent our clients' voice, which might not otherwise be heard in the chorus of multiple service providers, stakeholders and supporters. We hope to provide them with independent, impartial and accessible advice so that they can make their own informed decisions, whether by themselves or with support. We also do our best to step back and identify broader issues, and tackle them in a strategic way, through education, collaboration and law reform.

Friends and supporters

We are immensely grateful to our legal colleagues who provide us with advice and support, staff our advice clinics, and represent our clients on a pro bono basis.

Our thanks this year to:

Firms	Allens Hall & Wilcox Minter Ellison Norton Rose Fulbright Landers & Rogers
Barristers	Ben McMillan Ben Moses David Cormack Ian Freckelton QC Karen Williams Matt Black Nanette Noble

Student volunteers

Student volunteers are a valuable resource to QAI.

Since July 2013, 2 students from the **University of Queensland** have been placed with QAI during semester as part of the Pro Bono Centre's Clinical Legal Education Program.

In semester 1, 2016 we hosted our first student legal clinic with the **Queensland University of Technology**. From time to time, students from QUT also request that they do their placement at QAI for university credit.

QAI also receives applications from law students seeking to complete their practical legal training (usually 4 weeks+), social work students seeking to complete their field placements (500 hours), or volunteers from any background seeking to improve their skills, broaden their understanding or simply help those in need.

My placement opened my eyes to all the kinds of violence that are inflicted against people with disabilities and challenged not only my understanding of oppression but my focus as an emerging social worker.

- Eeve Perich,
Social work placement,
March 2018

Our thanks also to the student who chose to do their clinics, placements or volunteering with QAI in 2017-18:

University of Queensland clinic	Jasmine Drummond Emily Olditch	Nicholas Davison Alice Tanzer-Wilde
Queensland University of Technology clinic/placement	Nicole Morris Nicholas Schoenmaker Stephanie O'Connor	Ramisa Raya Tobias Hill Charlotte Mann
Practical legal training	Abigail Smith	Elijah Edwards Amelia Bell
Social work placement	Eeve Perich	Philip Bennett

Other volunteers	Brittany Sandeman Joanne Holt Ashleigh Wakefield Joanne Lee Elijah Edwards	Beatrice Hamburg Sadaf Abdo Peter Otzen Emily McIndoe Brett Tanner
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Striving for excellence

In line with the National Partnership Agreement on Legal Assistance Services under which QAI receives funding from the Commonwealth Attorney-General, QAI attempted to contact all clients receiving services from QAI in May 2018 to complete a feedback survey. Despite the low response rate (18 clients or 15% agreed to complete the survey), the results were overwhelmingly positive, including 8 of 8 clients who stated that having a lawyer had a positive effect on their experience of the Mental Health Review Tribunal.

The evaluation led to the revision and improvement of QAI's own feedback survey, and a renewed focus on obtaining client feedback on a more regular basis.



On 28 May 2018, **Jo Sampford** won the 'excellence in elevating the rights and/or aspirations of clients in disability funded services' category in the inaugural Public Guardian Excellence Awards, for her advocacy in the Mental Health Review Tribunal.

QAI staff also attended: National Association of Community Legal Centre's annual conference 2017; Community Legal Centre Queensland leadership forum 2017, Conference 2018, and Masterclass on Community Legal Education; Legal Aid Queensland Civil Law training; Centre of Excellence training on "Understanding Risk Contextual to Restrictive Practices in the Disability Sector".

Justice Support Program

Liz Francis

The Justice Support Program (**JSP**) provides non-legal advocacy for vulnerable people with impaired capacity who have been charged with a criminal offence. We identify their legal and social issues and link them with appropriate legal and support services. By doing this we help them achieve a fair outcome from the Court and by helping them resolve the personal or social problems which have contributed to their offending behaviour we prevent any further entrenchment into the criminal justice system.

The JSP is staffed by one full time advocate.

Why do we need the JSP?

According to The health of Australia's prisoners 2015 report (Australian Institute of Health and Welfare), 30% of prison entrants had a long term health condition or disability that limited their activities, and 49% had been diagnosed with a mental health disorder (including drug and alcohol abuse).

Hearings attended: 28

Beenleigh MC	10
Richlands MC	4
Caloundra MC	3
Redcliffe MC	3
Holland Park MC	2
Southport MC	2
Sandgate MC	2
Ipswich QCAT	1
Brisbane MC	1

In 2017-18, the JSP provided **40** discrete assistance and opened **20** ongoing casefiles. Types of support provided by the JSP advocate include: accompanying clients to court dates (**28**), support at legal appointments (**9**), visits to clients in their homes (**13**), assistance with legal aid applications and communication with lawyers, follow up phone calls and reminders, and liaison with service providers and supports. Unfortunately, due to the nature of the work, JSP is limited to within driving distance of our Brisbane-based office.

The JSP advocate spoke about her work to Court Network volunteers on 13 November 2017 and attended the Australasian Society for Intellectual Disability conference in December 2017.

