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Southwest Advocacy News

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CO-ORDINATOR'S REPORT

Welcome to another edition of *SWAA News*. Sadly, as I write this report, the terrible events in Japan are still unfolding, on the back of the natural disasters that have occurred in Christchurch and Queensland. Our thoughts are with all people affected by these disasters and particularly people with disabilities and their carers.

Summer has already passed us by and we are well into another busy year with lots happening in relation to disability rights. Consultations are taking place in relation to the draft Mental Health Bill, the Victorian Auditor General's Office is conducting consultations in relation to individual and self-directed funding for people with disabilities and the Australian Productivity Commission has released a draft report on the feasibility of an NDIS for public comment. For further information about any of these issues and directions on how you can have your say, there is lots of information on the internet, but people are also welcome to contact SWAA if they need assistance.

In February SWAA helped to organise an information session on the Victorian Charter of Human Rights and its' application to people with disabilities, run by the Disability Discrimination Legal Service. One alarming thing that people who attended this workshop learnt was that the Bailieu State Government is reviewing the Charter and there is concern that the Charter may not be as strong a tool for protecting human rights in future. If you are concerned about this issue you could write to our local State Government MP, Denis Napthine, or to the Premier, Ted Bailieu.

You may be aware that an information sharing project designed to empower people with disabilities and carers called the Active Participation Register (APR) has been managed by SWAA since 2006. The

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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**

(Continued from page 1)

APR has been run on a modest budget and has never been funded on an annual basis. SWAA has been successful in obtaining some one-off grants and donations to maintain the project since receiving an initial establishment grant and we are still endeavouring to secure new funding to support the APR into the future. However, if new funding is not obtained, the funds currently remaining will be exhausted before the end of this year.

Up until now, information distributed through the APR has been available to people and organisations via e-mail and also via post where the person registering does not have an e-mail address. However, in an effort to make the remaining APR funds stretch as far as possible, SWAA will be soon be informing people that future mailouts will only be available via email. This change will mean that a number of people with disabilities and carers who currently receive APR mailouts in the post will no longer receive this information. We have delayed making this decision for as long as possible and are taking this step very reluctantly, but we feel that it is necessary in order to extend the life of the project for as long as possible. Please contact SWAA if you have an e-mail address and would like to receive APR mailouts.

As I mentioned in the pre-Xmas edition of SWAA News, there are still a number of vacancies available and SWAA is looking to recruit some new talent. Under SWAA's Constitution SWAA must try to ensure that at least 50% of its' Committee of Management is made up of people with disabilities, so people with disabilities with an interest in disability rights are particularly encouraged to apply, but anyone who would like to support SWAA's advocacy work by volunteering to become part of our governance team should contact SWAA for further information.

Robert Dick
Co-ordinator

HEALTH OF AUSTRALIANS WITH DISABILITY:

Health status and risk factors

The Australian Institute of Health and Welfare (AIHW) has released the first of a series of bulletins about the health of Australians with a disability.

Despite the overall improvement in population health, the gap between Australians with disability and those without disability remain large. In 2007-2008 almost half of people aged 15—64 with severe or profound disability reported poor or fair health, compared to 5% for those without disability.

The bulletin can be downloaded from the AIHW website at:-
<http://www.aihw.gov.au/publications/index.cfm/title/11608>

(Taken from VALID News December 2010)

Our Forgotten families

Issues and challenges faced by parents with a disability in Victoria

A report on the growing number of parents with a disability facing daily challenges and issues in parenting. Their lives, their rights and the lives and rights of their children to live with their families can be impeded by a system that can discriminate against them.

An often hostile, complex and powerful Child Protection & Court system, which assumes that they cannot be a competent and loving parent due to disability, along with an inadequate Disability and service support system, has meant that many families have been broken apart or are struggling.

This paper provides a summary of the experiences and issues as reported by Victorian parents with disabilities and practitioners associated with the Parents With a Disability Community Network (PWDCN) in 2009.

You can download the report from the VALID website www.valid.org.au

(Taken from VALID News December 2010)

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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REVIEW OF VICTORIA'S GUARDIANSHIP AND ADMINISTRATION ACT 1986

The laws about guardianship and powers of attorney in Victoria are being reviewed by the Victorian Law Reform Commission.

These laws are important for anyone who, through disability or ageing, might be in a position where they are not able to make all of their own decisions or manage their own affairs.

The Commission's ideas for new laws are now available in a consultation paper. The suggestions aim to achieve reform that will lead to new laws which are easier for people to understand and use, and also that will be more effective in helping people with impaired decision making to participate meaningfully in society.

Some of the main proposals discussed in the consultation paper include:

- New options for supported decision making, so that people can be helped to make their decision wherever possible
- Clearer obligations for guardians and administrators and people holding power of attorney to make decisions that the person with the disability would have made themselves
- More scrutiny of people holding powers of attorney
- The possibility of appointing guardians and administrators earlier in some cases
- Simpler ways of providing consent for a person to move into residential care, and in some circumstances without requiring VCAT to appoint a guardian
- Integrating all guardianship and power of attorney laws into the one act, and making them more consistent with each other
- Introducing new laws, allowing people to

have the decisions of guardians and administrators reviewed by VCAT

- A stronger role for the office of the Public Advocate in investigating and acting upon abuse, including the ability to take legal action against people who misuse guardianship and power of attorney laws.

