

Queensland Advocacy Incorporated

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CONTENTS

Introduction		3
President's Report	Mary Kenny	6
Treasurer's Report	Berkeley Cox	10
Director's Report	Kevin Cocks	11
Bioethics Project	Lisa Bridle	17
Community Living Project	Melinda Ewin	19
Law Project	Julian Porter	24
Appendix A - Financial Statements for the year ended 30 June 2004		28

Management Committee 2003 - 2004

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

STAFF 2003 - 2004

Director	Kevin Cocks
Systems Advocacy	Melinda Ewin
Systems Legal Advocacy	Julian Porter
Systems Advocacy	David Turnbull (resigned January 2004)
	Lisa Bridle (commenced 20 April 2004)
Accounts Administration	Rose Cenita
Office Administration	Lyn Giles



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 1 July 2003 until 30 June 2004. 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.





This year provided opportunities for learning, discovery and exploration of the needs of vulnerable people in Queensland. It is hard to believe that our Management Committee has completed a full year of stewardship of the organisation. All but one of our members was new to this Management Committee in October last year and we faced a very steep learning curve to come on board and maintain the standards set by the previous Management Committee. Mike Duggan (Secretary) provided the valuable link we needed with the past. All of the Management Committee appreciated the trust invested in them by the members and look back on the year with a sense of achievement in bringing about two important stages in the organisation - the Strategic Direction for QAI to 2009 and the completion and adoption of the Governance Charter.

This process was very ably led by Margaret Endicott who provided us with the framework for the staff and the Management Committee to work together, to delve more deeply into understanding the barriers that need to be overcome to achieve our direction and then the formulation of action plans for the work of both the staff and the Management Committee.

In reviewing our experience on the Management Committee, here are some of our comments:

I am more invigorated now than I was 12 months ago, so the passion is there for me in a big way. I found this all really interesting.

I was surprised that once we put the Strategic Plan together, how everything - and even us as a group, we sort of melded a lot more than what we had originally - what we had done when we initially got together as a group and how everything had this on-going domino effect. Like, everything just seemed to fall into place.

I found a huge enormous learning curve for me, too, because I guess we were all pretty green on the committee before coming on together.

I live in a very sheltered world of being disabled and I have been surprised by a lot of things that have come up being with QAI and finding out that it's pretty stressful for a lot of people and I think it's been good for me to realise that.



I am enthusiastic for a number of reasons including looking at the quality of the staff, seeing what the quality of the staff is doing.

Being clear about compliance, governance, finance and funds raising.

The fact that we got that strategic direction and I think the staff has also a greater sense of support from the committee.

So the future for me, the immediate future for me is doing what I can or what we can to facilitate the staff achieving those objectives.

This year, the Management Committee has brought a wealth of management experience to the organisation. We must acknowledge the work of each member –

- Ley Cox and his attention to the financial management of the organisation
- Robert McRae has brought his legal experience
- Byron Albury and Meriel Stanger have provided their perspective of living with disability and the need for independent, strong advocacy in the lives of people with disability
- Mike Duggan continues to inspire and support us and remind us of the history of QAI.
- Kay Hassis has brought her experience as a parent, a manager and an advocate

Many thanks to Ron Ashton, Chairperson of the Annual Fund Committee, who provided us with successful leadership and coordination of our ongoing fundraising efforts. We enjoyed the fundraising luncheon hosted by Mr Glenn Ferguson, the President of the Queensland Law Society. Special thanks are also due to Robert Reed, Minter Ellison Community Benefits Program. Without the commitment and energy provided by Ron and Robert and others involved in fund raising, our donors and supporters, QAI's capacity to address the needs of vulnerable people in Queensland would be limited.

We wish to acknowledge the Governor of Queensland Quentin Bryce for her generous support at the fund raising luncheon and her ongoing support for our advocacy efforts.

We hosted international visitor, William Edwards who raised the profile of the needs of people with disability who are in the criminal justice system in the United States. His visit has generated renewed focus on protecting the rights of people with disability in the justice system and has supported the development of the Justice Conference 2006.

The organisation continues to provide strong, vigorous advocacy for vulnerable people with disability in Queensland. Under Community Living and Citizenship, we continue work on the Baillie Henderson Hospital, the Hostel Campaign and



Young People in Aged Care Alliance. We worked well with others around the State in bringing about the DSA Review discussion. We continue to be focused on Bioethics, Genetics and Social Justice and we continue to promote greater understanding and focus on the needs of vulnerable people who are engaged with the criminal justice system in Queensland.

