ABSTRACTIONS

The abstracts below are taken from journals, the contents page of which are included in this month's Information Service. These abstracts are provided as a response from Information Service members who have asked us to provide more information about the articles contained in our contents' page.

Psychometric evaluation of a Dutch version of the Mini PAS-ADD for assessing psychiatric disorders in adults with different levels of intellectual disability
Journal of Intellectual Disability Research Volume 57 part eight pp.689-702, August 2013

Background  People with intellectual disabilities (ID) have an increased vulnerability to develop psychiatric problems. Moreover, the early recognition and the accurate diagnosis of psychiatric disorders in the population of persons with ID are challenging.

Methods  A Dutch version of the Mini PAS-ADD, which is a screening instrument for identification of mental health problems in people with ID, was evaluated in terms of internal consistency, interinformant reliability, item grouping and criterion validity based on a large-scale random sample (n=377) and a clinical sample (n=99) of adults with ID.

Results  The Dutch version of the Mini PAS-ADD showed moderate internal consistency, and moderate concordance among informants. Both aspects of the reliability were comparable for different levels off ID. A factor analysis largely confirmed the scale structure. Concurrent validity with the Reiss Screen for Maladaptive Behavior was high for the Depression, Psychosis and Autism scale. The outcome of the criterion-validity analysis indicated high specificity. The sensitivity for specific psychiatric disorders by the corresponding scales was moderate, but the general sensitivity for the presence of psychopathology on the basis of any of the scales was satisfying.

Conclusions  The present research reconfirmed the use of the Mini PAS-ADD as a primary screening device for the identification of mental health problems among people with ID.

The content validity of the Behaviour Support Plan Quality Evaluation tool (BSP-QEII) and its potential application in accommodation and day-support services for adults with intellectual disability
Journal of Intellectual Disability Research Volume 57, Part eight, August 2013 pp.703-715

Background  The quality of support provided to people with disability who show challenging behavior could be influenced by the quality of the behavior support plans (BSPs) on which staff rely for direction. This study investigated the content validity of the Behaviour Support Plan Quality Evaluation tool (BSP-QEH), originally developed to guide the development of BSPs for children in school settings, and evaluated its application for use in accommodation and day-support services for adults with intellectual disability.

Methods  A three-round Delphi study involving a purposive sample of experienced behaviour support practitioners (n=30) was conducted over an 8-week period. The analyses included deductive content analysis and descriptive statistics.

Results  The 12 quality domains of the BSP-QEI were affirmed as valid for application in adult accommodation and day-support service settings. Two additional quality domains were suggested, relating to the provision of detailed background on the client and the need for plans to reflect contemporary service philosophy. Furthermore, the results suggest that some issues previously identified...
in the literature as being important for inclusion in BSP's might not currently be a priority for practitioners. These included: the importance of specifying replacement or alternative behaviours to be taught, descriptions of teaching strategies to be used, reinforcers, and the specification of objective goals against which to evaluate the success of the intervention programme.

**Conclusions**: The BSP-QEII provides a potentially useful framework to guide and evaluate the development of BSPs in services for adults with intellectual disability. Further research is warranted to investigate why practitioners are potentially giving greater attention to some areas of intervention practice than others, even where research has demonstrated these others areas of practice could be important to achieving quality outcomes.
Psychometric evaluation of a Dutch version of the mini PAS-ADD for assessing psychiatric disorders in adults with different levels of intellectual disability
R. Janssen & B. Maes

The content validity of the Behaviour Support Plan Quality Evaluation tool (BSP-QEH) and its potential application in accommodation and day-support services for adults with intellectual disability
K. McVilly, L. Webber, G. Sharp & M. Paris

Reliability and utility of the Behaviour Support Plan Quality Evaluation tool (BSP-QEH) for auditing and quality development in services for adults with intellectual disability and challenging behaviour
K. McVilly, L. Webber, M. Paris & G. Sharp

Reliability and validity of the Dutch version of the Glasgow Anxiety Scale for people with an Intellectual Disability (GAS-ID)
H. Hermans, J. Wieland, N. Jelluma, F. Van der Pas & H. Evenhuis

Mental health: CAPs-IDD: Characteristics of Assessment Instruments for Psychiatric Disorders in Persons with Intellectual Developmental Disorders
E.L. Zeilinger, I.W. Nader, B. Brehmer-Rinderer, I. Koller & G. Weber

Mental health: Psychometric comparison of the Motivation Assessment Scale (MAS) and the Questions About Behavioral Function (QABF)
S. Korisas & T. Iacono

Mental health: The Psychiatric Assessment Schedule for Adult with Developmental Disability (PAS-ADD) Checklist: reliability and validity of French version
F. Gerber & G. Galli Carminati

Determinants of adult functional outcome in adolescents receiving special educational assistance

Psychiatrists’ knowledge, training and attitudes regarding the care of individuals with intellectual disability
S. Werner, M. Stawski, Y. Polakiewicz & I. Levav

A rising tide: the increasing age and psychiatric length of stay for individuals with mild intellectual disabilities
D. Patil, P. Keown & J. Scott

Book Review

Edited by: David Dossetor, Donna White & Lesley Watson
Higher Employment Priority for People With Disability
June 25, 2013
Pro Bono

Concrete measures must be taken to lift Australia from its woeful record of 21 out of 29 OECD countries for employment of people with disability, according to the Australia Network on Disability.

Australia Network on Disability CEO, Suzanne Colbert AM said the current employment programs give little consideration to employers and the need for good job matching.

“As a result, a high proportion of people with disability who commence employment do not reach the 26 week retention mark – DEEWR’s current definition of success," she said.

“At Australian Network on Disability, we have abundant evidence that people with disability can be highly skilled, competent and valuable employees. However, this is a largely untapped talent pool, because the current system does not make it easy for employers.”

Colbert’s comments reinforce an opinion piece published in the Sydney Morning Herald at the weekend by the CEO of Mission Australia Toby Hall called Disabled Maybe, But Fully Fit to Work.

“A balanced long-term approach to boosting the employment of people with disability in Australia involves collaboration between employers, government and people with disability,” Colbert said.

“In working towards the re-development of employment services 2015, a high priority needs to be given to genuine engagement with employers and the significant role they can play in assisting unemployed Australians with disability to shift from poverty to sharing in Australia’s prosperity.”
PATRICIA Clark will ride on the Langley's special transport school bus for the final time on Friday, and farewell many of the special needs children she has assisted over the past 15 years.

Laraine Garraway, whose son Nick has cerebral palsy and was a passenger on the bus throughout primary and high school, described Pat as a "beautiful lady" with "a big heart".

Pat often went "above and beyond" her role as transport support officer, Mrs Garraway said.

The opportunity to work with the special needs children was initially temporary, however, when a co-worker was unable to return to the position, Pat was happy to take on the role.

The Assisted School Travel Program provides transport to and from school for students whose special needs range from physical and intellectual disability, to those with behavioural problems.

Currently accompanying eight students on the bus run which transports children to Dubbo College's South and Senior campuses, Pat remembers the days when seatbelts on buses were not mandatory and the bus run catered for 19 children.

Ros Joseph, whose grandson Joshua travels on the bus, said, "Josh is one of those lucky students, as he has been privileged in having Pat watch over him as he travelled to school for the past five years".

Although semi-retired, both Pat and her husband John, who suffered a fatal stroke three years ago, had been employed at Langley's after several years of managing the Centrepoint Motel in Bourke Street.
Their association with the Langley family, who originally managed a tour and bus company in Sydney, was established when the Clarks were the only Dubbo motel owners to respond to an expression of interest to accommodate potential guests on their tours.

Pat Clark confessed she is simply a woman who "loves people" and "loves to care".

She has great admiration for the parents of the special needs children who ride the bus each day.

"It is often a tough job for these parents," Pat said.

Her time caring for the children is short in comparison, limited to only an hour each morning and afternoon.

This time may be short, but the relationships she has built with the students and their families are life-long.

Many of them now young adults, Pat has shared numerous 18th and 21st birthdays celebrations, and a breakfast will be held on Saturday to farewell the woman who "has a special place in their hearts".
Plans for a pilot disability housing project in the ACT are progressing as the government consults with the community on the scheme.

Project Independence, which is the idea of local businessman Glen Keys, will deliver supportive housing for people with a mild intellectual disability.
The ACT government has partnered to deliver the project by providing the land and has committed $3 million to build the dwellings at two sites in Harrison and Latham.

Up to 10 residents will live in the three dwellings proposed for each site. The money made from the two initial locations will be used to fund the development of a third site in Phillip.

The Harrison site is on Mapleton Avenue near Harrison School and the housing in Latham will be on the remaining vacant land at the shops.

A community drop-in session was held about the Latham project recently. Housing Minister Shane Rattenbury said the government was consulting on the project and was preparing to lodge development applications for both sites before the end of the year.

"It's at a fairly early stage but both the government and Project Independence are keen to get on with it," he said. It is expected homes will be completed on the two sites by mid-next year.

Mr Rattenbury said there was a strong demand in the ACT for such housing, particularly for young people with mild intellectual disabilities who were living with their parents.

The accommodation, which would involve one support staff member living on-site, would be a way for the young adults to gain experience in living independently, he said.