Case study

JSP assisted a client who was the subject of a police application for Domestic Violence Order, in circumstances where the application was not at all supported by the aggrieved. Through JSP advocacy, the client was granted Legal Aid for representation to oppose the application, which was dismissed on the basis that the client was unfit for trial.

Legal Services

Legal advices and discrete tasks

Elizabeth Beaumont

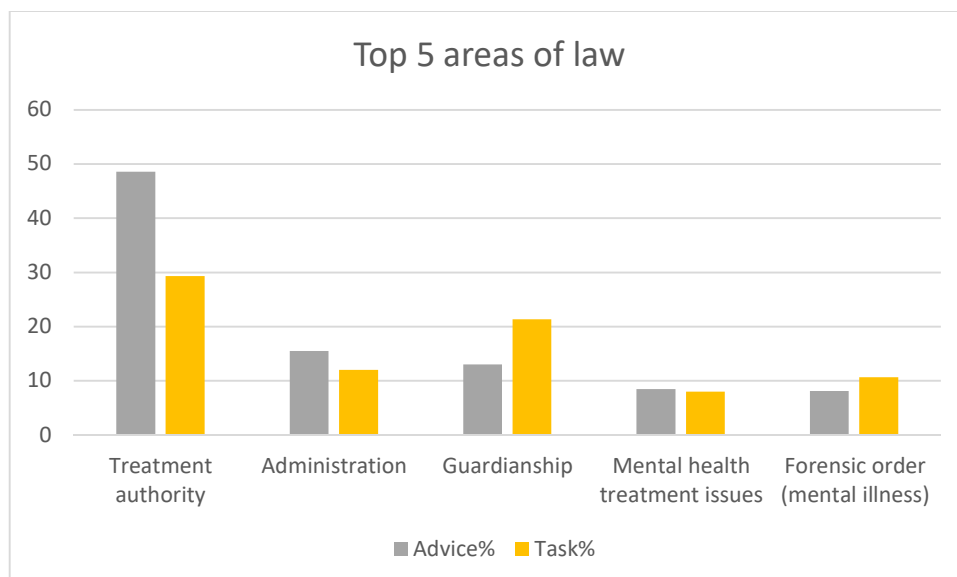
QAI provides legal advice and legal tasks to people eligible for assistance from our Human Rights Legal Service and Mental Health Legal Service (see below).

Advices and tasks are provided by all legal staff. We also run a dedicated **Telephone Legal Advice Service** every Tuesday morning, and some Fridays, which is supported by volunteer lawyers from **Hall & Wilcox** and new for 2018-19 **Norton Rose Fulbright**, and students from our law clinics.

From 1 January 2018, QAI's advice and task work has been recorded and stored electronically.

For 2017-18, QAI has provided **274 legal advices** and **71 legal tasks**. The vast majority of assistance was given by telephone (81%), but also face to face (9%) and in writing (8%); one task was delivered using video-conferencing.

The top 5 areas of law for both advices and tasks were the same: treatment authorities, administration, guardianship, mental health treatment issues, and forensic orders for mental illness (see graph below). We also provided assistance in relation to electroconvulsive therapy, restrictive practices, right to information, and discrimination.



Human Rights Legal Service

Tony McCarthy, Jason Abraham

Commencing in 2008, the Human Rights Legal Service (**HRLS**) was the first individual legal service to be provided by QAI. To be eligible for assistance, clients must have an intellectual or cognitive impairment or profound physical disability and have a human rights issue which requires legal intervention to resolve.

The Human Rights Legal Service continues to be primarily a 1-solicitor service, with support from other members of QAI's legal team.

In 2017-18, the Human Rights Legal Service opened a total of **44 files** relating to:

- **36 forensic order disability reviews** before the Mental Health Review Tribunal (31 referred from Legal Aid Queensland);
- **14 guardianship and/or administration matters** before the Queensland Civil and Administrative Tribunal;
- **4 matters** requiring ongoing general advocacy to support the client's transition into the community or other complex matters.

What is a forensic order disability?

If a person's criminal charges are discontinued as a result of their intellectual disability or cognitive impairment, they may be placed on a forensic order disability. These orders can severely curtail the person's rights, including detention and surveillance for an indefinite period.

Our clients on forensic orders disability are among our most vulnerable clients, most spending years trying to fit into a mental health system that is ill equipped and under resourced to meet their care and rehabilitation needs. We are seeing service providers withdraw support from clients living in the community, a particular concern with the roll out of the NDIS, and have raised questions regarding the legal authority to prescribe certain medications.

In guardianship and administration matters, we were successful in having 3 applications withdrawn/dismissed, and 3 existing orders revoked. In two matters, QAI was appointed separate representative and ultimate orders made by QCAT were in line with our submissions. We will be targeting support for clients on restrictive practices over the coming year.