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

Throughout the year, various members of the Management Committee were involved in small working groups to assist QAI's work, including the Governance, Financial Resources, Lease and Refurbishment, Bioethics, Constitution and Policy and Procedures, Advocacy Training for the legal profession and the Justice Conference 2006 Working Groups

Under our Governance Charter, key roles of the Management Committee include:

- setting the strategic direction for the organisation
- ensuring compliance, through monitoring of the organisation and self monitoring of the members of the Management Committee individually and collectively
- improving the performance of the organisation, overseeing strategy formulation and policy making
- overseeing the plans of management for the acquisition of financial and human resources
- reviewing at reasonable intervals the organisation's progress towards the strategic direction

In setting the strategic direction we were mindful of QAI's Values and the Mission Statement -

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

We have set the strategic directions and developed our strategic priorities based on this plan. A copy of the Strategic Directions and Priorities is posted on our web site under work menu.

As we have worked through the Governance Charter, we have noticed some necessary changes are required to our Constitution and Policy and Procedures. During the next year a working group will review the constitution and design a

process that will inform the membership of QAI about the proposed changes. The Constitution was developed in 1987 and needs updating to comply with current legislation and taxation requirements.

The work of the Management Committee for 2003/2004 focused on developing our knowledge of advocacy and strength and expertise as managers of the organisation.

We are mindful of the many challenges ahead including:

- 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 very appreciative of the skill and the commitment of our staff, particularly Kevin Cocks the Director, who after six years continues to demonstrate passion and diligence in fighting for a more just world for vulnerable people with disability in this State. Julian Porter, the Legal Advocacy Worker, has progressed the Disability Training Package for the Legal profession and has developed an attractive, marketable product. Melinda Ewin as Systems Advocacy Worker brings her experience as a parent and her passion for justice for people with disability to her role. Lisa Bridle is a welcome addition to our Bioethics project and provides renewed energy and focus for the work. Rose Cenita continues to provide support for our financial management. Lyn Giles has brought her extensive experience in the corporate world to QAI processes and continues to support all of us in our roles. We also acknowledge the work of Jan Dyke, Francis Vicary and Christine Douglas in assisting us with our projects throughout the year.

Thank you for the opportunity to be part of making a difference in people's lives and may we continue to strive towards transforming the lives of vulnerable people with disability in this State.

Mary Kenny
PRESIDENT



I am pleased to present QAI's Financial Report for the year ended 30 June 2004. 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.

Our sincere appreciation to the Fund Raising Committee who successfully gained the support of the Queensland Law Society to host the annual fundraising luncheon held on 2 June 2004 at the Stamford Plaza Hotel.

During the year an investigation was carried out in order to find the most efficient and appropriate banking arrangements for QAI. In April 2004 the Management Committee decided to transfer QAI's banking and related services to the Community Sector Banking division of the Bendigo Bank. This is a joint venture between Bendigo Bank Ltd and Community 21 Ltd. The transfer commenced in early July 2004. The change is financially beneficial to QAI and accords with its general philosophy.

Work has also commenced on reviewing and updating QAI's financial policies and procedures. This area needs more work in the year ahead.

I have enjoyed working with the Management Committee and Staff of QAI and would like to thank them for making me feel welcome. I hope that in some small way I have assisted the organisation to continue its valuable work

Berkeley Cox
TREASURER



I have great pleasure in delivering my sixth Annual Report as Director of QAI. First I would like to acknowledge the leadership, 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 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 2003 - 2004. During the past 12 months QAI has continued to focus its advocacy efforts in three areas, Community Living, the Law Project and Bioethics. An additional area of our work in this reporting period focused on putting Advocacy back on the agenda of both the Commonwealth and State Authorities responsible for Advocacy.

QAI Advocacy Projects

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

- Hostel Campaign
- Coming Out Group
- Younger People in Nursing Homes (YPIACA)

Julian Porter, works primarily on the Law project, the focus this year has been –

- Finalising the QAI Legal Training Manual
- Participating in Law Reform actions around the DSA review, Rights In Public Spaces, Guardianship and Sterilisation
- Case Work.

Lisa Bridle, joined QAI as the Bioethics Systems Advocate in April. In the first months of the project, Lisa has been involved in –

- Reviewing past efforts of the project
- Developing an action plan for the project
- Establishing links with key individuals and groups
- Establishing a reference group for the project.

