



# Queensland Advocacy Incorporated

## ANNUAL REPORT 2002 - 2003

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# Annual Report 2002-2003



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### Management Committee 2002 - 2003

<b>President</b>	<b>Nigel Webb</b>
<b>Vice-President</b>	<b>Bernadette Scalora</b>
<b>Secretary</b>	<b>Michael Duggan</b>
<b>Treasurer</b>	<b>Robert Reed</b>
<b>Member</b>	<b>Kate Kirkpatrick</b>
<b>Member</b>	<b>Lisa Lehmann</b>

### STAFF 2002 - 2003

<b>Director</b>	<b>Kevin Cocks</b>
<b>Accounts Administration</b>	<b>Rose Cenita</b>
<b>Systems Advocacy</b>	<b>Melinda Ewin</b>
<b>Legal Advocacy</b>	<b>Julian Porter</b>
<b>Systems Advocacy</b>	<b>David Turnbull</b>
<b>Office Administration</b>	<b>Lyn Giles (Commenced February 2003)</b>
	<b>Shelly Brook (Resigned December 2002)</b>
	<b>Julie Granger (Resigned December 2002)</b>



# Introduction



**Queensland Advocacy Incorporated** (QAI) is an independent community based systems advocacy organisation for people with disability in Queensland.

QAI advocates for the fundamental needs, rights and lives and protection of the most vulnerable people with disability in Queensland. QAI does this by engaging in systems advocacy work - through campaigns directed to attitudinal, law and policy change, and by supporting the development of a range of advocacy initiatives in this State.

QAI is funded by the Department of Family & Community Services under the Commonwealth Disability Services Act and is run by a management committee, the majority of whom are people with disability.

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This **Annual Report** covers the period from 1 July 2002 until 30 June 2003. It describes in detail the efforts of QAI to be a strong and effective systems advocacy organisation, committed to its mission of promoting, protecting and defending through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

## QAI's Mission and Objectives

**QAI's mission is:**



**“To promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland”**

**QAI's objectives are:**

1. To affirm and put first people with disability in Queensland;
2. To undertake systems advocacy that strives to promote, protect and defend the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland;
3. To undertake legal advocacy that strives to promote, protect and defend the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland;
4. To take an active leadership role in advocating for the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland;

5. To support, promote and protect the development of advocacy initiatives for the most vulnerable people with disability in Queensland;
6. To be accountable to the most vulnerable people with disability in Queensland;
7. To conduct an efficient and accountable organization; and
8. To adhere to and constantly reaffirm the following beliefs and principles:
  - ❖ All human life has intrinsic dignity and worth;
  - ❖ People with disability must positively and actively be accorded worth, dignity, meaning and purpose through being included in and with their community;
  - ❖ Social Advocacy is functioning (speaking, acting, writing) with minimum conflict of interest on behalf of the sincerely perceived interests of a person or group, in order to promote, protect and defend the welfare of, and justice for, either individuals or groups, in a fashion which strives to be emphatic and vigorous and is likely to be 'costly' to the actor in terms of:
    - time or other resources;
    - emotional stress;
    - bodily demands;
    - social opprobrium, rejection, ridicule;
    - self-esteem, self certainty;
    - socio-economic security, livelihood; and
    - physical safety, life.

The essential elements of Social Advocacy are:

- strict partiality;
  - minimal conflict of interest;
  - emphasis on fundamental needs and issues;
  - vigorous action;
  - cost to the advocate;
  - fidelity; and
  - being mindful of the most vulnerable person.
- ❖ Systems advocacy is a particular form of advocacy that focuses on influencing and changing 'the system' (that is, the whole of society and the various systems operating within) in ways that will benefit people with disability as a group within society. Systems advocacy includes, but is not limited to, policy and law reform activities.

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## President's Report Nigel Webb



I would like to welcome members, friends and allies to the 16th Annual General Meeting of Queensland Advocacy Incorporated. It is my privilege to present my fifth and final report as QAI President to you.

This year has presented us with many highlights and challenges internally and externally for QAI Committee and Staff. I'm confident that the Staff have addressed in some detail their working energies and important gains made in their respective project areas being Community Living, the Law Project, Bioethics Project and Advocacy Development elsewhere in the report so I won't steal their thunder by simply repeating individual highlights. The Committee undertook significant time and resources to examine project goals; objectives and outcomes desired for this past year and are pleased with the achievements of the projects to date with key reports and advocacy efforts currently or soon to be available in the public arena.

Some critical activities that had occupied much of the Committee's timetable has been furthering the development of a Governance model for QAI, continuing to strengthen relationships with other members of the Combined Advocacy Groups Queensland and most importantly conducting, participating in and tabling QAI's third five year external evaluation. These activities individually are a huge achievement for QAI in themselves. As is typical, we as a Committee were ambitious enough to want to progress them all. I am very aware that all Committee and Staff members have worked tirelessly to position QAI for its future.

We have decided to redevelop the style and format of our newsletter to make it more accessible to our membership and ever widening readership. QAI looks forward to your comments, feedback and suggestions following the next developmental edition. In addition QAI's website has been updated to compliment this strategy. Take a look at [www.qai.org.au](http://www.qai.org.au) tell your friends, families and your hairdresser that QAI is global and want to hear your experiences.

### **Staff Changes**

This year saw the consolidation of the Staff in their respective work or project roles with some outstanding results. QAI did unfortunately accept the resignation of Julie Granger in December 2002. Julie provided QAI with more than 10 years of wonderful service primarily in the area of Administration. We all know that Administration is the backbone of any operation and Julie's enthusiasm and dedication to QAI's work saw her work role expand over the years to include event management, people management and crowd control. Everyone who has been a part of QAI and everyone who wanted to know about QAI knew Julie. Julie applied herself tirelessly to any situation with "a touch of class" and was a terrific support to all Committee and Staff members through the years. Shelly Brook who ably assisted staff and committee in a part-time capacity for two and half years moved on to pursue her career in international relations.

In February Lyn Giles came to the role in Administration with a wealth of experience, new ideas and a real willingness to learn about QAI. Lyn presents with a real character, which has proved invaluable to QAI in a short period of time. Lyn has a style, which I can only describe as a "pull your socks up" approach. Lyn seems to be able to work at least three weeks ahead of the rest of us. I can say I really appreciate this skill, keep it up Lyn.

