

Language and Culture Matter:

REMOVE THE BARRIERS NOW

Addressing the needs of people
from a non-English speaking background
who have a disability.



AMPARO
Advocacy
inc



Published December 2007 by:

AMPARO Advocacy Incorporated
9 Chippendall Street MILTON QLD 4064
Ph: 07 3369 2500
Fax: 07 3369 2511

Copyright ©

AMPARO Advocacy Incorporated 2007

Design and Layout by:

Pauline Heaney, Lettuce Create
www.lettucecreate.com

Special Thanks

To those individuals whose
experiences have been shared in
the stories throughout this paper.

Availability in Other Formats.

This document is available on line in plain text and in other formats on request.

If you would like a copy of the Executive Summary translated into another language please contact **AMPARO Advocacy Inc.** on 33692500 or email info@amparo.org.au

يمكن تنزيل هذه الوثيقة من الإنترنت بصيغة نص صرف أو صيغ أخرى عند الطلب. إذا رغبت في الحصول على نسخة من موجز التقرير مترجماً إلى لغة غير الإنجليزية فالرجاء الاتصال بهئية أمارو لحشد التأييد على الرقم ٣٣٦٩ ٢٥٠٠ أو على العنوان الإلكتروني info@amparo.org.au

Ovaj dokument postoji na internetu kao običan tekst, a na zahtjev i u drugim formatima. Ako biste da dobijete primjerak Izvršnog rezimea (Executive Summary) koji je preveden na neki drugi jezik, molimo vas da se obratite AMPARO Advocacy Inc. na 3369 2500 ili elektronskom poštom na info@amparo.org.au

本文件以純文本格式在線提供，並可應索以其他格式提供。若☑想要譯成另一種語文的高管摘要，請連絡 AMPARO Advocacy Inc，電話：3369 2500 和 電子郵件： info@amparo.org.au

Ovaj dokument postoji na internetu kao običan tekst, a na zahtjev i u drugim formatima. Ako biste da dobijete primjerak Izvršnog rezimea (Executive Summary) koji je preveden na neki drugi jezik, molimo vas obratite se AMPARO Advocacy Inc. na 3369 2500 ili pošaljite mail na info@amparo.org.au

این سند در اینترنت به شکل ساده موجود میباشود و اگر بخوا هید. به قسم ها و طرح های دیگر هم موجود است. اگر کما پی اجرائی خلاصه شده آنرا که به لسان دیگری ترجمان شده. میخواهید لطفاً با AMPARO Advocacy Inc توسط تلفون ٢٥٠٠ ٣٣٦٩ یا ای میل info@amparo.org.au تماس بگیرید.

این مدرک در اینترنت بصورت ساده و اگر تقاضا کنید. به اشکال و طرح های دیگر موجود است. چنانچه نسخه اجرائی خلاصه شده آنرا که به زبان دیگری ترجمه شده. میخواهید لطفاً با AMPARO Advocacy Inc بوسیله تلفن ٢٥٠٠ ٣٣٦٩ یا ای میل info@amparo.org.au تماس حاصل فرمائید.

Ce document est disponible en ligne sur demande, en format texte uniquement et autres formats. Pour recevoir une copie de la Synthèse pour les cadres (Executive Summary) dans une autre langue, contactez AMPARO Advocacy Inc. au 3369 2500 ou par courriel à l'adresse info@amparo.org.au

Ovaj dokument postoji na internetu kao običan tekst, a na zahtev i u drugim formatima. Ako biste da dobijete primjerak Izvršnog rezimea (Executive Summary) koji je preveden na neki drugi jezik, molimo vas da se obratite AMPARO Advocacy Inc. na 3369 2500 ili elektronskom poštom na info@amparo.org.au

Este documento online se encuentra disponible en formato texto y también en otros formatos mediante previa solicitud. Si desea una copia del Resumen Ejecutivo traducida a otro idioma, contacte por favor con AMPARO Advocacy Inc. por teléfono (3369 2500) o por email info@amparo.org.au

Tài liệu này có sẵn trên mạng bằng hình thức bản văn thuần túy và bằng hình thức khác theo như yêu cầu. Nếu quý vị muốn có một bản Executive Summary (Tóm Tắt Điều Hành) được dịch ra tiếng khác, xin vui lòng liên hệ AMPARO Advocacy Inc. (Công Ty Bệnh Vực – AMPARO) theo số 3369 2500 hoặc gửi email đến info@amparo.org.au.



Executive Summary with Recommendations	5
PART 1. Introduction	9
PART 2. AMPARO Advocacy	10
Who we are	10
Our Vision, Values and Beliefs	10
Our Mission	11
Our Mandate	11
PART 3. Cultural Competence	12
PART 4. Unmet Need in Queensland	13
PART 5. Studies and Reports	15
Multiple Layers of Discrimination	15
75% Miss Out on Services and Supports	16
Recommendations Ignored	16
Mandatory Reporting Against the Charter	17
PART 6. Legislation and Policy	18
Commonwealth Legislation and Policy	18
State Legislation and Policy	19
PART 7. Systemic Barriers and Discrimination	23
Perceptions, myths and stereotypes about disability	24
Lack of information about rights and entitlements	25
Lack of information about the availability of services, programs and benefits	30
Shortage of interpreters and funding to access professional interpreters	32
Lack of information about how to access and how to work effectively with interpreters	35
Difficulty understanding complex legal and social systems	37
Service systems that are not culturally competent	39
Immigration and social security law that discriminates	41
PART 8. Recommendations:	43
Strategies to address additional Barriers and Discrimination	43
Across Queensland Government Approach	
Specific Strategies for Disability Services Queensland	44
Recommendations for Other Government Departments	47
Conclusion	48
References	49



AMPARO Advocacy is a non-profit community organisation which provides individual and systemic advocacy on behalf of people from a non-English speaking background who have a disability. AMPARO advocates for vulnerable people living in the Brisbane area, for whom language and/or cultural differences make it difficult to understand and negotiate systems and services.

As Queenslanders, we live in a culturally and linguistically diverse community with the **2006 ABS Census** identifying that:

- **17.9%** of the population was born overseas.
- **86.4%** stated English as the only language spoken at home.
- **8%** stated they spoke another language other than English at home.¹

AMPARO Advocacy believes that language and culture are important, however current systems do not respond well to the needs of people from non-English speaking backgrounds who have a disability.

Several significant studies and reports including *On the Sidelines* by the Human Rights and Equal Opportunity Commission and two studies in Queensland, *Living with a Disability in Multicultural North Queensland* and *3 Out of 4 – Developing a Multicultural Disability Advocacy Service for Queensland* have identified significant systemic barriers preventing people from a non-English speaking background who have a disability having equitable access to services, supports and information.

AMPARO Advocacy's work with individuals confirms that these and other systemic barriers continue to prevent people from a non-English speaking background who have a disability having their most basic needs met.

Key barriers highlighted in this position paper include:

- Perceptions, myths and stereotypes about disability;
- Lack of information about rights and entitlements;
- Lack of information about the availability of services, programs and benefits;
- Shortage of interpreters and failure to use professional interpreters;
- Lack of information about how to access and how to work effectively with interpreters;
- Difficulty understanding legal and social systems;
- Service systems that are not culturally competent; and
- Immigration and social security law that discriminates.

¹ Australian Bureau of Statistic, Census 2006 QuickStats: Queensland (viewed July 2007)
<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/>.



Relevant Commonwealth and State legislation, including the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975* and the *Disability Services Act 2006*, recognises and seeks to protect people's right to non-discrimination and equal access to services and supports. In addition specific Commonwealth and State Government policies are directed towards services and supports being provided to meet people's needs regardless of their cultural, linguistic and religious backgrounds. The *Charter for Public Service in a Culturally Diverse Society* and the Queensland Government Multicultural Policy, *Multicultural Queensland - Making a World of Difference* are two such policies.

A key requirement of *Multicultural Queensland Policy* is that State Government departments develop and implement annual Multicultural Action Plans to address issues of cultural diversity and to incorporate these strategies into core business. However this policy cannot guarantee equity of access to both government and community services as funding allocations to state government departments is inadequate to implement current or improved Multicultural Action Plans.²

There is no commitment under *Multicultural Queensland Policy* to provide community organisations with the urgently needed funding for interpreter services. Rather it suggests community organisations can access free interpreting through the Commonwealth Translating and Interpreting Service (TIS). Unfortunately this is not the case; not all community organisations have successfully been granted access to this service as only those providing settlement related services are eligible. Some organisations that previously had access to this service have recently lost their entitlement to this essential service.

Given this situation AMPARO Advocacy and other organisations, including the Queensland Council of Social Service³ and the Ethnic Communities Council of Queensland, are extremely concerned. Limited state budget allocations to State Departments, including Disability Services Queensland, are insufficient to implement essential priority actions, such as funding community organisations for interpreting⁴.

AMPARO Advocacy is also aware that there is significant disparity between the proportion of people from a non-English speaking background who have a disability accessing services and supports compared to those from an English speaking background.

² Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

³ Queensland Council of Social Service: *Smart State, Fair State: Ending poverty and inequality through A Fair Queensland Policy and Investment Plan. Submission to the Queensland Government's Budget Process 2007-2008* (2006)

⁴ Irene Opper, Ethnic Communities Council of Queensland, *Multicultural Action Plans, A Map for Change in Queensland?* (2007)



In Queensland data from the ABS 2006 Census and the latest data on services provided under the Commonwealth State/Territory Disability Agreement 2005-2006 indicate:

- **7.4%** of people with severe and profound disability between 0-65years, come from homes where a language other than English is spoken⁵;
- **2.5%** those accessing disability services in Queensland came from countries with low levels of English proficiency⁶;
- **1.6%** received interpreter services for a language other than English.

According to the latest report on services provided under the Commonwealth State/Territory Disability Agreement 2005-2006, “***there has been little change over the past three years in the proportion of service users from non-English speaking backgrounds***”⁷.

AMPARO Advocacy believes that in order to address the needs of people from a non-English speaking background who have a disability the concept of cultural competence must be implemented at all levels of service delivery.⁸ Cultural competence embraces the principles of equal access and non-discrimination.

The recommendations outlined in this document to address systemic barriers call for committed responses from the Queensland State Government and Disability Services Queensland in particular.

It is imperative that Disability Services Queensland as the lead agency for disability services provides strong principled leadership to drive the change process to address barriers intrinsic in the current disability service system.

