

August 2017

Website – www.gai.org.au

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.

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1. Membership Drive

Are you a person with a disability? Are you a family member or supporter of people with disability? If you share the values and vision of our organisation - **WE NEED YOU!!!** Please call us or download a [membership form](#) and join our vibrant team to be involved in changing the lives of vulnerable people with disability. QAI's AGM will be held on **Thursday 26th October**. If you would like to contribute to the work and governance of our organisation please consider nominating for a position on our **Management Committee**.

Ways to stay in touch

Please keep an eye on our website, www.gai.org.au, Facebook Page  (please like and share with your contacts), check out our videos at  and Twitter  for news of upcoming events and the next QAI forum.



2. Current Work

As mentioned in our last newsletter the ‘**Walk the Talk: Realising the 2010-2020 National Disability Strategy and our human rights promises**’ forum was a resounding success. You can view the videos from the forum [here](#) and see photos of the dinner [here](#).

From this forum we have received expressions of interest from people with disability, family members and allies in collaborating to address the systemic issues of the **National Disability Strategy** that to date have not made adequate progress or improvement.

An outcome from the workshops at this event for participants to engage with QAI systems advocacy has been: **Violence against people with disability in their homes**. This work has a focus on violence perpetrated in domestic familial situations, group or congregate care settings, and also in forensic settings. The use of restrictive practices will also be addressed within this domain. Emerging leader and forum attendee **Chanelle McKenna** will lead the focus on domestic situations in partnership with QAI and our volunteer student from QUT **Evee Perich**.



QAI is grateful to the Department of Social Services for a grant that supported QAI Human Rights Legal Service lawyer Tony McCarthy to attend and participate in the **Convention of State Parties**. The theme of this year’s COSP was “The Second Decade of the CRPD: Inclusion and full participation of persons with disabilities and their representative organisations in the implementation of the Convention.” Three sub-themes were also considered:

- Addressing the impact of multiple discrimination on persons with disabilities and promoting their participation and multi-stakeholder partnerships for achieving the Sustainable Development Goals (SDGs) in line with the CRPD;
- Inclusion and full participation of persons with disabilities in humanitarian action; and
- Promoting inclusive urban development and implementation of the New Urban Agenda – Habitat III.

Key areas of discussion placed significant emphasis on the need for States Parties to address multiple and intersecting forms of discrimination faced by women and girls with disability, whose employment rates are 30% lower than those of men with disabilities, and who experience **violence at a rate 2-3 times higher than their peers without disabilities**.

States Parties must take action and implement measures to promote equitable access to physical and social infrastructure without discrimination, including, for example, **accessible housing**, health care, education and information and communication technologies. This aligns with the work that QAI has already outlined in the paper “A Home of One’s Own” that relates accessible housing meets disability support needs and must encompass all needs beyond physical access. A home of one’s own can also provide security and safeguards from control by service providers, autonomy for the person about who enters their home, and ensures that the use of restrictive practices are not applied because of forced co-tenancy.



Many people with disability continue to be denied the right to education, or, where education is available, are isolated from their peers and receive education of a lower quality to their peers. There is still great need to overcome barriers to inclusive education, which include lack of political will, lack of disaggregated data and research, inappropriate and inadequate funding mechanisms to provide reasonable accommodations for inclusion of students with disabilities, and lack of appropriate responses to support requirements. Much of the lack of will and skill has resulted in the inappropriate and cruel application of **restrictive practices on children**.

QAI will endeavour to address these issues as part of the violence against people with disabilities. Read the report and view photos from the CoSP [here](#).

