



Queensland Advocacy Incorporated

ANNUAL REPORT 2004 - 2005

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Annual Report 2004 - 2005



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Management Committee 2004 - 2005

President	Mary Kenny
Vice President	Robert McRae
Secretary	Michael Duggan
Treasurer	Berkeley Cox
Member	Byron Albury
Member	Kay Hassis
Member	Meriel Stanger

STAFF 2004 – 2005

Director	Kevin Cocks
Community Living Advocate	Melinda Ewin
Legal Systems Advocate	Julian Porter
Bioethics Advocacy Worker	Dr Lisa Bridle
Accounts Administration	Rose Cenita (resigned October 2004)
Office Administration / Accounts	Lyn Giles
	Tina Cornilsen (resigned June 2005)



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.

The Department of Family & Community Services under the Commonwealth Disability Services Act primarily funds QAI. QAI also seeks funding from philanthropic organisations. A Management Committee, the majority of whom are people with disability, runs QAI.

This **Annual Report** covers the period from 01 July 2004 until 30 June 2005. 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 organisation; 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.



Management Committee Report



The Management Committee 2004/2005 is pleased to present our report for another year. We have completed an important phase in the life of Queensland Advocacy Incorporated. We continued to be a strong, harmonious and collaborative committee, learning about the needs of vulnerable people with disability in Queensland and at the same time, encouraging and appreciating the effort made by staff in their work to achieve protection of and better lives for people with disability.

This report will focus on the work of the Management Committee, while the Director's report will focus on the work of QAI.

During this term, we consolidated our work on the Strategic Directions set for QAI to 2009 and continued to work under our Governance Charter that was ratified during our first term in 2003/2004. During 2004/2005, we met for twelve months of the year, holding formal business meetings and alternating with informal meetings. We have embraced the informal meetings as times to listen to and appreciate the work of the staff and to grapple with the complexities of the work of QAI, deepening our knowledge of systems advocacy efforts. The Governance Charter is a working document and articulates the wisdom and experience of management expertise within QAI and states the authorities and delegations needed for the committee and the staff to progress the work of the organisation. The Charter has been an excellent guide for us.

Throughout the year, our Treasurer, Ley Cox worked tirelessly to ensure that our financial systems were revised and updated. As we developed our consciousness about the needs for appropriate financial accounting, we have aligned our business meetings to coincide with the quarterly reporting for BAS and other funding requirements. This has improved the administration and control of our financial reporting. All projects now have costings attached to action plans. These action plans are developed directly from the Operational Plan, and our committee is very confident that the strategic directions set for 2004-2009 are being met.

In keeping with our revised financial management, we decided that QAI could not progress the International Conference for People with Disability in the Criminal Justice System. As a committee, we were challenged to make this decision in the light of our available financial and human resources and to encourage others in our community to take up the challenge.

We are very appreciative that Sisters Inside are progressing a similar conference, and we are working collaboratively with that organisation and others to highlight the experience of people with disability in the criminal justice system. We are delighted with the insights gained by working with others on this issue and we hope to continue to develop these relationships further. The conference is planned for 18 and 19 May 2006.

QAI continues to focus on the issues for vulnerable people with disability in the criminal justice system. We have received a generous grant from the Gaming Machine Community Benefit Fund that will enable QAI to continue to bring the stories and experiences of people with disability in the criminal justice system to the notice of policy and decision makers, the justice system and our society.

Robert McRae, our Vice President, has reviewed our Constitution and found that the document needed to be upgraded to comply with current Australian Taxation Office requirements. The new Constitution is being submitted to the members for approval, during our AGM. We are confident that the Constitution as proposed will meet the needs of the organisation and encourage all members to support the changes. The objects of QAI remain as follows:

1. The objects for which the Association is established are-
 - (a) To affirm and put first people with disability in Queensland
 - (b) To do 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
 - (c) To do 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
 - (d) 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
 - (e) To support, promote and protect the development of advocacy initiatives for the most vulnerable people with disability in Queensland
 - (f) To be accountable to the most vulnerable people with disability in Queensland
 - (g) To conduct an efficient and accountable organisation
 - (h) 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/or which is actually, or very likely to be, 'costly' to the actor, eg in terms of-
 - time or other resources
 - emotional stress
 - bodily demands
 - social opprobrium, rejection, ridicule
 - self-esteem, self certainty

(Extract QAI Constitution)

In reviewing our year, Management Committee members expressed their highlights and experience of this year of management as being:

“Implementing the QAI governance charter, the proposed updating of the constitution, the law reform (work) for people with disabilities in regards to the (criminal justice) system. The bioethics project, the linking up with Sisters Inside in relation to some form of conference in regards to people with disabilities in the criminal justice system”.

“I actually have become more passionate about advocacy in a system's sense for the rights of people who actually need assistance when ever assistance is required. I mean, we may not do direct advocacy, but we do it in a systems sense and I've become a richer person by serving with all of you around this table”.

About the work of the staff:

“I've found (Bioethics) very interesting and I've found something totally new to me are the concepts - some of the concepts. It is an eye opener, I guess, to people who haven't thought about some of those issues and I don't know how you get the message across in a broader context, but it is something that when you think about it, when you've never been confronted with the issues, is an issue that you can see is of great relevance, particularly to people with disabilities.”

“It's just really opened my eyes to things in the way of disabilities. I was just completely naive and head in the sand about certain issues and I just - I'm finding out all sorts of things”.

“It really drove home to me that not only the management committee as a whole, because we work really well as a team, but the whole dynamic of the organisation has developed a flow on effect. That particular program (Four Corners 19 Sep 2005) with that particular issue (mental illness) made it more poignant to me because it was so personal. I could actually relate to what was being shown on the screen. So, you know, I take my hat off to the organisation as a whole for all the issues that we've chosen to, not only as the management committee, but also along side with the staff, we've chosen to get involved and push along, if you will.”

Our Sub-committee structure has worked well, and with the guidance of our Governance Charter, the Sub-committees are more focused and accountable. The Sub-committee structure has encouraged individuals on the Management Committee to take responsibility for particular parts of the committee's work.

The Governance Sub-Committee has delivered on the Charter; the next major focus will be the Compliance Sub-Committee that will ensure that QAI policy and procedures and accountability against the Disability Advocacy Standards are met. Work has already commenced on this project and we expect an action plan will be in place by the end of December 2005. This will include a structured review and revision, where necessary, of all policy and procedures so that QAI can maintain ongoing focus and commitment to strong vigorous advocacy for people with disability in this state.

Some members of our committee were involved in reference groups hosted by the staff of QAI. These included the Bioethics project, the Justice Conference and advocacy training for the legal profession.

