



**National Disability Strategy:  
Focusing on CaLD people with disabilities  
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**INTRODUCTION**

**EDAC - Ethnic Disability Advocacy Centre (EDAC)** is a community-based, not-for-profit organisation that advocates for the rights and interests of people with disability from a culturally and linguistically diverse (CaLD) background; including their family carers and communities. EDAC is the peak disability advocacy service for people from a CaLD background in WA and is also a member of the National Ethnic Disability Alliance (NEDA).

**CaLD - Culturally and Linguistically Diverse** - is often used to describe the complex multicultural nature of Australian society. It applies to people who identify as having particular cultural or linguistic affiliations due to their place of birth, ancestry/ethnic origin, religion, preferred language or languages spoken at home. CaLD communities are not homogenous, but consist of micro-communities with disparate practices and beliefs. They include independent migrants, refugees and humanitarian entrants, with the latter frequently drawn from areas of serious conflict, making their settlement relations/issues and support needs here often quite complex.

## **NATIONAL DISABILITY STRATEGY AND CALD PEOPLE WITH DISABILITIES**

EDAC welcomes the opportunity to provide a submission to the National Disability Strategy (NDS). We commend the Government's commitment for upholding the *Principles* outlined in the United Nations Convention on the Rights of Persons with Disabilities. These *Principles* are an essential tool towards ensuring equity of rights for people with disabilities and their families/carers in Australia, when developing the National Disability Strategy.

### **CaLD people with Disabilities**

People from a CaLD background with disabilities are a vulnerable, high risk group in the community, consistently so for at least the past decade.

National ABS data from the 2006 census released in Nov 2007 ([www.abs.gov.au](http://www.abs.gov.au) Table 1.1 *Disability Status by Country of Birth and Year of Arrival*) show that 14.18% of all people with a reported disability were born overseas in a non-English speaking country. This was reported as 14.7% by ABS in 1998, and 15.4% in 1993 and NEDA in 2002 confirmed that nationally over 15% of the Australian population who were born overseas in non-English speaking countries (NESB) have a disability.

For Western Australia the rate of disability for people born overseas in a non-English speaking country was cited as 15%-18% (2003 ABS Report *Disability, Ageing and carers: Summary of Findings*) by the Office of the Chief Justice of Western Australia (draft *Equality Before the Law Bench Book* 2008).

However, as we will discuss further, it is very likely that this is an underestimate of CaLD people with a disability in Australia because it does not include those with a disability who were born here to parents themselves born overseas in a non-English speaking country; because the concept of CaLD includes more than language in one's country of birth; and because in the CaLD population here there is serious under-reporting of disability. The proportion of people with a disability born overseas in an English speaking country, for example, is cited as 28-30% (Ibid) and for the

overall population in Australia 19% (ABS Survey of Disability, Ageing and Carers 1998).

### **Critical service uptake gap**

Although about 15% of people with disabilities are of CaLD background, "only 3.6% of (disability) service consumers are from non-English speaking countries ..." (*Disability Support Services 2002 – National data on services provided under the Commonwealth/State Disability Agreement*: Australian Institute of Health and Welfare). A service uptake rate of only around 4.3% was reported earlier from the 1994 data (1996 CSDA Report Supporting Paper 2: Madden et al *The Demand Study* cited in *Addressing the Needs of Ethnic People With Disabilities*: Australian Institute of Health and Welfare 1999) - indicating a persisting if not actually widening gap over the past decade.

State level data also naturally show this persistent under representation of people with disabilities from CaLD backgrounds who access disability services - approximately 2% to now 3% according to Disability Services Commission (WA) Annual Reports 2001-2002 and 2007-8.

NEDA (2002) indicate that this means that three out of four (around 75%) people with disabilities who are from CaLD backgrounds have actually been continually missing out on receiving Commonwealth funded disability services.

EDAC has consistently reported this 'critical gap' (e.g. *Supporting CaLD Carers* 2003 - a project funded by the Disabilities Services Commission WA; EDAC Submission to the 2007 *Sector Health Check* of the Minister for Disabilities WA; and in its 2007 submission to the National Ethnic Disability Alliance for the National Advocacy Review).