Case study

QAI represented a client who was successful in his application to remove the Public Trustee and regain control over his finances on the basis he had capacity to do so. The matter provided an example of effective collaborative advocacy and client support between a community legal centre and support service: QAI focused on marshalling the evidence to establish the case, writing submissions and representation at the hearing, while the support service maintained regular contact with the client and provided supportive counselling and facilitated referrals to appropriate services as the client navigated significant life (and location) changes without slipping through the cracks.

Mental Health Legal Service

Jo Sampford, Carly Dennis, Niamh Fields, Anna Brasnett, Catherine Collins

QAI's Mental Health Legal Service (**MHLS**) was established in 2010 in response to the growing demand for assistance in this area of law on the Human Rights Legal Service. To be eligible for assistance, clients must have (or have been diagnosed with) a mental illness and requires legal intervention to resolve an issue that relates to their mental illness or directly impacts on their mental health.

To QAI as a whole, Thanks for all your services, including and especially Ms Beaumont. And in many ways, as I have argued before, while you cannot represent clients in certain respects, you afford them the dignity of dedicated company, moral support and a greater {legal/technical} understanding. This might be the most profoundly important gesture in some ways.

- MHLS client, 2017

The Mental Health Legal Service has grown from 2.6 full time solicitors as at 1/07/18, to currently 4 full time solicitors and a part time paralegal. This growth has been possible as a

We are very grateful for the service that was provided to us. The legal representative, Carly, was wonderful, amazing and very knowledgeable. She made others listen to what we were saying, when before we had no voice at all.

- MHLS client, May 2018

result of mandatory legal representation before the Mental Health Review Tribunal for certain types of matters and corresponding funding from the Queensland Government. During the reporting period, QAI also briefed law firm **Allens**, and barristers **Karen Williams**, **Ben McMillan**, **Nan Noble** and **David Cormack** to represent our clients before the Tribunal on a pro bono basis.

In 2017-18, the Mental Health Legal Service opened a total of **548 files** (484 referred from Legal Aid Queensland) to provide representation before the Mental Health Review Tribunal (**MHRT**) in relation to:

- 312 forensic order (mental illness) reviews
- 100 treatment authority reviews

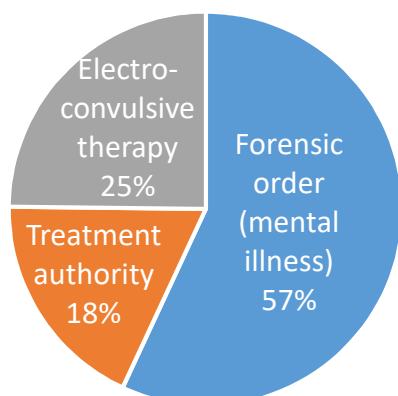
- 136 electroconvulsive therapy order applications
- 1 fitness for trial
- 1 transfer application
- 2 confidentiality order applications*

*some hearings may have considered more than one matter

While our statistics for the outcomes of these hearings were at the time of writing only 92% complete, we note that at least:

- 19 forensic orders were revoked and stepped down, and 1 forensic order revoked completely;
- 3 treatment authorities revoked;
- 9 applications for electroconvulsive therapy were refused;
- 311 orders confirmed in which:
 - 14 conditions were made more restrictive (4.5%)
 - 70 conditions were made less restrictive (22.5%)
 - 227 no change to conditions (73%).

MHRT representation by
area of law



MHRT representation by
top 6 Mental Health
Services

Royal Brisbane	83
Princess Alexandra	74
The Park	63
Sunshine Coast	62
The Prince Charles	48
Logan	41

We were successful in **an appeal to the Mental Health Court** in having our forensic client stepped down to a treatment support order. We also received counsel pro bono assistance in considering a **judicial review application** to the Supreme Court, and a complex matter which considered the **confidentiality** of independent psychiatric reports which are commissioned by the courts.

We opened a further **7 files** to provide clients with representation on issues that did not involve a tribunal or court hearing, or required complex advocacy in the lead up to their next tribunal hearing.

Case study

John* is a 37 year old man with a long history of treatment for a mental illness. He was voluntarily receiving medication in the community when he became unwell and stopped taking medication for a time. John was taken into hospital by the police, placed on a treatment authority and put back onto medication. John's support person contacted QAI to assist him with the review of his treatment authority at the Mental Health Review Tribunal. At the hearing, the QAI lawyer asked John questions to help him tell the Tribunal in his own words why he was prepared to continue treatment and inpatient care on a voluntary basis. The lawyer made submissions to the Tribunal that there was a less restrictive way for John to receive treatment, as a voluntary patient, and that John had demonstrated that he could make decisions about his own treatment. The Tribunal accepted John's evidence and the treatment authority was revoked. Months later, John is now back in the community and doing well.

