



NATIONAL ETHNIC DISABILITY ALLIANCE

ELECTION PRIORITIES

APRIL 2019

NEDA Election Priorities

Building a disability
and culturally inclusive
future



FORWARD

National Ethnic Disability Alliance (NEDA) is a national Disabled People's Organisation (DPO) that advocates for the human rights of people with disability from culturally and linguistically diverse (CALD), non-English speaking backgrounds (NESB), and migrant and refugee backgrounds. We are a community based, non-government organisation; our board are comprised of majority CALD people with disability.

Our key purpose is to promote, protect and advance the human rights and freedoms of all people with disability from CALD, and migrant and refugee backgrounds in Australia.

We are the founding member of DPO Australia, an alliance of four national DPOs.

In addition to individual membership, our national membership comprises of community led organisations in each state and territory:

- Diversity and Disability Program delivered at the Migrant Resource Centre (MRC) St Albans office, Victoria;
- Multicultural Disability Advocacy Association of New South Wales;
- Ethnic Disability Advocacy Centre in Western Australia;
- The Advocacy and Support Centre in Queensland;
- Disability Rights Advocacy Service in South Australia
- Canberra Multicultural Community Forum;
- Multicultural Council of Tasmania; and
- Multicultural Council of the Northern Territory.

In line with our mission and strategic plan, we work on various wide-ranging disability and multicultural policy issues as prioritised by CALD people with disability. Issues include but are not limited to: the National Disability Strategy (NDS); accessible and affordable housing; the National Disability Insurance Scheme (NDIS), accessible public transport and the build environment; voting; disability discrimination and migration policy; and intersectionality of issues affecting our LGBTQIA+ members. We are actively engaged in various national reference groups and advisory bodies and work in partnership with other national organisations on other initiatives such as multicultural mental health. We have cooperative and respectful relationships with all levels of Government.

In this 2019 Federal election, the National Ethnic Disability Alliance calls on voters, government, politicians, the media and the wider business community to join with us to build an inclusive Australia where cultural diversity and disability rights are essential aspects of an equitable society.

In doing so we call on all political candidates and political parties to commit to five policy priorities which will protect and promote the human rights of all people with disability from CALD, migrant and refugee backgrounds.

1. END DISABILITY DISCRIMINATION IN IMMIGRATION POLICY

Australia is a multicultural and diverse nation and almost 25%, or 1 million, people with disability who live here are from culturally or linguistically diverse backgrounds.¹ However, multiple policy and procedural mechanisms operate to exclude people with disability from visiting or settling in Australia. The Migration Act 1958 is exempt from the Disability Discrimination Act 1992 meaning that potential migrants or tourists with disability who fail to meet the 'health requirement' are routinely denied permanent residency on the basis that they are a potential 'cost burden' on the Australian taxpayer. In 2010, a Parliamentary Inquiry into the migration treatment of disability found the health requirement unfairly discriminates against people with disability ².

For those who are granted permanent residency the Social Security Act 1991 bars access to the Disability Support Pension (DSP) for a period of 10 years leading to considerable barriers to social and economic support and participation.

These policies are discriminatory; fail to take into consideration the social, economic and cultural contributions that people with disability make to our communities; and undermine the values of inclusion that as a nation we should be seeking to uphold.

The current conditions facing detainees with disability in mandatory indefinite immigration detention, particularly those held offshore in Nauru and Manus Island, raise serious concerns with respect to Australia's obligation to ensure people are not subject to torture or cruel, inhuman or degrading treatment. People with disability in immigration detention are at heightened risks of physical and sexual violence, inadequate and inaccessible facilities; lack of access to necessary aids, equipment, medication, health and allied health care; lack of access to diverse language and communication supports and support for families and carers.³ Indefinite detention can also lead to the development or

¹ Data derived by National Ethnic Disability Alliance from the Australian Bureau of Statistics, Census of Population and Housing 2011, and the Survey of Disability, Ageing and Carers 2012

² Joint Standing Committee on Migration, Enabling Australia: Inquiry into the Migration Treatment of Disability, 2010, www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=mig/disability/report.htm

³ National Ethnic Disability Alliance, 'The Plight of People living with Disabilities within Australian Immigration Detention: Demonised, Detained and Disowned, 2015, <http://neda.org.au/index.php/latest/183-plight>

exacerbation of psychosocial disability, either while in detention or as a result of this traumatic experience.