Firstly, to the Committee Members Bernadette Scalora, Robert Reed, Mike Duggan, Kate Kirkpatrick and Lisa Lehmann – words escape me – somehow we held the QAI ship together. No-one more than me recognises your collective contributions. We set ourselves a demanding year and we achieved most of it. Some of you were placed in unfamiliar roles throughout the year and certainly extended yourselves in these roles for the betterment of QAI.

Unfortunately, most of the Committee members have decided for personal and or professional reasons not to seek re-nomination to the Committee at this time. This should be seen as an opportunity for new leadership and new learning's within QAI. I am confident we are leaving QAI to good hands and committed people with new and renewed energies. I am sure we will remain active members of QAI and available for Committee support and mentoring when requested.

To the Staff members, it is my sincere hope that we have been able to guide and influence your work. Each of the project areas is extremely important to QAI's mission, objects and vision for QAI. Really we just tweak with the dynamics and the delivery to produce a meaningful outcome for the fundamental needs, rights and lives of the most vulnerable people with disability in Queensland. Without your individual commitment and professionalism we could never deliver the substantive contribution we have made to the Queensland community.

QAI prides itself on adhering to the principles of social advocacy and its key elements. I encourage all of us to sustain ourselves by utilising these as fundamental filters to the way in which we do our business.

During the past year QAI has developed a close collaborative relationship with the Centre of National Research on Disability and Rehabilitation Medicine (CONROD) a centre within the University of Queensland.

This collaboration has resulted in the creation of CONROD's Disability Lifestyles website ([www.disabilitylifestyles.org.au](http://www.disabilitylifestyles.org.au)) which provides valuable information for people with disability, their families, carers and service providers. Miss Francis Vicary was engaged to compile much of the content for this website. Many of the themes collected from QAI's Action Forum in 2001 heavily influenced this work.

### **The Annual Fund**

I would like to acknowledge the continuing work of the Annual Fund Chair Ron Ashton, his associates at Minter Ellison Lawyers and other members of the Annual Fund Committee including Robert McRae of Bain Gasteen Lawyers.

This year rather than the traditional breakfast, QAI's annual fundraising event took the form of a dinner at the Hilton Hotel with special guest speaker Mr. Julian Burnside QC who was one of the barristers acting for the refugees free of charge in the Tampa litigation a few years ago. Mr. Burnside's reflections on the hard work facing Advocates for vulnerable people were most thought provoking and well received. The Attorney General Mr. Rod Welford MP closed proceedings.

The dinner was well attended by QAI Staff, Committee members and allies including significant attendance by members of the Queensland legal profession. Indeed the Queensland Law Society got right behind the dinner contributing logistically and financially to Mr Burnside's trip to Brisbane.

The Annual Fund Committee is working on future gatherings with emphasis on increasing communications with the Friends of QAI support group.

Finally, I want to say a personal thank you to the many people who have assisted, influenced and shaped my thinking and made me who I have become over my nine years of service to QAI its members, allies and friends.

Nigel Webb  
**President**



## Vice President's Report Bernadette Scalora



### Acting President December 2002 – February 2003

As my time at QAI, for the moment at least, draws to a close, it is my pleasure to write a part of the Annual Report for 2002-03.

From December 2002 - February 2003 I served in the role of acting President, as incumbent President Nigel Webb stood aside for a period of time. Upon his resumption Nigel has continued to lead the organisation with vision, vigour and renewed professionalism; for that he has the sincere thanks of everyone and myself at QAI.

Two areas stand out for me as particularly noteworthy of mention in my time as acting President and over the last 12 months at QAI. Firstly, the QAI Annual Dinner and the continued efforts of QAI's Annual Fund Committee. It was my privilege to deliver the closing address at the Annual Dinner in March, and I would like to once again acknowledge our esteemed speaker Julian Burnside QC, the attendance and support of many friends and allies, and especially the work of the Annual Fund Committee in organising and supporting this event and others for QAI throughout the year.

#### **QAI's 5-year External Evaluation**

Planning for our Evaluation commenced within the first three months of the financial year, with Staff and Committee participating in a workshop to determine the scope and terms of reference of the exercise. This material was then used as a brief to tender for consultants to design and conduct a suitable process.

The Evaluation Sub-Committee, consisting of the Director and myself (and prior to her departure, Julie Granger – thanks Julie!), were fortunate enough to secure the services of Phillip French and Jan Lobban as the evaluation consultants. Phillip is Director of People with Disabilities (NSW), and Jan has had many years as an organisational Consultant in the human services arena. The Sub-Committee held several planning meetings with one or both Consultants, who also gave all Staff and Committee members a chance to contribute to an appropriate and effective review process through a purpose-designed workshop.

Information on opportunities to participate was then extended to all members and to a comprehensive cross-section of stakeholders in May, with interviews and forums conducted by the consultants over a week in early July. An Interim Report was submitted and a briefing for Management and Staff conducted in late July; the final report was then delivered in August. The new Committee will now have responsibility for continuing to oversee implementation of the accepted recommendations and providing strategic direction.



This exercise has consumed a significant proportion of QAI's resources in 2002-03, not least the time of both Committee and Staff, when the latter have also found the time and energy to do the wonderful and vital work outlined in this report. QAI remains committed to the principle of independent evaluation, allowing us to examine our procedures, professional practice and our values base, to demonstrate to a wide range of stakeholders that we wish to be open, transparent and accountable, and inviting feedback to ensure that we remain relevant to our constituents and true to our mission. QAI remains unable to secure in-principle and financial support from the Commonwealth to conduct independent evaluation, therefore the process represents a significant drain on already limited resources. Yet we believe it is vital! Thank you to Staff, Committee and our wonderful Consultants for all your dedicated work.

### **Closing**

The last twelve months has highlighted the need for QAI to closely examine and improve both its internal and external dispute resolution and communication processes. We are fortunate indeed that several professionals with expertise in these areas have expressed an interest in assisting QAI to achieve this. Naturally this will tie in with the clarification and final implementation of QAI's governance processes.

Now to indulge in some personal thanks, as I leave the Committee for the first time in four years. To an amazing Staff team, with a capable Director at the helm – QAI could claim no progress in its work and its own growth if you did not go above and beyond the call of duty, with passion and dedication. Thanks Lyn, for your considerable (and sometimes successful) efforts in keeping us all in line since you came on board! and to Melinda, Julian, Dave, Rose, Julie and Shelly for your commitment and tireless efforts.

