

QLD

DDAct Inquiry  
Productivity Commission  
Locked Bag 2, Collins Street East  
Melbourne VIC 8003

### **SUBMISSION TO INQUIRY**

My name is Justine Woore. I have Rheumatoid Arthritis and have been on a Disability Support Pension from Centrelink, on and off, for the past fourteen years.

In 2001 I was involved in an appeal to the Administrative Appeals Tribunal in Brisbane, in relation to a reduction in my Disability Support Pension. I had recently been married and my pension had been reduced due to my husband's income. This had left my husband and I in a situation of severe financial hardship.

In my dealings with various levels of the appeals process, I had represented myself, due to financial constraints.

I had included in my argument against the pension reduction, my rights as a person with a disability.. These rights had been handed down by the United Nations in 1975, and could be found in Acts of the Australian Parliament. I paid particular attention to paragraphs 2, 3, 5, 8 and 10.

### **RIGHTS OF THE DISABLED PERSON.**

"1. The term 'disabled person' means any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities.

2. Disabled persons shall enjoy all the rights set forth in this Declaration. These rights shall be granted to all disabled persons without any exception whatsoever and without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation applying either to the disabled person himself or herself or to his or her family.

3. Disabled persons have the inherent right to respect for their human dignity. Disabled persons, whatever the origin, nature and seriousness of their handicaps and disabilities, have the same fundamental rights as their fellow-citizens of the same age, which implies first and foremost the right to enjoy a decent life, as normal and full as possible.

4. Disabled persons have the same civil and political rights as other human beings; paragraph 7 of the Declaration on the Rights of Mentally Retarded Persons applies to any limitation or suppression of those rights for mentally disabled persons.

5. Disabled persons are entitled to all measures designed to enable them to become as self-reliant as possible.
6. Disabled persons have the right to medical, psychological and functional treatment, including prosthetic and orthetic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration..
7. Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions.
8. Disabled persons are entitled to have their special needs taken into consideration at all stages of economic and social planning.
9. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. No disabled person shall be subjected, as far as his or her residence is concerned, to differential treatment other than that required by his or her condition or by the improvement which he or she may derive there from. If the stay of a disabled person in a specialized establishment is indispensable, the environment and living conditions therein shall be as close as possible to those of the normal life of a person of his or her age..
10. Disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature.
11. Disabled persons shall be able to avail themselves of qualified legal aid when such aid proves indispensable for the protection of their persons and property. If judicial proceedings are instituted against them, the legal procedure applied shall take their physical and mental condition fully into account.
12. Organizations of disabled persons may be usefully consulted in all matters regarding the rights of disabled persons.
13. Disabled persons, their families and communities shall be fully informed, by all appropriate means, of the rights contained in this Declaration.”

These rights are taken directly from a United Nations Covenant on the **Declaration on the Rights of Disabled Persons, G>A> res.3447 (XXX), 30 U.N. GAOR Supp.(No.34) at 88, U.N. Doc. A/10034 (1975).**  
These rights can also be found in the “Human Rights and Equal Opportunity Commission Act, 1986. Schedule 5”.

The Social Security Act 1991 supersedes the Human Rights and Equal Opportunity Commission Act and therefore my rights were not acknowledged. I was advised to take the matter up with the United Nations if I did not agree with the Tribunal's decision..

Does the Disability Discrimination Act contain “The Rights of the Disabled Person”? I know there are sections of the DDA that applied to my situation. Where does the Disability Discrimination Act fit in? The DDA presides over the HR&EOC Act, but not the Social Security Act?

In your inquiry into the social impacts of the DDA, and its achievement of its objectives, I feel there is no greater social impact on a person with a disability than the removal of their funds for existence. The SSA can successfully deny my rights as a person with a disability and discriminate against me. Will the DDA be there for me? If it can not, where then lies the relevance of the DDA when this disability discrimination can occur?

I was extremely disappointed and discouraged by the whole situation, but vowed to do something about it. I created public awareness of the discrimination of people with disabilities where I was living at the time, that being the Gold Coast. I have been circulating a petition to have the "Rights of the Disabled Person" included in the Social Security Act in its dealings with people with disabilities. When I have been able to accumulate enough signatures (I've been told 30,000) I hope to present this to the relevant government department.

I ask that during your inquiry you look at the Disability Discrimination Act's need to apply to all facets of social interactions for people with disabilities. Specifically in relation to dealings with government authorities.

Yours Sincerely

Justine Woore..