### **Contributing Factors**

This poor representation in service usage is often said to have resulted from a range of issues - such as lack of culturally appropriate service access; from a lack of knowledge of where services are available; and consumers' own social, language and cultural predispositions that have the tendency to present barriers in their use of mainstream disability services (*Supporting CaLD Carers* EDAC 2003 - statewide consultation in WA and review of studies in other States).

In some cultures, people with disabilities are not as valued and their contributions are often highly restricted or unacknowledged. In extreme cases, people with disability are a source of shame for their families and are hidden away from the eyes of their society. In general there is not only under-reporting and critically low uptake of disability services for CaLD persons with a disability, but there is also the issue of 'hidden carers' and their need for recognition and support (EDAC submission to the Carer's Recognition Act 2008).

The following are contributing factors which CaLD people with a disability in our 2003 research said impeded effective service usage, especially from those who were new migrants and refugees.

Consumers related:

- Settlement concerns - struggling to fulfil basic human needs causing families to neglect or not seek disability support services as disability services are generally not available from their countries of origin.
- The effects of 'double discrimination' – due to disability and ethnicity.
- Effects of hidden disability – due to shame, guilt and systemic discrimination/exclusion from mainstream and their own communities.
- Communication barriers – service providers not using professional interpreters due to cost factors and limited material translated into their language. Information is not reaching those who need it most.
- There are too many mainstream services and not enough ethnic disability services.

Service Providers related:

- Problems with information dissemination – generally not provided in community languages due to cost factors.
- Mainstream service providers unable to network with ethnic community agencies and vice versa.
- Cultural/religious insensitivity and therefore services and programs are not appropriate for some community groups.
- Mainstream disability services are not meeting their cultural and disability needs.
- Lack of bi-lingual and bi-cultural staff in the disability sector.
- Need for more ethno-generic and multicultural (catering for all cultural groups) disability services funded.
- Lack of cultural awareness and competency to work with different cultural groups.

### **CaLD/disability leadership, participation and inclusion**

Through our development, promotion and training work on the *CaLD Perspectives on the Disability Services Standards* that we developed (on funding from the Disability Services Commission WA) with CaLD people with disabilities and their families/carers and ethnic communities, the persisting key issue, related to the as yet inadequate implementation of multicultural policy, is lack of leadership and decision-making, policy and service development and delivery by and including CaLD people and those with a disability.

EDAC has prioritised this underlying problem for recognition and attention as a human rights issue (Disability Services Standard 9: Protection of Human Rights and Freedom from Abuse and Neglect) in its Submissions to the 2007 *Sector Health Check* of the Minister for Disabilities WA; to the *Future Directions 2025 Strategic*

Plan of the Disabilities Services Commission WA; to the Review of the Human Rights Act and the Disabilities Services Act; and to the National Advocacy Review.

## **WHAT DO YOU THINK SHOULD BE INCLUDED IN THE NATIONAL DISABILITY STRATEGY?**

### **The National Disability Strategy should be based on the UN Convention on the Rights of Persons with Disabilities**

The National Disability Strategy should be consistent with the UN Convention on the Rights of People with Disability now that it has been ratified by the Australian Government. One of the fundamental obligations contained in the Convention is that the law of our country should guarantee that persons with disabilities can enjoy their human and civil rights. We also know that legislation alone will not ensure that people with disability in Australia are protected, respected and fulfilled. The National Disability Strategy will need to provide appropriate strategic actions to transform the provisions of the Convention into practices that can have a real, direct, transparent and accountable positive impact on all aspects of the lives of all people with disabilities.

### **Human Rights and the Disability Services Standards**

The Disability Services Standards developed under the Commonwealth and State Disability Services Acts recently had 'Human Rights' added on to the previous 8 Standards as Standard 9 (in WA) combined with the provisions regarding abuse and neglect (viz. *Protection of Human Rights and Freedom From Abuse and Neglect*). The *CaLD Consumer Perspectives on the Disability Services Standards* - developed by EDAC on DSC WA funding with CaLD clients and their families/carers and ethnic communities - recommended that the Human Rights provision be recast as an overall requirement to all Standards (not 'tagged on' as part of Standard 9). EDAC has also since made this recommendation in its various Submissions as cited above.

