

**ACTION ON DISABILITY WITHIN ETHNIC  
COMMUNITIES INC.**

**(ADEC)**

**RESPONSE TO PUBLIC CONSULTATION  
BY BOARD OF TAXATION ON THE DEFINITION OF A  
CHARITY**

**29 September, 2003**

**This response was written on behalf of the Board of Management**

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## **Terms of Reference**

Consultation by the Board of Taxation on the definition of a charity

1. The Government has announced that it will codify the existing common law meaning of a charity and expand it to encompass certain child care organisations, self-help bodies and closed or contemplative religious orders.  
Pursuant to this decision, the Board is to consult on the workability of the legislative definition of a charity proposed in the exposure draft Charities Bill 2003.
2. In addition, the Board should specifically consult on whether the public benefit test in the Charities Bill 2003 should require the dominant purpose of a charitable entity to be altruistic, as recommended by the Report of the Inquiry into the Definition of Charities and Related Organisations.
3. The Board should consult primarily with organisations intended to fall within the new definition of a charity.
4. The Board should consider views put forward and provide its recommendations in a report to the Government by 1 December, 2003.

**The Board of Taxation has invited submissions from interested charitable organisations on:**

- **The workability of the definition of a charity proposed in the draft legislation (the Charities Bill 2003) and Explanatory Material issued by the Treasurer on 22 July, 2003; and**
- **Whether the public benefit test in the exposure draft should also require the dominant purpose of a charitable entity to be altruistic, as recommended by the *Report of the Inquiry into the Definition of Charities and Related Organisations*.**

*ADEC receives the following endorsements:*

*Income tax exempt charitable entity, under Subdivision 50-5 of the Income Tax Assessment Act 1997, Item 1.1 – Charitable Institution;  
Deductible Gift Recipient, under Subdivision 30-BA of the Income Tax Assessment Act 1997, Item 4.1.1 – Public Benevolent Institution.*

## 1. ABOUT ADEC

Action on Disability within Ethnic Communities Inc. (ADEC) is a community-managed non-profit organisation specialising in providing, at a statewide level, individual advocacy and direct support services to people with a disability and their carers from ethnic communities. ADEC also provides consultancy advice to other service providers across the state on matters related to cultural awareness, how human service organisations can become more responsible to their potential client groups and appropriate service responses to this target.

**Importantly, for the purposes of this review, one of the major “clients” of ADEC is Government – this organisation provides comprehensive policy advice on matters relating to people with a disability and their carers from ethnic backgrounds.**

### **ADEC’s Vision:**

*To empower people with disabilities from ethnic backgrounds, their carers and families to fully participate as members of the Victorian community.*

### **Mission:**

*To assist people with disabilities from ethnic backgrounds, their carers and families to access services and ensure those service systems are inclusive and responsive to their needs.*

A full service profile is attached (1) to this document.

## **2. SUMMARY OF ADEC'S SUBMISSION**

*ADEC's submission is written in the context of:*

1. *The unworkability of the proposed legislation specifically because the definitions being legislated ignore contemporary knowledge about the connections between disadvantage, activism to achieve social change, and charity.*
2. *The intrinsic role of systemic advocacy and the demands often made by Government to provide policy advice on issues that relate to a common good, but difficult issues to resolve.*
3. *The danger of legislating definition(s) of "altruism", given that what constitutes "altruistic" activities not only may change from one generation to another, but is normally determined by a dominant culture.*
4. *The impact of the "non-discriminatory nature of self-help" clause as indicated in the proposed Bill, and how it may affect ADEC's operations.*
5. *The negative impact the legislation would have on ADEC's fundraising abilities into the future – especially as it relates to the relationship between PBI and DGR status and the new Bill.*
6. *The proposed legislation, as it pertains to administrative issues, will impose huge costs to the organisation, which can only be translated into less services to people who are vulnerable, disadvantaged and discriminated.*

## **3. GENERAL COMMENTS ABOUT THE DRAFT EXPOSURE BILL**

- 3.1 **The unworkability of the proposed legislation specifically because the definitions to be legislated ignore contemporary knowledge about the connections between disadvantage, activism through advocacy to achieve social change, and charitable activities.**
- 3.2 **The intrinsic role of systemic advocacy and the demands often made by Government to provide policy advice on issues that relate to a common good, but are difficult issues to resolve because the expertise and knowledge does not reside in one single vessel.**

The Bill attempts to legislate to ensure that lobbying, or advocacy (which is the normally accepted term), should not be a dominant purpose for an organisation to qualify as a charity and only incidental to its activities and dominant purpose – this totally contradicts what philanthropic and not-for-profit agencies and charitable entities now do. The new definition also contradicts contemporary paradigms that clearly supports the contention that social, economic and political reforms are necessary in order to alleviate poverty, disadvantage and discrimination.

