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Housing, Community Services and Indigenous Affairs.

# Southwest Advocacy News

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**SEPTEMBER 2009**

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## CO-ORDINATOR'S REPORT

Welcome to another edition of *SWAA News*.

As mentioned in our previous newsletter, SWAA is currently preparing to be audited by its' main funding body, the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). FaHCSIA will be checking SWAA's policies and procedures and interviewing SWAA Board members, staff and consumers to ensure that SWAA is meeting its' responsibilities under its' funding and service agreement and complying with the Disability Service Standards. The audit process is an accountability mechanism that all Commonwealth funded advocacy organisations undergo once every few years.

SWAA will be contacting some of its' past and current clients in the next few weeks to ask them whether they are prepared to assist in the audit process by attend a brief meeting with FaHCSIA representatives at 1.00 p.m. on Tuesday 25 August at SWAA. The meeting will be friendly and informal & will go for approximately 1 hour. The consumers involved will simply be asked a range of basic questions about their involvement with SWAA and how useful it was. SWAA's staff will not be present during the meeting and everything that is discussed in the meeting remains confidential, so consumers will be able to speak frankly about their experience as SWAA service users. SWAA sees the audit process as a great opportunity to obtain feedback on our organization and make and changes necessary to improve our service.

SWAA often receives enquiries from the parents and carers of people with disabilities about what they should do to try to ensure that the long term interests of the person they are caring for will be protected. In this edition of *SWAA News*, there are a couple or articles that will be of par-

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via E-mail?*

*If you have an e-mail address you can help us save paper & postage costs by receiving our newsletter via e-mail. Please contact Margaret on 5561 4584 or just send us an e-mail message notifying us of your email details to receive future editions of SWAA News electronically.*

**HAVE YOU VISITED SWAA'S WEBSITE:-  
[www.southwestadvocacy.org.au](http://www.southwestadvocacy.org.au)**

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ticular interest to the carers of adolescents (p.2 & p.7). The Office of the Public Advocate (ph. 1800 136 829) also has an excellent publication for the parents and carers of children and adults with a decision making disability called, "Securing their Future", that provides lots of useful information about planning for the future. SWAA strongly recommends this publication as an excellent resource for parents and carers.

In this edition of *SWAA News*, readers will also find a couple of articles on the United Nations Convention on the Rights of People with Disabilities (p.5 & p.8). The Convention is an international treaty or agreement that Australia has signed that formally recognizes the essential human rights of people with disabilities. In addition to signing the Convention, the Australian Government has recently announced that it will agree to the "Optional Protocol" to the Convention, which basically means that people with disabilities will have an international forum to take their complaints to when they have exhausted all avenues of redress in Australia. This represents a major step forward for the disability rights movement.

Warm regards,

**Robert Dick.**

Co-ordinator

## Things to consider before your child turns 16

- Ring the Centrelink call centre well in advance of your child's 16th birthday to request application forms for the Disability Support Pension (DSP), Carer Allowance (adult), Mobility Allowance and Pensioner Education Supplement.
- Request an Authority to be a Nominee application form if you need to complete the application on your child's behalf.
- Make sure you lodge the application on or before your child's 16th birthday otherwise payments cannot be backdated to this date.
- If you are applying for the DSP on the basis of blindness, allow enough time to get an ophthalmologist report and ask for the appropriate application forms well in advance.
- Be aware that separate medical reports must be completed for the DSP, Carer Allowance (adult) and Mobility Allowance, and keep copies of these reports for your own records;
- Get copies of birth certificates from the Registry of Births, Deaths and Marriages office in your state/territory or apply online.
- Prepare copies of your child's last three school reports, bank statements, income statements and tax file number.
- Make an appointment at you local Centrelink office to ledge the completed forms and other documentation and allow plenty of time.
- Family members can now register to use online services to complete Centrelink business for the person/s they are a nominee for. You can also subscribe to the online letters service to view and print letters.
- For more information about the Disability Support Pension, Carer Allowance, Mobility Allowance and other entitlements visit the Centrelink website [www.centrelink.gov.au](http://www.centrelink.gov.au)

## I am the boss of my own life: Self Advocates tell their stories

Reinforce Inc has produced this book of stories which was compiled by Colin Hiscoe.