AMPARO Advocacy invites the Queensland Government to deliver on its commitment to recognise that **language and culture matter**, to ensure all Queenslanders with disability have “*equitable access to services and programs regardless of their cultural, linguistic and religious backgrounds*”⁹ and to **remove the barriers now**.

⁵ Australian Bureau of Statistics, Census 2006, Catalogue No.2068 (2007).

⁶ Australian Institute of Health and Welfare, *Disability Support Services 2005-06*, (October 2007).

⁷ Australian Institute of Health and Welfare, *Disability Support Services 2005-06*, (October 2007).

⁸ National Centre for Cultural Competence, Georgetown University, Washington. DC., viewed September 2006, <http://georgetown.edu/research>

⁹ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).



Summary of Recommendations

Across Queensland Government Approach

1. Develop a State-wide Interpreter and Translator Service for Queenslanders.
2. Improve the Queensland Government Multicultural policy.
3. Allocate Resources to Progress and Implement the Multicultural Action Plans of all Queensland Departments.

Specific Strategies for Disability Services Queensland

4. Imbed Cultural Competence into Core Business.
5. Provide Leadership and Resources for the Multicultural Action Team.
6. Improve Data Collection.
7. Engage and Consult with non-English Speaking Background Communities.
8. Provide information about services, policies in English and other languages.
9. Undertake a Community Education Program.
10. Incorporate Funding for Interpreting and Multilingual Information to Disability Services Queensland's Funded Services.
11. Improve the Disability Sector Quality System.
12. Undertake Targeted Strategies to Address Issues of Disparity.
13. Ensure Services / Groups Accessing Funding Demonstrate Cultural Competence.
14. Develop the Cultural Competence of Disability Services Queensland.

Recommendations for other Departments

15. Change Education Queensland Policy.
16. Remove exemptions under the Commonwealth *Disability Discrimination Act 1992*.
17. Amend the Commonwealth *Social Security Act 1991*.



The intention of this position paper is twofold:

- to examine the significant additional barriers and discrimination faced by people from a non-English speaking background who have a disability, and their families;
- to put forward information and recommendations to assist government, service providers and other community organisation to address the issues raised.

The recommendations are particularly directed to the Queensland Government and specifically to Disability Services Queensland as the lead agency that funds and provides supports for people with a disability.

The current service systems do not understand or respond well to language or cultural differences of people who have a disability. As a result people are discriminated against, extremely isolated, unsupported and highly vulnerable. In the course of our work AMPARO Advocacy has identified key systemic barriers experienced by people from a non-English speaking background who have a disability, which prevent them from having their fundamental needs met. The issues and concerns highlighted in this paper have been central in our advocating on behalf of individuals.

This paper also refers to other studies and reports that have highlighted the systemic barriers experienced by people from a non-English speaking background and will provide information on the legislative and policy context which supports the principles of access and equity and the concept of 'cultural competency'.

It should be noted that the term 'non-English speaking background' has been used by AMPARO Advocacy, as it highlights that access to information, services and programs is particularly affected by an inability to communicate effectively in English. The term refers to people who were born overseas in a non-English speaking country or who have a parent who does not speak English well.

The Australian Bureau of Statistics 2006 Census shows that Queensland has a diverse cultural and linguistic population with **17.9%** of individuals being born overseas and **8%** speaking a language other than English at home. AMPARO Advocacy believes it is imperative for their issues to be addressed as citizens or residents of this country.





Who we are

AMPARO Advocacy is a non-profit community organisation which provides individual and systemic advocacy, on behalf of people from a non-English speaking background who have a disability. AMPARO is governed by a voluntary management committee, the majority of whom are people from a non-English speaking background who have a disability. The organisation receives funding from Disability Services Queensland.

AMPARO advocates for vulnerable people for whom language and/or cultural differences make it difficult to understand and negotiate systems and services. AMPARO aims to influence positive sustainable change to attitudes, policies, practices and resources within governments and communities.

Our Vision, Values, and Beliefs

AMPARO Advocacy's vision is that people from a non-English speaking background who have a disability are accepted as part of Australian society, with access to information and all services and benefits, so that they are included, and can participate and contribute to family and community life.

AMPARO Advocacy believes that people from a non-English speaking background who have a disability have the same right to live valued lives that are comparable to those of other members of society, where they:

- are respected and valued;
- are connected with friends, family and community;
- have access to interpreters and information in their preferred language;
- have supports and services provided in a culturally sensitive and responsive ways;
- have natural authority to influence the direction of their own lives, or where they have limited capacity, their family if possible retains this authority;
- are welcomed and have opportunities to live an ordinary life
- are participating and contributing members in the social, economic and political life of broader Australian society.





Our Mission

AMPARO Advocacy defends, protects and promotes the rights and interests of vulnerable people from a non-English speaking background who have a disability.

Our Mandate

AMPARO Advocacy takes our mandate from the following important declarations, laws and principles which promote the rights of all people, as well as expectations for the lives of people from a non-English speaking background who have a disability.

Convention on the Rights of Persons with Disabilities, 2006

Disability Services Act, (Qld) 2006

Disability Discrimination Act, (Clth) 1992

Anti-Discrimination Act, (Qld) 1991

Racial Discrimination Act, (Clth) 1975

United Nations Declaration on the Rights of Disabled Persons, 1975

Convention on the Elimination of All Forms of Racial Discrimination, 1966

United Nations Universal Declaration of Human Rights, 1948





The term **'cultural competency'** is an important term that is frequently used within the government and the community sectors when providing services to people from culturally and linguistically diverse backgrounds.

According to Stone,

Cultural competence implies the ability to understand and respond to the needs and concerns of individuals and their families from ethnic and minority communities, with responses based on an accurate understanding of their specific cultural practices.¹⁰

However this term and its implications are largely unknown in many human service areas, including the disability sector. AMPARO Advocacy supports the Race Discrimination Commissioner, Tom Calma's statement that the achievement of cultural competence in any organisation relies on a commitment to the "right to equality"¹¹.

AMPARO Advocacy believes the term cultural competence and its implications need to be adopted more broadly across all government and community services to overcome barriers and discrimination currently experienced by people from a non-English speaking background generally.

This term will be used throughout this position paper, however it is not the intention of this paper to provide a comprehensive account of its application as resources are easily identified, including guides for planning and implementing cultural competence at all levels of an organisation.



¹⁰ Stone, John. *Culture and Disability, Providing Culturally Competent Services*, (2005).

¹¹ Tom Calma, *Tolerance to Respect: Cultural Competence in Practice*, (September 2006).



Australia prides itself on being a multicultural society and the Queensland Government states it is strongly committed to multiculturalism. Yet, when we look at how we treat people with disabilities who come from a non-English speaking background, we have little reason to be proud.

Many Queenslanders with disability are significantly disadvantaged and marginalized, but for those with limited or no English language skills, there is even less opportunity to live a valued life, included in family, neighbourhood and community.

The disability sector's Unmet Needs Campaign states that, of the 14,178 people on the register of need in Queensland, 6,233 (44%) receive no support or funding. This is supported by the Productivity Commission's *Report on Government Services* which states that Queensland has one of the lowest levels of expenditure per capita for disability support funding in Australia¹².

AMPARO Advocacy's experience is that people from a non-English speaking background who have a disability frequently encounter additional barriers and are even more disadvantaged as they do not have equitable access to services and supports in line with other Queenslanders who have a disability.

In Queensland data from the Australian Bureau of Statistics 2006 Census indicates that:

- **8%** of Queenslanders speak a language other than English at home¹³ and
- **7.4%** of people with severe and profound disability come from homes where a language other than English is spoken¹⁴.

In Brisbane these figures are much higher with:

- **14.6%** speaking a language other than English at home, and
- **14%** of people with severe and profound disability come from homes where a language other than English is spoken.

The higher proportion of people from a non-English speaking background in Brisbane, who require assistance, is to be expected given that there are a higher proportion of people born overseas.

According to the 2005-2006 Commonwealth State/Territory Disability Agreement *"there has been little change over the past three years in the proportion of service users from non-English speaking backgrounds"* and that *"patterns of reported disability groups were similar for people born outside Australia to those born in Australia, with some small differences"*.¹⁵

¹² Unmet Needs Campaign, Website (July 2007)

¹³ Australian Bureau of Statistic, Census 2006 QuickStats: Queensland (viewed July 2007) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/>

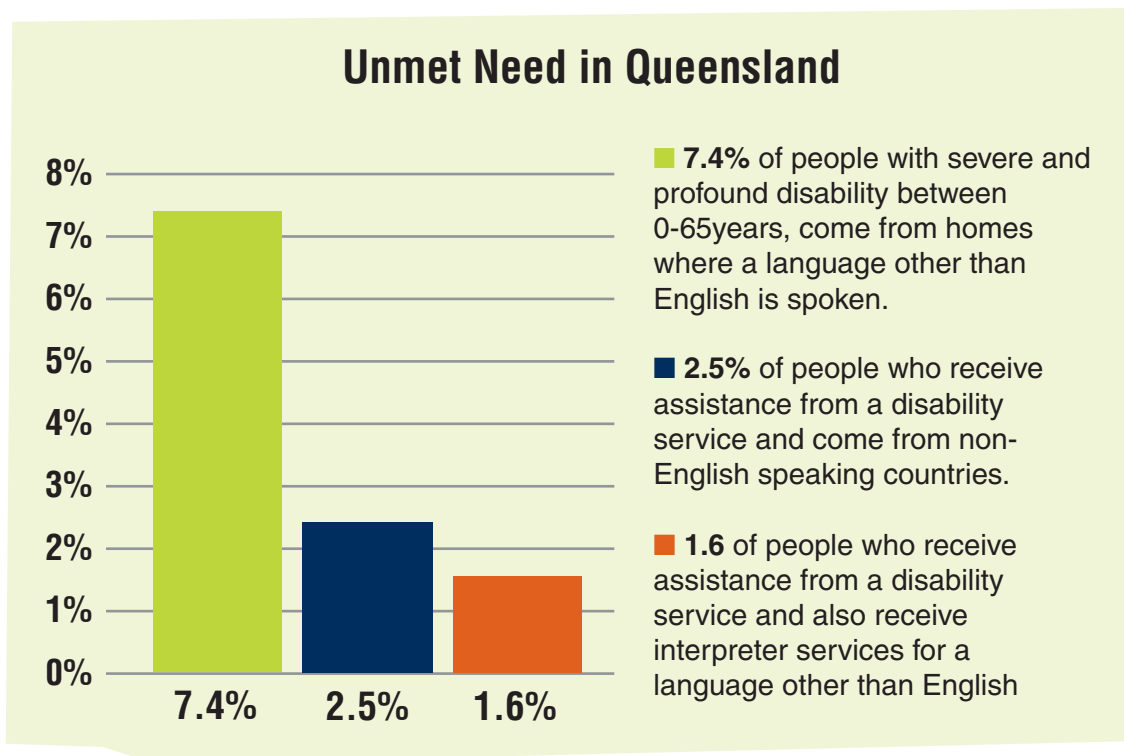
¹⁴ Australian Bureau of Statistics, Census 2006, Catalogue No.2068

¹⁵ Australian Institute of Health and Welfare, Disability Support Services 2005-06, National data on services Provided under the Commonwealth State/Territory Disability Agreement (October 2007).