Mr Keys said it was not just the lack of such housing in the ACT that prompted his plan. His son Ehren provided the idea when the family moved into a new home a few years ago. Ehren told Mr Keys he was too busy to help him unpack boxes because he was designing the house that he was going to live in.

"It was a moment of clarity that just because Ehren has Down syndrome doesn't mean he won't want to own his own home one day," Mr Keys said.

He submitted a proposal with his team based on similar housing projects in Denmark and Canada and the idea was taken up by the ACT government last year. He said the tenants would be able to purchase the homes with their pensions and on-sell them through Project Independence as they moved into more independent housing in the future.
Mr Keys said he would consider the plan a success when there were 10 established sites for the housing project and essentially 100 dwellings brought online for Canberrans with intellectual disabilities.
Disabled people living on city fringes, away from services

July 1, 2013

Katherine Feeney
brisbanetimes.com.au urban affairs reporter and blogger

Urbis analysis of Census data has found that in Melbourne, Sydney and Brisbane, disability is concentrated in the outer suburban areas. Photo: Courtesy Urbis

People with disabilities remain stuck on the fringes of Brisbane cut-off from key facilities, services and the community, new analysis of population data reveals.

A report from economics firm Urbis shows higher levels of disability are clustered in a circle of Brisbane’s outer suburbs including Ipswich, Coopers Plains and Caboolture.

Released to coincide with the launch of the federal government’s landmark Disability Care scheme, the report highlights the need for the development of affordable, suitable housing closer to amenities.

But an overall deficiency of social housing in Queensland meant the stock of people living with disabilities in Brisbane would not improve in the near future, according to Queensland Advocacy Limited spokesman Ken Wade.

“It fairly incontrovertible that people who are socially and economically disadvantaged to tend to live further out from services and facilities,” Mr Wade said.

“People who are living with disabilities are more likely to belong to this category.

“So you’re faced with a double whammy, so to speak.”

And while Disability Care provides funds to retrofit housing to help enable independent, integrated lifestyles, Mr Wade said the housing needed to be available first.

There is a deficiency in residential housing supply in Brisbane, according to a report from BIS Shrapnel that indicated a recovery in the property market was brought about by a lack of stock.
In May, Housing Minister Tim Mander in May said the government did “not have enough homes” to place more than 23,000 households on the social housing register.

Last month he said there were more than 20,000 people who were homeless across the state on any given night, including more than 1500 "sleeping rough".

However there are several government strategies in place contained within a $442.9 million housing fund outlined in this year’s state budget.

Mr Wade said it was a positive sign, though success would depend on the kind of facilities developed.

He said the social and physical isolation of people with a disability would end only when they ceased to be housed outside of well-serviced metropolitan areas.

“It really needs to be a development that will encourage a really wholesome variety and mix of people,” he said.

“We need to move beyond what we saw in the past when people with disabilities were housed out of sight, and out of the community.”
DisabilityCare extends the boundaries for families

July 1, 2013
Thomas O’Byrne
The Age

For Jacqui Suares, DisabilityCare means her 33-year-old disabled daughter, Mia, finally gets a choice.

It is a life-changing choice, Jacqui said, one that goes far beyond a simple decision about how and where Mia receives assistance with her intellectual disability.

Mia currently needs the assistance of her parents to travel anywhere, limiting her social and educational capacity.

With DisabilityCare, the possibilities are nearly endless.

"It's not just about living and surviving any more," Jacqui said.

"Now, it's about how she would really be happy and how she would like to live."

The extent of options now open to Mia under DisabilityCare prompted Jacqui and Ross Suares to travel to Geelong on Sunday, where Premier Denis Napthine officially marked the scheme's launch in the Barwon region.

Formally known as the National Disability Insurance Scheme, DisabilityCare allows eligible recipients to individually determine precisely what assistance they do and don't require.

"Independent living, that's our primary focus," Jacqui said.

"Mia has watched her brothers and sisters move out of home and she knows that that's the norm.

"She wants the same chances."

Jacqui admits the road to Mia's more-independent lifestyle will likely be filled with trial-and-error. It is potentially a long road.

But the ability to take that journey now exists, Jacqui said.
And while Jacqui hopes her daughter will bae able to slowly and surely strengthen her life skills, Mia’s plans for independent living have been set in stone for some time: to live in Geelong, and drive a red car.
Brighter light for disability

Sydney Morning Herald
July 1, 2013
Dan Harrison
Health and Indigenous Affairs Correspondent

It began with a mother's plea and had many champions. Australia's groundbreaking disability insurance scheme starts today.

One day in 2006, Bruce Bonyhady went to visit a kindergarten in the Melbourne suburb of Endeavour Hills. Bonyhady, then chairman of Yooralla, was confronted by a woman demanding to know why she couldn't get the support she needed for her disabled son.

"I went into this very long explanation about how we were doing the best we could and the staff were working overtime and all that sort of stuff," recalls Bonyhady.

"I went away from that encounter just appalled with my answer … here was me with all my contacts defending the status quo, which was clearly not acceptable."

That unfortunate encounter with a mother struggling to cope sowed the seed for Australia's new disability insurance scheme, DisabilityCare, which launches today. After his kindergarten visit, Bonyhady asked Brian Howe - a former Community Services Minister and Deputy Prime Minister to Paul Keating - to meet him for a coffee to discuss what could be done.

Howe told Bonyhady, now chairman of DisabilityCare, to stop thinking of disability as a welfare issue, and reframe it as a matter of insurance. "It was a light-bulb moment," remembers Bonyhady, who had worked in financial services and insurance for two decades.

"The entire population is at risk. None of us know when or how we might acquire a disability. But when it does happen … it has a huge financial impact, and no one can afford it, so the population needs to insure itself," he says.
Under the new scheme - partly funded by a levy on all Australians - we will have that insurance. But it has been a long journey to achieve that goal.

In early 2008, Prime Minister Kevin Rudd called 1000 of the nation's "best and brightest brains" to Canberra for an ideas summit. Bonyhady made a brief submission arguing for a scheme that would guarantee any Australian with a severe disability under the age of 65 the support they needed, regardless of where they lived or how they had acquired their disability.

He was not invited to attend the summit, but contacted everyone he knew who was, and urged them to champion his idea.

In the meantime, a new parliamentary secretary for disabilities, Bill Shorten, had become convinced of the need for change.

"I felt like I'd found this hidden city in our midst," Shorten says of his conversations with people with disabilities, their families and carers. "You know when explorers go looking for cities in the jungle? We had a city in our midst in which people were living behind walls."

It is a conclusion that the Coalition disabilities spokesman Mitch Fifield was also reaching. "We had people in exile in our own cities and suburbs," he says. "It really only took a week or two in the portfolio to realise that I'd been operating on a false assumption that because we're a wealthy First World country people with a disability received the support that they needed."

Shorten set up an expert committee - the Disability Investment Group - to report to the government on ideas from the private sector to better support people with disabilities.

Late in 2009, the group, which included Bonyhady, former Australian Competition and Consumer Commission chairman Alan Fels and John Walsh, a PriceWaterhouseCoopers partner, handed its report to the government. Its principal recommendation was for a feasibility study of a national disability insurance scheme.

The group had already begun building the economic case for the scheme, examining the potential gains from increased workforce participation, and the savings that could be made by investing in people's lives, for example through home modifications that gave them greater independence.
Rudd’s cabinet commissioned the Productivity Commission to take a closer look. In hindsight, Bonyhady says giving the job to the commission - a body with a reputation for hard-headed analysis - was a master stroke.

But at the time, it also seemed dangerous. "What would these economic rationalists think about disability insurance? They could have completely panned it," he says.

The commission published its report in August 2011, damning the existing arrangements as "underfunded, unfair, fragmented and inefficient".

The economic benefits of a national disability insurance scheme would far outweigh the costs, it said.

Ever since the idea for the scheme had been floated, disability activists such as Rhonda Galbally had been working hard to mend the often bitter divisions between disability rights advocates, carers and service providers.

"Everyone had hated everyone," recalls Galbally, who is a member of the DisabilityCare board and chairwoman of its advisory council. People with disabilities had been affronted by the fact that they were characterised as "burdens". "Everyone at that stage was the common enemy of the service sector, because they were seen to be failing at every level. I knew that if carers and people with disabilities were separated, we would never get anywhere," she says.

Galbally convinced Shorten and the senior portfolio minister, Jenny Macklin, to create a single government advisory council taking in all parts of the sector. This was mirrored by a new community-based organisation, the National Disability and Carer Alliance, out of which came the Every Australian Counts campaign. The newly united movement had a rallying point.

Less than two weeks after the commission published its final report, then Prime Minister Julia Gillard declared her unequivocal support. Galbally remembers Gillard's response was "quick and warm and passionate. There was determination in her response, that this was going to be done."

The following May, the government committed $1 billion to kick-start the scheme in four locations, a year earlier than the commission had recommended. But questions remained about the long-term funding of
the scheme, which carried a price tag of about $8 billion a year, over
and above the existing level of disability spending by all governments.

