

"How dare people with disabilities and their families even consider they have rights? They should be eternally grateful for anything they are given!"

This has been the culture of bureaucrats for years. It was rife in Institutions, and moved like a virus into the group homes which replaced the Institutions!

The residents of group homes where the Victorian Government is the direct service provider, are specifically denied residential tenancy rights under section 23 of the Residential Tenancy Act. They are denied the right to be consulted with respect to the introduction of a new resident. They are denied the right to be consulted when major changes are made to their home. They are not consulted about staff suitability or staff changes. Direct care staff consider they have a right to consider the residents home as their rightful workplace from which they cannot be moved unless they agree. The residents have no say! And so it goes on.....

People with a disability and their families want to see their human rights better protected to shield them from the potential misuse of government power. Their aspiration is to live in a society that strives for the values that they hold dear. Such as equality, justice and a fair go for all. Yet 'power over people' remains, as government direct care services for people with a disability maneuver every which way to avoid accountability to those they are intended to serve.

NSW "Dare to Care" says.....

Dare to Care is a subcommittee of PATH Inc. It was formed over twelve years ago and is specifically interested in improving and extending the quality and provision of respite care and supported accommodation for people with disability. **PATH** Inc has been operating for over 25 years in Penrith, Blue Mountains and Hawkesbury to advocate for the needs, rights and interests of people with disability and their families.

Dare to Care believes that any Charter of Human Rights in Australia should enshrine and protect the rights of people with disability and their families and carers.....

- The right for people with disability to be treated as all citizens
- The right to freedom from abuse in every way
- The right for people with disability to have a decent place to live
- The right for people with disability to have a choice where to live
- The right to a proper diet
- The right to clothing
- The right to buy goods and use services
- The right to education
- The right to employment
- The right to support in all areas of living
- The right to be free from racism
- The right to cultural & social well-being
- The right to be protected from sexism
- The right to participate in and contribute to responsive governments

- The right to family
- The right to friends

What we mean by these rights?

"The right for people with disability to be treated as all citizens!"

Dare to Care believes that all people with disability should be able to have the same life choices and opportunities as any other non-disabled person of the same age. The person, regardless of their disabling condition, should be able to use their skills, talents, interests and attributes in ways similar to others, access the same rights, freedoms and responsibilities and be supported to exercise these. The contribution of people with disability is a vast as yet unrealised resource and their social inclusion in society still has a way to go before real community involvement and participation is achieved.

"The right to freedom from abuse in every way!"

Sadly, ***Dare to Care*** has found that people with disability are still very vulnerable to exploitation, abuse, neglect, ignorance and prejudice. The right to freedom from abuse is fundamental and should confer additional protections to people who cannot advocate on their own behalf.

"The right for people with disability to have a decent place to live!"

Dare to Care has long been advocating for reasonable community living supports to people with disability. This involves a range of living options that reflect those of the general community, according to the needs and preferences of the individual.

Appropriate compatibility, choice, size, location and accessibility must be incorporated into the community living situations, especially for adults who may choose to live separately from family or with a partner.

People with disability should not be expected to live in situations that would be unacceptable to other citizens. ***Dare to Care*** vigorously supports the closure of large residential disability institutions which mirror only hospitals and gaols.

"The right for people with disability to have a choice where to live!"

Dare to Care while people with disability should have accommodation options as independent as possible in styles that reflect the general community, these must not be located in quiet rural settings. While this sounds idyllic for many, for people with disability it has proved to be in the past simply code for a long way away from towns, amenities and transport. In other words, out of sight out of mind. People with disability should be able to choose where they live,, with or away from family, nearby or away from towns, depending on the persons individual choices. People with disability must not, however, be isolated in their living options and must be integrated into the local neighbourhoods.

"The right to a proper diet!"

Dare to Care receives reports of malnourished clients, morbidly obese people and people whose specific conditions prohibit certain foods which are not catered for in their support services. People with disability can often be dependent on others for adequate and appropriate nutrition and diet. This must be respected by family and support services as a fundamental right in Australia.

"The right to clothing!"

This sounds like a trivial right but people are often times judged on their first appearances. While people with disability have made great strides towards independence and individual decision-making etc, people with disability must have the right to dress in the manner of their choosing, like peers of a similar age. Also, to be able to occasionally splash out, have fun but also to be appropriately warm or cool, decent and comfortable.