The latest figures from the national data on services provided under the Commonwealth State/Territory Disability Agreement 2005-2006 indicate that of those accessing services through Disability Services Queensland only:

- **2.5%** come from non-English speaking countries (English Proficiency Groups 2-4)¹⁶.
- **1.6%** received interpreter services for a language other than English



AMPARO Advocacy believes that this situation is extremely inequitable and discriminatory.

¹⁶ Disability Service Queensland, CSTDA Data Services, Strategic Planning and Performance Measurement, (2007).



There are a number of important studies and reports that have identified significant barriers and issues of discrimination, which specifically prevent people from a non-English speaking background who have a disability, having equitable access to resources, services, supports and information.

Importantly these reports confirm AMPARO Advocacy's experience in working with individuals from a non-English speaking background who have a disability.

Multiple Layers of Discrimination

In **2000** the Acting Race Discrimination Commissioner, Dr William Jonas AM, released the report *On the Sidelines: Disability and People from Non-English Speaking Background Communities*, which highlighted serious discrimination issues facing people with disabilities from non-English speaking backgrounds. The report referred to the “*multiple layers of discrimination*” leading to the “*exclusion, isolation and alienation*” of people from a non-English speaking background who have a disability¹⁷. A number of important strategies were recommended to address communication issues, to improve the cultural competence of services, to raise awareness and to educate communities.

Key recommended strategies included:

- Involving people from a non-English speaking background who have a disability and their families in advisory bodies and program design, implementation and evaluation;
- Designing and implementing disability awareness information campaigns in community languages;
- Undertaking educational strategies to combat negative stereotypes of people with disabilities in the general public and in non-English speaking background communities;
- Providing cross-cultural training for staff working with people from non-English speaking communities;
- Budgeting for the provision of interpreter services; and
- Improving the cultural appropriateness of service delivery.

The Commissioner concluded:

It is imperative that governments and service providers implement these strategies to make services more accessible and rectify breaches of human rights.¹⁸

¹⁷ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

¹⁸ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).



75% Miss Out on Services and Supports

In **2001** the Multicultural Disability Network, from which AMPARO Advocacy grew, held State-wide forums and subsequently released the report, *3 Out of 4 – Developing a Multicultural Disability Advocacy Service for Queensland*. The report identified that people from a non-English speaking background who had a disability were much less likely to exercise their rights and to have their needs met¹⁹. In fact, **three out of four people from a non-English speaking background who have a disability miss out on accessing disability services and supports.**

The report highlighted that fundamental needs and issues, relating to people with a disability from a non-English speaking background, were largely going unaddressed by government and non-government organisations. It recommended that advocacy was needed to take up these issues on an individual and systemic basis on behalf of people from a non-English speaking background who have a disability and, as a result, AMPARO Advocacy was born.

Recommendations Ignored

In **2002** Disability Services Queensland funded Ethnic Communities Care Links Inc. (ECCLI) in Townsville to undertake research to examine the level of the unmet need of people from a non-English speaking background living with a disability across 3 districts of Townsville. The final report, *Living with a Disability in Multicultural North Queensland* recommended a number of strategies to overcome access and equity barriers for people from a non-English speaking background who have a disability. These recommendations were particularly directed to Disability Service Queensland, as the lead agency in funding and providing services and supports, and to local community services in the disability sector.

The report recommended that Disability Services Queensland:

- Provide ethnic communities with information about services and supports for people with a disability in culturally appropriate ways;
- Provide community education campaigns to address negative attitudes to people with a disability;
- Collect data on non-English speaking background clients to allow for the accurate measurement of access and equity and regularly to review these figures;
- Provide incentive to Community Disability Services to implement strategies that overcome access and equity barriers for people from a non-English speaking background; and
- Include provisions within service agreements to effectively manage access and equity issues for people from a non-English speaking background who have a disability.

According to ECCL the recommendations from the report were not picked up by Disability Services Queensland. As a result the research report had little impact on the way in which services were provided, or on the unmet need of people from a non-English speaking background with disability²⁰.

¹⁹ Multicultural Disability Network, *3 Out of 4-Developing a Multicultural Disability Advocacy Service for Queensland*, (2001).

²⁰ Ethnic Communities Care Links, *Living with a Disability in Multicultural North Queensland*, (July 2002).

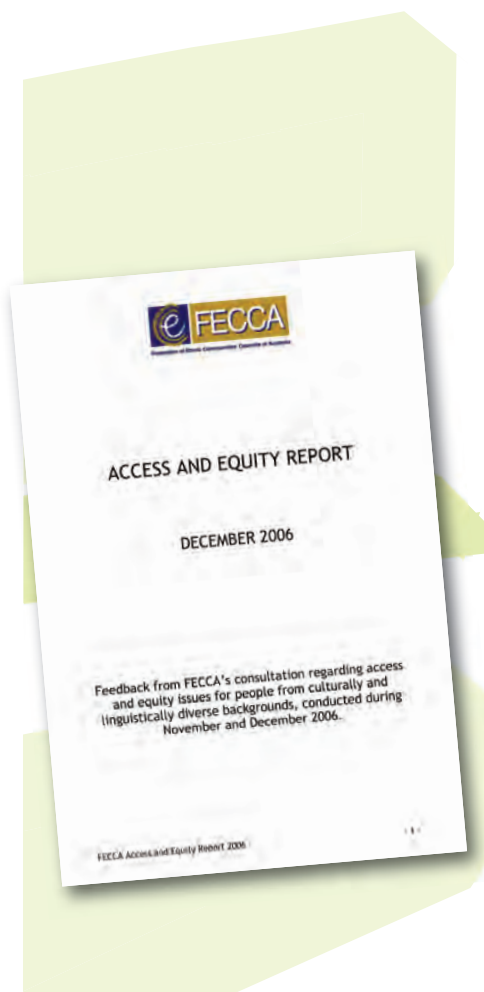


Mandatory Reporting Against the Charter

In **2006** the Federation of Ethnic Communities' Councils of Australia (FECCA) conducted consultations to inform the report ***Access and Equity***. The report discusses the discrimination that occurs on an individual and systemic level. FECCA highlights the need for a number of strategies to be implemented by the Commonwealth and State government to overcome issues of discrimination based on ethnicity and disability²¹.

Key solutions identified were:

- Improve language services;
- Design culturally sensitive service delivery;
- Develop inclusive processes for engagement;
- Train public service officials to understand and work positively with cultural difference;
- Develop relationships and partnership with multicultural agencies;
- Develop outreach programs that offer flexible and accessible services to people where they feel comfortable;
- Mandate reporting by all government departments against the *Charter for Public Service in a Culturally Diverse Society*; and
- Imbed best practice in policies, procedures, protocols and planning of all government departments.²²



²¹ The Federation of Ethnic Communities, *Access and Equity Report*, (Dec.2006).

²² The Federation of Ethnic Communities, *Access and Equity Report*, (Dec.2006).



The following Commonwealth and State legislation and policy frameworks are aimed at addressing access and equity issues for people from a non-English speaking background who have a disability.

Commonwealth Legislation and Policy

The **Racial Discrimination Act 1975** “*supports the principle that everyone has a right to enjoy the same fundamental freedoms and human rights – regardless of their race, their colour, their descent (ancestry), their national origin, their ethnic origin or, in some cases, their immigrant status*”²³.

According to the current Race Discrimination Commissioner, Tom Calma, non-discrimination is a right to substantive equality, which at times requires the introduction of **special measures** to address causes of discrimination and disadvantage. Both international and domestic law recognises that specific programs are necessary to achieve substantive equity and equality for disadvantaged groups.

The Commissioner has argued that “*an understanding of, and commitment to, the right to equality underpins the achievement of cultural competence in any organisation*” and that the Racial Discrimination Act can be applied to address indirect discrimination and the absence of cultural competence.²⁴

The **Disability Discrimination Act 1992** reinforces on a domestic level the rights incorporated in the Declaration of the Rights of Disabled Persons. This act commits Australia to ensuring all people with a disability can expect and enjoy the same standards of human rights.

The Commonwealth’s **Charter of Public Service in a Culturally Diverse Society** has been fully endorsed by Commonwealth, State and Territory governments and by the Australian Local Government Association since 1998.

The Charter aims to:

- Ensure services meet the needs of Australians irrespective of linguistic and cultural backgrounds;
- Promote a new approach to access and equity issues; and
- Emphasise the need to “*build in cultural diversity considerations into strategic planning, policy development, budgeting and reporting processes of government service delivery - irrespective of whether these services are provided by government agencies, community organisations or commercial enterprises*”.²⁵

²³ Human Rights and Equal Opportunity Commission, *Your Guide to the Racial Discrimination Act*, (2006).

²⁴ Tom Calma, *Tolerance to Respect: Cultural Competence in Practice*, (September 2006).

²⁵ Department of Immigration and Multicultural Affairs, *Charter of Public Service in a Culturally Diverse Society*, (1998).



The *United Nations Convention on the Rights of Persons with Disabilities 2006*

is a new international human rights convention which sets out the fundamental human rights of people who have a disability.

The Australian government has indicated an intention to become a party to the Convention by signing it with over 100 other countries²⁶. It is eagerly anticipated that this Convention will be ratified soon to become part of Australia's international obligations. This will then require State and Commonwealth Governments to develop stronger legislation to uphold the rights enshrined in this important Convention.

²⁶ Commissioner Graeme Innes, Parliament House, Hobart, *Towards ratification of the Convention on the Rights of Persons with Disabilities*, (20 August 2007) http://www.humanrights.gov.au/disability_rights

²⁷ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

²⁸ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

State Legislation and Policy

The Queensland Government's Multicultural Policy 2004, *Multicultural Queensland - Making a World of Difference*, recognises the cultural and linguistic diversity of Queenslanders. It promotes "equal rights, responsibilities and opportunities for all Queenslanders, regardless of their cultural, ethnic, religious background or gender".²⁷

This policy emphasises that principles of access and equity are fundamental to ensuring all Queenslanders are able to exercise their civil rights and responsibilities, are protected from discrimination and are able to fully participate in community life.