* name has been changed to protect identity

Community legal education

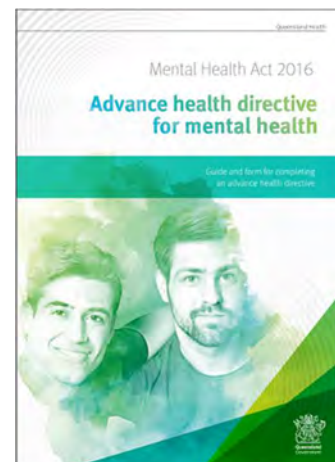
As a specialist community legal centre, an important part of QAI's legal work is the delivery of community legal education to increase expertise and confidence in these areas of laws amongst our colleagues, and improve understanding of the issues more generally.

Advance Health Directives for Mental Health

An Advance Health Directive for Mental Health (**AHD-MH**) enables a person to express their views, wishes and preferences and plan for their future health care and treatment, including mental health treatment, if they become unwell.

QAI in partnership with ADA Australia were funded by Queensland Health to develop resources and deliver workshops on AHD-MH across Queensland:

- Jo Sampford and Tony McCarthy delivered 11 consumer and supporter workshops and 1 webinar from March to September 2017 (Chermside, Charleville, Roma, Cairns, Atherton, Cooktown, Bundaberg, Hervey Bay, Maryborough and Mackay);
- Rebekah Leong sat on a panel at the Advance Health Directives for Mental Health Clinical Forum on 1 March 2018 (Princess Alexandra Hospital);
- Jo Sampford, Carly Dennis and Elizabeth Beaumont delivered 20 clinician workshops from March to June 2018 (Atherton, Bundaberg, Cairns, Cooktown, Hervey Bay, Mackay, Maryborough, Mt Isa, Roma, Toowoomba, Townsville and Warwick.)





The workshops, in particular the clinician workshops, were well received with feedback indicating that the information provided increased their awareness of AHD-MH and confidence in assisting consumers to validly complete the document.

QAI presenters also used the opportunity to do ad hoc information sessions to clinicians about community legal centres and our work, and served to deepen our engagement with regional clinicians, Independent Patient Rights Advisors, NGOs and advocacy services.

All materials are available on the ADA Australia website:

<https://adaaustralia.com.au/education/advance-health-directives-mh/>.

Other education activities

Jo Sampford delivered a 4-hour workshop on mental health advocacy to lawyers on the Gold Coast on 7 July 2017

Tony McCarthy presented to volunteers with the Queensland Court Network in relation to changes to the Mental Health Act on 9 August 2017

Anna Brasnett, Jo Sampford and 2 of our student volunteers hosted a stall and the Mental Health Showcase at The Park on 9 October 2017.

Jo Sampford attended the IPRA State Network Teleconference to discuss QAI's services and support targeted and appropriate referrals on 20 March 2018.

Rebekah Leong was a speaker and panellist at the ADA Australia event "Shifting Consumer Control and the new Mental Health Act" on 11 October 2017.

Rebekah Leong delivered a session to lawyers and migration agents on "Best Practice where clients trauma, mental health or cultural issues cause difficulties" at the RAILS Professional development Program 2018 on 29 June 2018.

We produced the factsheet: "*Mental Health Review Tribunal and Legal Representation*" dated 16/11/17 which is available on the QAI website.

Law reform

QAI participated in the Queensland Mental Health Commission's research into human rights protection frameworks for people being treated involuntarily for mental illness. A report is due by the end of 2018.

Jo Sampford coordinated our involvement and written submission to the Mental Health Act 2016 implementation evaluation being conducted by the Office of the Chief Psychiatrist.

We supported systems advocacy in their submission to the Law Council of Australia's review of the Australian Solicitor Conduct Rules.

NDIS Appeals Support Program

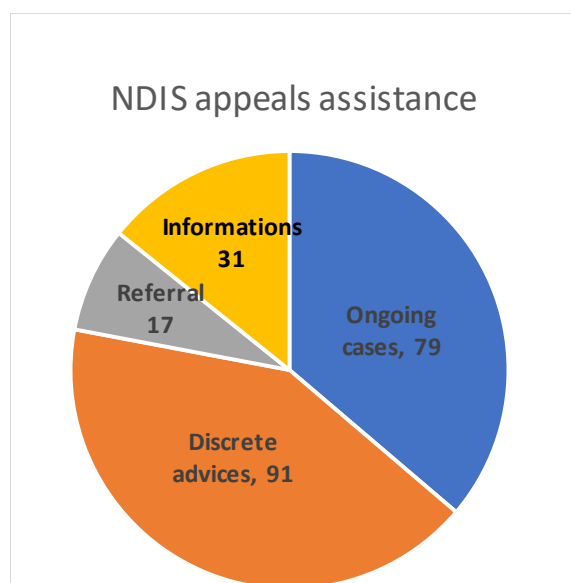
The NDIS Appeals Support Program is QAI's newest individual advocacy service, delivering its first service in 2017. QAI's highly skilled advocates, from social work, disability advocacy and legal backgrounds, provide people unhappy with a decision made by the National Disability Insurance Agency with guidance and support through the internal or external appeals process.

