

This is an initial submission of only 3 pertinent issues:-

1. **Immigration Issues-Breach of Fundamental Human Rights**

It is a fundamental human right for a child to be cared for by a parent , where that parent is alive & has not renounced their parental care & control. However, in the days of the Howard Government, Tony Abbott as the then Minister for Health & Philip Ruddock , Minister for Immigration (1997) implemented a policy of automatic failure of any potential immigrant with a disability from passing the compulsory health check that all immigrants are supposed to undergo. I was examined by the interviewing doctor & having no health problems (also being a very senior English Solicitor) passed without problem. My six year old son Jamie , had cerebral palsy, spastic quadriplegia & although of robust health was not even examined by the doctor – automatic failure as a result of his disability.

Insult was added to injury by the processing immigration officer whose primary language was Spanish & whose conversational skills in the English language were very questionable, (under guidelines from the Federal Government – Philip Ruddock) to remove Jamie from my application & send him back ALONE to the U.K to be cared for by?

I met my Australian husband in the U.K. With his two children from a previous marriage it was important that he retained normal paternal ties with his children, which is why we came to Australia. With hindsight we would have been so much better off if we'd remained in the U.K, both in respect of Jamie's care & future and my continued legal career, but that would have meant a marriage/ family breakdown.

I undertook pro-bono work from home, with a charity acting for adult females with an intellectual disability in a group home & as a result came into contact with members of the Migration Review Tribunal. I studied some 16 cases of disability rejected by Australia on the grounds of disability that had been appealed to the Migration Review Tribunal.

I re-submitted our application , together with all the paraphernalia required, including statutory declarations & affidavits from members of my husband's family as to the authenticity of our marriage – by this time my husband was ashamed to be Australian !

Our case was taken on by the Deputy Director of Immigration , Parammatta, Christine Derby, she was a very knowledgeable lady in the case of immigration politics who didn't rate our chances too highly under the immigration policies of the government of the day.

FIVE years to the day ,since arriving in Australia (18th July 2002) we were granted Permanent Residency SUBJECT TO various conditions or else all would be revoked & we would be sent back to U.K.

2. LACK OF SUPPORT FOR THE DISABLED CAUSES DISCRIMINATION TO CARERS

On arrival in Australia I applied to the LPAB for admission in NSW as a Solicitor, having been a practicing Solicitor in the U.K since July 1980, & former Legal Director/ Company Solicitor of one of the U.K's top development house-building companies, responsible for 51 in-house lawyers in 11 offices throughout the U.K plus external legal services both in U.K & our French & Spanish legal services. I was refused admission on the basis of not being a permanent resident & not having arrived under a legal sponsorship scheme. By the time we did become permanent residents , the regulations had changed & the LPAB required me to retake all the legal exams & to undertake 75 days practical training in an Australian Solicitors office. I undertook the Australian Constitutional Law exam through the University of Sydney, the majority of the lectures were held in rooms which were not wheelchair accessible, so had to rely on my husband being home to look after our son. Having passed Constitutional Law enrolled with the College of Law as a full time on-line student, which with the exception of mid-term on site & final examinations held at the College, enabled me to work from home & care for my son at the same time. The College ,unlike the University of Sydney, was very wheelchair friendly & the staff were particularly helpful as my son had to come with me. I passed all the exams. However, I have not been able to effect the 75 days practical training as there is no one else to care for my son. Additional cost of taking Australian Law exams (>\$7,000).

As of 1st July, 2010 I have held a practicing certificate as a Solicitor of England & Wales for 30 years.

3.LACK OF SERVICES/THERAPISTS IN SSP's & POST- SCHOOL or DDA –v- OH&S

For the majority of my son's school life he attended an SSP in the Southern Highlands of NSW. When he first started there in 2000 we had a physiotherapist, speech pathologist & occupational therapist provided by DADHC. However, due to political/ boundary change in 2003, DADHC's services were removed. It is inconceivable that in the 21st century a public

government school designated as being for special purposes, supposedly educating some of our most disabled & vulnerable children should neither provide essential therapy services nor have any nurse or medically qualified practitioner attached. Certainly most of the staff & teacher's aides had undertaken St John's First Aid Training, but were not obliged as a result of O H& S legislation to administer anti-convulsant medication in the event of a seizure. Given that over 40% of the pupils were subject to epileptic attacks this is not acceptable.

I am aware of other disabled children attending other SSP's whose children being tube fed have gone the entire day without feeding as a result of guidelines issued by the teaching union in relation to OH&S . As a result this particular child became severely de-hydrated & had to be hospitalized.

It appears that the balance between discrimination against the inarticulate disabled person or health & safety in respect of an articulate able-bodied person usually goes in favour of the articulate able-bodied person.

My son left school at age 17 following our return to Sydney. A report from the School Counsellor employed by the DET in respect of his post-school options which should then have been sent to DADHC was never done. As a result DADHC have still not assessed my son's post school options even though he will be 20 years of age next May & until such assessment is completed we have no respite nor have had for the last 4 years.

CONCLUSION

1. Too much variation in the provision of services for the disabled between the states, territories & government departments. The facilities for the disabled need to be on a nationally regulated basis.

2. Education of the disabled needs to be priority & addressed nationally. In theory the SSP's have adopted the national curriculum with adjustment for the particular requirements of the student. The level of teacher / teacher's aide provided to the number of disabled students is grossly inadequate. It is a fact that when IEP's are conducted the inabilities & complexities of the disability are enhanced in order to obtain a higher score so that the SSP in question can ask for additional assistance in the classroom. The downside of this is that the student in question is labeled a failure from the outset. The result – no real education is provided- the school becomes a baby-sitting service & the potential for future development / employment is lost.