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



Before I reflect upon the past years significant administrative and advocacy efforts I need to make special mention of the contribution that David Turnbull has made to QAI. David Turnbull resigned from QAI in January 2004. David made a significant contribution to the advocacy scene in Queensland with important conceptual contributions within Bioethics and his passion for gathering diverse groups together and generating productive dialogue between those groups. David remains connected to the work of QAI and his support and ongoing contribution is highly valued.

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). There were two major outcomes as a result of the work of CAGQ over the past two and half years. Firstly, the Beattie government committed to provide 1.5 million dollars funding for the provision of individual advocacy over a three-year period. Secondly, both DFaCS and DSQ have worked collaboratively with CAGQ to develop a strategic framework for advocacy in Queensland by developing two discussion papers.

The first discussion paper explores a number of issues in relation to advocacy for people with a disability. It 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 second discussion paper will focus on accountability and performance indicators for advocacy. This paper will be developed in the next financial reporting period.

Annual Fund

Once again I would like to thank Mr Ron Ashton Chairperson of the Annual Fund Committee, Robert McRae and Robert Reed for their dedication to creating opportunities for alternative and independent sources of funding. This year the Fund Raising Committee successfully gained the support of the Queensland Law Society to host the annual fundraising event. Mr Glenn Ferguson, President of the Queensland Law Society, hosted a luncheon where approximately 200 members of the Law Society attended to hear the Governor Ms Quentin Bryce speak.

Governance

One of the areas identified in the previous year's external evaluation was the need to finalise and implement QAI's Governance approach. I am pleased to be able to announce QAI's Governance Charter has been finalised in this reporting period. But what do we mean by governance?



Governance –

- is about organisational leadership
- refers to the management model 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
- informs all aspects of the QAI Management Committee's work including planning, mission development, committee work, agenda setting, budgeting, reporting, Director evaluation, management relationships and fiduciary responsibility

A Brief Overview of Significant Advocacy Efforts for 2004

The following advocacy efforts were the result of the collaborative efforts of all staff.

In 2001 the Beattie Government committed to a review of the Disability Services Act (DSA) as part of its election platform. Many stakeholders within the non-government sector became very concerned with the approach that Disability Services Queensland (DSQ) was pursuing in relation to both the process and content analysis. QAI decided to develop an alternative discussion paper as a specific strategy to assist people to broaden the debate in the proposed review process. As a result of that discussion paper and subsequent media coverage, QAI was able to influence the Minister Judy Spence to establish a parallel consultation process. In essence this meant an extension of the consultation period by at least six months; a commitment to engage an independent consultant to carry out consultations within this extended period; to nominate key stakeholders to participate as a Steering Committee to direct the independent consultant; and the independent consultant to examine the bigger picture questions relating to the DSA. This process will provide the Minister with two submissions for consideration one from the DSQ process and one from this parallel process. These submissions will then form the basis of any future DSA legislative reform. Finally, the Minister will be provided with draft protocols for future consultations, based on this consultation process.

People with Intellectual Disability in the Criminal Justice System

The over representation of People with Intellectual Disability in Queensland prison systems continues to grow and now has become a priority issue for QAI. The many barriers experienced by people with impaired decision-making when seeking justice require attention if people with disability are to receive a fair go either as victims or defendants. QAI raised this issue as part of the Action Forum 2001 in a paper entitled Justice For All: People With Intellectual Disability in the Criminal Justice System, The discussion paper can be found on our web site www.qai.org.au



QAI has identified that this issue is one that needs to be placed on the political agenda. An opportunity arose to bring out William Edwards, a Deputy Public Defender from Los Angeles USA, in November 2003. Mr Edwards often represents people with intellectual disability in the criminal justice system and has successfully defended people with intellectual disability on death row.

Mr Edwards presence provided the catalyst for QAI to bring together concerned community groups, legal practitioners including Judges, and the Attorney General at a function hosted by Queensland Law Society. At that function QAI announced that we would host an International Conference in 2006, examining the issues relating to people with intellectual disability and the criminal justice system.

Since Mr Edwards' visit QAI has sought and gained in principle support and keen interest of Queensland Government Ministers responsible for the portfolios of Justice, Police and Corrective Services, and Disability Services. QAI has also begun drawing on the expertise of others throughout Australia. Key statutory authorities, groups and community leaders are helping guide the momentum of this growing movement and ensure the participation of key people, groups and bodies.

In these formative stages, a reference group has been established for this purpose and for the purpose of deciding the direction of the Congress.