As part of our yearly calendar, we invited people who had expressed interest in joining our committee to come to the August, September and October meetings. We were delighted to welcome Andrew Fraser and Julie McStay to our meetings and to begin to learn about the work of QAI and the work of the committee.

QAI continues to be supported and encouraged by many people in our community.

We wish to acknowledge the Governor of Queensland Quentin Bryce for her ongoing support for our advocacy efforts.

QAI thanks Ron Ashton for his Chairmanship and support to the Friends of QAI. In December, 2004, Ron Ashton resigned as Chair of the Friends of QAI. During his term as Chair, Ron served QAI with passion, commitment and energy, we are very grateful for his support. We wish Ron well in his future directions.

The Annual Fund Committee has reviewed the work of the Friends of QAI and has prepared an action plan for the Management Committee's approval. Special thanks are due to Robert Reed, Minter Ellison Community Benefits Program. QAI is appreciative of the commitment and effort made by Robert and others involved in fund raising for our organisation.

Our thanks to CONROD and their Chairperson, Graham Hughes, for their financial support towards developing an advocacy response to the issues for people with disability in the criminal justice system.

Visitors to the office at QAI may have noticed the new colour scheme and revamped meeting area. We thank the Gaming Machine Community Benefits Fund for assisting with an upgrade of our amenities for the staff and meeting room.

The work of the committee for 2004/2005 focused on consolidating our work on the Governance structure, our financial policy and procedures and developing our compliance system.

This year was a difficult one for the staff of QAI. We wish to acknowledge the work of the staff and are very appreciative of the efforts of all the staff, particularly when leadership and loyalty to the organisation were required. We have seen a number of changes in the way the administration happens at QAI and we are confident that the new bookkeeping and budgeting arrangements will ensure increased efficiencies in our financial management. We wish to thank Kevin Cocks, Melinda Ewin, Julian Porter, Lisa Bridle, Jen Barrkman and Lyn Giles for their ongoing passion, commitment and diligence in their work. We also wish to acknowledge the work of Margaret Endicott, Jan Dyke, Ross Pacey, Tina Cornilsen, Russell Flynn and Kay Marks Richardson for their assistance with our projects throughout the year.

Three members of the Management Committee are leaving the committee this year, Mary Kenny, President, Ley Cox, Treasurer and Kay Hassis, Committee Member. QAI wishes them well and looks forward to ongoing relationships.

The Management Committee has a full agenda for the coming year. In November, we have induction and orientation of new committee members. Throughout the year, the committee will progress the work of the Compliance Sub-Committee and formulate any relevant policy required.

Some of the challenges ahead include:

- maintaining and informing supporters of QAI's mission of our strategic direction, work and the ongoing need for support
- reviewing and revising the QAI Values Statement
- developing good working relationships with other advocacy groups in Queensland
- continuing to provide resources to the Advocacy Development Network to enable greater clarity on the principles, values and skills needed to provide strong viable advocacy for People With Disability in Queensland

We are confident that QAI will continue to serve vulnerable people with disability in Queensland through good, effective management and strong relationships with QAI members, people with disability, families and friends, allies, and other supporters in the community.

On behalf of the Management Committee

Mary Kenny
President



Treasurers Report Berkeley Cox



I am pleased to present QAI's Financial Report for the year ended 30th June 2005. The Report was prepared by Haywards, Chartered Accountants and is attached hereto (*Appendix A*).

QAI's work continues to rely heavily on its Annual Funding Agreement with the Commonwealth Department of Family and Community Services. This income has been supplemented from other sources as detailed in the Financial Report.

Because of the nature of QAI's work and the increasing demands and competition for funds within the Not-for-Profit Sector it is most likely that QAI will continue to rely on funding from the Commonwealth. This is not to say that QAI should not and will not endeavour to seek funds from other sources.

The change in banking arrangements to the Community Sector Banking division of the Bendigo Bank was completed during the year.

Work continued on reviewing and updating QAI's financial policies and procedures and I am satisfied that the procedures now in place will enable QAI to continue to function smoothly in the future. Most of the day to day financial matters are now administered by Lyn Giles who has willingly taken on this role in her usual competent manner. To Lyn my sincere thanks.

I have thoroughly enjoyed working with the Management Committee and staff of QAI. During my period as Treasurer the Committee's work, under Mary's Presidency, has been carried out in a positive and harmonious manner. My association with QAI has been a particularly rewarding experience. I admire and respect the dedication and application of Kevin and the staff.

Berkeley Cox
TREASURER



Director's Report Kevin Cocks



I have great pleasure in delivering my seventh Annual Report as Director of QAI. I thank the Management Committee for their leadership, work and energy. Additionally, I 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 their love and support over the past 12 months.

QAI's work has been strengthened by the support of many people outside of the organisation. In particular 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. The staff and I draw great strength from people's tenacity to face adversity daily yet hold on to the dream of having a better life.

This Annual Report covers the activities carried out by QAI in the financial year 2004 - 2005. During the past 12 months QAI has continued to focus its advocacy efforts in three areas, Community Living, the Law Project and Bioethics. Additionally, advocacy development efforts concentrated primarily on the development of the 'Strategic Advocacy Framework Paper'. This paper provides clarity, to both the Commonwealth and State Authorities responsible for funding Advocacy, with a common understanding between DSQ, DFACS and advocacy groups of what advocacy is, the types of advocacy, principles underpinning advocacy, and the goals and objectives of advocacy.

QAI ADVOCACY PROJECTS

Melinda Ewin - primary focus is the Community Living Project. The four main areas that this report covers are -

- Hostel Campaign
- Coming Out Group
- Younger People in Nursing Homes
- Human Rights Project.

Julian Porter - works primarily on the Law Project, the focus this year has been -
Legal Advocacy Development - training and networking with lawyers towards better legal service for People with a disability

Law Reform - campaigns and submissions around legislation and policy which directly or indirectly effect people with a disability; and

Case Work - individual legal matters referred by individual advocacy groups which support the systemic objectives of QAI as a whole

Lisa Bridle - focus is on the Bioethics Arena. Lisa has been involved in –

- research and collection of information on current issues of concern
- writing and presenting workshops, talks and conference presentations
- collaboration with other groups and organisations on projects and issues of concern
- hosting events in order to raise awareness of issues of concern

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

Before I reflect upon the past year's significant administrative and advocacy efforts I must make special mention of the contribution that outgoing President Mary Kenny, Treasurer, Ley Cox and committee member Kay Hassis have made over the past two years. I thank Mary, Ley and Kay for their wisdom, leadership and support of QAI as an organisation and myself as the Director especially over the past twelve months.