3. Campaigns

Accessible NGR Trains

- Lodged Right to Information applications to Queensland Rail, Transport and Main Roads, Office of State Development and Treasury in order to strengthen a possible discrimination claim.
- Action group (part of the Queensland Rail Accessibility Reference Group) continues with efforts to get meetings with relevant parties (Minister for Transport, QRail executives). See the Facebook group [here](#)

Inquiries, Law Reform Submissions and Presentations

Submissions in the last quarter are:-

- Submission to the Community Affairs References Committee Inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities
- Australia's review under the International Covenant on Economic, Social and Cultural Rights
- Submission to the Education, Tourism, Innovation and Small Business Committee on Child Protection and Education legislation (Reporting of Abuse) Amendment Bill 2017
- A letter to the Press Council and Australian Human Rights Commission, Australian Lawyers for Human Rights, Australian Communications and Media Authority, Media Watch, Media, Entertainment and Arts Alliance regarding The media coverage of the National Disability Insurance Scheme (NDIS) and the impact of this on Australians with disability and mental illness
- Submission to DSS regarding Improving 'The Delivery Of Advocacy For Aboriginal And Torres Strait Islander People With Disability'
- Submission to DSS regarding National Disability Insurance Scheme (NDIS) – Code of Conduct
- NDIS Psychosocial Disability submission
- QAI wrote the disability-focused part of the submission for Australian Lawyers for Human Rights on the Modern Slavery Act
- Compiled the comprehensive and highlight versions of the Report on the Walk the Talk: Realising the NDS and our Human Rights Promises

4. Pro Bono, Volunteers and Student Placement

Pro bono support

We thank law firm **Allens** who provide volunteer lawyers to represent clients at the Mental Health Review and **Clyde and Co** whose volunteer lawyers staff our Telephone Legal Advice Service. We welcome **Hall & Wilcox**, whose volunteer lawyers have attended induction training and will also support the work of our Telephone Legal Advice Service.

Volunteers

QAI continues to be supported by a number of student volunteers through the Disability Law Clinic (University of Queensland, two students every Tuesday) and Legal Clinic (Queensland University of Technology, two students every Monday). We thank these students and universities for their ongoing support.

Evee Perich as mentioned previously is a social worker student from QUT on placement with QAI working with our systems advocacy team and has provided us with much valued support, great ideas and innovation in research and coordination of our violence project.

Maria Hall recently completed her Practical Legal Training with us and provided valuable support for our Mental Health Legal Service.

We also thank our law student and other volunteers who generously donate their time to support the work of QAI.

5. Individual Advocacy and Training

National Disability Insurance Scheme – Reviews and Appeals

The Department of Social Services has granted funding to QAI to give FREE and INDEPENDENT support for you to have a fair go with:



[Accessing the NDIS; Planning for the NDIS; Plan & Internal Reviews; Resolving complaints.](#)

You can read the full story by clicking [here](#)

In the first period to end June 2017 our NDIS Appeals support service provided advocacy support to 52 Participants in the Scheme for Plan reviews and three potential case conferences with the AAT. In this quarter the NDIS Appeals Support Advocate **Roy Henderson** who is working in the Toowoomba and Ipswich area has met with clients in Warwick and Toowoomba, and Chinchilla. Roy is an Ipswich local with strong community connections and depth of regional knowledge from his former careers.



In August we commenced the NDIS Appeals support in Rockhampton with our new but well known advocate, **Jenny Smith** who is already out and about promoting this service. **Jenny** has an extensive background in advocacy with particular expertise in support for decision making with her citizen advocacy history.

Expanded Mental Health Legal Service

The 5th March 2017 saw the commencement of the new Mental Health Act 2016. Under this Act, all consumers involved in hearings in which the Attorney General is represented, fitness for trial is at issue, there is an application for electroconvulsive therapy, or where the consumer is under 18 years old, will be appointed a lawyer by the Mental Health Review Tribunal. The Tribunal does this by making a referral to Legal Aid Queensland which has in-house lawyers as well as a panel of preferred suppliers, who provide representation to clients paid for by Queensland Health. The role of the lawyer in the hearing is to represent the client's views wishes and preferences, or if the client is unable to express these, the client's best interests.

QAI continues to provide advice and representation to the many clients whose mental health law issues fall outside these parameters, including review of treatment authorities and treatment support orders, use of restrictive practices in mental health settings, transfers, and issues that occur outside Tribunal hearings.