To my fellow Committee Members – a huge thank you for your diversity, your encouragement, and dedication in giving so much of your time to QAI. A special thanks to Rob – for your wisdom, dedication and friendship – we've been through quite a bit together, you and I! To Nigel – for introducing me to and teaching me about Social Advocacy and so many of the principles I now hold dear.

The new Committee have an challenging yet exciting time ahead – good luck, I am sure the outgoing Committee and other active members will assist wherever possible if called upon, and you have a team of skilled and dedicated Staff who make QAI all that it is.

Bernadette Scalora  
**Vice President**



# Treasurer's Report

## Robert Reed



### **Introduction and Overview**

I take great pleasure in presenting the financial report for QAI for the financial year 2002/2003. QAI's audited financial statements were prepared by Hayward, Gesch and Dorge and are attached at Appendix A of the Annual Report.

QAI's received income in 2002-2003 was in excess of its expenditure.

Nevertheless, the Management Committee has recognised the need to focus upon strategies for increasing funding received through independent sources. In particular, we started to consider strategies around improving membership renewal, recruitment of new financial members and even more effective fundraising strategies than those that currently exist. In relation to the latter I am sure that I will be able to continue to assist QAI through my role on the Annual Fund Committee (see Reflection).

### **Income**

In the past financial year, QAI received its recurrent operating grant from the Commonwealth Department of Family and Community Services as well as funds from DSQ. QAI also received significant specific grants from the Gaming Machine Trust Fund and the Perpetual Trust. Significant amounts came in to QAI from the Annual Dinner, donations and Fund Raising as well as from the QDN auspice fee (which is now coming to an end). Total funds available to QAI in Financial Year 2003 are set out on page 4 of the attached report.

### **Expenditure**

The *Statement of Income & Expenditure* prepared by QAI's auditor details the combined expenses incurred by all the projects throughout the year (see page 5 of the attached report).

### **Conclusion**

This was my first full year as Treasurer of QAI and it is to be my last. I would like to thank all QAI staff and Management Committee members who have greatly assisted me throughout the year. Particular thanks to Kevin, Rose and Lyn who have assisted me at a staff level and members of the Finance Sub-Committee (Nigel Webb, Kate Kirkpatrick and Lisa Lehmann).

I would like to thank Peter Gesch from Hayward, Gesch and Dorge Chartered Accountants for auditing QAI's books again this year.

### **Reflection**

I take this opportunity to reflect upon my time on the Management Committee this year. My second year as a Committee member has been most eventful- at times exciting and at other times just hard work - but always rewarding.

During the year I was involved in a number of activities and Sub-Committees. Apart from duties arising in my role as Treasurer I was also involved in the Governance Sub-Committee work. Through a couple of Staff/Management Committee workshops I have been excited to see discussions on this topic reach a stage where we are ready to take some practical steps to document a way forward in terms of how QAI as an organisation is managed.

In other roles I was heavily involved in the organisation of the Annual Fund Dinner and in arranging for people at Minter Ellison Lawyers (where I am employed as coordinator of its Community Benefits Program) to assist QAI with updating the legal content of its training package for the legal profession.

The most significant event for me this year however was the birth of my son Lee Tanahashi Reed on 28 April 2003. My love for Lee has in many ways intensified my love for humanity in general and has made me better understand (and more passionately) the plight of those of us who are more vulnerable and yet constantly neglected by society. It has increased my understanding of the importance of QAI's work.

However, my love for Lee has also given rise to the need for me to change my lifestyle and, for the moment at least, I am unable to continue with a number of my commitments. Accordingly, I will not be continuing with my position on the QAI Management Committee. I am sad to be leaving this group of people whom I respect and admire and with whom I have formed a great bond over the last couple of years. I will be continuing my association with QAI through my work on the Annual Fund Committee and with Minter Ellison Lawyers and I look forward to liaising with the new committee in this respect. I am sure that it will be another eventful year ahead.

Robert Reed  
**Treasurer**



## Director's Report Kevin Cocks



I have great pleasure in delivering my fifth Annual Report as Director of QAI. First I would like to acknowledge the support, work and energy of the Management Committee. Second, I would like to acknowledge and thank all staff members for their dedication and tireless efforts to carry out the work of QAI over the past year. Finally, I thank my family for your love and support over the past 12 months.

QAI's work has been strengthened by the support of many people outside of the organisation. First I would like to thank people with disability and their families and friends who continue to hold a dream for a better life for all people with disability. Second, the Combined Advocacy Groups of Queensland (CAGQ) members, the members of the Advocacy Development Network (ADN), and other allies too numerous to identify.

This Annual Report covers the activities carried out by QAI in the financial year 2002 - 2003. In this reporting period Julie Granger resigned from QAI after 10 years of loyal and invaluable service to the organisation. At the same time Shelley Brook who worked in a part time capacity over a two-year period also resigned to pursue a full-time career in the public service. Once again QAI has attracted the services of a highly competent person in Lyn Giles.

During the past 12 months QAI has continued to focus its work in the following three areas Community Living, The Law Project and Bioethics.

### **Hostel Campaign Phase 2**

This campaign began as a direct response to QAI's advocacy exposing the exploitation of vulnerable people with disabilities inappropriately placed within private hostel and supported accommodation facilities. Many people with disability who have complex support needs have been placed in or referred to privately run hostels, boarding houses and/or supported accommodation facilities from here on within referred to as 'private residential services'. The Queensland government's response was to introduce 'The Residential Services Act 2002' the underlying assumption being that by introducing standards with which private residential service facilities need to comply they can protect vulnerable people with disabilities from being abused and neglected and exploited on a daily basis.

Insurmountable evidence demonstrates that service delivery standards, best practice principles, charters of consumer rights and independent complaints mechanisms continually fail to protect vulnerable people. This is particularly so when vulnerable people live in congregated, institutional care with inadequate supports and are isolated from or have no family, friends and cannot defend themselves. Therefore QAI established an informal reference group to assist us in thinking through strategies to highlight why the 'Residential Services Act 2002' was not enough to protect vulnerable people who have been inappropriately placed in private residential facilities over the past 27 years.

