

Queensland Advocacy Incorporated

2011-12 Annual Report





Queensland Advocacy Incorporated

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Contents, Management Committee & Staff

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Management Committee

	No. of meetings attended
President	Byron Albury 4
Vice President	Fiona Kennedy 4
Secretary	Michael Duggan 4
Treasurer	Meriel Stranger 5
Committee Member	Trevor Boone 5
Committee Member	William Beanland 5
Committee Member	Aimee McVeigh (assignment overseas) 0
Committee Member	Jade Chee 4

Staff

Director/ Systems Advocate	Ken Wade
Systems Advocate	Nick Collyer
Systems Advocate	Michelle O'Flynn
Individual Advocate	Elizabeth Francis
Individual Advocate/Admin assistant	Karlie Harris
Human Rights Lawyer	David Manwaring
Mental Health Lawyer	Julie Hearnden
Mental Health Lawyer	Robert McRae
Office/Finance Manager	Deborah Bryzak
Administration Assistant	Connor Reidy

**QAI hours
of operation**
*Monday to Friday
9am - 5pm*

Introduction

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 work - through campaigns directed to attitudinal, law and policy change. QAI also provides limited individual legal and non-legal advocacy for vulnerable people with disability through three discrete projects. These are:

The Justice Support Program (JSP)

The JSP advocates for individuals with a disability in the Justice and related systems. The Advocate's role is to marshal legal and community support services to provide the person with the best possible opportunity to remain in the community and to prevent them from re-offending.

The Mental Health Legal Service (MHLS)

The 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)

The 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.

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) under the Commonwealth Disability Services Act funds QAI systemic advocacy. Legal Aid Queensland funds the Human Rights Legal Service (HRLS). The Department of Justice and Attorney General through the Legal Practitioners' Interest on Trust Accounts Fund (LPITAF) funds the Mental Health Legal Service (MHLS) and the Justice Support Program (JSP). QAI also seeks funding from philanthropic organisations and trusts for projects.

This Annual Report covers the period from 01 July 2011 to 30 June 2012. 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.

QAI's Mission and Objectives

QAI's mission is:

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

QAI's objectives are:

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

The essential elements of Social Advocacy are:

- strict partiality;
- minimal conflict of interest;
- emphasis on fundamental needs and issues;
- vigorous action;
- cost to the advocate;
- fidelity; and

being mindful of the most vulnerable person. Systems advocacy is a particular form of advocacy that focuses on influencing and changing 'the system', that is, the whole of society and the various systems operating within, in ways that will benefit people with disability as a group within society. Systems advocacy includes, but is not limited to, policy and law reform activities.

President's Report



Byron Albury
President - QAI Management
Committee

It gives me great pleasure to present my first Queensland Advocacy Incorporated (QAI) President's Report on behalf of the Management Committee in the year of QAI's 25th Anniversary.

I would like to thank our former president *Robert McRae* and take the opportunity to welcome our recently elected committee members *William Beanland*, *Aimee McVeigh* and *Jade Chee* and acknowledge *Fiona Kennedy's* new role as vice president.

QAI has achieved a lot in the past 12 months. Some notable moments include:

- reaching 1000 clients;
- our submission on the consolidation and extension of the powers of the Public Advocate, arguing that while we supported the proposals they did not go far enough;
- the launching of the CRPD shadow report in conjunction with DLA Piper, and most recently;
- tackling the issue of capping the Taxi Subsidy Scheme which saw me and QAI Director, Ken Wade, interviewed for ABC television and our petition to stop the cap received over 4000 signatures and counting.

I would like to thank my fellow Management Committee members; *Fiona Kennedy*, *Meriel Stanger*, *Mike Duggan*, *Trevor Boone*, *Jade Chee*, *William Beanland*, and *Aimee McVeigh* for all their hard work over the last year. It has been an honour and a privilege to serve with you all and I commend the commitment you have shown in your service to QAI.

I would like to thank the staff, QAI's achievements over the past 12 months have been a direct result of their hard work.

Finally I would like to thank our members for their invaluable support now and into the future.

Treasurer's Report



Meriel Stanger
Treasurer - QAI Management
Committee

*See attachment for
full financial report
for the year ended
June 30 2012*

I am pleased to present QAI's Financial Report for the year ending June 2012.

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

QAI's has signed a new 3 year Agreement with Department of Families, Housing, Community Services and Indigenous Affairs.

QAI has continuation of funding for various projects.

Department of Family & Communities	\$396,716.00
Department of Family & Communities-Quality Assurance	\$15,000.00
Legal Aid Queensland – Human Right Legal Service	\$114,860.00
LPITAF-Justice Support	\$134,212.00
LPITAF-Mental Health Legal Service	\$159,051.00
MHRT	\$3,000.00
Donations	\$2,592.00

I would like to acknowledge our Donations:

Minter Ellison, GUSLA, Denis Galligan, Joy O'Kane, Trevor Boone and Judith Finch

QAI has continued to review and update their financial policies and procedures and I am satisfied the procedures now in place will enable QAI to continue to function smoothly in the future.

QAI's day to day financial matters are administered by Deborah Bryzak. Deborah provides me with an enormous amount of assistance and I would like to thank her for guiding me through the maze of figures and reports.

I have thoroughly enjoyed working with the Management Committee and the dedicated staff of QAI and I would like to thank them for their support and continued vision. My time as Treasurer has been positive, harmonious and rewarding and I look forward to being passionate about my future as Treasurer of QAI.

Director's Report



Ken Wade
QAI Director

This is my second Annual Report as Director of QAI. I would not have imagined just two short years ago that this was a prospect I might have entertained as anything more than the hazy dreams enlivened by a visit to an opium den. Our former Director Kevin Cocks seemed an immovable institution here at QAI after twelve years at the helm, and even longer as a fixed point of moral integrity, whichever way the winds of change blew, against which the entire sector could align its moral compass. No one could have imagined that Kevin would leave QAI. He was synonymous with QAI in the sense that he had made virtue and high principle synonymous with the organisation. But destiny beckoned, and Kevin left QAI in February 2011 to take up the prestigious post of Queensland's Anti-Discrimination Commissioner. QAI's Management Committee selected me to take his place. They did me a great honour for which I am deeply grateful. I will endeavour to discharge the trust holding the Directorship of QAI confers with the same virtue, grit, principle and wisdom of my predecessor.

Another long-serving employee left during the reporting period, when Rebekah Bradshaw left after four years with QAI. Rebekah worked variously in administration, project support and latterly as our Community Living Advocate. Rebekah was warm, cheerful and empathetic. She is sadly missed. Michelle O'Flynn has taken her place. Michelle has been the President of QPPD for over a decade and has fought tirelessly for the rights of her disabled daughter for more than twice that long. She is different from Rebekah insofar as a tiger is different from a fawn. Michelle is fierce, a fighter by nature, yet there reside within her deep reservoirs of kindness that make her above all compassionate.

There have also been staff changes in our legal practices. Jim Gibney, our former Human Rights Lawyer, has left QAI and returned to Legal Aid. David Mainwaring has taken his place. David came to us with less legal experience than Jim brought, but came with twenty-five years' experience as a psychiatric nurse, which made him keenly alive to the human rights issues he would encounter at QAI. David is shrewd, capable and bantky. With his dander up and on his way into the ring for a championship fight as an outside contender he would cause the incumbent champion to blink with uncertainty. David has been in contest with many incumbents since he joined QAI. He has given them all cause to blink. He has given them all cause to know they have been in a contest. He has given them all cause to reassess both his measure and his mettle.

The final staff change occurred when Rebekah Leong, our former principal solicitor and senior solicitor in the Mental Health Legal Service, took maternity leave for a year to have her first child. Robert

McRae, who has forty years legal experience and a long association with QAI, including six years as President of the Management Committee, and therefore needs no introduction, filled Rebekah's position.

Funding this year was a mixed bag of success and failure. We signed a new three-year funding agreement with DeFAHCSIA to support our systems advocacy, an achievement attained against a backdrop of funding cuts across the sector. Our two non-recurrent LPITAF funded projects, The Mental Health Legal Service and the Justice Support Project, had their funding restored, but again only for twelve months and again with notification of this continuance delivered at the end of June, with only days before funding was exhausted. But at least funding was restored, again in an environment that saw many other organisations lose support. QAI lobbied aggressively for this outcome, approaching a string of federal and state politicians both from the ruling parties and the opposition to intercede on our behalf with the State Attorney General, who administers the LPITAF fund. We cannot say whether these efforts produced the desired result. However, it was obtained, we are grateful. The operation of the LPITAF fund is now being reviewed. QAI will contribute to this review and hopefully the revamp will see earlier notification of funding status and a change in the funding cycle from one year to two or even three years. Funding for the Human Rights Legal Service continues on its recurrent basis, with a small CPI increase for the next financial year. The searing disappointment for us all was the failure to secure another years funding for the Legal Advice Service, a project that provided legal advice over the telephone to people with disability in Queensland.

This year has also seen a change in government for the first time in over a decade. Early signs indicate that the new

government is pursuing an aggressive cost-cutting policy from which spending on disability will not be exempt.

I would like to thank the Management Committee for their leadership, work and support during this time of internal change. Additionally, I acknowledge and thank all staff members for their dedication and tireless efforts to carry out the work of QAI over the past year.

During the reporting period, QAI's work has been strengthened by the support of many people outside of the organisation. In particular I would like to thank people with disability and their families and friends who continue to hold a dream for a better life for all people with disability. The staff and I draw great strength from people's tenacity to face adversity daily, while holding on to the dream of having a better life.

Scope of Report

This Annual Report covers the activities carried out by QAI in the financial year 2011-2012. During the past 12 months QAI has continued to focus its advocacy efforts in five areas: (1) Community Living, (2) Law Reform, (3) Human Rights Legal Service (HRLS), (4) Justice Support Project (JSP) and (5) Mental Health Legal Service (MHLS). For more information about these projects please refer to the individual reports inside this volume. In the following pages I will provide a brief overview of just a few of the systemic matters that have engaged QAI during the past twelve months.

In the reporting period the Queensland Health and Disabilities Committee sought opinion about changes the Queensland Law Reform Commission had recommended to the laws regulating Advance Health Directives In Queensland. Of Principle concern to QAI was the QLRC's recommendation that doctors

who fail to carry out the instructions contained in an advance health directive become liable for that failure.

QAI believes that responsible legislators must understand the negative perceptions which exist in society about the value of people with disability. They must also understand that these perceptions, which disparage life with disability, can encourage people used to living without disability to prefer death to life with disability and to draft their advance health directives accordingly. People with disability are not immune from these negative perceptions. A lifetime spent with disability can be a lifetime spent learning from others that disability diminishes your human worth. These mendacious and bigoted lessons do not need to be overtly taught to exercise their damaging effect. Even prejudices that are unconsciously held and subtly expressed can over time severely damage a person's self esteem and sense of self worth in ways that can lead someone to conclude that life with disability is unworthy of living. These destructive sentiments can be held by family members charged with authorising the withholding or withdrawal of life sustaining measures, or by the doctors ultimately responsible for their withholding or withdrawal. Consequently QAI believes that Doctor's should retain their protection from liability for failing to follow to the letter the instructions contained in an advanced health directive. QAI made these arguments at a consultation held by the Health and Disabilities Committee, and in a lengthy submission provided to the Committee.

Police Pat Down Searches

QAI also made a submission to the Legal Affairs, Police, Corrective Services and Emergency Services Committee about proposed legislative changes contained in the Police Powers and Responsibilities and Other Legislation Amendment Bill 2011. QAI's submission focused solely on the

sections of the Bill that proposed to widen police powers with respect to pat-down searches.

In summary, **QAI opposed this** extension of powers because:

- **People with disabilities are overrepresented in the criminal justice system.**
- **Widening police powers around public order behaviour disproportionately affects people with intellectual and cognitive disabilities.**
- **Pat-down searches are likely to escalate rather than defuse conflict situations.**

Prevention and diversion are fairer and less costly than arrest, conviction and detention, but prevention and diversion are less likely when police are awarded powers that tend to trigger and escalate conflict.

Brisbane City Council Access and Inclusion Plan

QAI also developed a response to the Brisbane City Council Access and Inclusion Plan. This is the plan that outlines the steps the Brisbane City Council will take over the next several years to improve community inclusion and access to public amenities for people with disability. QAI provided extensive comment on the plan. A small sample is provided below.

Braille trails: These are a wonderful innovation, but they act as a congregation magnet. People stop on top of them to conduct conversations. This is an obstruction for people using the trail. Clearly readable signage should be painted on the ground at intervals adjacent to the trails indicating the purpose of the trail. The signage could also carry a warning with a small fine for people who obstruct the trail.

Access for people with guide dogs is a function of access for the dogs too. Some

public water fountains have a small receptacle at the base into which water can run, providing drinking water for dogs. All public drinking amenities should have this facility.

Bus stops: electronic timetable and ETA information may be inaccessible to a blind or vision-impaired person. An on demand (e.g. button-activated) audible readout would make the electronic board more accessible.

Walk lights: We appreciate the arguments that the needs of residents for quiet at night should be balanced with the needs of people wanting to access the safety of the crossing. However, the safety of crossing users must always trump the mild and transient inconvenience audible crossing indicators create for residents. An acceptable compromise could see existing and new sound indicators replaced with indicators that have low sound triggered by low light or activated at certain times. Another solution may be to include an extra button on indicators that produces a low-noise signal for evening use. Turning off the sound but leaving the tactile pulse indicator is another alternative, but a dangerous one that is probably best avoided. The audible pulse is used not just to indicate when a user may cross but also. Where they may cross. The audible pulse is a beacon for blind or vision impaired users that indicates where a crossing is and where the control is to operate the crossing signal.

Accessible Toilets: often do not have an indicator on the inside latch that tells the occupant whether the door is in fact locked. This can cause considerable embarrassment. Nor as a matter of course do they have full-size change facilities (including a change-table and hoist), nor an accessible shower. QAI recommends that all new public toilets be equipped with these items to facilitate the equal access to public spaces for people with a disability. When retrofitted, existing facilities

should also be upgraded to include accessible toilet, change facilities and shower.

Carers: are sometimes subject to full facility costs when working. Carers should be exempt from public transport fees and other entry fees to Council facilities, when they are clearly present to support a person with a disability.

Consolidation of Federal Discrimination Legislation

QAI provided comment to the International Human Rights and Anti-Discrimination Branch Attorney-General's Department about the proposed amalgamation of the Commonwealth's Discrimination Legislation.

QAI applauded the Commonwealth's intention to consolidate, broaden and strengthen discrimination laws. QAI pointed out however, that in any revision of the federal anti-discrimination statutes there is a risk of undue emphasis on reducing the regulatory burden on business rather than on promoting equality by guaranteeing effective protection against discrimination. QAI pointed out that Anti-discrimination legislation is our de facto national 'Bill of Rights', and this reform is the government's opportunity to put equality of opportunity on the national agenda.

QAI contended that such a significant reform warrants, at least, extensive public consultation and diverse and detailed research, such as the thorough, years-long process of inquiry which preceded the enactment of the Equality Act (UK) or the engaging and educative consultation on human rights in 2009. The consolidation can be as much about the process as about the outcome, raising awareness of discrimination and building a national consensus around equality of opportunity in the workplace, in education, in immigration, in health, in social security and in our oldest cultural institutions.

