



## Adelaide People First

### 2013 Post Federal Election Bulletin © December 2013

#### Welcome to Adelaide People First's 2013 Post Federal Election Bulletin

It has been three months since the federal election was held. In our 2013 Post Federal Election Bulletin we report on the events that have occurred and address the main issues which affect people with lived experience of or, labelled with intellectual disability most, being:

- Relegated invisible and voiceless
- Human Rights
- Access to independent advocacy support
- Addressing the power and accountability of institutions in a socially and politically institutionalised environment

Before we look at the issues we take a look at what's been happening in the area of disability policy since the election. We do this with the purpose of gaining an understanding of how events impact on the issues affecting people with lived experience of or, labelled with an intellectual disabilities.

#### What's happened since the Federal Election?

The election saw a change of government to the Coalition.

The position of Parliamentary Secretary for Disabilities was abolished.

The government commissioned a National Commission of Audit to look at where savings in the budget could be made, including programmes funded by government grants. This is likely to negatively affect the National Disability Advocacy Programme (NDAP). The Commission of Audit has asked for the Commission to consider the administration of the NDIS to be conducted by Medibank Private. The reason given is to reduce government "red tape".

The government in seeking to bring together advisory councils have neither abolished the National People with Disabilities and Carer Council, nor joined it with a new one. At this stage it is unclear what happened to the National People with Disabilities and Carer Council. It also remains unclear what role the new Social Services Ministerial Advisory Council has in consulting with people living with disabilities and their families.

Both the Prime Minister and the Assistant Minister for Social Services gave speeches where they stated that disability is no longer a “marginal policy area”, but “core government business.”

The new Labor Opposition elected Mr Bill Shorten as its new leader, who affirmed the importance of the disability specific portfolio, as part of his shadow ministry. Bill Shorten pledged his aim to be known as the Prime Minister for the powerless.

All the focus and attention has been given to the National Disability Insurance Scheme (NDIS), in particular to the cost blow out and increased demand for the NDIS and no attention has been given to the National Disability Strategy.

It is unclear about what is happening with the implementation of the National Disability Strategy (NDS). The NDS is the 10 year plan which sets out the values, vision, human rights, economic, social and political framework for the disability policy reform agenda. The NDS has a whole of community, government and society approach to change required in transforming our society.

There is a lack of knowledge and understanding in the broader community and within some disability advocacy groups, within the movement, about the National Disability Strategy and its importance in the implementation of the national disability policy reform agenda;

There also appears to be a lack of strong, consistent leadership at the political, level by the three major political parties on promoting the National Disability Strategy and its importance in the broader disability policy reform framework at the South Australian and federal political levels. We say this because there has been no detailed information given out by any politicians or political parties before, during or since the federal election, on the National Disability Strategy.

The NDIS Act 2013 remains weak in that there is a lack of consistency about human rights throughout the body of the NDIS act. It only mentions human rights in the objects of the NDIS act. The safeguarding and protective role of advocacy is weakened in the principles of the NDIS Act in that it neglects to include the safeguarding aspect in addressing human rights issues and decision making processes.

Politicians are still promoting the old way of thinking in that the system can be fixed and that this is what people living with disability and their families want. The Shut Out report 2009 says otherwise, in that more than a “quick fix” is required to transform or change people’s lives. This demonstrates thinking that says, life outside of services doesn’t exist for people living with significant disability.

People living with disability are still being offered institutionalised options such as group homes and respite disguised as “community participation” or “community living”. This old way of thinking is affecting thinking within community.

South Australia remains dominated by institutionalised service providers, within an institutionalised social and political environment. This institutionalised social and political environment exists at the community, service system and at all three levels of government.

### **Relegated Invisible and Voiceless**

We start with the voices and presence of people living with significant disability, including people with lived experience of, or labelled with intellectual disability, who are institutionalised. Since the federal election the voices of people with lived experience of, or labelled with intellectual disability, who are institutionalised, are more silent than ever and their presence is very difficult to find.

The reasons for this loss of voice and presence are many and complicated. The loss of the federal position of Parliamentary Secretary for Disability and the uncertainty and confusion surrounding the National People with Disability and Carer Council and its replacement, if there is one, is the first indication that people living with significant disability who are institutionalised, are being ignored and forgotten.