QAI is funded to provide these services Queensland wide, however, working with our collaborators, we focus our attention on areas where there is no other advocacy presence, including South-West Queensland, Darling Downs, Gold Coast, Ipswich, and Central Queensland. Our advocates are located in Brisbane and Rockhampton.

For the financial year 2017-2018 there were **223 interactions** involving 91 discrete advices, 80 on-going cases, 32 information advices and 20 referrals.

Of the 80 ongoing casefiles opened, 74% related to Administrative Appeals Tribunal (external) appeals and the remaining 26% related to internal reviews.

More details about experiences of our advocates is detailed in the reports below.



Clients by age	
0-17	24%
18-24	9%
25-34	8%
35-49	17%
50-64	34%
65+	1%
Unspecified	7%

Brisbane office

Evee Perich, Caitlin de Cocq van Delwijnen

Many of the individual cases that we supported through the review process and the Administrative Appeals Tribunal raised much larger systemic issues facing the rollout of the National Disability Insurance Scheme. Our cases demonstrated the individual casualties of the tension between the health and disability systems where NDIS participants were stranded without vital services such as skin integrity checks and catheter care and changes. We witnessed first-hand the re-traumatisation of people with psychosocial disabilities who desperately tried to gain access to a scheme



against eligibility criteria that had effectively written them out of the legislation, all while watching their state funded supports disappear. We travelled out to western Queensland and observed how the NDIS had placed a magnifying glass revealing the abysmal lack of services for people in remote and rural areas.

Evee, thank you again for the giving of your time to help assist regarding the composition of the letter just written. Thank you for putting me at ease & for your kind, supportive, compassionate way of dealing with the delicate subjects we covered, Ta Evee for everything & Thanks again for all your efforts regarding my appeal.

- NDIS client, 2018

We developed fact sheets and worked with service providers, allied health professionals and the Department of Health to fine tune their assessment and report writing skills to help participants to gain appropriate levels of support. With several clients we successfully scrutinized the eligibility of episodic conditions and challenged the NDIA's interpretation of significantly reduced functional capacity. We examined the ever shifting goalposts of reasonable and necessary support and were able to tailor this

threshold test to the individual goals of the people we support, obtaining funding for items such as sporting wheelchairs.

This year we continued our fight for home modifications and assistive technology and supported people through the often yearlong battles to obtain basic supports that we too often take for granted. We worked with families on the brink of falling apart as the NDIS pulled support away in lieu of informal supports that were now in crisis under the strain of holding up an imperfect system. We were able to successfully negotiate more formal support and therapies in order to strengthen these existing informal supports.

Throughout the year the advocates were able to continue building a strong working relationship with Legal Aid Queensland where we enjoyed several successes through our combined efforts at the Administrative Appeals Tribunal. We also expanded our program this year by hiring two new advocates to provide coverage for new rollout areas.

Case study

QAI's NDIS appeal advocate supported a family through the Administrative Appeals Tribunal requesting access to the National Disability Insurance Scheme. James* is a young child with a genetic syndrome who was denied access to the scheme under section 24 (1) (c) as he was unable to demonstrate that his episodic symptoms resulted in substantially reduced functional capacity.

The family lives outside a main city where access to supports are already limited and their situation has worsened since NDIS roll-out as local services are only available to people who are NDIS eligible. Due to his inability to gain access, James had been unable to use any therapies and support since the rollout in mid-2017.

Continued on next page...

...continued

The eligibility of episodic conditions had yet to be tested within the NDIS legislation so we were able to show that it was a complex and novel matter and obtain CAP funding from Legal Aid. Working closely with the family and Legal Aid QLD we were able to obtain strong evidence from allied health and health professionals which demonstrated that despite the fluctuations in symptoms the overall severity of the child's condition constituted a substantially reduced functional capacity. James was granted full access to the National Disability Insurance Scheme which meant that he was able to access much needed supports and therapies once more.

* name has been changed to protect identity

Rockhampton region

Jenny Smith

The rollout of the NDIS in Rockhampton commenced in November 2017. The lead up time was used to undertake promotional activities regarding the availability of the NDIS Appeals Support Advocacy by delivering presentations to a range of people, primarily focussing on people with disabilities and their families. The majority of those sessions were conducted in and around Rockhampton, but I also visited Gladstone, Woorabinda and the Capricorn Coast.

Over the past year there has been a fairly even mix of issues related to either accessing the NDIS, or the need to review a participant's NDIS Plan. Each new client required support to navigate the new, complex and, for many, scary pathway to the NDIS. Once they were equipped with appropriate information and strategies and supported to develop their skills, some people could confidently navigate the appropriate process on their own, whilst others either had much less capacity or were overwhelmed with other aspects of their lives and needed an advocate to share the entire journey with them.

Jenny was very approachable, understanding and in that regard, she did not approach it personally and kept it business-like in explaining what needed to be done. She was able to tailor the information she gave me to re-apply. I could ring and ask her questions and nothing was ever too much trouble.