The ADEC Board believes that disqualifying any level of advocacy activities from the definition of charitable purposes is retrograde.

**Bandaiding (or dispensing alms to the poor) has never worked.** Many philanthropic and not-for-profit organisations see the link between the unintended consequences of government policy or activities and people's circumstances, and know that this can only be changed in many instances, by altering government policy and laws.

One of ADEC's major activities is lobbying various arms of Government, through advocacy, to shape policy and laws. In fact, it receives funds by State and Commonwealth governments for this very purpose and is frequently requested by both levels of Government to provide advice on policy matters as they relate to people from ethnic backgrounds with a disability. It is also frequently commissioned to undertake consultancies with the expressed intention of providing fresh policy advice and recommendations.

### **Confusions between advocacy for a cause and lobbying for private commercial gain**

There appears to be confusion in some quarters about lobbying that occurs on behalf of private interests, as opposed to advocacy for public interests or the common good. Secondly, additional confusion has been added by trying to link political lobbying with advocacy for a cause. Many of the press releases and transcripts of interviews from members of the Government, and some other writers, appear to confuse these three quite different elements and treat them as being the same. ADEC accepts the clauses in the bill that excludes political parties from being defined as a "charity".

To provide examples of the confusion that has been put in the public arena about the differences between private lobbying and advocacy for systemic change, the Treasurer said in July, 2003 in an interview on Sydney radio that "If you are a political lobby group, you are not a charity..." Additionally, he stated on Melbourne radio on the same day, that organisations whose activities are mainly or solely directed to lobbying to prevent poverty, etc. is not a charitable act."

Such sentiments completely ignores the decades of learnings that have led to activists and charities developing more insightful paradigms of how poverty and disadvantage occurs, and the need to get to the centre of power in order to achieve real and sustainable beneficial change.

The Government has been given support for their point of view by a small number individuals, who, by the way, also have charitable status and are noted for their advocacy to government to change policies. It has been argued that people who want to change Government policy or laws should stand for Parliament – statements such as this only serves to trivialise and mock the motivations of highly committed people and donors. Generally, people stand for Parliament because they hold a broad range of views on numerous topics. Parliament is generally not the forum for single-issue Parliamentarians. When a single-issue person is elected to Parliament, which does occur from time to time,

they are forced very quickly to take on and consider the breadth of issues that a Parliament must consider. One famous case was the state Member of Parliament who entered Parliament on a “no more pokies” platform, but quickly had to consider a much broader range of issues and concerns of his electorate and state. Another similar example is the person who was elected on a platform of reducing gun control.

### **Public accountability for the activities of charities**

**If the silent issue is about accountability of advocacy activities, as one writer has claimed – then this should be handled as an accountability issue. From ADEC’s point of view, there is a definable difference between advocacy for private interests (ie to achieve financial gain for private individuals or companies) and advocacy for a cause or to achieve a common good, and thirdly, political lobbying.**

These differences are generally understood by the community at large.

There are cases where accountability should be strengthened: for example, private schools being made accountable for the manner in which they spend taxpayers funds, while simultaneously raising funds from private donations or activities. There is little accountability of how mainstream churches account to their constituencies about the money raised directly from them through donations and legacies.

For not-for-profit organisations which provide services to disadvantaged people and receive funds from Government to do so, accountability measures to Government are already very tight and cumbersome. In fact, under the guise of “confidentiality”, it is the Government’s own central agencies who will not permit many of the funding details about an agency to be open to public scrutiny. ADEC does not support the contention that a funded service should not account for taxpayers funds in an open and transparent manner, and in fact, its audited finances are indeed open for public scrutiny.

### **Will donors give to charities whose dominant purpose is advocacy?**

On the matter of giving to charities whose dominant purpose is advocacy, Treasurer Costello stated that he believed that people would not want to give to organisations whose main purpose was lobbying. This can be easily contradicted – different people give to different organisations with specific purposes and missions – that is their right as individual donors. Many people do in fact, give money to organisations whose main purpose is to advocate to change social conditions by changing government policy.

