

# Submission

to

Senate Employment, Workplace Relations and Education  
References Committee

## **Inquiry into student income support**

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Executive Officer

**Organisation:** National Ethnic Disability Alliance (NEDA)

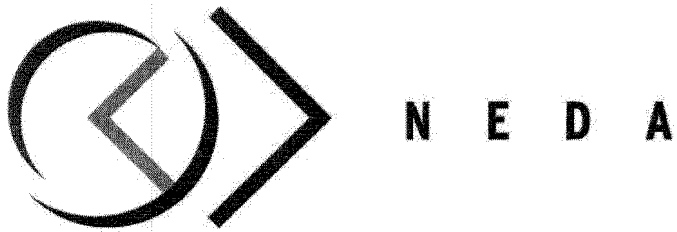
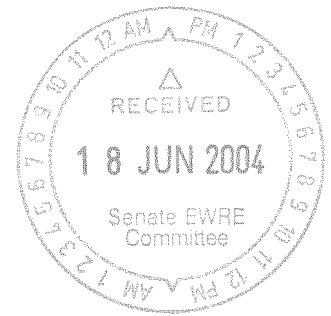
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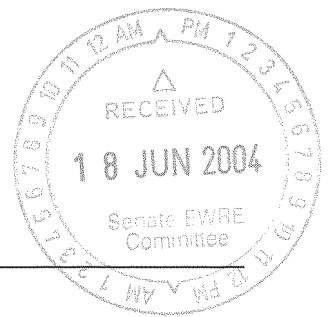
NATIONAL ETHNIC DISABILITY ALLIANCE

# **STUDENT INCOME SUPPORT INQUIRY**

**A submission from the National Ethnic Disability Alliance on the needs of students with disability from culturally diverse backgrounds**

June 2004

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## **INTRODUCTION**

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The Secretary  
Senate Employment, Workplace Relations  
and Education References Committee  
Suite SG.52, Parliament House  
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The National Ethnic Disability Alliance (NEDA) welcomes the opportunity to contribute to this important Inquiry.

NEDA has responded to every part of the Commonwealth's welfare reform agenda. We refer the Committee to our other submissions addressing the issues relating to income support for our constituency by logging onto: [www.neda.org.au](http://www.neda.org.au).

This submission will:

- outline some of the major issues facing students from a non-English speaking background (NESB) with disability and their families
- discuss the specific issues relating to income support and people from a NESB with disability, their families and carers
- consider the specific issues contained within the Terms of Reference that relate directly to NEDA's constituency
- present a number of recommendations to the Committee.

It has been estimated that 19 per cent of the Australian population have a disability. NEDA represents the 25 per cent of people with disability who come from a NESB.

NEDA is the recognised peak body in Australia representing the rights and interests of people from a NESB with disability and their families. NEDA is funded by the Commonwealth Department of Family and Community Services (FaCS)

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## **ACOSS**

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NEDA works in partnership with the Australian Council of Social Services (ACOSS) on issues relating to social and economic policy for low-income and disadvantaged people in Australia.

NEDA endorses the submission that was lodged by ACOSS to this Inquiry and supports many of the recommendations contained within the document.

NEDA acknowledges the assistance provided by ACOSS in the development of this submission.

NEDA would also like to refer the Committee to ACOSS' comprehensive submission to the 2003 Senate Community Affairs References Committee Inquiry into Poverty and Financial Hardship as this contains a wealth of information in relation to the broader issue of adequacy in Australia's income support system.



## **NESB-DISABILITY ISSUES**

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### **General Issues**

People with disability are routinely marginalised, stigmatised and dehumanised. People with disability from a NESB have been further disadvantaged because discrimination is experienced on the basis of disability **and** ethnicity. It is NEDA's experience that discrimination relating to both ethnicity and disability is interdependent and does not follow any logical order of preference

Discrimination occurs at both an individual and a systemic level. Due to the high level of social control experienced by people with disability, the discrimination faced is often institutional. People from NESB, in particular those with a disability and recent migrants, experience highly regulated environments where much of the discrimination is systemic.