The stories told in this book are about the personal life experiences of people with an intellectual disability. For some it was their first time ever to share their story. The energy, passion and strength shown by people was really inspiring and we were moved by the stories of challenges and difficulties overcome by people with an intellectual disability.

With funding from the Department of Human Services we have been able to create this book of stories that we collected as a way of inspiring others and as a record of the hard fought battle for rights by self advocates over the years.

If you would like a copy of this book you can contact:

Mr Colin Hiscoe

Reinforce Inc

2nd Floor, Ross House

247-251 Flinders Lane

Melbourne Vic 3000

Phone (03) 9650 8255 or (03) 9650 7855

Price: \$5.00 plus \$2.50 postage and handling for self advocates and people with a disability

\$20.00 plus \$2.50 postage and handling for organisations, professionals and others.

(Taken from AMIDA News, June 2009)

### CONTRIBUTIONS To SWAA NEWS

We welcome any contributions to the newsletter in the form of letters, stories, articles and news items relevant to disability issues.

Items printed in SWAA News do not necessarily reflect the views of SWAA, staff or Committee of Management

### MEMBERSHIP

*Membership is a great way to support our work, and we are very keen for people who have used the service to become members. Members receive our quarterly newsletter and other mail outs about disability issues and can have a say in the running of Southwest Advocacy by voting at our Annual General Meetings.*

***Membership of Southwest  
Advocacy is free.***

*If you would like to become a member please contact Southwest Advocacy for a membership form.*

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## Human rights at home

All people have the right to live a life of dignity, freedom, equality and respect. The current National Human Rights Consultation is our chance to achieve these rights for all Australians and to have our say about the rights that are important to us and how they should be protected.

### **It is in the small places that human rights become meaningful**

The term 'human rights' can prompt thoughts of global players and abusers, but as Eleanor Roosevelt wrote, 'Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any maps of the world'.

Families can often find themselves battling unfair or nonsensical policy decisions that impact unjustly on children and adults with a disability. The language and protection of human rights may not prevent this discrimination or injustice but it can give us a framework to require government and bureaucrats to give proper consideration to our concerns and the human rights involved.

**"Do we seek a community where children can access education without fear of bullying and where people who are sick can seek health care and live with dignity and respect? As a society and as a country, can we take the next step towards protecting people caught by circumstance?"**

For example, legislative protection of the right to freedom from discrimination means that it becomes a legal and human rights issue, rather than simply a policy issue. This means that our concerns must be addressed and inflexible or arbitrary decisions must be reviewed.

In 2008, Australia ratified the UN Convention on the Rights of Persons with Disabilities and by doing so made a commitment to creating an inclusive society. One group who stand to benefit are children with a disability who face bullying and discrimination at school.

**"A national Human Rights Act would enshrine a body of common sense rights that are derived from principles of freedom, respect, equality and dignity. These are rights that are necessary to ensure that all people have the capacity and opportunity to realise their potential and live full and meaningful lives."**

In Victoria, Elijah Vetma, who has Asperger and Tourette syndromes, recorded a public video in which he described daily taunting at school, being isolated in the playground left out of team activities. For him, the worst aspect was his loneliness, "I still have the same feelings of wanting to belong, to have friends and be liked. I have feelings of sadness, anger and confusion inside from being alone and hated." (Geelong Advertiser, 7 June 2008).

By ratifying the Convention, Australia now has international obligations requiring all arms of government, including state and territory education departments, to respect, protect and fulfil human rights. State and territory education departments must take positive action to ensure that children with disabilities can meaningfully enjoy their rights, including their rights to education and freedom from discrimination.