The policy outlines a number of significant strategies including *Strengthening Multiculturalism in the Qld Public Sector* which requires all Queensland government departments to develop and implement annual Multicultural Action Plans (MAPs).

This important policy document and its guidelines apply directly to Queensland Government Departments. However the Multicultural Policy guidelines do stipulate that departments which provide grants for service delivery should ensure cultural diversity across all aspects of the funding process and recommends a number of positive activities to achieve this. According to the government's own guidelines, if the suggested activities were undertaken, the principles of access, equity and participation of people from culturally and linguistically diverse backgrounds would be explicit in grants guidelines, service agreements and reporting requirements.²⁸ Unfortunately this is not the case for many departments, including Disability Services Queensland.

The Multicultural Policy guidelines also stop short of committing the Queensland Government to including the cost of interpreting, translation and developing cultural competence for community organisations, in funding allocations. This policy is grossly inadequate given that the majority of services to disadvantaged groups in Queensland, including those for people with a disability, are provided by the community sector.



The Queensland Government Language Service Policy (QGLSP) is intended to compliment the Multicultural Policy and “*reflects a whole-of-government commitment to the development of communication strategies to inform eligible clients of services and their entitlements*”. The policy aims to ensure equitable access to Queensland Government services and to make certain service delivery from Queensland Government agencies is “*responsive and of high quality*”.²⁹

Importantly this policy establishes that:

- State government departments must develop a communication strategy to inform eligible clients of services and their entitlements and how they can obtain them;
- People from a non-English speaking background are entitled to professional interpreter services or to linguistically appropriate information; and
- Providing interpreting and other language services is the responsibility of the agency and not that of the person.³⁰

As previously stated the *Charter of Public Service in a Culturally Diverse Society* applies equally to services provided by government agencies or those contracted out to community organisations. However both ***Multicultural Queensland – Making a World of Difference*** and the ***Queensland Government Language Service Policy*** are less inclusive, applying only to practices within Queensland Government agencies.

The *Guidelines for Working with Interpreters* in the ***Queensland Government Language Service Policy***, state that non-government, community-based, non-profit organisations are eligible for free interpreting services under the Commonwealth Translating and Interpreting Service (TIS).

In contrast, the Commonwealth’s position is that community organisations that receive government funding should incorporate the costs of interpreting and translation into applications for funding from their funding agency. Fee-free interpreting through the Commonwealth Translating and Interpreting Service (TIS) is only available to non-government organisations providing settlement related services. This leaves many community organisations ineligible to access this service and to provide the basic entitlement of an interpreter for a person who is unable to communicate in English.

²⁹ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference (2004)*.

³⁰ Multicultural Affairs Qld, Department of the Premier and Cabinet, *Queensland Government Language Services Policy, (2004)*.



Here we see the State and Commonwealth Governments shifting responsibility again and failing to match dollars and commitment to their rhetoric.

The claim by the Queensland Government that the Queensland Language Service Policy is consistent with the Charter of Public Service in a Culturally Diverse Society is not accurate. The commitment by the Queensland Government to “ensure all Queenslanders have equitable access to services and programs regardless of their cultural, linguistic and religious backgrounds” is **not guaranteed** under current Multicultural Queensland Policy.³¹

Disability Services Queensland is responsible for funding and providing services and supports to people with a disability across Queensland. Disability Services Queensland’s vision in the 2007-2009 Strategic Plan is to have:

*“A society that values people with a disability upholds their rights and supports their equitable participation in everyday life”.*³²

The provision of disability services is bound by the Disability Services Act 2006 that states:

*“People with a disability have the same human rights as other members of society and should be empowered to exercise their rights”.*³³

In the service delivery principles, Part 2 of the Act, there is one very important reference to the needs of people from a non-English speaking background:

Services should be designed and implemented to meet the needs of people with a disability who may experience additional barriers – (b) because of their age, gender or culturally and linguistically diverse backgrounds;³⁴.

Under this Act services funded or provided by Disability Services Queensland are required to meet the indicators of the Disability Service Standards.

However Disability Services Queensland has yet to develop any performance indicators under these standards that address access and equity issues for people from a non-English speaking background who have a disability to ensure services comply with this principle.

³¹ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference (2004)*.

³² Disability Services Queensland, *Strategic Plan 2007-11*, (2007).

³³ Queensland Government, *Disability Services Act*, (2006).

³⁴ Queensland Government, *Disability Services Act*, (2006).



Disability Services Queensland like other government departments developed its first Multicultural Action Plan (MAP) in 2005-06, an initiative welcomed by many in the community sector. Whilst in the first year there were few tangible outcomes, the development of the 2006-07 MAP has seen an improved commitment by Disability Services Queensland to develop and implement strategies to address some access and equity issues for people from a non-English speaking background. The new Multicultural Action Plan for 2007-09 identifies a range of actions to “*work towards more accessible, culturally appropriate and sensitive service delivery*”.³⁵

The Queensland Government says it intends to provide equitable access to services and programs regardless of people’s cultural, linguistic and religious backgrounds, significant disparity. Yet this rhetoric does not match the reality. Huge disparity still exists between the proportion of people from a non-English speaking background who have a disability who have access to services and supports compared with people with a disability from an English speaking background.

Although **7.4%** of Queenslanders with severe and profound disability come from homes where a language other than English is spoken, only **2.5%** per cent of those accessing disability services in Queensland came from countries with low levels of English proficiency, and only **1.6%** received interpreter services for a language other than English.

AMPARO Advocacy is pleased that Disability Services Queensland has acknowledged the need for better data collection as the type of information collected has been inadequate and there is a high incidence of services failing to collect the required information. A new information collection system, the Disability Services Queensland Information System (DISQIS) will identify the country of birth and the main language spoken at home of people accessing disability services³⁶. Whilst this is an important outcome of the Multicultural Action Plans more information needs to be collected.

Commonwealth and State legislation and policy frameworks go some way to addressing the additional disadvantage and discrimination experienced by people from a non-English speaking background who have a disability.

However the narrow scope of Queensland’s Multicultural policy and the failure to effectively implement this policy, mean that Queenslanders from a non-English speaking background who have a disability do not have equitable access to services and supports.

³⁵ Disability Services Queensland, *Multicultural Action Plan, 2007-09*, (June 2007).

³⁶ Disability Services Queensland, *Multicultural Action Plan, 2007-09*, (June 2007).

AMPARO advocacy's experience of systemic barriers and discrimination

A review of the literature shows that a number of important studies and reports have identified serious systemic barriers, including discrimination, which prevent people from a non-English speaking background who have a disability, having equitable access to resources, services, supports and information.

AMPARO Advocacy's work with individuals also confirms these concerns. People from a non-English speaking background who have a disability:

- Experience both direct and indirect discrimination;
- Do not have their rights upheld; and
- Do not have "*equitable participation in everyday life*".³⁷

The systemic barriers and issues of discrimination include:

- Perceptions, myths and stereotypes about disability;
- Lack of information about rights and entitlements;
- Lack of information about the availability of services, programs and benefits;
- Shortage of interpreters and failure to use professional interpreters;
- Lack of information about how to access and how to work effectively with interpreters;
- Difficulty understanding legal and social systems;
- Service systems that are not culturally competent; and
- Immigration law that discriminates.

The stories told throughout this part of the paper highlight the significant barriers that people from a non-English speaking background who have a disability experience on a daily basis.

To protect the identity of individuals in the following stories, real names have not been used and details that may identify the individual have been changed.



³⁷ Disability Services Queensland, *Strategic Plan 2007-11, 2007*.



Perceptions, myths and stereotypes about disability

“Prejudicial attitudes and misconceptions regarding disability present in broad society are equally evident in non-English speaking background communities”³⁸.

Cultural explanations of the causes of disability can determine how well or poorly individuals with disability are treated in any society and whether people are willing to seek support. Myths and misconceptions in Anglo-Australian communities still continue so that people with a disability can be seen as sick or childlike and needing specialised care in segregated services.

³⁸ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

³⁹ Stone, John. *Culture and Disability: Providing Culturally Competent Services*, (2005).

⁴⁰ Multilink Community Services Forum: *Issues Facing People from a Culturally and Linguistically Diverse with Disability*. (July, 2007).

⁴¹ Federation of Ethnic Communities' Council of Australia, <http://www.fecca.org.au/Policy/Disabilities.html> (viewed March 2007).

⁴² Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

Misconceptions across cultures can be that the birth of a child with a disability can be seen as a product of sin, a punishment or a gift from God; or can be attributed to fate or karma. Some communities have different or no concepts of disability or define it very differently³⁹.

Another myth is that people from a non-English speaking background always look “*after their own*,” yet this is not always the case. Cultural explanations and perceptions of disability can influence people’s willingness to seek support, and the type of support they will seek. Families may not always support the person with a disability’s request for outside support⁴⁰. This suggests that some families and communities may have low expectations for people with disability generally and little recognition of their right to meaningful participation in community life.

Research also shows that families may not seek assistance from outside the home until they reach “*crisis*” point⁴¹. AMPARO Advocacy has found that families who have a member with a disability tend to have fewer social networks. They may have left family and friends in their country of origin and cultural perceptions of disability, can result in their having little to do with other members of their own communities. Consequently individuals and their families can be extremely isolated.

Given that educational campaigns generally are in English, cultural perceptions of disability from the countries of origin often go unchallenged. According to the Human Rights and Equal Opportunity Commission there is a lack of educational opportunities to address traditional beliefs to demystify and de-stigmatise issues of disability⁴² or to raise expectations or a vision of a decent life.

AMPARO Advocacy has found that whilst some individuals and families, may have low expectations, they also may not seek out support or recognise that they or their family member is entitled to the same opportunities as other members of society.



Lack of information about rights and entitlements

The right to non-discrimination is protected under international human rights instruments and Australian domestic law which prohibit direct and indirect racial or disability discrimination.

These instruments and laws require that Australian social systems are developed in such a way to “ensure that people from a non-English speaking background who have a disability can enjoy substantive equality irrespective of language or cultural differences”⁴³.

People from a non-English speaking background who have a disability and their families often have little understanding or awareness of their rights in Australian society. The concept of rights is a difficult one, particularly for people coming from countries where they may have had very few human rights that were protected.