We engaged Jan Dyke to assist us to collect, collate and analyse the stories of people who have been inappropriately placed so their stories can be told. These stories provided data to analyse the shortfalls of the legislative approach taken by government. People's stories were collected from a total of 37 hostels throughout Queensland. The stories were gathered either directly from residents, their advocates, people who worked in the private residential services arena or community-based service providers who visited those living in private residential services. In the 12-month period we produced nine newsletters approximately one every six weeks. The newsletters were directly distributed to 220-targeted stakeholders including every Queensland State parliamentarian, senior bureaucrats in premiers, justice, housing, fair trading, DSQ, emergency services, Fire Department, 13 city council's, every Queensland State Senator, the Prime Minister's office, the Treasurer's office, the Minister for Social Security, The Minister for Family and Community Services and strategic allies. These newsletters were also made available on the website. The public report will be made available and launched in October 2003.

QAI was nominated for the HREOC human rights medal in 2002 under the Community and Law categories for our Advocacy on behalf of vulnerable people living in the private hostel, boarding houses and supported accommodation industry.

### **Indigenous People With Disability Living In Rural And Remote Communities Project**

QAI received a grant from Perpetual - Philanthropic Foundations to identify the fundamental needs of indigenous people with disability in highly disadvantaged rural and remote communities in Queensland. QAI engaged Jinnadirran Training and Consultancy Services Pty Ltd to conduct the necessary background research needed to ensure that the needs of these communities are better understood. The aim of the project was too identify how best to meet the fundamental needs of indigenous People who have disability in a culturally appropriate way.

The consultants' methodology was an active, 'on the road', first round of consultation with indigenous communities using culturally appropriate consultation mechanisms to define 'fundamental needs' of indigenous Peoples with disabilities. These consultations took place throughout Far North Queensland – which incorporates Cairns, Townsville, Palm Island, Central and North West Queensland - which covers communities from Mt Isa to the Gulf of Carpentaria.

A report from the consultants will be presented to QAI in the financial year 2003 - 2004.

### **Combined Advocacy Groups Queensland (CAGQ)**

QAI took a lead role in organising The Combined Advocacy Group's Queensland (CAGQ) annual event in April 2002. The two-day event focused on further developing relationships amongst advocacy groups and with:

- Disability Services Queensland
- Commonwealth Department of Family and Community Services
- The Public Advocate
- Advocacy Development Network

Key outcomes arising from this gathering were:

- a) the in principal support of CAGQ members for the draft ADN paper 'Towards Principled Evaluation of Advocacy';
- b) a CAGQ working group consisting of David Swift (SUFY), Jeremy Ward (Southwest Brisbane Citizen Advocacy), Josie McMahon (Gold Coast Advocacy), Lisa Lehmann (QAI) and Kevin Cocks (QAI) to develop a draft CAGQ charter, and operational guideline discussion paper to be presented and discussed in 2003 - 2004 CAGQ gathering.

### **Website**

QAI engaged in a process of reviewing and rebuilding our website. Our new website went to air in June 2003. There are many improved features to this website and it now adheres to Web Content Accessibility Guidelines. We will be continuing to monitor it and ensure that this website keeps up with the latest accessibility features. I would encourage you to visit the website [www.qai.org.au](http://www.qai.org.au) and provide feedback with respect to what works for you and what could be improved.

### **Annual Fund**

This year saw QAI host its fifth annual fund event; our guest speaker was Julian Burnside QC. Julian was involved in advocating both in court and in public for the human rights of the people aboard the 'Tampa' who were refused access to Australian waters. This event saw QAI depart from its breakfast format to a dinner. Once again our many thanks go to the annual fund committee and Minter Ellison's community benefits scheme for making this night a very successful event.

### **QAI Advocacy Projects**

Melinda Ewin, who has charge of the Community Living Project, has worked on a number of initiatives including convening the 'Coming Out' group, a community-based initiative focusing on getting people with intellectual disability out of the Baillie Henderson hospital. Advocacy around neglect and abuse issues for people living in Basil Stafford, the above hostel campaign, and working collaboratively with the Younger People in Aged Care Alliance (YPACA) and stakeholders in the issue of younger people in nursing homes at both at a national and state level.

Julian Porter, QAI's law project worker has focused on a broad range of issues including developing QAI's DSA review discussion paper, developing the legal profession training package, contributing to the Caxton Lawyers Practice Manual Update, submissions to the Review of the Law of Negligence, Guardianship and Administration Act Amendments, submissions to Legal Aid for Community Legal Centre Funding and casework for individuals that had systemic implications.

Dave Turnbull, the Bioethics worker primarily focused on challenging key stakeholders who operate in the world of genetics, biotechnology, medical sciences and ethics to create a moral space which valued the inclusion and participation of people with disabilities and their families. This was done mainly through workshops and forums and along with writing articles and detailed submissions to relevant authorities highlighting the many issues that need to be considered in order to respect and uphold the human rights of people with disabilities.

For full details of the Advocacy efforts carried out by QAI see individual reports.

Before I go in to my philosophical reflections and analysis on the failure of public policy in the lives of people with disability I need to make special mention of the contribution that Julie Granger and Nigel Webb has made to QAI.

### **Julie Granger**

Nigel has commented from an organisational perspective regarding Julie's long-term commitment to QAI and people for whom our advocacy efforts have focused. From the staff perspective we would like to say thank you very much for your solidarity, warmth, love, frankness, wisdom and passion. We wish you well in your future endeavours.

### **Nigel Webb**

It would be remiss of me not to respectfully acknowledge the commitment that Nigel has made to QAI. It is this commitment from people like Nigel that makes QAI a focused, passionate and strong organisation. On behalf of all current and previous staff I thank you very much for your dedication and support over the last nine years and wish you well in all your future endeavours.

### **The Failure of Public Policy**

The circumstances leading to the placement of many young people with disability into aged care nursing homes are closely related to the inappropriate placement of vulnerable people with disability into private for profit hostels, boarding houses and supported accommodation facilities. For over three decades, Queensland public policy has done little more than address crisis management of services for people with disabilities and their families across the state. A bold, new public policy initiative is essential, which seeks to reach consensus on reshaping the service system so all resources and services can be better managed and the gap between the haves and the **10,000+** people waiting for services can be bridged. Failure to recognize and address these fundamental issues will lead inevitably to higher costs for Queensland taxpayers and fewer supports for the nearly 600,000 children and adults with disability across the state.