Mary has shown great leadership in advancing both the committee and staff understanding of QAI's Governance Charter. The Charter provides a framework which describes the roles and strategies of QAI's management committee necessary to ensure that QAI as an organisation achieves its goals and conducts itself with probity. The Charter informs all aspects of QAI Management Committee work including planning, mission development, committee work, agenda setting, budgeting, reporting, Director evaluation, management relationships and fiduciary responsibility.

Ley has provided great support to QAI over the past two years particularly in his Treasurers' role. His leadership and accounting knowledge has placed QAI in a strong position given the heightened compliance demands that community organisations have been obliged to take into account over the past four years. We will certainly miss Ley's support, guidance and lunchtime conversations.

Kay has brought a perspective that incorporates the experience of a parent and a service provider. Her insights to what is required to safeguard vulnerable people and at the same time ensure people's daily life opportunities are optimised were invaluable. Kay's passion and commitment to making sure that people with high and complex support needs are treated with respect and dignity in everyday life contributed to staff maintaining our 'fire in the belly'.

COMBINED ADVOCACY GROUPS QUEENSLAND (CAGQ)

QAI has provided leadership within CAGQ to work collaboratively with the Commonwealth Department of Families and Community Services (DFACS) and Disability Services Queensland (DSQ). This period CAGQ has worked with the departments to develop a discussion paper which focuses on accountability and performance indicators for advocacy. This paper will be finalised in the next financial reporting period.

Finally, the Commonwealth and State have signed off on the strategic framework for Advocacy in Queensland. This document is the starting point for developing a common understanding between DSQ and DFACS and advocacy groups of what advocacy is, the types of advocacy, principles underpinning advocacy, and the goals and objectives of advocacy. The strategic framework provides a document which allows for the development of and funding for strong independent social advocacy organisations in Queensland. This is a significant achievement the first of its type in Australia and hopefully will provide a framework that can be universally adapted in other States and Territories.

ANNUAL FUND

There was no annual fund event held this year. A working group has been established to review the annual fund and develop a strategic plan to advance the annual fund direction.

During this period QAI was successfully chosen as one of ten community organisations with charity status, to be part of Minter Ellison's National Workplace Giving Scheme. This program will commence in the 2005-2006 reporting period.

WEBSITE STATISTICS

The website has once again proven to be a popular source of accessing information. 156,783 people visited our website in this reporting period an average of 13,605 visits per month. The majority of visitors were from North America, then Australia and Oceania, followed by Asia, Europe, South America and Africa.

PEOPLE WITH INTELLECTUAL DISABILITY IN THE CRIMINAL JUSTICE SYSTEM

The plan to hold an International Conference addressing the needs of Vulnerable People with Disability within the Criminal Justice System in Queensland and Australia has been gathering momentum since the first visit by Billy Edwards from USA in 2003.

In this reporting period QAI placed this issue as an important and urgent matter which needed to be addressed by all facets of the legal and justice system. It was a significant stream of action that moved out of the *Action Forum 2001*.

With the visit by Billy Edwards in October 2004 the momentum for an International Conference continued. The purpose of the International Conference was to draw together the ideas and insights and responses that have emerged in an attempt to begin a cohesive and coherent policy and program response in Queensland. It is clear that the issues relating to people with disability and the criminal justice system have been marginalised for far too long. It is going to require a concerted and sustained effort to have the myriad of issues addressed. This effort requires leadership and once again this leadership will come from the community.

Some of the actions that QAI has taken in the reporting period to progress the conference is:

- to meet with key stakeholders from the community legal, advocacy, community, academic and government sector in NSW and Victoria
- committed funds and resources to progress some of the preliminary tasks in hosting a conference through the employment of a part time contractor and by committing considerable staff time to the task
- obtaining preliminary support for the conference from key community organisations
- secured \$10,000 toward the conference from CONROD; and
- engaged Jen Barrkman to assist to perform secretariat functions, assist QAI and our partners in the development of the conference

Jen Barrkman was employed over a twelve week period to assist QAI and key stakeholders to develop strategies to advance the proposed conference. The aim of this aspect of the project was to gather together support from the identified key stakeholders and write submissions for funding.

Unfortunately, in the second quarter of this reporting period QAI clarified that the relevant government agencies were not going to provide any financial support towards the proposed conference. It was disappointing that the respective government agencies could not see their way to enter into a partnership with QAI and concerned community organisations and citizens to advance the many issues that require reform within the criminal justice system.

Due to no government financial commitment and ongoing organisational planning processes, QAI reflected on its capacity to host this event. As a result of the review the organisation as a whole determined that it was not feasible for QAI to develop, coordinate and underwrite the proposed conference and continue to carry out our everyday advocacy work. Consequently, QAI decided not to proceed with the proposed conference.

However, QAI was still committed to the need for a mechanism to carry forward a much needed reform agenda.

QAI changed strategies and redirected our focus by investigating the following options:

1. Find an organisation(s) with the capacity and vision to host and fund the conference.

This option means another organisation is prepared to take the lead in hosting this conference. QAI would continue to participate as a reference group member and would ensure the views of people with a disability are well represented and included in the conference.

2. Seek funding from alternative funding sources to assist QAI bring the lived experience of vulnerable people with disability to the criminal justice system reform debate.

This option means that QAI would work with people with disabilities so that their experiences of the criminal justice system can be documented and told. QAI would take these findings to key stakeholders, including the proposed conference or initiate another mechanism, so that people's experiences would shape the issues to be addressed in future reform. It is critical that the lived experiences of people with disability are included in any and/or all analysis to develop strategies for change. Funds would still be needed to assist QAI undertake this strategy. These funds would be sought from alternate sources rather than departmental grants.

The outcome of Jen's work resulted in:

- A conference on people with disabilities and mental illness and the criminal justice system and will be held in 17 → 19 May 2006. This conference will be organised by a coalition of organisations including QAI, The Queensland Mental Health Alliance, Catholic Prison Ministry, Aboriginal and Torres Strait Islander (ATSI) legal service, and Uniting Church Centre for Social Justice. Sisters Inside will be responsible for the management of and fundraising for the conference. The coalition of organisations will be responsible for the operational aspects of the conference; and
- Two submissions seeking funding for a project as outlined in dot point 2.
With respect to our alternate strategy we are currently awaiting decisions from the funding agencies concerned.

QAI acknowledges that the above strategy would not have evolved without the financial support of CONROD (Centre of National Research on Disability and Rehabilitation Medicine). On a personal note I would like to thank Graham Hughes the chairperson of CONROD for his personal support of the work of QAI and his unwavering commitment to improving the lives of people with disability in our society.

Finally, I thank the International Conference Steering Committee members for their commitment, energy and wisdom as their collective input contributed significantly to our current strategies. I express thanks to Russell Flynn for his role in supporting the work of the reference group during the July – December reporting period.