People from a non-English speaking background who have a disability and their family members need to know what their rights are and what services and supports they are entitled to access. The Human Rights and Equal Opportunity Commission recommends using a “variety of media including print, ethnic radio, TV and internet” to promote information about rights and entitlements, including interpreter services.⁴⁴

The Queensland Government Language Service Policy recognises the following entitlement when dealing with government departments:

People from a non-English speaking background who have a disability are entitled to request a professional interpreter and or to be provided with linguistically appropriate information.

This entitlement is also promoted more broadly under the right to non-discrimination under the Racial Discrimination Act.

In practice this entitlement:

- Is not always recognised, even by those in government agencies;
- Many community workers and people from a non-English speaking background who have a disability are also unaware of this entitlement;
- Most community organisations are not funded to meet the costs of interpreters or translations
- Most government departments do not readily promote the use of interpreters.

⁴³ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

⁴⁴ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).



AMPARO Advocacy's experience shows it is common for people who have limited or no English literacy skills to receive information in English from government departments such as Centrelink, Department of Housing and Disability Services Queensland. This occurs even when these departments are fully aware that the individuals are unable to read this information.

AMPARO advocacy believes that promoting the use and availability of interpreters in languages other than English is essential.

Not being able to communicate in English and not having access to an interpreter could be considered 'indirect discrimination' as this person is at a distinct disadvantage because of their ethnicity.

AMPARO has advocated for Qing, a young woman in her 20's from a Chinese background who came to Australia when she was a toddler. Qing is bilingual, but her primary support person, her mother, is not fluent in either spoken or written English. Qing has an intellectual disability and has also been diagnosed at various times in her life with a psychiatric disability. Doctors, government authorities, support workers and others have often failed to use interpreters or to provide translated information to the Qing's mother.

This has contributed greatly to the confusion and conflicting information about Qing's disability. The family doctor admitted that she cannot understand anything that the mother says and has never accessed an interpreter. Recently a government agency sent Qing's mother a letter in English stating that unless she responded to this letter, it would be assumed that she did not require any further support for her daughter. This was despite the government agency knowing that this parent would be unable to read this information.





AMPARO Advocacy's experience has shown that when people are unhappy with the support that they are receiving from an agency, particularly government agencies, they can be extremely reluctant to challenge that agency. All government departments and most community organisations have complaints mechanisms for those not happy with their services. However information about these mechanisms is not usually available in any language other than English.

Challenging the system is difficult for most people. When you cannot speak the language or understand the system and are fearful of authority, taking action is much more difficult. Even with an advocate by their side, individuals and families can find this process stressful and overwhelming. What must it be like without support or advocacy?

People are entitled to complain if they are unhappy with a service and to challenge decisions that affect them.

AMPARO has advocated on behalf of a young man called Lee, who has an intellectual disability and is of Vietnamese background, to access services and personal supports. The advocacy effort over the past year has shown that cultural and language considerations have had a huge and pervasive impact on Lee and his family's ability to seek out and request supports, to question decisions and engage in discussions and negotiations about the effects of decisions. Lee's family have limited knowledge and involvement in mainstream services, and are extremely isolated and are unable to influence their circumstances due to language constraints and the cultural tendency to deal with problems within the family. Lee's family is also not comfortable questioning decisions, particularly if those decisions are made by a government body or authority.

Despite the positive relationship that has developed with the advocate, Lee's mother is still reticent about asking for help with problems and initiating contact, even with AMPARO. Recently Lee's only funded support of 4 hours per week was withdrawn. Lee and his mother were not immediately informed of this decision by the department involved or the service provider.

They only became aware of this when Lee arrived on his usual day at the service and had to be turned away. Although Lee's mother was extremely concerned that the service had stopped, she did not question this at the time and did not contact the Department responsible, nor did she contact AMPARO Advocacy.

Because of AMPARO's regular contact with Lee's mother and our awareness of Lee's situation, the decision was able to be questioned and changed.

This highlights the value of vigorous independent advocacy to ensure that funders and service providers do take additional measures to reach out to non-English speakers, and adopt strategies for improved communication by providing information in appropriate language formats and remaining culturally sensitive.



The *International Covenant of Economic, Social and Cultural Rights* (ICESCR) recognises an individual's right to participate fully in civil society with the right to work, the right to health, education and an adequate standard of living including adequate food, clothing and housing.⁴⁵

People, especially children, have the right to education.

Under Article 13 in the ICESCR the State parties to the Covenant recognise

1. the right of everyone to education.
2. achieving the full realization of this right.

“Primary education shall be compulsory and available free to all;”⁴⁶

Australia is a state party to the *Covenant of Economic, Social and Cultural Rights* yet is failing to honour its international obligations. The following story highlights how a child's fundamental right to education is being denied.

AMPARO Advocacy has been contacted about a child, whose parent is on a bridging visa. While her parents appeal a decision by the Department of Immigration and Citizenship to deny them residency in Australia because of the child's disability, she is not able to access the free primary school system in Queensland. The Queensland Government will only allow this child to attend school if her parents pay full fees upfront, a substantial amount of money they cannot afford.

The Department of Immigration and Citizenship have taken over two years to process the immigration application of this family, meanwhile this child has not been to school during this time; a travesty of justice for a country like Australia.



⁴⁵ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

⁴⁶ The Office of the High commissioner for Human Rights, Geneva, Switzerland, (viewed November, 2007). http://www.unhcr.ch/html/menu3/b/a_cescr.htm



People have the right to live life free from abuse, neglect or exploitation.

This is a fundamental right under International and domestic law and should be protected by the current Disability Services Act 2006. However some people with a disability, including people from a non-English speaking background, have been coerced by Disability Services Queensland and other service providers into living in harmful, unsuitable living situations.

This can easily happen when a vacancy exists somewhere and the person is slotted in. Some group homes expose their residents to neglect, abuse and exploitation because the residents are not compatible or the nature or level of support cannot meet the person's needs.

The practice of filling vacancies without regard for the individual's needs is an infringement of the person's rights, especially when they are at risk of being harmed by the arrangement. Challenging this practice is often not possible for the person with a disability or their family members especially when the intent of the service is merely to put a roof over their head.

AMPARO Advocacy was involved with Filipino family whose daughter had a profound intellectual disability. The family were unhappy about the support Malaya was receiving and with a decision by Disability Services Queensland to place their daughter in an institutional setting. Although they had expressed their concerns and disapproval of this decision, they were informed by the agency that there were no other options. The family, as the lifestyle decision makers for their daughter, felt powerless and asked the advocate to support them to examine their options to prevent Malaya being institutionalised. Working with professional accredited interpreters, AMPARO Advocacy explained the options and processes involved, including making an application for Guardianship to the Guardianship and Administration Tribunal.

Most caring, loving families should not need to consider applying for guardianship, as their concerns about support should be heeded. Those, whose understanding and authority are questioned; find the process of applying confusing and overwhelming, as this family certainly did. However in addition to their difficulty with the language and confusion about the bureaucratic process and why it may be of benefit to them, this family also felt intimidated by the need to attend a hearing at the Tribunal. They were concerned that their application could be challenged by other parties attending the hearing, and that there was no absolute guarantee that they would be granted guardianship of their daughter or be able to prevent her institutionalisation. They could not understand why they could not just fill in a form to say they didn't want this. Language and cultural differences meant that it was just too stressful and too overwhelming for this family to challenge a government department's coercion to place Malaya in an institution where she is now considered at risk.



Lack of information about the availability of services, programs and benefits.

People often have no knowledge or understanding about the range of services or benefits that they or their family member could receive or at least are entitled to apply for.

Because of this lack of awareness individuals and families frequently miss out on crucial services and supports.

It is essential to present information about the availability of services, their eligibility criteria and how to access them in easy English as well as other languages. However government departments, including Disability Services Queensland and community agencies seldom provide this information in languages other than English⁴⁷.

Having key information translated into relevant languages is crucial. However as individual's literacy levels in their own language vary, it is also necessary to provide information in relevant community languages via face-to-face meetings and a variety of media.

AMPARO Advocacy is aware that agencies seldom undertake outreach activities to inform people about the services that they offer or recognise the importance of such activities.

Few networks link agencies that provide services to people with a disability, to agencies in the multicultural sector that are more likely to come in contact with people from a non-English speaking background generally.

It is extremely difficult for individuals and families who have limited proficiency in English to find out about services, programs and benefits or to know who to approach for help or what questions to ask. Migrants and humanitarian entrants are usually directed to organisations that provide settlement services and these organisations can have limited knowledge about services for people with a disability generally.

The absence of these connections could be attributed in part to the limited resources in the community sector, as establishing these links and networks is time and resource intensive, with outcomes difficult to measure in concrete ways. However even more relevant is the suspected failure of agencies, including Disability Services Queensland, to recognise the importance of funding and supporting outreach activities.

⁴⁷ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from Non-English speaking background Communities*, (2000).



AMPARO Advocacy's contacts, allies and links in the multicultural sector have been important for increasing access to individual advocacy for people from a non-English speaking background who have a disability.

AMPARO Advocacy has worked with one family whose six year old child, Youssou, is profoundly deaf as the result of a head injury at the age of two. His family were new to Australia and, when the advocate became involved, he had not had any diagnosis, medical treatment, specialist or educational intervention whatsoever.

The family lacked knowledge about available services and had low expectations for their son because of a total absence of services for people with disability in their home country. Youssou's experience of being ridiculed in the refugee camp also added to their reticence to initiate contact with disability services. Fortunately however they were receiving assistance under the settlement program for humanitarian entrants and this service knew of AMPARO Advocacy and referred them to us.

Despite his serious hearing impairment and the fact that he had no language or system of communication, initial enquires indicated he would be waiting a very long time to access essential medical services in the public system. Having access to advocacy meant that his medical needs were addressed more quickly.

In assisting the family to negotiate the education system, the advocate found that Youssou's mother was initially very apprehensive about pursuing an inclusive education for her son because she feared he would be ridiculed and subject to abuse. She said that in her country of origin her son would not have had an opportunity to attend school.

The Queensland Education Department was much more inclined to direct this young boy to a Special Education Unit than have him pursue a fully inclusive education. However as a result of individual advocacy Youssou is now attending a fully inclusive school and is doing extremely well. AMPARO Advocacy was also able to ensure Youssou gained access to special Auslan tutoring programs and assistance that his family would have had great difficulty accessing without advocacy.

Additional barriers for this family also included the limited availability of professional interpreters in the family's local dialect, causing several crucial meetings and appointments to be postponed. Working with a professional interpreter was crucial to effectively communicating important information and to enabling Youssou's mother to make informed decisions about the kind of life she wanted for her son.