QAI made the following recommendations:

1. Commissioners for each protected attribute should be retained, together with staff and infrastructure to support them and the parties to discrimination matters.
2. A preamble or statement of intent will help the courts interpret the legislation.
3. Public interest organisations with a legitimate interest in particular subject matter should be able to commence and pursue discrimination proceedings on behalf of aggrieved persons, particularly where claims are indicative of systemic problems.
4. Burden of proof should shift to the respondent once prima facie discrimination has been established.
5. The consolidated legislation should include a requirement of equality before the law. All bills should be required to be non-discriminatory, and ensure that all individuals are treated equally by the law and are afforded equal protection of the law.

National Human Rights Action Plan

In the reporting period QAI co-hosted with the Human Rights Law Centre from Melbourne a workshop to provide information on the National Human Rights Action Plan and encourage participation in the Federal Government's consultation process around this Plan.

As part of a formal consultation process for developing the National Action Plan, the Attorney-General is bound to release the draft National Action Plan and a baseline study for public comment and submissions.

The Human Rights Law Centre (HRLC) is convening a series of workshops throughout Australia to provide NGOs with information about the National Action Plan, raise awareness about how to engage with the

National Action Plan consultation process and generate ideas for submissions. The HRLC held three workshops in Brisbane during the reporting period - one general session, one session aimed specifically at Aboriginal and Torres Strait Islanders, and one session targeted at people with disability and disability issues. It was this latter session QAI co-hosted in the Anti-Discrimination Commission's training rooms with the HRLC. The workshop was lively and well-attended with around fifty participants. As I understand this was in marked contrast to the session for aboriginal and Torres Strait Islander issues, where numbers were substantially lower. I delivered at the workshop a presentation about the special and historical vulnerability to abuse both of people with disability and of their human rights, which the HRLC intends to use as the basis of a blog on the website they have develop to support their national action around the National Human Rights Action Plan.

Hoping to lead by example, QAI made a submission to the NHRAP baseline report
Key recommendations were:

1. People with disabilities are still subject to physical and chemical restraint and seclusion for what are known as challenging behaviours. A National Human Rights Action Plan should aim to proscribe these practices, and afford people with disabilities the same legal remedies against assault and deprivation of liberty available to all other citizens.
2. The Baseline Study should note the overrepresentation of people with disabilities (of all kinds) in the criminal justice system. More research needs to be done in some jurisdictions to identify the shortcomings of criminal law legislation, the courts and corrections in relation to the treatment of people with disabilities.
3. The Baseline Study should make reference to the shortcomings of our criminal justice

systems with respect to the treatment of people with intellectual disabilities. Reduced capacity due to intellectual and cognitive impairment should be identified early and be a factor at each stage in the criminal justice process.

4. An intergovernmental process must be set up to strengthen the links between Federal human rights commitments and State and Territory action. Without those links our international human rights commitments become largely symbolic. Human rights scrutiny of legislation and policy should take place at every level of government.

Workshop on Convention on the Rights of Persons with Disability

QAI also co-hosted with the Australian Human Rights Commission, People with Disability Australia, and the Disability Discrimination Legal Centre, a full-day workshop on the Convention on the rights of Persons with Disability. The purpose of the workshop was to introduce advocacy organisations, advocates and other interested people to the avenues to aggrieved parties to initiate action under the CRPD. The hope that underpinned it is that by augmenting the armoury of disability activists with additional means to deploy in the defence of people with disability the human rights and fundamental freedoms of people with disability will be one step closer to full realisation. The workshop took the form of part didactic lecture and part interactive tutorial during which audience members were assisted with case examples to work through the process for bringing a complaint made under the CRPD before the relevant authorities. Approximately 40-50 people attended the workshop.

CRPD Shadow Report

The Director and systems advocate attended three workshops and four teleconferences with the consortium of Community Organisations that is developing the shadow report to the

CRPD. The shadow report is developed by involved NGO's as the foil to the report the Federal Government is bound to develop and submit to the CRPD Treaty Body as part of the obligations it acceded to as a signatory to the CRPD. The Government report in effect attempts to tell the Treaty Body that all is right with the world. The shadow report bluntly apprises the Treaty Body of the contrary with abundant case studies and illustrations to support the less rosy picture it paints of disability in Australia. As a result of the workshops and teleconferences a major edit was conducted of the raw draft, which left it ready for final editing. It was agreed at the workshops that this important role should be entrusted to one individual who has the necessary skill to draw together into a cohesive and comprehensive whole the many and sweeping elements that comprise the early iterations of the shadow report. A highly-regarded facilitator and contractor in the community disability sector was selected for this task. The contract editor was to present the penultimate draft of the shadow report to the group for final comments by the end of September 2011. However the task proved more complex than originally anticipated, and the revised version was not returned to the group until November 2011. Further, it was judged that a number of the articles required extra attention. This threw out the timetable for completion by a substantial margin, but it was considered better to deliver a delayed report the group was satisfied with and which would have the best chance of influencing the Treaty Body in the way intended rather than one completed in a rush and lacking the cogency needed to leave an impression on the Treaty Body. As a consequence, work continued to refine the report from November 2011 until April 2012. During this period, the executive summary was finalised, further reworking of articles was undertaken and recommendations were refined, editing and endnotes were checked and collated and

work was undertaken to refine (article 5) Status in Australia. QAI contributed to final editing and reworking of Articles 14, 15, 16, and 17. Where expert opinion was required input was sought by the project group particularly in relation to particular groups including Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse populations.

QAI contributed to editing and providing an acronym page for the report as well as providing general comment at meetings around where advocacy should sit in final report (Article 4 General Obligations or elsewhere). An endorsement letter was produced, process for collecting endorsements or partial endorsements from disability and community organisations was undertaken. Final sign off was delivered in the first week of April by all project group organisations.

The project group are working on obtaining funding to send a delegation to attend the UN committee when it meets to consider the Government's report. They will also work to produce fact sheets to support the Shadow Report's launch. In May the report was finalised and was distributed nationally to disability and community organisations and to those who participated in the nationwide consultations. Organisations were invited to provide feedback and were asked to consider endorsing all or part of the Shadow Report by the end of June 2012. The more organisations that endorse the report the more weight it will have with the CRPD committee. As at the end of June, 70 organisations had endorsed the report either in part or in whole. The formal launch date for the report is scheduled for August 29.

Systems Advocacy



Michelle O'Flynn
Systems Advocate

I began working at QAI late in 2011 for one day per week initially to begin work towards the [NACLC accreditation](#) process. This was problematic in that the process is rather complicated until one became familiar with it – working once a week meant that there was a loss of continuity and also the size and scope of the task was not immediately apparent. Given the need for some attention to the immediate needs of the organisation, I commenced work of the Human Resources section then the Governance sections as a priority.

In the new year, during discussion about some of the issues we needed to tackle as an organisation, I was asked to undertake a [review of our Plan](#) and this was held with staff on 1st February, 2012.

A collation of material from QAI's Strategic Plan 2004-2009, Planning Days, Mini Reviews, Organisational Diagnosis, and Visioning Workshop from 2004 to 2010 provided an overall view of the previous work performed.

Revisiting History, Who is QAI (QAI Visioning Workshop November 2009) and Definition of Advocacy for All Staff and Committee Members at the beginning of any Planning or Review work embeds the understanding and context, and guides our practice, and should be included in all inductions.

(see Historical Scan 4 decades -), QAI Visioning Workshop November 2009

Related documents

P:\GOVERNANCE-Mauve\PLANNING\Strategic Planning Day 2012\Planning Day 2012\QAI REPORT.doc

While still undertaking the NACLC accreditation and policy review, I was then employed as part of the Justice Support Project working three days per week mainly in promotional role. I began training with Liz Francis who guided me through the processes of supporting people with mental health issues or cognitive impairment who come into contact with the Criminal Justice system. In this role I attended a project funding briefing with Victims Assist; visited a court, services providers, police and consumer groups to promote JSP.

Related documents

P:\GOVERNANCE-Mauve\Staff reports\2012\MAY\JSP Michelle Staff Report.doc
P:\GOVERNANCE-Mauve\Staff reports\2012\MAY\JSP Michelle part 2.doc
P:\ADMINISTRATION\Events Feedback\12.05.16 - JSP- MHLS - BIGS.doc

Attended Kendrick and Dyke Advocacy workshop with QAI staff and board members at Riverglenn.

I continued to promote JSP, support my client and work on NACLC policy development. On 17th March, 2012 I facilitated an organisational review of our [Strategic Plan](#).

Related documents

P:\GOVERNANCE-Mauve\PLANNING\Strategic Planning Day 2012\Planning Day 2012\QAI STRATEGIC PLANNING DAY.doc

This involved working with all Board and staff members for a full day and a final five year *Strategic Plan* was developed.

Related documents

P:\GOVERNANCE-Mauve\PLANNING\Strategic Plan 2012-2017 and Operational Plan 2012-2013\Strategic Plan 2012-2017.docx

On 25th June, personnel from Endeavour attended QAI offices to discuss their internal Complaints and Incidents Management Unit. This was in reference to a promotional meeting that I had with Endeavour staff at their premises earlier in the year.

As Rebekah Bradshaw gave notice I applied for and was accepted into the position of Systems Advocate and commenced working in this capacity on 2nd July, whilst still undertaking some of the work necessary to ready QAI for the NACLC accreditation and developing our Annual Operational Plan.

My start to *Systems* role entailed a lot of meetings to begin with and events attended for which I wrote comprehensive reports

All available on the QAI shared calendar, and in P:\ADMINISTRATION\Events Feedback

These included the Centre of Excellence symposium, the WWild Paper Bag Forum, and meetings with PWD and YAC, SUFY, the Centre of Excellence, and Greg Murphy from DSQ

Available at P:\Projects\System Advocacy\Meetings Records

On 9th July, I worked with Staff to develop our *Annual Operational Plan*.

Available at P:\GOVERNANCE-Mauve\PLANNING\Strategic Plan 2012-2017 and Operational Plan 2012-2013\Operational Plan July 2012-July 2013.docx

On 3rd August I met with *Julie Hearnden* and later with *Marg Rodgers* to begin my orientation on the work to date on Baillie Henderson.

I liaised and supported Nick with his work around the *NDIS* (participated in the teleconference with Ngila from PWD about the NDIS engagement consultations); consulted with the Systems Team about the changes to Family Support Packages, and the Self Directed Framework utilising connections within QPPD. At times I was called upon to engage as a media spokesperson on this topic and have a copy of an interview with ABC radio on cd.

My first interim report see:-

P:\GOVERNANCE-Mauve\Staff reports\2012\AUGUST\System Advocacyreport June- August. 2012 MOF.doc

On the 29th August I flew to Sydney with Ken and Liz (but wearing my QPPD hat) to participate at the *National Launch of the "Disability Rights Now" Shadow Report to the UN CRPD*. While I was not attending as a QAI staff member, this was done at QAI request and provided us with some ideas for our Queensland Launch.

With a team effort a comprehensive guest list and invitee list for the *Brisbane Launch* was developed, but with such a short time frame to organise we had little chance of securing many of the VIP's we would have ideally wished could attend. However, we are still assured of a good turnout with key staff from DSQ, Fhacsia, the Adult Guardian, The Public Advocate and the Centre of Excellence having accepted our invitation.

On 14th September I presented at the Mercy Disability Services (Woolloowin) about Advocacy and QAI, for which I developed

a PowerPoint which can be used for future events.

Available at P:\Projects\System Advocacy\Advocacy\QAI Advocacy presentation.ppt

I have written to Phillip French in regard to the Position Papers commissioned in 2010.

In the course of my employment as Systems Advocate I have participated and liaised with the *Community Safeguards Coalition* and *Combined Advocacy Groups of Qld*.

While there is some conflict there is also much benefit from my role as both staff member of QQAI and Board Member of QPPD. Recently QPPD was invited to attend a roundtable with the Minister for Disability Services, Tracy Davis. In attending this as a QPPD invitee, I was able to provide information to QAI and allies that may not have been forthcoming.

This was an advantage when I attended a meeting with key DSQ staff Clare O'Connor and Denise Pambid and others as a representative of Community Safeguards Coalition to discuss the progression from Grower Stronger.

Available at P:\Projects\System Advocacy\Community Safe Guards Coalition\2012\12.09.19 COMMUNITY SAFEGUARDS MEETING DSQ.docx

With the almost weekly burning issues provided by the Newman Government the Systems Team has been very active in attempting to dispel some of the negative and regressive actions of this government. ("Family Support Program, No NDIS trial for Qld., Caps to Taxi Subsidy Scheme, Self-Directed Framework, Proposed outsourcing of the AS & RS services, and the Elderly Parent Carers Initiative). This also means however, that in my part-time capacity it has

been difficult to begin my work around Baillie Henderson (Community Living Program). My next piece of work is to write a submission to the Health and Community Services Committee for the Amendment Bill (Your Life Your Choice) by 4th October. This will form part of a Position Paper which will be one of several around the NDIS.

I will continue to liaise with my Systems colleagues on any matter where I can contribute, and to further my development and deepen my understanding on issues of Restrictive Practices and Forensic Disability Services by working collaboratively with the Human Rights Legal Service.

Should you wish to see any of the reports referred to in the links please contact me.



Nick Collyer
Systems Advocate

Introduction

Here is a summary of work completed (where acknowledged, with other members of the Systems Team) over the 2011-2012 financial year.

We have tried to raise QAI's media profile by releasing regular statements to the media about disability-related State and Federal government actions and policies, by creating QAI's first Twitter account for real-time responses to current events, and by keeping our website up to date with the latest news and QAI publications.

We are fortunate to have received a good number of follow-up approaches from national, state and Brisbane-based print and electronic media. Ken has been our spokesperson, with Michelle's assistance. There have been many consultations on disability-related legislative and policy reforms. I have written a number of submissions, and appeared before the Legal Affairs and Health and Disabilities Parliamentary Committees alone and as part of group consultations.

All submissions and correspondence are reviewed by QAI Director Ken Wade (or if unavailable by Committee members) before release.

Submissions

July 2011 QAI Submission on Minimum standard non-parole periods - to the Sentencing Advisory Council

Principal Points

- People with disabilities are over-represented in our justice system (see Disabled Justice 2007).
- Legislative direction on sentencing practices is a backward step. The last two decades have seen positive developments in Australian case law dealing with the sentencing of people with disabilities, especially intellectual and cognitive disabilities (see, for example, *R v Tsiaris* (1996), *R v Champion* (1992), *Gray v The Queen* (2010)).
- SNPPs undermine these gains.
- Limiting the courts' abilities to consider the mitigating effects of offenders' disabilities denies the courts the means to recognise and take into account the relevant differences that some forms of disability entail. It is a form of discrimination.
- Of the two models proposed there is no doubt that the proportional system is less discriminatory.

July 2011 QAI Submission to the Productivity Commission's Draft Report on a National Disability Insurance Scheme: Comments on the Queensland Government Submission on the Productivity Commission's Disability Care and Support: Draft Report

QAI had already lodged a submission to the Prod Comm Report on a National Disability Insurance Scheme in which it argued for a better-resourced advocacy sector. Since that submission the Queensland government had launched its Growing Stronger initiative for the assessment, referral and support of

people with disabilities, and had made its own submission to the Review in which it proposed Growing Stronger as a template for the proposed national scheme. We have been particularly concerned about the many limitations of Growing Stronger, including its use of out-dated and inappropriate assessment (ICAP) and carer assessment ('burden of disease') tools. Queensland Advocacy Incorporated's second submission was a critique of Growing Stronger's use of these tools, proposing that research be carried out to identify more suitable mechanisms for assessment, including self-assessment. Queensland Advocacy Incorporated sought and was granted the support of PWD and a large service provider organisation for this second submission.