Notably, the Convention includes a number of additional rights to those found in Victoria's Charter of Human Rights and Responsibilities. these Include:

- The right to freedom from exploitation, violence and abuse (Article 16)
- The right to respect for the person's physical and mental integrity (Article 17)
- The right to live in a community with choices equal to others (Article 19)
- The right to found a family and make choices in respect of children (Article 23) and
- The right to education (Article 24)

However these rights have not yet been protected by the required domestic legislation to give them full effect. Australia remains the only developed nation without a constitutional or legislative Human Rights Act.

Some critics argue that Australia has sufficient protection of rights. The Constitution provides limited and ad hoc protection of rights, including freedom from discrimination on the basis of the state in which we live and trial by jury.

A National Human Rights Act would enshrine a body of common sense rights that are derived

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from principles of freedom, respect, equality and dignity. These are rights that are necessary to ensure that all people have the capacity and opportunity to realise their potential and live full and meaningful lives.

**Phoebe Knowles**

Phoebe Knowles is a lawyer who worked for the Human Rights Law Resource Centre ([www.hrlrc.org.au](http://www.hrlrc.org.au)) and is currently completing the Victorian Bar Readers Course.

*(Taken from Family Voices Magazine of the Australian Association for Families of Children with a Disability Vol 2, Issue 2, 2009)*

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## Rights of Persons with Disabilities

The Convention of the Rights of Persons with Disabilities is an international treaty that identifies the rights of persons with disabilities as well as the obligation of State parties to the Convention to promote, protect and ensure those rights. Rights recognised in the Convention are:

- Equality before the law without discrimination
- Right to life liberty and security of the person
- Equal recognition before the law and legal capacity
- Freedom from torture
- Freedom from exploitation, violence and abuse
- Right to respect physical and mental integrity
- Freedom of movement and nationality
- Right to live in the community
- Freedom of expression and opinion
- Respect for privacy
- Respect for home and the family
- Right of education
- Right to health
- Right to work
- Right to an adequate standard of living
- Right to participate in political and public life
- Right to participate in cultural life

[www.un.org/disabilites/](http://www.un.org/disabilites/)

## Helping children with autism update

### Revised eligibility criteria for early intervention

In February this year the Federal Government revised the eligibility criteria for children accessing the early intervention funding through the Helping Children with Autism initiative so that children up to the age of seven, in specific circumstances, can receive funding.

The eligibility criteria are:

- All eligible children up to the age of six years will have access to the early intervention funding under the Helping Children with Autism package regardless of whether or not they have commenced school.
- From the child's sixth birthday until they turn seven years of age, special consideration may be given that would allow continued access to the funding. This will be determined by an Autism Advisor on a case by case basis.

### ASD website launched

A new website for parents of children with autism, carers and professionals was launched by Bill Shorten, parliamentary Secretary for Disabilities and Children's Services, on 24 February, 2009. It includes information, online resources, a services pathfinder and parent forums.

The website provides impartial, evidence-based information about ASD and early intervention.

For more information visit <http://raisingchildren.net.au/autism>

### Early Days workshops

Early Days provides workshops for parents and carers of children aged six and under who are on the autism spectrum. Workshops are free and each family who attends the Early Days Introductory Workshop is eligible to receive a \$100 support payment to assist with the costs of travel and child care.

The workshops will be followed by skills sessions later in the year that focus on practical strategies for dealing with issues such as behaviours, language and play. The workshops will also be available online or as self-directed interactive programs.

For more information about Early Days phone **1800 334 155** or visit **[www.earlydays.net.au](http://www.earlydays.net.au)**

### Autism Specific Early Learning and Care Centres

Successful applicants for the first three of six Autism Specific Early Learning and Care Centres were announced on World Autism Day on 2 April. The centres will provide early learning programs and specific supports for children with autism spectrum disorder aged 0 to 6.

The successful service providers were La Trobe University Autism Specific Early Learning and Care Centre (Melbourne), the Daphne Street Autism Specific Early Learning and Care Centre (Adelaide) and the KU Marcia Burgess Autism Specific Early Learning and Care Centre (Sydney).

For more information about the Helping children with Autism package phone **1800 289 177** or visit **[www.fahcsia.gov.au/autism](http://www.fahcsia.gov.au/autism)**

*(Taken from Family Voices Magazine of the Australian Association for Families of Children with a Disability Vol 2, Issue 2, 2009)*

You can help Southwest Advocacy by passing this newsletter on to someone else who might be interested in reading it after you.