The loss of the position of Parliamentary Secretary for Disabilities seems to have created the idea within the broader community that the National Disability Insurance Scheme under a mainstream portfolio solves all the complicated issues in the lives of vulnerable people living with significant disability. Another result of the loss of the disability specific portfolio is the lack of understanding of the complexities and vulnerabilities in the lives of people living with significant disabilities, including people who live or are labelled with intellectual disabilities. This decision also demonstrates a lack of understanding of “lack of choice” and “control” through institutionalised practices.

### **Human Rights**

Other disturbing indicators of a loss of voice and presence include a failure to address the human rights issues and advocacy needs of people living with significant disability, from the strongest and most consistent position within the legal framework of the NDIS Act 2013. The failure to promote and implement the National Disability Strategy (NDS) adds to the loss of voice and presence of people living or, labelled with intellectual disability who are institutionalised.

The NDS has a whole of community, government and society approach to the human rights, social, economic and political changes required. This would then enable a transformation in society from one which shuts powerless people living with significant disability, including people living or, labelled with intellectual disabilities in institutions, to a society which accepts and values the contribution of people living or, labelled with intellectual disability, in the life of community.

### **Access to independent advocacy support**

The weakened role of advocacy in the NDIS Act and the very possible reduced funding for the National Disability Advocacy Programme (NDAP), through the Commission of Audit is very concerning to Adelaide People First. As a People First group which is concerned about people with lived experience of, or labelled with intellectual disabilities who are institutionalised, we are deeply concerned about the access to both independent; relationship focused individual advocacy and systems advocacy of this vulnerable group of people. Currently there is no way for advocacy groups funded or unfunded to enter institutions where people living with disability who are the most powerless, live, work and spend their “free” time. Adelaide People First understands a referral must be made before an advocacy group or advocate is “allowed” into a service to advocate for an individual or group.

The Disability Services System uses privacy, confidentiality and consent to often prevent advocates gaining access to the individuals for whom they advocate. In our experience in a service driven, institutionalised self advocacy group; SAID, we were prevented from having access to our members and our members were prevented from having access to us, when we refused to comply with fulfilling the disability service systems agenda of training their workers and residents representative committees. Though this occurred in the early 1990’s, we know from our continued involvement in the disability advocacy movement that service systems from disability, and child protection use policies and procedures during crucial times of decision making to prevent individuals from having access to the vital advocacy support needed.

For us as a people first group striving to address the systems advocacy issues of institutionalised practices and supporting vulnerable people living or, labelled with intellectual disability well, to live valued lives in community, how we gain access to the conditions in institutions where the most powerless live, work and spend their “free” time is difficult for us to work out, given both the “referral” process required and our unincorporated and unfunded status.

We make it clear here that we do not seek to change our unincorporated and unfunded status, as we are not at the stage in our journey as a people first group where we feel it necessary or beneficial to do so. We also value our independence from the human service system.

### **Addressing the power and accountability of institutions in a socially and politically institutionalised environment**

Added to our concerns about how the system advocacy issues of institutionalised practice are addressed through the lived experience of people who live or, are labelled with intellectual disability, who are currently institutionalised, is the effect of the outcomes reached by the newly formed parliamentary committee, set up to look at both the design and implementation of the NDIS. This parliamentary committee was set up by the Assistant Minister for Social Services, Mitch Fiefield.

Our main concern is that the foundation on which the NDIS is built could be further weakened by weakening the National Disability Strategy further. This can easily be done by lowering the expectations or outcomes under each of the 6 key areas to be addressed. There can also be a lowering of accountability to the Disability Services Standards under the disguise of “reducing red tape”.

In the current institutionalised social and political environment Adelaide People First believes that institutionalised models of services will thrive and grow in number and type. What we will end up with is a bigger, more broken service system than we now have.

Adelaide People First strongly believes we must challenge and break down the walls of institutionalised thinking and practices in our advocacy. We need to understand what institutionalised thinking and practice is, if we are to hold institutionalised service providers accountable. The definition of an institution Adelaide People First has adopted from the Canadian De-institutionalisation Taskforce strongly speaks to institutionalised practice. This definition can be found in both our values and vision statements.

Our definition of an institution is:

***“An institution is any place in which people who have been labeled as having an intellectual disability, are isolated, segregated and/or congregated. An institution is any place in which people do not have, or are not allowed to exercise, control over their lives and their day to day decisions. An institution is not defined merely by its size. An institution is not just a place, it’s the way people think.”***

**[www.institutionwatch.ca](http://www.institutionwatch.ca)**

Adelaide People First believes we must shine a bright light on and tell the truth about institutionalised practices and their negative impacts in the lives of powerless people within human service systems .