While momentum continued to build, Bonyhady admits to harbouring
daily doubts that the scheme would come to fruition. It wasn't until May,
when Gillard proposed - and Opposition Leader Tony Abbott agreed to -
a 0.5 per cent increase in the Medicare levy to provide a secure funding
stream for the scheme, that Bonyhady felt ready to celebrate with a
glass of champagne with his wife, Rae.

"I reckon there was a month there, when I just walked around with this
silly grin on my face," he says.

Bonyhady says many people deserve credit for helping to make the
scheme a reality. But he reserves special praise for Macklin, who nursed
the project through cabinet and helped win the agreement of states and
territories. "Success has many fathers, but this scheme's only got one
mother, and it's Jenny," he says.

He also salutes those people with disability who bravely shared their
stories to help Australia understand the need for change. People like
Lillian Andren, a Queensland woman who acquired a spinal injury in a
backyard pool accident that left her paralysed and incontinent.

She was entitled to only three showers a week under the old funding
arrangements and told a public hearing during the commission inquiry:
"The delightful irony is that to receive that third shower per week I must
have daily incontinence issues. So the system allows me to sit for four
days a week in my own urine to provide me three showers a week."

Today, that situation begins to change, Shorten says. "It gives people
control over money. They become consumers, not charity … It gives
people control over their own lives."

Galbally says people with disability in launch areas will be sitting down
with DisabilityCare workers and being asked about their goals and
aspirations. "Those words have never been used before. It's a whole
new way of thinking," she says.
Rights Commission Defends Graeme Innes's Petition for Myer to Introduce Disabled Worker Quota

By Hamish Fitzsimmons and staff, ABC
Updated July 2, 2013

Human Rights Commission president Gillian Triggs is standing by an online petition calling for retail giant Myer to introduce a 10 per cent disabled worker quota.

Her Disability Commissioner, Graeme Innes, launched the in response to comments made by Myer chief Bernie Brookes in May.

Mr Brookes told a business forum the extra $300 per year each taxpayer would be levied to fund the national disability insurance scheme.

It sparked a public backlash that had died down until Monday, when Myer revived the dispute amid.

Myer asked Attorney-General Mark Dreyfus to investigate Mr Innes's criticisms, saying the petition has sparked an online hate campaign and consumer backlash.

But Ms Triggs is standing by Mr Innes's actions, and says Myer's timing is "very unfortunate".

"We attempted to work with Myer to see how we could turn an unfortunate remark into something that was more positive ... to see if we could encourage employment of disabled people to 10 per cent," she told Lateline.

"I think we felt that after Myer had made this unfortunate remark, it might have been one positive way of bringing Myer and the community [closer on disability issues].

"The notion of, broadly speaking, a target of 10 per cent of disabled people within a workforce is a very common workplace strategy."

Earlier Myer chairman Paul McClintock asked Mr Dreyfus, who has the ultimate responsibility for the HRC, to investigate.

He also wants him to review a claim that the HRC promised to put out a statement distancing itself from Mr Innes's position.
"I have asked both to consider whether a Commonwealth official should be able to attack an individual and a company without reference to the parties, and to clarify the rules around promoting a petition against a company and whether there are effective oversight structures for individual commissioners," he said.

Opinion split on whether petition is appropriate

Neither Myer nor Mr Innes was available to comment to the ABC, and opinion is split on whether Mr Innes has a case to answer.

Craig Wallace from People with Disability Australia is on Mr Innes's side.

"I think if you come out in the middle of the debate about the levy and say that would affect your retail sales, then people are entitled to call you on it and then ask what you are doing to walk the talk on disability and employment."

But Simon Breheny from the Institute of Public Affairs says the petition may not be appropriate.

"Graeme Innes is a Disability Discrimination Commissioner. His role is 100 per cent taxpayer-funded, the Australian Human Rights Commission is taxpayer funded," he said.

"If Graeme Innes wants to run political campaigns, he can do so by resigning ... and he can get a job with an organisation like GetUp! - a political activist organisation where this type of behaviour is entirely appropriate.

"There are appropriate roles for a Disability Discrimination Commissioner and there are inappropriate ones.

"Clearly an online petition talking about Myer's behaviour is not an appropriate one, particularly where there is no legal justification for Mr Innes's demands."

Professor Triggs insists the HRC does not play a political role.

"We do not get into these kinds of disputes ... but there will be differences of views as to how the advocacy role that Commissioner Innes plays is carried out," she said.

"I have to say, and I think the community understands, that Commissioner Innes is one of the most respected people in Australia.

"I hope we can put this issue to bed."
Gaps in disability housing the next challenge

ABC NEWS
2 July 2013

PHOTO: Charities applaud the launch of the NDIS in Newcastle, but say getting young disabled people out of aged care is the next challenge.

As the excitement of yesterday's Hunter launch of DisabilityCare turns to action, there are calls to address immediately the gaps in adequate housing for young people with disabilities.

Charity, YoungCare says there are more than 7,000 young disabled Australians living in nursing homes who need long-term accommodation solutions.

General manager Anna Cox says while the national insurance scheme is groundbreaking, there are simply not enough places for people to live, once they leave aged care.

"There's a whole lot more work needed to be done and with the launch of DisabilityCare Australia yesterday, we've now got our deadline, the clock is ticking," she said.

"It was launched in the Hunter region yesterday, leading towards full implementation across Australia in 2020, that's our deadline."
"The clock is ticking and it's really a very big piece of work that we need to be getting on with straight away."

She says DisabilityCare will help fill a gap of recurrent funding but appropriate housing outside the aged care sector still needs to be found.

"We have hundreds of families ring in looking for alternative accommodation for their young person.

"The numbers of people who are still desperately hanging on at home are really very significant as well - in many ways the 7,500 is just the tip of the iceberg."
‘Unfit to plead’: why does the law jail those with intellectual disabilities indefinitely?

People with intellectual disabilities who are found to be “unfit to plead” are still locked away for years on end in Western Australia. Similarly, in the Northern Territory, this detention occurs in prison, usually in maximum security settings. In other states such as Queensland, Victoria and Tasmania...

People with intellectual disabilities are detained indefinitely under WA laws. Shutterstock

People with intellectual disabilities who are found to be “unfit to plead” are still locked away for years on end in Western Australia. Similarly, in the Northern Territory, this detention occurs in prison, usually in maximum security settings.

In other states such as Queensland, Victoria and Tasmania, a person who has been found unfit to plead may be detained in a secure psychiatric facility.

In 1987, Gregory Yates, a 27-year-old man with an intellectual disability was sentenced to seven years imprisonment in WA for the sexual assault of a young girl.
He served his time for the offence, but due to a judicial order under section 662 of the **Criminal Code (WA)** – a section that has since been repealed – Yates was detained “at the Governor’s pleasure”. He remained in prison for 25 years.

Earlier this year, the High Court put an end to the ongoing imprisonment of Yates, after evidence before the sentencing judge that suggested he posed a “danger” to the public was held to be insufficient.

Some may argue that due to the severity of his offence, Yates should have been jailed for longer than seven years. But 25 years in prison seems an inordinately long time, given that those convicted of murder can be paroled in less time.

This begs the question: would Yates have been jailed for so long if he didn’t have an intellectual disability?

In a similar case, a man named **Marlon Noble** was imprisoned for over ten years without conviction in Western Australia. While Noble has now been released into the community, he is still subjected to severe restrictions on his freedom. Noble is attempting to have these lifted.

Those with intellectual disabilities form a disproportionately large cohort of prisoners.

**One meta-study** has estimated that 60% of prisoners in the United States, United Kingdom, Australia and New Zealand suffer from “traumatic brain injury”, defined as a brain injury acquired after birth.

Those with intellectual disabilities may be detained in prison far longer than those without such disabilities. This is either through indefinite detention provisions or via laws that enable them to be considered unfit to plead.
There is a current campaign that highlights the preventive detention of aboriginal people with intellectual disabilities. Presently, a High Court challenge to the constitutionality of laws surrounding indefinite detention of those with intellectual disabilities is also being prepared.

The detention of individuals with intellectual disabilities on the basis that they may pose a risk to others raises substantial questions concerning human rights.

The Convention on the Rights of Persons with Disabilities (CRPD), which Australia ratified in July 2008, clarifies the obligations of states' parties to promote and ensure the rights of a person with disabilities. It also sets out the steps that should be taken to ensure equality of treatment. It goes into much more detail than previous general human rights conventions concerning action on prohibiting discrimination.

Neither “disability” nor “persons with disabilities” is defined in the CRPD. However it does state that the latter term includes:

…those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Additionally, the CRPD requires Australia to ensure that persons with disabilities:

…are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

Even if this provision is interpreted to mean that the “the existence of a disability alone” does not justify such laws – but “dangerousness” does – detention without any attempt to treat or otherwise rehabilitate those with intellectual disabilities
raises the issue of cruel and unusual punishment, as mentioned in the CRPD.

There is also the issue of risk assessment. The evidence at Gregory Yates’ sentencing hearing would today be considered inadequate for the purposes of indefinite detention.

This is due to the rise of risk assessment instruments and the better training of expert witnesses in this field. However, risk assessment evidence has been criticised on a number of grounds, as has the indefinite detention on the basis of risk. Both concerns raise numerous procedural and policy issues.