Shortage of interpreters and funding to access professional interpreters

The use of interpreters for individuals and families with limited English proficiency is essential to ensure initial access to services and information and ongoing support.

Professional interpreters are often the only means of providing information to individuals who may have little or no literacy in their own language.



The shortage of interpreters, the failure to use professional interpreters, and the absence of information about interpreters and how to use them, are serious systemic issues that affect many individuals. Because of this people from a non-English speaking background who have a disability are being either **directly or indirectly discriminated against** in accessing services and supports in Queensland.

There are severe limitations to fee-free interpreting through the Translating and Interpreting Service.

AMPARO Advocacy does not receive funding for interpreting costs from Disability Services Queensland, but fortunately has access to fee-free interpreting through the Translating and Interpreting Service (TIS), which is funded by the Department of Immigration and Citizenship. However there are limitations to this service, including daily quotas for accessing fee-free interpreting for each state. This means that even when booking an interpreter two weeks in advance you may be told by TIS that they have exhausted their quota for fee-free interpreting for that particular day and, as a result, AMPARO must pay the full costs if an interpreter is needed.

It is not acceptable to wait two weeks or more to meet with an individual because of the limitations of fee-free interpreting, particularly when the individual is in an extremely difficult or vulnerable situation and requires advocacy. AMPARO advocacy has been in this situation a number of times over the past year and has had no alternative but to pay for an interpreter from a private provider, even though we have no budget for this. This is a cost that imposes an unfair burden on most community organisations, including AMPARO Advocacy.

More importantly this means that people from a non-English speaking background who have a disability who require advocacy and support are unable to access with disability interpreters in a timely manner.



Many community organisations do not have access to fee-free interpreting through the Translating and Interpreting Service, nor do they receive funding to pay for interpreting.

Despite the Queensland Government's advice to community organisations to seek access to fee-free interpreting through the Commonwealth's Translating and Interpreting Service (TIS), not all community organisations have been successful in accessing this service. To be eligible community organisations must provide settlement services, access to these programs is not guaranteed.

This absence of funding for interpreting means access to services, supports and advocacy can be severely restricted for people from a non-English speaking background who have a disability.

The Commonwealth Government has an expectation that community organisations that receive government funding should incorporate the cost of interpreting into applications for funding from their funding agency. It is also assumed that funding grants take such applications into account.

Access to fee-free interpreting through TIS is not unlimited as the following story highlights.

Earlier this year, AMPARO Advocacy contacted a community organisation seeking support for a parent and her child with a disability and was asked by the intake worker if the parent spoke English. When told that this woman spoke very little English and would require the services of a professional interpreter, we were informed by the worker that they had lost access to fee-free interpreting through TIS and that the Department of Communities that funds their program did not provide funding for interpreting or translating.

After some discussion the worker recognised the urgency of the situation and agreed to accept the referral as the family appeared to meet the necessary criteria. However, there was an initial reluctance to accept the referral as the worker acknowledged that it would be very difficult to provide a good service to this family. The worker expressed her concern that this family would not receive a service, equal to that of other families who did not require language interpreters. She then relayed a number of difficulties that the organisation had experienced in providing support to other families who required the services of a professional interpreter, including many misunderstandings between the service and family members.

Some community services have taken up the issue of the lack of funding for interpreters with the various state government departments. Other services and individuals are unaware of current Queensland Government Language Service Policy, and the obligation on departments to comply with this policy.



Services sometimes use family, including children to interpret.

Services often use family members, including children, to interpret because services may not have funding to pay for professional interpreters or because they are not sensitive to the possible conflicts and difficulties in using unprofessional interpreters.

In urgent situations and as a last resort, AMPARO Advocacy has used an adult family member to assist with interpreting; however this can place the family member in a delicate situation. It can also lead to misunderstandings as the person may alter information unintentionally, because of a lack of competence in the English language, or intentionally in order not to offend their relative or to save face for the family. The use of family members, including children is the least preferred option.

There is limited availability of accredited interpreters in some languages and local dialects.

Understanding the perspectives and life experiences of a person and their family from a diverse cultural and linguistic background is necessary to provide advocacy or any support and accurate communication is critical to this process. However this is made more difficult by the lack of accredited interpreters in a number of languages. The lack of accredited interpreters can cause crucial meetings with individuals and families to be delayed until a suitable interpreter becomes available. Delays interfere with the provision of essential information to enable individuals and families to make informed decisions.

The level of experience and professionalism of interpreters also varies greatly and there are limited accredited interpreters in some languages, particularly for new and emerging communities. Accessing interpreters in some dialects is particularly difficult.

AMPARO Advocacy advocated intensively for one child whose serious issues included the family's homelessness and lack of income security as well as other issues. Complicated matters were made more so because of a lack of available professional interpreters in the family's language. While interpreters were absolutely essential for communicating with the parent, there were simply no professional interpreters who spoke the family's language in the Brisbane area that AMPARO Advocacy could use. This meant that the advocate had to rely on phone interpreters, often under less than ideal conditions, such as using a mobile phone in busy streets or public places where the communication needed to happen. Relying on telephone interpreters when discussing very emotional issues was extremely difficult for all involved, the interpreter and the advocate were less able to control the flow of information from the person and this meant the interpreter often struggled to summarise what had been said rather than accurately communicating what was being said. As a last resort when there was no on-site or on-call interpreter available, AMPARO was forced to use an adult family member to interpret. This is not good practice and can compromise the advocacy effort as it can lead to many misunderstandings and place added stress on family relationships, as it did in this instance.



Lack of information about how to access and how to work effectively with interpreters

The absence of information about interpreters and how to work with them is a serious systemic issue.

AMPARO Advocacy has experienced the following situations during the course of our work:

- A general practitioner asked the advocate *“how do you understand her”* referring to the mother of a woman with a disability. This GP had not been using an interpreter for medical consultations that required the input of the parent who has limited English proficiency, to monitor the effects of medication.
- A Centrelink officer conducted a Personal Support Assessment without the use of an interpreter for a woman who has very little proficiency in English who had requested an interpreter.
- An optometrist responded to the advocate, when informed that an on-line (telephone) interpreter had been organised for a consultation that *“oh I normally just go outside and ask someone off the street to help”*. This optometrist was located in an area where there is a high population of people from that particular cultural and linguistic background.
- A hospital used an interpreter for important medical appointments, who did not speak the same language as the parent.
- A service worker failed to use telephone interpreters when having important discussions with the parents of a client, and acknowledged that they did not know how to organise an on-line interpreter. This was despite the worker regularly using an interpreter for face-to-face discussions and meetings.





Other considerations when working with interpreters.

AMPARO Advocacy has found that some individuals from small communities can be reluctant to use onsite interpreters, fearing that information will not be kept confidential.

Sometimes individuals prefer to use phone interpreters. It is important to remember that if a family or individual does not take up the offer of an interpreter, it may be because of privacy concerns and they should be given the option of a phone interpreter.

When AMPARO finds an interpreter that the individual or family is comfortable with, we endeavour to use the same interpreter for all communications. It can be very difficult for the person and or their family to share very intimate details of their lives with a new interpreter every time you meet. Services also need to be aware that this may be important for individuals they come into contact with.

While many agencies and individuals are unaware of how to organise the use of on-site or on-line interpreters, some are very keen to learn how to access and how to work effectively with interpreters.





Difficulty understanding complex legal and social systems

The complexity of Australian legal and social systems and their requirements are often complex for anyone to negotiate. People who come from countries where these systems do not exist or are quite different, can experience even greater difficulty in understanding and accessing them.

Understanding regulatory bodies, such as the Guardianship and Administration Tribunal or the Adult Guardian, can be fraught with difficulty.

Accessing these systems and understanding what they involve can be extremely difficult even with the use of professional interpreters to assist people from a non-English speaking background who have a disability or their family members.

Individuals can feel overwhelmed by the complexity of the processes for involvement and at times are even fearful, as involvement may require challenging government departments about decisions that are being made. When a person comes from a country where confronting authority is not acceptable or even dangerous, this reticence is completely understandable. However a serious consequence of this can be that very vulnerable individuals with disability, whose fundamental needs and human rights are not being met, can be left without these forms of support or advocacy.

This also means that families are more likely to accept support options they may not agree with and can be coerced into accepting living situations for their family member with a disability that they are not happy about.

Even understanding the legal requirement to send your child to school everyday and the importance of this can be difficult for some parents, who may never have had the opportunity to have an education or there was no such requirement in their country of origin.





Understanding social security requirements.

The implications of the Centrelink Welfare to Work Program for those on social benefits such as the disability support pension or the sole parent benefit can be serious. Life can be made more difficult for people with a disability generally, often forcing them to move from the Disability Support Pension to Newstart and further economic hardship⁴⁸.

Negotiating and understanding these systems and meeting their requirements is made even more complex for people with limited or no English language skills who have a disability, when professional interpreters are not used to explain information and to conduct assessments and information is sent to the individual in English only.

AMPARO provided advocacy for Natasha who was suffering from post traumatic stress disorder and severe depression. Natasha had been trying to access the Disability Support Pension for the past seven years. She had limited proficiency in English and Centrelink had never provided her with a translated explanation for why she was not eligible for the Disability Support Pension. Natasha could not read the letters sent to her from Centrelink and she thought that authorities must not believe that she had a disability. Natasha did not understand that because she had migrated to Australia less than ten years previously she was not eligible for the Disability Support Pension. Natasha had been on sickness benefits for several years and complied with requirements for numerous psychiatric and medical assessments.

Natasha contacted AMPARO Advocacy when as a result of the Welfare to Work changes Centrelink transferred her to the Newstart Allowance which required her to actively look for work and lodge an application every two weeks to receive the allowance. Natasha found this extremely stressful and confusing and her mental health was deteriorating. Natasha's English language skills were very limited, she required the services of a professional interpreter and she was mentally not well enough to work.



⁴⁸ Queenslander with Disability Network Inc. *Welfare to Work* June 2005



Service systems that are not culturally competent

AMPARO Advocacy believes that in order to work effectively with people from a non-English speaking background cultural competence needs to be developed at the level of the individual worker, programs, organisations and systems⁴⁹.



Cultural competence embraces the principles of “equal access and non-discrimination” in service delivery.⁵⁰

This requires:

- An awareness of values, beliefs and prejudices which impact of the way we view others;
- Sensitivity and awareness of the diverse cultural beliefs and practices of others;
- Knowledge and understanding about a person’s specific culture and experiences; and
- Knowledge and skills of processes for working with persons with disabilities from different cultures, including cross-cultural communication⁵¹.

