



9 Chippendall Street, Milton Q 4064  
phone 07 3369 2500 fax 07 3369 2511  
email [info@amparo.org.au](mailto:info@amparo.org.au)  
ABN: 56 876 279 925

26 August 2010

Disability Care and Support Inquiry  
Productivity Commission, GPO Box 1428  
Canberra City ACT 2601

## Introduction

AMPARO Advocacy welcomes the opportunity to provide a response to the Productivity Commission Inquiry into long term disability care and support. AMPARO Advocacy has highlighted our concerns regarding the current systems of support for Queenslanders with disability from a non-English speaking background and the additional barriers to supports and services they experience through a number of processes. We are particularly encouraged that the Federal Government has recognised the significant flaws in the current systems of support for people with disability and has made a strong commitment to major reform. This response aims only to highlight key principles that we believe should underpin any new disability care and support scheme.

AMPARO Advocacy supported a father of a young man from a non-English speaking background who acquired a serious head injury as the result of a motor vehicle accident, to attend the public hearing in Brisbane on the 15<sup>th</sup> July. This father's story highlighted the many difficulties his family experienced in trying to access support for his son after his accident; some of what is working well now for son and the family's concerns about his son's future. AMPARO Advocacy believes there is much for the Commission to learn from this family's experiences.

AMPARO Advocacy is both a member of the **Disability Advocacy Network Australia** (DANA) and the **National Ethnic Disability Alliance** (NEDA) and considers their positions in relations to this inquiry consistent with our values, beliefs and concerns and therefore strongly supports the recommendations in their submissions to the Disability Care and Support Inquiry.

## **Who We Are**

AMPARO Advocacy is a non-profit community organisation which provides individual and systems advocacy, on behalf of people from a non-English speaking background who have a disability. AMPARO is governed by a voluntary management committee, the majority of whom are people from a non-English speaking background who have a disability. The organisation receives funding from Disability Services Queensland.

AMPARO advocates for vulnerable people for whom language and/or cultural differences make it difficult to understand and negotiate systems and services. AMPARO aims to influence positive sustainable change to attitudes, policies, practices and resources within governments and communities.

## **Our Mission**

AMPARO Advocacy defends, protects and promotes the rights and interests of vulnerable people from a non-English speaking background who have a disability.

## **Our Vision, Values, and Beliefs**

AMPARO Advocacy's vision is that people from a non-English speaking background who have a disability are accepted as part of Australian society, with access to information and all services and benefits, so that they are included, and can participate and contribute to family and community life.

*AMPARO Advocacy believes that people from a non-English speaking background who have a disability have the same right to live valued lives that are comparable to those of other members of society, where they:*

- are respected and valued
- are connected with friends, family and community
- have access to interpreters and information in their preferred language
- have supports and services provided in a culturally sensitive and responsive ways
- have natural authority to influence the direction of their own lives, or where they have limited capacity, their family if possible retains this authority
- are welcomed and have opportunities to live an ordinary life
- are participating and contributing members in the social, economic and political life of broader Australian society.

## **Current Situation in Queensland**

Many Queenslanders with disability are significantly disadvantaged and marginalised with restricted access to the same choices and opportunities as others, to live ordinary lives. People who have a disability generally are confronted with systemic barriers that restrict their access to real employment, to inclusive education, to be part of family and community life and to choose where and with whom they live.

It has become almost impossible to access funding for people with disability living in Queensland and access to Crisis and Emergency Funding has never been more difficult. Often the only support offered to a person with a disability is a 'place' in a group home with other people with disability that they may not choose or want to live with. This can also mean the person with a disability has to move long distances away from their family and community connections, or alternatively the person may be

asked to open their own home and allow other people with disability to move in and share support. These are not real choices and are a move back to congregation and segregation and a direct infringement of people with disabilities right to full citizenship. This poor response to the needs of people with disability is also not consistent with the rights afforded in the *UN Convention on the Rights of Persons with Disabilities* (CRPD). The UN Convention provides a clear framework for the changes that are required to ensure the human rights for people with disability are protected, respected and fulfilled and a National Disability Care and Support Scheme must do the same. ***People with disability must have “real choice” about their living and support arrangements and the common practice of people with disability being coerced into living in inappropriate situations must be addressed.***