Ian Boardman	Office of Public Advocate
Susan Booth	Anti-Discrimination Commission Queensland
Glenn Ferguson	Queensland Law Society
Marshall Irwin	Chief Magistrate
Mary Kenny	QAI President
Morrie O'Connor	Community Living Association Inc
Brian Parker	Queensland Disability Council
Michael Rackemann	Judge, District Court of Queensland
Robert Reed	Minter Ellison Lawyers
Paula Scully	Office of the Adult Guardian
Patsy Wolfe	Chief Judge, District Court of Queensland

SYSTEMIC REFLECTIONS

The following analysis is based on anecdotal evidence drawn from people with disability, families, service workers, DSQ officers throughout this reporting period. However, the theme underlying this analysis has been evolving for many years and continues to be consistent and builds upon previous reports.

The underlying theme that has prevailed in my reports suggest that technical, minimalist, and engineered solutions founded in environments that are driven by a range of factors including:

- fear
- conservative politics
- little if any acknowledgement and/or awareness of cultural, political and organisational corporate history
- demand outstripping capacity to supply
- external drivers unconsciously adding layers of complexity to organisations
- resource allocation frameworks based on the 'deserving' and the 'undeserving'
- value free operational practice

The theme consistently asserts that whilst the above factors are bereft of ethics and egalitarian values 'solutions' will always fail to promote, protect and defend the human rights, welfare and lives of vulnerable people with disability.

More than ever, we at QAI, have been hearing from people that they are fearful that ‘the gains from the Commonwealth *Disability Services Act 1987* and the Queensland *Disability Services Act 1992* (which recognised people with disability have the right to equal access to goods and services, and to be provided specific disability services within a human rights framework) will be significantly diminished if not lost entirely. Their fear is based on direct or indirect experience of narrowing and/or reducing of work duties. For example a community organisation has initiated a new operational policy expressed as a ‘no lift policy’, resulting in a person with physical disability having to lift kitchen chairs onto a table to have the floor cleaned. Another example provided to QAI was that of an organisation introducing a policy to double up staff for certain activities thus reducing number of hours and service given to the person. These examples indicate why people are fearful of ‘losing the gains made twenty years ago’. Their fears appear due to a growing perception that operational policy, located in service delivery, is beginning to deny people principles of:

- interdependence
- freely given relationships
- autonomy
- best interests
- self determination
- equal opportunity in the workforce
- economic security; and
- equal access to goods and services

I believe that many factors have contributed to the current environment that people are finding themselves in. Firstly, the New Federalism promoted by the Hawke Labour Government resulted in the rationalisation of funding programs between the Commonwealth and States and Territories. Thus, the CSDTA emerged and the States became responsible for services to do with ‘personal support’ in its many programmatic variations. The Commonwealth was responsible for employment services. Both the Commonwealth and States were responsible for funding of Advocacy.

Secondly, Managerialism gained momentum in the mid-nineties. As with any 'ism' there are usually benefits and deficits. Meanwhile the Hilmer Report was released in 1993; this report was also known as the National Competition Report. This report gave the Keating Government the blueprint for the ‘Competition Policy’. Hilmer, in an interview with National Shelter asserted that he never envisaged that the competition policy would be applied to human services such as public and community housing.

This era set the stage for ‘the new age of managerialism’ new terminologies were introduced and permeated through disability service language, such as ‘outcomes’, ‘performance indicators’, ‘strategic & operational plans’, ‘triple bottom lines’, ‘business models’ etc.

Without going into a rigorous academic analysis of benefits and deficits I assert that managerialism provided a mechanism that began to diminish the focus on people or 'what it is to be human' and increased the focus on the bureaucratic structures that are required to sustain managerialist principles. The major concern with ‘managerialism’ is that it evolved from ‘production services’ where it was mostly based on ‘rationality’ and the use of technology and better governance practices that would deliver processes which, would improve efficiency and effectiveness. The ethic of care promotes love and

compassion managerialism promotes rationality and efficiency. The unknown was what effect would the managerialist approach have on the ethic of care? The challenge is how do you integrate the two without losing the strengths of either approach?

Directors Report (cont)

Human beings are not products and in my experience truly serving people in the chaos of life, does not 'fit' with 'rational and rigid' approaches. The vast range of variables, daily, in a person's life cannot and do not 'fit' within a 'rational plan'. Given the above claim then it must follow that you can't manage human lifestyles via technological and clinical parameters. Technological and clinical culture clearly conflicts with the philosophy of love and compassion.

We have become focused on structures to provide evidence that our processes are complying with managerialist theory. That theory implies that organisations would provide greater transparency, efficiency, effectiveness and accountability... everyone gets 'better bang for the buck'! The rhetoric was seductive the reality for many people with disability is at best indifferent, at worst heightened vulnerability.

From the turn-of-the-century the emphasis on compliance was severely ramped up particularly by drivers external to the delivery of disability services. The GST, the collapse of HIH, and greater scrutiny on the rising demands/claims on workplace health and safety insurance to identify a few of the areas that raised the focus on compliance, now more commonly referred to as 'risk management'. Setting up an environment where specific legislative principles - i.e. workplace health and safety principles - conflicted with the DSA principles. Effectively, organisations had an obligation to comply with the rising compliance demands yet they were not provided the required resources to prioritise and understand how to comply with conflicting and competing compliance mechanisms.

As such the principles and values that drove the reform of disability legislation, policy and programs in the early eighties and nineties were slowly being lost. Professionals and practitioners are highly competent people schooled in the new way of doing business demonstrated little capacity to merge the 'old and the new'. Equally, some of the 'old school' failed to respond strategically to the 'new way'. However, it is clear in the last five years that people who held principles that incorporated both management and humanitarian values, yet conflicted with the 'new way' were seen as 'idealists' or 'ideologues' and marginalised accordingly.

Of course the new specialists are not 'value neutral' either they hold the broadly held assumptions of society about people with disability and/or are captured by the ever increasing and competing demands of managerialism and are further locked into a cultural practice that does not encourage reflection nor compassion. In short commonly held assumptions suggest that people with disability are not fully human thus not fully deserving of human rights, civil rights, equal opportunity, income security the same access to services as non-disabled. To some this may be dismissed as a list of political catch cries, unfortunately the notion of 'desert' is much more than political slogans. The reality for the majority of people with disability who require other people to have their fundamental support needs met also means 'other people' are determining who gets what, how much they get and how and when they get it.

For the myriad of human service stakeholders working in policy, fund management, direct support managers and direct support workers, life has become more complex stressful and clinical. The only way they feel they can survive is to operate within the

limits of a strategic policy direction and/or outcome. If there is no specific field within the computer database or checklist then it is deemed not feasible or plausible to provide. If workers were to carry actions outside of the parameters of the clinically designed framework, then they may fail to be protected!