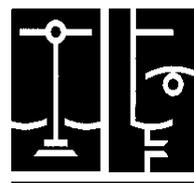
The Commission is very keen to talk with people with disabilities and older people, and with others involved in providing their care and support. The Commission would like to hear what people think of the proposals, and how well they might work in practice.

The Commission is also seeing submissions commenting on the consultation paper. Submissions can be made in writing, on the Commission's website, or by telephone. Submissions are due by 31 March 2011.

The Commission must provide its final report, including recommendations for new laws, to the Attorney-General by 30 June 2011.

Copies of the Consultation Paper can be obtained by calling the Victorian Law Reform Commission on 1300 666 555 or from the Commission's website:

www.lawreform.vic.gov.au The paper is available in summary, Easy English, audio and community language formats.



**Victorian
Law Reform
Commission**

Digital TV is coming to a town near you

By May 2011 the analogue TV network is going to be switched off in regional Victoria and Southern parts of NSW. In order to watch free TV everyone will need a digital TV or a digital set top box. Some people with disabilities and older people may not be able to afford to switch to digital so the Australian Government has introduced the Digital Switchover Household Assistance Scheme to assist people.

Who is eligible: Households where one resident is in receipt of the maximum rate of an eligible Centrelink payment and they do not have access to digital TV on any of the TVs that they own. (If you can watch ABC2 or SBS TWO then you probably have access to digital TV).

For more information www.digitalready.gov.au or phone 1800 201 013

(Taken from DAIS Advance Summer 2011)

DISABILITY NO BARRIER

Disability support is to drive a big change on this year's workplace agenda, as a Productivity commission review, due to be released this month, makes recommendations on ways government and employers can help more disabled people to get into employment.

The commission was asked to look at how disabled workers can be drawn into industry and what role government should play in upgrading the training opportunities available to workers.

Typical of the submissions to the Commission was national peak disability rights and advocacy organisation People with Disability's call for the government to put programs in place so that, "workplaces better understand the contribution that people with disability make, so that they can assist with greater participation in the workforce".

A number of submissions called for increased funding for trade training.

The joint Epilepsy Council of Australia and Epilepsy Australia say many people with epilepsy find it very hard to get or to retain a position following a diagnosis of epilepsy. Yet, it says people with epilepsy can often work and could no so with support and flexible arrangement.

Access Innovation Media, a technology provider of "speech-to-text solution", estimates that 160,000 people are out of work because they cannot hear. It says the cost of providing access to education and employment for all deaf and hearing-impaired Australians through real-time captioning would be \$600 million a year—less than the cost of exclusion.

May submissions argue that an investment in job opportunities for the disabled would pay dividends for the community. The question is whether government or industry would meet that cost.

(Taken from Smarter Business Ideas—February 2011)

**Are you receiving Active Participation Register Mail outs?
Don't miss out — contact SWAA on 5561 4584 &
complete a registration form today.**

Disabled workers take on federal govt

Kellee Nolan
April 5, 2011
AAP

Two men with intellectual disabilities are taking on the federal government in court, hoping to win a pay rise for 20,000 disabled workers across Australia.

Michael Nojin, 44, who has cerebral palsy, epilepsy, impaired motor skills and an intellectual disability, has done office jobs such as removing staples, shredding documents and sweeping floors for \$1.79 an hour.

Gordon Prior, 58, has a vision and intellectual impairment and has worked as a gardener for \$3.47 an hour.

The men will go to the Federal Court in Melbourne next Monday, arguing that the wage assessment tool - created for disabled workers by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) - has failed disabled workers and kept their wages unfairly low.

If they are successful, they hope to improve wages for more than 20,000 people with a disability who work at Australian Disability Enterprises (ADEs) across the country.

Association of Employees with Disability (AED) Legal Centre solicitor Kairsty (Kairsty) Wilson said the organisation had another 60 clients with a complaint about their wage assessment.

They dispute the Business Service Wage Assessment Tool (BSWAT), introduced by FaHCSIA in 2004 to set the wages of workers with disabilities.

"The government's intended goal with BSWAT was to ensure that people with disabilities received a fair day's pay for a fair day's work," Ms Wilson said in a statement.

"Our case is that BSWAT has failed in this function and has instead acted to keep the wages of these workers far below what the community would regard as reasonable."

The AED Legal Centre says while Mr Prior was paid \$3.47 an hour as a gardener under BSWAT, he received \$10.33 an hour under a different assessment tool when he began a new job at a laundromat. Mr Nojin was assessed as deserving \$2.46 an hour for his work under BSWAT and, when he challenged this for being too low, a BSWAT reassessment reduced his wages to \$1.79 an hour.

The AED says BSWAT has been the preferred wage assessment tool for a significant number of ADEs across Australia because it keeps pay lower than other assessment mechanisms.

It says disabled workers perform tasks such as packaging, recycling, gardening, production line work and mail sorting, for which they are paid an average gross hourly rate of \$3.61.

A FaHCSIA spokeswoman said as the case was before the court, it was inappropriate to comment on issues subject to judicial proceedings.

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DID YOU KNOW.....

.....The Law says that people who have a disability have the same rights as everyone else. This means you have a right to make your own decisions and choose what you think is best for you, as long as you do not break the law.

Sometimes people will try to stop you having these rights. Sometimes people will try to stop you making the choices that you want to make. When this happens you might need to fight for your rights, or to get someone else to help you stand up for your rights.

SWAA can help people with disabilities to have their say & use their rights.

Donations & Bequests to Southwest Advocacy Association are fully tax deductible and a great way to show your support for SWAA's work.