- NDIS appeals client, May 2018

The range of systemic issues included the systems interface between the NDIS and home nursing services and the NDIS and the Medical Aids Subsidy Scheme. These matters must be resolved at a higher level so as to remove the uncertainty experienced by participants and to some extent by providers themselves. Some people found that during the delay in the NDIS determining an Access Request, they had been deemed eligible for My Aged Care – thus raising further dilemmas regarding which scheme would best meet their needs.

Of particular note are the additional challenges faced by those who live remotely; those who live with psychosocial disability but have no informal supports or services (or lose them due to program closures); those who don't have access to a computer or the required skills; and those who have two or more family members who are trying to access the NDIS.

High levels of stress, anxiety, uncertainty and disillusionment were experienced by many clients. Some chose not to further pursue a less than optimal outcome from their review process, due to their complete exhaustion and lack of trust that further effort would eventually provide a better outcome. This in turn reduced their opportunities to enhance their capacity for social and economic participation.

The frustrations experienced by the often drawn out NDIS internal review process and even the delays in processing access request applications, further alienates the very people for whom the NDIS has been established to support.

Case study

Advocacy support was provided to a young client's parents by using the Internal Review process to seek an increase in funds to purchase additional therapy support for their son. 7 year old Thomas* has Autism and attends a local primary school. His parents wanted Thomas to have every opportunity to achieve optimal social and emotional development which they thought would be further delayed without the regular therapy recommended by his therapists. Despite very supportive evidence provided by his therapists, the Internal Review was unsuccessful. Thomas' parents decided to take their case to the Administrative Appeals Tribunal. The case progressed to a second conciliation conference at which time a modest increase in the Improved Daily Living component of Thomas' Plan was agreed to, thus enabling additional therapy sessions to be provided and further evidence to be gathered for his next Annual Review. At his next Annual Review (for which his mother was well prepared) Thomas received a small increase in his Capacity Building support, but still no Core Support – again despite the ample supporting evidence provided. His mother was able to alter his Plan from Agency Managed to Self Managed – something she alone advocated for.

In another positive footnote to Thomas' case, his mother was able to secure an increase in the budget for his sister's NDIS Plan after running her own Internal Review – another sure sign of the capacity building that can occur through advocacy.

* name has been changed to protect identity

**QUEENSLAND ADVOCACY
INCORPORATED**

**FINANCIAL REPORT
FOR THE YEAR ENDED
30 JUNE 2018**

QUEENSLAND ADVOCACY INCORPORATED
STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2018

	<u>Note</u>	<u>2018</u>	<u>2017</u>
Revenue	2	1,651,125.24	1,142,061.63
Other Income	2	69,900.05	17,345.37
Employee benefits expense		(1,294,863.29)	(796,662.98)
Depreciation and amortisation expense		(13,193.00)	(8,623.00)
Insurance		(9,855.48)	(7,377.65)
Motor vehicle & Travel expenses		(47,337.99)	(8,457.76)
Property expenses		(98,926.96)	(102,091.04)
Staff training and development expenses		(21,163.78)	(35,693.76)
Audit, legal and consultancy fees		(91,197.84)	(79,894.64)
Other operating costs		(84,942.04)	(64,143.77)
Current year surplus before income tax		59,544.91	56,462.40
Income tax expense		-	-
Net current year surplus		59,544.91	56,462.40
Other comprehensive income		-	-
Total comprehensive income for the year		59,544.91	56,462.40
Total comprehensive income attributable to members of the entity		\$59,544.91	\$56,462.40

The accompanying notes form part of the financial statements.

QUEENSLAND ADVOCACY INCORPORATED
STATEMENT OF FINANCIAL PERFORMANCE
AS AT 30 JUNE 2018

	<u>NOTE</u>	<u>2018</u>	<u>2017</u>
ASSETS			
Current Assets			
Cash at Bank and On Hand	3	618,191.52	493,486.65
Debtors & Prepayments		35,801.24	38,789.54
Deposits		500.00	500.00
Total Current Assets		<u>654,492.76</u>	<u>532,776.19</u>
Investment		59,598.74	56,758.08
Fixed Assets	4	47,560.48	40,936.09
TOTAL ASSETS		<u>\$761,651.98</u>	<u>\$630,470.36</u>
LIABILITIES			
Current Liabilities			
Creditors & Accruals		58,209.09	27,925.30
Employee Provisions		166,065.68	109,123.08
Income Received & Unexpended		89,803.00	105,392.68
Total Current Liabilities		<u>314,077.77</u>	<u>242,441.06</u>
TOTAL LIABILITIES		<u>314,077.77</u>	<u>242,441.06</u>
NET ASSETS		<u>\$447,574.21</u>	<u>\$388,029.30</u>
MEMBERS FUNDS			
Retained Surplus		447,574.21	388,029.30
TOTAL MEMBERS FUNDS		<u>\$447,574.21</u>	<u>\$388,029.30</u>

The accompanying notes form part of these financial statements.

3.