The Reference Group is constituted by:

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

Human Rights Indicators

Over the last decade there has been a significant emphasis, placed by governments, on quality assurance as a mechanism to improve standards of human service delivery. To date the evidence suggests that there have been some incremental improvements in quality as a result. Primarily the improvements are associated more with physical aspects of the built environment rather than improved quality of life experiences for people with disability. Unfortunately, there



is evidence to suggest that abuse and neglect still occur within human services that have allegedly met the quality assurance measures. An alternative view of quality assurance, held by some people with disability, families and service providers, is that standards are primarily concerned with ensuring organisations have systems and procedures to manage risks – in other words risk management strategies.

It is clear, from QAI's perspective that quality assurance does not address issues within organisations relating to ethics and values. Nor does it address issues relating to the question of what needs to happen for an individual if they are to realise their full citizenship status. For example, vulnerable people with disability; who have been inappropriately placed in hostels and supported accommodation facilities and the subsequent government response via the Residential Services Act (RSA). We believe the RSA standards clearly allow for a 'second-class citizen' status for people with disability – that is people with disability residing in facilities under the RSA have less tenancy rights than any other Queensland tenant.

It is not quality assurance that will protect vulnerable people from systematic abuse, neglect and exploitation. Government and community must overtly recognise that vulnerable people with disability are deserving of the same human rights as they would expect for themselves and their sons and daughters. This is as opposed to what appears to be begrudgingly conceded by governments and community, a managerial mechanism and discourse that delivers quasi-rights. By quasi-rights I mean discourse and practices that may resemble rights but in reality are not actually rights.

Thus, QAI has embarked upon developing human rights indicators as an alternative mechanism to measure the degree the human rights of vulnerable people with disability are being respected, enforced and realised via government and community policy, programs and service delivery.

Australian Network for Universal Housing Design (ANUHD)

As one of the original sponsors of the Australian Network for Universal Housing Design in 2002, QAI continues to provide practical and financial support to this important initiative. The Network is going from strength to strength with a number of achievements since its establishment, including:

- Presentation of papers at the National Housing Conference (November 2003) and State of Australian Cities Conference (January 2004)
- Continuation of their 6 monthly national meetings and monthly national teleconferences.
- Appointment of a representative to the Review Committee for the Adaptable Housing Standard (AS 1428.8)



- Representation on the steering group for the national research into the provision of accessible housing in Australia funded by the Australian Building Codes Board and the Building Commission (Victoria).
- Website and administration support provided by People with Disability Australia. See www.pwd.org.au/anuhd

In June 2004, the Network assisted the Office of the Public Advocate (Queensland) at a round-table discussion on Universal Housing Design at which representatives from government, community and industry were present.

The attendants reached the following points of consensus:

1. The need for accessible housing will increase significantly in the next 20 years and the existing strategies to meet this need now and in the future are not adequate.
2. Relying on market forces has not worked in other developed countries and is unlikely to work in Queensland. Regulation of some form is likely to be required to ensure this housing need is met. To this end, the national research into accessible housing is welcomed.
3. We cannot legislate for good design but we can legislate for minimum building standards. The market will then take care of the rest – good design will sell and bad design will not.
4. The benefits of UHD need ongoing marketing to industry, to government and to the broader public.

A further working group has been established, Chaired by Jan Jensen from Stockland Development Pty Ltd to develop realistic strategies to meet the need for universal housing.

The Australian Network is represented on this committee and will advocate its position, that is, the inclusion of access provisions in the Building Code of Australia for all new and extensively modified housing, based on universal design principles.

The vision of Australian Network for Universal Housing Design (ANUHD) is the adoption and implementation of universal design principles in housing for Australians of all ages and abilities.

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



Background Paper on Sterilisation

Jan Dyke was engaged by QAI to write a background paper on sterilisation, which will help educate people concerning the issues of sterilisation of people with disability and inform discussion on the issue. From this paper, meetings with stakeholders, QAI Staff and Management Committee will be held in order to develop a position statement and policy. This paper will form the basis of other public gatherings to draw attention to this important but largely hidden practice. The paper will be available on QAI's web site from November 2004.

Collaboration Efforts

Lisa is participating in a Genetic Counselling Ethics Interest Group. This group was resulted from David Turnbull's discussions with genetic counsellors and some past members of the BEING group. The group is seeking to promote dialogue between genetic counsellors and those examining the ethical implications of genetics and current prenatal diagnosis practice. To date, the group has embarked on a process of clarifying areas of agreement and disagreement between participants, including an evaluation of the disability rights critique of prenatal diagnosis. It is anticipated that the group may also engage in collaborative writing and presentations.

