



**Multicultural Disability Advocacy
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**Response to the NSW Social Issues Committee inquiry
into the provisions of the Ageing and Disability
Commissioner Bill 2019**

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About MDAA

The Multicultural Disability Advocacy Association of NSW (MDAA) is the peak body for all people in NSW with disability and their families and carers, with a focus on those from a culturally and linguistically diverse (CALD)/non-English speaking (NES) background with disability. MDAA is funded by the NSW and Commonwealth Governments to provide individual and systemic advocacy, advocacy development, industry development and training. MDAA also receives funding to run capacity building and community development projects.

MDAA has more than twenty years of experience working with people with disability, with a focus on people from CALD / NESB with disability, their families and carers. MDAA supports the active participation of its members and consumers in all aspects of its work. The voices of its members and consumers informs MDAA's systemic advocacy work thereby contributing to positive change for people with disability from CALD / NESB in policies, procedures, practices and service delivery in government and non-government agencies. In the first 9 months of this financial year (2018-March 2019) MDAA has worked with over 67 ethnic groups. Half of the people we have worked with are people with cognitive disability. The top 4 presenting issues have been: NDIS, accommodation, entitlements and immigration

MDAA's vision is a society where everyone, regardless of background or disability feels welcome, included and supported. MDAA's vision is based on the social model of disability that calls for change in the physical, social and communication environment to enhance the participation of people with disability in community.

MDAA welcomes the opportunity to continue providing feedback on the Ageing and Disability Commissioner Bill. At a time where disability services are increasingly reflective of the culture of rights set out by the United Nations Convention on the Rights of Persons with Disability and the empowerment of individuals, MDAA is pleased to see the shift in the language and practise reflected in the Bill.

Multicultural Disability Advocacy Organisation of NSW Inc (MDAA)

Response to the NSW Social Issues Committee inquiry into the provisions of the Ageing and Disability Commissioners Bill 2019

Functions of Commissioner

While MDAA acknowledges the positive cultural changes reflected in the Bill, we continue to stress the need for the legislation to be culturally responsive and with information which is easily accessible regardless of language or disability.

Furthermore, we seek to emphasise the fact that any changes should work together with, and not eliminate, any existing community and mainstream supports currently available.

Specifically, MDAA would like to acknowledge and support the expressed need of the Bill to have regard for adults with disability and older adults to have their cultural and linguistic diversity, age gender, sexual orientation and religious beliefs respected as specified in Part 3 (12)(c) of the Bill.

We also acknowledge and support the general functions of the Commissioner to include raising awareness and provide education to the public about matters relating to the abuse, neglect and exploitation of adults with disability and older adults; and to provide advice and general assistance to the public about matters relating to the abuse, neglect and exploitation of adults with disability and older adults.

However, based on our experience, and as seen by the varying successes of engagement and information strategies during the rollout of government initiatives such as the National Disability Insurance Scheme, we must ensure all information is culturally responsive and accessible to CALD communities.

We recommend:

- Specifying the need to work alongside community stakeholders in this space to ensure information is shared and understood by people from CALD or NES backgrounds.
- A comprehensive engagement strategy to ensure CALD/NESB individuals and communities are aware of reportable offenses and processes.

MDAA strongly advocates that mandatory reporting only be considered if it is closely aligned with Part 3, section 13 (10), outlining the importance of obtaining consent from the adult before any investigation is carried out. In this way, mandatory

Multicultural Disability Advocacy Organisation of NSW Inc (MDAA)

Response to the NSW Social Issues Committee inquiry into the provisions of the Ageing and Disability Commissioners Bill 2019

reporting will still align with the shift towards focusing on self-determination, choice and control and supported decision making for people with disability and older adults.

In relation to how reports may be made to the Commissioner, as outlined in section 13, we believe mandatory reporting should be considered within any legislation of this nature. This can then be used to follow up any complaints, as well as support any need for necessary investigations into systemic issues as it provides a platform to collate and analyse data identifying any concerning trends. Specifying this clearly within the Bill will make it easily accessible to any groups or individuals needing to refer to the Bill.

We recommend:

- Any consideration for mandatory reporting done in conjunction with Part 3 section 13 (10) detailing the importance of obtaining consent so as not to compromise the choice, control and self-determination of an individual.

Under Part 3 section 13 (8) and (9) we believe it would be effective for the Commissioner to work alongside other persons or bodies rather than stop at the referral stage. The Commissioner should have the ability to liaise and bring together government organisations, State as well as Federal for issues or matters involving government bodies and those that transcends political divisions or boundaries. In this way, reports of abuse, neglect and exploitation in places like onshore immigration detention centres will have a better chance of being effectively managed.

Official Community Visitors

Further, while we support the utilisation of Official Community Visitors as detailed in Part 4 of the Bill, we firmly hold that there needs to be greater detail about how the resources in this service will be expanded to ensure they are able to adequately investigate any cases. The feedback we have received is that Official Community Visitors have been at full capacity for some time now.

Multicultural Disability Advocacy Organisation of NSW Inc (MDAA)

In conjunction to this, it is necessary to consider that advocacy organisations are often the first avenues through which issues of abuse, neglect and exploitation are identified. Independent advocacy organisations often have the proximity to community members and hold a level of trust whereby issues of this kind can be disclosed. There is practical evidence to show that the qualities of safe spaces and trust cannot be underestimated in their effectiveness for the implementation of an initiative of this nature. Independent advocacy must therefore be maintained in the system.

We strongly recommend:

- Greater detail on the plans to execute this bill to ensure processes of reporting abuse, neglect and exploitation can be navigated by older adults and adults with disability or their support networks. Details on how we will increase the capacity of Official Community Visitors to support this process adequately, is necessary.
- Working collaboratively with independent advocacy organisations in recognition of the fact that they are often the first point of call for many vulnerable people.
- The provision of ongoing funding for independent disability advocacy organisations to assist in the accessibility of older adults and adults with disability to disclose incidences of abuse, neglect or exploitation.

Summary of Recommendations

- Specifying the need to work alongside community stakeholders in this space to ensure information is shared and understood by people from CALD or NES backgrounds.
- A comprehensive engagement strategy to ensure CALD/NESB individuals and communities are aware of reportable offenses and processes.
- Any consideration for mandatory reporting done in conjunction with Part 3 section 13 (10) detailing the importance of obtaining consent so as not to compromise the choice, control and self-determination of an individual.
- Greater detail on the plans to execute this bill to ensure processes of reporting abuse, neglect and exploitation can be navigated by older adults and adults with disability or their support networks. Details on how we will increase the capacity of Official Community Visitors to support this process adequately is necessary.
- Working collaboratively with independent advocacy organisations in recognition of the fact that they are often the first point of call for many vulnerable people.
- The provision of ongoing funding for independent disability advocacy organisations to assist in the accessibility of older adults and adults with disability to disclose incidences of abuse, neglect or exploitation.