Key Recommendations

That the Commonwealth looks to models other than Growing Stronger for an NDIS. In particular, we do not commend the Inventory for Client and Agency Planning (ICAP) disability assessment tool for a national scheme. The assessment tool should be based on the ICF (International Classification of Functioning, Disability and Health) framework officially endorsed by all 191 WHO Member States. The ICAP questionnaire reduces a person with various physical, emotional and social needs and desires to a set of adaptive behaviours. Its model is inappropriate, out-dated and contrary to the intent of Article 26 of the Convention on the Rights of Persons with Disability which calls for effective measures to enable people with disabilities to participate in all aspects of life through the 'multidisciplinary assessment of individual needs and strengths.

We strongly advise against the adoption of the carer assessment tool used for Growing Stronger. (Appendix A) It is universally condemned by carers, people with disabilities

and advocates alike for its callous reduction of the carer role to degrees of burden, and for the damage it is doing to carercared-for relationships.

Convention on the Rights of Persons with Disability Available at

<http://www2.ohchr.org/english/law/disabilities-convention.htm>

August 2011 QAI Submission on the Sentencing Advisory Council's review of Mandatory Non-Parole Periods in Queensland.

This submission argued that the introduction of mandatory non-parole periods would overthrow the significant gains made in achieving judicial recognition of the special circumstances of offenders with intellectual and other disabilities. We argued that the principles set down in *Verdin v R* - that disabilities are a mitigating factor in sentencing to the extent that they may reduce moral culpability and may increase the punitive nature of custodial sentences - would be compromised if judges were bound to allot mandatory minimum non-parole periods.

August 2011 QAI Submission on the BCC Access and Inclusion Plan

The Brisbane City Council is currently conducting consultations on this plan and I am working on a submission for the 31 August 2011 deadline. We will comment on 5 broad areas of Council policy, including Pedestrian mobility and transport, planning development and infrastructure; public buildings, venues and outdoor spaces; vibrant, informed and caring communities; and inclusion in council processes.

August 2011 Consultation on Draft Baseline Study- National Human Rights Action Plan

Recommendation 1: That the Baseline Study make reference to the shortcomings of our criminal justice systems with respect to the treatment of people with intellectual disabilities. Reduced capacity due to intellectual and cognitive impairment should be identified early and be a factor at each stage in the criminal justice process.

Recommendation 2: That the Baseline Study note the overrepresentation of people with disabilities (of all kinds) in the criminal justice system. More research needs to be done in some jurisdictions to identify the shortcomings of criminal law legislation, the courts and corrections in relation to the treatment of people with disabilities.

September 2011 Oral Submission to Legal Affairs Committee Qld Parliament- Police Powers and Responsibilities and Other Legislation Amendment Bill 2011

Queensland Advocacy Incorporated's submission focuses solely on the sections of the Bill that propose to widen powers with respect to pat-down searches.

Summary

- People with disabilities are overrepresented in the criminal justice system.
- Widening police powers around public order behaviour disproportionately affects people with intellectual and cognitive disabilities.
- Pat-down searches for people with intellectual and cognitive disabilities are another form of intrusion.

- Pat-down searches are likely to escalate rather than defuse conflict situations.
- Section 52A will increase police interaction with, and result in additional charges for people with disabilities, and increase State costs in relation to the prosecution of offences.
- Prevention and diversion are fairer and less costly than arrest, conviction and detention, but prevention and diversion are less likely when police are awarded powers that tend to trigger and escalate conflict.

October 2011 QAI Submission to the Parliamentary Committee on Health and Disabilities- Queensland Law Reform Commission Recommendations on Guardianship Laws Inquiry

QAI has long-standing reservations about the use of advance health directives (AHDs). It is a common prejudice that disability makes life undesirable or unbearable. How often have you heard people say 'If I ever end up in a wheel-chair, or stuck in a hospital room on life support, pull the plug'? This view of disability may be prejudicial to the conception of Advanced Health Directives, and it is a view appears to be shared by the authors of the Issues Paper. It is clear that the discussion of advance health directives proceeds from the assumption that over-treatment, rather than lack of access to treatment is the most pressing issue. But for people with disability, this is frequently not the case.

QAI believes that the ethical challenges associated with life sustaining measures are best resolved when there is a view that every life is valuable and worthwhile no matter how severe the disability, and that families must have adequate time, information and support to consider the benefits and burdens of treatment. Prematurely or unilaterally withholding or withdrawing treatment which a

family member wants instituted or continued (even where such actions are clearly good medical practice) may have a long-lasting negative impact on family members, not to mention the individual whose treatment has been withdrawn.

December 2011 Submission on sentencing of child sexual offences

- Just over 38% of Queensland prisoners have intellectual disabilities or borderline intellectual disability (ID) (QDCS, 2002) compared to approx. 3% of the general Australian population (Frize, Kenny, Lennings, 2008).
- People with intellectual disabilities are overrepresented in prisons, and overrepresented for sexual offences (Glaser, 1991; Simon, 1980).
- Sex offenders with an ID are more likely to have been victims of sexual and physical abuse, especially in childhood, and in institutional settings (Glaser, 1991; Hayes, 2004, 2009; Lindsay, et al, 2001).
- Many offenders with ID are individuals who have behaved inappropriately because of lack of knowledge about sexuality, or not knowing what behaviours are acceptable, reflecting the restricted life of the person with the disability, who may have been denied sex education in the past or not provided avenues to pursue sexual interests in a safe and appropriate way.
- Once in jail, 'peer abuse' by one inmate against another is widespread and not recognised or dealt with (Hayes, 2004). Mental and physical abuse, disciplinary problems and poss. Of regression in prison leads many prisoners with ID to spend their time in max security (Cockram, 2005).

April 2012 Submission to Dyson Consulting on Disability Assessment Tools (for the NDIS; April 2012)

Dyson consulting has been engaged to report on assessment tools for the NDIS, in quick time. Queensland Advocacy Incorporated's submission included suggestions: "do no harm. The vehement consumer rejection of 'Understanding the Carer Role' (carer assessment tool, Growing Stronger QLD, withdrawn) demonstrates that 1. tools are interventions (and given the proportion of rejected support applications, they're often the only support-related contact PWD will have with government) and 2. development of tools, as assessment itself, must be collaborative (see CRPD Preamble (o) & Article 4 s.3). Use the ICF domains. They are holistic; and enable cross-cultural/national comparisons and learning. Accommodate aspirational statements and 'what might be'. In a system aiming to equitably and accountably allocate scarce resources a tool must provide valid measures and allow reliable comparisons of need. But tools are measuring people with hopes and dreams; not only 'what I need now' but 'what I will need, once basic support needs are met'. Again, assessment is a critical intervention. Tools mustn't require 'expert' assessors- driving up costs for comparatively little benefit. Use cost savings for quality of process. Promote self-assessment, or supported assessment.

The Queensland Advocacy Incorporated submission to Dyson was based on an Assessment Tools Primer which is here:
..\Assessment Tools\Primer- Assessment Tools Nov 2011.docx

Jan-May 2012 CAGQ (Combined Advocacy Groups Queensland) Consultation - On Advocacy and the Adult Guardian

I have been developing a protocol for relationships between advocacy groups and the Office of the Adult Guardian: The Protocol begins with: "Protecting the health, well-being, human rights and best interests of the person is paramount. Parties agree that people with disabilities have a right to advocacy regardless of their decision-making capacity. Guardians will inform people of their entitlement to an advocate. Privacy and confidentiality are vital. Where possible, a person's consent will be sought by both Guardians and Advocates before personal information is shared

The whole document can be found here:
..\Advocacy\Adult Guardian and Advocates Protocol\OAG Draft March 2012 (4).docx

Feb 2012 MHLS Briefing Note

In February I prepared a briefing note for Ken outlining arguments for the positioning of the MHLS, including current policy and legislative initiatives at Commonwealth and State levels, and arguing that while there is good understanding and support for clinical and consumer support services, there is minimal recognition that at the sharp-end of the mental health system people are being medicated and held against their will (including in solitary confinement) forced to appear before tribunals, left for months on remand while awaiting clinical reports - and all without legal representation or the support and representation we consider minimally consistent with natural justice. The very reason people are appearing before these tribunals is because their capacity is in doubt, yet there is no provision for legal representation. It is no different to a person defending a criminal matter without

representation and without knowing the nature of the charges, the court or the possible sentence.

Briefing note is here:

..\MHLS\MHLS- funding Feb 2012.docx

24 February 2012 Submission on the Exposure Draft- National Human Rights Action Plan

Recommendation 1: People with disabilities are still subject to physical and chemical restraint and seclusion for what are known as 'challenging behaviours'. A National Human Rights Action Plan should aim to create legal mechanisms proscribe these practices, and afford people with disabilities the same legal remedies against assault and deprivation of liberty available to all other citizens.

Recommendation 2: That the Baseline Study recommend an intergovernmental process be set up to strengthen the links between Federal human rights commitments and State and Territory action. Without those links our international human rights commitments become largely symbolic. Human rights scrutiny of legislation and policy should take place at every level of government.

March 2012 Further Comments and recommendations on the NHRAP Exposure Draft

Including the following recommendations:

Recommendation 1: That our NHRAP initiates an intergovernmental process that will strengthen the links between the Commonwealth's human rights commitments and State and Territory action. Without those links our international human rights commitments become largely symbolic. Human rights scrutiny of legislation and policy should take place at every level of government.

Recommendation 2: That NHRAP includes a commitment to promote ‘supported decision-making’ as the preferred alternative to ‘substitute decision-making’.

Full submission is here:

..\Nick C\Submissions,Reports etc\
Exposure draft submission2 March 2012.
docx

January 2012 Submission outlining Queensland Advocacy Incorporated’s views on the proposed new Mental Health Commission.

In this sub we outlined concerns that the Commission will be a waste of money and resources, replicating what we already have but failing to address the systemic problems. As proposed the Commission will have incompatible functions. There is a conflict of interest between ‘funding, coordination and allocation of services’ on the one hand, and ‘advocacy’ or ‘research’ on the other.

‘Engagement’, ‘promotion of human rights’, and ‘transparency’ are not separate functions but processes that should be built into other functions: they should be integral to policy, coordination and allocation - or to ‘advocacy’ or to ‘research’ - but above all they are best secured by separating the first three functions so that we have a system of checks and balances.

A Commission should adopt one of these first three roles listed, and do it well. It cannot be all things to all people, and it certainly cannot ‘strategize, fund and allocate’ and attempt to act as an advocate or be responsible for developing evidence too.

If there is a need for change it lies in this: not a replication of existing functions, but more effective implementation of what we have; enforcement mechanisms built into

the legislation; better funded individual and systemic advocacy; and a separation of resourcing, advocacy and research, all done with a commitment to human rights, consumer consultation and transparency.

Full sub is here:

..\Mental Health Systemic\Final Submission
on Mental Health Commission December
2011.doc

April 2012 Submission to Restrictive Practices Cross-Jurisdictional Reference Group consultation

Some of our recommendations to the Reference Group were the development of:

1. National definitions
2. Systemic data collection
3. Evidence-based strategies
4. Work with other sectors e.g. Health
5. Evaluate pilots projects
6. Consult

Submission is here:

..\Restrictive Practices Submission\
Restrictive Practices\Feedback re
Restrictive Practices proposed strategy Feb
2012.doc

January 2012 Submission on Consolidation of Anti-Discrimination Laws

Queensland Advocacy Incorporated’s recommendations on this, the most significant disability-related human rights reform of the last decade at the Commonwealth level apart from the CRPD, are:

1. Commissioners for each protected attribute should be retained, together with staff and infrastructure to support them and the parties to discrimination matters.
2. A preamble or statement of intent will help the courts interpret the legislation.
3. Public Interest Standing: Public interest organisations with a legitimate interest in

particular subject matter should be able to commence and pursue discrimination proceedings of behalf aggrieved persons, particularly where claims are indicative of systemic problems.

4. Burden of proof should shift to the respondent once prima facie discrimination has been established.
5. The consolidated legislation should include a requirement of equality before the law. All bills should be required to be non-discriminatory, and ensure that all individuals are treated equally by the law and are afforded equal protection of the law.

The full submission is here:

..\Anti-Discrimination Laws Federal\consolidation submission 2012 III final.doc

**July 2012 Submission to
the National Aboriginal Disability
Justice Campaign**

QAI was asked to nominate some of the major issues facing Aboriginal people with ID/CI who come before the criminal justice system. In our submission we noted the following concerns:

Delays for people on involuntary orders in the criminal justice system

These delays are probably well understood by anyone who practices criminal law, but these are ongoing, very serious concerns. We all know, or have heard about, the overrepresentation of people with mental illness in the criminal justice system and in our prisons, and the overrepresentation of ATSI people in all three. In Qld, we try to address this problem with:

- special circumstances court – diversion of non-indictable offences
- mental health court – unfit for trial or of

unsound mind, charges dismissed and forensic order.

For people already on ITO or FO, there are special procedures if they are charged with an offence, Chapter 7 part 2:

- As soon as the administrator of Mental Health Services becomes aware, notify the Director of Mental Health ('DMH')
- DMH provides notice to administrator advising that person is a Ch 7 Pt

Seclusion and restraint

Access to justice and a fair hearing before the MHRT

For the whole submission go

to ..\QAI Reports & Submissions\Submissions\120707 Aboriginal DJC Shadow Report Submission.docx

May 2012 Submission on 2 Strikes Sexual Offenders Amendment Bill

We had less than a fortnight to respond to these proposed amendments. The following is taken from our submission.

Executive Summary

To remove judicial discretion in sentencing for serious sex offences is wrong in principle and likely to be ineffective in practice. It is a violation of doctrine of the separation of powers, a denial of natural justice, and contrary to current research on reoffending. The courts must be able to take into account all the circumstances of each case, including the relevant characteristics of the offender. Intellectual disability is just such a relevant characteristic. There are firmly established principles - 'Verdin's Principles' - that courts apply when sentencing offenders with intellectual disabilities. This legislation will deny the courts the freedom to apply those finely developed sentencing principles.

..\QAI Reports & Submissions\
Submissions\2 Strike Child Sex Offenders'
Amendment Bill 2012.pdf

The Queensland State Parliament's Legal Affairs and Community Safety Committee Report No 2 was tabled in Parliament on 21 August 2012 . It quoted QAI's submission in this way:

Queensland Advocacy incorporated (QAI), provide systems and legal advocacy for vulnerable people with disability. QAI provided a detailed submission, including relevant domestic and international statistics, a referenced discussion of people with intellectual disabilities and sentencing and child sex offences, the prison experience for people with intellectual disabilities, and treatment options. Key points taken from their submission are respectfully summarised below:

We do not support the passing of 'one size fits all' sentencing, even for serious sex offences. Any mandatory sentencing law is contrary to fundamental legislative principles, removing the courts' discretion to weigh relevant circumstances, including offenders' intellectual disabilities.