**Changes to Carer Payment (care receiver under 16 years).****Are you looking after a child under 16 with severe disability or severe medical condition?**

If so, you may be interested to know about some changes to Carer Payment that take effect from 1 July 2009.

Carer Payment provides income support to carers who, because of the demands of their caring role, are unable to support themselves through substantial paid work. Carer Payment is income and assets tested and paid at the same rate as other social security pensions.

The most important change is to the way qualification for Carer Payment is assessed. The new method that will be used from 1 July 2009 looks at the carer's total care load.

Other changes include:

- recognising more situations when carers will receive the payment, such as caring for:
  - one child with severe disability or severe medical condition
  - two or more children with disability or medical condition
  - an adult with disability and one or more children with disability or medical condition
- the payment will be available to eligible carers who are looking after a person for a short period of time, that is at least three months, but less than six months
- more sensitive and generous arrangements for carers of children with a terminal illness
- removing the 63 day limit on hospitalisation
- automatic Carer Allowance for carers who qualify for Carer Payment
- a wider range of health professionals to complete medical forms.

**Further information**

From **1 July 2009** for information about rates, other available assistance or your potential eligibility you can:

- visit the payment page on Centrelink's website [www.centrelink.gov.au](http://www.centrelink.gov.au)
- telephone Centrelink on **13 27 17** or for TTY service **1800 810 586**
- visit your nearest Centrelink office.

**Do you have feedback about these changes?**

If so, you can email the Department of Families, Housing, Community Services and Indigenous Affairs at [carer.reforms@fahcsia.gov.au](mailto:carer.reforms@fahcsia.gov.au) or write to:

FaHCSIA - Carer Reform Implementation  
TOP CE2  
PO Box 7576  
Canberra Business Centre ACT 2610

All feedback will be acknowledged and carefully considered in our review of Carer Payment over the next 12 months.

*(Taken from Australian Government, Department of Families,  
Housing, Community Services and Indigenous Affairs)*

## **Australia to sign UN Disability Protocol**

**Cynthia Banham "The Age"**

*July 30, 2009*

AUSTRALIA has cleared the way for people to take complaints about disability discrimination policies to the United Nations — including prospective migrants with disabled children.

The Rudd Government will announce today that a year after signing the UN Convention on the Rights of People with Disabilities, it intends to agree to the optional protocol that establishes a complaints mechanism for breaches of the treaty.

People will only be able to take their complaints to the UN disabilities committee if they have exhausted all possible avenues of redress inside Australia.

"Accession to the protocol is important," Attorney-General Robert McClelland will say in a speech to be delivered today. "It not only permits international scrutiny of our laws and practices, but also demonstrates our commitment to re-engage with the international community and to provide leadership in our region."

One potential area where Australia could come under international scrutiny is its migration laws, which are exempt from its disability discrimination laws.

Last year, the Government came under pressure after it was revealed that German doctor Bernhard Moeller, who had been working in Horsham in rural Victoria, was refused permanent residency because he had a son with Down syndrome.

Immigration Minister Chris Evans intervened and overturned the decision.

Following the controversy, the Government set up a joint standing committee inquiry into the health requirements in the Migration Act, to be chaired by Victorian MP Michael Danby. Its terms of reference are still being finalized.

Article 18 of the UN convention recognizes the rights of people with disabilities to "liberty of movement, to freedom to choose their residence and to a nationality".

But when Australia signed the convention last July, it did so with a number of "declarations". One of these sought to exempt Australia from article 18 of the convention because of the country's migration laws.

Australia's declaration states its "understanding that the convention does not create a right for a person to enter or remain in a country of which he or she is not a national, nor impact on Australia's health requirements for non-nationals seeking to enter or remain in Australia, where these requirements are based on legitimate, objective and reasonable criteria".

Lawyers have questioned whether this declaration is consistent with the convention.

*(Taken from The Age)*