We are currently investigating opportunities for collaborative research partnerships across various Universities. For some time, we have believed that undertaking research on the bioethical issues impacting on people with disability is an important priority, and so initial discussions are being held to investigate research funding opportunities. Undertaking such work collaboratively with key allies within University settings would be an important strategy for ensuring the work is well grounded, adequately conceptualized and ultimately credible.

Advocacy Efforts

The transition period of employing a new worker has impacted on QAI's capacity to achieve highly focussed systems advocacy over the last period.

QAI has been monitoring a number of key issues, including the Standing Committee of Attorneys-General Working Group on Non-Therapeutic Sterilisation of Minors with a Decision-Making Disability. We have sent a letter of complaint to organisations involved in hosting a "Human Rights Oration" by Peter Singer in Adelaide.

Lisa has been involved in speaking to a variety of groups and individuals about the Bioethics Project and spoke to a statewide meeting of DSQ social workers about her doctoral research project which examined the ethical and practice issues about prenatal diagnosis for Down syndrome.

Directions for the coming year 2004-2005

Given the employment of a new worker and the period of time in which no worker was employed at QAI, there has been a useful opportunity to take stock, and undertake careful consideration of the future of the project. The goals for the coming year will include hosting a number of gatherings about sterilisation and other bioethical issues, holding a Jennifer Fitzgerald Memorial Lecture, and securing funding for a "Visual Stories" project which seeks to have the lived experience of people with disability better inform broader bioethical discussion.

We envisage that the bioethics project will be effective in equipping the grassroots (people with disability, family members and allies) to engage more effectively in bioethical conversation, that we will raise the profile of the project by clearly articulating the advocacy goals of the project, have wider public engagement by hosting a variety of informal and informal gatherings, achieve adequate internal systems to support the work and make some progress in collecting stories of the lived experience of people with disability.

Lisa Bridle
BIOETHICS ADVOCACY WORKER



HOSTEL CAMPAIGN PHASE 2

QAI has been advocating for vulnerable people living inappropriately in hostels and boarding houses since 2000. Over the last 12 months we have gathered information about the lives of people with disabilities that resulted in the report *Legislation and Life* which was launched in October 2003. We have had considerable positive feedback about the quality and power of this report. The report was mailed to all state politicians, community groups and stakeholders, and presented in person to the relevant Ministers. The *Legislation and Life* report can be found on the web site at - http://www.qai.org.au/content/online_library_documents.cfm

The correspondence QAI received from the Premier outlined the Premier's instructions to his department to analyse the report and provide a whole of government response. The resulting response reflected a collection of varying strategies and policies already implemented by departments. QAI believes the government's response to be an insult to the people who reside in hostels and boarding houses. It was totally unacceptable, being a "cut and paste" compilation of existing public information lacking analytical consideration or insight. QAI wrote directly to the Premier, criticising the inadequacy and dereliction of duty conveyed in the government's response.

The response of the Premier's Senior Policy Adviser to our concerns was again disappointing. It appears that the government's response equates to 'an unwillingness to do anything more until the Residential Services Act implementation is reviewed in 2007'. It is our view that this lack of concern is based in the belief that the measures taken by government to date are ample.

After the State election, QAI met with the new Minister for Disability Services Queensland, Warren Pitt, to discuss the recommendations of the report. QAI was subsequently pleased when the Budget was handed down. The additional monies for disability contained a new budget item for funding allocated by Treasury of "\$2 million to fund alternative services to hostel care to support people with a disability with high support needs and challenging behaviours". QAI believes this budget item was influenced by QAI's advocacy efforts around the *Legislation and Life* document.



The Legislation and Life Report was a deliberate advocacy strategy against the inappropriate placement of people with disability with high and complex support needs residing in hostels and boarding houses. Supporting strategies throughout the year have included meeting with bureaucrats, Ministers and relevant regulatory authorities, monitoring policy and legislation implementation, engaging with and supporting other community groups concerned about the rights of tenants.

Coming Out Group – “Creating Community Connectedness”

Baillie Henderson Hospital, Toowoomba

QAI has supported this group on a regular basis over the past two years. In that time the group has chosen the name Coming Out and has worked steadily towards the goal of seeing the people with intellectual disability presently living at Baillie Henderson move out and live in the community.

There are a number of hurdles that the group has identified to overcome. Firstly, establishing relationships between the individual residents at Baillie Henderson and members of the Coming Out Group. Secondly, creating an atmosphere of trust and mutual working collaboration between the group members and the staff at Baillie Henderson. Lastly to initiate a program where residents gain community access in the absence of any form of funding.

At the beginning of the year a number of Coming Out members began visiting residents on a volunteer basis. This has ignited a rapport with a number of staff members who were then invited to attend the Coming Out meetings.