Primarily the placement of people with disability in inappropriate support arrangements is a direct result of public policy failure to recognise and acknowledge that people with disability are deserving of equal opportunity and access to the public purse, goods and services. Secondly, the failure of public policy manifests in the way in which the human service industry: a) organises its labour or workforce; b) manages its financial resources and c) identifies its role in society as one of custodial care and control.

Public policy has failed to recognise that people with disabilities are as deserving as citizen's without a disability. The failure of public policy has meant that people with disabilities have been systematically neglected, discriminated against and marginalised as societal fringe dwellers. People with disability do not have equal opportunities in education, recreation, employment, housing, sport, to access public spaces or for personal and professional development.

The way in which the human service industry organises its labour is a product of the industrialisation of the workforce. The industrialisation of the workforce is characterised by rationalisation, routinisation, specialisation, subdivision, mechanisation, automation and improved methods of measurement and control. In this context people with disability are primarily the product that is processed in the course of the working day.



Financial resource management in the human service industry is characterised by input based funding planning through block grant schemes. Although people with disability, their families and service providers have been discussing outcome based funding and lobbying for individualised funding for at least the past 15 years, block grants remain the only mechanisms available. Yes we do have individualised packages but they are still located within a block grant schema. The use of resources is primarily characterised by how much money we are receiving and how many people can be supported with that money. As opposed to what is the vision, dreams and aspiration of this individual and what is the human service industry's role in supporting this individual to achieve his or her goals.

QAI is not suggesting that block grants do not have legitimacy as a mechanism for funding. Block grants allow governments and the community service sector to respond to crises, to be creative and flexible in responding to collective needs as they may arise in a community. They however do not allow for individual needs to have primacy in the context of an individual pursuing his or her goals. The experience for many people with disabilities and their families is that collective needs override the individual needs.

People with disability have a history of being ordered, controlled and monitored by the state under the guise of care and control policies. In the early days of colonisation those who were identified as having mental illness or an intellectual disability and needing support were often placed in prisons, as there were no formal supports available. There is also evidence that there was much fracturing of families through the removal of children with disabilities to be raised in institutions. Medical authorities persuading families to forget about their son or daughter and hand them over to the state where they would be 'much better off' mostly influenced this unofficial policy of removal from family to institutions. These paternalistic and oppressive policy responses were based on the assumption that people with disability were inferior and that families and the community at large would benefit from not having people with disabilities seen and participating in the family unit and society.

What is needed in public policy is a policy framework that ensures people with disabilities have personal choice, independence, freely given relationships, equal opportunity to access education, employment, housing, recreation and sport - thus realising full citizenship and all that that entails. This framework must be located within a legislative schema that: -

- a) recognises people with disabilities as citizens who are entitled to all goods and services citizen's without disability are afforded,
- b) that vulnerable people with disabilities need strong vigorous and independent protection mechanisms, and
- c) generally regulates the provision of funding by DSQ to its service provision sections and to DSQ funded bodies as well as detailing the expectations in relation to provision of services by these groups and by other un-funded groups - e.g. for profits, non-profits.

Of course we know that we can have the best legislative frameworks, public policies, and program rhetoric but the undeniable fact remains that for many vulnerable people with disabilities and their families very little changes.

For systemic reforms to be successful I believe requires a range of strategies. None more than a need for attitudinal change. I believe to bring about attitudinal change we have to be aware of both our conscious and unconscious prejudices.

The social origins of prejudice towards people with a disability have been informed by negative stereotypes about people with disabilities that result in people being seen as less deserving than people without disabilities. This notion of less deserving is clearly linked to the barriers encountered by people with disabilities in everyday life.

The way forward simply begins with a thorough examination of our personal values, beliefs and actions. This examination requires each of us to identify whether our belief systems and values are based on facts or mythology. How do we do this? Again my suggestions are very rudimentary we need to engage with people with disabilities on many levels beginning with the grassroots right through to the activists and disability policy reformers.

By engaging with people with disabilities we will not only identify ways in which to dismantle systemic prejudice and failure. For if we are to have a society that is welcoming and inclusive of all people irrespective of disability, race, gender, sexuality, religion... a civil and just society, then we must begin to dismantle our own prejudices by engaging in a greater level of consciousness of the reality of the lives of vulnerable people. Only then can we confront and challenge the systemic injustices confronting people with disability their families, friends and allies.

Kevin Cocks  
**Director**



## Bioethics Project David Turnbull



Following the very successful “Biotechnology and Ethics” soiree and workshop in June 2002, in which QAI hosted a gathering of leading public figures and researchers to talk of their own work and to hear the Inaugural Jennifer Fitzgerald Memorial Address delivered by Dr Jayne Clapton, QAI went on to host another important event in October. This was the “Genetics and Disability: Exploring Different Spaces, Different Futures” October 7 workshop at the Brisbane Convention and Exhibition Centre.

This event brought together people with disability and their families, community and disability support groups, government, professional services and researchers – all focused, in different ways, on new and emerging genetic technologies. The workshop sought to create a ‘moral space’ in which leaders from the community and the disability sector could engage with professionals in clinical genetics and genetics research and with leaders in other spheres such as law, ethics, science and education. The aim was to enable all participants to enter into the conversation.

The workshop ‘talks’ have been transcribed and are available on the new QAI website. QAI is still in the process of receiving comments on the themes that were addressed, so if you are interested in having a say, let us know! QAI is currently in the process of writing a report based on the gathered information, set in the context of worldwide developments in genetics. This will be made available to participants and others who are interested. The aim of the report is to demonstrate the themes, the current participant’s understanding of those themes, and directions for future discussions.

On October 8 2002 QAI co-hosted a Hypothetical event at the University of Queensland again on the themes of the new and developing genetic technologies. The Hypothetical “Going for Gold” (co-authored by QAI staff) was presented by Dr Norman Swan from the ABC and featured a number of prominent people in the field from around Australia including Dr Christopher Newell, one of the leading advocates for people with disability in bioethics. This event was videotaped and is available on short loan from QAI.