<http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2012/5412T415.pdf>

June 2012 Submission on Public Advocate Amendments

In opposition the government supported the consolidation and extension of the powers of the Public Advocate. QAI offered its overall support to the proposals, but argued they did not go far enough. The following is taken from this submission.

In general, we strongly support the independence and strengthening of the powers of the Public Advocate, and applaud the new government on this initiative.

Re: The Ability to Gather Information from the Adult's Support Network

210A (6)(b) - We do not support the exemption of adults with impaired capacity or the adult's 'support network' from the Public Advocate's inquiries per the proposed s210A (6)b. We have always maintained that people, no matter their disability, should be presumed to have capacity; and we also believe that people's support networks may be an important source of information too.

Re: Protection from Liability- s210A(5)

We object to the inclusion of the provision - s210A (5) - that exempts a person from a duty to disclose information about a service or facility because that information might tend to incriminate them. The rights of the many must here outweigh the rights of the few. The public has a right to know what conditions are like for vulnerable people with disability, and the public must be able to exercise that right: the stakes are simply too high to deny it.

Re: Power to Compel Information- Broaden to Include All PA Functions

We support the proposed changes to Section 210, especially the penalty provisions attached, because they are necessary to ensure compliance. Without them the provisions might be ignored. However, we believe the right to information should be extended to include all of the Office of the Public Advocate's functions, not only those around the monitoring, review and arrangements for provision of services.

Witnesses and Obstruction of Public Advocate's Investigation

We believe the Public Advocate should be

extended the same power to subpoena witnesses as the Adult Guardian per s185 of the Guardianship and Administration Act 2000.

..\QAI Reports & Submissions\Submissions\Public Advocate Amendments June 2012 - signed submission.pdf

June 2012 Submission on the Penalties And Sentences And Other Legislation Amendment Bill 2012

QAI was given less than 48 hrs to respond to the proposed amendments.

Thank you for giving Queensland Advocacy Incorporated the opportunity to provide comments to the Inquiry into the Penalties and Sentences and Other Legislation Amendment Bill 2012.

While we greatly appreciate the opportunity to contribute to the legislative process we are concerned about the very short response time we have been given for this and other recent legislative proposals. A few days are simply not enough to do justice to the interests of people with disabilities or the general public's.

Criminal law issues - Clause 31 - Amendment of preamble; and Clause 36 - Amendment of s 48 (Exercise of power to fine)

Clause 36 states that:

(3A) In considering the financial circumstances of the offender, the court must not take into account the offender levy imposed under section 179C.

Clause 31 proposes an amendment to the preamble of the Penalties and Sentences Act 1992 to include the following:

'Society is entitled to recover from offenders funds to help pay for the cost of law enforcement and administration.'

Queensland Advocacy Incorporated believes that the administration of justice and the enforcement of the law must be free of conflicts of interest- as far as is possible. Charging fees, even to convicted offenders, incentivises public servants to use law enforcement processes to raise revenues. Justice ought not be a money-making exercise. Secondly, charging fees to convicted offenders may only serve to exacerbate the very problems that led to the offending behaviour. It is well established that many petty offences are crimes of poverty, and exacting fees for offences of poverty such as shop stealing, begging, minor theft and public space offences only serves to perpetuate a cycle of disadvantage. People who spend much of their time in public spaces, such as homeless people, including many Aboriginal and Torres Strait Islander people, and many of whom have intellectual disabilities or suffer from various forms of mental illness or addiction, are precisely the sort of people who will be most affected by this sort of fee.

..\QAI Reports & Submissions\Submissions\12.07.17 Penalties and Sentencing Legislation Bill 2012 Final Submission.pdf

The Legal Affairs Committee Report No5 responds to the QAI submission at pp 25 & 31.

<http://www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2012/5412T550.pdf>

Campaigns

June-July 2012 The Under-Occupancy Campaign

In June, Housing Minister Bruce Flegg wrote to all Queensland Housing tenants and enclosed a survey on 'under-occupancy' together with a covering letter. The covering

letter began with the sentence 'Queensland Housing is in crisis', triggering widespread panic amongst Queensland Housing tenants, many of whom believed they would be forced to move or accept strangers into their homes. The Department alone received > 4000 calls or complaint about the letter in the week following. QAI and QDN received dozens of distressed calls from members and other people living in Queensland Housing premises. The Tenants' Union and TAAS services were swamped with enquiries and complaints.

In collaboration with QDN I prepared a survey about the survey, and it was distributed to QDN members.

I then wrote to the Minister, and later met with the Minister with the results of the our survey, and wrote and distributed a media release on the issue. QAI's President approved the release and agreed to be QAI spokesperson in Ken's absence (Ken was on leave at the time). Our Media Release prompted interest from the Courier Mail, The Australian, and local and national radio.

6 July 2012

*Dr Bruce Flegg MP
Minister for Public Works and Housing*

Dear Minister,

Re: recent letter to Queensland Housing tenants and survey on under-occupancy

I write to you to voice our members' and others' concerns about the recent Queensland Housing consultation with tenants on under-occupancy that took place circa 12 June 2012. We commend you on your efforts to conduct such an extensive consultation and hope that you continue to do so in the future. But

please allow us to voice some concerns about both the wording of the covering letter, and the way in which the survey was conducted.

Queensland Advocacy Incorporated is a disability advocacy organization acting on behalf of the most vulnerable Queenslanders with disabilities, many of whom are Queensland Housing tenants. Immediately on receipt of your letter of the 12th instant, a number of our own members, and members of some of our sister organisations, including Queenslanders with Disability Network Inc, contacted us in a state of crisis.

The Courier Mail story is here:

<http://www.couriermail.com.au/questnews/logan/public-housing-tenants-forced-to-share-homes-with-strangers-after-letter-from-bruce-flegg-on-public-housing-crisis/story-fn8m0u8i-1226401261308>

The QAI Media Release is here

..\Media\UnderOccupancy July 2012.docx

July-August 2012 The FSP Campaign

The Newman Government has reviewed hundreds of DSQ Family Support Packages. The packages provide a pool of money available for families and carers in need of particular services and goods not available under other programs, ranging from incontinence pads for people with disabilities to counselling and recreational services for family members. Most packages have been renewed in full; some have been cut. Information has been difficult to obtain, and there has been a perplexing disparity between what DSQ says and what families say. QAI used a combination of media releases, radio and print media interviews to get our point across.

For example:

23 July 2012

Media Release - For Immediate Release

'We may have to give up our child' says desperate family.

'Parents caring for children with high support needs are deeply unhappy about the likely withdrawal of the Family Support Program' said Queensland Advocacy Incorporated spokesperson Michelle O'Flynn.

'The Family Support Program has been a lifeline to children and adults requiring specific supports including transport subsidies, medical aids, pharmaceutical products, incontinence aids, sibling support, home modification, domestic assistance and child care fee subsidies'.

see more at

..\Media\Family Support Program Release July 2012.pdf

On Tuesday 14 August the Courier Mail reported that the government had back-flipped on the cuts to the packages. However, QAI and other members of the Community Safeguards Committee met with senior bureaucrats later that day, and it appears that the government is going ahead with the cuts, although they are much less significant than originally thought, affecting only a handful of families.

August 2012 The Cuts to TAAS

QAI opposes the proposed axing of the Tenancy Advice and Advocacy Services across the state. We prepared a statement to the media about the TAAS program here:

Friday 3 August 2012

For Immediate Release

Loss of Tenant Advocacy Services Unfair, Possibly Discriminatory

'People with disabilities will be badly affected by the Qld state government's proposal to axe the TAAS program' said Mr Ken Wade of disability advocacy organization Queensland Advocacy Incorporated today.

The Housing Minister Dr Bruce Flegg announced the termination last week, and services are expected to cease operation from 31 October 2012. Services all over the State provide advocacy to people with high and complex needs, especially those in danger of losing their housing.

September 2012 Taxi Cap Campaign

Ken did the first media release for this one. I put a Petition up (requested by Byron Albury) on the 'Community Run' site. It has (as of 28 September) garnered 3500+ signatures. We have sought meetings with all the major players, including the Minister for Transport Scott Emerson and the Premier; the Opposition Leader and the Head of the Taxi Council of Queensland.

2nd Media Release

Monday 24 September 2012

Taxi Subsidy Panel Must Overturn Cap

'Minister Scott Emerson's panel to review the TSS (Taxi Subsidy Scheme) must hear the stories of people with disability' said Mr Ken Wade from Queensland Advocacy Incorporated. 'The Taxi Subsidy is absolutely essential for people with disabilities to do many of the things we take for granted, but the Panel won't understand that unless they hear from people with disabilities themselves', he said.

23 year old Luke, who has Down Syndrome, is unable to travel on trains or buses without a carer. Luke uses taxis several days a week to travel to TAFE and a computer and literacy program. The typical daily cost for taxis is around \$80 - \$100. Under the proposed \$400 annual cap, Luke's annual taxi subsidy would be exhausted in a just a few weeks.

Letter to Jackie Trad - Re: Queensland State Government proposal to cap the Taxi Subsidy

We are writing to request a meeting with you in your capacity as Shadow Minister for transport to discuss the government's plan to introduce a \$400 annual cap on the Taxi Subsidy from July 2013. We would like the opportunity to tell you why we believe the subsidy should be retained in full and ask you to help us convince the Queensland State government of this. Many people with disabilities cannot travel without taxis, and cannot afford or use private or public transport. It may not be safe, or the disability may not allow it, and half of all public transport doesn't allow independent accessible travel. Many people in regional areas don't live near accessible public transport at all.

Discussion Papers

In the lead up to the beginning of the trialling of the NDIS I will be producing 12 discussion papers on the NDIS. These will include:

- Complaints Mechanisms and the NDIS
- Supported Decision-making and the NDIS
- The NDIS and the Convention on the Rights of Persons with Disabilities

The NDIS and Advocacy - The Commonwealth has long recognised the need for specialized non-legal disability advocacy- both individual and systemic. The NDAP (National Disability Advocacy Program) provides millions of dollars annually to almost 70 disability advocacy organisations around

the country (and the States and Territories fund more than that many again). And we've signed international covenants such as the Convention on the Rights of Persons with Disabilities and domestic agreements like the National Disability Agreement and National Disability Strategy 2010-2020 that mandate such government support for advocacy. But what is the future of advocacy under an NDIS? Will the disability landscape change so dramatically that there will no longer be any need?

National Disability Agreement Clause 28.

'Further, governments agreed to consider improvements in administration of advocacy services, with a focus on improving service delivery and access to advocacy services for people with disability. Responsibility for funding advocacy services will be reviewed in this process.'

National Disability Strategy 2010-2020

Policy Area Two- includes 'Rights protection, justice and legislation— statutory protections such as anti-discrimination measures, complaints mechanisms, advocacy, the electoral and justice systems.'

Major Correspondence

July 2012 To Commonwealth Attorney-General Nicola Roxon Re: Need for More Effective State and Territory Enforcement of Human Rights Conventions

QAI proposed to the Commonwealth that it take the initiative with the states and territories and urge them to adopt human rights scrutiny of all legislation.

Recommendation: Queensland Advocacy Incorporated recommends that our National Human Rights Action Plan and National Disability Strategy initiate an intergovernmental process to

implement State and Territory parliamentary scrutiny, strengthening the links between Commonwealth human rights commitments and State and Territory action.

18 July 2012

Dear Attorney-General,

I write to you as a representative of a state-based but partly Commonwealth-funded disability advocacy organisation. I urge you to use what influence you have with the States and Territories to begin a dialogue about developing mechanisms to enforce our national human rights obligations. The disconnect between Commonwealth-UN agreements and State and Territory legislative practices undermines the integrity and efficacy of those human rights agreements.

Full letter here:

..\corro\16072012Nicola Roxon Human Rights.doc

NB: The A-G responded through Matt Hall, Assistant Secretary, Human Rights Branch, on 10 Sept 2012 - he has offered to meet with us to discuss this proposal further.

June 2012 To Premier Campbell Newman
re: Support for an NDIS Trial Site in Qld.
QAI urged the Premier to propose Toowoomba as a trial site for the NDIS.

29 June 2012

Dear Premier Newman,

Disability doesn't discriminate. Whether we vote Liberal, or Labor, or LNP we may know someone dear to us who has a disability, or we may be someone with a disability. Disability is above politics, and we believe an

NDIS should be too. An NDIS is the sign of a mature nation, one that says to all its citizens, 'you are entitled to the support you need to live a full and flourishing life- you don't need to beg and plead, because everyone must have the same chance to prosper'.

Full letter here:

..\corro\17 MAY 2012 NDIS SUPPORT Campbell Newman.pdf

July 2012 To Minister for Housing Dr Bruce Flegg

NB: see above under 'Submissions'

Dear Dr Flegg

Re: recent letter to Queensland Housing tenants and survey on under-occupancy

I write to you to voice our members' and others' concerns about the recent Queensland Housing consultation with tenants on under-occupancy that took place circa 12 June 2012. We commend you on your efforts to conduct such an extensive consultation and hope that you continue to do so in the future. But please allow us to voice some concerns about both the wording of the covering letter, and the way in which the survey was conducted.

..\corro\120704 Minister Flegg Bruce housing July.pdf

April 2012 To the Premier and the Attorney-General re: Office of the Public Advocate

Re: The Office of the Public Advocate as a Statutory Authority

Dear Minister

On behalf of Queensland Advocacy Incorporated (QAI) I would like to congratulate you on your recent electoral victory and

appointment as Premier of Queensland. I would also urge you as Premier to reinvigorate the Office of the Queensland Public Advocate. We were encouraged by your pre-election promise to create the Public Advocate as a strong and independent voice, and we respectfully ask you to begin a consultative process that will inform a parliamentary bill for the creation of the Office as a stand-alone statutory authority, with the power to request and require the data it needs to fulfil its obligations to our state's most vulnerable citizens.

..\corro\Public Advocate 2012\Letter to Premier + AG.doc

May 2012 To Governor Penelope Wensley seeking a venue and catering for QAI 25th Year celebration

Dear Air Commodore Gower

I had the pleasure of meeting you at Government House recently (3 May 2012) and we discussed the possibility of the Governor, our Patron, either kindly hosting our 25th year anniversary celebration at Government House, or attending the celebration at a venue yet to be decided. Having discussed this with the Queensland Advocacy Incorporated Board I am now writing to formally request the Governor's participation.

..\corro\Governor 25 year invite.doc

August 2012 To Dr Bruce Flegg about Proposed Cuts to TAAS

Queensland Advocacy Incorporated has been at the forefront of the campaign against the proposed axing of the Tenancy Advice and Advocacy service Program.

16 August 2012

Dear Dr Flegg,

Queensland Advocacy Incorporated is a disability advocacy organization in South Brisbane dedicated to assisting the most vulnerable people with disabilities in Queensland.

For reasons you may not yet have considered we are particularly concerned about the government's proposal to end the TAAS program.

People with disabilities will be adversely affected by the axing of the program. TAAS services all over Queensland provide advocacy to people with high and complex needs, especially to those in danger of losing their housing.