### **Additional Systemic Issues for people from a non-English speaking background with Disability**

AMPARO Advocacy's experience is that people with disability who have limited or no English language skills frequently encounter additional barriers and are further disadvantaged as they do not have equitable access to services and supports. Whilst AMPARO Advocacy believes that language and cultural are important, current service systems do not respond well to the needs of people from non-English speaking backgrounds who have a disability. There is ample evidence that there is significant disparity between the proportion of people from a non-English speaking background (NESB) who have a disability accessing services and supports compared to those from an English speaking background.

There is an urgent need to address the structural systemic barriers that prevent people with disability having their human rights protected, and their fundamental needs met. The Commission of Inquiry into the Disability Care and Support must include recommendations that will ensure these structural barriers are addressed by government to ensure equitable access to support and services for people from a non-English speaking background with disability.

AMPARO Advocacy would strongly support the National Ethnic Disability Alliance's position that *“existing obligations and commitments to non-discrimination and inclusion of people with disabilities are maintained outside this scheme- i.e. Costs not to be shifted to individuals and preventative mechanisms put in place to prevent this happening.”*<sup>1</sup> An example of this would be the cost of accessing accredited Auslan or English language interpreters, under current Federal and State Anti-Discrimination legislation, including the Anti-Discrimination Act, (Qld) 1991, failure to provide access to an interpreter is clearly discriminatory. The Queensland State Government finally acknowledged this in late 2008 when the Premier Anna Bligh formally advised all Queensland Government Departments to make provision to meet the costs of interpreter services for their funded non-government services. The State Government has recently reviewed the Queensland Multicultural Policy, including the Language Service Policy and it is expected that this commitment will be reflected in the new policy. ***The costs of interpreters must NOT be shifted to individuals with disability and their personal supports under any new national scheme.***

### **A new national support scheme must:**

1. Adhere to the principles and obligations as stated in the *Convention on the Rights of Persons with Disability*.

---

<sup>1</sup> Nation Ethnic Disability Alliance (NEDA) NEDA Submission to the Productivity Commission Inquiry into long term disability care and support. August 16, 2010.

2. Ensure entitlement ***for all people with disability who require support*** and not limited to those with severe and profound disability. Eligibility should not be dependent on type or severity of disability, age, income or assets or citizenship or residency status.
3. Be properly funded to address additional costs related to disability.
4. Take into account the impact of gender, indigenous background, language and cultural diversity and specific needs of children.
5. Be based on self determination. People with disability should be entitled to:
  - ***Manage, Design and direct their supports.*** People with disability (with the assistance of a family member where the person has an impaired capacity,) should be able to design and direct their service so that they receive the ***right support provided in a culturally responsive and sensitive manner at the right time.*** Eg. Employ bicultural workers to provide direct support; hire and fire workers, train workers or identify appropriate training that is needed, and change service provider without question. This reduces unnecessary administration, and coordination costs. The person with a disability can delegate coordination of support to a third party (service provider) should they choose.
6. Guarantee portability of funding anywhere in Australia.
7. Respond in a timely manner to the changing circumstances and support needs of an individual over their lifespan.
8. Ensure a culturally competent approach to service design, delivery and quality assurance processes.
9. Enhance Resourcing for Advocacy: AMPARO Advocacy believes it is critical that the disability care and support scheme supports and funds strong independent advocacy program to protect the rights and interests of vulnerable people with disabilities. This would include increasing the commitment and resourcing of advocacy to meet the needs of people from a non-English speaking background with disability across Australia.

AMPARO Advocacy would like to thank the Productivity Commission for the opportunity to provide our views about what a new national disability care and support scheme would look like in our attendance at the public hearing in Brisbane and in this submission.

Yours sincerely

Maureen Fordyce  
Coordinator