QUEENSLAND ADVOCACY INCORPORATED
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2018

	<u>Retained Surplus</u>	<u>Revaluation Surplus</u>	<u>Financial Assets Reserve</u>	<u>Total</u>
Balance at 1 July 2016	331,566.90	NIL	NIL	331,566.90
Comprehensive Income				
Surplus for the year attributable to members of the entity	56,462.40	-	-	56,462.40
Total comprehensive income attributable to members of the entity	24,177.40	-	-	24,177.40
Balance at 30 June 2017	388,029.30	NIL	NIL	388,029.30
Balance at 1 July 2017	388,029.30	NIL	NIL	388,029.30
Comprehensive Income				
Surplus for the year attributable to members of the entity	59,544.91	-	-	59,544.91
Total comprehensive income attributable to members of the entity	59,544.91	-	-	59,544.91
Balance at 30 June 2018	447,574.21	NIL	NIL	447,574.21

The accompanying notes form part of these financial statements.

QUEENSLAND ADVOCACY INCORPORATED
SCHEDULE OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2018

	<u>2018</u>	<u>2017</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		
Investment Income	10,969.33	8,264.01
Other Income	470,750.17	115,010.69
Cash flows from Government Grants	1,224,751.94	1,097,335.65
Payments		
Payments to Employees and Administration	(1,561,060.99)	(1,098,366.63)
Net cash provided by (used in) operating activities	<u>\$145,410.45</u>	<u>\$122,243.72</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Investment Units Purchased	(888.19)	(1,404.88)
Payment for purchase of plant & equip	(19,817.39)	(20,106.09)
Net cash provided by (used in) investing activities	<u>\$(20,705.58)</u>	<u>\$(21,510.97)</u>
CASH FLOWS FROM FINANCIAL ACTIVITIES		
Net increase (decrease) in cash held	124,704.87	100,732.75
Cash at beginning of the reporting period	493,486.65	392,753.90
Cash at end of the reporting period	<u>\$618,191.52</u>	<u>\$493,486.65</u>
Reconciliation of Net Surplus/Deficit to Net Cash Provided by (Used in) Operating Activities		
Operating Result	57,592.44	54,311.24
Plus Depreciation	13,193.00	8,623.00
- (Increase)/Decrease in Receivables	2,988.30	(22,038.17)
- Increase/(Decrease) in Payables	30,283.79	(18,384.64)
- Increase/(Decrease) in Provisions	56,942.60	14,339.61
- Increase/(Decrease) in Grants Unexpended	(15,589.68)	85,392.68
Net cash provided by (used in) operating activities	<u>\$145,410.45</u>	<u>\$122,243.72</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 2018

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 Australian Charities and Not-for-Profits Commission Act 2012 and Associations Incorporated Act (Qld). 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) Fixed Assets - Depreciation

Depreciation is charged on all Fixed Assets on the prime cost method and is brought to account over the estimated economic lives of all Assets.

(b) Employee Entitlements

Liabilities for Wages & Salaries and Annual Leave are recognised and are measured as the amount unpaid at the reporting date at current pay rates in respect of employees' services up to that date. Other employee entitlements payable later than one year have been measured at the present value of the estimated future cash outflows to be made for those entitlements.

Contributions are made by the association to an employee superannuation fund and are charges as expenses when incurred.

(c) 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.

(d) Economic Dependence

Queensland Advocacy Incorporated is dependant 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.

QUEENSLAND ADVOCACY INCORPORATED
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2018

	<u>2018</u>	<u>2017</u>
2. REVENUE AND OTHER INCOME		
Revenue		
Revenue from Government Grants		
Department of Social Services	503,842.28	498,087.65
Department of Social Services - NDIS	277,400.52	50,799.48
Departmentt of Justice & Attorney-General	453,707.48	443,055.84
	<hr/> 1,234,950.28	<hr/> 991,942.97
Other Revenue		
Non-Recurrent Funding	33,007.66	28,988.20
MHRT Centre Generated	373,908.16	113,902.91
Interest	9,259.14	7,227.55
	<hr/> 1,651,125.24	<hr/> 1,142,061.63
TOTAL REVENUE		
Other Income		
Donations	56,627.67	1,087.85
Memberships	1,008.99	790.83
Sundry Income	12,263.39	15,466.69
	<hr/> 69,900.05	<hr/> 17,345.37
TOTAL OTHER INCOME		
TOTAL REVENUE AND OTHER INCOME	<hr/> \$1,721,025.29	<hr/> \$1,159,407.00
3. CASH AT BANK		
QAI Cheque Account	512,844.77	390,469.79
QAI Gift Fund	81,420.98	79,644.82
Petty Cash	300.00	300.00
Bendigo Term Deposit	23,625.77	23,072.04
	<hr/> \$618,191.52	<hr/> \$493,486.65
4. FIXED ASSETS		
Furniture & Equipment - Cost	137,346.39	117,529.00
Less Accumulated Depreciation	105,518.00	96,346.00
	<hr/> 31,828.39	<hr/> 21,183.00
Motor Vehicle - Cost	20,106.09	20,106.09
Less Accumulated Depreciation	4,374.00	353.00
	<hr/> 15,732.09	<hr/> 19,753.09
	<hr/> \$47,560.48	<hr/> \$40,936.09

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 6 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 2018 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. Smyth

Treasurer

17/08/18

Date

8.

INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF
QUEENSLAND ADVOCACY INCORPORATED

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 2018, 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 2018 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.



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

Dated this 10th day of October 2018

QUEENSLAND ADVOCACY INCORPORATED
SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2018

DEPARTMENT OF SOCIAL SERVICES

	<u>2018</u>	<u>2017</u>
<u>INCOME</u>		
Grant - Department of Social Services	503,842.28	483,107.65
	<hr/> 503,842.28	<hr/> 483,107.65
<u>LESS EXPENDITURE</u>		
Employee benefits expense	390,684.56	362,168.65
Equipment Purchases	18,826.39	14,651.00
Insurance	3,926.14	3,447.05
Motor vehicle & Travel expenses	8,444.29	2,583.68
Property expenses	38,735.07	50,039.40
Staff training and development expenses	9,302.72	12,115.64
Audit, legal and consultancy fees	6,665.36	6,835.29
Other operating costs	32,110.63	31,634.61
	<hr/> 508,695.16	<hr/> 483,475.32
<u>TOTAL EXPENDITURE</u>		
	<hr/> 508,695.16	<hr/> 483,475.32
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$(4852.88)	<hr/> \$(367.67)

The accompanying notes form part of the financial statements.

11.

QUEENSLAND ADVOCACY INCORPORATED
SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2018

DEPARTMENT OF SOCIAL SERVICES - NDIS

	<u>2018</u>	<u>2017</u>
<u>INCOME</u>		
Unexpended	86,200.52	-
Grant - Department of Social Services	191,200.00	137,000.00
Less Unexpended	-	(86,200.52)
	<hr/> 277,400.52	<hr/> 50,799.48
<u>LESS EXPENDITURE</u>		
Employee benefits expense	247,974.82	17,681.86
Depreciation and amortisation expense	558.30	353.00
Insurance	1,065.49	133.50
Motor vehicle & Travel expenses	10,057.16	1,875.46
Property expenses	10,874.02	1,727.74
Audit, legal and consultancy fees	1,621.70	21,500.00
Other operating costs	9,809.21	7,527.92
	<hr/> 281,960.70	<hr/> 50,799.48
<u>TOTAL EXPENDITURE</u>		
	<hr/> (4,560.18)	<hr/> \$ NIL
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>		

The accompanying notes form part of the financial statements.

QUEENSLAND ADVOCACY INCORPORATED
SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2018

DEPARTMENT OF JUSTICE and ATTORNEY-GENERAL

	<u>2018</u>	<u>2017</u>
<u>INCOME</u>		
Grant Received - Department of Justice and Attorney-General	476,702.00	462,248.00
Unexpended Grant from Previous Year	19,192.16	-
Less Unexpended	(42,186.68)	(19,192.16)
Disability Law Clinic	7,636.36	4,000.00
ADAA Training Project	33,007.66	8,988.20
Centre Generated Funds	-	16,092.35
	<hr/> 494,351.50	<hr/> 472,136.39
<u>EXPENDITURE</u>		
Employee benefits expense	412,847.02	380,236.88
Depreciation and amortisation expense	1,152.08	1,463.34
Insurance	3,199.05	3,641.00
Motor vehicle & Travel expenses	1,497.80	4,334.84
Property expenses	18,868.19	45,684.18
Staff training and development expenses	6,986.31	175.85
Audit, legal and consultancy fees	2,415.00	15,940.62
Other operating costs	47,386.05	20,659.68
	<hr/> 494,351.50	<hr/> 472,136.39
<u>TOTAL EXPENDITURE</u>	<hr/> 494,351.50	<hr/> 472,136.39
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$ NIL	<hr/> \$ NIL

The accompanying notes form part of the financial statements.

QUEENSLAND ADVOCACY INCORPORATED
SUPPLEMENTARY INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2018

LEGAL AID FUNDING

	<u>2018</u>	<u>2017</u>
<u>INCOME</u>		
Legal Aid Queensland - CLEC	20,000.00	-
Unexpended Grant from Previous Year	-	20,000.00
Less Unexpended	(20,000.00)	-
	<u>\$ NIL</u>	<u>20,000.00</u>
<u>EXPENDITURE</u>		
Consultants	-	6,137.50
Meeting Expenses	-	147.27
Postage, Printing & Stationery	-	7,200.00
Reference Material	-	40.00
Superannuation	-	597.93
Wages & Salaries	-	5,877.30
	<u>\$ NIL</u>	<u>20,000.00</u>
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<u>\$ NIL</u>	<u>\$ NIL</u>

The accompanying notes form part of the financial statements.

Queensland Advocacy Incorporated

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