Jo Sampford has recently stepped into role of coordinator Mental Health Legal Service, with a focus on providing services to people who are not appointed a lawyer by the Tribunal, and identifying and addressing systemic issues in the mental health law and practice.

Jo has abundant energies, and a huge social conscience which she employs across her role and work for people with disabilities.

Jo's previous role within QAI, coordinating referrals received from Legal Aid Queensland, is now filled by new recruit **Elle Beaumont**.

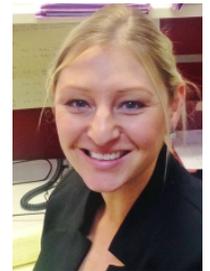
Elle has come from southern states to Queensland and her 'zen' like calm is a positive influence on all of us at QAI. She is also an artist with a preference for painting with oil paints.



The appointment of lawyers under the new Mental Health Act has provided positive outcomes to many clients. It has also resulted in an avalanche of work for our team. To ensure a high standard of service and the best use of our resources, QAI has employed **Anna Brasnett** as a paralegal to support the team. Anna is a diligent member of the mental health legal team, a scuba diver and we know she will be a terrific lawyer in the near future.

Latest member of the team is **Carly Dennis** who has come to QAI with a keen interest in advancing her advocacy skills and working with people.

The team will ensure that the MHRT take a robust, evidence-based and culturally sensitive approach to applications for electroconvulsive therapy.



Advance Health Directives – mental health workshops

An Advance Health Directive enables a person to express their views, wishes and preferences and plan for their future mental health care and treatment if they become unwell. QAI and **ADA Australia**, with funding from Queensland Health, have almost completed delivering free workshops across Queensland to help consumers, families and carers understand the new Advance Health Directive for mental health. QAI lawyers Tony, Jo and Elle have delivered these workshops for QAI.

For links to the Advance Health Directive form and other resources, please see ADA Australia's website at: <https://adaaustralia.com.au/education/advance-health-directives-mh/> Further workshops will be provided for **clinicians** over the next period until June 2018.

If you would like to be added to the email distribution list to keep informed when all workshops are held, please email: guardianship2@adaaustralia.com.au.

Human Rights Legal Service



Tony McCarthy has built upon his legal expertise in mental health issues and expanded those experiences as our Human Rights Legal Service lawyer and coordinator. His recent experience in New York at the CoSP has extended his connections and networks with other disability activists and we have no doubt that he has made a great impression.

To support the individual advocates, Systems Advocate **Emma Phillips** has returned to the practice of law and each Thursday staffs and supervises QAI's Telephone Legal Advice Service.

6. Goodbye and Hello

In July we sadly bade farewell to who took up her full-time scholarship at Uni. **Candice Kessell** has been a bright and very effective addition to our admin team,



but has unfortunately lured away by other opportunities and her part time role will have to be refilled. We are very sorry to see Candice go.

Rebecca Howes is unfortunately on sick leave currently, and we wish her a speedy recovery. Bec has a deep empathy for people with disability and her background in mental health case work has been a great foundation for her work at QAI.



While Bec is away from reception, **Ashleigh Wakefield**, a law student volunteer with reception experience has very ably stepped up to assist us until Bec is able to return. Thank you Ashleigh!

7. Support QAI

You can make a **real difference** to the lives of vulnerable people with disability by financially supporting QAI to make sure our advocacy efforts continue in the future. All donations over \$2.00 are tax deductible. All gifts are also welcome.

You can make a donation online by visiting our website and clicking on the “How you can help” link on the front page. You can choose to make a one off donation or a recurrent donation. On our website QAI has partnered with Give Now.

Alternatively, you can contact us on **07 3844 4200** for further details about supporting QAI.

Bek Leong at Labor Enabled State Conference



Liz Francis and Board Member Roba Rayan at JSP booklet Launch "About Police, the Court and Lawyers..."



Michelle and Tony with SUFY and DDC Alistair McEwan

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QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

Patron: Her Excellency, Ms Penelope Wensley, AC Governor of Queensland