Thus, practitioners are not encouraged to think outside of their stated policy and practice frameworks. The written word is taken literally and a capacity for interpretive or innovative (whilst not placing people at unnecessary risk) practice is invisible. People are there to serve their respective bureaucracy and not people with disability. (Bureaucracy equates to organisational governance, structures, values, & behaviour/practice)

Not all people and organisations totally succumb to the 'new way' ethos, however all organisations are vulnerable to succumbing to the 'norm' for obvious reasons.

Q. What are the indicators or emerging trends which characterises the perception of 'going backwards'?

A. *The following dot points characterise the growing and worrying trends which are expressed as 'going backwards'. This assertion is based on anecdotal evidence reported regularly to QAI, from a variety of stakeholders including people with disability, family members, service providers, DSQ workers and external organisational experts observing internal behaviour.*

People are concerned that DSQ are developing legislation, policy, programs designed as 'risk management strategies' under the guise of protection for those most vulnerable. Whereas there is a strong perception in the community that it is primarily to protect the Minister/government of the day and the many layers of senior management from being accused of failing to carry out their duty of care. Whether this perception is correct or not the reality is that we are witnessing:

- service ethos both within government and the non-government sector that is paternalistic, and systematically restricting people with disabilities' human rights, civil liberties and equal opportunities
- compliance mechanisms which are in conflict with human rights and civil liberties principles i.e. the way that workplace health and safety requirements are being interpreted and applied is directly and/or indirectly reducing the scope, quantity and quality of service delivery and paradoxically leading to practices of neglect and abuse and non-compliance with workplace health and safety legislation
- Conservative belief systems manifesting about people with disability in political decision-making
- loss of corporate knowledge within the bureaucracy
- the potential for polarisation of people with disability, their families, allies and service providers
- poor communication by DSQ head office to all its staff and the community, with regards to policy and its intent, the underlying values and ideology behind the policy etc
- the denial of humanity equally applies to employees as well as the 'quasi-consumer'...!

Q. What sets the organisations that only serve the bureaucratic demands and needs and ignores their humanness in their service contract apart from those who try to get 'the balance right' by drawing upon humanitarian principles/ethics?

Part A First, organisations are deeply discerning in their journey towards their organisational governance approaches, through analysing how coherent are their organisational strategic directions/plans, policies, procedures, strategies, outcomes, indicators with organisational values...legislative principles...etc!

How do they do that in this 'brave new world?' They created space to reflect upon what they were doing...internally and externally...constantly asking themselves - *Was* the organisation achieving goal coherency or was there goal displacement? *Did* they like their work? *Did* they like themselves? *Did* the people being served like what they were getting? *Did* people with disability think their lives were improved because of their service? *Did* people with disability have lots of relationships with unpaid staff? This space was not limited to senior staff it was for all people who were considered 'stakeholders'.

Part B Secondly, people consciously struggled with getting the balance right. What is the right balance? There is probably no definitive answer however it would flow between identifying and prioritising the risk areas to an organisation and filter subsequent policy, programs etc with articulated values, human rights principles, organisational code of ethics...

The priority risk areas would be those areas that are critical to ensuring a strong, diligent, vigorous, responsive and accountable organisation. It would draw upon managerialists tools such as strategic planning, operational planning, action planing and using indicators to determine outcomes were 'fitting' with the organisational filters etc. Integral to these management tools are filters such as values, human rights principles, ethics that suggest a doctrine that means the services obligations are concerned primarily with the welfare of the people they are there to serve as well as the people who work in the organisation. This means that organisations would have systems that allow for thinking and actions in which human interest predominates.

We all need to be vigilant and take collective responsibility and continue to put forward a culture that values ethical, just and humanistic policy and practice in formal service world as well as in our informal worlds. The following indicators would suggest that all levels and categories of organisations are getting the 'balance right' and demonstrating that people with disability:

- have strong relationships with significant others
- are participating competently and deeply embedded in their chosen communities
- are having opportunities to grow and build their identity as a citizen (not their diagnostic label)
- are not leading impoverished lives
- are not being denied equal opportunities to access specialist disability services
- are not being denied equal opportunities to access generic goods and services because of funding and/or service limitations; and
- are not talking negatively about their service provider (perhaps not making any comment about their service provider would be an indicator the service has got it right!)

This list is not exhaustive rather a suggestion to stimulate some focussed discussion. Until QAI has developed a set of 'Human Rights' indicators these will suffice as a beginning.

Directors Report (cont)

OTHER ACTIVITIES QAI SUPPORTED

Meriel Stanger Book Launch

QAI auspiced a grant from DSQ to launch Meriel Strangers book 'Permission to Shine'.

Australian Network for Universal Housing Design (ANUHD)

For another year QAI has provided practical and financial support to the Australian Network for Universal Housing Design (ANUHD). ANUHD is working for access provisions in the Building Code of Australia for all new and extensively modified housing based on the principles of universal housing design.

This year, a major research project on the supply of accessible housing was auspiced by the Australian Building Codes Board and the Building Commission (Victoria). ANUHD has been a major contributor in providing material for this research. The consultant will also consider a range of strategies, including regulation. The position of the Australian Building Codes Board and the Building Commission (Victoria) on access requirements to housing is likely to become clear sometime in 2005-06.

Updates on the activities of ANUHD can be found on their website www.anuhd.org

I would like to thank Margaret Ward for her dedication and commitment to this issue and congratulate her fellow ANUHD committee members for their contributions to a successful year.

Kevin Cocks
DIRECTOR



Bioethics Project Report

Lisa Bridle



OVERVIEW OF THE YEAR AND THANKS TO THE BIOETHICS REFERENCE GROUP

This year in the bioethics project, there has been an emphasis on making the work of the project more public and working to articulate more clearly the aims of the project. To this end, a brochure on the bioethics project has been developed which outlines the aims and activities of the project. This provides a useful resource which can be distributed at workshops and events or when attempting to explain QAI's approach to bioethical issues. The bioethics reference group which met through 2004 was disbanded earlier this year. It was always intended to be a time-limited activity designed to re-focus the bioethics project. I am extremely grateful for the input of all members of this group and their wisdom and support was deeply appreciated.

Bioethics continues to be both a 'hot topic' in the public arena, but one which proves extremely challenging with respect to how to engage the disability community in discussion.

This year we have used the following strategies -

- research and collection of information on current issues of concern
- writing and presenting workshops, talks and conference presentations
- collaboration with other groups and organisations on projects and issues of concern
- hosting events in order to raise awareness of issues of concern

In the future, we would like to be able to concentrate on increasing our effectiveness in these strategies and additionally make it a priority to develop media links and resources which would enable us to readily respond to media discussion on bioethical topics. We would also like to do more grass-roots engagement with people with disability, family members and allies, and look at ways to collect and make known their experiences and perspectives.