### **The future of PBI and DGR status**

It appears that the disqualifying purpose will mean that ADEC’s capacity to raise monies by using the DGR and PBI status may disappear, almost completely. The Explanatory Notes on p.3 states that the “definition will apply to all Commonwealth legislation, replacing the previous common law interpretation.” Etc. ADEC believes therefore, that the new definition will over-ride current PBI and DGR endorsements. Currently, not all

charities have either PBI or DGR endorsements. The Report of the Charity Definitions Inquiry clearly documents the various tax concessions attracted to particular types of entities.

Treasurer Costello said in a Melbourne radio interview at the end of July, 2003 that after 1 July 2004, those organisations who were deemed to be “charities” under the new act, would receive DGR status – there is no indication of this in the Bill, nor is there any indication of the future of DGR or PBI status after 1 July, 2004.

The Bill, should it become law, will impose major financial costs on this agency because of the potential loss of the PBI status (which means that ADEC may be required to pay income tax, and lose the FBT exemption status it currently enjoys). It will also make it very difficult to attract donations from potential donors (through Trusts and Foundations) because the DGR status will be at risk.

### **3.3 The danger of legislating definition(s) of “altruism” given that what constitutes “altruistic” activities not only may change from one generation to another, but is normally determined by a dominant culture.**

The Board of ADEC does not support including or defining “altruism” to the Bill. What is considered “altruistic” is determined by current values of a dominant political, social and religious ideology or beliefs. For example, removing children from aboriginal families was done with ‘altruism’ at the forefront of public policy – it was carried out because it was fervently believed by many that it was in the best interests of the children! History, both in Australia and overseas, is littered with the confetti of actions belied by altruistic beliefs and values.

Also, there is no one universal or accepted definition of altruism, but is dependent upon a dominant culture and beliefs at a particular point in time.

<p>If using a literal interpretation of the clause contained in the “Guidance on Preparing a Submission”, then it would be considered acceptable for a charitable organisation to remove the children from aboriginal families because forced removal fulfilled a <b>“voluntarily assumed obligation towards the wellbeing of others or the community generally”</b>. The charity would be undertaking an altruistic activity, which had the blessing of legislation.</p>
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The Board of ADEC agreed that the use of the word “altruism” is in fact discriminatory and in many ways, is contrary to the general spirit of the proposed legislation, particularly given that the definition of charitable purpose is already defined. This definition in the proposed legislation refers to advancement of health, education, social and community welfare, religion, culture and natural environment. The word altruism is immersed in philosophical debate and is very much value-driven, and will lead only to segregate individuals further.

ADEC supports the references to charitable purposes, as outlined in the bill (clauses 10, 11 and 12) and does not support the addition of the word “altruism” anywhere in the bill. The use of a word such as “advancement” have an element of demonstrable evidence in place. “Altruism” is vague and cannot be either proven or disproven, and may not withstand any test of common good.

### **3.4 The impact of the “non-discriminatory nature of self-help” clause as indicated in the proposed Bill and how it may affect ADEC’s operations.**

ADEC supports the general statements in the section about non-discrimination in relation to self-help groups. However, it is concerned that the current wording would lead to the activities undertaken by this organisation being determined as discriminatory because it targets people from ethnic backgrounds. ADEC conducts several ethno-specific self-help groups for people experiencing mental illness. As a consequence of this “discrimination”, ADEC, as the auspice of these groups, would need to face the “public benefit test” and therefore may be denied benefits from any future definition of “charity”. Under the Victorian state equal opportunity legislation, it is permissible to discriminate to benefit groups that have in the past been subject to ongoing discrimination or disadvantage.

This organisation believes that the bill should take into account that some organisations do discriminate quite legitimately – as stated earlier, this organisation works solely with people with a disability *from ethnic backgrounds* because it was believed (and is still the case) that this constituency experiences double discrimination and disadvantage.

For ADEC to support this particular clause, it believes the clause should refer to discrimination being permissible in circumstances when in the past, the targeted group has suffered discrimination or disadvantaged. The clause should align itself to Commonwealth and State equal opportunity and anti-discrimination legislation.