This being:

- The practices of segregation, congregation and isolation are implemented with the purpose of controlling the lives of powerless people living with significant disability, including people with lived experience of, or labelled with intellectual disability in institutions.
- People living with or labelled with intellectual disability are grouped by the human characteristics which are seen as devalued. This results in the group's differentness being highlighted.
- The grouping of powerless people living or, labelled with intellectual disability, then increases the risk of abuse, neglect, discrimination, exploitation and oppression. This also leads to increased dependence or reliance on services and decreased capacity and skills of individuals within the group.
- Decreased opportunity to develop, maintain and strengthen freely given, loving, caring, committed, interdependent relationships.
- When it comes to institutionalised practice size doesn't matter. This means group home, residential homes/ apartments, cluster units, respite services, sheltered workshops and boarding houses are institutions..
- Just because an "option" is in a "community setting" doesn't mean the people are living a valued life in community.

Adelaide People First will work in solidarity with our allies in the people first, disability advocacy, social justice movements, universities, non-government sector and broader community, with whom we share values and vision to break down the walls of institutionalised practice, so we are more able to support people living with significant disability including people living or, labelled with intellectual disability to live valued lives in community.

## References

Adelaide People First Values statement

Adelaide People First Vision Statement

Adelaide People First About Us document

(2009) National People with Disabilities and Carers Council, Shut Out Report The Experience of People with Disabilities and their Families – The National Disability Strategy Consultation Report

Commonwealth of Australia (2011) National Disability Strategy 2010 – 2020, An initiative of the Council of Australian Governments

(2013) National Disability Insurance Scheme Act

The Coalition's Policy for Disability and Carers

Australia Greens Policy – Disability

Australian Labour Party's Policy for People with Disability and their Carers

National Commission of Audit – Terms of Reference

(2013), DANA newsletter November

(2013), DANA newsletter December

(2013) Bill Shorten, Extract of speech to the ALP Leadership debate, Sydney 24/9/13

UN Convention on the Rights of Persons with Disabilities

<http://www.liberal.org.au/latest-news/2013/10/14/hon-tony-abbott-mp-address-launch-carers-week-national-press-club-canberra>

<http://www.liberal.org.au/latest-news/2013/11/08/boosting-productivity-and-delivering-effective-efficient-government>

<http://www.couriermail.com.au/news/queensland/former-liberal-senator-amanda-vanstone-part-of-federal-treasurer-joe-hockeys-razor-gang-doing-major-audit-on-national-spending/story-fnihsrf2-1226744862269>

[http://www.afr.com/p/australia2-0/hockey\\_points\\_to\\_medibank\\_role\\_in\\_8CvjOIAkEnbzoNnKbYmqXJ](http://www.afr.com/p/australia2-0/hockey_points_to_medibank_role_in_8CvjOIAkEnbzoNnKbYmqXJ)

<http://www.abc.net.au/news/2013-10-18/bill-shorten-announces-shadow-ministry-portfolios/5031284>

<http://billshorten.com.au/joint-doorstop-treasury-gardens-melbourne>

<http://www.youtube.com/watch?v=GIGSS0Ddx-4>

<http://tasmaniantimes.com/index.php/article/we-support-bill-shorten-as-labor-leader>

<http://www.smartcompany.com.au/leadership/33712-bill-shorten-and-anthony-albanese-how-do-they-compare.html>

<http://www.abc.net.au/rampup/articles/2013/09/19/3852469.htm>

<http://www.youtube.com/watch?v=VNrZPMWd2VY>

<http://www.mindainc.com.au/about-us/history>

[http://www.mindainc.com.au/files/u4/FINAL\\_2012\\_Minda\\_Annual\\_report\\_web\\_0.pdf](http://www.mindainc.com.au/files/u4/FINAL_2012_Minda_Annual_report_web_0.pdf)

<https://www.oranaonline.com.au/AboutUs/OurHistory/tabid/65/Default.aspx>

<https://www.oranaonline.com.au/Portals/0/PDFs/Newsletters/8938-Oranability-Ed2.pdf>

[http://www.unityhousing.org.au/index.php?option=com\\_content&view=article&id=45&Itemid=12](http://www.unityhousing.org.au/index.php?option=com_content&view=article&id=45&Itemid=12)

<http://www.abc.net.au/news/2013-11-20/national-press-club-senator-mitch-fifield/5105980>

<http://www.youtube.com/watch?v=j3evHrmRnGI>

<http://everyaustraliancounts.com.au/ndis-a-fairer-australia-makes-business-sense/>