STERILISATION POSITION STATEMENT AND ADVOCACY

During the year, QAI drew from Jan Dyke's 'Background Paper on Sterilisation of People with Disability' to update QAI's position statement on this issue. The staff, outside stakeholders and committee members met to consider QAI's shared framework and then a draft position statement was considered by the committee. The position statement will guide our advocacy in the coming years. The background paper and position statement have been placed on QAI's website and in the next phase of our advocacy, a public forum will be held on the 3 November 2005 to draw public attention to this concerning, yet covert, social practice. We will also be seeking meetings with relevant organisations in order to draw attention to this hidden practice and its impacts on people with disability.

One direction for the coming year is to build on an initial analysis of three Guardianship and Administration Tribunal reported decisions authorising sterilisations. Another is to examine more closely what currently exists to support families in accessing information and supports about alternatives to sterilisation.

COLLABORATION EFFORTS

Given the challenges inherent in engaging with people on bioethical issues, we are highly motivated to form working partnerships and offer support to organisations with similar goals. We are also interested in promoting attitudinal change and so engage in dialogue with those outside disability to achieve this aim.

Examples of current collaboration efforts have included ongoing participation in a Genetic Counselling Ethics Interest Group and in a Medical Issues working party of the Down Syndrome Association of Queensland. This second group is developing strategies to encourage attitudinal change by medical practitioners and other allied health workers. This group has been working towards producing a DVD which captures the stories of individuals with Down syndrome and their families in order to correct misconceptions about this experience. The genetic counselling group interest group has to date involved one joint presentation for the Office of Public Policy and Ethics at the University of Queensland but other joint activities are yet to be identified.

Additionally, I have been participated in other collaborative activities which are not strictly 'Bioethics' but add to QAI's profile and legitimacy. This has included: an ongoing involvement in an innovative service development project, the Collective Action Project, auspiced by CRU; planning for the MAMRE family conference; and presentations/papers for the Down Syndrome Association on inclusive education. Additionally, as a result of QAI's ongoing relationship with Dr Christopher Newell, I was invited to submit a paper to the Australian College of Educator's Year Book. The paper is titled, 'Why does it have to be so hard? A mother's reflection on the journey of inclusive education'. While not an activity of QAI, this paper does reflect some of the fruits of QAI's networks and relationships.

QAI SUBMISSIONS

QAI made a submission to a QUT Law Issues Paper 'Rethinking Life-Sustaining Measures: Questions for Queensland'. A meeting was held with Management Committee members, members of the Bioethics Reference Group and interested advocacy groups in order to prepare our submission. I also sought external feedback from key individuals who have expertise in this area of law. Following our submission to the researchers, we have distributed our submission, placed this on our website and contacted the Attorney-General to argue that changes to legislation in this sensitive area should not occur without reference to the Queensland Law Reform Commission.

The researchers contacted us regarding our criticisms of the paper and the consultation process. Subsequently we agreed to co-host a consultation meeting to enable them to gain more feedback from disability groups and from individuals. We have not, as yet, received any further feedback from the researchers or a copy of the final research report.

We will continue to raise disability perspectives on legislative change in this area and to monitor the outcomes of the QUT research project.

RESEARCH AND COLLECTION OF THE STORIES OF PEOPLE WITH DISABILITY

Unfortunately, despite two separate funding applications, we have been unsuccessful in seeking funding to undertake a 'Visual Stories Project' this year. It does, however, remain a goal of the bioethics project to ground this work more explicitly in the life experiences of people with disability. Another purpose of this project would be to equip people with disability (including people who may have significant communication impairment or intellectual disability) to share their experiences in conference presentations and other public gatherings. I continue to believe that this strategy could have significant value in achieving more positive and realistic images of people with disability in order to counteract the widespread myths and stereotypes which persist. It would also assist QAI to live up to the disability motto, 'Nothing About Us, Without Us', given the tendency for people with disability to continue to be 'spoken about' rather than really included in many discussions (both inside and outside bioethics).

PUBLIC GATHERINGS AND PRESENTATIONS

In March, QAI hosted a 'Bioethics Soiree'. The purpose of this event was to gather friends and allies of the bioethics project to celebrate the past and look to the future. The celebratory aspect of the event was designed to overcome perceptions of bioethics as an endeavour located in academic discourse. It was also designed to identify others who may have an interest in bioethics but who had not previously linked to this work.

Much effort in the current financial year has gone into planning a number of other key events occurring in the last half of 2005:

- a workshop presented by visiting lecturer, Jo Massarelli, on 'Protecting the Health and Lives of Hospital Patients' (co-hosted with CRU)
- the Jennifer Fitzgerald Memorial Lecture presented by Dr Erik Leipoldt, 04 October 2005 and
- a workshop, 'Exploring Disability Experience: A Lens on Sustainable Living' presented by Dr Erik Leipoldt in Brisbane, 06 October 2005
- additionally, Sarah Houbolt, a social work student on placement at QAI, is responsible for organising a forum on the sterilisation of people with disability to be held on 03 November 2005

While the focus this year has been on these broad based public events, in 2006, we will look at having smaller scale gatherings – along the line of discussion groups or study circles. The purpose of these events will be to discuss current bioethical issues but also to help equip people with disability, their family members and allies to engage in the wider bioethical debates – to demystify the language of bioethics, to provide information about the form of current debates and recent key events and to discuss strategies for inserting the voices and perspectives of people with disability into mainstream bioethical discussions.

PRESENTATIONS

A number of bioethics presentations have been given this year. They include:

- presentation to the OPPE seminar series
- presentation to MAMRE's parent support program dinner
- presentation to the Bioethics Soiree, 'Bioethics and the Disability Rights Movement: Claiming a Space for People with Disability in a Genetic Future'

Lisa Bridle

BIOETHICS ADVOCACY WORKER



Community Living Project Report

Melinda Ewin



This year has been one of maintaining the 'usual' vigil as well as addressing additional issues as they arise. It has felt like working to maintain the dyke while frantically racing to put fingers in holes that keep popping up and letting water through.

A list of acronyms follows this section for your convenience in identifying the different organisations and groups.

The core and ongoing campaigns for 2005 are -

- Younger People In Aged Care
- Coming Out Group – Baillie Henderson Hospital
- Hostels and Boarding Houses
- Human Rights Indicators

In 2005 QAI also addressed the following issues -

- Have Your Say – Disability Services Queensland Consultation
- Definition of over 50 years as 'older'
- Jacana Advocacy Group
- Beyond Institutions Group

The activities undertaken for this year are discussed under each of the core campaign headings. The issues that QAI has taken action on during the year are discussed within the core campaign context, if that is where they arose, or as an independent item.