The Board seeks clarification from the Taxation Board about this matter. However, it believes the current wording to be misleading, even if inadvertently.

### **3.5 The negative impact the legislation would have on ADEC’s fundraising abilities into the future – especially as it relates to the relationship between the PBI and DGR status and the new bill.**

ADEC has developed a strategy to gain funds from Trusts and Foundations to fund short term projects or research that will lead to either/and:

- providing evidence for the need for a change in legislation but more particularly, policy and implementation;

- provide evidence for new services or new models of service provision that meets needs of disadvantaged and discriminated constituencies that should be purchased by Government.

Unfortunately, and in the experience of this agency, Government is very inflexible in the type of models it is prepared to fund and concerted advocacy is required to encourage Government to consider different models of service provision.

As the rules covering government funding for the activities of not-for-profit entities is very strict and cannot be used for purposes other than what has been purchased by Government, there are few opportunities to raise funds for initiatives or to undertake research on policy matters. Trusts and Foundations are critical for research and advocacy to be able to occur, unfettered from the demands of Government.

<p><b>4. SPECIFIC COMMENTS ON THE EXPOSURE DRAFT BILL AND RECOMMENDATIONS</b></p>
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- 4.1 Clause 4 Core definitions – “(1) (d) *does not have a disqualifying purpose; and...*” and is linked to Clause 8.

ADEC does not believe that the introduction of any level of advocacy to change Government policy or law as a disqualifying purpose is acceptable.

**Recommendation: That this Clause (8)(c) be deleted.**

- 4.2 Sub-section – “(f) is not an individual, a partnership, a political party, a superannuation fund *or a government body.*”

This clause requires refinement – the draft Bill does not clearly define what is a “government body”, and some of the literature in the Explanatory Notes do not aid clarification. In fact, on a literal interpretation of the text, many agencies could be defined as “government” bodies. This paper explores many of the issues which have been raised in sections 1.18 – 1.24 of the Explanatory Notes accompanying the bill.

**Recommendation: That Clause 4(1)(f) be amended to provide a greater contemporaneous definition of “government body” and pays greater regard to the control that Government exerts on funded not-for-profits, while not defining them, potentially, as a “government body”.**

- 4.3 Clause 7 – Public Benefit, sub-section “(2) A purpose is not directed to the benefit of a sufficient section of the general community *if the people to whose benefit it is directed are numerically negligible.*”

This section may be contradictory to sub-sections (1) and (3) in that who determines what a “sufficient section of the general community”? How many is “numerically negligible”?

**Sub-section (2) may put in jeopardy charities or not-for-profit organisations who advocate or work on behalf of people with very rare conditions or disabilities. This section suggests that they cannot receive charitable status in the future because the constituency is a group which is “numerically negligible”.**

**Recommendation: That this Clause (7)(2) be deleted.**

#### 4.4 Section 8 – Disqualifying Purposes

Sub-section (2) Any of these purposes is a disqualifying purpose: ..... “*the purpose of attempting to change the law or government policy;*”

ADEC does not support sub-section (c). It is naive to view advocacy undertaken by not-for-profit organisations or groups to further the lives of disadvantaged people by attempting to change the law or government policy as an illegitimate activity, or an activity not worthy of formal recognition.

If the issue is how to control lobbying of Government undertaken for commercial enterprises or private gain, then this issue should be dealt with by another vehicle, not the charitable status vehicle. The two areas are quite incompatible and separate.

**Recommendation: That Clause (8)(c) be deleted.**

#### 4.5 Section 9 – Open and non-discriminatory self-help groups

- “An entity is an open and non-discriminatory self-help group if
- (a) *it is an association of individuals that has an open and non-discriminatory membership; and*
  - (b) *it is established for the purpose of assisting individuals affected by a particular disadvantage or discrimination, or by a need that is not being met; and”*

While ADEC supports the general statements in this clause, it believes that it should take into account that some organisations do discriminate quite legitimately – for example, this organisation works solely with people with a disability **from ethnic backgrounds** because it was (and is still the case) believed that this constituency experiences double discrimination.

**Recommendation: That clause 9 contain a qualifying clause permitting discrimination in the establishment of self-help groups where in the past, particular groups or categories have been disadvantaged or suffered discrimination.**

#### 4.6 Part 3 – Charitable Purposes

There is some discussion in the community and amongst stakeholders, that the words “altruism” or “altruistic” should be included in Sections 10 and 11.

