

URGENT

BRIEF ADDENDUM SUBMISSION TO:
THE DISABILITY DISCRIMINATION ACT ENQUIRY

To
PRODUCTIVITY COMMISSION
LB2 COLLINS ST., EAST,
MELBOURNE. VICTORIA.

Attention Delwyn Rance.

Email: dda@pc.gov.au

WRITER: Jean Young-Smith
NT

Thank you for accepting this last albeit urgent mini Submission. It is appreciated for there appears to be a previously unseen and greatly discriminating factor inbuilt in the Legislation of both Federal and N.T. (& other States) DDA (92). (Fed) and State/Territories, to enable REPRESENTATIVE COMPLAINT to be made where a GROUP of persons with disability has been ignored or “left out” of community representation – where/when every other vulnerable group in our community has been “welcomed aboard” – in this case the NT Education Advisory Council – so the Govt/Dept would not be made aware of their real educational needs /resources.

I realize that if a complaint was made re discrimination of one person with a disability it would be picked up by DDA, however, if the complaint is on behalf of a whole group such as above and their representative needs ignored – there is nothing that can be done about it.? This is seen as blatant discrimination of people with disabilities.! I trust your Review will correct this anomaly through Review process of various Federal, State and Territories where this discriminatory factor exists and recommend needed DDA Review and amendment in the name of justice.

On 24th January, 2003 in the NT News, the NT Minister for Education called for applications for 16 Members (including Chairperson) to form The Educational Advisory Council in Darwin. The purpose of such provides the minister with an independent service of broadly based community advice on education matters.

On 5th July, 2003, the NT News published the names of the successful delegates to the Educational Council. On 14th July, following I wrote to the Minister, to enquire the name of appointee who would represent children and young adults especially with a disability, on his Advisory Council. ? This correspondence was acknowledged by a typical bureaucratic holding response on 21st July.

There was no further advice from the Minister thus I wrote again requesting same on 5th September. This reflects a long known indicator of the low priority disability issues receive from many government Ministers and Departments.!

On 17th October, 2003 I finally received a reply from the Minister, Sid Sterling, A reply which is considered most inept as there was no reason given for a disability group delegate to be left out of the composition of the Education Advisory Council. Please find enclosed a copy of the letter .

The Minister feels that the other delegates will take into consideration the needs of students with disabilities ? !!. This is despite the fact other members have been appointed re their interests and responsibilities in others areas to particular community groups. The letter is completely dismissive of the educational needs of disabled children and young adults, when advising me to contact the Dept. of Employment, Education and Training – Student Services Branch. ?

Page 2

The original advertisement calling for applications to the Advisory council showed vacancies for following positions:

- 1 x non government schools
- 1 x students of primary or secondary schools
- 1 x students of remote communities
- 1 x represent teachers of govt.schools.
- 1 x person with expertise in higher education.
- 1 x for indigenous community
- 1 x for migrant community
- 1 x for employer associations
- 1 x member residing outside the greater Darwin area
- 1 x member residing in the greater Darwin area
- 1 x member for unions

As the above calls for only 11 new members, one could assume there may be a disability reps on the Council still within term of initial appointment. That was main reason of contact with Minister to enquire. His response was unacceptable.

I have contacted Debra Hall and Wendy Morton at the Darwin Community Legal Service re this anomaly, The Federal Disability Discrimination Office, the Human Rights Legislation (Fed) and the NT and the NT Disability Discrimination, who have all told me I can do little about this type of discrimination as there is no provision for same in their Acts. collectively.!! I can hardly believe this. The DCL Service did send me a Complaints Form to fill in and send to the NT DD Commissioner (Fed) suggested I get 25 people to send E mails to the Justice minister lobbying (for disability rights for over 35 years) for something that should automatically be entrenched in the Act as human rights issue.I can only assume it was over looked when it first went up for legislation.

In this instance I have described, it is seen as incredible group discrimination.!!And it appears one can do nothing about it.

My granddaughter who is in a wheelchair (has mild cerebral palsy) and a very bright child has had to have her father fight the NT Education Dept. for over a year re her need for a little assistance. They contravene the Disability Service Act (86) and we have no recourse and no provision for appointment to a Disability Advisory Council on behalf of these disabled children at school and older students who find a paucity of educational and training resources at post school levels also.

Page 3

My own daughter now 38 years has “missed the boat” she was capable of further education and training years ago. However, it did not happen as much as we parents wrote and wrote to Politicians and Governments, despite the great hope of the DSA much of which has never been fulfilled in the educational scene.

I see my son walking the path I have walked with many others over the last 39 years. It is very unjust

The subject of this Submission is the CRUX of what Discrimination is truly all about. The NT Education Advisory Council – has accepted reps for all vulnerable groups in this Territory EXCEPT those with a disability – these people have educational needs as much as every other member of our society. Yet this has been dismissed by the Minister., when brought to his attention. We are talking about a lot of disabled people here, nearly 20% of our population, who are going to miss out!!!

I realise the mammoth task of undertaking such a Review, however this letter surely justifies the need of same for change, no doubt along with many other anomalies.

I wish you well in your deliberations and look forward to receiving good news re these needed changes in making the future easier for people who have disabilities in our society. Not better than others, just the same opportunities that we all have and take for granted as Australians.

Thanking you very much for your patience and diligence in this Review.

I appreciate the follow up, mail outs I have received thus far, informing of your progress.

Your sincerely,

Mrs) Jean Young-Smith
Dip.Soc.Welf.Dip.Ad.Ed.