YOUNGER PEOPLE IN AGED CARE

QAI continues its commitment to advocate for the removal of younger people with disability in aged care facilities. QAI is a member of the Younger People in Aged Care Alliance (YPIACA). The Alliance was instrumental in getting this issue included in the Queensland State Bilateral Agreement to the Commonwealth State and Territories Disability Agreement (CSTDA). That means that the State Government department, Disability Services Queensland (DSQ), needs to fulfil the conditions laid out in the Bilateral Agreement to receive funding from the Commonwealth Government. This amounts to one quarter of Disability Service Queensland's budget. Both governments have agreed to the following outcomes:

- agreed understanding on key terminology
- joint work undertaken with aged care and other assessment teams to increase their understanding of the needs of ageing people with disabilities
- flexible funding approaches are piloted
- models of support developed which provide access to the same range of services for people with disabilities who are ageing, as other members of the community
- monitor and report on the utilisation of people with a disability of an agreed range of aged care services
- proportion of people with disabilities aged under 50 years of age inappropriately in aged care homes
- develop service and support options for people with a disability under 50 years of age who require nursing care

YPIACA has been monitoring DSQ's implementation of the Bilateral Agreement. To date DSQ has stated that they are -

1. Profiling younger people living in nursing facilities to establish the support needs of people.
2. Investigating appropriate models of care.

DEFINITION OF OVER 50 YEARS AS 'OLDER'

The Bilateral Agreement also refers to people under 50 as younger and people over 50 as older. QAI has grave concerns with the term of 50 years as defining older and younger and wrote to DSQ for clarification around this definition. The response from DSQ stated the age of 50 reflects the experience of people with disability who also experience ageing conditions earlier, for instance, people with Down syndrome may also develop dementia as they age. QAI has vigorously advocated for a return to the commonly accepted age of 65 years as older (as well as, no matter what age a person with a disability is, a nursing home is not appropriate just because a person has a disability). We have taken the matter to both the Anti-Discrimination Commission Queensland (ADCQ) and Human Rights and Equal Opportunities Commission (HREOC). Both responses believe there is no case for discrimination. We have also written and received a response from the Commonwealth Department, Department of Family and Community Services (DFACS).

QAI is concerned that this definition will creep into the mainstream and become accepted as the norm. QAI will remain vigilant and vigorously advocate against the early ageing rationale as a policy indicator for the justification of early placement of people with disability in aged care facilities.

SENATE INQUIRY INTO AGED CARE

QAI, as a member of the YPIACA, gave evidence at the Senate Community Affairs References Committee Inquiry into Aged Care public hearing. The evidence we gave was based on stories of people's experience to illustrate the individual and systemic issues. The Senators were greatly surprised at the content of our evidence, stating they had not heard this information before. The full Senate report, hearing notes and written submissions can be accessed via the web www.aph.gov.au/senate_ca

Senator Clair Moore, one of the Senators of the inquiry, has a keen interest in this matter and continues to maintain contact with QAI to discuss issues as they arise.

COMING OUT GROUP – BAILLIE HENDERSON HOSPITAL

The Coming Out Group continues to provide 'Coming Out Mondays' a limited access to a community setting at the SPRED facility in Toowoomba for some residents at Baillie Henderson Hospital.

Toowoomba Mayor Meets with Residents

On Monday 26 July 2004 the Mayor of Toowoomba, Di Thorley visited the SPRED facility to participate in a Coming Out Monday. This meeting introduced the Mayor to the people at Baillie Henderson and the Coming Out Group in general, four residents were able to attend. There were no Mayoral formalities, Di was in there 'boots and all' chatting and getting to know the residents. The Mayor extended an invitation to the residents, seven in total, to attend the Carnival of Flowers. She gave Russell, one of the residents from Baillie Henderson Hospital, the job of organising the list of attendees. The Mayor asked Russell if he would be able to 'cope with the politicians' who will also be attending the same event!

The visit to the Carnival of Flowers by seven residents from Baillie Henderson took place on 3 October 2004. The residents were given an official viewing position however, did not enjoy the company of the official visitors as intimated by the Mayor when the original invitation was given. Bruce Moore, (Activities Co-ordinator from Baillie Henderson) helped everyone get into the spirit of the occasion by presenting all who attended with corsages he had made. 22 people including residents, family members, Coming Out Members and staff enjoyed the parade.

Family Involvement Project

This year the group commenced a project to assist families to remain connected to their family member living at Baillie Henderson. The group would like to give families information about Coming Out, invite families to make suggestions of what Coming Out can do and act as a link for of support and information sharing for families.

The main focus for the group for the second half of this year has been maintaining the energy of the members. Meeting numbers fell as personal commitments for a number of the group have prevented their attendance, and the resignation of the SPRED Co-ordinator Colleen Noonan, well that just took the wind out of the Coming Out sails! Despite these minor set backs, Coming Out Mondays have continued and the flyer for families has been completed and mailed out. Families were invited to meet with the Coming Out group, the group has also asked families for permission to compile albums of photos and stories of their family members residing at Baillie Henderson. The aim of this approach is to keep families informed of the events in their lives and rekindle relationships and support ongoing connections. For privacy reasons the flyers will be distributed to families by Baillie Henderson Hospital.

HOSTELS AND BOARDING HOUSE CAMPAIGN

During this period QAI has maintained a monitoring role of closures and the impact the Residential Services Act (Accommodation) and (Accreditation) have had on hostel residents. In particular, QAI has been closely watching the interdepartmental Hostel Closure Procedures process and implementation when a hostel closure takes place.

The Office of Fair Trading conducted the review of the Residential Services Act (Accommodation) during this period. QAI attended a number of meetings with community groups to discuss the review and gather feed back. QAI attended a consultation meeting and contributed a written submission to the review process.

HUMAN RIGHTS INDICATORS

The campaign strategy for the Human Rights Indicators has been finalised. A draft briefing paper has been completed and will be distributed to prospective stakeholders. The campaign will consist of three Phases. Phase one, to be completed by December 2005, will have a set of Human Rights Indicators for use. Phase Two will see a collaborative effort between a number of stakeholders including, community organisations, universities and human rights leaders. In this phase a methodology will be designed to gather information based on the Human Rights Indicators from people with disability through out the state to report on the level that people are having their rights met. This analysis will cover all aspects of life not limited to Disability Services per se. Phase Three will see a report card, based on phase two's findings, delivered by a panel of human rights experts on the state of human rights for people with disability in Queensland.