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People from NESB, in particular those with a disability and recent migrants, experience highly regulated environments where much of the discrimination is systemic.

There are many barriers facing people from NESB with disability including:

- lack of accessible information and knowledge about rights, essential services and supports
- lack of culturally appropriate services and supports
- myths, misconceptions and negative stereotypes about disability and ethnicity in both the NESB and Anglo-Australian communities
- prejudice against people with disability from both NESB and Anglo-Australian communities
- government's emphasis on 'mainstreaming' without acknowledgement of the inequities that exist in relation to ethnicity
- NESB people often do not understand concepts used to describe their situation
- ethnic communities often do not have the capacity to advocate for their needs.

### **Discrimination**

It has been the experience of NEDA that discrimination relating to both ethnicity and disability is interdependent and does not follow any logical order of preference.

The prejudicial attitudes and misconceptions regarding disability that are present in mainstream society are equally evident in NESB communities. Whilst there are differences in the perception of disability amongst different ethnic groups, the relative degree of stigma attached to disability appear similar across NESB and English-speaking communities.

By and large, NESB communities have missed out on education campaigns about people with disability because those conducting these campaigns have failed to seek out or consult with NESB communities. At the same time there have been consultations with people from NESB with disabilities, but those consultations have not resulted in concrete strategies.

Discrimination on the basis of ethnicity is also a reality. If ethnicity did not play a role in the provision of services to people with disability, the figures of service usage in relation to ethnicity would be comparable to those in the general community. The fact that there are so many Anglo-Australians and so few people from NESB in services shows that ethnicity does matter.

### **Access to Services & Information**

Objective 5 of the *Disability Services Act*, 1986 states that:

*Programs and services should be designed and administered so as to meet the needs of people with disability who experience a double disadvantage as a result of their sex, ethnic origin, or Aboriginality.*

However, in Australia, **three out of four** people from a NESB with disability miss out on receiving Commonwealth funded disability services. This is in addition to the current unmet need for people with disability in general (see NEDA website for more information).

This figure stands despite genuine efforts made by many to redress this situation. This figure points towards the need to seek systemic solutions to the whole disability services system, involving all stakeholders.

Access to information is often the first step towards people participating in the community. Access to information means, in effect, access to opportunities and therefore choices to participate in the community.

Like all people from NESB, people from NESB with disability and their families and carers experience increased difficulties in accessing services because of the lack of resources made available for interpreters and translations.

Services such as the Translation and Interpreting Service (TIS) have increasingly adopted the user pays principle, severely restricting the number of free or subsidised on-site and telephone interpreting sessions available to people and non-profit service providers.

The costs for language services are mostly unbudgeted, resulting in:

- a reduction in community services for people with disability from NESB
- the provision of inappropriate information
- the overall increase in the use of family members and other relatives as interpreters, in violation of standards such as confidentiality, dignity, privacy, etc.

## **INCOME SUPPORT ISSUES**

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In terms of priorities for action, NEDA believe that an adequate base payment rate for all income support payments, including those for students, is the key to an effective social protection and support system.

In this submission, NEDA is will also show that the issue of income support for students with disability goes beyond consideration of full-time students receiving Youth Allowance, Austudy Payment and ABSTUDY alone. Many students with disability receive other Commonwealth income support payments such as the Disability Support Pension.

### **Current Student Income Support**

Students living in Australia are potentially eligible to receive a range of income support payments. Those specifically targeted to students include Youth Allowance, Austudy Payment, ABSTUDY, Assistance for Isolated Children Scheme, Post-Graduate Awards Scheme and the Veteran's Children Education Scheme.

In addition, recipients of most other income support payments can undertake study while continuing to receive payments including the Disability Support Pension, Age Pension, Newstart, Special Benefit and Carer Payment.