The involuntary detention of those with intellectual disabilities due to the risk they pose to others may be viewed as discriminatory. Those without mental or intellectual disabilities are not, as a general rule, indefinitely detained on this basis.

Even if the High Court finds that such schemes are constitutional, there is a need to consider the human rights implications of indefinitely detaining those suffering a mental illness. An exploration of alternative options should be conducted to ensure those with intellectual disabilities are treated equally, as is mandated by the CRPD.
Mark's future without mum brighter thanks to NDIS

By LISA WACHSMUTH
July 3, 2013,
Illawarra Mercury

Wollongong mother Jan May says the national disability insurance scheme will help her plan for her intellectually disabled son's future without her.

The 71-year-old hopes that the federal government scheme - which will tailor support to best meet individual needs - will take over Mark's care when she is no longer able to do so.

"My whole life, since Mark was diagnosed with a severe intellectual disability at the age of five, I've worked to make him as independent from me as possible," she said.
"My husband and I didn't want a situation where Mark, now 47, was still living at the family home and we died and he was then forced to move in with strangers.

'No more begging': NDIS will change Gracie's life

"So we've been gradually weaning him off his dependence on us over the years and he's now been living at a group home for 10 years and has been working for the Flagstaff group since he left school.

"However, for 30 years I've been fighting for a scheme like this that really tailors the care to meet the needs of the individual. Now I'm getting older I'm really excited that it's finally here."

The government started the long-awaited introduction of the scheme known as DisabilityCare at trial sites - including the Hunter in NSW - this week.

The multibillion-dollar program is set to expand across the nation in coming years towards a full implementation by 2018-19.

"While I was initially disappointed that Wollongong was not one of the trial sites, on reflection I hope that we can learn from the mistakes that will inevitably be made in other areas - we have to get it right," Mrs May said.

The Disability Trust information and advocacy services manager Sean O'Neill said the scheme constituted a "seismic shift" in the way services were provided to the disabled.

"I think it's a vitally important piece of infrastructure that will really make Australia more inclusive," he said.

"Generally there will be more funding around for disability services, while the way it's provided will change dramatically.

"It's all about personalised funding so instead of block funding going to a particular service, funding will go to the person with a disability or their families or carers and they choose what sort of care and support they need."
Mr O'Neill said organisations like The Disability Trust would have to completely change.

"Organisations are going to have to change their mindsets, which will be a challenge, but most are excited about it," he said.

"We know that the one-size-fits-all approach doesn't work - with this system there will be far more flexibility and far more choice for individuals."

The scheme will be part funded by a rise in the universal Medicare levy to 2 per cent, from 1.5 per cent, from next year.
David Green, CEO of giant retail chain Hobby Lobby, which has 555 stores throughout the US selling craft and other supplies, is an evangelical Christian and wants everyone to know it, particularly the US government. The stores are all closed on Sundays and Hobby Lobby’s home page shrieks the phrase "In God We Trust" in bold text.

The CEO's religious conscience is not just a personal character trait; it's a corporate profit centre. The company has just won a major court victory exempting it on religious grounds from an ‘Obamacare’ mandate that "morning-after" pills and certain other forms of contraception be covered under employer health care plans.

Dan Cathy, CEO of 1700-store fast food chain Chick-fil-A, also likes to weigh in on matters of conscience. A devout Baptist, Cathy found himself in the middle of a firestorm recently when he went public in his opposition to gay marriage.

Meanwhile, in Australia, Myer CEO Bernie Brookes is still battling with the consequences of his outburst against the Federal government back in May, when he voiced his objection to an increase in the Medicare levy to fund the national disability insurance scheme.

Brookes is not alone among local retailers in getting into political debates. The leadership of some of Australia's leading retail chains have been the ones screaming loudest about the need to impose GST on offshore internet purchases made by Australian consumers. Instead of leaving it to the trade associations to do the dirty work, the CEOs use their own pulpits. And predictably it’s gone down with consumers like a ton of bricks.

What can small business leaders learn from the examples set by their counterparts at the head of these large chains?
Retailers are in a uniquely sensitive position when it comes to publicly expressing views about political or social issues. The reason is that with the proliferation of competition consumers can afford to be less tolerant of brands whose image is inconsistent with their own values.

There are three key lessons for small retail owners.

First, keep in mind that as a rule no one is interested in your views until you blurt them out. People will usually shop happily at your place until you happen to say something. Then you risk losing a bundle. Let’s face it, shoppers didn't really care about Myer's view on disability insurance until its CEO took to his high horse. Since he did, they haven’t stopped taking potshots at him.

Second, when in doubt it is probably better just to shut up unless there is a good business case for speaking out. Sometimes there really is. In the examples of Hobby Lobby and Chick-fil-A, both are based in the southern US where their customer base is known for its religious conservatism. In all likelihood, coming out against contraception and gay marriage would have resonated well with the two retailers' target customers.

Myer's example is quite different. Brookes appeared to be contending that the extra $300 taxpayers had to part with to fund the disability scheme might otherwise have been spent at Myer. The business case for saying something so inflammatory was weak to say the least.

Myer's sales in 2012 accounted for approximately 0.4% of household spending and 0.3% of household disposable income. So Myer could not expect to see more than a tiny percentage of the $300 forked over to disability insurance by each Australian worker, amounting to a total of roughly $10 million, tops. But even that overstates Myer's loss because some of the money would still show up in Myer's till from spending by disabled beneficiaries of the scheme.

Presumably the amount of that offset will be somewhat less now as a result of Brookes' comments.

The third lesson to be drawn from the ramblings of retailer CEOs is that if you do have views on political and/or social issues but there is risk of a consumer backlash, it may be wiser to express the opinions through
your trade association. The trade association can lobby quietly or noisily on your behalf, but either way it carries significantly less risk to your brand.

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Disability sector will need extra help once scheme rolls out

Ava Benny-Morrison 3rd Jul 2013
Sunshine Coast Daily

DISABILITY service providers are preparing for a shortfall in staff once the long-awaited DisabilityCare scheme is rolled out with estimations 140,000 staff will need to be recruited.

The predicament is particularly pertinent in regional areas, where community sector salaries are not as attractive as those in neighbouring mining industries.

New South Wales, Victoria, South Australia and Tasmania celebrated the launch of DisabilityCare Australia trial sites on Monday while other states and territories began watching carefully for the lessons learnt.

The national disability insurance scheme is scheduled to be rolled out in full in 2019 and provide people with disabilities across Australia a chance to self-manage their own care.

But with the major changes to the disability sector will come the need for extra hands.

National Disability Services estimates the disability support workforce will grow from between 110-120,000 to 220-250,000 over the next five to six years.

Disability service provider Multicap expects a shortfall in staff as the organisation implements skills training according to the demand of their clients.

"I think there will be a short fall to find disability support workers that are willing to work in this industry because it's not a very well-paid industry," Multicap community integration manager Fiona Haynes said.

"It's not always an attractive field to work in and it's hard to find good staff."

Ms Haynes said Multicap had tried to retain their staff in the face of Disability Care by offering permanent positions.

Those positions have been offered in regional areas like Rockhampton and Roma.

But the outer-metropolitan areas still prevent a challenge, Ms Haynes explained.
"In regional areas we find it even harder to get staff especially with the mining boom," she said.

Recent research by National Disability Services found Disability Care would double the support workforce in Queensland alone and create 15,000 new jobs.

Recently, Community Services and Health Industry Skills Council chief executive Rod Cooke said the current national training capacity of 15,000 disability qualifications would need to double per year to meet the workforce growth.

"To attract the workers we will need national and local recruiting initiatives, improved salary and a focus on retention to keep good workers," he said recently.
Disability targets just red tape: Harvey, miners

PUBLISHED: 03 JUL 2013 | UPDATED: 03 JUL 2013

Retain king Gerry Harvey and mining employers have criticised the use of targets to boost the number of disabled people in work as unnecessary red tape, following the public spat between Myer and federal disability commissioner Graeme Innes.

After Myer chief executive Bernie Brookes made controversial comments about the national disability insurance scheme in May, later apologising, Mr Innes petitioned for Myer to set a target of 10 per cent of its workforce to comprise disabled workers by 2016.

This has prompted Myer to complain to both the Federal Attorney-General and the head of the Australian Human Rights Commission.

Mr Harvey, executive chairman of Harvey Norman Holdings, told The Australian Financial Review that he was supportive of employing people with disabilities where possible but “it’s not a matter of setting a target … it’s just more paperwork and I’m not interested in paperwork”.

He gave examples of two of his best salesmen being either wheelchair-bound or on crutches, but argued it was often difficult employing people with disabilities in warehouses and on shop floors, so having the same targets across different companies was inappropriate.
“If you have a showroom floor and customers want service, you’ve got to have people who can handle it,” he said. He added another problem with setting targets in his workplace was that it was difficult to define what a disability was, or who had one.

Mr Harvey said he had no idea how many disabled people his company employed but it was a “very tiny” percentage of his workers.

**REDUCE REGULATORY BURDENS**

Steve Knott, chief executive of the Australian Mines and Metals Association, said reducing regulatory burdens was “the best way for our policy makers to support employment opportunities”.

He said initiatives where the government had worked with employers to boost workplace diversity such as Skills Connect “are much more effective in increasing workforce diversity than quotas and reporting obligations.”