NEDA calls on all candidates and parties to commit to:

- End mandatory and indefinite detention of asylum seekers as a matter of urgency.
- Remove the exemption in the Disability Discrimination Act 1992 as it applies to the Migration Act 1958.
- Enhance consistency, transparency and administrative fairness for migrants and refugees with disability applying for Australian visas.
- Ensure that all immigration detention facilities provide reasonable accommodations for people with disability, access to appropriate aids and communication support, physical and mental healthcare and carer support.
- Abolish the 10 year qualifying period for migrants to access the Disability Support Pension.

2. PROVIDE ACCESS AND EQUITY WITHIN THE NDIS

Once rolled out nationally, the National Disability Insurance Scheme (NDIS) will support hundreds of thousands of Australians with a disability. To ensure the scheme is effective for all NDIS participants, people with disability and their families from migrant and refugee backgrounds need to access and participate in the scheme on an equal basis with others.

Currently, there are significant barriers preventing Culturally and Linguistically Diverse (CALD) participants understanding NDIS information and opportunities and accessing and utilizing the scheme to full potential. Presently, only 10% of NDIS participants are CALD. This means that only 1 in 2 CALD NDIS people with disability who are NDIS eligible are currently accessing and participating in the scheme.⁴

The National Disability Insurance Agency (NDIA) Cultural and Linguistic Diversity Strategy 2018 is the Government's national vision to guide its work with NDIS participants from CALD backgrounds. Although clear in its objectives and purpose, the NDIS CALD Strategy remains largely ineffective as it has no implementation plan or real concrete measures.

Subsequently, the NDIS still struggles to: engage and include CALD communities; make information about the NDIS understandable and accessible; inform and empower CALD people with disability to best use

⁴ National Disability Insurance Agency, 'National Performance Report: As at 31 December 2018', Available at: <https://www.ndis.gov.au/about-us/publications/quarterly-reports>

and navigate the NDIS; drive cultural competency of staff and service provision.

As a matter of urgency, NEDA calls on all candidates and parties to commit to:

- an Implementation Plan with concrete measures under the NDIA CALD strategy to drive the access and participation rate of CALD people with disability within the NDIS
- working collaboratively with CALD people with disability, their representative organisations and key advocacy partners to develop a revised CALD NDIS implementation plan with public reporting and transparent accountability measures.
- Allocating adequate resources to the CALD Strategy and implementation plan to ensure the measures and key priorities areas in the NDIA CALD Strategy are realised.

3. EFFECTIVE ENGAGEMENT WITH CALD PEOPLE WITH DISABILITY AND THEIR REPRESENTATIVE ORGANISATIONS.

People with disability from migrant and refugee backgrounds and their representative organisations continue to be routinely excluded from important decision-making discussions and key policy reform agendas. Additionally, the voices of people with disability from migrant and refugee backgrounds are not heard in public life as mechanisms to support their visibility or active participation do not exist.

The perspectives of CALD people with disability are also not represented on national advisory councils such as on the board of the National Disability Insurance Agency (NDIA) or the National Disability and Carers Advisory Council. Subsequently, the views and needs of CALD people with disability are typically not responded to in national policy frameworks.

People with disability from migrant and refugee backgrounds expect strong policy engagement frameworks to ensure we're meaningfully consulted on all legislation and policy that affects our lives. True engagement and co-design facilitates fit-for-purpose and cost-effective systems, which in turn provide positive outcomes for people with disability from migrant and refugee backgrounds (their families and communities).

NEDA calls on all candidates and parties to commit to:

- Prioritising the participation of CALD people with disability on national advisory councils and boards to ensure our voices are heard
- Developing a strong mechanism that enables CALD people with disability and their representative organisations to be consulted on all legislation and policy that affects our lives

- Funding a dedicated disability online portal in diverse languages on SBS.

4. A NATIONAL PLAN TO RESPOND TO THE COMPLEX SUPPORT NEEDS OF NEWLY ARRIVED REFUGEES WITH DISABILITY

Due to experiences of conflict, torture and displacement, people from refugee backgrounds are more likely to have a disability than other populations. With the increased number of people with disability in Australia's re-settlement program, there is a need to ensure that newly arrived refugees have the support services they need to live a life of inclusion and dignity.

