

Submission:

Inquiry into Disability Services Amendment Bill 2014 Western Australia

April 2014



Inquiries to:

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May 1, 2014.

Communication Rights Australia is a human rights information and advocacy organisation, which works in partnership with people who have communication difficulties. People request our service when they experience discrimination and isolation/exclusion. Services are designed to break down barriers and remove discrimination through:

- Individual and systemic advocacy, advice and referral when the system has broken down;
- Information on human rights, entitlements, and the right to communicate;
- Community education and outreach – how to ensure the protection of communication rights.

We represent a range of people on a continuum from severe speech and communication difficulties, such as Autism Spectrum Disorder, acquired brain injury, illness (such as Motor Neurone Disease, stroke, mental health, physical and sensory impairment, intellectual disability), through to children whose capacity to communicate impacts on correctly and consistently sending their message (such as Apraxia). People approach us when their ability to communicate their message is impacting on their ability to access their human rights.

Communication Rights uses the UN Convention on the Rights of People with Disabilities, Victorian Charter of Human Rights and Responsibilities Act, disability discrimination legislation and government policies to ensure people can enjoy their rights. Our activities promote change and facilitate inclusion into community activities.

1.1 million Australians have a communication difficulty. It significantly affects how people understand each other, and consequently live their lives. 27% of people with disabilities have a communication or speech difficulty.

The Disability Discrimination Legal Service is a community legal centre that specialises in disability discrimination legal matters. DDLS provides free legal advice in several areas including information, referral, advice, casework assistance, community legal education, policy and law reform. The long term goals of the DDLS include the elimination of discrimination on the basis of disability, equal treatment before the law for people with a disability, and to generally promote equality for those with a disability.

The ability to communicate affects the most fundamental aspects of a person's life. Education, socialisation, decision-making, safety, employment and personal relationships are unattainable if one cannot communicate. The most basic human rights as set out in legislation such as the Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities, and International Covenant on Civil and Political Rights require the ability to communicate to uphold.

Both Communication Rights Australia and Disability Discrimination Legal Service have been actively involved in monitoring the impact of the Victorian Barwon Trial site through the Barwon Disability Advocacy Network.

What appears to be missing under the Disability Service Amendment Bill 2014 is an independent support system for those who will be using the 'State My Way' model specified under the Disability Services Amendment Bill 2014.

The lack of legislative acknowledgement to the right of a person to access an independent advocate to support them both prior and during their involvement with the National Disability Insurance Scheme is essential and ought to be reinforced within the Amendment. This approach would strengthen the legislation.

Whether included in the Bill itself, or in supporting documentation, it would be insufficient to acknowledge that right without ensuring that access to independent advocates is actually provided. An ongoing analysis should occur to ensure that independent advocates are indeed accessible to individuals, and not denied due to lack of resources and/or lack of specialist expertise - for example advocates expert in supporting CALD communities, people with complex communication needs and so on.

In addition there should be some acknowledgment of human rights as the overarching guiding principle to the Disability Services Amendment Bill 2014.