Both the Federal Government and the Australian Human Resources Institute stop short of supporting targets, but are lobbying the ASX Corporate Governance Council to change the reporting guidelines for listed companies so that they must disclose the number and percentage of disabled workers in their workforces.

AHRI chairman Peter Wilson said “we aren’t calling for targets or quotas. We think it’s enough that employers are required to report something, in much the same way as the ASX guidelines on gender equity work. So they can report progress in whatever way they choose, or if no progress has been made, report that on an ‘if not, why not’ basis.”

Mr Harvey and employer groups argue such reporting obligations would be unnecessary red tape, although unions are supporting the move.

**EXPLAIN RATHER THAN CRITICISE**

Neither AMMA, the Australian Chamber of Commerce and Industry nor Mr Harvey wished to comment on the Myer/Innes feud. However, ACTU president Ged Kearney said: “Myer needs to explain what they are doing to employ more people with disability, rather than criticise disability discrimination commissioner Graeme Innes.”

She said many major companies have “already taken steps to increase their employment of people with a disability, and 10 per cent is not an unreasonable target.”

“People with disability are still under-represented in our workforce and earn less than the national average. A major reason for this shameful position is
the negative attitudes that exist towards people with disability. Employers are often reluctant to even consider a person with disability, to make the small changes to the workplace that would allow them to be employed,” Ms Kearney said.

A Myer spokeswoman has told the Financial Review the company was unable to provide a specific percentage for the number of its 12,500 employees who had a disability, but said it had policies to ensure a diverse workplace.

Data from the Australian Bureau of Statistics shows Australian labour participation rates are only 54 per cent for people with disabilities – nearly 30 cent lower than the general population.

RACHEL NICKLESS
THE Tasmanian Disability Education Reform Lobby has disputed claims by Education Minister Nick McKim that students with disabilities received more support than those interstate.

During the week both a government spokesman and Mr McKim said that on a per capita basis public school students with disabilities received more support than those interstate.

A survey of 77 families with children with disabilities released earlier this week by the lobby group showed overall that 60 per cent were not happy with their level of support from the Education Department.

The group's founder, Kristen Desmond, yesterday said Mr McKim had to talk to families who had moved to Tasmania from interstate as "they will leave him in no doubt" that his comments were "untrue and misleading".

She said she would like to know how the government could claim it adequately supported all students with a disability when it did not know how many were in Tasmanian schools.

The group wants the state government to undertake an independent review of disability support.

"It's time for the government to stop talking and take action," Ms Desmond said.

Mr McKim said the department was involved in a national review.
"We're currently working with the federal government and other states on nationally consistent assessment standards for students with disabilities," he said.

"We're committed to working and consulting with stakeholders as we implement national standards, to help provide a system that's as just and targeted as possible."

He said he and the department were considering the findings of the survey.
DISABILITYCARE FACES CHALLENGES AS NATIONAL SCHEME ROLLS OUT TO INDIGENOUS COMMUNITIES

By Anthony Stewart, ABC
Updated July 15, 2013

The Federal Government is yet to work out how to tailor DisabilityCare to Indigenous people as the national scheme is rolled out across Australia.

Figures from the last census revealed half of all Aboriginal and Torres Strait Islander people live with some form of disability or long-term health condition.

The scale of the problem is one of the challenges facing the newly created DisabilityCare Australia.

In remote communities there are existing problems with infrastructure, access to health services, and staffing issues.

And there are concerns the approach DisabilityCare is applying in existing trial sites will not work.

Indigenous people forced to leave communities

Most Indigenous people with a disability are forced to leave their remote community and live in regional centres to obtain respite care.

Keith Jurrah was born in the tiny community of Papunya, 240 kilometres north-west of Alice Springs.

Due to diabetes and other health problems he had one leg and his other foot amputated.

"They took behind the knee. I've got a walking artificial leg but I need to train a lot," he said.

He now lives in a nursing home, one of the few places that can provide adequate care.

Mr Jurrah hopes DisabilityCare will allow him to return home.
"I want to go back to Papunya â€¦ We need someone who can stay there helping," he said.

Mr Jurrah has expressed frustration the Federal Government has not announced a trial site in a remote Aboriginal community.

'We don't want to wait an extra 10 years for this," he said.

"Now the Government has got this thing going on they started off in big cities like Geelong. Why can't they start in this area, the most remote area?"

Disability 'a new concept' in many Aboriginal languages

The First Peoples Disability Network has been charged by the Federal Government to develop strategies that will ensure Aboriginal people have access to DisabilityCare.

The head of the network, Damian Griffis, says it is a difficult task because for most Aboriginal people living in remote areas, "disability" is a new concept.

"The fact is that there has never been a word of disability in Aboriginal traditional language," he said.

"People were described more around their impairment: Does aunty or uncle have trouble getting around? Does cousin have trouble understanding?"

Mr Griffis warned in some communities traditional views can marginalise and stigmatise people with health problems.

"Disability can be viewed as a bad karma form of disability, so a bad spirit may have caused the disability," he said.

"In some communities it's described as married wrong way and that is why your child has a disability."

The First Peoples Disability Network wants to see engagement with Aboriginal people to ensure services meet their needs.

"We are starting from a baseline position. Disability is a new conversation across many Aboriginal communities," Mr Griffis said.

"We need to invest heavily in a concerted outreach approach, we need to sit down in community and have a yarn about these issues and we need to have aboriginal people themselves leading those discussions."

Infrastructure problems present challenges in remote areas
Any program in remote areas will have to tackle the significant disadvantage experienced in Aboriginal communities.

Jennifer Cullen is the head of Synapse, an organisation that works with people with brain injuries.

She warns infrastructure will need to be vastly improved if DisabilityCare attempts to provide services.

"Particularly for rural and remote contexts, often the infrastructure isn't there to support activities, such as power, access to water, access to footpaths," she said.

Ms Cullen says once DisabilityCare rolls out it will provide the first services in many areas.

"Often in remote areas there are no service providers, that's talking about being able to provide meals, equipment and support," she said.
POLITICAL candidates put aside their differences last week to help celebrate the 20th anniversary of the Disability Discrimination Act.

The Act, introduced in 1992, made it unlawful for people who lived with a disability to be discriminated against.

Labor candidate Lisa Chesters and Liberal candidate Greg Bickley joined members of the community to mark the important milestone at The Capital theatre last Wednesday.

The Australian Human Rights Commission, in association with radio station Phoenix FM and the YMCA, launched Twenty Years Twenty Stories, a collection of stories told on film, demonstrating how the lives of those living with a disability had changed under the Act.
Disability Discrimination commissioner Graeme Innes also took part in the night’s festivities.

Event organiser Rebecca Kelly said it was a wonderful night.

“People shared some fantastic stories about their life,” she said.

Mrs Kelly, who has two children who live with autism, said despite the event being a celebration it had been emotional.

The mother said as part of her speech she had paid tribute to her former colleague Geoff Morris, who passed away early this year.

“He was a huge campaigner for people with a disability in Bendigo and across the world,” she said.

Five films were screened at the Bendigo launch. Mrs Kelly said one of the most powerful stories of the night was that of an intellectually disabled man who spent 10 years in jail accused of sex crimes, despite not being formally charged.

She said it was a great community event and encouraged members of the community to go online and watch the inspirational stories.

“Part of this launch is to spread the word and get people talking about disability,” Mrs Kelly said.

For more information on Twenty Years Twenty Stories or to watch the movies, visit www.humanrights.gov.au/twentystories
NFP Funding for Disability Workshops

Tuesday, July 16, 2013
Pro Bono Australia News

A Not for Profit Consortium between Carers Australia and the First Step Alliance has received funding to deliver 300 workshops over two years across the country as part of the Federal Government’s Better Start for Children with Disability initiative.

The Federal Government says it has invested $900,000 in the initiative.

“Our Better Start Early Days Workshops aim to provide parents and carers with practical information about eligibility for Better Start funding as well as advice about the assistance that is available to them to help them care for their child with disability,” the Parliamentary Secretary for Disabilities and Carers Amanda Rishworth said.

“The workshops will be delivered by with each organisation delivering a minimum of 140 workshops throughout Australia.

“Around 30 per cent of these workshops will be delivered to families living outside major metropolitan areas.

“Under our Better Start for Children with Disability initiative, children under the age of seven who have been diagnosed with Down Syndrome, Cerebral Palsy, Fragile X Syndrome, or moderate to severe vision or hearing impairments, are eligible for early intervention funding of up to $12,000.

“Carers Australia and the First Step Alliance are working together on the details of workshops including the timetable and locations,” Rishworth said.
The workshop information will be published at
Parents of intellectually disabled girls deny sterilisation breaches human rights ahead of Senate committee report

By Louise Negline
Wed Jul 17, 2013

ABC News

Parents of intellectually disabled girls have spoken out in favour of sterilisation, saying it gives their daughters a better quality of life.

Australian Disability Discrimination Commissioner Graeme Innes says the practice is a breach of human rights and needs to be banned.

A senate committee is expected to report on the issue today, and its findings are bound to provoke passionate debate.

Louise Robbins knows how agonising the decision to sterilise can be. Her daughter Eliza, 16, was born with a high dependency intellectual disability.