**Recommendation: That Part 3, Clauses 10, 11, and 12 remain as in the draft bill, and that the word “altruism” or “altruistic” not be used anywhere in the bill.**

## **5. COMMENTS ABOUT EXPLANATORY MATERIAL APPENDED TO BILL**

### **5.1 Chapter 1, Definition of a Charity**

#### **Outline of chapter**

Section 1.2 (p.3) outlines what ADEC fears – that the definitions outlined in the legislation will replace the previous common law interpretation, and will apply to taxation law – which, literally, means that PBI and DGR status will be governed by the definitions and exclusions contained in this Bill.

#### **5.2 *What is a Government Body?* (p.6)**

ADEC is concerned that the text in the explanatory notes only confuse what is a government body and on a literal interpretation, may lead to unintentionally giving not-for-profit organisations which receive a substantial proportion of their funds from Government the same status as a government body by virtue of the type of funding and service agreement that must be signed.

**Clause 1.19 and 1.20** does not give comfort to agencies whose activities are regulated by funding and service agreements because the content of these service agreement may be construed as the agency being a government body.

ADEC would go so far as saying that the funding and service agreements constrain agencies activities and treating them as if they were the service arm of government. This organisation understands that there is a need for transparency and accountability for taxpayers dollars, however, central government departments must approve work programs, and a huge number of activities.

The Service Agreement, signed by ADEC and Commonwealth DFACS, gives very specific detail about the National Disability Advocacy Program, and ADEC through its Individual Advocacy program, is not free to work outside this framework. ADEC draws the Board’s notice of section entitled **Forms of advocacy** (contained in the service agreement), which defines systemic Advocacy as:

- “Action taken to introduce, influence or produce broad change in the community to ensure the rights of people with disabilities are attained and upheld. Examples may

include the pursuit of changes in legislation, policy and practices of agencies providing services to people with disabilities and government policy.

- Strategies may include advocacy development, law reform, community development, community education and group advocacy.”

The 2003/04 Funding and Service Agreement from Commonwealth severely restricts the activities that can be undertaken by the funds given by the Commonwealth.

**Section 1.22** states that one of the indications of government control of an entity are “the powers invested in a Minister to approve the work program of the entity;...” ADEC must provide an agency work plan for the financial year, provide half-yearly updates. ADEC’s work program for the Advocacy program is signed off by the agency and the appropriate DFACS Victorian Director: Does this not occur under a delegation from the Minister?

A copy of the approved agency performance plan (2002/03) and outcomes is attached (2) as evidence of the type of work programs that must be approved prior to receiving funds.

Can therefore, ADEC be construed as a “government body”?

**Section 1.23** discusses the issue of “Government function”, however, what is the status of services previously carried out by Government – especially in the field of disability direct and support services, which were once provided by Government?

### **5.3 What is a not-for-profit entity?**

**Section 1.26** - ADEC is pleased that Government has acknowledged that charitable entities are able to generate some profit without affecting their charitable status, providing this form of fund raising is “ancillary or incidental” to the dominant charitable purpose.

### **5.4 How is the dominant purpose determined?**

**Sections 1.28 and 1.29** may conflict with the Part 2, Section 4 of the Bill which states that even if there is one disqualifying purpose, especially pertaining to advocacy activities, this disqualifies an organisation from claiming charitable status, regardless of compliance with other clauses.

Compliance cost impact: For ADEC, it is believed that the compliance costs would be substantial and a new accounting system would need to be introduced and the bookkeeper (part-time) may need to be replaced by an Accountant.

## **Attachment 1: Services provided by ADEC**

### **Individual Advocacy**

Two full time Individual Advocates (IA's) work in this unit. They provide support to people with disabilities and their carers on a one-to-one basis to ensure individual rights are adhered. They work statewide.

### **Multicultural Family Respite Service**

The Greatbreak initiative, the Multicultural Family Respite Service, currently has twelve carers residing in the NMR utilising this service, either already matched with a volunteer or waiting for a volunteer respite person. The volunteers appear to come mostly from the NMR.

### **Information and Referral**

I have not included data relating to information provision or enquiries and referrals. However, people representing agencies and organisations from all over Victoria regularly attend education, information sessions and forums at the Coburg venue during the year. However, ADEC receives hundreds of calls per year from individuals and agencies seeking information about appropriate services or information about disability types.