The Baillie Henderson staff attended a number of monthly meetings and together with the Coming Out Group devised a way of providing a number of residents with some community access. On the 23 February 2004 the first residents participated in what is now called “Coming Out Mondays”. This involved 4 people, 2 from Browne House and 2 from Morris Mouat Unit, to visit the SPRED facility. SPRED is a Catholic Educational facility that provides activities for adults with intellectual disabilities in the Toowoomba Community. The SPRED facility is a converted house in the community. SPRED is donating the facility and activity resources. Coming Out Mondays is a major step towards community access for people residing at Baillie Henderson.

One of the group’s new members, Jason Kehl, writes a weekly column around disability issues called “Through My Eyes” for the Toowoomba Chronicle. In June, Jason’s article about a resident from Baillie Henderson and the “Coming Out Group” was published. This article is available on the QAI website.

The group has two initiatives in the pipeline to raise the profile of the residents of Baillie Henderson and create connections within the Toowoomba community.

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The group has been successful in negotiating with the University of Southern Queensland to have student's involvement in Coming Out Mondays accredited as part of their course requirements.

The ranks of regular members have swelled during the year with a monthly regular attendance of 8-10 members. Without the commitment, vision and dedication to justice for people with disability that the members of the Coming Out group display, the major achievements that have occurred this year would never have materialised. QAI would like to take this opportunity to recognise and thank the members of the Coming Out Group for their continued support and diligence.

Younger People In Aged Care Alliance – YPIACA

YPIACA continues to build on and have strength in the diversity of its membership. Member organisations, Queenslanders with a Disability Network (QDN), Brain Injury Survivor Network, Queensland Parents for People with Disability (QPPD), Multiple Sclerosis Society, Cerebral Palsy League, Queensland Aged and Disability Advocacy (QADA) and QAI, continue to provide continuity and resources for the group. However a number of people with disability who have been in nursing homes have joined the group and are very vocal about what they would like to see the group achieve. This "new blood" has given the group an injection of enthusiasm and a continual reminder of the need for action.

A major coup for younger people living in aged care facilities this year is the inclusion of younger people in aged care facilities as a priority of Disability Services Queensland (DSQ) in the Commonwealth State and Territories Disability Agreement (CSTDA) Bilateral Agreement. Whilst we can now safely say that the inappropriateness of younger people living in aged care facilities as an issue has finally received the attention it deserves, a concerning factor about the Bilateral Agreement is the definition of "younger". The Queensland Bilateral Agreement defines younger as being under 50; this cut off age therefore places people from the age of 51 – 65 outside the definition of "younger". The number of people residing in aged care facilities throughout Queensland under the age of 65, at January 2004, is 1294. Those under the age of 50 are 218. This leaves 1076 people with disabilities out of the scope of the Bilateral Agreement. YPIACA will continue to advocate for the 1076 people with disability residing in aged care facilities.

YPIACA welcomed the Australian Democrats' success in having the issues affecting younger people in nursing homes included in a Senate Inquiry into Aged Care. YPIACA will be making a submission to the inquiry.

QAI's involvement with YPIACA remains within a System's Advocacy context and our advocacy efforts on behalf of the YPIACA group will continue to reflect this in the forthcoming year.



Collaborative Efforts with the Office of the Public Advocate

QAI made two submissions to the Office of the Public Advocate during the year.

A growing trend of discontent with services provided by the Office of the Public Trustee emerged through people making contact with QAI to voice their concerns. QAI compiled a report gathering information from private individuals as well as advocacy organisations throughout the State. The concerns raised in the report were dissatisfaction with the complaints mechanism, issues of conflict of interest and the financial administration service provided by the Office of the Public Trustee, including investment competence, mistrust of family members and apparent willingness to trust service providers. It is our understanding that the Public Trust has begun to systematically address these concerns.

QAI was approached by ex-staff members, concerned neighbours and advocacy groups about the allegations of abuse at Care Independent Living Association Incorporated ("Care"). QAI visited Care and subsequently submitted a report to the Office of the Public Advocate outlining the nature of the alleged abuse and the forthcoming response by government.

QAI believes that the response by Government was inadequate. Allegations of abuse about Care had been made to Disability Services Queensland and the Adult Guardian as early as 2000. An investigation commenced in June 2003, this prompted the immediate removal of children residing in Care, however adults still remain in the facility. The response by Government was to grant additional resources and funding of \$50,000 to Care to implement improved service standards. QAI's position in the presence of allegations of abuse is that people should be removed immediately. QAI believes this governmental response to be a systemic dereliction of duty. We are currently pursuing the question 'why were children automatically removed from the facility and adults left residing in the facility?'