It is known that newly arrived refugees with disability experience significant issues relating to: accessing timely on-arrival assessment and support; provision of essential equipment and aides; lack of accessible and appropriate housing; inadequate support within the NDIS; lack of culturally appropriate disability services; and, lack of access to profession translating and interpreting services across many service sectors.⁵

As a matter of urgency, NEDA calls on all candidates and parties to commit to:

- Developing mechanisms to ensure accurate and timely information transfers between national government departments regarding assessments offshore to health and settlement service providers providing on-arrival support
- Avoid settling people with disability in rural areas where needed services are not available
- A program that ensures specialised disability support officers are embedded in settlement service systems
- Providing full access to disability support systems for people with disability seeking asylum and refugees with disability on Temporary protection and Shave Haven Enterprise visas.

5. IMPROVE DATA PERTAINING TO DISABILITY AND DIVERSITY ACROSS AUSTRALIA.

The quality of Australian Data dealing with Disability and Diversity is limited and at best is an under count of those with disability and from a diverse background. Current commonly used approaches often assume that a

⁵ FECCA, NEDA, RCOA and SCOA Joint Paper 'Barriers and Exclusions: The support needs of newly arrived refugees with disability', Feb 2019, Available at: <http://www.neda.org.au/publications/barriers-exclusions-support-needs-newly-arrived-refugees-disability>

normal population distribution of diversity in the non-disabled community also applies to those with disabilities. This may be correct for those born in Australia from a diverse background but does not necessarily apply to those born overseas because of discriminatory migration policies which in the main excludes those with disabilities.

There are national standards since 1999 on which define diversity⁶ which have been often ignored by various national bodies when implementing administrative data collections. We have two national agencies which have different classifications of languages⁷ and there is no consistency between the two especially emerging languages.

The various Commonwealth current administrative data collections do not meet Australia's obligations required by the UN Convention on the Rights of Persons with Disabilities (CRPD)⁸. The current approach used in Australia is based on a medical understanding, not a social understanding of disability. The emphasis is on using labels to define the person, not have society place limits on the person to place them in a box called disability.

Australia does not collect across various programs consistent information on disability. Whilst it is an active member of the Washington Group⁹ through the Australian Bureau of Statistics, this has not flowed through in other areas of disability data collection and administration. What collections have been made lack clarity as which aspect of disability has been counted.

NEDA recommends that the following measures be implemented:

A. Ethnicity

- That the principles developed in 1289.0 - Standards for Statistics on Cultural and Language Diversity, 1999 be the basis of demographic classification.
- That the Australian Classification of Languages be updated annually to reflect any changes in migration intake policies.
- That all data collections and reporting instruments acknowledge the poly linguistic characteristics of the Australian community.

⁶ <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1289.0>

⁷ Many of the languages identified in the Settlement Database do not appear in the classification published by the Australian Bureau of Statistics.

⁸ *The UN Convention on the Rights of Persons with Disabilities (CRPD) people with disabilities include "those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (Article 1)*
<http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/>

⁹ <http://www.washingtongroup-disability.com/about/>

- That the Settlement Reporting Facility be made available again to the community¹⁰. The arrangements implemented by DSS as replacement do not provide the depth of understanding as implied in the principles of Australian Open Data¹¹.
- That the disability status of all migrants be recorded and made available through the Settlement Reports and Settlement Reporting Facility.
- That the classification of religions such as Islam or Buddhism or Hinduism be treated the same as Christian denominations and sects. That is if there are major theologies or schools within a broad class, these be identified in levels 2 to 4 of the Australian Standard Classification of Religious Groups¹².
- That a nationally consistent definition of CaLD be implemented and adopted across all government agencies and programs for purposes data collection and reporting.

B. Disability

- That for the purposes of administrative data collections and reporting that the Washington Group Short Set of Disability Questions¹³ be the basis of Australian disability data questions.
- That future data collections are based on the core principles of the UN Convention of the Rights of Persons with Disabilities¹⁴ which deal with the barriers to participation in society that prevents the full engagement of persons with disabilities.
- That the Australian Government engage with the disability sector to develop a more meaningful understanding of the use of disability information outside that government and academia.
- That the principles of Open Data as it applies to the disability sector are clearly articulated.
- That a nationally consistent approach regarding confidentiality be adopted by all federal agencies.

¹⁰ <https://www.dss.gov.au/settlement-services/programs-policy/settlement-services/settlement-reporting-facility/decommissioning-settlement-reporting-facility>

¹¹ <https://www.pmc.gov.au/public-data/open-data>

¹² <https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/1266.02016?OpenDocument>

¹³ <http://www.washingtongroup-disability.com/washington-group-question-sets/short-set-of-disability-questions/>

¹⁴ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

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