



National Ethnic Disability Alliance

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Senator the Hon Joe Ludwig
Minister for Human Services
PO Box 692
Beenleigh Qld 4207

Dear Minister

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.

Thank you for your correspondence of 12 February 2008 in relation to the Job Capacity Assessment program.

NEDA has previously expressed concern to the Australian Government on the cultural competence of the work capacity assessment regime and the ability of Job Capacity Assessors (JCAs) to provide effective assessment, particularly where there are cultural and linguistic barriers that limit the ability of assessors to adequately capture all relevant information.

This issue is of paramount importance, for example, where the person being assessed does not possess a strong English language proficiency, and thus there is a significant opportunity for misunderstanding around the nature of the person's disability, even when a translator is used. As a result a number of NEDA stakeholders, including multicultural disability advocacy providers, have expressed the concern that some people from NESB with disability have been unfairly treated since "Welfare to Work" has come into effect.

Further, the de-emphasis of other forms of expertise in the JCA program – such as the expert opinion of medical officer – is likely to have been disadvantageous to many people from NESB with disability. Often a medical officer may have a long standing relationship with the person being assessed, and / or provides an in-depth assessment from an alternative standpoint, providing an increased chance that the cultural and linguistic barriers – that would otherwise compromise the effectiveness of a work capacity assessment – may be taken into account.

NEDA acknowledges that the Australian Government took positive steps in 2007 to improving the cultural competence of job capacity assessors by including a training module relating to people from culturally and linguistically diverse backgrounds. Unfortunately, NEDA does not believe that this module alone will provide adequate guidance for how staff are to respond effectively to the cultural needs of those who are being assessed.

NEDA would encourage the Australian Government to examine the following aspects of the Job Capacity Assessment program:

- a. Information that is provided to people from NESB with disability prior to assessment about the JCA process and arrangements for attendance, including easy availability of translated material and translation assistance;
- b. Availability of translation assistance to people undergoing a job capacity assessment;
- c. Opportunities for assessment in client's preferred language, or for a 'second opinion' to inform the final assessment decision;
- d. Experience and training of Job Capacity Assessors, particularly with regard to ability to deliver services in a culturally competent environment;
- e. Ongoing on-the-job training of Job Capacity Assessors to take into account the needs of people from culturally and linguistically diverse communities;
- f. Performance assessment of Job Capacity Assessors (and the program as a whole) with respect to providing equitable outcomes for people from NESB with disability;
- g. Appeal processes (and information about appeals) provided to people from NESB who are unhappy about their assessment

NEDA is keen to ensure that any assessment of ability to work is comprehensive, and is able to take into account the totality of factors that affect a person's ability to work, including cultural and linguistic barriers.

I hope that you will favorably consider the above issues when redrafting the *Social Security Amendment (2007 Measures No. 2) Bill 2007*. NEDA would be very keen to work with you to improve the Job Capacity Assessment process and offer improved opportunities for workforce participation to people with disability. If you require further information, please contact Dinesh Wadiwel on 02 9687 8933 or email office@neda.org.au.

Yours sincerely



Dinesh Wadiwel
Executive Officer