QAI’s work in addressing emerging issues in genetics continued with the publication of a number of articles in internationally recognised Journals. QAI’s work has been well received around the world in a number of ways. For example the Roehar Institute (Canada) made significant references to QAI’s work in their publication *The Construction of Disability and Risk in Genetic Counselling Discourse*. The Australian Law Reform Commission – Australian Health Ethics Committee *Inquiry into the Protection of Genetic Information* also made significant references to QAI’s submission. The Journal of Futures Studies devoted the May 2003 edition to several of the papers presented at the October 2002 workshop. One by QAI was *Genetics and Disability: Exploring Moral Space*. Another by QAI was *Disabilities, Justice and the New Eugenics of Gene Therapy*. The Monash Bioethics Review published an article in October 2002 *Reflections on genetic manipulation and duties to posterity: An engagement with Skene and Coady*.

The reason for QAI's strong involvement in the emerging field of genetics is that this field is what is being touted as not only the future of medicine, but also the "end" to disability. These claims encompass, for QAI, not just the traditional concerns with increasing prenatal testing and reproductive surveillance, but with the social impacts of projected 'cures' for many illnesses and disabilities now thought to be 'incurable'. What has to be raised for public discussion is the curious mixture of expectation, fear and uncertainty being created by these innovations. The concern is not so much about rights as about morale and citizen engagement, and about the legitimacy of people with disability who may want to say, (now or sometime in the future) "Enough is enough" to an almost exclusive political pre-occupation with the newest technological fix. In its systems advocacy work, QAI wants to be both fully aware and engaged in the bioethical debates relevant to people with disability. Given its record of engagement in this field, QAI will be in a better position to have a stronger voice in the public policy discussions regarding bioethics of the future.

QAI's bioethics work also went ahead in promoting discussion on the World Wide Web. This gave the opportunity for quite a number of people within Australia to have their voices recognised publicly. Because of its extremely 'personal' and 'philosophical' nature bioethics discussions may become quite exhausting for those involved and many people do not speak up perhaps because of a heightened sense of vulnerability. QAI's bioethics electronic talk group is probably best understood as an experiment in this form of communication, rather than an ongoing commitment. In an era in which prioritisation is important this form of discussion is probably heading down the list, not up.

QAI has also been putting an effort into reviewing its approach and policies concerning sterilisation. But news concerning this will have to wait until the 2004 Annual report!

David Turnbull  
**Systems Advocate**



## Community Living Project Melinda Ewin



This year QAI has continued to advocate for people with disabilities living lives beholden to institutional practices. It is the nature of systemic advocacy to often be working hard towards achieving better outcomes for people with disability despite what seems to be little in the way of results. This work is like the foundations of a building, unseen and time consuming, but necessary. The successes of systemic advocacy in building these foundations can be found in each recognition, acknowledgement and action by government, media and community of the systemic injustices experienced by people with disability. This year, through the campaign strategies of the Community Living Project, achievements have been made towards dealing with institutional practices.

In the 2002 / 2003 year particular institutional practices were targeted and addressed through the Younger People in Aged Care Alliance, the Hostel Project and Baillie Henderson Hospital Campaign.

### **Younger People In Aged Care Alliance (YPACA)**

Over the past year the issue of younger people with disability residing in aged care facilities has received attention from politicians, government departments and media in both the state and federal arenas.

The membership of the Queensland Alliance includes people living in aged care facilities, organisations and concerned citizens throughout Queensland and Australia. The group believes that aged care facilities and services are inappropriate for younger people with disability and remain concerned over the lack of support and funding that has resulted in the growing trend for younger people to be placed in these facilities. The goals of the Alliance are to stop younger people with disability from being placed in aged care facilities and to free those already in residence.

The YPACA group has been effective in raising the profile of people's lives in aged care facilities through collecting peoples' stories and using them to inform Ministers and politicians, bureaucrats, aged care facilities etc.

At the beginning of the year the Queensland Alliance was approached by the newly formed National Alliance in Victoria to participate in the planning of a National Conference in Melbourne. The Queensland Alliance was instrumental in securing Mark Sherry as a keynote speaker at the Conference. Mark Sherry was an instigating founder of YPACA and is currently holding the Post Doctoral Fellowship in Disability Studies at the University of Chicago. He is also a former Post Doctoral Fellow of Disabilities at Berkeley University, California and is the only person to ever hold both these positions.

The Alliance was successful in a funding submission and together with monies from Queensland Parents for People with Disabilities was able to send 10 people, a number of whom were living in aged care facilities, to attend and to present at the conference.

The Alliance was actively sought out to provide a guest speaker at the Aged Care Assessment Team (ACAT) Queensland State Conference in Rockhampton. This gave the Alliance an opportunity to air its concerns and provide links for attendees to help prevent young people with disability being placed in nursing homes.

The Alliance developed a single page flier for distribution at the Aged Care Queensland Conference held at the Gold Coast. This led to a number of enquiries from people in the Aged Care industry.

The Alliance was contacted to provide a support letter for a person who was in the process of being placed in an aged care facility in relation to the possibility of them receiving support and assistance to enable them to live at home. This letter of support is available on request.

### **Actions**

YPACA Group meetings	9
Story writing meetings	4
Meetings with people living in nursing homes	4
Presentations	
Department of Housing	1
Aged Care Assessment Team	1
Public Meeting in Rockhampton	1
Meetings with DSQ staff	1
Chair session at National Conference	1
Distribution of flier at Aged Care Qld conference	1
Teleconference Meetings with National Alliance	4
National Conference	2
Public meeting with Mark Sherry	1

The Younger People in Aged Care Alliance meets every 3<sup>rd</sup> Tuesday of the month, for more information please contact Melinda Ewin at QAI.

### **Baillie Henderson Hospital Campaign**

This year the community support group, working towards creating community connectedness for people with intellectual disability residing at Baillie Henderson Hospital at Toowoomba, has decided on a group name – COMING OUT. The group, comprised of family members, local community members, social justice groups and the Catholic Church, meets regularly on a monthly basis. The group has a fluid membership with a core group of between 6-8.

The group asked to meet with Management and senior staff at Baillie Henderson Hospital. At this meeting the group were able to clearly express their short and long term goals for the people with intellectual disabilities residing in Browne House and Morris Mouatt Unit. An action to be realised since this meeting is that some members are participating in activities with residents on a voluntary basis. This has resulted in positive outcomes where relationships have been established with individuals as well as staff.

The group invited the Public Advocate, Ian Boardman and Associate Professor Nicholas Lennox to attend one of their monthly meetings. This meeting was useful for developing an understanding of the historic relationship the Public Advocate has with Baillie Henderson Hospital as well as to discover the correlations between the Halwyn Centre and Baillie Henderson Hospital.