HAVE YOUR SAY – DSQ CONSULTATION

QAI completed submissions on behalf of YPIACA and Coming Out Group with reference to the prioritisation process. QAI also submitted a comprehensive response addressing all consultation questions. QAI, together with a number of disability groups and advocacy groups also wrote a letter to the Minister, Mr Warren Pitt, with a copy sent to the Premier, to raise serious concerns about the content of the consultation papers and the consultation process itself. The onset of the Minister's illness prevented meeting on this issue. However, as a result the groups who authored the letter have decided to work collaboratively around the outcomes of this consultation and have formed the Safe Guards Coalition Group.

JACANA ADVOCACY GROUP

QAI after initiated group action around issues relating to people residing in Jacana and Eventide nursing homes. The group members are from SUFY, QDN, BIA, Welfare Rights and family members of people at Jacana and Eventide. The aim of the group is to address immediate issues of abuse and neglect as well as long term community living strategies.

BEYOND INSTITUTIONS GROUP - BIG

The Beyond Institutions Group was formed by CRU to address the issue of people residing in institutions such as Halwyn, Birribi and Baillie Henderson Hospitals. The group has met with Bette Kill, Executive Director, and Clare O'Connor, Policy Director, from DSQ to raise this issue to and discuss possible strategies that may promote institutional reform on the government agenda.

Melinda Ewin

COMMUNITY LIVING ADVOCATE



Law Project Report

Julian Porter



The Law Project is undertaken by the Legal Advocacy Worker, a solicitor employed part-time, three days a week. The work of the Law Project can largely be divided into three categories:-

Legal Advocacy Development - training and networking with lawyers towards better legal service for people with a disability.

Law Reform – campaigns and submissions around legislation and policy which directly or indirectly effect people with a disability.

Case Work – individual legal matters referred by individual advocacy groups which support the systemic objectives of QAI as a whole.

LEGAL ADVOCACY DEVELOPMENT

Towards the end of 2004 the written material component of QAI's disability training package for lawyers and judiciary was completed. With the assistance of Pauline Heaney from Lettuce Create graphic design the package is very attractive, illustrated, well set out and readable. An initial batch of CD's has subsequently been printed.

At around the same time as the package was completed we received notification of our successful application to the Queensland Law Society grants committee. A generous grant was allowed for publication of the package and for running training sessions throughout Queensland primarily for lawyers who volunteer their time in community legal centres. QLS also assisted with publicity in its *Proctor* magazine and during the reporting period one session was held in Toowoomba and planning for several other sessions got under way. The Legal Advocacy Worker conducts these three-hour sessions assisted by President Mary Kenny in her professional role. A similar session was held at the invitation of Women's Legal Service as part of their 25th anniversary conference during the period. Shorter sessions have also been conducted for law students at the invitation of the Griffith University Legal Clinic and the University of Queensland Professional Legal Training Course. The legal advocacy worker also presented a session in relation to 'capacity' at the QAILS conference at Bribie Island.

The introduction of a Compulsory Professional Development regime by the Queensland Law Society necessitated an application for accreditation as an external service provider and recently our sessions received such accreditation up until 30 June 2006. Accreditation is not strictly necessary to claim points for CPD but it does give out course a stamp of quality and means lawyers will be able to claim points for attending the course with the minimum of fuss.

Realising that finding time for coordination of the various training sessions was the thing holding us back the most the decision was made to employ Jen Barrkman on a casual basis to keep the administration side of things moving.

LAW REFORM

Involvement with the Rights in Public Spaces (RIPS) group continued throughout the period but with the passing of the *Summary Offences Act 2004* much of that group's impetus was lost. Despite undertaking to consult with us on reform of public nuisance laws subsequent to successful lobbying over the previous year the Act contained only one identifiable concession to our detailed submission in relation to the earlier bill. This is extraordinary legislation which gives Police the power to arrest a person on the basis that they think that person *might* interrupt the peaceful use of public space by another. Anecdotally we are already beginning to hear of cases where the legislation has been used discriminatorily against people with a disability.

The major law reform project within QAI during the period was that in relation to the guardianship regime which was identified as needing some fairly serious rejigging during the period. The Legal Advocacy worker and director became heavily involved in the GARD (Guardianship and Administration Reform Drivers) group along with SUFY, QDN, Carers Qld and Caxton Legal Service. This group undertook a number of initiatives to articulate and bring attention to perceived problems in the system. Upon invitation from the Attorney General the group worked with Clayton Utz Lawyers towards a detailed submission including over 80 recommendations.

The Legal Advocacy Worker made a submission on behalf of QAI to a Queensland Law Reform Commission review of the Peace and Good Behaviour Act and assisted the bio-ethics worker in relation to legal aspects of her response to the paper *Rethinking Life Sustaining Measures* and also in relation to sterilisation.

CASEWORK

Much of the casework undertaken in the period reflected the emphasis given to Guardianship regime reform with two large matters taking up a considerable amount of time and having mixed success. Overall it was considered beneficial to have this first hand experience of the regime.

Day to day advice was given to a number of advocacy groups about a variety of topics although a marked increase in enquiries relating to matters of criminal justice was apparent and predicates a likely increased focus in both law reform and case work in the coming year.

The Legal Advocacy Worker ensured QAI compliance with all requirements of the Indemnity Insurance Scheme funded by Legal Aid and of continued membership of QAILS which allows such coverage.

EMPLOYMENT AGREEMENTS

Work with Minter Ellison Lawyer around clearer employment agreements for staff was also undertaken.

Julian Porter

LEGAL ADVOCACY WORKER



List of Acronyms



ADCQ	Anti-Discrimination Commission Queensland
ADN	Advocacy Development Network
ANUHD	Australian Network For Universal Housing Design
BIA	Brain Injury Association
BIG	Beyond Institutions Group
CAGQ	Combined Advocacy Groups Qld
CONROD	Centre of National Research on Disability and Rehabilitative Medicine
CPD	Compulsory Professional Development
CRU	Community Resource Unit
CSTDA	Commonwealth State and Territories Disability Agreement
DFACS	Department of Families & Community Services
DSA	Disability Services Act
DSQ	Disability Services Queensland
GARD	Guardian and Administration Reform Drivers
GST	Goods and Services Tax
HREOC	Human Rights and Equal Opportunities Commission
HRI	Human Rights Indicators
JAG	Jacana Advocacy Group
OPPE	Office of Public Policy & Ethics
Proctor	Queensland Law Society Magazine
QAI	Queensland Advocacy Incorporated
QAILS	Queensland Association of Independent Legal Services
QDN	Queenslanders with a Disability Network
QLS	Queensland Law Society
QPILCH	Queensland Public Interest Law Clearing House
QUT	Queensland University of Technology
RIPS	Rights in Public Spaces
SPRED	Special Religious Education
SUFY	Speaking Up For You
YPIACA	Younger People in Aged Care Alliance