When Eliza began menstruating four years ago, the family was not prepared for the added difficulties it would create in caring for her.

Eliza becomes so distressed she often mutilates to try to stop the blood flow or finds herself in embarrassing situations after removing a menstrual pad in public.

The family considered chemical contraceptives to inhibit Eliza's monthly cycle, but she will not take oral medication and cannot have an implant because of an immunity condition.

Ms Robbins and her family believe sterilisation is the only option. She says her daughter cannot consent to the procedure as she does not even "understand when to have a shower".

This is the only option we have to make any kind of difference to Eliza's life, so don't judge me.
"Eliza didn't consent to the 38 general anaesthetics that she's had but they were all done in Eliza's best interests," she said.

"Our hysterectomy decision is purely based on menstrual care. It's not about myself being comfortable, I'm quite happy to change her pads for the rest of her life.

"It's about Eliza having some kind of dignity - a quality of life where she can go out into the community and experience life as to the best of her ability.

"This is the only option we have to make any kind of difference to Eliza's life, so don't judge me.

"Look at us as an individual case before you make any kind of decision and judge us on what you think is best for Eliza."

'We did it because we love her'

Like Eliza, the onset of puberty caused significant problems for Sophie Carter.

The Carter family tried to educate Sophie on how to use pads, and when that did not work they tried contraceptives.

It sounds like we did something terrible to our daughter, but in actual fact we did it because we love her and we want the best for her life.

Merren Carter

"At that stage we gave her injections to stop her menstruation for three months, but then as time went on we realised that this was probably not a very healthy thing for her," said Sophie's mother Merren.

"It causes side-effects. We weren't prepared to compromise her long-term health just for managing menstruation so we started to look at other possibilities."
Ten years ago Sophie underwent surgery to remove her uterus, after a New South Wales guardianship tribunal agreed a hysterectomy was in her best interests.

It was not an easy decision for Sophie's parents.

"It really upsets me to talk about forced sterilisation because it sounds like we did something terrible to our daughter, but in actual fact we did it because we love her and we want the best for her life," Ms Carter said.

Claims practice breaches basic human rights

Mr Innes believes sterilisations for intellectually disabled women and children should no longer be possible in Australia.

"It's a basic human right. It's a basic question of bodily integrity for women and girls with disabilities that these procedures shouldn't occur unless a person gives free and informed consent for it to occur," he said.

"The difficulty with best interests, and the interpretation of best interests, is how it's interpreted. I guess my concern is often that the best interest of the person with a disability is interpreted in a very broad way which in fact can include the best interests of members of family and carers.

"And if you look at some of the outcomes, those are factors that are being taken into account."

Mr Innes has put his view to the senate inquiry, which is determining whether Australia's current guidelines meet United Nations obligations to protect the rights of people with disabilities.

It's a basic question of bodily integrity for women and girls with disabilities that these procedures shouldn't occur unless a person gives free and informed consent for it to occur.

Graeme Innes

Specifically, the committee is examining whether non-life threatening or elective sterilisations should be banned or whether there are
circumstances where it should be permitted under tougher Commonwealth guidelines.

"We ought to ensure that coerced or forced sterilisation of women with disabilities should only occur with their free and informed consent," Mr Innes said.

"And sterilisation of children with disabilities or children should not occur at all."

It is a position endorsed by Katherine Knight, whose daughter Amelia has an intellectual disability.

Ms Knight believes families would not resort to sterilisation if they had better support and education.

"She is a young woman and as you can see a lovely young woman. Her bodily process are part of her identity and this is a really important part of who Amelia is," she said.

"She is a person and a woman and her disability is far below either of those aspects of her identity.

"Just as her sisters have gone into womanhood so has Amelia ... a different womanhood."
Overhaul call on disabled sterilisation

BY LISA MARTIN
AAP
July 17, 2013

THE politician mother of a daughter with Down syndrome has helped shine a light on the forced sterilisation of disabled people.

For 10 months, Sue Boyce and eight of her fellow senators have been investigating reports that some people with disabilities are being sterilised without informed consent.

They also have considered questions of human rights, ethics and the challenges faced by carers.

Senator Boyce, whose youngest daughter Joanna, 29, has Down syndrome, instigated the parliamentary inquiry.

It has made 28 recommendations including a ban on forced sterilisation in cases where a person has the capacity to give consent.

In cases where there is no capacity for consent, or prospect it will develop, involuntary sterilisation will be allowed, but the circumstances must be "narrowly circumscribed".

"I think there will be some people within the women-with-disability community who will be disappointed that we have not recommended an outright ban on sterilisation ... in all circumstances except life-threatening ones," Senator Boyce told reporters in Canberra on Wednesday as the inquiry's report was made public.

People should have the right to choose, she said.
Senator Boyce warned against a "semi eugenics" approach to stop people with disabilities from breeding.

The committee recommended parents who take their disabled children overseas to be sterilised face criminal charges.

There is anecdotal evidence that some families are travelling to Thailand, New Zealand or India to have the sterilisation procedures done.

Senator Boyce said the legal costs of taking sterilisation cases to the Family Court - as high as $10,000 - were a factor in families going overseas.

The committee recommended legal aid be provided to parents and guardians as well as legal representation for disabled children.

"If we're providing the appropriate support ... nobody should be put in the position where they want to take their child overseas to do this," Australian Greens senator Rachel Siewert said.

It is unclear how widespread sterilisation is because official figures are unreliable and in some cases may slip under the radar.

Labor senator Claire Moore said the inquiry heard heartbreaking evidence from many women who had been sterilised without consent.

"They wanted young women ... to have choices they didn't have," she said.

There was a "shocking" lack of resources to help choices about sexual and reproductive health and menstrual management, the report said.
"The committee abhors the suggestion that sterilisation ever be used as a means of managing the pregnancy risks associated with sexual abuse and strongly recommends that this must never be a factor in approving sterilisation."

Doctors in Australia can be charged with medical assault if found guilty of performing sterilisations without court approval.

The inquiry heard emotional evidence from scores of parents supporting sterilisation on a case-by-case basis.

Many expressed fear about their daughters being raped and falling pregnant or talked about the difficulties of coping with menstruation.
A mother's plea for answers about Sandhurst Centre

By Hannah Knight
July 17, 2013
Bendigo Advertiser

THE mother of a Sandhurst Centre resident is desperate for more answers regarding her son’s future.

Susan Davis’ son Ben, 32, has been a resident at Sandhurst for almost 10 years but he could soon be living in supported accommodation in a residential neighbourhood.

The state government announced recently that it would close the centre and move the 29 clients into five new supported accommodation homes in residential neighbourhoods.

Ms Davis said a recent meeting with Minister for Disability Services and Reform Mary Wooldridge left many unanswered questions.
“We did not feel that our meeting with Ms Wooldridge was remotely informative or successful,” Ms Davis wrote in a letter to the Bendigo Advertiser.

“As I have already stated, decisions have already been made...”

Ms Davis lives in Swan Hill and will travel to Bendigo next week for a family forum.

“From what I can gauge these meetings are where we’re going to be updated about what’s happening,” Ms Davis said.

“Melbourne City Missions has been given the job of assessing the clients and I’ve specified that my son Ben isn’t to be interviewed on his own.

“I’m concerned that they will just take it as fact what some of the clients are going to say.

“They can say what they want – Ben would say what he wants, he wants his own house, he wants this, he wants that.

“Which in reality just isn’t a reality for him.”

Minister Wooldridge recently told the Bendigo Advertiser that the Sandhurst Centre was one of two remaining government-run disability institutions in Victoria.

“Residents of Sandhurst will move into new accommodation to be developed in line with the Coalition government’s approach of ensuring accommodation is flexible and innovative to meet residents’ individual needs,” Ms Wooldridge said.

“We want the residents of Sandhurst and their families to have real choice and control over how they live, while continuing to receive the support and care they need.”

Ms Wooldridge said up to five new supported accommodation homes would be built in residential neighbourhoods, close to services and amenities.
Ms Davis is adamant this is not the best option for her son and is pleading with the state government to provide a safe and secure environment for him.

“...I was really, really interested in the letter you ran last week from a lady who a son in a similar situation up in New South Wales where the centre closed,” Ms Davis said.

“And as far as she felt it was just a big failure.

“I’m a bit along the same lines

“To me they’re experimenting.

“If the clients who attend Sandhurst were happy and able to be in the community they would never have been in Sandhurst in the first place.

“As far as I’m aware Ben has access to just as much, if not more, community involvement than what he would get in any other sort of residence but with a lot more support.”
Families who take their disabled children overseas to be sterilised should face criminal charges, a parliamentary inquiry has recommended.

SBS News
17th July 2013

A senate inquiry into the forced sterilisation of disabled people has recommended parents who send their children overseas for the procedure should face criminal charges.

But the report stopped short of legislating against sterilisations altogether, saying they should only be performed with the informed consent of the individual.

Senators from different ends of the political spectrum have been part of a committee debating the issue for nearly a year.

The central question was whether the families of profoundly disabled people have the right to decide if their children reproduce.

Committee member Senator Sue Boyce, who has a grown daughter with Down Syndrome, said it came down to human rights.