However government and community services that aim to meet the needs of people with a disability are not typically designed or delivered to meet the needs of people from a non-English speaking background who have a disability.

The evidence for this in Queensland is the under representation of people from non-English speaking communities, only **2.5%** of whom are accessing services for people with disability. The experiences of people who do access services indicate that design and delivery can often be improved.

Some indicators of a lack of cultural competence include the following:

- Failure to provide information about service and entitlements in relevant community languages;
- Failure to undertake outreach activities to provide information about their services;
- Failure to work with professional interpreters when needed or the inappropriate use of family members as interpreters;
- Lack of networks and links between agencies in the multicultural and disability sector;
- Limited knowledge and understanding of the diverse cultural and linguistic needs of people from a non-English speaking background who have a disability;
- Lack of knowledge about how to work effectively with and how to access interpreters;
- Absence of funding allocation for interpreters and translation; and
- Poor responses to the language and cultural needs of individuals.

⁴⁹ National Centre for Cultural Competence, Georgetown University, Washington. DC., (viewed September 2006). <http://georgetown.edu/research>

⁵⁰ National Centre for Cultural Competence, Georgetown University, Washington. DC., (viewed September 2006). <http://georgetown.edu/research>

⁵¹ Stone, J. *Culture and Disability: Providing Culturally Competent Services*, (2005).



AMPARO Advocacy has found that when agencies and workers do not respond to the language needs of individuals, by failing to use interpreters or failing to send important information in the person's language, the following situations have occurred:

- Social security benefits have ceased due to the failure to fulfill Centrelink requirements, including meeting appointments and returning necessary documents;
- Agencies label individuals as non-compliant;
- Side-effects of medication are ineffectively monitored;
- Supports are ceased without the individual or their family having any prior knowledge; and
- Individuals and family members are not effectively involved in decision making and planning supports.

Knowledge and understanding about a person's specific culture, values, beliefs and life experiences is an important aspect of cultural competence.

AMPARO Advocacy has found that:

- The associated stress and often lengthy period of adjustment for those who have recently settled in Australia can significantly increase the complexity of working with people from a non-English speaking background who have a disability and their family members⁵².
- AMPARO Advocacy has provided individual advocacy to a number of individuals who have come to Australia under the humanitarian program as a refugees and are suffering from torture and trauma experiences. They often have no extended family or any family in this country and so can be extremely isolated.
- Some individuals and families may have come to Australia several years ago, but have been transient, moving from city to city over this time, and may still require the services and supports of settlement services. However as they have been in Australia for more than five years they are no longer eligible for settlement support. These individuals can fall through the gaps.
- Gaining the trust of individuals and families can be a lengthy process as a result of people's past trauma and experiences.
- Working with interpreters means that discussions and meetings take significantly longer than they would if there were no language or cultural differences. Organisations need to respect and acknowledge the additional time required in working with people from a non-English speaking background and allocate additional resources, so that interactions and communications can be effective.
- When workers from other agencies do not develop an understanding of the cultural practices, beliefs and values of the person they are working with, they are at risk of making assumptions about people's behaviours and responses, based on their own cultural values and attitudes. This has led to workers labelling individuals from a non-English speaking background who have a disability or their family members as, "*unresponsive*", "*impolite*", or "*uncaring*".
- False assumptions and misunderstandings by workers can lead to decisions being made that may alienate the person with a disability and their family, or even alienate the person with a disability from their family. It may also mean the person with a disability misses out on important support and information as a consequence.

⁵² Queensland Government, Department of Child Safety, *Working with People from Culturally and Linguistically Diverse Backgrounds*, (August 2006).



Immigration and social security laws that discriminate

The Commonwealth Migration Act 1958 is exempt from provisions in the Disability Discrimination Act 1992 which effectively means that the Department of Immigration and Citizenship (DIAC) is able to discriminate legally against prospective migrants and refugees with disability⁵³.

People are required to undergo strict health tests and negative assumptions are made about the impact of impairment over the person's life and their potential contribution to society. Assessments often result in the person being informed that they will be a financial burden on government resources and their application denied on this basis⁵⁴.

Under the Commonwealth

Social Security Act 1991, newly arrived immigrants with disability, unless they arrive under the humanitarian program, are not entitled to claim income benefits for two years and not eligible for the disability support pension for ten years. Lack of access to social security benefits and the discriminatory practices under the Migration Act are federal systemic issues that the National Ethnic Disability Alliance and other organisations, have raised with the federal government and continue to do so⁵⁵.

The migration category or the type of visa a person with a disability is given also directly affects their level of access to other services and supports. A person who is not a citizen, permanent resident, or on a particular bridging visa, is not entitled to access free education or public housing, nor are they entitled to receive support from government agencies such as Disability Services Queensland.

The consequence of this is that individuals with a disability and their families can be left without support, extremely isolated and vulnerable while they go through the often lengthy process awaiting a decision by the Department of Immigration and Citizenship.

⁵³ Multicultural Disability Advocacy Association of NSW (MDAA), Joint Submission into the administration and operation of the Migration Act 1958- NEDA and MDAA- August 2005, (viewed August 2006) <http://www.mdaa.org.au/service/systemic/05/sima.html>

⁵⁴ Multicultural Disability Advocacy Association of NSW (MDAA), Joint Submission into the administration and operation of the Migration Act 1958- NEDA and MDAA- August 2005, (viewed August 2006) <http://www.mdaa.org.au/service/systemic/05/sima.html>

⁵⁵ Multicultural Disability Advocacy Association of NSW (MDAA), Joint Submission into the administration and operation of the Migration Act 1958- NEDA and MDAA- August 2005, (viewed August 2006) <http://www.mdaa.org.au/service/systemic/05/sima.html>



Families who have a member with a disability may be desperate for assistance but they are often reluctant to 'rock the boat' in case this jeopardizes their application for permanent residency.

AMPARO Advocacy became involved with Hasan who has a psychiatric disability and suffers from post-traumatic stress disorder. Hasan's limited English, mental illness and total lack of support makes it difficult for him to manage his finances and because of this he fell behind in paying his rent and was evicted from his private rental accommodation. At the time of his eviction Hasan was assisted by a settlement service to find emergency accommodation in a boarding house as a temporary measure. Hasan's needs are very complex and he is in urgent need of safe, affordable accommodation.

Hasan believed he was a permanent resident of Australia and he had also been accepted onto the public housing waiting list soon after his arrival to Australia. AMPARO was advocating for Hasan to have access to public housing more quickly as living in the boarding house was placing additional stress on his mental health and he felt unsafe.

Hasan entered a nearby country under a humanitarian program as a refugee and later migrated to Australia to be close to family. Had he entered Australia under the humanitarian program he would have been entitled to access public housing. Despite the Department of Housing originally accepting his application, they have now informed him that he is not a permanent resident of Australia and therefore not entitled to public housing.

Hasan can apply to become a resident of Australia, however as he has been diagnosed with a serious mental illness it is extremely unlikely that he would pass the stringent health assessment by the Department of Immigration and Citizenship.

This means Hasan's only option is to attempt to find housing in the private rental market. Given his previous eviction, his low income, limited proficiency in English and lack of support he will find this extremely difficult.

AMPARO Advocacy's work confirms that serious systemic barriers exist within current government and community service systems. We believe it is imperative that urgent action is taken to address the fundamental needs of people from a non-English speaking background who have a disability.





Strategies to Address Additional Barriers and Discrimination

AMPARO Advocacy calls on the Queensland Government to **Remove the Barriers Now** to “ensure all Queenslanders have equitable access to services and programs regardless of their cultural, linguistic and religious backgrounds”.⁵⁶

Many of the following recommendations are not new with some already stated as current unimplemented government policy and supported by other agency reports.

Across Queensland Government Approach

1. Develop a State-wide Interpreter and Translator Service for Queenslanders

- Develop a state-wide funded interpreter service to provide fee-free interpreting services to state government and community organisations in Queensland. This type of service has wide community support and has been also recommended by the Ethnic Communities Council of Queensland⁵⁷ and the Queensland Council of Social Service⁵⁸.
- Undertake research to determine the level of funding needed to develop and implement a state-wide funded interpreter service.

2. Improve the Queensland Government Multicultural Policy – Making a world of difference

- Improve and extend the guidelines of this policy so that it applies to all services in Queensland irrespective of whether services are provided by government or non-government agencies.
- Ensure all government departments comply with the improved Queensland Language Service Policy.

3. Allocate Resources to Progress and Implement the Multicultural Action Plans of all Queensland Departments

- Allocate adequate resources, in accordance with budget cycles, to implement and progress the Multicultural Action Plans across government.
- Allocate one million dollars in the next state budget, to begin the process to implement the **Draft Language Service Policy** developed by the Department of Communities and Disability Services Queensland.

⁵⁶ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

⁵⁷ Opper, Irene. Ethnic Communities Council of Queensland, *Multicultural Action Plans; A MAP for Change in Queensland?* (2007).

⁵⁸ Queensland Council of Social Service: *Smart State, Fair State: Ending poverty and inequality through A Fair Queensland Policy and Investment Plan. Submission to the Queensland Government's Budget Process 2007-2008* (2006).



Specific Strategies for Disability Services Queensland

AMPARO Advocacy believes

Disability Services Queensland should provide strong principled leadership to examine how they as a provider of funds and direct service provider, can drive the change process to overcome barriers intrinsic in the current disability service system.

4. Imbed Cultural Competence into Core Business

- Ensure specialist initiatives developed under the Multicultural Action Plans are imbedded into Disability Services Queensland's core business. We support the Ethnic Communities Council of Queensland's call to recognise that the Multicultural Action Plans are critical and a time limited tool to effect change within agencies so that meeting the needs of people from culturally and linguistically diverse backgrounds is implemented as part of core business⁵⁹.

5. Provide Leadership and Resources for the Multicultural Action Team

- Recruit an officer whose sole responsibility is to lead the Multicultural Action Team. The officer would be responsible for coordinating the work of the Multicultural Action Team and the implementation of specialised strategies across the department and its funded services.
- Commit adequate staff with the responsibility of progressing the Multicultural Action Plans.

6. Improve Data Collection

- Develop effective general data collection and analysis tools to influence policy change and to plan for appropriate services, for example, Interpreter services, in line with the call from the Human Rights and Equal Opportunity Commission⁶⁰.
- Improve the collection of required data collected by Disability Service Queensland and funded services under the Commonwealth State /Territory Disability National Minimum Data Set Collection (CSTDA,NMDS).
- Add additional data items to the CSTDA NMDS, which include: the main language spoken at home, proficiency of spoke English for individual and key family members, preferred spoken language, country of origin and country of birth.