May 2012 To Attorney General Jarrod Bleijie Re: The Office of the Public Advocate as a Statutory Authority
On behalf of Queensland Advocacy Incorporated (QAI) I would like to congratulate you on your recent electoral victory and appointment as Attorney-General. I would also urge you as Premier to reinvigorate the Office of the Queensland Public Advocate. We were encouraged by the LNP's promise to create the Public Advocate as a strong and independent voice, and we respectfully ask you to begin a consultative process that will inform a parliamentary bill for the creation of the Office as a stand-alone statutory authority, with the power to request and require the data it needs to fulfil its obligations to our state's most vulnerable citizens.

..\corro\Public Advocate 2012\12.05.08 Letter to Campbell Newman re Public Advocate.pdf

September 2012 To The Hon Scott Emerson - Re: Queensland State Government proposal to cap the Taxi Subsidy

We are writing to request a meeting with you to discuss the plan to introduce a \$400 annual cap on the Taxi Subsidy from July 2013. We would like the opportunity to tell you why we believe the subsidy should be retained in full.

Many people with disabilities cannot travel without taxis, and cannot afford or use private or public transport. It may not be safe, or the disability may not allow it, and half of all public transport doesn't allow independent accessible travel. Many people in regional areas don't live near accessible public transport at all.

Other Correspondence

February 2012 Draft Letter to Queensland Attorney General, Premier, Minister for Disabilities and Commonwealth Senators (Claire Moore, Jan McLucas etc) requesting assistance to keep alive the MHLS and HRLS.

..\corro\12.03.07 Funding Letter - Nicola Roxon.pdf

Meetings, Workshops, Symposiums

Review of the Disability Services Act 2006:

We convened a working party that met on 20 July '11 to discuss the advocacy sector's contribution to the mandatory review of the current legislation. The working party resolved to take steps to set the review agenda rather than simply react to government initiatives. We will meet again on Wednesday 25 August to discuss this further, prior to a meeting with departmental representatives the following day.

- **CSC (Community Safeguards Committee)** - meets once a month and

is focussing its energies on the issue of 'forced co-tenancies'. I approached Penny Carr of the Tenants' Union of Queensland with a tenancy contract from a group home for her opinion on the legality of the contract, but at this point we have not been able to identify grounds for legal action. The CSC has asked Disability Services for their policy on co-tenancies, and we are meeting next week to discuss this with Helen Ferguson.

- **Meaningful Participation** - the working group continues to meet monthly to discuss and to develop a written resource for people with intellectual disability subject to restrictive practices. The modules are based on the 'VALID' modules developed in Victoria.

Stand Alones

- **Jeff Chan**, Head Practitioner: met Jeff for first time and established some common ground with him, including the need to support and promote self-advocacy by people with intellectual disabilities.
- **Professor Lesley Chenoweth**: (Social Work and Human Services, Griffith University); Ken and I met with Lesley to 1. Ask Lesley to arrange free access to Griffith's Information Services and 2. Ask her opinion of the State's Growing Stronger initiative. Lesley referred us to a number of academics who have since made comments on the Carer Assessment Tool employed as part of Growing Stronger.
- **Sentencing Advisory Council Consultation**: I went to this to put the case against min non-parole periods as they might apply to people with intellectual and other disabilities.
- **Community Safeguards Committee**: strategic planning afternoon.
- **Growing Stronger Consultation** together with a number of advocacy groups with the department. Expressed our concerns about the assessment tools and other

aspects of Growing Stronger.

- **NDIS Strategy Meeting**: at which we made plans for the Kangaroo Point Disabilitea.
- **Advocacy Strategy Meeting**: Ken, Nick and Rebekah B discussed the plan for the next few months; which projects to focus on.
- **Valmae Rose**: teleconference to discuss common strategies around forced co-tenancies and other issues.
- **Launch**: Byron Albury's ATSI network launch at Lutwyche. Networking and met the Minister.
- **Forum on Solitary Confinement and Seclusion**
- **Adult Guardian**: Advocacy groups including QAI met with Lindsay Irons et al to discuss how we can work together and understand one another.
- **Meetings with Jeff Chan**- discussed disability assessment tools; Death review options.
- **DANA Conference Report** (April 2012, Canberra)

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DANA Conference 2012.docx

- **Meeting with Human Rights Branch**, Commonwealth Attorney General about Consolidation Anti-Discrimination
- **Jacana**- inspection visit, met with SUFY clients
- **FSG**- met with senior management team at FSG Gold Coast to discuss restrictive practices
- **Met with parents** of people subject to restrictive practices.
- **Breaking Ground**: The NDIS and Intellectual Disability, the 2012 Queensland Roundtable on Intellectual Disability. St Lucia

- **Self-Directed Support** - Co-production Meeting
- **Outlaws to Inclusion**: Seminar on intellectual disability and the criminal justice system, UNSW, Sydney.

My report is here:

..\Intellectual Disability Resources\
Conferences Seminars\Report on Outlaws
to Inclusion Seminar- Intellectual Disability
Rights Centre at UNSW Feb 2012 Sydney.
docx

- **Advocacy Workshop**, Indooroopilly
- CSC monthly Meetings
- Contributed suggestions for the founding positional statement of the Social Justice Sub-committee of the Queensland Association of Independent Legal Services.

Here:

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Desktop\QAILS social justice sub-
committee.docx

- Systems Team Weekly Monday Meetings

Other Recent Meetings

- | | |
|------------|--|
| 21 June | SUFY to discuss amendments to the Guardianship and Administration Tribunal |
| 25 June | Meeting with Endeavour representatives |
| 2 July | Mathew Bowden- strategy discussion |
| 4 July | Di Toohey (SUFY) discuss restrictive practices |
| 12 July | Leanne Ho - Pro Bono Australia |
| 18 July | Minister Bruce Flegg- discuss NDIS + Under-Occupancy letter |
| 18-20 July | Positive Practices Symposium@ Emmanuel |

	College UQ by the Centre for Excellence in Behaviour Support	participation of people with impaired decision making capacity in Queensland.
24 July	QPILCH to discuss division of labour in Mental Health representation	
6 August	CAGQ Teleconference to discuss CAGQ help with QAI campaigns on various issues	
13 August	teleconference to discuss consultation on NDIS with Ngila from PWD	
17 August	'Paper bag Lunch Forum on the Mental Health and Crim Justice Systems'	
17 August	'Jim Simpson on the NDIS'	
4 September	'Disabled Justice Planning' with Sam Kay and Julie Hearnden	
5 September	NDIS consultation at Lutwyche	
17 September	CAGQ Teleconference	
18 September	Jo Bidgood re UQ Social Work supervision	
25 September	Brisbane Launch of the CRPD Shadow Report	

Tues 20 March 2012 'Devil's in the details'
 - Queensland Advocacy Incorporated's Ken Wade commended the LNP on the disability-related policies it announced on Saturday 18 March 2012.

'While some of the initiatives are restatements of existing government strategies we welcome the LNP's commitment to establish the Public Advocate as a separate and autonomous statutory authority.' 'The Public Advocate is a watchdog that protects Queensland's most vulnerable citizens. A strengthened statutory mandate is promising, but the Devil's in the details' said Mr Wade.

Wed 21 March 2012 'LNP Must Sharpen Teeth of Advocacy Watchdog' warning that 'the Public Advocate needs the statutory power to ask questions and if necessary compel answers from institutions and government departments. If it can't do these things it will be fighting with one hand behind its back'.

Wed 18 April 2012 'Forward to the Past'- Disability Coalition Slams PM's Build Plan
 - 'We're deeply concerned about the Prime Minister's plan to roll-out the National Disability Insurance Scheme (NDIS) with the building of 169 supported accommodation and respite places by June 2014' said Carol Holt from the Community Safeguards Coalition, a Brisbane-based alliance of Disability groups. 'The intent of the NDIS is good, but the execution is woeful if this is any indication' she said. 'People with disabilities have the right to choose where and with whom they live- not get corralled into institutional living because they have no other option. Funding initiatives like this one essentially coerce people into group homes.'

Media Releases

1 March 2012 'Qld Public Advocate office to remain independent – a win for vulnerable Queenslanders with disability' - QAI welcomed a late policy change by the Bligh Government to retain the full independent status of the Public Advocate. For three years the independence of the Office of the Public Advocate in Queensland has been in limbo after the government decided to act on a recommendation from the Weller Report to abolish the functions of the office and transfer them to the Office of the Adult Guardian. The decision by the Bligh Government is a win for vulnerable people with disability living in Queensland and will allow the Public Advocate to strengthen its vital role in protecting and promoting the rights, autonomy and

12 July 2012 'Queensland Housing tenants with disabilities terrified' - While housing is debated in the House tonight, parliament should spare a thought for the thousands of tenants with disabilities who fear they will lose their homes because of a badly worded government letter. 'The recent letter to Housing Queensland tenants from Minister Flegg has left many of our members terrified and bewildered' said Ms Fran Vicary today. Ms Vicary is the Chief Executive Officer of Queenslanders With Disability Network, a state-wide Network of, for and with people with disabilities in Queensland.

23 July 2012 'We may have to give up our child' says desperate family' - 'Parents caring for children with high support needs are deeply unhappy about the likely withdrawal of the Family Support Program' said Queensland Advocacy Incorporated spokesperson Michelle O'Flynn. 'The Family Support Program has been a lifeline to children and adults requiring specific supports including transport subsidies, medical aids, pharmaceutical products, incontinence aids, sibling support, home modification, domestic assistance and child care fee subsidies'.

Monday 6 August 2012 'Loss of Tenant Advocacy Services Unfair, Possibly Discriminatory' - 'People with disabilities will be badly affected by the Qld state government's proposal to axe the TAAS program' said Mr Ken Wade of disability advocacy organization Queensland Advocacy Incorporated today. The Housing Minister Dr Bruce Flegg announced the termination last week, and services are expected to cease operation from Wednesday 31 October 2012. Services all over the Queensland provide advocacy to people with high and complex needs, especially those in danger of losing their housing.

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1 March 2012 'Public Advocate - Qld Watchdog Keeps its Bite' commending the government: 'a win for vulnerable people with disability living in Queensland and will allow the Public Advocate to strengthen its vital role in protecting and promoting the rights, autonomy and participation of people with impaired decision making capacity in Queensland'.

TV: As a result Ken was invited to do a live interview on (state) election night on Bris 31, in which he very professionally articulated Queensland Advocacy Incorporated's views on disability-related policies.

Monday 24 September 2012 'Taxi Subsidy Panel Must Overturn Cap' - 'Minister Scott Emerson's panel to review the TSS (Taxi Subsidy Scheme) must hear the stories of people with disability' said Mr Ken Wade from Queensland Advocacy Incorporated. 'The Taxi Subsidy is absolutely essential for people with disabilities to do many of the things we take for granted, but the Panel won't understand that unless they hear from people with disabilities themselves', he said. 23 year old Luke, who has Down Syndrome, is unable to travel on trains or buses without a carer. Luke uses taxis several days a week to travel to TAFE and a computer and literacy program. The typical daily cost for taxis is around \$80 - \$100. Under the proposed \$400 annual cap, Luke's annual taxi subsidy would be exhausted in a just a few weeks.

Workshops Delivered

Workshop on the National Human Rights Action Plan: on Tuesday 19 July 2011 was convened with Coral Logan at the QADC and Anna Brown from the Human Rights Law

Centre. The object was to raise awareness of Australia's commitments to the UN around the Action Plan and the Baseline Study, and to prepare people to make their own submissions to the Commonwealth Department of the Attorney-General. QAI's submission, which is due on 31 August 2011, will focus on the need to 1. Guarantee the integrity of Queensland's Scrutiny of Legislation Committees and processes, and 2. Ensure that there are proper arrangements between Commonwealth and States to ensure that the Commonwealth's human rights commitments are upheld by the States; and 3. Provide mechanisms to ensure that the human rights obligations of the Commonwealth translate into appropriate legislation and policy at State and Local Government levels.

CRPD Workshop at MAMRE 13 Feb 2012- Nick C, Ken W and Rebekah B, with the voluntary assistance of Robert McC, conducted a half-day workshop on the Convention on the Rights of Persons with Disabilities at MAMRE. This was a follow-up from the CRPD workshop we co-hosted with PWD and the Human Rights Commission at Anti-discrimination Queensland last year. We will seek funding to conduct further workshops next financial year.

Advocacy Workshop - April 2012 - South Brisbane TAFE Social Services students. Nick C repeated the above workshop, outlining Australia's human rights and disability rights framework to students who are training to work in social services.

Advocacy Workshop - June 2012 - Mercy Disability Services - Information about how to speak up for yourself, who to speak to, with people who attend the Centre's Day Service.

Advocacy Workshop - 22 August @ FSG Sunnybank - outlining Australia's human rights and disability rights framework to

parents and carers of people with disabilities who are training to work in social services.

Other - In the Pipeline

QAI Newsletter- Quarterly Production- with the help of Laurie Gibbens, volunteer and social work placement student, we are going to produce a totally new look QAI Newsletter. Keep a look out.

Rewrite of 'Disabled Justice' - Me, Sam Kay and Natalia Smyth with social work placement student Laurie Gibbens are writing a 2nd Edition of QAI's flagship publication Disabled Justice. We hope to complete this huge job by June 2013.

NDIS Consultation - I will be convening a small group of people to talk about how they expect that the NDIS will affect them. The aim is to do a qualitative consultation to complement some of the work currently being undertaken by the Naiton Disabilities and Carers Alliance.

Taxi Survey - once again QAI will partner with QDN on a campaign. I've created a survey that will be distributed to QDN members about their use of the TSS. The results will be collated and presented to the Minister and Premier.

Meeting with the Office of the Commonwealth Attorney General- a follow up to the letter to the Attorney General about lack of ready enforcement of the Human Rights Conventions especially the Convention on the Rights of Persons with Disabilities, we will meet with Matt Hall the Assistant Secretary.

Should you wish to see any of the reports referred to in the links please contact me.

Justice Support Program

The Justice Support Program (JSP) has been operating for two years now, thanks to the funding and support provided by the Department of Justice and Attorney-General. JSP funding is made possible by the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) and we were fortunate to have our funding continued for the 2012-13 financial year. The allocation of funds from LPITAF is currently under review. We are hopeful that our funding will be made recurrent, in recognition of the efficiency and effectiveness of JSP in increasing access to the justice system for Queenslanders with disability.

By the end of 2011 our workload had increased beyond the capacity of one advocate working 5 days per week. The current funding is only sufficient to employ an advocate for the equivalent of 6 working days per week. It was not practical to try to recruit an adequately experienced and capable Advocate for 1 day a week so the current arrangement was adopted:

- Co-Ordinating Advocate 4 days per week (*Liz Francis*)
- Advocate 3 days per week until 30/6/12 then reduced to 2 days per week (*Karlie Harris*)

The main sources (as quoted by clients) of referrals to JSP are from lawyers or the courts – primarily Legal Aid followed by the duty lawyers and the court registries or support groups. The majority of our clients are located in the greater Brisbane area, ranging from Caboolture to Fernvale to Surfers Paradise however if it is possible to assist a client or carer via phone calls and emails we do so.

JSP actively assisted and advocated for 38 people with disability and provided information, advice or minor assistance to a further 39 people with disability (or their carers) in the 2011-12 financial year. Since September 2009 when JSP commenced in the current format we have assisted over 200 people with disability. To date are not aware of any of those people reoffending. To be fair we don't continue to monitor our clients and we acknowledge that it's inevitable that this record will be broken however it is an indication of the effectiveness of JSP and a tribute to our clients' enduring worthiness.