"People with a disability have a right to seek loving relationships, just like everyone else, and they have a right to express their sexuality, just like everyone else," she said.

The senate committee’s 28 recommendations included a ban on forced sterilisation where a disabled person can give consent to the procedure.

Labor Senator Clare Moore said forced sterilisation “is a crime, was a crime and must always be a crime.”

But the committee did not push for a ban on forced sterilisations for people with a disability so severe they could not give their own consent.

“The assumption is it shouldn’t happen, unless there is an objective assessment undertaken,” Greens Senator Rachel Siewert said.

The committee also recommended criminal charges for families who took their children overseas for the procedure.

Submissions to the report highlighted widespread misconceptions about disability in society and advocate Stella Young said this was reflected in attitudes toward sexuality.
“A lot of people think that sexuality doesn't apply, that it's not relevant to people with disabilities, which is entirely incorrect,” she said.

DISABILITY, LAW REFORM, SHALAILAH MEDIORA
The sex lives of the disabled

July 18, 2013
Matty Silver
Sexual health therapist
The Age Life & Style

In recent months discussions about disability featured widely in the media. One issue however has been noticeably ignored.

Sex and disability: a taboo topic.
In the months before the National Disability Insurance Scheme (NDIS) was launched on July 1, discussions about disability featured widely in the media. One issue however was ignored - the sex lives of the disabled.

Sex and disability tends to be a taboo topic for many. People with physical or intellectual disabilities in today's society are often regarded as non-sexual adults since sex is very much associated with youth and physical attractiveness.

Opportunities for sexual exploration among disabled people, particularly the young, are extremely limited. There is often a lack of privacy with carers around and they are much more likely than other young people to receive a negative reaction from an adult if discovered. Often they are completely denied sex education and sometimes they are punished for exhibiting behaviour others consider socially inappropriate simply because they are disabled.

There are many myths and assumptions around sex and disability. For example, the belief that disabled people are asexual (not interested in sex) or incapable of sex. It's easy for disabled people to be influenced by these myths and begin to believe they don't have a right to sex. But that just isn't true.

When we have a disability or consider ourselves disfigured, it is sometimes hard to believe we are attractive. But most people struggle with feeling unattractive anyway, no matter what the state of their health or the condition of their bodies.

Sex can be a wonderful reason to keep going when everything else seems bleak and it can be a beautiful way of connecting with someone
we love. There's really no disability that makes sex impossible, if we define sex not as intercourse but as physical contact for the purpose of sharing intimacy and pleasure.

People with a chronic illness or disability often forget about sex or give up on it because they may lack energy and want to save their strength for other things. They may have discomfort, loss of sensation or unpleasant feelings in their genitals or other parts of their body.

Psychological factors can also block their sexuality. They may believe that they are unattractive or undeserving of pleasure. Depression, worries and anxiety can often limit their interest in sex while feeling low or struggling with body image can make sex and intimacy difficult.

Sex does require some effort, but sexual desire is also nature's most powerful source of energy. Pleasure derived from sex can raise a person's quality of life and slow down the course of their illness. Sex can strengthen the connection with partners and give them a chance to forget about illness for a while. Their bodies can be a source of pleasure, not only of frustration.

For many couples, whether they are disabled or not, sex isn't the most important part of their relationship. Many find kissing or caressing each other and mutual masturbation just as rewarding, and this may be particularly important if penetrative sex is impossible. Sex while having a condition may be different but it can still be good.

Another difficulty for the disabled is where to meet partners. They often have limited opportunities to meet people and find it difficult to negotiate relationships. There are many online dating websites and lately some that specialise in dating for the disabled have appeared. I really like this website.

I am a great admirer of New Zealander Claire Ryan who has worked in the disability sector for about 30 years. Check out her YouTube video where she talks about the support people who look after the disabled.

Helpful information can also be found in the book, The Ultimate Guide to Sex and Disability co-written by sex educator Cory Silverberg.

The international website MyHandicap is also a highly informative source for the disabled, their partners and their families.
Without fear or favour on disability

By NICOLE KUTER
July 19, 2013
Central Western Daily

PARENTS tell their children not to play with that “disabled child” and it is time that attitude, language and behaviour stopped according to a Charles Sturt University subject co-ordinator.

Given talk about the national disability insurance scheme is everywhere it is still quite shocking people treat people with a disability differently said co-ordinator Julie Hudson.

Julie Hudson is the vice-principal at Anson Street School and said it is important people learn that everybody is just as different as everybody else and everybody should be treated with that in mind.

She said one of the biggest problems is that when she takes a group of children with disabilities shopping, they will all line up on the side of the road and a car will stop to flag them across.

She said it was an issue because it taught children that they can walk in front of cars.

“It’s the same when one of them reaches in and takes something out of someone’s trolley, they turn around and say oh that’s okay but it isn’t,” she said.

“It would not be okay if a child without a disability did that, it is really important to treat everybody the same.”

Disability has been at the forefront of political debate for the most part of this year yet the prejudice Ms Hudson witnesses regularly in Orange is shocking.
“We take children to the adventure playground and people tell their children not to play with that disabled child and it’s just wrong,” she said.

“The child could be deaf, that is all, there is nothing wrong.”

Mrs Hudson said she has had enough of people referring to people with a disability as disabled people, deaf people, blind people or autistic people.

“They are people first and foremost,” she said.

To stop this kind of ignorance parents need to educate their children from a young age to understand what disability is and that having a disability does not define a person, she said.

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Daniel Giles' new role on disability advisory council ‘an honour’

By Eloise Johnstone
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Bendigo Advertiser

STRATHDALE’S Daniel Giles says creating greater employment opportunities for people with a disability will be a priority when he joins the Victorian Disability Advisory Council.

Mr Giles, 23, was appointed to the council on July 1, as its youngest member.

The council works with the community to advise the Victorian government on policies and strategies to increase people with disability’s participation in the community.

Mr Giles was diagnosed with autism at the age of two.

The freelance graphic designer was the City of Greater Bendigo’s Young Citizen of the Year in 2008 and is an advocate for people with a disability.

He said he hoped to address the lack of employment opportunities for people with a disability.

“Autism is one of the lowest employed groups of any disability,” he said. “A large majority of people with disabilities I know are unemployed and most probably would live on Centrelink.

“I believe the situation could improve if employers were willing to adapt to the needs of people with disabilities.
“For example, people with disabilities often struggle with communication and are at a disadvantage in job interviews.

“Employers could explore alternative methods of the job interview; for example, setting up a real-life job situation and seeing how the person works in that environment.”

Mr Giles said social inclusion and access to transport were also key issues the City of Greater Bendigo should focus on.

Mr Giles said he was honoured to be appointed to the council.

“I believe it will be a valuable opportunity to provide a voice to the government on the issues that matter for people with disabilities such as mine. It provides an opportunity for me to give advice on the council from an autism perspective.

“I don’t claim to be able to walk in other people’s shoes... but I have a lot of exposure to people living with a range of disabilities and I think I am able to recognise the issues that are common to people with different types of disabilities in general.

“This will help when I put forth suggestions.”
Disability Discrimination Commissioner turns spotlight on the justice system

Simon Lauder reported this story on Wednesday, July 24, 2013

SCOTT BEVAN: Australia's Disability Discrimination Commissioner, Graeme Innes, says discrimination is built into Australia's justice system and he hopes a new inquiry will address that.

Mr Innes has been appointed to an inquiry by the Australian Law Reform Commission, examining legal barriers for people with disabilities.

The Federal Government has commissioned the inquiry to consider whether Commonwealth laws and legal frameworks stop disabled people exercising their rights.

Mr Innes told Simon Lauder that people with disabilities too often have legal decisions made for them.

GRAEME INNES: In Australia there's a very limited, negative view of disability. And lots of assumptions are made about what people can't do. And often decisions are made about people rather than people being supported to make their own decisions and I think it's an important area of the law that needs to be investigated and I'm hopeful that at the end of it that the Law Reform Commission will be able to make some recommendations which change that.

SIMON LAUDER: So do you believe that there is an inbuilt discrimination?

GRAEME INNES: Yes, I do. There is discrimination in the sense that people with the best intentions in many circumstances are making decisions for people when people with appropriate supports could make their own decisions.

SIMON LAUDER: What's a typical example of that? Who is making these decisions on behalf of someone with disabilities and how is that power allowed to be taken out of someone's hands?
GRAEME INNES: There are many different examples. There are a lot of informal decisions where parents, family members, staff in organisations with which the person is involved make decisions. And that's been formalised often by the legal system where the legal system assumes or has processes to put in place a substitute decision making process where someone else makes the decision.

And I'm not suggesting that there won't still be some need for that in some cases. But I'm hopeful that recommendations by the Commission will mean that a lot more people with some support, with appropriate supports, are making decisions for themselves.

SIMON LAUDER: And do you believe that many people with disabilities have been deprived of proper access to justice?

GRAEME INNES: There are many barriers to people with disability in the justice system. And I'm doing work on that now through my role at the Human Rights Commission. And yes, I think that that's a significant problem in Australia.

SIMON LAUDER: Are there formal interventions which take place that you think need to be stopped or at least scrutinised closely?

GRAEME INNES: The formal interventions such as decisions around guardianship, decisions around issues which relate to people's lives in terms of where they live and what they do.