⁵⁹ Opper, Irene. Ethnic Communities Council of Queensland, *Multicultural Action Plans; Towards Best Practice*, (2006).

⁶⁰ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from Non-English speaking background Communities*, (2000).



7. Engage and Consult with Non-English Speaking Background Communities

- Engage with individuals with a disability from non-English speaking background communities and the multicultural and disability sector to ensure:
 - relevant policies and practices are implemented;
 - shared commitment between government and the community;
 - adequate and well informed debate; and
 - stakeholder satisfaction with processes and outcomes.

8. Provide Information about Services, Policies and Activities in English and other Languages⁶¹

- Undertake adequate research, planning and consultation with community groups about the most appropriate languages, information and preferred means of delivering this information.
- Develop a coordinated strategy to distribute relevant information.
- Fund outreach programs to inform people from a non-English speaking background about available services and supports.
- Promote the role of independent advocacy.

9. Undertake a Community Education Program

- Undertake education programs to inform people from diverse communities about the rights and entitlements of people with a disability in Australian society, and to demystify and destigmatise issues of disability.
- Support the Multicultural Disability Advocacy Association's recommendation to provide information in community languages to enable people to make meaningful choices to participate in community⁶².
- Support the employment of bi-lingual workers to assist in the process of providing information to communities.
- Use a variety of media including print, ethnic radio, TV, internet and face-to-face meetings to promote information about rights and entitlements.⁶³

10. Incorporate Funding for Interpreting and Multilingual Information to Disability Services Queensland's Funded Services

- Allocate the necessary resources to implement the improved Queensland Government Language Service Policy.
- Fund government and non-government organisations to provide interpreters and to supply relevant information in appropriate community languages other than English.
- Recognise and appropriately fund the need for the additional times it takes when working with individuals and families from a non-English speaking background.

⁶¹ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

⁶² Multicultural Disability Advocacy Assoc., *Main Issues Facing People from a non-English speaking background with Disability and their Families and Carers*, www.mdaa.org.au/publications/faqs/key.issues.html

⁶³ Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).



11. Improve the Disability Sector Quality System

- Improve the Disability Sector Quality System to increase the responsiveness of services to the language and cultural needs of people who have a disability.
- Develop new performance indicators for each Disability Service Standard that address access and equity issues and enhance the cultural competence of organisations and ensure these indicators become part of the external certification process.
- Develop funding guidelines and service agreements that include additional measures for services to address access and equity issues.
- Evaluate the cultural competence of community organisations.

12. Undertake Targeted Strategies to Address Issues of Disparity

- Undertake targeted strategies to increase the number of people from a non-English speaking background connecting to Disability Services Queensland programs and services.
- Set targets to improving participation rates of people in disability services that is comparable to distribution rate in the general population and monitor progress towards this target.
- Investigate, consult and develop specific targeted strategies in regional and remote areas to overcome barriers associated with remoteness.

13. Ensure Services/ Groups Accessing Funding can Demonstrate Cultural Competence

- Incorporate stringent criteria in funding guidelines that require services to demonstrate a commitment to and the ongoing development of cultural competency⁶⁴.

14. Develop the Cultural Competence of Disability Services Queensland

- Develop the cultural competence of Disability Services Queensland services at the individual worker and organisation level.
- Include a cultural competency audit as part of annual self-assessment.
- Support regular free training through the Disability Training Sector and Strengthening the non-Government Sector.

⁶⁴ Opper, Irene. Ethnic Communities Council of Queensland Culturally Responsive Service Delivery Information for Service Providers (2006) available at <http://www.eccq.com.au>



Recommendations for Other Departments

15. Change Education Queensland Policy to Allow all Children Access to Free Education

As a State Party to the *International Covenant of Economic, Social and Cultural Rights* (ICESCR), Australia and its States must recognise the right to free primary education for all children. Children cannot be allowed to bear the burden of the Department of Immigration and Citizenship's extreme delays in processing applications for residency.

- Change Education Queensland Policy to allow all children of families awaiting decisions by the Department of Immigration and Citizenship to access the state free education system. Children from families awaiting these decisions should not be treated as International Students and required to pay the full upfront fees for their education.

16. Remove Exemptions under the Commonwealth Disability Discrimination Act 1992

- Remove the exemptions under the *Disability Discrimination Act 1992*, Section 52, which sanction the discrimination against migrants who have a disability and change the *Migration Act 1958* to comply.

17. Amend the Commonwealth Social Security Act 1991

- Amend the Commonwealth *Social Security Act 1991* so that migrants with disability do not have to wait 10 years to apply for the Disability Support Pension. Migrants who qualify for the Disability Support Pension should have no waiting period.



AMPARO Advocacy believes that people from a non-English speaking background who have a disability in Queensland do not have equitable access to information, services and support and that this situation is extremely inequitable and discriminatory. Current systems including the disability service system do not respond well to the language and cultural needs of individuals with disability.

The issues and concerns raised in this paper have been identified in the course of advocating on behalf of people with disability from a broad range of cultural and linguistic backgrounds. These include: Italian, Greek, Afghani, Pilipino, Liberian, Sudanese, Chinese, Vietnamese, Bosnian, Indonesian, Serbian, Somali, and Iranian.

Our work with individuals and family members has shown that having access to information and being able to communicate your needs are fundamental to having access to opportunities, to understanding, to making decisions and to having real choice. Yet the barriers to these basic entitlements are enormous.

As discussed in this paper there have been a number of significant reports and studies, some commissioned by Disability Services Queensland, that have similarly identified serious systemic issues. There is Commonwealth and State legislation and policy that, if implemented, would address many of the barriers individuals experience when dealing directly with government departments. However these policies do not go far enough in protecting the rights and entitlements of individuals requiring equitable access to non-government community organisations.

The lack of funding allocated to departments to implement the Multicultural Action Plans and the inadequacy of these plans raises serious concerns for AMPARO Advocacy and the community sector generally.⁶⁵ AMPARO Advocacy has made a number of recommendations, many that come from current stated government practice, and that have wide community support.

It is imperative that Disability Services Queensland, as the lead agency for disability services provide strong principled leadership to address systemic barriers intrinsic in the current disability service system.

AMPARO Advocacy invites the Queensland Government to deliver on its commitment to recognise that **language and culture matter**, to ensure all Queenslanders with disability have “*equitable access to services and programs regardless of their cultural, linguistic and religious backgrounds*”⁶⁶ and to **remove the barriers now**.

⁶⁵ Queensland Council of Social Service, *Smart State, Fair State: Ending poverty and inequality through A Fair Queensland Policy and Investment Plan. Submission to the Queensland Government's Budget Process 2007-2008* (2006)

⁶⁶ Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).



Australian Bureau of Statistics, Census 2006, Catalogue No.2068 (2007).

Australian Bureau of Statistic, Census 2006 QuickStats: Queensland, (viewed, July 2007)
<http://www.censusdata.abs.gov.au>

Australian Bureau of Statistics, Unmet Needs Campaign, July 2007, Website
www.unmetneedscampaign.com

Australian Institute of Health and Welfare, Disability Support Services 2005-06, National data on services Provided under the Commonwealth State/Territory Disability Agreement (October 2007).

Commissioner Graeme Innes, Parliament House, Hobart, *Towards ratification of the Convention on the Rights of Persons with Disabilities*, (20 August 2007) http://www.humanrights.gov.au/disability_rights

Department of Immigration and Multicultural Affairs, *Charter of Public Service in a Culturally Diverse Society*, (1998).

Disability Service Queensland, CSTDA Data Services, Strategic Planning and Performance Measurement, 2007.

Disability Services Queensland, *Strategic Plan 2007-11*, (2007).

Disability Services Queensland, *Multicultural Action Plan, 2007-09*, (2007).

Queensland Government, Department of Child Safety, *Working with People from Culturally and Linguistically Diverse Backgrounds*, (August 2006).

Queensland Government, Disability Services Act, (2006).

Ethnic Communities Care Links, *Living with a Disability in Multicultural North Queensland*, (July 2002).

Human Rights and Equal Opportunity Commission, *On the Sidelines, Disability and People from non-English speaking background communities*, (2000).

Human Rights and Equal Opportunity Commission, *Your Guide to the Racial Discrimination Act*, (2006).

Opper, Irene. Ethnic Communities Council of Queensland, *Multicultural Action Plans; A MAP for Change in Queensland?* (2007).

Productivity Commission, *Report on Government Services*.

Multicultural Affairs Qld, Department of the Premier and Cabinet Qld, *Multicultural Queensland-Making a World of Difference* (2004).

Multicultural Affairs Qld, Dept. of the Premier and Cabinet, *Queensland Language Service Policy*, (2004)



Multicultural Disability Network, *3 Out of 4-Developing a Multicultural Disability Advocacy Service for Queensland*, (2001)

Multicultural Disability Advocacy Association of NSW (MDAA), *Joint Submission into the administration and operation of the Migration Act 1958- NEDA and MDAA- August 2005*, (viewed August 2006) <http://www.mdaa.org.au/service/systemic/05/sima.html>

Multicultural Disability Advocacy Assoc., *Main Issues Facing People from a non-English speaking background with Disability and their Families and Carers*, www.mdaa.org.au/publications/faqs/key.issues.html

Multicultural Disability Advocacy Assoc. *Strategies Towards a Culturally Competent Disability Service Sector*, <http://www.mdaa.org.au/publications/faqs/strategies.html>. (viewed September 2007).

Multilink Community Services, *Forum on Issues Facing People from a Culturally and Linguistically Diverse with Disability*. 2007.

National Centre for Cultural Competence, Georgetown University, Washington. DC., (viewed September 2006), <http://georgetown.edu/research>

Queenslander with Disability Network Inc. *Welfare to Work (June 2005)*.

Queensland Government, Department of Child Safety, *Working with People from Culturally and Linguistically Diverse Backgrounds*, (August 2006).

Stone, John. *Culture and Disability: Providing Culturally Competent Services*, 2005.

The Federation of Ethnic Communities, *Access and Equity Report*, (Dec.2006).

The Office of the High commissioner for Human Rights, Geneva, Switzerland, (viewed November,2007). http://www.unhchr.ch/html/menu3/b/a_ceschr.htm

Tom Calma, *Tolerance to Respect: Cultural Competence in Practice*, (September 2006).

Unmet Needs Campaign,(July 2007)

http://www.unmetneedscampaign.com.au/why_campaign.html