### **Explicit commitment for people with disabilities from CaLD backgrounds**

There is need for a strong and explicit commitment to strategic action to respond to the current complex and pressing needs of the CaLD population with disabilities. Unless we redress the underlying causes of poor disability services performance in terms of the critically low uptake by people with disabilities who are from CaLD backgrounds, those people in need will continue to miss out on vital services such as early disability intervention and support, independent living, employment and training opportunities. This is the basic human right of all people with disabilities in Australia and there has been grave injustice and discrimination experienced by this group.

### **Developing cultural choice in community inclusion**

Inclusion today should be an all-encompassing practice of ensuring that people with disabilities who are from culturally diverse backgrounds and those with differing disabilities, are engaged with, and are connected to the goals and objectives of the whole wider society.

One of the key concepts found within the UN Convention and the Disability Services Standards is the concept of including people in the community. However in Australia this concept of 'inclusion' is usually promoted as the equal right to access mainstream services - without consideration that they may not be culturally suitable for many CaLD people across the multicultural diversity in Australia. People are encouraged to participate in activities and events run by organisations that don't (or are not able) to meet the needs of people with disabilities from numerous CaLD backgrounds, despite notional provision for 'cultural awareness' and employment rates in disability services well below CaLD/NESB proportions in the population and even the registered disability client sector.

The concept of community inclusion needs to be expanded to also include disability service inclusion - ensuring inclusion in services as clients by disability organisations through inclusion of CaLD people with disabilities in the development and delivery of policy and services. - taking into consideration cultural/religious needs. Also ethnic communities need to be provided with funding opportunities to assist and encourage them to recognise the value of providing support services to include their own people with disabilities in their own ethnic communities and as full citizens in the wider multicultural Australian society.

### **Strengthening multiculturalism in funding and practice in the disability sector**

With 'mainstreaming' social policy of the past decade, and associated funding practices, not only has there been minimal inclusion (i.e. virtual exclusion) of CaLD people and people with disabilities in the disability services sector, also little value has been placed on people from CaLD backgrounds further developing their own ethnic community services. In the interests of cultural rights and consumer choice this needs to be radically reconsidered and social policy, funding and service development begin to take multiculturalism seriously and its translation into practice - in all sectors, but especially disability services.

### **Substantive Equality framework**

EDAC recommends that Substantive Equality principles be included in the NDS, and that they be recognised as significant and important advances in furthering Australian values and practices for disability services. EDAC recommends that such principles address both disability and culture i.e. substantive equality for CaLD people with disability.

In December 2004 the Policy Framework for Substantive Equality was endorsed as official WA government policy. This framework is underpinned by many statutory and policy obligations for equality and multicultural sensitivity, such as those inscribed in:

- *WA Equal Opportunity Act 1984*
- *Racial Discrimination Act 1975*
- *Public Sector Management Act 1994*
- *Western Australian Charter of Multiculturalism.*

The basic principles are that people with disabilities from an Aboriginal or CALD background, their families and carers:

- have the same rights as other citizens in Western Australia to participate fully in community life;
- are enriched by their culture, enrich others by sharing their culture, and are encouraged to maintain involvement with culture where possible; and
- may access information, advocacy, supports and services which are culturally responsive and free from discrimination and are developed in partnership with Aboriginal and CALD people with disabilities, their families, carers and communities,
- develop strategies to address additional needs and vulnerabilities arising from people facing double discrimination (such as culture and disability) or multiple issues such as unemployment, poverty, health and education.

The process of the Substantive Equality framework including its implementation plans and outcome measures should be considered during the early development of the National Disability Strategy.

It is also important to have progressive and targeted strategies with very specific actions plans and outcome measures relevant to people with disabilities from CaLD backgrounds.

Education programs on culture and disability should be pre-requisites to the development of all CaLD-relevant disability initiatives under the strategy.

### **Leadership development - empowerment and self determination**

Included in the National Disability Strategy should be explicitly mandated:

- targets for achieving leadership at all levels by people with disability in all disability services, and explicitly within that leadership by CaLD people with disability in all matters that affect their lives also i.e. in all CaLD/disability initiatives under the Strategy in policy and services development and provision;
- this needs to be accompanied by a process of capacity-building leadership skills development, self advocacy and training.