Directions For The Coming Year 2004-2005

A significant feature of QAI's advocacy efforts over the past year has been the success of the connections made to facilitate positive outcomes for people with disability. The importance of connections and the significant role connections play in addressing vulnerability in the lives of people with disability has been instrumental in reinforcing the need for a campaign that connects people with their human rights.



Re-capping briefly on the connections made this past year:

- Connecting vulnerable people with disability residing in institutional settings, in nursing homes and in hostels with people in the community. Connections that give people with disability the opportunity to engage in community settings creating connections to advocacy groups, community members and connecting community to the vision of residents living in the community.
- Connecting with bureaucrats. Reinforcing through advocacy, the reality of the inappropriate placement of people with disability in both hostels and aged care facilities has seen commitment by government to address the inequities both in policy and budget items.
- Connecting with concerned citizens. Connecting people who want to speak out about abuse with the appropriate mechanisms so they can be effectively heard and an attempt at justice pursued.
- In personal reflection, as the Systems Advocacy Worker for QAI, I am mindful that although connections are the beginning of facilitating relationships, a more significant attempt is required to make inroads into the experiences of vulnerability in the lives of people with disability.
- QAI believes that the gaps in experience between what is, and what should be, are human rights inequities. QAI will, in the forthcoming year, co-ordinate a project to establish a set of Human Rights Indicators as a tool to advocate around the inequity in human rights and to identify the disparity in experience for people with disability. The Human Rights Indicators will further the Hostel Campaign, promote institutional reform and help make connections in people's minds about the type of lives they have a right to experience.

Melinda Ewin
SYSTEMS ADVOCACY WORKER

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he Law Project, as described by QAI's present Strategic Plan, essentially has three facets – law reform work, disability training for lawyers and casework. Fortunately the Legal Advocacy Worker works three days a week so there is never any confusion as to what he is doing on any given day! Jokes aside, given the conflicting demands of case-work and law reform work and the difficulty of keeping on top of less immediately urgent work like training, it can at times seem like one or more of the areas is getting more attention over a period than it deserves. However when it comes to write down or summarise all the activity of twelve months a certain amount of equity priority-wise does begin to emerge.

LAW REFORM

Disability Services Act Review

At the time of last year's report the focus of the Law Project was squarely on the review of the Disability Services Act 1992. A flawed and superficial process for consultation and development of amendments had concerned QAI and our allies to such an extent that it became obvious that an alternative discussion paper, distributed to interested parties before they took part in DSQ run consultations was necessary. As noted in last year's report this discussion paper was the catalyst for a movement within the disability community which managed initially to have the consultation period extended substantially and subsequently in having a further independent, community based consultation process introduced to complement the government's process. This part of the process was handled by the QAI director, but in the mean time the legal advocacy worker was in great demand to speak and by involved in discussion with other community groups working towards their own responses. These included ACROD, QDN and a group of small independent service providers. The legal advocacy worker also finalised a QAI submission along the lines of the departmental process framework and participated in consultation sessions for both the departmental and independent processes.



Rights In Public Spaces (RIPS)

Towards the end of 2003 the legal advocacy worker was invited to join a working group of community legal centre lawyers, academics and activists to work towards reform of Queensland's draconian vagrancy laws. The Vagrancy Gaming and Other Offences Act came into force in 1931 and has survived with few changes since. The working group, which included people working with aborigines, young people and homeless people, felt that the Act was being enforced discriminatorily against their various constituencies. QAI took the view that the laws could impact adversely against people with cognitive impairments from mental illness, intellectual disability or brain injury. Campaigning had barely got underway when, to the groups horror, changes to the legislation were introduced which were even more harsh and gave more discretionary power to police. In the following months the group's attempts to soften the legislation by negotiation with the police minister or intercession from other relevant ministers (Justice, Indigenous Affairs, Disability) were ignored. The group, now titled the Rights in Public Spaces Action Group (RIPS), only managed to obtain a proper hearing after it held a major event Legislated Intolerance? Public Order Law in Queensland in the Supreme Court's

Banco Court in June. Opened by the Chief Justice and with speakers including noted aboriginal activist Murrandoo Yanner and Victorian Deputy Chief Magistrate Jelena Popovic, the event attracted 300 lawyers and policy makers. The legal advocacy worker was heavily involved in the organisation of this event, particularly in relation to media coverage, where he was able to use his skills from his other career (free-lance journalism) to attract some very positive and effective stories in a wide range of media.