"The right to buy goods and use services!"

Dare to Care believes that people with disability are unrecognized as consumers and are often seen only as an expense to the community. In becoming involved in and participating in the local community, people with disability make important contributions to the local economy via the purchase of consumer goods and employment in support services. These ordinary activities also add to the financial bottom line of a local community. While people with disability are often reliant on government income support, their spending in the local community is as important as other citizens.

"The right to education!"

Dare to Care is a constitutional sub-committee of PATH. PATH was very active in the 1980s in the development of integrated education opportunities for children with disability, where kids mix with kids. ***Dare to Care*** believes that all people with disability have the right to education opportunities similar to other children/ people of the same age, with appropriate supports to access these.

Often times, during times of financial constraint, the first programs cut in TAFE and other adult learning facilities are those for people with disability. There will be little progress in the participation and employment of people with disability unless there is an explicit right to education, reflective of their non-disabled peers.

"The right to employment!"

Dare to Care believes all people with disability who strive to participate in employment should be facilitated to do so. Especially so as the population ages, people with disability could prove to be a valuable employment resource. The strategies for engaging people with disability in employment will vary according to the individual person, but this is a two way street. Employers should be more open to employees with disability, providing viable work opportunities. ***Dare to Care*** believes that government agencies could be a leader in this field demonstrating the importance of employment of people with disability.

"The right to support in all areas of living!"

This is one of the fundamental premises on which ***Dare to Care*** operates. The right to appropriate support in all areas of living will ensure successful and comprehensive social inclusion of people with disability. The concomitant benefits will be shared amongst the entire community. ***Dare to Care*** is not demanding deluxe supports, just basic supports as and when required in the activities of daily living. For most people with disability these are low level supports.

"The right to be free from racism!"

When a person has a disability, others often conceive that this is their only and enduring challenge. People with disability from diverse backgrounds are as vulnerable to racism as other people, sometimes more so, but are often without the personal resources to protect themselves. Racism can also be subtle or implied, where a person may not receive adequate or complete information / treatment / follow-up / entitlements if they or their family are not strong in English.

"The right to cultural & social wellbeing!"

Everyones backgrounds and culture are important to them and often frame the very nature of their interactions in the world. That of a person with disability is equally important and must not be related to the lowest priority in a support system. The experts in cultural and social wellbeing are the people with disability themselves and their families and loved ones.

"The right to be protected from sexism!"

Women with disability can be at least as vulnerable to sexism as other women, sometimes more so when negative stereotypes have not been challenged. Women with disability must reasonably have the same life choices and opportunities as other women, and be supported to do so.

"The right to participate in and contribute to responsive governments!"

The challenge to participate in democratic processes has not been surmounted for people with disability in Australia. Voting is impossible for many with disability, and there are even regulatory barriers to voting at some levels. Physical access to polling places is not uniformly available in many places; nor is available alternative formats or methods in ballot papers. Many perfectly capable people with intellectual disability with strong and equally valid opinions are not even registered to vote, to save any fuss or to make life easier.

Inspired people with disability should also be encouraged and facilitated not just to participate in voting but to actively participate as members of parliament or local government. Sadly, these rights still elude people with disability.

"The right to family!"

Dare to Care believes that the right of people with disability to engage with family also includes the right not to engage. The person must be able to indicate their preference and so must the family. Family is a very important support resource for people with disability, continuing far into adulthood. Disability however should be a community responsibility so the person and their family should receive adequate and appropriate supports to maintain their relationships.

"The right to friends!"

Equally, for many people with disability with higher support needs, having friends might be an assisted activity. Friendships are no less important to a high needs person with disability than they are to anyone in the general community. Friends are personal and can be a source of joy and nurturing. For many people with disability, opportunities for friendships can be infrequent and laboured.

LISA COMMENT: We see the reasonable rights of people with a disability and their families infringed many times in favour of government direct care services maintaining bureaucratic captive market power over people, management grand standing and the maintenance of staff lore in group homes which are consequently hostels/staff workplaces. They are frequently not a home where the residents have reasonable rights, and families reasonable involvement in the level and quality of care their vulnerable family member is receiving.

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