People with disabilities from CaLD backgrounds are so disempowered, devalued, isolated, lacking of opportunities and lacking of knowledge of the disability system that both together will be essential enabling requirements, necessary before they can confidently engage and participate effectively in all disability service sector and wider community activities. Leadership, empowerment and self-determination for CaLD people with disabilities here simply means the basic human right to be:

- included in all decisions affecting their lives, individually and collectively;
- able to exercise leadership in all disability matters affecting them as CaLD people, in all areas and at all levels;

- involved in planning and governance of disability organisations and contribute towards service standards evaluation and assessment as they affect CaLD people with disabilities.

### **Language Needs**

The NDS should provide strategies to ensure that language is not a barrier to disability services and programs for people with disabilities from CaLD backgrounds. The Western Australian Language Services Policy 2008 has just been introduced and will be implemented by the DSC.

EDAC recommends that all disability agencies should establish a language policy in how to assist with communicating effectively with Indigenous people, migrants and those who are deaf or hearing impaired. A budget allocation should be set aside for using professional interpreters and for translating purposes. A Record of usage and frequency should be reported to the funding bodies.

It may be possible to provide specialist cultural and language appropriate services through employment of bilingual workers and recruitment of people from CaLD backgrounds in order to best service this target group.

### **Data and Research**

The lack of reliable statistics on CaLD disability data is recognised as an issue by key national organisations including the ABS, the AIHW and the DSC. Many disability organisations are not expected to collect the minimum data set and if so only collect or report on country of birth not ancestry or English proficiency. This is a major barrier to the effective planning and delivery of disability services for CaLD people with disabilities.

There is a strong need for a research agenda that will address how to improve services to people with disability from CaLD backgrounds within the Australian context.

We also supported National Ethnic Disability Alliance's (which we are a member) recommendations of the following:

- Review current data collection by service providers with a view to improving availability of data relating people from NESB, including second generation NESB.
- Include people from CaLD backgrounds with disability as a priority research area under the National Disability Administrators (NDA) Research and Development program.
- Australian Government work with agencies such as the Australian Bureau of Statistics and Australian Institute of Health and Welfare to refine the sophistication of data relating to people from CaLD background with disability.

## **Strengthening multiculturalism: valuing cultural diversity and freedom of cultural expression.**

We also believe that another fundamental Australian value, positive valuing of cultural diversity and freedom of cultural expression, should be included. There is a need for contemporary forward-looking reconsideration of multiculturalism as a concept and social policy. as a dynamically evolving social and political notions. We should be quite conscious to not allow manipulation of fear and cultural insecurity to take us back to unacceptable systemic racism and assimilation practices of the past that unfortunately found new life in recent government practices. Rather national policy and strategy should encourage the population to realistically move onward to embracing the positive richness of cultural diversity within the particular unique heritage that continues to make up the egalitarian Australian way of life.

EDAC recommends that re-including positive multiculturalism and freedom of cultural expression back into the values, policies and practices that Australians have worked hard to achieve. In particular, that the current government critically reconsider the persisting unacceptable mainstreaming social policy and mono-cultural political agenda of the previous government, and make suitable amendment by strengthening the commitment to multiculturalism in the Principles and Actions of the National Disability Strategy.

Multiculturalism has been excluded from the list of Australian values and rights for various reasons. Many people see this exclusion as a defective and retrogressive response to the international tensions and Australian refugee and migration issues of the time, and also as opportunistic mainstreaming in the privatisation of services. It is not only serving as an economic rationalisation agenda but also a structurally racist agenda resurrecting the discredited assimilation policies of the past. We make no apologies for this interpretation as the purposeful omission of cultural rights in many policies is entirely unacceptable and frankly 'un-Australian'.

### **In conclusion**

Part of the valued egalitarianism and right to self-determination of the Australian way of life is the growing emphasis in all aspects of Australian society for everyone to not just have these positive attitudes toward one another but also of accepting and encouraging all to be actively involved, included and valued for who they are, whoever they are, and to have control of our own destinies.

For those people with disabilities who are from different cultural backgrounds, their rights not to be excluded in any way because of cultural difference is now included in the *CaLD Perspectives on the Disability Services Standards* developed by EDAC for the Disability Services Commission.

Disability Services Standard 6 – *Valued status* should be seen as upholding and supporting the cultural status of the person with a disability and thus providing the freedom to express one's cultural values and beliefs. For people with a disability, the right to inclusion and cooperative self-determination extends to disability and other services as it does to community involvement.