Some cases are simple and short, where people with impaired mental or intellectual capacity just need help to access legal services and be linked up with a support organisation e.g. for anger management, employment services, etc.. They generally don't have a history of offending behaviour but have committed a minor criminal offence – usually triggered by a personal crisis such as a relationship breakdown, loss of employment or accommodation.



Karlie Harris & Elizabeth Francis
JSP Advocate and JSP
Co-Ordinating Advocate

Without JSP assistance they would usually either: plead guilty and be sentenced without informing the Court of their impaired capacity and mitigating circumstances; or, flounder through the criminal justice process with repeated attempts to obtain legal advice or representation and several court adjournments before their matter is finalised.

With JSP assistance and advocacy the person is able to access comprehensive legal advice or representation and is assisted to understand the process as well as his or her legal rights and responsibilities. All criminal justice stakeholders i.e. Police, Prosecutions, Duty Lawyer Service, Legal Aid and particularly the Courts, benefit from JSP support for a defendant with impaired capacity. The individuals benefit because as well as having a better understanding of their rights and obligations they have been assisted to access the available community or family supports which will hopefully prevent any reoccurrence of their offending behaviour.

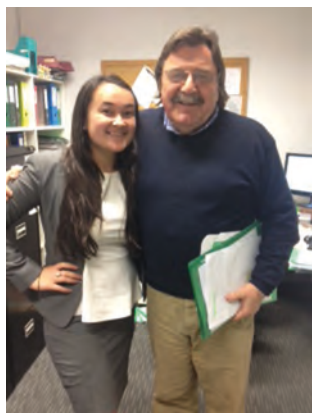
The longer term and complex cases are where a person with an intellectual impairment has a history of minor behavioural issues starting in early adolescence and continuing with increasing frequency and seriousness into adulthood. If their offending behaviour has become entrenched the ripple effect of the offences accumulates a massive financial and emotional cost to the community – victims, witnesses, family, friends, the Police, lawyers for the prosecution and defence, the courts. As an example, a referral to the Mental Health Court involves a Supreme Court Judge and two eminent psychiatrists to consider the case, a further two eminent psychiatrists to prepare reports for the Court, three or four barristers and instructing lawyers (for the defendant, the Director of Mental Health, the Crown and possibly the Forensic Disability Service). The almost inevitable result is a Forensic Order where hopefully it's not too late for the person

to benefit from the incredibly costly intensive and prolonged support that is necessary to reverse the trend.

Surely a timely intervention plan that:

- identifies people who have an intellectual, cognitive or mental health impairment and have been charged (or preferably are still only at risk of being charged) with an offence; and
- links them to an appropriate support service, is undeniably an economical alternative to a referral to the Mental Health Court, if not the most humane and least harmful approach.

Mental Health Legal Service



**Julie Hearnden &
Robert McRae**
Mental Health Legal Service Lawyers

Background & 2011-12 highlights

In 2010-11, the Mental Health Review Tribunal (*MHRT*) dealt with over 15,000 matters involving over 5,000 individuals with matters before the MHRT. According to the MHRT 2010-11 annual report individuals were legally represented in only 1.2% of matters. In contrast to other States, for example, in New South Wales (*NSW*), in 2010-11, legal representation was provided in 95.7% of forensic hearings and 61% of civil hearings.

The Mental Health Legal Service (*MHLS*) was established in January 2010 and has provided assistance to over 430 clients. The MHLS provides free legal assistance in relation to mental health law in Queensland. The core work of the service involves representation before the Mental Health Review Tribunal.

The MHLS provides assistance to vulnerable people who are sometimes isolated from their family and friends. Some of these individuals are then detained in hospital settings which they find at times frustrating and degrading. These individuals are subsequently expected to attend a hearing before the Mental Health Review Tribunal. This hearing is all about the individual's liberty and self-determination and involves legal issues and clinical submissions

from doctors, nurses and case managers. It is extremely difficult for any individual to confront a hearing without any support or assistance. The MHLS provides the support and assistance to these individuals and strives to protect and defend the human rights of these vulnerable people.

Many clients of the MHLS face significant and multifaceted barriers that affect their day to day lives. The Service has empowered individuals receiving involuntary treatment to participate in the review of their own treatment and has strived to ensure that individuals receive adequate support, advocacy and information in relation to matters that arise outside the scope of the Service.

One of the MHLS' clients' states:

"Since being with the QAI service my life has really turned around, I am now successful in my studies and my career is on track and I'm proud to say that I'm currently employed. Although it is common to feel feelings of self loathing and degradation after being in contact with the mental health system, I can honestly say that I have overcome these associated feelings and I'm on a winner!"

In 2011-12 the Service has continued to prosper and has developed a reputation of having relevant expertise in relation to mental health law in Queensland. The Service conducted their first Secondment Program and continued to run student volunteer programs and a MHRT Tender.

While the MHLS was successful in obtaining further funding for the 2011-12 and 2012-13 financial years from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF), secure, adequate funding for the MHLS continues to be an ongoing problem. Currently there is no guaranteed funding past 30 June 2013.

Legal advice & casework

The MHLS recorded **155 advices** in the 2011-12 financial year. The majority of advices related to ITOs, representing 54% of all advices. This was followed by people seeking advice about other matters arising under the Mental Health Act 2000 (Qld) (e.g. treatment complaints - 26%).

In 2011-12, the MHLS opened **171 cases**. At times during the 2011-12 financial year the Service received additional assistance from

Gold Coast Hospital (8%), Logan Hospital (8%) and Townsville Hospital (5%).

In addition to strict legal work, the MHLS also advocated more broadly for clients' rights to self-determination, dignity and liberty. This included discussing with the client's treating team unsuitable or unsatisfactory medication regimes, inappropriate case management or managers, with a view to releasing the client from involuntary treatment. The MHLS has also advocated for individuals to be discharged from hospital settings where individuals have been detained at hospital for

Representation provided by the MHLS in the 2011-12 financial year

Type of matters	Number of hearings
Involuntary Treatment Orders (ITOs)	82
Forensic Orders	53
Electroconvulsive Therapy (ECT) applications	11

a secondee paralegal from a private law firm (DLA Piper) which allowed for the Service to expand their capacity to take on additional clients. This secondment program was for six months from August 2011 until February 2012 and during this time the secondee was able to provide administrative support and casework support to the other staff in the MHLS.

We attended **144 MHRT hearings** and **2 Queensland Civil and Administrative Tribunal hearings** as our client's representative. The table below indicates the matters in which representation has been provided.

In 2011-12 financial year most matters came from the following Mental Health Services: Royal Brisbane and Women's Hospital (17%), Princess Alexandra Hospital (10%), Sunshine Coast (9%), The Prince Charles Hospital (8%),

lengthy periods of time. In some cases the MHLS have had meetings and discussions with treating teams about alternative suitable accommodation options for individuals detained in hospital facilities. The Service also advocated for the decreased use and elimination of seclusion for vulnerable individuals.

The MHLS has also assisted clients with access to legal advice in relation to matters that fall outside the scope the Service, for example, assisting clients to complete applications to Legal Aid Queensland to obtain advice and assistance in relation to criminal charges. On several occasions the Service has also assisted clients to complete Information Access Application forms where they can obtain their clinical files; in most cases a client will not be granted full access to their clinical files.

Case Studies

Case Study 1: **Release from seclusion**

We represented a young indigenous person who was held on and off in seclusion, on one occasion for *four consecutive months*. We advocated for the decreasing use of seclusion and the client was eventually discharged into the care of a parent their involuntary treatment order (ITO) was revoked.

Case Study 2: **Access to limited community treatment**

We represented a client who is under a forensic order and had been unable to access overnight leave due to accommodation issues and complex issues involving past difficulties with police. We were successful in obtaining approval for *7 consecutive nights* of overnight leave and elicited comments from the MHRT which applied pressure on the treating team to develop suitable accommodation options. The client is now accessing 6 consecutive nights of overnight leave after accessing no overnight leave for 2 years.

Case Study 3: **Reintegration into the community**

We represented a client who was kept in a high dependency unit for more than 12 months, despite

evidence from nursing staff that this was unnecessary. Due to our advocacy, the client's treating team was eventually changed, immediately upon which the client was given access to leave from the hospital, with a clear plan of discharge into the community.

Case Study 4: **Ceasing electroconvulsive therapy treatment (ECT)**

We assisted a client in relation to an ECT matter and advocated on their behalf that the treating team no longer continue using ECT as a form of treatment. The client contacted us after the MHRT had approved 12 ECT treatments and the treating team had already treated him with 10 ECT treatments at the time of contacting our service. The client informed us that the treating team were planning on applying for ECT maintenance over a lengthy period of time. We were successful in advocating that the treating team consider the use of alternative treatments and the retrial of oral medications. The treating team decided to cease the final 2 ECT treatments and proceeded with the retrial of oral medications.

MHRT Tender

The Mental Health Review Tribunal Tender Agreement (MHRT Tender) commenced operation on 1 July 2010. The

MHRT Tender provides for the referral of important matters for legal representation by the MHRT to QAI. QAI coordinates a panel of barristers who have agreed to take on these types of matters.

In 2011-12 the MHRT referred *18 matters* under the MHRT Tender.

Case Study 5: **Confidentiality Order Application Refused**

A barrister on our panel represented a client on a forensic order in relation to a confidentiality order application. The client's treating team made a confidentiality order application insisting that the client's clinical report and information not be disclosed to the client. The client's records indicate that he had been denied access to his clinical report and information since 2003. Our barrister was successful in having the confidentiality order application refused by the MHRT therefore allowing our client to have access to his clinical report for the first time since 2003.

We would like to thank the involvement of the following counsel: *David Cormack*, *Nannette Noble*, *Nicholas Tucker* and *Karen Williams*.

Other outcomes

Volunteer Program

Since December 2010, QAI has run a student volunteer program, open to senior law students who are willing to volunteer one full day per week for 10 consecutive weeks. This volunteer program has proved to be highly successful and competitive with the number of applicants increasing during each volunteer intake.

Staffing

In April 2012 the senior solicitor, [Rebekah Leong](#), took a 12 month leave of absence and a new solicitor, [Robert McRae](#), was appointed for a period of 12 months.

Due to limited funding the Service currently operates with only two part time solicitors – [Robert McRae](#) and [Julie Hearnden](#).

QAI thanks the contribution of the following volunteers:

Summer 2011	Semester 1, 2012	Semester 2, 2012	Summer 2012
Eric Lee Laura Inglis Jessica Thrower Laura Bannerman Caitlin Clair Rachel Cook	Kyla-Jayde Johnstone Samantha Jayne Wooding Siobhan Clair Natalia Smyth Paula Hughes Thomas MacNevin	Sarah White Kristyn Knox Willow Harper Sinead Butler Joanna Castle Colette Beattie	Bonita Wong Amisha Patel Jei Ong

Secondment Program

Since inception, the MHLS in conjunction with Queensland Public Interest Law Clearing House (QPILCH) has been in discussions with DLA Piper regarding the setting up of a fortnightly legal clinic at a mental health service provider, staffed by pro bono lawyers from DLA Piper. This project was developed to include the establishment of a pro bono program in which DLA Piper lawyers would represent people before the MHRT.

DLA Piper was asked to provide a secondee to help establish these projects. On 1 August 2011, law graduate Kristie Swainston DLA Piper commenced as a secondee of both QAI and QPILCH to work on the projects and provide the MHLS with valuable casework support. The secondment ran on a part time basis for 6 months and the secondee finished working with QAI in February 2012. The MHLS has been extremely fortunate to

have additional support from a secondee and this allowed the service to increase their capacity to take on additional matters for a period of 6 months. The secondee provided not only invaluable casework support but also administrative support to QAI.

At the end of the secondment program a legal clinic at Open Minds was established and is still currently running. This legal clinic provides legal assistance and advice in relation to civil matters to people with a mental illness.

In addition to the legal clinic at Open Minds, QAI and DLA Piper entered into an agreement whereby lawyers from DLA Piper will provide representation on a pro bono basis for clients under an ITO residing in the community. Under the scheme, which commenced on 8 August 2012, the MHLS will refer suitable matters to DLA Piper for their assistance. This will result in increased capacity on the part of MHLS to take on additional matters.

Human Rights Legal Service



David Manwaring
Lawyer, Human Rights Legal Service

Background

The Human Rights Legal Service ([HRLS](#)) was established in 2008 and implements a framework promoting the four key principles of human rights, namely freedom, respect, equality and dignity. The service also endorses the rights as set out in the Convention on the Rights of Persons with Disabilities ([CRPD](#)).

The function of the HRLS is to promote and protect the fundamental human rights of people with disability in Queensland, in particular;

- The right to life, liberty and security
- Freedom from torture or cruel, inhuman treatment or punishment; and
- The right to equality before the law and equal protection of the law

The HRLS lawyer actualises this function by providing specialist legal advice, representation or referral when these rights are threatened or disregarded.

The work of the HRLS falls predominantly within the following areas;

- Restrictive practices including the use of seclusion, containment and chemical, mechanical and/or physical restraint;
- Guardianship and Administration;
- Forensic Orders and Forensic Orders – Disability;
- Health care and life sustaining measures; and
- Abuse/neglect and serious injury of people with disabilities.

Staffing and funding

Staff movements during 2011/2012

In September 2011 QAI farewelled HRLS's part time lawyer Althea Arends. This was due to the fact that there was no committed ongoing funding for her position. Althea ran the specialist Telephone Legal Advice Service ([TLAS](#)) and assisted the full time lawyer with casework.

September also saw Jim Gibney HRLS & Principal lawyer depart QAI to return to his work at Legal Aid. Jim was instrumental in establishing and developing the HRLS and the Mental Health Legal Service ([MHLS](#)).

David Manwaring commenced in the HRLS lawyer position on 10 October 2011 and currently works 9 days per fortnight due to funding restraints.

Funding for HRLS

The HRLS has recurrent funding through the Community Legal Service Program ([CLSP](#)). Under this program both QAI & HRLS are subject to

stringent reporting guidelines. These reports are provided to Legal Aid Queensland (LAQ) who manages the program in Queensland. Funding is from both federal and state sources, namely:

- Commonwealth - Attorney-General's Department
- Queensland - Department of Justice and Attorney-General (DJAG) &
- Legal Practitioners Interest on Trust Account Fund.

Funding for TLAS

Despite applications being made to LAQ and DJAG funding for the TLAS did not extend past September 2011.

Irrespective that there was no funding a decision was made to continue TLAS, albeit it under a different service model. This was because it was felt the service addressed unmet legal needs as it provided people with disabilities access to legal services which they may not otherwise have. This reasoning resonated with the original intent of TLAS to provide limited advice and assistance to those people who despite falling within HRLS's scope of work were not able to access HRLS casework services due to limited resources.

Because the TLAS is a valuable service, and in its current form takes away from vital HRLS casework, I will continue in my efforts to attract (re-current) funding.

HRLS Operation in 2011-2012

In 2011-2012, the fourth year of operation of the HRLS, we continued with the same strategy as in previous years, this being to provide legal advice and casework on a range of matters as well as to provide representation in guardianship, restrictive practices, Forensic Orders and Forensic Order – Disability matters.