### **Multicultural Social and Disability Support**

These language-specific groups are funded by Home and Community Care (HACC), Planned Activity Groups (PAGS) category and provide social support to carers of people with a disability. A bi-lingual facilitator, who not only organise the activities of the groups, but also monitor the general wellbeing of the carers, facilitates the groups. Approximately 450 carers and people with a disability are supported in these language-specific groups, across the Melbourne metropolitan region. There are sixteen language-specific groups, in seven different languages.

### **Transcultural Mental Health Access Program**

The main purpose is to provide support to people with mental disabilities and also to promote and develop culturally responsive models and strategies within mental health services.

This program is funded by the Mental Health branch, DHS. As part of this program, Dr Cao oversees the conduct of two Chinese-speaking self-help groups for people who experience mental illness. Vietnamese and Turkish speaking mental health self groups will be established before the end of the 2003 calendar year.

## **Education Unit**

The Education Unit provides training for service providers and community organisations on a fee-for-service basis, as no Government funding is available. ADEC is a Registered Training Organisation (RTO), able to teach a nationally accredited course. This Unit is also taking on a program funded by HACC – it will be responsible for providing support to other HACC-funded organisations in the NMR.

## **Victorian HACC Cultural Planning Project**

Works in conjunction with DHS, Central Office, to ensure that all HACC services in Victoria have cultural action plans in place that provides for improved services to ethnic consumers. The Co-ordinator is also responsible for supporting a number of Access and Equity Co-ordinators across Victoria.

## **Community Reference Group**

This group was originally funded by DHS to develop an innovative model to train people from ethnic backgrounds in quality assurance issues. It was also originally intended for this group to undertake some functions on behalf of ADEC. These were:

- To provide the Board with advice about the future services, activities or policies that ADEC should pursue;
- To provide a training ground for interested people who might wish participate on the Board of Management;
- And thirdly, to provide encouragement to people to participate on other Boards of Management and planning in the general community.

The position is an unfunded position.

## **Other Staff**

Executive Director (full time)

Personal Assistant/Project Officer (part time)

Office Manager (full time)

Communication & Client Liaison Officer (CCLO) – full time

Bookkeeper (part time)

Project or short-term staff are employed on an as-needed basis.

**Attachment 2:**

**ACTION ON DISABILITY WITHIN ETHNIC COMMUNITIES INC.  
(ADEC)**

**REPORT TO COMMONWEALTH DEPARTMENT OF  
FAMILY AND COMMUNITY SERVICES**

**ADVOCACY PERFORMANCE PLAN  
2<sup>nd</sup> half of 2002/03 FIN. YEAR  
JANUARY – JUNE, 2003**

**Introduction**

**This is the report to DFACS for the period between January – June, 2003 for the 2002/03 financial year to account for funds received.**

Objective 1 - To prevent abuse, discrimination or negligent treatment of people with a disability.

**Outputs – To liaise with service providers about appropriate service planning, especially assisting with designing services that respond to people from ethnic communities.**

Action Taken

*ADEC currently works with many organisations in the NMR and other regions of Melbourne and rural Victoria. The following is a list of agencies where there are close relationships between the Individual Advocates and the agency in relation to referrals to and from ADEC and supporting staff to work with people with disabilities from ethnic backgrounds:*

- *Disability Client Services (BIST Team, Case Mangers, Psychologists)*
- *Carer Links North*
- *Melbourne City Mission*
- *Darebin, Moreland and Dianella Community Health Services*
- *Moreland and Hume City Councils*
- *Royal Melbourne Hospital (Social Work Department, Occupational Therapist, Physiotherapist)*
- *Centrelink (Customer Officer, Disability Officer, Multicultural Officer)*
- *Office of Housing staff*
- *Schools (teachers, Integration Co-ordinators and Aides, Principals, and Occupational Therapists)*
- *Financial Counselling services*

