



## National Ethnic Disability Alliance

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14<sup>th</sup> September 2007

Senator Troeth  
Chair  
Senate Standing Committee on Employment, Workplace Relations  
and Education  
Department of the Senate  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Via email to: [EET.Sen@aph.gov.au](mailto:EET.Sen@aph.gov.au)

### ***Inquiry into the Social Security Amendment (2007 Measures No. 2) Bill 2007***

Dear Senator

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.

I thank you for this opportunity to comment on the *Social Security Amendment (2007 Measures No. 2) Bill 2007*. NEDA is a member of the Australian Federation of Disability Organisations (AFDO) and endorses AFDO's response to this Inquiry. In addition, below I provide brief comments relevant to people from NESB with disability. Unfortunately the short period of consultation has prevented NEDA from providing a more extensive response at this time.

I wish to raise two key concerns in relation to the proposed amendments:

## 1) *Impairment Tables Assessments*

NEDA is keen to ensure that any assessment of ability to work is comprehensive, and is able to take into account the totality of factors that affect a person's ability to work, including cultural and linguistic barriers.

NEDA has previously expressed concern to the Australian Government on the cultural competence of the work capacity assessment regime and the ability of Job Capacity Assessors (JCAs) to provide effective assessment, particularly where there are cultural and linguistic barriers that limit the ability of assessors to adequately capture all relevant information. This issue is of paramount importance, for example, where the person being assessed does not possess a strong English language proficiency, and thus there is a significant opportunity for misunderstanding, even when a translator is used.

Including the views of a medical officer in a work capacity assessment may be able to improve the comprehensiveness of that assessment, either by providing an alternative viewpoint or by complimenting the assessment of the relevant JCAs. Importantly, because a medical officer may have a long standing relationship with the person being assessed, and / or provides an in-depth assessment from an alternative standpoint, there is an increased chance that the cultural and linguistic barriers – that would otherwise compromise the effectiveness of a work capacity assessment – may be taken into account.

NEDA recognizes that the Secretary currently reserves the final decision relating a work capacity assessment (and thus does not require the authorization of a medical officer). However NEDA is concerned that the proposed change, if implemented, will remove *any* possibility of a more comprehensive assessment that might include the view of a medical officer, and thus may compromise the effectiveness of the assessment process for some people with disability, including those from NESB.

## 2) *Use of Legislative Instrument for Work Capacity Agreement Guidelines*

As stated above, NEDA has previously expressed concern to the Australian Government on the cultural competence of the work capacity assessment regime in taking into account the cultural and linguistic barriers faced by people from NESB with disability.

At least in theory, guidelines set by the Secretary are both more open to continuous improvement in order to enhance their effectiveness, and may also provide increased flexibility in the work capacity assessment process, creating the possibility of a better outcome for persons being assessed.

NEDA would be very concerned that prescriptive guidelines set through a legislative instrument would remove any flexibility in assessment; make improvements to guidelines cumbersome and slow; and ultimately, compromise the best outcomes for those who are being assessed. I also take this opportunity to reinforce the concern of NEDA that prescriptive guidelines are unlikely to prove adequately adaptive in order to facilitate culturally competent assessment of people from NESB with disability.

I hope that you will favorably consider the above issues when redrafting the *Social Security Amendment (2007 Measures No. 2) Bill 2007*. If you require further information, please contact Dinesh Wadiwel on 02 9687 8933 or email [office@neda.org.au](mailto:office@neda.org.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dinesh Wadiwel', is written on a light-colored rectangular background.

Dinesh Wadiwel  
Executive Officer