Casework

Casework is defined as an activity where the HRLS lawyer provides ongoing assistance and/or acts on behalf of a client in respect of a matter. A matter consists of a single problem or a group of related problems, or a group of problems which may be unrelated, but are dealt with together. Examples of a matter include guardianship reviews, breaches of human rights or abuse/neglect cases.

Casework can extend out over several months, during this time many hours of legal and non-legal work are invested into the matter. Throughout 2011-2012 the HRLS **opened 19 cases** and **closed 62 cases**, the current number of open cases is 13.

Representation

HRLS provided **representation** at the **Mental Health Court** for the conversion of a Forensic Order to a Forensic Order Disability. Representation was also provided at **the Mental Health Review Tribunal (MHRT)** hearings re forensic orders and forensic orders - disability. In addition HRLS provided legal representation at **Queensland Civil and Administrative Tribunal (QCAT)** hearings in relation to guardianship, administration and restrictive practice matters.

Representation provided by the HRLS in the 2011-12 financial year

Type of matters	Number of hearings
Mental Health Court	1
MHRT	6
QCAT	5

HRLS casework example (consent has been given to use this story)

The HRLS represented an intellectually disabled person in their late 20's who had been accommodated in a Queensland Health facility. Our client was imperiled to unwarranted use of restrictive practices, cruel degrading treatment and punishment. Our client was effectively shut off from the community due to the location of the facility and that the Service Provider (SP) failed to provide meaningful community access. The SP also attempted to disenfranchise family members so that they could make decisions without question or interference by the family. Audaciously the SP applied for guardianship but this was successfully challenged as was the appointment of the Adult Guardian over family members.

In our client's case the use of restrictive practices (RP) was heavily relied on by the SP, Disability Services (DS) and the Specialist Response Service (SRS) Clinicians to manage what they termed 'behavioural problems'. Over a period of some months there was an increase in the use of both seclusion and containment. QCAT acquiesced the heavy (and unwarranted) use of RP by expressly approving relevant plans which did little to address any cause for apparent behaviours, rather instead outlining conditions, duration and frequency for the use of RP. Effectively this meant that our client was contained overnight and placed in seclusion for extended periods during the day, with little prospect of change. Uncaringly these plans were not targeted at increasing our client's quality of life or even realising their **desire to live independently in the community**, but were for the benefit and convenience of the SP.

The HRLS lawyer provided advocacy for this client in a series of facilitated meetings between the guardian, SP, DS and SRS clinicians. The HRLS lawyer also represented

the client before QCAT advocating against the unwarranted and continued use of RP. Human rights, individualised treatment and removal of degrading and inhuman treatment and punishment were the focus of this advocacy and representation.

Eventually as a result of strong advocacy there was a paradigm shift and a plan was developed to transition our client to a new SP into the community of their choice. All stakeholders however were not united in this approach and only a few days before transition the SP submitted an application to QCAT for an urgent review. The SP was seeking an order to remove the guardian, stop the transition and for the client to remain with them. After a very long and challenging hearing, QCAT saw fit to dismiss the application. After this hearing the transition went ahead as planned.

The client now lives in their own home, free of RP's and no longer experiencing violations of their human rights.

Telephone advices (non- casework)

Telephone advice is not simply a dialogue delivering generic advice on the law, all advice provided by the HRLS/TLAS is specific to the person's unique situation.

Advice is defined as when the HRLS lawyer explains the law in relation to the client's circumstances and helps them to select between options about their problem. Advice extends to assisting with the drafting of simple letters or documents, making phone calls on the client's behalf and referral to other agencies.

Previously the TLAS was run by a part time lawyer but as indicated above this service ceased due to non-recurrent funding. The current HRLS lawyer gives this advice as he believes it provides access to legal services

which may not otherwise exist.

During **2011-2012** the HRLS provided legal advices to **79 clients** about 31 legal matters. Areas of law covered were predominantly guardianship and administration, restrictive practices, disability discrimination, forensic orders and consumer complaints. Other areas included tenancy law, wills, power of attorneys, injuries or assaults and complaints about government processes or procedures.

Whilst this number may seem small it evidences that people with disabilities are accessing the service and for that reason alone it should continue. The statistics fail to show that many hours can be devoted to one advice, as time is required to adequately research the issue, provide the actual advice and write up file notes. The average length of time provided on an advice is between 2 – 3 hours. Finally the statistics also fail to reflect that several of these clients have ongoing support provided by the service which is non-legal in nature.

Extra curricula activities

In addition to strict casework, the HRLS advocated more broadly for clients' rights particularly those espoused in the CRPD. This included liaising with and educating treating teams, delegates of the Adult Guardian, members of QCAT & MHRT, Department of Communities and non-government organisations on recognising and responding to breaches of human rights.

The HRLS lawyer became a member of Queensland Association of Independent Legal Services (**QAILS**) Human Rights and Social Justice sub- committee. This sub-committee is responsible for ensuring that QAILS is better able to contribute to debate on human rights and social justice issues. Our first task was to develop a Human Rights and Social Justice Policy, which when completed will

broadly outline QAILS position on various legal topics and highlight the important issues for particular client groups. Once finalised and agreed by the sector, the Policy will provide a broad mandate for QAILS to be able to advocate on behalf of the clients of the whole sector.

Volunteer Program

Since December 2010, QAI has run a student volunteer program. The HRLS continues to actively participate in this program by providing research activities, offering opportunities at drafting legal documents or attendance at QCAT hearings.

I am looking at restoring the Legal Volunteer Program to assist with the TLAS. Previously Sparke Helmore generously assisted with providing and rostering these volunteers and it is hoped they are willing to do so again. In the event they are unable to QAI has engaged in preliminary discussions with DLA Piper about the program.

Pro bono assistance

HRLS would like to thank the involvement of the following Counsel:

Karen Williams - who continues to accept on a pro bono basis to be briefed in relation to representation at QCAT hearings. Ms Williams also provides significant and ongoing support and advice to HRLS in the carriage of several complex matters.

Brian Cronin - continues to accept on a pro bono basis to be briefed in relation to representation at MHRT forensic order reviews.

Ken Flemming QC- continues to provide on a pro bono basis assistance in relation to a matter concerning unlawful detention. Mr Flemming has also generously offered on a pro-bono basis to assist with upcoming litigation of this matter.

Past and Present Office Bearers

1987 STEERING COMMITTEE EXECUTIVE DISABILITY RIGHTS CENTRE PROJECT

**01 March 1988 Incorporation approved -
“Queensland Advocacy Incorporated”**

President	Jeremy Ward
Vice President	Michael Duggan
Secretary	Denis Cowan
Treasurer	Kevin Cocks

1987-1988

**FIRST MEETING 20 AUGUST 1987 -
ELECTION 03 SEPTEMBER 1987**

President	Jeremy Ward
Vice President	Michael Duggan
Secretary/Treasurer	Denis Cowan
Treasurer [appointed Sept 1987]	Kevin Cocks
Committee Member	Donna Best
Committee Member	Jan Dyke
Committee Member	Paul Grevell
Committee Member	Peter Hall
Committee Member	Margot Sheedy

1988-1989

**FIRST MEETING 20 AUGUST 1987 -
ELECTION 03 SEPTEMBER 1987**

President	Jeremy Ward
Vice President	Michael Duggan
Secretary/Treasurer	Denis Cowan
Treasurer [appointed Sept 1987]	Kevin Cocks
Committee Member	Donna Best
Committee Member	Jan Dyke
Committee Member	Paul Grevell
Committee Member	Peter Hall
Committee Member	Margot Sheedy

1989 - 1990

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Michael Duggan
Vice President	Margot Sheedy
Secretary	Marg Schroder
Treasurer	Douglas Eldridge
Committee Member	Donna Best
Committee Member	Len Bytheway
Committee Member	Des Close
Committee Member	Bernadette McGarry
Committee Member	Andrew McLean
Committee Member	Ray Novley
Committee Member	Des Orr
Committee Member	Kim Schweida
Committee Member	Val Smith

1990 - 1991

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Marg Schroder
Vice President	Donna Best
Secretary	Des Orr
Treasurer	Douglas Eldridge
Committee Member	Kevin Cocks
Committee Member	Leah Nicjles
Committee Member	Willie Prince

1991 - 1992

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Marg Schroder
Vice President	Willie Prince
Secretary	Donna Best
Treasurer	Douglas Eldridge
Committee Member	Ray Bavinton
Committee Member	Michael Galligan
Committee Member	Barry Jones
Committee Member	Peter Mark
Committee Member	John McIlwain
Committee Member	Andrea Morton
Committee Member	Leah Nichles

1992 - 1993

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Willie Prince
Vice President	Donna Best
Secretary	Michael Galliagan
Treasurer	Douglas Eldridge
Committee Member	Ray Bavinton
Committee Member	Anna Close
Committee Member	Peter Mark
Committee Member	Jeff Murray
Committee Member	Leah Nichles
Committee Member	Tony Zsoldos

1993 - 1994

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Willie Prince
Vice President	Donna Best
Secretary	Michael Galligan
Treasurer	Douglas Eldridge
Committee Member	Anna Close
Committee Member	Jeff Murray
Committee Member	Leah Nichles
Committee Member	Marg Schroder
Committee Member	Greg Wagner

1994 - 1995

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Douglas Eldridge
Vice President	Michael Galligan
Secretary	Greg Wagner
Treasurer	Jeff Murray
Committee Member	Donna Best
Committee Member	Michael Duggan
Committee Member	Willie Prince
Committee Member	Nigel Webb

1995 - 1996

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Douglas Eldridge
Vice President	Nigel Webb
Secretary	Donna Best
Treasurer	Jeff Murray
Committee Member	Michael Duggan
Committee Member	Finnette Dwyer
Committee Member	Julie McStay
Committee Member	C O'Malley

1996 - 1997

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Douglas Eldridge
Vice President	Nigel Webb
Secretary	Donna Best
Treasurer	Jeff Murray
Committee Member	Lisa Bridle
Committee Member	Michael Duggan
(resigned March 1997)	
Committee Member	Cathy O'Malley
Committee Member	Narendra Sharma
Committee Member	David Swift
(appointed June 1997)	

1997 - 1998

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Douglas Eldridge
Vice President	Nigel Webb
Secretary	David Swift
Treasurer	Donna Best
Committee Member	Jac Saxvik
Committee Member	Marg Schroder
Committee Member	Deborah Tobin
Committee Member	Michael Duggan
Committee Member	John Stannard

1998 - 1999

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Nigel Webb
Vice President	Michael Duggan
Secretary	David Swift
Treasurer	Donna Best
Committee Member	Douglas Eldridge
Committee Member	Marg Schroder

2002 - 2003

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Nigel Webb
Vice President	Bernadette Scalora
Secretary	Michael Duggan
Treasurer	Robert Reed
Committee Member	Kate Kirkpatrick
Committee Member	Lisa Lehmann

1999 - 2000

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Nigel Webb
Vice President	David Swift
Secretary	Michael Duggan
Treasurer	Donna Best
Committee Member	Douglas Eldridge
Committee Member	Bernadette Scalora
Committee Member	Margaret Schroder

2003 - 2004

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Mary Kenny
Vice President	Robert McRae
Secretary	Michael Duggan
Treasurer	Berkeley Cox
Committee Member	Byron Albury
Committee Member	Kay Hassis
Committee Member	Meriel Stanger

2000 - 2001

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Nigel Webb
Vice President	Bernadette Scalora
Secretary	Michael Duggan
Treasurer	Donna Best
Committee Member	Julie Conway
Committee Member	Michael Fisher
Committee Member	Amy Stockwell

2004 - 2005

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Mary Kenny
Vice President	Robert McRae
Secretary	Michael Duggan
Treasurer	Berkeley Cox
Committee Member	Byron Albury
Committee Member	Kay Hassis
Committee Member	Meriel Stanger

2001 - 2002

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Nigel Webb
Vice President	Bernadette Scalora
Secretary	Michael Duggan
Treasurer	Robert Reed
Committee Member	Michael Fisher
Committee Member	Lisa Lehmann

2005 - 2006

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Andrew Fraser
Committee Member	Julie McStay
Committee Member	Meriel Stanger

2006 - 2007

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Andrew Fraser
Committee Member	Julie McStay
Committee Member	Meriel Stanger
Committee Member	Ken Wade

2007 - 2008

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Andrew Fraser
(Resigned – Position Vacant)	
Committee Member	Madonna Nichol
Committee Member	Meriel Stanger
Committee Member	Julie McStay
Committee Member	Ken Wade

2008 - 2009

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Andrew Fraser
(Resigned – Position Vacant)	
Committee Member	Madonna Nicholl
Committee Member	Meriel Stanger
Committee Member	Julia McStay
Committee Member	Victoria McLennan
Committee Member	Karen Williams

2009 - 2010

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Meriel Stanger
Committee Member	Madonna Nicholl
Committee Member	
Committee Member	Julia McStay
Committee Member	Victoria McLennan
Committee Member	Karen Williams

2010 - 2011

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Robert McRae
(Resigned Aug 2011)	
Vice President	Byron Albury
Secretary	Michael Duggan
Treasurer	Meriel Stanger
Committee Member	Fiona Kennedy
Committee Member	Trevor Boone
Committee Member	Madonna Nicolls
Committee Member	Karen Williams

2011 - 2012

EXECUTIVE & MANAGEMENT COMMITTEE MEMBERS

President	Byron Albury
Vice President	Fiona Kennedy
Secretary	Michael Duggan
Treasurer	Meriel Stanger
Committee Member	Trevor Boone
Committee Member	William Beanland
Committee Member	Aimee McVeigh
Committee Member	Jade Chee

Past and Present Staff

Director

1988 - 1998	Jeremy Ward
1998 - 2011	Kevin Cocks
2011 -	Kenneth Wade

Bioethics Advocacy Worker

1992 - 1997	Jennifer Fitzgerald
1998 - 2004	David Turnbull
2004 - 2006	Lisa Bridle

Legal Advocacy Worker

1992 - 1995	Matthew Keeley
1995 - 1997	Alison Colvin
1995 - 2000	Kathleen Dare
1998 - 2001	John Stannard
2003 - 2007	Julian Porter
2007 - 2008	Stephen Lin
2008 - 2011	Kenneth Wade

Justice Support Advocate

2008 - 2009	Jenny Speed
2008 - 2010	Roy Bunnett
2009 - 2010	Lynette Barratt
2010 -	Elizabeth Francis
2012 -	Karlie Harris

Systems Advocate

1988 - 1992	Lorna Hallahan
1992 - 2002	Christine Douglas
2002 - 2009	Melinda Ewin
2007 - 2008	Lyn Hamilton
2007 - 2012	Rebekah Bradshaw
2010 - 2011	Julie Hearnden
2011	Rachael Andrews
2011	John-Matthew Haddad
2011 -	Nick Collyer
2011 -	Michelle O'Flynn

Mental Health Legal Service

2010	Karen Thorpe
2011	Chantelle Baguley
2010 - 2012	Rebekah Leong
2011 -	Julie Hearnden
2012 -	Robert McRae

Administration

1988 - 1996	Jennifer Wilson
1992 - 2003	Julie Granger
1994 - 1995	Catherine O'Malley
1996 - 1997	Bobbie Noone
1996 - 1998	Jennifer Barrkman (AAD)
1996 - 1998	Mary Kenny
1996 - 2000	Sharyn Pacey
1997	Nic Geard
2000 - 2002	Shelley Brook
2003 - 2008	Lyn Giles
2004 - 2005	Christina Cornilsen
2005	Kay Marks-Richardson
2005	Jennifer Barrkman
2005 - 2006	Julienne Walter
2005 - 2006	Anne Hinde
2008	Laura Wheeldon
2008 - 2009	Renee Trembl
2009 - 2010	Erin O'Sullivan
2009 - 2010	Constance Andrews
2009 - 2010	Julie Hearnden
2010 -	Karlie Harris
2012	Kyla Johnstone
2012 -	Connor Reidy

Finance

2001 - 2004	Rose Cenita
2004	Majorie Price
2004 - 2005	Christina Cornilsen
2004 - 2005	Lyn Giles
2005 -	Deborah Bryzak

Human Rights Legal Service Lawyer

2008 - 2011	Jim Gibney
2010 - 2011	Monica Taylor
2011	Althea Arends
2011 -	David Manwaring

Support Workers

Damian Hicks	Bill Briner
Reg Doolan	Silas Horsely
Philip Jack	Ahmed Buasallay
Nicholas Randal	

QUEENSLAND ADVOCACY
INCORPORATED

FINANCIAL REPORT

FOR THE YEAR ENDED 30 JUNE 2012

1.