Prison System

The legal advocacy worker was involved in some very positive work carried out by the Queensland Disability Council in collaboration with the Department of Corrective Services attending a forum run by the council and subsequently a consultation with the department. Based on recent media releases from the Corrective Services Minister this initiative seems to be having some real effects for the plight of people with intellectual disability and mental illness finding themselves in the prison system. At one stage the legal advocacy worker and then bio-ethics worker were scoping out a project around this topic but with the attention being given it in other quarters and other changes within the office no further work was carried out.



Guardianship/Sterilisation

The Legal Advocacy Worker wrote a submission and took part in consultations in relation to the review of the Guardianship and Administration Act. Many of the proposed amendments were procedural but QAI felt the need to argue the case of the most vulnerable people with disability in relation to changes of the requirement to review all transitional orders from the previous regime. A middle ground was struck where a certain number would be reviewed at random every year. QAI also took an active role in relation to the sections introduced to enable the Tribunal to have jurisdiction over decisions about sterilisation of children (the tribunal by its very nature dealing only with adults in the ordinary course of events). While it could not be said that we got it all our own way, substantial compromises were made by the drafters to accommodate many of our concerns.

International Conference

While taking a supportive role to the director and employed consultants the Legal Advocacy Worker has taken a significant role in relation to the beginning processes of this ambitious project.

TRAINING

Disability Training Package for Lawyers and Judiciary

With the DSA review work largely out of the way by late 2003 the focus of the Law Project moved onto finalising the training package materials. This package has been a work in progress within QAI for many years. With the help of Minter Ellison lawyers and particularly Robert Reed the necessary research for updating and completing the draft material (originally written in 1997) was undertaken over the period of a couple of months. Subsequently the material was painstakingly re-written by the legal advocacy worker to include new developments or improve its readability and usefulness as a training tool. With funding successfully sought from the Uniting Care Centre for Social Justice, the materials were set out in a stunning contemporary full-colour design by Lettuce Create. Finally the ninety-odd pages were illustrated with photos from two painstakingly organised photo shoots at the Minters offices and the Magistrates court as well as other incidental photographs. Thanks again to everyone who participated. The package looks fantastic and we can't wait to finally unleash it.

With the package all but ready to go by the March 2004 the project lost a lot of its impetus when a significant commitment from a potential funder was reneged upon. Towards the end of the reporting period however QAI fortunate enough to secure significant funding from the Queensland Law Society Grants Committee

DISABILITY

A Training Resource
for Legal Professionals



to begin training sessions for lawyers in Queensland. The Legal Advocacy worker continues to work with trainers Mary Kenny and Diz Synnot towards the best possible presentation of the materials to the profession. A 'teaser' session at the annual conference for the Queensland Association of Independent Legal Centres (QAILS – the association of CLC's) and was well received.

Specialist Training for Criminal Lawyers re Intellectual Disability

In the midst of Billy Edwards' fast and furious visit to Brisbane he was kind enough to provide us with a copy of training materials he has produced for defence attorneys in relation to representing people with intellectual disability. QAI sees this package as potentially complementary to our more generic training package but found it to be extremely American focussed both in content and style of delivery. QPILCH was approached and provided three students to work on 'Australianising' the package. Subsequently QAI has since engaged a volunteer to build on the work done by these students.

CASE WORK

While QAI no longer provides direct legal advice or services to the public, preferring to work in collaboration with the network of advocacy groups around Queensland, 2003-2004 has still been a busy year in terms of casework. One particular case stretched the whole office to its limits when our client, a lady with a severe personality and a mental illness, began making harassing phone-calls to us – ironically the same offence she had been arrested for and potentially faced jail for due to repeated breaches of bail and likely contempt of court which were all a part of her disability. While this case itself took some nine court appearances and significant other work to resolve (favourably) in other cases our role was more in the manner of a sounding board or strategic assistant for advocates trying to get the best result for a particular person. Advice was sought from barristers on a range of matters, from the sufficiency of a DSQ investigation about a personal injury in a care situation to the prospects of a Judicial Review application succeeding in the case of a man with no mental illness locked up in a twenty-bed medium secure unit for the past five years. The legal advocacy worker assisted in finding suitable private lawyers for two personal injury sufferers and followed through with support for them from a disability perspective. Old clients were not forgotten, despite the change in the project's emphasis continuing advice was dispensed to several clients who have been with us for a number of years.

Julian Porter
LEGAL ADVOCACY WORKER