- *Legal Aid and Private solicitors*
- *Medical practitioners*
- *Office of Public Advocate*
- *Education Department*
- *Human Rights and Equal Opportunity Commission*
- *Headway (Advocacy and Information worker)*
- *Magistrates' Court of Victoria (Enforcement Review Project Officer)*
- *RDNS*
- *ECCV*
- *Sense Wide Services*
- *DEAC*
- *Yooralla*
- *Autism Victoria*
- *Downs Syndrome Association*
- *Consumer Law Centre*
- *AMES*
- *Specialised Employment Services (DEAC, Job Co., Work Force Placement Service, Melbourne Employment Agency, Brunswick Employment Agency)*
- *Qualcare (Service Co-ordinator)*
- *Communication Aid User Society Inc. (Community development and Advocate)*
- *Aged Care Assessment Team (Assessors, OT, Physiotherapist)*
- *CACP (Care Managers)*
- *Victorian Continence Resource Centre*
- *Mental Health West (based in Coburg)*
- *Gardenview Nursing Home (staff)*
- *Co-ordinator, Disability Policy at DCS-Diversity Issues Unit*
- *Victorian Foundation for Survivors of Torture and Trauma Inc. (Counsellor)*
- *Housing Resource and Support Services (Housing workers)*
- *CRS Australia (Rehabilitation Consultant)*
- *Glenroy Housing Centre (Housing workers)*
- *Neighbourhood House, Preston (Co-ordinator)*
- *Polio Services Victoria at St Vincents Hospital (Medical staff)*
- *Cerebral Palsy Support Network (staff)*
- *Brotherhood of St Laurence (Research and Policy Project Officer)*
- *VITS*
- *Villamaria (Case Managers)*
- *Norrparin Centre for Children with Special Needs (Case Manager)*
- *Commonwealth Bank (Bank Manager)*

Objective 2 - To promote and enhance the rights of people with a disability.

**Outputs – provide information about the role of advocacy in assisting people enhance their rights by conducting four education sessions pa for people and service providers in the community**

- **Publish issues regarding rights in ADEC newsletter 4 times per year.**
- **Provide information to at least 250 organisations or individuals per annum.**

Action Taken

**Two newsletters have been published.**

**The agencies indicated in Objective 1 give a range of providers who have sought assistance and information from ADEC.**

**ADEC unfortunately, has limited capacity to provide data about general information calls received, however, this is an issue that needs rectification.**

**The Communications and Client Liaison Officer, the Co-ordinator of the Education Unit, the Office Manager, Individual Advocates, Social Support personnel, and the Volunteer/Respite Co-ordinator all provide exhaustive amounts of information both to individual clients and service providers about appropriate services, service availability and planning services for individual clients with special needs.**

Objective 3 - To encourage people with disabilities to make informed choices.

**Outputs - To maintain minimum caseload of 300 individuals per annum requiring individual advocacy;**

- **Undertake further secondary consultations with carers, service providers and other stakeholders.**

Action taken

***In the financial year 2002/2003 the advocates responded and dealt with 235 clients. However, the number of issues presented and resolved amounted to 427. Types of addressed issues included: financial (11%), case management (9%), accommodation (9%), information (7%), aids and equipment (6%) legal (5%), transport (5%), HACC Services (4%), respite care (4%), health (3%), education (3%), counselling (3%) and other (31%).***

62% of clients came from the Northern Region, 18% from the Western Region, 15% from the Southern Region and 5% from the Eastern Region.

The clients represented 28 diverse ethnic backgrounds. The greatest number constituted clients from the Arabic background (25%) followed by clients from the Turkish (15%), Italian (14%), Vietnamese (12%), Chinese (11%) and Greek (6%) background. Other assisted individuals (17%) came from Afghanistan, Chile, Macedonia, Malaysia, Malta, Poland, Serbia, Somalia, Sri Lanka, Taiwan and Ukraine.

As in the previous years, the majority of the clients were 17-64 years of age. 48% of the clients had a disability that included Physical Disability, Intellectual Disability, Psychiatric Disability, Sensory Disability and Multiple Disability. The carers represented 52%.

As a result of the expansion of the Individual Advocacy Program in 2001/2002, one of the Individual Advocates is now outposted once a fortnight to the Migrant Resource Centre in Dandenong. In 2003/2004, an Individual Advocate will also take up an outpost in the Eastern Region. This will improve services for people with disabilities or carers from diverse cultural backgrounds residing in the eastern suburbs of Melbourne.

Objective 4 - To increase economic and social participation for people with disabilities in the community.