A Pensioner Education Supplement (PES) of up to \$62.40 per fortnight is also available to pensioners under age pension age undertaking a prescribed minimum level of study. A Language, Literacy and Numeracy Supplement of \$20.80 per fortnight is available to some NESB income support recipients undertaking DEST-funded English language or numeracy training.

Payments such as the Carer Payment and Disability Support Pension have policies in place that encourage participation in activities such as study. There is a significant student population amongst those receiving the DSP.

The ACOSS submission quoted a recent study of activity participation by workforce age income support customers which found that 15.2% of Newstart, 15.7% of Parenting Payment (single) and 6.6% of Disability Support Pension recipients were undertaking study or training at some level. The mean rate of participation in this activity was 33.1 hours in the survey fortnight, demonstrating significant levels of education and training being undertaken across a range of income support payments.

### **Cost of Disability & Ethnicity**

Students with disability from a NESB are traditionally from low socio-economic backgrounds and face serious disadvantages of not being able to meet the additional costs associated with having a disability and the costs of an education.

In other welfare reform submissions, NEDA refers to a 'cost a disability'. When we talk about a cost of disability it refers to the non-optional or non-discretionary costs associated with having a disability. This is not about a person's primary and basic needs such as clothing, food or housing but rather the costs a person with a disability incurs in order to have a similar quality of life that most of the community enjoy. For example: if you use a wheelchair, having to pay to catch a taxi because the bus or train is not accessible.

It is also important to consider what the cost of disability and the 'cost of ethnicity' are for people from a NESB with disability. People from a NESB with disability share similar costs of disability with those who do not come from a NESB. People from a NESB with disability however incur additional costs 'associated with their ethnicity.

For example:

- costs relating to interpreting and translating, particularly given that these services are predominantly adopting 'user pays' principles
- costs relating to the fact that Australia does not recognise a number of overseas qualifications and experiences – there are numerous costs, including loss of income, for those needing to re-educate and re-train in their field
- costs relating to the migration process
- costs associated with the fact that people from a NESB with disability miss out so much on receiving publicly funded services at such a significant rate (see above) and at times need to purchase these services from the private sector.

It is NEDA's position that a payment is needed to assist not only with the costs of disability, but for also costs relating to ethnicity for people from a NESB with disability (see Recommendation 1).

### **Migration & Income Support**

Since March 1997, newly arrived migrants have been subject to a two year waiting period for most social security payments. This causes extreme hardship for many migrants attempting to settle here and find work – particularly for those whose funds run out before work is found.

Except in extreme and rare circumstances, Special Benefit (a payment designed to respond to people ineligible for any other payment) is included in the payments subject to the two year waiting period. This excludes many migrants from receiving this payment and further increases their risk of poverty, destitution, and exploitation in the labour market.

Recent immigrants, particularly holders of Temporary Protection Visas (TPVs), many of whom have serious mental health problems, continue to be treated unfairly. In some cases, TPV holders are left with no access to basic income support, and in others without access to services that would improve their settlement prospects. Ensuring adequate access to the education and training supports needed to integrate effectively into the Australian community would significantly improve the prospects for early and sustained employment outcomes for new migrants, especially those with disability.

The recent introduction of the Language, Literacy and Numeracy Program, which more tightly integrates the previous migrant English language and numeracy programs is a welcome step. However, anecdotal evidence suggests that the significant waiting times for entry in some locations demonstrate the high demand for such services. Adequate funding needs to be provided to ensure the availability of these services on the ground.

### **Migration, Disability & Income Support**

In the area of immigration, blatant disability discrimination occurs on an ongoing basis as the Migration Act is exempt from the Disability Discrimination Act (section 52). In reality, this means that while disability discrimination is usually illegal when perpetrated in Australia, it is a



condoned, standard practice for Department of Immigration, Multicultural Affairs and Indigenous Affairs (DIMIA) officials when dealing with potential migrants and refugees with disability.