QUEENSLAND ADVOCACY INCORPORATED
ASSETS AND LIABILITIES STATEMENT
AS AT 30 JUNE 2012

	<u>2012</u>	<u>2011</u>
<u>ACCUMULATED FUNDS</u>		
Balance 1 July 2011	183736.63	154375.75
Net Surplus/(Deficit) for Year - Dept Families & Community Services	1270.00	5744.16
Net Surplus/(Deficit) for Year - Justice & Attorney-General - JS	10784.00	177.00
Net Surplus/(Deficit) for Year - Justice & Attorney-General - MHS	-	177.00
Net Surplus/(Deficit) for Year - Justice & Attorney-General - HRLS	-	-
Net Surplus/(Deficit) for Year - General	19134.89	23262.72
<u>TOTAL ACCUMULATED FUNDS</u>	<u>\$214925.52</u>	<u>\$183736.63</u>
Represented by:		
<u>CURRENT ASSETS</u>		
Cash on Hand	300.00	300.00
Cash at Bank (Note 2)	235193.29	243696.60
Debtors & Prepayments	26391.77	20515.00
	<u>261885.06</u>	<u>264511.60</u>
<u>FIXED ASSETS</u> (Note 3)	28050.00	23112.00
<u>INVESTMENT</u>	39289.18	42251.02
	<u>329224.24</u>	<u>329874.62</u>
<u>CURRENT LIABILITIES</u>		
Creditors & Accruals	13862.13	24626.48
Provisions for Employee Entitlements	40774.28	64301.49
Grants Received & Unexpended	59662.31	57210.02
	<u>114298.72</u>	<u>146137.99</u>
<u>NET ASSETS</u>	<u>\$214925.52</u>	<u>\$183736.63</u>

The accompanying notes form part of the financial statements.

2.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

DEPARTMENT OF FAMILIES & COMMUNITY SERVICES

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Department Family & Community Services	396716.00	397853.00
Unexpended Grant from previous year	12441.37	13756.94
Less Unexpended	(26892.82)	(19441.37)
	<hr/> 382264.55	<hr/> 392168.57
 <u>LESS EXPENDITURE</u>		
Total Expenditure (Schedule Attached)	<hr/> 380994.55	<hr/> 386424.41
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$1270.00	<hr/> \$5744.16

The accompanying notes form part of the financial statements.

3.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u>	<u>2011</u>
<u>EXPENDITURE</u>		
Administration Expenses	5494.00	-
Audit & Accountancy	2362.84	3440.00
Bank Charges	623.39	329.51
Bookkeeping	44081.42	35457.75
Computer Supplies & Support	5610.52	5072.15
Conference & Function Expenses	-	2288.75
Consultancy	7560.00	5674.46
Depreciation	7116.00	53.00
Electricity	2305.04	2364.44
Insurance	3163.50	1983.19
Legal Expenses	-	279.54
Management Committee Expenses	10726.46	4995.36
Minor Equipment	6766.32	92.68
Occupancy Costs	39325.58	33429.55
Peel Street Expenses	-	1075.00
Postage, Printing & Stationery	4420.95	7975.16
Repairs & Maintenance	1259.00	915.74
Staff Amenities	1621.84	1335.95
Staff Training & Supervision	4965.39	3710.88
Subscriptions/Memberships	1465.05	1855.84
Sundry Expenses	471.86	73.55
Superannuation	17984.15	18487.35
Telephone	3654.81	4070.30
Travel Expenses	9369.09	19572.05
Wages & Salaries	198808.72	230521.60
Website Maintenance	309.87	275.50
Workers' Compensation	1528.75	1095.11
<u>TOTAL EXPENDITURE</u>	<u>\$380994.55</u>	<u>\$386424.41</u>

The accompanying notes form part of the financial statements.

4.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

JUSTICE AND ATTORNEY-GENERAL

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Grant Received - Dept of Justice and Attorney-General	134212.00	130684.00
Unexpended Grant from previous year	22297.31	-
Less Unexpended	(15148.29)	(22297.31)
	<hr/> 141361.02	<hr/> 108386.69
<u>EXPENDITURE</u>		
Administration	5495.00	10000.00
Audit	811.44	840.00
Bookkeeping	15742.96	11502.43
Computer Supplies & Support	1935.84	1784.82
Electricity	791.56	781.85
Insurance	1086.40	665.96
Occupancy Costs	14364.35	10876.15
Office Overheads	1033.56	1860.32
Repairs & Maintenance	433.18	302.04
Staff Amenities	434.75	553.16
Staff Training & Supervision	39.45	848.65
Subscriptions/Memberships	73.92	-
Superannuation	6974.39	4902.77
Telephone	1341.88	1400.00
Travel Expenses	256.31	29.00
Wages & Salaries	79109.76	61484.59
Work Cover	525.00	367.75
Workshops and Meetings	127.27	10.20
	<hr/> 130577.02	<hr/> 108209.69
<u>TOTAL EXPENDITURE</u>		
	<hr/> 130577.02	<hr/> 108209.69
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$10784.00	<hr/> \$177.00

The accompanying notes form part of the financial statements.

5.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

LEGAL AID FUNDING

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Grant Received - Dept of Justice and Attorney-General	114860.00	173380.00
Less Unexpended	(3211.90)	-
	<hr/> 111648.10	<hr/> 173380.00
<u>EXPENDITURE</u>		
Administration	5496.00	-
Audit	694.55	720.00
Bookkeeping	9862.00	13710.05
Computer Supplies & Support	1649.18	2275.85
Depreciation	-	200.00
Electricity	677.62	987.85
Insurance	929.90	883.34
Occupancy Costs	10384.29	13384.90
Office Overheads	1006.21	2514.24
Repairs & Maintenance	370.03	386.04
Staff Amenities	437.37	400.81
Staff Training & Supervision	56.55	1065.32
Subscriptions/Memberships	764.17	2430.00
Superannuation	6278.12	9461.71
Telephone	1152.70	1603.43
Travel Expenses	2419.60	4903.85
Wages & Salaries	68569.81	116901.50
Work Cover	449.36	487.77
Workshops and Meetings	450.64	1063.34
	<hr/> 111648.10	<hr/> 173380.00
<u>TOTAL EXPENDITURE</u>	<hr/> 111648.10	<hr/> 173380.00
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$ NIL	<hr/> \$ NIL

The accompanying notes form part of the financial statements.

6.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

MENTAL HEALTH LEGAL SERVICE

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Grant Received - Dept of Justice and Attorney-General	159051.00	154870.00
Unexpended Grant from previous year	15471.34	35811.07
Less Unexpended	-	(15471.34)
Administration	16485.00	-
	<hr/> 191007.34	<hr/> 175209.73
<u>EXPENDITURE</u>		
Audit	961.17	-
Bookkeeping	9501.26	13982.30
Computer Supplies & Support	2282.28	2005.27
Electricity	937.65	928.28
Insurance	1286.87	789.13
Occupancy Costs	13039.47	12887.59
Office Overheads	1219.43	2084.10
Repairs & Maintenance	512.18	357.97
Staff Amenities	514.72	693.64
Staff Training & Supervision	73.45	951.71
Subscriptions/Memberships	2120.87	1186.13
Superannuation	11861.55	10363.08
Telephone	2159.70	500.00
Travel Expenses	3225.31	2224.87
Wages & Salaries	139932.66	125327.68
Website Maintenance	126.16	109.68
Workshops and Meetings	630.73	205.55
Work Cover	621.88	435.75
	<hr/> 191007.34	<hr/> 175032.73
<u>TOTAL EXPENDITURE</u>	<hr/> 191007.34	<hr/> 175032.73
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$(0.00)	<hr/> \$177.00

The accompanying notes form part of the financial statements.

7.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

DEPARTMENT OF FAMILIES & COMMUNITY SERVICES - QA

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Department Family & Community Services	15000.00	7000.00
Unexpended Grant from previous year	7000.00	-
Less Unexpended	(14409.30)	(7000.00)
	<hr/> 7590.70	<hr/> 0.00
 <u>EXPENDITURE</u>		
Superannuation	626.76	-
Wages & Salaries	6963.94	-
 <u>TOTAL EXPENDITURE</u>	<hr/> 7590.70	<hr/> 0.00
 <u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$ NIL	<hr/> \$ NIL

The accompanying notes form part of the financial statements.

8.

QUEENSLAND ADVOCACY INCORPORATED
INCOME AND EXPENDITURE STATEMENT
FOR THE YEAR ENDED 30 JUNE 2012

GENERAL

	<u>2012</u>	<u>2011</u>
<u>INCOME</u>		
Membership	1165.34	654.49
Donations	2592.00	1532.00
Conference/Forums	1145.42	15224.46
Dept of Communities	-	2811.11
Other Income	805.06	559.09
Interest Received	13508.81	13045.70
Investment Income	2024.58	1842.75
Consulting Income	18985.55	15535.73
	<hr/> 40226.76	<hr/> 51205.33
<u>EXPENDITURE</u>		
Bank Charges	-	241.31
Conference Expenses	459.25	18908.33
Consulting Expenses	15236.10	10869.89
Minor Equipment	1115.10	-
	<hr/> 16810.45	<hr/> 30019.53
<u>TOTAL EXPENDITURE</u>		
	<hr/> \$23416.31	<hr/> \$21185.80
<u>NET OPERATING SURPLUS/(DEFICIT) FOR THE YEAR</u>		
Market Value Adjustment to Investment	<hr/> (4281.42)	<hr/> 2076.92
<u>NET SURPLUS/(DEFICIT) FOR THE YEAR</u>	<hr/> \$19134.89	<hr/> \$23262.72

The accompanying notes form part of the financial statements.

QUEENSLAND ADVOCACY INCORPORATED
SCHEDULE OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2012

CASH FLOWS FROM OPERATING ACTIVITIES	<u>2012</u>	<u>2011</u>
Receipts		
Investment Income	11256.97	17053.37
Other Income	18811.60	40429.44
Cash flows from Government Grants	819839.00	856787.00
Payments		
Wages & Salaries	516912.10	521273.06
Other	332406.62	313363.59
Net cash provided by (used in) operating activities	<u>\$588.85</u>	<u>\$79633.16</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Investment Units Purchased	2961.84	(3209.67)
Payment for purchase of plant & equip	(12054.00)	(10764.00)
Net cash provided by (used in) investing activities	<u>\$(9092.16)</u>	<u>\$(13973.67)</u>
CASH FLOWS FROM FINANCIAL ACTIVITIES		
Net increase (decrease) in cash held	(8503.31)	65659.49
Cash at beginning of the reporting period	243996.60	178337.11
Cash at end of the reporting period	<u>\$235493.29</u>	<u>\$243996.60</u>
Reconciliation of Net Surplus/Deficit to Net Cash Provided by (Used in) Operating Activities		
Operating Result	31188.89	29360.88
Plus Depreciation	7116.00	10253.00
- (Increase)/Decrease in Receivables	(5876.77)	20869.13
- Increase/(Decrease) in Payables	(10764.35)	1206.23
- Increase/(Decrease) in Provisions	(23527.21)	16197.91
- Increase/(Decrease) in Grants Unexpended	2452.29	1746.01
Net cash provided by (used in) operating activities	<u>\$588.85</u>	<u>\$79633.16</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 2012

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 Corporations Act 2001. 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.

11.

QUEENSLAND ADVOCACY INCORPORATED
NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 JUNE 2012

	<u>2012</u>	<u>2011</u>
2. CASH AT BANK		
QAI Cheque Account	192793.06	204883.93
QAI Gift Fund	42400.23	38812.67
	<hr/> \$235193.29	<hr/> \$243696.60
3. FIXED ASSETS		
Furniture & Equipment - Cost	76175.00	69738.00
Less Accumulated Depreciation	48125.00	46626.00
	<hr/> \$28050.00	<hr/> \$23112.00
4. AUDITOR'S REMUNERATION		

Apart from the remuneration disclosed the auditors received no other benefits.

12.

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.

In the opinion of the committee the financial report as set out on pages 1 to 11:

1. Presents a true and fair view of the financial position of Queensland Advocacy Incorporated as at 30 June 2012 and its performance for the year ended of that date.
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 statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President B.C. ALBURY

Treasurer M. Stump

Dated this 28 day of September 2012.

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

Report on the Financial Report

We have audited the accompanying financial report, being a special purpose financial report, of Queensland Advocacy Incorporated which comprises the assets and liabilities statement as at 30 June 2012, and the income and expenditure statement, a summary of significant accounting policies, other explanatory notes and the statement by members of the committee.

Committee's Responsibility for the Financial Report

The committee of the association is responsible for the preparation and fair presentation of the financial report and has determined that the accounting policies described in Note 1 to the financial statements, which form part of the financial report, are consistent with the financial reporting requirements of the Associations Incorporation Act (Qld) and are appropriate to meet the needs of the members. The committee's responsibilities also include designing, implementing and maintaining internal control relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial report based on our audit. No opinion is expressed as to whether the accounting policies used, as described in Note 1, are appropriate to meet the needs of the members. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial report 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the committee, as well as evaluating the overall presentation of the financial report.

14.

The financial report has been prepared for distribution to members for the purpose of fulfilling the committee's financial reporting under the Associations Incorporation Act. We disclaim any assumption of responsibility for any reliance on this report or on the financial report to which it relates to any person other than the members, or for any purpose other than that for which it was prepared.

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

Independence

In conducting our audit, we have complied with the independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion, the financial report of Queensland Advocacy Incorporated presents fairly, in all material respects the financial position of Queensland Advocacy Incorporated as of 30 June 2010 and of its financial performance for the year then ended in accordance with the accounting policies described in Note 1 to the financial statements.

HAYWARDS CHARTERED ACCOUNTANTS

28 SEPTEMBER 2012
BRISBANE

PETER GESCH – PARTNER



1



3



2



6



4



5

- 1 Catch up with the volunteers at Max Brenner
- 2 QAI Office christmas party 2011
- 3 Karlie Harris, Michelle O'Flynn, Deborah Bryzak, Julie Hearnden
- 4 Volunteer, Laurie Gibens
- 5 Nick Collyer, Liz Francis & Julie Hearnden
- 6 Connor Reidy



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