**Outputs - Systemic advocacy on at least four issues per annum.**

Action taken

- 1. The Executive Director is heavily involved with DHS – Disability Services in assisting and supporting the development of a multicultural strategy for all DHS Disability-funded services.**
- 2. Had several consultations with Victorian Department of Justice on a similar matter.**
- 3. Commencement of a strategy to work with Victorian DHS – Mental Health Unit on a similar matter, and to lobby for more appropriate community-based rehabilitation services for people with mental illness from ethnic backgrounds.**
- 4. The Individual Advocates rotate participation on the Centrelink Migrant Advisory Forum, which is an appropriate venue to advocate on systemic issues regarding Centrelink and other related matters.**

Objective 5 – To assist people with severe disabilities to participate equitably in community life.

**Outputs – Further develop the Community Reference Group as a key driver for the activities or issues this agency should pursue in the future and to encourage people with a disability to participate in ADEC and other community activities.**

Action Taken

**The Community Reference Group continues to function at ADEC. Many of the participants are clients of ADEC, either from the carer support groups or IA clients. The group meets monthly.**

**Guest speakers from Centrelink, Royal Melbourne Hospital, Scope, Public Advocate, other programs in ADEC (eg. the Family Respite Service.**

**So far, the participants utilise the group as an information learning session. However, they have also participated in forums to discuss recreation (in the Greater Dandenong area), and input into community consultations for the Victorian Governments State Disability Ten Year State Plan, CALD Strategy Working Party – DHS.**

**The number of participants varies from about six people to twenty people. The type of weather at the time heavily influences the number of people getting involved.**

Objective 6 – To increase the knowledge and understanding of people with a disability, their families and carers about the rights of people with disabilities.

**Outputs – Minimum caseload of 300 individuals per annum in the IA program and to encourage carers and family members to see the person as a fully functioning individual, who can make choices.**

#### Action Taken

**See Objective 3 – the actions taken are equally pertinent to this Objective.**

**ADEC has had to institute a waiting list because of an increase in the complexity of cases coming to ADEC. The reality is that the number of people actually seen by the IA's is 285 – very close to the 300. The figure of 300 has become unrealistic.**

**Over the past six months, 235 people (as categorized for DFACS purposes) from nearly forty different national identities, sought assistance from ADEC in the Advocacy program.**

**Of those consumers with a disability assisted by ADEC, 60% had a physical disability, 13% had an intellectual disability, 4% had sensory disability, 9% experienced multiple disabilities and 13% suffered from a psychiatric disability.**

There were 427 issues handled by the Individual Advocates. These were:

Type of Issue	No's presenting	Percentage
Education	12	3%
Recreation	5	1
Employment	5	1
Financial	46	11
Counselling	12	3
Accommodation	39	9
Immigration	9	2
Respite Care	19	4
Legal issues	22	5
Aids & Equipment	25	6
Transport	22	5
Case Management	38	9
Communication	5	1
Domestic Violence	2	0
Information	30	7
Health Issues	13	3
HACC services	17	4
Behaviour Management	4	1
Attendant Care	2	0
Other consumer support	100	23
Total	427	100%

Objective 7 – To improve communication between people with disabilities and other members of the community

Action taken

**A Communication and Client Liaison Officer has now replaced the Receptionist at ADEC. This person's role is now of internal and external communication, ensuring that all people who contact ADEC are provided with adequate information and that all staff have the required information they need to carry out their tasks to a professional standard.**

Objective 8 – To recognise, value and include families and carers, wherever possible and appropriate in the support system for people with disabilities.

**Outputs – Advocate to other service providers about the role of the family and the dynamics in the lives of people with disabilities from ethnic backgrounds.**

Action taken

**Over the past year, all programs incorporate the role of the family in the lives of people with a disability from an ethnic background, in information and education sessions they provide.**

**Other tables:**

**Table 1: Total No. of consumers assisted by gender:**

Male	81
Female	154
Total	235

**Table 2: Number of new, return and one-off consumers accessing service:**

New Consumers	113
Return Consumers	85
One-off consumers	37
Total	235

**Table 3: Referral sources for one-off and new consumers:**

Self referral	81
ADEC Support Program	85
Disability Services	6
Health Services	2
Government Dept's	6
Ethno-specific services	2
Schools	1
Other	3
Total	186

**Table 4: Age break up of Consumers**

0-16 years	4
17-64 years	198
65+ years	32
Unknown	1
Total	235

**Table 5: No. of People with a Disability and Carers assisted**

People with a Disability	112
Carers	123
Total	235