There are many different categories under which people try to enter Australia. Within some of these categories the fact that someone or someone's family member has a disability is offset against the value a potential migrant or refugee (and his / her family) is thought to have for the Australian community. Below is a table of some of the main categories, what they mean in general and what they mean if the person has a disability:

<b>Migration category</b>	<b>In general this means:</b>	<b>For people with disability this means:</b>
<b>Skilled</b>	Has work skills or abilities that will benefit Australia	Health and medical check-up. It seems that skill levels are offset against anticipated cost of disability.
<b>Business</b>	For people with proven business record	Health and medical check-up. It seems that skill levels are offset against anticipated cost of disability.
<b>Employer Nominated</b>	Australian employers recruit specialists from overseas	Health and medical check-up. It seems that skill levels are offset against anticipated cost of disability.
<b>Family Migrants</b>	A close relative is in Australia who can sponsor, also applies to relationships	Health and medical check-up, anticipated cost of disability offset against anticipated contributions
<b>Special Eligibility</b>	For former Australian residents and citizens	Unclear
<b>Refugees/ Humanitarian entrants</b>	People who are recognised as refugees or eligible on other humanitarian grounds	Health and medical check-up, anticipated cost of disability offset against anticipated contributions

Under almost all migration categories, people are subject to stringent health assessments. This assessment is based on the assumption that if a person has a disability, this person will be a financial burden to the community. This assumption flies in the face of other government policy and statements that people with disability are valued members of the community and make valuable contributions.

The Minister for Immigration can use his discretionary powers under Section 417 of the Migration Act to allow migrants and refugees with disability to enter. While this may demonstrate that the Minister is capable of showing humanity and compassion, it also demonstrates that the current system simply does not work for people with disability.

It is our experience that this process does not allow for consistency or fairness and encapsulates the 'squeaky wheel' syndrome which means that sometimes the loudest or the

most desperate, provided they are aggressive enough, get what they want, whilst others miss out.

The exemption of the *Migration Act* from the *Disability Discrimination Act* epitomises the two-tiered value system afforded to people with disability living in Australia on the one hand, and potential migrants with disability on the other.

The current immigration practices have their greatest impact on families. It is not uncommon for families to immigrate, leaving behind the family member with the disability with a relative. Once settled, they apply for this member to immigrate to Australia. This process is proving to be extremely traumatic for the family, especially for the individual who has been left behind.

In the year 2000, Shazad Kayani, an Australian Citizen from Pakistani background, doused himself in petrol and set himself alight in front of Parliament House, Canberra and died as a result. He had been waiting six years to bring his family, including his daughter who has a disability, to Australia. Since 1995, after arriving on a Visitor Visa and applying and being granted refugee status, Mr Kayani had tried to reunite with his family. All his efforts had come to nothing, largely because his daughter with the disability is considered to be "too much of a drain on the health system" with costs estimated to be around \$750,000 over the girl's lifetime (News Limited, 4.4.01).

Alternatively, people with disability immigrate to Australia with their family on a Visitor Visa and then try and stay on with a Bridging Visa. What this means is that the individual and the family has no access to services or intervention programmes. Meanwhile, their condition can significantly deteriorate. This places an enormous strain on the individual and their families.

In general, people from a NESB rank lower on the socio-economic scale when compared to their Anglo-Australian counterparts. This is often explained by:

- level and recognition of educational qualifications
- level and recognition of work skills and experience
- level of English language proficiency.

To make matters worse, in Australia all migrants (except for those immigrating on humanitarian grounds) have to wait two years before they can access income support. However, migrants with a disability, including their carers, have to wait ten years before they are eligible for any income support, such as Disability Support Pension or Carers Pension.

In addition, those eligible for support pensions, other support payments or services are frequently not aware of their entitlements. This is because successive Government information strategies have failed to communicate new initiatives and programs to people with low English proficiency.