I guess are all sorts of formal decisions that this Inquiry can look at; it's not so much the type of interventions but the way that interventions are made and the fact that they're made and the fact that in many cases, people with disability could be far more involved in the process if provided with a greater opportunity.

SIMON LAUDER: Is there a model you can point to overseas which strikes a better balance and puts in better safeguards for people with disabilities?

GRAEME INNES: There's not a model that I can point to but what I can point to is the Convention on the Rights of People with Disability which encourages the reduction, wherever possible, of substitute decision making and the introduction of supported decision making which is decision making where people with disability are worked with to maximise their opportunity to make decisions.

There are various countries which have put or are putting this into place. And
I guess that will be what we'll look at as part of the Inquiry.

SCOTT BEVAN: That's Australia's Disability Discrimination Commissioner, Graeme Innes, speaking to Simon Lauder.
If Education Minister Nick McKim’s focus over the past few years has been on improving social inclusion and equal opportunity for students with disabilities he has failed, according to a lobby group.

It was reported on Tuesday that the family of seven-year-old Telejah Bowen, who has cerebral palsy, was seeking a return of more specialist schools to provide greater care than she was receiving at her mainstream Launceston school.

Since the mid to late 1990s, the state government has supported greater integration of students with disabilities into mainstream schools.
It is believed there were once about 21 specialist schools across the state, yet there are only four today and all may be near-capacity.

The Education Department also does not retain figures of all students with disabilities.

Tasmanian Disability Education Reform Lobby founder Kristen Desmond said more than ever, families with children with disabilities were leaving the state to seek greater support interstate.

``There are too many children missing out on the support they need and the government continues to either deny that there is a problem or refuses to do anything to improve the situation," Ms Desmond said.

Mr McKim said as the attitude of society towards people with disability had changed, there had been a greater focus on improving social inclusion and equal opportunity through mainstream schools.

``Tasmania is heavily involved in the work that has started nationally, which is expected to align processes in all states to ensure students with disability can engage in educational programs on the same basis as any other students," he said.

He said the government was restricted to offer more services in many areas, including disability, because of the decline in GST payments to the state, and it was unlikely the government could afford another special school in the next several years.

Although the department was not able to disclose the capacity of the four remaining special schools, Tasmanian State School Parents and Friends president Jenny Eddington said although the integration policy might be good for some students with disabilities, it was clear that it was not the case for all or other students in the class.

Australian Education Union state president Terry Polglase said he supported the call of the lobby group that an independent review must be carried out in Tasmania, in conjunction with the national one already under way.
Parliamentary inquiry demands changes to better support disabled people dealing with the legal system

PM By Caroline Winter
Posted Fri Jul 26, 2013

PHOTO: Kelly Vincent led the inquiry

A report tabled in the South Australian Parliament said the justice system was failing people with intellectual disabilities.

An inquiry found the legal system left disabled people vulnerable to abuse in dealings including with police and the courts.

The report made eight recommendations which will feed into a wider disability justice plan in South Australia.

"Natasha", who did not want to give her real name, is the mother of an intellectually-disabled boy.

Eighteen months ago, charges against an Adelaide bus driver alleged to have sexually abused her son and six other disabled children were dropped.
"I guess fighting and trying to make the law system better for these children and vulnerable children and vulnerable adults is giving me some sort of closure with the ordeal," she said.

The case never made it to trial because the alleged victims, aged six to 13, could not verbally testify against the man and were not considered to be reliable witnesses.

The high-profile case prompted a parliamentary committee to investigate the difficulties disabled people faced when they used the legal system.

'Frustrated, hurt and let down'

South Australian Dignity for Disability MLC Kelly Vincent led the inquiry.

"Their families were very frustrated, hurt and let down by this Government because our current justice system here in South Australia does not allow for witnesses who may have some complex and alternative communication methods to give evidence in a court," she said.

Ms Vincent said people with a disability were up to seven times more likely than others to experience some type of physical or sexual abuse.

She said offenders knew they had better chances of getting away with a crime when a witness was vulnerable.

"That in itself I think is clear evidence that the system needs to improve, not only to allow people to receive justice once they have been wronged or have indeed go through the system if they are a perpetrator themselves, but also to prevent the likelihood of this sort of thing from happening in the first place," she said.

The inquiry found people with disabilities felt locked out of the justice system and the final report made eight recommendations.

Among them it suggested better educating lawyers and court officials on disability-related matters.

The report urged police force training, so officers could understand the needs of those with disabilities.
It suggested mandatory reporting of abuse and neglect for anyone working with people with disabilities and the appointment of a disability justice advocate, who could help a disabled person deal with the legal system.

"They are a trained professionals communicating with people with disabilities, who might communicate in ways that are different to verbal, or perhaps they have a reduced verbal capacity allowing the person to help the person with a disability communicate with the judge or with the police officer and so on," Ms Vincent explained.

Brayley wants action, not just ideas

PHOTO: John Brayley said recommendations must become actions

South Australia's Public Advocate John Brayley firmly backed that recommendation.

"Certainly there's good evidence [it works] in other jurisdictions, the independent third persons in Victoria and in the UK, intermediaries who are trained professionals who for example can help at court," he said.

"I think what's good about this South Australian recommendation is that it recognises that a range of people could be asked to do this support role."

Dr Brayley is keen to see more than ideas and plans.
"As recently as yesterday I heard about another case about a person who had been assaulted and couldn't get a case up because of issues about evidence, so I think it's going to be really important that these actions occur sooner rather than later," he said.

Attorney-General John Rau said the latest report would feed into the state's disability justice plan.

"Part of what will come out of this, definitely, is a proposal for amendments to the Evidence Act to enable people with disabilities to be better accommodated in the courts," he said.

"Subject to the consultation on the final proposals going fairly smoothly, we could start to see things roll out towards the end of this year."

As the mother of a child who fell between the gaps in the current legal system, "Natasha" said changes could not come soon enough.

"I don't want any other parent to go through what we went through, so it needs to be implemented and it needs to come sooner than later otherwise more children, more vulnerable people will be affected," she said.
Disability accommodation housing cost to soar

By CLARE QUIRK
July 27, 2013,
The Examiner

A HUGE increase of rents in state government-owned disability accommodation will hit the south-west’s most vulnerable.

As of December this year people living in Department of Human Services (DHS) supported accommodation will pay 75 per cent of their disability support pension for board and lodging, leaving them with little disposable income.

At the moment, people with a disability are paying between 48 and 52 per cent of their benefits towards accommodation.

The change follows a state government announcement in May of $170 million for individual support packages which can be used to pay for supported accommodation, respite and other assistance.

But the new package has to be partly funded by increasing board and lodging fees for disability accommodation managed by the DHS.

The changes are facing a legal challenge by disability support groups.

A state government spokesman said the new model would ensure fees charged in DHS disability residential services were consistent across locations and comparable to those already operating in the community sector.

But district families affected by the changes say the new arrangement will leave them far worse off.

Koroit’s Brian and Helen Sheppard’s daughter Lauren, 32, who has a physical and intellectual disability, are among those who will be hit hardest.
Mrs Sheppard said the changes meant once medical, physiotherapy and transport costs were taken out of the remaining 25 per cent of her pension, Lauren would have $80 to live on for a month.

“You fight for your kids at the best of times but you shouldn’t have to,” she said.

“When it’s someone who is so vulnerable — a mother or father, but especially a child — it’s something you shouldn’t have to go through.

“These are the most vulnerable of our society, it just doesn’t make sense.”

Mrs Sheppard said the changes will affect her daughter’s quality of life dramatically and people in care were having to pay for those who weren’t.

She said group homes to house people with varying disabilities were opened so the residents could have a better quality life, with social interaction and integration into mainstream society.

“No one begrudges people now entitled to individual support packages to obtain the necessary improvement to their quality of life,” she said.

“But taking funding from a group of people with disabilities and give it to another group of people with disabilities does not make it fair or just.

“It’s for basic needs, for clothing and shoes.”

Up until three years ago Lauren lived with her parents but was placed in care after her father suffered a stroke.

“The only thing I can see happening is bringing Lauren home, but we physically can’t do that,” she said.

Villamanta Disability Rights and Legal Services has lodged an application with the Victorian Civil and Administrative Tribunal to challenge the validity of increasing the residential charge.
Policy and law reform lawyer Ben Von Einem said if it was to be upheld many people with a disability would have their quality of life adversely impacted.

The state government said the new fees would bring the average contribution per resident for supported accommodation to about $17,500 per year.

“The average cost to government to support a resident in DHS-managed supported accommodation is $128,000 per annum. In addition, most residents receive a funding package of up to $25,000 per annum to attend day programs,” Mr Von Einem said.

“DHS has a plan in place to ensure that each resident’s situation is considered in applying the new fee. If a resident or their administrator believes they will experience undue financial hardship as a result of the new fee, they can apply for consideration under the DHS financial hardship guidelines.

“Particular consideration will be given to residents who are unable to make adjustments to their expenditure without impacting on their health and well-being, for example, residents who have significant medical expenses or high costs associated with continence aids.

“We are not expecting families or carers to pay for a resident’s reasonable daily living expenses.”