Written request was sent to DSQ to ascertain the department's level of commitment to deinstitutionalisation, in particular Baillie Henderson Hospital, and when the submission for community access will receive funding.

**Actions**

Group meetings	7
Meeting with DSQ	1
Meeting with Baillie Henderson management & staff	1
Meeting with Public Advocate and Assoc. Professor Nicholas Lennox	1

Coming Out meets on Mondays monthly at SPRED in Toowoomba, if you would like further information or would like to attend the meetings please contact Melinda Ewin at QAI.

**Hostel And Boarding House Campaign Phase 2**

The distribution of the "Vulnerable People Shameful Responses" Issue Papers began this phase of the hostel and boarding house campaign. Each issue paper was sent to councils, advocacy groups and politicians both state and federal in Queensland and has resulted in considerable interest and action from politicians throughout the state. QAI was approached for meetings with parliamentary members from both sides of the house. A number of state and federal parliamentarians have written to the Ministers for Disability Services and Housing for responses to the issues the papers raise.

Between April and June, as the dates for compliance of Fire regulations and Accreditation registration drew near and the number of closures and threats of closure increased, QAI in collaboration with other groups Queensland Disability Housing Coalition, Boarding House Action Group, Tenants Union and Tenant Advice and Advocacy Service, advocated for a combined closure response from government departments, DSQ, Housing and Health. This resulted in the formation of a formal closure response (Department of Housing being the lead agency) and the instigation of a closure response team.

**Actions**

Project meetings	9
Hostel Reference group meetings	7
Collection of data	
Meetings	3
Telephone	9
Distribution of Issue Papers with covering letter	9
Meeting with Premiers Department	
Director of Social Policy	2
Meeting with Department of Housing	3
Meetings with Closure Response Team	3
Meeting with Politicians	2
Other related meetings	4

### **Basil Stafford**

QAI has continued to monitor incidents that arise at Basil Stafford over this year. The content of a website constructed by staff from Basil Stafford greatly concerned QAI as it had the potential to incite fear and hatred of people residing at Basil Stafford. QAI responded to the union's campaign publicly in an ABC radio interview that included Frank Rocket, Director General DSQ. Actions from this interview taken by the Director General resulted in meetings with families and a commitment by the Minister and DSQ to address the issues raised by families about Basil Stafford.

#### **Actions**

Meetings with family members	2
Attend Family AGM	1
Meeting with families and Director General DSQ	1
Meeting with DSQ Manager for Basil Stafford	1
Public media comments	3

### **Halwyn Centre**

QAI in its role has continued to participate in the Family Support Group meetings when invited.

These meetings have been able to discuss community options as an alternative to residing at Halwyn.

#### **Actions**

Family Support Group	2
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### **DSQ Funding Reform**

QAI attended two full day meetings with key agencies around concerns with the funding reform process. The actions arising from these meetings was a letter representing the combined response of concerns to be presented to the Minister by representatives of the group.

QAI also responded individually to the funding reform process with its own submission.

#### **Actions**

QCOSS meetings	2
QCOSS meeting with Minister	1
QAI submission	1

Melinda Ewin  
**Systems Advocate**





## Law Project Julian Porter



A significant year for the Law Project, 2002/2003 saw the project's focus finally shift from individual legal advice towards work of a more systemic nature. While certain individual cases with systemic implications were taken on or continued with during the period time-consuming case work was more limited than in recent years and as a result significant time could be spent on other important initiatives. Towards the end of the period the fruits of this approach began to become evident in the form of an exceptionally well-received discussion paper around the Disability Services Act review and positive progress towards the completion of the legal profession training package.

### **DSA Review**

Work began in October 2003 when it appeared that consultations would take place over four weeks from the end of January with public meetings beginning as the Issues Papers were released! Working with other advocacy and network groups we were able to prevail upon the Minister to lengthen the consultation period, move it away from this busy time of year and ensure that people had time to digest the Issues papers before community consultation meetings began. Subsequently the release of the papers was delayed until June for undisclosed reasons. When the Issues Papers were subsequently produced there was a perceived deficiency in the options they provided and a decision was made to produce an alternative discussion paper. This would arm QAI constituents attending the consultation meetings or drafting their own submissions. To inform this paper two meetings were held with staff, a day-long forum with targeted allies was held and several one on one discussions with stakeholders were conducted. After a fortnight of solid writing the paper was formatted attractively by Pauline Heaney (Lettuce Create) and launched to the public as the consultation meetings got under way. The response was tremendous. QPPD wanted copies for all its members, the Disability Council requested individual copies, as did numerous other groups. As well as the 650 papers printed and distributed the paper was downloaded in full colour from the website by many more and was extracted in the publications of a number of other interested community groups. ABC program Stateline saw a copy and a segment about deficiencies in the review process resulted. Negotiations began as to methods to ensure greater involvement of people with disability in what is seen to have been a flawed process and the process extended, with QAI to be involved on a steering committee for enquiries to be made by an independent consultant. Even within the current process it was gratifying to attend some of the consultation meetings and hear people bringing up for discussion points made in the paper. It is understood that the various of the Minister's recent queries as to the review mirror rather closely questions asked in the paper. A formal submission has been prepared based on the paper with additions from feedback received and from other discussion had in the meantime.

### **Legal Profession Training Package**

QAI continued to work with Minter Ellison lawyers (particularly Robert Reed) in relation to this important project but also involved a variety of experts in relation to various aspects of what is a highly specialised field. Initially Rob and I met with Professor Jeff Giddings a training expert from Griffith University to scope out a process to ensure the package was palatable to its target audience. His suggestion of carrying out consultations was a relatively foreign one to two lawyers so organisational consultant Diz Synnott came on board to assist. In due course a very useful focus group session was held with representatives from Legal Aid, Crown Law, DPP, Community Legal Centres and the private sector, looking into what these lawyers knew about disability, how they had learnt it, how they preferred to learn and where their main interests lay. At the same time key members of the judiciary were approached for input. Most preferred not to participate but offered strong support to the initiative. The Attorney General also offered his support with regard to the involvement of his departmental agencies. The one judiciary member to go beyond this was then Chief Magistrate Ms Fingleton who offered QAI the opportunity of presenting parts of the package at the Magistrate's annual conference. The group leapt at this chance despite a relative lack of preparedness and was disappointed when, as a result of Ms Fingleton's dismissal, the scale of the presentation required was reduced from a half day to one hour. The multi media, interactive presentation eventually done was remained a valuable introduction to the topic. Like all of the above work it could also be seen as a valuable marketing tool to a part of the potential market for the package once complete.