### **More Information**

For more information about income support and the needs of people from a NESB with disability, NEDA refers the Committee to its submission in response to the government's consultation paper *Building a Simpler System to Help Jobless Families and Individuals*: [http://www.neda.org.au/files/Building a Simpler System NEDA Submission.doc](http://www.neda.org.au/files/Building_a_Simpler_System_NEDA_Submission.doc).

## **RECOMMENDATIONS**

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### **Cost of Disability Supplement**

As stated in the section above, the lack of recognition of the additional costs of study for people with disability leaves many people in poverty.

#### **Recommendation 1**

The following changes should be made to the income support arrangements for students with a disability:

- (i) Introduce a cost of Disability Supplement as a fortnightly cash payment to meet the associated costs of having a disability – people from a NESB with disability should also be able to use this payment to off-set the additional costs of their ethnicity.
- (ii) Ensure that the Supplement enhances, not replaces, existing support which is currently provided – for example the Pensioner Concession Card and Mobility Allowance.

This allowance should be non-taxable and should not be included when considering income for the purpose of assessing eligibility for social security benefits.

### **Newly Arrived Migrants & Refugees**

As stated in the section above, the issues relating to migration and income support continue to leave many people in poverty.

#### **Recommendation 2**

The following changes should be made to the income support arrangements for newly arrived residents and refugees:

- (i) Reduce the two-year waiting period for newly arrived residents to a period of six months for all income support payments.
- (ii) Abolish the 10 year waiting period for newly arrived residents with a disability.
- (iii) Provide for the back dating of payments to people on refugee / humanitarian visas to the date of their arrival in Australia or to the date of their release from an immigration reception and processing centre, whichever is the later.
- (iv) Extend access to the Crisis Payment (equal to one week's payment of the Allowance or Pension entitlement) to people on refugee / humanitarian visas to assist with their immediate settlement needs.

### **MCEETYA Principles**

The financial resources available to schools and communities to invest in and maintain appropriate facilities and staffing significantly affect access to high quality education. It is the responsibility of all tiers of education funding to ensure the availability of adequate resources. To ensure continued progress in this area, the provision of funding under the States Grants (Primary and Secondary Education) Act should be made consistent with the MCEETYA

principles in 'Resourcing the National Goals for Schooling: An Agreed Framework of Principles for Funding Schools'.

This would include:

- ensuring resourcing for all students is adequate for meeting the National Goals of Schooling;
- recognising as a national priority that the total level of funding for government schooling should ensure access to high quality schooling;
- non government school funding determined on the level of need based on the total resources available to each individual school.

### **Recommendation 3**

That the MCEETYA principles in *'Resourcing the National Goals for Schooling: An Agreed Framework of Principles for Funding Schools'* be adopted.

## REFERENCES

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ACOSS submission on the *Proposals for Reform to Student Income Support*, June 2004:  
[http://coss.net.au/news/upload/info%20354\\_student%20income%20support.rtf](http://coss.net.au/news/upload/info%20354_student%20income%20support.rtf).

Multicultural Disability Advocacy Association's Fact Sheet on *Disability Discrimination and Immigration*: <http://www.mdaa.org.au/faqs/immigration.html>.

NEDA submission to the to the government's consultation paper *Building a Simpler System to Help Jobless Families and Individuals*, June 2003:  
[http://www.neda.org.au/files/Building a Simpler System NEDA Submission.doc](http://www.neda.org.au/files/Building_a_Simpler_System_NEDA_Submission.doc).

The Senate's Employment, Workplace Relations and Education References Committee report on *Education of Students with Disabilities*, December 2002:  
[http://www.apf.gov.au/senate/committee/eet\\_ctte/ed\\_students\\_withdisabilities/report/index.htm](http://www.apf.gov.au/senate/committee/eet_ctte/ed_students_withdisabilities/report/index.htm).