This preparatory stage was brought to an end in March by the good news that a submission for funding to finalise the modules into a professional package had been successful. Over the years the expense of design, printing and packaging for the product had held progress on the package back. The receipt of \$5000 from Uniting Care's Centre for Social Justice for this purpose was considered sufficient to do so given Minter Ellison's generous offer to print it internally and Pauline Heaney's generously subsidised quote for design, formatting and PowerPoint presentations. Hence a timeline was set for updating and finalisation of content and completion. Completion of the package is tentatively expected around the end of the calendar year with much of the content finalised at the time of writing.

### **Caxton Lawyers Practice Manual Update**

A commitment to make time to updating the 'Disability and the Law' chapter of this valuable resource for lawyers was fulfilled over the quiet period immediately after Christmas. This had not been done since 1999.

### **Guardianship and Administration Act Amendments**

QAI made a submission in relation to proposed amendments to the Guardianship Act. Largely the changes proposed were uncontroversial and of a regulatory nature. However QAI made strong arguments against the removal of compulsory review procedures for transitional matters – ie people who have Guardianship and/or Administration orders about them as a result of being under the jurisdiction of the Public Trustee or other such body prior to the new regime coming in. Subsequently we met with the Department of Justice, tribunal members and the Public Advocate in relation to our concerns.

### **Review of the Law of Negligence**

An unplanned but substantial and necessary piece of work for the project was its involvement in a campaign to minimise the damage for people with disability from proposals for reform of the law of negligence. Initially this involvement took the form of making a formal submission to the Independent Panel of Review (an arguably far from independent panel appointed by the Commonwealth Government essentially to look at ways to ensure the continued viability of insurance companies by removing peoples rights). QAI's submission, essentially along the lines that if rights have to be removed at all it must be in a fair, equitable and non-discriminatory fashion, did not appear to have been heeded in the subsequent report which suggested several measures which had the potential in their operation to disadvantage people with disabilities to a greater extent than other people. Hence QAI became involved in lobbying the State government, expected to pass legislation in line with the legislation, to legislate in a more reasonable fashion. QAI did this both as part of a Citizens Rights Coalition of interested parties including litigation lawyers and community groups and individually by informing allies in the disability and community legal centre sectors of the proposals and how to oppose them. A formal submission was also made to the Attorney General as to the potential effects of the proposed measures upon people with disability. While harsh legislation was still passed by the State government, apparently without proof that the 'insurance crisis' was anything but an opportunistic hoax perpetrated by the insurance companies, it can be observed to be far more reasonable in many respects than what was originally proposed, and what was in fact adopted by several other States.

### **Legal Aid Community Legal Centre Funding**

QAI was again unsuccessful in securing funding from Legal Aid to operate as a Community Legal Centre. QAI has never received funding from Legal Aid despite offering considerable free legal assistance to people with disabilities over many years. The vast majority of community legal centres in Queensland who operate such a service are funded by Legal Aid to do so. The situation has become such that, in the absence of such additional funding, it is impossible to carry on a legal advice and casework service at the previous level without neglecting the Law Project's important systemic work. Hence serious consideration was given to challenging the decision through Judicial Review. A Statement of Reasons was requested and counsel's advice sought as to prospects of success. While that advice – that a decision not to fund QAI on the basis that we receive substantial funding from another source could potentially be successfully challenged – it was decided that launching an expensive legal challenge would be counter-productive and that a more collaborative approach to getting legal services catering for people with disability funded properly should be adopted.

### **CMC Inquiry Into Investigation and Prosecution of Sexual Offences in Queensland**

Subsequent to the controversy around the charging then withdrawal of charges against Scott Volkens, this inquiry was launched with terms of reference that went far wider than that individual case. QAI took the opportunity to raise the issues that face people with disability in making allegations against their attackers in the present justice system.

### **Rights In Public Spaces Action Group (RIPS)**

QAI was invited to participate in a group of allied community legal centres, academics, students and others working towards reform of the Vagrancy Act and other legislation which is considered to be out of step with modern values and capable of being used discriminatorily against marginalised groups, particularly the homeless. Many of this group are believed to have an intellectual disability or mental illness. The group meets monthly and is still preparatory mode.

### **Casework**

Along the lines of the Operational Plan for this period no legal case-work was taken on by the project directly. However referral and practical advice was still given over the phone and in person as required, cases from previous periods were continued with and new cases were taken on at the request and with the cooperation of individual advocacy groups. Some of the matters worked on were:-

- receipt of judgement in two outstanding cases, one in the Supreme Court and one in the Administrative Appeals Tribunal, which were heard in the previous period. Unfortunately both were unsuccessful. Advice was sought and given in relation to prospects on appeal
- resolution, this time favourably, of a further Judicial Review matter by negotiation out of court and eventual direct intervention from the Minister. This matter, in relation to refusal of any funding for a profoundly disabled woman had been ongoing in QAI for approx four years
- took action towards seeking an injunction to stop DSQ renegeing on a proposed funding arrangement for a man who would have suffered considerable detriment as a result of actions he had taken on the basis of the agreement
- guided advocacy group in attempts to obtain information in relation to assaults upon a client in a share house arrangement. Assisted with application to Queensland Public Interest Law Clearing House for assistance of pro bono lawyer to bring litigation proceedings for personal injury
- assisted woman with strategies for obtaining justice despite apparent cover-ups and failure of government agencies to take proper action in relation to sexual abuse of her daughter while in care of a service provider. Turned advice into newsletter article re avenues of complaint
- represented woman with severe personality disorder in Magistrates Court criminal matter under the Commonwealth Crimes Act. Made application to prosecutor to have the charges dropped (unsuccessfully) and appeared at several mentions to have her attendance excused, hence avoiding further charges in relation to breach of bail and obstruction

In line with QAI's Community Legal Centre status a public liability insurance cross-check has been undergone and compulsory presentations at the QAILS AGM and annual conference have been attended.

Julian Porter  
**Systems Advocate**